



**Town of Surfside  
Regular Town Commission Meeting  
9293 Harding Avenue  
Surfside, FL 33154  
AGENDA  
May 11, 2021  
7 p.m.**

- 1. Opening**
  - A. Call to Order**
  - B. Roll Call of Members**
  - C. Mayor and Commission Remarks – Mayor Charles W. Burkett**
  - D. Agenda and Order of Business** Additions, deletions and linkages
  - E. Community Notes – Mayor Charles W. Burkett**
- 2. Quasi-Judicial Hearings – N/A**
- 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. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*
  - A. Minutes – Sandra N. McCreedy, MMC, Town Clerk (Pages 1-63)**
    - February 4, 2021 Zoning Code Workshop Meeting Minutes
    - March 9, 2021 Regular Town Commission Meeting Minutes
    - April 13, 2021 Special Town Commission Meeting – Quasi-Judicial Minutes
    - April 13, 2021 Regular Town Commission Meeting Minutes
  - \*B. Town Manager’s Report – Andrew Hyatt, Town Manager (Pages 64-76)**
  - \*C. Town Attorney’s Report – Weiss Serota, Town Attorney (Pages 77-85)**

- D. Committee Reports - Andrew Hyatt, Town Manager (Pages 86-105)**  
- February 22, 2021 Parks and Recreation Committee Meeting Minutes  
- March 1, 2021 Tourist Board Meeting Minutes  
- March 17, 2021 Budget Advisory Committee Meeting Minutes

- E. Resolution Authorizing Law Enforcement Mutual Aid Agreement Between the Town of Surfside and North Miami Beach - Andrew Hyatt, Town Manager (Pages 106-117)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- F. Nurse Enhancement Initiative for School Year 2021/2022 – Andrew Hyatt, Town Manager (Pages 118-135)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AMENDMENT NO. 4 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE, THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, TOWN OF BAY HARBOR ISLANDS, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2021/2022 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE.**

- G. “No Place for Hate Day” Proclamation Request – Vice Mayor Tina Paul (Pages 136-137)**

**4. Ordinances**

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

**A. Second Reading Ordinances**

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

**B. First Reading Ordinances**

**5. Resolutions and Proclamations**

*(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)*

- A. Parks Donation Agreement – Gerald B. Cramer Family Foundation Inc.**  
– Andrew Hyatt, Town Manager (Pages 138-145)

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A DONATION AGREEMENT WITH THE GERALD B CRAMER FAMILY FOUNDATION INC. PROVIDING FOR A \$100,00 DONATION FOR TOWN TENNIS CENTER UPGRADES AND ADDITIONAL TENNIS CLASS EXPENDITURES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B. Resolution Condemning Hate and Extremism – Vice Mayor Tina Paul**  
(Pages 146-150)

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING THE TOWN'S COMMITMENT TO CULTIVATING AN INCLUSIVE COMMUNITY TO ENSURE THE RIGHTS OF ALL CITIZENS WILL BE PROTECTED AND RESPECTED BY CONDEMNING HATE AND EXTREMISM; PROVIDING FOR DECLARATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**6. Good and Welfare/ Public Comments from Residents**

*(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.

**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

- A. Amending Town Code Section 2-205 Conduct of Meetings; Agenda –**  
Mayor Charles W. Burkett (Pages 151-167)

- B. Parking and Other Traffic Solutions in the Business District to Support**  
**Local Businesses** – Commissioner Charles Kesl (Pages 168-170)

- C. Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans – Commissioner Charles Kesl (Pages 171-172)**
- D. Demolition by Neglect - Mayor Charles W. Burkett (Pages 173-175)**
- E. Excessive Homeless Contribution made by the Former Commission - Mayor Charles W. Burkett (Page 176)**
- F. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt, Town Manager (Page 177)**
- G. Climate Environmental Collective Revised - Vice Mayor Tina Paul (Pages 178-180)**
- H. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission – Mayor Charles W. Burkett (Page 181)**
- I. Amending Town Code Section 2-237 Business Relationships – Commissioner Eliana Salzhauer (Pages 182-187)**
- J. Community Center Pool Deck Lighting - Staff Report – Andrew Hyatt, Town Manager (Pages 188-189)**
- K. Community Center Second Floor – Staff Report - Andrew Hyatt, Town Manager (Page 190)**
- L. Designated (Painted) Walking Areas in the Residential District- Staff Report – Andrew Hyatt, Town Manager (Pages 191-193)**
- M. Stormwater Masterplan - Staff Report – Andrew Hyatt, Town Manager (Pages 194-195)**
- N. Amend Tourist Board Ordinance – Commissioner Nelly Velasquez (Page 196)**
- O. Legally Defective Charter Amendment Vote in 2012 – Mayor Charles W. Burkett (Page 197)**
- P. Traffic Control Devices on 88<sup>th</sup> & Hawthorne Avenue – Commissioner Eliana Salzhauer (Page 198)**
- Q. Cone of Silence/Secrecy – Mayor Charles Burkett (Page 199)**
- R. License Plate Readers – Mayor Charles W. Burkett (Page 200)**
- S. Cancel Culture in Surfside - Mayor Charles W. Burkett (Pages 201-207)**
- T. Permit Process - Mayor Charles W. Burkett (Pages 208-219)**
- U. High Water Bill – Mayor Charles Burkett (Pages 220-221)**
- V. Zoning Code Timetable - Mayor Charles Burkett (Page 222)**
- W. Kayak Survey Results – Andrew Hyatt, Town Manager (Pages 223-224)**
- X. Zoning in Progress – Mayor Charles Burkett (Page 225)**
- Y. Motorized Bikes on the Hardpack - Mayor Charles Burkett (Page 226)**
- Z. Increased Commercial Airliner Flights over Surfside - Mayor Charles Burkett (Page 227)**
- AA. Install a lighted, pedestrian controlled, high visibility crosswalk at 90<sup>th</sup> Street and Harding Avenue - Mayor Charles Burkett (Page 228)**
- BB. Purchase of Electric Vehicles - Mayor Charles Burkett (Page 229)**
- CC. One-way automatic gate at 96<sup>th</sup> Street and Bay Drive - Mayor Charles Burkett (Page 230)**

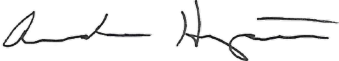


- DD. Harding Avenue Parking** - Mayor Charles Burkett (Page 231)
- EE. Pickup and drop off zones for each block at its center, on both sides, on Harding Avenue** - Mayor Charles Burkett (Page 232)
- FF. Draconian Fines for Residents** - Mayor Charles Burkett (Pages 233-239)
- GG. Surfside's Brand Name, Miami's Uptown Beach Town** – Mayor Charles Burkett (Page 240)
- HH. Daylight Plane Requirement for New Construction** – Commissioner Charles Kesl (Pages 241-243)
- II. Crosswalk on 90<sup>th</sup> Street at Collins and Harding** – Mayor Charles Burkett (Pages 244-245)
- JJ. Walking / Bike Path Residential Area** – Mayor Charles Burkett (Page 246)

## Staff Reports

### 10. Adjournment

Respectfully submitted,



Andrew Hyatt  
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.



**Town of Surfside  
Zoning Code Workshop – Single Family Area  
MINUTES  
February 4, 2021  
6 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 6:00 p.m.

**B. Roll Call of Members**

Town Clerk McCreedy called the roll with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Charles Kesl (arrived at 6:06 pm), Commissioner Eliana Salzhauer (arrived at 6:03 pm), and Commissioner Nelly Velasquez (arrived at 6:24 pm).

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango and Town Attorney Tony Recio.

**2. Introductory Statement and Background**

Mayor Burkett gave an introductory statement and provided a background of the zoning code workshop.

Commissioner Salzhauer stated that she shares the vision of protecting Surfside from over development and disagrees that this was a unanimous vote on spending over \$100,000 on a new zoning code.

Mayor Burkett addressed the comments made by Commissioner Salzhauer and he said that he would go back to the votes on that subject and they are there to improve the code.

Commissioner Kesl stated that he would like to keep this simple and he would like to see what the issues are.

Vice Mayor Paul commented on the vote and the changes being unclear and spoke regarding the 2006 code and is not sure if she could support this.

### **3. Proposed Process**

### **4. Overview of Code Layout**

### **5. Presentation of Draft Code's Regulations Affecting Single Family**

#### **A. Lot Coverage**

Town Attorney Recio gave a presentation on the proposed zoning code and its changes for the residential portion for lot coverage. He spoke regarding the practical difficulty variance and its limitations for existing homes. He discussed the H30B district as it pertains to lot coverage.

#### **B. Height**

Town Attorney Recio gave a presentation on the proposed zoning code and its changes for the residential portion for height. He stated that the height is measured from the crown of the road abutting the property to the roof. He spoke regarding the difference in measuring height as it pertains to a flat roof and a pitched roof. He stated not to discourage pitched roof. He stated the height limit being 30 feet and some pressures that might be considered. He discussed certain elevations in measuring crown of road.

Town Attorney Recio spoke regarding H30A, H30B and H30C height modifications and gave examples of cupolas, chimneys, flagpoles and similar architectural features.

#### **C. Setbacks**

Town Attorney Recio explained the setbacks and the amount of setback for the structures for the front and the rear. He discussed how it currently is written in the current code and this rewrite of the code has been made to simplify it.

##### **i. Average Setbacks**

Town Attorney Recio explained the average setbacks and lot coverage examples and this is discouraged in this code for typical interior lots.

## **ii. Encroachments**

Town Attorney Recio discussed the setback encroachments in connection with single family and duplexes. He discussed that the Planning and Zoning Board has considered potential 24" encroachment be allowed for eaves of flat roofs provided they are no more than 6" vertical thickness, to maintain appropriate scale. He stated that George Kousoulas suggested side steps be allowed to project no more than 3 feet into a setback and no more than 18" above grade. He discussed the projections and encroachments on setback areas. He spoke regarding side yard steps and what the code currently allows.

## **D. Special Situations**

Town Attorney Recio spoke regarding the special situations of the front of the lots and its impact on what your setbacks would be.

### **i. Corner Lots**

Town Attorney Recio spoke regarding the special situations involving corner lots and their setbacks.

### **ii. Waterfront**

Town Attorney Recio spoke regarding special situations on the waterfront lots and what Section 90-179(c) in the H30A district.

## **E. Accessory Structures**

Town Attorney Recio spoke regarding the accessory structures and the key for this is the percentage of 20% in H30B of the area and goes up to 30% in H30A. He spoke regarding pools and sheds. He stated that this does not exempt the structure from other requirements.

## **F. Accessory Uses**

Town Attorney Recio spoke regarding the accessory uses and home offices. He stated that it is unclear as to what the difference is from an

office to a den in your home. The current code allows a work vehicle. He spoke regarding commercial uses not being allowed in residential area.

#### **G. Fences**

Town Attorney Recio spoke regarding the fences and the maximum height and allowable capacity. He spoke regarding the street side yards and extend into the right of way.

#### **H. Car Canopies**

Town Attorney Recio spoke regarding the car canopies and if one wants them there is a process in order to have them approved and there is a height requirement.

#### **I. Landscaping and Permeability**

Town Attorney Recio spoke regarding the landscaping permeability, the impervious area, drainage and stated that the landscape code has been extensively revamped.

#### **J. Nonconformities**

Town Attorney Recio spoke regarding the nonconformities and explained what those are. He stated that is how they deal with the properties that do not meet the current requirement. He spoke regarding structures and those that are abandoned.

#### **K. Lot Splitting and Lot Aggregation**

Town Attorney Recio spoke regarding lot splitting, platted lots, and the unity of title as well as density.

#### **L. Zoning Approval Procedures**

Town Attorney Recio spoke regarding the four major portions of this code and stated that the Planning and Zoning Board required for all new construction and additions with minor exceptions for accessory structures.

**i. Design Review**

Town Attorney Recio discussed the design review and how it pertains to the Planning and Zoning Board.

**ii. Variance**

Town Attorney Recio discussed the three (3) types of variances and the approval would be valid for 12 months and may be extended by Town Commission for an additional 12 months for good cause.

**iii. Special Exception**

Town Attorney Recio discussed the nonconforming use and special exceptions and those not listed in the code. He discussed that approval needs to be a super majority and is valid for 12 months.

**iv. Conditional Use**

Town Attorney Recio spoke regarding the conditional use and the main ones are canopies in front of the houses.

**M. Architecturally Significant Buildings**

Town Attorney Recio spoke regarding the architecturally significant buildings and the designation of certain buildings.

**N. Temporary Signs**

Town Attorney Recio spoke regarding the provisions on construction in the single-family area and the concept was based on the City of Coral Gables and if the Commission does not like these they could go back.

Town Attorney Recio stated that they are not changing anything in the Short-Term Rentals except for this provision which entailed a registration period for short term rental properties. He stated that if they change the code, they will not open that new window.

Commissioner Eliana Salzhauer stated that at times they assume they have information and knowledge on areas they might not have expertise on. She spoke regarding lot coverage and she would like 40% lot coverage.

Commissioner Kesl commended Town Attorney Recio and stated that it should be the Town Planner addressing the Commission with the changes on the code. He spoke regarding the Town Charter and the requirements for density and intensity.

Commissioner Velasquez asked regarding the fences and are they only for the corner lots.

Town Attorney Recio stated that they are intended to be for corner lots.

Commissioner Velasquez asked regarding splitting of lots and can they turn the lots into two lots.

Town Attorney Recio stated that they could as long as it was plotted that way.

Commissioner Velasquez asked regarding the pet store and it would have to be a majority vote.

Town Attorney Recio stated that they have to go through an ordinance because there is no code pertaining to that specific subject to not have to change the code.

Commissioner Velasquez asked regarding the historic provision and she would prefer it to be for a certain area and not the entire town.

Commissioner Velasquez asked if there is an amount of time that the construction signs can stay on the property.

Town Attorney Recio stated that there is a provision that the signs do have to come down after a certain amount of time. He said it is 72 hours before the final inspection.

Commissioner Velasquez thanked Town Attorney Recio for the presentation and would like to meet with him before the next meeting to discuss her questions.

Vice Mayor Paul thanked Town Attorney Recio for his presentation and said that she did not see green initiatives or incentives for homeowners.

Town Attorney Recio answered Vice Mayor Paul regarding incentives and how to incentivize people and how it could be done.



Vice Mayor Paul stated that in the past they offered a waiver for the permitting fees for Photovoltaic Systems. She asked regarding the different types of variances.

Town Attorney Recio explained the different variances and what they apply to and that there is a beneficial aspect to the variance.

Mayor Burkett discussed the size of the lots, lot coverage and commented on stripping beautiful houses in the neighborhood to become large homes. He spoke regarding green initiatives and if Vice Mayor Paul believed that they were already there and asked Town Attorney Recio if they were removed.

Town Attorney Recio stated that they were not intentionally removed from the old code.

Mayor Burkett stated that they used the old code and the new code and worked to improve the current code.

## **6. Public Comment**

The following individuals from the public spoke:

Judith Frankel, Chair of the Planning and Zoning Board, went over different topics of the presentation and provided the outlook of the Board members from the Planning and Zoning Board.

Horace Henderson, Board Member of the Planning and Zoning Board, encouraged the Commission to push forward and discuss the difference of the two codes and all politics should be set aside and get this done.

James MacKenzie, Board Member of the Planning and Zoning Board, spoke regarding the process and he sees a lot of things that come before them and what strikes them the most is the new code and old code and 80% of the homes that originally were here and most of them are one story. He stated that the lots on the interior are small and spoke regarding the setbacks.

Jeff Rose spoke regarding the 2006 code and stated that workshops should have been back and forth from residents and spoke regarding lot coverage.

Joseph Sartiano spoke regarding fences, hedges and accessory swimming pools.

George Kousoulas spoke regarding the code and that it needs to be tailored.

Joshua Epstein spoke against this code and the process has been horrible.

Eli Ginsburg asked if they could get a copy of the presentation.

Jeff Rose spoke regarding multiple workshops.

Judith Frankel spoke regarding the corner lots and the rules that are in place, that the Town Planner should give his input and spoke regarding the signs

Horace Henderson spoke regarding the workshop and becoming familiar with the zoning code and the changes proposed.

George Kousalous spoke regarding the language of the zoning code and spoke regarding the building code as a companion commentary.

Eli Ginsburg stated that the presentation would be on the website and would suggest having the presentation in advance. He spoke regarding sea level rise. Joshua Epstein spoke regarding the changes on the zoning code and the hedges.

Joseph Sartiano spoke regarding corner lots.

Debbie Cimadevilla spoke regarding corner lots.

Horace Henderson spoke regarding conforming to the two codes.

Jeff Rose spoke regarding the importance of the zoning code.

Joshua Epstein addressed the money spent on this zoning code rewrite and the zoning in progress.

George Kousoulas spoke regarding the H30 zoning, the single-family code and how it relates to the new code and the old code.

Joseph Sartiano commented on driveways and landscaping and would like clarification on the regular landscaping on homes and what he needs to do in submitting plans in redoing the driveway and private area.

Jordan Wachtel spoke regarding the change of the code and the time it takes to obtain a permit and there should be a faster way.

Joshua Epstein spoke regarding Mayor Burkett muting speakers.

Jeff Rose stated that it is inappropriate in muting speakers. He asked Commissioner Velasquez and Commissioner Kesi in spending the money on the rewrite on the zoning code.

Horace Henderson spoke regarding the time to review the zoning changes and asked for them to get it done.

Eli Ginsburg spoke regarding the zoning in progress and the impact it has had on the residents.

Town Planner Keller addressed the comments made by public speaker Sartiano.

## **7. Question & Answer (based on public comment)**

Commissioner Salzhauer addressed comments made by the public and believes they should go through the entire document line by line and for everyone to be able to understand and possibly this is an opportunity to simplify the code for everyone to understand. She would like to remove any workaround and the Commission should not have the ability to designate historical homes.

Commissioner Kesi spoke regarding the proposed process and spoke regarding being able to see an outline and having green initiatives and stated that they have to make it easier to understand.

Commissioner Velasquez stated that she believes that they need more than one workshop to be able to understand the changes and doing it step by step. She spoke regarding incentives of people coming to Florida for tax breaks and it only applies if this is your homestead. She stated that they need to have more workshops and be more direct on each section of the code.

Vice Mayor Paul thanked the Planning and Zoning Board Members but would like to hear from the Town Planner. She asked regarding lot splitting, the 3 zoning zones and why in two of the codes you could split the lots and the other code does not allow that to be done. She spoke regarding historically preserving older homes.

Mayor Burkett spoke regarding hedges and he does not think that it would be bad for the homes on the corner lots. He spoke regarding the setbacks and fencing. He stated regarding the lot aggregation and if someone wants to buy both lots and build a beautiful home, he does not have a problem with that but for those to come to maximize their investment and subdividing he does not agree.

Commissioner Salzhauer stated that she cannot understand why they are doing this and believes that they should've looked at what was wrong with the code and go from there to correct it.

Commissioner Kesl stated that at times they need to be lighthearted and spoke regarding the changes on the code and the new concepts and they need to look into the master plan.

Vice Mayor Paul stated that she would yield her time to the Town Planner and agreed with Chair Judith Frankel on how confusing the changes of the code are.

Town Planner Keller spoke regarding the zoning code changes and the issues revolving the zoning in progress and stated that the landscape code is very weak.

Commissioner Velasquez spoke regarding the zoning in progress and stated that individuals need to get together and read the zoning code and stop pointing the finger and fix what needs to get fixed.

Mayor Burkett addressed the comments made by Commissioner Salzhauer when it relates to flat roofs and the equipment are hidden on the flat roofs. He addressed comments made by the Town Commission and asked if they had a chance to read the zoning code.

Mayor Burkett asked Town Attorney Arango if he directed the Town Attorney to spend money to draft this code.

Town Attorney Arango addressed the comments and stated that the zoning in progress came up in three (3) different meetings and they have been taking direction from everyone and this has been going on since April.

Town Attorney Recio spoke regarding the zoning in progress language pertaining to the zoning repeal and voting on the zoning in progress has taken place three (3) times. He addressed the green initiatives and it is still in design progress.

Commissioner Kesl commented on the everyday activity of the Town and believes the systems should be better. He spoke regarding the process being challenging and the interpretation of the two codes.

Commissioner Salzhauer commented on overdevelopment, special groups, hedges and the new code being more restrictive on the residential portion.

Vice Mayor Paul spoke regarding the time line of the zoning changes, zoning in progress and spoke regarding taking the best of the 2006 code and adding that to the current code. She spoke regarding no resolution approving the expenditure for this zoning rewrite. She stated that she would like Town Planner Keller's opinion on the zoning codes.

Commissioner Velasquez spoke regarding the complaints from the public on the proposed changes of the code, the privacy of those on the corner lots and those having a personal vendetta against the Mayor.

Mayor Burkett addressed the comments made by Commissioner Salzhauer and spoke regarding the insults from other Commissioners insulting the Town Manager who quit and the insults on the Town Planners who also quit due to Commissioner Salzhauer comments, complaints and insults.

Mayor Burkett stated for everyone to submit their comments to the Town Attorneys and then they will have another workshop for the residential portion and those comments will be addressed. He stated that they will continue to have the workshops to address the comments. He commented on the areas that needed to be addressed on the code in the commercial and residential area.

Commissioner Salzhauer stated that this has been a one-man crusade by the Mayor and how she can propose the change for the zoning and the methods of the way the Mayor would like to implement these changes are horrible.

Commissioner Kesl stated that he would like to move things forward and get things done.

Vice Mayor Paul spoke regarding certain things on the code that needs to be changed and does not think they should continue doing the zoning in progress.

Commissioner Velasquez commented on the constant arguing and nothing gets done. She stated that she wants to get this fixed.

Mayor Burkett stated that they were all put there for a job and everyone is responsible. He addressed comments made by other Commissioners. He stated that they should call it a night and continue with scheduling another workshop.

Commissioner Kesl commented on several things discussed that haven't been on the table and adopting more public spaces.

Vice Mayor Paul addressed the comments made by Commissioner Velasquez and Mayor Burkett and would like to move forward and would like Town Planner Keller to move forward with the code and making sure the residents are being satisfied.

Mayor Burkett asked Town Planner Keller if there is something to do to help the resident.

Town Planner Keller stated that fences are something that people have been asking him about and discussed the difference between both codes.

Town Attorney Arango stated what changes they would like to see for the fences.

Vice Mayor Paul stated that Town Planner Keller stated 6-foot fences.

Town Planner Keller stated that 6-foot fences would be better.

Mayor Burkett asked the Commissioner if Town Attorney Recio could change it to 6-foot fences.

Commissioner Salzhauer stated that they cannot piece meal this.

Mayor Burkett stated that Commissioner Salzhauer does not agree with the process.

Mayor Burkett asked Town Attorney Arango if they could direct Town Attorney Recio to make those changes.

Town Attorney Arango stated that by consensus they could make those changes.

Commissioner Salzhauer asked if it needs to be publicly noticed for the zoning in progress.

Town Attorney Arango stated that they will address the notice issue with the changes on the zoning in progress.

Town Planner Keller stated that many of the applications coming in are coming in incomplete. He spoke regarding the zoning reviews that don't have to go before the Planning and Zoning Board and many take an old survey and draw on it and things have to be in a certain way before it can be reviewed and approved.

Building Official Fernandez stated that he does not see a problem with the permitting process but does see an issue with the review of the zoning plans. He stated that when he goes to the office, he will review the pending plans that need to still be reviewed.

Vice Mayor Paul asked if the applicants are given guidelines as to the requirements.

Building Official Fernandez stated that they do give the information to the applicants to assist them.

Commissioner Kesl commented on the process and the challenges being faced and correcting an issue the Town Planner is experiencing.

Commissioner Salzhauer stated that it is not correct to sensor the public and stated that they voted to work with the new Town Planner to make changes to the code.

Commissioner Velasquez commented on moving forward and making the changes.

Mayor Burkett stated moving the ball forward and suggested everyone to submit the changes they suggest and address it at the next workshop. He spoke regarding sea level rise and raising homes and putting the ideas together.

Commissioner Kesl asked Town Attorney Recio if there is a clear list of bullet points of things that are unresolved.

Commissioner Velasquez spoke regarding the comments made by Commissioner Salzhauer regarding the \$100,000 spent on the zoning amendments. She commented on going through the code and explain it to the residents.

Further discussion took place among the Commission regarding the possible zoning code change, and the funding expended for this zoning code rewrite.

Vice Mayor Paul spoke regarding the next zoning meeting and going over the different changes on the proposed zoning code.

Town Attorney Arango stated that they are in a very difficult position and they have bent over backwards in doing what they have been requested to do. She stated that they have been through three (3) different planners and needs clear direction on what legal are to do from now on.

Mayor Burkett asked for consensus to put a list of 50 items that are significant changes on the code, send to the commissioners and have the commission add their changes.

Commissioner Salzhauer asked what the red line version would look like.

Town Attorney Recio stated that the red line version is very confusing and addressed the changes on the new code.

Mayor Burkett asked Town Attorney Recio and for the Commission to work with that draft in order to move the ball forward.

Commissioner Salzhauer would like Town Planner Keller to look at the current code and they are trying to prevent over development and what are the changes that they need to make.

## 8. Adjournment

The workshop adjourned at 10:23 p.m.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Charles W. Burkett, Mayor

Attest:

\_\_\_\_\_  
Sandra N. McCready, MMC  
Town Clerk





**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
March 9, 2021  
7 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 7:01 p.m.

**B. Roll Call of Members**

Town Clerk McCready called the roll with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, and Commissioner Charles Kesl.

Absent: Commissioner Eliana Salzhauer

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango and Building Official James McGuinness.

**C. Mayor and Commission Remarks – Mayor Charles W. Burkett**

**D. Agenda and Order of Business Additions, deletions and linkages**

Mayor Burkett deferred item 9D (Excessive Homeless Contribution made by the Former Commission) to the next meeting.

**E. Community Notes – Mayor Charles W. Burkett**

Vice Mayor Paul asked for a moment of silence for resident Moshe Behar who passed away.

Commissioner Velasquez wanted to make sure that FPL was at the meeting for their item.

**F. Senator Jason Pizzo - Mayor Charles W. Burkett**

Town Manager Hyatt stated that Senator Pizzo had a conflict and will joining the

meeting shortly.

Senator Pizzo stated that the Governor announced a \$1 million dollar recovery plan and what our proportionate share would be and it is for infrastructure. He spoke regarding the Airbnb bill coming up and regarding the upcoming resolution on the increase of vaccines and encourages everyone that is vulnerable or needs to be vaccinated to get vaccinated and he will assist in any way.

Mayor Burkett asked regarding infrastructure and possibly raising the homes and if they can get funding to do something like that.

Senator Pizzo stated that the infrastructure plan is to remove septic tanks and spoke regarding DEP and what they find is important and if there are more federal or state matching dollars for lifting homes as well as undergrounding then they can be mindful to take the funding available. He spoke regarding utilities and a link he sent to the Town Clerk to forward to the elected officials.

Vice Mayor Paul asked regarding SB226.

Senator Pizzo spoke regarding his own concerns with SB226 and the Airbnb bill and stated that the Town has a good matching situation and shows local commitment.

Commissioner Kesl asked if there are any thoughts about tapping the federal government or DEP for some of these water treatments.

Senator Pizzo stated that they should expect funding from the federal government and DEP.

Mayor Burkett asked Senator Pizzo regarding the septic tanks and the Bay if that is an issue.

Senator Pizzo addressed the comment made by Mayor Burkett and stated that is currently an issue.

Mayor Burkett thanked Senator Pizzo for coming and for the update.

**G. Presentation of the \$1.00 Salary to the Mayor and the Members of the Town Commission – Andrew Hyatt, Town Manager**

Town Manager Hyatt presented the Commission with their annual salary check.

Town Manager Hyatt introduced the new Building Official James McGuinness and welcomed him to the Town of Surfside.

Building Official McGuinness thanked the Town of Surfside and is looking forward to working with the residents and elected officials of the Town.

#### H. FPL Update - Andrew Hyatt, Town Manager

Town Manager Hyatt introduced the item and the FPL representatives.

Christopher Ferreira, FPL Representative, presented the undergrounding of power lines. He provided clarification of the different programs FPL offers. He stated that there are two different programs they will be discussing tonight. There is the storm protection plan which is part of FPL's initiative to harden and strengthen the electric grid as they have been doing for the last 15 years and as part of that protection plan there is a component called the lateral hardening/undergrounding program. He stated that it is important to note that all lateral lines are not every powerline that you see out on the street. They are broken up into two different categories, which are on their distribution system, which are feeder lines and lateral lines. Currently the Town of Surfside's feeder to lateral ratio is about is a little bit more than 50% of the lines are feeder lines and about a little less than 50% of the lines are lateral lines. Under this program that has been approved, FPL not only does hardening, we harden and replace electric poles either with stronger concrete poles or stronger wood poles. They also do vegetation management, pole inspections as well as other programs they have to harden the system. He stated that this program has been going on for a while, recently there was a change and before the program's cost were recovered through their base rate recently, starting this year, the program cost was changed to what is called a recovery clause. He stated that what is important to note is that there is no fund, grant or surcharge that is being applied to Town of Surfside customers for overhead/underground conversion of powerlines. The way the recovery clause works is that FPL incurs cost for doing these improvements to the electric grid and then they have to go to the Florida Public Service Commission to recover the expenses for these costs and recover the cost through the recovery clause. He stated that is important to mention and stated that is the Storm Protection Plan. He then spoke regarding the Overhead/Underground Conversion Program which is what the Town of Surfside has been currently been working on with FPL. This program can take feeders and laterals, which is what the Town has asked FPL to design, which is designing all the feeders and laterals within Town limits and underground them. In this program there is also coordination with other utility carriers that are on the power poles such as AT&T, Comcast, Atlantic Broadband, other communication carriers that are attached there as well. Under that program, the Town requests FPL to put together a ballpark estimate which is approximately \$6.7 million dollars for the electrical facilities to be converted underground and they can work with the Town to match different aspects of the project. The Storm Protection Plan currently with the criteria that is put in, the undergrounding portion is currently in a pilot phase through the end of 2022. They have worked and put together a long-term plan to look at their entire system to see what laterals will be

undergrounded with the criteria approved by the Public Service Commission and currently the laterals currently in the Town of Surfside are scheduled for 10 plus years out from today. Under the Overhead/Underground conversion Program, the Town has more discretion as to the timeline from the moment the project has commenced and put into motion, the project timeline is about 3-4 years.

Mayor Burkett asked that based upon what he is hearing Mr. Ferreira say is that half the lines will go underground and half the lines will remain above ground, and if that is what they are proposing, that is unacceptable. He stated that what they want in the residential area is that they want all of it underground.

Commissioner Velasquez stated that if FPL would pay for it then it would be half, if the Town paid for it then all of it would be underground.

Chanda Young, FPL Representative, spoke regarding the project they have been working on with Paul Abbott on the feeder and lateral lines and what the next step would be on the project. She also stated that no part of the storm protection plan undergrounds feeders.

Commissioner Velasquez thanked FPL representatives and wanted clarification regarding if the residents are already paying for this in their utility fees. She noted that the information was incorrect and wanted clarification from FPL.

Mayor Burkett asked if there is any circumstance where FPL would have paid to place the lines underground and he stated that potentially there is a program that would do that.

Christopher Ferreira, FPL Representative, answered the question by Mayor Burkett and stated that FPL has to justify the cost and pass it on to the customer. He stated that they pay for the hardening program and initiatives and it will be in the recovery clause. He stated that the program is in a pilot program until 2022.

Mayor Burkett asked if any of the residents are paying into the clause.

Mr. Ferreira stated that over the last 15 years, as well as the next round of hardening, those expenses are incurred by FPL. They then go to the Florida Public Service Commission and present the cost to them and they also have to justify the cost. Those costs are then passed on to customers to be paid back. All 5.6 million FPL customers from North Florida to South Florida, pay for the hardening of programs and initiatives. These were before included in their base rate and moving forward they will be in a recovery clause, which is a separate portion or discussion they had with the Public Service Commission. The lateral undergrounding program will only cover the lateral lines.

Further discussion took place among the Commission and FPL regarding payment of expansion into the fund and who is responsible for making the

payments for the overhead/underground conversion and stormwater plan.

Paul Abbott, HPF Associates and consultant for the Town, spoke regarding the FPL project. He spoke regarding the status of the project and the credit being discussed.

Commissioner Kesl asked regarding the hardening of lateral project and when it will be scheduled for Surfside.

Mr. Abbott gave them a projected time frame 2037 for the start of the project.

Ray Lozano, FPL Representative, confirmed Mr. Abbott's 2037 projected time frame.

Mr. Ferreira clarified the information and components of the lateral project and programs that assist FPL customers.

Ray Lozano, FPL Representative addressed the question and outages over 10 years. He also stated that based on the objective criteria from the Public Service Commission that they use to evaluate which laterals are going to be worked on next based on worst performing ones and on, the Town of Surfside/Normandy laterals are not scheduled around that timeframe as stated by Mr. Abbott, 10 plus years out. They look at outages due to hurricanes, vegetation and subset lateral outages over the last 10 years.

Commissioner Kesl asked if going forward if the overgrounding/undergrounding project is not adopted by the regulatory committee what if the guiding principles change and they might have to be doing this again. He if the technology and parameters would change and who would be responsible for the cost if they have to do infrastructure again.

Mr. Ferreira stated they follow the standards of the National Electric Code and they cannot speak on how the standards would change in the future. Once the system is built and turned over to FPL, any adjustments and improvements are made by FPL.

Vice Mayor Paul asked Mr. Abbott if he has looked into conduits put underground in 2013 and if they have an assessment as far as to receiving a credit.

Mr. Abbott responded to Vice Mayor Paul's question and stated that they prepared the cost estimate and he spoke regarding the conduits that were placed in the intersections.

Vice Mayor Paul asked if it is accurate that there aren't any plans for Surfside for the next 10 years.

Mr. Ferreira stated that once the analysis was done, the criteria was approved as a regulating criteria.

The following individuals from the public spoke on the item:  
Jeff Rose asked regarding reimbursement or credits from FPL for the overhead/underground conversion.  
Debbie Cimadevilla  
Joshua Epstein

Mr. Ferreira addressed the comment made by Jeff Rose and stated that there is no reimbursement.

Ms. Young stated that the credit associated with the conversion is part of the program and it is not related with the clause and there is no mechanism for a credit associated with the clause.

Commissioner Velasquez spoke regarding the feeders being the responsibility of the Town to pay and that the only ones being undergrounding are the laterals.

Mayor Burkett asked for clarity to the residents what the difference is between feeders and laterals.

Ms. Young explained what are feeders and what lines are laterals.

FPL Representatives gave a synopsis of what and where the feeder lines are located at and where the lateral lines are.

Mayor Burkett stated that they would like to place the entire Town underground.

Further discussion took place among the Commission regarding the credits and what are feeder lines and lateral lines.

Vice Mayor Paul asked FPL regarding how the Town could recuperate their credit once FPL takes over the equipment.

Ms. Young stated that there is a cost for installation, removing overhead, depreciation value for removal of facilities, credit associated if they would build the system at today's standards and those credits are applied on the front end and whatever you pay would be the balance.

Mayor Burkett stated that the credit would be at a reduced price at the onset.

Commissioner Kesl asked what does it take to have the cost of a real plan and not a ballpark figure.

Mr. Abbott stated that is what they are working on now and will incorporate into a

plan and then they will have a full and complete cost estimate in the next several months.

Mr. Abbott addressed the comment made by Debbie Cimadevilla and stated that the plan will address directional boring and open trench to minimize disruption to the residents.

Assistant Town Manager Greene responded regarding the question on the FEMA grant and stated that the Town did apply for the grant and he spoke with a representative that worked with North Bay Village regarding that program and FEMA changed their requirements and FEMA is no longer providing that grant program.

Mayor Burkett asked for Assistant Town Manager Greene to speak with a FEMA representative to see if they can apply for a similar grant.

Mayor Burkett thanked FPL Representatives and Paul Abbott, HPF Associates and consultant for the Town.

## **2. Quasi-Judicial Hearings**

### **3. Consent Agenda (*Set for approximately 7:30 p.m.*)**

A motion was made by Commissioner Kesl to approve the consent agenda minus the minutes, seconded by Commissioner Velasquez. Motion carried with a 4-0 vote with Commissioner Salzhauer absent.

#### **A. Minutes** – Sandra N. McCready, MMC, Town Clerk

- February 4, 2021 Zoning Workshop Meeting Minutes
- February 9, 2021 Regular Town Commission Meeting Minutes
- February 18, 2021 Zoning Workshop Meeting Minutes
- February 23, 2021 Special Town Commission Meeting Minutes

Consensus was reached to defer the minutes to be at the next Commission meeting agenda.

#### **\*B. Town Manager's Report** – Andrew Hyatt, Town Manager

Approved on consent.

#### **\*C. Town Attorney's Report** – Weiss Serota, Town Attorney

Approved on consent.

#### **D. Committee Reports** - Andrew Hyatt, Town Manager



- January 4, 2021 Tourist Board Meeting Minutes
- January 19, 2021 Budget Advisory Committee Meeting Minutes
- January 21, 2021 Special Planning and Zoning Board Meeting Minutes
- January 25, 2021 Parks and Recreation Committee Meeting Minutes
- January 28, 2021 Planning and Zoning Board Meeting Minutes
- February 11, 2021 Planning and Zoning Board Meeting Minutes

Approved on consent.

**E. Limousine of South Florida, Inc. Municipal Bus Services Renewal – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT WITH LIMOUSINES OF SOUTH FLORIDA, INC. FOR MUNICIPAL BUS SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FOURTH AMENDMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**4. Ordinances**

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

**A. Second Reading Ordinances**

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

**B. First Reading Ordinances**

**5. Resolutions and Proclamations**

*(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)*

**A. Community Digital Signs Authorization to Expend – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING DON BELL SIGNS LLC, FOR THE INSTALLATION AND MAINTENANCE OF TWO COMMUNITY DIGITAL SIGNS; FINDING THAT THE WORK IS EXEMPT FROM COMPETITIVE**

**BIDDING PURSUANT TO SECTION 3-13(7)F OF THE TOWN CODE AS A PUBLIC WORKS PURCHASE FOR TOWN FACILITIES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO ANY NECESSARY AGREEMENT(S) FOR SUCH WORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title of the Resolution into the record.

A motion was made by Commissioner Velasquez to approve the Resolution, seconded by Vice Mayor Paul.

Commissioner Kesl stated that he cannot support this because it is not sustainable nor resilient.

Vice Mayor Paul addressed the comments made by Commissioner Kesl.

Commissioner Velasquez stated that the sign will be giving information for the residents including COVID and vaccination information and does not understand what the comment Commissioner Kesl made regarding sustainability meant.

Mayor Burkett stated that he believes it is a brilliant idea and feels that they need signage and believes it needs a little more elevation of what it will look like. He stated that he likes it in the parking lot and the Community Center but does believe it needs a little more work and would like an additional 30 days.

Commissioner Velasquez stated that there are several cities that have that type of sign.

Assistant Town Manager Greene spoke regarding how the sign would be updated and software options and it is remotely updatable. He also gave an example of what signs are permissible and the parameters.

Mayor Burkett stated that he wants to see the architectural look on the wall of the sign.

Commissioner Kesl stated that the timeliness of it is important and the messaging being legal and stated that this is a common issue and concern and his concern is the access and sustainability of the system.

Mayor Burkett stated that if we stop paying the vendor, we will not be able to get software updates. He does believe that they need a little more tweaking and place it on the next agenda as the first item.

Commissioner Velasquez asked Mayor Burkett what exactly he wants to see regarding this item on the next agenda.

Mayor Burkett stated that with respect to the sign for the Community Center, they know where it is being placed but the one by Publix it is unclear where it will be located and what it will look like.

Vice Mayor Paul stated that she did have two reservations that has to do with the landscaping and the removal of the bushes and if they will be replacing those bushes or putting them back. The other issue is the location of the sign by the Community Center and is curious how that one will look and feels it is a bit set back and might not be seen properly.

The previous motion was withdrawn by Commissioner Velasquez and Vice Mayor Paul.

The following individual from the public spoke:  
Joshua Epstein

A motion was made by Commissioner Velasquez to defer the item to the April 13, 2021 meeting, seconded by Commissioner Kesl. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

**B. RFP 2020-03 Construction of Point Lake Subaqueous Water Main Crossing, RFP # 2020-03 Project Awarding - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING THE BID AND AWARDING A CONTRACT TO DAVID MANCINI & SONS, INC. FOR CONSTRUCTION OF THE POINT LAKE CANAL SUBAQUEOUS WATER MAIN CROSSING TO BISCAYA ISLAND; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE WORK IN ACCORDANCE WITH THE BID AND RFP NO. 2020-03; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title of the Resolution into the record.

A motion was made by Vice Mayor Paul to approve the Resolution, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

**C. FY 2021 Budget Amendment Resolution No. 6 - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 6 TO THE FISCAL YEAR 2020/2021 BUDGET; PROVIDING FOR**

**IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title of the Resolution into the record.

A motion was made by Commissioner Velasquez to approve the Resolution, seconded by Commissioner Kesl. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

**D. Resolution Adopting a Civility Pledge by Town Officials – Vice Mayor Tina Paul**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING A CIVILITY PLEDGE FOR ELECTED OFFICIALS ENGAGED IN PUBLIC DISCOURSE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title of the Resolution into the record.

A motion was made by Vice Mayor Paul to approve the Resolution, seconded by Commissioner Kesl.

Commissioner Velasquez asked to move this item for the next Commission meeting in order for the entire Commission to be present regulating criterion since it concerns all of them and the one Commissioner that is disruptive and disrespectful is not at the meeting.

The motion was withdrawn by Vice Mayor Paul and Commissioner Kesl.

Commissioner Kesl stated that if the Commissioner that was not present today is not be present at the next meeting they would be in the same scenario.

The following individual spoke on the item:  
Joshua Epstein

A motion was made by Vice Mayor Paul to defer the item to the April 13, 2021 meeting, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

**E. Resolution Urging Governor Ron DeSantis to Increase Vaccine Allocations for Miami-Dade County – Vice Mayor Tina Paul**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING GOVERNOR DESANTIS TO INCREASE COVID-19 VACCINE ALLOCATIONS TO MIAMI-DADE COUNTY IN ORDER FOR THE TOWN AND OTHER LOCAL GOVERNMENTS IN MIAMI-**

**DADE COUNTY TO MEET VACCINE DEMAND AMONG VULNERABLE COMMUNITY MEMBERS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title of the Resolution into the record.

Commissioner Kesl gave a background on the item and stated that there are still individuals on the list waiting to receive the vaccine.

Vice Mayor Paul stated that the consensus was to have one voice from all municipalities and county and it was initiated by the League for support and gave statistics on the number of allocated vaccines that were received.

The following individual spoke on the item:  
Joshua Epstein

A motion was made by Vice Mayor Paul to approve the Resolution, seconded by Commissioner Kesl. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

**6. Good and Welfare/ Public Comments from Residents  
(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.*

The following individuals from the public spoke:

Jeff Rose spoke regarding the new park and the payback of the seawalls and a portion could be paid back for a kayak launch.

