



**Town of Surfside
Town Commission Meeting
AGENDA**

SUPPLEMENT No. 1

November 10, 2015

7 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154**

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** 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.*

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 (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 that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

A. Minutes – Sandra Novoa, MMC, Town Clerk

October 13, 2015 Regular Commission Meeting

B. Budget to Actual Summary as of August 30, 2015 – Guillermo Olmedillo, Town Manager

***C. Town Manager’s Report – Guillermo Olmedillo, Town Manager**

- **See Click Fix**
- **Ten Year Water Supply Plan**
- **Development Applications**
- **Alley Way Improvement Project**
- **Code Compliance**
- **Hawthorne Tot Lot – Playground Equipment**
- **New Programs**
- **Police Department Re-Accreditation**
- **LEO Foundation Awards**
- **Police Department Events**
- **Information Technology & TV Broadcast**
- **Town-Owned Seawall Repair**
- **Traffic Circle**

***D. Town Attorney’s Report – Linda Miller, Town Attorney**

E. Committee Reports – Guillermo Olmedillo, Town Manager

- **September 16, 2015 Coastal Issues Committee Meeting Minutes**
- **September 21, 2015 Parks and Recreation Committee Minutes**
- **September 24, 2015 Planning and Zoning Board Meeting Minutes**
- **October 5, 2015 Tourist Board Meeting Minutes**

F. Calling the March 15, 2016 Election Resolution – Sandra Novoa, Town Clerk

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR HOLDING A GENERAL MUNICIPAL ELECTION UNDER THE DATE OF MARCH 15, 2016 FOR THE ELECTION OF MAYOR AND ALL FOUR COMMISSIONERS OF THE TOWN OF SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

G. Pay by Phone Parking Payment Option– Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PAYBYPHONE TECHNOLOGIES, INC. AND THE TOWN OF SURFSIDE; PIGGYBACKING OFF THE COMPETITELY BID CONTRACT AWARDED BY THE CITY OF MIAMI DEPARTMENT OF OFF-STREET PARKING A/K/A/ MIAMI PARKING AUTHORITY; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

H. Resolution Supporting the Proposed Legislation Entitled Misuse of Public Office Act – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE CURRENT VERSION OF THE DRAFT BILL ENTITLED MISUSE OF PUBLIC OFFICE ACT; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICE OF SENATOR GAETZ AND THE OFFICE OF GOVERNOR RICK SCOTT; THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. **Expanded Polystyrene Ordinance Phase 2** – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE I OF CHAPTER 34 “ENVIRONMENT” AND SPECIFICALLY CREATING SECTION 34-10 “PROHIBITIONS REGARDING THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY FOOD SERVICE PROVIDERS AND STORES; EXEMPTIONS”; 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 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. **Temporary Signs** – Sarah Sinatra, Town Planner - **REVISED**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-69 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-74 “TEMPORARY SIGNS”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**2. 150 Feet of Frontage in H120 – Commissioner Michael Karukin
[Linked to Item 9C]**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS AND SPECIFICALLY AMENDING SECTION 90-51.1 CONTINUOUS WALL FRONTAGE OF 150 FEET IN THE H120 DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately N/A p.m.) (Note: Depends upon length of Good and Welfare)

A. Recycling Agreement – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A SOLE SOURCE AGREEMENT WITH SUN RECYCLING AND THE TOWN FOR SOLID WASTE DISPOSAL AND RECYCLABLES PROCESSING SERVICES, VEGETATION DISPOSAL, CONSTRUCTION DEBRIS DISPOSAL, AND FOR THE TOWN TO RECEIVE A FRANCHISE FEE FROM THE COMMERCIAL ROLL-OFF CONTAINER SERVICE; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SUN RECYCLING; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.

B. FY 2014/2015 Proposed Budget Amendment Resolution– Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2014 TO SEPTEMBER 30, 2015; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE POLICE FORFEITURE FUND BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015; 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 that an item be removed from the consent agenda and discussed separately.

