



**Town of Surfside
Town Commission Meeting
AGENDA**

SUPPLEMENTAL No. 1

September 17, 2013

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**

2. Quasi-Judicial Hearings – Page 1-12

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

A. Request of Owner of Property located at 8859 Carlyle Avenue

The applicant at 8859 Carlyle Avenue is requesting a side setback variance.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 8859 CARLYLE AVENUE TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO ADD AN ADDITION TO THE FIRST FLOOR AND ADD A SECOND STORY TO THE EXISTING SINGLE FAMILY HOME; PROVIDING FOR AN EFFECTIVE DATE.

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.

** 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.*

- A. Minutes** – July 23, 2013 Special Commission Meeting Minutes **Page 13-28**
August 5, 2013 Special Commission Meeting Minutes
August 13, 2013 Regular Commission Meeting Minutes
- B. Budget to Actual Summary as of June 30, 2013** – Donald Nelson, Finance Director
Page 29-31
- *C. Town Manager’s Report** – Michael P. Crotty, Town Manager **Page 32-56**
- *D. Town Attorney’s Report** – Linda Miller, Town Attorney **Page 57-60**
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 61-63**
- F. Committee Reports** – Michael P. Crotty, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*) **Page 64-73**
 - July 15, 2013 Parks and Recreation Committee Minutes
 - July 25, 2013 Planning and Zoning Board Minutes
- G. Florida Department of Transportation (FDOT) Sidewalk Café Lease Agreement (Revision)** – Duncan Tavares, TEDACS Director **Page 74-101**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 94RD STREET TO 96TH STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. Approval for Payment of Emergency Repairs to the A/C Units at Town Hall to Smart Air Systems Inc. – Joseph Kroll, Public Works Director Page 102-107

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AFTER THE FACT THE EXPENDITURE TO SMART AIR SYSTEMS, INC. IN THE AMOUNT OF \$9,459.00 FOR THE EMERGENCY REPAIR OF THE CENTRAL AIR CONDITIONING UNITS LOCATED AT TOWN HALL; PROVIDING FOR APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

I. Fiber Optic Cable – Daniel Dietch, Mayor Page 108-110

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (TOWN) AFFIRMING SUPPORT FOR THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR; URGING ALL MUNICIPALITIES OF MIAMI-DADE COUNTY TO SUPPORT THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

J. Constitution Week Proclamation – Mayor Daniel Dietch Page 111-112

K. Childhood Cancer Awareness Month Proclamation – Mayor Daniel Dietch Page 113-114

L. Golden Veterans Parade 50th Anniversary Commemoration – Mayor Daniel Dietch Page 115-117

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”); EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD “GOLDEN VETERANS PARADE 50TH ANNIVERSARY COMMEMORATION” COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

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

B. First Reading Ordinances

- 1. Ordinance Amending Future Land Use Element of the Comprehensive Plan
– Nancy E. Stroud, Esq., Special Land Use Counsel [SET FOR TIME
CERTAIN AT 8:00PM] Page 118-123**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. Veterinary Clinics – Sarah Sinatra, Town Planner Page 124-131**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) “REGULATED USES” ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

A. Community Rating System Consultant CRS Max – Rosendo Prieto, Building official Page 132-135

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN COMMUNITY RATING SYSTEM MAX CONSULTANTS (CRS MAX), INC. TO ASSIST THE TOWN IN REESTABLISHING ITS PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT FOR RETENTION OF CRS FOR CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$15,000 FROM THE BUILDING SERVICES DEPARTMENT IN THE GENERAL FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Five Year Parks and Recreation Capital Plan – Tim Milian, Parks and Recreation Director Page 136-140

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ("TOWN") ACCEPTING THE PARKS AND RECREATION DEPARTMENT FIVE-YEAR CAPITAL PLAN; APPROVING THE PRIORITIES SET WITHIN THE CAPITAL PLAN; AND AUTHORIZING THE TOWN MANAGER TO TAKE NECESSARY ACTION TO COLLECT VOLUNTARY PROFFERS ASSOCIATED WITH THE CAPITAL PLAN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Awning and Sign Code Update – Sarah Sinatra, Town Planner Page 141-144

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ("TOWN") APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 73 (UPDATING AWNINGS AND SIGN CODE, CGA PROPOSAL NO. 13-5932) IN A TOTAL AMOUNT NOT TO EXCEED \$15,000; PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.

