

**Town of Surfside
Town Commission Meeting**

MINUTES

June 14, 2011

7 p.m.

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

1. Opening

A. Call to Order: Mayor Daniel Dietch called the meeting to order at 7:01 pm.

B. Roll Call of Members: Town Clerk Debra Eastman called the roll and the following members of the Commission were present upon roll call: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.

C. Pledge of Allegiance: Police Chief Dave Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Dietch commented that the focus of the Commission has been to bring the community together and opined that they are doing the best they can to achieve that goal. He further noted that he was troubled by Vice Mayor Graubart's letter to the editor. He noted that he had informed the Commission that he would not be in attendance at the last Commission meeting due to being called away on business. The Mayor reiterated that there were no political reasons behind him being absent at the last meeting. Vice Mayor Joe Graubart stated that he did know in advance that the Mayor would not be present at the last meeting, but added that he disagreed with the Mayor's comments and noted that there was nothing in the letter that indicated what the Mayor referred to. Vice Mayor Graubart stated that he is consistently outvoted. He added that he respects all the votes from his colleagues, but he is bound by his responsibility to the residents. He noted that not all the policies and decisions are unanimous and he represents the residents who feel they are being mis-served and abused by five years of poor judgment coming out of Town Hall. Vice Mayor Graubart further opined that there is a push to make Surfside like other communities that are overdeveloped and financially unstable. He noted that Surfside should not go on that path. Vice Mayor Graubart also noted that the editor, and not he, titled the letter.

Commissioner Marta Olchyk noted that a couple of weeks prior to the meeting the Commission became aware that neither the Mayor nor Commissioner Karukin would be present. She added that she suggested that the meeting be postponed, but was overruled.

Commissioner Michael Karukin commented that there was some innuendo in the public media as to why he was not present at the meeting. He noted that he sent an e-mail to the Town on March 9th advising that he had a business commitment well before the agenda was created and added that he also mentioned the same at the April 12th meeting and at the Executive Session.

Commissioner Edward Kopelman noted that the Commissioners were informed during the Executive Session that neither the Mayor nor Commissioner Karukin would be in attendance at the meeting.

E. Agenda and Order of Business Additions, deletions and linkages

Town Attorney Lynn Dannheisser announced that an Attorney/Client Session will be held on the litigation with John Davis in the matter of Florida State Fraternal Order of Police versus Town of Surfside where she seeks to discuss litigation strategy with the Commission. She noted that the meeting is called for Tuesday, June 28th at 6:00 PM in the Manny Crawford Conference Room.

Vice Mayor Graubart asked to pull: Items 3H, after the fact fireworks and 3G Concession stands.

Commissioner Olchyk requested to pull: Page 43, feral cats and dog feces concerns, page 44, electrical poles, Pg 56, Parking garage study and pg 83, 3F Imaging and records management program.

Vice Mayor Graubart asked to link Items 5C and 4B.

Commissioner Kopelman asked to defer item 9B until September. He also asked to amplify Page 27, item #46 on the Points of Light

Town Manager Roger Carlton asked to withdraw Item 9H, Police Communication Unit amendment.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch noted the following community events:

- Summer Camp began yesterday and there are 125 campers registered.
- There is now a lifeguard at the 93rd Street lifeguard beach station, 7 days a week, from 9 am to 5 pm.
- Farmers Market will be coming to Surfside on June 19th at 95th Street and Collins
- Bike the Town with the Chief of Police on June 30th at 6:00.
- Second Town Hall meeting on June 27th, at 7:00 in the community center.

- Community Center grand opening is planned for June 19th at 1:00. Vice Mayor Graubart mentioned that he presented the Town Outstanding Student Award to Jonathan Roberts from the Ruth K. Broad K-8 Center. Vice Mayor Graubart presented the Tourist Board update.
- Complimentary Surfside Business Directory is available at Town Hall and can be downloaded from the Town's website
- Taste of the World culinary event on June 26th from 7pm to 10 on Harding Avenue.

G. Presentation of Town Commission One Dollar Per Year Salary – Roger M. Carlton, Town Manager

Town Manager Carlton presented the Commission with their salary of \$1 for their first year in office.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

**A. Minutes – April 12, 2011 Regular Commission Meeting
May 10, 2011 Regular Commission Meeting**

B. Budget to Actual Summary as of March 31, 2011 – Martin Sherwood, Finance Director

**C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager
Page 40-73**

Page 43 – Commissioner Olchyk asked Town Manager, Roger Carlton when a report on the feral cats and dog feces concerns will be presented to the Commission. Town Manager, Roger Carlton stated that he will bring an ordinance back to the Commission on first reading in the July agenda as was described in a previous memo a few months ago.

Page 44 – Commissioner Olchyk requested a report on the electrical poles since residents have asked her when the leaning poles will be taken care of. She noted that she is aware that the poles are allowed a curvature, but inquired who is responsible for knowing if the curvature allowed is correct or not. Town Manager, Roger Carlton stated that FPL replaces poles when they are rotten or about to collapse and added that they allow a leaning of 17 degrees or less. He noted that the Town will take an inventory of all the poles in Town and take pictures of them and provide samples of those leaning poles during their meeting with FPL. He added that he will then prepare a report for the Commission.

