



**Town of Surfside
Town Commission Meeting
SUPPLEMENTAL AGENDA
July 12, 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**
- G. Employees of the Quarter Tim Milian, Paul Gioia, Bill Evans – Roger M. Carlton, Town Manager**
- H. Police Officer of the Month Antonio Mesa -David Allen, Chief of Police**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 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. Budget to Actual Summary as of April 30, 2011 – Martin Sherwood, Finance Director Page 1-2**
- *B. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager Page 3-11**
- *C. Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney Page 12-16**
- D. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 17-19**
- E. Miami-Dade Fire Rescue Report – Roger M. Carlton, Town Manager Page 20-32**
- F. Beautification Committee Meeting June 13, 2011 Notes- Commissioner Marta Olchyk Page 33-34**

**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.*

SUPPLEMENTAL ITEMS NOTED IN RED

G. Supporting and Endorsing South Florida Parks Coalition Charter – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING AND ENDORSING THE SOUTH FLORIDA PARKS COALITION CHARTER AND THE PRINCIPLES ON WHICH IT STANDS; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

***1. Repeal of Moratorium – Lynn M. Dannheisser, Town Attorney Page 35-72**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE 2011-1571 “TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON- RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE” AS WAS FURTHER DELINEATED IN THE MAP ATTACHED AS EXHIBIT “A” TO ORDINANCE 2011-1571; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

[This Ordinance repeals the moratorium on downtown uses that are non-retail, non restaurant and acknowledges a package of recommendations from the Downtown Vision Advisory Committee.]

NOTE: UPDATED ORDINANCE ATTACHED See item 4A1

***2. Special Events Permit – Lynn M. Dannheisser, Town Attorney Page 73-80**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 35 “EVENTS” AND ARTICLE I “SPECIAL EVENTS” AND SPECIFICALLY CREATING SECTIONS 35-1 “PERMITS FOR SPECIAL EVENTS”, SECTION 35-2 “EXEMPTIONS”; SECTION 35-3 “ENFORCEMENT AND SPECIAL EVENTS RECYCLING”; AND 35-4 “COORDINATION WITH TOWN POLICE DEPARTMENT” 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 requires the issuance of permits for special events in order to regulate and address issues such as additional policing, imposition of bonds or insurance coverage, traffic and noise.]

- *3. Vacant Storefronts - – Lynn M. Dannheisser, Town Attorney Page 81-88**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-52 COMMERCIAL STANDARDS ESTABLISHED RELATING TO THE APPEARANCE OF VACANT STOREFRONTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance provides for the installation of regulated window coverings in vacant storefronts designed to give an appealing and uniform appearance.]

- *4. Newsracks – Lynn M. Dannheisser, Town Attorney Page 89-98**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” AND SPECIFICALLY ARTICLE III “PROPERTY MAINTENANCE STANDARDS”; CREATING SECTION 14-57 “NEWSRACKS ON PUBLIC RIGHTS-OF-WAY” 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 size, placement and appearance of newsracks throughout the Town for aesthetic and safety purposes.]

- *5. Retirement Plan Opt Out – Roger M. Carlton, Town Manager Page 99-103**
AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE CODE TO REVISE THE DEFINITION OF EMPLOYEE TO PERMIT CHARTER OFFICERS TO OPT OUT OF THE PLAN; AMENDING SECTION 2-174 TO CREATE A MECHANISM FOR CHARTER OFFICERS TO OPT OUT OF THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

[This Ordinance permits Charter Officers to opt out of the Town’s pension plan. Both Charter Officers have previously contractually opted out. This codifies a situation already in place.]

B. First Readings Ordinances
NONE

5. Resolutions and Proclamations (Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

A. Proposed Ad-Valorem Budget Millage for Fiscal Year 2011-2012 – Roger M Carlton, Town Manager Page 104-109

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

NOTE: UPDATED COMMISSION COMMUNICATION AND RESOLUTION ATTACHED See item 5A

B. Expansion of Gambling Initiative –Mayor Daniel Dietch Page 110-112

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING ANY INITIATIVE TO AMEND FLORIDA’S CONSTITUTION TO ALLOW CASINO GAMBLING IN SURFSIDE; 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 (Set for approximately 9:15 p.m.)

