



**Town of Surfside
Town Commission Meeting
MINUTES**

November 13, 2012

7 p.m.

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:00 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Olchyk, Commissioner Kligman and Commissioner Graubart.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Dietch thanked the Town Commission, Staff and residents for attending the Surfside Veteran's Day ceremony. He also thanked the residents for going out to vote during the November 6, 2012 General Election. He was particularly pleased that all three Charter Amendments passed.

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

Commissioner Olchyk spoke about the size and complexity of the agenda. She suggested to rearrange some of the agenda items to have plenty of time to discuss the sensitive items by placing the consent agenda at the end and discuss the priority items first.

Commissioner Graubart requested to add item 90 to support Ruth K. Broad K-8 Center with \$500 for the Carnival.

Mayor Dietch announced that item 4A2 and 4A3 are being deferred to the December 11, 2012 Regular Town Commission Meeting at 7:00 p.m.

Town Attorney Lynn Dannheisser requested to defer item 4B3 until further notification.

Town Attorney Lynn Dannheisser spoke about a matter that needed to be decided related to the settlement of Davis vs. The Town of Surfside cases. She stated that outside counsel was present and she requested the Town Commission to discuss the item at a time certain of 8:00 p.m.

Commission Kligman made a motion to adjust the agenda for the various items previously mentioned. The motion received a second from Vice Mayor Karukin and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch encouraged residents to sign up online to receive e-mail updates from the Town.

G. Dr. Rodriguez, Ruth K. Broad Principal – Roger M. Carlton, Town Manager

Dr. Rodriguez thanked the Mayor, the Town Commission and the Police Chief for their support during the Island Beach Bash. She spoke about the different activities and events that the school is hosting and planning. She also spoke about the General Obligation Bond issue and how the monies would be utilized to improve the school.

H. Certificate of Achievement for Excellence in Financial Reporting – Don Nelson, Finance Director

Finance Director Donald Nelson presented the Certificate of Achievement for Excellence in Financial Reporting for FY 11/12. And explained the importance of receiving this Certificate.

Item Set for Time Certain 8:00 p.m.

Town Attorney Lynn Dannheisser provided a brief history of the Davis cases to the Town Commission. She explained that Officer Davis was employed by the Town from November 2002 through October 2007 when his employment was terminated. These cases arise out of that termination; the first case was filed during the period of time when Officer Davis was suspended and that is the case that is referred to as Davis 1 that was filed in June of 2007. The second case (Davis 2) was filed in October 2007 when the termination took place. The Town has been in this process for nearly five (5) years and November 19, 2012 is the scheduled trial date. The trial that is scheduled will become unnecessary should the Town Commission approve the settlement agreement. During the past five (5) years there have been approximately ten (10) executive sessions on this case, at least 5 mediations, many staff hours and attempts to settle this case. There was a settlement presented to the previous Town Commission which was declined.

Chief David Allen explained the Settlement Agreement. Officer Davis will be reinstated as a Police Sergeant going back to October 12, 2007 when he was terminated and immediately placed on administrative leave. He will have ninety (90) days to secure an assignment with ICE (Homeland Security Federal Agency). If he does not secure the assignment he will remain on administrative leave for a period of one (1) year and four (4) months. He will be provided \$200,000 to reimburse his pension time from the Town of Surfside and also four (4) years and four (4) months from another Law Enforcement Agency. The \$200,000 includes an amount above his pension costs. After that period of time of one (1) year and four (4) months which will be April 2014, he will retire as a Police Officer from the Town of Surfside. The Internal Affairs cases and the reprimands will be marked “rescinded” per the Town Manager. Chief Allen stated that those are the major issues and that the rest are legal.

Mayor Dietch asked Chief David Allen to explain why he is recommending this settlement. Town Attorney Lynn Dannheisser explained that there is a clause in the agreement that requires "Non Disparagement". She stated that the records will speak for themselves and that anyone is free to secure copies of the records and the litigation which outlines the allegations. She encouraged anyone that has any questions to ask for the file. Mayor Dietch asked the Chief of Police for his professional opinion if this is the right decision for the Town Commission. Chief Allen responded affirmatively.

Vice Mayor Karukin asked for clarification of Item 2 of the Settlement Agreement. Town Manager Roger M. Carlton stated that what Item 2 means is that the Town is establishing his base pay rate in the current pay plan for the fourteen months that he will receive any rate increases approved by the Town Commission for all sergeants.