Page 46 – Commissioner Kopelman stated that the Community Center will be equipped with e-readers that can hold up to 3,000 books. He noted that he and his wife would like to donate two e-readers to the Town of Surfside and asked that each

Commissioner donate at least one to get started. Commissioner Kopelman also asked that each member of the business community donate one as well and noted that the Town will place their name on the e-reader to indicate the contribution. Commissioner Olchyk indicated that Commissioner Kopelman's gesture is nice, but noted that she does not have the available income and will not be contributing an e-reader.

Page 56 – Commissioner Olchyk spoke against conducting a feasibility study for a parking garage. She noted that the Town has spent a lot of money for feasibility studies in the past.

Page 83 – Commissioner Olchyk inquired about what the Town has in mind in terms of expenditures for the document imaging program. Town Manager, Roger Carlton stated that the need to keep records electronically was clear to the Commission and money was put in the budget for this purpose. He added that this item implements that budget item. He further noted that the Municipal Code Corporation will be contracted. Town Manager, Roger Carlton also stated that the Town has over 700 boxes in storage at Iron Mountain which costs money to store and also costs money to obtain any document in storage. He further mentioned that the Municipal Code Corporation will deliver the imaging equipment and the Town staff will scan the documents. He noted that keeping records electronically makes it easier for citizens to have access to public records. Commissioner Kopelman inquired about how long it will take to take care of the backlog. Commissioner Karukin responded that the focus has to be on moving forward because the requests for information in the Town are astronomical. He added that the Town Clerk will provide a report. Commissioner Olchyk questioned why 2 scanners were needed. Town Manager, Roger Carlton noted that one scanner will be used by the building department and another in the Clerk's office. He noted that both were necessary due to the volume of documents that will be scanned. Commissioner Olchyk inquired about purchasing a less expensive scanner. Debra Eastman, Town Clerk noted that the scanners were actually less expensive than anticipated and added that it was the IT items that increase the cost to over \$500 than budgeted.

Commissioner Kopelman made a motion to incorporate the discussion on the document imaging system. Commissioner Karukin seconded the motion. The motion passed 4 to 1 with Commissioner Olchyk dissenting.

Item 3G – Commissioner Graubart inquired about the confidentiality agreement on the concessionaire. Town Attorney, Lynn Dannheisser mentioned that the Town cannot violate any public records law and noted that this provision would not affect anything that was considered public record. She noted that it could apply if the concessionaire is involved in litigation that a court says has to be confidential.

Commissioner Kopelman made a motion to accept the contract as written. Commissioner Karukin seconded the motion. The motion carried unanimously.

Item 3 H – Vice Mayor Graubart inquired about the amount the Town Manager is allowed to spend before coming to the Commission for approval. Town Manager,

Roger Carlton mentioned that the limit is \$8,500, but added that he is allowed to spend more in emergency situations in order to get the matter resolved in a timely manner and obtain the approval retroactively. Town Manager, Roger Carlton also mentioned that the vendor is contributing \$15,000 for the fireworks for the opening event. Vice Mayor Graubart noted that he was hoping for the fireworks to take place on the 4th of July. Town Manager, Roger Carlton mentioned that the Surf Club will be hosting a 4th of July fireworks event at 9:00.

Commissioner Olchyk expressed concern that the \$15,000 donation will oblige the Town to make special considerations regarding the vendor's interests in Town. Town Manager, Roger Carlton noted that it will not.

Commissioner Kopelman made a motion to accept the \$15,000 with gratitude on behalf of the Town Commission and the Town of Surfside. Commissioner Karukin seconded the motion. The motion carried unanimously.

Commissioner Kopelman made a motion to accept the contract for the fireworks for the grand opening of the Community Center. Commissioner Karukin seconded the motion. The motion carried unanimously.

Item 3J – Professional Website Vendor services – Commissioner Karukin thanked the Communications Committee. He stated that he wants to make sure that the items categorized as optional items are separated as a line item as optional for RFP purposes, specifically have the ability to conduct online polls and survey, translate pages from English to Spanish, and ability to submit a request. Commissioner Karukin also noted that on page 156 there was an omission to include a link with the Tourist Board website. He also pointed to page 158 regarding streaming video archive for up to 3 years. He inquired about what happens after 3 years. Town Clerk Debra Eastman informed Commissioner Karukin that the videos on the website are duplicates of the originals and noted that the originals are stored. Commissioner Karukin spoke about the integration of the document imaging system with the website so that residents have access to the archives. Debra Eastman, Town Clerk noted that this will be further down the road, but the more immediate use of the imaging system will be for internal use.

Commissioner Karukin made a motion to approve Item 3J. Commissioner Kopelman seconded the motion. The motion carried unanimously (Vice Mayor Graubart was absent).

D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney

E. Projects Progress Report – Calvin, Giordano and Associates, Inc.

F. Document Imaging – Debra Eastman, Town Clerk and Director of Administrative Services

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN

AGREEMENT WITH MUNICIPAL CODE CORPORATION LLC., OF FLORIDA AND THE TOWN OF SURFSIDE PIGGYBACKING OFF THE COMPETITELY BID CONTRACT AWARDED BY THE STATE OF TEXAS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. After the Fact Agreement for Concessionaire Services – Roger M. Carlton, Town Manager.**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AFTER-THE-FACT EXPENDITURE FOR CONCESSIONAIRE SERVICES FOR SURFSIDE COMMUNITY CENTER AND POOL FACILITY WITH IMPORT INTERNATIONAL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, D/B/A SURF CAFÉ.

