



**Town of Surfside  
Town Commission Meeting  
December 14, 2010  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**AMENDED AGENDA (12-13-10)**

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- G. Special Recognition** – Assistant Chief John DiCenso – Chief David Allen
- H. Legislative Update** – Fausto Gomez, Town Lobbyist
- I. Presentation Traffic Calming on Collins and Harding Avenues** – Luis Ajamil, Bermello Ajamil (linked to 9E)
- J. Census Final Report** – Barbara Cohen

**2. Quasi-Judicial Hearings**

**3. Consent Agenda (*Set for approximately 7:35 p.m.*)**

*All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.*

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

**A. Minutes – (Page 1-22)**

- September 14, 2010 First Budget Hearing
- September 22, 2010 Second Budget Hearing
- September 22, 2010 Special Commission Meeting
- September 27, 2010 Executive Session
- November 4, 2010 Special Commission Meeting with Planning and Zoning Board
- November 9, 2010 Regular Commission Meeting

***\*Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.***

- B. Monthly Budget to Actual Summary as of September 30, 2010 - Martin Sherwood, Finance Support Services Department Head (Page 23-24)**
- C. Town Manager's Report- "Points of Light" (Page 25-44) (Updates attached)**
- D. Town Attorney's Report- ~~To be delivered under separate cover~~ (Attached)**
- E. Projects Progress Report – Calvin, Giordano & Associates, Inc. (Page 45-47)**
- F. Resolution Certifying Charter Amendment Election Results from November 2, 2010 Election (linked with Administrative Grievance Policy 3G) (Page 48-51)**
- G. Administrative Grievance Policy on Non-Bargaining Unit Employees (linked with Charter Amendment Election Resolution 3F) (Page 52-55)**
- H. Communications Ad Hoc Committee Progress Report – Commissioner Michael Karukin (Page 56-60)**
- I. Code Enforcement Ad Hoc Committee Progress Report – Paul Gioia, Building Official (Page 61)**
- J. Proclamation – Janice Thomas, Ruth K. Broad Bay Harbor K-8 (Page 62)**
- K. Code Enforcement Update Report – Michael Garcia, Code Enforcement Officer (Page 63-64)**
- L. Community Center Concession Report – Tim Milian, Parks and Recreation Director (Page 65)**

#### 4. Ordinances

*(Set for approximately 7:55 p.m.) (Note: Good and Welfare must begin at 8:15)*

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

- \*1. Off-Street Parking Ordinance – Shelley Eichner, Town Planner (Page 66-70)**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 "DESIGN STANDARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

[This Ordinance clarifies the standards utilized by Town Staff to review site plans for onsite and offsite vehicular circulation; it restates Miami-Dade and FDOT standards as well as giving Staff the flexibility to impose stricter standards when County standards do not result in adequate queuing and circulation space.]

##### B. First Readings Ordinances

- \*1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney (Page 71-75)**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 "COMMERCIAL VEHICLES" CREATING SECTION 74-2 "USE OF COMMERCIAL VEHICLES" AND SECTION 74-3 "ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**[This Ordinance regulates the parking of commercial vehicles on residential streets, allowing one commercial vehicle to be parked in a residential driveway provided the resident has obtained a commercial vehicle parking permit from the Town and delineating issuance and revocation procedures.]**

**\*2. Amend Town Code to add Psychic Reading and Consultation As a Permitted Use – Lynn Dannheisser, Town Attorney (Page 76-80)**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD "PSYCHIC READING AND CONSULTATION" AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**[Per the Settlement Agreement approved at the last Commission meeting, we amend the code to allow psychic reading and consultation as a permitted use in SD-B40 (Downtown Business) District as a second floor use and subject to all other regulations.]**

**\*3. Change in Town Commission Rules of Procedure – Commissioner Marta Ohchyk**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING RULE 4.01 OF ARTICLE VI. "RULES OF PROCEDURE FOR TOWN MEETINGS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

## **5. Resolutions and Proclamations**

***(Set for approximately 9:15 p.m.) (Note: Depends upon length of Good and Welfare)***

**\*A. Employment Agreement for Town Manager - Mayor Daniel Dietch (Page 81-98)  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT**

