



**Town of Surfside  
Regular Town Commission Meeting  
AGENDA  
June 8, 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**
  - F. Financial Audit Presentation – Andrew Hyatt, Town Manager**
  - G. Proclamation Approval and Presentation for Code Compliance Appreciation Week - Mayor Charles W. Burkett (Page 1)**
  
- 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 2-25)**
  
  - \*B. Town Manager’s Report – Andrew Hyatt, Town Manager (Pages 26-45)**
  
  - \*C. Town Attorney’s Report – Weiss Serota, Town Attorney (Pages 46-55)**
  
  - D. Committee Reports - Andrew Hyatt, Town Manager (Pages 56-102)**

- February 25, 2021 Planning and Zoning Board Meeting Minutes
- March 25, 2021 Planning and Zoning Board Meeting Minutes
- April 12, 2021 Special Parks and Recreation Committee Meeting Minutes
- April 19, 2021 Parks and Recreation Committee Meeting Minutes

**E. Resolution Authorizing Memorandum of Understanding between the Town of Surfside and Florida Department of Law Enforcement - Andrew Hyatt, Town Manager (Pages 103-117)**

**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 LAW ENFORCEMENT RELATING TO INVESTIGATIONS OF INCIDENTS INVOLVING THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**F. Resolution to Modify the Time Limits for Off-Street Parking (Municipal Lots) – Andrew Hyatt, Town Manager (Pages 118-120)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AN AMENDMENT TO THE OFF-STREET VARIABLE PARKING RATE AND TIME LIMITATION SCHEDULE FOR MUNICIPAL PARKING LOTS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**G. Independent External Audit Reengagement - Andrew Hyatt, Town Manager (Pages 121-138)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN ENGAGEMENT LETTER WITH MARCUM LLP FOR FINANCIAL AUDITING SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H. Town Hall Chiller Coils Emergency Repair - Andrew Hyatt, Town Manager**  
**(Pages 139-146)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING EMERGENCY REPAIR WORK FOR THE TOWN HALL AIR CONDITIONING SYSTEM'S CHILLER AND COILS REPLACEMENT FROM SMART AIR SYSTEMS, INC.; FINDING THAT THE WOTK IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)(F) OF THE TOWN CODE AS A PUBLIC WORKS PURCHASE FOR TOWN FACILITY REPAIR WORK; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH WORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. Structural Plans Review Approval of Project Agreement with Alvarez Engineers, Inc. and Authorization to Expend - Andrew Hyatt, Town Manager**  
**(Pages 147-156)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH ALVAREZ ENGINEERS, INC. FOR STRUCTURAL PLAN REVIEW 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.**

**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. Hamsa-Hamsa (Surf-N-Sides) Concession Agreement – Andrew Hyatt, Town Manager (Pages 157-167)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING RENEWAL OF THE TERM OF THE AGREEMENT FOR FOOD AND BEVERAGE CONCESSION SERVICES WITH HAMSA HAMSA, LLC D/B/A SURF-N-SIDES FOR FOOD AND BEVERAGE CONCESSION SERVICES AT THE SURFSIDE COMMUNITY CENTER; AUTHORIZING THE TOWN MANAGER TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B. Vice Mayor Tina Paul Resolution Correction – Mayor Charles Burkett (Pages 168-172)**

**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.**

- C. Censure Resolution - Mayor Charles Burkett (Pages 173-176)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING CENSURE DIRECTED TOWARDS COMMISSIONER ELIANA SALZHAUER; FINDING THAT COMMISSIONER SALZHAUER'S BEHAVIOR IS UNACCEPTABLE AND THAT SHE MUST MAINTAIN ORDER, DECORUM, CIVILITY AND RESPECT; 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**

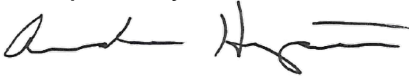
- A. Safety/Traffic/Transportation Update** – Andrew Hyatt, Town Manager (Pages 177 – 179)
- B. Ending Option to Contribute to Parking Fund in Lieu of having Required Parking in Building Plans** – Commissioner Charles Kesl (Pages 180-183)
- C. Demolition by Neglect** - Mayor Charles W. Burkett (Pages 184-186)
- D. Excessive Homeless Contribution made by the Former Commission** - Mayor Charles W. Burkett (Page 187)
- E. Lowering of Property Taxes and Water Bills – Staff Report** – Andrew Hyatt, Town Manager (Page 188)
- F. Climate Environmental Collective Revised** - Vice Mayor Tina Paul (Pages 189-191)
- G. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission** – Mayor Charles W. Burkett (Page 192)
- H. Amending Town Code Section 2-237 Business Relationships** – Commissioner Eliana Salzhauer (Pages 193-198)
- I. Community Center Pool Deck Lighting - Staff Report** – Andrew Hyatt, Town Manager (Pages 199-200)
- J. Community Center Second Floor – Staff Report** - Andrew Hyatt, Town Manager (Page 201)
- K. Designated (Painted) Walking Areas in the Residential District- Staff Report** – Andrew Hyatt, Town Manager (Pages 202-204)
- L. Stormwater Masterplan - Staff Report** – Andrew Hyatt, Town Manager (Pages 205-206)
- M. Amend Tourist Board Ordinance** – Commissioner Nelly Velasquez (Page 207)
- N. Legally Defective Charter Amendment Vote in 2012** – Mayor Charles W. Burkett (Page 208)
- O. Cone of Silence/Secrecy** – Mayor Charles Burkett (Page 209)
- P. License Plate Readers** – Mayor Charles W. Burkett (Page 210)
- Q. Cancel Culture in Surfside** - Mayor Charles W. Burkett (Pages 211-217)
- R. Permit Process** - Mayor Charles W. Burkett (Pages 218-229)
- S. High Water Bill** – Mayor Charles Burkett (Pages 230-231)
- T. Zoning Code Timetable** - Mayor Charles Burkett (Page 232)
- U. Kayak Survey Results** – Andrew Hyatt, Town Manager (Pages 233-234)
- V. Zoning in Progress** – Mayor Charles Burkett (Page 235)

- W. Increased Commercial Airliner Flights over Surfside** - Mayor Charles Burkett (Page 236)
- X. Purchase of Electric Vehicles** - Mayor Charles Burkett (Page 237)
- Y. One-way automatic gate at 96<sup>th</sup> Street and Bay Drive** - Mayor Charles Burkett (Page 238)
- Z. Draconian Fines for Residents** - Mayor Charles Burkett (Pages 239-245)
- AA. Surfside's Brand Name, Miami's Uptown Beach Town** – Mayor Charles Burkett (Page 246)
- BB. Daylight Plane Requirement for New Construction** – Commissioner Charles Kesl (Pages 247-249)
- CC. Six Month Performance Evaluation of Town Manager Andrew Hyatt** - Mayor Charles Burkett (Pages 250-251)
- DD. Abandoned Sports Equipment on Streets, Unmarked Unattended** – Commissioner Charles Kesl (Pages 252 – 253)

## 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.



## PROCLAMATION

*WHEREAS, Code Enforcement Officers provide for the safety, health and welfare of the citizens in this community through the enforcement of building, zoning, housing, animal control, fire safety, environmental and other codes and ordinances; and*

*WHEREAS, Code Enforcement Officers are often not credited for the jobs that they do in saving lives and improving neighborhoods; and*

*WHEREAS, every day, assisted by support and program staff, they provide quality customer service to the public for the betterment of the community; and*

*WHEREAS, too many times their efforts go unnoticed, even after code compliance has been accomplished due to their efforts and expertise; and*

*WHEREAS, Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who take their jobs seriously and are proud of their department and the local government within which they serve; and*

*WHEREAS, the Florida Association of Code Enforcement (F.A.C.E.) has declared the first week of June be set aside by local government to honor and recognize their Code Enforcement Officers;*

*NOW THEREFORE, I, Charles W. Burkett, Mayor of the Town of Surfside, do hereby proclaim the week of June 7 through 11, 2021 as*

### *CODE ENFORCEMENT OFFICERS APPRECIATION WEEK*

*in the Town of Surfside, Florida, in accordance with the statewide observance of the same and encourage citizens of the Town of Surfside to join this Commission in expressing appreciation for the dedication and outstanding service provided by the individuals who serve as our Code Enforcement Officers.*

*In witness thereof I have hereunto set my hand this 8th day of June 2021.*

*Charles W. Burkett, Mayor  
Town of Surfside*

*Attest: Sandka McCready, MMC  
Town Clerk*





**Town of Surfside  
Special Town Commission Meeting  
MINUTES  
May 4, 2021  
6 p.m.**

**1. Opening**  
**A. Call to Order**

Mayor Burkett called the meeting to order at 6:02 p.m.

**B. Roll Call of Members**

Town Clerk McCready 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 (arrived at 6:06 p.m.).

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

**2. Appointment of Miami-Dade County League of Cities Delegate and Alternate Delegate - Mayor Charles W. Burkett**

Mayor Burkett introduced the item and stated that the Town has always had a representative. He stated that Vice Mayor Paul has been the representative and it is a Commission appointment.

Commissioner Velasquez stated that she is interested in the position.

Vice Mayor Paul spoke on the position and stated that she held it for two years. She stated that the most important thing is to show up to the meetings, about working with other municipalities, and due to COVID she attended over 50 meetings in the past year. She spoke regarding the meetings she attended as a representative and about the information she brought back to the commission. She is interested in continuing serving but will pass it on to someone else, stating it is important for whoever serves that they attend the meetings.

Mayor Burkett asked if there was anyone else in support of Commissioner Velasquez being the representative. Commissioner Kesl stated he was interested in the alternate position and then suggested Vice Mayor Paul as the alternate.



Commissioner Salzhauer stated that Vice Mayor Paul has been doing a great job and should continue to serve.

Vice Mayor Paul explained her service time and what the position entails. Discussion took place among the Commission regarding what an alternate's duties entails.

A motion was made by Commissioner Velasquez to appoint herself as the delegate, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

Commissioner Salzhauer spoke regarding Vice Mayor Paul keeping her role as the delegate and Commissioner Velasquez being the alternate.

Commissioner Kesl stated that he will work hard as an alternate and possibly the Town Clerk and Town Attorney could guide them.

Mayor Burkett stated that it is not an issue of experience but more of dedication and believes that Commissioner Velasquez would be good for the position.

The following individuals spoke on the item:  
Joshua Epstein supports Vice Mayor Paul continuing.  
Horace Henderson supports Commissioner Velasquez.

A motion was made by Commissioner Velasquez to appoint Commissioner Kesl as the alternate, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

**3. Municipal Clerks Week Proclamation Approval and Presentation – Mayor Charles W. Burkett**

Mayor Burkett introduced the item and read the history of the position of Town Clerk.

All commissioners thanked the Town Clerk and Deputy Town Clerk.

Town Attorney spoke in support of the Town Clerk and Deputy Town Clerk.

The following individuals spoke in support of the Town Clerk and Deputy Town Clerk:

Eli Tourgeman  
Joshua Epstein  
Debbie Cimadevilla

**4. Authorization to Expend Undergrounding Coordinating Design Engineering 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 title of the resolution into the record.

Commissioner Kesl thanked the Town Manager for listening to the Commission requests and remarks.

Vice Mayor Paul spoke regarding the research she has done in the past and would like to approve the Resolution with conditions and would be comfortable with a stop gap limitation at \$50,000 subject to an order of magnitude.

Paul Abbott, Town Consultant, does not understand the question regarding the stop gap which is only authorizing \$50,000 of work and then check their work.

Vice Mayor Paul stated that the idea is to have an order of magnitude limitation at \$50,000 with KCI and would like to proceed with the full amount but to check and make sure it is estimated correctly.

Mayor Burkett asked Vice Mayor Paul to clarify what she means when she states order of magnitude.

Vice Mayor Paul stated that it is the magnitude of the project and Mr. Abbott and KCI based, on their experience and the information they have collected, to know if they are in line with the \$18 million ballpark that has been presented.

Mayor Burkett stated that she is asking Mr. Abbott to put a cost estimate based on his experience to see how it lines up with the information that was provided to the residents.

Commissioner Salzhauer stated that she feels that this is a bait and switch on the residents based on the flyers that were provided to the residents.

Commissioner Velasquez spoke regarding the expense of the undergrounding and the need to spend the \$16 million dollars. She stated that Mr. Abbott needs to give a more accurate cost amount.

Mayor Burkett stated that Commissioner Salzhauer never wanted this project and she will do anything in her power to stop this project. He spoke regarding Vice Mayor Paul's comments on the cost and he stated that this is not a cost estimated expedition, it is doing the plans of doing the project. He spoke regarding the delay of the project.

The following individual spoke on the item:

Joshua Epstein  
Horace Henderson  
Jeff Rose  
Jeffrey Platt  
Debbie Cimadevilla

George Kousoulas  
Alicia Boymelgreen

Mayor Burkett read the ballot question into the record for clarification.

Commissioner Velasquez asked for the ballot question to be placed on the screen.

Vice Mayor Paul addressed comments made by the speakers, the ballot questions and the conditions put in place.

Commissioner Velasquez spoke regarding the proposal on the undergrounding and Abbott Avenue drainage.

Further discussion took place regarding the cost of the project and how FPL, and Atlantic Broadband would be connecting.

Commissioner Kesl asked Mr. Abbott what caused him to quit and come back.

Mr. Abbott felt that the Commission did not act professionally and that the Commission were not in agreement to do this project.

Commissioner Kesl stated that there were areas that were missing. He stated that he spoke with the Town Manager and they are in sync. He stated that it is a very continuous process and they crafted a legitimate ballot question. He stated that the expenditure of this project has his support.

Assistant Town Manager Greene spoke regarding the cost of FPL.

Vice Mayor Paul spoke regarding what information is needed for the project.

Mr. Abbott spoke regarding a cost estimate for FPL and Atlantic Broadband as well as Hotwire.

Commissioner Salzhauer disconnected from the meeting at 7:35 p.m.

Mr. Abbott responded to Vice Mayor Paul questions regarding the utility companies.

Assistant Town Manager Greene spoke regarding the capital projects update on the Town Manager's report and that will be reported every single month.

Mayor Burkett addressed the comments made by Vice Mayor Paul.

Vice Mayor Paul said that she is authorizing the expense and is requesting a progress report.

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

Vice Mayor Paul left the meeting at 7:43 p.m.

**5. FY 2021 Budget Amendment Resolution No. 8 - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 8 TO THE FISCAL YEAR 2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The following individuals from the public spoke:

Horace Henderson

Fernanda Siquiera

Joshua Epstein

Jeff Rose

Debbie Cimadevilla

Jordan Walkalchtel

George Kousoulas

Town Attorney Arango advised the Commission of the Governor's Order and they will be resuming effective May 11, 2021 in person Commission Meeting. She stated that they are evaluating the order as it pertains to face masks and social distancing. She stated that the County has a meeting tomorrow and they will be evaluating the impact of the Governors order tomorrow.

Commissioner Kesl stated that he does not think that Vice Mayor Paul or Commissioner Salzhauer are against undergrounding and understands their contention and questions on undergrounding. He stated that he will continue due diligence on the project.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Commissioner Kesl. The motion carried with a 3-0 vote with Vice Mayor Paul and Commissioner Salzhauer absent.

**6. Adjournment**

A motion was made by Commissioner Velasquez to adjourn the meeting at 8:04 p.m. without objection, seconded by Commissioner Kesl. The motion carried with a 3-0 vote with Vice Mayor Paul and Commissioner Salzhauer absent.

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

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

Attest:

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Sandra N. McCready, MMC  
Town Clerk



**Town of Surfside  
Regular Town Commission Meeting  
9293 Harding Avenue  
Surfside, FL 33154  
MINUTES  
May 11, 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, Commissioner Charles Kesl and Commissioner Eliana Salzhauer.

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

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

Mayor Burkett read the decorum statement into the record. He stated that he will be addressing some of the regulations on the item he has on the agenda. He advised the public that they will have to fill out speaker cards until the rules change.

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

A motion was made by Commissioner Kesl to have the Town Manager provide a report for the following items for the June Commission agenda: Item 9F (Lowering of Property Taxes and Water Bills), item 9J (Community Center Pool Deck Lighting), item 9K (Community Center Second Floor), item 9M (Stormwater Masterplan), and item 9W (Kayak Survey Results), seconded by Vice Mayor Paul. The motion failed with a 1-4 vote with Mayor Burkett, Vice Mayor Paul, Commissioner Velasquez and Commissioner Salzhauer voting in opposition.

Commissioner Salzhauer would like to move item 9L (Designated (Painted) Walking Areas in the Residential District) up on the agenda.

Commissioner Velasquez stated that she would like to keep it the way it currently is and having it be visible on the agenda instead of having it part of the Town Manager's Report. She stated that some of these items were brought up by several Commissioners a while back and she would like to keep it the way it currently is.

Commissioner Salzhauer would like for the Town Manager to give the updates on the record so the residents are aware of the updated results.

A motion was made by Commissioner Kesl requesting to consolidate and move up after the last item that is heard tonight the following items: Item 9P (Traffic Control Devices on 88<sup>th</sup> & Hawthorne Avenue), item 9Y (Motorized Bikes on the Hardpack), item 9AA (Install a lighted, pedestrian controlled, high visibility crosswalk at 90<sup>th</sup> Street and Harding Avenue), item 9II (Crosswalk on 90<sup>th</sup> Street at Collins and Harding), item 9JJ (Walking/Bike Path Residential Area), item 9DD (Harding Avenue Parking) and item 9EE (Pickup and drop off zones for each block at its center, on both sides, on Harding Avenue), seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Commissioner Salzhauer stated that then item 9DD (Harding Avenue Parking) should be added as well.

Commissioner Kesl stated that his reason of consolidating the items is in order to be more effective.

A motion was made by Commissioner Kesl to propose a censorship of Commissioner Salzhauer for her actions in the past meetings; he stated that her actions were inappropriate, seconded by Commissioner Velasquez.

Commissioner Kesl spoke regarding the censorship of Commissioner Salzhauer and her actions of her flipping the "bird". He stated that the actions are inappropriate and how it has brought Surfside into the media. He stated that it was distracting to the Town and they received bad press coverage. He stated he is also against the muting, which has affected more people than Commissioner Salzhauer, but the Mayor is trying to do a better job and what happened last week really set us back. He does not want this to happen again.

Commissioner Salzhauer commented on the censorship of her actions and they need to look at what caused those actions. She stated the genuine ability to be honest to the residents. She commented on the problem with the zoom meetings and the Mayor having the power of the mute button. She also stated that several individuals were muted. She stated that she would do it again and does not regret

what she did. She stated that she will do what is best for the Town and its residents and when she has to flip him the bird is because he gave her no other choice.

Vice Mayor Paul stated that she did not think this is how the first in person meeting was going to start. She read her statement into the record about the need for higher standards from elected officials as representatives of our citizens and government. She stated that the attacks by Mayor Burkett on other elected officials tarnishes the office we were all elected to serve.

Commissioner Velasquez stated that everyone has a right to speak at every meeting but embarrassing the Town is not ok and sticking her finger out has embarrassed everyone. She stated that as it relates to undergrounding the powerlines, it was clear on the ballot that the cost would be approximately \$16 to \$18 million dollars not \$60,000. She stated that Commissioner Salzhauer was the one that did not want to spend \$60,000.

Mayor Burkett thanked Commissioner Kesl for bringing up this item. He stated that the resident's bedtime is their problem and for staff to go home at a reasonable time not 2:30 a.m. He stated that people were not muted unless they were out of line. He stated that there are three people in the public that are not being respectful of everyone else. He stated that they did not interrupt when the other Commissioners were speaking, and he stated that he would appreciate if they would not make outbursts. He stated that it is his job as the presiding officer that everyone has a chance to talk and treated equally. He stated that there have been individuals that have been asked to stay on topic and stop interrupting. He stated that elected officials trying to make progress are never muted. He stated to Vice Mayor Paul that they have a difference of opinion with the Commissioner corner on the Gazette. He stated that if there is something that he wrote that is not factual they can talk about it and he will go on the record to fix it.

Commissioner Kesl stated that he is glad that Mayor Burkett stated that he has muted other people. He stated that he agrees as a resident with what the Vice Mayor shared and as an elected official, he has other responsibilities which is to serve the Town and be a steward.

Vice Mayor Paul stated that Mayor Burkett stated that his job is for everyone to be treated equally and he is not doing that. She spoke regarding the Mayor limiting their speech. She stated that at the last meeting she was not allowed to ask her questions and all commissioners are not being treated equally.

Commissioner Salzhauer spoke regarding the statements made by Mayor Burkett on the Gazette and read some of the past sections of different articles into the record.

Commissioner Kesl withdrew his motion for censoring Commissioner Salzhauer.



Commissioner Velasquez stated that they need to move forward with Town business and spoke regarding the kayak launch.

A motion was made by Commissioner Salzhauer to censor Mayor Burkett. The motion died for lack of a second.

A motion was made by Vice Mayor Paul to direct the Town Manager and Town Attorney to uphold and protect the integrity of the office in which we serve as elected officials for the Town of Surfside and not allow doublespeak and political attacks disguised as Town business to be disseminated by the Town, exploitation of Town resources and publications like the gazette must not be used for political gain, seconded by Commissioner Kesl.

Commissioner Salzhauer commented on Mayor Burkett's actions and regarding the kayak launch email received today. She spoke regarding the resolution from Bal Harbour regarding closing the streets.

Commissioner Velasquez addressed the comments made by Commissioner Salzhauer regarding the undergrounding and on Next Door are misleading.

Mayor Burkett addressed the comments made by Commissioner Salzhauer against him.

Vice Mayor Paul withdrew her motion. She commented on the civility resolution that was aimed towards everyone not just one person and why she requested to defer the undergrounding resolution.

Further discussion took place regarding the gazette, the comments made on the gazette and being muted and interrupted as each one speaks.

Vice Mayor Paul completed her comments regarding the undergrounding stating she did not lead the charge to halt it but to defer it to get the information corrected because it was incorrect in the report.

Mayor Burkett addressed the comments made by Vice Mayor Paul regarding the undergrounding report and that 75% of the residents want to get it done. He stated that what is frustrating to him is the fact that she is requesting to defer the item.

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

**2. Quasi-Judicial Hearings – N/A**

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

A motion was made by Vice Mayor Paul to approve the consent agenda, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

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

- 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

Approved on Consent.

**\*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

- February 22, 2021 Parks and Recreation Committee Meeting Minutes
- March 1, 2021 Tourist Board Meeting Minutes
- March 17, 2021 Budget Advisory Committee Meeting Minutes

Approved on Consent.

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

**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.**

Approved on Consent.

**F. Nurse Enhancement Initiative for School Year 2021/2022 – Andrew Hyatt,  
Town Manager**

**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.**

Approved on Consent.

**G. “No Place for Hate Day” Proclamation Request – Vice Mayor Tina Paul**

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. Parks Donation Agreement – Gerald B. Cramer Family Foundation Inc.  
– Andrew Hyatt, Town Manager**

**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 \$100,000 DONATION FOR TOWN TENNIS**

**CENTER UPGRADES AND ADDITIONAL TENNIS CLASS EXPENDITURES; PROVIDING FOR AUTHORIZATION; 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 Kesl to approve the Resolution, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Vice Mayor Paul thanked the Gerald B. Cramer Family Foundation for their donation.

Mayor Burkett thanked the Gerald B. Cramer Family Foundation for their donation.

Commissioner Velasquez thanked the Gerald B. Cramer Family Foundation for their donation.

Commissioner Kesl thanked the Gerald B. Cramer Family Foundation for their donation. He stated that out of all the options they have for donations that they chose Surfside.

Commissioner Salzhauer would like to see classes subsidized and scholarships. She thanked the Gerald B. Cramer Family Foundation for their donation.

**B. Resolution Condemning Hate and Extremism – Vice Mayor Tina Paul**

**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.**

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 Salzhauer. The motion carried with a 5-0 vote.

Commissioner Kesl would like to see protection for social economic status and place of residence and would like to see if the motion maker would include that in their motion. He also would support free expression as well as free speech.

Vice Mayor Paul stated that she put out the resolution out a year ago because there was hate crimes taking place and now it has escalated.

Commissioner Salzhauer thanked Vice Mayor Paul for bringing forward this resolution.

Commissioner Velasquez thanked Vice Mayor Paul for bringing this to the Commission but does not know if this actually is occurring in Surfside.

Mayor Burkett agrees with it as well but does believe it is incomplete. He stated that it does not have other religions that are not included in the resolution and why this is not more inclusive. He stated that he will be bringing up one for next month which is more inclusive.

The following individuals from the public spoke:

Joshua Epstein  
Horace Henderson  
Ellie Boymelgreen

Commissioner Salzhauer agrees with the resolution the way it is written.

Vice Mayor Paul addressed the comments made by speaker Boymelgreen and feels for what has happened to his children.

**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.*

Jeff Rose spoke regarding the kayak launch and getting it done.

Yael Mazliach spoke against the kayak launch and having individuals park on their yard to use the launch.

Jorge Cortez spoke regarding street ends not being parks and there is no parking access or utilities. He stated that they do not have parking for a kayak launch.

Jonathan Horn, spoke against the kayak launch and street end parks.

Marianne Meischeid spoke regarding the behavior from the last hour, the repeated interruptions and it is not a productive use of time for the residents. She asked for them to stick to the agenda and applauded the Mayor for trying to keep decorum.

Joshua Epstein spoke regarding the kayak launch and they should focus on the details and logistics. He spoke regarding Commissioner Kesl's censoring of Commissioner Salzhauer.

Jeffrey Platt spoke regarding freedom of speech for the residents and the decorum statement on the agenda which was written strictly for him. He spoke regarding the cost for undergrounding.

Tim Loper spoke regarding the kayak launch and it is time to act on it and understands the concerns of the people that live around.

Darrell Walsh spoke regarding the kayak launch and is in support it.

Joanna Katz spoke regarding the kayak launch and that 96<sup>th</sup> Street Park is not the correct place and believes it should go on the street ends. She spoke regarding the permitting problem in the Town.

Ashley Diener spoke regarding the issue on the parking for the kayak launch and making it public as well as the parking issues in Town.

Horace Henderson spoke regarding listening to the residents and their needs and concerns and not the back and forth between the Commission. He asked Commissioner Salzhauer to formulate her speech to be coherent and make sense and they have to get through the agenda and get things done.

Town Clerk McCready read two emails into the record:

Araldo Sanchez sent an email regarding redoing the beach signs for a warning to dog owners.

Fernanda Sequeira sent an email regarding the dangerous corners of the Marriot, the need of a traffic light, the second tower of the Four Seasons being built and why the residents were not made aware of the retirement of Captain Bambis and the promotion of Lieutenant Healy to Captain.

Commissioner Velasquez addressed the comments made by the public speakers as it relates to the kayak launch.

Vice Mayor Paul addressed the comments made by the public speakers.

Commissioner Kesl addressed the comments made by the public speakers.

Commissioner Salzhauer addressed the comments made by the public speakers.

Mayor Burkett addressed the comments made by the public speakers.

Jeff Rose spoke regarding the concerns of the street ends and placing the kayak launch at the park.

Jordan Wachtel spoke regarding opening the pools and food bar now that the Governor removed his order and restrictions.

Mayor Burkett asked the Town Manager if the pool is open.

Town Manager Hyatt stated that currently it is not open but they are working in conjunction with the County to get the pool open.

Vice Mayor Paul stated that the pool is open and staff is working on getting the

pool fully open and does not believe they need to add an item to discuss that issue.

A motion was made by Commissioner Velasquez to add an item directing the Town Manager to open the pool at the Community Center, seconded by Mayor Burkett. The motion failed with a 2-3 vote with Vice Mayor Paul, Commissioner Salzhauer and Commissioner Kesl voting in opposition.

Commissioner Salzhauer stated that the Town Manager does not need direction and he and Parks and Recreation Director Milian have it under control. She stated that the pool has been accessible and open the entire time. She stated that they are trying to maintain social distancing. She is opposed to fast tracking anything.

Commissioner Kesl believes that it is not necessary that the Town Manager will proceed diligently the way he does everything and agrees with the sentiment of Commissioner Salzhauer and everyone is fortunate to be here.

Mayor Burkett does think the motion is necessary that instead of following the County's direction, they are following the State of Florida direction.

The following individuals from the public spoke:

Horace Henderson spoke regarding the State opening all the condominium pools and why would it make any kind of sense not opening the pool at the Community Center and why the Commission would go against the Governor's order.

Joshua Epstein spoke regarding the pool and it has been open the entire time.

Jeffrey Platt stated that he is fine with getting over COVID in its due time.

Jeff Rose spoke regarding opening the pool.

Mayor Burkett read an article on COVID statistics into the record.

## **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**

Mayor Burkett provided a PowerPoint presentation of the summary of the item and the changes suggested in the code.

A motion was made by Commissioner Kesl to take a five-minute recess at 9:48 p.m., seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The meeting recessed at 9:48 p.m.

The meeting resumed at 9:57 p.m.

Mayor Burkett continued with the presentation.

Commissioner Kesl commented on the presentation.

Vice Mayor Paul stated that the only thing she would change is page 7 of 15, line 253, rule 6.03 that needs to apply to Town boards and committees as well as the presiding officer being present. She stated that there were no speech restrictions in the Town code.

Commissioner Velasquez suggested deferring this item to next month in order for everyone to be able to read the changes.

Mayor Burkett stated that he does not have an issue with bringing it back next month.

Commissioner Salzhauer stated that she was never restricted to speaking at the meetings from the previous administration and there is nothing that needs to be fixed.

Commissioner Kesl agrees changing the wait of decision making and super majority and he would leave that language because it gets a bit complicated. He thinks that each committee should prepare a vision and mission statement and bring to the commission for approval.

Vice Mayor Paul stated that she does not see a need to change the rules except for the rule she stated before.

Commissioner Velasquez commented on the statements made by Commissioner Salzhauer.

Town Clerk McCready stated that the Mayor can call an emergency meeting and all other meetings is by a majority vote.



Mayor Burkett commented on the statements made regarding his powers and the material changes he felt would be helpful. He stated that he would support making those attendance requirements and that they cannot attend via telephone.

A motion was made by Commissioner Velasquez to move the item to next month. The motion died for lack of a second.

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

Commissioner Kesl presented the item and gave a summary of the parking and traffic issues in Town.

Parking Operations Manager Eleanor Joseph stated that it was switched back in 2019 from a recommendation by DVAC. He stated that it was 2 hours on weekdays and now it is 4 hours.

Discussion took place regarding the maximum time limit for parking.

A motion was made by Commissioner Kesl to change the parking time to Monday through Fridays from 7:00 am to 3:00 p.m. to 3 hours maximum and then 3:00 p.m. to 7:00 a.m. to 4 hours maximum except for holidays, seconded by Commissioner Velasquez. The motion carried with a 4-1 vote with Vice Mayor Paul voting in opposition.

Vice Mayor Paul asked Parking Operations Manager Joseph if he is satisfied with this change.

Police Chief Yero stated that they have limited weekends and holidays which is different.

Mayor Burkett asked for clarification as it relates to renewing the time.

Commissioner Velasquez stated that she agrees with Police Chief Yero.

Police Chief Yero stated that Monday through Friday was the problem due to the construction workers.

The following individual from the public spoke:

Joshua Epstein  
Marianne Meisheid  
Jeff Rose  
George Kousoulas

Mayor Burkett asked regarding the individuals that are going shopping or something that will take longer than 2 hours. He suggested having a person require evidence of a receipt from one of the shops and if they don't have a receipt then they can be ticketed. He stated that you do not want to get the shoppers ticketed.

Commissioner Kesl stated that there is no way of a voucher because there is no electronic link.

Commissioner Salzhauer stated that there are things that require more than 2 hours to do so how do they target the construction workers and not punish the consumer.

Police Chief Yero stated that the reason it changed from 4 hours to 2 hours was because it was brought up in the past.

Mayor Burkett stated that they need a few more options to look at.

Vice Mayor Paul stated it sounds complicated and suggested 3 hours across the board. She thanked Commissioner Kesl and mentioned her suggestion for taking 2 spaces on each lot block for drop off zones that she presented at the previous commission before Covid. She would like to see a drop off zone because that is what causes the double parking.

Commissioner Velasquez stated that the issue has been the construction workers.

Police Chief Yero stated that they have fixed the problem temporarily and some business owners have permits.

Mayor Burkett stated that they have to come up with a way to identify the construction workers and have them take their cars out of the lots. He proposed for each Commissioner to reach out to the Town Manager with their ideas and bring it back at next month's agenda.

Commissioner Kesl disagrees and would like to bring it down to 3 hours during the same time frame. He stated that the local businesses have monthly passes available that the parking enforcement team know that they are allowed to park.