D. Authorization of Funding for FY 12/13 FEMA-NFIP Remedial Work – Rosendo Prieto, Chief Building Official [*Linked to Item 5A*]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AND APPROVING AN AFTER-FACT EXPENDITURE OF \$30,260.00 FOR FY 2012/2013 FROM THE GENERAL FUND RESERVES TO THE BUILDING SERVICES DEPARTMENT IN THE GENERAL FUND TO RCW INTERIORS, LLC FOR THE REMEDIAL WORK ON PROPERTIES LOCATED AT 1220, 1236 AND 1355 BISCAYA DRIVE; PROVIDING FOR APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

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

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

7. Town Manager and Town Attorney Reports

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

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. Awards, Presentations and Recognition Meetings – Commissioner Joe Graubart Page 145**
- B. Town Commission “Liaison” “Ex-Officio” – Commissioner Marta Olchyk Page 146-147**
- C. Comparison of Code Compliance Processes “Notice of Violation” vs. “Civil Citation” for Enforcement of Town Code – Joe Damian, Code Compliance Director Page 148-164**
- D. Town Manager Performance Evaluation – Mayor Daniel Dietch Page 165-172**

10. Adjournment

Respectfully submitted,



Michael P. Crotty
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 # 5D

Agenda Date: September 17, 2013

Subject: Authorization of Funding for FY 12/13 FEMA-NFIP Remedial Work

Background: On June 5, 2012, the FEMA Region IV office issued findings of their Community Assistance Visit (CAV) which was conducted in March of 2012. Several properties were found to be in violation of the Town of Surfside Code of Ordinances section 42-91, specifically, 1220, 1236 and 1355 Biscaya Drive. Having identified the remedial work required for compliance with CAV, the Town authorized RCW Interiors, LLC to perform said work as expeditiously as possible. RCW Interiors, LLC principal, is Richard Iacobacci. The first phase of remedial work at 1220 and 1236 Biscaya Drive totaling \$3,900 was accomplished in March of 2013. The second phase of the work at 1220 and 1236 Biscaya Drive totaling \$6,860 was accomplished in July of 2013. The final property to have remedial work is 1355 Biscaya Drive. As of this date the work at 1355 Biscaya the cost of which is \$19,500 is substantially complete. The scope of the work included the installation of 19 flood vents and various underslab access openings. The cost of completing the work necessary to release the CAV is as follows:

FY 2012/2013

- \$3,900 (1220 and 1236 Biscaya – Phase 1)
- \$6,860 (1220 and 1236 Biscaya – Phase 2)
- \$19,500 (1355 Biscaya)
- FY 2012/2013 Total: \$30,260

Analysis: For a number of years, former and current Building Officials and Town Managers have struggled to bring to a successful conclusion the necessary action items that would again allow the Town's participation in the National Flood Insurance Program (NFIP) and to receive a discount in Flood Insurance premiums for our residents through the Community Rating System (CRS) program. Clearly, the Town could have pursued legal action through the Code process or Courts to compel compliance by the owners of these properties; however, it was determined previously that such a process is substantially more costly and time consuming.

Up to this point, the major issue associated with non-participation in the NFIP related to a lack of a discount (probably 5-10%) in residents' annual flood insurance premiums. While this is a substantial financial issue, the NFIP is at a funding and operational crossroad. It is critical that the Town become eligible to participate in the program as soon as possible, as the NFIP is gearing up for major changes. Potentially, premiums for flood insurance could increase to a level that would impact property values and assessed valuations in flood zone areas (as are most of our single family homes) as flood insurance is a key player in the ability of a potential homeowner in securing a mortgage. The concern, which is based on how governmental agencies deal with financial challenges, is that due to the financial challenges confronted by NFIP, the rules or benefits could change in the future for those who do not currently participate in the NFIP.

