



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**March 12, 2013**

**7 p.m.**

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

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:02 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**

Interim Public Works Director John Di Censo led the Pledge of Allegiance.

**D. Mayor and Commission Remarks – Mayor Daniel Dietch**

Commissioner Graubart spoke about the need to slow down with any further major and critical projects till the new Town Manager is on board.

Mayor Dietch recognized Commissioner Kligman for her leadership with the bullying initiative. The Town will be recognized as well by the Miami Dade County School Board with a proclamation.

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

Commissioner Olchyk requested for her item 9J to be heard earlier on the agenda because she submitted the request in February and should be heard before the other items. Commissioner Olchyk made a motion for item 9J to be heard as item 9A.

Commissioner Kligman seconded the motion and all voted in favor.

Commissioner Graubart made a motion to reverse the order of item 9D and 9E putting 9E first. Commissioner Kligman seconded the motion and all voted in favor.

Commissioner Graubart made a motion requesting to link item 5A to agenda item 3G.

Commissioner Olchyk seconded the motion and all voted in favor.

**F. Community Notes – Mayor Daniel Dietch**

Vice Mayor Karukin announced the Alzheimer's Association luncheon that will be held March 21, 2013 at 11:30 am at The Sea View Hotel.

Commissioner Graubart announced that the new 2013-2014 Surfside Business Directory is now available at Town Hall and the Town's website. He invited residents to meet the artists responsible for the Turtles of Surfside sculptures at the next third Thursday event March 21, 2013 from 7:00 – 10:00 pm on 95<sup>th</sup> Street and Harding Avenue.

Mayor Dietch encouraged everyone to sign up for the Town's automatic alerts on the Town's website to receive updates and activities.

**G. Presentation on Ruth K. Broad K-8 Turtle to People of Newtown, CT – Mayor Daniel Dietch (Time Certain 7:25 PM)**

Mayor Dietch acknowledged Duncan Tavares, TEDACS Director and Maggie Vidal-Santos who presented a PowerPoint presentation and a YouTube video on the Ruth K. Broad K-8 Turtle to the People of Newtown, CT.

**H. Presentation to Planning and Zoning Board Member Jorge Gutierrez – Mayor Daniel Dietch**

Mayor Dietch presented Jorge Gutierrez with a plaque in appreciation for his year of services to the Town of Surfside.

**I. Recognition of Lifeguards Calvin Webb III, Heather Johnson, Jose Espinoza and Peter Filiberto – Tim Milian, Parks and Recreations Director**

Parks and Recreations Director Tim Milian and Aquatic Supervisor Jackie Villagran recognized Calvin Webb III, Heather Johnson, Jose Espinoza and Peter Filiberto for two ocean rescues.

**2. Quasi-Judicial Hearings**

*Please be advised that the following items on the Agenda are 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 members of the Town Commission. Town Commission members must also do the same.*

**A. 1233 Biscaya Drive – Klahr Variance Page 1-7**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1233 BISCAYA DRIVE, TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO REPLACE THE EXISTING DECK WITH A NEW CONCRETE DECK; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa swore in everyone wishing to speak on the item.

Town Attorney Linda Miller asked if any members of the Town Commission had ex-parte communications with the applicant and if so, to state it for the record.

Commissioner Graubart stated that he spoke with Mr. Klahr two or three times over the last year regarding his situation.

Mayor Dietch stated that he has had conversations with the applicant's team and received a briefing package as part of the Planning and Zoning Board meeting.

Vice Mayor Karukin had no ex-parte communications with the applicant.

Commissioner Kligman had no ex-parte communications with the applicant.

Commissioner Olchyk had no ex-parte communications with the applicant.

Town Planner Shelly Eichner presented the item. Staff recommended approval with the Planning and Zoning Board conditions related to wind load for the roof structure. Mr. Klahr spoke on his item and stated that he has not touched the exterior of the property since he purchased it in June 1980.

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

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

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

Commissioner Olchyk pulled item 3E, page 100; item 21, page 47; item 26, page 49.

Commissioner Kligman pulled item 34, page 52; item 53, page 56.

Commissioner Graubart pulled item 3A, page 4; item 3B, page 36; item 1, page 39, item 8, page 42; item 10, page 42; item 40, page 53; CGA report, page 99; item 6, page 101.

Vice Mayor Karukin pulled item 3A, page 13; item 3B, page 36; item 17, page 45; item 25, page 48; item 29, page 50; item 37, page 52; item 57, page 57; item 3F, page 110; item 3G, page 113.