- H. After the Fact Fire Works Agreement – Roger M. Carlton, Town Manager**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT EXPENDITURE FOR ZAMBELLI FIREWORKS MANUFACTURING CO. FOR EXHIBITION AND DISPLAY OF FIREWORKS; PROVIDING FOR AN EFFECTIVE DATE.

- I. Town Commission Budget Workshop, June 23, 2011 – Roger M. Carlton, Town Manager**

- J. Professional Website Vendor Services – Roger M. Carlton, Town Manager and Debra Eastman, Town Clerk and Director of Administrative Services**

- K. Report of Proclamations – Janet Tearle and Trish Farver, Retiring Ruth K. Broad Bay Harbor K-8 Teachers – Mayor Daniel Dietch**

Commissioner Kopelman made a motion to approve the consent agenda as amended, including the linkages and minus the items pulled. Commissioner Karukin seconded the motion, which carried unanimously.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

- 1. Resort Tax Ordinance – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 AND SPECIFICALLY ARTICLE IV “RESORT TAX” DIVISION 1 “RESORT TAX” AND DIVISION 2 “RESORT TAX BOARD” SPECIFICALLY AMENDING SECTIONS 70-106 THROUGH 70-111; AND CREATING SECTIONS 70-112 THROUGH 70-127, 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 updates resort tax imposition and adds an appeal process.]
Town Clerk Debra Eastman read the Ordinance by title.

**Commissioner Kopelman made a motion to accept. Commissioner Karukin
seconded the motion.**

Commissioner Kopelman spoke in favor of the ordinance and noted that it is time to start auditing and collecting resort taxes. Commissioner Karukin noted that Page 187, Section 70-113, the text is existing text. Town Attorney, Lynn Dannheisser noted that there is currently a resort tax, but noted that this text was underlined because it was moved to a different section.

Town Manager, Roger Carlton noted that the new ordinance will not be implemented until October 1st, which gives the businesses an entire summer of sessions and training to understand and learn the new requirements.

Mayor Dietch opened the Public Hearing

Barbara Cohen from the Tourist Board, volunteered to answer any questions from the Commission. She noted that it has been 50 years since the code was revised.

The motion to approve the ordinance passed unanimously on roll call.

2. Film Photo Ordinance – Roger M. Carlton, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA CREATING CHAPTER 11 “ARTS, CULTURE, AND
ENTERTAINMENT” AND ARTICLE I “FILM AND PRINT
PRODUCTIONS” AND SPECIFICALLY CREATING SECTION 11-1
“FILM AND PRINT PRODUCTION PERMITS”, 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.**

[Prohibits filming in the single family district west of Harding.]

Town Clerk Debra Eastman read the ordinance by title.

**Commissioner Kopelman made a motion to accept. Commissioner Karukin
seconded the motion.**

The Mayor opened the public hearing.

Christina Labuzzetta spoke in favor of the ordinance. She mentioned that it can be an economic benefit to the Town. She also spoke in favor of limiting the time period when filming is allowed.

Maria Chavez stated that she is in the film business and has filmed in Surfside. She stated that she was representing Stars Entertainment and the Florida Film Production Coalition. She noted that she is currently filming a miniseries and is scouting in the Surfside area and spoke in favor of this ordinance. Ms. Chavez further suggested that the Commission consider a task force for structure and guidelines for the film industry.

Graham Wrenik stated that he is the Film and Event Manager for the City of Miami Beach. He recommended that the Town of Surfside not turn away filming, but rather establish guidelines. He offered to share his guidelines and volunteered to work with the Town staff.

Howard Goldman (HG Producers) spoke in favor of setting guidelines for filming. He also offered his assistance.

Mayor Dietch stated that this is the first step to bring structure. Town Manager, Roger Carlton mentioned that the ordinance sets the rules of the game and gives guidance to the administration.

Commissioner Kopelman made a motion to approve the ordinance. Commissioner Karukin seconded it. The motion passed unanimously.

B. First Readings Ordinances

1.Repeal of Moratorium – Lynn M. Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE 2011-1571 “TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON- RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE” AS WAS FURTHER DELINEATED IN THE MAP ATTACHED AS EXHIBIT “A” TO ORDINANCE 2011-1571; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

[This Ordinance repeals the moratorium on downtown uses that are non-retail, non restaurant and acknowledges a package of recommendations from the Downtown Vision Advisory Committee.]

Town Clerk Debra Eastman read the Ordinance by title.