Tim Loper spoke regarding the kayak launch and speeding in the community and a slow street that the City of Miami has done. He spoke regarding the Tennis Center and an accident that a car ran into an electric pole and the pole is bent over and who needs to be made aware of the pole so it can be fixed.

Marianne Meischeid spoke regarding the signage at the beach entrance and commented on recent experiences and the signs are incoherent with too much information to process and should promote compliance.

Joshua Epstein stated that they should remove the Commission section of the Gazette and the disinformation that is placed on the Gazette.

George Kousoulas spoke regarding the signage and it is an art and some are attractive but too much information and too many signs.

Stephen Schott spoke regarding walkability and children safety.

Leah Rose spoke regarding mask wearing and the walking path is very unbearable and crowded and people not wearing masks.

Robert Lisman spoke regarding the Gazette and they do not want their tax payer dollars for politicians using the Gazette. He stated that the comments made by Commissioner Kesl regarding the software for the sign is spot on. He stated that

the embarrassment and dishonesty is Mayor Burkett and Commissioner Velasquez and stated that everyone has the right to free speech.

Horace Henderson stated that he likes the Gazette the way it is.

Diana Gonzalez stated that nobody should be offending any of the elected officials and everyone needs to be respectful.

Debbie Cimadevilla spoke regarding being respectful and callers being degrading and thanked everyone. She spoke regarding 90<sup>th</sup> and Harding Avenue and the dangerous curb and try to reach out to FDOT to see what can be done about that curb.

Mayor Burkett stated that Public Works Director Stokes will take care of the bent electric pole and will contact FPL.

Vice Mayor Paul stated that she has spoken to Town Manager Hyatt regarding the signs and asked for clear visual signs to be placed.

Vice Mayor Paul stated that she would like to reconsider passing the civility resolution tonight.

Commissioner Kesl stated that he likes that they moved to one minute for all items and three minutes for good and welfare. He addressed the comments made by the public speakers and the technology and signage comment made. He spoke regarding code enforcement on Sundays. He spoke regarding civility within the Town meetings and that they are there to do the people's business.

Commissioner Velasquez stated that she agrees with the comments made regarding the signs and they should take a look at them. She spoke regarding the reservations of the Tennis Courts and that they should be only for residents. She spoke regarding civility and she wasn't elected to have someone insult her because she doesn't come to insult anyone. She stated that she is here to do Town business and will not allow anyone to insult her.

Mayor Burkett commented on the signs that were put in the middle of the street were great and hopefully people will slow down and has noticed the traffic on Collins and Harding is considerably slower. He stated that they will continue to write tickets for speeding. He thanked Town Manager Hyatt and Assistant Town Manager Greene for the work they are doing. He spoke regarding not outsourcing our facilities to nonresidents. He addressed the nasty comments made by several speakers. He stated that the civility issue is very important and when the four of them are present at the meetings the meetings flow, function and are respectful.

## **7. Town Manager and Town Attorney Reports**

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

**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

**A. COVID-19 Task Force Update – Commissioner Charles Kesl**

Commissioner Kesl gave an update on the Task Force and thanked Staff and the Commission for stepping up with the consistent messaging regarding COVID.

Town Manager Hyatt thanked Town Attorney Arango and Human Resources Director Slate-McCloud for her assistance and stated that they have been approved to be a site for COVID vaccines and they will be for those who qualify in the Town for both residents and employees that meet the criteria. They will know in 2-3 days the location and elements needed.

Commissioner Velasquez thanked Town Manager Hyatt for doing this.

Vice Mayor Paul spoke regarding the outreach done by Town Manager Hyatt for residents to get appointments for vaccines and thanked staff for their assistance. She spoke regarding the walking path and thanked the Police Department and Code Enforcement.

Mayor Burkett stated that the former Commission did not allow residents to speak on every item and stated that was one thing he changed. He spoke regarding the mask mandate and enforcement.

The following individual from the public spoke:  
Joshua Epstein on enforcing the mask mandate.

Mayor Burkett stated that the statistics are important and wearing a mask is a good idea. He gave some statistics as of March 5, 2021. He thanked Town Manager Hyatt and staff for all the work they are doing.

Commissioner Velasquez spoke regarding the letter from the Miami-Dade County Mayor and if they continue in the right direction, she will be removing the curfew and hopefully some day we will get over this horrible time.

Vice Mayor Paul stated that she was on the former Commission for 4 years and they always allowed residents to speak on all topics they were sometimes asked to stay on topic.

Mayor Burkett stated that he was interrupted and shut down several times by the former Commission.

**B. Amending Town Code Section 2-205 Conduct of Meetings; Agenda –**



Mayor Charles W. Burkett

Mayor Burkett introduced the item and spoke regarding page 173 and stated that he wanted residents to have more options to speak and stated the change he made. He spoke regarding the changes to the decorum rules on page 175. He stated that his intention is for everyone to look at this and he intends to look at putting this language in final form and bringing it at the next meeting for approval.

Commissioner Kesl stated that he reviewed the Mayor's edits and agrees with them and has additional suggestions that will allow them to be more efficient and spoke regarding the one minute time limit for speakers. He would propose a breakdown of the agenda and have a timeline. He stated that another idea is that the presentation be five minutes; Commission comments on items to be three minutes and discussion items two minutes. He stated leaving good and welfare at three minutes. He likes the fact that the Town Attorney is in control when there is point of order or if we need her to call on them if they are off point and brings point of order. He stated that they are at their best to put principles above personality and professionalism and civility should apply to elected officials. He stated a limit of the number of discussion items and resolutions per commission member that they can place on the agenda.

Mayor Burkett stated that he will circulate the list and each member of the Commission can give their comments.

Town Clerk McCready stated that the agenda is time stamped for each item and it is an approximate time and wanted to bring it up to them and there is a limit of how many resolutions a member of the commission can place on the agenda.

Vice Mayor Paul spoke regarding the procedure for meetings and the several revisions that have already been made. She stated that she will be happy to look at this clean version because it is still a little confusing. She asked Town Attorney Arango if the current code is more in line with the County.

Town Attorney Arango stated that they did make some changes to these rules but if the Commission would like to make more changes they can do so as long as it falls within the line of the law. She also stated that they follow Robert's Rule as well.

Mayor Burkett commented on the public speaker cards and he made changes to the registration of speakers.

The following individuals from the public spoke:

Joshua Epstein

Diana Gonzalez

Alicia Boymelgreen asked when they will be having in person meetings and if they will continue via zoom, they should have something on decorum.

Mayor Burkett closed public comments.

**C. Demolition by Neglect - Mayor Charles W. Burkett**

Mayor Burkett introduced the item and the art deco building and would not like to see the building being demolished by neglect and believes there should be an ordinance addressing this. He stated that there is a Miami Beach draft and would like to bring it back at the next meeting and hoping to add to the zoning code.

Vice Mayor Paul stated that she was emailing with Town Attorney Recio this week and stated that there was a house that was demolished and would like to have added to the zoning code that a property cannot be demolished without obtaining a building permit first.

Mayor Burkett spoke regarding the intention for historic designation and it is for older buildings and they are looking to improve the language and possibly have a process of slowing down the demolition of the property.

Vice Mayor Paul stated that another issue is that it looks blighted as well.

Mayor Burkett requested to have this back on the agenda at the next meeting in order to have a draft of the demolition by neglect.

Town Clerk McCready asked if item 9B (Amending Town Code Section 2-205 Conduct of Meetings; Agenda) and item 9C (Demolition by Neglect) if they are bringing those items back as a discussion item or an ordinance.

Mayor Burkett stated to bring them back as a discussion item.

Town Clerk McCready stated that in order for an ordinance to be placed on the agenda the majority of the Commission must approve to have the ordinance placed on the agenda as per the Code.

Town Attorney Arango stated that it could be a discussion item with another draft of proposed ordinance not a first reading of an ordinance.

Commissioner Kesl asked what is lacking in the existing code that they can't enforce safety concerns on an existing property.

Commissioner Velasquez stated that her concern is the safety of the residents and the house possibly collapsing on the resident and an empty lot gives more safety to the resident. She spoke regarding the building that was set to be preserved and they have not done that as of yet.

Town Attorney Arango stated that they need to look at this together with our property standard ordinances on how people need to maintain their properties and that property standards are in place.

Commissioner Velasquez stated that her neighbor was getting fines from the Town and got his permit to demolish and the house was an accident waiting to happen. She stated that she believes that they should give better direction to the Design Review Board on what style they are looking for.

Mayor Burkett asked Building Official McGuinness if he wanted to opine on any standards the Town currently has.

Building Official McGuinness spoke regarding past experience on this subject.

Mayor Burkett stated that they do have design guidelines and are being incorporated into the new code and that is something the Planning and Zoning Board needs to look at as well and design guidelines.

Vice Mayor Paul stated that a perfect example is regarding a house on Emerson. She stated that this house was left derelict and there was no fence around it with many openings and there are safety standards to be followed. She stated that she reported it to Code because it was a hazard. Now they are currently doing a great job renovating that home.

The following individuals spoke on the item:

Joshua Epstein

Jeff Rose

Mayor Burkett requested to bring this item back at the next meeting.

**D. Excessive Homeless Contribution made by the Former Commission -  
Mayor Charles W. Burkett**

Item deferred to April 13 2021 meeting.

**E. Free (hassle-free) downtown parking for residents - Mayor Charles W. Burkett**

Mayor Burkett introduced the item and does not believe there should be a charge for the decals and that the rules need to be revised. He is working with staff regarding utilizing a parking lot and using a tram to bring people to the business district from the parking lot.

Commissioner Velasquez agrees that residents should not be charged to park in Town.

Commissioner Kesl spoke regarding the Town being behind with technology and there are solutions that can be made.

Vice Mayor Paul stated that it is good that you only pay \$10 a year and it works well and serves the residents. She stated that possibly making it free for seniors. She doesn't know why they have to make it free for everyone.

Commissioner Velasquez spoke regarding residents receiving tickets.

Mayor Burkett addressed the comments made by Commissioner Velasquez regarding the parking tickets and spoke regarding bringing the community together and encourage them to participate. He spoke regarding electric carts.

Commissioner Kesl stated that he would gladly do it if it is tied into a park by plate format.

Mayor Burkett stated that it first starts as a motion from the Commission for hassle free parking.

Commissioner Velasquez asked how much something like that would cost for these types of digital programs. She also asked if people would have to register more than once.

Vice Mayor Paul stated that the \$10 for the decal is an administrative cost for producing the decal. She stated that what she would like to see the renewal process easier.

Mayor Burkett stated that he would like to make it free and then the second step would be making it hassle free.

Commissioner Velasquez suggested doing it online and possibly scanning in your registration. She agrees with it being free.

Commissioner Kesl suggested bike registration being free as well.

The following individual from the public spoke:  
Joshua Epstein

A motion was made by Commissioner Velasquez to make bike registration and parking free, seconded by Commissioner Kesl. The motion carried with a 3-1 vote with Vice Mayor Paul voting in opposition and Commissioner Salzhauer absent.

#### **F. Short-Term Rentals – Mayor Charles W. Burkett**

Mayor Burkett introduced the item and stated that he had residents calling him to complain because of the process and wanted to address the rules and regulations in place for short term rentals and asked Town Attorney Arango to give the Commission the rules and overview of short-term rental in Surfside.

Town Attorney Arango gave the Commission an overview of the short-term rental rules in Surfside.

Commissioner Kesl spoke regarding this item and that it is in agreement with this item.

Vice Mayor Paul spoke regarding short term rentals and the preemptions proposed by the State and would not touch this, and enforcement is tricky.

Code Enforcement Manager Santos-Alborna addressed the short-term rental enforcement and it is hard to prove that the individuals staying there are renting.

Commissioner Velasquez asked what the enforcement is and rules for single family home short-term rentals and do we get more complaints for homes or condominiums.

Code Enforcement Manager Santos-Alborna addressed the question by Commissioner Velasquez and stated that this issue is currently under control.

Commissioner Kesl asked if they can change the bylaws.

Code Enforcement Manager Santos-Alborna stated that they have to comply with the Town's code and which is more restrictive.

**G. Quality Control & Quality Assurance – Commissioner Charles Kesl**

Commissioner Kesl introduced the item and spoke regarding the measure of success for each project and adding measurement of success. He also provided a presentation.

Vice Mayor Paul thanked Commissioner Kesl for his presentation.

**H. Increase Lighting Plan – Staff Report – Andrew Hyatt, Town Manager**

Public Works Director Stokes introduced the item. He stated that the Commission requested a survey and they extended the survey response to 90 days and they completed the task. His recommendation for any extra lighting from this point on would be held off until the undergrounding because the lights currently there are connected to the poles that will be removed.

Mayor Burkett stated that he knew that Public Works Director Stokes was working on it because there were some on his block that were out.

Commissioner Velasquez stated that she would like a copy of the report. She stated that she is happy to see that these lights have been put up.

Vice Mayor Paul stated that she would also like a copy of that report and check to see if some residents would like more lights on their block.

Commissioner Velasquez stated that there is a street off of Carlyle and 90<sup>th</sup> that the block is very lit and looks very nice.

**I. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt, Town Manager**

Item deferred to the next meeting.

**J. FPL Solar Together - Vice Mayor Tina Paul**

Item deferred to the next meeting.

**K. Climate Environmental Collective Revised - Vice Mayor Tina Paul**

Item deferred to the next meeting.

**L. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission – Mayor Charles W. Burkett**

Item deferred to the next meeting.

**M. Amending Town Code Section 2-237 Business Relationships – Commissioner Eliana Salzhauer**

Item deferred to the next meeting.

**N. Community Center Pool Deck Lighting - Staff Report – Andrew Hyatt, Town Manager**

Item deferred to the next meeting.

**O. Community Center Second Floor – Staff Report - Andrew Hyatt, Town Manager**

Item deferred to the next meeting.

**P. Designated (Painted) Walking Areas in the Residential District- Staff Report – Andrew Hyatt, Town Manager**

Item deferred to the next meeting.

**Q. Alternative Kayak Launches in Addition to the 96th Street Park – Mayor Charles W. Burkett**

Item deferred to the next meeting.

**R. Stormwater Masterplan - Staff Report – Andrew Hyatt, Town Manager**

Item deferred to the next meeting.

**S. Amend Tourist Board Ordinance – Commissioner Nelly Velasquez**

Item deferred to the next meeting.

**T. Legally Defective Charter Amendment Vote in 2012 – Mayor Charles W. Burkett**

Item deferred to the next meeting.

**U. Traffic Control Devices on 88<sup>th</sup> & Hawthorne Avenue –  
Commissioner Eliana Salzhauer**

Item deferred to the next meeting.

**V. Cone of Silence/Secrecy – Mayor Charles Burkett**

Item deferred to the next meeting.

**W. License Plate Readers – Mayor Charles W. Burkett**

Item deferred to the next meeting.

**X. Cancel Culture in Surfside - Mayor Charles W. Burkett**

Item deferred to the next meeting.

**Y. Permit Process - Mayor Charles W. Burkett**

Item deferred to the next meeting.

**Z. High Water Bill – Mayor Charles Burkett**

Item deferred to the next meeting.

**AA. Zoning Code Timetable - Mayor Charles Burkett**

Item deferred to the next meeting.

**BB. Kayak Survey Results – Andrew Hyatt, Town Manager**



Item deferred to the next meeting.

**CC. Zoning in Progress – Mayor Charles Burkett**

Item deferred to the next meeting.

**DD. Motorized Bikes on the Hardpack - Mayor Charles Burkett**

Item deferred to the next meeting.

**EE. Increased Commercial Airliner Flights over Surfside - Mayor Charles Burkett**

Item deferred to the next meeting.

**Staff Reports**

**A. Purchase of Land for Parks – Commissioner Nelly Velasquez**

**10. Adjournment**

A motion was made by Commissioner Kesl to adjourn the meeting without objection at 11:00 pm. The motion received a second from Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Charles W. Burkett, Mayor

Attest:

\_\_\_\_\_  
Sandra N. McCready, MMC  
Town Clerk



**Town of Surfside  
Special Town Commission Meeting  
Quasi-Judicial Hearing  
MINUTES  
April 13, 2021  
6:00 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 6:03 p.m.

**B. Roll Call of Members**

Town Clerk McCready called the roll with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Charles Kesl and Commissioner Eliana Salzhauer.

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango, Town Attorney Tony Recio, Town Planner Walter Keller and Building Official James McGuinness.

**2. Quasi-Judicial Hearings**

**A. 9133-9149 Collins Avenue- Seaway Condo Acquisition, LLC. Site Plan Amendment – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9133-9149 COLLINS AVENUE, SURFSIDE, FL, TO AMEND RESOLUTION NO. 2018-2489 TO REDUCE THE ALLOWED NUMBER OF UNITS FROM 48 CONDOMINIUM UNITS TO 29 CONDOMINIUM UNITS AND FROM 31 HOTEL ROOMS TO 26 HOTEL ROOMS, TO INCREASE THE FOOTPRINT OF THE UNDERGROUND GARAGE FROM 26,250 SQUARE FEET TO 58,242 SQUARE FEET, AND TO MODIFY BALCONIES ON LEVELS 2 THROUGH 12 OF THE TOWER; INCORPORATING THE CONDITIONAL USE APPROVAL, CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 2018-2489;**

**ADDRESSING VIOLATIONS OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDED FOR AN EFFECTIVE DATE.**

Town Attorney Recio read the quasi-judicial statement into the record.

Town Clerk McCready confirmed compliance with the noticing and advertisement requirements.

Town Attorney Recio polled the Commission for ex-parte communication.

Vice Mayor Paul stated that she met with Bill Thompson at the property for a personal explanation of the site, they spoke regarding the application and he answered some questions the Vice Mayor had. She stated that she received objections in the past but none for this item on tonight's agenda.

Commissioner Velasquez stated that she had a conversation with Bill Thompson and they met on a previous occasion and he asked if she had any questions. She stated that Mr. Thompson explained the application.

Commissioner Kesl stated that he met with Horace Henderson and Bill Thompson. He stated that they introduced him to the project to him.

Mayor Burkett stated that he met with Bill Thompson and Mr. Thompson answered questions he had regarding the project.

Town Clerk McCready read the title of the resolution into the record.

Town Attorney Recio advised the Commission regarding some amendments to the resolution and that there was a scrivener's error on the resolution. The scrivener's error read "from 26,250 square feet" and it should read "36,250 square feet".

Town Planner Keller introduced the item to the Town Commission and went over his staff report on the project.

Commissioner Salzhauer stated that she had some concerns that she related to in her email

Town Planner Keller answered the questions from Commissioner Salzhauer.

Commissioner Salzhauer asked if it will devalue the home next door due to the car garage.

Town Planner Keller responded to Commissioner Salzhauer question regarding the car garage.

Commissioner Salzhauer asked regarding if they received historic board approval.

Town Attorney Recio stated that they did get approval and it is not part of this application

Vice Mayor Paul stated that her concerns with the garage and the questions she asked regarding handicap spaces, EV connection for the condominium, residents were answered and are included in the project but were not in the report and that EV requirements is something that she would like to be placed in the zoning code. She stated that she had a concern with the garage depth and with the expansion of the width and if they would get less depth.

Commissioner Kesl asked Town Planner Keller regarding the reduction of the quantity of hotel rooms and condominium units and if the requirement for the amount of parking spots change.

Town Planner Keller responded to Commissioner Kesl's question.

Commissioner Kesl spoke regarding the parking garage setbacks, the right of way and how the access is affected.

Town Planner Keller stated that they are not going into the right of way. He spoke regarding how the code states that some other properties have used this expansion into the right of way.

Commissioner Kesl stated that the underground does affect the permeable area.

Town Planner Keller stated that they still have to meet landscape requirements and provide for it to be pervious.

Commissioner Kesl asked if the garage is shallower than it was proposed.

Town Planner Keller stated that it appears that it may be approximately 6 feet less decreased in the garage.

Commissioner Velasquez stated if they are accounting for the parking needed for the restaurant in the building and why is there a problem having a lift.

Town Planner Keller stated that they are allowed to have a lift, but for maintenance issues, if the lift needs to be fixed you will lose parking spaces. He stated that it is easier to have parking spaces than a lift.

Commissioner Velasquez asked if there is enough parking for the restaurant and residents as well as guest parking.

Town Planner Keller answered Commissioner Velasquez' question.

Town Clerk McCready swore in the applicant.

William Thompson, representing the applicant spoke on the project.

Commissioner Salzhauer asked who owns the property.

Mr. Thompson answered Commissioner Salzhauer's question as to who the owner of the property is. He also spoke regarding the 20-foot gap to the property line and an underground property line.

Commissioner Salzhauer asked regarding the lifts and if they changed the heights then they cannot put the lifts.

Mr. Thompson stated that they had to change the lifts in order to comply with the landscaping requirements and lost space in the garage. He stated that he does not have an issue using the parking for only their use.

John Shubin, representing the applicant answered the question as it pertains to the new site plan amendment and stated that it only incorporates the historic preservation board and they are withdrawing the request to extend the balcony as it pertains to levels 10 and 11.

The following individuals from the public spoke:

George Kousoulas spoke regarding the extension of the garage.

Jeff Rose spoke regarding parking and sharing it with the neighbors.

Gilberto Garcia spoke regarding the parking situation.

Deborah Duvdevani stated that she is against the expansion of the garage.

Horace Henderson stated that he does not believe the expansion of the garage is not helpful to the Town of Surfside but opens the way to bring in the lifts in the future.

Commissioner Velasquez spoke regarding traffic and the applicant is reducing the amount of traffic and hotel rooms that will not cause additional problems to the sewer and water system.

Vice Mayor Paul stated that the parking garage is not expanding in spaces it is just going wider and a little less depth, is not increasing the amount of parking space and it is a reduction in units.

Commissioner Salzhauer agrees with speaker Henderson and spoke regarding having a caveat that they cannot add lifts or use the parking for other buildings. She is not comfortable in approving without the caveat that

they do not add the lifts and the parking is used only for the property. She also asked if the Historic Preservation Board approved these new changes.

Mr. Thompson addressed the comments made by Commissioner Salzhauer and stated that they are not planning on putting in lifts.

Commissioner Kesl commented on parking and traffic congestion and that there are requirements to have a certain amount of parking spots with new development. He stated that they do need better transportation.

Mayor Burkett asked if the project fails if the elevated parking in the garage is eliminated. He asked if there is an increase in the parking garage.

Mr. Thompson stated that they are not planning on placing lifts and he stated that the lobby level stays the same height.

Commissioner Velasquez commented on there not being a traffic problem and believes they are being very conservative on everything.

Vice Mayor Paul stated that prior to her serving on the Commission she was an activist and was at the Historic Preservation Board to support historic designation of this building and is looking forward to see this project move along because of the historic structure.

Mayor Burkett thanked the developers for their work and goals and he believes that this developer has listened carefully and spent a lot of money and time. He stated that they have engaged with the Commission and residents and that the number of condominiums has been reduced by almost 50%. He stated that he will be bringing a proposal to reduce density. He stated that he would support removing the elevators in the parking garage. He would like to see the motion revised to eliminate the elevator in the parking garage.

Commissioner Salzhauer would like the language that Town Attorney Recio sent and that the parking should only be for onsite.

Commissioner Velasquez spoke regarding the parking and the lifts.

Mayor Burkett asked if they could install the elevators for the lifts after or when the building is built.

Mr. Thompson stated that they could be installed at a later time.

Mayor Burkett stated that there is no issue with having more parking but some people use it as a supplement.

Commissioner Kesl stated that the approval of the historic preservation board was to come before and suggested deferring the item. He said if it is not approved by the Historic Preservation Board this vote would be moot.

Mayor Burkett stated that we still have a bite of the apple later.

Vice Mayor Paul stated that if they would like to put lifts they still have to come back to the Commission for approval.

Mayor Burkett stated that this is a small issue and commented on the comment made by Commissioner Salzhauer that there is some other idea for the garage.

Town Attorney Recio stated that if the parking lifts would be proposed in the future, it would have to come before the Commission for approval.

A motion was made by Commissioner Velasquez to approve the resolution as amended as stated and that if they would place a lift they would have to come before the Commission, seconded by Vice Mayor Paul. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

### 3. Adjournment

A motion was made by Commissioner Velasquez to adjourn the meeting without objection at 7:25 pm. The motion received a second from Vice Mayor Paul. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Charles W. Burkett, Mayor

Attest:

\_\_\_\_\_  
Sandra N. McCready, MMC  
Town Clerk



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
April 13, 2021  
7 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 7:38 p.m.

**B. Roll Call of Members**

Town Clerk McCreedy called the roll with the following members present:

Present: Mayor Charles W. Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Charles Kesl and Commissioner Eliana Salzhauer.

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango and Building Official James McGuinness.

**C. Mayor and Commission Remarks – Mayor Charles W. Burkett**

Mayor Burkett clarified that the time allotted to speakers for discussion items have been reduced from three minutes. He stated that everyone gets to speak for three minutes in good and welfare and he at times does reduce the speaking time to one minute due to the number of speakers that want to participate.

Commissioner Salzhauer stated that citizens should have time to speak and all the speakers should have three minutes to speak. She stated that this is protected under the current code. She spoke regarding a health situation in her family and residents will not stand for their speaking time to be limited. She stated that they are entitled to three minutes or longer if the Commission allows them to speak for longer than three minutes.

Commissioner Kesl believes that one minute is appropriate for discussion items and tied them to opening democracy once they get back to Town Hall. He spoke regarding having hybrid meetings and moving forward. He does believe when they have greater participation there will be a bigger pressure on time and would like to get through the discussion items. He supports three minutes for



resolutions and ordinances and he is not threatened about having one minute for himself and discussion items. He stated that if there is an ethics violation, they can prove him wrong.

A motion was made by Commissioner Kesl for the Town Manager to continue to integrate smart goals and his quality control item. The motion died for lack of second.

Commissioner Velasquez stated that she has never had a problem with any resident discussing any item and it is important to her for all residents to speak. There is a time and place for each specific item and the resident should stay on topic.

Vice Mayor Paul stated that this is about mutual respect for everyone. She stated that during her time on the Commission it was three minutes and that is what they expect now and would like to keep it at that time. She would like for item 9E (FPL Solar Together) to be removed from the agenda and given to the Town Manager to have under him.

Mayor Burkett stated that they have not had the type of explosions in the past when Commissioner Salzhauer has not been in attendance and would like to keep this respectful.

Commissioner Salzhauer stated that she will keep it respectful. She stated that last meeting went smoothly because nobody tried speaking up. She stated that by her trying to have him correct the record is not a negative thing but it is to make sure to state the record and have the comments accurate.

Mayor Burkett stated that the three-minute rule exists unless it is very crowded and realistically, they promised to have the meetings end at 11:00 pm and his job is to run productive and effective meetings.

Commissioner Velasquez asked if they can defer Commissioner Kesl's item on quality control to the next meeting.

**D. Agenda and Order of Business** Additions, deletions and linkages

A motion was made by Commissioner Kesl move item 9HH (Parking and Other Traffic Solutions in the Business District to Support Local Businesses) and item 9II (Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans) up on the agenda after item 9A (Amending Town Code Section 2-205 Conduct of Meetings; Agenda), seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Commissioner Salzhauer to have Town Manager Hyatt discuss the purchase of land for parks, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

**E. Community Notes – Mayor Charles W. Burkett**

**F. Legislative Update – Mario Bailey**

Mario Bailey, lobbyist, gave the legislative appropriation update.

Mayor Burkett asked if he was a lobbyist and if he worked for Fausto Gomez' company.

Assistant Town Manager Greene stated that there was a merger and the bills still come in as Fausto Gomez' company.

Vice Mayor Paul asked Mr. Bailey regarding the erosion of home rule that addresses some of the house and senate bills. There were two, HB1 and HB263. She spoke regarding HB64 and asked for any updates on those.

Mr. Bailey gave Vice Mayor Paul an update on those bills and stated that they are working with the league of cities on these bills. He also explained the different bills.

Mayor Burkett asked Mr. Bailey to email a copy of HB1 to the Town Manager so he can distribute it to the Commission.

Mayor Burkett asked Mr. Bailey to elaborate on HB263 and HB64.

Mr. Bailey stated that he will follow up with an email it relates to the specifics to all the bills and he has been working with the league and stated that the league is opposed to them.

Vice Mayor Paul read into the record the description of HB263 and HB64.

Mayor Burkett asked Vice Mayor Paul what the intention of the bill is.

Mr. Bailey addressed the question by Mayor Burkett.

Mayor Burkett asked Mr. Bailey to get all the information to the elected officials.

Commissioner Salzhauer left the meeting at 8:10 p.m.

**2. Quasi-Judicial Hearings – N/A**

**3. Consent Agenda (Set for approximately 7:30 p.m.)**

A motion was made by Commissioner Kesl to approve the consent agenda minus the March 9, 2021 Regular Town Commission Meeting Minutes in order to amend those minutes elaborating on the FPL item having them be more specific due to statements that were made that were incorrect and the February 4, 2021 as amended in order for Commissioner Kesl to have time to review the minutes, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

**A. Minutes – Sandra N. McCready, MMC, Town Clerk**

- February 4, 2021 Zoning Workshop Meeting Minutes
- February 9, 2021 Regular Town Commission Meeting Minutes
- February 18, 2021 Zoning Workshop Meeting Minutes
- February 23, 2021 Special Town Commission Meeting Minutes
- March 9, 2021 Regular Town Commission Meeting Minutes
- March 23, 2021 Visioning Budget Workshop Minutes

Approved on consent minus the February 4, 2021 Zoning Workshop Meeting Minutes and the march 9, 2021 Regular Town Commission Meeting Minutes.

**\*B. Town Manager's Report – Andrew Hyatt, Town Manager**

Approved on consent.

**\*C. Town Attorney's Report – Weiss Serota, Town Attorney**

Approved on consent.

**D. Committee Reports - Andrew Hyatt, Town Manager**

- December 15, 2020 Downtown Vision Advisory Committee Meeting Minutes
- February 17, 2021 Budget Advisory Committee Meeting Minutes
- February 25, 2021 Planning and Zoning Board Meeting Minutes

Approved on consent.

**E. Authorizing Additional Expenditure of Funds - GM Tennis – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING ADDITIONAL EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$10,500 TO EXPAND THE YOUTH TENNIS PROGRAM OPERATED BY GM SPORTS TENNIS, LLC.; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**F. Mutual Aid Agreement between the Town of Surfside Police Department and the Florida Department of Children and Families – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES FOR THE SHARING OF FLORIDA CRIMINAL HISTORY AND LOCAL CRIMINAL HISTORY INFORMATION FOR CHILD PROTECTIVE INVESTIGATIONS AND EMERGENCY CHILD PLACEMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**G. Adopting a Proclamation - Arbor Day – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING THE IMPORTANCE OF TREES FOR THE TOWN OF SURFSIDE'S COMMUNITY AND ENVIRONMENT AND ENCOURAGING THE PLANTING OF TREES; PROCLAIMING APRIL 26, 2021 IN THE TOWN OF SURFSIDE AS "ARBOR DAY"; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**H. Authorizing the Expenditure for the FAA Appeal – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING ADDITIONAL EXPENDITURE OF FUNDS TO SPECIAL COUNSEL, LEECH TISHMAN FUSCALDO & LAMPL, IN CONNECTION WITH THE APPEAL OF THE FEDERAL AVIATION ADMINISTRATION'S (FAA'S) SOUTH CENTRAL FLORIDA METROPLEX PROJECT (METROPLEX), FOR LEGAL FEES AND CONSULTANT'S SERVICES FOR PHASE 1 METROPLEX FLIGHT PROCEDURE ASSESSMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

#### 4. Ordinances

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

##### A. Second Reading Ordinances

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

##### B. First Reading Ordinances

#### 5. Resolutions and Proclamations

*(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)*

##### A. Resolution Adopting a Civility Pledge by Town Officials – Vice Mayor Tina Paul

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING A CIVILITY PLEDGE FOR ELECTED OFFICIALS ENGAGED IN PUBLIC DISCOURSE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the resolution title into the record.

Mayor Burkett stated that their debates do not get personal and at times it is tough but they take care of business and the meetings are moving forward. He stated that it is refreshing how smooth, pleasant and productive the meetings are without the interruptions.

The following individuals from the public spoke:

Joshua Epstein

Horace Henderson

Mayor Burkett stated for the record that Mr. Epstein is Commissioner Salzhauer's teenage son.

Commissioner Kesl stated that this is something that is necessary and that it is good to have checks and balances on behavior and it is good for everyone.

A motion was made by Vice Mayor Paul to approve the resolution, seconded by Commissioner Kesl. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

**B. Resolution Approving First Amendment to the Agreement with Zambelli Fireworks Manufacturing Co. for 2021 Fourth of July Fireworks – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH ZAMBELLI FIREWORKS MANUFACTURING CO. FOR 2021 FOURTH OF JULY FIREWORKS SHOW SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FIRST AMENDMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the resolution title into the record.

Commissioner Salzhauer came back to the meeting at 8:24 p.m.

Commissioner Salzhauer stated that her son is in the hospital with his doctors and the team. She spoke regarding Surfside being the only community talking about fireworks when we are still with this pandemic and doubling the cost and stated that they are not being fiscally responsible.

Commissioner Salzhauer left the meeting at 8:27 p.m.

Commissioner Kesl stated that he spoke to the Town Manager and the issues stated by Commissioner Salzhauer and stated that this is if they lift the ban. He spoke regarding having the thirty-day notice to pull out and have no penalty. He spoke regarding the increase of price and having additional time is equivalent to what the penalty would have been last year and the vendor worked with the Town. He stated that he even spoke to the Town Manager of possibly having it without public gathering and everyone seeing the fireworks from their homes.

Vice Mayor Paul stated that she cannot support this expansion due to the pandemic and if the County allows the fireworks, she would like to do it in a more modest version. She asked where this came about to expand the fireworks during COVID.

Town Manager Hyatt asked Commissioner Velasquez to expand on the question.

Commissioner Velasquez stated that July 4<sup>th</sup> is a very important date for those that fought for our freedom. She stated that the fireworks go very high in the sky and people can see it from their homes. The reason why she suggested expanding the time is because they did not have the fireworks last year and it represents honoring those that died for our freedom.

Town Manager Hyatt stated that the funds come from the Tourist Fund.

The following individuals spoke regarding the item:

Joshua Epstein  
Horace Henderson  
Deborah Cimadevilla

Mayor Burkett spoke regarding honoring our fallen heroes and supports this item.

Commissioner Kesl spoke regarding a scenario on crowd control.

Further discussion took place regarding the cost of the fireworks.

Commissioner Salzhauer came back to the meeting at 8:40 p.m.

Commissioner Kesl spoke about spending the original amount.

Commissioner Velasquez stated that they have enough funding for the increased amount.

Commissioner Kesl would like the support from Vice Mayor Paul.

Commissioner Velasquez stated that if they are basing it on savings and being fiscally responsible. She stated that last year they did not have the fireworks and they saved that amount.

Vice Mayor Paul proposed to the Town Manager to use the funds to giveaway LED arm bands to residents that would benefit dog walkers and she supports the fireworks but feels that it is not the year to go extravagant.

Commissioner Salzhauer commented on spending additional funds in this economic climate.

Further discussion took place regarding the cost for the fireworks and possible reduction in said cost.

A motion was made by Commissioner Velasquez to approve the resolution as amended for the lower amount, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

**C. Retainer Recommendations for Engineering Services Pertaining to Utilities, Stormwater and Geographical Information Systems (GIS) – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH KEITH AND ASSOCIATES, INC. FOR STORMWATER ENGINEERING RETAINER SERVICES PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the resolution title into the record.

Assistant Town Manager Greene introduced the item.

Vice Mayor Paul asked regarding the cost and the scope. She asked regarding the Nova contract and if there are any additional scope of services expected and investigative studies.

Assistant Town Manager Greene addressed the questions made by Vice Mayor Paul.

Public Works Director Stokes commented on questions made by Vice Mayor Paul.

Vice Mayor Paul asked regarding the survey not included by Kimley Horne. She asked if staff is happy with multiple contracts/companies instead of one contract/company.

Public Works Director Stokes stated that they have the survey.

Assistant Town Manager Greene stated that each one has a specific detailed task that they will handle.

Commissioner Velasquez wanted to make sure that the company tasked with the Abbott Avenue drainage issue will come up with a solution quickly.

Commissioner Kesl spoke regarding drainage, sea level rise and they have more firms that have specialization areas.

Commissioner Salzhauer stated that it is good that they have different firms with different expertise levels.



Mayor Burkett spoke regarding the flooding problem and the reality of the situation is that everything has to go up and what the engineers will find is that moving the water up but will not stop the initial flooding going into the houses. He spoke regarding raising homes and looking at a specific house and possibly raising that home up.

The following individuals spoke on the item:

Jeff Rose

Joshua Epstein

Vice Mayor Paul stated that these are for engineering services that replace the Calvin Giordano service contracts and not about the flooding issue.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH NOVA CONSULTING, INC. FOR UTILITIES ENGINEERING RETAINER SERVICES PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the resolution title into the record.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR GEOGRAPHIC INFORMATION SYSTEMS (GIS) RETAINER SERVICES PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the resolution title into the record.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

**D. Resolution Authorization to Expend for Undergrounding Design Coordination Services – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH KCI TECHNOLOGIES, INC. FOR UTILITY UNDERGROUNDING SERVICES FOR PHASE I PREPARATION OF UTILITY COORDINATION PLANS PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the resolution title into the record.

Vice Mayor Paul spoke regarding previous resolutions and the funding approved in those resolutions and the ballot questions. She stated that this item needs to be deferred because ATT and Hotwire are not included in this estimate and the amount will increase. She asked why 92<sup>nd</sup> to 96<sup>th</sup> Street was excluded in the scope and if that is a typo or is that the scope presented to them.

Assistant Town Manager Greene stated that he will ask Paul Abbott who is the consultant for the Town.

Paul Abbott, Town Consultant, stated that the KCI proposal covers the area west of Harding and it is a matter of clarification. He spoke regarding taking all the engineering documents and making them all one.

Vice Mayor Paul spoke regarding corrections and why it is not the whole town. She read several changes of the report that are inaccurate.

Further discussion took place regarding the limits within Town, what areas it encompasses as well as the specifics of the plans and cost estimate.

Commissioner Salzhauer stated that she agrees with deferring this item because there is not enough information.

Mayor Burkett spoke about the comment made by Commissioner Salzhauer stating that they do not read the contract in the agenda packet.

Commissioner Velasquez stated that she is very interested in getting the powerlines undergrounded. She does not agree with spending this kind of money until they have a fairly close and accurate estimate as to how much this is going to cost.

Commissioner Kesl commented on the cost and the fact that the plans will have to be consolidated into a master set and suggested looking at other towns to see how they did their conversions.

Further discussion took place regarding the item and the plans with different options available.

Commissioner Velasquez stated that they should have been told from day one when hiring Mr. Abbott that this was the situation and feels they are being hijacked. She stated that they have to figure out how this will get paid since this is what was approved and does not want to spend another \$300,000 to determine what needs to get fixed and not sideline them midway through the project.

Vice Mayor Paul stated that Mr. Abbott is doing his job and they will need to pay this money to know what it will look like. She spoke regarding the ballot questions. She stated that the residents have to decide if they want to continue with the project with the extra cost and it is not Mr. Abbott's fault.

Commissioner Kesl stated that they do need to understand what the big picture and component will be.

The following individuals from the public spoke:

Debbie Cimadevilla

Jeff Rose

Joshua Epstein

Horace Henderson

Mr. Abbott addressed the question by Ms. Cimadevilla regarding the project and collaboration.

Commissioner Salzhauer stated that they have to pay all utilities to get cost estimate designs.

Commissioner Velasquez stated that she feels that this is not something that she would agree to as of right now because they can come back and receive a ballpark figure of how much this project is going to cost, how much it would cost to borrow the money, how long it will take to pay it back and what the monthly payments would be. She stated this should go before the residents again.

Commissioner Kesl gave some suggestions moving forward like having a company that has done this work before and would charge less. He is not comfortable or familiar with the greater context.

Vice Mayor Paul stated that the way to move forward is to provide a cost to see if the residents want to move forward with this.

Mayor Burkett commented on the money to be spent and the voters want to place their utilities underground and he believes that those that are trying to trip this up will be held accountable. He suggested for Mr. Abbott to go out and get a cost to place the powerlines underground.

Vice Mayor Paul answered Mr. Rose's question and would not like to have to go back to a ballot question and perhaps the Town Manager could put together a survey for the residents to see if they want the Town to expend that money.

Commissioner Velasquez stated that they need to get a ballpark figure.

Commissioner Kesl stated that the ballot question was done months in advance and the ballpark figure is not that far off and does not believe it has to go to a ballot question again. He stated that he is not comfortable if it comes in at \$30 million.

Commissioner Salzhauer stated that the residents complain about high water bills and it is due to the prior Commission borrowing so much money. She stated that they need to get the real number before spending the money.

Mayor Burkett asked Mr. Abbott to give the Commission their best option.

Mr. Abbott stated that the money they are debating about spending tonight they will spend it regardless at one point and time.

Mayor Burkett stated that their first obligation is to come up with some options.

Mr. Abbott stated that the first thing to get is their first cost estimate from FPL.

Mayor Burkett asked how can they put the numbers together effectively.

Mr. Abbott addressed the comments made by Mayor Burkett which involves combining a cost estimate.

Mayor Burkett asked if he can give a range on the cost estimate that he will provide.

Mr. Abbott stated that it will be within as close as an option which would be within 25%. He stated that once he receives the FPL data, he will provide the cost estimate.

Mayor Burkett asked what would the time frame be for the Commission to get the cost estimate.

Mr. Abbott stated that the FPL cost estimate dictates the actual project cost.

A motion was made by Commissioner Velasquez to extend the meeting for 10 minutes, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Assistant Town Manager Greene stated if they could get the budget amendment resolution for Atlantic Broadband approved tonight.

Mayor Burkett asked for Mr. Abbott to negotiate the best deal as it entails Atlantic Broadband.

A motion was made by Vice Mayor Paul to defer this item, and the resolution subject to the correction, seconded by Commissioner Salzhauer. The motion carried with a 4-1 vote with Mayor Burkett voting in opposition.

**E. Budget Amendment – Undergrounding Design Coordination Services and Design for Undergrounding of non-FPL Utilities – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 7 TO THE FISCAL YEAR 2020/2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the resolution title into the record.

Assistant Town Manager Greene introduced the item.

Vice Mayor Paul stated that this should be deferred because the cost on Atlantic Broadband was not disclosed to the residents. She stated that in order to proceed they need to know if the residents want to proceed with these costs.

Mr. Abbott stated that he cannot answer that question because he was not involved during that time. He stated that he cannot validate \$18 million dollars.

Commissioner Kesl stated that everyone agrees that FPL is the dog wagging her tail.