Commissioner Salzhauer spoke regarding when we give construction permits that they should be required and be made responsible to provide parking for those construction employees. She stated that she is not sure if one can take County road for sidewalks and spoke regarding angle parking.

Vice Mayor Paul spoke regarding the roof top dining suggestion being an interesting concept and would be supportive of that. She would like to see the drop off spots and they now have the same issue with double parking.

Commissioner Velasquez asked where they would put the drop off spots.

Vice Mayor Paul stated that it would be two spaces on 94<sup>th</sup> Street and Harding Avenue and the same on 95<sup>th</sup> Street, taking away 4 spots total on Harding Avenue.

Mayor Burkett stated that the ideas provided are good ones and he believes they need to start acting and put in motion the widening of the sidewalks and start the process.

Commissioner Salzhauer commented on the timer for the colleagues and who decided that the Commissioners would have a time limit to speak.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Town Manager to provide a report at the next meeting.

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

Deferred to the next meeting.

**H. Interest Free Loans to Surfside Builders Granted by Former Mayor**

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Town Manager to provide a report at the next meeting.

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

Town Manager to provide a report at the next meeting.

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

Item was requested to be put up on the agenda at the next meeting.

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

Town Manager to provide a report at the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Item to be consolidated with items 9Y, 9AA, 9DD, 9EE, 9II and 9JJ.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Town Manager to provide a report at the next meeting.

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

Deferred to the next meeting.

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

Item to be consolidated with items 9P, 9AA, 9DD, 9EE, 9II and 9JJ.

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

Deferred to the next meeting.

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

Item to be consolidated with items 9P, 9Y, 9DD, 9EE, 9II and 9JJ.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**DD. Harding Avenue Parking - Mayor Charles Burkett**

Item to be consolidated with items 9P, 9Y, 9AA, 9EE, 9II and 9JJ.

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

Item to be consolidated with items 9P, 9Y, 9AA, 9DD, 9II and 9JJ.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**II. Crosswalk on 90<sup>th</sup> Street at Collins and Harding – Mayor Charles Burkett**

Item to be consolidated with items 9P, 9Y, 9AA, 9DD, 9EE, and 9JJ.

**JJ. Walking / Bike Path Residential Area – Mayor Charles Burkett**

Item to be consolidated with items 9P, 9Y, 9AA, 9DD, 9EE, and 9II.

**Staff Reports**

**10. Adjournment**

A motion was made by Commissioner Velasquez to adjourn the meeting without objection at 11:00 pm. The motion received a second from Commissioner Kesl. 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

JUNE 8, 2021

### COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

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

#### *Code Compliance Division*

**A.** Code Violation Cases: As of May 27, 2021, the total number of active, open cases being managed is 216. Of these cases, 109 cases are still under investigation and are working towards compliance; 22 cases are on-hold; 19 cases are in the Special Master hearing queue; 3 cases are in post-hearing status; 24 code cases have been issued liens and remain unpaid; 39 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 May 27, 2021, 61 cases have paid/settle for a total collection of \$30,895
- 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 41 Code lien searches for the month of April 2021.



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

**A.** Surfside celebrated its 86<sup>th</sup> anniversary on May 18. To commemorate this year, the oversized "Surfside" letters were activated and placed around Town for a three-day campaign to inform and engage residents and visitors about Surfside's past, present and future, while also highlighting special offers from Downtown businesses. The campaign included the following:

- Creation of dedicated "Finding Surfside" webpage, eblast, A-frame insert and social media posts
  - i. Over the three-day period, this page consistently fell within the top six pages visited on the Town website.
  - ii. Visitors to the page spent an average of 4 minutes on the page. For comparison, the average time on the Town pages is 1 minute, 37 seconds.
  - iii. @VisitSurfside, the Town's Instagram account, captured 6,269 impressions and increased engagements by 53% compared to the previous three-day period.
- 12 business offers; and an
- Overview of the Town's history and sustainability efforts.

Each month throughout the next year, dedicated eblasts will be sent to residents and businesses about how they can "86" old habits to become more sustainable.

**B.** In May, the Communications Department transitioned from the Sitefinity email platform to the Mailchimp platform to create more engaging, reader-friendly campaigns. The average Town email open rate has increased by about 92% and average click-rates have nearly doubled.

**C.** Throughout the month, Communications and Tourism coordinated efforts with Parks and Recreation and Public Works to promote Town initiatives, such as the Hazardous Waste Drop Off, Sandbag Giveaway and the Memorial Day video. Additional cross-departmental projects are in the works, including additional measures to develop new, informative content for Channel 663.

## ***Finance Department***

**A.** Monthly Budget to Actual Summary as of April 30, 2021 – *Attachment "D"*

## ***Police Department***

**A.** *Police Department Statistics (May 1 – May 24, 2021)*

- Traffic Citations – 732
- Parking Citations – 480

- Arrests – 4
- Dispatch Events – 1,257
- Incident/Crime Reports - 37

***B. To Serve and Protect...Your Skin! (Skin Cancer Seminar)***

May was Skin Cancer Awareness Month (aka Melanoma May). The Town of Surfside is a beachside community and a large portion of staff duties are concentrated outside. Therefore, the Surfside Police Department hosted a training about skin cancer awareness to educate our staff on the importance of sun protection.

The seminar took place on May 21, 2021 at 11:00 a.m. in the Police Training Room. Dermatologist Dr. Barry Resnick graciously volunteered his time and conducted a presentation to our employees on the importance of protecting ourselves from sun exposure and addressed any concerns. Furthermore, participants received a complimentary screening.

This program has been instituted to protect our members and offered to other Town departments to promote safety, health, and awareness regarding the effects of sun exposure. We expose ourselves daily to sun damage- whether it be walking the business district, on beach patrol, during traffic enforcement, writing parking tickets, directing traffic, or even just sitting in our vehicles. The sun exposure is significant and we are not even considering the outdoor activities we participate in when we are not at work while living in the Sunshine State.

The Surfside Police Department emphasizes the importance of issuing the best equipment and focusing on training to protect personnel from a variety of threats, but we also need to recognize that our body/skin is truly our most important protective barrier and this must be properly defended as well.

The Police Department will also expand on this program by offering additional gear for sun protection and easy access to sun screen. The SPD promotes SPF!

***C. Click it or Ticket Campaign***

Seat belts have been proven to be one of the best ways to save your life in a crash. Yet, many still don't buckle up. Worse still, not wearing a seat belt is a habit that will pass on to impressionable youth who, in turn, will think it is safe to not buckle up. The Click It or Ticket campaign focuses on safety education, strong laws, and law enforcement support to save lives.

The Surfside Police Department is proudly participating once again in this significant event. The Click it or Ticket Enforcement Campaign began May 24<sup>th</sup> and commenced June 6<sup>th</sup>, 2021.

#### *D. Life Scan Wellness Examinations*

The Police Department's annual Life Scan Examinations took place June 1<sup>st</sup>, June 2<sup>nd</sup> and June 3<sup>rd</sup>, 2021. The testing comprises of a three-pronged process:

- Wellness Program- An integrated medical approach to police officer exams that combines an annual physical with life-saving, early detection enhanced screening for major diseases.
- Fitness Analysis- A unique 8-level fitness analysis and personalized fitness plans make certain that police officers are in top physical condition to ensure better on the job performance and overall well-being.
- Early Detection - Thorough physical examinations for maintaining a healthy lifestyle, the enhanced screening tests identify specific markers that are the foundation of virtually every disease.

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

- Traffic Enforcement details have been assigned various days throughout the week from 2:00 pm. to 8:00 p.m. and Saturday and Sunday from 10:00 a.m. to 4:00 p.m.
- The Surfside Police Department will host a community blood drive on June 16, 2021 from 11:00 a.m. – 4:30 p.m. in the Town Hall municipal parking lot.
- Coffee with the Cops is June 24, 2021 at 10:00 a.m.
- The FLOW (Florida Licensing on Wheels) has been rescheduled for June 29, 2021 from 10:00 a.m. to 1:30 p.m. in the Commission Chambers.

## **V. TOWN PROJECTS**

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

The Project is due to start on June 2, 2021. An on-site meeting with residents was held on May 25, 2021.

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

The design team has completed Pre-design and Site Analysis tasks and is nearing the end of the Schematic Design phase of the project. On April 28, the design team presented two schematic designs in a virtual public meeting and asked the Commission and Community to provide comments and vote on their preference. Feedback gathered during the meeting, via a survey monkey after the meeting and in person at the farmer's market was analyzed and incorporated into design revisions and also resulted in the creation of a third design scheme. This new scheme of a two-story building in the Northwest corner of the park, presented in person to the Parks & Recreation Committee on May 25, 2021, was unanimously selected as

their recommendation to the Commission. On June 2, 2021 the Design Team will present all three schemes to the Commission, seeking approval of a final Schematic Design to move forward with Design Development and Construction Documents.

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

The consulting engineer (KEITH) is finalizing Abbott Avenue Drainage Study Task Order in the next two weeks. The following items are pending:

- Shenandoah field inspections for specific areas.
- Keith composition of report incorporating Shenandoah findings.

An agenda item will be placed on July 2021 Commission Meeting Agenda.

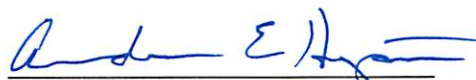
### ***Byron/Bay Closure Study***

The transportation consulting engineer submitted the traffic study methodology memorandum for the road closure study to the required government agency stakeholders and have requested feedback from each agency by June 1, 2021. The transportation consulting engineer will gather the feedback and summarize in table format and submit the traffic methodology to Miami-Dade County DTPW Traffic Engineering Division for their review and comment later in June. Miami-Dade County DTPW has up to 30 days to review and make comments on the traffic study methodology once submitted.

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

During the Special Commission meeting held May 4, KCI Engineering was approved to proceed with preparation of documents which will serve as the basis for the cost estimate for the Undergrounding Conversion Project. Plans and technical information will be gathered from the servicing utilities and the estimate is scheduled to be prepared during the third quarter of this year.

Respectfully submitted by:



Andrew E. Hyatt, Town Manager

**SeeClickFix Report**

Requests filtered by request category that have been created 05/01/2021 - 05/31/2021

<b>Request Category</b>	<b>Created in period</b>	<b>Closed in period</b>	<b>Average days to close</b>
Beach Issue	3	1	5
Code Compliance (Violation)	3	2	0
Other	2	1	0
Police (Safety Concern)	1	0	
Street lights (PW)	1	0	
Parking Issue	2	1	0.8

Requests filtered by request category that have been created 01/01/2014 - 05/31/2021

Request Category	Created in period	Closed in period	Average days to close
96 Street Park (P & R)	11	11	2
Beach Issue	235	214	15.8
Code Compliance (Safety Concern)	107	107	20.2
Code Compliance (Violation)	182	178	17.3
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	294	275	15.2
Police (Safety Concern)	96	93	5.4
Pothole (PW)	6	6	18.4
Solid Waste (Commercial) (PW)	8	7	4.8
Solid Waste (Residential) (PW)	37	28	13.2
Street lights (PW)	73	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	108	105	2.1
Construction Issues	48	41	13.7
Dead Animal	5	5	8.7

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
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 TC - 2/13/2018, 4/13/21, 6/8/21 Scheduled 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	20-536	Foundation Only Permit Issued	
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, 5/6/21 9116 Harding Ave	303 Surfside - 4 Townhouses (2018) 303 Surfside - 6 Townhouses (2021)	DRG - 11/21/2016, 2/7/2017, 5/18/2017, 6/21 TBD 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 - 2/22/2018, 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 Site). 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). TC Approval 5/26/21 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		Not needed in 2021 request		Site Plan Approval 5/26/21
7/3/2019 9580 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 -						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	





**MEMORANDUM**

**To:** Mayor and Councilmembers

**From:** Mario J. Bailey, Senior Government Relation Consultant

**CC:** Manager Andrew Hyatt

**Date:** June 2, 2021

**Re:** Post Legislative Session Report

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The Legislature ended an irregular covid restricted session after passing 248 general bills of the 1,839 bills filed. Elections, protests, vacation rentals, impacts fees, taxes, home-based businesses, covid liability protections for businesses, and sea-level rise were among the hot topics debated during the sixty days. Minutes before their ceremonial hanky drop Sine Die, the Legislature approved a record \$101.5 billion budget bolstered by Federal dollars and tourists flowing to the Sunshine State.

The session began with Florida's chief economists, Amy Baker, projecting a \$2.3 billion shortfall and ended with a surplus thanks to the Federal government and Governor DeSantis' policies steering Florida out of the pandemic. It includes \$6.7 billion of anticipated non-recurring federal pandemic relief funds and \$6.9 billion in federal funding for Medicaid increases and federal education stimulus funds. The Legislature allocated \$6 billion for reserves.

One major budget highlight for the 2021 legislative session was its focus on the environment, particularly SB 1954 and SB 2512, which allocated over \$640 million. SB 1954 creates statewide resiliency programs to assess and address inland and coastal flooding and sea-level rise. The Legislature created the Resilient Florida Trust Fund allocating \$500 million. The bill establishes the Resilient Florida Grant Program; the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment; and the Statewide Flooding and Sea Level Rise Resilience Plan.

The Statewide Flooding and Sea Level Rise Resilience Plan mandate the Florida Department of Environmental Protection (FDEP) to submit an annual plan of up to \$100 million in funding for projects related to sea-level rise and flooding. The Resilient Florida grant program will provide funds to local governments for resilience planning and projects that adapt critical assets. The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment will identify vulnerable areas, infrastructure, and critical assets based on a newly created statewide data set.

SB 1954 was linked to SB 12. SB 2512 revises the Documentary Stamp Dax distributions adding a percent to the Resilient Florida Trust Fund, and the Water Sustainability and Accountability Trust Fund for the wastewater grant program totaling approximately \$111 million for each

The Legislature also approved a board-based tax package, HB 7061. The 2021 Back-to-School Sales Tax Holiday, the 2021 Disaster Preparedness Sales Tax Holiday, the 2021 Freedom Week Sales Tax Holiday, a permanent sales tax exemption for independent living items and an expansion of the tax credit for affordable housing were all included in the package. Along with the tax relief provided in HB 7061, the Legislature leveled the playing field for Florida-based businesses by requiring the collection of online retailers in SB 50.

Vacation Rentals was back on the table during the 2021 session. The initial proposal attempted to preempt local governments' ability to regulate short-term rentals, giving the Florida Department of Professional and Business Regulations (DBPR) sole authority. After the House version stalled, the Senate amended SB 522 to be less restrictive, grandfathering local governments with policies. The bill also required the advertising platform to collect and remit taxes, verify the property's license number, and provide physical addresses of rentals to the DBPR quarterly. The Senate version failed in rules before reaching the floor.

Speaker Sprowls priority item, HB 403, relating to home-based businesses, was adopted after amending the Senate's version that would have provided greater flexibility for local governments. It requires the owner to live in the home and have no more than two additional employees. The home-based business must be a residence, and the exterior must comply with the architecture and the exterior of every other home. Local governments may not enact or enforce any ordinances for the home-based business in a manner that is different from other businesses in a local government's jurisdiction.

The bill passed 19 to 18 in the Senate. The former Minority Leader raised a point of order noting three senators in the chamber who did not record a vote. A tie vote would have defeated the bill. The Senate Rules Chair agreed to the point, saying, "the vote should be reconsidered." However, the House had possession of the bill and refused to send it back. They approved the amended version and adjourned shortly after its passage.

Governor DeSantis's number one priority item, HB 1, also known as the protest and anti-riot bill, passed early in the Legislature. It was possibly the most controversial outside of the elections bill. The bill has the potential to impact local governments that reduce their law enforcement budgets.

HB 1 creates a budget appeal process to challenge reductions in municipal law enforcement agencies' budgets. The state attorney or a governing body member who objects to the funding reduction may file an appeal. The local government must reply to the appeal within five days. The EOG would then conduct a hearing and make a recommendation to the Administration Commission. The Administration Commission has the final authority to approve, amend, or modify the municipal law enforcement budget. This bill was signed into law by Governor DeSantis before the Legislative Session adjourned.

Of the 3,065 total bills filed, we tracked 363 bills because we believe they would impact you if passed—less than 50 of those passed both chambers. You will find summaries of those bills compiled by the Florida legislature below. A more detailed analysis of each bill is available upon request.

### **BILLS THAT PASSED**

**HB 1 Combating Public Disorder by Fernandez-Barquin**

*Combating Public Disorder: Authorizing specified elected officials to file an appeal to the Administration Commission if the governing body of a municipality makes a specified reduction to the operating budget of the municipal law enforcement agency; providing that a municipality has a duty to allow the municipal law enforcement agency to respond to a riot or unlawful assembly in a specified manner based on specified circumstances; reclassifying the penalty for an assault committed in furtherance of a riot or an aggravated riot; prohibiting cyberintimidation by publication; prohibiting a person from willfully participating in a specified violent public disturbance resulting in specified damage or injury; creating an affirmative defense to a civil action where the plaintiff participated in a riot, etc. Effective Date: upon becoming a law*

**HB 35 Legal Notices by Fine**

*Legal Notices: Revising construction as to the satisfaction of publication requirements for legal notices; revising requirements for newspapers that are qualified to publish legal notices; authorizing the Internet publication of specified governmental agency notices on newspaper websites in lieu of print publication if certain requirements are met; requiring the Florida Press Association to seek to ensure equitable access for minority populations to legal notices posted on the statewide legal notice website; requiring the association to publish and maintain certain reports on the statewide legal notice website, etc. Effective Date: July 1, 2022*

**SB 044 Use of Drones by Government Agencies by Wright**

*Use of Drones by Government Agencies; Expanding the authorized uses of drones by law enforcement agencies and other specified entities for specified purposes; requiring the Department of Management Services, in consultation with a specified officer, to publish a list of approved drone manufacturers meeting specified security standards; requiring governmental agencies to discontinue the use of specified drones by a certain date; requiring the department to establish minimum security standards for governmental agency drone use, etc. Effective Date: 7/1/2021*

**SB 59 Taxation by Gruters**

*Taxation; Citing this act as the "Park Randall' Randy' Miller Act"; revising the definition of the term "retail sale" to include sales facilitated through a marketplace; requiring marketplace providers and persons located outside of this state to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; providing that a marketplace seller, rather than the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; requiring certain amounts to be deposited into the Unemployment Compensation Trust Fund during specified periods, etc. APPROPRIATION: \$353,000 Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2021*

**HB 59 Growth Management by McClain**

*Growth Management: Requires comprehensive plans & certain land development regulations of municipalities effective after certain date to incorporate certain development orders; requires local governments to include property rights element in their comprehensive plans; provides statement of rights; requires local government to adopt property rights element within specified timeframe; provides that certain property owners are not required to consent to development agreement changes; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended. Effective Date: July 1, 2021*

**SB 60 County and Municipal Code Enforcement by Bradley**

*County and Municipal Code Enforcement; Prohibiting code inspectors designated by boards of county commissioners from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; prohibiting code inspectors from initiating enforcement proceedings for potential violations of codes and ordinances by way of anonymous complaints; prohibiting code enforcement officers from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; prohibiting code inspectors designated by governing bodies of municipalities from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the governing body before an investigation occurs, etc. Effective Date: 7/1/2021*

**SB 64 Reclaimed Water by Albritton**

*Reclaimed Water; Requiring certain domestic wastewater utilities to submit to the Department of Environmental Protection by a specified date a plan for eliminating nonbeneficial surface water discharge within a specified timeframe; requiring domestic wastewater utilities applying for permits for new or expanded surface water discharges to prepare a specified plan for eliminating nonbeneficial discharges as part of its permit application; providing that potable reuse is an alternative water supply and that projects relating to such reuse are eligible for alternative water supply funding; requiring counties, municipalities, and special districts to authorize graywater technologies under certain circumstances and to provide certain incentives for the implementation of such technologies, etc. Effective Date: Upon becoming a law*

**SB 90 Elections by Baxley**

*Elections; Prohibiting certain persons from settling certain actions, consenting to conditions, or agreeing to certain orders in certain circumstances; revising requirements governing the acceptance of voter registration applications; revising the oath for candidates seeking to qualify for nomination as a candidate of a political party; limiting the duration of requests for vote-by-mail ballots to all elections through the end of the calendar year of the next regularly scheduled general election; prohibiting certain solicitation activities within a specified area surrounding a drop box, etc. Effective Date: Upon becoming a law*

**SB 259 Safety of Religious Institutions by Williamson**

*Safety of Religious Institutions: Authorizes, for specified purposes, concealed weapons or firearms licensee to carry firearm on certain property of church, synagogue, or other religious institution. Effective Date: upon becoming a law*

**HB 337 Impact Fees by DiCeglie**

*Impact Fees: Requires local governments & special districts to credit against collection of impact fees any contribution related to public facilities or infrastructure; provides conditions under which credits may not be applied; provides limitations on impact fee increases; provides retroactive operation; requires specified entities to submit affidavit attesting that impact fees were appropriately collected & expended; provides retroactive application; requires school districts to report specified information regarding impact fees. Effective Date: upon becoming a law*

**HB 401 Florida Building Code by Fetterhoff**

*Florida Building Code: Prohibiting certain regulations relating to building design elements from being applied to certain dwellings; providing exceptions; providing requirements for the petition and commission; requiring the commission to issue a nonbinding advisory opinion within a specified timeframe; prohibiting the use of preliminary maps issued by the Federal Emergency Management*

*Agency under certain circumstances; authorizing the commission to issue errata to the code; prohibiting a local government from requiring certain contracts for the issuance of a building permit; authorizing certain local entities to use a private provider for code inspection services under certain circumstances; revising how certain excess funds may be used by a local government; requiring evaluation entities that meet certain criteria to comply with certain standards; authorizing the commission to suspend or revoke certain approvals under certain circumstances, etc. Effective Date: July 1, 2021*

**HB 403 Home-based Businesses by Giallombardo**

*Home-based Businesses: Prohibiting local governments from taking certain actions relating to the licensure and regulation of home-based businesses; specifying conditions under which a business is considered a home-based business; authorizing home-based businesses to operate in areas zoned for residential use; specifying that home-based businesses are subject to certain business taxes*

**HB 421 Relief From Burdens on Real Property Rights by Tuck**

*Relief From Burdens on Real Property Rights: Revises notice of claim requirements for property owners; creates presumption that settlement offers protect public interest; specifies property owners retain option to have court determine awards of compensation; authorizes property owners to bring claims against governmental entities in certain circumstances; provides property owners are not required to submit formal development applications or proceed through formal application processes to bring claim*

**HB 487 Growth Management by Duggan**

*Growth Management: Authorizing landowners with development orders existing before the incorporation of a municipality to elect to abandon such orders and develop the vested density and intensity contained therein under specified conditions; providing an exception to a prohibition against legal entities and their members exercising the power of eminent domain over or acquiring title to certain facilities or property; revising the required acreage thresholds for adopting an amendment using a small scale development amendment, etc. Effective Date: July 1, 2021*

**SB 628 Urban Agriculture by Rouson**

*Urban Agriculture; Authorizing farm equipment used to transport farm products to be stored, maintained, or repaired within specified boundaries; exempting farm equipment used in urban agriculture from provisions requiring farm equipment to be located within specified boundaries; providing that nonresidential farm buildings, fences, or signs located on lands used for urban agriculture are not exempt from the Florida Building Code or local governmental regulations; creating the "Urban Agriculture Pilot Project Act"; authorizing the Department of Agriculture and Consumer Services to approve municipal urban agricultural pilot projects, etc. Effective Date: 7/1/2021*

**HB 663 Cottage Food Operations by Salzman**

*Cottage Food Operations: Increasing the annual gross sales limitation for exempting cottage food operations from certain food and building permitting requirements; authorizing the sale, offer for sale, and delivery of cottage food products by mail; preempting the regulation of cottage food operations to the state; prohibiting local governments from prohibiting cottage food operations or regulating cottage food products by cottage food operations; requiring cottage food operations to comply with certain conditions for the operation of home-based businesses, etc. Effective Date: on the same date that HB 403 or similar legislation takes effect*

**SB 684 Waste Management by Rodrigues**

*Waste Management; Requiring the Department of Environmental Protection to review and update its report on retail bags and submit the updated report to the Legislature by a specified date; requiring a local government to pay a specified amount of compensation to a displaced private waste company at the end of a specified notice period; removing a provision authorizing a local government to pay a specified amount of compensation to a private waste company as an alternative to delaying displacement for a specified period; defining the term "storm-generated yard trash", etc. Effective Date: 7 /1/2021*

**HB 735 Preemption of Local Occupational Licensing by Harding**

*Preemption of Local Occupational Licensing: Preempts licensing of occupations to state; prohibits local governments from imposing or modifying licensing requirements; specifies certain local licensing may not be enforced; specifies certain specialty contractors are not required to register with Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local government may not require license; authorizes counties & municipalities to issue journeyman licenses. Effective Date: July 1, 2021*

**HB 805 Volunteer Ambulance Services by Caruso**

*Volunteer Ambulance Services: Authorizing certain medical staff of a volunteer ambulance service to use red lights on a privately owned vehicle under certain circumstances; authorizing vehicles of volunteer ambulance services to show or display red lights and operate emergency lights and sirens under certain circumstances; authorizing privately owned vehicles belonging to certain medical staff of a volunteer ambulance service to display or use red warning signals under certain circumstances; providing that county and municipal governments may not limit, prohibit, or prevent volunteer ambulance services from responding to emergencies or providing emergency medical services or transport within their respective jurisdictions, etc. Effective Date: July 1, 2021*

**HB 839 Express Preemption of Fuel Retailers and Related Transportation Infrastructure by Fabricio**

*Express Preemption of Fuel Retailers and Related Transportation Infrastructure: Prohibits municipality, county, special district, or political subdivision from taking certain actions to prohibit siting, development, or redevelopment of fuel retailers & related transportation infrastructure & from requiring fuel retailers to install or invest in particular fueling infrastructure. Effective Date: upon becoming a law*

**HB 896 Renewable Energy by Brodeur**

*Renewable Energy; Defining the term "solar facility"; providing that solar facilities are a permitted use in local government comprehensive plan agricultural land use categories and certain agricultural zoning districts; authorizing the Florida Public Service Commission to approve cost recovery by a gas public utility for certain contracts for the purchase of renewable natural gas, etc. Effective Date: 7/1/2021*

**SB 912 Land Use and Development by Albritton**

*Land Use and Development; Tolling and extending the expiration of specified consumptive use water permits and development permits and agreements during a natural emergency declared by the Governor; extending the time period for local governments to administer local incentive programs for projects within certain enterprise zone boundaries, etc. Effective Date: Upon becoming a law*

**HB 919 Preemption Over Restriction of Utility Services by Tomkow**

*Preemption Over Restriction of Utility Services: Prohibits municipalities, counties, special districts, or other political subdivisions from restricting or prohibiting types or fuel sources of energy production used,*

*delivered, converted, or supplied by certain entities to customers; voids existing specified documents & policies that are preempted by this act. Effective Date: July 1, 2021*

**SB 920 Liability of Persons Providing Areas for Public Outdoor Recreational Purposes by Bradley**  
*Liability of Persons Providing Areas for Public Outdoor Recreational Purposes; Providing that owners may not be subject to liability if they are generating certain revenues and those revenues are used exclusively for specified purposes; expanding the applicability of the limitation of liability for persons who provide areas to the public for outdoor recreational purposes without charge, etc. Effective Date: 7/1 /2021*

**HB 1059 Construction Permits by Robinson**

*Construction Permits: Requires county that issues building permits & local enforcement agency to post certain information on their websites; authorizes all components to completed application be submitted electronically or in person; requires local enforcement agency, local government, or local building department to reduce permit fee by specified percentage for failing to meet certain deadlines; requires applicant to take certain action within specified time; requires surcharges to be recalculated under certain conditions; prohibits authority that issues building permit from requiring applicant to provide specified contracts as part of application for certain construction. Effective Date: October 1, 2021*

**SB 1080 Tobacco and Nicotine Products by Hutson**

*Tobacco and Nicotine Products; Revising age limitations relating to mail order, Internet, and remote sales of tobacco products; providing that it is unlawful for persons under 21 years of age to smoke tobacco or vape in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school during specified hours; preempting the establishment of the minimum age for purchasing and possessing, and the regulation for the marketing, sale, or delivery of, tobacco products to the state; requiring proof of age for certain purchases of tobacco products; requiring retail nicotine product dealers to acquire a permit, etc. Effective Date: 10/1/2021*

**SB 1086 Operation and Safety of Motor Vehicles and Vessels by Hutson**

*Operation and Safety of Motor Vehicles and Vessels; Revising conditions under which a person's driving privilege is suspended and under which the person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances; requiring the clerk of the court to notify the Department of Highway Safety and Motor Vehicles of certain final dispositions by electronic transmission; providing circumstances under which a person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway; designating Monroe County as an anchoring limitation area subject to certain requirements; authorizing a county or municipality to establish a boating-restricted area within and around a public mooring field and within certain portions of the Florida Intracoastal Waterway, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021*

**HB 1177 Biscayne Bay by Avila**

*Biscayne Bay: Establishes Biscayne Bay Commission; provides for commission purpose, membership, duties, & authority; prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay without providing advanced waste treatment. Effective Date: upon becoming a law*

**SB 1194 Transportation by Hooper**

*Transportation; Authorizing governing bodies of municipalities and counties to abandon and convey their interests in certain roads and rights-of-way dedicated in a recorded residential subdivision plat to community development districts under specified conditions; providing that certain governmental*

*entities may not prohibit certain vendors from responding to competitive solicitations of certain contractual services; revising provisions authorizing vehicles and equipment to show or display flashing lights; prohibiting the Department of Transportation and contractors and subcontractors of the department from purchasing specified substances from a borrow pit unless specified conditions are satisfied, etc. Effective Date: 7/1/2021*

**HB 1377 Limitation on Assessment of Real Property Used for Residential Purposes by Chaney**

*Limitation on Assessment of Real Property Used for Residential Purposes: Proposes amendment to State Constitution to authorize Legislature to prohibit consideration of changes or improvements made to real property used for residential purposes to improve property's resistance to flood damage in determining assessed value of such property for ad valorem taxation purposes.*

**HB 1944 Utility and Communications Poles by Albritton**

*Utility and Communications Poles; Exempting certain rules adopted by the Public Service Commission from legislative ratification requirements; requiring the commission to regulate and enforce rates, charges, terms, and conditions for pole attachments under certain circumstances; providing situations under which a pole owner may deny access to the owner's pole on a nondiscriminatory basis; requiring the commission to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, and denial of access relative to pole attachments, etc. Effective Date: Upon becoming a law*

**SB 1946 Anchoring Limitation Areas by Polsky**

*Anchoring Limitation Areas; Providing that certain areas are grandfathered-in anchoring limitation areas; authorizing certain counties to establish anchoring limitation areas that meet certain requirements; specifying size requirements for the anchoring limitation areas; prohibiting vessels from anchoring in such areas for longer than a specified time; requiring counties to provide notice to the Fish and Wildlife Conservation Commission within a specified timeframe before introducing an ordinance to establish an anchoring limitation area; prohibiting Monroe County from establishing an anchoring limitation area until the county meets certain requirements, etc. Effective Date: Upon becoming a law*

**SB 1954 Statewide Flooding and Sea Level Rise Resilience by Rodrigues**

*Statewide Flooding and Sea-level Rise Resilience; Establishing the Resilient Florida Grant Program within the Department of Environmental Protection; requiring the department to complete a comprehensive statewide flood vulnerability and sea level rise data set and assessment by specified dates; requiring the department to develop an annual Statewide Flooding and Sea Level Rise Resilience Plan and submit the plan to the Governor and Legislature by a specified date; requiring the department to implement a scoring system for assessing projects eligible for inclusion in the plan, etc. Effective Date: Upon becoming a law*

**SB 2006 Emergency Management by Burgess**

*Emergency Management; Authorizing the Legislative Budget Commission to convene to transfer certain funds to the Emergency Preparedness and Response Fund; requiring that the state comprehensive emergency management plan provide for certain public health emergency communications and include the Department of Health's public health emergency plan; redefining the term "essentials" to include personal protective equipment used during public health emergencies; specifying requirements for the purpose and scope of emergency orders; authorizing the Governor to invalidate certain emergency orders; revising the duties of the State Health Officer during a declared public health emergency, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021*



**TOWN OF SURFSIDE, FLORIDA  
MONTHLY BUDGET TO ACTUAL SUMMARY  
FISCAL YEAR 2020/2021  
As of APRIL 30, 2021  
58% OF YEAR EXPIRED (BENCHMARK)**