NONE

9. Mayor, Commission and Staff Communications (Set for approximately 9:30 p.m.)

A. Community Center Fee Structure for Non Residents – Commissioner Marta Olchyk Page 113

B. Collins Avenue Sewer Main Project Traffic Management Plan- Roger M. Carlton, Town Manager and Assistant Police Chief John Di Censo Page 114-173

C. End of Session Report- Fausto Gomez, Legislative Consultant Page174-184 (SET FOR TIME CERTAIN AT 7:30PM)

D. Streetscape –Tree lined – Tree Canopy for 88th, 95th streets and Surfside Boulevard Vice Mayor Joe Graubart Page 185

E. Contributions/Donations/Gifts accepted by the Town of Surfside- Vice Mayor Joe Graubart Page 186

NOTE: SUPPLEMENTAL COMMISSION COMMUNICATION AND EXHIBITS ATTACHED RELATED TO ITEM 9E

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.



Town of Surfside Commission Communication

Agenda Item # 3G

Agenda Date: July 12, 2011

Subject: South Florida Park Coalition Charter

Objective: Endorse the South Florida Parks Coalition

Recommendation: At the request of Mayor Dietch, the Town Commission is requested to endorse the South Florida Parks Coalition attached resolution and charter which will establish unity of purpose in bringing city, county and town parks and recreation programs.

Background: The Town of Surfside has a long-standing working relationship with Miami Dade County, specifically for beach operations. Through the County, the Park Coalition has been established to promote greener, healthier and a more livable South Florida community.

Analysis: As an endorser, we would be supporting a Charter that strives to promote a healthier and more livable community in South Florida.

Budget Impact: No budgetary impact.

Growth Impact: None in Surfside.

Staff Impact: None.

Roger M. Carlton, Town Manager

RESOLUTION NO. ____

**A RESOLUTION OF THE TOWN COMMISSION
OF THE TOWN OF SURFSIDE, FLORIDA,
SUPPORTING AND ENDORSING THE SOUTH
FLORIDA PARKS COALITION CHARTER AND
THE PRINCIPLES ON WHICH IT STANDS;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, parks, open spaces and preserves are vital to the quality of life of all residents of Miami Dade County; and

WHEREAS, the (City/Town/County) is committed to the fundamental and abiding values of equity, recreation opportunity and environmental stewardship; and

WHEREAS, the South Florida Parks Coalition is comprised of park and recreational professionals from all city, county and state and federal jurisdictions, and

WHEREAS, the South Florida Parks Coalition is dedicated to building a model park system that will promote a greener, healthier, and more livable South Florida community; and

WHEREAS, The South Florida Park Coalition is created to foster a seamless, connected, and sustainable parks system for the South Florida community, and

WHEREAS, The South Florida Parks Coalition will meet, collaborate, coordinate and share knowledge and professional expertise regarding park, recreation and conservation open spaces; and

WHEREAS, the Town Commission knows that there is strength in unity.

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

Section 1. Recitals. The above-stated recitals are hereby incorporated into this resolution by reference.

Section 2. The Town Commission endorses the Charter of the South Florida Parks Coalition attached and included by reference as "Exhibit "A" and fully supports the principles on which it stands and directs the Town Manager and Town Attorney to do whatever is necessary to effectuate this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and **ADOPTED** on this ____ day of July, 2011.

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



Lynn M. Dannheisser, Town Attorney

SOUTH FLORIDA PARK COALITION

A COALITION OF CITY, COUNTY, STATE AND FEDERAL PARKS IN MIAMI-
DADE COUNTY

CHARTER

Preamble:

The South Florida Park Coalition is created to foster a seamless, connected, and sustainable parks system for the South Florida community. The Coalition will meet, collaborate, share knowledge and professional expertise regarding park, recreation and conservation open spaces.

Our work is rooted in the fundamental values of recreation opportunity and environmental stewardship. It is dedicated to building a model park system that will promote a greener, healthier, and more livable South Florida community.

We believe that a model park system consists of parks and public spaces, recreation facilities, greenways, blueways, great streets and conservation lands.

