



**Town of Surfside
Town Commission Meeting
September 13, 2011
7 p.m.**

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

NOTE: ITEM # 6 GOOD AND WELFARE WILL BE MOVED TO 7:15PM

1. Opening

A. Call to Order 7pm

Mayor Dietch called the meeting to order at 7pm.

B. Roll Call of Members

Recording Clerk, Sarah Johnston called the roll; all members were present at roll call.

C. Pledge of Allegiance

Chief Allen led the pledge of allegiance.

D. Mayor and Commission Remarks –

Mayor Daniel Dietch opened the meeting and asked members of the Commission if they had any comments or remarks.

Commissioner Karukin thanked staff for raising the flag for the upcoming POW MIA Day, and he reminded Town residents to fill out the permission slips for the water and sewer project.

Vice Mayor Graubart thanked everyone involved in the 9/11 ceremony, particularly, Chief Allen, Assistant Chief Di Censo, Public Works Director Bill Evans, and the Color Guard.

Mayor Dietch addressed an anonymous email he recently received, specifically addressing the allegations made in the email. He extended an invitation to attend a Town Meeting he is sponsoring on Wednesday, October 5, 2011 at 7pm at the Town Hall, the meeting will be televised and is intended to answer resident questions and concerns.

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

Commissioner Olchyk requested item 3C on page 83 (Citizens Academy) to be pulled from the consent agenda.

Vice Mayor Graubart requested that items 3C (Citizens Academy) and 3E (progress report for projects occurring in Town) on page 93 be pulled from the consent agenda. Commissioner Karukin asked that he be able to co-sponsor item 3F (Alzheimers Proclamation) on page 96 and requested item 14 on page 60 (Citizens Academy and Residential Satisfaction Survey), be pulled.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the following:

- There will be a Survival Mindset Meeting (sponsored by the Police Department) on Tuesday, September 20, 2011 from 6-9pm in the Town Hall Commission Chambers.
- The next Eye on Surfside meeting will be September 27, 2011 at 6pm in the Police Training Room.
- There is a Crime Expo on October 2, 2011 from 1-5pm at the 94th Street Parking Lot.
- Registration is still in progress for the Fall Parks and Recreation programs.
- The Community Center pool hours are Monday through Thursday from 9am until 6pm and Friday through Sunday from 9am until 7pm.
- There will be the Surf-Bal-Bay Farmers Market on September 18, 2011 from 9am until 2pm. There will be no Farmers Market on September 25, 2011 and October 2, 2011. The Farmers Market will continue on October 9, 2011.
- The Surfside Urban Gardeners will meet September 21 at 7pm in the Manny Crawford Conference Room.
- There is the 2011 Miami Dade Coastal Clean-Up (for Surfside the location is at the beach at 93rd Street) on September 17, 2011 from 9am until 12pm-they have asked for volunteers to arrive at 8:45am.

Vice Mayor Graubart announced on behalf of the Tourist Board, that it is the last month for Surfside Spice.

Mayor Dietch acknowledged former Mayor Eli Tourgeman in attendance.

Mayor Dietch opened Good and Welfare at 7:11pm:

Resident, Melissa Moonves-8842 Emerson Avenue, spoke as a representative of the Surfside Urban Gardeners Association. She announced that she is the President, Diana Morillo is the Vice President, and Jessie Flax is the Treasurer, the organization has a mailing list of about 35 people and the average meeting attendance is 15-20 people. She told the Commission that the organization is registered with the State of Florida and the IRS as a non-profit community organization. She went over the organization goals and invited everyone to attend the next meeting on Wednesday, September 14, 2011 in the Manny Crawford Conference Room.

Resident, Barbara Cohen-9341 Collins Avenue, complimented the Town and Public Works Director, Bill Evans in handling the recent water and sewer force main upgrade on Collins Avenue.

Good and Welfare was closed at 7:15pm.

2. **Quasi-Judicial Hearings (*Set for approximately 7:30 p.m.*)**

Please be advised that the following item on the Agenda is Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Commission member. Commission members must also do the same.