Agenda Item #

Page

1 of 3

June 8, 2021

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

REVENUE	\$ 13,489,873	\$16,595,129	81%
EXPENDITURES	8,034,513	\$16,595,129	48%
Net Change in Fund Balance	5,455,360		
Fund Balance-September 30, 2020 (Unaudited)	18,286,748		
Fund Balance-April 30, 2021 (Reserves)	<u>\$ 23,742,108</u>		

**TOURIST RESORT FUND - 102**

REVENUE	\$ 2,401,515	\$2,939,353	82%
EXPENDITURES	1,526,610	\$2,939,353	52%
Net Change in Fund Balance	874,905		
Fund Balance-September 30, 2020 (Unaudited)	2,109,658		
Fund Balance-April 30, 2021 (Reserves)	<u>\$ 2,984,563</u>		

**POLICE FORFEITURE FUND - 105**

REVENUE	\$ 45,611	\$2,000	2281%
EXPENDITURES	1,275	\$2,000	64%
Net Change in Fund Balance	\$ 44,336		
Fund Balance-September 30, 2020 (Unaudited)	168,289		
Fund Balance-April 30, 2021 (Reserves)	<u>\$ 212,625</u>		

**TRANSPORTATION SURTAX FUND - 107**

REVENUE	\$ 101,773	\$235,706	43%
EXPENDITURES	40,764	\$235,706	17%
Net Change in Fund Balance	61,009		
Fund Balance-September 30, 2020 (Unaudited)	442,856		
Fund Balance-April 30, 2021 (Reserves)	<u>\$ 503,865</u>		

**BUILDING FUND - 150**

REVENUE	\$ 457,914	\$1,068,035	43%
EXPENDITURES	588,536	\$1,068,035	55%
Net Change in Fund Balance	(130,622)		
Fund Balance-September 30, 2020 (Unaudited)	1,991,388		
Fund Balance-April 30, 2021 (Reserves)	<u>\$ 1,860,766</u>		

**CAPITAL PROJECTS FUND - 301**

REVENUE	\$ 3,115	\$2,980,448	0%
EXPENDITURES	514,246	\$2,980,448	17%
Net Change in Fund Balance	(511,131)		
Fund Balance-September 30, 2020 (Unaudited)	4,899,128		
Fund Balance-April 30, 2021 (Reserves)	<u>\$ 4,387,997</u>		

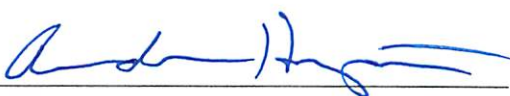
**NOTES:**

- 1) Many revenues for April 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	\$ 2,251,458	\$4,416,436	51%
EXPENDITURES	1,856,800	\$4,416,436	42%
Change in Net Position	394,658		
Unrestricted Net Position-September 30, 2020 (Unaudited)	(1,733,610)		
Unrestricted Net Position-April 30, 2021 (Reserves)	\$ (1,338,952)		
<b>MUNICIPAL PARKING FUND - 402</b>			
REVENUE	\$ 855,223	\$1,288,140	66%
EXPENDITURES	676,776	\$1,288,140	53%
Change in Net Position	178,447		
Unrestricted Net Position-September 30, 2020 (Unaudited)	1,293,993		
Unrestricted Net Position-April 30, 2021 (Reserves)	\$ 1,472,440		
<b>SOLID WASTE FUND - 403</b>			
REVENUE	\$ 909,205	\$1,917,932	47%
EXPENDITURES	1,145,637	\$1,917,932	60%
Change in Net Position	(236,432)		
Unrestricted Net Position-September 30, 2020 (Unaudited)	219,615		
Unrestricted Net Position-April 30, 2021 (Reserves)	\$ (16,817)		
<b>STORMWATER FUND - 404</b>			
REVENUE	\$ 534,421	\$1,070,706	50%
EXPENDITURES	590,827	\$1,070,706	55%
Change in Net Position	(56,406)		
Unrestricted Net Position-September 30, 2020 (Unaudited)	3,205,050		
Unrestricted Net Position-April 30, 2021 (Reserves)	\$ 3,148,644		
<b>FLEET MANAGEMENT FUND - 501</b>			
REVENUE	\$ 502,165	\$863,307	58%
EXPENDITURES	401,694	\$863,307	47%
Change in Net Position	100,471		
Unrestricted Net Position-September 30, 2020 (Unaudited)	825,468		
Unrestricted Net Position-April 30, 2021 (Reserves)	\$ 925,939		



Jason D. Greene, Assistant Town Manager/CFO



Andrew Hyatt, Town Manager

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

FUND	9/30/2017	9/30/2018	9/30/2019	9/30/2020	4/30/2021	CAGR <sup>(a)</sup>
General	\$ 8,460,802	\$ 10,902,050	\$ 14,984,105	\$ 18,286,748	\$ 23,742,108	29.3%
Tourist Resort	469,880	356,313	1,640,525	2,109,658	2,984,563	65.0%
Police Forfeiture	164,933	159,527	105,725	168,289	212,625	0.7%
Transportation Surtax	388,363	263,292	328,377	442,856	503,865	4.5%
Building	1,742,910	2,760,673	2,563,517	1,991,388	1,860,766	-11.9%
Capital Projects	576,122	2,158,902	3,048,582	4,899,128	4,387,997	104.1%
Water & Sewer	(3,048,579)	(2,546,398)	(2,367,098)	(1,733,610)	(1,338,952)	-17.2%
Municipal Parking	811,013	943,315	1,198,948	1,293,993	1,472,440	16.9%
Solid Waste	429,743	601,201	641,636	219,615	(16,817)	-20.1%
Stormwater	3,264,379	3,203,878	3,200,132	3,205,050	3,148,644	-0.6%
Fleet Management	-	-	585,363	825,468	925,939	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>\$ 37,883,178</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: June 1, 2021**

**SUBJECT: Office of the Town Attorney Report for June 8, 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:**

May 3, 2021 - Tourist Board Meeting

May 4, 2021 – Special Town Commission Meeting (Undergrounding)

May 11, 2021 - Regular Town Commission Meeting

May 18, 2021 - Zoning Code Workshop

May 26, 2021 – Special Town Commission Meeting – Quasi-Judicial Hearings

May 26, 2021 - Zoning Code Workshop

May 27, 2021 - 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 had created additional challenges, and inhibited our ability to personally meet with members of the Town Commission. We have worked with the Town administration and staff to transition Commission and board meetings to in-person meetings, while still transitioning from 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 as 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, 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, EEOC complaints, 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; assisted with the State of Florida FIND agency on determination of resident kayak launch at seawall at 96<sup>th</sup> Street Park.

### **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
  - Temporary Revocable License Agreement with Curative for Covid-19 Testing at Town Hall, and Corresponding Resolution Approving Same
  - Resolution Approving Project Agreement with Alvarez Engineers, Inc. for Structural Plan Review Services Pursuant to Continuing Services Agreement for Professional Engineering Services; Authorizing Expenditure of Funds
  - Resolution Approving Renewal of Term of Agreement for Food and Beverage Concession Services with Hamsa Hamsa, LLC D/B/A Surf-N-Sides for the Surfside Community Center; Authorizing the Town Manager To Execute a Second Amendment to the Agreement; Preparation of Second Amendment to Concession Agreement
  - Resolution Approving Emergency Repair Work for the Town Hall Air Conditioning System’s Chiller and Coils Replacement from Smart Air Systems, Inc.
  - Resolution Ratifying an Amendment to the Off-Street Variable Parking Rate and Time Limitation Schedule for Municipal Parking Lots
  - Resolution Approving an Engagement Letter with Marcum LLP for Financial Auditing Services for Fiscal Year Ending September 30, 2021
  - Resolution Approving a Memorandum of Understanding Between the Town and The Florida Department of Law Enforcement Relating to Investigations of Incidents Involving the Use of Deadly Force by Law Enforcement Officers
  - Resolution for Quasi-Judicial Hearing – Waiver of Plat for 8712 Byron Avenue
  - Resolution for Quasi-Judicial Hearing – Site Plan Approval for 8851 Harding Avenue
  - Resolution for Quasi-Judicial Hearing – Site Plan Amendment for Seaway Condominium 9133-9149 Collins Avenue (2019 Historical Certificate of Appropriateness)
-

**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. The Town is in the process of preparing responses to the Interrogatories and Request for Documents.

*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; special legal counsel is working on a productive mediation with the FAA.

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 and permits; 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; Response to EEOC recently filed complaints; Assist with independent third party investigation of police department; application to Miami-Dade County for the closure and/or other traffic mitigation measures for Byron Avenue and Bay Drive; assistance with kayak launch implementation and assistance with State of Florida FIND review and approval; approval and implementation of Savino Miller design for 96<sup>th</sup> Street Park; review of temporary storage facilities; address legislation regarding dogs on the beach; Zoning in Progress and continued review and policy implementation of revisions to Zoning Code; amendment to Parking Trust Fund Ordinance; adoption and implementation of annual budgetary process.



**Town of Surfside  
PLANNING & ZONING BOARD  
MINUTES  
February 25, 2021 – 6:00 p.m.**

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

Chair Frankel called the meeting to order at 6:03 p.m.

**Present:** Chair Judith Frankel, Vice Chair Oliver Sanchez, Board Member Fred Landsman, Board Member James MacKenzie, Board Member Ruben Bravo, Board and Alternate Member Horace Henderson.

**Also, Present:** Mayor Charles Burkett, Town Planner Walter Keller, Assistant Town Attorney Tony Recio and Town Manager Andrew Hyatt and Building Official Ulises Fernandez.

**2. Town Commission Liaison Report – Mayor Charles Burkett**

Mayor Burkett stated that they have moved forward towards the meetings and workshops regarding the zoning code and they will continue to do that and stay on course. Their objective is to get something in place and is hopeful that they can get it into a form that is acceptable for the Commission to approve and then have the Planning and Zoning Board give their opinion and move forward.

Chair Frankel asked is there anything that they need to pay special attention to and that in the March 25 meeting they would like to discuss the zoning changes.

Mayor Burkett stated that they should get a copy of the draft and look at everything and their comments are important to him. He stated that what they have is a compilation of the old code and have used it as a foundation for the new code.

Board Member Mackenzie commended the Mayor for taking the political risk and asked if it is the Commission's expectation is and will they be breaking it down in two parts.

Mayor Burkett stated that they did break it into two parts for the workshops and commented on the rewriting of the codes and the only material changes are the areas they are focusing most on. He stated that if there are issues on the code from when he was Mayor they will look at which areas are more beneficial.

Board Member Henderson commented that when you first look at it is daunting but if you set aside a chunk at a time and work your way through it, you can make it through and it is easier.

Chair Frankel commented on second floor articulation, certain ideas each member has and if they want to dive deeper it would be helpful to everyone.

Mayor Burkett stated that his primary concern with this effort was to deal with the excesses in the commercial district. He spoke regarding the residential component and George Kousoulas was very helpful.

Board Member Mackenzie spoke regarding the single-family district zoning changes and the fabric of the Town being one story homes with the exception of homes that were built in the 1930s that were two-story homes. He spoke regarding the percentage of building on top of the ground floor and should come with a bonus, that if you are planning on tearing down the home and build a new you then you should expand the 5-foot setback for two story homes.

Vice Chair Sanchez asked Mayor Burkett regarding the design guidelines and stated that there are several pages devoted to single family and only a few to multi-family and what is the Mayor's opinion on the existing guidelines.

Mayor Burkett responded to Vice Chair Sanchez' comments regarding the design guidelines pertaining to the code are critical.

Vice Chair Sanchez asked Town Attorney Recio if this is codified.

Town Attorney Recio stated that it is codified as an exhibit to the zoning code and can be changed by a resolution by the Town Commission.

Mayor Burkett asked Town Attorney Recio if they were going to make the revisions to the design guidelines.

Town Attorney Recio stated that they agreed to tackle the zoning code first then the design guidelines second.

Chair Frankel stated that people are more familiar with the zoning code than the design guideline. She stated that the judgement of the Planning and Zoning Board is useful and they should look at it before it goes to the Commission.

The following member of the public spoke:  
George Kousoulas spoke regarding the change in the zoning code.

Board Member Mackenzie asked Town Attorney Recio regarding the approval of the minutes, if the Board has to approve the minutes.

Town Clerk McCready explained what the Code states as it pertains to the minutes. She also stated that the minutes are summary in nature and that is the format that is being

used. She further stated that if any member of the Planning and Zoning Board would like verbatim minutes, the Board would have to hire a court reporter.

**3. Approval of Minutes –**

- January 21, 2021
- January 28, 2021
- February 11, 2021

A motion was made by Board Member Landsman to approve the January 21, 2021, Planning and Zoning Board Meeting Minutes, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

A motion was made by Board Member Landsman to approve the January 28, 2021, Planning and Zoning Board Meeting Minutes, seconded by Vice Chair Sanchez. The motion carried with a 5-0 vote.

A motion was made by Board Member Landsman to approve the February 11, 2021, Planning and Zoning Board Meeting Minutes, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Vice Chair Sanchez asked how long the meeting videos are kept on the Town's website.

Town Clerk McCready stated that per Florida Statute it is kept for two (2) years but we are keeping them for about 5 to 6 years on the Town's website.

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

Town Attorney Recio asked Deputy Town Clerk Herbello if the applicants met advertising requirements.

Deputy Town Clerk Herbello confirmed advertising requirements.

Town Attorney Recio polled the Board Members.

The record reflected that no Board Members had any ex-parte communications with any of the applicants.

Deputy Town Clerk Herbello swore the applicants and speakers into the record.

**4. Applications:**



**A. 8851 Harding Avenue – New 2 Story Multifamily Building**

Town Planner Keller introduced the item and advised the Board members that this application had gone before the Planning and Zoning Board previously and gave a synopsis. He gave a summary of the project as well as the DRG meeting that took place this afternoon.

**Background:** This application is a request to construct a new 2-story multifamily building with 18 dwelling units and 32 underground parking spaces. The parcel is located in the H30C Zoning District at 8851 Harding Avenue and at 8873 Harding Avenue. The south parcel is 100 feet by 115 feet totaling 11,500 square feet (SF) with six apartment units. The north parcel is 50 feet by 115 feet totaling 6,325 SF with a single-family residence. The aggregation of the two parcels totals 17,825 SF which is 0.409 acres. The two lots are located in the moderate high density residential land use with a maximum density of 79 dwelling units per acre. The parcel size and density provide for 32 dwelling units which are reduced by 15% due to the aggregation of the two lots. The 15% reduction results in 27 potential dwelling units. The application is for 18 dwelling units which is a net increase of 11 units. An overhead view of the lot from the Miami Dade County Property Appraiser is provided on the following page. The photo illustrates the two lots with the southern lot highlighted with the red marker.

The development plan provides for eight one-bedroom units and 10 two-bedroom units. The site plan complies with the required setbacks of 20 feet on the front yard where 20-foot 1 inch is provided, 15 feet six inches on the interior sides where 15 feet six inches is provided and 10 feet on the rear lot where 10 feet one inch is provided. Maximum lot coverage is 14,260 SF (80% of the lot total) where 9,890 SF is provided. Minimum pervious area/landscaping is 20% of the lot which 3,565 SF where 20.2% is provided. A mixture of terraces and balconies are provided for each unit.

The Applicant's package includes 3 drawing sheets with color renderings of the building, the two lot surveys, an area plan with zoning characteristics, the proposed site plan, landscape legend, utility plan, underground parking plan with loading zone, floor plans (3), drainage plan (2) and landscape plan (5).

Prior staff reviews found the application complied with Town Zoning requirements except for one issue. The project requires a loading zone and the Florida Department of Transportation only approved one curb cut. The proposed remedy places the loading zone in the aisle of the underground parking garage which limits the service vehicles to a smaller size. This revision requires a variance.

**Staff Recommendation:** Additional information is being assembled for this application and may be available for the Planning and Zoning Board prior to the February 25th meeting. Due to the complexity of the request, this item may be continued to the March 25th meeting for further discussion.

Town Attorney Recio stated that this is a site plan review application and they are making a recommendation based on the design review criteria and Section 90-20 in the Code. He read the section of the code into the record.

Juan David, representing the applicant, spoke regarding the project.

Board member Henderson asked if they are only doing short term rentals for the apartment buildings. He asked what the setbacks of the building are.

Juan David stated that they will be rentals.

Town Attorney Recio stated that as an apartment building, they will have to abide by the code of long-term rentals.

Town Planner Keller stated that there is a table depicting the setback in his memorandum and advised the setbacks of the building.

Further discussion took place among Board Member Henderson and Town Planner Keller regarding the setbacks of the building.

Board Member Bravo asked regarding the traffic and how this will impact traffic in the neighborhood. He asked if there are requirements to have a traffic study for these types of projects. He asked regarding the traffic distribution.

Town Planner Keller answered Board Member Bravo's question regarding the requirements for traffic studies when it comes to projects similar to this one.

Board Member Mackenzie asked regarding the level of service on Harding Avenue.

Town Planner Keller spoke regarding the impact of the area and that the size of the apartments is not significant for a traffic study and traffic concurrency.

Board Member Mackenzie spoke regarding stacking. He spoke regarding the issues of the individuals living on Harding Avenue and Board Member Bravo is trying to setup a conversation with the applicant to come up with a solution that would be more viable.

Chair Frankel reiterated that the Planning and Zoning Board wanted to give them a variance to allow them the loading space but the Town Commission denied it. She stated that possibly they should have a traffic study performed.

Town Planner Keller stated that he can bring to the next meeting suggestions like cumulative impact of projects and you can monitor how much new growth will be coming to the Town.

Vice Chair Sanchez spoke regarding the curb cut for single family homes and mentioned that the apartment has no curb cut. He has concerns with the underground parking and possibly having a DOT specialist to address these concerns.

Town Planner Keller spoke regarding the Seeway Project and their garage setback.

Vice Chair Sanchez spoke regarding fire emergency with the parking garage and the ramp.

Juan David addressed the questions by the Board Members regarding the project.

Discussion took place regarding who would be responsible to pick up the garbage.

Building Official Fernandez stated that the question regarding who is responsible for the collection of garbage should be referred to Public Works.

Town Attorney Recio clarified that Public Works was involved as part of the Design Review Committee and that they will be responsible for collecting the garbage. He also mentioned that there was talk regarding a staging area.

Juan David presented the PowerPoint presentation of the application plan.

Board Member Landsman asked why the Commission did not approve the variance.

Chair Frankel stated that the Commission does not like to approve variances and the Planning and Zoning Board felt that there was a hardship and understands why FDOT did not want to do it. She stated that the zoning code suggests certain amount of parking spaces.

Board Member Mackenzie asked regarding how many parking spots and guest parking spots there will be.

Juan David addressed the questions made by the Board Members regarding the parking spaces.

Chair Frankel stated that she enjoyed the design of the project and façade better than the first one.

Further discussion took place among the Board Members regarding loading space, parking, the setbacks, the closure of lanes to traffic and sidewalk closure during construction.

Board Member Mackenzie requested to have a loading and unloading space and then he will support the project because he sees a lot of problems coming.

Chair Frankel stated that FDOT would be the agency to speak with and it will be a bit difficult.

Town Planner Keller stated that he was not around when this project was discussed with FDOT and they will not do much more than what they have done which is one curb cut. He stated that he does not believe there is a big traffic impact with this project.

Board Member Bravo asked regarding how the rainwater discharge would take place with this project and the allowability of the mezzanine level.

Juan David answered the question from Board Member Bravo regarding the discharge of the rainwater and stated it goes into a well. He also addressed the comment regarding the three story and they had to change everything to do a two story and a mezzanine. He gave a synopsis of the history of this project and the different changes.

Town Planner Keller stated that it is only a two story and there is no mezzanine.

Board Member Henderson summarized that it is only a two story and no mezzanine. He stated that he does believe that FDOT should be asked if it is possible and to explain the Planning and Zoning Board concern and if they would do an additional cut for garbage and possibly a car to come in and sit there because Harding is unbelievably busy.

Chair Frankel asked if there is a spot underground for loading and does not see this having a large impact. It has less units and less curb cuts.

Juan David showed the plans where the parking area and delivery company can station their vehicles. He spoke regarding the needs of the drop off areas and the loss of parking areas due to pervious areas.

Chair Frankel suggested to defer this item in order to address the concerns of the Planning and Zoning Board. She spoke regarding the landscaping requirements as well.

The following members of the public spoke:  
George Kousoulas  
Anthony Blate

Chair Frankel addressed the comments made by the public speakers regarding cumulative impact.

Board Member Henderson thanked George Kousoulas for his comments and stated that if Mr. David does attempt to go back to FDOT with the full conversation that has taken place and the concerns expressed by the Board, there might be a better possibility of them listening.

Chair Frankel stated that maybe this should be deferred and hear what type of pedestrian safety measures, internal parking measures, loading and unloading, actual garbage plan and where the trash receptacles will be placed and speaking with FDOT to see what is possible. The first step is to reach out to FDOT and see what their position is moving forward.

Juan David stated it will be tough after a year and it's been 7 years and the owner might abandon the project. He does not want to have to go back to FDOT. He spoke regarding the loading section and stated that it is similar to delivery at a single-family home.

Town Attorney Recio reminded the board the criteria as it pertains to traffic and stated that they can defer it or make a recommendation to the Town Commission with certain conditions.

Chair Frankel stated that she wants to make sure there is a point for deferment.

A motion was made by Board Member Mackenzie to deny the application, seconded by Vice Chair Sanchez. The motion carried with a 3-2 vote with Chair Frankel and Board Member Landsman voting in opposition.

**B. 624 92 Street – Garage Conversion to Master Bedroom**

Town Planner Keller introduced the item and provided the staff recommendations as stated below:

**Background:** This application is a request to convert an existing garage to a master bedroom, walk-in closet, master bathroom and utility room. The garage conversion will add 400 square feet (SF) of livable area and will be raised to match the existing residence finished floor elevation of 6.76 feet NGVD. The Applicant is proposing interior renovations relocating an existing powder room and creating a music room in a portion of the existing dining area. The corner lot is zoned H30B totaling 6,160 SF. While the Town Code identifies the front yard to be on Dickens Avenue, the front door to the house is off 92<sup>nd</sup> Street where an existing circular drive provides access to the garage. An existing hedge exists in the vicinity of the property line from the west driveway connection on 92<sup>nd</sup> Street to the southwest corner of the property on Dickens Avenue. A composite deck is proposed on the west side of the converted garage in the primary front of the corner lot. The deck extends 7 feet into the primary front area totaling 127 SF. A landscape screened cooling unit box is proposed on the north side of the deck adjacent to the garage wall.

An overhead angled aerial view facing south from the Miami-Dade County Property Appraiser (MDCPA) is provided on the following page with a Google Street View looking south from the corner on page 3. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape plan and current survey was submitted by the Applicant.

**Governing Codes:** The **Zoning in Progress** relevant requirements for lots in the H30B District are: Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**Preliminary Draft Code: 90-203(7)** – allows for a garage conversion provided the garage door is replaced with a solid exterior wall with at least one window and with access internally from the main premises. Landscaping shall be provided along the base of the new exterior wall.

**Preliminary Draft Code: 90-182(a)** – “... an uncovered pool, porch, patio or terrace shall not be included provided such structures are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line.”

**Applicant Package:** A 6-page package of drawings and an application was submitted by the Applicant. Drawing A-101 provides information on hardscape and pervious area. The Applicant meets the 50% landscape area for the front yard and the 40% for the rear yard. Applicant also complies with the 35% pervious for the lot.

**Staff Recommendation:** The Applicant complies with the pervious/landscape area requirements. The existing pavers are removed in front of the garage and grass is placed in this area. The circular driveway provides room for two vehicles. Two new aluminum windows with white finish are placed in the new garage wall. An additional window similar but smaller is aligned with the new shower in the master bedroom. The existing garage floor will be raised to be consistent with the finished floor elevation of the existing home. A new sliding glass door with white finish will be placed where a 4-pane window is being removed to provide access to the composite deck added in the front yard area. The deck is greater than 10 feet from the Dickens Avenue right of way line. The existing side garage door will be removed and a new aluminum window will be added in the general location of the removed door. Recommend Planning and Zoning Board approval as submitted.

Jeff Rose, representing the applicant introduced the project and gave a summary of the project.

Board Member Mackenzie stated that this is a very nice plan and asked regarding the composite deck if it will be filled and leveled.

Jeff Rose stated that it will be raised to flood requirements and it will be raised for storage of backfill.

Board Member Mackenzie spoke regarding it being backfilled and making it a permanent structure. He asked regarding the requirement by code with the window.

Town Planner Keller addressed the comments made by Board Member Mackenzie regarding flexibility in reference to the window and door.

Michelle Weinberg, applicant spoke regarding the sliding glass door and it would be nice to have additional lighting and possibly having the option.

Vice Chair Sanchez spoke regarding the hedges and that it will obstruct the view of the balcony. He spoke regarding the 7-foot bump out and believes that this is unremarkable with a growing family. He commented that they have a two-car driveway and it is a quiet street and is happy with the project.

A motion was made by Board Member Bravo to approve the application, seconded by Board Member Landsman. The motion carried with 5-0 vote.

**C. 8841 Froude Avenue – New Addition in Rear of House**

Town Planner Keller gave a summary of the project and introduced the item and he recommended that they expand the driveway.

**Background:** This application is a request to add a 979 square foot rear addition to a single-family residence with 1,264 SF of livable area. The Applicant plans to convert the existing garage to a gym/den and utility room. The garage conversion will add 230 SF of livable area and will be raised to match the existing residence finished floor elevation of 7.14 feet NGVD. It is not clear if the garage SF is included or separate to the 1,264 SF existing floor area. The Applicant is proposing several other interior renovations as depicted in Drawing A-201. The rear addition provides for an expanded kitchen area, dining room, family room and a new master bedroom with master bathroom and walk-in closet. A new covered terrace, open on two sides completes the residence improvements.

The front yard area is also being redeveloped to provide a 17-foot wide concrete block parking area, a 2-foot-wide concrete block walk and raised steps and entry area to the residence. The existing driveway will be removed. The front yard setback to the building is 25 feet one inch. The steps and entry area are outside of the setback. The side yard setbacks are 5 feet and 7 feet 4 inches. The rear setback is 20 feet.

The lot is zoned H30B totaling 5,625 SF. The proposed expansion totals 2,243 SF where 40% of the lot area is 2,250 SF. The Applicant complies with the 40% maximum floor area provided the garage conversion is included in the total existing floor area.

A variety of architectural enhancements are proposed. The front elevation is completely revised by adding two bronze aluminum windows in the new garage wall. A dark gray stone veneer highlights the new entry area with a wood door and bronze floor to door top windows. The front stucco area includes smooth stucco bands with 2-inch white grooves. New matching windows are being installed around the residence. The new east rear elevation has 2 three panel sliders accessing the covered terrace and two 4 ½ foot

widows in the new master bedroom. A new zinc/aluminum coats steel panel roof is proposed with a charcoal/gray color.

A Google Street View looking east at the front of the existing house is provided on page 2. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape information and current survey was submitted by the Applicant.

**Governing Codes:** The **Zoning in Progress** relevant requirements for lots in the H30B District are:

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**Preliminary Draft Code: 90-203(7)** – allows for a garage conversion provided the garage door is replaced with a solid exterior wall with at least one window and with access internally from the main premises. Landscaping shall be provided along the base of the new exterior wall.

**Preliminary Draft Code: 90-2(42) c** – the following exemptions shall not be included in determining the lot coverage, covered terraces, patios, breezeways, or porches which are open on two (2) or more sides.

**Applicant Package:** A package of 7 drawings and an application was submitted by the Applicant. Drawing A-101 provides information on hardscape and pervious area. The Applicant meets the 50% landscape area for the front yard and the 40% for the rear yard. Applicant also complies with the 35% pervious for the lot.

**Staff Recommendation:** The Applicant complies with the pervious/landscape area requirements.

Recommend Planning and Zoning Board approval subject to clarification on the following items:

- Clarify whether the existing garage square footage is included in the existing floor area.
- If the existing garage is not included in the existing floor area then the project exceeds the 40% maximum floor area threshold and needs to be scaled back.
- The extent of the proposed additions and improvements suggest the cost of the proposed improvements may exceed 50% of the market value of the existing residence.
- If the proposed improvements exceed 50% of the market value of the existing residence the improvements require compliance with the Base Flood Elevation +2.
- Recommend adding 1 foot to the width of the driveway-parking area to provide two 9-foot-wide parking spaces.
- Clarify the eaves of the building are 8 inches or less.
- The metal roof requires Design Board Approval.
  - Add a table to the plan indicating compliance with the single-family landscape requirements.



Jeff Rose, representing the applicant gave a presentation of the application which is an addition.

Chair Frankel spoke regarding the color of charcoal gray or slate color.

Jeff Rose stated that the owners are fine with either color. He spoke regarding the cement tile color and if you are to re-roof your home it does not go before the Planning and Zoning Board.

Aylet Alvarez, applicant, stated that they will do whatever the desire of the Board is but they would prefer the darker color.

Board Member Bravo spoke regarding the color and they would have to fix it in the code and he prefers no dark colors. He asked who approves the sample of colors.

Jeff Rose stated that they are required to provide a sample of the tile and the color to the Building Dept.

Town Planner Keller spoke regarding the reroof and staff doing a design review requirement.

Further discussion took place among the Board Members and Jeff Rose regarding the color pattern for roof tiles.

Board Member Mackenzie commented on the roof tiles and flat tiles and lighter color would be better.

Further discussion took place among the Board Members and the applicants regarding the sliding doors, horizontal sliders, windows and possibly adding a little bulkhead.

Chair Frankel commented that she appreciates the metal roof for sustainability, she believes it is a good project and good improvement.

Vice Chair Sanchez spoke regarding the threshold and if it doesn't exceed the addition it would be appropriate. He spoke regarding the windows and if the entrance was recessed a bit and if there is some type of cover down the road it would be difficult to get into the house if it is raining. He stated that there does not appear to be any type of shelter from the elements.

Jeff Rose stated that once they start putting a shelter it counts against them for lot coverage.

The following individual from the public wants to speak:  
George Kousoulas

Town Planner Keller spoke regarding the lot coverage of 40% and spoke regarding flood elevation.

Board Member Henderson spoke regarding the garage conversion.

A motion as made by Board Member Landsman to approve the light gray color and 40 plus metric design as is presented, the symlock metal roof and window, have a 4-6-inch bulkhead, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

**5. Next Meeting Date: March 25, 2021**

Chair Frankel spoke regarding the next meeting date of March 25, 2021.

Consensus was reached to have the next meeting March 25, 2021.

**6. Discussion Items:**

**A. Future Agenda Items**

Chair Frankel spoke regarding the design review guidelines that include roof colors can be addressed in that document and the Board to go through it first before it goes to the Commission.

The following individuals spoke on the item:

George Kousoulas spoke regarding the design review guideline and the CGA option should not be entertained.

Chair Frankel stated that they met with LuLab from the University of Miami and spoke regarding the setbacks. She stated that it does make sense on how to address the second story and undo massing.

Board Member Mackenzie spoke regarding meeting FEMA regulations on height of the first floor and to take that as an average and adding footage as well as the regulations on fencing.

Chair Frankel spoke regarding setbacks on the first floor and reducing the builder's cost on the second floor.

Town Planner Keller addressed the comments made regarding the five-foot setback is not reasonable with the larger houses.

Chair Frankel asked if they are to ask the Commission to work on the design standards.

Town Planner Keller stated that the Commission is working on the zoning code and the design standards will come after and could be done via a resolution.

Town Attorney Recio stated that the setback requirement would go in the zoning code to be incorporated and pertaining to the design standards it would be something the Board can request the Commission to do.

Town Attorney Recio stated that if you do it more formally to make a motion to propose setbacks for single family homes with second floors to be increased to 7.5 feet.

Jeff Rose responded to the setbacks and what the new zoning code.

Chair Frankel asked Town Planner Keller to bring something at the next meeting regarding changes to setbacks and as it pertains to the second floor and what the square footage they would be allowed to have.

Town Clerk McCready advised the Planning and Zoning Board Members regarding the Zoning in Progress Special Commission Meeting on March 2, 2021 at 3:00 p.m.

Chair Frankel discussed regarding the setbacks on the second floor.

Further discussion took place among the Board Members regarding the second story setback, addition articulation to the setbacks and design elements.

A motion was made by Board Member Bravo to extend the meeting for 10 minutes seconded by Board Member Mackenzie. The motion carried with a 5-0 vote.

The following individual from the public spoke:  
Jeff Rose regarding building up and open space.

Chair Frankel asked if Town Planner Keller could come back to the Commission with revisions on the zoning code and dedicate funds and resources to look at the design review guidelines.

Board Member Henderson stated that the Board needs to give clear direction to Town Planner Keller as to what they are asking him to do.