Vice Mayor Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Graubart. The motion passed 4-0 with Commissioner Olchyk absent from the dais.

**A. Minutes – January 15, 2013 Regular Commission Meeting**

Interim Town Attorney Linda Miller clarified that she did not sit on the Charter Review Board, but was involved in the process.

Commissioner Graubart asked the Town Attorney's office to verify and correct if necessary the address on the FDOT resolution that was presented during the January 15, 2013 Town Commission meeting as item 5F. He thinks it should be 94<sup>th</sup> Street instead of 93<sup>rd</sup> Street.

Vice Mayor Karukin stated that on page 13 of the Minutes, under the Points of Light the Town Commission agreed to add an item to the Points of Light.

**January 22, 2013 Special Commission Meeting**

**January 24, 2013 Special Commission Meeting**

**February 12, 2013 Regular Commission Meeting**

Commissioner Graubart would like to add under item 3E of the February 12, 2013 Town Commission meeting the following "Chris Giordano spoke on the item and responded that the amount of linear feet of curving did go over budget"

**February 26, 2013 Special Commission Meeting**

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

Vice Mayor Karukin requested to have the word “Reserves” spelled out next to fund balance as it states on the Minutes from the previous Town Commission meeting.

Commissioner Graubart asked Finance Director Donald Nelson if he felt comfortable with everything being reported. Finance Director Donald Nelson explained that the reason for the 29% straight line projection (3 months of the fiscal year) rather than 25% is due to the annual retirement expense being paid for the entire year at the beginning of the Fiscal Year and also the payment of the Davis Settlement. With these adjustments the expenditures is actually less than budget.

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

Item 1, page 39 – Commissioner Graubart stated his concerns about the Parking Structure Feasibility Study and asked the Town Commission if they wish to move that quickly on this item and make a decision in April. Town Manager Roger M. Carlton stated that it would not be on the April meeting for final decision, just for discussion

Item 8, page 42 – Commissioner Graubart asked for an update. Mayor Dietch stated that this item is on the list for discussion at the Mayor’s upcoming meeting with the Mayors of Bal Harbour and Bay Harbor Islands.

Item 10, page 42 – Commissioner Graubart asked for an update. Building Official Eddie Rojas provided an update to the Town Commission on the FEMA Flood Insurance status. Commissioner Kligman asked some questions on the item related to the audit.

Item 17, page 45 - Vice Mayor Karukin withdrew this item from the pulled items.

Commissioner Olchyk asked for an update. Mayor Dietch provided Commissioner Olchyk with an update on the item.

Item 21, page 47 – Commissioner Olchyk asked why is the Town thinking of outsourcing imaging the building plans instead of doing it in house. Building Official Eddie Rojas stated that he is considering other options because he would like to organize all of the Building Department’s files and plans as quickly as possible. Commissioner Olchyk asked Mr. Rojas if this is something that will come back to them for approval. Building Official Eddie Rojas responded affirmatively.

Item 25, page 48 - Vice Mayor Karukin thanked the Town Manager, the Parks and Recreation Director and the Committee for developing the Five (5) Year Parks and Recreation Capital Plan.

Item 26, page 49 – Commissioner Olchyk asked about the funds to fix the pool Tot Lot and if they are working with a new contractor to get it fixed. Town Manager Roger M. Carlton responded that the funds are available to fix the Tot Lot. Parks and Recreation Director Tim Milian stated that they will have something ready for April 2013 and they would not need to close the Tot Lot for the repairs.

Item 29, page 50 – Vice Mayor Karukin would like to know what action needs to be taken on this item. Town Manager Roger M. Carlton asked the Town Commission to let staff begin with the community involvement process. Item will be discussed together with item 9C.

Item 37, page 52 – Vice Mayor Karukin would like to schedule the date for the Code Enforcement Workshop. Everyone agreed to meet on April 17, 2013 subject to Commissioner Kligman’s availability. Commissioner Olchyk would not be available.

Item 40, page 53 – Commissioner Graubart would like to know where the \$97,000 for the sidewalk staining came from. Town Manager Roger M. Carlton stated that the funds came from the Water and Sewer project because it was to provide a uniform color for all the patches.

Item 53, page 56 – Commissioner Kligman asked for more information regarding the Citizen Request Management (CRM). Town Manager Roger M. Carlton explained that the current website has a module and it has not been well used by our residents and the Town will not move forward with the upgrade.

Item 57, page 57 – Vice Mayor Karukin asked why is this item a priority for next month's meeting agenda when they have other priorities. Mayor Dietch would like to leave it as a discussion item.