We believe that a sustainable, model Park System must be planned and created with an eye to its impact on the neighborhood, city, county and region as a whole. It must be effective, efficient, fair and balanced. It must work with other public and private agencies; and it must enhance the health, safety, happiness and well-being of all residents and visitors to South Florida, now and in the future.

We believe that a model park system is integral to social, environmental and economic sustainability; it must become a vital part of everyday human experience; it must be connected spiritually and physically; and it must provide accessibility for people of all means and abilities. The model Park System must raise the quality of life for the region and inspire generations of people to care for and contribute to their communities.

Based on the beliefs of equity, access, beauty, seamlessness, sustainability and multiple benefits,

We assert that the Model Park System shall:

- Ensure an accessible, diverse and balanced system of passive and active recreation opportunities that promote safety, security and healthy lifestyles.

- Ensure the preservation, protection and enhancement of ecological resources to sustain and preserve biodiversity and the environmental health of the region.
- Ensure the preservation, protection and enhancement of cultural resources to sustain landscapes and their historical and heritage features.
- Ensure that park, recreation and conservation open spaces guide the shape of urban form.
- Ensure that there is no net loss of park, recreation or conservation lands and mandate replacement of land of equal value, context and significance.
- Ensure community stewardship of park, recreation, and conservation open spaces by fostering educational and recreational programming, civic art, volunteerism and support of philanthropic and grassroots organizations.
- Ensure the continual enhancement of economic development and quality of life in the region by partnering and collaborating with the business community.
- Ensure the equitable distribution of park, recreation and conservation open spaces for all communities in the region.
- Ensure and support responsible growth to conserve environmental and cultural resources, promote economic investment, and support neighborhood stability, while reclaiming marginal and abandoned areas.
- Ensure the support and development of an interconnected framework of transportation alternatives such as transit, pedestrian, bicycle and waterway systems that link parks, recreation and conservation open spaces to each other and to communities.
- Ensure high standards of design excellence, innovation and beauty to support economic, social and environmental sustainability of the region.



Town of Surfside Commission Communication

Agenda Date: July 12, 2011

Subject: Updated Repeal of Temporary Moratorium Ordinance

Attached please find the updated version of the Repeal of the Temporary Moratorium Ordinance which reflects language requested at the June 14, 2011 Town Commission Meeting.

Debra E. Eastman, MMC
Town Clerk

ORDINANCE NO. 2011 _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE 2011-1571 "TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON- RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE" AS WAS FURTHER DELINEATED IN THE MAP ATTACHED AS EXHIBIT "A" TO ORDINANCE 2011-1571; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town"), pursuant to ordinance 2011-1571, imposed a temporary moratorium for the purpose of developing a strategy for the revitalization of the SD-B40 located between 96th and 94th Streets and Harding Avenue (hereinafter referred to as the "Downtown Business District" or "DBD"); and

WHEREAS, the Downtown Vision Advisory Committee ("DVAC") together with staff including the Town Planners and interested property owners and after eight (8) formal meetings have developed an working agreement on several initiatives to address the need to revitalize and reinvigorate the DBD that includes the vision for an appropriate mix of retail, restaurant and non-retail uses as well as other projects; and

WHEREAS, the Town Manager, the Town Attorney, Town Planner and other staff shall begin the work associated with these initiatives for the Downtown Business District, subject to planning processes, further discussion with community groups, and the Town Commission, and ~~assuming the progress and implementation of these initiatives, once approved by the Town Commission,~~ Staff no longer sees the necessity for a temporary moratorium so long as these initiatives continue to progress;

WHEREAS, the Planning and Zoning Board on May 26, 2011 recommended this rescission and repeal of the downtown moratorium to the Town Commission;

WHEREAS, it is now in the best interest and welfare of the Town to so rescind the imposed temporary moratorium; and

NOW THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby made a specific part of the Ordinance.

Section 2. Temporary Moratorium Repealed. Ordinance 2011-1571 is hereby repealed and the temporary moratorium rescinded.

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

PASSED and ADOPTED on first reading this 14th day of June, 2011.


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 _____



Town of Surfside

Commission Communication

SUPPLEMENTAL

Agenda Item # 5A

Agenda Date: July 13, 2010

Subject: Proposed Ad-Valorem Budget Millage for Fiscal Year 2011-2012.