**BETWEEN TOWN MANAGER, ROGER M. CARLTON AND THE TOWN; AND PROVIDING AN EFFECTIVE DATE.**

**B. Keep America Beautiful Report – Tim Milian, Parks and Recreation Director  
(Page 99-106)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO COMPLETE THE TRAINING AND CERTIFICATION TO BECOME AN AFFILIATE OF “KEEP AMERICA BEAUTIFUL” AND TO BE DESIGNATED AS “KEEP SURFSIDE BEAUTIFUL” AND PROVIDING FOR AN EFFECTIVE DATE.**

**\*C. Parking Trust Fees – Roger M. Carlton, Interim Town Manager (Page 107-117)  
(Memo included in supplement 12-13-10)**

**\*D. Drug and Alcohol Free Workplace – Roger M. Carlton, Interim Town Manager  
(Page 118-133) (Memo Included in supplement 12-13-10)**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING REVISED ADMINISTRATIVE POLICY NUMBER 102, DRUG AND ALCOHOL FREE WORKPLACE AND SUBSTANCE ABUSE TESTING PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE.**

**E. Code Enforcement Officers – Roger M. Carlton, Interim Town Manager  
(Page 134-136)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.**

**\*F. Retainer Agreement with Weiss Serota Helfman Pastoriza Cole and Boniske, P.A. – Lynn Dannhessier, Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.A. TO REPRESENT THE TOWN IN THE CASE CAPTIONED YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO. 10-CV-24392 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**6. Good and Welfare (Set for approximately 8:15 p.m.)**

*Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.*

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

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

*All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may*

*request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.*

**8. Unfinished Business and New Business –None**

January, 2011 Town Commission Meeting Date Change – Debra Eastman, Town Clerk

**9. Mayor, Commission and Staff Communications (Set for approximately 10 p.m.)**

**\*A. Amendments to Agenda Process to Increase Efficiency** – Roger M. Carlton, Interim Town Manager, Lynn Dannheisser, Town Attorney and Debra Eastman, Town Clerk (Page 137-140)

**\*B. Beautification Committee Appointment, Adam Markow – Commissioner Michael Karukin**

**\*C. Accounts Payable on Website** – Vice Mayor Joe Graubart (Page 141)

**\*D. Garbage Collection Reduction of One Day Per Week** – Commissioner Marta Olchyk (Page 142)

**\*E. Livable Streets and Pedestrian Safety** – Roger M. Carlton, Interim Town Manager (linked to 1I) (Page 143-145)

**F. Countrywide Real Estate Facts and Trends** – Roger M. Carlton, Interim Town Manager (Page 146-168)

**\*G. Ensuring the Survival of the Surfside Post Office** – Roger M. Carlton, Interim Town Manager (Page 169-173)

**\*H. Beach Maintenance Report** – Tim Milian, Parks and Recreation Director (Page 174-178)

**\*I. Environment Florida Community Solar Letter** – Mayor Daniel Dietch and Vice Mayor Joe Graubart (Page 179-181)

**\*J. AECOM Modification Number 4 Design and Permit Additional Space for Community Center** – Roger M. Carlton, Interim Town Manager (linked to item 9K) (Page 182-184)

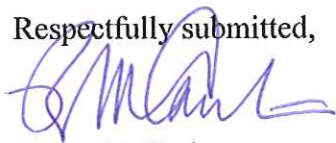
**\*K. West Construction, Inc. Change Order #2 – Approval to construct 1,000 sf of additional multipurpose room space at the Community Center** – Roger M. Carlton, Interim Town Manager (linked to item 9J) (Page 185-187)

**L. Resolution Sponsored by County Commissioner Carlos Gimenez** - Roger M. Carlton, Interim Town Manager (Page 188-193)

**\*M. Photo/Film Permit Program** – Roger M. Carlton, Interim Town Manager (Page 194-196)

**10. Adjournment**

Respectfully submitted,



Roger M. Carlton

Interim Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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.