Commissioner Salzhauer suggested deferring this item as well in order to wait and see if the residents want to spend this amount of money. She also asked

Mr. Abbott if the laterals were done correctly.

Mr. Abbott spoke regarding the utility conversion project.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Mayor Burkett. The motion carried with a 3-2 vote with Vice Mayor Paul and Commissioner Salzhauer voting in opposition.

#### **F. Urging Resolution in Support of Home Rule – Vice Mayor Tina Paul**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO SUPPORT HOME RULE FOR LOCAL MUNICIPALITIES AND COUNTIES, AND REJECT 2021 LEGISLATION THAT ERODES LOCAL GOVERNMENT HOME RULE AUTHORITY; AUTHORIZING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO THE OFFICIALS NAMED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

The item was not discussed and will be withdrawn due to timeliness.

#### **6. Good and Welfare/ Public Comments from Residents**

**(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.*

The following individuals from the public spoke:

Joshua Epstein spoke regarding the fireworks and misleading information.

Jeff Rose thanked Commissioner Kesl for his virtual office hours and spoke regarding the new toppers on the beach.

Debbie Cimadevilla agrees with the one-minute time limit on agenda items.

Nicole Travis Loper spoke regarding the 96<sup>th</sup> Street Park design and a kayak launch. She spoke regarding a cyclist being hit by a car on 88<sup>th</sup> Street and Harding.

Tim Travis-Loper spoke regarding the tennis center.

Horace Henderson thanked the Commission on the work they are doing in the Town.

Jeffrey Platt asked what Commissioner Velasquez' real name is because it is different on Facebook.

George Kousoulas spoke regarding the budget workshop and a sketch he proposed at the Downtown Vision Advisory Committee (DVAC) meeting and what would an expanded sidewalk would look like.

Mayor Burkett stated that there are no ethics violations he received from the ethics board.

Commissioner Salzhauer came back to the meeting at 9:00 p.m.

Commissioner Velasquez addressed Mr. Travis-Loper's question on the cost of the kayak launch.

Commissioner Kesl stated that during Good and Welfare civility is important while describing their issue and personally thanked Nicole Travis Loper, Tim Loper and Debbie Cimadevilla. He spoke regarding protecting the private beach and not restricting 96<sup>th</sup> Street Park as well as the kayak launch.

Vice Mayor Paul thanked all the speakers and stated that she is surprised that the park design did not include the kayak launch and would like to see it incorporated in the design plan. She stated that they need to be careful with the seawall and it should be done the right way. She stated that she did not know that a cyclist was hit today and they do need to keep their streets safer. She spoke regarding having a painted bike lane. She stated that she is ready to hold in person meetings.

Town Manager Hyatt asked if they would like to have Savino and Miller to include the kayak launch in their design. It was not included in the scope of work when it was sent out to Savino and Miller.

Commissioner Salzhauer stated that she would like to stay with good and welfare. She stated that the residents deserve to be heard and have three minutes to speak. She stated that she is disappointed with how it has changed. She stated that every Commissioner should have the opportunity to address the comments made by the public speakers in good and welfare.

Commissioner Velasquez thanked all the residents that participated in good and welfare and would like to hear testimony from residents that have been cut off because the only one that has been cut off because he gets off the topic is Mr. Joshua Epstein, which is Commissioner Salzhauer's 14-year-old son.

A motion was made by Commissioner Velasquez to direct the Town Manager to include the kayak launch to the 96<sup>th</sup> Street Park design proposal, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

Commissioner Velasquez stated that they need to resolve the issue with more police presence on Collins Avenue and Harding Avenue to give out tickets for speeding and double parking.

Commissioner Salzhauer spoke regarding the kayak launch design and that it was separate because they do not own the seawall as of yet.

**7. Town Manager and Town Attorney Reports**

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

**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

**A. Amending Town Code Section 2-205 Conduct of Meetings; Agenda – Mayor Charles W. Burkett**

Item deferred to next meeting.

**B. Demolition by Neglect - Mayor Charles W. Burkett**

Item deferred to next meeting.

**C. Excessive Homeless Contribution made by the Former Commission - Mayor Charles W. Burkett**

Item deferred to next meeting.

**D. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt, Town Manager**

Item deferred to next meeting.

**E. FPL Solar Together - Vice Mayor Tina Paul**

Item was removed at the beginning of the meeting to be handled by the Town Manager.

**F. Climate Environmental Collective Revised - Vice Mayor Tina Paul**

Item deferred to next meeting.

**G. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission – Mayor Charles W. Burkett**

Item deferred to next meeting.

**H. Amending Town Code Section 2-237 Business Relationships – Commissioner Eliana Salzhauer**

Item deferred to next meeting.



- I. Community Center Pool Deck Lighting - Staff Report** – Andrew Hyatt, Town Manager

Item deferred to next meeting.

- J. Community Center Second Floor – Staff Report** - Andrew Hyatt, Town Manager

Item deferred to next meeting.

- K. Designated (Painted) Walking Areas in the Residential District- Staff Report** – Andrew Hyatt, Town Manager

Item deferred to next meeting.

- L. Alternative Kayak Launches in Addition to the 96th Street Park –**  
Mayor Charles W. Burkett

Item deferred to next meeting.

- M. Stormwater Masterplan - Staff Report** – Andrew Hyatt, Town Manager

Item deferred to next meeting.

- N. Amend Tourist Board Ordinance** – Commissioner Nelly Velasquez

Item deferred to next meeting.

- O. Legally Defective Charter Amendment Vote in 2012** – Mayor Charles W. Burkett

Item deferred to next meeting.

- P. Traffic Control Devices on 88<sup>th</sup> & Hawthorne Avenue** – Commissioner Eliana Salzhauer

Item deferred to next meeting.

- Q. Cone of Silence/Secrecy** – Mayor Charles Burkett

Item deferred to next meeting.

- R. License Plate Readers** – Mayor Charles W. Burkett

Item deferred to next meeting.

**S. Cancel Culture in Surfside** - Mayor Charles W. Burkett

Item deferred to next meeting.

**T. Permit Process** - Mayor Charles W. Burkett

Item deferred to next meeting.

**U. High Water Bill** – Mayor Charles Burkett

Item deferred to next meeting.

**V. Zoning Code Timetable** - Mayor Charles Burkett

Item deferred to next meeting.

**W. Kayak Survey Results** – Andrew Hyatt, Town Manager

Item deferred to next meeting.

**X. Zoning in Progress** – Mayor Charles Burkett

Item deferred to next meeting.

**Y. Motorized Bikes on the Hardpack** - Mayor Charles Burkett

Item deferred to next meeting.

**Z. Increased Commercial Airliner Flights over Surfside** - Mayor Charles Burkett

Item deferred to next meeting.

**AA. Install a lighted, pedestrian controlled, high visibility crosswalk at 90<sup>th</sup> Street and Harding Avenue** - Mayor Charles Burkett

Item deferred to next meeting.

**BB. Purchase of Electric Vehicles** - Mayor Charles Burkett

Item deferred to next meeting.

**CC. One-way automatic gate at 96<sup>th</sup> Street and Bay Drive - Mayor Charles Burkett**

Item deferred to next meeting.

**DD. Dramatically raise the price of the remaining spaces on Harding Avenue to encourage the usage of our larger parking lots for stays over 15 minutes. Charge \$1 for each 15-minute stay, which would be the only option - Mayor Charles Burkett**

Item deferred to next meeting.

**EE. Pickup and drop off zones for each block at its center, on both sides, on Harding Avenue - Mayor Charles Burkett**

Item deferred to next meeting.

**FF. Draconian Fines for Residents - Mayor Charles Burkett**

Item deferred to next meeting.

**GG. Surfside's Brand Name, Miami's Uptown Beach Town – Mayor Charles Burkett**

Item deferred to next meeting.

**HH. Parking and Other Traffic Solutions in the Business District to Support Local Businesses – Commissioner Charles Kesl**

Item deferred to next meeting.

**II. Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans – Commissioner Charles Kesl**

Item deferred to next meeting.

**JJ. Daylight Plane Requirement for New Construction – Commissioner Charles Kesl**

Item deferred to next meeting.

**Staff Reports**

**A. Purchase of Land for Parks – Commissioner Nelly Velasquez**

**10. Adjournment**

A motion was made by Commissioner Kesl to adjourn the meeting at 11:11 p.m. without objection, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Charles W. Burkett, Mayor

Attest:

\_\_\_\_\_  
Sandra N. McCready, MMC  
Town Clerk



## TOWN MANAGER'S REPORT

MAY 11, 2021

### COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

- I. SEE CLICK FIX REPORT – *Attachment "A"*
- II. DEVELOPMENT APPLICATION PROCESS (2012 – PRESENT) – *Attachment "B"*
- III. TOWN DEPARTMENTS

#### ***Code Compliance Division***

**A.** Code Violation Cases: As of April 26, 2021, the total number of active, open cases being managed is 222. Of these cases, 109 cases are still under investigation and are working towards compliance; 21 cases are on-hold; 23 cases are in the Special Master hearing queue; 6 cases are in post-hearing status; 23 code cases have been issued liens and remain unpaid; 38 code cases have service liens and remain unpaid. Properties with unpaid liens are sent reminder letters on a semi-annual basis.

**B.** Collected Civil Penalty Fines: Unresolved code compliance cases accrue fines until the code violation is resolved. After the violation is corrected, the property owners are notified to remit the fine amount due. In many cases, the fine amount is either paid, resolved via a settlement agreement, or referred to the Town's Special Master for a hearing and potential reduction on the fine amount due.

The following is a summary by fiscal year of the fine amounts collected by the Town:

- FY 21: As of April 26, 2021, 53 cases have paid/settle for a total collection of \$19,321.00
- FY 20: 109 cases have paid/settled for a total collection of \$ \$115,851
- FY 19: 143 cases paid/settled for a total collection of \$35,654

**C.** The Code Compliance Division has assisted the Finance Department by conducting 48 Code lien searches for the month of April 2021.

**D.** The Code Compliance staff has continued to regularly distribute face masks throughout the Farmer's Market to pedestrians and continued with enforcement and education of COVID-19 regulations regarding social distancing on commercial establishments.

### ***Community Services & Public Communications Department***

**A.** During April, the Communications and Tourism departments focused on earth-friendly activities and projects, working with Public Works and the Fill A Bag organization to install four additional clean up stations at the following locations:

- 96<sup>th</sup> Street beach entrance
- Grand Beach Hotel beach entrance
- Community Center beach entrance
- 92<sup>nd</sup> Street beach entrance
- 88<sup>th</sup> Street beach entrance

Each of these stations allows participants to record and obtain community service hours through the Fill A Bag organization, by taking a photo of themselves participating in a clean-up and filling out the form by scanning the QR code bolted to the station posts.

**B.** Banners and decals featuring the "Don't Litter, Save the Critters" campaign materials will be displayed throughout Town this month. Locations will be the Town Community Center, Tennis Center, and 96<sup>th</sup> Street Park. Decals will be placed on trash/recycling receptacles throughout the Town.

**C.** As part of the Earth Day efforts, the department released the "How Does a Pelican Find Its Way Home?" video to document the brown pelican release in partnership with Surfside Parks & Recreation and the Pelican Harbor Seabird Station. The video will run throughout the month on Channel 663 and is posted to the Town's YouTube page.

### ***Finance Department***

**A.** Monthly Budget to Actual Summary as of March 31, 2021 – *Attachment "C"*

### ***Police Department***

**A.** *Police Department Statistics (April 1 – April 23, 2021)*

- Traffic Citations – 290
- Parking Citations – 506
- Arrests – 8

- Dispatch Events – 1,000
- Incident/Crime Reports - 49

### ***B. Coronavirus (COVID-19) Update***

The Surfside Police Department has maintained situational awareness of the COVID-19 Pandemic Incident in coordination with Local, State, and Federal partner Agencies and through continued contact and information sharing with the Miami-Dade County Office of Emergency Operations-Emergency Operations Center. Our Department strives to maintain operational readiness, public preparedness, safeguarding the community, and enforcement of laws-ordinances-governmental orders.

### ***C. Coronavirus (COVID-19) Related Actions:***

- Communications with Miami-Dade Emergency Operations Center

### ***D. National Police Appreciation Week***

May is the month where the nation celebrates Memorial Day and National Police Appreciation Week. The National Police Appreciation Week is celebrated annually and will take place this year from May 9 to May 15, 2021. National Police Appreciation Week is a collaborative effort of many organizations dedicated to honoring America's law enforcement community.

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week. Tens of thousands of law enforcement officers from around the world traditionally converge on Washington, D.C. to participate in a number of planned events which honor those that have paid the ultimate sacrifice. The Memorial Service began in 1982 as a gathering in Senate Park of approximately 120 survivors and supporters of law enforcement. Decades later, the event, more commonly known as National Police Week, has grown to a series of events which attracts thousands of survivors and law enforcement officers to our Nation's Capital each year. Due to the ongoing pandemic, the in-person events in Washington, D.C. to honor fallen officers from 2019 and 2020 have been rescheduled for October 13 -17, 2021.

Locally there are several events to honor the men and women of law enforcement.

The Law Enforcement Officers Memorial was established in 1980 to honor fallen officers from every police department and law enforcement agency within Miami-Dade County. In 2001, four black granite walls were erected; etched with the names of the gallant men and women who died serving the citizens of their community.

The Eternal Blue Line Flag will be flown over Surfside Town Hall the month of May in honor of the fallen officers.

#### *E. Police Events/Community Outreach*

- The Mobile DMV will be rescheduled as soon as possible.
- The North Miami Police Department honored their fallen police officers Sergeant Carl W. Mertes, Detective Sergeant Steven E. Bauer and Sergeant Lynette Hodge with a Memorial Ceremony on May 4, 2021 at 9:00 a.m. at the North Miami Police Department. Captain Healy participated in this poignant event.
- The 40<sup>th</sup> Annual Miami-Dade Law Enforcement Officers Memorial Ceremony was May 6, 2021 at 7:00 p.m. at Tropical Park. Capt. Marciante attended the event and Sgt. Lorente proudly represented the Surfside Police Department as a member of a multijurisdictional Honor Guard Team participating in the ceremony.
- The North Miami Beach Police Department honored their fallen police officers Lieutenant James Hyre, Detective Sergeant Orestes Lorenzo and Officer Miguel Acevedo with a Memorial Ceremony on May 7, 2021 at 10:00 a.m. at the North Miami Beach Police Department. Captain Marciante participated in this poignant event.
- The Surfside Police Department will host a community blood drive on May 26, 2021 from 11:00 a.m. – 4:30 p.m. in the Town Hall municipal parking lot.

## **IV. TOWN PROJECTS**

### ***Biscaya Waterline Replacement***

The construction contract has been prepared by the Town Attorney and provided to the contractor. Town staff and consulting engineer hosted a construction kickoff meeting on May 3, 2021.

### ***96<sup>th</sup> Street Park***

The design team presented the results of the March public input and preliminary schematic design options to the Parks & Recreation Committee on April 12, 2021. On April 28, 2021, the design team presented refined schematic site designs, incorporating Committee feedback, in a public zoom meeting for further comments. There will be additional digital and in person feedback gathering for a few days after the zoom meeting and then the design team will take comments into account to develop a final schematic site design. The final schematic design will be presented to the Town Commission for approval to move forward with Design Development later in May 2021.



### ***Abbott Avenue Drainage Study***

The consulting engineer (KEITH) is finalizing the existing conditions ICPR Model and is preparing an existing condition report to submit to the Town to complete Task #2. KEITH met with FDOT District 6 Drainage Office on March 30, 2021 and discussed the stormwater impacts on Abbott Avenue from FDOT ROW. FDOT has subsequently provided KEITH & the Town with the FDOT pump station maintenance agreement between the Town and FDOT executed in 2007. They also provided their available as-builts. The consulting engineer provided FDOT with the information previously gathered. KEITH conducted a site visit on April 26, 2021 to gather further information on the existing conveyance systems.

### ***Byron/Bay Closure Study***

The transportation consulting engineer coordinated with Miami-Dade County regarding the initial process. Currently working on development of the traffic methodology for the road closure to distribute to the public agencies provided by Miami-Dade County. The traffic study methodology has been sent to each agency and have requested a written response. Follow-up meetings will be scheduled once each agency has provided a response if needed.

### ***Undergrounding of Utilities***

At the direction of the Commission, the Town has begun the process to expedite the conversion of overhead utilities to underground locations. These efforts require coordination and design efforts involving all of the Town's utility providers with overhead lines, such as power, communications, and internet companies. Once the design phase has been completed and agreements with these companies are in place, the Town can move forward to ensure all feeder and lateral lines are buried.

As of April 2021, the Town is in Phase 1 of the Project, when designs by the utility providers are completed and the design coordination of all utilities, including water and sewer lines, are made. Once those plans have been created, residents will have an idea of where and what type of aboveground infrastructure, such as utility boxes, will be located.

Phase 1 of the project includes payments for:

- Utility providers such as FPL, Atlantic Broadband, and AT&T to complete their design efforts (FPL and ABB are authorized);

- Design coordination efforts up to a 50% design level by a qualified professional engineering firm (pending authorization); and
- Project management and construction cost estimating (authorized).

Phase 1 of the project which will provide the Town with a construction cost estimate and a level of design to know where above ground utility infrastructure will be located is expected to cost about \$425,000 of which up to \$290,000 is for the design coordination effort.

Additional discussion on this issue, including the authorization to expend up to \$290,000 on the design coordination effort, will take place during the next Commission meeting.

Respectfully submitted by:



Andrew E. Hyatt, Town Manager

**SeeClickFix Report**

Requests filtered by request category that have been created 04/01/2021 - 04/30/2021

<b>Request Category</b>	<b>Created in period</b>	<b>Closed in period</b>	<b>Average days to close</b>
Beach Issue	2	0	
Code Compliance (Safety Concern)	3	3	0.1
Code Compliance (Violation)	2	2	0.1
Other	3	0	
Police (Safety Concern)	2	1	0.3
Solid Waste (Residential) (PW)	3	0	
Utilities (Water/Sewer) (PW)	1	0	
Construction Issues	2	0	

Requests filtered by request category that have been created 01/01/2014 - 04/30/2021

<b>Request Category</b>	<b>Created in period</b>	<b>Closed in period</b>	<b>Average days to close</b>
96 Street Park (P & R)	11	11	2
Beach Issue	232	213	15.9
Code Compliance (Safety Concern)	107	107	20.2
Code Compliance (Violation)	179	176	17.5
Community Center (P & R)	11	9	8.1
Dog Stations (P & R)	15	15	3.1
Drainage/Flooding (PW)	42	34	17
Graffiti (PW)	5	3	17.5
Hawthorne Tot-Lot (P & R)	7	7	22.5
Other	292	274	15.3
Police (Safety Concern)	95	93	5.4
Pothole (PW)	6	6	18.4
Solid Waste (Commercial) (PW)	8	7	4.8
Solid Waste (Residential) (PW)	35	28	13.2
Street lights (PW)	72	60	83.2
Surfside Dog Park (P & R)	10	10	0.3
Utilities (Water/Sewer) (PW)	48	35	24.2
Barking Dog	12	12	13.2
Beach Patrol	6	5	2.1
Parking Issue	106	104	2.1
Construction Issues	48	41	13.7
Dead Animal	5	5	8.7

last updated on 6/26/2021

DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT)									
Application Date Location	Project Description	Zoning Process	Density/Intensity		Variances		Building Permit		Status
			Allowed	Approved	Requested	Received	Application No.	Status	
Original submittal: 7/13/2012 Site plan amendment: 4/16/16 9011 Collins Avenue	Surf Club - restoration of the famous surf club historic structure and for the construction of new improvements	DRG - 7/31/2012, 8/23/2012, site plan amendment: 5/16/2016, 8/4/2016, 3/9/2017, 5/11/2017 P&Z - Original site plan: 9/27/2012, site plan amendment: 8/31/2017 TC - Original site plan: 10/15/2012, site plan amendment: 10/10/2017 Site Plan Ext -	762 units	257 units	None	None	13-727	Issued	Under Construction
7/20/2012 9450 Collins Ave	The Shul - New multiuse glass atrium and joining learning center (3 stories)	DRG - 2/11/2013, 3/27/2013, 7/9/2013 P&Z - 2/27/2014 TC - 10/28/2014 Site Plan Ext -	3 story expansion of 8,558.9 square feet		None	None	14-509	Issued	Under Construction
3/15/2015 201, 203, 205, 207, 209 & 215 88th St. 8809 Harding Ave	Surfside Condo's - redevelopment of (7) parcels into single unified condo development	DRG - 4/2/2015, 6/3/2015 P&Z - 8/27/2015 TC - 12/8/2015 Site Plan Ext -	65 units	28 units	None	None	16-569	Plans approved, waiting on GC	Pending selection of GC
8/12/2015 12/23/20 Site Plan Amendment 9133 Collins Ave & 9149 Collins Ave	Surf Club II - Redevelopment of property with a multi-family residential project and renovation of existing historic structure. Reduction of dwelling units and hotel rooms. Revisions to expand underground parking and revisions to balcony design	DRG - 9/4/2015, 3/9/2017, 9/17/2017, 2/9/2021 P&Z - 12/7/2017, 2/11/2021, 4/29/21 Scheduled TC - 2/13/2018, 4/13/21 Site Plan Ext - Site Plan Extension of approved by TC on 7/28 TC Meeting. Applicant requested extension of site plan due to FL Declaration of Emergency	199 units	Reduced to 31 condo units, 26 hotel rooms	None	None		Has not applied for permit yet.	
Original submittal: 2/11/2016 Revised submittal: 5/31/18 9380, 9372, 9364, 9348, 9340, 9322, 9316 & 9300 Collins Ave	9300 Collins Ave - demolition of all existing improvements, construction of 3-story building	DRG - Original submittal: 3/10/2016, 4/27/2016 Revised submittal: 6/27/2018, 8/28/2018, 11/1/18 P&Z - Original approval: 7/18/2016, Revised approval: 11/29/18 TC - Original approval: 11/10/2016, Approved February 26, 2019 Site Plan Ext - Request submitted to extend approval due to emergency declaration (Hurricane Dorian)	250 units	Request is for 205 units	None	None	18-610	Has not applied for permit yet	
5/4/2016 8955 Collins Ave	Residential Condominiums	DRG - 6/20/2016, 7/27/2016 P&Z - 10/27/2016 11/10/2016 TC - 11/10/2016 Site Plan Ext -	110 units	16 units	None	None	16-602	Issued	Under Construction

**DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT), Cont.**

Application Date Location	Project Description	Zoning Process	Density/Intensity		Variances		Building Permit		Status
			Allowed	Approved	Requested	Received	Application No.	Status	
5/4/2016 8955 Collins Ave	Residential Condominiums	DRG - 6/20/2016, 7/27/2016 P&Z - 10/27/2016 11/10/2016 TC - 11/10/2016 Site Plan Ext -	110 units	16 units	None	None	16-602	Issued	Under Construction
10/1/2016 9116 Harding Ave	303 Surfside - 4 Townhouses	DRG - 11/2/2016, 2/7/2017, 5/18/2017 P&Z - 6/27/2018 TC - 4/14/2018 Site Plan Ext -	8 units	4 units	None	None		Has not applied for permit yet	
5/19/2017 8995 Collins Ave	Surf House - site plan approval for expansion to existing multi-family building	DRG - 6/19/2017, 8/24/2017, 9/28/2017 P&Z - 2/7/2018, 4/26/2018, 5/31/2018, approved on 10/27/19 TC - Scheduled for 12/10/19 Site Plan Ext -	99 units	Current request has not been scheduled for commission yet. Request is for 34 units	3 requested: 1. Section 90-82. - Off-street loading requirements (Loading Space Size). 2. Section 90-91.2. - Required buffer landscaping adjacent to streets and abutting properties (Landscape Buffer). 3. Section 90.93(1b). - Open Space (Open Space Trees).		Has not been scheduled for TC until recommendation from PZ	Has not applied for permit yet	
Original Submittal: 1/06/2015 Revised submittals: 8/01/2016, 12/23/2016, 03/09/2018, 10/29/2018 9/25/2020 8851 Harding Avenue	18 multi-family units	DRG - 01/22/2015, 08/18/2016, 01/23/2017, 03/23/2018, 11/29/2018 Meeting Pending, 2/25/2021 PZ - 01/31/19 PZ recommended approval (Requires PZ Reconsider) 2/25/2021 PZ Denied Plan TC - Denied by the Commission (requires reconsideration by TC), 5/11/21 Tentative TC Site Plan Ext -	33 units	Current request is for 18 units. Town Planner, DRG recommended approval, P&Z recommended denial	1 requested: Section 90-82. - Off-street loading requirements (Loading Space Size). Not Required in 2021 Plan		Approved, not needed in current request		Denied
7/3/2019 9560 Abbott Ave	Young Israel Variance Request to eliminate landscaping to provide for a handicapped accessible ramp	DRG - N/A P&Z - 8/29/2019 TC - 10/29/19 Site Plan Ext -			1 requested: eliminate landscaping along the north side of the building		None		
1/7/2020 8926 Collins Avenue	Arte request to have FPL vault encroach into landscape buffer.	DRG - N/A P&Z - 1/30/2020 TC - 2/11/2020 Site Plan Ext -			Landscape buffer		Approved		

**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2020/2021**  
**As of MARCH 31, 2021**  
**50% OF YEAR EXPIRED (BENCHMARK)**

Agenda Item #

Page

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May 11, 2021

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
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**GENERAL FUND - 001**

REVENUE	\$ 12,966,516	\$16,595,129	78%
EXPENDITURES	7,170,125	\$16,595,129	43%
Net Change in Fund Balance	5,796,391		
Fund Balance-September 30, 2020 (Unaudited)	18,286,748		
Fund Balance-March 31, 2021 (Reserves)	<u>\$ 24,083,139</u>		

**TOURIST RESORT FUND - 102**

REVENUE	\$ 1,796,522	\$2,939,353	61%
EXPENDITURES	1,380,876	\$2,939,353	47%
Net Change in Fund Balance	415,646		
Fund Balance-September 30, 2020 (Unaudited)	2,109,658		
Fund Balance-March 31, 2021 (Reserves)	<u>\$ 2,525,304</u>		

**POLICE FORFEITURE FUND - 105**

REVENUE	\$ 45,611	\$2,000	2281%
EXPENDITURES	1,099	\$2,000	55%
Net Change in Fund Balance	\$ 44,512		
Fund Balance-September 30, 2020 (Unaudited)	168,289		
Fund Balance-March 31, 2021 (Reserves)	<u>\$ 212,801</u>		

**TRANSPORTATION SURTAX FUND - 107**

REVENUE	\$ 83,582	\$235,706	35%
EXPENDITURES	37,372	\$235,706	16%
Net Change in Fund Balance	46,210		
Fund Balance-September 30, 2020 (Unaudited)	442,856		
Fund Balance-March 31, 2021 (Reserves)	<u>\$ 489,066</u>		

**BUILDING FUND - 150**

REVENUE	\$ 346,774	\$1,068,035	32%
EXPENDITURES	453,614	\$1,068,035	42%
Net Change in Fund Balance	(106,840)		
Fund Balance-September 30, 2020 (Unaudited)	1,991,388		
Fund Balance-March 31, 2021 (Reserves)	<u>\$ 1,884,548</u>		

**CAPITAL PROJECTS FUND - 301**

REVENUE	\$ 2,710	\$2,980,448	0%
EXPENDITURES	460,805	\$2,980,448	15%
Net Change in Fund Balance	(458,095)		
Fund Balance-September 30, 2020 (Unaudited)	4,899,128		
Fund Balance-March 31, 2021 (Reserves)	<u>\$ 4,441,033</u>		

**NOTES:**

1) Many revenues for March 2021 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.


2) Expenditures include payments and encumbrances. An encumbrance is a reservation of a budget appropriation to ensure that there is sufficient funding available to pay for a specific obligation.

A. Includes \$2,000,000 available for hurricane/emergencies. The unaudited balance of \$16,286,748 is unassigned fund balance (reserves).

PROPRIETARY FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
<b>WATER &amp; SEWER FUND - 401</b>			
REVENUE	\$ 1,990,360	\$4,416,436	45%
EXPENDITURES	1,449,078	\$4,416,436	33%
Change in Net Position	541,282		
Unrestricted Net Position-September 30, 2020 (Unaudited)	(1,733,610)		
Unrestricted Net Position-March 31, 2021 (Reserves)	<u>\$ (1,192,328)</u>		
<b>MUNICIPAL PARKING FUND - 402</b>			
REVENUE	\$ 707,688	\$1,288,140	55%
EXPENDITURES	616,237	\$1,288,140	48%
Change in Net Position	91,451		
Unrestricted Net Position-September 30, 2020 (Unaudited)	1,293,993		
Unrestricted Net Position-March 31, 2021 (Reserves)	<u>\$ 1,385,444</u>		
<b>SOLID WASTE FUND - 403</b>			
REVENUE	\$ 780,693	\$1,917,932	41%
EXPENDITURES	1,028,085	\$1,917,932	54%
Change in Net Position	(247,392)		
Unrestricted Net Position-September 30, 2020 (Unaudited)	219,615		
Unrestricted Net Position-March 31, 2021 (Reserves)	<u>\$ (27,777)</u>		
<b>STORMWATER FUND - 404</b>			
REVENUE	\$ 460,190	\$1,070,706	43%
EXPENDITURES	451,839	\$1,070,706	42%
Change in Net Position	8,351		
Unrestricted Net Position-September 30, 2020 (Unaudited)	3,205,050		
Unrestricted Net Position-March 31, 2021 (Reserves)	<u>\$ 3,213,401</u>		
<b>FLEET MANAGEMENT FUND - 501</b>			
REVENUE	\$ 429,906	\$863,307	50%
EXPENDITURES	341,502	\$863,307	40%
Change in Net Position	88,404		
Unrestricted Net Position-September 30, 2020 (Unaudited)	825,468		
Unrestricted Net Position-March 31, 2021 (Reserves)	<u>\$ 913,872</u>		



Jason D. Greene, Assistant Town Manager/CFO



Andrew Hyatt, Town Manager



**Town of Surfside**  
**Net Funds Historical Balances**  
**Period 2017 - March 2021**

FUND	9/30/2017	9/30/2018	9/30/2019	9/30/2020	3/31/2021	CAGR <sup>(a)</sup>
General	\$ 8,460,802	\$ 10,902,050	\$ 14,984,105	\$ 18,286,748	\$ 24,083,139	29.3%
Tourist Resort	469,880	356,313	1,640,525	2,109,658	2,525,304	65.0%
Police Forfeiture	164,933	159,527	105,725	168,289	212,801	0.7%
Transportation Surtax	388,363	263,292	328,377	442,856	489,066	4.5%
Building	1,742,910	2,760,673	2,563,517	1,991,388	1,884,548	-11.9%
Capital Projects	576,122	2,158,902	3,048,582	4,899,128	4,441,033	104.1%
Water & Sewer	(3,048,579)	(2,546,398)	(2,367,098)	(1,733,610)	(1,192,328)	-17.2%
Municipal Parking	811,013	943,315	1,198,948	1,293,993	1,385,444	16.9%
Solid Waste	429,743	601,201	641,636	219,615	(27,777)	-20.1%
Stormwater	3,264,379	3,203,878	3,200,132	3,205,050	3,213,401	-0.6%
Fleet Management	-	-	585,363	825,468	913,872	N/A
<b>Total</b>	<b>\$ 13,259,566</b>	<b>\$ 18,802,753</b>	<b>\$ 25,929,812</b>	<b>\$ 31,708,583</b>	<b>\$ 37,928,503</b>	<b>30.0%</b>

(a) - CAGR stands for Compound Average Growth Rate, and is a useful measure of growth over multiple time periods. It represents the growth rate of a Fund Balance from the initial time value to the ending balance if you assume that the fund has been compounding over a time period.



**TOWN OF SURFSIDE**  
**Office of the Town Attorney**  
 MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009  
 Telephone (305) 993-1065

**TO: Mayor and Town Commission**

**FROM: Lillian M. Arango, Town Attorney**  
**Weiss Serota Helfman Cole & Bierman, P.L.**

**CC: Andrew Hyatt, Town Manager**  
**Jason Greene, Assistant Town Manager**

**DATE: May 5, 2021**

**SUBJECT: Office of the Town Attorney Report for May 11, 2021 Regular Commission Meeting**

**This Firm attended/prepared and/or rendered advice for the following Commission meetings and workshops, and Board and Committee meetings during the past month:**

April 5, 2021 - Virtual Tourist Board Meeting

April 13, 2021 - Virtual Special (Quasi-Judicial) Town Commission Meeting

April 13, 2021 - Virtual Regular Town Commission Meeting

April 20, 2021 - Virtual Zoning Code Workshop

April 27, 2021 - Virtual Zoning Code Workshop

April 29, 2021 - Virtual Planning and Zoning Board Meeting

Members of the firm assisted with the agendas and drafted the resolutions and ordinances for these meetings in addition to drafting or assisting with the preparation of a number of the communications and reviewing, revising and, as appropriate, negotiating the legal requirements of the relative agreements and supporting documents. Members of the Firm were instrumental in contacting Governor DeSantis early in the COVID-19 pandemic to seek approval by Emergency Order 20-69 for virtual commission meetings to ensure that the Town Commission could continue meeting and conducting essential Town business and implementing policy. The Firm assisted with the preparation and adoption of rules governing virtual meeting or communications media technology for public meetings during the COVID-19 health emergency, as required by Governor DeSantis' Executive Order 20-69, "Emergency Management - COVID-19 Local Government Public Meetings." The Firm has also assisted the Town with the preparation of numerous emergency measures or orders due to the COVID-19 health pandemic, and continues to assist the Town with ongoing COVID-19 related issues and documents. Most recently, the Firm is reviewing and analyzing Governor DeSantis Executive Orders 21-101 and 21-102, suspending or invalidating local government emergency actions based on the COVID-19 state of emergency, suspending all local COVID-19 "restrictions and mandates on individuals and businesses." The Firm will assist the Town with the transition and implementation of the most recent Governor's Executive Orders.

**Commission Support:**

Attorneys of the firm have worked with members of the Town Commission to transition and address concerns and research specific issues and are always available, either in the office or by phone or email. The COVID-19 health pandemic has created additional challenges, and inhibited our ability to personally meet with members of the Town Commission. We will work with Town administration and staff to transition Commission and board meetings to in-person meetings while still attempting to preserve COVID-19 health and safety protocols. We appreciate your support as we continue our third year of service and work in implementing new policy directives.

### **Staff Support:**

Members of the Firm continue to provide support to Town administration and staff during the COVID-19 health pandemic, and continue to address a variety of issues and assistance with the Town's response to the crisis and compliance with the Governor DeSantis' directives and orders.

As typical, members of the Firm continue to assist the Town administration and staff, as well assist boards and committees, with application review, contract and agreement review, preparation of ordinances as directed by the Commission, procurement and purchasing, budgetary requirements and approval process, various solicitations for Town services and providers (RFQs and RFPs) and agreements, Police agreements and matters, IT related agreements, Code enforcement and interpretation, attendance at Special Master Hearings upon request, beach furniture operator permits and administration, ethics issues and requirements, police related issues and matters, building permit and enforcement issues, subpoenas and public records requests, research, litigation representation and support, oversight and case management, Town Code interpretation and application, labor, employee and pension matters, assistance with and response to Union Representation Certification Petition filed by AFSCME Florida Council 79 for Town civilian employees, and various procurements and service provider contracts for Town Departments, including CCNA engineering services, street sweeping services, and RFPs for debris collection and debris monitoring.

### **Key Issues:**

The workload has been diverse and has included specific issue support to every department. Key issues over the past year have included:

- Emergency Declaration and Emergency Measures and Orders related to the COVID-19 health pandemic; continued review and implementation of Governor DeSantis' Executive Orders pertaining to COVID-19.
- Contract Review Related to COVID-19 health pandemic.
- Repeal of Ch. 90 Zoning Code and Map and Adoption of New Zoning Code (2006 Code with modifications).
- Resolution Combatting Hate Due to COVID-19 Health Pandemic

- Resolutions Approving Interlocal Agreements with Miami-Dade County for Access to Exempt Information and Enforcement of Miami-Dade County Code
- Resolution for the Purchase of Police Body-Worn Cameras and Preparation of Agreement
- Resolution Regarding Nurse Initiative Ruth K. Broad
- Beach Furniture Ordinance and Regulations
- Rate Resolutions Solid Waste Assessment
- RFQs for Abbott Avenue Drainage, Planning Services and Engineering Services
- Resolutions Calling Special Election and Referendum for Undergrounding of Utilities, Restricting Sale, Lease or Exchange of Town Land, and Indebtedness Restrictions
- Resolution Approving Waste Connections for Recycling Services
- Resolution Approving Interlocal Agreement with Miami-Dade County CARES Act
- Resolution Approving Miami-DADE County Local Mitigation Strategy 2020 (LMS)
- Resolution Approving a MOU with the Florida State Lodge Fraternal Order of Police to Provide 1% Hazard Pay to First Responders Due to COVID-19
- Resolution Authorizing Negotiations with Highest Ranked Firm Pursuant to RFQ Seeking General Planning Services
- Resolution Authorizing Negotiations with the Highest-Ranked Qualified Firm Pursuant to RFQ 2020-04 Seeking Engineering Services for Abbott Avenue Drainage Improvements.
- Resolution Approving Purchase and Installation of Lighting Regarding Holiday and Downtown District
- Resolution Approving MOU with Bay Harbor Islands for School Address Verification Program
- Resolutions Approving Proposed and Final Millage Rates and Budget for FY 2020-2021
- Resolution Urging FAA Regarding Metroplex/NextGen Flight Paths
- Resolution Selecting and Awarding Contractors to provide General Landscape Maintenance Services, Additional On-Demand Services and Disaster Debris Recovery Serves, and corresponding agreements.
- Resolution Approving Agreement with Marlin Engineering, Inc. for General Planning Services.

- Resolution Adopting Program for Public Information (PPI) in connection with the National Flood Insurance Program
- Resolution Approving MOU with Florida Department of Highway Safety and Motor Vehicles Regarding Access to Biometric Facial Analysis System
- Resolution Approving FY 20-21 Police Forfeiture Fund Expenditures
- Assistance and Response to AFSCME Florida Council 79 Union Representation Certification Petition for Civilian Town Employees
- Resolution in Support of Closing Byron Avenue at 96 Street and/or Other Traffic Mitigation Measures
- Resolution Urging Bahamian Government to Ban Off Shore Oil Drilling
- Resolution Approving First Amendment to Agreement with PayByPhone Technologies for Mobile Payment Services for Town Parking Facilities
- Resolution Approving and Authorizing Expenditure of Funds to FPL for Binding Estimate on Undergrounding of Electric Distribution Facilities
- Resolution Certifying Election Results for November 3, 2020 Special Election on Three Referendum/Ballot Questions
- Resolutions Approving Budget Amendments No. 3 and No. 4
- Resolution Approving Interlocal Agreement with MDPD Regarding for 911 Answering Points
- Resolution Approving Police Mutual Aid Agreement with Bay Harbor Islands
- Resolution Approving Agreement with Savino Miller for Design of 96<sup>th</sup> Street Park, and corresponding Professional Services Agreement
- Resolution Approving Agreement with HPF Associates for Project Management Support Services for Undergrounding of FPL and Utilities Project, and corresponding Professional Services Agreement
- Resolution in Support of Closing Bay Drive at 96 Street and/or Other Traffic Mitigation Measures
- Resolution Approving Installation of Above Ground Fuel Storage Tank at Town Hall Facilities
- Resolution Approving Purchase of Four Police Vehicles and Equipment
- Resolution Approving Youth Tennis and Soccer Agreements

- Resolution Approving Diamond Brite Pool Resurfacing for Community Center Pool/Spa
- First Amendment to License Agreement with Wavey Acai for Farmer's Market
- Resolution Directing Manager to Coordinate and Schedule a Process for Proposed New Zoning Code
- Ordinance Permitting Pet Grooming Services as Accessory to Pet Retail in the SD-B40 District
- Resolutions Approving Eight (8) Continuing Services Agreements with Engineering Firms Pursuant to CCNA for Engineering Services
- Resolution Approving an Agreement with Keith and Associates for Study and Design of Abbott Avenue Drainage Improvements
- Resolution Approving Legislative Priorities 2021
- Resolution Amending Resolution 2020-2746 in Support of Closing Byron Avenue and Bay Drive and/or Traffic Mitigation Measures
- Resolution Approving Police Mutual Aid Agreement with North Bay Village
- Agreement with Cintas Uniforms for PW Department
- Agreements with Lexis-Nexis for Police Services
- RFP for Street Sweeping Services
- Resolution Selecting and Awarding Contract for Construction of Point Lake Subaqueous Water Main Crossing to Biscaya Island
- Resolution Adopting a Civility Pledge for Public Discourse By Elected Officials
- Resolution Approving Installation and Maintenance of Community Digital Signs with Don Bell, Inc.
- Resolution Urging Governor DeSantis Regarding Vaccine Allocations to Miami-Dade County and Town
- Zoning in Progress Extension and Continued Work on Revisions to Zoning Code
- Resolution Proclaiming Arbor Day for 2021
- Resolution Approving Budget Amendment No. 7
- Resolution Urging the Florida Legislature and Governor Ron DeSantis to Support Home Rule for Local Municipalities and Counties, and Reject 2021 Legislation that Erodes Local Government Home Rule Authority

- Resolution Authorizing Additional Expenditure of Funds in an amount not to exceed \$10,500 to Expand the Youth Tennis Program Operated by GM Sports Tennis, LLC
- Resolution Authoring Additional Expenditure of Funds to Special Counsel, Leech Tishman Fuscaldo & Lampl, in Connection with Appeal of Federal Aviation Administration's (FAA's) South Central Florida Metroplex Project, including the Engagement by Special Counsel of a Consultant for Phase 1, Metroplex Flight Procedure Assessment
- Resolution Approving Memorandum of Understanding with the Florida Department of Children and Families for Sharing of Florida Criminal History and Local Criminal History Information for Child Protective Investigations and Emergency Child Placement
- Resolution Approving Project Agreement with KCI Technologies, Inc. for Utility Undergrounding Services for Phase I Preparation of Utility Coordination Plans Pursuant to Continuing Services Agreement for Professional Engineering Services; Preparation of Project Agreement
- Resolution Approving Project Agreement with Nova Consulting, Inc. for Utilities Engineering Retainer Services Pursuant to Continuing Services Agreement for Professional Engineering Services; Preparation of Project Agreement
- Resolution Approving Project Agreement with Keith and Associates, Inc. for Stormwater Engineering Retainer Services Pursuant to the Continuing Services Agreement for Professional Engineering Services; Preparation of Project Agreement
- Resolution Approving First Amendment to the Agreement with Zambelli Fireworks Manufacturing Co. for 2021 Fourth of July Fireworks Show Services; Preparation of First Amendment to Agreement
- Resolution for Quasi-Judicial Hearing Regarding Amended Site Plan Application for the Property Located at 9133-0149 Collins Avenue (Seaway)
- Resolution for Quasi-Judicial Hearing Approving and Accepting Waiver of Plat for 8712 Byron Avenue
- Resolution for Quasi-Judicial Hearing Approving/Denying Site Plan Application for 8851 Harding Avenue
- Resolution Condemning Extremism and Hate
- Resolution Approving Donation Agreement with Gerald B Cramer Family Foundation Regarding Tennis Funding



- Resolution Approving Police Mutual Aid Agreement with the City of North Miami Beach
  - Resolution Approving Amendment No, 4 to MOU with Participating Municipalities for School Nurse Initiative
  - Contract for Construction for Biscaya Subaqueous Water Main Crossing
- 

**Litigation:** New or supplemental information is provided for the following case:

*Beach House Hotel, LLC vs. Town of Surfside, Case No. 2020-025405-CA-06 in the Circuit Court 11<sup>th</sup> Judicial Circuit, Miami-Dade County, Florida.* On December 7, 2020, the Town was served with a Complaint for Declaratory Relief, Preliminary and Permanent Injunction in connection with the Town’s Beach Furniture Ordinance. On December 23, 2020, the Town filed a Motion for Extension of Time to Respond to the Complaint for 30 days. An Executive Session pursuant to Section 286.011(8), F.S., was held with the Town Commission on January 22, 2021. The Town filed its Answer and Affirmative Defenses on February 4, 2021. On May 4, 2021, the Plaintiff filed its initial discovery requests, including “First Set of Interrogatories to Defendant” and “First Request for Production of Documents to Defendant, both due within 30 days of the filing.