Mr. Scott Cole, Outside Counsel, thanked the Town Manager and Town Attorney for completing a very difficult negotiation. He explained that if the settlement agreement is not approved they will have to go to trial, but the trial will only be for one claim. He stated that he has a stack of memos and documents and this is by far the best settlement that he has seen in four (4) years. If the Town loses in the trial, the Town has the option to appeal the decision which will have a substantial additional cost. The second claim would still remain.

Vice Mayor Karukin asked if the settlement agreement is not approved, this issue could take some time. Outside Counsel responded affirmatively.

Commissioner Kligman asked what the fiscal impact would be if the Town would have to reinstate him since 2007. Town Manager Roger M. Carlton stated that the fiscal impact of reinstatement would be greater than the cost of settlement; \$200,000 is a one-time payment for his retirement. He also explained that together with the settlement agreement, the Town Commission has an ordinance on first reading regarding the pension which creates a one time, one person class within the pension plan for someone who was hired on a certain date. The Pension Board has reviewed the cost impact statement would define the cost to the pension plan and how it will be paid. The ordinance will be brought back for second reading on December 11, 2012.

Commissioner Graubart and Vice Mayor Karukin asked how the settlement would be funded. Town Manager Roger M. Carlton explained that in the FY 12/13 Budget there is a \$150,000 allocation for legal counsel, a portion of which would no longer be necessary due to the settlement and he will discuss this with Town Attorney Lynn Dannheisser as to how much can be used from that line item. He stated that \$350,000 will be needed this fiscal year; \$150,000 will be required for FY 13/14. Town Manager Roger M. Carlton suggested that the \$350,000 come out of surplus monies from FY 11/12. The second reading ordinance will have a full explanation of the funding sources.

Vice Mayor Karukin had a question regarding the pension ordinance. He wanted to know if the Town Commission could take out that special class in the future or have a sunset provision. Town Manager Roger M. Carlton explained that the special class applied only to one person who met the specific criteria of the settlement and must stay in place.

Commissioner Graubart asked if the League of Cities will be paying for any of the legal costs of this case. Town Attorney Lynn Dannheisser stated that the Town has no coverage from the League of Cities on this case but Mr. Davis' fees are covered by the FOP.

Vice Mayor Karukin asked the Town Attorney if this matter is over once the settlement agreement was approved. Town Attorney Lynn Dannheisser responded affirmatively and stated that a detailed release would be signed.

Commissioner Olchyk had a question on page two (2) of the Settlement Agreement, last paragraph on item # 9 regarding Town employees maintaining friendships with Mr. Davis. Town Attorney Lynn Dannheisser explained that this is related to the friendships that Mr. Davis currently maintains and it is not the Town's intention to limit his right to maintain his friendships.

Commissioner Graubart asked if Mr. Davis will be provided with any Police Department credentials, badges, weapon or a vehicle. Chief of Police Allen responded that the Town will provide those things only if Mr. Davis secures a position with ICE.

Commissioner Olchyk asked if the cost of supplying a vehicle will be above the \$500,000. Chief of Police David Allen responded affirmatively. Town Manager Roger M. Carlton added that the Town would not have to purchase a new vehicle for Mr. Davis.

Town Attorney Lynn Dannheisser recommended two (2) motions, the first motion approving the Settlement Agreement subject to the execution of the general release and the second motion on the first reading pension ordinance.

Vice Mayor Karukin made a motion to approve the Settlement Agreement subject to the signature on the general release. The motion received a second from Commissioner Kligman. Town Clerk Sandra Novoa called the roll and the motion passed 4-1 with Commissioner Olchyk voting in opposition.

2. Quasi-Judicial Hearings (None)

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

Vice Mayor Karukin made a motion to approve the Consent Agenda. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Graubart absent.

***A. Minutes - October 15, 2012 – Special Commission Meeting**

B. Budget to Actual Summary as of August 31, 2012 – Donald Nelson, Finance Director

***C. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager**

***D. Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney**

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

F. Committee Reports – Roger M. Carlton, Town Manager (Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included)

- September 20, 2012 – Parks and Recreation Committee Meeting

- September 12, 2012 - Tourist Board Meeting

4. Ordinances

(Set for approximately 8:50 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

***1. Reduced Rate for Solid Waste Removal – Donald Nelson, Finance Director**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-35, “SCHEDULE OF FEES” OF THE CODE OF ORDINANCES TO ESTABLISH A NEW RATE FOR SOLID WASTE REMOVAL TO DOWNTOWN BUSINESSES ABOVE STREET LEVEL WITH A 25% FEE REDUCTION WHICH SHALL BE EFFECTIVE OCTOBER 1, 2012; PROVIDING FOR INCLUSION IN THE CODE BY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Manager Roger M. Carlton presented the item.