Objective: To adopt a preliminary Budget Millage rate for Fiscal Year 2011-2012.

Recommendation: It is recommended that the Town Commission adopt the preliminary budget Ad-Valorem maximum millage at 5.5000.

Background: The Town of Surfside received the 2011 Certification of Taxable Value from the Miami-Dade County Property Appraiser on July 1, 2011. The Town must now establish a proposed (not-to-exceed) millage that can be mailed with the TRIM notice, date, time, and location of our public budget hearings to all property owners. The deadline for returning our proposed millage for our 2011-2012 budget to the Property Appraiser, Tax Collector and Florida Department of Revenue is August 4, 2011.

Analysis: Establishing a preliminary Budget millage rate that requires a maximum majority vote (3 out of 5 members and also known as the simple majority rate) will enable the Town Commission to evaluate the entire proposed FY 2011-2012 operating and capital improvement recommendations while also receiving public discussion and input during our scheduled budget workshops and hearings. Since the rates are a not-to-exceed rate, it can be lowered but not raised without certain extraordinary actions. Raising the rate after the setting of the TRIM notice amount of 5.5000 mills would require the expense of an additional first class mailing to all Surfside property owners.

Staff has received additional information since the publication and workshop for the FY 11/12 Proposed Budget which was balanced with a proposed millage rate of 5.5000 mills:

- On July 1, 2011 the Miami-Dade Property Appraiser's Office (MDPA) released a certified assessment valuation of \$1,017,658,274 for the Town of Surfside which represents a decrease of approximately 5% from the FY 10/11 certified assessment valuation and an increase of approximately 16 million over the June 1, 2011 preliminary tax roll. The FY 11/12 Proposed Budget assumed a valuation decrease of 6.5%. The 1.5% difference represents a revenue increase of \$81,814 at 5.5000 mills as proposed (or \$0 at 5.4154 mills).

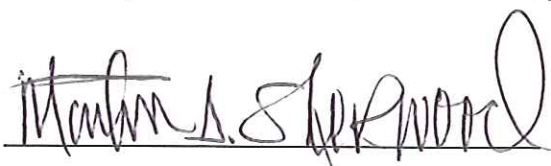
- The State of Florida released updated revenue estimates for the Town for all but the Communications Services Tax Revenue. The projected net effect of the State's estimates is a \$5,000 decrease in Town revenues for FY 11/12. However, Staff estimates an anticipated \$5,000 increase for Communication Services Tax revenue resulting in no net revenue impact.
- To balance the budget in the Water and Sewer Fund a wholesale rate increase for water and sewer was not assumed based on information provided by Miami-Dade County. The Town has been advised from Miami Beach (via Miami-Dade County) that a 5.34% rate increase is anticipated in sewer collection costs resulting in an additional expense of \$36,298. Staff recommends absorbing this increase rather than passing along a rate increase with the rate stabilization fund to Water and Sewer customers. This has no General Fund impact.
- The Town has also been notified of an anticipated decrease in electric franchise revenues from Florida Power and Light (FPL). Two factors contribute to the anticipated decrease: consumption is down resulting in lower revenues and therefore lower franchise payments and secondly, credits for FPL's prior rate estimate adjustments are not anticipated to continue. The net effect is an expected exposure of \$75,000.
- The Town, through our agent of record (AOR), has been notified that health insurance renewal rates may be 10% - 15% higher. Our AOR and Staff continue to review all benefit levels and to "shop" for better rates. Additional exposure for this item is projected at \$50,000
- We have been informed by the Miami-Dade Clerk of Court's office that unpaid parking citations now exceed \$65,000. A reasonable collection effort could realize up to \$35,000 in additional revenue during FY 11/12.

The net impact of these adjustments to the General Fund is a negative \$8,186. This amount, while not totally firm, does not require an adjustment to the proposed 5.5000 millage rate for FY 11/12. The Town Commission should also be aware that the summer studies could have a favorable impact on reducing expenditures or increasing revenues. Those studies will be finished in time for a workshop in August to finalize the proposed budget and millage rates prior to the September budget hearings.