*Village of Indian Creek, Florida, Town of Surfside, Florida and Charles Burkett, Petitioners, v. Federal Aviation Administration and Stephen M. Dickson, in his official capacity as Administrator, Federal Aviation Administration, Respondents.* On December 14, 2020, Town, together with the Village of Indian Creek, filed a Petition for Review of Agency Order appealing the FAA’s Finding of No Significant Impact and Record of Decision in connection with the proposed South-Central Florida Metroplex. The Town’s Special Counsel (Leech Tishman) participated in a Notice of Telephone Assessment Conference with the FAA on March 1, 2021. The FAA announced that it will commence implementing Phase 1 of the Metroplex project on April 22, 2021; in response, the Town’s Special Counsel requested a stay of the implementation from the FAA and US Department of Transportation (to be followed by a motion for stay to the Eleventh Circuit Court if not granted). On April 6, 2021, the Eleventh Circuit Court entered an Order granting all motions for consolidation of petitioners’ cases (Surfside, Village of Indian Creek, City of North Miami, City of North Miami Beach, Friends of Biscayne, North Bay Village, Village of Biscayne Park, and Bay Harbor Islands), extending the briefing schedule, and allowing for the filing of oversized briefs. The deadline for filing the initial brief by all petitioners is May 19, 2021, but the FAA has agreed to extend such deadline to June 16, 2021.

On April 20, 2021, the Town/Petitioners filed a Motion to Stay Implementation of the Metroplex project, scheduled to commence implementation on April 22, 2021. After confirmation from the FAA that the initial phase of implementation would not affect the Surfside area, the Motion for Stay was withdrawn and reserved for future filing. The FAA also filed a motion with the Eleventh Circuit Court opposing the Town/Petitioners’ Motion to Stay the Metroplex implementation. The FAA maintains that the implementation of the Metroplex project impacting Surfside will commence in late August, 2021. The FAA has tentatively agreed to a mediation conference with the Petitioners and special counsel for early June, 2021.

Information on other pending litigation matters has or will be provided individually to members of the Town Commission, as needed or requested.

**Special Matters:** Continued monitoring of new case law and legislation from Federal, State and County, challenging local home rule authority and implementation of Town legislative priorities for the 2021 Florida Legislative Session. Matters which we will continue to work on and anticipate in the upcoming months include: public records requests and ethics inquiries; implementation of various policy directives from the Mayor and Town Commissioners; issues related to the transition to in-person public meetings and lifting of restrictions related to the COVID-19 health pandemic, including implementation of Governor DeSantis most recent Executive Orders, and operations at Town facilities; implementation of beach furniture ordinance; short term rentals ordinance; review of revenue utility bonds and reduction of water/sewer rates; review and analysis of Resort Tax and Tourist Board legislation; procurement of professional services and contracts; appeal of FAA South-Central Florida Metroplex Finding of No Significant Impact and Record of Decision; defense and response to discovery requests in connection with Beach House Hotel beach furniture litigation; review and monitoring of all Development Orders and approvals; police matters and agreements; implementation of agreements resulting from RFQs for Engineering Services, Abbott Avenue Drainage project, landscaping services, shuttle and transportation, and undergrounding of utilities plan design; various procurements and service or provider agreements for Town improvements, facilities and programs, including preparation of RFPs for street sweeping services, RFPs for emergency debris collection and monitoring services, and RFQ for drainage study engineers compliant with State and Federal procurement and funding requirements; implementation of approved Referendum and Charter amendments, including undergrounding of utility and the engagement of consultants needed to implement the utilities undergrounding project; assistance with and response to AFSCME Florida Council 79 Union Representation Certification Petition to unionize Town civilian employees; application to Miami-Dade County for the closure and/or other traffic mitigation measures for Byron Avenue and Bay Drive; assistance with kayak launch potential sites, acquisition and implementation; review of temporary storage facilities; Zoning in Progress and continued review and policy implementation of revisions to Zoning Code; adoption and implementation of annual budgetary process.



**Town of Surfside**

**PARKS & RECREATION COMMITTEE  
MEETING**

**MINUTES**

**February 22, 2021 at 7:00 p.m.**

**1. Call to Order/Roll Call**

The meeting was called to order by Chair Logan at 7:00 p.m.

The following were present: Chair Retta Logan  
Vice Chair Nicole Travis  
Committee Member Frank MacBride, Jr.  
Committee Member Marta Olchyk  
Committee Member Janice Tatum

Absent: Commissioner Nelly Velasquez

Also, present: Town Manager Andy Hyatt  
Tim Milian, Parks and Recreation Director  
Evelyn Herbello, Deputy Town Clerk

**2. Agenda and Order of Business**

**3. Approval of Minutes: January 25, 2021**

A motion was made by Vice Chair Travis to approve the January 25, 2021 Parks and Recreation Committee Meeting Minutes, seconded by Committee Member Tatum. The motion carried with a 5-0 vote.

**4. 96<sup>th</sup> Street Park Project Update - Tim Milian, Parks and Recreation Director**

Parks and Recreation Director Milian gave an update of the project, the date for the kick off meeting and stated that it will be in a zoom format. He gave the second follow up and stated that they will be doing outreach programs through the design option. He stated that they will have booths as well as different stations so the

community can be involved. He stated that they want to do this quickly but also be thorough.

Chair Logan asked if they have to register in advance.

Deputy Town Clerk Herbello stated that they do not have to register prior to the zoom meeting.

Parks and Recreation Director Milian spoke regarding the outreach areas and what they are likely to put out. He stated that he does not think that March 15<sup>th</sup> will be a good date for the public relations firm to come out and present it to them. He asked the Committee if they want to run the March 15<sup>th</sup> meeting as a general meeting and then have another meeting for the public relations firm to address the Committee.

Chair Logan stated that they have to decide if they want to keep the March 15<sup>th</sup> as the public relations firm meeting or forego the March 15<sup>th</sup> meeting and have it as a regular meeting and then set up a special meeting to discuss the 96<sup>th</sup> Street Park project.

Discussion took place among staff and the Committee regarding having a regular meeting on March 15<sup>th</sup>.

Parks and Recreation Director Milian offered different dates for the meetings.

Consensus was reached by the Committee to either have the public relations firm meeting on March 29 or April 6. They requested Parks and Recreation Director Milian to get with Deputy Town Clerk Herbello to secure the date and send out the information to the Committee.

Discussion took place among the Committee regarding a timeframe of breaking ground on the park and the importance of this project.

Vice Chair Travis stated that it would be a great recreation center for the children and is excited about the project.

Parks and Recreation Director Milian stated that they will do something with summer camp and spoke regarding the different areas that the children will be able to get outside in a camp setting as well as in a controlled environment.

Town Manager Hyatt stated that they are looking at other properties and stated some other options that where they can place a kayak launch.

Parks and Recreation Director Milian commented on some of the issues with the kayak launch. He addressed the comments made by Vice Chair Travis regarding the kayak launch and priorities.

Committee Member MacBride spoke regarding funding, allocation of those funds and priorities.

The following individual from the public spoke:

Jeff Rose spoke regarding the kayak launch and that if you do not put a kayak launch at the new park, you have all the street ends and you do not have to purchase those.

Committee Member Tatum spoke regarding providing a safe spot to launch the kayak.

Parks and Recreation Director Milian addressed the comments made by speaker Jeff Rose and stated that he does know that the kayak launch and the park is a priority.

Vice Chair Travis commented on a motion the Committee made a while back and it is frustrating to see that the Commission has not addressed this item on their agenda.

Committee Member MacBride commented on a possible plan B and spoke regarding where individuals are launching their kayak. He spoke regarding the tot lot and parking on the West side. He stated that you are still able to park and launch the kayak.

Chair Logan stated that once the Town commits to it, the project has to be done properly and the Town must take responsibility on the location.

**5. New Normal Update/Programming - Tim Milian, Parks and Recreation Director**

Parks and Recreation Director Milian gave an update of the new normal program and the Tennis program.

The following individual spoke on the item:

Ben Frank spoke regarding the available activities and slots.

Parks and Recreation Director Milian addressed the comments made by Mr. Frank. He explained the situation with Tennis and stated that they are working with the vendor to find a way to accommodate as many people as they can and try to open

up as many slots as they can while trimming what needs to be trimmed to make the program successful.

Committee Member Tatum stated that she does not recall a discussion regarding this particular point.

Chair Logan stated that they need to make their decision quicker than 15 days to determine which children are accepted into the program.

Committee Member Tatum believes that the fairest way is a lottery system.

Parks and Recreation Director Milian stated that he has brought up the lottery format as another alternative. He spoke regarding opening up slots to run additional programs and pull children out of the waiting list while expanding the program.

Committee Member Tatum asked how many children are on the waiting list.

Parks and Recreation Director Milian stated that most programs have about five children on the waiting list and stated that they still have a waiting list with the additional programs added. The idea is to look for alternatives and he will check with the vendor to see if they have additional instructors. He stated that they are working on getting qualified certified instructors.

Vice Chair Travis spoke regarding the 18 slots that were added and stated they increased it by 35-40% last time and does he think he will be able to do something similar.

Parks and Recreation Director Milian stated his goal is to fill those slots without watering down the program.

Chair Logan spoke regarding the three courts and having more individuals playing.

Committee Member Olchyk stated that giving two weeks is an extreme measure that they need to make up their mind within 3-4 days because it is not fair for others that are interested in participating.

Further discussion took place regarding the time period registrants have to decide if they will register for the tennis classes, more instructors being available, adding the third court and it is a work in progress. They stated that they should not be seeing children on a waiting list session after session.

Chair Logan asked Parks and Recreation Director Milian to report back after he meets with the Tennis vendor.

Parks and Recreation Director Milian stated that he will report back and he spoke regarding summer camp and what was done in the past and stated that it is a work in progress. He stated their goal is to get everyone off the waiting list.

Vice Chair Travis asked if they keep a track of who is currently on the waiting list and see who was on the waiting list last time. She stated that hopefully it will work out with the vendor in order to assist in utilizing the third court in order to get as many children off the waiting list.

Committee Member Olchyk left the meeting at 8:06 p.m.

**6. Pool/Slide and Water Tot Lot Maintenance time frame and Agreement with Miami Shores - Tim Milian, Parks and Recreation Director**

Parks and Recreation Director Milian gave an update of the item and stated that they are still looking at opening in March but weather will play a big roll. He went through what the refurbishment of the facility entails.

**7. Possible Spring Camps and Summer Camp**

Parks and Recreation Director Milian gave an update of the item and stated that the information was sent out to the Committee with the different camps and activities. He stated that they have flyers and he will send them the information.

Chair Logan stated that it will depend on the pandemic.

Parks and Recreation Director Milian stated that they ran a modified plan due to COVID and stated that right now they are looking at possibly being in a better place and the goal is to have something ready for the summer.

Vice Chair Travis asked regarding the swim activities and swim team.

Parks and Recreation Director Milian stated that they are thinking about a learn to swim program and there will be restrictions and which children they can take. He spoke about the popularity of the lap swimming and he has received questions about a swim team. He stated that if they do a recreational swim team they would lose usage of a section of the pool during that time.

**8. Public Comments - (3-minute time limit per speaker)**

There were no public speakers.

Town Manager Hyatt thanked the Committee members for their dedication and their hard work.

**9. Next Meeting: March 15, 2021**


Consensus was reached by the Committee to change the March meeting date and it will be held either on March 29, 2021 or April 6, 2021. They stated that the only item on the agenda besides the approval of these minutes would be 96<sup>th</sup> Street Park. Park and Recreation Director Milian will coordinate with Deputy Town Clerk Herbello on which date the meeting will take place.

**10. Adjournment**

A motion was made by Committee Member MacBride to adjourn the meeting without objection at 8:16 p.m. The motion received a second from Committee Member Tatum. The motion carried with a 4-0 vote with Committee Member Olchyk absent.

Respectfully submitted:

Accepted this 19 day of April, 2021.

  
\_\_\_\_\_  
Retta Logan, Chair

Attest:

  
\_\_\_\_\_  
Evelyn Herbello  
Deputy Town Clerk





## Town of Surfside

### TOURIST BOARD MEETING MINUTES

March 1, 2021– 5:30 p.m.

#### Opening Items:

##### 1. Call to Order/Roll Call

The meeting was called to order by Chair Herman at 5:32 p.m.

Present: Chair Lisa Herman  
Vice Chair Eli Tourgeman  
Board Member Ian Mavorah  
Board Member Robert Lisman

Absent: Board Member Clara Diaz-Leal

Also present: Vice Mayor Tina Paul  
Haydee Sera, Town Attorney  
Andrew Hyatt, Town Manager  
Evelyn Herbello, Deputy Town Clerk  
Malarie Dauginikas, Community Services & Public  
Communications Director  
Frank Trigueros, Tourism Manager

##### 1. Agenda and Order of Business

Chair Herman advised the Board that the new iteration of the Farmer's Market will be starting back on March 7, 2021.

Chair Herman also spoke about the temporary art display at 9501 Harding Avenue, stating that the feedback has been very positive.

Tourism Manager Trigueros introduced Malarie Dauginikas as the new Community Services & Public Communications Director.

Community Services & Public Communications Director Dauginikas introduced herself and gave the Board a history of her background.

## **2. Approval of Meeting Minutes: January 4, 2021**

A motion was made by Vice Chair Tourgeman to approve the January 4, 2021 Tourist Board Meeting Minutes, seconded by Board Member Mavorah. The motion carried with a 4-0 vote with Board Member Diaz-Leal absent.

Vice Chair Tourgeman commended Deputy Town Clerk Herbello for the way she does the minutes and the accuracy of the information.

## **3. Resort Tax Collection**

Tourism Manager Trigueros gave an update of the Resort Tax Collection for Q1 FY 2020-2021 and how it compares to previous years. He commented on the shrinking comparison differential percentage indicating that even though COVID was around during this time, things are moving in the right direction and the destination looks forward to a more active spring.

Vice Chair Tourgeman stated that the numbers are evolving positively despite the pandemic's impact.

## **4. Aeythr Agency: Recovery Plan Consideration - Turtle Walk Downtown Passport Campaign**

Tourism Manager Trigueros gave an update and introduced the item.

Chair Herman asked if this has anything to do with the public relations item from before and if it has to go through an RFP process.

Tourism Manager Trigueros stated it does not have anything to do with the previous public relations item. He stated that this agency has experience in working with similar campaigns and it is a separate pitch being presented to them. He stated that it does not need to go through the RFP process given the amount proposed.

Chair Herman asked to address this item once the representatives from Aeythr have logged into the meeting.

Tourism Manager Trigueros advised the Board that the representatives were not able to attend tonight's meeting and he will see if they can come to the next meeting.

## **5. Public Relations Media Budget**

Tourism Manager Trigueros gave an update and introduced Rachel Pinzur from Pinzur Group.

Rachel Pinzur, Pinzur Group, gave a presentation and follow-up to a previous meeting and looked at a media hosting budget across the board including meals, airfare, entertainment etc. She covered past media visits and showed a couple of examples before going over the proposed amount for this year's budget.

Vice Chair Tourgeman asked if there are any possibilities of negotiating hosting fees like with the Four Seasons, as well as a special cost with the restaurants since they are promoting the businesses. He stated that a special rate was customary in the past.

Rachel Pinzur answered Vice Chair Tourgeman's question and noted that the rates displayed are substantially lower than what is typically paid by a regular tourist. As far as the restaurants, due to the pandemic, she recommends paying the restaurants given that they have already suffered great revenue loss this past year. She stated that they might be able to go back to renegotiate with some of the hotels.

Tourism Manager Trigueros stated that in terms of the rates of the hotels, they do try to obtain the best rate possible each time around. Rates are not set in stone; they vary from opportunity to opportunity. The Town makes every possible attempt to secure the best deal. He spoke specifically about the Four Seasons and its popularity, adding that since it is not a very large hotel, it does not have any difficulty filling rooms and therefore it can afford to be extra selective with media rates and opportunities.

Rachel Pinzur stated that their goal is to stretch the budget as much as possible and they are working with the market.

Vice Chair Tourgeman asked how many restaurants in Surfside.

Tourism Manager Trigueros stated that there are approximately 30 restaurants in Surfside.

Vice Chair Tourgeman asked out of the 30 restaurants are they any that would host this event.

Rachel Pinzur spoke regarding past visits and they would like to share the love by using different restaurants and there are some that are more willing and responsive than others.

Tourism Manager Trigueros advised the Board that there will be a Budget Amendment going before the Town Commission next week bring the recommendation to the Commission and get the budget approved.

## **6. Discussion Items:**

### **A. Destination Recovery Marketing Plan**

Tourism Manager Trigueros gave an update and presentation to the Board. He started the presentation covering an environmental responsibility initiative to produce educational pamphlets and information letting the community know how we feel about beach respect in Surfside and best practices to keep it clean. Also covered was a welcome kit with sustainable items for new homeowners in Surfside. He stated that they are proposing \$6,000 for the branded items.

Vice Chair Tourgeman stated that he is fine with the educational materials and believes it will be a worthwhile expenditure. He is hesitant with the welcome gifts and does not believe spending \$6,000 but maybe lower that budget. He spoke regarding placing the eco-friendly pamphlet in the water bill.

Tourism Manager Trigueros stated that they do not necessarily have to spend the full \$6,000.

Chair Herman asked if any of the restaurants could throw in some incentives in the welcome gift such as coupons.

Tourism Manager Trigueros stated that would be a good idea and he will speak with the restaurants and businesses once the kit is ready.

Tourism Manager Trigueros showed a presentation on the different branded materials.

Board Member Mavorah asked if this is for every resident and open up a new account.

Tourism Manager Trigueros stated that it would be with each new resident and when they open up a new account.

Tourism Manager Trigueros presented the Community Engagement and Destination Enhancements section using visual content. Proposed initiatives include Instagrammable spots, a new turtle fiberglass statue and more. He stated that anything placed on the path must meet all the wind restrictions per Miami Dade County Code. The budget for the new turtle is tentatively estimated at \$4,000 which factors in the sculpture plus potential decoration.

Vice Chair Tourgeman stated that they could approach Bay Harbor Elementary School for the children to decorate and paint the turtle.

Tourism Manager Trigueros continued with the presentation which proposed \$8,000 for video and photography. This would be to ensure that Surfside businesses have proper assets for digital listings. Another initiative presented included create a new, more visually-appealing template for a tourism newsletter/eblast.

Board Member Lisman asked what platform is used to send out the emails and will they make a template that is able to be updated. He stated that they should look into the other platforms.

Tourism Manager Trigueros stated the platform used is Sitefinity; however, they have also looked at others including Mail Chimp and Constant Contact. The goal would be to increase partner participation and incentivize them with a new platform where they can share some of their specials.

Board Member Mavorah asked if this is only for smaller businesses and suggested also obtaining drone photography.

Tourism Manager Trigueros addressed the question from Board Member Mavorah and will look into drone photography.

Tourism Manager Trigueros continued with the presentation and webcams. He spoke regarding the Farmer's Market summer enhancement budget of \$3,000.

The conversation evolved into other ideas with Board Member Lisman suggesting possibly having a webcam to capture a turtle hatching.

Chair Herman stated that is a great idea, the hard part is finding the nest and figure out how to place the camera.

Tourism Manager Trigueros stated that they would contact Code Compliance to determine the restrictions when it comes to the nests.

Tourism Manager Trigueros spoke regarding virtual trade shows and the suggested budgets and that most of the trade shows are taking place virtually.

Tourism Manager Trigueros summarized the item, initiatives and budget comparison from 2019/2020 and 2020/2021.

Chair Herman expressed support for the turtle fiberglass sculpture budget noting that she would like to see more sculptures.

Vice Chair Tourgeman asked as they go through the budget and past initiatives, how do they know that the operators and owners of these

businesses are aware of the efforts and how can we know that they are informed.

Tourism Manager Trigueros stated that staff would look at which initiatives could possibly be executed first, then they would reach out to the businesses to inform them of potential opportunities they could take part in.

Board Member Lisman asked who would take care of the creative process moving forward.

Tourism Manager Trigueros stated that Malarie will be taking over these duties given her experience with media and graphic design.

Board Member Mavorah commented on people not adhering to the rules of mask wearing along Harding Avenue which could impact tourism.

Tourism Manager Trigueros addressed the comments made by Board Member Mavorah and that the administration has looked at this and the Police Department is addressing this issue and are handing out masks.

Vice Mayor Paul advised the Board what the Town has been doing in regards to enforcing mask wearing, capacity restrictions in the businesses. She stated that if we have branded masks to give out at the Farmer's Market could be included in this proposal.

Board Member Mavorah stated that anything would be helpful and he would like for business owners to provide masks to unmasked customers as they enter the premises.

Vice Chair Tourgeman stated that the initiative that the Police Department along with the Town Manager when they stood on 95<sup>th</sup> Street, they would tell those that were not wearing masks to put them on and it worked. He would like to see that again. He stated that he noticed that most people disregard the masks when walking on Harding Avenue and would like to see an official enforcement again because it does work. He spoke regarding the idea that Vice Mayor Paul suggested of branded face masks to give away.

Board Member Lisman commented on some education they could do and stated that there is a lot of confusion with the mandate and some are not aware of the mandate and that is why many are disregarding the mask mandate. He stated that he agrees with Board Member Mavorah's suggestion of giving the businesses free masks to give to their customers who are not wearing.

Vice Mayor Paul also stated that they spoke with Senator Pizzo regarding this and that he stated that he was sending boxes of masks to the Town and

maybe they could give some of those masks to the businesses/restaurants to give out to their customers.

Tourism Manager Trigueros stated that at the Farmer's Market they will have regular masks to give out since due to the time restraints they will not have time to get branded masks.

Chair Herman commented that at one point the Police Department handed out the shark design masks to the community earlier in the pandemic.

Further discussion took place among the Board Members regarding different possible branded masks and where that budget would come from.

Tourism Manager Trigueros addressed the question regarding where the funding would come from for the branding masks.

Chair Herman asked if they are still holding off on events.

Tourism Manager Trigueros stated that they are holding off on events for right now.

Vice Chair Tourgeman asked regarding the new budget and it goes through the end of FY in September and asked what is the projected Tourism Tax collection.

Tourism Manager Trigueros stated that he will get with the Finance team to get the accurate amount and feels comfortable that they can cover this budget.

Vice Chair Tourgeman asked Tourism Manager Trigueros besides events what is missing in this new budget.

Tourism Manager Trigueros addressed the question by Vice Chair Tourgeman and having an inhouse staff member that is able to do a lot of the things needed that were done by an outside vendor helps in savings.

A motion was made by Vice Chair Tourgeman to recommend approval of the budget and budget amendment to the Town Commission for their approval, seconded by Board Member Mavorah. The motion carried with a 4-0 vote with Board Member Diaz-Leal absent.

**B. Next Meeting: Monday, April 5, 2021 at 5:30 p.m.**

Tourism Manager Trigueros advised the Board members of the next meeting date being April 5, 2021 at 5:30 p.m.

**7. Public Comment – 3-minute time limit each, please**

There were no public speakers.

**8. Adjournment**

There being no further business to discuss before the Tourist Board, Vice Chair Tourgeman made a motion to adjourn the meeting at 6:49 p.m., seconded by Board Member Lisman. The motion carried with a 3-0 vote with Vice Chair Tourgeman and Board Member Diaz-Leal absent.

Respectfully submitted:

Accepted this 5<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Lisa Herman, Chair

Attest:

  
\_\_\_\_\_  
Evelyn Herbello  
Deputy Town Clerk





## Town of Surfside

### BUDGET ADVISORY COMMITTEE MEETING AGENDA

March 17, 2021 – 4:00 p.m.

#### 1. Call to Order/Roll Call

Chair Goldberg called the meeting to order at 4:00 p.m.

Present: Chair Sheryl Goldberg, Vice Chair Robert Cummings, Committee Member Andrew Craven, Committee Member Diana Gonzalez and Committee Member Lauren Bardos (arrived at 4:08 p.m.).

Absent: Commissioner Eliana Salzhauer.

Also present were Town Attorney Lillian Arango, Code Enforcement Manager Carmen Santos-Alborna, and Assistant Town Manager Jason Greene.

#### 2. Agenda and Order of Business

#### 3. Approval of Minutes: February 17, 2021 Budget Advisory Committee Meeting

A motion was made by Committee Member Gonzalez to approve the February 17, 2021 Budget Committee Meeting Minutes, seconded by Chair Goldberg. The motion carried with a 4-0 vote with Committee Member Bardos absent.

#### 4. Alternate Options to Collect Service Liens on Properties – Carmen Santos-Alborna, Code Enforcement Manager

Code Enforcement Manager Santos-Alborna gave an overview of the collection of service liens and stated that if a property claims homestead exemption one cannot foreclose on the lien. The property in question is claiming homestead exemption although she believes the owner is not living at the property and she is working with Miami Dade County to verify that information.

Town Attorney Arango spoke regarding the particular service lien on the specific property which is for cutting the grass and per the Town Code the Town can place a lien on the property for the costs. She stated that homestead property is protected and you cannot foreclose on them. The liens are recorded and if the property is sold or refinanced the code enforcement lien has to be paid off. The other alternative is to file a money judgement and filing suit in court and there is a cost involved but it is an option. She stated that what other cities do is send collection letters to the owners on a consistent basis. For the higher value liens, you can consider foreclosing if they are not a homestead property. Another action is filing an injunctive relieve in court if the home

is a threat to health and safety. She stated that service liens have a priority over regular code enforcement liens and take super priority over mortgages.

Committee Member Gonzalez asked if it will cost more money to collect this money. She stated why doesn't the Town stop cutting the grass.

Code Enforcement Manager Santos-Alborna stated that you have to consider what the neighbors to that home would feel like. She stated that by not cutting the grass it could bring rats and be a nuisance that could affect them.

Town Attorney Arango stated that when there is a health concern, we abate the conditions.

Code Enforcement Manager Santos-Alborna provided an overview on the specific property and the amount of service liens it currently has assessed.

Chair Goldberg asked how much they owe the Town.

Code Enforcement Manager Santos-Alborna stated that the recorded liens against the property to date is \$7,000.00.

Chair Goldberg asked how much it would cost to file the lawsuit.

Town Attorney Arango stated that there is a \$200.00 filing fee plus attorneys' fees and you end up with a judgement, which you have to record and then try to execute on the judgement which then would depend on their assets. She stated that when it comes to significant fines it might be worthwhile but not for smaller liens.

Chair Goldberg asked if they could discuss sending a demand letter.

Town Attorney Arango stated that is a viable action and sometimes they will respond.

Code Enforcement Manager Santos-Alborna stated that they do send out twice a year a reminder letter but for this specific property they could send a different type of letter.

Town Attorney Arango stated that it is an easy option and it could be sent out by the Town Attorney's Office.

Committee Member Bardos asked if it could be sent out certified mail.

Town Attorney Arango stated that they send it out both ways.

Code Enforcement Manager Santos-Alborna stated that they have sent certified mail but they are not claiming the certified letters at the post office.

Assistant Town Manager Greene stated that they have been trying to notice the owners using certified mail and posting on the notice on the property and Code Enforcement

Manager Santos-Alborna will work with Town Attorney Arango to see if they can be a bit more forceful with their request.

Chair Goldberg asked if they could cut down on the services on the property.

Code Enforcement Manager Santos-Alborna stated it is currently every 6 weeks and in the summer time it will be more often.

Assistant Town Manager Greene stated that the Town has always felt it was best to abate this and collect it in the back end. He stated that this is a much higher collectability rate. He stated that this is a budget line item, which is \$2,500, but if the Committee would like to cut that out it would be something in their purview to make that recommendation.

Further discussion took place regarding the identified property and if the Town should continue cutting the grass as well as the nuisance issue with the property. The Committee also asked if there are any other properties that owe service liens but stated that property is the one that owes the Town the most amount of money.

Code Enforcement Manager Santos-Alborna explained how the special magistrate hearings work and how the cases are brought before the special magistrate.

Chair Goldberg stated she was concerned about a property on Abbott Avenue that owes over \$1 million dollars.

Code Enforcement Manager Santos-Alborna stated that the owners are still working on that property and obtaining the building permits required. She stated that they cannot go before the special magistrate until they are done and able to pass all the inspections.

Town Attorney Arango asked if they have a recorded lien on that property (9508 Abbott Avenue).

Chair Goldberg asked if all the liens are recorded.

Town Attorney Arango stated once they get to a certain stage in the process they are recorded. She also stated that the lien attaches to all the other properties the owner owns in Miami-Dade County.

**5. Visioning Discussion – FY 2022 Budget Goals and Priorities – Assistant Town Manager Jason Greene**

Assistant Town Manager Greene introduced the item and gave the PowerPoint presentation. He asked the Committee members for their goals, priorities and objectives for the upcoming budget season.

Vice Chair Cummings asked regarding the 96<sup>th</sup> Street Park project and would like to see the plans. He asked who comes up with the budget for that project and requested a copy of it. He spoke regarding what the park needs and believes it does not need a structure and even if it does, he believes that is a crazy and insane budget. He thinks that the budget is off the charts even placing a structure on the park and believes it could be built for half that price.

Chair Goldberg asked if an RFP has gone out for this project.

Assistant Town Manager Greene stated that the design has been part of the RFP and the firm is experienced in building parks.

Discussion took place regarding the cost entailed with this project and what is necessary.

Chair Goldberg asked who signed off on that.

Assistant Town Manager Greene stated that the Town Commission approved it and sees that there is no support in increasing the funding for the park project.

Committee Member Gonzalez asked if the price includes the purchase of the empty lot and agrees with Vice Chair Cummings that it is a lot of money.

Assistant Town Manager Greene stated that it does not include the purchase of the empty lot. He explained the process of the design portion of this project.

Committee Member Craven stated that as the Budget Committee they are to work within certain parameters and since this has already been before the Town Commission and they agreed on a major refit of the park. He does agree that the number is outrageous and he stated that what they are here to do is to put forward a motion to make a recommendation that they revisit the amount of money they have allocated for that project. He proposed to get more information on the \$2.5 million dollars and then make the motion. He stated that he does not believe they are prepared at this time to make that motion.

Assistant Town Manager Greene stated that the \$2.5 million dollar number was the number that the Town Commission stated that they did not want to spend more than that amount.

Further discussion took place among the Committee on not spending more money on the park and that the money could go to other areas.

Assistant Town Manager Greene asked if their recommendation is to hold the line to \$2.5 million dollars since that has already been approved and they are looking at their objectives for FY 2022.

Vice Chair Cummings asked if there is a time constraint on making a recommendation on this project before their next committee meeting.

Assistant Town Manager Greene stated they could at a later time make a recommendation.

Vice Chair Cummings stated that they do not have enough information to determine if they want to approve this project funding increase. He would like to see the design firm contract, and the background that came up with the \$2.5 million.

Chair Goldberg asked regarding the new Communications Director and how they are going to go about phasing out Pinzur Communications because that is \$75,000. She also stated if they are implementing a texting type of alert system.

Assistant Town Manager Greene stated that they have not yet and done that but that they are working on it. He stated the Communications Director just came on board two months ago and is working towards that process.

Assistant Town Manager Greene stated that there two communication contracts, the Gazette is done in June and Pinzur is in September. He stated that they are currently doing a texting alert and they are looking into redoing all of that.

Assistant Town Manager Greene stated that that they will continue scaling back and bringing the communication services inhouse.

Committee Member Bardos stated that she would like more information and it is hard to choose three items now.

Committee Member Gonzalez would like to review the information and if they need the transportation plan between Bay Harbour and Bal Harbor and does not know the statistics of the usage of those buses.

Assistant Town Manager Greene stated that they are looking at eliminating the transportation shuttle between Bal, Bay and Surfside and they are looking at using the one that is currently being offered.

A motion was made Committee Member Gonzalez to eliminate the Town of Surfside shuttle service and support the Tri-City on Demand Service Shuttle System, seconded by Chair Goldberg. The motion carried with 5-0 vote.

A motion was made by Vice Chair Cummings to consolidate all communications and bring it inhouse, seconded by Committee Member Craven. The motion carried with a 5-0 vote.

Vice Chair Cummings stated that the numbers on the Savino Miller contract on page 80 are insane.

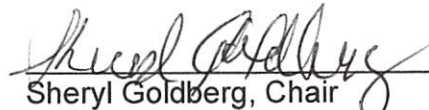
**6. Public Comments - (3-minute time limit per speaker)**

There were no public comments.


**7. Adjournment**

A motion was made by Committee member Craven to adjourn the meeting without objection at 5:09 p.m. The motion received a second from Chair Goldberg. The motion carried with a 5-0 vote.

Accepted this 21 day of April, 2021.

  
\_\_\_\_\_  
Sheryl Goldberg, Chair  
Budget Advisory Committee

Attest:

  
\_\_\_\_\_  
Evelyn Herbello  
Deputy Town Clerk



# MEMORANDUM

ITEM NO. 3E

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission

**From:** Andrew Hyatt, Town Manager

**Date:** May 11, 2021

**Subject:** Resolution authorizing Law Enforcement Mutual Aid Agreement between the Town of Surfside and North Miami Beach.

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It is the responsibility of the governments of the Town of Surfside, Florida, and North Miami Beach, Florida, to ensure the public safety of their citizens by providing adequate police service to address any foreseeable routine or emergency situation; and because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural or manmade conditions which are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating police departments; these municipalities have the authority to enter into a Mutual Aid Agreement in order to adequately address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the municipalities. The Mutual Aid Agreement specifies the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations.

The Town of Surfside Police Department has mutual aid agreements with many Miami-Dade County law enforcement agencies and the North Miami Beach Police Department has been one of them for years. The Town of Surfside and North Miami Beach are located in a way that it is advantageous and in their best interest to receive and extend mutual aid in the form of law enforcement services and resources.

The new Mutual Aid Agreement between the Town of Surfside Police Department and the North Miami Beach Police Department will be in effect from the date of signing, through and including, March 9, 2031.

Town Administration recommends approval of the resolution to authorize the Mutual Aid Agreement between the Town of Surfside and North Miami Beach.

Prepared by: JH





# CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT

A STATE ACCREDITED LAW ENFORCEMENT AGENCY



Richard Rand  
Chief of Police

"Excelsior Status"

April 14, 2021

Chief Julio Yero  
Surfside Police Department  
9293 Harding Avenue  
Surfside, Florida 33154

Re: Mutual Aid Agreements

Dear Chief Yero:

Enclosed please find three (3) signed originals of the Mutual Aid Agreements between the City of North Miami Beach and the Town of Surfside. Once the agreements have been signed, **please return two (2) of the fully executed originals** to the below address for our records. As always, we appreciate your continued support and cooperation in all matters of mutual concern.

Should you have any additional questions and/or comments, please do not hesitate to contact me at (305) 948-2995.

Sincerely,

Richard Rand  
Chief of Police



**VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE  
MUTUAL AID AGREEMENT  
BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA  
AND THE TOWN OF SURFSIDE, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement ("Cooperation Agreement") is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2021 (Effective Date), by and between the City of North Miami Beach, Florida, a municipal corporation having its principal office at 17011 NE 19<sup>th</sup> Avenue, 4<sup>th</sup> Floor, North Miami Beach, Florida 33162, and the Town of Surfside, Florida having its principal office at 9293 Harding Avenue, Surfside, Florida 33154.

**RECITALS**

WHEREAS, it is the responsibility of the governments of the City of North Miami Beach, Florida, and the Town of Surfside, Florida, to ensure the public safety of their respective citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the City of North Miami Beach Police Department or the Town of Surfside Police Department; and

WHEREAS, both parties desire to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the City of North Miami Beach, Florida and the Town of Surfside, Florida; and

WHEREAS, it is to the advantage of each law enforcement agency to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Continuing, multi-jurisdiction law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and
- (2) Intensive situations including, but not limited to, emergencies as defined under Section 252.34 of the Florida Statutes, or requests for certain law enforcement services specified herein and as defined under Section 23.1225 of the Florida Statutes; and

WHEREAS, the City of North Miami Beach and the Town of Surfside have the authority under the Florida Mutual Aid Act, Sections 23.12 - 23.127 of Florida Statutes, to enter into this Cooperation Agreement for law enforcement service which:

- (1) Permits voluntary cooperation and operational assistance of a routine or emergency law enforcement nature across jurisdictional lines as allowed under Section 23.1225, of the Florida Statutes; and
- (2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34 of the Florida Statutes.

NOW THEREFORE, BE IT KNOWN that the City of North Miami Beach, Florida and the Town of Surfside, Florida, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

### **SECTION I. PROVISIONS FOR VOLUNTARY COOPERATION**

Each of the aforesaid law enforcement agencies hereby voluntarily approve and enter into this Cooperation Agreement, whereby each of the agencies may request and render law enforcement assistance to the other in dealing with any circumstances requiring law enforcement intervention such as, but not limited to, those circumstances enumerated within Section II of this Cooperation Agreement, as set forth pursuant to and under the authority of Chapter 23 of the Florida Statutes.

### **SECTION II. PROVISIONS FOR OPERATIONAL ASSISTANCE**

The parties to this Cooperation Agreement may request and render law enforcement assistance to each other for circumstances including, but not limited to, the following:

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations and assemblies, controversial trials, political conventions, labor disputes, and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from, or disturbances within, prisoner processing facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades, fairs, festivals, and

conventions.

12. Security and escort duties for dignitaries.
13. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene and police information.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

### **SECTION III. PROCEDURE FOR REQUESTING ASSISTANCE AND LIMITATIONS OF ASSISTANCE**

In the event that a party to this Cooperation Agreement is in need of assistance as set forth above, the Chief of Police, or his/her designee, shall notify the Chief of Police, or his/her designee, from whom such assistance is requested. The Chief of Police, or authorized agency representative, whose assistance is sought shall evaluate the situation and the agency's available resources, consult with his/her supervisors, if necessary, and will respond in a manner he/she deems appropriate.

Mutual aid requested or rendered requires approval by the Chief of Police, or designee, of each agency subject to this agreement. Specific reporting instructions for personnel rendering mutual aid will be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene. Communications instructions will be included in each request for mutual aid and each agency's communications centers will maintain radio contact with each other until the mutual aid situation has ended.

Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency subject to this agreement.

The Chief of Police in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized, and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

Should a law enforcement officer be in another subscribed agency's jurisdiction for matters of a routine nature, such as traveling through the area on routine business, attending a meeting or going to or from work, and a violation of Florida Statutes occurs in the presence of said officer, **HE/SHE SHALL ONLY BE EMPOWERED TO RENDER ENFORCEMENT ASSISTANCE AND ACT IN ACCORDANCE WITH FLORIDA LAW.** Should enforcement assistance be taken, said party shall notify the agency having normal jurisdiction, and upon the latter's arrival, turn the situation over to them and offer any assistance reasonably requested, including but not limited to, a follow-up written report documenting the event and the actions taken. This provision, so prescribed in this paragraph, shall not grant general authority to conduct investigations, serve warrants,

and/or subpoenas or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address critical, life-threatening or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter, and such encounter results in a breach of the peace.

The parties acknowledge that the policy of the Florida Mutual Aid Act is to provide a means to deal with disasters, emergencies, and other major law enforcement problems. This Cooperation Agreement shall not extend police powers beyond the specific additional authority granted by the Legislature in Chapter 23 of the Florida Statutes, which intent was to assure the continued functioning of law enforcement in times of emergencies or in areas where major law enforcement efforts were being thwarted by jurisdictional barriers, and the respective parties, police officers and authority are limited to those instances where the subject matter of the investigation originates inside the municipal city limits.

#### **SECTION IV. COMMAND AND SUPERVISORY RESPONSIBILITY**

The personnel and equipment that are assigned by the assisting agency shall be under the immediate command of a supervising officer designated by the assisting agency. Such supervising officer shall be under the direct supervision and command of the Chief of Police, or his/her designee, of the agency requesting assistance, when assistance is being rendered hereunder.

#### **SECTION V. CONFLICTS**

Whenever an officer is rendering assistance pursuant to this Cooperation Agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

#### **SECTION VI. HANDLING COMPLAINTS**

Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Cooperation Agreement, the Chief of Police, or his/her designee, of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:

1. The identity of the complainant.
2. An address where the complaining party can be contacted.
3. The specific allegation.
4. The identity of the employees accused without regard as to agency affiliation.

If it is determined that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the requesting agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

## **SECTION VII. LIABILITY**

Each party engaging in any mutual cooperation and assistance, pursuant to this Cooperation Agreement, agrees to assume full and final responsibility for the acts, omissions or conduct of such party's own employees while engaged in rendering such aid pursuant to this Cooperation Agreement, subject to the provisions of Section 768.28 of the Florida Statutes, where applicable.

## **SECTION VIII. POWERS, PRIVILEGES, IMMUNITIES AND EXPENDITURES**

- (a) Employees of the City of North Miami Beach and the Town of Surfside, when actually engaging in mutual cooperation and assistance outside of their normal jurisdictional limits but inside this State, under the terms of this Agreement, shall pursuant to the provisions of Section 23.127(1) of the Florida Statutes (as amended), have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.
- (b) Each party agrees to furnish necessary personnel equipment, resources and facilities and to render services to each other party to this Cooperation Agreement as set forth above; provided however, that no party shall be required to unreasonably deplete its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.
- (c) The party that furnishes equipment pursuant to this Cooperation Agreement will be responsible for the cost of loss or damage to that equipment, and any expense incurred in the operation and maintenance of that equipment.
- (d) The agency furnishing aid pursuant to this Cooperation Agreement shall compensate its appointees/employees during the time such aid is rendered and shall defray the actual travel and maintenance expenses of its employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid.
- (e) To the extent provided by applicable law, ordinance, or rule, the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of an employee of an agency when

performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this Cooperation Agreement. The provisions of this section shall apply to paid, volunteer, and reserve employees.