Chair Frankel clarified and asked Town Planner Keller to create a draft and come back at the March meeting to discuss side setbacks for a first draft to work with recommendations to go to the Commission.

A motion was made by Board Member Landsman to request the Town Commission to authorize resources to be allocated in order for Town Planner Keller to work with the Planning and Zoning Board to rewrite the design review guidelines, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

**7. Adjournment:**

A motion was made by Board Member Landsman to adjourn the meeting without objection at 10:08 p.m. The motion received a second from Board Member Bravo. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 30 day of April, 2021.

Attest:

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

  
\_\_\_\_\_  
Judith Frankel, Chair



**Town of Surfside  
PLANNING & ZONING BOARD  
MINUTES**

**March 25, 2021 – 6:00 p.m.**

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

Chair Frankel called the meeting to order at 6:05 p.m.

**Present:** Chair Judith Frankel, Vice Chair Oliver Sanchez, Board Member Fred Landsman, Board Member James MacKenzie, Alternate Board Member Horace Henderson and Board Member Bravo (arrived at 6:15 pm)

**Absent:** Vice Chair Oliver Sanchez.

**Also, Present:** Mayor Charles Burkett, Town Planner Walter Keller, Assistant Town Attorney Tony Recio and Town Manager Andrew Hyatt and Building Official Jim McGuiness.

**2. Town Commission Liaison Report – Mayor Charles Burkett**

Mayor Burkett gave his liaison report and spoke regarding the draft zoning code.

**3. Approval of Minutes – February 25, 2021**

A motion was made by Board Member Landsman to approve the February 25, 2021, Planning and Zoning Board Meeting Minutes, seconded by Board Member McKenzie. The motion carried with a 4-0 vote with Board Member Bravo absent.

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

Town Attorney Recio asked Deputy Town Clerk Herbello if the applicants met advertising requirements.

Deputy Town Clerk Herbello confirmed advertising requirements for all applicants with the exception 9424 Bay Drive (Item No. 4A).

Town Attorney Recio polled the Board Members.

The record reflected that no Board Members had any ex-parte communication with any of the applicants.

Board Member Landsman stated that an applicant for item 4A asked regarding the process of the Board.

**4. Applications:**

**A. 9424 Bay Drive – New Two-Story Single-Family Residence**

This applicant did not provide proof of certified mail and proper notice was provided therefore it will have to have deferred to the next meeting.

**Background:** This application is a request to construct a new 2-story single family residence. The parcel is located in the H30A Zoning District at 9424 Bay Drive. The average lot depth is 182 feet with a width of 50 feet. The Applicant indicates the lot size is 9,100 square feet (SF). The proposed air-conditioned floor space and garage totals 6,407 SF. An existing one-story single-family residence will be demolished in order to construct the new dwelling. An overhead view of the lot from the Miami Dade County Property Appraiser is provided on the following page.

The setback requirements for the H30A Zoning District are 20-foot front, 5-foot side and 25 feet rear (adjacent to Indian Creek). The Applicant is proposing to comply with first floor setbacks with a setback on the rear lot of 43 feet. The Applicant's proposal on average setbacks is reasonable. Total lot pervious area is proposed to be 40.04% where 35% is required. The front yard setback pervious area is proposed at 52.5% where 50% is required. The rear yard setback area is proposed for 60% where 40% is required. The second floor under ac is proposed at 2,903 SF which is 31.9% where 32% is the maximum. Another measure of the second-floor size is it cannot be larger than 80% of the first floor. Again, the second-floor ac area is 2,903 which is larger than allowed. Lots greater than 112.5 feet are required to have the front and rear yards combined equal 36% or more. The 20-foot front yard and 43-foot rear yard when added together and divided by the 182-foot lot depth is 34.6%. A flat roof is proposed just below the 30 feet height requirement.

A variety of architectural enhancements are proposed. These items include significant breaks in the side walls, provision of balconies, dark metal trimmed windows, glass balcony railings and a large number of windows. The front elevation includes a wood garage door with wood and metal enhancements around the entry door. While 2 color renderings are included the architectural details are not provided on the drawings.

Additional dimensioning needs to be added to the drawings related to pervious details to allow checking of the calculations and percentages.

**Applicant Package:** A package of 9 drawings and an application was submitted by the Applicant. A recent survey was not submitted.

**Staff Recommendation:** The staff review for this request is being finalized and will be forwarded to the Board and Applicant prior to the meeting.

Town Planner Keller introduced the application and project.

Town Attorney Recio stated that the applicant posted notice for the February 25, 2021 meeting and not for the March 25, 2021 hearing. The March 25, 2021 meeting has a different zoom information and date and will not qualify as proper notice requirement for this meeting.

Applicant asked if the notice has to reflect the new hearing date.

Town Attorney Recio stated that yes, the new notice has to reflect the new hearing date and new zoom information.

The item was deferred due to lack of proper notice.

#### **B. 900 89<sup>th</sup> Street – Single Family Home Addition**

**Background:** This application is a request to demolish a previously converted garage and reconstruct a 384 square foot (SF) addition to a single-family residence. The reconstructed area is an expansion to provide a new bedroom, cabana bath and laundry room. The floor in the new area will be raised to match the existing residence finished floor elevation of 6.89 feet NGVD. The total livable area will increase to 2,484 SF. A new pool and deck totaling 662 SF is proposed for the rear yard. The Applicant is also proposing removal of the existing driveway and adding a new wider paver driveway and walks. The existing white flat tile roof will be replaced with new roofing material and charcoal gray flat cement tiles. New white windows will be added to the addition on the north and west elevations to match the existing windows that will be maintained. A new door with steps will be added to the west elevation.

The corner lot is zoned H30B totaling 6,759 SF. The proposed expansion totals 2,243 SF where 40% of the lot area is 2,704 SF. The total proposed pervious area for the lot is 3,165 SF which is 46.8 percent. The front setback is on 89th Street with a 20-foot setback. The rear setback is 20 feet. The setback on Froude Avenue is 10 feet and the side setback is 5 feet. The proposed plan complies with setback requirements. The front yard pervious area is 100 percent. The rear yard pervious area is 71 percent. The roof height is 9 feet 7 inches from the crown of the road with 24-inch eaves.

A Google Aerial and Street View are provided on pages 2 and 3. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape information and current survey was submitted by the Applicant.

**Governing Codes:** The March 2021 Zoning in Progress relevant requirements for lots in the H30B District are:

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code. Maximum floor area must be 40% or less.

**Applicant Package:** A package of drawings and photos was submitted by the Applicant. The Applicant meets the 50% landscape area for the front yard and the 40% for the rear yard. Applicant also complies with the 35% pervious for the lot. The Applicant complies with the height limit and setback requirements.

**Staff Recommendation:** The Applicant complies with the pervious/landscape area, height and setback requirements. Recommend Planning and Zoning Board approval of the proposal as submitted.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Jeff Rose, representing the applicant gave a synopsis of the project and the garage conversion.

Andrew Feldman, applicant spoke regarding the project.

Board Member Mackenzie asked regarding the plan approval on the project. He stated that overall, this is a great addition but has a serious problem with having the submittals and what is the policy.

Chair Frankel asked Building Official McGuinness regarding the plans that were delivered.

Board Member Mackenzie stated that the plans presented to the board members should be signed and sealed plans.

A motion was made by Board Member Bravo to approve the application, seconded by Board Member McKenzie. The motion carried with a 5-0 vote.

### **C. 724 90<sup>th</sup> Street – Single Family Home Residence**

**Background:** This application is a request to add a 819 square foot (SF) addition to a single-family residence with 2,265 SF of livable area. Based on the submission, the garage was previously converted to usable space with interior access from the existing residence. The existing residence finished floor will be



raised to 8 feet NGVD. The Applicant is proposing to add 2 new bedrooms, a bathroom and expand the existing master bedroom as depicted in Drawing AS-002. A new covered terrace (open on two sides), a new BBQ/outdoor kitchen, pool renovations, carport and hardscape and wood deck improvements are proposed. A newer higher flat roof, new doors and windows and exterior façade improvements are also proposed.

The two-lot residence is zoned H30B totaling 12,460 SF. The proposed floor area totals 3,378 SF and with 459 SF (front porch and BBQ patio). The resulting floor area coverage of 3,837 SF is 30.8% floor area coverage which is less than the 40% upper limit. The narrowest lot side is on Emerson Avenue which has 19.76 existing setback. The pervious area requirement for the front yard is 50% of 2,150 SF where 1,588 SF is provided. The existing rear setback is 15 feet. The pervious area requirement for the rear yard is 40% of 1,669 SF where 890 SF is provided.

The existing circular driveway off of 90th Street is proposed to be eliminated and a new driveway will be constructed on the east side of 90th Street where a carport is proposed with the former east connection to the circular drive will be used to access the carport

A variety of architectural enhancements are proposed. The front elevation is completely revised by adding a Sedona brown composite board wall cladding with a white stucco finish on the raised roof portion. New matching windows with silver finish are being installed around the residence. The new west and south elevations continue this theme. The east elevation has smooth white stucco.

A Miami-Dade County Property Appraiser Top Angled View is provided on page 2. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape information and current survey was submitted by the Applicant.

**Governing Codes:** The **Zoning in Progress** relevant requirements for lots in the H30B District are:

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

Eaves of sloped roofs may project up to 24 inches into any required yard.

The maximum roof height is limited to 30 feet as measured from the crown of the roadway.

The carport is interpreted to be a canopy, open on all sides and limited to a maximum height of 10 feet from the ground. Maximum size is 20 feet by 20 feet

and must be consistent with the Florida Building Code. The canopy is allowed to encroach in the setback area.

The site plan includes landscape details and many of the trees and plants are consistent with Florida friendly species.

**Applicant Package:** A package of drawings, an application, appraisal, surveys and photos were submitted by the Applicant. Drawing AS-002 provides information on hardscape and pervious area. The Applicant meets the 50% landscape area for the front yard and the 40% for the rear yard. Applicant also complies with the 35% pervious for the lot.

**Staff Recommendation:** The Applicant complies with the pervious/landscape area requirements. Recommend Planning and Zoning Board approval subject to the following items:

- Provide dimensions on the carport and limit the height to a maximum of 10 feet and the size less than 400 SF.
- If the proposed improvements exceed 50% of the market value of the existing residence the improvements require compliance with the Base Flood Elevation +2.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Francisco Mallmann, applicant spoke regarding the project.

German Brun, architect on the project spoke regarding the project.

Building Official McGuinness spoke regarding the project and raising the floor. He spoke regarding the raising of the house.

German Brun, architect addressed the question asked by Building Official McGuinness on the raising of the floor.

Chair Frankel stated that the floor is the existing height.

Town Planner Keller addressed the comments made by the Board and applicant.

Board Member Mackenzie asked Town Planner Keller what the policy is in the zoning ordinance in Surfside regarding the nonconforming setbacks.

German Brun, architect spoke regarding the decorative elements of the property.

Board Member Mackenzie spoke regarding the encroachment and the roof.

Town Attorney Recio read into the record the H30 zoning requirements as it pertains to sloped roofs.

Building Official McGuiness spoke regarding the raising of this project.

A motion was made by Board Member Bravo to approve the application with staff recommendations to include the limitation on the carport has to be less than 400 feet and not higher than 10 feet, seconded by Board Member Landsman. The motion carried with a 5-0 vote.

#### **D. 8858 Dickens Avenue – Single Family Residence Addition**

**Background:** This application is a request to convert an existing garage to a bedroom, walk-in closet, bathroom accessed from inside the residence and a small storage area accessed from the existing garage door. A larger addition is proposed for the rear portion of the residence providing a kitchen, living room, laundry and closet for the garage bedroom. The interior lot is zoned H30B totaling 5,625 square feet (SF).

A Google Aerial is provided on the following page and a Google Street View is located on page 3. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape plan and current survey was submitted by the Applicant.

**Governing Codes:** The March 2021 **Zoning in Progress** relevant requirements for lots in the H30B District are:

Maximum lot coverage is 40% of the lot (except swimming pools, screen enclosures and pergolas). Uncovered steps and exterior balconies; uncovered terraces, patios, breezeways, or porches open on two sides; and covered terraces, patios, breezeways, or porches open on two sides are not included but cannot exceed 15% of the total footprint.

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**MuniCode: 90-50.1 (7)** – allows for a garage conversion and the garage door maybe replaced with a solid exterior wall with at least one window and with access internally from the main premises. Landscaping shall be provided along the base of the new exterior wall.

**MuniCode: 90-54.2 & 3** – uncovered pools and decks, porches, patios or terraces may occupy a setback provided they are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line.

**Applicant Package:** A package of drawings, survey and landscape plan was submitted by the Applicant. Drawing 2 of 10 provides details on the proposed addition. The landscape plan provides information on hardscape and pervious area.

**Staff Recommendation:** The proposed improvements appear to be generally consistent with the Town's Land Development Regulations. Recommend approval subject to the following conditions:

- Provide dimensions on all drawings to identify the location of the pool setbacks, the pool size, the location of the pool equipment, the dimensions and size of the rear terrace and any other improvements proposed.
- The proposed driveway width is insufficient to provide for 2 parking spaces, suggest modification of driveway to be similar to existing configuration and modify the landscape plan accordingly.
- The landscape plan proposes mulch beds in the side setbacks adjacent to the residence. Is the existing walk being removed?
- Provide additional detail and information to support determinations of pervious area requirements for the total lot, front and rear setback requirements.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Paul Glasgow, applicant spoke regarding the project.

Chair Frankel asked regarding the front façade.

Paul Glasgow stated that the front façade stays the same and spoke regarding the driveway.

Board Member Henderson asked regarding work on the front of the house.

Paul Glasgow stated that it was the landscaping plan and that it does not change anything on the front of the house.

Chair Frankel stated that the garage was only partially converted.

Board Member Henderson asked Town Planner Keller regarding the garage conversion and how that would comply with code and are they widening the driveway.

Paul Glasgow stated that the garage was converted by the previous owners.

Town Planner Keller spoke regarding the landscape plan and it was changing the driveway and the lack of detail. He spoke regarding if the pool and addition met the code.

Further discussion took place among the Board Members regarding the approval and that all issues with the garage have to be resolved and raising the garage floor to match the rest of the house.

Board Member Mackenzie stated that he would like for the pool to meet all zoning regulations.

Chair Frankel stated that the garage meets all requirements and the pool meets the proper setbacks.

A motion was made by Board Member Mackenzie to approve the application adding the two conditions including removing the Spanish Mediterranean tile from the rear terrace, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

#### **E. 8943 Carlyle Avenue – Garage Conversion/Driveway**

**Background:** This application is a request to convert an existing garage to a den/office, bathroom and laundry room. New windows and doors will be replaced and a small extension of the deck is proposed. The exterior of the residence will be renovated and the existing driveway and walkway will be replaced with concrete pavers. The interior lot is zoned H30B totaling 5,600 square feet (SF).

A Miami-Dade County Property Appraiser's Angled Photo is provided on the following page and a Google Street View is located on page 3.

**Governing Codes:** The March 2021 **Zoning in Progress** relevant requirements for lots in the H30B District are:

Maximum lot coverage is 40% of the lot (except swimming pools, screen enclosures and pergolas). Uncovered steps and exterior balconies; uncovered terraces, patios, breezeways, or porches open on two sides; and covered terraces, patios, breezeways, or porches open on two sides are not included but cannot exceed 15% of the total footprint.

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**MuniCode: 90-50.1 (7)** – allows for a garage conversion and the garage door maybe replaced with a solid exterior wall with at least one window and with access internally from the main premises. Landscaping shall be provided along the base of the new exterior wall.

**MuniCode: 90-54.2 & 3** – uncovered pools and decks, porches, patios or terraces may occupy a setback provided they are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line.

**Applicant Package:** A package of drawings, elevations, materials detail and survey was submitted by the Applicant. Applicant provided details on pervious area calculations.

**Staff Recommendation:** The proposed improvements are consistent with the Town's Land Development Regulations, recommend approval of the proposed plan.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Leon Franco, applicant spoke regarding his application and project.

Board Member Henderson spoke regarding raising of the floors to meet code and where are the pipes to feed the laundry room and bathrooms and where they are coming from.

Leon Franco stated that the garage will be raised and the piping currently in the garage includes the laundry in that area.

Board Member Bravo asked regarding drawing 200 and how it reads is that the existing driveway is being reworked or did they mean for it to be removed.

Leon Franco responded to Board Member Bravo's question and stated that it will be removed and redone.

Further discussion took place regarding the garage and windows.

Building Official McGuinness spoke regarding the specifics of the application as well as regress and ingress.

Further discussion took place among the applicant, Town Planner Keller and Building Official regarding the egress and ingress.

Board Member Mackenzie asked regarding the survey elevation and the design change of the house.

Leon Franco responded to Board Member Mackenzie's comments.

A motion was made by Board Member Mackenzie to approve the application with the recommendation that the window shown in A300 drawing proposed south elevation be

the window for the den office, seconded by Board Member Landsman. The motion carried with a 5-0 vote.

**F. 9381 Carlyle Avenue – Gate/Fence**

**Background:** This application is a request for a front yard fence, a driveway gate and pedestrian gate on Carlyle Avenue. The parcel is located in the H30A Zoning District. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant which has an update photo of the property.

**Governing Codes:** The Zoning in Progress requirements for a front yard fence are detailed in the following Zoning Code sections:

**Current Municode: 90-56.2 & 3** – Allows fence or ornamental walls in the front yard or primary corner yard if granted design review approval by the Planning and Zoning Board. Further limits height for a lot wider than 50 feet a 4-foot height plus 1/2 foot for each 10 feet exceeding 50 feet.

**Applicant Package:** A fence detail drawing, a survey and a recent photo of the property were submitted. The Applicant is requesting a 5-foot-high aluminum fence with 1 x 6 slats with 1 inch spacing. The fence is offset from the property line at the driveway location.

**Staff Recommendation:** The proposed fence design is not consistent with the Town Code relative to height and opacity. Recommend denial of the request.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

James Brian, applicant spoke regarding the project and asked why the project did not meet code.

Town Planner Keller advised the applicant as to why it did not meet code.

Discussion took place among the applicant and Town Planner Keller regarding the project and how to get the gate approved.

Chair Frankel stated that the Board has to discuss this and how they feel about gates and fences and she is opposed to driveway gates.

Board Member Mackenzie stated that he is opposed to these fences.

Further discussion took place regarding the house and tapestry of the neighborhood.

Town Attorney Recio read into the record the code as it pertains to the front gate.

Board Member Landsman discussed regarding the renovations of the house and the particular house will look out of character.

Discussion took place among the Board members regarding the project and the guidelines.

Board Member Bravo spoke regarding fences and gates in Town.

Town Attorney Recio verified with James Brian that his statement is that it was not approved prior.

James Brian stated that at the meeting The Board stated that it would be approved with the elevation and gate portion and if they meet the height, setbacks and what it would look like it would be approved.

Town Attorney Recio stated that they do not know what the outcome of that meeting was and that what he is proposing now is something that does not meet code. He stated that possibly the Board could prefer a deferral in order to make the changes that meet code.

James Brian asked if they meet code if they will still not be approved. If he comes back with audio showing that the main part of the project showing what it will take for the project to be approved.

Further discussion took place among the Board, Town Attorney Recio and James Brian regarding the project.

Chair Frankel stated that she would not approve this gate.

A motion was made by Board Member Henderson to deny the application because it does not meet code, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

#### **G. 1221 Biscaya Drive – Gate/Fence**

**Background:** This application was considered by the Planning and Zoning Board at the January 28, 2021 meeting requesting a front yard fence, 16-foot driveway gate and pedestrian gate on Biscaya Drive. The request was denied. A rehearing request was considered by the Board at the February 11, 2021 Board meeting but the item did not receive sufficient votes to be heard. The Applicant has amended the request by utilizing landscaping as a fence and placing a 4-foot 6-inch pedestrian gate and driveway gate between the landscaped hedges.

The parcel is located in the H30A Zoning District adjacent to the Biscaya Drive bridge. An overhead aerial view from the Miami-Dade County Property Appraiser is provided on the following page with two Google Street View captures on page



3. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant.

**Governing Codes:** The Zoning in Progress requirements for a front yard fence are detailed in the following Zoning Code sections:

**Current Municode: 90-56.2 & 3** – Allows fence or ornamental walls in the front yard or primary corner yard if granted design review approval by the Planning and Zoning Board. Further limits height for a lot wider than 50 feet a 4-foot height plus 1/2 foot for each 10 feet exceeding 50 feet.

**Zoning in Progress:** 50% of front yards must be landscaped and 20% of all landscape area must be Florida Friendly as defined in the Current Zoning Code.

**Applicant Package:** A presentation package was prepared by Swedroe Architects and a current survey was also provided. The Applicant is requesting a 4 ½ foot high 16-foot-wide black aluminum motorized gate with a 3-foot-wide pedestrian gate. The gates are 50% transparent. The architect's plan provides 605 square feet of landscape area in the front yard setback area.

**Staff Recommendation:** Recommend the Planning and Zoning Board give design approval for a 3-foot pedestrian gate and a 16-foot motorized gate between landscape hedges. The gates should be 50% transparent, 4 ½ foot high black aluminum metal placed on the south property line of Biscaya Drive.

The Applicant to provide 605 square feet of landscape area in the front yard setback area as depicted in the Applicant's package.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Sebastian Guejman, applicant spoke regarding this application.

Board Member Landsman spoke regarding the speeding in Town.

Board Member Henderson asked if the proposed gate is in compliance with the Code.

Town Planner Keller stated that it is consistent with the Code and meets the opacity and height requirement.

Further discussion took place regarding reviewing the guidelines.

Board Member Mackenzie asked Town Attorney Recio if this applicant is meeting the intent of the code do they still have latitude to reject or approve this application.

Board Member Mackenzie asked applicant if he would be willing to lower the height.

Sebastian Guejman, applicant stated he would be willing to lower the height.

A motion was made by Board Member Landsman to approve the application with the recommendation of 4 ½ feet as requested adjustment, and the color from black to white. The motion died for lack of a second.

Chair Frankel stated that this property qualifies for special circumstances and it is due to corner lots.

A motion was made by Board Member Landsman with the recommendation of 4 feet high, white color or wood color or higher SRI, seconded by Chair Frankel. The motion carried with a 3-2 vote with Board Member Mackenzie and Board Member Henderson voted in opposition.

#### **H. 824 88<sup>th</sup> Street – Driveway Gates**

**Background:** This address received approval for a driveway canopy in December 2020. The current application is a request to construct driveway gates at the driveway connections to Froude Avenue and to 88th Street. The corner lot is located in the H30A Zoning District. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant. A Google Aerial Photo is provided on page 2.

**Governing Codes:** The March 2021 Zoning in Progress requirements for fences and walls are detailed in the following Zoning Code sections:

**Current Municode: 90-56.2 & 3** – Allows fence or ornamental walls in the front yard or primary corner yard if granted design review approval by the Planning and Zoning Board. Further limits height for a lot wider than 50 feet a 4-foot height plus 1/2 foot for each 10 feet exceeding 50 feet.

**Staff Recommendation:** This property has large hedges on both Froude Avenue and on 88th Street. Froude Avenue dead ends adjacent to this property. Engineered drawings provided by the Applicant indicate the gate on 88th Street is 5 feet high with the upper 3 feet close to 50% transparent. The gate on Froude Avenue is 2 feet 6 inches high and also close to 50% transparent. Staff would recommend the gates be fully 50% transparent. Staff does not have any issues with the driveway gates provided the Planning and Zoning Board gives design approval.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Roy Raskin, applicant spoke on the application.

Chair Frankel spoke regarding the fence and the other choices available.

A motion was made by Board Member Landsman to approve the application as requested. The motion died for lack of a second.

A motion was made by Board Member Henderson to deny the application, seconded by Board Member Mackenzie. The motion carried with a 4-1 vote with Board Member Landsman voting in opposition.

A motion was made by Board Member Landsman to extend the meeting for 15 minutes, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

#### **I. 9467-9473 Harding Avenue - Façade Signs-Sidewalk Café**

**Background:** This application is a request to convert three business storefronts into one retail business. The former Kosher Land is expanding and renaming to the Grove Kosher Market. The Applicant was approved by the Planning and Zoning Board in August 2020. The current request includes signage, finalized façade features and the sidewalk café. The commercial space is zoned SD-B40) with 75 lineal feet of frontage.

Three large projecting signs are proposed: one over the sidewalk cafe; one over the main entrance to the storefront; and one at the south end of the store. There is an additional wall graphic which is lit in the sidewalk café. The sidewalk cafe is located at the northern portion of the store. The store front was moved to increase the on-site cafe area. Six tables with 4 chairs each are located in the cafe area. Two overhead fans provide circulation and cooling for the cafe area. Overhead can lights are used to illuminate the area and wall graphics (see Applicant's drawings).

A Google Street View Photo is provided on the following page.

**Governing Codes:** The March 2021 **Zoning in Progress** relevant requirements for lots in the SD-B40 District are:

**Current Municode: Sec 90-73.a(3b(1-3))** – Provides a wall sign of 1 square foot (SF) for each 1 foot of frontage. In the Business District for stores with less than 25 feet of frontage, a 25 SF sign is allowed. This store has 75 feet of frontage. The maximum size of any one sign is 45 SF. The Code has further restrictions including requiring a 1/4 inch to 2-inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs. All signage to be lit with white illumination from dusk to dawn.

**Sidewalk Businesses: Sec 18-92** – Provides the minimum standards, criteria and conditions for the operation of sidewalk cafes. The Applicant will need to obtain a sidewalk café permit.

**Applicant Package:** A package of drawings, renderings, materials detail and survey was submitted by the Applicant.

**Staff Recommendation:** The three proposed wall signs together exceed the square footage allowed by the Code. With 75 feet of frontage, 75 square feet of signs can be displayed. Discussions are underway on reducing the signs to meet the Town Code.

The Planning and Zoning Board needs to give design approval for the three wall signs, the furniture in the sidewalk café and the wall graphics. Additional information will be forwarded to the Board prior to the meeting.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Jordy Sopoum, applicant spoke regarding the application.

Board Member Henderson suggested to defer the item.

Further discussion took place among the Board and applicant regarding the sign criteria.

Board Member Bravo asked what was the need for the name being so long.

Jordy Sopoum stated that they can work on the size of the wording and name.

Chair Frankel suggested for the applicant to speak with Town Planner Keller regarding the specifics.

Board Member Mackenzie spoke regarding the application and the addition of graphics and believes that one (1) sign is sufficient.

A motion was made by Board Member Henderson to defer the item to the April meeting, seconded by Board Member Landsman. The motion carried with a 5-0 vote.

A motion to extend the meeting for 6 minutes was made by Board Member Landsman, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Town Attorney Recio introduced Jennifer Ronneburg to spoke regarding the signage and that her business has been affected. He stated that the Town issued a violation due to not being able to obtain a building permit. She is asking for a

non-illuminated sign. She is respectfully asking to grant approval because it meets code.

Chair Frankel stated that this application was presented at the February 11, 2021 agenda. She stated that there is no way of remedying this at this time.

Town Attorney Recio stated that this Board cannot act at this time on this item.

Jennifer Ronneburg stated that she will contact Town Attorney Recio regarding the item.

The following individuals from the public spoke:

Jeff Rose stated that if his applicant has to go before the Board again due to the zoning in progress.

Town Planner Keller responded to comments made by Jennifer Ronneburg.

**5. Draft Proposed Zoning Code**

Item was not discussed.

**6. Next Meeting Date: April 29, 2021**

Chair Frankel spoke regarding the next meeting date of March 25, 2021.

Consensus was reached to have the next meeting March 25, 2021.

**7. Discussion Items:**

**A. Future Agenda Items**

**8. Adjournment.**

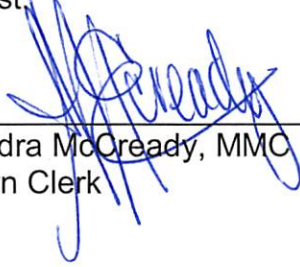
A motion was made by Board Member Henderson to adjourn the meeting without objection at 10:32 p.m. The motion received a second from Board Member Landsman. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 29<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Judith Frankel, Chair

Attest:



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Sandra McCready, MMC  
Town Clerk



**Town of Surfside**

**SPECIAL PARKS & RECREATION COMMITTEE  
MEETING**

**MINUTES  
APRIL 12, 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 Janice Tatum  
Commissioner Nelly Velasquez (arrived at 7:20 pm)

Absent: Committee Member Marta Olchyk

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

**2. Agenda and Order of Business**

Parks and Recreation Director Milian introduced himself and Adrian Hernandez from the Parks and Recreation Department.

Barry Miller and Adriana Savino Miller from Savino and Miller company introduced themselves.

William Lane, from William Lane Company introduced himself.

Kelly Hitzing, from Savino Miller introduced herself.

The Committee members introduced themselves.

**3. 96<sup>th</sup> Street Park Design Review with Savino Miller Design Group- Tim Milian, Parks and Recreation Director**

Parks and Recreation Director Milian introduced the item and the representative from Savino Miller Design Group.

Barry Miller, Savino and Miller provided a presentation of the project.

Kelly Hitzing, Savino and Miller gave a presentation of the project and provided three schemes in order to receive feedback.

Mr. Miller presented the different site plan concepts.

Parks and Recreation Director Milian spoke regarding the two points that were presented. He stated that they discussed at length with the Committee the priorities that were listed which were functional and the possibility of a building with two different playgrounds with green programmable space. He also stated that they are dealing with less than an acre. He spoke regarding the kayak launch and he would like to stay focused on the park and get the design for the park moving forward.

Mr. Miller spoke regarding raising the building due to previous flooding issues, issues with the grass, saving the existing trees, creating a new maintenance and pedestrian access, adjusting the fence and height location.

Commissioner Velasquez asked regarding the different schemes with the basketball court and possibly making the basketball court on the roof of the building and does not see that on the design.

Mr. Miller addressed the comments made by Commissioner Velasquez regarding the basketball court, the size of the court and that they were trying to stay fairly close to the RFQ. He addressed the comment made regarding the basketball court on the roof and they moved the court all over the site to determine which was better. He continued going through scheme 1.

Mr. Miller presented the scheme 2 design plans.

Chair Logan advised everyone if they have questions that they will have a question-and-answer section after the presentations.



Mr. Lane, provided the different schemes of the architectural design of the project.

Mr. Miller stated that their goal tonight is to have at least two schemes to be able to work with and make the necessary changes.

Commissioner Velasquez asked as to the louvers and if they are open louvers or glass behind them due to the fact that it gets very hot in the summer and the idea is to have the rooms airconditioned. She also asked why they are not utilizing all the space including the bottom section which could be used as an indoor space and asked if it could be enclosed in order to be able to use that space.

Mr. Lane addressed the question from Commissioner Velasquez.

Mr. Miller stated that there is glass behind the louvers and it is airconditioned. He spoke regarding the open lower section.

Mrs. Savino Miller stated that the idea was to create a continuation of the trees and an area where the parents could watch their children play.

Mr. Miller stated that the more you enclose you start raising the cost of the building especially the airconditioned area.

Chair Logan stated that many of their events have a DJ and it is nice to have the bottom area open and they want to be close enough to the field and not be separated from the activities.

Commissioner Velasquez asked if they could have it like a multipurpose area that could be a closed room with doors of some sorts, possibly making it something that can be interchanged.

Committee Member MacBride thanked the design team for how they designed the park and gave the reasoning why they placed the basketball court on the other side. He asked what the size of the greenspace field is where the children play soccer. He asked if scheme 1 and 2 is equal or bigger in size. He asked if the seawall met code and asked where would trucks come into the South of the walk-in gate in scheme 1. He stated that the area was used as a FEMA dumpsite until it could be moved out. He asked if they allow parties.

Ms. Hitzing answered Committee Member MacBride's question.

Parks and Recreation Director Milian addressed the comments made and stated that it is about equal in size. He stated that the idea is to maximize the greenspace.

Town Manager Hyatt answered Committee Member MacBride's question as it pertained to parties and stated that due to COVID they do not allow parties.

Parks and Recreation Director Milian stated that they do not have the space to rent for parties.

Discussion took place regarding the cost involved to include the budget for the hiring of employees as well as the difference in schemes and what is more visible as to who is coming in and out of the park.

Chair Logan asked regarding the fence height and stated that four feet is low on the water side.

Parks and Recreation Director Milian stated that it does meet code for a park fence but does understand the concern.

Mr. Miller stated that they could go easily to a five- or six-foot fence.

Chair Logan stated that her favorite scheme is number 2 and prefers the building not tucked in the corner but instead having the park portion tucked in the corner.

Vice Chair Travis asked which scheme would lend itself better from a design and logistics perspective for a launch.