**\*D. Town Attorney's Report** – Linda Miller, Interim Town Attorney

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

Commissioner Graubart asked for an update regarding the seawall at the southern end of Carlyle Avenue. Chris Giordano from CGA stated that they received the permit in late February and they are still waiting for permits from other agencies and he thinks they will be ready to go in the next couple of weeks.

Commissioner Olchyk asked about the force main. Chris Giordano from CGA explained the current status.

**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)*

- January 9, 2013 Streetscaping Masterplan Sub-Committee Minutes
- January 28, 2013 Downtown Vision Advisory Committee Minutes
- January 29, 2013 Pension Board Minutes

Vice Mayor Karukin asked the Town Manager to explain the motion on page 110 of the Agenda and page 3 of the Minutes regarding the mortality table. Town Manager Roger M. Carlton elaborated on the issue with the mortality table and the financial impact of the change.

**\*G. Opposing Transportation Committee Bill** – Roger M. Carlton, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO OPPOSE THE "PROPOSED TRANSPORTATION COMMITTEE BILL" REQUIRING MUNICIPALITIES TO REMIT 50% OF REVENUE GENERATED FROM ANY FEES COLLECTED BY ON-STREET PARKING METER DEVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Graubart linked the item to item 5A and expressed that he would like to see perhaps a one hour free parking. He does not think that purchasing the IPS meters (Item 5A) may be a great idea at this point.

Town Manager Roger M. Carlton explained that this resolution is to oppose the State trying to force the Town to pay half of its meter revenues on Harding and Collins Avenues to the FDOT.

**H. Proclaiming Dr. Bernstein Day – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING YEARS OF EDUCATIONAL SERVICE BY DR. ALLYN BERNSTEIN, PH.D.; PROCLAIMING MAY 2, 2013 AS “DR. ALLYN BERNSTEIN DAY”; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Approved on Consent

**\*I. Prohibit Texting While Driving – Commissioner Joe Graubart**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; URGING THE HONORABLE GOVERNOR AND FLORIDA LEGISLATURE TO BAN TEXTING WHILE DRIVING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Approved on Consent

Commissioner Kligman made a motion to accept the consent agenda. Commissioner Olchyk seconded the motion and all voted in favor.

**4. Ordinances**

*(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)*

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

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

**B. First Reading Ordinances**

**\*1. Corner Clearance Ordinance – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” STRIKING CODE SECTION 90-52 REQUIRED CLEARANCES; 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 Planner Shelly Eichner presented the item to the Town Commission.

Commissioner Olchyk made a motion to accept. Commissioner Graubart seconded for discussion purposes.

Commissioner Graubart stated that in the first paragraph of the current Section 90.52 is information that cannot be found under Section 90.92. He stated that by eliminating Section 90.52 you will be eliminating that important language that should probably be included in Section 90.92.

Interim Town Attorney Linda Miller stated that she will review the language with the Town Planner and amend this ordinance, take it to the Planning and Zoning Board and then bring it back as first reading.

Mayor Dietch suggested redrafting of the ordinance.

Commissioner Olchyk withdrew her original motion.

Commissioner Olchyk made a motion to revisit this ordinance with the corrected language. Commissioner Graubart seconded the motion by reading the language that should be added “for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery etc.” The motion passed 5-0.

**\*2. Outdoor Dining Ordinance – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS” AND SPECIFICALLY AMENDING SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; 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 Planner Shelly Eichner presented the item to the Town Commission.

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

**5. Resolutions and Proclamations**

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

**\*A. IPS Parking Meter Agreement – Chief of Police David Allen**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS GROUP INC., FOR THE PURCHASE OF FIFTY-ONE (51) CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS AND WEB-BASED MANAGEMENT SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Roger M. Carlton introduced the item

Commissioner Kligman asked about the possibility of an extended warranty.

Commissioner Graubart would like to have short term meters in front of the cleaners and Post Office or even install some of these new meters in that area. He also asked if the Town Commission would agree to purchase less than the offered amount.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Graubart voting in opposition.

Commissioner Graubart would like to have short term meters in front of the cleaners and the Post Office and suggested any members of the Town Commission that would like to discuss this item to submit it as a discussion item for the next Commission meeting. He stated that he thinks it should be a half-hour or one hour. Town Manager Roger M. Carlton stated that this has previously been studied and staff recommended against it and the Commission accepted that recommendation. If the Town Commission wishes for staff to study it again to please let him know. Commissioner Kligman stated that she would like to know more about it and asked the Town Manager to provide her with the information. Town Manager Roger M. Carlton will provide Commissioner Kligman with the old study.