Town Manager, Roger Carlton presented the item and noted that the Commission had challenged administration to get activity going downtown. He added that there were vacancies, properties that were not in good condition and the feedback from owners and tenants was that they were being hurt by competition. Town Manager, Roger Carlton mentioned that a diverse group of residents was brought together to form a Downtown Vision Advisory Committee. He noted that the group has met 9 times diligently and one of the items that came up was a need for a moratorium on non-retail, non-restaurant usage on first floor on Harding between 94th and 96th in order to give some breathing room and time to the vision process. Town Manager, Roger Carlton mentioned that the property owners have been passive in their efforts to invest in public infrastructure downtown. He added that the property owners indicated that if the moratorium is rescinded they would abide by a list of items. Town Manager, Roger Carlton noted that each item has many steps within it and the Commission is not required to commit to any of the items tonight. He emphasized that the owners have a commitment to work with the Town and noted that if he is not happy with the way things are moving forward, he will bring it back to the Commission to reinstate the moratorium. He stated that his office is recommending the rescission based on the good faith of the owners that they will work with the Town on the package.

Commissioner Kopelman made a motion to rescind and repeal the moratorium based on the presumption that the people the Town Manager is working with keep their end of the bargain and give the Commission the option to reinstate the moratorium.

Vice Mayor Graubart noted that he has a PowerPoint presentation prepared for the evening concerning the garages in Surfside. Mayor Dietch asked Vice Mayor Graubart to please submit the presentations as part of the agenda packet in the future. Vice Mayor Graubart proceeded with the PowerPoint presentation consisting of various photographs of parking and garages. He indicated that Bal Harbor had "No beach parking" signs. Town Manager, Roger Carlton noted that the signs were probably in place due to it being Urban Beach week. Vice Mayor Graubart disagreed and showed other photos of parking in Surfside.

Michael Stevens noted that he is an attorney representing Harding Investments Inc and has been retained to speak on the repeal of the moratorium. He stated that he and his client are in favor of repealing the moratorium. He added that the moratorium is neither warranted nor welcomed by those affected by it. He noted that in the current economy, the moratorium is not in the best interest of the residents. Mr. Stevens stated that if the Town chooses to keep the moratorium in place, it will face litigation. He asked the Commission to vote to repeal the moratorium. Mayor Dietch asked for Mr. Stevens' opinion on the package and items. Mr. Stevens noted that there is room for discussion on the items, but that the main concern is repealing the moratorium so that the owners are able to lease their

properties and make an income.

Town Attorney, Lynn Dannheisser stated that the moratorium was used as a planning tool to discuss the distancing and location, among other things, in the downtown area. She added that the Manager has backed off on an ordinance that would mandate distancing and location in consideration of the cooperation by the property owners. She noted that it is not a leverage tool, but a negotiated settlement.

Donald Kahn spoke in favor of rescinding the moratorium and noted that the majority of property owners he has spoken to have consensus to work cooperatively with the Town.

Commissioner Kopelman thanked the Manager and the Downtown Vision Advisory Committee for their work.

Commissioner Karukin thanked the Manager and the Downtown Vision Advisory Committee. He also stated that he wants to see the moratorium rescinded. He shared Vice Mayor Graubart's concerns about additional people coming to Town if parking is built, but noted that for many years parking has been an issue. He added that he wants to make sure that if the moratorium is rescinded it does not commit the Town to anything.

Town Manager, Roger Carlton stated that there was a minority of members of the Downtown Vision Advisory Committee who were upset that the restrictions on Harding Ave were not worked out. He added that some owners want to know the dates in which discussion items will be brought before the Commission and would like for a new moratorium to be put in place if the Town and owners cannot move forward with the vision.

Commissioner Karukin expressed concern about the wording of the "whereas" clauses on Page 243. He noted that he would like to see language that does not give the perception that there is a direction commitment to implement these initiatives in terms without proper vetting. He added that there are major ideas in the package and each has to be vetted very carefully. He also reiterated that he is in favor of rescinding the moratorium.

Town Manager, Roger Carlton spoke about Item 5C and noted that it is being linked conceptually to the discussion, but it is not part of the vision package. He stated that the item implements a budgeted item consisting of over \$400,000 in parking renovations to the parking lots throughout Town. He mentioned that the three areas where the money will be spent include an inventory of every parking lot and their needs, architectural study to improve the alleys, and wayfarer or locator signs indicating the locations of the stores. Town Manager, Roger Carlton noted that these are initiatives that serve as evidence that the community is coming forward with investments for downtown.

Commissioner Karukin stated that he supports a new parking feasibility study, which will be paid by the parking fund. He added that the study done in 2004 is now outdated.

Carol Stevens Benson noted that she is one of 8 property owners of Harding Investment Inc. She stated that the Town and business owners should not be adversaries, but instead should work towards a common goal to better Surfside. She asked the Commission to be realistic with their vision and what they are trying to accomplish.

Vice Mayor Graubart noted that he will be voting against the parking lot improvements, except to make them look nice by pressure cleaning them, re-black top them and restripe them. Commissioner Olchyk agreed with Vice Mayor Graubart and added that it is not justifiable to expend the funds with all the expenses the Town currently has. She added that if the funds are not used now, they can be spent later for a better purpose. She again expressed concern about all the money that is being spent on various feasibility studies.

Mayor Dietch expressed that this is an opportunity to improve the aesthetics in the Town for no tax dollars and for very little money. He opined that the signs in the Town are atrocious. He added that the alleys are an eyesore. The Mayor noted that this Commission has a very strong record of taking concepts to action. Commissioner Olchyk noted that the Commissioners will be here for less than a year and does not want to take the chance that the next Commission might not utilize that feasibility study. She stated that she wants to see actions, not studies.