Mr. Miller addressed Vice Chair Travis' question and believes that scheme 1 and 2 monitors that area and they could do other things as far as a design. He stated that if a kayak launch would be placed, the access would be on the northwest corner and there might be the need to have a storage area for the kayaks. He also addressed the possible issue of kayak traffic and have a possible kayak share use program.

Further discussion took place regarding a possible kayak launch while keeping it safe and recommendation of scheme 2 that would be the easiest to modify and have access to the water.

Mr. Miller spoke regarding the issue of the use of the launch and the FIND Grant funding.

Commissioner Velasquez stated that discussion took place with the Town Attorney and that in the long run if they decide to do a kayak launch it would be a matter of paying back that FIND grant dollars for that portion.

Vice Chair Travis asked if the park has to be fenced in.

Mrs. Savino Miller stated that the entire park is fenced and it does not have to be fenced in.

Discussion took place regarding the fence and what would be more aesthetically pleasing.

Parks and Recreation Director Milian discussed vandalism of the fence and they did not replace it in the last few years because they did not want to throw good money away on something that was going to be removed.

Committee Member Tatum asked if the camouflage and vegetation being proposed will block the view of the water.

Mr. Miller addressed Committee Member Tatum's question and stated that it will not be a big hedge blocking the view.

Parks and Recreation Director Milian stated that the kayak launch has been discussed as well as scheme 1 and 2 if a kayak launch would be going in that section. He stated that they are tasked to come up with a design for the park and does not want it to be held up due to the kayak launch.

Commissioner Velasquez asked what the survey results showed where the residents want the kayak launch to be located at.

Committee Member MacBride stated that the excel spreadsheet did not state a specific area.

Communications Director Dauginikas gave the specifics on the kayak launch survey.

Chair Logan spoke regarding the kayak launch and the funding involved without losing any funding for the park.

Mr. Miller spoke regarding storage of the kayaks and space.

Further discussion took place regarding funding, location for a kayak launch as well as the use of the park.

Committee Member MacBride stated that he is against a kayak launch.

Vice Chair Travis stated that every time that the residents were asked for their opinion for the park, it has always been having the park on a waterfront property. She stated that these designs are beautiful.

Chair Logan spoke regarding the different schemes of the design and location of a kayak storage area to be placed against the wall and hidden.

Mr. Miller answered Chair Logan's question and advised the different changes that they can make.

Ms. Hitzing stated that the reason why they did not put a second floor was because that room would be looking into the roadway and headlights coming over the bridge would be coming in through the windows.

Parks and Recreation Director Milian summarized the item and reiterated the design from Savino and Miller and maximize the design.

Commissioner Velasquez stated that she does believe the park is the focal point and other members from the Commission are very supportive of a kayak launch at this particular park itself and would like to still have that possibility.

Chair Logan thanked Mr. Miller for their presentation and that consensus of the Committee is to go with schemes 1 and 2.

Mr. Miller stated that they will work with those schemes and work with Parks and Recreation Director Milian.

Ms. Hitzing stated that they will provide any revisions to the schemes at the April 28, 2021 Community Dialogue – Planning the 96<sup>th</sup> Street Park Meeting and then provide the final scheme to the Town Commission.

**4. Public Comments - (3-minute time limit per speaker)**

There were no public speakers.

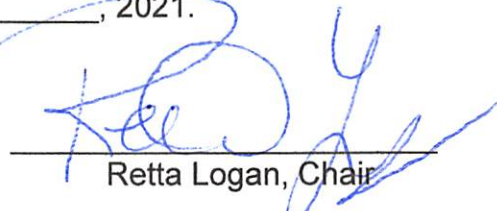
**5. Next Meeting: April 19, 2021**

**6. Adjournment**

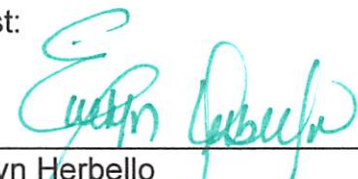
A motion was made by Committee Member MacBride to adjourn the meeting without objection at 8:52 p.m. The motion received a second from Committee Member Tatum. The motion carried with a 4-0 vote with Committee Member Olchyk absent.

Respectfully submitted:

Accepted this 25<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
Retta Logan, Chair

Attest:

  
\_\_\_\_\_  
Evelyn Herbello  
Deputy Town Clerk



**Town of Surfside**

**PARKS & RECREATION COMMITTEE  
MEETING**

**MINUTES**

**April 19, 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

Also, present: Town Manager Andy Hyatt  
Commissioner Nelly Velasquez (arrived at 7:29 p.m.)  
Tim Milian, Parks and Recreation Director  
Adrian Hernandez, Parks and Recreation  
Superintendent  
Evelyn Herbello, Deputy Town Clerk

**2. Agenda and Order of Business**

Parks and Recreation Director Milian advised the Committee of a scheduling conflict that the Town Clerk's Office has for the October 18, 2021 and requested to change that meeting to October 25, 2021.

Consensus was reached to change the October 18, 2021 Parks and Recreation Committee meeting to October 25, 2021.

**3. Approval of Minutes: February 22, 2021**

A motion was made by Committee Member MacBride to approve the February 22, 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 Design Project Update - Tim Milian, Parks and Recreation Director**

Parks and Recreation Director Milian gave a recap and update on the project and advised that the kayak launch is part of the design. He spoke regarding the upcoming Community Dialogue Meeting on April 28, 2021 where they will be discussing the project.

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

Parks and Recreation Director Milian gave an update on the programs and advised that Miami-Dade County came up with some new updates and they are hoping to get back to a new normal. He spoke regarding expanding the lap lanes, open up the recreational swim spots with visitors and starting to move towards that direction and planning the summer camp.

Vice Chair Travis logged off at 7:08 pm due to technical difficulties.

Committee Member Tatum spoke regarding the water fountain and the dog drinking area.

Parks and Recreation Director Milian addressed the comments made by Committee Member Tatum and he has been addressing the issue with Miami Dade County.

**6. Spring Camp Recap - Tim Milian, Parks and Recreation Director**

Parks and Recreation Director Milian spoke regarding the Spring camp and the wide range of different programs available. He stated that he did not see an overwhelming participation and would consider looking at this for next year. He stated that they wanted to be able to spread out the individuals. He stated that they had too many programs available and would prefer that than not enough programs.

Vice Chair Travis stated that she has been having technical issues. She gave some feedback from other parents stating that they would like to have programs that would be the whole day.

**7. Summer Camp Update - Tim Milian, Parks and Recreation Director**

Parks and Recreation Director Milian spoke regarding the Summer Camp and spoke regarding the different programs available. He stated that it would depend on the space and new guidelines. He stated that they are looking at it again and in December they will be doing winter camp inhouse and by next summer and spring

they will be hosting it like before. He stated that the summer camp should be able to work to some degree this year. He spoke regarding a survey that was sent out on the Teen Camp and they only received a few responses.

Chair Logan stated that the camp will run differently. It will be done in 2-week blocks.

Parks and Recreation Director Milian explained how the reservation system works with the week blocks and how they run the extended camp. He spoke regarding the different amenities even though they will not have field trips.

## **8. Tennis Court Rules & Enforcement – Vice Chair Nicole Travis Loper**

Vice Chair Travis gave an overview, synopsis of the item and that the Tennis Center is one of the most used facilities especially during the Winter. She gave some observations and some apply to other facilities like the pool. She gave three main topics. She stated that she spoke with Parks and Recreation Director Milian regarding the topics and some have been addressed.

Vice Chair Travis gave her three main topics; nonresident use, unregulated coaching; and use of the reservation system.

Vice Chair Travis spoke regarding the courts to stay available for residents especially during peak hours and understands who is using the courts.

Vice Chair Travis spoke regarding unregulated coaching. She feels that it would be people that are not partnered with the Parks and Recreation Department and are not on that list but are using the courts and making money and this is an awareness factor that is taking place at the Tennis Center.

Vice Chair Travis spoke regarding the reservation system and how it applies to the pool, people making reservations and not showing up and it causes problems. She stated that these are valuable resources for the Town and when people sign up for a swim lane or tennis court and do not go and use it, it becomes a resource that is unable to be used. She stated that they need to stay vigilant and make sure that nobody is abusing the system.

Chair Logan spoke regarding the reservation system and those not showing up.

Parks and Recreation Director Milian addressed the comments made by Chair Logan and Vice Chair Travis as it relates to the reservation system. He stated that part is on staff to make sure they stay vigilant and non-residents would be able to use the courts. He spoke regarding regulating those instructors using the courts. He stated this is something that has been ongoing. He spoke regarding lap



swimming in the pool and the Town does not charge when other municipalities do charge and they have to pay in advance for their reservation. He stated that the swimming has improved. He spoke regarding when they renovated the tennis courts and for Parks and Recreation to take it over and contract out to an independent contractor for tennis classes.

Chair Logan asked Parks and Recreation Superintendent Hernandez regarding the reservation system.

Parks and Recreation Superintendent Hernandez addressed the question from Chair Logan and stated that they call them 15 minutes prior to their appointment.

Committee Member Tatum suggested having a waiting list online.

Parks and Recreation Superintendent Hernandez stated that they do not have that capability at this time.

Parks and Recreation Director Milian spoke regarding the online reservation system and they are trying to better their system.

Chair Logan asked if a resident comes with their private instructor to use the court if they are allowed to do that.

Parks and Recreation Superintendent Hernandez answered Chair Logan's question and the system and options they currently are using. He elaborated on the number of hours they are giving the contractor; GM Tennis and they are being given guaranteed court time.

Vice Chair Travis asked regarding tracking the no-shows and if it is a chronic problem with certain individuals. She asked if they update the system and remove the name from the slot and does it reflect the current condition.

Parks and Recreation Superintendent Hernandez answered Vice Chair Travis' question and stated that yes, after 10 minutes of a no-show they will remove the name and the system is updated.

Commissioner Velasquez stated that at the last Commission meeting they approved adding the kayak launch at the 96<sup>th</sup> Street Park.

Vice Chair Travis stated that at the meeting she believed that what was approved was to have a design to add as an option the kayak launch.

Commissioner Velasquez stated that yes, then when they bring the design to the Commission Meeting they will bring it back.

Committee Member MacBride asked if then other locations in Town have been removed from the table to place the kayak launch. He stated that there are plenty of street ends that are available. He spoke regarding spending approximately \$500,000 to build the kayak launch. He stated that his concern is placing the launch at a park where children will be playing.

Commissioner Velasquez stated that based on the survey that was conducted, the majority would like it at 96<sup>th</sup> Street Park and the lands are very expensive to purchase. She stated that she does not believe it would be that costly but the Town has \$18 million dollars in reserves and it is what the residents want. She addressed the comment made regarding the children and stated that it will be very safely built.

Parks and Recreation Director Milian advised Commissioner Velasquez regarding the next public outreach and the kayak launch will be discussed in order for the public to have input. He stated that they have some design sketches out there, which is a big step forward.

Chair Logan spoke regarding the property that was on the table and it is no longer available for purchase. She asked if they are looking at any other waterfront property and that the street ends will be received backlash from the residents.

Town Manager Hyatt stated that they are still looking for property and expecting to purchase something that the price will work for the Town.

Chair Logan stated that the feedback she has received is that the residents are not happy with placing the launch at the street ends.

Commissioner Velasquez stated that at the park there will always be a staff member there and at a street end there is nobody watching the children and the street ends would be less safe than having it at the park.

Parks and Recreation Director Milian stated that they do staff the park when the park is open and the street end to have it staffed is something that has to be addressed.

Committee Member Tatum stated that possibly putting out flyers regarding the April 28, 2021 meeting.

Parks and Recreation Director Milian stated that they are working on the outreach for that meeting.

Further discussion took place among the Committee Members regarding how to get the word out for the outreach meeting on April 28, 2021.

**9. Public Comments - (3-minute time limit per speaker)**

The following individual from the public spoke:

Jeff Rose stated that the street ends make the most common sense for a kayak launch. He spoke regarding people complaining on purchasing a property. He stated that the park will take about 3-4 years and why wait 3-4 years to have a kayak launch. He stated that technically the street ends are pocket parks and cannot be used as traditional parks and that is in the charette.

Committee Member MacBride agrees with speaker Jeff Rose and spoke regarding if the Marine Patrol allows it at the park. He does not think the park will take 3 years to finish.

Parks and Recreation Director Milian stated that the design team is tasked with that as it pertains to permitting.

Committee Member Tatum asked if they are allowed to build a structure on an easement.

Town Manager Hyatt addressed the question by Committee Member Tatum.

Further discussion took place among the Committee and Commissioner Velasquez regarding placing the kayak launch at the street ends.

Chair Logan stated that what they should do is wait for the design to be addressed at the April 28, 2021.

**10. Next Meeting: May 17, 2021**

Consensus was reached to hold the next meeting on May 17, 2021

Committee Member Tatum asked if the meeting will still be zoom.

Deputy Town Clerk Herbello advised that for the month of May it will still be in zoom.

Commissioner Velasquez asked if they prefer keeping it zoom.

Committee Member Olchyk stated that zoom is very convenient. She asked regarding the status on the aquatic Zumba for seniors and if he is going to start it in person.

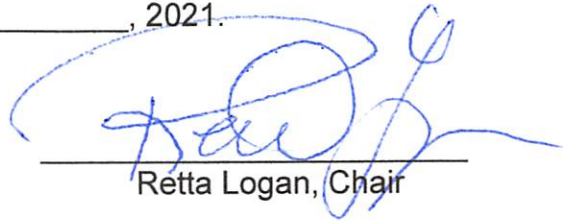
Parks and Recreation Director Milian stated that they tried but did not get enough participants but they are still working on getting the interest and spreading it out in the aqua setting.

### 11. Adjournment

A motion was made by Committee Member Olchyk to adjourn the meeting without objection at 8:04 p.m. The motion received a second from Vice Chair Travis. The motion carried with a 5-0 vote.

Respectfully submitted:

Accepted this 25<sup>th</sup> day of May, 2021.



Retta Logan, Chair

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:** June 08, 2021

**Subject:** Resolution authorizing Memorandum of Understanding between the Town of Surfside and Florida Department of Law Enforcement

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It is the responsibility of the governments of the Town of Surfside, Florida and the State of Florida to ensure the public safety of their citizens by providing adequate investigative services to make the most efficient use of their powers by cooperation with other entities on a basis of mutual advantage and otherwise. Town of Surfside Police Department and the Florida Department of Law Enforcement will comply with all laws, rules, codes, ordinances, and licensing requirements that are applicable to the conduct of the Memorandum of Understanding, including those of federal, state, and local agencies having jurisdiction and authority. All parties will comply with section 274A of the Immigration and Nationality Act, the Americans with Disabilities Act, Health Insurance Portability and Accountability Act, if applicable, and all prohibitions against discrimination on the basis of race, religion, sex, creed, national origin, handicap, marital status, or veteran's status.

The Memorandum of Understanding specifies the circumstances and conditions under which mutual aid may be requested and rendered regarding law enforcement investigations. The Town of Surfside Police Department has Memorandum of Understandings with many Miami-Dade County and State Law Enforcement and Investigative Agencies.

The occurrence of any of the following predicate events will initiate investigative and forensic involvement, assistance or coordination by Florida Department of Law Enforcement. The shooting of a person by a Surfside Police Department Law Enforcement Officer acting in the line of duty; or the death of an arrestee while in the care, custody or control of a Surfside Police Department Law Enforcement Officer, the death of an arrestee shortly after being in the care, custody or control of a Surfside Police Department Law Enforcement Officer or the death of an intended arrestee during an arrest attempt by a Surfside Police Department Law Enforcement Officer.

Prepared by: JH

Approved by: JY

The new Memorandum of Understanding between the Town of Surfside Police Department and the Florida Department of Law Enforcement will be in effect from the date signed by all parties and stay in effect unless said parties submit changes with thirty (30) days of advance written notice. The Memorandum of Understanding and any attached or incorporated documents are the entire agreement between the parties, superseding all prior discussions, representations, or agreements of the parties related hereto. The Memorandum of Understanding may only be modified by written agreement between the parties listed.

Town Administration recommends approval of the resolution to authorize the Memorandum of Understanding between the Town of Surfside and Florida Department of Law Enforcement.

**RESOLUTION NO. 2021-\_\_\_\_\_**

**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 LAW ENFORCEMENT RELATING TO INVESTIGATIONS OF INCIDENTS INVOLVING THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 23, Florida Statutes, the Florida Department of Law Enforcement (“FDLE”) is authorized to enter into agreements with jurisdictionally responsible local police departments to investigate incidents involving the use of deadly force by law enforcement officers and/or incidents involving death or life-threatening injuries of individuals in custody (“Incidents”) upon the request of a local government police chief, among other state and local entities; and

**WHEREAS**, the Town of Surfside (“Town”) Police Department is the jurisdictionally responsible local police department in the Town’s boundaries; and

**WHEREAS**, in order to receive assistance from FDLE in the investigation of Incidents, the Town and DCF wish to enter into a Memorandum of Understanding to further their respective duties under law and facilitating investigations of Incidents, in substantially the form attached hereto as Exhibit “A” (the “MOU”); and

**WHEREAS**, the Town Commission wishes to approve the MOU and finds that 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.** The MOU, in substantially the form attached hereto as Exhibit “A,” is hereby approved.

**Section 3.     Authorization.** That the Town Manager and/or Chief of Police are hereby authorized to execute the MOU in substantially the form attached hereto as Exhibit “A.”

**Section 4. Implementation.** The Town Manager, Chief of Police and/or designees are authorized to take any and all action necessary to implement the purposes of this Resolution and the MOU.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 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 LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney



## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the Town of Surfside, Florida, (Town), by and through its police department, the Town of Surfside Police Department (SPD) and the Florida Department of Law Enforcement (FDLE), in furtherance of their respective duties under law for the purpose of facilitating investigations of incidents as described hereafter. The Town and the FDLE agree as follows:

1. The occurrence of any of the following predicate events will initiate investigative and forensic involvement, assistance or coordination by FDLE:
  - a. The shooting of a person by a SPD law enforcement officer acting in the line of duty; or
  - b. The death of an arrestee while in the care, custody or control of a SPD law enforcement officer, the death of an arrestee shortly after being in the care, custody or control of a SPD law enforcement officer or the death of an intended arrestee during an arrest attempt by a SPD law enforcement officer.
2. Upon the occurrence of any of the enumerated predicate events, the ranking SPD member on the scene will ensure that emergency medical services are provided to injured persons and that a secure crime scene perimeter is established with restricted access. Only emergency medical personnel, crime scene technicians, medical examiner personnel, State Attorney personnel, investigating FDLE members and other law enforcement investigators assisting FDLE will be permitted inside the crime scene perimeter. The ranking SPD representative will then ensure that the FDLE regional operations center is promptly contacted and requested to dispatch the FDLE Critical Incident Team to initiate an investigation, notify the SAO Police Shooting Team and to coordinate crime laboratory services at the scene. FDLE will notify the State Attorney as soon as reasonably possible.
3. Pending arrival of the FDLE Critical Incident Team, the ranking SPD member will ensure that the scene remains secured, that physical evidence and documentation is protected and preserved and that all law enforcement and citizen witnesses are identified and separated pending initial interview. If feasible, the ranking SPD member will ensure that arrested persons at the scene are detained pending the arrival of the FDLE Critical Incident Team. The SPD will conduct the investigation related to any underlying criminal activity that preceded or occurred at the same time as the predicate events outlined in paragraph 1 above, when applicable. The ranking SPD member will also provide any assistance requested by FDLE during and after the on-scene investigation has been concluded, such as additional collection of evidence from suspects, vehicles, or involved law enforcement personnel, as well as the securing of other evidence such as radio communications tapes. The ranking SPD member will also coordinate with local law enforcement in any necessary crowd control efforts.

4. Upon receipt of notification from the SPD that any of the enumerated predicate events have occurred, the appropriate FDLE Special Agent in Charge or designee will immediately implement an investigation pursuant to FDLE Procedures governing FDLE investigations of FDLE Officer Involved Shootings and In-Custody Death Incidents, which are incorporated herein by reference. FDLE, in conjunction with SPD, will promptly coordinate the dispatch of the Critical incident Team together with the appropriate crime scene personnel, medical examiner personnel, State Attorney personnel and any additional law enforcement personnel which are required. FDLE will be the lead agency, in consultation with the State Attorney's Office, responsible for conducting all interviews and sworn statements of witnesses and subject officers.

5. FDLE will assume operational direction of investigations and forensic assistance or coordination initiated pursuant to this Memorandum of Understanding. FDLE may request the assistance of SPD personnel or personnel from other law enforcement agencies.

6. The SPD will retain overall direction and responsibility for any internal or administrative investigations initiated in response to the occurrence of any of the enumerated predicate events. However, the parties agree that the criminal investigative efforts take precedence over any internal or administrative investigations conducted by the SPD. No documentation, whether internal report or statement authored or obtained by SPD personnel involved in the subject incident that has been provided to the SPD under order or policy, shall be provided, or its contents revealed, to the criminal investigative team or the prosecutor until such time as the criminal investigative team and the FDLE Office of General Counsel agree that the criminal investigation will not be adversely impacted by any potential for immunity that may attach to any such statement. The criminal investigative team and the FDLE Office of General Counsel may consult with the prosecutor to determine whether such statement may adversely impact any subsequent criminal prosecution. However, the criminal investigative team and the FDLE Office of General Counsel will make the final determination regarding use of such statements in FDLE's investigation. To help assure that the criminal investigation is not impeded or negatively affected by internal or administrative investigative efforts, the SPD's internal or administrative investigation shall be initiated only after the criminal investigative efforts have been concluded or when otherwise specifically authorized by the FDLE's investigative team.

7. The parties agree that the SPD may issue initial press statements acknowledging an incident, reporting the status of the law enforcement officer(s) involved in the incident, and referral to the investigative process. At the appropriate stage(s) of an investigation initiated under this Memorandum of Understanding, FDLE will forward copies of all investigative reports and investigative summaries to the State Attorney having jurisdiction over the case and to the SPD for review. Transmittal of reports and summaries will be done so as to preserve any applicable exemptions from public disclosure and to maintain any confidentiality of information that may apply. Any press release related to investigative activities and responses to public records requests shall

be coordinated jointly by the involved agencies to assure that disclosure, if any, is appropriate and timely. The parties agree that best efforts will be made to coordinate said releases jointly.

8. FDLE will submit all final reports to the State Attorney for review. FDLE will report the material factual findings of the investigation but will offer no recommendations or reach legal conclusions concerning whether the force used, if any, was justified.

9. This Memorandum of Understanding represents the entire agreement between the parties on this subject matter. Any alteration or amendment of the provisions of this agreement shall be in writing, duly signed by authorized personnel of each of the parties and attached to the original of this agreement.

10. This agreement shall become effective upon all parties having signed below. Any party may terminate this agreement by providing the others with thirty (30) days advance notice in writing or by mutual agreement of the parties.

11. This Memorandum of Understanding does not supersede or replace any existing Memorandum of Understanding between the Town of Surfside, by and through its police department, SPD, and Federal Law Enforcement Agencies or municipal police departments as it relates to Police Use of Deadly Force Investigations.

**For FDLE:**

**For the Town:**

\_\_\_\_\_  
Richard L. Swearingen, Commissioner  
Florida Department of Law Enforcement

\_\_\_\_\_  
Julio Yero  
Chief of Police

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Florida Department of Law Enforcement  
Investigations & Forensic Science

**OFFICER INVOLVED SHOOTINGS  
AND IN-CUSTODY DEATH OR LIFE-THREATENING INJURY INCIDENTS**

***PRIMARY RESPONSIBILITIES:  
NON-FDLE OFFICER INVOLVED SHOOTINGS AND IN-CUSTODY DEATH OR  
LIFE-THREATENING INJURY INCIDENTS***

- A. Responsibilities of the Florida Fusion Center (FFC):
1. When the FFC receives a request for assistance to investigate another agency officer involved shooting or in-custody death or life-threatening injury incident, the FFC member will immediately establish and document the following:
    - a. Identity of the person calling, their contact information and agency requesting assistance;
    - b. Identity of the on-scene officer in charge and their contact information;
    - c. Date and time of call/request for assistance;
    - d. Date and time incident occurred;
    - e. Location of and directions to the incident; and
    - f. Brief synopsis of incident.
  2. Immediately make the following notifications:
    - a. In the event of an officer involved shooting, FFC will make notification to the regional on-call Special Agent Supervisor (SAS) and Assistant Special Agent in Charge (ASAC).
    - b. In the event of an in-custody death or life-threatening injury incident, FFC will make notification to the regional on-call SAS.
  3. It will be the responsibility of the ASAC to make the appropriate notifications to the Special Agent in Charge (SAC), Chief of Forensic Services, Office of External Affairs (OEA) and Office of the State Attorney.
  4. If the request for assistance is received by the region, the region will ensure FFC is notified regarding the incident as soon as practical.
- B. Responsibilities of SAS (or designee):
1. Ensure activation of response team members;
  2. Establish law enforcement (involved agency) contact;

3. Ensure the crime scene perimeter is established and secured;
4. Respond to the scene of the incident, if applicable, and assume control of the investigation;
5. Obtain comprehensive incident briefing;
6. Assign case agent and ensure investigative assignments are made as necessary-
7. Coordinate with the first responding sworn member;
8. Coordinate crime scene response and activities. If an FDLE crime scene unit is not available, personnel from another agency can be utilized;
9. Provide summary for immediate briefing of FDLE command personnel; and
10. Coordinate a post-incident team briefing to identify future investigative needs.

C. Responsibilities of first sworn members on scene:

1. Obtain a general briefing of the incident;
2. Assess scope and security of the scene;
3. Begin to identify all pertinent parties and their locations-; and
4. Brief responding SAS and response team members.

D. Responsibilities of case agent:

1. Consult with the SAS on investigative assignments to ensure that special agents are assigned appropriate investigative tasks, as identified in the [FDLE Officer/Deputy Involved Use of Force Incident Assignment](#) or the [FDLE In Custody Incident Assignment](#) forms, to include:
  - a. Separate all witnesses to include subject officer(s) and witness officer(s), if possible;
  - b. Obtain and/or ensure the issuance of a search warrant or consent to search for the crime scene when applicable;
  - c. Debrief agents for results of leads and development of additional witnesses and leads;
  - d. Coordinate the collection and inspection of all weapons and ammunition that were involved during the incident. A complete ammunition round count will be documented within the case file;
  - e. Facilitate interviews of all subject officers and witness officers;
  - f. Ensure that all evidence is properly collected and submitted;

- g. Collect all pertinent video and audio recordings. Identify and document any inoperable recording devices; and
  - h. Seek input from the appropriate prosecutor and/or Regional Legal Advisor (RLA), if needed.
2. Brief SAS on significant developments.
  3. Maintain liaison with involved agency's lead investigator.
  4. Consult with SAS and other relevant parties (state attorney, involved agency head, etc.) for time/place of appropriate briefings.
  5. Prepare for the briefing by incorporating facts, witness statements, photos, and a draft timeline of events.
  6. Review all administrative files of the involved officers. This review will include records such as disciplinary, training and use of force records.
- E. Responsibilities of SAC (or designee):
1. Ensure notification of the Assistant Commissioner, when appropriate;
  2. Ensure liaison with the involved agency's chief executive is maintained; and
  3. Provide an executive briefing of the incident with command representatives of the involved agency and the State Attorney's Office within a reasonable timeframe after the incident. The briefing will include a summary of investigative progress, to date and an identification of future investigative needs.

**INTERVIEWS: NON-FDLE OFFICER INVOLVED SHOOTINGS AND IN-CUSTODY DEATH OR LIFE-THREATENING INJURY INCIDENTS**

- A. When interviewing witnesses, all interviews should be conducted under oath and recorded via audio and/or video.
- B. When interviewing sworn officers:
1. All sworn officer interviews should be conducted under oath and recorded via audio and/or video.
  2. Sworn officers will not be afforded an opportunity to walk through a scene or review any digital evidence unless directed by the SAC, their designee or the State Attorney.
  3. The [interview preamble](#) will precede and be included in the recording of all interviews of all sworn officers. The agent(s) conducting the interview will ensure the officer is aware ~~that~~ the statement is voluntary and part of a criminal investigation.
  4. During the interview of involved officers, no persons other than FDLE agents will be present unless authorized by the SAC or their designee.

**CONTENTS OF THE INVESTIGATIVE CASE FILE: NON-FDLE OFFICER INVOLVED SHOOTINGS AND IN-CUSTODY DEATH OR LIFE-THREATENING INJURY INCIDENTS**

- A. Agents will refer to the appropriate incident assignment form for documentation purposes, [FDLE Officer/Deputy Involved Use of Force Incident Assignment](#) or [In-Custody Incident Assignment](#).
- B. The contents of the investigative case file will be pursuant to existing procedures in the Automated Investigative Management System (AIMS) and include other information, as appropriate. Any official documentation created during the investigation shall be included in the case file.
- C. An investigative packet will be submitted to the Office of the State Attorney and will contain at a minimum:
  - 1. Investigative summary/timeline should follow the format in the [Investigative Summary Template](#);
  - 2. Witness/officer's interview statements/transcriptions;
  - 3. FDLE investigative reports/related items;
  - 4. Evidentiary exhibits list;
  - 5. Crime scene reports/photos;
  - 6. Lab reports;
  - 7. Medical Examiner's report, if appropriate;
  - 8. Other agency reports and documentation; and
  - 9. Other information as appropriate.

**PRIMARY RESPONSIBILITIES: FDLE SWORN MEMBER OFFICER INVOLVED SHOOTINGS AND IN-CUSTODY DEATH OR LIFE-THREATENING INJURY INCIDENTS**

- A. Responsibilities of ASAC:
  - 1. Make the appropriate notifications to the SAC, Chief of Forensic Services, OEA, Office of Executive Investigations (OEI) and Office of State Attorney.
  - 2. The region will ensure FFC is notified regarding the incident as soon as practical.
- B. Responsibilities of FFC - When the FFC receives information of an FDLE agent/officer involved shooting or in-custody death or life-threatening injury incident, the FFC member will immediately establish and document the following:
  - 1. Identity of the FDLE region of occurrence and the on scene contact information;

2. Identity of the on-scene officer in charge and their contact information;
  3. Date and time of call/request for assistance;
  4. Date and time incident occurred;
  5. Location of and directions to the incident; and
  6. Brief synopsis of incident.
- C. Responsibilities of the SAS (or designee) - Initiate completion of the following, until OEI or the applicable regional response team, adjoining regional response team or local law enforcement agency arrives and assumes command of the investigation:
1. Ensure activation of response team members;
  2. If determined that a local law enforcement/governmental agency will handle the investigation, establish applicable local law enforcement/governmental agency contact and ensure the crime scene perimeter is established and secured;
  3. Respond to the scene of the incident, if applicable, and assume control of the investigation;
  4. Obtain comprehensive incident briefing;
  5. Assign case agent and ensure investigative assignments are made as necessary;
  6. Coordinate with the first responding sworn member;
  7. Coordinate crime scene response and activities. If an FDLE crime scene unit is not available, personnel from another agency can be utilized;
  8. Provide summary for immediate briefing of FDLE command personnel; and
  9. Coordinate a post-incident team briefing to identify future investigative needs.
- D. Responsibilities of first sworn members on scene:
1. Obtain a general briefing of the incident;
  2. Assess scope and security of the scene;
  3. Begin to identify all pertinent parties and their locations; and
  4. Brief responding SAS and response team members.
- E. Responsibilities of regional lead agent/inspector:
1. Consult with SAS on investigative assignments to ensure special agents or inspectors are assigned appropriate investigative tasks, as identified in the [FDLE Officer/Deputy Involved Use of Force Incident Assignment](#) form, to include:



- a. Separate all witnesses to include subject officers and witness officers, if possible;
  - b. Obtain and/or ensure the issuance of a search warrant or consent to search for the crime scene when applicable;
  - c. Debrief agents/inspectors for results of leads and development of additional witnesses and leads;
  - d. Coordinate the collection and inspection of all weapons and ammunition that were involved during the incident. A complete ammunition round count will be documented within the case file;
  - e. Facilitate interviews of all subject officers and witness officers;
  - f. Ensure that all evidence is properly collected and submitted;
  - g. Collect all pertinent video and audio recordings. Identify and document any inoperable recording devices; and
  - h. Seek input from the appropriate prosecutor and/or RLA, if needed.
2. Brief the SAS on significant developments.
  3. Maintain liaison with involved agency's lead investigator.
  4. Consult with SAS and other relevant parties (state attorney, involved agency head, etc.) for time/place of appropriate briefings.
  5. Prepare for the briefing by incorporating facts, witness statements, photos and a draft timeline of events.
  6. Review all administrative files of the involved agents/officers to include disciplinary, training and use of force records.
- F. Responsibilities of SAC (or designee):
1. Ensure notification of the Assistant Commissioner, when appropriate.
  2. Ensure liaison with an involved investigative agency's chief executive or designee to aid the assigned investigators, as needed.
  3. Offer an executive briefing of the incident with command representatives and the State Attorney's Office within a reasonable timeframe after the incident. The briefing will include a summary of investigative progress, to date, and an identification of future investigative needs.