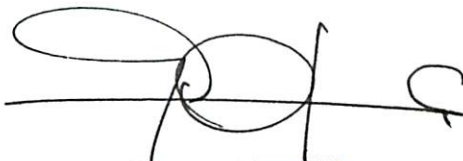
8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. **2016 Meeting Calendar** – Sandra Novoa, Town Clerk
- B. **Gating the Community** – Guillermo Olmedillo, Town Manager
[Linked to Items 9D and 9F]
- C. **Zoning in Progress – Section 90-51 Maximum Frontage of Buildings and Specifically Amending Section 90-51.1 Continuous Wall Frontage of 150 feet in the H120 District** – Commissioner Michael Karukin *[Linked to Item 4B2]*
- D. **Planning and Zoning Board Request for a Ballot Question on One Way Streets** – Guillermo Olmedillo, Town Manager *[Linked to Items 9B and 9F]*
- E. **Residency Requirements of Resort Tax Board Membership** – Commissioner Michael Karukin
- F. **Proposed Miami-Dade Charter Amendment on Special Taxing Districts** – Guillermo Olmedillo, Town Manager *[Linked to Items 9B and 9D]*
- G. **RFEI Workshop Direction**– Guillermo Olmedillo, Town Manager
(Verbal)
- H. **Ballot Question Amending Charter Sec. 4 For Scheduling of Ballot Question** – Linda Miller, Town Attorney

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo

Town Manager

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.

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 **Revised** Commission Communication

Agenda #: 4B1
Agenda Date: November 10, 2015
Subject: Temporary Signs
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 166.0425, *Florida Statutes* provides that municipal sign ordinances shall not conflict with any applicable state or federal laws. The recently issued opinion of Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218 (2015) by the United States Supreme Court struck down an ordinance in the Town of Gilbert, Arizona as unconstitutional based on distinctions it made between temporary signs. Surfside Town Administration has determined that revisions to the Surfside sign code are advisable to update the code to be in compliance with Reed vs. Town of Gilbert. Town Administration plans to update the sign code in a phased approach, and the first phase will update "Temporary Signs" under Sec. 90-74.

Analysis: Currently, the code divides temporary signs into different categories based on content (ex. real estate signs, political signs and construction signs). Due to the recent U.S. Supreme Court ruling on temporary signs, the Town must modify the code to treat the content all of these signs the same.

Under today's code, one property could have a political sign, real estate sign and construction sign. The proposed requirements will allow five temporary signs without dictating content. The proposed size for temporary signs is three square feet, which is consistent with the existing size of both real estate and political signs.

Budget Impact: None
Growth Impact: None
Staff Impact: None

Staff Recommendation: Staff recommends Town Commission approve the ordinance on first reading. See "Attachment A" for a clean version of the updated sign code text.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

Sec. 90-69. - Definitions.

Temporary sign: A sign which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently.

Sec. 90-74. - Temporary signs.