Attached are several newspaper articles from across the state highlighting the future challenges with flood insurance (August 13 article from Lee County entitled **Flood Insurance Rate Hikes Worry Lee County Officials**; and September 11 article entitled **Soaring Flood Insurance Rates Fuel Anxiety In Real Estate**).

Budget Impact: The FY 2012/2013 cost incurred for the Town's compliance with the identified CAV items total \$30,260.

Staff Impact: N/A

Recommendation: Staff recommends that the FY 2012/2013 costs of \$30,260 associated with Contractor costs to complete the remaining CAV items in order to submit the Town's application for approval and inclusion in the NFIP be appropriated from the General Fund Reserves.



Department Head



Town Manager

Attachments

"A member of the public who may have a small fine or may have a large fine at least has a chance before a board of his peers to make a case," Braddy said at that meeting.

He said he felt the commission majority was making the change in an effort to generate more money from code fines.

Commissioner Randy Wells, who has advocated for the switch to a special magistrate, said the change was intended to ensure that code cases are handled in a "fair and equitable fashion" that takes into account the rights of the person facing a potential violation and neighboring property owners.

Wells said fines still may be rescinded if a property owner corrects a code violation, but those decisions need to be "consistent" from case to case and made in a timely fashion.

Some code violations that may land a resident or property owner in the enforcement process include illegal yard parking, renting without a required landlord permit, yard debris, unsafe structures, operating a business in a residential neighborhood and building without a permit.

In April 2011, the month before the City Commission's Community Development Committee first discussed a potential move to a special magistrate, a city auditor's report on landlord permitting revenues concluded the Code Enforcement Board often rescinded fines after staff put in extensive work on a case.

Looking at 2009, that auditor's report said that, of about \$374,250 in total fines for delinquent landlord permit fees, the board rescinded all but \$6,025.

"Delinquent landlord permits are not consistently enforced by the Code Enforcement Board, resulting in inconsistencies in the application and accumulation of fines assessed," the report stated. "Additionally, outstanding delinquent fines assessed by the Board are often later rescinded, based upon a landlord's request, after extensive research and collection efforts are completed by Code Enforcement staff."

Chris Cooper, the city's Code Enforcement manager, said the move to a special magistrate still allows for appeals to county court.

Flood insurance rate hikes worry Lee County officials

Officials look to Capitol Hill for refuge from much pricier flood policies.

Written by Andrea Rumbaugh, News-Press, 8/13

Local officials are spreading awareness of flood insurance increases by reaching out to U.S. senators and representatives.

"We're hoping that it'll be delayed," said Cecil Pendergrass, Lee County commission chairman.

He sent a letter to Sens. Bill Nelson and Marco Rubio on Aug. 7. This letter was requesting their assistance in delaying the legislation's implementation until an affordability study, called for in the act, is completed.

"We understand the need for the National Flood Insurance Program to remove subsidies and be self-sustaining," Pendergrass wrote in the letter, "but the way in which this law is implemented will result in widespread economic hardship in many communities in Lee County as well as the state of Florida."

The Biggert-Waters Flood Insurance Reform Act of 2012 is working to phase out many of the nation's subsidized flood insurance policies. The immediate impact is on vacation homes in areas defined by FEMA as having at least a 1 percent chance of flooding in any given year. These properties began seeing 25 percent increases on renewals following Jan. 1.

Likewise, properties with repeated or severe flooding and businesses located in flood zones will see annual 25 percent increases on renewals following Oct. 1. These increases will continue until rates are high enough to cover the property's risk.

Primary residences won't be hit as hard. These policyholders will continue to receive subsidized rates unless or until: the property is sold, the policy lapses, the property suffers severe or repeated flood loss, or a new policy is purchased. But these policyholders may still see rate increases.

Pendergrass said he'd hate to see homeowners or business owners walk away from their properties because they can't afford the flood insurance. It could also be damaging for the economy, as businesses still recovering from the recession are hit with higher flood insurance rates, and it could reduce property values.

Chris Heidrick, owner of Heidrick & Co. Insurance on Sanibel Island, has met with local and federal officials, or their staffs, to increase awareness of these changes.

And while he said no one is arguing that the changes shouldn't happen, the law should be implemented in an orderly manner that allows people to adjust to these increases.