*** A. Resolution for Grand Beach Hotel, Surfside- Lynn M. Dannheisser, Town Attorney Page 1-33**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A 341 ROOM HOTEL AND PARKING GARAGE AND CONDITIONAL USES TO CONSTRUCT TWO ROOFTOP JACUZZI'S AND TWO SWIMMING POOLS ON THE WEST BUILDING ON THE SITE, AND CONDITIONAL USES TO ALLOW OUTDOOR DINING, A SPA WITH TWO JACUZZI'S AND TWO LOBBY LEVEL SWIMMING POOLS, A HOTEL BAR ON THE ROOF LEVEL, AND A SWIMMING POOL AND TWO JACUZZI'S ON THE ROOF ON THE EAST BUILDING ON THE SITE (ALL AMENITIES ARE A PART OF THE HOTEL) SUBMITTED BY M.B. DEVELOPMENT, LLC., (THE "APPLICANT"), ALL ON THE PROPERTY LOCATED AT 9449 COLLINS AVENUE AND 9418 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Secretary Sarah Johnston read the title.

Town Attorney Lynn Dannheisser read a statement explaining the Commission's role in the quasi-judicial hearing. She outlined the procedures for quasi-judicial hearings as adopted by the Town in 2006 in Ordinance No. 06-1463. She indicated the resolution was for a site plan approval and all conditional uses unless specified otherwise. She explained that on June 30, 2011 the Development Impact Committee (DIC) heard the application and referred the application to the Planning & Zoning Board and the Design Review Board with conditions. She said that on July 28, 2011 the Planning & Zoning and Design Review Board heard and reviewed the application and they referred the application to the Town Commission with additional conditions [included in the

resolution]. She asked that the Commission to carefully consider all substantial competent evidence and that each member vote individually and state reasons and basis for their decisions.

Mayor Dietch indicated that any ex-parte communications from himself and any members of the Commission have been provided to Town staff and asked that if there was any communication not reported such communication should be stated orally for the record.

Commissioner Kopelman stated that he has seen the site plan application and visited the Applicants Hotel in Miami Beach but has not received any communication from the Applicants.

Vice Mayor Graubart stated that he has received emails in support and opposition of the project; he has spoken with residents only and not to anyone representing the project.

Commissioner Olychk stated that she went with Town Attorney Lynn Dannheisser to the Applicants' Hotel in Miami Beach and [during that visit] made comments regarding valet parking but has not spoken with anyone since then, other then receiving emails from residents in support and opposition of the project.

Commissioner Karukin stated that he has visited the Applicants' Miami Beach Hotel and he has received emails from people in support and in opposition.

Mayor Dietch said that he has been to the Applicants' hotel in Miami Beach and received emails in support and opposition.

Acting Town Clerk John Di Censo has received emails in support and opposition of the project.

Kent Harrison Robbins, an attorney representing the Azure Condominium requested a continuance of this hearing. He has previously sent letters to the Commissioners and Town Attorney. He stated that he believes certain documents should have been produced prior to hearing and were not. He cited a letter submitted to the Commissioners and referenced the last page of the letter where the Development Impact Committee had listed certain conditions adopted at the Planning & Zoning Board Meeting and he claimed no recorded unity of title was submitted as required in the conditions.

Mayor Dietch asked when he made his requests.

Kent Harrison Robbins stated that he reviewed all documents before the hearing and claimed it (recorded unity of title) was not produced. He cited item 24 asking for a legal opinion and claimed no legal opinion was provided prior to the hearing. He also cited item 5 (referring to the traffic study) claiming it was insufficient and the Applicant was

required to provide a traffic study and items specifically required were not included the traffic study. He said the study he received shows that the analysis was not done, and the requested written recommendations from the Planning & Zoning Board were not provided.

Lynn Dannheisser responded to allegations regarding public records requests. She said that the unity of title was received by the Town before the Development Impact Committee meeting and the Planning & Zoning meeting, and if it was not received by Mr. Robbins she does not understand why, because it (the unity of title) was part of the packet.

Lynn Dannheisser explained to the Commission that it was their decision to determine whether the reasons for a continuance presented by Mr. Robbins discussed would prejudiced his ability to present his case.

Vice Mayor Graubart asked about the agreement to defend, contained in his packet (condition #14 page 15) regarding the condition asking for a legal opinion.