- (f) Nothing herein shall prevent the requesting agency from seeking supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.
- (g) Should the City of North Miami Beach receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the Town of Surfside shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.
- (h) Should the Town of Surfside receive reimbursement for expenditures from a third party for a mutual aid event covered by this Cooperation Agreement, the City of North Miami Beach shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

## **SECTION IX. FORFEITURE**

- (a) The municipality/agency in which any property is seized pursuant to the Florida Contraband Forfeiture Act shall have exclusive authority to initiate forfeiture proceedings under the Florida Contraband Forfeiture Act, for any matters which arise from a mutual aid event covered by this Cooperation Agreement.
- (b) However, the municipality/agency with the right to proceed with the forfeiture may allow the other municipality/agency to prosecute the forfeiture with the written authorization of the Chief of Police and the legal counsel for each municipality/agency.
- (c) The municipality/agency pursuing the forfeiture action shall bear the exclusive right and responsibility to control, maintain and store the property. The costs for control, maintenance and storage of the property shall be subtracted from the proceeds prior to distribution.
- (d) The property seized and forfeited in accordance with this agreement, and the proceeds, if any, shall be equitably distributed among the participating municipalities/agencies in proportion to the amount of investigation and

participation performed by each municipality/agency.

- (e) Any participating municipality/agency must request sharing, in writing before the entry of the Final Order of Forfeiture, or they will be barred from claiming any portion of the property forfeited.
- (f) This Cooperation Agreement creates no rights or benefits in favor of third parties and there are no intended third party beneficiaries with regard to the provisions herein.

**SECTION X. INSURANCE**

Each party shall provide satisfactory proof of liability insurance by one or more of the means specified in Section 768.28(16) (a) of the Florida Statutes (2021), in an amount which is, in the judgment of the governing body of that party, at least adequate to cover the risk to which that party may be exposed. Should the insurance coverage, however provided, of any party be canceled or undergo material change, that party shall notify all parties to this agreement of such change within ten (10) days of receipt of notice or actual knowledge of such change.

**SECTION XI. EFFECTIVE DATE**

This Agreement shall take effect upon execution and approval by both parties and shall continue in full force and effect until March 9, 2031. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

**SECTION XII. CANCELLATION**

Either party may cancel its participation in this Agreement at any time upon delivery of written notice to the other party.

In witness whereof, the parties hereto cause to these presents to be signed on the date specified.


AGREED TO AND ACKNOWLEDGED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF NORTH MIAMI BEACH

  
RICHARD RAND  
ACTING CHIEF OF POLICE

Date: 4/14/21

TOWN OF SURFSIDE

  
JULIO YERO  
CHIEF OF POLICE

Date: 4/19/2021

  
\_\_\_\_\_  
HORACE A. MCHUGH  
INTERIM CITY MANAGER

Date: 4/9/21

  
\_\_\_\_\_  
ANTHONY DEFILLIPO  
MAYOR

Date: \_\_\_\_\_


\_\_\_\_\_  
ANDREW HYATT  
TOWN MANAGER

Date: \_\_\_\_\_

\_\_\_\_\_  
CHARLES W. BURKETT  
MAYOR

Date: \_\_\_\_\_

**ATTEST:**

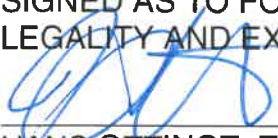
  
\_\_\_\_\_  
ANDRISE BERNARD, CMC  
CITY CLERK

Date: 4/14/2021

\_\_\_\_\_  
SANDRA N. McCREADY, BPA, MMC  
TOWN CLERK

Date: \_\_\_\_\_

SIGNED AS TO FORM, LANGUAGE,  
LEGALITY AND EXECUTION THEREOF

  
\_\_\_\_\_  
HANS OTTINOT, ESQ.  
INTERIM CITY ATTORNEY

SIGNED AS TO FORM, LANGUAGE  
LEGALITY AND EXECUTION THEREOF

\_\_\_\_\_  
LILY ARANGO, ESQ.  
WEISS SEROTA HELFMAN, ET AL  
TOWN ATTORNEY



**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (the “Town”) is responsible for ensuring the public safety of residents and businesses of the Town by providing adequate levels of public services, including police protection and services; and

**WHEREAS**, there may be natural or manmade disasters, emergencies, and other major law enforcement problems that may cross jurisdictional boundaries; and

**WHEREAS**, Chapter 23, “Florida Mutual Aid Act,” of the Florida Statutes authorizes municipalities to enter into Mutual Aid Agreements for the rendering of law enforcement assistance across jurisdictional boundaries; and

**WHEREAS**, the Town Commission wishes to approve the law enforcement Mutual Aid Agreement between the Town and the City of North Miami Beach for voluntary cooperation and operational assistance (the “Agreement”), in substantially the same form attached hereto as Exhibit “A,” which provides the residents and businesses of the Town with assurances of adequate levels of law enforcement services; and

**WHEREAS**, the Town Commission finds that the Agreement and this Resolution is in the best interest and welfare of the Town.

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

**Section 1.    Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approval.** That the Town Commission approves the Agreement in substantially the same form attached hereto as Exhibit “A.”

**Section 3. Authorization and Implementation.** The Town Manager and Town Chief of Police are authorized to execute the Agreement, attached hereto as Exhibit “A.” The Town Manager and Chief of Police are hereby further authorized to do all necessary things to implement the Agreement and the purposes of this Resolution, including the execution of any renewal or subsequent agreements with the City of North Miami Beach.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 11<sup>th</sup> day of May, 2021.

**FINAL VOTE ON ADOPTION:**

Commissioner Charles Kesl \_\_\_\_\_  
Commissioner Eliana R. Salzhauer \_\_\_\_\_  
Commissioner Nelly Velasquez \_\_\_\_\_  
Vice Mayor Tina Paul \_\_\_\_\_  
Mayor Charles W. Burkett \_\_\_\_\_

\_\_\_\_\_  
Charles W. Burkett, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra McCready, MMC  
Town Clerk

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

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney



# MEMORANDUM

ITEM NO. 3F

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** May 11, 2021  
**Subject:** Nurse Enhancement Initiative for School Year 2021/2022

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Surfside would again be joining the neighboring communities of Miami Beach, North Bay Village, Bay Harbor Islands, and Bal Harbour, as well as the Miami Beach Chamber Education Foundation, in support of this program that benefits the students. This service is being continued at twice a week for the 2021/2022 school year.

The City of Miami Beach through the Office of Organizational Development Performance Initiatives has kept note of students seeking mental health support on the Nurse Enhancement Initiative at Ruth K. Broad. Specifically, 24 youth at Ruth K. Broad have received 182 mental health interventions between August 2020 – March 2021 during the two days of service provided.

The attached resolution authorizes the execution of the Memorandum of Understanding, with an Amendment 4, for the continuation of expanded participation in the Nurse Enhancement Initiative for school year 2021/2022 in the amount of \$8,112 in October 2021.

Reviewed by: LA

Prepared by: JG

**RESOLUTION NO. 2021- \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AMENDMENT NO. 4 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE, THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, TOWN OF BAY HARBOR ISLANDS, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2021/2022 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) entered into a Memorandum of Understanding (“MOU”) with the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands and Bal Harbour Village (“Participating Municipalities”), and the Miami Beach Chamber Education Foundation, Inc. (“MBCEF”), to fund and implement the Nurse Enhancement Initiative for the Ruth K. Broad Bay Harbor K-8 Center; and

**WHEREAS**, the MOU provides that Participating Municipalities will provide their proportionate share of funds for the Nurse Enhancement Initiative; and

**WHEREAS**, the MOU was amended by Amendment No. 2 to the MOU, executed on July 9, 2019, to extend the Nurse Enhancement Initiative for FY 2019-20 and set forth the proportionate share of funding for Participating Municipalities; and

**WHEREAS**, the MOU was amended by Amendment No. 3 to the MOU dated August 19, 2020 to extend the Nurse Enhancement Initiative for FY 2020-2021 and set forth the proportionate share of funding for Participating Municipalities; and

**WHEREAS**, the parties wish to further amend the MOU in order to assign the proportionate share of funding to Participating Municipalities for FY 2021-22, requiring the Town to contribute \$8,112.00, as set forth in Amendment No. 4 to the MOU (“Amendment”), attached hereto as Exhibit “A”; and

**WHEREAS**, the Town Commission finds that the Amendment is in the best interest and welfare of the Town and its residents and wishes to approve the Amendment in substantially the form attached hereto as Exhibit “A.”

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

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

**Section 2. Approval of Amendment to MOU; Authorization.** The Amendment between the Town, Participating Municipalities and MBCEF, substantially in the form attached hereto as Exhibit "A", is hereby approved. The Town Commission authorizes the Town Manager to execute the Amendment on behalf of the Town, together with such changes as may be approved by the Town Manager and Town Attorney as to form and legal sufficiency.

**Section 3. Implementation.** The Town Manager is authorized to take all action necessary to implement the purposes of this Resolution and the Amendment.

**Section 4. Effective Date.** This Resolution will become effective upon adoption.

**PASSED AND ADOPTED** this 11th day of May, 2021.

Motion by \_\_\_\_\_.  
Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION:**

Commissioner Charles Kesl \_\_\_\_\_  
Commissioner Eliana R. Salzhauer \_\_\_\_\_  
Commissioner Nelly Velasquez \_\_\_\_\_  
Vice Mayor Tina Paul \_\_\_\_\_  
Mayor Charles W. Burkett \_\_\_\_\_

\_\_\_\_\_  
Charles W. Burkett, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra McCready, MMC,  
Town Clerk

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

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Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

**AMENDMENT NO. 4  
TO THE MEMORANDUM OF UNDERSTANDING  
AMONG  
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR  
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND  
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION  
TO  
IMPLEMENT A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2021/2022**

Amendment No. 4 (“**Amendment**”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and among the **City of Miami Beach, Florida (“CMB”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139; **North Bay Village (“NBV”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1666 John F. Kennedy Causeway, #3, North Bay Village, Florida 33141; the **Town of Bay Harbor Islands (“TBHI”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154; the **Town of Surfside (“TS”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9293 Harding Avenue, Surfside, Florida 33154; **Bal Harbour Village (“BHV”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 655 96<sup>th</sup> Street, Bal Harbour, Florida 33154; and the **Miami Beach Chamber Education Foundation, Inc. (“MBCEF”)**, a Florida not-for-profit corporation, having its principal place of business at 100 16<sup>th</sup> Street, Suite 6, Miami Beach, Florida 33139 (collectively, the “Parties”) to amend the Memorandum of Understanding entered into on May 17, 2018 (“**MOU**”), as amended by Amendment No. 1 to the **MOU**, dated December 24, 2018, Amendment No. 2 to the **MOU**, dated September 19, 2019, and Amendment No. 3 to the **MOU**, dated August 19, 2020 (collectively, the “**MOU**”), as follows:

**RECITALS**

**WHEREAS**, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the “**Participating Municipalities**”); and

**WHEREAS**, following the Parties’ determination that students at Miami Beach North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the “**Participating Schools**”) did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the **Participating Schools** during the 2013/2014 and the 2014/2015 School Years; and

**WHEREAS**, due to the success of Nurse Initiatives during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative (“**Nurse Enhancement Initiative**”) for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the **Participating Schools** because the basic healthcare services previously funded in the Nurse Initiative by the

**Participating Municipalities**, the **MBCEF**, and the Children's Trust ("**TCT**"), were provided by **TCT** via the new School Health Programs; and

**WHEREAS**, on May 17, 2018, **CMB, NBV, TBHI, TS, BHV**, and **MBCEF** executed the **MOU** for the continuation of the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2018-2019 School Year; and

**WHEREAS**, the Parties executed Amendment No. 1 to the **MOU**, dated December 24, 2018, adding an additional day of service at Ruth K. Broad Bay Harbor K-8 Center; and

**WHEREAS**, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30956, approving Amendment No. 2 to the **MOU** and approving funding of **CMB's** contribution for each subsequent School Year, on a recurring basis, subject to funding approval during **CMB's** budgetary process and provided that **CMB's** contribution amount does not exceed \$15,400.00; and

**WHEREAS**, the Parties executed Amendment No. 2 to the **MOU**, dated September 19, 2019, extending the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2019-20 School Year; and

**WHEREAS**, the Parties executed Amendment No. 3 to the **MOU**, dated August 19, 2020, extending the **Nurse Enhancement Initiative** for the **Participating Schools** for the 2020-21 School Year; and

**WHEREAS**, due to the success of the **Nurse Enhancement Initiative** services, the Parties wish to provide the **Nurse Enhancement Initiative** for the 2021/2022 School Year; and

**WHEREAS**, a **Nurse Enhancement Initiative** should be established at the **Participating Schools** for School Year 2021/2022 as herein provided and pursuant to a separate agreement between **MBCEF** and **TCT**; and

**WHEREAS**, **MBCEF** shall provide funding to **TCT** for the 2021-2022 **Nurse Enhancement Initiative** in the amount of \$7,000.00.

**NOW, THEREFORE**, in consideration of the mutual conditions and promises contained herein, the Parties agree to amend the **MOU** as follows:

**1. ABOVE RECITALS.**

The above recitals are true and correct and are incorporated as part of this Amendment.

**2. MODIFICATIONS.**

The **MOU** is hereby amended (deleted items ~~struck through~~ and inserted items underlined) as follows:

- a. Paragraph 3 of the **MOU** is hereby deleted in its entirety and replaced with the following:



3. On or before October 31, 2021 the **Participating Municipalities** shall provide their proportionate share of the funds for the 2021/2022 **Nurse Enhancement Initiative to MBCEF**, subject to budget approval by the **Participating Municipalities**, which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT**, referenced in paragraph 1 of the **MOU**. The **Participating Municipalities'** proportionate share of funding for the 2021/2022 School Year shall be paid by October 31, 2021, in the following amounts for 44 weeks, from October 1, 2021 to June 5<sup>th</sup> 2021 and August 1, 2021 to September 30, 2021:

- i) **CMB** shall provide funding in the amount of \$15,400;
- ii) **NBV** shall provide funding in the amount of \$6,600
- iii) **TBHI** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- iv) **TS** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- v) **BHV** shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;

a. Paragraph 7 of the MOU is hereby deleted in its entirety and replaced with the following:

7. In the event that any of the provisions in this **MOU** are not performed, or if the **Nurse Enhancement Initiative** is terminated, during a particular School Year, after funds have been disbursed to **MBCEF** as provided in paragraphs 3 and 4, then **MBCEF** shall promptly reimburse each of the **Participating Municipalities** their proportionate share of unused funds. If any combination or all of the **Participating Municipalities** agree to implement a **Nurse Enhancement Initiative** in the subsequent School Year, then **MBCEF** may, as directed by the **Participating Municipalities** in writing, hold any unused funds in escrow to be applied toward the **Nurse Enhancement Initiative** for the subsequent School Year. Any unused funds shall be credited toward each of the **Participating Municipalities'** proportionate share of the funding for the subsequent School Year.

b. A new paragraph 8 (Audit and Inspections) is hereby added to the MOU, as follows:

#### 8. **AUDIT AND INSPECTIONS**

Upon reasonable verbal or written notice to **MBCEF**, and at any time during normal business hours (i.e. 9AM – 5PM, Monday through Fridays, excluding nationally recognized holidays), and as often as the City Manager may, in his/her reasonable discretion and judgment, deem necessary, there shall be made available to the City Manager, and/or such representatives as the City Manager may deem to act on **CMB's** behalf, to audit, examine, and/ or inspect, any and all other documents and/or records relating to all matters covered by this **MOU**. **MBCEF** shall maintain any and all such records at its place of business.

- c. A new paragraph 9 (Inspector General Audit Rights) is hereby added to the MOU, as follows:

**9. INSPECTOR GENERAL AUDIT RIGHTS**

- (A) Pursuant to Section 2-256 of the Code of the City of Miami Beach, CMB has established the Office of the Inspector General which may, on a random basis, perform reviews, audits, inspections and investigations on all CMB contracts, throughout the duration of said contracts. This random audit is separate and distinct from any other audit performed by or on behalf of CMB.
- (B) The Office of the Inspector General is authorized to investigate CMB affairs and empowered to review past, present and proposed CMB programs, accounts, records, contracts and transactions. In addition, the Inspector General has the power to subpoena witnesses, administer oaths, require the production of witnesses and monitor CMB projects and programs. Monitoring of an existing CMB project or program may include a report concerning whether the project is on time, within budget and in conformance with the contract documents and applicable law. The Inspector General shall have the power to audit, investigate, monitor, oversee, inspect and review operations, activities, performance and procurement process including but not limited to project design, bid specifications, (bid/proposal) submittals, activities of MBCEF, its officers, agents and employees, lobbyists, CMB staff and elected officials to ensure compliance with the contract documents and to detect fraud and corruption. Pursuant to Section 2-378 of the City Code, CMB is allocating a percentage of its overall annual contract expenditures to fund the activities and operations of the Office of Inspector General.
- (C) Upon ten (10) days written notice to MBCEF, MBCEF shall make all requested records and documents available to the Inspector General for inspection and copying. The Inspector General is empowered to retain the services of independent private sector auditors to audit, investigate, monitor, oversee, inspect and review operations activities, performance and procurement process including but not limited to project design, bid specifications, (bid/proposal) submittals, activities of MBCEF, their respective officers, agents and employees, lobbyists, CMB staff and elected officials to ensure compliance with the contract documents and to detect fraud and corruption.
- (D) The Inspector General shall have the right to inspect and copy all documents and records in MBCEF's possession, custody or control which in the Inspector General's sole judgment, pertain to performance of the contract, including, but not limited to original estimate files, change order estimate files, worksheets, proposals and agreements from and with successful subcontractors and suppliers, all project-related correspondence, memoranda, instructions, financial documents, construction documents, (bid/proposal) and contract documents, back-change documents, all documents and records which involve cash, trade or volume discounts, insurance proceeds, rebates, or dividends received, payroll and personnel records and supporting documentation for the aforesaid documents and records.

- (E) MBCEF shall make available at its office at all reasonable times the records, materials, and other evidence regarding the acquisition (bid preparation) and performance of this MOU, for examination, audit, or reproduction, until three (3) years after final payment under this MOU or for any longer period required by statute or by other clauses of this MOU. In addition:
- i. If this MOU is completely or partially terminated, MBCEF shall make available records relating to the work terminated until three (3) years after any resulting final termination settlement; and
  - ii. MBCEF shall make available records relating to appeals or to litigation or the settlement of claims arising under or relating to this MOU until such appeals, litigation, or claims are finally resolved.
- (F) The provisions in this section shall apply to MBCEF, its officers, agents, employees, subcontractors and suppliers.
- (G) Nothing in this section shall impair any independent right of CMB to conduct audits or investigative activities. The provisions of this section are neither intended nor shall they be construed to impose any liability on CMB by MBCEF or third parties.

d. A new paragraph 10 (E-Verify) is hereby added to the MOU, as follows:

**10. E-VERIFY**

- (A) MBCEF shall comply with Section 448.095, Florida Statutes, "Employment Eligibility" ("E-Verify Statute"), as may be amended from time to time. Pursuant to the E-Verify Statute, commencing on January 1, 2021, MBCEF shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees during the Term of the MOU. Additionally, MBCEF shall expressly require any subcontractors performing work or providing services pursuant to the MOU to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract Term. If MBCEF enters into a contract with an approved subcontractor, the subcontractor must provide MBCEF with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. MBCEF shall maintain a copy of such affidavit for the duration of the MOU or such other extended period as may be required under this MOU.
- (B) TERMINATION RIGHTS.
- (1) If CMB has a good faith belief that MBCEF has knowingly violated Section 448.09(1), Florida Statutes, CMB shall terminate this MOU with MBCEF, for cause, and CMB shall thereafter have or owe no further obligation or liability to MBCEF.
- (2) If CMB has a good faith belief that a subcontractor has knowingly violated the foregoing Subsection 10(A), but MBCEF otherwise complied with such subsection, CMB will promptly notify MBCEF and order MBCEF to immediately terminate the MOU with the subcontractor. MBCEF's failure to terminate a subcontract shall be

an event of default under this MOU, entitling CMB to terminate MBCEF's contract for cause.

- (3) A contract terminated under the foregoing Subsection (B)(1) or (B)(2) is not in breach of contract and may not be considered as such.
- (4) CMB or MBCEF or a subcontractor may file an action with the Circuit or County Court to challenge a termination under the foregoing Subsection (B)(1) or (B)(2) no later than 20 calendar days after the date on which the contract was terminated.
- (5) If CMB terminates the MOU with MBCEF under the foregoing Subsection (B)(1), MBCEF may not be awarded a public contract for at least 1 year after the date of termination of this MOU.
- (6) MBCEF is liable for any additional costs incurred by CMB as a result of the termination of this MOU under this Section 10.

e. A new paragraph 11 (MBCEF's Compliance with Florida Public Records Law) is hereby added to the MOU, as follows:

#### **11. MBCEF'S COMPLIANCE WITH FLORIDA PUBLIC RECORDS LAW**

- (A) MBCEF shall comply with Florida Public Records law under Chapter 119, Florida Statutes, as may be amended from time to time.
- (B) The term "public records" shall have the meaning set forth in Section 119.011(12), which means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of CMB.
- (C) Pursuant to Section 119.0701 of the Florida Statutes, if MBCEF meets the definition of "Contractor" as defined in Section 119.0701(1)(a), MBCEF shall:
  - (1) Keep and maintain public records required by CMB to perform the service;
  - (2) Upon request from CMB's custodian of public records, provide CMB with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law;
  - (3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the contract term and following completion of the MOU if MBCEF does not transfer the records to CMB;
  - (4) Upon completion of the MOU, transfer, at no cost to CMB, all public records in possession of MBCEF or keep and maintain public records required by CMB to perform the service. If MBCEF transfers all public records to CMB upon completion of the MOU, MBCEF shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If MBCEF keeps and maintains public records upon completion of the MOU, MBCEF shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to CMB, upon request from CMB's custodian of public records, in a format that is compatible with the information technology systems of CMB.

(D) REQUEST FOR RECORDS; NONCOMPLIANCE.

- (1) A request to inspect or copy public records relating to CMB's contract for services must be made directly to CMB. If CMB does not possess the requested records, CMB shall immediately notify MBCEF of the request, and MBCEF must provide the records to CMB or allow the records to be inspected or copied within a reasonable time.
- (2) MBCEF's failure to comply with CMB's request for records shall constitute a breach of this MOU, and CMB, at its sole discretion, may: (1) unilaterally terminate the MOU; (2) avail itself of the remedies set forth under the MOU; and/or (3) avail itself of any available remedies at law or in equity.
- (3) IF MBCEF fails to provide the public records to CMB within a reasonable time may be subject to penalties under s. 119.10.

(E) CIVIL ACTION.

- (1) If a civil action is filed against MBCEF to compel production of public records relating to CMB's contract for services, the court shall assess and award against MBCEF the reasonable costs of enforcement, including reasonable attorneys' fees, if:
  - a. The court determines that MBCEF unlawfully refused to comply with the public records request within a reasonable time; and
  - b. At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that MBCEF has not complied with the request, to CMB and to MBCEF.
- (2) A notice complies with subparagraph (1)(b) if it is sent to CMB's custodian of public records and to MBCEF at MBCEF's address listed on its contract with CMB or to MBCEF's registered agent. Such notices must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.
- (3) If MBCEF complies with a public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

(F) IF MBCEF HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO MBCEF'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS MOU, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

CITY OF MIAMI BEACH  
ATTENTION: RAFAEL E. GRANADO, CITY CLERK  
1700 CONVENTION CENTER DRIVE  
MIAMI BEACH, FLORIDA 33139  
E-MAIL: [RAFAELGRANADO@MIAMIBEACHFL.GOV](mailto:RAFAELGRANADO@MIAMIBEACHFL.GOV)  
PHONE: 305-673-7411

**12. RATIFICATION.**

Except as amended herein, all other terms and conditions of the **MOU** shall remain in full force and effect. In the event there is a conflict between the provisions of this **Amendment** and the **MOU**, the provisions of this **Amendment** shall govern.

**(THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK)**

**IN WITNESS THEREOF**, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

**ATTEST:**

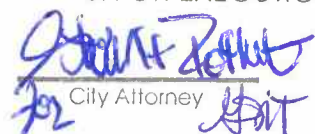
**CITY OF MIAMI BEACH**, a Municipal Corporation of the State of Florida

By: \_\_\_\_\_  
Rafael E. Granado, City Clerk

By: \_\_\_\_\_  
Alina T. Hudak, City Manager

Date: \_\_\_\_\_

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

01/23/2021  
Date

**ATTEST:**

**NORTH BAY VILLAGE**, a Municipal Corporation of the State of Florida

By: \_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_  
Village Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_



**ATTEST:**

**TOWN OF BAY HARBOR ISLANDS**, a Municipal Corporation of the State of Florida

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Mayor/Town Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**TOWN OF SURFSIDE**, a Municipal  
Corporation of the State of Florida

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Mayor/Town Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**BAL HARBOUR VILLAGE**, a Municipal Corporation of the State of Florida

By: \_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_  
Mayor/Village Manager

Date: \_\_\_\_\_

Approved as to form and  
Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**MIAMI BEACH CHAMBER EDUCATION  
FOUNDATION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_



**Town of Surfside  
Town Commission Meeting**

**DATE**

**7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** April 30, 2021  
**Prepared by:** Vice Mayor Paul  
**Subject:** "No Place For Hate Day" Proclamation

---

**Whereas;** the Town of Surfside is committed to cultivating an inclusive community to ensure the rights of all citizens will be protected and their rights respected, and

**Whereas;** the Town of Surfside wishes to acknowledge the dedicated work of the Anti-Defamation League (ADL) to fighting anti-Semitism and hate to secure justice and fair treatment for all, and

**Whereas;** for over 108 years, the Anti-Defamation League (ADL) has broken many barriers and bridged many obstacles in carrying out their mission "to stop the defamation of the Jewish people, and to secure justice and fair treatment to all. The demand for ADL's resources and skills to help individuals and communities to confront, challenge, combat, and counteract hatred in all its forms, is higher than at any time in recent memory.

**Whereas;** In the spirit of unity and inclusion, the Town Commission of the Town of Surfside, Florida declares that we will commit ourselves to challenging hate, whenever and wherever it manifests itself.

**Now therefore,** we, the Town Commission of The Town of Surfside, Florida proclaim May 14, 2021 as "No Place For Hate Day."



# TOWN OF SURFSIDE

## PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

### REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation  Certificate  Key  Brick  (check one)

Date of Request: \_\_\_\_\_ April 30, 2021 \_\_\_\_\_

Name of Requestor: \_\_\_\_\_ Vice Mayor Paul \_\_\_\_\_

Organization: \_\_\_\_\_ Town of Surfside \_\_\_\_\_

Address: \_\_\_\_\_ 9293 Harding Ave \_\_\_\_\_

Phone / E-Mail: \_\_\_\_\_ tpaul@townofsurfsidefl.gov \_\_\_\_\_

Name of Individual / Organization to be honored:

\_\_\_\_\_ Anti-Defamation League \_\_\_\_\_

Title for Proclamation or Certificate:

\_\_\_\_\_ No Place For Hate Day \_\_\_\_\_

Date of Recognition: \_\_\_\_\_ May 14, 2021 \_\_\_\_\_

Reason for Recognition (*Please attach 4 – 6 “whereas clauses” as draft text for a Proclamation*):

\_\_\_\_\_ see attached \_\_\_\_\_

Document is to be:

- Presented at a Commission Meeting in \_\_\_\_\_ May 2021 \_\_\_\_\_ (month / year)
- Presented at the following event \_\_\_\_\_ (Please attach event information to the request form)
- Picked up by \_\_\_\_\_ on \_\_\_\_\_ (date)

#### Administrative Use Only

Proclamation \_\_\_\_\_ Certificate \_\_\_\_\_ Key \_\_\_\_\_ Coin \_\_\_\_\_

Approved: Yes \_\_\_\_\_ No \_\_\_\_\_ If no, state reason: \_\_\_\_\_

Approved Date: \_\_\_\_\_

Date Submitted for Mayor's Signature: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Completed by: \_\_\_\_\_



# MEMORANDUM

ITEM NO. 5A

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** May 11, 2021  
**Subject:** Donation to Support Town Parks & Recreation Tennis Program

---

A resident reached out to the Town interested in donating to the Town to support the Parks & Recreation department. There were several conversations about how a donation could be used in a mutually agreeable manner. A draft agreement was prepared and the following language for use of a \$100,000 donation was agreed to:

*Subject to the conditions set forth herein, Donor shall deliver the Donation in the amount of \$100,000 to the Town. Town hereby covenants, confirms, and agrees that the Donation will be used and expended by the Town at a rate of \$20,000 per fiscal year solely for tennis center related upgrades and additional tennis class expenses incurred by the Town.*

Town Administration recommends the approval of the attached resolution authorizes the execution of the Donation Agreement with the Gerald B Cramer Family Foundation for \$100,000 to support Town tennis operations.

Reviewed by: LA

Prepared by: JG

**RESOLUTION NO. 2021- \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A DONATION AGREEMENT WITH THE GERALD B CRAMER FAMILY FOUNDATION INC. PROVIDING FOR A \$100,00 DONATION FOR TOWN TENNIS CENTER UPGRADES AND ADDITIONAL TENNIS CLASS EXPENDITURES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) Parks and Recreation Department (“Department”) provides recreational and leisure opportunities to residents and visitors to build a strong sense of community within the Town and to increase the social, cultural, and physical well-being of residents and visitors; and

**WHEREAS**, the Gerald B Cramer Family Foundation Inc. (the “Donor”), a not-for-profit 501(c)(3) private foundation, desires to contribute to the continued success of the Department by donating \$100,000 to the Department for the purpose of performing upgrades to the Town Tennis Center and/or for additional funding for Town tennis class expenditures (the “Donation Purposes”); and

**WHEREAS**, Donor and Town desire to enter into a donation agreement for the Donation Purposes in substantially the same form attached hereto as Exhibit “A” (the “Donation Agreement”); and

**WHEREAS**, the Town Commission finds that the Donation Agreement is in the best interests of the Town and its residents, and the public health and welfare.

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

**Section 1. Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Approval of the Donation Agreement.** The Donation Agreement with the Donor is approved. The Town Manager is hereby authorized to execute the Donation



Agreement in substantially the form attached hereto as Exhibit "A," subject to approval by the Town Attorney as to form, content, and legal sufficiency.

**Section 3. Implementation.** The Town Manager is hereby authorized to take all action necessary to implement the Donation Agreement and the purposes of this Resolution.

**Section 4. Effective Date.** This Resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED** this 11th day of May, 2021.

Motion by \_\_\_\_\_.  
Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION:**

Commissioner Charles Kesl \_\_\_\_\_  
Commissioner Eliana R. Salzhauer \_\_\_\_\_  
Commissioner Nelly Velasquez \_\_\_\_\_  
Vice Mayor Tina Paul \_\_\_\_\_  
Mayor Charles W. Burkett \_\_\_\_\_

\_\_\_\_\_  
Charles W. Burkett, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra McCready, MMC,  
Town Clerk

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

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

**DONATION AGREEMENT**  
**FOR THE**  
**TOWN OF SURFSIDE, FLORIDA**

THIS DONATION AGREEMENT (“**Agreement**”), is made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the **TOWN OF SURFSIDE**, a Florida municipal corporation, located at 9293 Harding Avenue, Surfside, Florida 33154 (the “**Town**”), and **GERALD B CRAMER FAMILY FOUNDATION INC.**, a 501(c)(3) private foundation (the “**Donor**”). Hereinafter, the Town and/or Donor may be referred to individually as a “**Party**” or collectively as the “**Parties.**”

**WITNESSETH:**

**WHEREAS**, the Town’s Parks and Recreation Department provides recreational and leisure opportunities to residents and visitors to build a strong sense of community within the Town and to increase the social, cultural, and physical well-being of residents and visitors; and

**WHEREAS**, Donor is appreciative of the services, functions, and activities that the Town’s Parks and Recreation Department provides residents and visitors; and

**WHEREAS**, consequently, Donor desires to contribute to the continued success of the Town’s Parks and Recreation Department by offering a \$100,000 donation to the Town for the purpose of supporting the Town’s Parks and Recreation Department (the “**Donation**”).

**NOW, THEREFORE**, in consideration of the mutual covenants and undertakings of Donor and the Town, and other good and valuable consideration, the Parties covenant and agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. **Payment of Donation; Purpose of Donation**. Subject to the conditions set forth herein, Donor shall deliver the Donation in the amount of \$100,000 to the Town. Town hereby covenants, confirms, and agrees that the Donation will be used and expended by the Town at a rate of \$20,000 per fiscal year solely for tennis center related upgrades and additional tennis class expenses incurred by the Town.
3. **Term**. The term of this Agreement shall commence upon execution of this Agreement (“**Execution Date**”) and shall thereafter continue until all required Donations are made by Donor and received and expended by Town, as provided herein.
4. **Remedies**. In the event of Donor’s default under this Agreement, Town shall be entitled to any and all remedies under Florida law. In the event Town defaults under this Agreement, Donor shall have all remedies under Florida law. No default shall be deemed to occur unless

the respective Party fails to cure a failure of performance within thirty (30) days after written notice from the other Party.

5. **Recording**. Neither this Agreement, nor any notice or memorandum of this Agreement, shall be recorded in the official records of Miami-Dade County, Florida. The Agreement shall be binding upon and benefit the Parties and their successors and authorized assigns.
6. **Tax Matters**. Donor understands that the Donation may enable Donor to claim a deduction for purposes of United States federal income tax, but recognizes that it must contact and confer with its own tax attorneys or accountants for matters regarding any entitlement to a tax deduction and/or benefit, if any, record keeping requirements, and limitations on the amount of any tax deduction, as well as related issues.
7. **Entire Agreement**. This Agreement, and any exhibits annexed hereto, constitute the entire agreement and understanding of the Parties to this Agreement with respect to the subject matter of this Agreement, and supersedes all prior discussions, correspondence, oral and written agreements, commitments or understandings, restrictions, representations or warranties among the Parties to the Agreement concerning the subject matter of this Agreement other than those set forth herein or herein provided for.
8. **Notices/Authorized Representatives**. Any notices required by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by hand-delivery, by registered or certified mail with postage prepaid return receipt requested, or by a private postal service, addressed to the parties (or their successors) at the addresses listed on the signature page of this Agreement or such other address as the party may have designated by proper notice.
9. **Public Records**.
  - 9.1. Donor agrees to keep and maintain public records in Donor's possession or control in connection with Donor's performance under this Agreement. The Town Manager or her designee shall, during the term of this Agreement and for a period of three (3) years from the date of termination of this Agreement, have access to and the right to examine and audit any records of the Donor involving transactions related to this Agreement. Donor additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. Donor shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the Town.
  - 9.2. Upon request from the Town's custodian of public records, Donor shall provide the Town with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.
  - 9.3. Unless otherwise provided by law, any and all records, including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the Town.

- 9.4. Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the Donor shall be delivered by the Donor to the Town Manager, at no cost to the Town, within seven (7) days. All such records stored electronically by Donor shall be delivered to the Town in a format that is compatible with the Town's information technology systems. Once the public records have been delivered upon completion or termination of this Agreement, the Donor shall destroy any and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.
- 9.5. Donor's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the Town.
- 9.6. **Notice Pursuant to Section 119.0701(2)(a), Florida Statutes. IF THE DONOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE DONOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.**

**Custodian of Records:** Sandra McCready, MMC  
**Mailing address:** 9293 Harding Avenue  
Surfside, FL 33154  
**Telephone number:** 305-861-4863  
**Email:** [smccready@townofsurfsidefl.gov](mailto:smccready@townofsurfsidefl.gov)

10. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, as an Agreement made, and entered into, and to be performed in Miami- Dade County, Florida.
11. **Jurisdiction & Venue.** The Parties to this Agreement expressly consent to the jurisdiction of and agree to suit in any State court of general jurisdiction in Miami- Dade County Florida, and further agree that venue shall lie exclusively in Miami-Dade County, Florida, concerning any litigation between the Parties which may arise out of or concern this Agreement. Further, the Parties hereby waive any right to trial by jury in any such litigation.
12. **Amendments & Waivers.** No amendment, supplement, modification, or waiver of this Agreement shall be binding unless executed in writing by all of the Parties hereto. No waiver of any of these provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision of this Agreement, whether or not similar, unless otherwise expressly provided. The Town Manager shall act for Town hereunder.
13. **Assignment and Successors.** Donor shall not assign its obligations and benefits hereunder without the prior written consent of the Town, which consent shall not be unreasonably withheld, conditioned or delayed, provided that Donor may make such assignment to any of Donor's affiliated companies. In the event Town gives its consent to assignment of this Agreement, the assignment shall not be valid unless and until a fully executed Agreement is entered into between the Town and assignee.

#### **14. Miscellaneous.**

- 14.1.** All of the Parties to this Agreement have participated fully in the negotiation and preparation hereof, and, accordingly, this Agreement shall not be more strictly construed against any one of the Parties hereto.
- 14.2.** In the event any term or provision of this Agreement be determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or be construed as deleted as such authority determines, and the remainder of this Agreement shall be construed to be in full force and effect.
- 14.3.** In the event of any litigation between the Parties under this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and court costs at all trial and appellate levels.
- 14.4.** In construing this Agreement, the singular shall be held to include the plural, the plural shall be held to include the singular, the use of any gender shall be held to include every other and all genders, and captions and paragraph headings shall be disregarded.
- 14.5.** Except as otherwise expressly provided herein, each Party shall be responsible for its own costs in connection with this Agreement, including, without limitation, attorney's fees.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK. SIGNATURE PAGE  
FOLLOWS.]**





**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:**

**Date: April 30, 2021**

**From: Vice Mayor Tina Paul**

**Subject: Resolution Condemning Hate and Extremism**

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**Objective** – Affirm the Town’s commitment for the well being of the community by countering hate and extremism with a commitment for inclusion and peaceful exercise of free speech, free assembly, and freedom to worship safely for all people.

**Consideration** – As elected officials we have the ability and obligation to promote inclusiveness; celebrate diversity, work to ensure equitable opportunities in all major facets of society and prevent the spread of misinformation and disinformation by rejecting hate and bias in all forms as a positive example for our constituents.

Continue the Town’s ongoing commitment to cultivating an inclusive, safe, and just society and culture within The Town of Surfside operations and institutions that values the diversity of our community and works to ensure equitable opportunities in all major facets of society, and celebrates both our individuality and commonality.

**Recommendation** – For the Town Commission to adopt this Resolution that includes these shared values by denouncing hate and extremism to help keep us all safe.

**RESOLUTION NO. 2021-**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING THE TOWN'S COMMITMENT TO CULTIVATING AN INCLUSIVE COMMUNITY TO ENSURE THE RIGHTS OF ALL CITIZENS WILL BE PROTECTED AND RESPECTED BY CONDEMNING HATE AND EXTREMISM; PROVIDING FOR DECLARATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") is committed to defending democratic institutions, the integrity of our elections, and the security of people and institutions that carry out the democratic process; and

**WHEREAS**, the Town is committed to ending the spread of hate, bigotry, and harassment based on race, color, religion, national origin, ethnicity, sex, gender, gender identity and expression, sexual orientation, disability, or any other protected characteristic as defined by law; and

**WHEREAS**, the Town wishes to affirm its commitment to the well-being and safety of all of its community members and to ensure that they will be protected and their rights respected; and

**WHEREAS**, the Town Commission wishes to affirm its commitment to cultivating an inclusive community, including within the Town operations and institutions; and

**WHEREAS**, the diversity of our community is beneficial to all within it, making us stronger and more resilient; and

**WHEREAS**, as elected leaders, the Town Commission has the ability and obligation to promote inclusiveness; celebrate diversity; work to ensure equitable opportunities in all major facets of society; prevent the spread of misinformation and disinformation; and reject hate and bias in all forms and should set a positive example for their constituents in this regard; and

**WHEREAS**, the January 6, 2021 domestic terrorism incident at our nation's Capitol does not reflect the values of the Town of Surfside; and



**WHEREAS**, disinformation, misinformation, and online conspiracy theories such as QAnon are spreading and inspiring real-world violence; and

**WHEREAS**, the Town Commission passed Resolution 2020-2694 on May 26, 2020, declaring a commitment to protect the safety and welfare of all community members and to combat hateful actions due to the Covid-19 health pandemic; and

**WHEREAS**, the Town supports the peaceful exercise of free speech, free assembly, and freedom to worship safely for all people; and

**WHEREAS**, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

**Section 1. Recitals.** The recitals are true and correct and incorporated in this resolution.

**Section 2. Declarations.** The Town Commission affirms its ongoing commitment to cultivating an inclusive, safe, and just society and culture including within the Town operations and institutions that values the diversity of our community, works to ensure equitable opportunities in all major facets of society, and celebrates both our individuality and commonality.

The Town Commission denounces the January 6, 2021 domestic terrorism incident at our nation's Capitol and anti-government extremism, white supremacy, racism, antisemitism, misogyny, Islamophobia, anti-LGBTQ+ hate, ableism, and all hateful speech and bias-motivated violent actions in our community.

The Town Commission further denounces extremist conspiracy theories, misinformation, and disinformation that cultivate an alienated and mistrustful electorate, undermine democratic institutions and processes, and increase the likelihood of violence and attempts to exploit governmental procedure and basic government functions for personal political gain.

The Town Commission commits to fostering an environment within Town operations and institutions that does not tolerate anti-government extremist, white supremacist, racist, anti-Semitic, misogynist, Islamophobic, anti-LGBTQ+, ableist, and other hateful speech and actions.

The Town Commission commits to countering hate and extremism through engagement with community leaders, governmental transparency and public information-sharing regarding efforts to fight extremism, and the investigation and prosecution of those who commit criminal acts, consistent with civil liberties protections.

The Town Commission urges residents to join us by adopting these values in their own lives, calling attention to these harms, and denouncing hate and extremism to help keep us all safe.

**Section 3. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 11th day of May, 2021.

Motion By: \_\_\_\_\_  
Second By: \_\_\_\_\_

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl \_\_\_\_\_  
Commissioner Eliana R. Salzhauer \_\_\_\_\_  
Commissioner Nelly Velazquez \_\_\_\_\_  
Vice Mayor Tina Paul \_\_\_\_\_  
Mayor Charles W. Burkett \_\_\_\_\_

\_\_\_\_\_  
Charles W. Burkett, Mayor

ATTEST:

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Sandra McCready, MMC, Town Clerk

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

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Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney



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Date: September 19, 2020  
Prepared by: Mayor  
Subject: Amending Town Code, Conduct of meetings

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**Objective:** Reduce codified restrictions on speech by residents and add procedures for elected officials.