"The potential impacts ... extend beyond the property owners," he said.

Fort Myers Beach Councilman Dan Andre said the Town Council is putting together a letter to Rubio, Nelson and U.S. Rep. Trey Radel, R-Fort Myers. They plan to send the letter in about a week with hopes of stalling the changes and increasing awareness.

And on a personal note, Andre said the flood insurance for his bed and breakfast Mango Street Inn will increase from \$2,600 a year to \$12,000.

Sanibel City Manager Judie Zimomra said the city will send letters later this week to Nelson, Rubio, Radel, the Florida League of Cities, the National League of Cities and the Southwest Florida Regional Planning Council.

The U.S. House of Representatives passed an amendment to delay portions of the new law, but Heidrick said the portion delayed wouldn't impact Lee County until 2015 at the earliest. Other changes, he said, are impacting Lee County immediately.

Mac®-based attendees

Required: Mac OS® X 10.6 or newer

Mobile attendees

Required: iPhone®, iPad®, Android™ phone or Android tablet

Soaring flood insurance rates fuel anxiety in real estate

Jeff Harrington, Tampa Bay Times, 9/11

ST. PETERSBURG — Nearly 40 real estate agents packed the sweltering conference room in downtown St. Petersburg this week to hear flood insurance expert Pete Travis describe the new — and expensive — world coming Oct. 1.

He didn't pull any punches.

Many older homes in flood zones have long benefited from a big subsidy that kept flood insurance rates very low. Starting next month, those homeowners will typically see annual rates jump more than 20 percent, including a fee for a new reserve fund. A late payment could cost them their subsidy immediately.

If the owner sells the home, the buyer will lose the subsidy. That could, as in one scenario, raise a premium that had been \$1,400 a year to \$9,500.

Travis wasn't hopeful of a congressional reprieve in the next couple of weeks.

"Have I demoralized everyone here?" he asked.

Concern about rising flood insurance rates — triggered by the Biggert-Waters Act of 2012 — has been percolating for months. Now, just weeks before the law's main provisions take effect, real estate agents and communities from Apollo Beach to Treasure Island are galvanizing, worried about falling property values, busted real estate sales and a crippling effect on the broader economy.

"This is a major change," said Patty Latshaw of St. Petersburg-based Wright National Flood Insurance Co., the biggest writer of federal flood insurance in the country. "I'm just glad to see people are realizing what is going on and asking questions and becoming involved. Finally."

For Cristy and Fred Assidy, reality hit too late.

After 15 years in their "starter home" in St. Petersburg's Shore Acres, the couple was excited recently to close on a new home in Riviera Bay near Weedon Island.

Then came a shocker.

During this first year, their premium through the National Flood Insurance Program is a doable \$1,700; next year it jumps to \$17,000. For a house they bought for \$205,000.

"This is going to devastate the real estate market here just when it's barely making a comeback," Cristy Assidy said. "People are going to leave the state in mass exodus."

Biggert-Waters was intended to help keep the National Flood Insurance Program afloat after suffering huge losses from Hurricane Katrina. Key to the makeover was getting rid of subsidized rates, in some cases gradually and in other cases — like the sale of a home — in one fell swoop.

Most flood policyholders nationwide will see only single-digit increases in rates next year. In fact, just 20 percent of all flood policies in the United States are subsidized. But in Florida, the impact will be much greater. With 40 percent of all flood policies nationwide, Florida has by far the most subsidized homes.

More than 50,000 of Pinellas County's 142,000 properties with flood policies have subsidized flood rates, more than any other county nationwide.

For someone staying in a subsidized home in a high-risk flood zone, rates will typically rise 16 or 17 percent Oct. 1. That doesn't include a 5 percent charge toward the new flood reserve fund.

The impact is more immediate, and devastating, for recent buyers of subsidized properties, like the Assidys, or those who let their subsidized policies lapse. After Oct. 1, their premiums will reflect the full "risk-based" rate, typically adding many thousands to their premiums.

Homeowners feel trapped, unable to sell and potentially facing double-digit annual rate increases if they stay. Some buyers of flood-subsidized properties feel duped, unaware that because their deal closed after July 6, 2012, they'll be forced to pay the full rate when they renew after Oct. 1.