Lynn Dannheisser responded.

Mayor Dietch asked if any of the Commission members heard anything presented by Mr. Robbins that would not allow them to proceed.

Commission Members responded in the negative.

Sarah Sinatra presented the site plan application and conditional uses. She reviewed the parameters of the application. She also compared the project to the Comprehensive Plan from 1996 and 2010 looking at the density permitted. Indicating that there is no change to the density from either plan, she stated that the Comprehensive Plan dictates the permitted density not the Zoning Code. She stated that the application meets all zoning and Comprehensive Plan requirements. She reviewed the conditional use application and explained that the conditions included in the development order will be recorded as a covenant running with the land. She reviewed six (6) conditions that mitigated the impacts of the Hotel as identified by staff in the DIC meeting. She said that the mitigation totals \$435,000 and that staff recommends approval if the Applicant agrees to the conditions in the Development Order.

Joel Simmonds MB Development, presented on behalf of the Applicant, Grand Beach Hotel Surfside. He introduced all parties present on behalf of the Applicant.

Joel Simmonds confirmed that the Applicants submittals were received by the Clerk. The Clerk responded affirmatively. Joel Simmonds explained that all plans meet the Zoning Code, Comprehensive Plan, requests no variances, and the project is designed to be LEED silver certified. He indicated included in the submissions to the Clerk were 49

letters of support from the community. He stated that the Applicant has requested on at least eight (8) occasions, to meet with the Azure Condominium and was only able to meet with them last week. He indicated that he will submit [for the record] attempted contacts to the Azure Condominium. He read a statement from Mr. Murray the owner of the MB Development (submitted to the record), who was in Europe and due to his age (91) and health, found it difficult to travel to Miami in late summer.

Bill Spencer attorney with Akerman Senterfit, Fort Lauderdale requested acknowledgement of the Applicant's submittals.

Recording Clerk, Sarah Johnston confirmed.

Kent Harrison Robbins made a standing objection for each of the Applicants attorneys not registered with the Town as a lobbyist.

Emmanuel Sebag, MB Development, presented for the Applicant. He explained his position with the company and his qualifications. He showed pictures of their hotels in Europe and Miami Beach, indicating that they cater to families and the hotels typically only a small percentage of the hotels' business is from conventions because they do not target that market. He said that all rooms will have 2 full bathrooms and he showed images of the exterior, rooms, pool area, and reception area. He reviewed the proposed economic impact on Surfside. He said they will be responsible for substantial job growth and they are looking to build the employee base from Surfside residents. He provided a sample mock-up of the in-room guide they will provide in the room and explained that the three main elements which were considered in the design of the building was the neighbors, the environment, and energy. He showed the proposed view corridor between the buildings and indicated that the view corridor was smaller than what it could have been because the Wave Condominium, to the south, received a 7-foot variance. He indicated that the building proposed is only 24% lot coverage and if they had maximized the allowable lot coverage it would have been over 40%. He also said that they have agreed to comply with Florida Green Lodging and they are applying for the Silver LEED certification, currently they have 29 points based upon their planning documents. He turned the presentation over to Luis Revuelta, architect for the project. He explained the architectural plans showing the shape of the building and examples of the proposed hotel. Luis Revuelta went over the features and the intent behind some of the features-particularly the view from the entrance of the building will be through the back of the building to the beach, stating that this view may not exist anywhere in South Florida. He also went over the pool and landscape features.

Joel Simmonds thanked the Commission, Town Staff, Committees, residents and business community. He reiterated this proposed Hotel will not be a party hotel or a conventional hotel.

Bill Spencer reported that that the powerpoint was submitted as Exhibit 4 by the Applicant.

This was acknowledged by the Recording Clerk.

Kent Harrison Robbins objected to the traffic analysis being presented and submitted as evidence.

Town Attorney Lynn Dannheisser stated there was no basis for the objection.