Vice Mayor Graubart noted that the Town Manager, the committee, Director of Public Works and Assistant Police Chief John DiCenso can figure out how to improve the Town without the need for a study. Commissioner Kopelman disagreed and noted that the Commission needs to progress now without worrying about the next Commission.

Commissioner Karukin noted that \$428,000 was budgeted for parking lot restoration and \$50,000 was budgeted for a parking study. He inquired how this relates to item 5C. Town Manager, Roger Carlton stated that when the Commission adopts a budget it gives administration direction to accomplish the work for the items that were budgeted for. He added that a parking study can be conducted in 60 days. He suggested that the black top be done along with fixing the concrete, drainage and lighting. He added that the Town Staff is wonderful, but they have day-to-day jobs that they have to do and they are not graphic designers for signage or thematic designers to fix the alleys. He stated that not spending the \$95,000 for the study paid by a parking fund that people have paid into is almost insulting. Town Manager, Roger Carlton stated that the Town should hire the professional consultants and not be second class and should show good faith to those who have come to the table.

Commissioner Karukin asked for further clarification from the Town Attorney on

the 3rd line from the bottom on page 243. Town Manager, Roger Carlton suggested adding a phrase after “shall begin the work associated” that reads “subject to planning processes and further discussion with community groups and the Town Commission”.

Commissioner Kopelman made a motion to adopt the ordinance rescinding the moratorium as amended. Commissioner Karukin seconded the motion. The motion carried unanimously on roll call.

Commissioner Kopelman made a motion to approve Item 5C (Parking improvements). Commissioner Karukin seconded the motion.

Town Manager, Roger Carlton clarified, upon Commissioner Karukin’s inquiry that the parking renovation expense is included in the \$428,000 that was budgeted for that purpose.

The motion carried 3 to 2 upon roll call with Commissioner Olchyk and Vice Mayor Graubart dissenting.

2. **Special Events Permit** – Lynn M. Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 35 “EVENTS” AND ARTICLE I “SPECIAL EVENTS” AND SPECIFICALLY CREATING SECTIONS 35-1 “PERMITS FOR SPECIAL EVENTS”, SECTION 35-2 “EXEMPTIONS”; SECTION 35-3 “ENFORCEMENT”; AND 35-4 “COORDINATION WITH TOWN POLICE DEPARTMENT” 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 requires the issuance of permits for special events in order to regulate and address issues such as additional policing, imposition of bonds or insurance coverage, traffic and noise.]

Town Clerk Debra Eastman read the ordinance by title.

Commissioner Kopelman made a motion to adopt the ordinance. Commissioner Karukin seconded the motion.

Town Attorney, Lynn Dannheisser explained that special events such as fairs, art performances, festivals, concerts and downtown promotions were not addressed in the Town’s code. She noted that these events have a potential to create health, safety and welfare issues if not properly planned. She added that this ordinance makes the process more formal and uniform.

Mayor Dietch asked to add recycling at special events. Town Attorney, Lynn Dannheisser recommended amending the title to add the recycling provisions as follows: "Permits for special events, section 35-2 exemptions, section 35-3 enforcement and solid waste management provisions".

The motion to adopt, as amended, carried unanimously.

***3. Vacant Storefronts - – Lynn M. Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-52 COMMERCIAL STANDARDS ESTABLISHED RELATING TO THE APPEARANCE OF VACANT STOREFRONTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance provides for the installation of regulated window coverings in vacant storefronts designed to give an appealing and uniform appearance.]

Town Clerk Debra Eastman read the ordinance by title.

Ms. Sarah Sinatra, Town Planner, presented the item. She noted that the Downtown Vision Advisory Committee has been tasked by the Commission to review issues with the Downtown business district. She added some of the main concern involves the look and appearance of the vacant storefronts.

Commissioner Karukin moved to adopt the ordinance. Commissioner Kopelman seconded the motion.

Commissioner Olchyk noted that the Beautification Committee is very interested in moving forward with this ordinance because the appearance of the Town is going to be improved. She also mentioned that they would like to see pictures that are professionally done with writing only at the bottom and for the pictures not to include faces of real people.

The motion carried unanimously.

***4. Newsracks – Lynn M. Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" AND SPECIFICALLY ARTICLE III "PROPERTY MAINTENANCE STANDARDS"; CREATING SECTION 14-57 "NEWSRACKS ON PUBLIC RIGHTS-OF-WAY" 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 size, placement and appearance of newsracks throughout the Town for aesthetic and safety purposes.]

Town Clerk Debra Eastman read the ordinance by title.

Commissioner Kopelman made a motion to approve the ordinance. Commissioner Olchyk seconded the motion.

Town Attorney, Lynn Dannheisser explained that this is a tested ordinance that is based on an ordinance from Coral Gables, FL. She presented photos of what the new uniform newsracks. Mayor Dietch noted that this is an item that has been discussed for about 6 years.

Commissioner Kopelman inquired about who will be paying for the newsracks and how many will be installed. Town Manager, Roger Carlton noted that while he does not have an exact number, he estimates that there will be two areas on each block face on the business district at the most. He added that this is an appropriate expense to be paid out of the parking fund. He noted that this is viewed as an aesthetic improvement and therefore the newspapers will not be responsible for the cost.