St. Petersburg real estate agent Bonnie Davis, who organized this week's briefing with Travis, surmised the industry may have been late to mobilize because many thought Congress would intervene by now.

"The Realtors are starting to speak up now because they're starting to lose some deals. And this really is just the tip of the iceberg," said Christopher Heidrick, an insurance agent from Lee County, which like Pinellas is one of the hardest-hit counties.

Heidrick worked with a buyer from the U.S. Virgin Islands who planned to purchase a 900-square-foot home in Sanibel — until he found out the flood premium would jump from \$2,440 to \$16,092 when he renewed next year. "That blew up the deal," he said

Pinellas County Property Appraiser Pam Dubov thinks it's premature to speculate on the impact on market values and the broader economy. Beachfront home prices are up about 9 percent from a year ago.

Fourth-quarter results, Dubov said, could be radically different based on a rising number of anecdotes of pending sales gone bad because of the flood premium disclosure.

"I don't want to pretend this is going to go away and suggest this isn't going to affect the market because that's ridiculous," Dubov said. "There is no way this is not going to do that."

On the other hand, she said she doesn't want to alarm people that "every house prior to 1975 in a flood zone is worth nothing."

There are several measures being discussed in both the U.S. Senate and House of Representatives to stave off "unintended consequences" of Biggert-Waters. But so far the sole measure that has passed the House would delay only a small part of the law — and wouldn't stop the premium hikes from hitting new buyers of subsidized properties.

On Monday, the Independent Community Bankers of America echoed calls for a freeze on any increases until FEMA can complete a study on the impact on home affordability. Moving forward Oct. 1 threatens to price people out of their homes, destroy home values and disrupt the housing market's recovery, the bankers group maintained.

Property owners caught in the middle of the financial squeeze, like the Assidys, can only hope for the best.

The couple contacted FEMA to see if they can qualify for a grant to elevate their new home. But Cristy Assidy doubts that will work out in time.

"Apparently those dollars are kind of hard to get, and there's a limited time you can (apply)," she said. "I just hope the government just sees the light and realizes this will kill the real estate market here."

Why are flood insurance rates rising?

To more accurately reflect the risk of flooding, the Biggert-Waters Flood Insurance Reform Act of 2012 calls for eliminating some artificially low rates and discounts.

Will everybody's rates go up sharply?

No. In fact, the biggest rate hikes focus on just 20 percent of flood policies in the country, those covering older properties in low-lying areas (called a Special Flood Hazard Area) for which owners have been paying cheaper, subsidized rates. The affected properties date to before Flood Insurance Rate Maps were adopted in the 1970s and 1980s.

What about properties within Tampa Bay?

Florida is the hardest-hit state and Pinellas County is tops with more than 50,000 subsidized flood policies that could face significant rate hikes. That translates to about 35 percent of all flood policies in the county.

Among other bay area counties: more than 14,000 Hillsborough policies (or 21 percent of all flood policies) are subsidized; in Pasco, it's more than 11,000 policies (36 percent); in Citrus, about 2,900 policies (41 percent); and in Hernando, about 1,000 (22 percent).

I've heard some property owners will face 25 percent annual increases for several years? Who does that affect?

- Owners of investment properties that have been subsidized with lower rates already started paying the higher rates on policy renewals after Jan. 1.
- Owners of businesses and nonresidential properties with subsidized rates will see the higher rates effective Oct. 1.

- A subsidized property that has experienced severe or repeated flooding will see the higher rates kick in Oct. 1.

What if I live in my home and currently benefit from subsidized rates on my flood policy?

If you continue to live in your home and don't sell, you most likely will be able to keep the lower, subsidized rates with the higher premiums phased in. The phase-in rate for a subsidized homeowner in an A or V flood zone is 16 or 17 percent annually until the rate is determined to be at full-risk.

However, you could face the big jump in rates if the property is sold, the policy lapses, you file severe or repeated flood losses, or a new policy is purchased.

Is that all?

No. Subsidized homeowners will also have to pay a new 5 percent charge into a reserve fund for future flooding losses.

I don't live near the beach. Do I have to worry?