Emmanuel Sebag presented the traffic report indicating that the traffic engineer will present on the report however, he will present on additional factors that affect traffic. He stated that he feels that as an operator he is qualified to speak on traffic impacts by a hotel and reviewed the numbers and assumptions used in the analysis. Juan Espinosa with Florida Traffic Engineering (FTE) presented the traffic study and his personal and FTE's corporate qualifications. He explained that the result of the traffic study show that the impact will be de minimis meaning that the impacts are allowable under all regulations at the local and state level.

Emmanuel Sebag reviewed the queueing analysis used for the traffic study and went over his experience with traffic and the valet at the Miami Beach Hotel location.

Mayor Dietch asked Emmanuel Sebag if they were providing parking for staff and guests.

Vice Mayor Graubart asked how many employees they intended to have at the proposed hotel.

Emmanuel Sebag responded approximately 171 employees and sufficient parking was available for staff and guests.

Commissioner Kopelman asked how many valets will be available.

Emmanuel Sebag responded they plan on having three (3) valet parkers at the east location and one (1) valet parker on the west location at all times.

Emmanuel Sebag indicated that they have changed valet procedures based upon Commissioner Olchyk's visit and they now time stamp valet tickets to monitor wait times.

Vice Mayor Graubart asked about arrival times on holidays. He asked if they used 48th Street and Collins Avenue [at the Miami Beach location] for measuring traffic since they have 2 lanes for driving and separate bus lanes. He asked when the study was done.

Emmanuel Sebag responded explaining the reasoning behind using the Miami Beach Hotel location as a basis for the parking information. He also explained the times of day and the dates used for the study.

Bill Spencer indicated they would also like to introduce into the record: Power Point traffic presentation, July 28, 2011, Planning & Zoning meeting minutes, July 28, 2011 Planning & Zoning meeting video; July 28, 2011 Planning & Zoning transcript.

Kent Harrison Robbins cross-examined Emmanuel Sebag and Juan Espinosa about his knowledge of engineering, traffic analysis, and staff numbers.

At 9:25pm Mayor Dietch announced he would allow 10 more minutes for cross-examination.

At 9:32pm Mayor Dietch opened the hearing to public comments.

Baruch Toledano 9380 Bay Drive, spoke in support of the hotel.

Aurora De La Rosa 9455 Collins Ave. #806, read a letter from the Waves Condominium Association in support of the Hotel.

Peter Neville 9148 Abbott Avenue, (he indicated that his given name is Maurice Patrick Neville) spoke in support of the project. He indicated that himself and his wife visited the hotel in Miami Beach and were pleased with what they observed.

Allan Yarkin 9401 Collins Ave. #607 spoke in opposition of having buses parked on Collins Avenue and expressed concern with the noise stemming from the rooftop pool. He asked the Commission to consider parking and noise when deciding on the project.

Eli Tourgeman spoke in support of the project on behalf of the Tourist Board, as a business operator, a Surfside resident, and as President of Surfside Business Association.

Larry Lavoie from Flanigans restaurant and Big Daddy's liquor store spoke in support of the project.

Kent Harrison Robbins cross-examined Aurora De la Rosa regarding her residency, and any benefits received by the Waves Condominium from MB Development. She responded that she is a resident of Surfside and the Waves Condominium and that the total compensation received for all impacts from the Hotel will be \$200,000 predominately to mitigate impacts during construction.

Kent Harrison Robbins, on behalf of the Azure Condominium, introduced Mr. Jeffrey Buckholz who presented a traffic evaluation. Jeffrey Buckholz reviewed his qualifications and explained his evaluation of the traffic study done by David Plummer and Associates for MB Development.

At 10:00pm Commissioner Kopelman made a motion for a recess all agreed and acknowledged that they could not speak to each during the recess. Mayor Dietch called a recess until 10:05pm.

Commissioner Karukin made a motion to reconvene, all were in favor and the meeting reconvened at 10:07pm.

Jeff Buckholz continued his presentation countering the traffic information obtained from the David Plummer traffic study.

Kent Harrison Robbins reviewed the items he had put into evidence.

Donald Washburn presented on behalf of the objector (Azure Condominium), a noise study report.

Bill Spencer objected to the presentation of the noise study report because it was based upon Royal Palm Hotel project in Miami Beach, he requested that it be stricken from the record.

Town Attorney Lynn Dannheisser stated there was no basis for the objection.