Mayor Dietch opened the public Hearing. No one wishing to speak on the item, Mayor Dietch closed the public hearing.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

2. Maximum Continuous Wall Frontage Ordinance – Vice Mayor Michael Karukin

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance deferred to December 11, 2012 Town Commission Meeting at 7:00PM.

3. Elimination of DRB – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” BY DISSOLVING THE DESIGN REVIEW BOARD AND CONSOLIDATING THE DESIGN REVIEW FUNCTION INTO THE EXISTING FUNCTIONS OF THE PLANNING AND ZONING BOARD, CHANGING MEMBERSHIP REQUIREMENTS FOR PLANNING & ZONING BOARD; AND PROVIDING FOR FILLING OF VACANCIES; INCLUDING A TRANSITIONAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance deferred to December 11, 2012 Town Commission Meeting at 7:00PM.

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Pension Amendment – 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 2-176 OF THE CODE TO CLARIFY THE NORMAL RETIREMENT DATE FOR POLICE OFFICERS UNDER THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Item was introduced by Town Attorney Lynn Dannheisser.

See discussion on John Davis vs. Town of Surfside case on page 2.

Vice Mayor Karukin made a motion to approve the pension amendment for this case. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Olchyk voting in opposition.

***2. FEMA Reinsertion of Section 42-92 (6) CCCL Elevation of Construction – Lynn
Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 AND SPECIFICALLY SECTION 42-41 “DEFINITIONS”; SECTION 42-76 “PERMIT PROCEDURES”; SECTION 42-77 “DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR”; SECTION 42-91 “GENERAL STANDARDS”; SECTION 42-92 “SPECIFIC STANDARDS” INCLUDING RE-INSERTION OF SUBPARAGRAPH (6) RELATING TO THE CCCL; AND SECTION 42-95 COASTAL HIGH HAZARD AREAS (V-ZONES) 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

Town Clerk Sandra Novoa read the title of the ordinance.

Town Attorney Lynn Dannheisser presented the item.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman. The motion passed 5-0.

**3. Amendment to Lobbyist Registration and Adoption of Forms – Lynn
Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 OF THE CODE OF THE TOWN OF SURFSIDE RELATING TO LOBBYIST REGISTRATION AND; PROVIDING FOR DEFINITIONS; PROVIDING FOR ANNUAL EXPIRATION AND RENEWAL FOR LOBBYIST REGISTRATIONS; REQUIRING REGISTRATION OF PRINCIPALS; REQUIRING DISCLOSURE OF ANNUAL LOBBYIST EXPENDITURE BY JANUARY 15TH OF EACH YEAR; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Kligman made a motion to approve. Vice Mayor Karukin seconded the motion. The motion passed 4-0 with Commissioner Graubart absent.

4. **Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References – Lynn Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES” 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.

Item was deferred by Town Attorney Lynn Dannheisser.

5. **Delinquency Penalties and Condominium Hotel Resort Tax Ordinance – Lynn Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 AND SPECIFICALLY AMENDING SECTION 70-107 DEFINITIONS; AMENDING SECTION 70-117 DELINQUENCY PENALTIES, INTEREST; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Item was deferred to December 11, 2012 Regular Town Commission meeting.

5. Resolutions and Proclamations

(Set for approximately 9:30 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. Tourism Five Year Strategic Plan Consultant and Business Improvement District Organizational Plan – Duncan Tavares, TEDACS Director (SET FOR TIME CERTAIN 8:20 P.M.)**

Item was deferred

- *B. Employee Health Benefits Retroactive Contract Renewal for FY 12-13 – Yamileth Slate-McCloud, Human Resources Director (SET FOR TIME CERTAIN 8:10 P.M.)**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY APPROVING THE GROUP HEALTH PLAN WITH UNITED HEALTHCARE / NEIGHBORHOOD HEALTH PLAN AND THE DENTAL, TERM LIFE INSURANCE,

ACCIDENTAL DEATH, SHORT TERM DISABILILTY, AND LONG TERM DISABILITY WITH MUTUAL OF OMAHA; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item.