Among the many misconceptions about Biggert-Waters is that it mainly affects beachfront property owners. To the contrary, many of the subsidized properties are inland in Pinellas County, county Property Appraiser Pam Dubov says.

How do I know if I get subsidized rates now?

Check with an insurance agent. But there are two main clues: Is the home in an "A" or "V" zone requiring flood insurance and is it at least a few decades old? It depends on when your community first created flood maps. Any flood-prone home built before 1975 predates flood maps in Tampa Bay and is likely subsidized. The earliest flood map in Pinellas County dates to May 1970 in St. Pete Beach.

I'm in an A or B hurricane evacuation zone. Does that mean I'm in a high-risk flood zone?

Not necessarily. Evacuation zones and flood zones are not the same. So don't use the zone listed on county property records as a basis for your flood zone. Best bet: Ask your insurance agent.

What if I have a subsidized policy in a flood hazard area and I sell my home or business property?

The buyer of a subsidized property will have to pay the full-risk rate for any policy issued or renewed on or after Oct. 1. That could more than triple the rates immediately. If you bought a subsidized property after the Biggert-Waters Flood Insurance Reform Act became law July 6, 2012, you could have to pay the full risk rate for a policy renewal starting in October.

I'm with a condominium association. How does this affect me?

Stay tuned. FEMA has not yet determined new rates for subsidized condos or multifamily properties.

I have flood coverage though I'm not required to do so. Am I in the clear?

Not entirely. Even unsubsidized homes could see rates rise 6 to 9 percent.

Can property owners with unsubsidized policies face a large rate increase?

Yes. All property owners could face rate increases of up to 20 percent a year for five years if a community adopts a new flood insurance rate map as part of the program overhaul.

Can I do anything to fight higher rates?

Obtain an elevation certificate to show how high your home is compared with flood levels. There is an initial cost, but it may help reduce your rate. Review your flood zone maps to see your property's current flood risk and how close it is to a potential change in risk status if a new map is adopted.

And don't let your policy lapse, which could be a trigger for a big rate increase.

Has this changed sales contracts?

The Florida Board of Realtors recently changed its standard sales contract to let buyers know they may need to get a flood certification to obtain flood insurance. New contract language makes a buyer's offer contingent on obtaining flood coverage by a certain date at a price not to exceed a cap that is written into the contract. Moreover, the buyer and seller have to agree on when the contract can be terminated if the property is ineligible for flood insurance.

Have banks adapted as well?

All mortgage lenders have greater financial incentive to make sure that homes in flood zones carry the required coverage. Previously, the government imposed a fine of \$350 per loan that did not have the required policy in place. That rose to \$2,000 per loan under the new law. A total fine cap of \$100,000 per lender was removed so now there is no cap.

Where can I find more details?

Go to www.floodsmart.gov. Or contact your insurance agent.

Venice Police Department's future in question?

By Dale White, Sarasota Herald-Tribune, 9/11

Is the future of the Venice Police Department in question?

Three members of the City Council indicated Tuesday that they are open to at least hearing about the potential of eventually folding the police force into the Sarasota County Sheriff's Office.

RESOLUTION NO. 13 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AND APPROVING AN AFTER-THE-FACT EXPENDITURE OF \$30,260.00 FOR FY 2012/2013 FROM THE GENERAL FUND RESERVES TO THE BUILDING SERVICES DEPARTMENT IN THE GENERAL FUND TO RCW INTERIORS, LLC FOR THE REMEDIAL WORK ON PROPERTIES LOCATED AT 1220, 1236 AND 1355 BISCAYA DRIVE; PROVIDING FOR APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 5, 2012 the FEMA Region IV Office issued findings of their Community Assistance Visit (CAV) in March of 2012; and

WHEREAS, CAV identified 1220, 1236 and 1355 Biscaya Drive as properties in violation of Section 42-91 of the Town of Surfside Code of Ordinances, and

WHEREAS, due to the FEMA Region IV notification, RCW Interiors, LLC was authorized to proceed with work on 1220, 1236 and 1355 Biscaya Drive; and

WHEREAS, the required remedial work for 1220 and 1236 Biscaya Drive was completed in July, 2013 in the amount of \$10,760.00; and

WHEREAS, the required remedial work for 1355 Biscaya Drive, which is substantially complete, the cost of which is \$19,500.00; and

WHEREAS, due to the FEMA Region IV notification, RCW Interiors, LLC was authorized to proceed with work on 1220, 1236 and 1355 Biscaya Drive in the total amount of \$30,260.00 (See Invoices attached hereto as Composite Exhibit "A").