Commissioner Karukin asked Donald Washburn questions about the primary source of noise in Surfside and to provide an example of a sound which was about 50 decibels.

Donald Washburn responded that traffic is the primary noise in Surfside and a normal conversation between two men at arms length distance is about 60 decibels.

Commissioner Karukin asked Jeffrey Buckholz to clarify some information provided in the power point presentation.

Commissioner Kopelman asked Jeffrey Buckholz questions pertaining to buses on Collins Avenue.

Vice Mayor Graubart indicated the he shares a concern regarding traffic on Collins Avenue at 94th Street and 95th Street.

Kent Harrison Robbins indicated he will add exhibits (the noise and traffic reports shown to the Commission) to the record. He reviewed the information presented on noise and traffic and, expressed concern with allowing the pools to be opened at 6-7am. The restaurant will be open beyond the hours of the pool so he believes that people will be sitting around the pool after it closes. He readdressed the traffic study, density/intensity and floor area ratio permitted by the Zoning Code and, the unity of title.

Mayor Dietch asked Kent Harrison Robbins to define density.

Kent Harrison Robbins responded with his definition of density.

Mayor Dietch closed the public portion of the hearing.

Mayor Dietch expressed concern with an issue relating to the Erosion Control line which was brought up in the Planning & Zoning meeting.

Town Attorney Lynn Dannheisser responded to the concern stating there was no change in how lot area was measured and showed a slide supporting her explanation.

Vice Mayor Graubart asked about how units increased without increasing density; he also asked about frontage. He said that he understood the Town Attorney's presentation but stated the former Beach House was only had 185 units and the proposed Hotel was requesting to have 341 rooms.

Lynn Dannheisser responded that frontage is not a charter issue and it may have changed (from the previous Zoning Code) but it would not be a Charter violation. She explained that the Comprehensive Plan indicates that the Town wants to encourage aggregation of properties and redevelopment. She said when two properties are tied together the location (on the property) is legally irrelevant so long as the total number of unit permitted on that property is not exceeded. She explained that the total number of units permitted on this particular lot has not been exceeded even though more units may be on the east side of the property than the west side of the property.

Sarah Sinatra indicated the 400 units referred to is for multi-family use, not for hotel use.

Commissioner Olychk asked the Applicant about the noise and whether the new pool area is going to have the same uses as the Miami Beach Hotel and she asked how often have they had complaints from their neighbors regarding noise in Miami Beach.

Emmanuel Sebag responded that they (in 21 months) have had 2 noise complaints. He also presented sound mitigation measures they are taking. He also addressed concerns with buses stating the bus company they use was used previously by the Beach House hotel.

Donald Washburn responded to a noise measurement display showing decibel levels of conversation during the Town Commission meeting, done on behalf of MB Development; he stated that the display used is not applicable because it does not measure dynamic sound such as music.

Sarah Sinatra stated that she has two (2) items for the record and she reviewed the staff measurements of height prior to the 2007 Zoning Code, indicated that the measurements are identical to what was previously used. She restated that the application meets all Zoning Code and Comprehensive Plan requirements.

Town Attorney Lynn Dannheisser made a small correction to the resolution page 31 paragraph 7 under conditions to be completed before a certificate of occupancy is issued, in discussing the payment for a performance bond, it shall be "paid no earlier than C.O."

Commissioner Kopelman made a motion to accept the resolution with the change as presented. Commissioner Karukin seconded the motion which includes Town Attorney Lynn Dannheisser's change and the below conditions:

Mayor Dietch asked that one of receptacles be a recycling receptacle.

Mayor Dietch would like to require the developer to unload and load bus passengers on their own property.

Town Manager Roger Carlton clarified that a condition stating the Applicant commits to minimize the need for parking buses and taxi's on the street by developing a plan that will be submitted to the Town, for approval by Town staff prior to issuance of the Certificate of Occupancy.

Mayor Dietch would like to see the proposed (by the developer) sound mitigation measures incorporated into the record.

Town Manager Roger Carlton said the Town Attorney and Town Planner could craft language where the developer uses their sound expert to incorporate sound mitigation measures into the construction prior to the building permit.