Budget Impact: Documented in the Proposed FY 11/12 Budget

Growth Impact: Documented in the Proposed FY 11/12 Budget

Staff Impact: Documented in the Proposed FY 11/12 Budget



Finance Support Services Dept.



Town Manager

July 1, 2011 Revisions
FY 11/12 Millage Maximums and Related Information
(Based on Certified Assessment Information)

Millage Name	Votes Required	Maximum Millage	Total Resulting Net Revenues	Net Revenue Change (from Proposed Budget Book)
Proposed Millage Rate	3	5.5000	\$5,317,264	\$81,814
FY 10/11 Adopted Rate	3	5.6030	\$5,416,842	\$181,392
Town of Surfside Historic Rate	3	5.6030	\$5,416,842	\$181,392
Aggregate Roll-up Rate	3	5.6573	\$5,469,338	\$233,888
Adjusted Roll-up Rate (factors what could have been charged by a majority vote last year)	3	6.0076	\$5,808,000	\$572,550
Maximum Majority Vote (incl. Fla growth rate)	3	6.0406	\$5,839,903	\$604,453
Maximum Super Majority Rate	4	6.6447	\$6,423,932	\$1,188,482
Unanimous	5	10.0000	\$9,667,754	\$4,432,304

Examples of the impact of the Proposed Millage Rate (5.5000) on properties of various values and exemption status are on the following page.

July 1, 2011 REVISION
Detailed Examples of Impact on Property Valuations FY 10/11 to FY 11/12-CERTIFIED ASSESSMENT VALUES

Example for Commercial and Residential Properties With No Exemptions at Multiple Values

Commercial / No Exemption FY 10/11 Tax Levy at Adopted 5.6030 mills	\$250,000	\$350,000	\$400,000	\$450,000
Property Taxable Value FY 10/11	\$1,401	\$1,961	\$2,241	\$2,521
Projected Property Taxable Value FY 11/12 (-4.87%*)	\$237,750	\$332,850	\$380,400	\$427,950
Commercial / No Exemption FY 11/12 Tax Levy at Proposed 5.500 mills	\$1,308	\$1,831	\$2,092	\$2,354
Surfside Property Tax Reduction for Commercial and Residential Properties With No Taxable Exemptions	\$93	\$130	\$149	\$168

Example for Homestead (Less than 5 years) Where Assumed Market Value is Lower Than Assessed Value

Residential / Homestead Exemption FY 10/11 Tax Levy at Adopted 5.6030 mills	\$250,000	\$350,000	\$400,000	\$450,000
Property Assessed Value FY 10/11	\$200,000	\$300,000	\$350,000	\$400,000
Projected Property Assessed Value FY 11/12 (-4.87%*)	\$1,121	\$1,681	\$1,961	\$2,241
Residential / Homestead FY 11/12 Tax Levy at Proposed 5.500 mills	\$237,750	\$332,850	\$380,400	\$427,950
Surfside Property Tax Reduction for Homestead Property	\$187,750	\$282,850	\$330,400	\$377,950
	\$1,033	\$1,556	\$1,817	\$2,079
	\$88	\$125	\$144	\$162

Example for Homestead (Greater than 5 Years) Where Assumed Market Value is Greater than Assessed

Residential / Homestead Exemption FY 10/11 Tax Levy at Adopted 5.6030 mills	\$250,000	\$350,000	\$400,000	\$450,000
Property Assessed Value FY 10/11	\$175,000	\$245,000	\$280,000	\$315,000
Assumed Save Our Home Taxable Value	\$981	\$1,373	\$1,569	\$1,765
FY 11/12 Maximum Increase to FY 10/11 Taxable Valuation for SOH (1.5%)	\$177,625	\$248,675	\$284,200	\$319,725
Residential / Homestead FY 11/12 Tax Levy at Proposed 5.500 mills	\$977	\$1,368	\$1,563	\$1,758
Surfside Property Tax Reduction for Save or Home Exempt Property	\$4	\$5	\$6	\$6

* Note: The percentage decline represented here compares initial values for levy purposes in both years. The ultimate TRIM notice for FY 11/12 will reflect changes from post Value Adjustment Board adjustments.