WHEREAS, this is a direct cost of compliance with the identified CAV items to allow the Town to resubmit an application for inclusion in the National Flood Insurance Program (NFIP); and

WHEREAS, the work completed on said properties is a critical part of the Town becoming eligible to participate in the NFIP to benefit Town residents on flood insurance premiums.

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

Section 1. Recitals. That the above and foregoing recitals are true and correct, and are incorporated herein by reference.

Section 2. Authorization and Approval. The RCW Interiors, LLC. invoices (Attached as Composite Exhibit "A") are hereby approved after-the-fact and the Town Manager is hereby authorized to have made and issued payment on behalf of the Town.

Section 3. Amendment Authorization. The Town Manager is hereby authorized to amend the FY 2012/2013 budget and appropriate \$30,260.00 from the General Fund Reserves to the Building Services Department in the General Fund for purposes set forth herein.

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

PASSED and **ADOPTED** on this ____ day of September 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

COMPOSITE EXHIBIT "A"



AN EYE FOR DETAIL

1478 NE 130 Street
N. Miami, FL 33161

Estimate

Date	Estimate #
3/13/2013	2024

Name / Address
Town of Surfside. 9293 Harding Avenue Surfside, FL 33154

Project
1220/1236 Biscaya Dr

1220 Biscaya Drive Surfside, FL 33154	
Price to provide (2) flood openings approximately 300si for each, location two locations of garage enclosures / One opening in north side in block wall (cut opening and add screen with stucco and paint to match as close as possible) (Add opening in door with approved vent)	1,750.00
1236 Biscaya Drive Surfside, FL 33154	
Price to raise the condensing unit of split system A/C Pour concrete slab 4" thick with stand , relocate unit and relocate electric disconnect	2,150.00

OFFICE COPY

305-891-8000	305-891-8003	lil@rcwinteriors.com
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Total	\$3,900.00
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001-2500-524-3410



AN EYE FOR DETAIL.

RCW Interiors LLC
 1478 NE 130 Street
 N. Miami, FL 33161

Invoice

Date	Invoice #
6/27/2013	1083

Bill To
Town of Surfside. 9293 Harding Avenue Surfside, FL 33154

297a.

P.O. No.	Terms	Project
	Due on receipt	Biscaya Drive

Item	Description	Amount
Carpentry	Town Of Surfside - Biscaya Drive 1220 Biscaya Dr. Carpentry / Supply and install one (1) Flood Vent 14 1/2" x 8 3/4" Stainless	970.00
Carpentry	1236 Biscaya Dr. Carpentry / Supply and install four (4) Flood vents 14 1/2" x 8 3/4" Stainless	2,240.00
HVAC	HVAC / Supply and install new rack for three (3) Condenser units as per flood elevation	3,650.00

OFFICE COPY

		Total	\$6,860.00
Phone #	305-891-8000	E-mail	
Fax #	305-891-8003	andrew@rcwinteriors.com	
		Payments/Credits	\$0.00
		Balance Due	\$6,860.00



AN EYE FOR DETAIL.

RCW Interiors LLC
 1478 NE 130 Street
 N. Miami, FL 33161

Invoice

Date	Invoice #
8/30/2013	1128

Bill To
Town of Surfside. 9293 Harding Avenue Surfside, FL 33154

Terms	Project
Due on receipt	

Service Date	Item	Description	SO Order #	Quantity	Rate	Amount
	06.20.00	1355 Biscaya Drive Surfside, FL 33154 Finish Carpentry / Supply and Install Flood vents as per plans / sheet S-3 stamp 7/25/13			19,500.00	19,500.00

Total			\$19,500.00			
Payments/Credits			\$0.00			
Balance Due			\$19,500.00			