Emmanuel Sebag stated that they have gone further than the opponent's expert suggested.

Vice Mayor Graubart suggested (based upon recommendations by Jeffrey Buckholz for a bicycle and electric vehicle charging station) that the developer have the bicycles available for free to the guests.

Emmanuel Sebag responded that they will have a charging station and bicycles available for use, however, they do not anticipate them being free to use.

Town Manager Roger Carlton clarified that the motion was to approve the resolution with the change indicated by Town Attorney Lynn Dannheisser, the sound mitigation language, a plan for buses and taxis, the Mayor's addition about a recycling container, and the Vice-Mayor's request in regards to charging stations.

The amendments were accepted by Commission Kopelman and Commissioner Karukin.

Commissioner Olchyk said that she was voting in favor of the resolution based upon recommendations by staff, economic benefits to Town and because the project will help to beautify the Town.

Commissioner Karukin thinks the evidence presented by Mr. Robbins was competent but not compelling to discredit the traffic report, he said that the peak number of people and cars used did not account for a proportionate number of people staying at the hotel. He also pointed out that the Surf Club is down the street with a much larger capacity they

only have one traffic lane, no queuing space, their parking is across the street and they have no problems. He stated that he is not convinced the noise issue will be a problem based upon effective noise enforcement. He said the project has appropriate land use, form, and scale to adjacent properties, the project meets all requirements and does not violate the Charter and he believes it is a perfect fit for the Town. For the reasons stated he will vote in support.

Commissioner Kopelman voted in favor based upon report by Staff, revenue, traffic and noise abatement.

Vice Mayor voted in opposition to the project because he feels there are too many unanswered questions affecting compatibility with surrounding neighborhoods, traffic, mechanical spaces, and various reasons.

Mayor Dietch voted in support based upon the economic benefit to the Town, compatibility with the surrounding area, conditional uses can be revoked and, the project is consistent with the Town's 5-year plan.

The vote was 4 to 1 in favor with Vice Mayor Graubart casting the sole "no" vote.

The hearing concluded at 12:04am

Town Manager Roger Carlton indicated there are three (3) items remaining for the Commission to decide upon.

Mayor Dietch said that he would like to go through all the remaining items on the agenda.

3. Consent Agenda (*Set for approximately 9:30 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, 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 - Town Commission Meeting – August 9, 2011 Page 34-54

B. Budget to Actual Summary as of June 30, 2011 Martin Sherwood, Finance Director **Page 55-56**

***C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager Page 57-87**

***D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney Page 88-92**

E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 93-95

F. Proclamation in Support of Walk to End Alzheimer's – Roger M. Carlton, Town Manager Page 96

G. Proclamation in Support of “Fallen Officer Tribute Month”- Mayor Daniel Dietch Page 97

**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.*

Commissioner Karukin made a motion to approve the consent agenda minus the items which were pulled, Commissioner Kopelman seconded the motion, all were in favor.

Commissioner Karukin said he is supportive of the Citizens Academy but would like to direct Town Manager Roger Carlton to look for alternative sources to pay for it.

Town Manager Roger Carlton said that on item #14 on page 60 (Citizens Academy) and some of the other items, he isn't asking for approval but wants permission to bring the item back on the agenda.

Commissioner Olchyk referenced item 3C page 83 (Citizens Academy) and said she does not want to spend \$5000 on that item.

Mayor Dietch asked Town Manager Roger Carlton to identify potential funding sources.

Vice Mayor Graubart referenced page 93 asked about the website RFP, he asked if Calvin Giordano (CGA) is currently hosting the website and wanted clarification that CGA is not on the committee making a decision.

Town Manager Roger Carlton indicated that staff received four (4) proposals which were insufficient and he will present a report in October.

Vice Mayor Graubart asked if he could send a report to the former Citizens Communication committee members.

4. Ordinances

(Set for approximately 10:00 p.m.) (Note: Good and Welfare moved to 7:15 pm.)

