



**Town of Surfside  
Town Commission Meeting  
AGENDA  
March 11, 2014  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> 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. Award for Bay Harbor Island K-8 Center PTA President Julia Magnani – Commissioner Joe Graubart**
- H. Presentation: Brian Flynn from Miami Dade County on Beach Issues and 2015 Beach Nourishment – Michael P. Crotty, Town Manager Page 1**
- I. Presentation to Commissioner Graubart – Mayor Daniel Dietch**
- J. Presentation to Commissioner Kligman – Mayor Daniel Dietch**

**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.**

*\* 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 – February 11, 2014 Regular Town Commission Meeting Page 2 - 14**
- B. Budget to Actual Summary as of December 31, 2013 – Donald Nelson, Finance Director Page 15 - 17**
- \*C. Town Manager’s Report – Michael P. Crotty, Town Manager Page 18 - 38**
- \*D. Town Attorney’s Report – Linda Miller, Town Attorney Page 39 - 43**
- \*E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 44 - 45**
- F. Committee Reports – Michael P. Crotty, Town Manager Page 46 - 65**
  - November 19, 2013 Pension Board Meeting Minutes
  - January 13, 2014 Parks and Recreation Committee Meeting Minutes
  - February 3, 2014 Tourist Board Meeting Minutes
  - February 18, 2014 Charter Review Board Meeting Minutes
- G. Supporting the Expansion of the School Nurse System – Michael P. Crotty, Town Manager Page 66 - 74**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE EXPANSION OF THE SCHOOL NURSE SYSTEM IN THE TOWN OF SURFSIDE; JOINING THE TOWN OF BAY HARBOR ISLANDS, NORTH BAY VILLAGE, BAL HARBOUR VILLAGE AND THE CITY OF MIAMI BEACH IN FUNDING, NOT TO EXCEED \$3667.00 FROM THE FY BUDGET 2014-2015, A NURSE AND MEDICAL ASSISTANTS FOR RUTH K. BROAD K-8 CENTER, NORTH BEACH ELEMENTARY, AND TREASURE ISLAND ELEMENTARY; PROVIDING FOR AN EFFECTIVE DATE.**

- H. Proclamation to Officer Maryhelen McCarthy from Newtown, Connecticut – Mayor Daniel Dietch Page 75**

- I. Approval of Expenditure of Forfeiture Funds to Replace a Research Investigative Tool – David Allen, Chief of Police Page 76 - 102**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$2,901.00 FROM THE FORFEITURE FUND TO REPLACE A RESEARCH INVESTIGATIVE TOOL; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

#### 4. Ordinances

*(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)*

##### A. Second Readings (Ordinances and Public Hearing)

#### 1. Ordinance Amending Chapter 54 Prohibited and Restricted Noises – Commissioner Joe Graubart Page 103 - 112

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTIONS 54-78 “PROHIBITED NOISES”, 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; AND DELETING SECTIONS 54-80 “SAME—WHEN CONSIDERED ENCLOSED”, 54-81 “SAME—DIVISION OF YEAR INTO PERIODS FOR PURPOSE OF CONTROL”, 54-82 “SAME—WHEN PROHIBITED”, AND 54-83 “SAME—PROHIBITED NEAR HOTELS AND APARTMENTS DURING PERIOD NO. 1”, BY REVISING THE HOURS FOR CONTROLLING PROHIBITED AND RESTRICTED NOISES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

#### 2. Planning and Zoning Board Membership – Linda Miller, Town Attorney Page 113 - 123

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY AMENDING SECTIONS 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”, 90-16 “MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION”, 90-17 “POWERS AND DUTIES”, 90-18 “DESIGN REVIEW BOARD”, 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS”, 90-20 “DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY”, 90-23 “CONDITIONAL USES”, AND 90-70 “SIGN PERMITS”, ESTABLISHING THE DESIGN REVIEW BOARD AND

**RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

3. **Electric Vehicle Car Charging Station – Sarah Sinatra, Town Planner Page 124 - 130**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

4. **Amendments to the Chapter 70 Article IV “Resort Tax” Ordinance – Duncan Tavares, TEDACS Director {LINKED TO ITEM 5B} Page 131 - 147**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING SECTIONS 70-109 “IMPOSITION; AMOUNT”, SECTION 70-124 “COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.”, SECTION 70-125 “ORGANIZATION”, SECTION 70-126 “POWER AND DUTIES”, AND CREATING SECTION 70-128 “BUDGET AND EXPENDITURE OF FUNDS” 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.**

*(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)*

**B. First Reading Ordinances**

**5. Resolutions and Proclamations**

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

- A. Harding Avenue Improvement District (BID): Resolution Establishing A Special Assessment District – Duncan Tavares, TEDACS Director Page 148 - 168**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, WITH ATTACHMENT(S), ESTABLISHING A SPECIAL ASSESSMENT DISTRICT AREA TO BE KNOWN AS THE SURFSIDE BUSINESS IMPROVEMENT DISTRICT (“BID”) AND AUTHORIZING THE LEVY AND COLLECTION OF A SPECIAL ASSESSMENT FOR A PERIOD OF FIVE (5) YEARS SUBJECT TO THE APPROVAL OF A MAJORITY OF AFFECTED PROPERTY OWNERS; PROVIDING FOR THE NATURE AND ESTIMATE OF BENEFITS TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURES, PAYMENTS, AND STATUTORY LIENS; PROVIDING FOR PUBLICATION OF LEGAL NOTICE, AUTHORIZING AND DIRECTING THE TOWN MANAGER, TOWN CLERK, AND ALL OTHER NECESSARY TOWN OF SURFSIDE STAFF, AFTER CONSULTATION WITH THE TOWN ATTORNEY, TO UNDERTAKE ALL NECESSARY ACTIONS AND PROCEDURES TO ACCOMPLISH THE PURPOSE SET FORTH IN THIS RESOLUTION IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.**

- B. Amendment to the Chapter 70 Article IV “Resort Tax” – Duncan Tavares, TEDACS Director {LINKED TO ITEM 4A4} Page 169 - 193**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE RESORT TAX BOARD CONFLICT OF INTEREST AND ETHICS POLICY AND OPERATING PROCEDURES; PROVIDING FOR POLICIES, PRINCIPLES, STANDARDS OF CONDUCT, AND OPERATING PROCEDURES; PROVIDING FOR AUTHORIZATION; AND 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. Final Report of the Charter Review Board – Linda Miller, Town Attorney [TIME CERTAIN 7:45PM] Page 194 - 213**
- B. Infrastructure Rehabilitation Project – Close Out Update – Michael P. Crotty, Town Manager Page 214 - 238**
- C. Status Report on Code Compliance Fines – Joe Damian, Code Compliance Director Page 239 - 251**
- D. Report on Canal/Dock/Point Lake Issue – Michael P. Crotty, Town Manager Page 252 - 263**
- E. Town Manager’s Evaluation – Mayor Daniel Dietch Page 264**
- F. Stop Sign and Crosswalks Plan along Collins and Harding Avenue (Verbal) – David Allen, Chief of Police**
- G. Smoking Ban for “Municipal Use” Property – Commissioner Joe Graubart Page 265 - 267**
- H. Bus Service Update – Michael P. Crotty, Town Manager Page 268**
- I. Miami Dade County League of Cities Director Designation (Verbal)– Mayor Daniel Dietch**
- J. Sight Line Triangle Compliance – Mayor Daniel Dietch Page 269**
- K. Residential Solid Waste Set Out Compliance – Mayor Daniel Dietch Page 270 - 274**

**10. Adjournment**

Respectfully submitted,



Michael P. Crotty  
Town Manager

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THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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](http://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.