RESOLUTION NO. 11-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about July 1, 2011, the Honorable Pedro J. Garcia, The Property Appraiser of Miami-Dade County, Florida served upon the Town of Surfside (the "Town"), a "Certification of Taxable Value" certifying to the Town its 2011 taxable value; and

WHEREAS, the provisions of Section 200.065, Florida Statutes, require that within thirty-five (35) days of service of the Certification of Taxable Value upon a municipality, said municipality shall be required to furnish to the Property Appraiser of Miami-Dade County the proposed operating millage rate, the current year rolled-back rate, and the date, time and place at which a first public hearing will be held to consider the proposed millages and the tentative budget; and

WHEREAS, the Town Commission desires to announce the dates of the first and second public hearings to the Property Appraiser of Miami-Dade County; and

WHEREAS, the Town Commission has reviewed the figures supplied by the Property Appraiser of Miami-Dade County and conferred at a public meeting with the Town Attorney and that being otherwise fully advised in the premises.

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

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. That the proposed operating Millage Rate for the first public hearing shall be **5.5000** mills, which is **\$5.5000** dollars per \$1,000.00 of assessed property within the Town of Surfside for the **2011/2012** fiscal year.

Section 3. That the current year rolled-back rate, computed pursuant to 200.065 Florida Statutes, is **\$5.6573** dollars per \$1,000.00.

Section 4. That the proposed operating millage rate **percent change** is less than the rolled-back rate by 2.78%.

Section 5. That the date, time and place of the first and second public hearings are hereby set by the Town Commission as follows:

Date: September **13**, 2011
Time: 5:01 p.m.
Place: Surfside Town Hall
9293 Harding Avenue
Surfside, Fl 33154

Date: September **26**, 2011
Time: 5:01 p.m.
Place: Surfside Town Hall
9293 Harding Avenue
Surfside, Fl 33154

Section 6. That pursuant to the Florida Statutes, and the rules and regulations of the Florida Department of Revenue, the Town Clerk is hereby directed to attach the original Certification of Taxable Value to a certified copy of this resolution and serve the same upon the Honorable Pedro J. Garcia, Property Appraiser of Miami-Dade County before August 4, 2011.

Resolution No. 11- _____

Section 7. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED and **ADOPTED** on this ____ day of ____, 2011.

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

Resolution No. 11- ____



Town of Surfside Commission Communication

Agenda Item #: 9E

Agenda Date: July 12, 2011

Subject: Donations – Supplemental Agenda Item

I am sure that Vice Mayor Joe Graubart forgot to forward his June 21, 2011 request for an opinion to the Commission on Ethics and Public Trust which request also forgot to mention that this matter had been addressed during the June 14, 2011 Town Commission meeting when the pulled Consent Agenda Item 3H relating to fireworks was reviewed.

Apparently the Vice Mayor also forgot to include the opinion by Commission on Ethics and Public Trust Attorney Victoria Frigo that presents two similar opinions stating that nothing was wrong and no real or appearance of conflict had been created.

I am further sure that the Vice Mayor would want you to review the attached draft minutes of the June 14, 2011 Town Commission meeting when the potential or real conflict was brought up by Commissioner Olchyk and I stated that there was no conflict. The proof of the pudding will be clear when the Town Commission reviews the development order arising from the Development Impact Committee which in its present form has more than 25 points and requires cash contribution of \$425,000 in off-site improvements. Finally, I am sure the Vice Mayor forgot that he voted to approve the agenda item after the discussion of Commissioner Olchyk's concern.

In closing, it is my fervent hope that these McCarthyesque tactics which seem to be accelerating as the political season draws near be repudiated by the Town Commission and by our clear thinking citizens who have a right to expect a clean campaign and responsibility to call out those who try to return Surfside to some imagined glorious era.

Roger M. Carlton, Town Manager

Attachment: Vice Mayor Joe Graubart's request for opinion from the Commission on Ethics and Public Trust and the Commission on Ethics and Public Trust response

Lynn Dannheisser

From: Meyers, Robert (COE) [RMEYERS@miamidade.gov]
Sent: Thursday, June 23, 2011 2:31 PM
To: Lynn Dannheisser
Subject: FW: Surfside Opinion Request

Hi Lynn:

Hope you are well. I received an e-mail earlier in the week from Vice Mayor Graubart wherein he expressed his concerns about an "anonymous" gift given to the Town of Surfside. Listed below is Victoria's analysis of the situation. This has also been sent to the Vice Mayor.