**Consideration:** Commission to discuss

**Recommendation:** Adoption

ORDINANCE NO. 17 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

1       **WHEREAS**, Section 20 of the Town of Surfside Charter provides that the Town Commission  
2 of the Town of Surfside shall fix its rules of procedure; and

3       **WHEREAS**, the Town Commission adopted rules of procedure which have been  
4 incorporated into Article, VI, Chapter 2 of the Town Code of Ordinances; and

5       **WHEREAS**, the Town Commission desires to amend Article VI. – “Rules of Procedure for  
6 Town Meetings;” and

7       **WHEREAS**, the amendments to the ordinance do not conflict with the provisions in Section  
8 2-151 Personnel Appeals Board Section, 2-185 Pension Board, Section 70-124 Resort Tax Board  
9 or Sections 90-15, 90-16, 90-17, 90-18 of the Zoning Code for Planning and Zoning and Design  
10 Review Board members; and

11       **WHEREAS**, the Town Commission held its first public reading on September 18, 2017 and  
12 recommended approval of the proposed amendments to the Code of Ordinances having complied  
13 with the notice requirements by the Florida Statutes; and  
14

15       **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on  
16 these regulations as required by law on October 10, 2017 and further finds the proposed change to  
17 the Code necessary and in the best interest of the community.  
18

19       **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
20 **TOWN OF SURFSIDE, FLORIDA:**  
21

22       **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by  
23 this reference:  
24

25       **Section 2. Town Code Amended.** Article VI. – “Rules of Procedure for Town Meetings”  
26 of the Surfside Town Code of Ordinances are hereby amended and shall read as follows<sup>1</sup>:

27 **ARTICLE VI. - RULES OF PROCEDURE FOR TOWN MEETINGS**  
28

<sup>1</sup>Additions to the text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions made after first reading are shown in double underline. Deletions made after first reading are shown in ~~double-strikethrough~~.

29 Sec. 2-201. - Rules of procedure for the town commission and town boards and committees.

30 *Rule 2.01 Governing rules; amendment.* Except as may be provided in the Charter, the  
31 Town of Surfside Code, Florida laws or by these rules as set forth in this Article<sup>ordinance</sup>,  
32 questions of order, the methods of organization and the conduct of business of the town  
33 commission and town boards and committees and to the extent there is no conflict, the town  
34 commission, and town boards and committees shall be governed by Robert's Rules of Order  
35 ~~Mason's Manual of Legislative Procedure (2010 Edition)~~. Once enacted, and except as already  
36 amended by the provisions contained herein, these rules may be amended by ~~two-thirds~~ majority  
37 vote of the entire town commission.

38 Sec. 2-202. - Officers.

39 *Rule 3.01 Presiding officer.* The ~~mayor~~Mayor shall preside at all meetings of the town  
40 commission at which he or she is present. In the absence of the ~~mayor~~Mayor, the vice  
41 ~~mayor~~Mayor shall act as ~~mayor~~Mayor. In the absence of both the ~~mayor~~Mayor and vice  
42 ~~mayor~~Mayor, the town commission shall select one of its members as a temporary presiding  
43 officer. The presiding officer shall preserve strict order and decorum at all meetings of the  
44 commission. A majority vote of the members present shall govern and conclusively determine all  
45 questions of order not otherwise covered. The presiding officer has the power, among other  
46 things, to recognize a speaker, secure and retain the floor for the speaker and keep order during  
47 the time the floor is taken subject to Robert's ~~Mason's~~ Rules and to the rules contained in this  
48 article.

49 *Rule 3.02 Clerk.* The town clerk shall act as clerk of the commission. The clerk of the  
50 commission shall call the roll, prepare the minutes and shall be custodian of the records and shall  
51 certify all ordinances and resolutions adopted by the commission, and perform such other duties  
52 as required by the Town Charter.

53 *Rule 3.03 Town attorney.* The town attorney, or such member of the office of the town  
54 attorney as may be designated, shall be available to the commission at all meetings: the town  
55 attorney shall act as parliamentarian, and shall advise and assist the presiding officer in matters  
56 of parliamentary law.

57 *Rule 3.04 Sergeant-at-arms.* The town police chief, or such other town official or employee  
58 as the chief may designate, shall be the sergeant-at-arms of the town commission meeting, at the  
59 request of the presiding officer or the town manager. The sergeant-at-arms shall carry out all  
60 orders and instructions given by the presiding officer or the town manager for the purpose of  
61 maintaining order and decorum at the meetings.

62 Sec. 2-203. - Meetings.

63 *Rule 4.01 Regular Meetings.*

64 (a) The commission shall hold regular meetings in accordance with its Charter or, if the Charter  
65 provision is amended, in accordance with an ordinance duly adopted by the commission, as  
66 may be amended from time to time.

- 67 (1) All regular and zoning meetings shall be held irrespective of whether or not any particular  
68 commission member (including the ~~Mayor~~Mayor) may be able to attend unless otherwise  
69 agreed by a majority of the commission. Such meetings shall be held in the commission  
70 chambers at 9293 Harding Avenue, Surfside, Florida 33154, or such location as may be  
71 approved by a majority of the commission members present and shall be open to the public  
72 and all news media.
- 73 (2) Regular meetings may be otherwise postponed or canceled by resolution or motion  
74 adopted at a regular meeting by a majority of the commission members present.
- 75 (3) No meeting shall continue beyond 11:00 p.m. unless there is an emergency, which is  
76 presented to the Commission, which is then followed with by a vote of the majority of the  
77 members of the commission present, the commission agrees to extend the meeting beyond  
78 this time.
- 79 (4) Workshops may be scheduled at the request of the Mayor, town manager, the town  
80 attorney or a majority of the commission at any time, provided appropriate notice is given.
- 81 (b) Zoning matters shall be scheduled as part of regular town commission meetings unless  
82 otherwise decided by the commission.
- 83 (c) The second reading (public hearing) of the annual budget ordinance or resolution shall be  
84 considered at a meeting at which the said budget ordinance or resolution and the levy of the  
85 millage are the only items on the agenda.

86 *Rule 4.02 Special meetings; emergency meetings.*

- 87 (1a) Special meetings. A special meeting of the commission may be called by the Mayor, a  
88 majority of the members of the ~~Mayor~~, town commission or the town manager. The clerk  
89 shall forthwith serve either verbal or written notice upon each member of the commission  
90 stating the date, hour and place of the meeting and the purpose for which such meeting is  
91 called; and no other business shall be transacted at that meeting, other than that described  
92 in the aforementioned notice. At least twenty-four (24) ~~hours notice~~ hour's notice must  
93 elapse between the time the clerk receives notice in writing and the time the meeting is to  
94 be held.
- 95 (2b) Emergency meetings. An emergency meeting of the town commission may be called by  
96 the Mayor, ~~mayor~~Mayor in accordance with prescriptions of the town charter whenever  
97 in his or her; opinion an emergency exists that requires immediate action by the  
98 commission. Whenever such emergency meeting is called, the ~~M~~mayorMayor shall  
99 notify the clerk who shall forthwith serve either verbal or written notice upon each  
100 member of the commission, stating the date, hour and place of the meeting and the  
101 purpose for which it is called, and no other business shall be transacted at that meeting,  
102 other than that described in the aforementioned notice. At least 24 hours shall elapse  
103 between the time the clerk receives notice of the meeting and the time the meeting is to  
104 be held.
- 105 (3e) If after reasonable diligence, it is impossible to give notice to each commissioner, such  
106 failure shall not affect the legality of the meeting if a quorum is present. The minutes of  
107 each special or emergency meeting shall show the manner and method by which notice of

108 such special or emergency meeting was given to each member of the commission, or shall  
109 show a waiver of notice. All special or emergency meetings shall be open to the public  
110 and shall be held and conducted in the Commission Chambers, Town Hall, 9293 Harding  
111 Avenue, Surfside, Florida 33154, or other suitable location within the Town of Surfside,  
112 Florida. Minutes thereof shall be kept by the town clerk.

113 (4d) No special or emergency meeting shall be held unless notice thereof is given in compliance  
114 with the provisions of this rule, or notice thereof is waived by a majority of the entire  
115 membership of the commission and in accordance with the town charter.

116 *Rule 4.03 Electronic files presented at public meetings.* Electronic files to be presented at  
117 public meetings in the Town of Surfside must be provided to the town clerk by noon on the  
118 business day prior to the scheduled meeting.

119 Sec. 2-204. – Boards, cCommittees, sub-committees and ad hoc committees.

120 *Rule 5.01 Boards, ccontinuing committees, sub-committees and ad hoc committees.* There  
121 may be continuing committees, sub-committees and ad hoc committees of the town commission  
122 created by resolution as the town commission deems necessary to conduct the business of the  
123 town appropriately and in accordance with the town charter. Such committees and all Town  
124 Boards to the extent these provisions do not conflict with other governing procedures or  
125 requirements specific to a particular Board, shall be governed by these rules of procedure and  
126 shall be subject to the Florida sunshine and public records laws. Each member of the town  
127 commission shall appoint one (1) member to each committee. All appointments are at the will of  
128 the appointing member of the town commission and may be removed at any time by the  
129 appointing member of the town commission. Members of committees shall be appointed to serve  
130 until the expiration of the committee or to the end of the appointing member of the town  
131 commission's term.

132 (a4) *Continuing committees and sub-committee committees.* Continuing committees and sub-  
133 committees shall exist until abolished by the town commission or shall have a sunset provision.

134 (b2) *Ad hoc committees.* The expiration date for each ad hoc committee shall be designated at the  
135 time of formation, or the ad hoc committee shall expire when the ad hoc committee reports to  
136 the commission that its designated goal or goals have been accomplished.

137 (c3) All continuing committees, sub-committees and ad hoc committees shall abide by the  
138 following procedures:

139 (1)a. *Mission statement.* A mission statement shall be developed by the town commission.

140 (2)b. *Public meetings.* All meetings and business of any committee, sub-committee or ad  
141 hoc committee shall comply with the Florida Statutes including that all committee  
142 meetings shall be open to the public at all times, noticed, and minutes of the meetings shall  
143 be taken and retained in the office of the town clerk. All committee members shall be  
144 subject to the State of Florida, Miami-Dade County and Town of Surfside Conflict of  
145 Interest and Code of Ethics Ordinance.

146 (3)e. *Agenda.* The committee chairperson shall prepare the agenda for the committee  
147 meeting with the assistance of the committee staff liaison. ~~In the chairperson's absence,~~



148 ~~the vice chairperson shall prepare the agenda.~~ Any committee member may propose  
149 additional agenda items at any time. Items proposed after the agenda is distributed may  
150 only be heard under "New Business" and upon an affirmative vote of the majority of the  
151 committee. Each agenda shall also include a section for public comment.

152 ~~(4)d.~~ *Public appearances and requests.* Any person may appear before any committee  
153 during the public comment portion of the meeting.

154 ~~(5)e.~~ *Quorum.* A majority of the appointed members of the committee shall constitute a  
155 quorum, shall be 50 percent plus one of the committee members. Provided there is a  
156 quorum, a majority of those present and voting shall be required to adopt any motion or  
157 take any action.

158 ~~(6)~~ *Failure to obtain a quorum.*

159 a. If, 48 hours prior to a regular meeting, the clerk has not received confirmation of  
160 attendance from a sufficient number of committee members to constitute a quorum,  
161 the meeting shall be canceled for lack of a quorum.

162 b. Should no quorum attend any meeting within 15 minutes after the hour appointed for  
163 the meeting, the presiding member or the town clerk may adjourn the meeting. The  
164 names of the members present at such meeting shall be recorded in the minutes.

165 ~~(7)f.~~ *Voting.* Each committee member shall be entitled to one vote. The committee shall act as  
166 a body in making its decisions. No committee member present at a meeting may abstain  
167 from voting unless the committee member possesses a conflict of interest, as provided in  
168 either the Florida Statutes or the Miami-Dade County Code of Ethics and submits the  
169 appropriate form to the town clerk.

170 ~~(8)g.~~ *Attendance.* In the event that a committee member fails to attend three regularly  
171 scheduled meetings in any one calendar year, the committee member may be removed  
172 from the committee and the town commission will be notified of the vacancy.

173 ~~(9)h.~~ *Appointments, vacancies and resignations.* Each person appointed to a committee,  
174 sub-committee or ad hoc committee shall be appointed by the town commission in the  
175 following manner:

176 a1. The ~~mayer~~ Mayor and each member of the town commission shall appoint one  
177 member to each committee.

178 b2. Should any appointee resign or be removed during the term of the committee, sub-  
179 committee or ad hoc committee, the appointing commissioner may select another  
180 appointee in accordance with the procedure outlined as follows:

181 Upon notification of the vacancy of an at-large member, the town clerk shall notify  
182 the town commission, or in the case of an individual appointment, the town  
183 commissioner responsible for the appointment with a copy to the remainder of the  
184 town commission, in writing. ~~The town commission shall establish a deadline for the~~  
185 ~~submission of letters of interest to serve on the committee at a commission meeting.~~

186 ~~1.(i)~~ Any person who wishes to serve on a committee and who meets the qualifications  
187 of office as set forth in this code and in the resolution creating or re-authorizing

188 the committee, shall submit his or her name and committee application available  
189 from the town clerk or on the town website together with a letter of interest to the  
190 town clerk ~~by the deadline established by the town commission~~. Thereafter, the  
191 town clerk shall provide the appointing town commissioner or the entire town  
192 commission, as applicable, with the names and submitted material(s) letters of  
193 interest.

194 ~~2.(ii)~~ Nominations and appointments to fill the vacancy shall be made at a town  
195 commission meeting. Appointments to fill a mid-term vacancy shall only be  
196 made for the remainder of the term of the committee member being replaced.

197 (10)i- *Reappointment.* Committee, sub-committee or ad hoc committee members shall be  
198 eligible for reappointment and shall hold office until their successors have been duly  
199 appointed and qualified.

200 (11)j- *Residency requirement.* Committee, sub-committee or ad hoc committee members  
201 shall be registered qualified electors of Miami-Dade County, Florida, whose legal  
202 residence is in the Town of Surfside.

203 (12)k- *Compensation.* All committee, sub-committee or ad hoc committee members shall  
204 serve without compensation and shall not otherwise obtain direct or indirect financial gain  
205 from their service on a committee.

206 (13)l- *Oath requirement.* All committee, sub-committee or ad hoc committee members  
207 shall be required to subscribe to an oath or affirmation to be administered by and filed with  
208 the town clerk, swearing to support, protect and defend the Constitution and laws of the  
209 United States and of the State of Florida, the Charter and all ordinances of the Town of  
210 Surfside and Miami-Dade County, and in all respects to faithfully discharge their duties.

211 (14)m- *Financial disclosure requirement/standards of conduct.* If required by law,  
212 committee members shall file appropriate annual financial disclosure forms. All  
213 committee members shall be subject to the standards of conduct for public officers and  
214 employees set by federal, state, county or other applicable ethics or conflicts of interest  
215 laws.

216 (15)n- *Officers and elections.* Except as provided otherwise in the resolution creating or re-  
217 authorizing a committee, each committee shall elect a chairperson, and vice-chairperson  
218 ~~and secretary~~ at the first committee meeting.

219 (16)o- *Records.* Minutes of all committee meetings shall be prepared by the town  
220 administration and shall be available for public inspection. The minutes shall be forwarded  
221 to each committee member for review and shall be approved by the committee at a public  
222 meeting. Once approved, the meeting minutes shall be forwarded to the town clerk for  
223 filing. ~~Attendance and absences must be recorded and submitted to the town clerk along~~  
224 ~~with the minutes.~~ The ~~chair~~secretary of a committee, sub-committee or ad hoc committee,  
225 working with the staff liaison, shall prepare a final report summarizing the committee's  
226 activities, accomplishments, challenges and recommendations during the term. Such  
227 report shall be presented for review and approval by the committee no later than the last  
228 meeting of the term, and to be submitted to the town clerk for transmittal to the town

229 commission which shall be presented at the first a regular town commission meeting after  
230 the election.

231

232 *Rule 5.02 Town commission liaison; appointment and definition.*

233 (a1) *Appointment:* The ~~mayer~~Mayor shall designate and appoint one member of the town  
234 commission as the liaison to each board, committee and subcommittee of the town commission.

235 (b2) *Definition:* The town commission liaison is defined as a nonvoting member of a board,  
236 committee or sub-committee who communicates the activities of the board, committee or  
237 subcommittee to the town commission. The liaison's role is limited to responding to questions  
238 posed by members of the board, committee or subcommittee to which the liaison serves. All  
239 remarks from the liaison shall be addressed to the chair who serves as the presiding officer.

240 Sec. 2-205. - Conduct of meetings; agenda.

241 *Rule 6.01 Call to order.* Promptly at the hour set for each meeting, the ~~mayer~~Mayor and the  
242 members of the town commission, the town attorney, the town manager and the town clerk shall  
243 take their regular stations in the commission chambers. The presiding officer shall take the chair  
244 and shall call the town commission to order immediately. In the absence of the presiding officer,  
245 the town clerk shall then determine whether a quorum is present and in that event shall call for  
246 the election of a temporary presiding officer. Upon the arrival of the presiding officer, the  
247 temporary presiding officer shall relinquish the chair upon the conclusion of the business  
248 immediately before the commission.

249 *Rule 6.02 Roll call.* The town clerk shall call the roll of the members, and the names of those  
250 present shall be entered in the minutes. In the event the roll call reflects the absence of any  
251 member on official town business that fact shall be noted in the minutes. Any town commissioner  
252 who intends to be absent from town commission meeting shall notify the town clerk of the  
253 intended absence as soon as convenient.

254 *Rule 6.03 Participation by physically absent member of the town commission; town board*  
255 *or committee. ~~shall be permitted, but a town board or committee. -shall no bet permitted.~~ A*  
256 *member of the town commission shall be permitted to participate and/or vote telephonically, by*  
257 *virtual video or other electric means, provided that a physical quorum of the town commission is*  
258 *present. A ~~but, a~~ town board or committee shall not be ~~is not~~ permitted to participate and/or vote*  
259 *telephonically, by virtual video -and/or by interactive video.*

260 *Rule 6.04 Quorum.* A majority of the members of the town commission then in office shall  
261 constitute a quorum. No ordinance, resolution or motion shall be adopted by the town commission  
262 without the affirmative vote of the majority of all the members present.

263 *Rule 6.05 Failure to attain a quorum.* Should no quorum attend within 15 minutes after the  
264 hour appointed for the meeting of the commission, the presiding officer or the town clerk may  
265 adjourn the meeting. The names of the members present and their action at such meeting shall be  
266 recorded in the minutes by the town clerk.

267 Rule 6.06 Agenda.

268 (a) *Order of business.* There shall be an official agenda for every meeting of the commission which  
269 shall determine the order of business conducted at the meeting.

270 (1) The order of business shall be as follows:

271 (a~~1~~) order of business

272 a. call to order~~1~~,

273 b. roll call of members,

274 c. pledge of allegiance,

275 d. agenda/order of business (additions/deletions),

276 e. special presentations,

277 (b) public comment on agenda items

278 (b~~2~~) quasi-judicial hearings

279 (c~~3~~) consent agenda at the pleasure of the commission, approval of minutes, town  
280 manager, town attorney reports

281 (d~~4~~) ordinances,

282 (e~~5~~) resolutions

283 (f~~6~~) good and welfare shall be heard at a time certain at 8:15 p.m.

284 (g~~7~~) unfinished business and new business

285 (h~~8~~) ~~mayor~~Mayor, town commission and staff communications.

286 (2~~4~~) Items shall be considered in the order in which they are placed on the agenda unless a  
287 majority of the commissioners determines to deviate from the printed agenda.

288 ~~(3)~~The public may ~~comment~~ comment on all agenda items ~~portion~~ of the meeting. ~~shall be not be~~  
289 ~~restricted to discussion on agenda items which are not scheduled for public hearing.~~ Each speaker  
290 shall be given ~~no more than three~~ minutes to ~~address the agenda~~ speak and shall try to end on  
291 time as a courtesy to the residents and other participants wishing to also speak on the item. ~~unless by vote of a majority of the members of the commission present, it is agreed to extend the~~  
292 ~~time frames.~~

294 (3~~2~~) The good and welfare portion of the agenda set for 8:15 p.m. ~~shall provide for public~~  
295 ~~comment on any items related to Town business or any matter within the scope of the~~  
296 ~~jurisdiction of the town commission, whether or not included on the agenda for the~~  
297 ~~meeting. shall be restricted to discussion on subjects not already specifically scheduled~~  
298 ~~on the agenda. In no event shall this portion of the agenda be allotted more than 45 minutes~~  
299 ~~with each speaker to be given no more than three minutes, unless by vote of a majority of~~  
300 ~~the members of the commission present, it is agreed to extend the time frames. Likewise,~~  
301 ~~members of the town commission shall be restricted to speaking three minutes each unless~~  
302 ~~an extension is granted in the same manner as set forth in the prior sentence. The rules of~~

303 section 2-207(e) as set forth hereinbelow shall be observed during this portion of the  
304 agenda.

305 (4~~3~~) The town commission shall not take action upon any matter, proposal, or item of business  
306 which is not listed upon the official agenda, unless it is approved at the meeting by a  
307 majority of the entire commission, which shall have first consented to the matter for  
308 consideration. No ordinance, resolution or other matter listed on the agenda for public  
309 hearing, or the vote thereon, may be deferred until a later time unless a majority of the  
310 entire town commission shall vote in favor of such deferral.

311 (b) ~~Authority to p~~Placing items on agenda.

312 ~~(12) Ordinances, Resolutions and O~~Ordinances may be prepared and scheduled on the agenda  
313 at the direction of the town commission, a town commissioner with the support of the  
314 majority of the commissioners present at a town commission meeting, or by Mayor, the  
315 town manager, town attorney or town clerk.

316 ~~(21) All other matters.~~ Matters, other than ~~resolutions or~~ ordinances, may be placed on the  
317 agenda by any member of the town commission, the town manager, the town attorney and  
318 the town clerk. ~~Members of the town commission may, at a town commission meeting,~~  
319 ~~direct the town manager or the town attorney to prepare an resolution or ordinance for~~  
320 ~~placement on the agenda for the following agenda.~~

321 ~~(32)Deadline.~~ In no event may any town commissioner place an item on an agenda unless all  
322 materials for the item are provided to the town clerk by 12:00 noon seven working days  
323 prior to the meeting date unless approved by the Town Manager. Any complete item  
324 provided after 12:00 noon seven working days prior to the meeting date shall be  
325 distributed to the commission with a "7-day cover memo" and shall be added to the agenda  
326 only if a majority of the commissioners present consent to the addition of the item to the  
327 agenda.

328 (c) Approval of minutes. All minutes shall be summary in nature. A copy of such completed  
329 minutes shall be placed on a regular agenda and may only be approved by a majority of the  
330 members of the town commission, and upon such approval shall become the official minutes.

331 Rule 6.07 Ordinances, resolutions, motions, contracts.

332 (a) Preparation and enactment of ordinances. The town attorney shall prepare ordinances and  
333 resolutions. Ordinances may be introduced, listed by title and shall be read by title only before  
334 consideration by the town commission on first reading. At public hearing, each ordinance shall  
335 be voted on individually by a call of the roll. Only resolutions and motions may be enacted by  
336 voice vote calling for "ayes" or "no" on the question.

337 (b) Approval by town attorney. All ordinances, resolutions and contract documents, before  
338 presentation to the town commission, shall have been reduced to writing and reviewed for form  
339 and legality by the town attorney. Ordinances, resolutions and contract documents, in their  
340 final form as approved by the Town Commission shall be ~~have been~~ approved as to form and  
341 legality by the town attorney prior to execution.

342 (c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects requiring  
343 action by the town commission may be introduced and sponsored by the ~~mayor~~Mayor or any  
344 member of the town commission, ~~except that either the~~ The town manager, the town attorney or  
345 town clerk may present ordinances, resolutions and other matters or subjects to the town  
346 commission for consideration, and any commissioner may assume sponsorship thereof by  
347 moving that such ordinance, resolution, matter or subject be adopted in accordance with law;  
348 otherwise they shall not be considered.

349 (d) *Sunset.* There is no requirement for any ordinance to contain a sunset provision.

350 (e) *Zoning exception.* The provisions of this Rule 6.06 shall not be applicable to zoning resolutions  
351 which shall be governed exclusively by the Zoning Code.

352 ~~(f) *No commission jurisdiction.* Prior to the commission's considering any resolution over which  
353 the commission does not have substantive jurisdiction, including resolutions expressing the  
354 commission's intent or opinion, a preliminary vote shall be taken to determine whether it is  
355 appropriate for the commission to consider such resolution. Unless the commission, by a two-  
356 thirds vote of the members present, agrees to consider the resolution, the resolution shall be  
357 deemed to have failed. If the commission agrees to consider the resolution, the resolution shall  
358 be heard after all other resolutions sponsored by commissioners have been addressed by the  
359 commission. If the commission decides to discuss such resolution, the resolution shall require  
360 a two-thirds affirmative vote of the commissioners present in order to be passed. The provisions  
361 of this ordinance shall not apply to resolutions relating to state or federal legislative priorities.~~

362 *Rule 6.08 Statement of fiscal impact required for ordinances; exceptions.* Prior to the second  
363 reading of any ordinance, the town manager shall prepare a written statement setting forth the  
364 fiscal impact, if any, of the proposed ordinance. No ordinance shall be considered on second  
365 reading if the statement of fiscal impact is not submitted with the ordinance as part of the agenda.  
366 The provisions of this rule shall not apply to any emergency ordinance or any budget ordinance  
367 or resolution.

368 *Rule 6.09 Limitation on agenda items.* No commissioner shall sponsor or cosponsor a total  
369 of more than three ordinances for first reading and three resolutions at any commission meeting.  
370 This provision shall not be applied to ordinances or resolutions which are intended to correct  
371 scrivener's errors.

372 Sec. 2-206. - Public participation.

373 *Rule 7.01 Persons authorized on the dais.* No person, except town officers or their  
374 representatives, shall be permitted on the dais unless authorized by the presiding officer or a  
375 majority of the town commission.

376 *Rule 7.02. Citizens presentations; public hearings.*

377 (a) *Citizens' presentations.* Any citizen ~~may request may request shall be entitled shall be entitled~~  
378 to be placed on the official agenda of a regular meeting of the town commission and be heard  
379 concerning any matter within the scope of the jurisdiction of the town commission ~~outside of~~  
380 Good and Welfare. Only members of the town commission and the town manager may place  
381 a citizen on the official agenda.



382 (b) *Public hearings.* Any citizen shall be entitled to speak on any matter appearing on the official  
383 agenda under the section "public hearings."

384 (c) *Public discussion on agenda items.* ~~No citizen shall be entitled~~ Citizens shall be permitted to  
385 address the town commission on any matter listed on or added to the official agenda which is  
386 not scheduled for public hearing, discussion or debate. ~~except during Public Comment on~~  
387 ~~Agenda Items unless the item is opened for public comment and the speaker recognized by the~~  
388 ~~Chair~~ Good and Welfare. When the town commission considers an agenda item that is open for  
389 public hearing, discussion or debate that is not a public hearing and on which the public  
390 comment is either unanimously in favor or unanimously against the item's passage, input from  
391 members of the public shall be limited to no more than three minutes on any given item, unless  
392 an extension is granted by a majority of the members of the town commission.

393 *Rule 7.03 Registration of speakers.*

394 (a) Registration of speakers ~~shall be required~~ shall be encouraged. The town clerk shall prepare  
395 appropriate registration cards. The cards shall include a place for the speaker to provide his/her  
396 name, address, lobbyist registration status which may be verified by the town clerk prior to  
397 speaking, and the agenda item on which he or she is speaking ~~if registration is required on a~~  
398 ~~particular agenda item.~~

399 (b) For any single agenda item, and except for zoning, no more than one-half hour per side shall  
400 be allocated to speakers from the public. The presiding officer shall limit the time of each  
401 individual speaker in order to insure compliance with this rule.

402 *Rule 7.04 Addressing commission, manner, time.* Each person, other than ~~salaried~~ members  
403 of the town staff, who addresses the town commission shall step up to a podium and shall give  
404 the following information in an audible tone of voice for the minutes:

405 (a) Name;

406 (b) Address;

407 (c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; if the  
408 person represents an organization, the person shall also indicate the number of members in the  
409 organization, the annual dues paid by the members, the date of the most recent meeting of the  
410 organization's board or governing council, and whether the view expressed by the speaker  
411 represents an established policy of the organization approved by the board or governing  
412 council, if requested; if the person is speaking on behalf of a group, s/he shall be required to  
413 register as a lobbyist if required by that ordinance and shall state for the record: (i)  
414 Compensation, if any, (ii) whether the person or any immediate family member has a personal  
415 financial interest in the pending matter, other than as set forth in (i) if requested.

416 Unless further time is granted by the town commission and with the sole exception of zoning items  
417 which shall not have a prescribed time limit unless imposed by the chair in accordance with the  
418 advice of the town attorney, the statement shall be limited to the times prescribed herein. All  
419 remarks shall be addressed to the town commission as a body and not to any member thereof. No  
420 person, other than the ~~mayor~~ Mayor, members of the town commission and the person having the  
421 floor shall be permitted to enter into any discussion, either directly or through a member of the

422 commission, without the permission of the presiding officer. No question shall be asked of any  
423 member of the town commission except through the presiding officer.

424 *Rule 7.05 Decorum.* Any person making ~~impertinent or~~ slanderous remarks ~~or who becomes~~  
425 ~~boisterous~~ while addressing the town commission shall be warned. If after the warning, the  
426 behavior continues, —said person shall be barred from further appearance before the town  
427 commission by the presiding officer for the duration of the meeting, unless permission to continue  
428 or again address the town commission is granted by the majority vote of the town commission  
429 members present. ~~No clapping, applauding, h~~Heckling or verbal outbursts in support or  
430 opposition to a speaker or his or her remarks shall not be permitted. ~~Signs or placards may be~~  
431 ~~disallowed in the town commission chambers by the presiding officer. Persons exiting the town~~  
432 ~~commission chambers shall do so quietly.~~

433 Sec. 2-207. - Rules of debate.

434 *Rule 8.01 Rules of debate.*

435 (a) *Questions under consideration.* When a motion is presented and seconded, it is under  
436 consideration and no other motion shall be received thereafter, except to adjourn, to lay on the  
437 table, to postpone, or to amend until the question is decided. These motions shall have  
438 preference in the order in which they are mentioned. A motion to adjourn and a motion to lay  
439 on the table shall be decided without debate. Final action upon a pending motion may be  
440 deferred until a date certain by a majority of the members present.

441 (b) *As to the presiding officer.* The ~~mayor~~Mayor, as presiding officer, may vote on but shall not  
442 move or second an item of debate. The presiding officer, however, upon relinquishing the chair,  
443 may move or second an item, ~~vote~~, subject only to such limitations as are by these rules  
444 imposed upon all members.

445 (c) *Getting the floor, improper references to be avoided.* Every member desiring to speak for any  
446 purpose shall address the presiding officer, ~~and~~ upon recognition, ~~shall be confined to the~~  
447 ~~question under debate avoiding all personalities and indecorous language.~~

448 (d) *Interruption; call to order; appeal a ruling of the chair.* A member once recognized shall not  
449 be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a  
450 member be called to order, the member shall cease speaking until the question of order is  
451 determined by the presiding officer, and if in order, the member shall be permitted to proceed.  
452 Any member may appeal to the town commission from the decision of the presiding officer  
453 upon a question of order when, without debate, the presiding officer shall submit to the town  
454 commission the question, "Shall the decision of the chair be sustained?" and the town  
455 commission shall decide by a majority vote.

456 (e) *Time limit for Consent agenda debate.* The presiding officer shall open for public comment on  
457 any items on the consent agenda, prior to commission consideration of the consent agenda.  
458 There shall be no dDebate on any motion pertaining to an item on the consent agenda, however,  
459 any member of the town commission may pull an item from the consent agenda for  
460 consideration shall be limited to three minutes. After three minutes of debate the item shall be  
461 removed from the consent agenda, if any, and placed on the regular town commission agenda.



462 ~~The discussion by the town commission on any one item shall not exceed one half hour or~~  
463 ~~unless an extension is granted by a majority of votes of the town commission.~~

464 (f) *Privilege of closing debate.* Any town commission member (including the presiding officer)  
465 shall have the privilege of closing the debate by making a motion to that effect and provided it  
466 is affirmed by vote of a majority of the town commission present.

467 (g) *Method of voting.* After the debate is closed, and/or the motion is restated if necessary, the  
468 presiding officer shall call for a vote on the motion. Voting shall be by roll call or voice vote,  
469 or paper ballot (at the decision of the majority of the commission in certain circumstances)  
470 depending on whether the ballot is on an ordinance or resolution or motion. Ordinances require  
471 a roll call vote by calling the names of the members of the town commission in rotating order,  
472 provided that the ~~V~~ice-mayorMayor shall vote next to last and alphabetically by surname,  
473 except that the names shall be rotated after each roll call vote, if requested, so that the  
474 commissioner who voted first on a preceding roll call shall vote last upon the next subsequent  
475 matter; provided, however, that the presiding officer, if a member of the town commission,  
476 shall always cast the last vote.

477 The town clerk shall call the roll, tabulate the votes, and announce the results. The vote upon  
478 any resolution, motion or other matter may be by voice vote as previously noted, provided that  
479 the presiding officer or any commissioner may require a roll call to be taken upon any  
480 resolution or motion.

481 (h) *Explanation of vote; conflicts of interest.* There shall be no discussion by any town  
482 commissioner voting, and the town commissioner shall vote yes or no. Any town  
483 commissioner, upon voting, may give a brief statement to explain his or her vote. A town  
484 commissioner shall have the privilege of filing with the clerk a written explanation of his or  
485 her vote. Any town commissioner with a conflict of interest on a particular matter shall refrain  
486 from voting or otherwise participating in the proceedings related to that matter and must leave  
487 the commission chambers until the consideration of that matter is concluded and file the proper  
488 form with the town clerk.

489 (i) *Tie votes.* Whenever action cannot be taken because the vote of the town commissioners has  
490 resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution  
491 or motion that produced the tie vote shall be removed from the agenda without prejudice to its  
492 reintroduction on a de novo basis at a later time, ~~provided that in zoning and other quasi-~~  
493 ~~judicial matters when action on a resolution results in a tie vote, such resolution matter shall~~  
494 ~~be carried over to the next regularly scheduled meeting for the consideration of such quasi-~~  
495 ~~judicial matters unless the town commission designates a different time for such~~  
496 ~~reconsideration.~~

497 (j) *Vote change.* Any town commissioner may change his or her vote before the next item is called  
498 for consideration, or before a recess or adjournment is called, whichever occurs first, but not  
499 thereafter. In this case, the town clerk shall call back the vote and verify the outcome for the  
500 presiding officer.

501 (k) *No motion or second.* If an agenda item fails to receive a motion or second, it shall be removed  
502 from the agenda and shall be reintroduced only in accordance with the renewal provisions of  
503 Rule 8.01(m).

504 (l) *Reconsideration.* An action of the town commission may be reconsidered only at the same  
505 meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to  
506 reconsider may be made only by a town commissioner who voted on the prevailing side of the  
507 question and must be concurred in by a majority of those present at the meeting. ~~A motion to~~  
508 ~~reconsider shall not be considered unless at least the same number of town commissioners is~~  
509 ~~present as participated in the original vote, or upon affirmative vote of two thirds of those~~  
510 ~~commissioners present.~~ Adoption of a motion to reconsider shall rescind the action  
511 reconsidered.

512 (m) *Renewal.* Once action is taken on a proposed ordinance or resolution neither the same matter  
513 nor its repeal or rescission may be brought before the town commission again for a three-month  
514 period following the said action unless application for renewal by three commissioners is first  
515 submitted to the presiding officer. Should an ordinance or resolution be proposed that raises  
516 the same previously resolved matter, or its repeal or rescission, in different or modified form  
517 during the three-month period, the presiding officer may declare the proposal out of order.

518 (n) *Adjournment.* A motion to adjourn shall always be in order and decided without debate.

519 (o) *Suspension of the rules.* No rule of procedure adopted by the town commission shall be  
520 suspended except by an affirmative vote of a majority two-thirds of the members of the town  
521 commission present.

522 Sec. 2-208. - Additional ordinances prescribing town commission procedure.

523 ~~Rule 9.01 Representation of Town of Surfside. Whenever~~ The presiding officer town  
524 ~~commission may, with the consent of the designee, designate a member(s) of the town~~  
525 ~~commission to represent the town commission at such meetings, conferences or other occasions~~  
526 ~~as deemed deems it necessary or desirable that by the town commission, shall be represented at~~  
527 ~~meetings, conferences or other occasions involving other governmental entities, agencies,~~  
528 ~~officials or groups, or non-governmental organizations, or departments, agencies or officials of~~  
529 ~~the town government, the presiding officer may designate members of the town commission to~~  
530 ~~represent the town commission at such meetings, conferences or other occasions, with the consent~~  
531 ~~of the designee. A designation must be ratified by a majority of the members of the town~~  
532 ~~commission then present may disapprove any such appointment.~~ Such representative(s) shall have  
533 no power to act for or on behalf of the town commission, or to make any commitment or binding  
534 obligation on behalf of the town commission or the town. Such representatives shall report to the  
535 town commission with regard to such meeting, conference or other occasion.

536 *Rule 9.02 Noncompliance with procedural rules.* If a procedural rule pursuant to this Article  
537 VI. — "Rules of Procedure for Town Meetings" is not complied with as a result of either mistake,  
538 inadvertence or excusable neglect, as those terms are defined by law, by either the presiding  
539 officer or the parliamentarian, then the validity of the underlying substantive ordinance,  
540 resolution, motion or other action shall in no way be affected thereby, and the failure of  
541 compliance with said procedural rule shall not be the basis for any person or party to challenge  
542 any ordinance, resolution or other action.

543 Sec. 2-209. - Amendment to rules of procedure for town meetings.

544 Once adopted, changes to these rules may be made as changes to any other ordinance are  
545 made by a majority vote and after two readings of the amendatory ordinance.

546 Secs. 2-210—2-225. - Reserved.

547 **Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance is held  
548 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in  
549 no way affect the validity of the remaining portions of this ordinance.

550 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby  
551 ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside  
552 Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to  
553 accomplish such intentions; and the word “Ordinance” may be changed to “Section” or other  
554 appropriate word.

555  
556 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or  
557 Resolutions in conflict herewith are hereby repealed.

558  
559 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

560  
561 **PASSED and ADOPTED** on first reading this 18th day of September, 2017.

562  
563 **PASSED and ADOPTED** on second reading this 10th day of October, 2017.

564  
565  
566 On Final Reading Moved by: \_\_\_\_\_

567  
568 On Final Reading Second by: \_\_\_\_\_

569  
570  
571 **FINAL VOTE ON ADOPTION:**

572 Commissioner Daniel Gielchinsky \_\_\_\_\_

573 Commissioner Michael Karukin \_\_\_\_\_

574 Commissioner Tina Paul \_\_\_\_\_

575 Vice ~~Mayor~~Mayor Barry Cohen \_\_\_\_\_

576 ~~Mayor~~Mayor Daniel Dietch \_\_\_\_\_

577  
578  
579  
580 \_\_\_\_\_  
Daniel Dietch, ~~Mayor~~Mayor

581  
582 **ATTEST:**

583

584 \_\_\_\_\_  
585 Sandra Novoa, MMC, Town Clerk

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

589 \_\_\_\_\_  
590 Weiss Serota Helfman Cole and Bierman, P.A.  
591 Town Attorney  
592



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** April 2, 2021

**Prepared by:** Commissioner Charles Kesl

**Subject:** Parking and other Traffic Solutions in the Business District to Support Local Businesses

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**Objective:** Identify and implement parking and other traffic solutions, to support local businesses in the Business District, while prioritizing safety, health and wellness.

**Consideration:** The COVID pandemic has impacted businesses, sales, vacancies, as well as business models and strategies. The DVAC Committee has voted to explore options for the Surfside business district.

We can look at providing vouchers for parking, perhaps electronically, to local businesses. A certain number would allow each business to serve their most important clients as a priority, or perhaps new customers. As business owners and managers have told me on the East side of Harding, they are challenged with limited parking in front and a small back alley that does not allow parking or perhaps even standing.

Parking rates could be reduced or dropped.

Time maximums could be limited or reduced to 15, 20 or 30 minutes to allow for a greater turnover in parking spots to serve more clients overall.

A promotion could be run where with a purchase in the business district parking expenses could be reimbursed by the Town. It could be any purchase, or a purchase above a certain amount. Customers could scan, photograph and remotely send receipt or proof of purchase along with their parking receipt. This process could be done paper-free or no handling, safer under COVID.

A promotion could be distributed via existing communication channels such as e-blast with a code or voucher to redeem free parking and explore Surfside offerings.

From Frank Tigueros, who has coordinated the DVAC Committee:

**Parking Vouchers & Incentives:** Chair Meischeid had requested this item in response to your suggestion to facilitate parking in the downtown district by potentially reducing or dropping parking rates altogether, as the Town isn't necessarily looking for parking revenue. Discussions took place on the different perceptions of parking issues in town; some call it a problem while others think it is good enough. The committee unanimously made a generic recommendation to have the Town Commission explore ways to improve

parking in the downtown district. A follow up meeting will be scheduled for early January with Chair Meisheid, the Manager, Assistant Town Manager, Public Works, Parking and myself to further discuss parking incentives.

(If the meeting was held, there should be minutes to review.)

Vice-Mayor Paul has brought forth discussions and ideas to allow drop off areas in the business district to alleviate double parking. The Vice-Mayor circulated the idea which she says is a part of previous Commission meeting minutes pre-March 2020.

The DVAC Committee also supports widening the sidewalks, which runs contrary to having immediate parking spaces available more often to more customers and potential customers.

Chief Yero has alerted us to the fact that traffic and safety on Harding Ave in particular in the business district has been challenging. Parallel parking on both sides and double-parking can create backups and hazards. Increasing frequency of turnovers on increases the risks.

Angled parking is an option that may be safer and may increase the number of parking spots.

The Rideshare spots can be expanded for general "Curbside Pickup" as well.

Florida Department of Transportation must approve any and all changes to Harding Avenue, including any changes to parking, based on my understanding.

**Recommendations:** Reduce maximum parking times along both sides of Harding Avenue to 30 minutes, subject to Chief Yero approval.

Do not reduce rates overall now that parking seems to be quite utilized. Note: Confirm observation with statistics. If statistics show availability that justify incentivizing, and Chief Yero says okay based on, cut parking rates 50% everywhere other than along Harding Avenue.

Run promo: For businesses with reported sales of less than \$750,000 in 2020 (or ideally from March 1 2020 through Feb 2021), with a purchase over \$20 in business district parking expenses can be reimbursed by the Town. Customers could scan, photograph and remotely send receipt or proof of purchase along with the parking receipt. This process could be done paper-free or no handling, safer under COVID.

Offer Voucher: If systems allow, offer business owners the opportunity to pay for parking for up to 150 select customers per month (5 per day) or 300 per month (10 per day) as an incentive.