**INTERVIEWS: FDLE SWORN MEMBER OFFICER INVOLVED SHOOTINGS AND IN-CUSTODY DEATH OR LIFE-THREATENING INJURY INCIDENTS**

- A. When interviewing witnesses, all interviews should be conducted under oath and recorded via audio and/or video.
- B. When interviewing sworn agents/officers:
  - 1. All sworn agent/officer interviews should be conducted under oath and recorded via audio and/or video.
  - 2. Sworn agents/officers will not be afforded an opportunity to walk through a scene or review any digital evidence unless directed by the SAC, their designee or the State Attorney.
  - 3. An [interview preamble](#) will precede and be included in the recording of all interviews of all sworn agents/officers. The agent/inspectors conducting the interview will ensure the agent/officer is aware that the statement is voluntary and part of a criminal investigation.
  - 4. During the interview of involved agents/officers, no persons other than FDLE agents (or agent's/officer's representative, if requested) will be present unless authorized by the SAC or their designee.

**CONTENTS OF THE INVESTIGATIVE CASE FILE: FDLE SWORN MEMBER OFFICER INVOLVED SHOOTINGS AND IN-CUSTODY DEATH OR LIFE-THREATENING INJURY INCIDENTS**

- A. Agents/inspectors will refer to the appropriate Incident Assignment form for documentation purposes, ([FDLE Officer/Deputy Involved Use of Force Incident Assignment Form](#)).
- B. The contents of the investigative case file will be pursuant to existing procedures in AIMS and include other information, as appropriate. Any official documentation created during the investigation shall be included in the case file.
- C. An investigative packet will be submitted to the Office of the State Attorney and will contain at a minimum:
  - 1. Investigative summary/timeline will follow the format in the [Investigative Summary Template](#) document, which can be amended as appropriate for specific judicial circuits;
  - 2. Witness/officer interview statements/transcriptions;
  - 3. FDLE investigative reports/related items;
  - 4. Evidentiary exhibits list;
  - 5. Crime scene reports/photos;
  - 6. Lab reports;

7. Medical Examiner's report, if appropriate;
8. Other agency reports and documentation; and
9. Other information as appropriate.



# MEMORANDUM

ITEM NO. 3F

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** June 08, 2021  
**Subject:** Resolution to Modify the Time Limits for Off-Street Parking (Municipal Lots)

In an effort to improve parking in the Town's Business District and Municipal Parking Lots, the Town Administration is requesting the reduction of the allowable time limits for parking in the Off-Street Parking (Municipal Lots). The recommended parking adjustments to Off-Street Parking time limitations are made in efforts to support the local business community and enhances the town's existing parking program.

In the May 11, 2021, Commission Meeting the Town Commission approved Item No. 9B, titled Parking and other Traffic Solutions to support local businesses, authorizing the following modifications to the Off-Street Parking (Municipal Lots) time limits:

- Weekends / Holidays:
  - 7:00 AM - 3:00 PM \$3.00 / hour with a 4-hour limit that is non-renewable
  - 3:00 PM - 7:00 AM \$2.00 / hour with a 4-hour limit that is renewable
- Weekdays:
  - 7:00 AM - 3:00 PM \$2.00 / hour with a 3-hour limit that is non-renewable
  - 3:00 PM - 7:00 AM \$2.00 / hour with a 4-hour limit that is renewable

Town of Surfside residents with valid town issued parking permits will be entitled to the rights and privileges presently granted in regards to On-Street and Off-Street parking spaces.

There is no budget impact of modifying the Off-Street Parking Limits from four (4) hours to three (3) hours. This new time limits will allow more turnover in the Off-Street Parking (Municipal Lots).

Town Administration recommends to approve a resolution setting the new Off-Street parking time limits to address town parking.

Prepared by: JH

Approved by: JY

**RESOLUTION NO. 2021- \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AN AMENDMENT TO THE OFF-STREET VARIABLE PARKING RATE AND TIME LIMITATION SCHEDULE FOR MUNICIPAL PARKING LOTS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) has experienced an ever-growing influx of vehicles occupying parking spaces in the Town’s business district and municipal parking lots (“Municipal Lots”) during weekdays, partially worsened due to individuals parking at Municipal Lots for extended periods of time; and

**WHEREAS**, on May 11, 2021, the Town Commission approved a motion to modify the Town’s Off-Street Variable Parking Rate and Time Limitation Schedule (“Parking Schedule”) to limit parking times on weekdays from 7:00 AM to 3:00 PM to three (3) hours; and

**WHEREAS**, the Town Commission finds that ratifying the amendment to the Parking Schedule to limit parking times during weekdays from 7:00 AM to 3:00 PM at Municipal Lots will address parking issues and is in the best interest of the Town.

**NOW, THEREFORE, THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Recitals.** The above and foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Ratification.** The Town Commission hereby ratifies the following amendment to the Parking Schedule for Municipal Lots:

Weekends / Holidays:

- a. 7:00 AM - 3:00 PM \$3.00 / hour with a 4-hour limit that is non-renewable
- b. 3:00 PM - 7:00 AM \$2.00 / hour with a 4-hour limit that is renewable

Weekdays:

- a. 7:00 AM - 3:00 PM \$2.00 / hour with a 3-hour limit that is non-renewable
- b. 3:00 PM - 7:00 AM \$2.00 / hour with a 4-hour limit that is renewable

**Section 3. Authorization and Implementation.** The Town Manager is hereby authorized and directed to take any and all such actions as are required to implement this Resolution.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 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 LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney



# MEMORANDUM

ITEM NO. 3G

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** June 8, 2021  
**Subject:** Independent External Audit Reengagement

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The Town has previously engaged Marcum LLP (“Marcum”) to provide annual financial auditing services. The current engagement commitment from the Town has expired. Marcum has prepared a proposal for additional services for Fiscal Year 2021 as attached. Marcum has provided the Town with consistently superior services during prior engagements.

The Town is required to undertake an annual independent financial audit. The fee will be \$63,000 and there will be sufficient funding in the FY 2022 budget for this expense. This is an increase of \$1,000 from the FY 2020 external audit expense. The fee hadn’t been increased in several years. Should the Town be required to have a single audit performed because it spent more than \$750,000 in either federal or state grant funds, additional fees would be required. The Town is expecting a Federal Single Audit at a cost of \$8,500 due to the receipt of Hurricane Irma-related funds, CARES Act funds, and American Recovery Plan Act (ARPA) funds.

The Administration recommends approval of the resolution that would reengage the Town’s current external auditors.

Reviewed by: LA

Prepared by: JDG

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN ENGAGEMENT LETTER WITH MARCUM LLP FOR FINANCIAL AUDITING SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) Commission wishes to continue to engage the firm of Marcum LLP (the “Auditor”) for professional auditing services for the fiscal year ending on September 30, 2021; and

**WHEREAS**, the Auditor has provided the Town with a proposed Auditing Services Engagement Letter attached hereto as Exhibit “A” (the “Agreement”); and

**WHEREAS**, the Town Commission finds that approving the Agreement with the Auditor in substantially the form attached hereto as Exhibit “A,” together with such changes as may be required by the Town Manager and/or Town Attorney, 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.** That 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 form attached hereto as Exhibit “A,” together with such changes as may be acceptable to the Town Manager and Town Attorney.

**Section 3.    Authorization.** That the Town Manager is hereby authorized to execute the Agreement, subject to approval by the Town Attorney as to form, content, and legal sufficiency.

**Section 4.    Implementation.** That the Town Manager and/or designee are authorized to expend budgeted funds and take any and all action necessary to implement the purposes of this Resolution and the Agreement.

**Section 5.    Effective Date.** This Resolution shall become effective immediately upon adoption.



**PASSED AND ADOPTED** on this 8<sup>th</sup> day of June, 2021.

**Moved 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 LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

May 13, 2021

Honorable Mayor, Town Commission and Town Manager  
Attn: Jason D. Greene, Assistant Town Manager and Chief Financial Officer  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

Re: Engagement of Marcum LLP

We are pleased to confirm our understanding of the services Marcum LLP (“Marcum,” the “Firm,” “we,” “us” or “our”) are to provide Town of Surfside, Florida (the “Town,” “you” or “your”) for the fiscal year ending September 30, 2021. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town as of and for the fiscal year ending September 30, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management’s discussion and analysis (MD&A), to supplement Town’s basic financial statements. Such information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board (GASB) who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Town’s RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management’s Discussion and Analysis
- 2) Schedule of Changes in Town’s Net Pension Liability and Related Ratios
- 3) Schedule of Town Contributions – Pensions
- 4) Schedule of Changes in Town’s Total OPEB Liability and Related Ratios
- 5) Budgetary Comparison Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies Town’s financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to

the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and will provide an opinion on it in relation to the basic financial statements as a whole:

- 1) Schedule of Expenditures of Federal Awards and State Financial Assistance, as applicable
- 2) Combining and Individual Fund Statements and Schedules

The following other information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditors' report will not provide an opinion or any assurance on that other information.

- 1) Introductory Section
- 2) Statistical Section

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*, and the Florida Single Audit Act and Chapter 10.550, Rules of the Auditor General of the State of Florida. The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance and Florida Single Audit Act report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance and the Florida Single Audit Act. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and the Florida Single Audit Act and Chapter 10.550, Rules of the Auditor General of the State of Florida and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance and the Florida Single Audit Act and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Honorable Mayor, Town Commission and Town Manager.

We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

### **Audit Procedures – General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Town or to acts by management or employees acting on behalf of the Town. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitation of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from the Town's attorneys as part of the engagement, and they may bill the Town for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards and state financial assistance, if applicable; federal award programs and state projects, if applicable; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

### **Audit Procedures - Internal Controls**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the basic financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General.

### **Audit Procedures - Compliance**

As part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the Town's compliance with provision of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will

not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement*, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General for the types of compliance requirements that could have a direct and material effect on each of the Town's major programs. The purpose of these procedures will be to express an opinion on the Town's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General.

### **Management Responsibilities**

Management is responsible for (1) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities; to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards and state financial assistance, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Town received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the Town complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

As applicable, you are responsible for identifying all federal awards and state financial assistance received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards and state financial assistance (including notes and noncash assistance) in conformity with the Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General. You agree to include our report on the schedule of expenditures of federal awards and state financial assistance in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards and state financial assistance. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards and state financial assistance that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards and state financial assistance no later than the date the schedule of expenditures of federal awards and state financial assistance is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards and state financial assistance in accordance with the Uniform Guidance, the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General; (2) you believe the schedule of expenditures of federal awards the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General including its form and content, is fairly presented in accordance with Uniform Guidance the Florida State Single Audit Act and Chapter 10.550 Rules of the Auditor General; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards and state financial assistance.

You are also responsible for the preparation of the other supplementary information which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation

letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards and state financial assistance, related notes, and any other nonaudit/nonattest services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards and state financial assistance, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards and state financial assistance, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit/nonattest services by designating an individual, preferably from senior management (the finance director), with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

We will make the distribution of our reports and the financial statements to the Honorable Mayor, Town Commission, Town Manager and the finance director. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information



contained in these sites or to consider the consistency of other information in the electronic site with the original document.

If the Contractor has questions regarding the application of Chapter 119, Florida Statutes, the Contractor's duty to provide public records relating to this contract, contact the Custodian of Public Records at:

Sandra Novoa, MMC, Town Clerk  
Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33129  
(305) 861-4863  
[snovoa@townofsurfsidefl.gov](mailto:snovoa@townofsurfsidefl.gov)

### **Communication with Those Charged with Governance**

As part of our engagement, we are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process as well as other matters we believe should be communicated to those charged with governance. Generally accepted auditing standards do not require the auditor to design procedures for the purpose of identifying other matters to communicate with those charged with governance. Such matters include, but are not limited to, (1) the initial selection of and changes in significant accounting policies and their application; (2) the process used by management in formulating particularly sensitive accounting estimates and the basis for our conclusions regarding the reasonableness of those estimates; (3) all passed audit adjustments; (4) any disagreements with management, whether or not satisfactorily resolved, about matters that individually or in the aggregate could be significant to the financial statements or our report; (5) our views about matters that were the subject of management's consultation with other accountants about auditing and accounting matters; (6) major issues that were discussed with management in connection with the retention of our services, including, among other matters, any discussions regarding the application of accounting principles and auditing standards; (7) serious difficulties that we encountered in dealing with management related to the performance of the audit; and (8) matters relating to our independence as your auditors.

### **Reproduction of Auditors' Report**

If you intend to publish or otherwise reproduce the financial statements and make reference to our Firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed. In addition, to avoid unnecessary delay or misunderstanding, it is important that you give us timely notice of your intention to issue any such document.

If the Town elects to issue public debt and not have us associated with the proposed offering. We agree that our association with the proposed offering is not necessary providing that the Town agrees to clearly indicate that we are not associated with the contents of any such official statement or memorandum. The Town agrees that the following disclosure will be prominently displayed in any such official statement or memorandum.

Marcum LLP has not been engaged to perform, and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. Marcum LLP, also has not performed any procedures relating to this official statement.

### **Assistance By Your Personnel**

We will ask that your personnel, to the extent possible, prepare required schedules and analyses, and make selected invoices and other required documents available to our staff. This assistance by your personnel will serve to facilitate the progress of our work and minimize our time requirements.

You acknowledge that your confidential information may be transmitted to us through an information portal or delivery system established by us or on our behalf. You shall notify us in writing of your employees, representatives, or other agents to be provided access to such portal or system; upon the termination of such status, you shall immediately notify us in writing. You acknowledge that you are responsible for the actions of your current and former employees, representatives, or other agents in connection with the transmission of your information.

### **Background Checks**

As a matter of Firm policy, we perform background checks, which may require out-of-pocket expenses, on potential clients and/or on existing clients, on an as-determined basis. The terms and conditions of this engagement are expressly contingent upon the satisfactory completion of our investigatory procedures and we reserve the right to withdraw from any relationship should information which we deem to be adverse come to our attention. The results of all background checks and other investigatory procedures are submitted to, and reviewed by, our Firm's Client Acceptance Committee.

### **Independence**

Professional standards require that a firm and its members maintain independence throughout the duration of the professional relationship with a client. In order to preserve the integrity of our relationship, no offer of employment shall be discussed with any Marcum professionals assigned to the audit, including within the one year period prior to the commencement of the year-end audit. Should such an offer of employment be made, or employment commences during the indicated time period, we will consider this an indication that our independence has been compromised. As such, we may be required to recall our auditors' report due to our lack of independence. In the event additional work is required to satisfy independence requirements, such work will be billed at our standard hourly rates. Furthermore, we strive to staff your engagement with quality, superbly trained professionals. In recognition of the extensive investment we have made to recruit and develop our personnel, we ask that you agree to the following. In the event that any of our employees accepts a position of employment with your organization, or any of its related parties at any time while we are performing services for you or within one year thereafter, you agree to pay us a placement fee equal to the employee's annual compensation in effect on the date such employment was contracted. Such fee is payable when the employee accepts such a position.

### **Access to Working Papers**

#### **Confidentiality/Access to Working Papers**

To the extent that, in connection with this engagement, Marcum comes into possession of your proprietary or confidential information, Marcum will not, except as described herein, disclose such information to any third party without consent, except (a) as may be required by law, regulation, judicial or administrative process, or in accordance with applicable professional standards, or in connection with litigation pertaining to the subject matter of this engagement letter, or (b) to the extent such information (i) shall have otherwise become publicly available (including, without limitation, any information filed with any governmental agency and available to the public) other than as the result of a disclosure by Marcum in breach hereof, (ii) is disclosed by you to a third party without substantially the same restrictions as set forth herein, (iii) becomes available to Marcum on a non-confidential basis from a source other than you, your employees or agents which Marcum believes is not prohibited from disclosing such information to Marcum by obligation to you, (iv) is known by Marcum prior to its receipt from you, your employees or agents without any obligation of confidentiality with respect thereto, or (v) is developed by Marcum independently of any disclosures made by you or your employees or agents to Marcum of such information. In addition, you acknowledge and agree that any such information that comes to the attention of Marcum in the course of performing this engagement may be considered and used by Marcum in the context of responding to its professional obligations as your independent auditors.

The working papers prepared in conjunction with our engagement are the property of Marcum LLP and constitute confidential information, subject to Florida's Public Records Law, to the extent applicable. These working papers will be retained by us in accordance with applicable laws and our Firm's policies and procedures. However, we may be required, by law or regulation, to make certain working papers available to regulatory authorities for their review, and upon request, we may be required to provide such authorities with photocopies of selected working papers.

The Firm is required to undergo a "Peer Review" every three years. During the course of a Peer Review engagement, selected working papers and financial reports, on a sample basis, will be inspected by an outside party on a confidential basis. Consequently, the accounting and/or auditing work we performed for you may be selected. Your signing this letter represents your acknowledgement and permission to allow such access should your engagement be selected for review.

As a result of our prior or future services to you, we may be required or requested to provide information or documents to you or a third-party in connection with a legal or administrative proceeding (including a grand jury investigation) in which we are not a party. If this occurs, we shall be entitled to compensation for our time and reimbursement for our reasonable out-of-pocket expenditures (including legal fees) in complying with such request or demand. This is not intended, however, to relieve us of our duty to observe the confidentiality requirements of our profession.

### **Third-Party Service Providers**

The Firm may, from time to time, and depending on the circumstances, use third-party service providers to assist us with the audit of your financial statements. We may share confidential information about you with the third-party service providers, but remain committed to maintaining the confidentiality of your information. Accordingly, we maintain internal policies, procedures and safeguards to protect the confidentiality of your information. Furthermore, the Firm will remain responsible for the work performed by such third-party service providers.

### **Dispute Resolution Procedure, Waiver of Jury Trial and Jurisdiction and Venue for Any and All Disputes Under This Engagement Letter and Governing Law**

**AS A MATERIAL INDUCEMENT FOR US TO ACCEPT THIS ENGAGEMENT AND/OR RENDER THE SERVICES TO THE TOWN IN ACCORDANCE WITH THE PROVISIONS OF THIS ENGAGEMENT LETTER:**

*This Firm and the Town each hereby knowingly, voluntarily and intentionally waive any right either may have to a trial by jury with respect to any litigation based hereon, or arising out of, under or in connection with this engagement letter and/or the services provided hereunder, or any course of conduct, course of dealing, statements (whether verbal or written) or actions of either party.*

*This Firm and the Town each expressly agree and acknowledge that the Circuit Court of the 11<sup>th</sup> Judicial Circuit, in and for the Miami-Dade County, Florida, and the United States District Court for the Southern District of Florida, shall each have exclusive and sole jurisdiction and venue for any respective state or federal actions arising from, relating to or in connection with this engagement letter, or any course of conduct, course of dealing, statement or actions of either party arising after the date of this engagement letter.*

*The terms and provisions of this engagement letter, any course of conduct, course of dealing and/or action of this Firm and/or the Town and our relationship with you shall be governed by the laws of the State of Florida to the extent said laws are not inconsistent with the Federal Securities Laws and Rules, Regulations and Standards there under.*

We acknowledge your right to terminate our services at any time, and you acknowledge our right to resign at any time (including instances where in our judgment, our independence has been impaired or we can no longer rely on the integrity of management), subject in either case to our right to payment for all direct and indirect charges including out-of-pocket expenses incurred through the date of termination or resignation.

You and we agree that our respective liability to the other arising out of this engagement or services provided shall not exceed the total amount paid for the services, including all direct and indirect charges and out-of-pocket expenses, described herein. This shall be the maximum monetary liability of each party to the other.

No action, regardless of form, arising out of the services under this engagement may be brought by either party more than one calendar year after the date of the last services provided under this engagement.

Subject to the provisions and monetary limitations of Section 768.28(5), Florida Statutes, which limitations shall be applicable regardless of whether such provisions would otherwise apply, and to the extent permitted by law, The Town hereby indemnifies Marcum LLP and its partners, principals, and employees, and holds them harmless from all claims, liabilities, losses, and costs arising as a direct result of a known, intentional or willful misrepresentation of fact that is provided by the Town to the Firm for a matter applicable to the services which are the subject of and being provided by the Firm under this engagement letter, regardless of whether such person was acting in the Town's interest. Firm shall indemnify and hold harmless the Town, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising from Firm's performance or non-performance of the services which are the subject of this engagement letter and any provision of this engagement letter. Firm shall reimburse the Town for all its expenses including reasonable attorneys' fees and costs incurred in and about the defense of any such claim or investigation and for any judgment or damages arising from Firm's performance or non-performance of this engagement letter. This foregoing indemnification will survive termination of this engagement.

### **Other Services**

We will perform, in accordance with Chapter 10.550, Rules of the Auditor General of the State of Florida, an examination pursuant to AICPA *Professional Standards*, promulgated by the American Institute of Certified Public Accountants regarding the compliance of the Town's with 218.415, Florida Statutes, Local Government Investment Policies. There is no additional cost for this service.

We are always available to meet with you and/or other management personnel at various times throughout the year to discuss current business, operational, accounting and auditing matters affecting your Organization. Whenever you feel such meetings are desirable please let us know; we are prepared to provide services to assist you in any of these areas. We will be pleased, at your request to attend your Commission meeting(s).

### **Timeline**

Our engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

### **Fees**

Our fee for these services will be based on the actual time spent at our discounted hourly rates. Invoices shall be submitted in sufficient detail to demonstrate compliance with this engagement letter. Our discounted hourly rates vary according to the level of the personnel assigned to your engagement. Our invoices for these fees will be rendered as the work progresses, and are due and

payable upon presentation. In the event that you dispute any of the fees or expenses on a specific invoice, you agree to notify us within twenty (20) days of receipt of the invoice of such dispute. If you fail to notify us within the twenty (20) day period, your right to dispute such invoice will be waived. Prior to the commencement of the services described above, any past due balances are required to be paid in full. In accordance with our Firm policies, should any invoice remain unpaid for more than thirty days, we reserve the right to defer providing any additional services until all outstanding invoices are paid in full. Amounts past due 60 days from the invoice date will incur a finance charge of 1% per month. Nothing herein shall be construed as extending the due date of payments required under this agreement, and you agree that we are not responsible for the impact on your organization of any delay that results from such non-payment by you.

As a result of our planning process, we believe that the above described professional services can be completed for an amount not to exceed of \$63,000 (excluding any federal, State or compliance audits noted below) for the fiscal year ending September 30, 2021. The estimate of our fee is based on certain assumptions, including the required assistance described above. To the extent that certain circumstances including, but not limited to those listed in Appendix A, arise during the engagement, our fee estimate may be significantly affected and additional fees may be necessary. Additional services provided beyond the described scope of services will be billed separately.

If the Town is required to undergo a single audit in accordance with the Uniform Guidance for the fiscal year ending September 30, 2021, we estimate the audit fee will be \$8,500; this will be dependent on the amount of federal funding and the number of programs to be audited or federal regulations that are unknown at this date, however, our estimated fee is based on information you provided to us to date so we believe our estimate will be the not-to-exceed fee. Any change to the estimated fee will be discussed with you prior to commencement of the audit procedures.

If the Town is required to undergo a single audit in accordance with the Florida Single Audit Act and Chapter 10.550 Rules of the Auditor general of the State of Florida for the fiscal year ending September 30, 2021, we estimate the audit fee will be \$8,000. Based on information you provided to date appears that the Town will not be subject to a Florida Single Audit.

### **Agreement**

This letter comprises the complete and exclusive statement of the agreement between the parties, superseding all proposals oral or written and all other communications between the parties. If any provision of this letter is determined to be unenforceable, all other provisions shall remain in force.

It is hereby understood and agreed that this engagement is being undertaken solely for the benefit of the Town and that no other person or entity shall be authorized to enforce the terms of this engagement.

If you agree with the terms of our engagement, as described in this letter please sign this PDF version of the engagement letter and return it to us.

Moises D. Ariza, CPA, will serve as the audit engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. Michael D. Futterman, CPA, will serve as the quality control director.

Town of Surfside, Florida

May 13, 2021

Page 14

This agreement is renewable at the option of the Town. We appreciate the opportunity to be of service to Town of Surfside and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know.

Very truly yours,

Marcum LLP



Moises D. Ariza, CPA, CGMA  
Partner

**ACCEPTED**

This letter correctly sets forth the agreement of Town of Surfside, Florida

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

## **APPENDIX A**

### **Town of Surfside, Florida Circumstances Affecting Timing and Fee Estimate**

The estimated fee is based on certain assumptions. Circumstances may arise during the engagement that may significantly affect the targeted completion dates and our fee estimate. As a result, additional fees may be necessary. Such circumstances include but are not limited to the following:

1. Changes to the timing of the engagement at your request. Changes to the timing of the engagement usually require reassignment of personnel used by Marcum in the performance of services hereunder. However, because it is often difficult to reassign individuals to other engagements, Marcum may incur significant unanticipated costs.
2. All requested schedules are not (a) provided by the accounting personnel on the date requested, (b) completed in a format acceptable to Marcum (c) mathematically correct, or (d) in agreement with the appropriate underlying records (e.g., general ledger accounts). Marcum will provide the accounting personnel with a separate listing of required schedules and deadlines.
3. Weaknesses in the internal control.
4. Significant new issues or unforeseen circumstances as follows:
  - a. New accounting issues that require an unusual amount of time to resolve.
  - b. Changes or transactions that occur prior to the issuance of our report.
  - c. Changes in the Organization's accounting personnel, their responsibilities, or their availability.
  - d. Changes in auditing requirements set by regulators.
5. Significant delays in the accounting personnel's assistance in the engagement or delays by them in reconciling variances as requested by Marcum. All invoices, contracts and other documents which we will identify for the Organization, are not located by the accounting personnel or made ready for our easy access.
6. A significant level of proposed audit adjustments are identified during our audit.
7. Changes in audit scope caused by events that are beyond our control.
8. Untimely payment of our invoices as they are rendered.





# MEMORANDUM

ITEM NO. 3H

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** June 8, 2021  
**Subject:** Town Hall Chiller Coils Emergency Repair

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The Town of Surfside Town Hall's air conditioning system is a chiller tower unit with the chiller tower being located on the roof of the Town Hall facility. The chiller tower was installed in 2015 and even though operable, the chiller coils have begun to fail due to refrigerant leakage caused by a highly corrosive environment.

Even though the leakage is minimal, it is causing the compressors to work harder in order to compensate for loss. The overwork of the compressors can result in compressor failure which ultimately would mean higher repair costs. Though the purchase is exempt from competitive bidding per the Town's Purchasing Code section 3-13 (7) f, the Town solicited pricing from two HVAC vendors in order to address the emergency repairs. The vendors were TRANE and Smart AIR Systems, Inc. with pricing for chiller coils replacement as follows:

- TRANE \$52,000.00
- Smart AIR Systems, Inc. \$50,746.00

Both vendors require the work to be performed during off-hours when the building is at minimal capacity since the chiller tower would need to be taken apart for repairs and decommissioned for two days. Additionally, the scope of work will require a crane which is tabulated in each proposal. Both proposals are provided in **Exhibit A – "Vendor Proposals"**.

The Town administration recommends performing the emergency repair work with Smart AIR Systems, Inc. as they are the lowest cost vendor and have experience working within Town Hall.

Reviewed by: JG

Prepared by: HG

**RESOLUTION NO. 2021 \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING EMERGENCY REPAIR WORK FOR THE TOWN HALL AIR CONDITIONING SYSTEM'S CHILLER AND COILS REPLACEMENT FROM SMART AIR SYSTEMS, INC.; FINDING THAT THE WOTK IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)(F) OF THE TOWN CODE AS A PUBLIC WORKS PURCHASE FOR TOWN FACILITY REPAIR WORK; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH WORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") is in need of emergency repair work for the Town Hall's air conditioning system chiller and coils replacement ("Work"); and

**WHEREAS**, pursuant to Section 3-13(7)(f) of the Town's Code, public works or utilities maintenance and repair purchases for Town facilities are exempt from competitive bidding; and

**WHEREAS**, the Town solicited two (2) quotes for the Work and received the lowest quote from Smart Air Systems, Inc. ("Vendor"); and

**WHEREAS**, the Vendor has provided a quote attached hereto as Exhibit "A" for the Work at a cost of \$50,746.00 (the "Quotation"); and

**WHEREAS**, the Town Commission wishes to approve the Work and authorize the Town Manager to enter into a Purchase Order with the Vendor, in substantially the same form as the Quotation attached hereto as Exhibit "A"; and

**WHEREAS**, the Town Commission finds that the Work is in the best interests 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 Adopted.** Each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Work Approved; Exemption from Competitive Bidding.** The Work in the amount of \$50,746.00 from the Vendor is hereby approved. The Town Commission finds that pursuant to Section 3-13(7)(f) of the Town’s Code, the Work is exempt from competitive bidding. The Quotation, in substantially the same form attached hereto as Exhibit “A,” is hereby approved, and the Town Manager is authorized to execute a Purchase Order for the Work in substantially the same form as the Quotation attached hereto as Exhibit “A.”

**Section 3. Implementation.** The Town Manager and Town Officials are authorized to take any and all necessary or further action to implement the Work and the purposes of this Resolution, including the execution of a Purchase Order and any necessary agreements for the Work.

**Section 4. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 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 LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

---

Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

May 10, 2021

Town of Surfside Town Hall  
9293 Harding Ave.  
Surfside, FL 33154

Work to be done on Chiller  
**RE; COIL REPLACEMENT**



Dear Hector,

Smart Air Systems, Inc. is pleased to provide you with this proposal to supply all labor and material to replace the unit at the above-mentioned location.

**Total cost to perform this job is:.....\$44,986.00**

**Additional cost to replace the corroded compressor base rails is:.....\$5,760.00**

**This proposal includes the following:**

- Shut down chiller.
- Recover refrigerant per EPA Regulations.
- Remove and dispose of the corroded condenser coils.
- Furnish and install (4) new condenser coils with Heresite Dipped and Baked coating.
- Furnish and install new refrigerant driers.
- Connect to the existing piping and supports.
- Pressure tests connections.
- Evacuate and charge system with the existing refrigerant.
- Install the existing condenser fan motors and panels.
- Startup chiller and confirm operation.
- Crane service. We will be able to park the crane on East side of building in parking lot with no lane closure needed.
- Work to be performed during overtime hours.

**This proposal does not include:**

- Refrigerant.
- Anything not stated above.

**Warranty:**

- Warranties on all parts and materials are limited to manufacturer's warranties.

**Payment Terms:**

- Payment is due in net 30. All invoices not paid in net 30 days will accumulate a service charge of 1.5% interest per month (18% annum), commencing on the 31<sup>st</sup> day and continuing until the funds are received.

If this proposal meets with your approval, please issue your purchase order to my attention or sign and return a copy of this letter as your authorization to proceed. If you have any questions or concerns regarding this proposal please feel free to contact me at (954) 968-1288.

We thank you for the opportunity to be of service.

Sincerely,

*Mike Meekins*  
Mike Meekins  
Smart Air Systems, Inc.  
CAC056916

ACCEPTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_



Trane U.S. Inc.  
 2884 Corporate Way  
 MIRAMAR, FL 33025  
 Phone: (954) 499-6900  
 Fax: (954) 499-6901

May 04, 2021

Surfside Town of  
 9293 Harding Avenue  
 SURFSIDE, FL 33154  
 United States

Site Address:  
 Surfside Town Hall  
 9293 Harding Avenue  
 SURFSIDE, FL 33154  
 United States

**ATTENTION:** Mr. Hector Gomez

**PROJECT NAME:** Surfside Town Hall – Budget Letter for CGAM Chiller Refurbishment

We are pleased to offer you this proposal for performance of the following services for the Equipment listed. Services will be performed using Trane’s Exclusive Service Procedure to ensure you get full benefit of our extensive service experience, coupled with the distinct technical expertise of an HVAC Equipment manufacturing leader. Our innovative procedure is environmentally and safety conscious and aligns expectation of work scope while providing efficient and productive delivery of services.