On another note, we were trying to schedule lunch with Buck Thornburg, but I don't recall when you are available. Do you have anytime next week? If not next week, then let's shoot for mid-July.

Robert

From: Frigo, Victoria (COE)
Sent: Thursday, June 23, 2011 2:10 PM
To: Meyers, Robert (COE)
Subject: RE: Surfside Opinion Request

Robert,

You asked for Ethics Commission opinions relevant to the issue brought by Surfside Vice Mayor Joe Graubart regarding a gift to the Town.

THE FACTS as related by the Vice Mayor are that the Town of Surfside has accepted a \$15,000 gift from Tony Murray, an individual who will be bringing a zoning matter related to the Grand Beach Hotel before the Town's Development Impact Committee, Planning and Zoning Board, and, finally, the Town Commission. The gift has been used to defray the \$10,000 cost of a recent Town fireworks display celebrating the opening of a new Community Center. The Commission did not approve accepting the gift.

UNDER THE COUNTY CODE, a municipality may accept a gift from an individual who is likely to have matters coming before the municipality as long as no quid pro quo has been arranged. The gift may be solicited by a municipal employee or elected official and must be used solely by the city in conducting its official business. Regarding the facts presented by Vice Mayor Graubart, as long as the additional \$5,000 not used for the fireworks display is used for other official Town business, the Town of Surfside appears to be in compliance with the County Code at Sec. 2-11.1 (e).

In RQO 05-119, the Village of Palmetto Bay was permitted to purchase a building to be used as a Village Hall. The market value of the building was far in excess of the price agreed upon with the seller, an individual who anticipated seeking future land-use decisions before the Village. The Village Council indicated that they could vote fairly and without bias on applications presented by the seller, irrespective of any gift the real estate transaction represented to the Village.

In RQO 02-70, the City of West Miami was allowed to accept monetary donations from a non-resident who owned substantial property in the City. The money was used for specific City projects and activities such as paying City Commissioners' travel expenses to attend "Dade Days" in Tallahassee. The City of West Miami was advised to establish a record of all donated monetary contributions that identified donors and the specific city project their donations defrayed.

If you or Vice Mayor Graubart have further questions, please feel free to call me.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY
MIAMI-DADE COUNTY COMMISSION ON ETHICS
DIRECT PHONE: 305 350-0601
FAX: 305 579-0273



19 WEST FLAGLER ST., SUITE 820
MIAMI, FL 33130

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Meyers, Robert (COE)
Sent: Thursday, June 23, 2011 11:00 AM
To: Frigo, Victoria (COE)
Subject: FW: Opinion Request

Victoria:

Let's discuss. I believe that we have an opinion on this point. If memory serves me correctly, the City of West Miami was confronted with a similar situation.

Robert

From: Joe Graubart [mailto:jgraubart@townofsurfsidefl.gov]
Sent: Tuesday, June 21, 2011 4:30 PM
To: Meyers, Robert (COE)
Subject: RE: Opinion Request

Dear Executive Director Myers:

A matter of great importance and concern has come to my attention and weighs very heavy on me. Additionally, several residents contacted me regarding this matter, and therefore I believe it incumbent upon myself to contact the Commission on Ethics and Public Trust. As always, I not only want to do the correct thing – but want to ‘distance myself’ from what might be wrong (illegal or unethical?) as well. Especially when considering your statement on the Commissions web site: “...can create an appearance of impropriety and contribute to the erosion of the public’s trust.”

Last Sunday, June 19, 2011 the Town of Surfside celebrated the “Grand Opening” and dedication of a new Community Center. Part of this celebration was a night-time fireworks show to end the day’s events.