Benefit Consultant Stan Bershad spoke on the item

Commissioner Olchyk asked about the Town's contribution and the possibility of employees contributing more to the Health Insurance. Town Manager Roger M. Carlton explained that Town employees also received the same percentage increase as the Town.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

***C. Expenditure of Forfeiture Funds – David Allen, Chief of Police**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE FORFEITURE FUND EXPENDITURE IN THE AMOUNT OF SIXTY-TWO THOUSAND FOUR HUNDRED NINETY DOLLARS (\$62,490) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

Vice Mayor Karukin made a motion for discussion purposes. Commissioner Olchyk seconded the motion.

Commissioner Olchyk asked if the forfeiture funds could be used to purchase the four wheel drive vehicle under item 5F of the agenda. Town Manager Roger M. Carlton stated that the purchase of that vehicle is very important for this Town and it will be included in the lease under the Police Vehicle Lease Program that was approved during the April 10, 2012 Town Commission meeting.

The motion passed 4-0 with Commissioner Graubart absent.

***D. Fraternal Order of Police Local 135 Collective Bargaining Agreement – Year 3 Wage Re-opener – Roger M. Carlton, Town Manager**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT – YEAR 3 WAGE RE-OPENER FOR THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE DATED OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2013; DIRECTING THE TOWN MANAGER TO EXECUTE THE FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT- YEAR 3 WAGE RE-OPENER AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT – YEAR 3 WAGE RE-OPENER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor. Commissioner Graubart was absent.

***E. Miami Dade County – Prohibition of Red Light Cameras – Roger M. Carlton,
Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, IN SUPPORT OF THE “RED LIGHT CAMERA” PROGRAM AND IN OPPOSITION TO THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS LEGISLATIVE ITEM FILE NUMBER 121524; ORDINANCE REPEALING RESOLUTION NO. R-759-10 REPEALING DIRECTION AND AUTHORITY TO IMPLEMENT A “RED LIGHT CAMERA” PROGRAM IN MIAMI-DADE COUNTY IN THE UNINCORPORATED AREA OR ON COUNTY ROADS IF IT AFFECTS THE ABILITY OF THE TOWN OF SURFSIDE FROM MAINTENANCE OF ITS “RED LIGHT CAMERA” PROGRAM; AUTHORIZING THE TOWN MANAGER AND DIRECTING THE TOWN CLERK TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE MUNICIPAL CLERK OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor. Commissioner Graubart was absent.

**F. Lease of a Four Wheel Drive Vehicle for Police Department – David Allen,
Chief of Police**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN EXPENDITURE IN THE AMOUNT OF \$31,820 OF THE PHASE TWO POLICE VEHICLE LEASE PROGRAM WITH SUNTRUST BANK FOR THE LEASE OF A FORD EXPLORER INTERCEPTOR UTILITY VEHICLE; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE AGREEMENT BY AND BETWEEN THE TOWN AND SUNTRUST BANK; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman. The motion passed 4-0 with Commissioner Graubart absent.

**G. Proposed Agreement with the Miami-Dade State Attorney’s Office to
Prosecute Criminal Municipal Ordinances – David Allen, Chief of Police**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE

MIAMI-DADE STATE ATTORNEY'S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman made a motion to approve. Commissioner Olchyk seconded the motion. The motion passed 4-0 with Commissioner Graubart absent.

***H. Surfside Community Shuttle Service Contract (Limousines of South Florida, Inc.) – Bill Evans, Public Works Director**

Town Manager Roger M. Carlton presented the item.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion passed 4-0 with Commissioner Graubart absent.

Commissioner Kligman requested the Town Manager to speak during a future meeting about the shuttle bus route, specifically the convenience of taking residents to Mount Sinai Hospital.

***I. Miami Dade County – People's Transportation Plan: MDTA Agreement for the Surfside Bus – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN 8:00 P.M.)**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA ("TOWN"), AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO ENTER INTO AN AGREEMENT WITH MIAMI-DADE COUNTY TO PROVIDE PUBLIC TRANSPORTATION SERVICES TO THE RESIDENTS OF THE TOWN AND FOR THE TOWN TO PROVIDE ALTERNATIVE SUPPLEMENTAL PUBLIC TRANSIT THROUGHOUT THE TOWN ON A DESIGNATED ROUTE AND SCHEDULE AS AMENDED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Olchyk. The motion passed 4-0 with Commissioner Graubart absent.

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

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

7. Town Manager and Town Attorney Reports

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

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

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

***A. Committee Appointments – Sandra Novoa, Town Clerk**

Vice Mayor Karukin appointed Alan Gorme to the Parking Structure Advisory Committee.