**The following "Covered Equipment" will be serviced at Surfside Town Hall:**

Equipment	Qty	Manufacturer	Model Number	Serial Number	Asset Tag
Air-Cooled Chiller, Scroll Compressors	1	Trane	CGAM080A2L	U14K44890	Chiller

**BACKGROUND INFO**

Original compressor guard rails on existing Trane chiller are heavily corroded and brittle due to proximity to ocean. If the guard rails on these chillers deteriorate any further and break off, there is significant danger of inevitable loss of the refrigerant on your chillers, and compressors will likely be compromised due to no support for compressors. Failed compressors mean no cooling for chiller. No amount of maintenance can prevent the salty air from deteriorating these guard rails. Outright replacement of these compressor guard rail will be necessary to avoid unexpected issues, and Trane proactively recommends addressing these repairs.



In their current state, the condenser coils are in need of replacement due to end of expected useful life and deterioration to avoid unforeseen refrigerant leaks. The coils are badly deteriorated, and the original coating is peeling away resulting in the coils being directly exposed to the environment with little protection. This will only speed the deterioration of the coils. It is recommended that all condenser coils on this unit be replaced immediately before the damage is deemed un-repairable. Refusal to do so may result in over-worked compressors which will inevitably lead to more probable premature compressor failure.

**SCOPE OF SERVICE: REPLACE COMPRESSORS, CONDENSER COILS, EXPANSION VALVES, SENSORS, AND SERVICE VALVES**

**SERVICE FLOWS**

- Shut down electrical power to unit lockout and tag out
- Recover refrigerant from unit in accordance with EPA regulations
- Break vacuum on unit with dry nitrogen
- Disconnect and remove all compressors, mounting rails and hardware
- Install new OEM compressor rails, hardware and compressors
- Disconnect condenser refrigeration piping from condenser coils and liquid line filter/driers
- Remove condenser coils from unit and install new air-cooled condenser coils with protective coating and using crane services
- Braze in refrigerant piping to new coils and new liquid line filter/driers
- Remove existing electronic expansion valves, install new OEM EXV's and Modules
- Remove existing service valves, install new OEM service valves
- Remove and replace (2) two fast response temperature sensors, bind, and program to system
- Pressurize unit with dry nitrogen and trace gas and leak check brazing joints on condenser coils and liquid line filter/driers
- Evacuate unit to 500 microns and place on short hold test to check for integrity of refrigerant circuit
- Install recovered refrigerant in unit
- Start chiller, check, and record operation, return unit to normal service

**BUDGETARY PRICING**

**TOTAL BUDGET PRICE FOR CGAM CHILLER REFURBISHMENT:.....118,000.00 USD**

**-Includes replacement of all scroll compressors with 1 year parts warranty**

**-Includes replacement of all condenser coils including protective coating**

**-Include replacement of all corroded refrigerant charging valves and compressor guard rails**

**-Includes replacement of all chiller expansion valves**

**TOTAL BUDGET PRICE FOR REPLACEMENT OF CONDENSER COILS ONLY:.....52,000.00 USD**

**CLARIFICATIONS**

1. Any service not specified above is not included.
2. Crane fees included.
3. Work will be performed during overtime weekend hours.
4. Existing refrigerant will be recovered. If additional refrigerant is necessary for proper operating charge due to excess refrigerant leaks, a separate proposal will be issued to customer for approval.
5. This Budgetary Estimate is indicative, but not binding upon Trane; please request a service proposal for a formal price quotation.

I appreciate the opportunity to earn your business and look forward to helping you with all of your service needs. Please contact me if you have any questions or concerns.

Sincerely,

*Mauricio Dugand*

Mauricio Dugand  
Account Manager  
Cell: (305) 389-5826

**COVID-19 NATIONAL EMERGENCY CLAUSE**

The parties agree that they are entering into this Agreement while the nation is in the midst of a national emergency due to the Covid-19 pandemic ("Covid-19 Pandemic"). With the continued existence of Covid-19 Pandemic and the evolving guidelines and executive orders, it is difficult to determine the impact of the Covid-19 Pandemic on Trane's performance under this Agreement. Consequently, the parties agree as follows:

1. Each party shall use commercially reasonable efforts to perform its obligations under the Agreement and to meet the schedule and completion dates, subject to provisions below;
2. Each party will abide by any federal, state (US), provincial (Canada) or local orders, directives, or advisories regarding the Covid-19 Pandemic with respect to its performance of its obligations under this Agreement and each shall have the sole discretion in determining the appropriate and responsible actions such party shall undertake to so abide or to safeguard its employees, subcontractors, agents and suppliers;
3. Each party shall use commercially reasonable efforts to keep the other party informed of pertinent updates or developments regarding its obligations as the Covid-19 Pandemic situation evolves; and
4. If Trane's performance is delayed or suspended as a result of the Covid-19 Pandemic, Trane shall be entitled to an equitable adjustment to the project schedule and/or the contract price.

**This Budgetary Estimate is based upon and any agreement will be subject to customer acceptance of attached Trane Terms and Conditions – Quoted Service.**

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Budgetary Estimate Date: May 04, 2021

**Trane U.S. Inc.**

License Number: CAC023485





# MEMORANDUM

ITEM NO. 31

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** June 8, 2021  
**Subject:** Structural Plans Review Approval of Project Agreement with Alvarez Engineers, Inc. and Authorization to Expend

---

Structural plans review is an essential function of the Building Department in issuing building permits that involve this scope. MTCI Private Provider Services, LLC is currently retained for Structural Plans Review services as needed and required. As part of RFQ No. 2020-06 Continuing Engineering Services, Structural Plans Review was requested as a needed service.

The Town Building department reviewed the submitted proposals and held discussions as needed of the prequalified firms that form the pool. The Town Building determined that Alvarez Engineers, Inc. was the most qualified based on the ability to provide the level of service required and usage of modern technology to support digital plan review.

The Town expends between \$40,000 and \$90,000 per fiscal year on structural plans review services. The Town has expended \$35,558 through the first 5 months of Fiscal Year 202, which on a prorated basis would come to \$85,338 for the entire fiscal year. The amount expended is directly correlated to the activity level of construction in the Town. Contract terms are recommended to be continuous unless terminated by the Town and will be on a "time and materials" basis.

Town Administration recommends that the Commission approve the attached Resolution approving the Project Agreement and authorizing the expenditure of up to \$90,000 per fiscal year for the purpose of engaging with Alvarez Engineers, Inc. for Structural Plans Review Services.

Reviewed by: JM/AH

Prepared by: JG

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH ALVAREZ ENGINEERS, INC. FOR STRUCTURAL PLAN REVIEW SERVICES PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 287.055, Florida Statutes (also known as the Consultants' Competitive Negotiation Act), the Town of Surfside (the "Town") has retained the services of Alvarez Engineers, Inc. ("Consultant") for professional engineering services, in accordance with the Continuing Services Agreement for such services executed by the parties (the "CSA"); and

**WHEREAS**, in accordance with the provisions of the CSA, Consultant and the Town have agreed to enter into a specific Project Agreement ("Agreement"), authorizing the Consultant to provide structural plan review services for the Town ("Services"); and

**WHEREAS**, the Agreement, attached hereto as Exhibit "A," provides for a scope of services detailing the Services to be provided by the Consultant, as well as a schedule for performance and compensation for the Services in an amount not to exceed \$90,000.00 per fiscal year; and

**WHEREAS**, pursuant to the CSA, the Town Commission wishes to approve the Agreement, in substantially the form attached hereto as Exhibit "A", and authorize the expenditure of such funds; and

**WHEREAS**, the Town Commission finds that this Resolution is in the best interest and welfare of the Town and its residents.

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

**Section 1. Recitals.** Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Approval of Agreement.** The Agreement for the Services with the Consultant, in substantially the form attached hereto as Exhibit “A”, is hereby approved.

**Section 3. Authorization; Expenditure of Funds** The Town Manager is hereby authorized to execute the Agreement attached hereto as Exhibit “A” with the Consultant for the Services in an amount not to exceed \$90,000.00 per fiscal year, in accordance with the CSA and subject to final approval by the Town Manager and Town Attorney as to form, content, and legal sufficiency.

**Section 4. Implementation.** The Town Manager and Town Officials are authorized to take any and all necessary action to implement the Agreement and the purposes of this Resolution.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 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 LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

---

Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

# **PROJECT AGREEMENT**

Between

TOWN OF SURFSIDE, FL

And

Alvarez Engineers, Inc.

Project Name: Structural Plan Review

## PROJECT AGREEMENT

Between

TOWN OF SURFSIDE, FL

And

Alvarez Engineers, Inc.

Project Name: Structural Plan Review

Subject to the provisions contained in the “Continuing Services Agreement for Professional Engineering Services” (hereinafter referred to as the “Continuing Services Agreement”) between the **TOWN OF SURFSIDE, FL** (hereinafter referred to as “Town”) and **ALVAREZ ENGINEERS, INC.**, (hereinafter referred to as “Consultant”) dated \_\_\_\_\_, which Continuing Services Agreement was competitively procured through Request For Qualifications (RFQ) No. 2020-06 in accordance with Section 287.955, Florida Statutes, this Project Agreement is made effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and authorizes the Consultant to provide the services as set forth below:

### SECTION 1. SCOPE OF SERVICES

1.1 Consultant shall provide **Structural Plan Review** for the Town (the “Services”), as further outlined in Exhibit “1” attached hereto.

1.2 The Town may request changes that would increase, decrease, or otherwise modify the scope of services. Such changes must be contained in a written change order executed by the parties in accordance with the provisions of the Continuing Services Agreement, prior to any deviation from the terms of the Project Agreement, including the initiation of any extra work.

### SECTION 2. DELIVERABLES

2.1 The Consultant shall provide the Town with Structural Plan Review as determined by the Town Building Official.

### SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE

3.1 Term. This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until terminated pursuant to Section 6 or other applicable provisions of this Project Agreement. The Town Manager, in his sole discretion, may extend the term of this Agreement through written notification to the Consultant. Such extension shall not exceed 90 days. No further extensions of this Agreement shall be effective unless authorized by the Town Manager.

3.2 Commencement. Services provided by the Consultant under this Project Agreement and the time frames applicable to this Project Agreement shall commence upon the date provided in a written Notice to Proceed (“Commencement Date”) provided to the Consultant by the Town. The Consultant shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notice to Proceed. Consultant must receive written notice from the Town Manager prior to the beginning the performance of services.

3.3 Contract Time. Upon receipt of the Notice to Proceed, the Consultant shall provide services to the Town on the Commencement Date, and shall continuously perform services to the Town, without interruption.

3.4 All limitations of time set forth in this Agreement are of the essence.

#### SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 Compensation. Consultant shall be compensated for the provision of the Services in accordance with Exhibit "B," "Consultant's Fees/Hourly Billing Rates," of the Continuing Services Agreement for Professional Engineering Services. Consultant shall be paid based on hours of service provided to a maximum of \$90,000 per fiscal year.

4.2 Reimbursable Expenses. The following expenses are reimbursable and will be billed at actual cost: Travel and accommodations (requires prior written approval), long distance telephone calls, facsimile, courier services, mileage (at a rate approved by the Town), photo and reproduction services. All document reproductions are also reimbursable, at a rate approved by the Town.

#### SECTION 5. BILLING AND PAYMENTS

##### 5.1 Invoices

5.1.1. Compensation and Reimbursable Expenses. Consultant shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed.

5.1.2. Florida Prompt Payment Act. The Town shall pay the Consultant in accordance with the Florida Prompt Payment Act after approval and acceptance of the Services by the Town Manager.

5.2 Disputed Invoices. In the event that all or a portion of an invoice submitted to the Town for payment to the Consultant is disputed, or additional backup documentation is required, the Town shall notify the Consultant within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The Consultant shall provide the Town within five (5) working days of the date of the Town's notice. The Town may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the Consultant. The Town, at its sole discretion, may pay to the Consultant the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 Suspension of Payment. In the event that the Town becomes credibly informed that any representations of the Consultant, provided pursuant to Subparagraph 5.1, are wholly or partially inaccurate, or in the event that the Consultant is not in compliance with any term or condition of this Project Agreement, the Town may withhold payment of sums then or in the future otherwise due to the Consultant until the inaccuracy, or other breach of Project Agreement, and the cause thereof, is corrected to the Owner's reasonable satisfaction.

5.4 Retainage. Not applicable.

5.5 Final Payment. Submission to the Consultant's invoice for final payment and reimbursement shall constitute the Consultant's representation to the Town that, upon receipt from the Town of the amount invoiced, all obligations of the Consultant to others, including its consultants, incurred in connection with the Project, shall be paid in full. The Consultant shall deliver to the Town all documents requested by the Town evidencing payments to any and all subcontractors, and all final specifications, plans, or other documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of all claims against the Town by the Consultant.

#### SECTION 6. TERMINATION/SUSPENSION

6.1 For Cause. This Agreement may be terminated by either party upon five (5) calendar days written notice to the other should such other party fail substantially to perform in accordance with its material terms through

no fault of the party initiating the termination. In the event that Consultant abandons this Agreement or causes it to be terminated by the Town, the Consultant shall indemnify the Town against any loss pertaining to this termination. In the event that the Consultant is terminated by the Town for cause and it is subsequently determined by a court by a court of competent jurisdiction that such termination was without cause, such termination shall thereupon be deemed a termination for convenience under Section 6.2 and the provision of Section 6.2 shall apply.

6.2 For Convenience. This Agreement may be terminated by the Town for convenience upon fourteen (14) calendar days' written notice to the Consultant. In the event of such termination a termination, the Consultant shall incur no further obligations in connections with the Project and shall, to the extent possible terminate any outstanding subconsultant obligation. The Consultant shall be compensated for all services performed to the satisfaction of the Town and reimbursable expenses incurred prior the date of termination. In such event, the Consultant shall promptly submit to the Town its invoice for final payment and reimbursement which invoice shall comply with the provisions of Section 5.1. Under no circumstances shall the Town make payment of profit to the Consultant for services which have not been performed.

6.3 Assignment upon Termination. Upon termination of this Project Agreement, a copy of all work product of the Consultant shall become the property of the Town and the Consultant shall within ten (10) working days of receipt of written direction from the Town, transfer to either the Town or its authorized designee, a copy of all work product in its possession, including but not limited to designs, specifications, drawings, studies, reports and all other documents and data in the possession of the Consultant pertaining to this Project Agreement. Upon the Town's request, the Consultant shall additionally assign its rights, title and interest under any subcontractor's agreements to the Town.

6.4 Suspension for Convenience. The Town shall have the right at any time to direct the Consultant to suspend its performance, or any designated part thereof, for any reason whatsoever, or without reason, for a cumulative period of up to thirty (30) calendar days. If any such suspension is directed by the Town the Consultant shall immediately comply with same. In the event the Town directs a suspension of performance as provided herein, through no fault of the Consultant, the Town shall pay the Consultant as full compensation for such suspension the Consultant's reasonable cost, actually incurred and paid, of demobilization and remobilization.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS.]



IN WITNESS WHEREOF, the parties hereto have caused this Project Agreement to be executed the day and year as first stated above

**TOWN:**

ATTEST:

TOWN OF SURFSIDE, FLORIDA, a  
Florida Municipal Corporation

\_\_\_\_\_  
TOWN CLERK

By: \_\_\_\_\_  
Andrew Hyatt, Town Manager

Date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

\_\_\_\_\_  
TOWN ATTORNEY

**CONSULTANT:**

Alvarez Engineering, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

## **Exhibit “1”**

Structural Plan Review Services. In providing Structural Plan Review Services, the Consultant shall:

- √ Provide plan review services electronically or in the traditional paper format
- √ Review plans for compliance with adopted building codes, local amendments or ordinances
- √ Be available for pre-submittal meetings by appointment
- √ Communicate plan review findings and recommendations in writing
- √ Return a set of finalized plans and all supporting documentation
- √ Provide review of plan revisions and remain available to applicant after the review is complete

Timeline for Performance. Consultant shall provide Structural Plan Review Services in a timely manner, as outlined below:

- √ Services will be performed during normal business hours, excluding municipal holidays.
- √ Services will be performed on an as needed, as requested basis
- √ Consultant’s representative(s) will be on-site weekly, based on activity levels
- √ Consultant’s representative(s) will be available by cell phone and email
- √ Consultant’s representative(s) will meet with the public by appointment
- √ Plan review shall be performed timely in accordance with the following schedule: Five (5) business days from receipt

### Town Obligations

- √ The Town will issue permits and collect all fees
- √ The Town will intake plans and related documents for pickup by Consultant and/or submit to the Consultant electronically
- √ The Town will provide a monthly activity report that will be used for monthly invoicing
- √ The Town will provide zoning administration for projects assigned to Consultant
- √ The Town will provide code books for front counter use
- √ The Town will provide office space, desk, desk chairs, file cabinets, local phone service, internet, use of copier and fax



# MEMORANDUM

ITEM NO. 5A

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Andrew Hyatt, Town Manager  
**Date:** June 8, 2021  
**Subject:** Hamsa-Hamsa (Surf-N-Sides) Concession Agreement

---

During the Town Commission Meeting on November 12, 2019, the Town Commission issued a revised Amendment to the Agreement for food and beverage concession service between the Town of Surfside and Hamsa Hamsa, LLC D/B/A Surf-N-Sides. Surf-N-Sides was granted a six (6) month probationary renewal term period. This was subject to a satisfactory performance by the contractor evaluated by the Town Manager at the conclusion of the probationary six (6) month renewal term.

Due to the global Covid-19 pandemic, the Community Center and Concession stand were forced to close on March 13, 2020. This unexpected shut down occurred midway through the probationary period of Surf-N-Sides. However, during the three (3) months of operation prior to the closure, Surf-N-Sides was operating at a satisfactory level. Surf-N-Sides was providing quality service to community center/pool patrons and keeping up all other conditions of the contract agreement.

With the reinstatement of the normal pool and community center operations on May 24, 2021, Surf-N-Sides is requesting to forgo the last 3 months of the probationary period and enter into a 5-year agreement with the town (Attachment A).

Due to the level of service and cooperation provided by Surf-N-Sides during the three (3) operating months of the probationary renewal term, Town Administration recommends extending the agreement. The revised agreement would extend the term with five one-year renewable terms to be reviewed and approved by the Town Manager annually.

Town Administration recommends granting the Town Manager the authority to execute the extended agreement with Hamsa Hamsa, Surf-N-Sides under the existing terms and conditions.



May 24, 2021

To:

Tim Milian  
Director of Parks & Recreation  
Town of Surfside  
[TMilian@townofsurfside.com](mailto:TMilian@townofsurfside.com)

Cc:

Adrian Hernandez – Superintendent of Parks & Recreation  
Andrew Hyatt – Town Manager  
Jason D. Greene – Assistant Town Manager & CFO  
Lily Arango – Town Attorney  
Carmen Santos-Alborna – Code Compliance Manager

I hope this letter finds you all well and your families are well.

We are excited to once again serve our local neighbors (residents) and visitors with our great menu and service we have become known for within the community as well as to our returning visitors. We anticipate a smooth and hopefully quick reopening once we are able to obtain some clarity and slight adjustments to our current lease and the addendum to it.

Term:

As with any business regardless of the financial investment required, and which has proven to be the case with the operations of Surf-N-Sides 7 days a week, a significant investment is required to be made. As such we kindly ask that our lease be revised to a 5 year lease as outlined in the original RFP and which is standard for any business especially one within the food and concession industry. As per the lease the Town always has the right to terminate the lease with just a 90 day notice should it be in the Town's best interest.

Probation Period:

In one of the last commission meetings held by the previous Commission, the prior Town Manager and Commission put a probation period in place and revised the lease to have annual renewals. The probation period was due to mature in May 2020, unfortunately with the closure of the Community Center due to Covid-19, we had to close our doors in March 2020. We believe we have outperformed any expectations by the Town, the residents as well as the visitors during the probation period, which is why we are asking that this restrictive added condition to the lease be removed. As can be self understood it would not be financially responsible or feasible to invest in the reopening with this condition still in place.





**Closing Time:**

Given that the Town offers different classes and activities during the winter months after the pool closing, we would like to request that the lease be revised to change our closing time to be inline with the Community Center as opposed to the pool. This will allow us to provide dinner to the families that participate in these activities as well as drinks. This has been asked of us by the families in the past.

**Beach Service:**

Prior to our closure caused by Covid-19, we successfully launched our beach service to the then recently completed beach renourishment project. We are excited to continue once again providing our 1 of a kind non solicitating beach service. Following our Towns Leadership's emphasis on clean beaches and the use of environmentally friendly products, we pride ourselves as the only Town concession in Florida which I am aware of that provides beach cleanup services as well as being fully committed to using "turtle safe" biodegradable products.

**Reopening Timeframe:**

As we are local Surfside residents (as well as a immigrant, minority, female owned business) we are eager to reopen as soon as practically possible even if just with a soft menu leading up to the return to a full menu shortly thereafter. With Memorial weekend just a few days away being open in time may be difficult but with clarity and direction from the Town we will work to do our best to be open before Independence Day and the camp opening.

Thank you very much for all the support the Town and this Commission has shown during the last 14 months towards the small businesses in our local community.

Please checkout our Instagram @surfnsides & Facebook page!

We look forward to once "again making stomachs smile".

Ruthy & Eli Ginsburg  
Chef Yos Schwartz  
The entire Surf-n-Sides Team  
Hamsa Hamsa LLC  
dba Surf-n-Sides  
[www.SurfNSides.com](http://www.SurfNSides.com)



**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING RENEWAL OF THE TERM OF THE AGREEMENT FOR FOOD AND BEVERAGE CONCESSION SERVICES WITH HAMSA HAMSA, LLC D/B/A SURF-N-SIDES FOR FOOD AND BEVERAGE CONCESSION SERVICES AT THE SURFSIDE COMMUNITY CENTER; AUTHORIZING THE TOWN MANAGER TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) issued Request for Proposals (RFP) No. 2018-003 seeking to competitively procure food and beverage concession services at the Surfside Community Center (“Services”); and

**WHEREAS**, Hamsa Hamsa, LLC D/B/A Surf-N-Sides (“Contractor”) submitted the sole proposal in response to the RFP, the Town selected the proposal of the Contractor, and on November 19, 2018 the parties entered into an Agreement for Food and Beverage Concession Services with the Contractor (the “Agreement”); and

**WHEREAS**, at the Town Commission meeting of November 12, 2019, the Town Commission approved an amendment to the Agreement providing for a six (6) month probationary renewal term, subject to satisfactory performance by the Contractor to be evaluated by the Town Manager at the conclusion of the six (6) month probationary renewal term (the “First Amendment”); and

**WHEREAS**, prior to reaching the end of the six (6) month probationary term, the Community Center and Concession were closed on March 13, 2020 due to the Covid-19 pandemic; and

**WHEREAS**, during the three (3) months of operation prior to the closing of Surf-N-Sides due to the Covid-19 pandemic, Town administration found that the Contractor was operating at a satisfactory level and providing quality service to community center/pool patrons and complying with all other conditions of the Agreement; and

**WHEREAS**, Community Center operations re-opened to normal programming on May 24, 2021, and Contractor is requesting to forgo the remaining three (3) months of the probationary term and seeking further renewal of the Agreement; and

**WHEREAS**, based upon the recommendation of Town administration, the Town Commission wishes to renew the term of the Agreement for a one (1) year renewal term, and provide for four (4) additional one (1) year renewal terms, subject to annual performance reviews by the Town Manager, all as set forth in the Second Amendment to the Agreement, substantially in the form attached hereto as Exhibit “A” (“Second Amendment”); and

**WHEREAS**, the Town Commission finds that the renewal of the term of the Agreement and the Second Amendment are 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 Adopted.** Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

**Section 2. Approving Renewal of Term and Second Amendment.** The Town Commission hereby approves the renewal of the term of the Agreement for a one (1) year period and further approves the Second Amendment with the Contractor for the Services, substantially in the form attached hereto as Exhibit “A”, subject to final approval as to form, content, and legal sufficiency by the Town Manager and Town Attorney. The Town Manager is hereby authorized to execute the Second Amendment once approved in final form, content and legal sufficiency by the Town Manager and Town Attorney.

**Section 4. Implementation of Second Amendment.** The Town Manager and/or designee is authorized to take any and all necessary action to implement the Second Amendment

and the purposes of this Resolution, including approving and authorizing any additional renewal terms pursuant to the Second Amendment.

**Section 5.** **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 2021.

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

Commissioner Charles Kesl \_\_\_\_\_  
Commissioner Eliana 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



**SECOND AMENDMENT TO AGREEMENT FOR FOOD AND BEVERAGE CONCESSION  
SERVICES BETWEEN  
TOWN OF SURFSIDE AND HAMSA HAMSA, LLC D/B/A SURF-N-SIDES**

**SURFSIDE COMMUNITY CENTER**

**THIS SECOND AMENDMENT TO AGREEMENT FOR FOOD AND BEVERAGE CONCESSIONS SERVICES** (this "Amendment") is made as of the \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the **TOWN OF SURFSIDE, FLORIDA**, a Florida Municipal Corporation (hereinafter referred to as "Town"), and **HAMSA HAMSA, LLC, a Florida Limited Liability Company, D/B/A Surf-N-Sides** (hereinafter referred to as "Contractor").

**WHEREAS**, the Town and Contractor entered into that certain Agreement for Food and Beverage Concession Services, Surfside Community Center, dated November 19, 2018 (the "Agreement"); and

**WHEREAS**, pursuant to Section 4 of the Agreement, the Services were to be provided for an initial term of one year through November 18, 2019, with an automatic renewal for a term of three (3) years provided Contractor was not in default of the Agreement and subject to the Contractor performing satisfactorily as determined by the Town Manager, in his sole discretion; and

**WHEREAS**, as further provided for in Section 4 of the Agreement, the Town Manager evaluated the performance of the Contractor for satisfactory performance 60 days prior to the expiration of the initial term, and the Town Manager issued a letter of default for non-performance of the Agreement dated September 25, 2019 finding that the Contractor was not performing satisfactorily in accordance with the terms and requirements of the Agreement; and

**WHEREAS**, the matter was addressed by the Town Commission at its November 12, 2019 meeting, and the result was to grant the Contractor a six (6) month probationary renewal term or period ("Probationary Six Month Renewal Term"), with any further renewals to be evaluated by the Town Manager at the conclusion of the Probationary Six Month Renewal Term and subject to satisfactory performance by the Contractor; and

**WHEREAS**, as directed by the Town Commission, a First Amendment to the Agreement was entered into between the Town and Contractor on December 13, 2019 providing for the Probationary Six Month Renewal Term, with any further renewals to be evaluated by the Town Manager at the conclusion of the Probationary Six Month Renewal Term and subject to satisfactory performance by the Contractor; and

**WHEREAS**, prior to reaching the end of the Probationary Six Month Renewal Term, the Community Center and Concession were closed on March 13, 2020 due to the Covid-19 pandemic; and

**WHEREAS**, during the three (3) months of operation prior to the closing of Surf-N-Sides due to the Covid-19 pandemic, the Town administration found that the Contractor was operating at a satisfactory level and providing quality service to Community Center and pool patrons and complying with all other conditions of the Agreement; and

**WHEREAS**, Community Center operations re-opened to normal programming on May 24, 2021, and Contractor is requesting to forgo the remaining three (3) months of the Probationary Six Month Renewal Term and seeking further renewal terms pursuant to the Agreement; and

**WHEREAS**, based upon the recommendation of Town administration, the Town Commission wishes to renew the term of the Agreement for a one (1) year renewal term, and provide for four (4) additional one (1) year renewal terms, subject to annual performance reviews by the Town Manager, all as set forth in this Second Amendment to the Agreement; and

**WHEREAS**, the parties wish to further amend the Agreement to revise Section 4 pertaining to renewals of the term, as set forth in this Second Amendment.

**NOW, THEREFORE**, for and in consideration of the mutual promises set forth herein, the parties do hereby agree as follows:

1. **Recitals Adopted.** The above recitals are true and correct and are incorporated herein by this reference. All initially capitalized terms used but not otherwise defined herein shall have the meaning ascribed thereto in the Agreement.

2. **Services.** Section 4 of the Agreement is hereby amended and replaced with the following:

“4. **TERM.** This Agreement shall be for an initial term of one (1) year commencing on November 19, 2018 and ending on November 18, 2019 (hereinafter the “Term”) unless sooner terminated pursuant to paragraph 12 of this Agreement. Services shall commence within sixty (60) days of the Effective Date of this Agreement (the “Commencement Date”), which date shall be documented in writing by the parties. In no event shall the Commencement Date, and Contractor’s obligation to pay the Town a concession fee exceed beyond sixty (60) days from the Effective Date. Any change in fee, terms or conditions shall be accomplished by written amendment to this Agreement and approval by the Town. The Term of this Agreement ~~shall renewed~~ for a six (6) month probationary term commencing November 19, 2019, which terminated early on March 13, 2020 due to the closure of the Community Center and Concession caused by the Covid-19 pandemic and terminating on May 18, 2020 (“Probationary Six Month Renewal Term”). ~~Sixty (60) days prior to the expiration of the Probationary Six Month Renewal Term, the Town Commission shall be provided with an update or status of the Contractor’s performance pursuant to this Agreement, and the Town Commission may provide direction to the Town Manager as to any further renewals of the Agreement. Thirty (30) days prior to the expiration of the Probationary Six Month Renewal Term, and provided (i) Contractor is not in default of this Agreement and is performing satisfactorily during the Probationary Six Month Renewal Term as determined by the Town Manager, in his sole discretion, and (ii) the Town Commission has provided favorable review or~~

direction of the Contractor's performance during the Probationary Six Month Renewal Term, the Term of this Agreement shall renew for a successive one (1) year term ("First Renewal Term").—The Town Manager and/or administration shall evaluate the performance of the Contractor during the three (3) months of operations during the Probationary Six Month Renewal Term prior to the closing of the Concession due to the Covid-19 pandemic, and found that the Contractor was operating at a satisfactory level and providing quality service to Community Center and pool patrons and complying with all other conditions of the Agreement. The Term of the Agreement is hereby extended for one (1) additional year commencing July 1, 2021 and terminating on June 30, 2022 ("First Renewal Term"). The Agreement may be renewed for up to four (4) successive one (1) year renewal terms, subject to annual satisfactory performance reviews of the Contractor and evaluation by the Town Manager and/or administration. sSixty (60) days prior to the expiration of the First Renewal Term and any successive annual renewal terms thereafter, and the Town Manager shall have the authority evaluate the performance of the Contractor during the prior year to determine whether Contractor is performing satisfactorily, and if the Contractor's performance is determined by the Town Manager and/or administration to be satisfactory, the Town Manager may authorize a successive one (1) year term to commence upon the expiration of the First Renewal Term and successive annual renewal terms thereafter ("Second Successive Renewal Terms"). In determining whether Contractor is performing satisfactory, the Town Manager and/or administration may consider certain performance standards, including, but not limited to, operating hours, adequate personnel and staffing, legitimate complaints received from patrons or guests, food and beverage quality, and availability of menu or food and beverage items. Any subsequent or further annual renewals beyond the ~~Second~~ First Renewal Term shall be at the sole and absolute discretion of the Town."<sup>1</sup>

3. **Conflict; Amendment Prevails.** In the event of any conflict or ambiguity between the terms and provisions of this Second Amendment and the terms and provisions of the Agreement, the terms and provisions of this Second Amendment shall control.

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1. Additions to the text are shown in double underline.. Deletions are shown in ~~strikethrough~~.

4. **Agreement Ratified.** Except as otherwise specifically set forth or modified herein, the all terms and pricing in the Agreement are hereby ratified and affirmed and shall remain unmodified and in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first set forth above.

**TOWN:**

**TOWN OF SURFSIDE, a Florida municipal corporation**

By: \_\_\_\_\_  
Andrew Hyatt, Town Manager

Date Executed: \_\_\_\_\_

Attest:

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

Approved as to Legal Form and  
Legal Sufficiency:

\_\_\_\_\_  
Town Attorney

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first set forth above.

**CONTRACTOR:**

Witnesses:

**HAMSA HAMSA, LLC, a Florida Limited Liability Company, D/B/A SURF-N-SIDES**

\_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Date Executed: \_\_\_\_\_

Print Name: \_\_\_\_\_



**Town of Surfside  
Town Commission Meeting  
June 8, 2021  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** 5/12/21

**Prepared by:** Mayor

**Subject:** Vice Mayor Tina Paul Resolution Correction

---

**Objective:** To correct Vice Mayor Paul's exclusion of anti-Christian hate and violence in her anti-hate resolution.

**Recommendation:** Adopt the corrected inclusive resolution, which adds Christians to the list of hate targeted groups.

<https://www.cornellpress.cornell.edu/the-complexity-of-anti-christian-violence-in-india/>

<https://cruxnow.com/news-analysis/2021/03/a-reminder-that-holy-week-is-prime-time-for-anti-christian-violence/>

<https://www.wsj.com/articles/anti-christian-violence-surges-in-egypt-prompting-an-exodus-11556290800>

<https://www.persecution.org/2019/09/20/200-incidents-anti-christian-violence-reported-india-2019/>

<http://ovrInd.com/GeneralInformation/christianpersecution.html>

<https://barnabasfund.org/anti-christian-violence-nigeria/>

<https://www.nationalreview.com/corner/what-do-about-anti-christian-violence-middle-east-nina-shea/>

<https://www.theatlantic.com/international/archive/2012/01/anti-christian-violence-and-maybe-worse-in-congo/251145/>

**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, anti-Christianism, 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, anti-Christian, 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



**Town of Surfside  
Town Commission Meeting  
June 8, 2021  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** 5/20/21

**Prepared by:** Mayor

**Subject:** Censure Resolution

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**Objective:** Commission resolution to address Commissioner Salzhauer's behavior at meetings.