A. Second Readings (Ordinances and Public Hearing)

***1. Litter Ordinance- Roger M. Carlton, Town Manager Page 98-106**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 34 “ENVIRONMENT” BY ADDING ARTICLE V “LITTER” AND SPECIFICALLY CREATING SECTIONS 34-78 “DEFINITIONS”, SECTION 34-79 “UNFINISHED, VACANT, UNOCCUPIED OR CLOSED STRUCTURES, CONSTRUCTION SITES OR VACANT LOTS; MAINTENANCE PROCEDURES REQUIRED OF

OWNERS”; AND SECTION 34-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; DELETING CHAPTER 2. “ADMINISTRATION” ARTICLE I. SECTION 54-2 ENTITLED “DISTRIBUTION OF HANDBILLS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance generally addresses a variety of litter issues in Town but specifically address the uncontrolled feeding of feral cats.]

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

Town Manager Roger Carlton indicated that this ordinance reflects two requested changes and this allows citizens who receive a citation to work off the fine in exchange for community service.

Vice Mayor Graubart wants clarification with “tobacco products” and wants to add cigarette butts.

Mayor Dietch indicated that in the future, staff will have to amend the solid waste containers ordinance.

ALL voted in favor.

B. First Readings Ordinances

(Set for approximately 10:15 p.m.) (Note: Good and Welfare moved to 7:15 p.m.)

***1. Required Amendments to FEMA Ordinance- Paul Gioia, Building Official Page 107-121**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 “FLOODS”AND SPECIFICALLY SECTION 42-26 “STATUTORY AUTHORIZATION”; SECTION 42-41 “DEFINITIONS”; SECTION 42-57 “BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD”; SECTION 42-77 “DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR”; SECTION 42-92 “SPECIFIC STANDARDS”; SECTION 42-95 “COASTAL HIGH HAZARD AREAS (V-ZONES)”; AND SECTION 42-114 “CONDITIONS FOR

VARIANCES” 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 clarifies certain elements of the FEMA flood ordinance. These clarifications have been requested by FEMA and are required to regain the status which allows our residents to obtain discount for their flood insurance premium.]

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

Mayor Dietch thanked Paul Gioia.

Paul Gioia indicated this is the last portion needed to gain FEMA compliance.

Vice Mayor asked about houses that violate the 50% rule.

Paul Gioia responded, explaining the process.

All in favor.

5. Resolutions and Proclamations

(Set for approximately 10:30 p.m.) (Note: Depends upon length of Good and Welfare)

- * A. **Award of Lease for Police Vehicles- David Allen, Chief of Police Page 122-125**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A LEASE AGREEMENT WITH THE FINANCIAL INSTITUTION OF SUNTRUST BANK FOR THE LEASE OF PUBLIC SAFETY VEHICLES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE AGREEMENT BY AND BETWEEN THE TOWN AND SUNTRUST BANK; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger Carlton indicated that staff received a very low interest rate from SunTrust Bank in response to a request for bids (for leasing police vehicles). He explained that these are not Crown Victoria's which consume a lot of gasoline and have high maintenance costs and the purchase includes an extended warranty. He thanked Finance Director Martin Sherwood and Assistant Chief John Di Censo.

Commissioner Olchyk asked what is happening to the 10 cars which are being replaced. Town Manager Roger Carlton responded that they will be sold at auction and is hopeful the cars will bring approximately \$5000 collectively.

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

Vice Mayor Graubart asked if the warranty is 5 years or 75,000 miles he suggested switching cars if the officer lives far, prior to exceeding the warranty –reassess the cars at 2.5 years.

All in favor.

B. Code Compliance Authority for Police Officers – David Allen, Chief of Police Page 126-130

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 TO ADDRESS CODE VIOLATIONS FOR SECTION 90-79 “ABANDONED OR INOPERABLE VEHICLES”; SECTION 90-79 “RESTRICTED AND PROHIBITED PARKING”; SECTION 74-1 “COMMERCIAL VEHICLES IN THE RESIDENTIAL AREAS”; SECTION 54-63 “SIDEWALK OR STREET OBSTRUCTION”; CHAPTER 10 “ANIMALS” INCLUDING BUT NOT LIMITED TO LEASH LAW, FECAL DISPOSAL, DOGS ON THE BEACH, BARKING OR VICIOUS DOGS; SECTION 54-78 “PROHIBITED NOISES”; SECTIONS 34-78 THROUGH 34-80 “LITTER ORDINANCE”; SECTION 14-29 “WORK WITHOUT PERMIT”; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Karukin made a motion to accept, Vice Mayor Grabart seconded the motion. All in favor.