The motion carried unanimously on roll call.

- 5. Retirement Plan Opt Out – Roger M. Carlton, Town Manager**
AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE CODE TO REVISE THE DEFINITION OF EMPLOYEE TO PERMIT CHARTER OFFICERS TO OPT OUT OF THE PLAN; AMENDING SECTION 2-174 TO CREATE A MECHANISM FOR CHARTER OFFICERS TO OPT OUT OF THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

[This Ordinance permits Charter Officers to opt out of the Town's pension plan.]

Town Clerk Debra Eastman read the ordinance by title.

Commissioner Kopelman made a motion to approve the ordinance. Commissioner Karukin seconded the motion.

Town Manager, Roger Carlton clarified that there is no cost to this plan. He noted that neither the Town Manager nor the Town Attorney are members of the Town's pension plan. He added that the current pension ordinance reads that every Town employee is a member of the Town's pension plan. He noted that the issue was cleared by the Pension Board.

The motion carried unanimously in roll call.

5. Resolutions and Proclamations

**A. Water/ Sewer/ Storm Drainage Contract Award and Related Matters –
Roger M. Carlton, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A CONTRACT WITH THE FIRM OF RIC MAN INTERNATIONAL, INC. FOR THE INFRASTRUCTURE REHABILITATION PROJECT; AUTHORIZING OTHER APPROVALS AND POSSIBLE ADDITIVE ALTERNATES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title.

Town Manager, Roger Carlton spoke about the steps that have been taken to implement the replacement and upgrade of the water and sewer and storm drainage system. He noted that the last step is to award the construction contract to the winning bid. He stated that the winning bid is a company called Ric-Man Construction for \$15.9 Million. Town Manager, Roger Carlton noted that this was the lowest base bid received.

Town Manager, Roger Carlton stated that there was a pending legal matter with regards to Ric-Man Construction, but noted that it has been resolved. Town Attorney, Lynn Dannheisser stated that Ric-Man International was involved in litigation between two shareholders concerning whether to dissolve the company or having one set of shareholders make a tardy election to purchase shares. She noted that the Town just received documents on the order granting two of the shareholders the right to purchase shares from the other shareholders. Town Attorney, Lynn Dannheisser noted that the fact that the shareholders are different gives the Town the right to decline their bid, but noted that there is no mandate that the Town must do so based on this scenario. She added that the principles of the company responsible for the work

have not changed. She also noted that she does not feel that the financial ability of this company will be affected since there is a bond in place to guarantee performance of the company. Town Attorney, Lynn Dannheisser opined that what occurred in litigation does not need to hamper the Commission's vote.

Town Manager, Roger Carlton explained the funding details on page 278. He mentioned that the Town has \$17,927,000 available for the project, of which \$16 mill comes from the revenue bond issue, grants and \$819,000 from the Building Better Communities from Miami-Dade County. Town Manager, Roger Carlton mentioned that the Town pays in advance and is then reimbursed by the county and/or state.

Town Manager, Roger Carlton stated that there will be approximately \$900,000 remaining. He noted that the Commission has been presented in the past with options such as additive alternates, which include street lighting programs, signage and trees. He also noted that another option is to underground the Town's electricity. He added that there is an opportunity to install conduits for future undergrounding. He directed the Commission to the two alternatives staff has prepared. He recommended moving forward with Alternative 1, the \$1.5 mil force main project shared with Bal Harbor. He noted that \$210,000 could be transferred from the Transportation Fund for this alternative. He also noted that the base bid has an \$800,000 contingency and suggested using \$200,000 towards this alternative as well. He recommended that the remaining \$531,000 come from the Water and Sewer reserves. Town Manager, Roger Carlton stated that the costs can be covered without the need of a rate increase next year.

Town Manager, Roger Carlton also informed the Commission that the Bond issue they approved also contains a Project Completion Bonds which allows the Town to borrow up to 10% or \$1.6 mill more of the base bond. He noted that this is an option if the Commission chooses to complete all the additive alternates. He stated that in this case the annual debt service will be an additional \$60,000. He noted that the oversight committee recommended not borrowing the additional money at this time. He noted that as the project progresses, the contingency money can also be used for the additive alternates with the Commission's approval.

Town Manager, Roger Carlton recommended moving forward with the \$16.9 mil project, use \$369,000 in studies and conduits for future infrastructure undergrounding and for the Town's share of the force main project with Bal Harbor.

Commissioner Kopelman agreed with moving forward with the force main project and with the FPL study for future infrastructure undergrounding. A discussion ensued about whether the conduits that will be installed will be acceptable when the Town is prepared for the undergrounding project. Town Manager, Roger Carlton noted that FPL stated that if it is their conduits, they will be acceptable. Commissioner Olchyk expressed concern that this work will not be done in the future and the \$369,000 has already been spent. Town Manager, Roger Carlton suggested obtaining a written commitment from FPL stating that the pipes will be acceptable in the future.

Commissioner Karukin stated that he is in favor of alternative one.

Town Manager, Roger Carlton suggested awarding the contract and added that the cost of PVC piping is increasing.

Town Manager, Roger Carlton also spoke about the need for a construction staging area while the improvements are taking place.

