



**Town of Surfside
Town Commission Meeting
SUPPLEMENT No. 1
AGENDA**

December 13, 2016

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**
- G. Presentation of Certificate of Achievement for Excellence in Financial Reporting – Guillermo Olmedillo, Town Manager**

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

B. Budget to Actual Summary as of September 30, 2016 – Guillermo Olmedillo, Town Manager

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

- 1. See Click Fix
- 2. Development Applications
- 3. Code Compliance Cases
- 4. Hawthorne Tot Lot Renovation and Fence Replacement
- 5. Bully Prevention Month
- 6. November 2016 Significant Incidents/Arrests
- 7. New Police Officer Position
- 8. Community Service Aide Position
- 9. Chanukah Event at The Shul
- 10. Town of Surfside/Grand Beach New Year's Eve Event
- 11. Police Events
- 12. Information Technology and TV Broadcasts

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- September 12, 2016 Tourist Board Meeting Minutes
- September 28, 2016 Parks and Recreation Committee Meeting Minutes
- October 10, 2016 Tourist Board Meeting Minutes
- October 27, 2016 Sustainability Subcommittee Meeting Minutes
- November 14, 2016 Tourist Board Meeting Minutes

F. Proposed Agreement with the Miami-Dade State Attorney’s Office to Prosecute Criminal Municipal Ordinances – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE SURFSIDE CODE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Town Holidays and Employee Personal Days Off - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REAPPROVING HOLIDAYS AND ONE PERSONAL DAY FOR ALL EMPLOYEES; APPROVING TWO ADDITIONAL PERSONAL DAYS FOR FULL TIME EMPLOYEES WITH THE EXCEPTION OF EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

H. Approval to Accept the Florida Department of Transportation (FDOT) High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2016-2017 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) GRANT FOR HIGH VISIBILITY ENFORCEMENT FOR PEDESTRIAN AND BICYCLE SAFETY IN THE AMOUNT OF \$5,000 FOR FISCAL YEAR 2016-2017 BEGINNING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

I. Bal Harbour Shops Expansion Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING BAL HARBOUR VILLAGE TO WORK COOPERATIVELY TO ADDRESS IMPACTS IDENTIFIED BY THE TOWN OF SURFSIDE IN DEVELOPMENT RELATED TO BAL HARBOUR SHOPS EXPANSION; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE AND THE BAL HARBOUR VILLAGE MANAGER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Resolution to Adopt the Town of Surfside Title VI Program Plan – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING TITLE VI PROGRAM PLAN, IN ACCORDANCE WITH TITLE VI, 42 U.S.C. §2000D, CIVIL RIGHTS ACT OF 1964, AS REQUIRED FOR THE TOWN OF SURFSIDE TO RECEIVE FEDERAL PASS-THROUGH FUNDING FROM MIAMI-DADE TRANSIT AGENCY; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND 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 Reading Ordinances

1. Architectural Significance – Commissioner Daniel Gielchinsky

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Amendment to Chapter 54, Division 2 “Noise” – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “OFFENSES AND MISCELLANEOUS PROVISIONS” DIVISION 2 “NOISE”; SPECIFICALLY AMENDING SECTION 54-78 “PROHIBITED NOISES”, SPECIFICALLY AMENDING SECTION 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; CREATING SECTION 54-80 “ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS”; CREATING SECTION 54-81 “RESPONSIBILITY FOR COMPLIANCE”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**4. Amending Article VI. – “Rules of Procedure For Town Meetings”
Specifically Amending Sections 2-201, 2-202, 2-203,2-204, 2-205, 2-206, 2-207, 2-208 and 2-209 – Guillermo Olmedillo, Town Manager *[Linked to Item 5C]***

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURSIDE, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES AS FURTHER DEFINED HEREIN; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

- 1. Temporary Moratorium on Cannabis Dispensing Businesses – Guillermo Olmedillo, Town Manager

B. First Reading Ordinances

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

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURSIDE, FLORIDA AMENDING ARTICLE II "LOCAL BUSINESS TAX RECEIPT" OF CHAPTER 70 "TAXATION" AND SPECIFICALLY AMENDING "SECTION 70-41 "LOCAL BUSINESS TAX SCHEDULE" TO INCLUDE BEACH FURNITURE OPERATION; AMENDING CHAPTER 86 "WATERWAYS"; ARTICLE II, "PUBLIC BEACHES", SPECIFICALLY AMENDING SECTION 86-26 "DEFINITIONS"; CREATING SECTION 86-30 "BEACH FURNITURE"; CREATING SECTION 86-31 "BEACH FURNITURE PERMIT"; CREATING SECTION 86-32 "INDEMNIFICATION AND INSURANCE"; CREATING SECTION 86-33 "VIOLATIONS, CIVIL FINES AND PENALTIES"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- 5. Beach Furniture Ordinance – Guillermo Olmedillo, Town Manager *[linked to Item 9C]*

5. Resolutions and Proclamations

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

A. EAR Based Amendments – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN, GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 99 (TOWN OF SURFSIDE EVALUATION AND APPRAISAL AMENDMENTS, CGA PROPOSAL NO. 16-9054) IN A TOTAL AMOUNT NOT TO EXCEED \$57,565 FROM THE GENERAL FUND, PROFESSIONAL SERVICES ACCOUNT NO. 001-2000-524-3110; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

B. 94th Street Promenade – Selection of Sculpture - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE SCULPTURE BY PABLO ATCHUGARRY PRESENTED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94TH STREET END PROJECT; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

C. Repeal Resolution 2007-1792 – Rules and Procedures for Committees Created by the Town Commission – Linda Miller, Town Attorney [*Linked to Item 4A4*]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REPEALING RESOLUTION NO. 2007-1792 “APPROVING AND ADOPTING RULES AND PROCEDURES FOR COMMITTEES CREATED BY THE TOWN COMMISSION”; PROVIDING THAT COMMITTEES SHALL BE GOVERNED BY TOWN CODE ARTICLE VI. “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

D. Condominium Termination Law Urging Resolution – Commissioner Tina Paul

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO INCREASE PROTECTIONS FOR RESIDENTS OF CONDOMINIUMS DURING THE CONDOMINIUM TERMINATION PROCESS; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE FLORIDA SENATE, THE GOVERNOR OF THE STATE OF FLORIDA AND THE FLORIDA LEAGUE OF CITIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; 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 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. Future Land Use Element of Comp Plan – Commissioner Michael Karukin

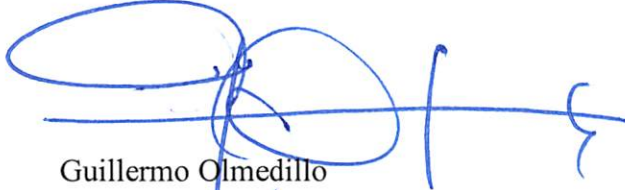
B. Town of Surfside Commission Approval of Traffic Mitigation Plans – Guillermo Olmedillo, Town Manager

C. Funding the Beach Furniture Part-Time Code Compliance Officer – Guillermo Olmedillo, Town Manager

D. Beach Renourishment Planning – Mayor Daniel Dietch

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.