- (a) *SD-B40 district.* Five temporary signs, excluding banners, shall be permitted per building frontage. The maximum sign area shall be three square feet per sign. The sign shall be mounted flat against the building wall or a minimum of 12 inches from a window, and shall not project above the eave line of the building.
- (b) *All other zoning districts.* Five temporary signs shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign area shall be three square feet per sign. Sign face shall be constructed of metal, plastic, wood, pressed wood or cardboard. The maximum sign height for in-ground signs including support frame shall not exceed 42 inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.
- (c) Signs shall not be erected more than 90 days prior to the event or occurrence and shall be removed no later than seven days after the event or occurrence
- (d) Signs shall not be lighted or illuminated in any manner.
- (e) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any property of any governmental body or public utility, any temporary sign
- (f) *Temporary window sign.*
 - (1) Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.
 - (2) One temporary sign shall be permitted per window.
 - (3) Sign may not be displayed more than 60 calendar days.
 - (4) The total area for temporary signs shall not exceed 20 percent of the glass window they are facing unless otherwise provided in this subsection.
 - (5) Signs not in excess of six square inches, may be attached to items displayed in display windows.
 - (6) Temporary signs which are removed and redisplayed within 30 calendar days of removal shall be deemed in violation of this subsection. Signs under Section 90-74(f)(5) not exceeding six square inches shall be exempt from this requirement.
- (g) *Temporary Banner sign.*
 - (1) One temporary banner per building frontage or window in SD-B40 is permitted.
 - (2) No banner shall exceed 32 square feet or five percent of the building façade that faces a public street, whichever is less.
 - (3) Banners may only be displayed within 60 calendar days from the date an occupational license is issued.
 - (4) No banner shall be displayed for more than 30 consecutive calendar days.
 - (5) Banner shall not include changeable copy.
 - (6) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such as butcher-type paper is not permitted.
 - (7) Banner shall be securely attached to a supporting structure such as a street frontage wall and capable of withstanding continuous wind without deflections or rotations that would cause deformation or damage.
 - (8) No banner shall be attached to a roof structure or above the eave line of the building.

ORDINANCE NO. 15 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-69 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-74 “TEMPORARY SIGNS”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) revised and replaced its sign code in its entirety by Ordinance No. 14-1624; and

WHEREAS, Section 166.0425, *Florida Statutes* provides that municipal sign ordinances shall not conflict with any applicable state or federal laws; and

WHEREAS, the recently issued opinion of Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218 (2015) by the United States Supreme Court struck down an ordinance in the Town of Gilbert, Arizona as unconstitutional based on distinctions it made between temporary signs; and

WHEREAS, the Town has determined that revisions to the Town sign code are advisable to update the code to be in compliance with the recent United States Supreme Court decision of Reed vs. Town of Gilbert; and

WHEREAS, the Town is in the process of updating the sign code in a phased approach, and the first phase updates “Temporary Signs” under Sec. 90-74; and

WHEREAS, the Town Commission held its first public hearing on these regulations on November 10, 2015; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the code for consistency with the Town’s Comprehensive Plan at a duly noticed hearing on December 17, 2015 and recommended approval; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on January 12, 2016; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

Section 1. Recitals. Each of the above stated recitals is true and correct and the recitals are incorporated herein by this reference.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Section Sec. 90-69 is hereby amended as follows:

Sec. 90-69. - Definitions.

~~*Construction sign:* A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.~~

~~*Political sign:* Any sign which indicates the name, cause or affiliation of anyone seeking public office or which references a ballot issue~~

~~*Real estate sign:* A temporary sign erected by the owner or agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."~~

~~*Temporary sign:* A sign which is allowed for a limited amount of time such as a special event banner sign, construction sign, political sign or real estate sign or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently.~~

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Section Sec. 90-74 is hereby amended as follows:

Sec. 90-74. - Temporary signs.

~~(a) *Real estate sign.*~~

~~(1) *SD-B40 district.* One professionally lettered real estate sign shall be permitted per building frontage. The maximum sign area shall be three square feet. The sign shall be mounted flat against the building wall or a minimum of 12 inches from a window, and shall not project above the eave line of the building.~~

~~(2) *All other zoning districts.* One professionally lettered real estate sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign panel area shall be 18 inches by 24 inches. A maximum of two riders shall be permitted to attach above or below the main sign panel not to exceed six inches by 24 inches per rider for in-ground signs. The maximum sign height for in-ground signs including support frame shall not exceed 42 inches from the ground to the~~

~~top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.~~

~~(3) All real estate signs shall be black and white and may include a trademarked logo or symbol.~~

~~(4) Sign shall be constructed of rigid, weather proof materials.~~

~~(5) Sign shall not be lighted or illuminated in any manner.~~

~~(6) Sign shall be removed within seven days of a lot, building, residence or tenant space being leased, rented or sold.~~