My Concern:

At the beginning of this month’s Regular Town of Surfside Commission Meeting (June 14, 2011), I asked to have an agenda item (Resolution) # 3H titled: “...AFTER-THE-FACT EXPENDITURE FOR EXHIBITION AND DISPLAY OF FIREWORKS...” be ‘pulled’ from the

“consent agenda” – for further discussion. This resolution was to approve an expenditure of \$10,000.00 – “The total cost of the agreement [with Zambelli] is \$10,000.00”.

Town Manager Roger Carlton stated that we have an anonymous donor to pay for the fireworks – contributing \$15,000.00. I only learned of the identity of the donor after reviewing the “grand opening” pamphlet (copied and pasted below).

*Thank you Tony Murray of the
Grand Beach Hotel Surfside
For the Fireworks Display at 8:45 pm*

What troubles and concerns me:

This ‘contributor’ has a large hotel construction project that will come before the Town’s:

- **“DIC” (Development Impact Committee)**
- **“Planning and Zoning Board”**
- **And The Town’s Commission for final approval.**

The first of these, the ‘DIC’ meets June 30, 2011 to “consider an application from MB Development requesting a 341 room hotel and parking garage to be located ...[Surfside]”

I have no evidence of any wrong doing; and actually doubt there is (I am not trained to pass judgment upon these matters) – however, in many respects, this certainly appears to, as you state: “... create an appearance of impropriety and contribute to the erosion of the public’s trust.” Simply, I do not like or approve of accepting this type of contribution – especially without Commission approval. Obviously, I would have NOT voted in favor of this. If it were Publix, CostCo, or other similar organization – there would be no particular concern.

An ‘opinion’ on this from The Commission on Ethics and Public Trust will put me at ease. Perhaps there are several similar cases that have set precedent?

Thank you for your help and consideration and best wished for a bright future.

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

NOTE: Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

Draft

Item 3G – Commissioner Graubart inquired about the confidentiality agreement on the concessionaire. Ms. Dannheisser mentioned that the town cannot violate any public records law and noted that this provision would not affect anything that was considered public record. She noted that it could apply if the concessionaire is involved in litigation that a court says has to be confidential.

Commissioner Kopelman made a motion to accept the contract as written. Commissioner Karukin seconded the motion. The motion carried unanimously.

*After the Fact
Fireworks
Agreement*

Item 3 H – Vice Mayor Graubart inquired about the amount the Town Manager is allowed to spend before coming to the commission for approval. Mr. Carlton mentioned that the limit is \$8,500, but added that he is allowed to spend more in emergency situations in order to get the matter resolved in a timely manner and obtain the approval retroactively. Mr. Carlton also mentioned that the vendor is contributing \$15,000 for the fireworks for the opening event. The Vice Mayor noted that he was hoping for the fireworks to take place on the 4th of July. Mr. Carlton mentioned that the Surf Club will be hosting a 4th of July fireworks event at 9:00.

Commissioner Olchyk expressed concern that the \$15,000 donation will oblige the town to make special considerations regarding the vendor's interests in town. Mr. Carlton noted that it will not.

Commissioner Kopelman made a motion to accept the \$15,000 with gratitude on behalf of the town commission and the Town of Surfside. Commissioner Karukin seconded the motion. The motion carried unanimously.

Commissioner Kopelman made a motion to accept the contract for the fireworks for the grand opening of the Community Center. Commissioner Karukin seconded the motion. The motion carried unanimously.

Item 3J – Professional Website Vendor services – Commissioner Karukin thanked the Communications Committee. He stated that he wants to make sure that the items categorized as optional items are separated as a line item as optional for RFP purposes, specifically have the ability to conduct online polls and survey, translate pages from English to Spanish, and ability to submit a request. Commissioner Karukin also noted that on page 156 there was an omission to include a link with the Tourist Board website. He also pointed to page 158 regarding streaming video archive for up to 3 years. He inquired about what happens after 3 years. Town Clerk Debra Eastman informed Commissioner Karukin that the videos on the website are duplicates of the originals and noted that the originals are stored. Commissioner Karukin spoke about the integration of the document imaging system with the website so that residents have access to the archives. Ms. Eastman noted that this will be further down the road, but the more immediate use of the imaging system will be for internal use.

Commissioner Karukin made a motion to approve Item 3J. Commissioner Kopelman seconded the motion. The motion carried unanimously (Vice Mayor Graubart was absent).