If systems do not allow this to be done electronically, allow businesses to submit digitally the parking receipts with name, address, phone number (and optionally email address) of each client for random validation.

Run free parking promo: If feasible with our electronic parking system, distribute via existing communication channels such as e-blast with a code or voucher to redeem free parking up to maximum allowed time and explore Surfside offerings. Many on our email list do not have parking passes or are outside of Surfside in neighboring communities and beyond.

Curbside Pickup: Extend Ride-share pickup and drop off to “Curbside Pickup” from all businesses, food and other retail, for customers direct and third-party delivery providers. 10 minutes maximums.

Bicycle lanes: Existing lanes now white should be the white with green background for continuity with Bay Harbour Islands and the Broad Causeway and North Beach in Miami Beach.

Medium and long term Planning: Research and implement a Hybrid reconfigured traffic and parking model based on best practices and input from local businesses and DVAC to support businesses and their sales.

Plan and execute in consultation and alignment with FDOT, targeting and accessing grants at county, state and national U.S. Department of Transportation level.

Integrate flow and safety of pedestrians, bicycles, and public transportation, integrating bicycle parking and outdoor seating for restaurants and pedestrian traffic.

Widen sidewalks where possible given considerations and limitations.

Consider Zoning that allows rooftop dining to utilize what now is underutilized space in the business district, while maintaining character of place and small Town charm.

Position Surfside business district as a slightly downscale and small-town, hometown, charming alternative to the Bal Harbour shops area. Market with simple digital media through geofencing Bal Harbour shops map coordinates. Uptown Beachtown Hometown theme, “take a break for something different.” Capitalize on what differentiates Surfside. Attract customers who likely are already parked in the Bal Harbour garages and/or staying in Bal Harbour.



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** April 2, 2021  
**Prepared by:** Charles Kesl  
**Subject:** Ending Option to Contribute to Parking Fund in lieu of having Required Parking in Building Plans

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**Objective:** New construction proposals should include the parking required, because without it, public parking takes on the burden.

**Consideration:** The ordinance creating the option of a Parking Fund and managing its funds currently allows new permit applicants to pay into the fund in lieu of having the required number of parking spots to support the operation of the new construction proposed.

In the future we may have alternatives to cars needing parking, but today we do not. When a building does not have parking for its users and operations, the impact hits public parking, whether private and public parking lots or public streets. This in turn impacts local businesses because their customers and employees may need to access to parking nearby. Town streets including in the Residential area are impacted by increased demand, too.

The Parking Fund ordinance manages and regulates the monies collected to date.

The fund ordinance is independent of the Code and Zoning review and discussion taking place. Closing it to new applicants can be done now, and the change can be integrated into the Code and Zoning in Progress accordingly.

**Recommendation:** Amend Parking Fund ordinance to end now the buy-in option for new permit applicants and new construction.

Management and regulation of monies collected to date should focus on identifying and implementing sustainable, resilient and “green” solutions to traffic problems, congestion, and safety issues. The Town needs solutions that do not encourage more traffic to, from and through Town, and the fund can be used in conjunction with local, state and national planning organizations to achieve real, regional solutions. The fund’s monies can be used as matching funds towards these larger goals, the greater good and our future. Amend parking fund ordinance as applicable.



Work with privately held garages to offer parking spots during times their parking may be underutilized while there is high demand elsewhere. Offer public shuttles and convenient, safe walking routes to connect demand with supply, as needed.



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: September 19, 2020**

**Prepared by: Mayor**

**Subject: Demolition by neglect**

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**Objective:** Introduce a new ordinance to prevent property owners from allowing their properties to deteriorate.

**Consideration:** Commission to discuss

**Recommendation: Adoption**

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: May 6, 2020

TITLE: **DISCUSSION: ESTABLISHMENT OF PENALTIES FOR PROPERTY OWNERS ENGAGING IN DEMOLITION BY NEGLECT**

**ACTION REQUESTED:**

**Conclude the item and recommend that the City Commission adopt the attached ordinance.**

**ADMINISTRATION RECOMMENDATION:**

**Discuss the item and recommend that the City Commission adopt the attached ordinance.**

**HISTORY:**

On July 17, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 O). The item was discussed at the September 18, 2019 LUDC meeting, and continued to the October 30, 2019 meeting with the following direction:

1. The administration and City Attorney's office will research and provide recommendations regarding a process for imposing proportional fines, development and use reductions, and building registrations.
2. The administration will bring a discussion item to the October 8, 2019 meeting of the Historic Preservation Board for recommendations on posting unsafe structures on the city's website.

On October 30, 2019, the item was discussed and continued to the December 2, 2019 LUDC, with the following direction:

1. The administration and the City Attorney will further evaluate the recommendations noted in the LUDC memo regarding proportional fines and building registry, as well as creating a process for as-built drawings of contributing structures.
2. Recommend that the City Commission refer the proposed amendment to chapter 118, article X, pertaining to a presumption clause, to the Planning Board.
3. The addresses of properties that have both an active unsafe structures violation and have been referred to the Miami-Dade County Unsafe Structures Board by the Building Official will be posted on the City website. This list shall be posted within the Building Department webpage, and the Planning Department webpage shall contain a direct link.

The December 2, 2019 LUDC meeting was cancelled, and the item was moved to the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. On January 21, 2020 the item was continued to the February 18, 2020 LUSC meeting. On February 18, 2020 the item was continued to March 17, 2020. The March 17, 2020 was cancelled and the item was moved to the May 6, 2020 LUSC agenda.

**ANALYSIS:**

**PLANNING AND LEGAL ANALYSIS**

On October 8, 2019, the Historic Preservation Board discussed the matter and recommended that the City begin the process of posting the addresses of properties that have an active unsafe structures violation and have been referred to the Miami-Dade County Unsafe Structures Board by the Building Official on the City website. The Board also recommended that this information be available on either the Building Department or Planning Department page.

As indicated on October 30, 2019, planning staff and the City Attorney's office have researched and discussed other options to address demolition by neglect in historic districts. The following is an update and summary of these efforts:

1. Fines. The way properties are currently fined is general and not specific to the size of the building. The administration and the City Attorney's office have researched the concept of proportional fines and it appears that it is not pre-empted under State law. The administration and the City Attorney are exploring potential amendments that would result in more proportional fines for larger buildings.
2. Building Registry. The Building Department is researching and evaluating a method to establish a building registry process.



**UPDATE**

The ordinance pertaining to the presumption clause, as previously recommended by the Land Use and Development Committee, is pending before the City Commission and scheduled to be adopted on May 13, 2020. Additionally, a list of unsafe buildings has been posted on the City website, with a direct link from the planning department webpage.

About as-built drawings, as indicated previously, there are a couple of different options; each, however, has a budget impact and would need to be part of a budget enhancement for FY 2021. These include hiring an architectural firm or local University to do built drawings based upon available archival plans and a field assessment. Another potential option would be laser scanning and point cloud files that are then rendered. In those instances where a contributing building is proposed to be replaced or substantially modified, the Architect of record already puts together a detailed set of as-built drawings. Given the current limited need for such drawings on an emergency basis, as well as the potential cost of computer software required, the administration recommends that such a process not move forward at this time.

The administration has reviewed a model building registry ordinance from the City of Riviera Beach, as well as an updated list of abandoned commercial properties, which is color coded based on priority. Also included in the list of properties is the number of stories and the square footage to assist with determining appropriate, proportional fees. The attached draft ordinance, which amends chapter 58 of the City Code, and creates a building registry process specific to Miami Beach. The following is a summary of the key points of the proposed ordinance:

- Terms specific to the proposed Abandoned and Vacant Properties Registry have been defined.
- Division 4 has been created within chapter 58, establishing an Abandoned and Vacant Properties Registry.
- Applicability: All properties within a locally designated historic district are subject to the Abandoned and Vacant Properties Registry. A property must register within 15 days of becoming abandoned or vacant.
- Detailed registration requirements have been developed. This includes a nonrefundable annual registration fee in the amount of two hundred dollars (\$200) per property, as well as a nonrefundable annual fee of thirty cents (\$0.30) per square foot shall be paid for any building or structure that exceed three (3) stories. This tiered approach to assessing fees will have a greater impact on larger structures, which are typically more vulnerable to demolition by neglect.
- A responsibility for compliance section is established, requiring that is the responsibility of the owner to maintain the property in accordance with the provisions in this article.

The administration believes that the proposal herein will create a fair and transparent process for tracking at risk properties within the City's local historic district. Additionally, it will allow for the City to proactively monitor the conditions of the structures, and better enforce the demolition by neglect section of the City Code.

The one section of the legislation that still needs to be worked out is the administering City department for the registry. The administration is discussing this internally, and it is anticipated that this piece of the legislation will be ready for first reading.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Departments**

Planning

**ATTACHMENTS:**

Description	Type
□ <a href="#">Draft ORD - Building Registry</a>	Memo



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**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission,  
**From:** Guillermo Olmedillo, Town Manager  
**Date:** April 21, 2020  
**Subject:** Lowering of Property taxes and Water Bills

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At the March 24, 2020 Special Commission Meeting, Town Administration was directed to provide information on lowering property taxes and water bills.

April 14 through April 21, the Town's Finance Director has meet with the Commissioners to discuss the state of the Town's finances including the financial position of the Town's General Fund and Water & Sewer Fund. With the budget season starting, the Commission will have the opportunity to provide policy direction which forms the basis of the Town's Budget. On June 1, 2020, the Town will receive the Miami-Dade Property Appraiser Assessment Roll Estimate which will help guide the Town's Administration toward the goal of lowering the financial impact to Town residents.

Reviewed by: GO

Prepared by: JDG



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**Agenda #:**

**Date: May 5, 2020**

**From: Vice Mayor Tina Paul**

**Subject: Climate Environmental Collective - revised**

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**Objective** – Establish a Climate Environmental Collective to deal with climate change as it relates to health, economics, new technologies, and infrastructure innovations for coastal Issues and develop communication campaigns that keep the public informed and promote a strong and healthy town.

**Consideration** – At the April 14, 2020 Special Town Commission meeting, a decision to abolish the Sustainability and Resiliency Committee was made by the Commission with the decision to include a Sustainability and Resiliency board member on all Town Boards and Committees. While this approach is progressive, the concern of many residents for issues facing a coastal community as a result of Climate Change remains a priority.

The question is, do we want to be progressive or become more radical in our approach?

We've witnessed the triumph of environmental activist Greta Thunberg, who has gained international recognition as a teenager promoting awareness of the reality that humanity is facing an existential crisis arising from climate change. Instead of forming a Task Force or Board or Committee, the Climate Environmental Collective will consist of individuals who work together on ideas and solutions without relying on internal hierarchies.

We can benefit from persons with experience that may include: an Environmental Engineer or Specialist, Water Researcher, Health Practitioner, Marine or Atmospheric Scientist, Oceanographer, Biologist, Economist, Information Technology or Coder, and Graphic Artist. Membership will be diverse and inclusive of residents with all levels of expertise or enthusiasm for Surfside's environment.

The Town Manager recently hired a Resiliency Officer who has been working on specific projects from the previous commission. The new Sustainability members on Town Boards and Committees will work on issues with each Board and Committee; the Climate Environmental Collective can compliment their work. Environmental issues need to be approached as a whole, to assure genuine consideration of climate change, sea-level rise, carbon footprint, renewable energy and green infrastructure strategies with an additional focus on public health. The Collective's meetings do not need paid Consultant experts, or to be televised, and only require a meeting place and minimum staff assistance. It is essential for this Collective to be recognized as an integral part of the Town.

**Recommendation** – Approve the Climate Environmental Collective because Climate Change and Sea Level Rise is today and if we wait, it will be too late. We are living through Covid-19 now and as a Zoonotic disease it is a direct result of Climate Change and deforestation. The actions needed to combat this pandemic are the same actions we need to confront Climate change. This issue has never been more important, adding a Collective to present ideas and solutions at a minimal cost can actually be invaluable.



LOGO - *Climate Enviromental Collective*





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**Date:** 10-5-2020

**Prepared by:** Commissioner Eliana Salzhauer

**Subject:** Amending Town Code Sec. 2-233 & 2-237

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**Objective:** The Current Town Code contains loopholes in **Sec. 2-233. - Conflict of interest** and **Sec. 2-237. - Disclosure of business relationships**

The goal of amending this section is to ensure that all Town Business is conducted with full transparency and integrity. Two (2) recommended changes are outlined below.

**Consideration:** Relationships that influence decisions can be based on more than a financial stake. Leadership roles and relationships in the nonprofit world can similarly influence outcomes. It is important for Elected Officials and Board Members to disclose ALL relationships to persons and issues coming before them, including those based on unpaid service at a nonprofit.

**Please review Surfside Town Code Sections 2-233 & 2-237 at the following links for background\*\*\***

Sec. 2-233. - Conflict of interest.

[https://library.municode.com/fl/surfside/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH2A\\_D\\_ARTVIICOET\\_S2-233COIN](https://library.municode.com/fl/surfside/codes/code_of_ordinances?nodeId=PTIICO_CH2A_D_ARTVIICOET_S2-233COIN)

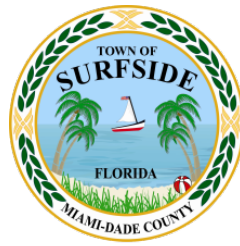
Sec. 2-237. - Disclosure of business relationships.

[https://library.municode.com/fl/surfside/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH2A\\_D\\_ARTVIICOET\\_S2-237DIBURE](https://library.municode.com/fl/surfside/codes/code_of_ordinances?nodeId=PTIICO_CH2A_D_ARTVIICOET_S2-237DIBURE)

**Recommendations:**

**1)** To amend Section 2-233 (6) as follows, to include the disclosure of employees and officers their direct or indirect interest in any NONPROFIT business relationship.

(6) Employees and officers shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in any for profit **(or non-profit)** business relationship and any interest in real property which the employees and officers hold with any other employee or officer;



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2) To amend Section 2-237 (a) (1) to include (g) an additional definition of the term “Business Relationship” that recognizes the unique and material influence of serving together in a leadership role at a nonprofit.

(g) The member of the town commission, town board or committee serves in a nonprofit or volunteer capacity on another Board or Committee with the interested person.

**\*\*\*The relevant sections of the Town Code are excerpted below to facilitate discussion:**

**Sec. 2-233. - Conflict of interest.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

To avoid misunderstandings and conflict of interests, which could arise, the following policy will be adhered to by employees and officers of the town. This policy is in accordance with F.S. § 112.311 et seq., code of ethics for public officers and employees.

(1)

Employees and officers shall not accept any gifts, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties;

(2)

Employees and officers shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others;

(3)

Employees and officers shall not accept employment or engage in any business or professional activity, which they may reasonably expect, would require or induce them to disclose confidential information acquired by them by reason of their official position;

(4)

Employees and officers shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit;

(5)

Employees and officers shall not have personal investment in any enterprise, which will create a conflict between their private interest and the public interest;

(6)



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Employees and officers shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in any for profit business relationship and any interest in real property which the employees and officers hold with any other employee or officer;  
(7)

In addition to the foregoing, town commissioners shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in non-homesteaded real property located within the town within 30 days upon purchasing said property. (Upon the passage of this article, the town commissioners shall have 30 days from the effective date, to file disclosure.) Thereafter, the town commissioners will be required to file the real property disclosure in accordance with this sub-paragraph (7) on a yearly basis along with his/her Form 1. However, if for any reason the town clerk does not receive same, s/he shall, in writing and via certified mail, request such official who has failed to file the required disclosure to do so. Thereafter, failure to make this filing, within ten days from receipt of the clerk's notice, shall result in the same penalties as failure to file a Form 1 disclosure as required by the county and state.

**(Ord. No. 1474, § 2, 4-10-07)**

**Sec. 2-237. - Disclosure of business relationships.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

(a)

*Definitions.* For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:

(1)

*Business relationship.* A member of the town commission or a town board has a business relationship with an applicant, Interested Person or entity if any of the following exist:

a.

The member of the town commission or town board or committee has any ownership interest, directly or indirectly, in excess of one percent in the entity.

b.

The member of the town commission, town board or committee is a partner, co-shareholder or joint venturer with the interested person in any business venture.

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The entity or interested person is a client of the member of the town commission, town board or committee, or a client of another professional working for the same employer as the member of the town commission, town board or committee.

d.

The member of the town commission, town board or committee is a client of the entity or the interested person.

e.

The entity or interested person is a customer of the member of the town commission, town board or committee (or his or her employer) and transacts more than five percent of the business in a given calendar year of the member of the town commission, town board or committee (or his or her employer) or more than \$25,000.00 of business in a given calendar year; or

f.

The member of the town commission, town board or committee is a customer of the entity or the interested person and transacts more than five percent of the business in a given calendar year of the entity or interested person or more than \$25,000.00 of business in a given calendar year.

(2)

*Applicant.* Any individual or entity requesting action of the town and all persons representing such individual or entity (including, but not limited to, all attorneys, architects, engineers and lobbyists), and any individual who, directly or indirectly, owns or controls more than five percent of any such entity requesting action of the town.

(3)

*Interested person.* Any person who speaks for or against any resolution or ordinance before the town commission or for or against any matter before any town board or committee who has a direct financial interest in the action (including, but not limited to, vendors, bidders and proposers), except that owner-occupied residential property owners shall not be deemed to have a direct financial interest in zoning and/or land use decisions that may affect their property or the value thereof.

(b)

*Disclosure of business relationships.*

(1)

*Time of disclosure.* Except as prohibited by law, each member of the town commission or any town board or committee shall disclose the existence of any business relationship of



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which he or she is aware that he or she has, or has had within the prior 24-month period, with any applicant or interested person, at the time that the applicant or interested person appears before the town commission, town board or committee.

(2)

*Disclosure subsequent to action taken.* Except as prohibited by law, if a member of the town commission or any town board or committee learns, within 30 days after action is taken in connection with any applicant or interested person appearing before the town commission or town board or committee, that he or she had a business relationship with any applicant or interested person who appeared before the town commission or town board or committee, he or she shall disclose such business relationship in writing to the town clerk that was not disclosed at the initial meeting.

(3)

*Establishment of business relationship after appearance.* Except as prohibited by law, if a member of the town commission or any town board or committee establishes a business relationship with any applicant or interested person within 12 months after the applicant or interested person appeared before the town commission or town board or committee, the member of the town commission or town board or committee shall disclose such business relationship in writing to the town clerk.

(4)

*Abstention.* In any situation where a member of the town commission or town board or committee discloses a business relationship under this section, the member may abstain from voting or acting on an item because of the appearance of a possible conflict of interest.

(5)

*Failure to disclose.* If any member of the town commission or town board or committee believes that another member has willfully failed to make a disclosure required under this section, he or she may submit evidence supporting the alleged failure to disclose to the town manager, who shall place the item on the next available regular town commission agenda. If three or more members of the town commission determine that an accused town commissioner willfully failed to make the required disclosure, the accused town commissioner shall be deemed to be censured. If three or more members of the town commission determine that an accused member of a town board or committee has willfully failed to make a required disclosure, the accused board or committee member shall be removed from the board or committee. The town commission has primary jurisdiction to



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enforce this section and no such authority is conferred on the Miami-Dade Commission on Ethics and Public Trust to investigate alleged failures to disclose business relationships under this section.

( [Ord. No. 19-1695](#), ;s 2, 3-12-19)





# MEMORANDUM

ITEM NO. 9J

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Jason Greene, Interim Town Manager  
**Date:** September 10, 2020  
**Subject:** Community Center Pool Deck Lighting

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As requested at a prior Commission meeting, the Parks and Recreation Department has looked into an engineering firm to assist in the feasibility and basic design criteria to purchase portable or permanent pool deck lighting. This analysis would include a review of all Florida Building Code (FBC) and Town of Surfside Code of Ordinances covering turtle protection, and the Florida Department of Environmental Protection (DEP) and Florida Fish and Wildlife Commission (FWC) guidelines. Please note that a recommendation by RC Engineering, Inc. was that feasibility study would have a very low possibility of a positive outcome. Please see attached (Item A).

Additional annual operational costs would include additional staff, utilities, and pool chemicals. The estimated cost for temporary LED lights would be approximately \$60,000. The estimated cost for permanent pool deck lighting to include LED lights would be approximately \$255,000. This cost does not include engineering fees, feasibility fees, or permitting cost.

Pool deck lighting has been an agenda item numerous times for review and recommendation by the Parks and Recreation Committee. Based on the cost along with minimum public demand for lights/night swim for the months of November through March, the Committee's recommendation was to not move forward. Also included in the committee's recommendation was the storage, setup and breakdown issues with portable lighting.

The staff is requesting direction from the Town Commission to move forward with the process.

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**Pool Lighting**  
**Surfside, Florida**  
**2020-05-06**  
**RC Engineering Inc.**  
**David Rice PE**

**Requirements:**

Florida Building Code (FBC)

454.1.4.2 Lighting

454.1.4.2.1 Outdoor Pool Lighting

3 footcandles at pool water surface and pool wet deck and underwater lighting ½ watt per sq. ft.

454.1.4.2.3 Underwater Lighting

Underwater lighting can be waived if 15 footcandles At pool water surface and pool wet deck.

Surfside Code of Ordinance, Article VI,

Lighting Regulations for Marine Turtle Protection

Section 34.84 Lighting Standards for Coastal Construction Activities

**Conclusion:**

The Florida Building Code (FBC) and the Surfside Code of Ordinance covering turtle protection sets very strict requirements for installing outside pool lighting at a beach. A feasibility study would have to be performed to determine if the outside pool lighting is possible. The cost for a feasibility study would be based on hourly rates. The total cost for a feasibility study could easily exceed \$5,000.00.





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Item No. 9L

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Jason Greene, Interim Town Manager  
**Date:** August 25, 2020  
**Subject:** Designated (Painted) Walking Areas in the Residential District

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At the April 16<sup>th</sup>, 2020 Special Commission Meeting, Town Administration was directed to provide a plan to create designated (painted) pedestrian areas in the single-family residential district. The Town Administration reviewed implemented plans in nearby municipalities to determine available options and related costs.

Due to width limitations of residential roadways and the shared purpose of roadways for vehicular circulation, parking, pedestrian and non-motorized vehicles, the Town Commission should consider creating only one designated (painted) walking areas along the roads. In addition, the Town Commission should also give direction indicating the streets to be considered. The minimum allowed sidewalk width for the American Disability Act (ADA) purposes is 36-inches. For purposes of the designated (painted) walking area, a 5-foot width is considered for use which is a typical residential concrete sidewalk width.

A typical Town block within the residential area is approximately 240-feet wide from west to east and 635-feet long from north to south. For purposes of pricing, a typical unit block will be considered as 875-feet which includes the combination of 240-feet wide from west to east and 635-feet long from north to south. For example, a typical block with proposed designated (painted) walking area can be Carlyle Avenue from 90<sup>th</sup> Street to 91<sup>st</sup> Street (northern) and Carlyle Avenue to Dickens Avenue along 91<sup>st</sup> street (eastern).

**Picture A** – “Typical Unit Block” below outlines a visual representation of a typical unit block and proposed pathway along one side of street and avenue.



Picture A – “Typical Unit Block”

The Town reviewed previous projects by City of Miami Beach, Bay Harbor Islands and obtained private market pricing from vendors in order to determine a unit cost per typical block. As a result, **Table A – “Cost Options”** below was composed in order to provide cost options for various designated walking areas in the residential district:

Option Number	Description of Option	Cost per Linear Feet	Total Cost Per Block	Town-wide Implementation Cost
1	White Line Shared Lane	\$2.50	\$2,187.50	\$135,625.00
2	Green Cover Shared Lane	\$45.00	\$39,375.00	\$2,441,250.00

**Table A – “Cost Options”**

**Attachment A – “Visual Representations”** provides a visual representation of each option as installed in actual locations and provides further description of each option. Due to existing roadway conditions and right of way encroachments, options are limited to the ones presented.

In order to implement any type of additional shared lanes, Miami-Dade County would need to approve the proposed design since the roadways are under county jurisdiction. The application process requires an application along with corresponding documents such as engineered drawings. An engineer of record will be required for the composition of the documents. The Town currently has an open Request for Qualifications (RFQ) for ongoing engineering services. Based on the Town Commission direction and the results from the RFQ, an engineer of record can be picked to develop the documents required for County approval.

The Town Administration recommends that the Town Commission discuss the proposed options provided. Based on direction on 1) the streets to be impacted and 2) selection of one of the two eligible layouts, the Town administration will work with a qualified engineer after a contract is executed with an engineering firm via the current RFQ process in order to process the application and documentation required by Miami-Dade County.

Reviewed by: JG

Prepared by: HG






**OPTION A - WHITE SHARED LANE**

White shared lane samples were installed as part of a previous project within the Town of Surfside. In installed samples, the white shared lanes are of pavement paint material. The cost option is priced as thermoplastic marking which creates a reflection during night time and has a longer duration life.



**OPTION B - GREEN COVER SHARED LANE**

This option is typical of bicycle and shared use lanes. Shared use lanes are depicted by two arrows above bicycle icon. The option can be encountered along Byron Ave between 85th Street to 87th Street within the City of Miami Beach. The material is a proprietary material only applied by a limited amount of contractors. The bicycle icon can be removed or changed to a pedestrian similar to Option A.

LAST REVISION 05/19/2020	DESCRIPTION: OPTIONS FOR SHARED LANES	 TOWN OF SURFSIDE	PAINTED LANES OPTIONS  SCALE: N.T.S.  SHEET 1 of 1
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**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Guillermo Olmedillo, Town Manager  
**Date:** June 23, 2020  
**Subject:** Stormwater Master Plan

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At the April 28<sup>th</sup>, 2020 Special Commission Meeting, Town Administration was directed to report back to the Commission regarding the Town's statutory requirement for a Stormwater Master Plan. The following information relates to the requirements and uses for Stormwater Master Plan.

- If a municipality operates a stormwater utility (such as the Town does), a stormwater management program is required by FS 403.0891, which includes stormwater master plan for planning and improvement purposes per Rule 62-40.431(3)(d), Florida Administrative Rules. The County requires that National Pollution Discharge Elimination System (NPDES) regulations and best management practices are followed for water quality, which is a stormwater management program, not a stormwater master plan.
- The difference – A Stormwater Master Plan is a planning tool; the management program is a compliance tool.
  - The Stormwater Master Plan considers and models existing flooding areas (often identified by staff and residents) and future conditions (such as sea level rise) in order to:
    - Develop solutions to improve the flooding level of services (LOS)
    - Establish Future goals and regulations.
    - Recommend a capital improvement program that is both technically sound and financially supportable.
    - Provide a foundation for future policy decisions.
    - Incorporate and update the stormwater management plan in order to comply with state and federal National Pollutant Discharge Elimination System (NPDES) regulations.
- Most local governments have a Stormwater Master Plan and update it every 5-10 years to keep it current since it establishes the Capital Improvement Program (CIP) and helps stay in compliance with NPDES requirements.

The Town did commission the completion of portions of the plan (ICPR model) in 2008 as part of the infrastructure rehabilitation project but did not commission the completion of a complete Stormwater Master Plan.

To address the Commissions inquiries regarding costs of the plan, we have compiled the data on Stormwater Master Plan costs from other jurisdictions. These plans were publicly bid and not completed by CGA; they were completed by other engineering firms.

	SqMiles	Price	Year	Years ago	Avg CPI increase	Adjusted CPI Price	\$/SQ Mi
Port Ft Pierce	0.04	\$ 188,663.00	2018	2	2.50%	\$198,214.06	\$5,663,258.98
Bal Harbour Village	0.38	\$ 136,675.00	2014	6	2.50%	\$158,501.10	\$417,108.15
Golden Beach	0.32	\$ 168,800.00	2000	20	2.50%	\$276,598.46	\$864,370.17
Surfside	0.56	\$ 175,980.00	2020	0	2.50%	\$175,980.00	\$314,250.00
Key Biscayne	1.25	\$ 293,000.00	2011	9	2.50%	\$365,916.85	\$292,733.48

Reviewed by: JG/LA

Prepared by: CG





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Date: October 5, 2020  
Prepared by: Commissioner Nelly Velasquez  
Subject: Amend Tourist Board Ordinance

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**Objective:** To ensure the proper spending of all Tourist funds by the tourist board.

**Consideration:** tourist board ordinance

**Recommendation:** Amend current Tourist Board Ordinance



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**Date:** 10-5-2020  
**Prepared by:** Commissioner Eliana Salzhauer  
**Subject:** Traffic Control Devices on 88<sup>th</sup> & Hawthorne Avenue

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**Objective:** Give direction to Town Manager regarding the implementation, replacement, and/or removal of Surfside traffic signage that was not authorized by the County in advance.

**Consideration:** A resident complaint led to the County requesting removal of Surfside-specific traffic control signage. To comply with County directive, a Stop sign was removed from the corner of 88<sup>th</sup> & Hawthorne. Many residents have expressed their displeasure with this change and are concerned that the Stop sign removal presents a severe safety hazard. The Commission should discuss how to proceed in replacing such signage and how to handle future County directives.

**Recommendation:** Discuss options and give direction to Town Manager & Town Attorney.



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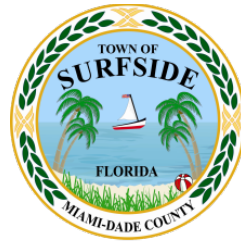
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**Date:** December 8, 2020  
**Prepared by:** Mayor  
**Subject:** Cancel Culture in Surfside

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**Objective:** Reaffirm Surfside’s commitment to open and transparent government

**Consideration:** That Surfside’s elected official promote and encourage more speech and transparency, and stand against those who would silence opposing views.

**Recommendation:** Surfside Commission resolves to condemn Cancel Culture and those who promote it.

4 THE MIAMI HERALD | SUNDAY, FEBRUARY 22, 2009 | MB MiamiHerald.com/Neighbors

SURFSIDE

# Officials fed up with 'Mayor's View'

■ Surfside's mayor Charles Burkett and town commissioners squabble over the mayor's criticisms in the town's newsletter.

BY ANGEL L. DOVAL  
adoval@MiamiHerald.com

Surfside Mayor Charles Burkett will no longer get to publish his monthly column in the town newsletter after several commissioners criticized the column as overly political.

At a Feb. 10 meeting, the attempt to create guidelines for the Surfside Town Gazette — and eliminate Burkett's "Mayor's View" column — sparked fireworks.

After a heated argument pitting Burkett against Commissioner Steven Levine, the commission voted 4-1 to eliminate the column from the newsletter among other changes to the town publica-

tion. Burkett was the dissenting vote.

Levine said the mayor was "politicizing the Gazette" and called him "an assassinator" for his strong opinions and sharp chastisements of commissioners in print. At one point, Levine pounded his left fist on the dais.

In February's newsletter, Burkett wrote that he asked the commission to think carefully about calls to eliminate his or any elected official's ability to reach out to residents through the Gazette.

"I know I'm not the most popular person with my friends on the Commission right now . . . but I also know that silencing any voice on this commission would probably not be a great idea for any elected official to undertake," he wrote.

Levine and Commissioner Elizabeth Calderon also



BURKETT



LEVINE

objected to the price of the newsletter. It costs \$3,013 per month to publish 3,800 copies with an average of 12 pages per issue.

In an interview, Burkett told The Miami Herald that "this is not about policy, not about money. It's about the commission," he said.

Burkett and commissioners have clashed publicly over the town's proposed community center.

"They're not happy about what I'm writing. I'm informing the electorate about what is going on at these meet-

*'They're not happy about what I'm writing. I'm informing the electorate about what is going on at these meetings.'*

— CHARLES BURKETT, mayor of Surfside

ings," Burkett said.

The debate began when commissioners Levine and Calderon opened discussion on Gazette policies and guidelines. "These views just don't belong in the newsletter," Levine said at the meeting. "You are making the commissioners and the town look bad in the eyes of the residents and our visitors."

Burkett responded by saying that he has the right to write what he wants and that the commissioners have always been allowed to have their say in the newsletter.

Calderon suggested trimming the Gazette. "We can

save some money if we reduce the size of the newsletter by two pages," she said.

Levine responded: "The mayor is using up two pages so we can eliminate those."

He also told the mayor that his column could continue — online. "And you know what? It's free."

Burkett isn't happy about being relegated to the town website.

"And all the talk about using the website is garbage," he said. "The newsletter is already on the Web. And when they describe what I write as 'political,' well everything we do is political."

Site: [www.dying2live.com](http://www.dying2live.com).

Greetings from Canada:

You seem to have hit a nerve, by your courage to open the eyes of concerned Christians worldwide, and have brought the truth about what really is going on, in the Holy Land.

We will study your site thoroughly, and please don't let WND or Debka File discourage you, they are just Jewish propaganda media, who thrive on their own egos and arrogance, and promote hate news at the expense of God fearing freedom loving human beings.

There are 13 million Jews in the world, who threaten 6 billion humans' lives, with a nuclear holocaust, in order to expand their territory and dominate the middle east +.

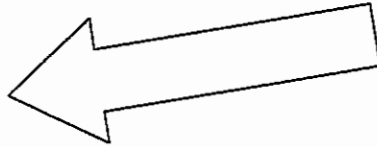
Israelis are not Jews and Jews do not represent Israel lawfully. Jews are occupying God's Land without God's permission. The Holy Bible shows us that Jews and Israel are two different Kingdoms, separated by King Rehoboam in 930 BC, and the the word JEW, which means Judah and Judaism, shows up in 2Kings16:5-6 [740 BC], FOR THE FIRST TIME. If God wanted the Jews to rule over Israel , our Holy Scriptures would say so, but Bible says the opposite and many American Politicians and Religious leaders have been hoodwinked.

I hope you continue your campaign for JUSTICE, and if I can help, let me know.

A. Deacon

Beautiful. God Bless You.

Peter A. Sahwell



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Site: [www.bmjournals.com](http://www.bmjournals.com)

**Peter A. Sahwell** post on the General Medical Journal website:

Peter A. Sahwell,  
consultant  
*private business*  
33154

Send response to  
journal:  
Re: It's Hard to Argue  
with Facts

Whatever one thinks of Israel or Palestine, and forget about the rest of the Arab World, which is a human rights disaster and also has nothing to do with the propositions Dr. Summerfield puts forth, there can be no doubt that the Israeli military has deliberately savaged Palestinian society. Two years ago when the Israelis reoccupied most of the West Bank, there were innumerable reports of IDF personnel breaking into the offices of all manner of human services and cultural agencies and destroying written records, computer hard drives, and anything else that a people uses to record its own existence. Just two weeks ago, an IDF officer emptied his revolver into the lifeless body of a school girl, some 23 shots in all. And that's not an isolated incident. Women give birth in agony at checkpoints while IDF soldiers sit around doing nothing. Now there may be perfectly good hearted and progressive Israeli doctors and other citizens of that country who treat Palestinians humanely, but the structural injustice and inhumanity of the Israeli government and military toward the Palestian people, which started with European jews driving 700,000 Palestinians from their homes and literally razing some 420 of their villages in 1947-48, continues to this day. The documentation is endless and nauseating. There will be no peace until justice is done.

Competing interests: None declared

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Memo: IN RESPONSE

As a Palestinian American and a Christian, I was doubly offended by Joyce Starr's April 11 column, Stop pogrom against Israel.

My grandfather was buried alive in Jerusalem's King David Hotel in 1946 when the Irgun Tzevai Leumi blew up the building in one of many acts of Zionist terrorism.

Few people realize the terror that accompanied the theft of Palestinian land that was the basis of the creation of the state of Israel. The massacre of Palestinian villagers in Deir Yassin and the hanged bodies of two British soldiers booby-trapped with hand grenades are two other notable atrocities. Palestinians were terrorized out of their homes, and half of all the Palestinian villages were quickly bulldozed out of existence, some 480 in all.

As a Christian, I recoil at the desecration of the Church of the Nativity by Israeli soldiers and am saddened by the Christian fundamentalists who yearn for Jews to crowd into Israel in fulfillment of their skewed reading of Scripture.

It should be the task of Christians worldwide to speak out against the insane violence being perpetrated by Israeli Prime Minister Ariel Sharon.

This is a man who was condemned even by his own government as responsible for the slaughter of Palestinian women and children in the Sabra and Shatila refugee camps, and who is currently under indictment in Belgium for crimes against humanity.

PETER SAHWELL  
Surfside

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*Responses to Sahwell's letter:*

Posted on Thu, Apr. 25, 2002

**Not culpable**

Peter Sahwell's April 23 letter states that Ariel Sharon "was condemned even by his own government as responsible for the slaughter of Palestinian women and children in the Sabra and Shatila refugee camps."

This isn't the case. Both the Israeli investigation and a New York court found that Lebanese Christian forces, not Sharon, perpetrated the massacre.

The Kahan Commission did reprimand him for not stopping the massacre once word leaked out. However, no evidence ever was produced that Sharon knew in advance that Christian militants were going to kill Muslim civilians as well as Muslim terrorists known to be in the camps.

As Menachem Begin said at the time: "Christians kill Muslims, and everyone blames the Jews."

**DAVID HOSTYK**

Hollywood

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Posted on Fri, Apr. 26, 2002

## **British role in Mideast tragedies**

IN RESPONSE

In his April 23 letter, *Israel created through terrorism*, Peter Sahwell wrote of the bombing of the King David Hotel as an example of "Zionist terrorism."

It is interesting to note that in the 1940s the King David Hotel was the British military headquarters, not a civilian target.

It is fascinating to note that the "Jewish terrorists" were called to the King David before the explosion so that everyone could evacuate the building.

Unfortunately, the British responded by barring the doors and refusing to let people leave because they were indignant that a Jew should dictate to his majesty's government.

Sahwell's anger might be better directed toward the British, not only for the death of his grandfather but for their treatment of the Arabs, particularly in Jenin. Following the assassination of a British district commissioner by a Palestinian in Jenin in the summer of 1938, British authorities decided that a large portion of the town should be blown up as punishment.

On Aug. 25, 1938, a British convoy brought 4,200 kilos of explosives to Jenin for that purpose. According to a recently declassified British report, in that operation and on other occasions, Arabs were forced to drive "mine-sweeping taxis" ahead of British vehicles where Palestinian terrorists were believed to have planted mines, in order to reduce British casualties.

Last, the letter's headline is misleading -- unless one considers the United Nations's vote that created the state of Israel an act of terrorism.

**RABBI KALMAN PACKOUZ**

Miami Beach

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***Most recently, Sahwell criticized a column in the Miami Herald about Yasser Arafat.***

### **Arafat didn't err**

The Herald's Nov. 12 editorial *Death of Yasser Arafat* was one-sided. Three Israeli prime ministers, including the current one, engaged in terrorist acts. Also, the editorial repeats the belief that Arafat rejected a great opportunity at Camp David. In fact, the offer was a West Bank crisscrossed with roads under Israeli control, Israeli-controlled water resources and scattered Israeli Defense Force outposts.

The editorial calls the West Bank and Gaza Strip "disputed territories." Historically, the only countries using the term have been Israel and the United States. Ariel Sharon in 2003 finally uttered the truth when he told the Knesset, "You may not like the word, but what's happening [in the West Bank and Gaza Strip] is occupation."

***Some of Sahwell's more "local" writings***

HERE'S HOPING MAYOR'S

RESPITE IS SHORT-LIVED

**Editor,**

Surfside Mayor Paul Novack deserves better. After years of honest and outstanding service in a county and state where politicians generally are slimeballs, he regrettably is not seeking reelection.

One can only hope this respite from elected office will be short-lived and that he comes back to a leadership position in county government or the School Board, or maybe even back to lead Surfside.

One cause of Mayor Novack exiting the stage at this time no doubt stems from the abuse heaped upon him by the Friends of Surfside Cats.

In a country that spends \$30 billion annually on pet care, yet allows one-quarter of its children to live in poverty, where many people have such a warped view of animals that they throw birthday parties for them, dress them up in cute outfits, and send them to spas, Friends of Surfside Cats typifies this sense of confused priorities.

Jay Senter, one of the group's main supporters, who doesn't even live in Surfside, wrote a Dec. 7 letter to Neighbors in which he waxed emotionally and nauseatingly about PeeWee, Bippy, Boppy, Ding-a-Ling (I'm not making this up) and all the other cute, frolicking feral cats.

That such a truly minor issue as feral cat colonies is used as a club to help drive one of Florida's only progressive public servants from continuing in office is irresponsible.

**PETER SAHWELL**

**Surfside**

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SURFSIDE

RESIDENTS LOVE TOWN'S

CURRENT SENSE OF SELF

**Editor,**

Last week's obligatory negative letter about Surfside came care of real estate broker Marion Ott (*Cheapest is not always the best, Surfside, Aug. 8*).

You have to hand it to them, the forces of disgruntlement learned after the 2002 election at least to take the trouble of feigning interest in the town.

Apart from their generally whining tone, these carping letters show little sense of Surfside as a community of human beings; they do, however, betray their authors' wide-ranging obsession with property values.

What is lacking in the orchestrated wave of vituperation against former Mayor Paul Novack and current Mayor Tim Will is any positive value placed on building a healthy community.

Whereas Novack and Will have been part of and created numerous initiatives that relate to children and place a high priority on people, their opponents evince no passion about or have no new ideas concerning our youth or our elderly, or anyone for that matter except themselves and their sacred property.

Ms. Ott positively gushes about Miami Shores with its neat lawns and trees. Forget that most Shores residents probably couldn't afford their houses now, or that their children won't be able to afford to live there.

She also mentions Bal Harbour and Golden Beach, two little fantasylands that bring nothing to the table with regard to building or sustaining a middle-class community, even one as increasingly small and beleaguered as Surfside's.

My lawn is 90 percent weeds, and I have two plastic pink flamingos in front of my house. I hope we don't turn into the Stepford-like image of a real town that Ms. Ott and her ilk long for so desperately.

**PETER A. SAHWELL**

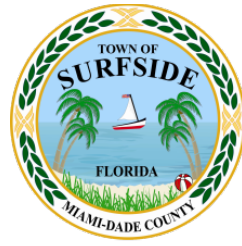
**Surfside**

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Sahwell uses an email address [andalus@mindspring.com](mailto:andalus@mindspring.com). "Andalus" is the term used for Southern Spain by the Arabs who conquered and ruled that region for nearly 800 years. Sahwell claims he is Palestinian. Why then does he use this "handle" in communications? Does he feel a kinship to Arabs who conquer land? Could it be related to the fact that Spain has become a hide-out for many Al-Qaeda terrorists?