C. Proposed Townwide Software Contract Renewal- Martin Sherwood, Finance Director Page 131-147

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN ADDENDUM TO RENEW A THREE YEAR CONTRACT WITH SUNGARD NAVILINE TO CONTINUE TO PROVIDE SOFTWARE SERVICES, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ANY AND

**ALL ACTION NECESSARY TO IMPLEMENT THE CONTRACT
IN ACCORDANCE WITH THE TERMS, CONDITIONS AND
PURPOSES OF THE CONTRACT AND THIS RESOLUTION;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Roger Carlton discussed the reasons for the software, Martin Sherwood spoke to the reason.

Commissioner Kopelman made a motion to approve, Commissioner Karukin seconded that motion. Commissioner Olchyk voted in opposition, Commissioner Kopelman, Commissioner Karukin, Vice Mayor Graubart, Mayor Dietch voted in favor.

6. Good and Welfare (*Moved to 7:15 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

9. Mayor, Commission and Staff Communications (*Set for approximately 10:45 p.m.*)

- * **A. Community Center Pool Party Rentals- Tim Milian, Parks and Recreation Director Page 148**

Vice Mayor Graubart made a motion, Commissioner Karukin seconded the motion.

Commissioner Karukin believes that the rental cost is too expensive. His objection is specifically to the 15 person minimum.

Tim Milian responded that because of catering they have to pay a minimum fee.

Commissioner Karukin is opposed to not allowing residents bring their own food. He objects to the caterer being the only person allowed to provide food.

Town Manager Roger Carlton stated that by not allowing the concessionaire to have exclusive rights to food within the Community Center a problem can be created with retaining concession services.

Vice Mayor Graubart offered to withdraw or ask them to come up with an alternate menu for birthday parties.

Mayor Dietch asked about birthday cakes rather than the entire menu. Tim Milian responded that residents can bring their own cake when they are doing a party rental.

Commissioner Karukin voted in opposition. Commissioner Kopelman, Commissioner Olchyk, Vice Mayor Graubart, and Mayor Dietch voted in favor.

*** B. Discussion Regarding Renewal of United Health care or Change in Carrier –**

Stan Bershad, Agent of Record (verbal) announced to the Commission that he was able to negotiate the proposed increase by United Healthcare from 14% down to 9.3%.

Mayor Dietch asked about the feedback from the employees.

Stan Bershad indicated he has met with department heads and the response has been positive.

He explained that there are also three (3) plans employees can select from.

Town Manager Roger Carlton clarified that the Town and employees will absorb the 9.3% increase.

Commissioner Kopelman made a motion to accept, Commissioner Karukin seconded the motion. All in favor.

*** C. Recruitment Process for Town Clerk- Roger M. Carlton, Town Manager Page 149-152**

Town Manager Roger Carlton reported that staff placed an ad in the Miami Herald and has received nearly 1000 applications of which 30 may be qualified.

*** D. Surplus Equipment- David Allen, Chief of Police Page 153-154**

**this item was not discussed.*

*** E. Discussion of Beach Management Agreement with Miami Dade County- Tim Milian, Parks and Recreation Director Page 155-170**

Town Manager Roger Carlton stated that the Town needs to negotiate with Miami-Dade County (it is mandated from the State of Florida).

Commissioner Kopelman made a motion, Commission Karukin seconded the motion. All in favor and requested that Commissioner Olychk handle the negotiation.

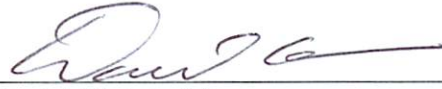
*** F. Discussion Regarding Competitive Selection Process for Town Website Management- Roger M. Carlton, Town Manager (verbal)**

**See discussion under agenda item 3.*

10. Adjournment.

The meeting was adjourned at 12:41am.

Accepted this 8 day of November, 2011



Daniel Dietch, Mayor

Attest:



Sarah Johnston, Recording Clerk