~~(b) Political sign.~~

~~(1a) SD-B40 district. Five ~~One~~ professionally lettered political temporary signs, excluding banners, shall be permitted per building frontage. The maximum sign area shall be three square feet per sign. The sign shall be mounted flat against the building wall or a minimum of 12 inches from a window, and shall not project above the eave line of the building.~~

~~(2b) All other zoning districts. Five ~~One~~ professionally lettered temporary political signs shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign area shall be three square feet per sign. Sign face shall be constructed of metal, plastic, wood, pressed wood or cardboard. The maximum sign height for in-ground signs including support frame shall not exceed 42 inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.~~

~~(3c) Signs shall be not be erected more than 90 days prior to the subject election date or ballot vote event or occurrence and shall be removed no later than seven days after the event or occurrence ~~subject election date or ballot vote~~.~~

~~(4d) Signs shall not be lighted or illuminated in any manner.~~

~~(5e) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any property of any governmental body or public utility, any political temporary sign, poster, placard, or sticker designed or intended to advocate or oppose any ballot issue or the nomination or election of any candidate.~~

~~(c) Construction sign.~~

~~(1) One professionally lettered construction sign shall be permitted per site or development subject to the issuance of a building permit for the project. Such sign shall be removed immediately if the building permit for the project expires and construction has not commenced, and/or the permit is not renewed.~~

~~(2) Sign content is limited to the following:~~

~~a. Project name.~~

~~b. Parties involved in construction and financing.~~

~~c. Contact information such as phone number, email address or website.~~

~~d. Unit prices not to exceed ten percent of the total sign area. Numbers shall not exceed six inches in height.~~

~~(3) Maximum sign area is 16 square feet.~~

~~(4) Sign may be freestanding affixed to posts, a flat wall sign, or mounted to a construction fence. Freestanding signs shall be a minimum of ten feet from the property line and shall be a maximum of five feet in height from the ground to the top of the sign. Wall signs shall not extend above the floor of the second story, parapet wall, or eave line of the building.~~

~~(5) Rigid weatherproof board is required.~~

~~(6) Such sign must be removed within 72 hours of the issuance of a certificate of occupancy.~~

(d-f) Temporary window sign.

(1) Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.

(2) One temporary sign shall be permitted per window.

(3) Sign may not be displayed more than 60 calendar days.

(4) The total area for temporary signs shall not exceed 20 percent of the glass window they are facing unless otherwise provided in this subsection.

~~(5) Temporary signs pertaining to a going out of business sale or everything must go clearance event shall be permitted to be displayed within a window for a period not to exceed 90 calendar days.~~

~~(6) A temporary sign not exceeding one square foot may be affixed to any window or glass door stating special hours or closing days due to holidays, or bona fide business or personal emergencies. There shall not be more than one such sign per window or door. Sign shall not be maintained for more than 14 calendar days.~~

~~(75) Signs not in excess of six square inches, listing merchandise price, may be attached to items displayed in display windows.~~

~~(86) Temporary signs which are removed and redisplayed within 30 calendar days of removal shall be deemed in violation of this subsection. Signs under Section 90-74(f)(5) listing price not exceeding six square inches shall be exempt from this requirement.~~

(e g) Special event Temporary Banner sign.

~~(1) One professionally lettered temporary banner per building frontage or window in SD-B40 advertising a grand opening associated with a commercial building or business enterprise is permitted.~~

~~(2) Permitted content shall be limited to "Grand Opening," "Coming Soon," "Now Open" or "Under New Management" and the date and time of the event where applicable.~~

~~(32) No banner shall exceed 32 square feet or five percent of the building façade that faces a public street, whichever is less.~~

~~(43) Banners may only be displayed within 60 calendar days from the date an occupational license is issued.~~

~~(54) No banner shall be displayed for more than 30 consecutive calendar days.~~

~~(65) Banner shall not include changeable copy.~~

~~(76) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such as butcher-type paper is not permitted.~~

(87) Banner shall be securely attached to a supporting structure such as a street frontage wall and capable of withstanding continuous wind without deflections or rotations that would cause deformation or damage.