Commissioner Kopelman made a motion to include approval of Ric-Main International's contract, the FPL study and conduit installation, the Bal Harbor joint force main project and to direct the manager to find out where the Town can use a staging area (Alternative 1). Commissioner Karukin seconded the motion.

Dave Steinfeld noted that the construction of the Community Center should have had a foresight for a second floor. He opined that not having a foresight now for street signage and tree canopies will be shortsighted. He said that at the end of the project, while the infrastructure has been taken care of, there will be nothing aesthetically pleasing.

The motion carried unanimously.

B. Mid-Year Budget Amendment – Martin Sherwood, Finance Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR THE FISCAL YEAR OCTOBER 1, 2010 TO SEPTEMBER 30, 2011; FOR THE PURPOSE OF AMENDING THE CURRENT YEAR'S GENERAL FUND BUDGET, CAPITAL PROJECTS FUND BUDGET, RESORT TAX FUND BUDGET, AND POLICE FORFEITURE FUND BUDGET, UPWARD; AND THE WATER & SEWER FUND

**BUDGET, AND THE STORMWATER FUND BUDGET
DOWNWARD, AND OTHER BUDGETARY
ADJUSTMENTS REQUIRED TO THE FISCAL YEAR
ENDED SEPTEMBER 30, 2011 BUDGET; PROVIDING FOR
AN EFFECTIVE DATE.**

Town Manager, Roger Carlton noted that the Town's budget is adopted 16 months before the final numbers come in. He added that it is based on history and professional experience. He stated that this resolution addresses the budget amendments.

Martin Sherwood, Finance Director explained the different Town funds.

Commissioner Karukin made a motion to approve the resolution. Commissioner Kopelman seconded the motion. The motion carried unanimously.

**C. Parking Lot Review and Upgrade Design Services – Assistant Police Chief
John DiCenso**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA,
APPROVING THE AWARD OF THE CONTRACT TO FLORIDA
TRANSPORTATION ENGINEERING, INC. (FTE) AS THE TOWN'S
ENGINEER/ARCHITECT FOR THE PARKING LOT IMPROVEMENT
PROJECT; AUTHORIZING THE MANAGER TO DO ALL THINGS
NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION;
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.

Lou Cohen mentioned that he was on the Charter Review Board. He noted that one of the items discussed was term lengths for the Commissioners. He also opined that the terms should be staggered so that all 5 Commissions are up for re-election at the same time. He also added that something else that was discussed was for the Mayor to be voted at large along with the other Commissioners.

Lou Cohen stated that he felt very strongly that the fireworks should be done on the 4th of July.

Richard Iacobacci spoke about the dangers of kite surfers on the beach. He noted that they were going in and out of the buoy line with no launch sites. He suggested that the kite surfers be given a restricted area for this activity. Mayor Dietch noted that Town Manager, Roger Carlton is working with the police and the Parks and Recreation Department to come up with a reasonable solution.

Estelle Brighter spoke about the importance of having lifeguards on the beach. She also suggested installing bathrooms on the beach. She also inquired if she will be allowed to use the community center as a business owner and not a home owner.

Barbara Cohen mentioned that it is not fair to take pictures of the parking lots on one day and one time to make a point. She noted that the parking dollars can cover what needs to be done for the parking lots.

Vice Mayor Graubart left at 9:00 pm.

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

9. Mayor, Commission and Staff Communications

A. Community Center Initial Rules and Summer Events – Roger M. Carlton, Town Manager and Tim Milian, Parks and Recreation Director

Town Manager, Roger Carlton mentioned that the consensus among residents is that they want use of the community center only for Surfside residents. He noted that he would like to develop regulations that will give flexibility in the initial operating time. He stated that he asked Parks and Recreation Director Tim Milian to come up with regulations that are respectful of the desires of the Parks and Recreation Department and the Commission, but also allows some flexibility.

Tim Milian noted that this has emerged after months of reviews.

Mayor Dietch suggested being reasonable and recommended distributing the ID's.

Commissioner Karukin inquired about renting the landscaped area out for parties. Parks and Recreation Director, Tim Milian stated that the Parks and Recreation Department is looking into this.

Eliana Salzhauer stated that she is on the Parks and Recreation committee and mentioned that they would like to see the community center used by only Surfside residents for now. She stated that the residents are the ones who are paying for it. She also noted that the facility is not large. She added that the committee will meet again in thirty days and continue discussion on the usage.

Commissioner Karukin made a motion to approve the resolution. Commissioner Kopelman seconded the motion, which carried unanimously.

Commissioner Olchyk made a motion to hear Item 9E following 9A. Commissioner Karukin seconded the motion which passed unanimously.

B. Town Manager's Employment Agreement – Commissioner Edward Kopelman Deferred

C. Police Vehicle Lease Program – Assistant Police Chief John DiCenso

Assistant Police Chief John DiCenso expressed to the Commission the need for police vehicles. Commissioner Olchyk noted that it was her understanding at the last discussion on this subject that it was better to purchase the vehicles than to lease them. She also suggested that the Town not obtain ten cars, but rather obtain four cars now and the rest later.

Town Manager, Roger Carlton explained that the police vehicles have a life cycle of about four years and noted that when a vehicle will be utilized until it has run seventy-five thousand or one hundred thousand miles, it is a better deal to lease the vehicles at the current interest rate than to use the cash. Town Manager, Roger Carlton also spoke about the need for a proper vehicle replacement program.