**Recommendation:** Adopt the resolution.

**RESOLUTION NO. 2021- \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING CENSURE DIRECTED TOWARDS COMMISSIONER ELIANA SALZHAUER; FINDING THAT COMMISSIONER SALZHAUER’S BEHAVIOR IS UNACCEPTABLE AND THAT SHE MUST MAINTAIN ORDER, DECORUM, CIVILITY AND RESPECT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") is a municipal corporation located within Miami-Dade County, Florida, duly organized and existing under the laws of the State of Florida and is charged with providing exceptional public services to residents located within its corporate limits; and

**WHEREAS**, Commission Member Eliana Salzhauer was elected in March of 2020, to serve the citizens of the Town of Surfside; and

**WHEREAS**, Commissioner Salzhauer swore an oath, that among other things, she would perform the duties of the office of Commissioner and serve in the best interests of the Town; and

**WHEREAS**, the office and the aforementioned duties of a Surfside Commissioner require that such person meet and maintain the highest standards of behavior; and

**WHEREAS**, members of the Surfside Town Commission have received complaints and the Town of Surfside has been subjected to embarrassing news coverage in local and national media regarding the various aspects of Ms. Salzhauer’s behavior; and

**WHEREAS**, Commissioner Salzhauer has repeatedly used indecorous language, periodic obscene hand gestures<sup>i</sup> and loud and disruptive interruptions at Town public meetings, which significantly interfere with the proper and orderly conduct of Town meetings; and

**WHEREAS**, Commissioner Salzhauer has publicly stated in The Miami Herald regarding her obscene hand gestures<sup>ii</sup> that, “I’m from New York, it’s what we do” and that the mayor, “deserves the finger 100 percent” and that the mayor, “deserves more than that”; and

**WHEREAS**, Commissioner Salzhauer’s behavior and comments regarding the same have resulted in The Miami Herald labeling Ms. Salzhauer as “*unrepentant*”;<sup>iii</sup> and

**WHEREAS**, Ms. Salzhauer has engaged in rude and unacceptable dialog with members of the community, including calling Surfside residents, who are oceanfront

condominium board members, “terrorists”<sup>iv</sup> during a Commission meeting discussion regarding beach chairs; and

**WHEREAS**, Ms. Salzhauer's indecorous conduct has included unprofessional behavior while interacting with Surfside's own professionals, including Town Manager Guillermo Olmedillo, Planning Director, Sara Sinatra and Sara Sinatra's replacement Planning Director, Jim Hickey, all who no longer work for the Town; and

**WHEREAS**, the Town Commission wishes to declare and establish that the Town Commission does not, in any way, shape or form condone or accept Commissioner Salzhauer's aforementioned behavior; and

**WHEREAS**, the Surfside Town Commission also wishes to make it clear that Ms. Salzhauer's aforementioned behavior should not, in any way, be something that the Town's residents or professional staff – or the Town Commission, should be forced to endure; and

**WHEREAS**, the Town Commission and its members have tried to warn and caution Commissioner Salzhauer about her unacceptable behavior, including two efforts to censure Commissioner Salzhauer made by another member of the Town Commission; and

**WHEREAS**, the Surfside Town Commission finds that this resolution is necessary and beneficial to its citizens and staff given Ms. Salzhauer's unacceptable behavior, which has been the subject of worldwide news coverage,<sup>v</sup> and moreover, because good government and respectful and professional behavior is a solemn duty of the Town's elected officials, especially in light of the recent pledge of civility and the Town's ongoing commitment to professionalism.

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

**Section 1. Recitals Adopted.** The above-stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approving Censure; Findings.** The Town Commission hereby approves formally censuring and reprimanding Commissioner Salzhauer for her unacceptable and inexcusable behavior. Commissioner Salzhauer is called upon to cease the aforementioned behavior immediately and to conduct herself hereafter in a manner befitting a Town Commissioner with order, decorum, civility and respect towards the Mayor, Vice Mayor, fellow Commissioners, Town Staff, residents and the public.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 2021.

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

Commissioner Charles Kesl	_____
Commissioner Eliana 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

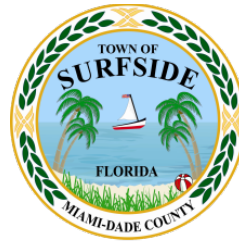
<sup>i</sup> In Surfside, anti-hate resolution devolves into ‘all lives matter’ and middle fingers  
BY AARON LEIBOWITZ JUNE 11, 2020 10:39 AM, UPDATED JUNE 11, 2020 02:19 PM

<sup>ii</sup> Commissioner flips off the mayor in Surfside spat. Everyone, just grow up! | Editorial  
BY THE MIAMI HERALD EDITORIAL BOARD  
MAY 11, 2021 01:45 PM, UPDATED MAY 11, 2021 07:03 PM

<sup>iii</sup> Commissioner flips off the mayor in Surfside spat. Everyone, just grow up! | Editorial  
BY THE MIAMI HERALD EDITORIAL BOARD  
MAY 11, 2021 01:45 PM, UPDATED MAY 11, 2021 07:03 PM

<sup>iv</sup> 8/25/2020 Special Commission meeting. Ms. Salzhauer: "I thought I could negotiate with terrorists"

<sup>v</sup> Commissioner Gives Middle Fingers to Mayor in Online Meeting  
A commissioner of a South Florida town displayed two middle fingers during an online meeting after the mayor muted her during a contentious discussion about a proposed anti-discrimination resolution.  
By Associated Press, June 11, 2020, at 12:10 p.m.  
(The AP operates 248 news bureaus in 99 countries. It also operates the AP Radio Network, which provides newscasts twice hourly for broadcast and satellite radio and television stations. Many newspapers and broadcasters outside the United States are AP subscribers)



**Town of Surfside  
Town Commission Meeting  
June 8, 2021  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date:** June 8, 2021  
**Prepared by:** Staff for Commissioners  
**Subject:** Consolidated Traffic/Transportation Discussion

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**1. Motorized bikes on the hardpack**

**Prepared by: Mayor Burkett**

- a. **Objective:** To propose a ban of motorized bikes on the hardpack and/or walking path.
- b. **Elected Official Recommendation:** Pass an ordinance banning motorized bikes on hardpack and/or walking path.
- c. **Town Manager Recommendation:** Agree, pass an ordinance banning motorized bikes, skateboards, etc.

**2. Pickup and drop off zones for each block at its center, on both sides, on Harding Avenue**

**Prepared by: Mayor Burkett**

- a. **Objective:** To eliminate double parking and direct longer-term parking to our lots, freeing up available short-term spaces in front of businesses.
- b. **Elected Official Recommendation:** Approve the measure
- c. **Town Manager Recommendation:** Agree, need to determine locations and enforcement. Would include this with the study recommended by DVAC for expanded sidewalks, reduced parking, etc.

**3. Harding Avenue Parking**

**Prepared by: Mayor**

- a. **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.
- b. **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.
- c. **Elected Official Recommendation:** Approve the measure
- d. **Town Manager Recommendation:** Study of expanded sidewalks, reduced parking and inclusion of drop off area as recommended by DVAC.



**Town of Surfside  
Town Commission Meeting  
June 8, 2021  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**4. Walking / Bike Path residential area**

**Prepared by: Mayor Burkett**

- a. **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.
- b. **Elected Official Recommendation:** Immediately pass this initiative.
- c. **Town Manager Recommendation:** Wait to discuss until after the undergrounding project – concerned this would eliminate on-street parking.

**5. Traffic Control Devices on 88th & Hawthorne Avenue**

**Prepared by: Commissioner Eliana Salzhauer**

- a. **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.
- b. **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.
- c. **Elected Official Recommendation:** Discuss options and give direction to Town Manager & Town Attorney
- d. **Town Manager Recommendation:** Implement traffic study of 88<sup>th</sup> Street to replace the removed traffic control devices.

**6. Install a lighted, pedestrian controlled, high visibility crosswalk at 90<sup>th</sup> Street and Harding Avenue**

**Prepared by: Mayor Burkett**

- a. **Objective:** To eliminate deaths of those crossing this very dangerous street location.
- b. **Elected Official Recommendation:** Approve the measure.
- c. **Town Manager Recommendation:** Agree, work with FDOT on installation of much needed lighted, pedestrian crosswalk in these areas as well as in other high pedestrian traffic areas.





**Town of Surfside  
Town Commission Meeting  
June 8, 2021  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**7. Crosswalk on 90th at Collins and Harding**

**Prepared by: Mayor Burkett**

- a. **Objective:** The high speeds are endangering our residents in just walking to the beach. Crosswalks must be installed ASAP, including at this location.
- b. **Elected Official Recommendation:** Vote to approve crosswalks throughout the entire Town at each block.
- c. **Town Manager Recommendation:** Agree, work with FDOT on installation of much needed lighted, pedestrian crosswalk in these areas as well as in other high pedestrian traffic areas.

Re: Crosswalk on 90th Street  
at Collins and Harding





**Town of Surfside  
Town Commission Meeting  
June 8, 2021**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**MEMORANDUM**

**Agenda #: 9B**

**Date: May 28, 2021**

**From: Commissioner Charles Kesl**

**Subject: Parking Trust Fund Discussion Item Memo #2 of 2: Looking at the Ordinance and suggesting change – Article VII, Chapter 90, including Section 90-77, Town Code**

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**Objective** – To determine how Section 90-77, et all, of the Town Code can be amended to delete the option of satisfying off-site parking requirements for development in the SD-B40 District and religious places of assembly by payment into the Parking Trust Fund in lieu of providing actual parking spaces, as proposed in Commissioner Kesl’s first memo on this discussion item dated April 2, 2021 (attached).

**Background** – By Ordinance No. 10-1556 adopted on July 13, 2010, the Town Code was amended to permit satisfaction of the parking requirements for parcels located in the SD-B40 District by allowing the payment into the parking trust fund in lieu of providing actual parking spaces, and the parking trust fund was established. Ordinance No. 12-1585 adopted on January 17, 2012 clarified the prior Code amendment and added the allowance for SD-B40 uses and religious places of assembly. Ordinance No. 14-1625 adopted on August 12, 2014, amended the parking fees and parking trust fund provisions in Section 90-77 of the Town Code, by requiring the permission of the Town Commission to satisfy the off-street parking requirements by payment into the parking trust fund, modified the uses of the funds deposited into the parking trust fund, and made changes to the parking trust fund. In sum, Section 90-77 of the Town Code provides for parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the Town and provides for options to satisfy parking requirements, including payment of parking trust fees that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking (Section 99-77(b)(2), Town Code).

**Consideration/Recommendation** – Consideration of the preparation of an Ordinance amending Section 90-77 of the Town Code, and corresponding provisions found in Article VII, Chapter 90, of the Town Code (Off-Street Parking and Loading) pertaining to parking fees and the Parking Trust Fund, to delete the option of satisfying parking requirements by payment into the Parking Trust Fund. The Town Commission should further consider and direct whether other corresponding changes are necessary to Article VII of Chapter 90 pertaining to the Parking Trust Fund, including expanding the allowed uses of the funds for greater integrated traffic and safety solutions including pedestrian, bicycling, electric transport, alternative means of transport locally and regionally including public transportation and water transportation which is utilized successfully in many other metropolitan areas. Consideration of traffic mitigation and development of expanded customer base and improved customer access for businesses through funds-matching and grant awarding at state, national and global levels, working with foundations, universities and not-for-profit solution and sustainability oriented organizations.



**Town of Surfside  
Town Commission Meeting  
April 2, 2021  
7:00 pm**

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  
April 13, 2021  
7:00 pm**

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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April 13

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**Agenda #: 9F**  
**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.

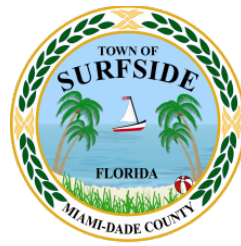
We can benefit from persons with experience that may include: an Environmental Engineer or Specialist, Water Researcher, Health Practitioner, Marine or Atmospheric Scientist, Oceanographer, Biologist, Economist, Information Technology or Coder, and Graphic Artist. Membership will be diverse and inclusive 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.

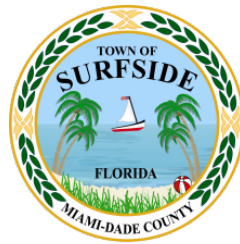
[https://library.municode.com/fl/surfside/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH2A\\_D\\_ARTVIICOET\\_S2-237DIBURE](https://library.municode.com/fl/surfside/codes/code_of_ordinances?nodeId=PTIICO_CH2A_D_ARTVIICOET_S2-237DIBURE)

**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)



April 13, 2021

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:

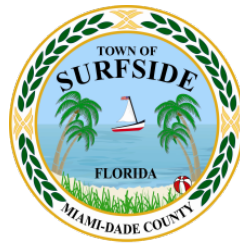
a.

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)

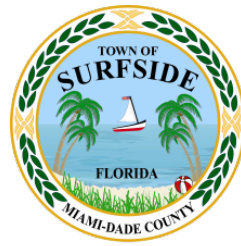
*Establishment of business relationship after appearance.* Except as prohibited by law, if a member of the town commission or any town board or committee establishes a business relationship with any applicant or interested person within 12 months after the applicant or interested person appeared before 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. 91

**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:**

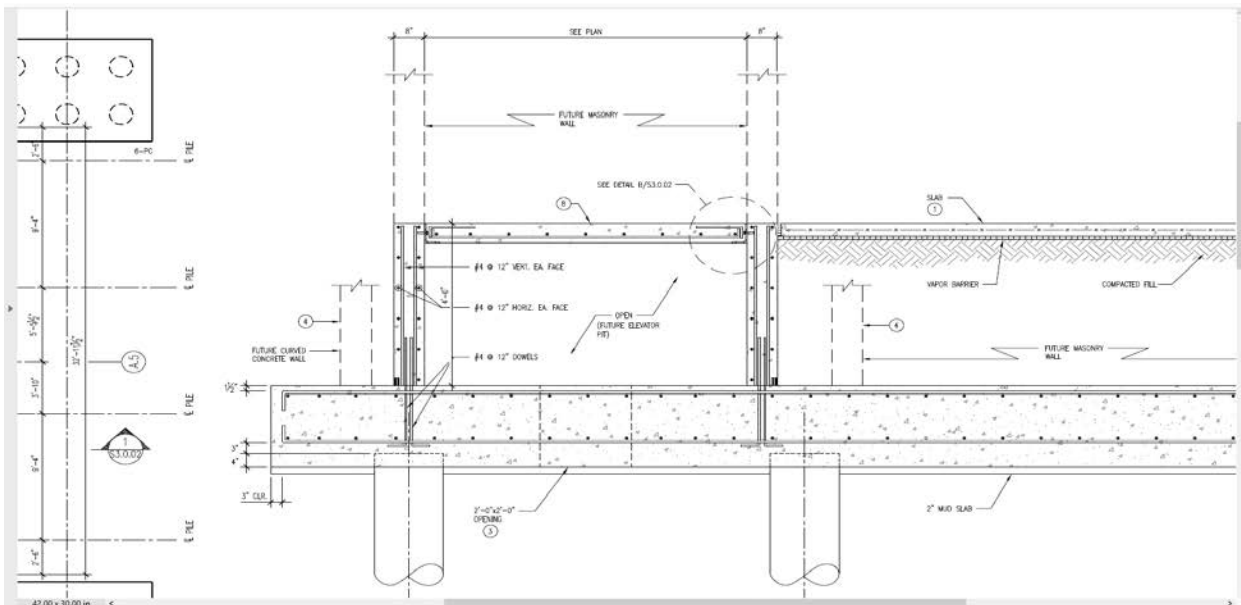
The Florida Building Code (FBC) and the Surfside Code of Ordinance covering turtle protection sets very strict requirements for installing outside pool lighting at a beach. A feasibility study would have to be performed to determine if the outside pool lighting is possible. The cost for a feasibility study would be based on hourly rates. The total cost for a feasibility study could easily exceed \$5,000.00.



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**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Guillermo Olmedillo, Town Manager  
**Date:** May 12, 2020  
**Subject:** Community Center Second Floor

The Town of Surfside Community Center was designed and constructed under the provisions of the Florida Building Code 3<sup>rd</sup> Edition (2007) including consideration for a second story according to the approved structural plans specifically sheet S3.0.02. An elevator pit and section of the roof structure not continuous or poured separately from the rest of the roof slab. This portion of the slab that was pinned in place to be removed at some future time to accommodate an elevator shaft. These two elements were left in the design and constructed accordingly to allow said future second story. This area is now known as “Fish Bowl”. No other elements have been found on the approved plans or records. Nothing in the design and construction of the Community Center precludes a second story from being designed and built at some future date. Note the present code in-force is the Florida Building Code 6<sup>th</sup> Edition (2017). Aforementioned details taken from sheet S3.0.02 of the approved plans below.



Reviewed by: MR/RP

Prepared by: MR/RP





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Item No. 9K

**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:  
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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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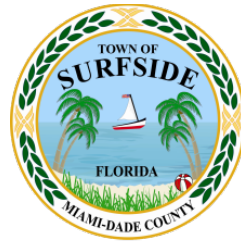
Date: October 5, 2020  
Prepared by: Commissioner Nelly Velasquez  
Subject: Amend Tourist Board Ordinance

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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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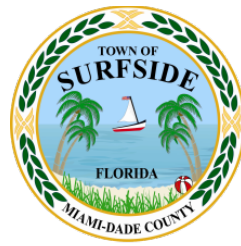
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**Date:** December 8, 2020  
**Prepared by:** Mayor  
**Subject:** Cancel Culture in Surfside

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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 +.

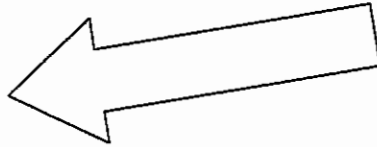
Israelis are not Jews and Jews do not represent Israel lawfully. Jews are occupying God's Land without God's permission. The Holy Bible shows us that Jews and Israel are two different Kingdoms, separated by King Rehoboam in 930 BC, and the the word JEW, which means Judah and Judaism, shows up in 2Kings16:5-6 [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

---

*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

---

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 re- fusing 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

---

***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**

-----

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**

-----

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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April 13

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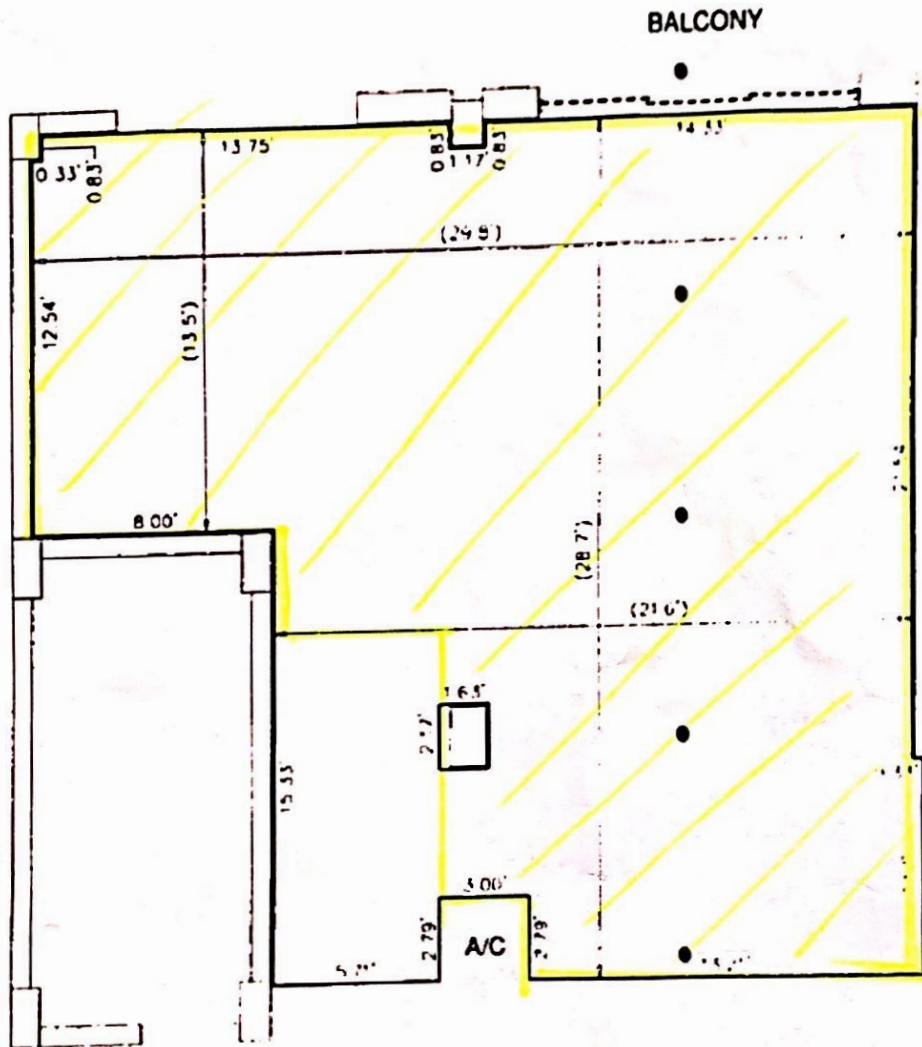
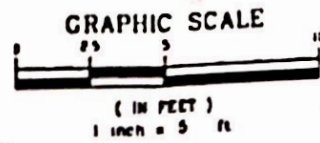
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# CARLISLE ON THE OCEAN A CONDOMINIUM

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	

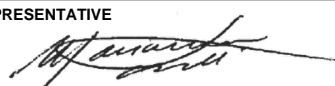
**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

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"/> 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)

**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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05/19/2020

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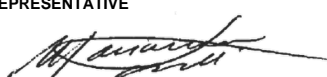
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								\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						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	\$
								\$
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							E.L. EACH ACCIDENT	\$
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							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**

Carlisle on the Ocean 9195 Collins Ave 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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# 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**

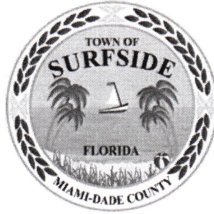
Job Address: **9195 Collins Ave. - Unit #305** Permit No: **20-121** Processor: **U. Fernandez** Date: **Dec. 10, 2020**

### **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 DERM RCL 12.9.20
 

RCL 11/23/20  
305-216-9276



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

JOB ADDRESS: 9195 Collins Ave, unit 1013, Surfside, FL 33154					
OWNER'S NAME: A AND M TEAM					
OWNER'S ADDRESS: 7900 TATUM WATERWAY DR #108, Miami Beach, FL 33141					
CITY: Miami Beach		PHONE# (240) 421-6466		FAX #	
FEE SIMPLE TITLE HOLDER'S NAME:			ADDRESS:		
CONTACT PERSON: MARINA KOSTIC			PHONE# (240) 421-6466		
EMAIL ADDRESS: mkostic.2020@gmail.com					
CONTRACTOR: FLAVIENNE SANT ANNA M ANASTACIO					
MAIL ADDRESS: 100 Bayview DR #1930					
CITY: Sunny Isles Beach		STATE FL		ZIP CODE: 33160	
PHONE # (786) 780-1766		FAX #		EMAIL: m7services@gmail.com	
CERT COMPETENCY: DBPR			STATE REGISTRATION: FL CGC1527388		
LOT	BLOCK	PRESENT USE:		PROPOSED USE:	
FOLIO NUMBER: 14-2235-043-0940			SUBDIVISION:		
NO. OF STORIES		OFFICES:	FAMILIES:	BEDROOMS:	BATHS:
TYPE OF WORK:		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"/>		
VALUE OF WORK : (Total all Trades): \$6,000			SQ. FT: (TOTAL)		LINEAR FEET
DESCRIBE WORK: REMOVE AND INSTALL TILE FLOORING, EXCEPT BALCONY AND BATHROOM.					
ARCHITECT/ENGINEER'S NAME					
ADDRESS:					
PHONE#		FAX#		EMAIL	
MORTGAGE LENDER NAME:					



**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

**OWNER:**  
(Print Name): MARINA KOSTIC

**SIGNATURE** Flavienne Santanna  
**STATE OF**  
**FLORIDA**  
**COUNTY OF** Broward

**SIGNATURE:** Marina Kostic  
**STATE OF FLORIDA**  
**COUNTY OF** Dade

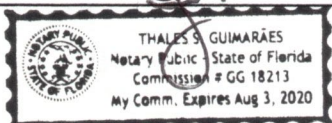
Sworn to (or affirmed) and subscribed before me  
this 20<sup>th</sup> day of May, 20 20  
by FLAVIENNE SANTANNA

Sworn to (or affirmed) and subscribed before  
me  
this 22 day of May, 20 20  
by Marina Kostic

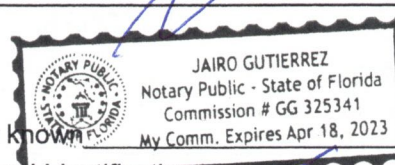
**NOTARY:** \_\_\_\_\_

**NOTARY:** \_\_\_\_\_

**SEAL:**



**SEAL:**



Personally known \_\_\_\_\_  
OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

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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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

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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

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- 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  
April 13, 2021  
7:00 pm**

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

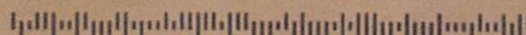
Amount Enclosed \$ \_\_\_\_\_

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  
April 13, 2021  
7:00 pm**

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. 9U

**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  
April 13, 2021  
7:00 pm**

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**

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**Objective: To discuss the removal of the zoning in progress**

**Recommendation: Reinstate the Zoning in progress**



9W

**Town of Surfside  
Town Commission Meeting  
April 13, 2021  
7:00 pm**

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  
April 13, 2021  
7:00 pm**

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  
April 13, 2021  
7:00 pm**

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**

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**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  
April 13, 2021  
7:00 pm**

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

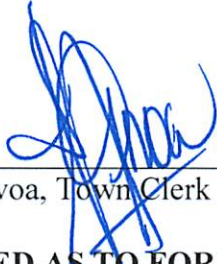
Commissioner Barry R. Cohen  
Commissioner Michael Karukin  
Commissioner Marta Olchyk  
Vice Mayor Eli Tourgeman  
Mayor Daniel Dietch

Absent  
Yes  
Yes  
Yes  
Yes

  
\_\_\_\_\_  
Daniel Dietch, Mayor



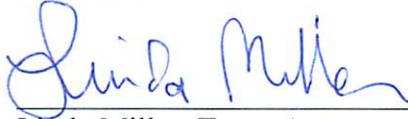
Attest:



---

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  
April 13, 2021  
7:00 pm**

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  
April 2, 2021  
7:00 pm**

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 Manager Performance Evaluation Rating Summary**  
**June 2021**

Town Manager: Andrew Hyatt

Evaluation Criteria/Ratings											
Elected Official	Individual Characteristics	Professional Skills and Status	Relations with the Town Commission	Policy Execution	Reporting	Citizen Relations	Staffing	Supervision	Fiscal Management	Community	Average Rating
Mayor Burkett	see attached	see attached	see attached	see attached	see attached	see attached	see attached	see attached	see attached	see attached	
Vice Mayor Paul Kesl	4.6	4	3.8	4	3.8	4.4	4.2	4.2	3.8	4	4.08
Commissioner Salzhauer	4	3.2	3.4	3.8	3.8	3.6	3.4	4.2	2.6	3.2	3.52
Commissioner Velasquez	4	3.4	3.2	3.4	3.6	3.6	3.6	3.4	3.2	3.2	3.46
Commissioner Velasquez	5	4.4	4.4	4.2	4.2	4.8	4.4	4.75	4	3.8	4.395
<b>Average Rating</b>	4.4	3.75	3.7	3.85	3.85	4.1	3.9	4.1375	3.4	3.55	3.8638

## **Sandra McCready**

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**From:** Mayor  
**Sent:** Sunday, May 30, 2021 2:24 PM  
**To:** Sandra McCready  
**Subject:** RE: June 8, 2021 Regular Town Commission Meeting Agenda

Sandra,

After reviewing the evaluation form and attempting to fill same out, I found that there were questions that I could not honestly answer – because I don't know the answers.

Moreover, not answering the questions I could not answer, would have, according to the rating system on the sheet, unfairly penalized Mr. Hyatt.

For my evaluation, please submit the following.

Mr. Hyatt, has exceeded my expectations in the role of Town Manager. Given the feedback I have received from Town employees and residents, he is proactive, respectful, competent, assiduous and dedicated in his duties.

His work product is great, he “makes things happen” and seems to be very well liked.

We are lucky to have hired him and, on the scale found on the evaluation sheet you sent out, I would give him an overall 5.

If you have any other questions, please do not hesitate to contact me.

Thank you.

**Charles W. Burkett**  
**Mayor**



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“The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.” Ex Parte Milligan, Supreme Court of the United States, 1866.



**Town of Surfside  
Town Commission Meeting  
June 8, 2021  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Date: May 28, 2021**

**Prepared by: Charles Kesl**

**Subject: Abandoned Sports Equipment on Streets, unmarked unattended**

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**Objective:** Accountability for Sports Equipment including Basketball Nets on Town streets, of unknown origin, ownership and accountability.

**Consideration:**

Basketball nets and other sports equipment show up on Town streets, and are left for days, weeks and years, often with little or no use. The gear poses a hazard from wind or passersby pushing over, not to mention tropical storms and hurricanes. Hurricane season starts now, June. The gear takes up parking spaces, prevents the streetsweeper from sweeping in its position, often curbside. The equipment collects debris heading downhill to the sewer drain. The equipment is of unknown origin and serves sports enthusiasts sporadically from time to time from a home or two or more, as well as those walking to the area from areas nearby.

Who is accountable for the equipment in a hurricane or if at anytime it falls or tips over, damages a vehicle or injures a person or child?

Why is it allowable for this use of public spaces for private uses but there are signs at street ends that sprung up: "No Kayak Launching", "No Kayaks", and "No Kayaking" depending on the mood, message or perhaps resident complaint of the day. I have seen no one store his or her canoe, Sunfish sailboat, Windsurfer, dinghy, raft, kayak, or paddleboard on an off-street public right of way, beyond the street end, for an hour or a day, certainly not for months or years. Basketball nets in Town have at certain locations become semi-permanent fixtures on public streets themselves, not just on off-street right of ways. Children discover and play as if it was a safe Town sanctioned activity, when it is not in a safe park it is in a public street with car transportation posing a constant threat to safety.

If sports equipment is allowed to remain in our public streets unchecked, why not mulch drop off depositories to be shared among neighbors? Why not bookstands to "lend a book, borrow a book"? Why not "Fruit or vegetable sharing baskets" or "share a plant" bins with

propagated cuttings of sustainable, Florida friendly native and non-native flora samples? Composting bins to dump food waste? Retention barrels for water collection and rainwater access – better than saline rich and mineral heavy well water that can scorch your lawn and stain and discolor your swimming pool? These are all I argue better ideas than abandoned top-heavy and inconsistently maintained sports gear in our streets, which as we often talk about are confronting high risk speeding vehicles.

**Recommendation:**

Apply common sense and safety to this issue. Just as other things from trailers to bulk items are not allowed to be left unattended over time on our streets or adjacent right of ways, sports equipment should simply be removed after use. Customary use of the streets for stickball, hopscotch and catch are fine.

For sports equipment left behind or abandoned, notices or other alerts can be distributed to adjacent property owners to give notice in the first year so as not to surprise anyone who may be used to the nonchalant approach. Abandoned equipment should be removed by Code enforcement and can be repurposed and donated to not for profits such as the YMCA and YWCA, and Boys and Girls Clubs, and public and secondarily private, not for profit schools. Do not license equipment for street use or provide operator permits as done with beach furniture. High maintenance, confusing, unnecessary on public streets which have a history of customary uses as well as uses not permitted. This is also similar to the history of public beaches, which shared the history of customary uses as well as uses not permitted, for nearly a century, before beach furniture operator formal permitting process sanctioned a special right of special access only for certain private business enterprises, hotels and condominiums.