(98) No banner shall be attached to a roof structure or above the eave line of the building.

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. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and **ADOPTED** on First Reading the _____ day of _____, 2015.

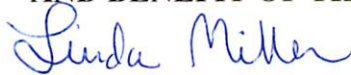
PASSED and **ADOPTED** on Second Reading this _____ day of _____, 2015.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes _____	no _____
Commissioner Michael Karukin	yes _____	no _____
Commissioner Marta Olchyk	yes _____	no _____
Vice Mayor Eli Tourgeman	yes _____	no _____
Mayor Daniel Dietch	yes _____	no _____



TOWN OF SURFSIDE
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

DISCUSSION ITEM MEMORANDUM

Agenda Item: # 9H

Date: November 10, 2015

From: Linda Miller, Town Attorney 

Subject: Ballot Question Amending Charter Sec. 4 For Scheduling of Ballot Questions

Background: On November 5, 2015, the Town Commission held a Workshop to discuss the responses received to the Request for Expressions of Interest (RFEI) issued by the Town for the development of one or more public parking structures. The discussion included whether any of the conceptual parking structure proposals would require land use changes, zoning changes and/or a referendum. A referendum must be consistent with Section 4 of the Town Charter, which reads as follows:

“The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable units per acre, floor area ratios or the maximum allowable building heights in stories and feet that are set out in the Town of Surfside Comprehensive Plan or the Code of the Town of Surfside, whichever provisions are most restrictive, which were in effect in 2004. This amendment to the Town of Surfside Charter shall not be repealed, revised, amended, or superseded unless repeal, revision, amendment, or superseding provisions are placed on the ballot at a regularly scheduled election of the Town of Surfside and approved by a vote of the electors of the Town of Surfside.”

Section 4 of the Town Charter requires such a referendum to be placed on the ballot at a *regularly scheduled election* of the Town of Surfside. The term *regularly scheduled election* is distinct from *special election* as provided in Section 97 and Section 105 of the Town of Surfside Charter:

"Section 97. - Time of holding elections.

The *regular election* for the choice of members of the commission shall be held on the *third Tuesday in March of each even numbered calendar year*. The commission shall order *special elections* on other dates to fill vacancies...when such elections are mandatory..."

"Section 105. - General and special elections of commission members.

(4) All *elections held on the third Tuesday of March in even numbered calendar years*, or any postponements thereof, for the election of commissioners shall be known as *general municipal elections*. All other elections shall be known as *special municipal elections*."

Consideration: As part of the Town Commission's discussion at the Workshop, consideration was given to different scenarios under which a referendum may be required or desired. Based upon an expert opinion rendered by the Town's special Charter counsel about the timing for a referendum, it would only be allowed as prescribed under Section 97. - Time of holding elections. Accordingly, this interpretation limits the Town Commission's ability to place items before the electorate except during a *regular election*. Therefore, to provide the Town Commission with maximum flexibility for any referendum, the following recommendation presents the process by which this limitation could be addressed and placed before the electorate for a vote.

Recommendation: If the Town Commission seeks to increase its flexibility to initiate a referendum, the following process is available:

- (1) Direct the Town Clerk to request authorization from the Miami-Dade County Supervisor of Elections to add a ballot question(s) to the regularly scheduled election of the Town. The Elections Department's deadline is no later than Tuesday, December 22, 2015 for the March 15, 2016 election. F.S. 101.161(1) states, "The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure... The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of."
- (2) Direct the Town Attorney to prepare ballot language amending Section 4 of the Charter whereby future amendments to Charter Section 4 are not limited to placement on a Town ballot during the Surfside General Election on the *third Tuesday of March in even numbered calendar years*.
- (3) Direct the Town Attorney to prepare a Resolution authorizing the expenditure for a Voter's Guide, public notices and holding public hearings.