Commissioner Kligman appointed Jayme Bengio to the Personnel Appeals Board.

***B. Calvin Giordano & Associates (CGA) Agreement Update- Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN 8:45 P.M.)**

Town Manager Roger M. Carlton presented the item.

Commissioner Kligman would like to terminate the current contract and go out to bid excluding IT services and Community Development.

Commissioner Graubart provided the members of the Town Commission with a handout regarding Calvin Giordano and Associates (CGA).

Vice Mayor Karukin stated that he has no problems with CGA and that with everything that is currently happening in Town he would not make any changes at this moment.

Town Manager Roger Carlton suggested going out to bid for Engineer, Architecture and Landscape services only excluding the IT Department and the Community Development Planning Department.

Commissioner Kligman made a motion to accept the Town Manager's recommendation and to issue an RFP for Architectural, Landscape and Engineering Services. The motion received a second from Commissioner Olchyk. The Mayor made a friendly amendment for the successful bidder to sign a contract that would have a term of three years with up to two (2) one year extensions.

Commissioner Kligman and Commissioner Olchyk accepted the Mayor's friendly amendment. The motion passed 3-2 with Commissioner Graubart and Vice Mayor Karukin voting in opposition.

A discussion took place regarding the design of the new downtown improvements funded \$400,000 voluntary proffer from the Surf Club and the work that CGA is offering to do at no cost. Mr. Dennis Giordano with Calvin Giordano and Associates spoke about the specifics of the offer. Town Manager Roger M. Carlton stated that this comprehensive report will give the Town Commission a better understanding of how the \$400,000 will be used and will help them make the best decision.

Commissioner Kligman made a motion to accept the donation of services from CGA without any strings attached. The motion received a second from Vice Mayor Karukin and all voted in favor.

***C. Undergrounding Utilities – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN 7:30 P.M.)**

Town Manager Roger M. Carlton presented the item with the staff recommendations.

Vice Mayor Karukin spoke about some research done by the Public Utility Research Center in 2007 and he stated that undergrounding projects are very expensive and he thinks that there are many pros and cons to this type of project.

Mr. Ken Arnold spoke in support of the item.

Vice Mayor Karukin asked the Town Manager if by approving this item, they are committing to the \$8,900,304. Town Manager Roger M. Carlton responded they are not committed to anything at this time, By approving this item they will be retaining bond counsel and financial advisor who will not be paid until a transaction is ultimately closed.

Commissioner Graubart expressed his concerns and would like to see the project financing spread over a long period of time. He would like to see it spread over 20 years. Also, he stated that he is not sure about the life of undergrounding projects.

Mr. DJ Cannava spoke in favor of the item and thanked Commissioner Graubart, Commissioner Kligman and Vice Mayor Karukin for responding to his emails.

Commissioner Kligman made a motion to approve retaining bond counsel and financial advisor. Commissioner Olchyk seconded the motion and all voted in favor.

***D. Town Manager Transition Planning – Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton thanked the Town Commission for the opportunity and spoke about his retirement scheduled for April 26, 2013.

Mayor Dietch spoke in appreciation of the Manager for his public service, for building a great team and the incredible legacy he is leaving.

Vice Mayor Karukin expressed his love of the Points of Light and how it kept the Commission informed with everything that was going on in Town. He thanked him for keeping him in the game when he wanted to give up.

Commissioner Kligman spoke about the Town Manager, his uniqueness, his strong work ethic and thanked him for all the years of public service and for a fantastic group of employees.

Commissioner Olchyk stated that she was never a public figure and she is not an easy person to deal with. She admired his work ethic and that he always puts his work above his personal health. The Town of Surfside will remember him because during the last two years has made the Town a totally different place.

Mayor Dietch expressed his wishes to have the Town Manager involved in choosing his successor. All the information should be flowing to one person, putting together a comprehensive job description, salary range, benefits package and bring back a recommendation to the December 11, 2012 Town Commission meeting.

Commissioner Olchyk expressed that she would like to be actively involved during this process and would like for this process to take place in house.

This process will be done in house and if the Town cannot find the right person, an outside company could be retained.

Commissioner Graubart was feeling poorly and excused himself from the meeting at 10:26 PM.

Commissioner Kligman made a motion to extend the meeting another hour. The motion received a second from Vice Mayor Karukin and all voted in favor. Commissioner Graubart was absent.