Commissioner Kopelman made a motion to approve. Commissioner Karukin seconded the motion. The motion carried with Commissioner Olchyk dissenting.

Commissioner Kopelman made a motion to extend the meeting to midnight. Karukin seconded. The motion carried with Commissioner Olchyk dissenting.

D. Discussion of Miami Dade League of Cities Appointments – Mayor Daniel Dietch

Town Manager, Roger Carlton noted that Vice Mayor Graubart has served as a representative of the Town and is interested in participating in this capacity. Commissioner Karukin nominated Vice Mayor Graubart, subject to his consent.

Commissioner Karukin made a motion to approve the nomination of Vice Mayor Graubart. Commissioner Kopelman seconded the motion, which carried unanimously.

E. Change of July Town Commission Meeting Date – Commissioner Marta Olchyk

Commissioner Olchyk recommended changing the July Regular Commission meeting to a day when both the Town Manager and the Town Attorney are available to attend. It was noted that the meeting's original date of July 12th was moved to July 19th. Town Attorney, Lynn Dannheisser noted that although she might not be able to attend the Meeting, she will ensure that legal counsel is present at the meeting. Commissioner Olchyk suggested moving the meeting to the last week of July. Town Manager, Roger Carlton noted that the Fourth of July weekend makes getting the agenda prepared on time for the meeting difficult. Discussion ensued and the meeting

was moved back to July 12th. The agendas will be distributed on Thursday rather than Wednesday and the meeting will be kept short.

Commissioner Kopelman made a motion to move the July Regular Commission meeting back to July 12th. Commissioner Olchyk seconded the motion, which carried unanimously.

F. Resident Parking Program – Assistant Police Chief, John DiCenso
Assistant Police Chief John DiCenso mentioned that 2,100 parking permits have been distributed to residents. He also noted that they have discovered issues with the program such as set up and uses. He noted that his department has developed recommendations to correct deficiencies and abuses in the program. He suggested permanently affixing the decal instead of hanging tags, revocability ability by the Chief and to ensure that there are no abuses by residents by having the Town Employee affix the decal to the vehicle. He also asked that the Commission consider a \$10 charge to cover the costs of the decals and a software permit to track them. Debra Eastman, Town Clerk noted that the software program that she recommends they use is one that she is familiar with. Assistant Police Chief John DiCenso noted that the program costs about \$1,500.00.

Assistant Police Chief John DiCenso noted that the Town is issuing 2 decals per home. Commissioner Karukin expressed concern about the limited number. The Commission decided to increase the number of decals per household to 3 decals subject to a valid registration with proof of address.

Commissioner Kopelman made a motion to amend the Resident Parking Program to allow 3 permits per household subject to proof of address and valid registrations. Commissioner Karukin seconded the motion. The motion carried unanimously.

Commissioner Kopelman made a motion to accept the Resident Parking Program as amended. Commissioner Karukin seconded the motion. The motion carried unanimously.

G. Crime Prevention Initiatives – Assistant Police Chief, John DiCenso

Police Chief David Allen presented three additional crime prevention programs. He noted that the one that will go into effect soon will be the mobile license plate reader. He noted that the remaining programs will be phased in over the next fiscal years.

Mayor Dietch expressed reservations over the license plate readers. Chief Allen noted that the police use them to look for stolen cars or tags. He added that the police will be alerted to the stolen cars or BOLOs. Commissioner Kopelman spoke in favor of the program. Commissioner Karukin stated that he is not comfortable with this.

Chief Allen noted that the mobile license readers will cost \$25,000 and the fixed cameras will cost \$42,735, which will be covered by the red light camera revenue.

The Mayor expressed interest in moving forward with the crime prevention through environmental design program.

Commissioner Karukin made a motion to defer the item. There was no second to his motion.

Commissioner Kopelman stated that he would like to revisit this issue.

Mayor Dietch made a motion to move forward with the crime prevention through environmental design program. Commissioner Karukin seconded the motion, which carried unanimously.

**H. Police Communications Unit - Assistant Police Chief, John DiCenso
Removed from the Agenda at the request of Town Manager, Roger Carlton.**

- I. Report on 2011 Hurricane Preparedness – Assistant Police Chief John DiCenso**
Assistant Police Chief John DiCenso spoke about the Town's Hurricane Emergency Operations Plan. He noted that Mr. Bill Evans, Mr. Sherwood and he have met with the debris removal contractor to make sure that everything is in place. He also noted that a \$25,000 cash withdrawal has been made in order to keep cash on hand during hurricane season in the event that only cash purchases are made of a strike. Assistant Police Chief John DiCenso noted that the staff has received proper training. He added that a landfall team has also been established comprised of on duty officers and 3 public works employees to respond after an event.

Assistant Police Chief John DiCenso noted that, out of the forfeiture fund, 3 satellite telephones, 2 portable 2-way radios, and generators were purchased.

Commissioner Karukin suggested posting information on the Gazette.


- 9. Adjournment:** The meeting adjourned at 11:40 p.m.

Accepted this 9 day of Aug., 2011



Daniel Dietch, Mayor

Attest:


Debra E. Eastman, MMC
Town Clerk