**There are simply too many unanswered questions about Peter Sahwell.**

**Could Peter Sahwell be dangerous?**



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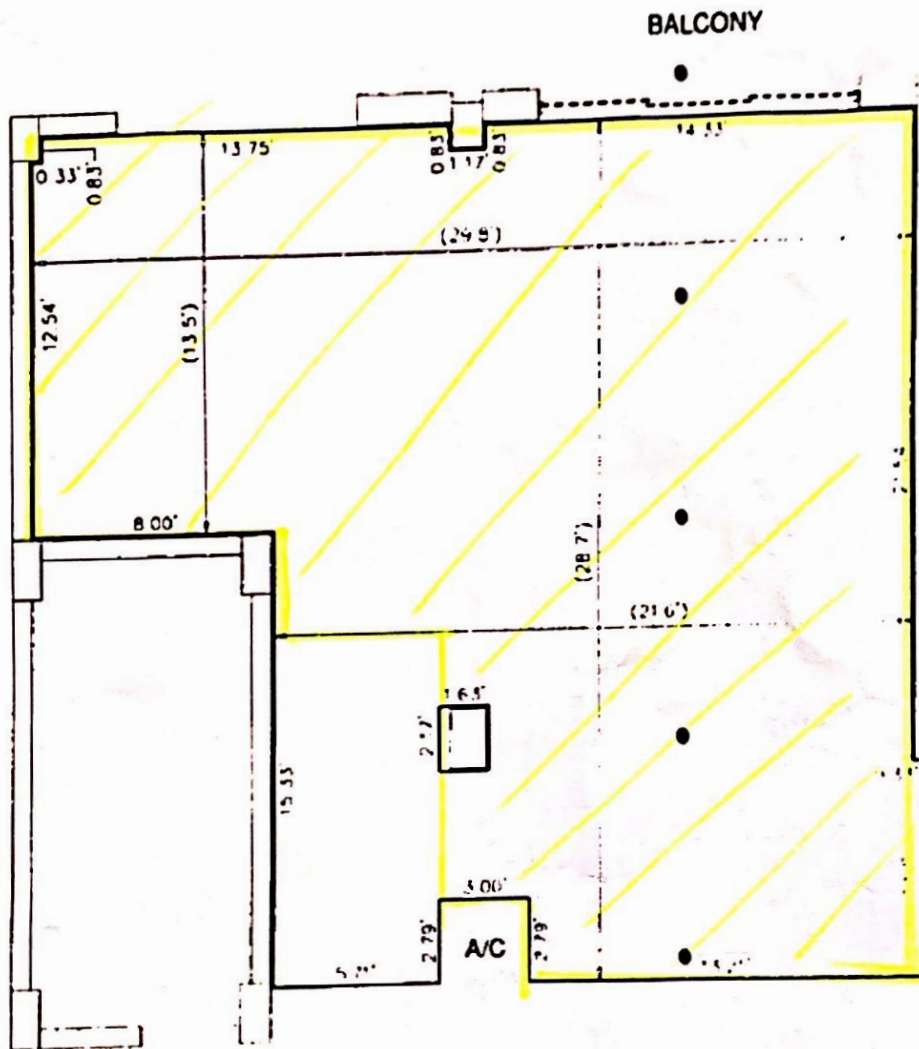
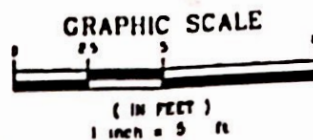
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# CARLISLE ON THE OCEAN A CONDOMINIUM

FLOOR PLANS WERE PREPARED FROM  
ARCHITECTURAL DRAWINGS BY

ROBERT M SWEDROE  
1111 LINCOLN ROAD, SUITE 300  
MIAMI BEACH, FLORIDA 33139  
PH (305) 673 6002



UNITS 313-1113, PH #13

Cat No: 0107301 Date Printed: 8/27/01 3:16p

**LEGEND:**

- CONDOMINIUM UNIT BOUNDARY LINE
- COMMON ELEMENT BOUNDARY LINE
- LIMITED COMMON ELEMENT

**NOTE**

THERE MAY EXIST SOME VARIATION BETWEEN THE PROPOSED IMPROVEMENTS AND THE IMPROVEMENTS AS CONSTRUCTED

9.0' - INDICATES MEASURED DIMENSION  
9.00' - INDICATES DIMENSION PER ARCHITECTURAL DRAWING

**TYPE "THE ISLANDER"**

**EXHIBIT 2**

**SHEET 13 OF 22**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/19/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> JOHN M BROWN INSURANCE AGENCY INC 21750 Hardy Oak Blvd Ste 104  San Antonio TX 78258-4946		<b>CONTACT NAME:</b> Marianna Morandi <b>PHONE (A/C No. Ext):</b> 888-973-0016 <b>E-MAIL ADDRESS:</b> marianna@farmerbrown.com <b>FAX (A/C, No):</b> 773-657-2010	
<b>INSURED</b> MF7 Services Corp 100 Bayview Dr Apt 1930  Sunny Isles Beach FL 33160-4743		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> AIX Specialty Insurance Company <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 12833	

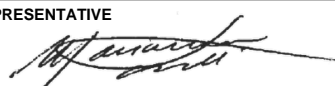
**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	N	SIZGL1003B233094	04/05/2020	04/05/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

Town of Surfside Building Department 9293 Harding Avenue, Surfside FL 33154	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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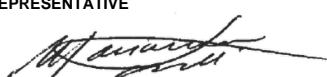
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							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
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							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE	OTHER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

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# JOB COPY

## TOWN OF SURFSIDE

APPROVED \_\_\_\_\_ Permit No. 20-736-BC  
Address 9195 COLLINS Ave # 1013

Planning & Zoning Board \_\_\_\_\_ Date \_\_\_\_\_  
Building Official [Signature] \_\_\_\_\_ Date 10.12.10  
Chief Electrical Inspector \_\_\_\_\_ Date \_\_\_\_\_  
Chief Plumbing Inspector \_\_\_\_\_ Date \_\_\_\_\_  
Chief Mechanical Inspector \_\_\_\_\_ Date \_\_\_\_\_  
Structural Engineer \_\_\_\_\_ Date \_\_\_\_\_  
Public Works Director \_\_\_\_\_ Date \_\_\_\_\_



**TOWN OF SURFSIDE**  
**9293 HARDING AVENUE**  
**SURFSIDE, FLORIDA 33154**

## **PLAN REVIEW COMMENTS WORKSHEET**

Job Address: **9195 Collins Ave. - Unit #305** Permit No: **20-121** Processor: **U. Fernandez** Date: **Dec. 10, 2020**

### **Note:**

The following comments are based on a review conducted to the extent that the information on the plans allow. More comments may arise after these comments have been addressed.

### **Comments:**

1. All corrections to be done on originals no ink corrections accepted. Cloud and date all corrections and make reference.
2. Provide list of response to comments. (Answer Sheet) showing location of each correction (sheet number).
3. Please show on plans current Florida Building Code 2017 (6<sup>th</sup> Edition).
4. Determine on plans level of alteration as per **FBC Existing Building**.
5. Please provide a clear and proper Scope of Work and indicate all work being performed.
6. Please provide proper Floor Plan to scale, show all interior wall divisions and label each room.
7. Please specify on plans if Plumbing fixtures are to be replaced in their same location.
8. Please show compliance with **FBC 1207 (Sound Transmission)**.
9. This review has been conducted to the extent that the information on the plans allow. Further comments may follow.



TOWN OF SURFSIDE  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154

PLAN REVIEW COMMENTS WORKSHEET

DATE: 11.16.20 NAME OF THE JOB: \_\_\_\_\_

ADDRESS: 9195 Collins Ave TYPE OF CONSTRUCTION: PLBG

- ① DERM
- ② PLANS LACK CLARITY. PROVIDE 2 SETS OF PLANS AS PER THE FLORIDA BUILDING CODE, 2017, BLDG. SECTION 107.1, 107.2.1.
- ~~③ SHOW LOCATION OF BATHROOMS ON PLANS.~~
- ~~④ PROVIDE A SCOPE OF WORK FOR PLBG ON PLANS~~

- ② CONTRACTOR RCL 11/16/20
  - ① DERM
  - ② PLANS LACK CLARITY. PROVIDE PLANS NOT WRITTEN IN INK, SEE FBC 2017, BLDG, 107.1 107.2.1

- ③ RCL 11/23/20 305-216-9276
  - ① DERM
  - RCL 12.9.20



PERMIT NO.

APPLICATION NO.

AMOUNT DUE

## BUILDING PERMIT APPLICATION

2017 FLORIDA BUILDING CODE IN EFFECT

PERMIT TYPE: (Check one)     Structural     Mechanical     Electrical     Plumbing     Other     Roof

<b>JOB ADDRESS:</b> 9195 Collins Ave, unit 1013, Surfside, FL 33154					
<b>OWNER'S NAME:</b> A AND M TEAM					
<b>OWNER'S ADDRESS:</b> 7900 TATUM WATERWAY DR #108, Miami Beach, FL 33141					
<b>CITY:</b> Miami Beach		<b>PHONE#</b> (240) 421-6466		<b>FAX #</b>	
<b>FEE SIMPLE TITLE HOLDER'S NAME:</b>			<b>ADDRESS:</b>		
<b>CONTACT PERSON:</b> MARINA KOSTIC			<b>PHONE#</b> (240) 421-6466		
<b>EMAIL ADDRESS:</b> m.kostic.2020@gmail.com					
<b>CONTRACTOR:</b> FLAVIENNE SANT ANNA M ANASTACIO					
<b>MAIL ADDRESS:</b> 100 Bayview DR #1930					
<b>CITY:</b> Sunny Isles Beach		<b>STATE</b> FL		<b>ZIP CODE:</b> 33160	
<b>PHONE #</b> (786) 780-1766		<b>FAX #</b>		<b>EMAIL:</b> m7services@gmail.com	
<b>CERT COMPETENCY:</b> DBPR			<b>STATE REGISTRATION:</b> FL CGC1527388		
<b>LOT</b>	<b>BLOCK</b>	<b>PRESENT USE:</b>		<b>PROPOSED USE:</b>	
<b>FOLIO NUMBER:</b> 14-2235-043-0940			<b>SUBDIVISION:</b>		
<b>NO. OF STORIES</b>		<b>OFFICES:</b>	<b>FAMILIES:</b>	<b>BEDROOMS:</b>	<b>BATHS:</b>
<b>TYPE OF WORK:</b>		ADD <input type="checkbox"/>	NEW <input type="checkbox"/>	ALTER <input type="checkbox"/>	REPAIR <input type="checkbox"/>
		REPLACE <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>		
<b>VALUE OF WORK (Total all Trades):</b> \$6,000			<b>SQ. FT: (TOTAL)</b>		<b>LINEAR FEET</b>
<b>DESCRIBE WORK:</b> REMOVE AND INSTALL TILE FLOORING, EXCEPT BALCONY AND BATHROOM.					
<b>ARCHITECT/ENGINEER'S NAME</b>					
<b>ADDRESS:</b>					
<b>PHONE#</b>		<b>FAX#</b>		<b>EMAIL</b>	
<b>MORTGAGE LENDER NAME:</b>					



**MORTGAGE LENDER'S ADDRESS:**

*Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has been effected prior to the issuance of said permit and that all work be performed to meet the standards of all laws regulating construction in DADE COUNTY and the TOWN OF SURFSIDE whether specified in this application and accompanying plans or not. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, AIR CONDITIONERS, etc. The information provided herein by the Applicant is not evaluated for issuance of a Certificate of Use. The City reserves the right to deny or condition any proposed use of the property pursuant to provisions of the City's Code of Ordinances.*

Initial this Page: \_\_\_\_\_

**OWNER'S AFFIDAVIT:** I certify that all information provided is accurate, and that all work will be performed in compliance with all applicable laws regulating construction and zoning. No work has been commenced prior to the issuance of the permit applied with this application, and all work will be done as indicated in the Application and all accompanying document and plans.

**NOTICE:** In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of the county, and there may be additional permits required from other governmental entities such as water management districts, state or federal agencies.

**WARNING TO OWNER:** YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING A NOTICE OF COMMENCEMENT.

**CONTRACTOR:**

(Print Name): FLAVIENNE SANTANNA

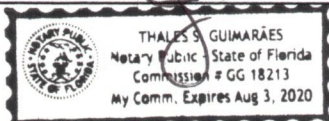
SIGNATURE Flavienne Santana

STATE OF  
FLORIDA  
COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me  
this 20<sup>th</sup> day of May, 20 20  
by FLAVIENNE SANTANNA

**NOTARY:**

**SEAL:**



Personally known \_\_\_\_\_  
OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**OWNER:**

(Print Name): MARINA KOSTIC

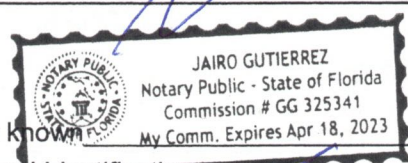
SIGNATURE: Marina Kostic

STATE OF FLORIDA  
COUNTY OF Dade

Sworn to (or affirmed) and subscribed before  
me  
this 22 day of May, 20 20  
by Marina Kostic

**NOTARY:**

**SEAL:**



Personally known \_\_\_\_\_  
OR Produced Identification \_\_\_\_\_  
Type of Identification Produced Maryland Driver's License

The Permit is not valid until signed by an authorized representative of the TOWN OF SURFSIDE BUILDING DEPT. and all fees are paid.

ACCEPTED BY

AUTHORIZED BY



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 5/20/2020

Property Information	
Folio:	14-2235-043-0940
Property Address:	9195 COLLINS AVE UNIT: 1013 Surfside, FL 33154-3155
Owner	A AND M TEAM LLC
Mailing Address	7900 TATUM WATERWAY DR 108 MIAMI BEACH, FL 33141 USA
PA Primary Zone	3000 MULTI-FAMILY - GENERAL
Primary Land Use	0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL
Beds / Baths / Half	1 / 1 / 0
Floors	0
Living Units	1
Actual Area	Sq.Ft
Living Area	720 Sq.Ft
Adjusted Area	720 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	1965



Assessment Information			
Year	2019	2018	2017
Land Value	\$0	\$0	\$0
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$236,600	\$225,353	\$225,353
Assessed Value	\$123,943	\$112,676	\$102,433

Benefits Information				
Benefit	Type	2019	2018	2017
Non-Homestead Cap	Assessment Reduction	\$112,657	\$112,677	\$122,920

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
CARLISLE ON THE OCEAN CONDO
UNIT 1013
UNDIV 0.69832%
INT IN COMMON ELEMENTS
OFF REC 20196-4139

Taxable Value Information			
	2019	2018	2017
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$123,943	\$112,676	\$102,433
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$236,600	\$225,353	\$225,353
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$123,943	\$112,676	\$102,433
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$123,943	\$112,676	\$102,433

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/06/2019	\$100	31697-2956	Corrective, tax or QCD; min consideration
10/02/2019	\$274,900	31672-2065	Qual by exam of deed
03/01/2004	\$257,000	22168-1008	Sales which are qualified
03/01/2003	\$189,700	21120-2846	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



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TILE STONE WOOD LAMINATE VINYL DECORATIVES INSTALLATION MATERIALS



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HOME > INSTALLATION MATERIALS > WOOD & LAMINATE > UNDERLAYMENT

SIMILAR PRODUCTS



Whisper Mat So... \$135.00/ piece



Whisper Mat So... \$139.99/ piece



FloorMuffler 1... \$17.99/ piece



Sentinel Eco U... \$41.99/ piece



Eco Ultra Quie... \$69.99/ piece



Protecto Wrap... \$38.00/ piece

Whisper Mat Underlayment

Size: 150 SQ FT | SKU: 954205535 \$129.00 / piece Miami Gardens's everyday low price!



HOW MUCH DO YOU NEED?

QUANTITY OF PIECES

Quantity selector with minus, 1, and plus buttons

1 piece = 150 SQ FT | \$129.00

PICKUP OR DELIVERY

- Pick up in store - FREE
This item can be picked up TODAY local time)
51 pieces in stock - Miami Garde
Check Other Stores
Have it Delivered - Charges May

FREE In-Store

Contact Us

ADD TO CART

ADD TO MY PROJECT LIST





Search Floor & Decor

- TILE STONE WOOD LAMINATE VINYL DECORATIVES INSTALLATION MATERIALS

PRODUCT DETAILS

SOUND CONTROL AND MOISTURE RESISTANT MEMBRANE FOR ENGINEERED HARDWOOD, PARQUET AND LAMINATE FLOORING
Whisper Mat® HW is a peel and stick non-permeable sheet membrane, which reduces impact and airborne sound transmissions.

Whisper Mat HW combines sound absorption properties with moisture resistant properties making this an excellent system to enhance flooring installation performance.

FEATURES & BENEFITS

- Sound reduction ratings:
- 6" concrete floor: IIC 51 STC 52
- Sound transmission reduction: Delta IIC 22
• Protects flooring from subfloor moisture/vapor emissions
• Easy, installer friendly installation
• Commercial and residential applications
• Approved over radiant heated subfloors
• Uniquely thin system (1/8")
• Contact Protecto Wrap for additional testing information

BLOGS & VIDEOS

INSTALL & PRODUCT DOCUMENTS

YOU MAY ALSO LIKE

Product recommendations including EZ Foam Underlayment, Eco Ultra Quiet Premium Acoustical Underlayment, Floor Muffler LVT UltraSeal Floor Underlayment, Roberts Silicone Vapor Shield Underlayment for Wood Floors, and 12mm Cork Underlayment Sheets.

TOP RECOMMENDATIONS





**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 12/31/2020**

**Prepared by: Mayor**

**Subject: High Water Bill**

---

**Objective:** To reduce water bills by removing the burden of paying the millions of loans incurred by the former administration from water users only.

**Consideration:** ? No idea what this means.

**Recommendation:** Pass the plan to rebate the costs of the loan payments to water bill payers.





**Town of  
Surfside**

Charles W Burkett  
1332 Biscaya Drive  
Surfside FL 33154

For payments or questions:  
9293 Harding Avenue  
Surfside Florida 33154

Mon – Fri 9:00 AM – 5:00 PM  
Phone: 305-861-4863

ACCOUNT NUMBER	05-05050-00
BILLING DATE	12/18/20
LAST BILL AMOUNT	\$621.93
YOUR LAST PAYMENT	-\$621.93
ADJUSTMENTS	\$0.00
BALANCE FORWARD	\$0.00
CURRENT CHARGES	\$483.90
<b>TOTAL AMOUNT DUE</b>	<b>\$483.90</b>
DATE DUE	01/26/2021

**FAILURE TO RECEIVE THE BILL DOES NOT EXCUSE SERVICE DISCONNECTION AND ADDITIONAL FEES.**

SERVICE ADDRESS: 1332 Biscaya Dr

RATE CLASS: RESIDENTIAL

SERVICE	SERVICE PERIOD	DAYS	METER NUMBER	MULT	UNITS	CURRENT	PREVIOUS	USAGE
Water	09/25/20 - 11/25/20	61	16980382			420	407	13
Sprinkler	09/25/20 - 11/25/20	61	16999817			1733	1706	27

DETAIL OF CHARGES

IMPORTANT INFORMATION

Service	Consumption	Charge	Total
WA BASE METER CHARGE		\$83.83	
WA COUNTY TAX		\$8.19	
WA USAGE LEVEL 1 (0 12,000 GAL)	13	\$52.65	\$144.67
TOTAL WATER			
SP BASE METER CHARGE		\$55.13	
SP COUNTY TAX		\$9.87	
SP USAGE LEVEL 1 (0 12,000 GAL)	27	\$109.35	\$174.35
TOTAL SPRINKLER			
SW COUNTY TAX		\$7.40	
SW BASE FIXED CHARGE	1	\$11.00	
SW SERVICE CHARGE BASED ON WATER CONSUMPTION	13	\$112.32	\$130.72
TOTAL SEWER			
STORMWATER UTILITY		\$34.16	\$34.16
TOTAL STORMWATER			

**Important Notice from the Town of Surfside Utility Department:**

The Town of Surfside will be implementing the final Utility rate increase for customers effective for meter readings occurring after October 1, 2020, as per Resolution 17-2467 and 17-2468 adopted on November 14, 2017. The rate increase will assist in recovering the cost of providing utility services, promote equity in utility rates, encourage water conservation throughout Town, and improve the Town's water and sewer infrastructure. For more information please contact 305-861-4863.

PLEASE DETACH AND RETURN BOTTOM PORTION IF PAYING BY MAIL. PLEASE DO NOT STAPLE OR FOLD. PLEASE WRITE YOUR ACCOUNT NUMBER ON YOUR CHECK.



9293 Harding Avenue  
Surfside Florida 33154

ADDRESS SERVICE REQUESTED

BILL DATE	ACCOUNT NUMBER	DATE DUE
12/18/20	05-05050-00	01/26/2021
CYCLE #	SERVICE ADDRESS	TOTAL DUE
001	1332 Biscaya Dr	\$483.90

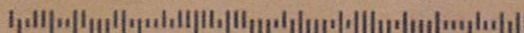
Amount Enclosed \$ \_\_\_\_\_

Please remit and make checks in US funds payable to:

TOWN OF SURFSIDE  
9293 HARDING AVENUE  
SURFSIDE FL 33154-3009

949 1 AV 0.389

CHARLES W BURKETT  
1332 BISCAYA DR  
SURFSIDE FL 33154-3318







**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup>  
Floor Surfside, FL 33154

**Date:** 1/20/21

**Prepared by:** Mayor

**Subject:** Zoning code timetable

---

**Objective:** Discussion regarding the direction, costs and needed review schedule related to the repeal and reconstruction of the old zoning code.

**Recommendation:** Create a schedule for community and P&Z board input workshops to review, comment and make suggestions on the updated zoning code framework presented at the last Commission meeting.



## MEMORANDUM

ITEM NO. 9W

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** April 28, 2021  
**Subject:** Kayak Launch Survey Results

---

In late 2020, the Town Commission directed staff to create a survey to gauge resident interest in a community kayak launch. The Commission provided suggested questions to prompt resident responses in regards to overall interest and possible launch locations. The survey ran from December 1, 2020 – February 1, 2021 and was shared with residents on the Town’s website, in eblasts, and mailed in the January 2021 Gazette.

The Town received a total of 637 submissions, including 50 mailed entries.

Surfside residents support having a resident-only kayak launch in the Town, with the most common location suggestion being the 96<sup>th</sup> Street Park (139 recorded responses out of 400 total answers to this question). An additional 22 responses were received for “Bay Drive,” which the Park faces, and 23 responses for “Intracoastal.” The second most common response was “88<sup>th</sup> Street,” receiving 54 responses.

All submissions, both mailed and web, were tallied for the following overall results (highest tallies in bold):

- Would you be interested in a kayak launch in Surfside?
  - **Yes: 524**
  - No: 110
- Do you support the purchase of vacant land by the Town to facilitate this initiative?
  - **Yes: 419**

- No: 205
- Should the kayak launch be limited to Surfside residents only?
  - **Yes: 495**
  - No: 111
- Would you like the space to include fishing?
  - **Yes: 322**
  - No: 295
- Would you like the space to include outdoor fitness equipment?
  - **Yes: 321**
  - No: 294
- Would you like the space to include a facility with restrooms?
  - **Yes: 311**
  - No: 301

Over the years, adding a kayak launch to the Town's recreation amenities has been brought up through various channels and continues to capture interest from residents. Town Administration is seeking direction from the Town Commission on how to proceed.

Full data from the survey results is available upon request in the Town Clerk's Office.



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 2/24/21**

**Prepared by: Mayor**

**Subject: Zoning in progress**

---

**Objective: To discuss the removal of the zoning in progress**

**Recommendation: Reinstate the Zoning in progress**



9Y

**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 2/2/821**

**Prepared by: Mayor**

**Subject: Motorized bikes on the hardpack**

---

**Objective: To propose a ban of motorized bikes on the hardpack and/or walking path.**

**Recommendation: Pass an ordinance banning motorized bikes on hardpack and/or walking path.**



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 3/1/2021**

**Prepared by: Mayor**

**Subject: Increased commercial airliner flights over Surfside**

---

**Objective: Invite our County representative to advise on what steps are and can be taken to address the increase in noise related to increase in commercial flights over Surfside.**

**Recommendation: Take the recommended steps to reduce the increase in flights over Surfside.**





**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 3/17/2021**

**Prepared by: Mayor**

**Subject: Install a lighted, pedestrian controlled, high visibility crosswalk at 90<sup>th</sup> Street and Harding Avenue.**

---

**Objective: To eliminate deaths of those crossing this very dangerous street location.**

**Recommendation: Approve the measure.**





**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 3/17/2021**

**Prepared by: Mayor**

**Subject: Purchase or Lease of Electric Vehicle for Downtown Use**

---

**Objective: To take pressure off of the Abbott lot, provide for a higher utilization of the Abbott lot and provide easy, quick access for visitors wishing to shop at our downtown businesses.**

**Recommendation: Approve the purchase or lease of electric vehicle, like the one below, to run from 10am to 10pm from our South Harding lot to our downtown district on a constant loop. Charge dramatically less for the parking, or provide initial free parking to encourage visitors to use the lot. Of course, residents park free in the large lots.**



Saved from [sainty-ht.en.made-in-china.com](http://sainty-ht.en.made-in-china.com)

**[Hot Item] Close-up Pictures of Electric Shuttle Bus (SHT-T14)**

Basic Info Product Description Customer Question & Answer Ask something for more details (0) Model NO. SHT-T14 Fuel 100% Pure Electric Power Origin China HS Code 8703101900 Performance...



Saved by **Adrea Gibbs**

2

Electric Power Electric Cars Power Motors Microcar Bus Ride >

More information...



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 3/17/2021**

**Prepared by: Mayor**

**Subject: One-way automatic gate at 96<sup>th</sup> Street and Bay Drive**

---

**Objective: To stop traffic from entering Bay Drive at 96<sup>th</sup> Street and provide a 'freeze gate' button for children crossing Bay Drive at 96<sup>th</sup> Street.**

**Recommendation: Approve the gate.**



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 3/17/2021**

**Prepared by: Mayor**

**Subject: Harding Avenue Parking**

---

**Objective: To reduce double parking on Harding, make quick access to stores and shops more available and direct most of the parking to our large lots.**

**Consideration: Dramatically raise the price of the remaining spaces on Harding Avenue to encourage the usage of our larger parking lots for stays over 15 minutes. Charge \$1 for each 15-minute stay, which would be the only option.**

**Recommendation: Approve the measure.**



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 3/17/2021**

**Prepared by: Mayor**

**Subject: Pickup and drop off zones for each block at its center, on both sides, on Harding Avenue.**

---

**Objective: To eliminate double parking and direct longer-term parking to our lots, freeing up available short-term spaces in front of businesses.**

**Recommendation: Approve the measure.**



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: 3/23/2021**

**Prepared by: Mayor**

**Subject: Draconian fines for residents**

---

**Objective: Fines should be enacted to encourage compliance, not punish or financially destroy our residents. The fines currently in force are onerous, overly punitive and abusive.**

**For example, the fine for failure to license a dog after 30 days is \$3000, walking a dog without a leash, \$3000, failing to use a collar, \$3000, particles from a construction site blowing onto Town property, \$15,000, work without a permit, \$15,000, repairing a seawall, \$15,000 and on and on.**

**Recommendation: Design a system that encourages compliance without attacking residents with onerous fines.**

RESOLUTION NO. 14 - 2234

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AMENDING THE SCHEDULE OF CIVIL PENALTIES AND ADMINISTRATIVE FEES TO BE ASSESSED FOR VIOLATION OF THE CODE OF THE TOWN OF SURFSIDE, AS PROVIDED IN CHAPTER 1 "GENERAL PROVISIONS", SPECIFICALLY SECTION 1-8 "PENALTY FOR VIOLATIONS", AND CHAPTER 15 "CODE ENFORCEMENT" SPECIFICALLY SECTION 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission approved a list of enforcement priorities for the Code Compliance Division on November 17, 2013; and

WHEREAS, the Town Administration reviewed the civil penalties and compliance periods for the priority items, as well as other code violations; and

WHEREAS, Resolution No. 1569 adopted on March 9, 1999, which addressed civil penalty schedules has been found to be inconsistent, outdated and no longer in keeping with the Town Code; and

WHEREAS, pursuant to Section 15-18 of the Code of Ordinances, violations of said Ordinance shall be subject to the imposition of penalties, pursuant to which the Town Commission may adopt from time to time by Resolution, a schedule showing the sections of the Code, ordinances, laws, rules or regulations, which may be enforced and, the dollar amount of civil penalty for the violation of such provisions; and

WHEREAS, except as otherwise provided in Chapter 15 above, Chapter 1 Section 1-8 provides a penalty for violations of all other Sections of the Code of Ordinances; and

WHEREAS, it is in the best interest of the Town to preserve the public health, safety and welfare of the residents and the Town Commission is charged with preserving and maintaining the aesthetic standards and preventing public safety hazards of the Town.

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



**Section 1. Recitals Adopted.** That the foregoing recitals are true and correct and incorporated herein by this reference.

**Section 2. Authorization and Approval.** The Town Commission authorizes and approves the Civil Penalties and Administrative Fees Schedule for Code Compliance and Enforcement Related Services.

- 1) Incorporated herein as Attachment "A" is a schedule of civil penalties and administrative fees adopted pursuant to Chapter 1 Section 1-8 and Chapter 15 Section 15-18 of the Code of Ordinances. Any sections of the Code not listed in the attached schedule, or for which a dollar amount of civil penalty for violation thereof is not listed, shall be subject to the imposition of penalties as provided under Section 1-8 and any other applicable penalty sections of the Code of the Town of Surfside. Each day of violation shall constitute a separate, punishable offense for which the daily penalty shall accrue.
- 2) For violations of any section of the Town Code for which a specific penalty is not prescribed herein, a penalty shall be imposed which shall not be less than \$25.00 or more than \$250.00 per day for a first violation and shall not be less than \$50.00 or more than \$500.00 per day for a repeat violation. For the purposes of continuing violations, each day shall constitute a separate violation.

**Section 3. Effective Date.** The Commission of the Town of Surfside hereby ordains that this Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED on this day of July 10, 2014.

Motion by <sup>vice Mayor</sup> Commissioner Tourgeman, second by Commissioner Olchyk.

**FINAL VOTE ON ADOPTION**

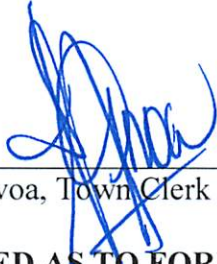
Commissioner Barry R. Cohen  
Commissioner Michael Karukin  
Commissioner Marta Olchyk  
Vice Mayor Eli Tourgeman  
Mayor Daniel Dietch

Absent  
Yes  
Yes  
Yes  
Yes

  
\_\_\_\_\_  
Daniel Dietch, Mayor



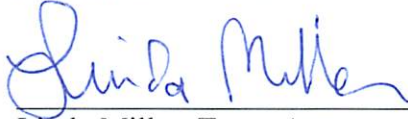
Attest:



---

Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**



---

Linda Miller, Town Attorney

## SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Chapter 6	Alcoholic Beverages	Failure to comply or conform to any requirement of the Town Code relating to alcoholic beverages.	\$250.00	\$500.00
Section 6-8	Offenses, Miscellaneous Provisions	Failure to comply or conform to any requirement of the Town Code relating to music and/or entertainment.	\$100.00	\$200.00
Chapter 10-2	Animals	Killing birds and squirrels.	\$250.00	\$500.00
Section 10-28(c)	Animals	Allowing a dog to run at large	\$50.00	\$100.00
Section 10-28(c)	Animals	Allowing a dog to be improperly leashed	\$50.00	\$100.00
Section 10-30	Animals	Failure to license any dog	\$50.00	\$100.00
Section 10-32	Animals	Failure to remove fecal excrement	\$100.00	\$200.00
Section 10-33	Animals	Taking a dog, whether on a leash or without a leash, other than a seeing eye dog, into any store where food for human consumption is sold or held for sale.	\$50.00	\$100.00
Section 10-33	Animals	Taking a dog, whether on a leash or without a leash, other than a seeing eye dog, at any time to any public beach in town.	\$100.00	\$200.00
Section 10-34	Animals	Failure to have one's dog properly collared.	\$50.00	\$100.00
Section 10-36	Animals	Keeping or harboring any dog that engages in frequent or habitual barking, yelping or howling; that is mean or vicious; that becomes a nuisance.	\$50.00	\$100.00
Section 10-36	Animals	Any cruelty to a dog, as defined.	\$250.00	\$500.00
Section 14-2	Buildings and Construction	Performing mechanical or hand abrasive operations involving removal of paint, rust or other materials from any source resulting in particles that can float, drop, or be blown to adjoining property or into public ways or streets.	\$250.00	\$500.00
Section 14-2	Buildings and Construction	Failing to confine all loose particles and abrasives from processes involving use of air pressure applications with suitable means to prevent their transferring to the ground,	\$250.00	\$500.00
Section 14-28,90-37	Buildings and Construction	Performing or having performed work without first obtaining required permit.	\$250.00	\$500.00
Section 14-87	Bulkheads	Construct any groin, bulkhead, seawall, jetty, breakwater or other protective work or to place any permanent or temporary structure of any nature whatsoever east of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-87	Bulkheads	Repair, extend, alter or replace any existing structure lying east of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-88	Bulkheads	Erect any structure within 20 feet west of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-88	Bulkheads	Repair, extend, alter or replace any existing structure lying within 20 feet west of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-102	Bulkheads	Erect any structure within 20 feet landward of the Indian Creek bulkhead line.	\$250.00	\$500.00
Section 14-102	Bulkheads	Repair, extend, alter or replace any existing structure lying seaward of the Indian Creek waterway or existing bulkhead or within 20 feet landward of such bulkhead line..	\$250.00	\$500.00

**SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES**

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Section 18-85 (a)	Businesses (Civil Fines and Penalties)	First Violation (Sidewalk Café Ordinance)	\$100.00	Second violation within the preceding 12 months: \$250.00. Third violation within the preceding 12 months: \$500.00. Fourth violation within the preceding 12 months: \$750.00. *Fifth violation within the preceding 12 months: \$1000.00. **Sixth violation within the preceding 12 months: \$1000.00.
Section 18-88 (g)	Businesses (Permitted areas; conditional permit; town manager's right to remove sidewalk cafes)	Failure to respond to Town Manager's emergency notifications, and removal of sidewalk café furnishings by Town.	\$1,000.00	
Section 34-30	Buildings and Construction	Unlawful connection of any sanitary sewer drains to the town's drainage system.	\$250.00	\$500.00
Section 34-30	Buildings and Construction	Unlawful connection of any storm drains to the town's sanitary sewer system.	\$250.00	\$500.00
Section 46-1	Health	Violation of the Florida Department of Health and Rehabilitation Services, or responsible department or agency.	\$250.00	\$500.00
Section 54-62	Offenses, Miscellaneous Provisions	Drinking any beer, wine or any other alcoholic beverage on any street, sidewalk, pedestrian mall, alley, highway, playground or park in the town.	\$100.00	\$200.00
Sections 54-78 to 54-79	Offenses, Miscellaneous Provisions	Creation of any prohibited noises at any prohibited times or locations.	\$100.00	\$200.00
Section 78-51	Sewers and Sewage Disposal	Construction or maintenance of any septic tank or sanitary privy.	\$100.00	\$200.00
Section 78-54	Sewers and Sewage Disposal	Discharge into the town's sanitary sewer any prohibited material or substance.	\$250.00	\$500.00
Section 90-41.1(c)(2)	Zoning - Resort Tax and Enforcement	Resort Tax violations are subject to the following fines. The special master may not waiver or reduce fines set by this section.	\$500.00	Second violation within the preceding 12 months: \$1,500.00. Third violation within the preceding 12 months: \$5,000.00. Fourth or greater violation within the preceding 12 months: \$7,500.00.
Section 90-184	Bulkheads	Erect, repair, extend, alter or replace: Dock and pier projecting into Biscayne Bay waterway beyond the waterway line more than 20 feet. Dock and pier projecting in Indian Creek waterway beyond the waterway line more than 10 feet. Dock and pier projecting into Point Lake waterway beyond the waterway line more than 15 feet.	\$250.00	\$500.00

**SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES**

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Section 90-187	Bulkheads	Construction, repair, alteration, extension or replacement of any bulkhead, sea wall, shore protection or any structure on Biscayne Bay, Indian Creek and Point Lake without required permit.	\$250.00	\$500.00

**Note: All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense.**

- \* Also subject to suspension of sidewalk café permit for one weekend (Saturday & Sunday).
- \*\* Also subject to revocation of sidewalk café permit for the remaining portion of the permit year.

**ADMINISTRATIVE FEES, ABATEMENT COSTS, AND OTHER CIVIL FINES**

Issue	Description	Fee	Fine	Note
Code Compliance Abatement	Fees based on actual costs incurred and staff time	Contractor Costs and/or staff hourly costs		
Code Compliance Abatement Related Administrative Fees	Fees based on actual costs incurred and staff time	Fees based on actual staff hourly costs for administrative process		
Lawn Cutting & Clearing Cost	Per Lawn Cutting Service	Fees based on actual Contractor costs and/or staff hourly costs		
Code Compliance Lawn Cutting Administrative Fee	Per Lawn Cutting Service	\$125.00	\$25.00	per occurrence
Trash & Debris Over-the-Limit Pick-Up Fees & Fines	Per cubic yard fee:	\$15.50	\$25.00	per occurrence
Construction Debris Pick-Up Fee & Fines	Per cubic yard fee:	\$30.00	\$25.00	per occurrence



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** 4/2/21

**Prepared by:** Mayor

**Subject:** Surfside's brand name, Miami's uptown beach town.

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**Objective:** Reword our brand, which sends an inaccurate message, to reflect our residents' vision of Surfside as a small-town oasis.

**Recommendation:** Revise the brand to better reflect our resident's vision. The current brand-name implies we are the uptown portion of a downtown, Miami Beach, which we are not. Nor do we want to be a worldwide tourist hotspot, nor do we want to be an overcrowded, overrun, over busy municipality. We want to be what we've always been – a slice of paradise, catering to our families, offering them an unparalleled way of life – with a visitor component that can accommodate the friends of our families, and a very limited number of tourists who want to come and enjoy the slice of paradise that our unique location and combination of amenities offers.

I believe that the brand should be revised to say, Miami's beachside oasis, or something along those lines, reflecting a peaceful, serene, high quality, small-town.



**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** April 2, 2021  
**Prepared by:** Commissioner Charles Kesl  
**Subject:** Daylight Plane requirement for new construction

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**Objective:** Ensure residents in their homes and others in Town properties stay in adequate Florida sunshine, not total dark shadow of neighboring new construction projects, while considering and not unduly burdening creativity and viability of new projects.

**Consideration:** When new construction maximizes cubic area allowed, walls often head straight up to the maximum and make a 90 degree angle to a flat roof. By design, this limits the sun to anything below. If or when the sun shines at that angle, it is blocked.

Consider how dark the beaches of Bal Harbour are compared to Surfside much of the day. That is because the height of the building is higher and the setback from the beach is shorter in Bal Harbour than in Surfside.

Daylight Plane assessment is a method by which other municipalities have secured more sunshine, air and space to communities and softened the transition from one neighborhood to another, and one property to another. It is in use in Sarasota, Florida, the county and the city. The information here is taken from Sarasota as well as other Towns and resources, and should be verified by Town staff and professionals as it is being considered.

Language is important so I tried to maintain its detail to get the benefit of any prior review.

“Daylight plane” is intended to provide for light and air, and to limit the impacts of bulk and mass on adjacent properties.

“Daylight plane” means a height limitation that, when combined with the maximum height limit, defines the building envelope within which all new structures or additions must be contained.

The daylight plane is an inclined plane, beginning at a stated height above average grade and extending into the site at a stated upward angle to the horizontal up to the maximum height limit.

The daylight plane may further limit the height or horizontal extent of the building at any specific point where the daylight plane is more restrictive than the height limit applicable at such point on the site.

Consider it the vertical counterpart to setbacks, which determines the maximum height that a building can be. Like the setbacks, the daylight plane is invisible but crucial. Careful consideration of the requirements can cause design-altering and livability-altering consequences if ignored.

Consider a “hip” style roof, common in Surfside. This is one shaped like a pyramid that, when secured with straps, historically is the type of roof that has received the best discounts for insurance. The angle of the roof is the building’s “daylight plane”. At a certain height, it cuts at a certain angle to the height of the roof and the building.

Mansard style roofs also have a daylight plane up to the point of the flat part of the roof.

A common use of daylight plane in other city ordinances seems is below. (The height at which the daylight plane begins is typically lower in sensitive and historic areas.)

- Angle of forty-five degrees vertically measured from side yard setback lines.
- Begins at 25 feet above FEMA or state-mandated elevation.
- Exceptions that can break the perimeter of buildable structure, other municipalities have chosen to include, are: roof overhangs that are 3 feet or less, dormers that do not exceed 12 feet in combined length or 25% of the length of the side where the dormers are located.

The daylight plane requirements typically do not apply to the side yards of a property contiguous with a Right of Way, based on my layman’s research.

All the major environmental assessment standards award credits for daylight, my research to date shows, with Europe leading the way. Daylight contributes to health and wellness at home and work, whether indoors or outdoors.

**Recommendation:** Consider daylight plane as a solution to be incorporated into the Zoning of Surfside.

Daylight plane is a solution for other municipalities facing Surfside’s challenges of maximized cubic areas for new construction, and the bulk and mass.

It provides for transition from property to property and allows for sunlight, air and open space, which in recent years have been denied to many of our neighbors in Surfside when a property is sold and reconstructed, or more often sold, torn down and constructed anew.

This is a new idea and like other new ideas are not in the most recent code nor in the previous code. It does not require reconciliation to release a “more restrictive and best” of the two Codes. Therefore, considering it along with other new initiatives, will likely take time for due diligence and assessment, and time is of the essence if we are to release the Code. And that does not include time to take to voters for them to approve, which must be done with any changes to density and intensity which includes increasing height maximums. The entire new Code should be taken to voters to approve, with requirements

raising the bar to amend, to prevent the creation of loopholes and secure Surfside's "small town" way of life.

Daylight plane requirement should be integrated in the Town's plan because it allows for transition between structures and makes a community healthy. It can be integrated now, I believe renderings will show. Even new construction raised to FEMA levels will have more than adequate options for a beautiful home for a family. It just will not be as big as some would like. I expect to hear economic and other arguments against it, as I have heard. I believe as those who have come before us that Surfside's value is in its common-sense code that differentiates us and makes our neighborhoods livable and desirable.

New construction must rise above FEMA designated levels, but existing construction, streets, utilities and everything else in Town do not. The Town needs a master plan for all to get to FEMA to currently required minimum heights above sea level for new construction, and perhaps to go even higher. The master plan needs to be done in conjunction with FEMA and other leading authorities. We are part of a region and cannot and should not go it alone on a master plan for the Town as it faces imminent threat of rising and surging sea levels into the future.

We do deserve daylight, now and into the future.





**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** 4/25/21

**Prepared by:** Mayor

**Subject:** Crosswalk on 90<sup>th</sup> at Collins and Harding

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**Objective:** The high speeds are endangering our residents in just walking to the beach. Crosswalks must be installed ASAP, including at this location.

**Recommendation:** Vote to approve crosswalks throughout the entire Town at each block.



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**Town of Surfside  
Town Commission Meeting**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** 4/23/21

**Prepared by:** Mayor

**Subject:** Walking / Bike Path residential area

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**Objective:** Install / paint walking / bike path in residential area. Use tourist tax dollars given these walking bike paths could be used by our Town's guests.

**Recommendation:** Immediately pass this initiative.