E. Setting Priorities to Give Direction to the Town Manager and Town Attorney – Roger M. Carlton, Town Manager

Item Linked 9K

Vice Mayor Karukin would like to provide the Manager with a form to better rank the Town priorities.

Commissioner Kligman expressed her interest in setting the date to set priorities. Town Manager Roger M. Carlton stated that January might be a good time.

Commissioner Kligman thinks January will be too late.

Vice Mayor Karukin stated that this item could be placed on the regular agenda and allocated about forty five minutes to discuss or come an hour early from the scheduled time to discuss this item. Everyone agreed to begin the meeting at 6:00 PM.

F. Topics for a Combined Meeting of the Town Commission and Planning and Zoning Board – Vice Mayor Michael Karukin

Vice Mayor Karukin presented the item.

He would like to see the Planning and Zoning Board discuss issues that can tighten up certain aspects of the code that may at present give a bit too much flexibility, like the potential to build huge buildings on an aggregated lot with unity of title. He provided a list of items that he would like the Planning and Zoning Board to discuss by themselves or at a joint meeting with the Town Commission.

G. Discussion Regarding Reports on the Commission Agenda – Commissioner Michelle Kligman

Commissioner Kligman expressed her concerns with the Points of Light. She thinks the report is very informative but sometimes it is not clear what actions are to be taken. She thinks that if an item requires an action that item should be labeled as such.

Vice Mayor Karukin liked Commissioner Kligman's idea.

Commissioner Kligman suggested that maybe putting the entire action items in the front of the Points of Light will help or making a distinction with an asterisk. The Town Manager stated he would highlight Action Items.

Everyone agreed to try it and see if it works.

***H. Change of Town Commission Meetings for 2013 – Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton presented the item.

Vice Mayor Karukin made a motion to accept the new meeting dates for January, July and September 2013 and to adopt the related deadlines to deliver the agendas.

The motion received a second from Commissioner Olchyk. Motion passed 4-0 with Commissioner Graubart absent.

- * I. Failure of the Seawall to the South of the Intersection of 88th Street and Carlyle Avenue** – Bill Evans, Public Works Director
Bill Evans Public Works Director presented the item.
Commissioner Kligman asked the source of the funds. Town Manager Roger M. Carlton stated that the funds will be coming from the Water/Sewer/Storm Drainage Project contingency fund.
Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman and all voted in favor. Commissioner Graubart was absent.
- J. Backflow Preventers** – Commissioner Joe Graubart
Town Manager Roger M. Carlton presented the item in Commissioner Graubart's absence.
- K. Setting Date to Discuss Commission Priorities** – Commissioner Kligman
Item Linked to 9E
- L. Discussion Item Fact Sheet - Mayor Daniel Dietch**
Mayor Dietch presented the item and would like to adopt the form as a policy for the Town Commission to place items on the Agenda.
Vice Mayor Karukin would not like to codify this as a policy and allow flexibility.
Commissioner Olchyk said she agreed with Vice Mayor Karukin.
Commissioner Kligman stated that she does not have a problem with the current procedure. After much discussion, no change was made in the current policy.
- *M. Miami-Dade County Consent Decree Settlement Agreement** – Roger M. Carlton, Town Manager
Town Manager Roger M. Carlton presented the item.
Vice Mayor Karukin made a motion to accept the report. The motion received a second from Commissioner Olchyk. Motion passed 4-0 with Commissioner Graubart absent.
- N. Red Cross Donation** – Commissioner Graubart
Commissioner Kligman presented the item for Commissioner Graubart.
Commissioner Olchyk spoke in opposition to the item.
Commissioner Kligman made a motion to approve a \$500 donation to the Red Cross for Hurricane Sandy relief. The motion received a second from Vice Mayor Karukin. The motion passed 3-1 with Commissioner Olchyk voting in opposition.
Commissioner Graubart was absent.
- O. Ruth K Broth K-8 School Donation** – Commissioner Graubart
Commissioner Kligman presented the item for Commissioner Graubart.
Commissioner Graubart requested the Town Commission to approve \$500 for the Ruth K. Broth K-8 School Carnival.

Commissioner Kligman made a motion to approve \$500. The motion received a second from Vice Mayor Karukin. The motion passed 3-1 with Commissioner Olchyk voting in opposition. Commissioner Graubart was absent.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:57 p.m.

Accepted this 11 day of December, 2012


Daniel Dietch, Mayor

Attest:


Sandra Novoa, CMC
Town Clerk