Commissioner Kligman made a motion to extend the meeting until 12:00 am. The motion received a second from Commissioner Kligman. The motion passed 3-1 with Commissioner Graubart voting in opposition. Vice Mayor Karukin was absent from the dais.

**\*B. Purchase of Three (3) Additional Bus Shelters – Commissioner Marta Olchyk**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PREMIERE DESIGN SOLUTIONS, INC. TO PURCHASE AND INSTALL THREE (3) BUS SHELTERS: TWO (2) ON COLLINS AVENUE AND ONE (1) ON HARDING AVENUE; AUTHORIZING THE PURCHASE OF THREE BUS SHELTERS FOR APPROXIMATELY \$75,000; AUTHORIZING THE APPROPRIATION OF FUNDS IN FISCAL**



**YEAR 2012-13 FROM THE MUNICIPAL TRANSPORTATION FUND IN THE AMOUNT OF \$40,000 AND FROM THE CAPITAL FUND IN THE AMOUNT OF \$35,000; PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Roger M. Carlton presented the item.

Interim Public Works Director John Di Censo stated that one bus shelter will go in front of the Best Western, another one on 9011 Collins Avenue and the third one at 9280 Harding Avenue.

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

**\*C. Establishing the Town's "Attorney/Client Conflict Disclosures and Waiver" Policy – Commissioner Marta Olchyk [*Linked to Item 9A*]**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") ESTABLISHING THE TOWN'S "ATTORNEY/CLIENT CONFLICT DISCLOSURES AND WAIVER" POLICY; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Olchyk presented the item.

Interim Town Attorney Linda Miller explained that this resolution is to adopt a policy that addresses a process for retaining outside Legal Counsel.

Commissioner Kligman asked why the item was limited to attorney/client and does not include other experts that may be advising the Town Commission.

Interim Town Attorney Linda Miller stated that Commissioner Kligman's concerns should be part of a different resolution.

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

**\*D. Consultants Competitive Negotiation Act (CCNA) – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, FLORIDA STATUTES, ALSO KNOWN AS THE "CONSULTANTS COMPETITIVE NEGOTIATION ACT" OR "CCNA"; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Dietch excused himself from participating during this item due to a conflict of interest and passed the gavel to Vice Mayor Karukin.

Town Manager Roger M. Carlton presented the item.

Vice Mayor Karukin asked why this item was before the Town Commission at this time. Town Manager Roger M. Carlton stated that it is because the Legislature is in session.

Commissioner Graubart expressed that it is not always good when the Town has to go with the lowest bid because you don't always get the best product.

The item died for lack of a motion.

**\*E. Town Manager John Mark Taxis Employment Agreement – Mayor Daniel Dietch**  
*(The negotiations are on-going but not completed by the agenda deadline)*

Mayor Dietch explained the current situation regarding Mr. Taxis' Employment Agreement negotiations. He explained that Mr. Taxis asked for an extra couple of days to consider the Agreement and asked the Town Commission if they are willing to wait.

Commissioner Kligman made a motion to give Mr. Taxis until Friday, March 15, 2013 at noon and schedule a tentative Special Town Commission meeting for Monday, March 18, 2013 at 7:00 pm for approval of the employment agreement or to discuss further. She also added that if Mr. Taxis does not accept, the Mayor should contact candidate number two (2) and begin negotiations. Commissioner Graubart seconded the motion and all voted in favor.

**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.*

Artist Roberto Garcia spoke to the Town Commission regarding the issue he has encountered to get payment from Prince Media for the turtle he painted.

Duncan Tavares, TEDACS Director stated that he has been contacted by a few other artists during the last week stating nonpayment from Prince Media.

Commissioner Graubart made a motion to pay the artists that have not been paid and have the Town work on getting reimbursed from Prince Media. Commissioner Kligman seconded the motion and all voted in favor.

Peter Neville spoke about the undergrounding utility project.

**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. Concern re: Conflict of Interest – Roger M. Carlton, Town Manager and Linda Miller, Interim Town Attorney [Linked to Item 5C](TIME CERTAIN 8:30 PM)**  
Commissioner Olchyk made a motion not to discuss this item and remove it from the agenda. The motion received a second from Commissioner Graubart.  
Town Manager Roger M. Carlton stated that the Administration did not recommend removing this item from the agenda.  
Interim Town Attorney Linda Miller stated that if there is a motion, a second and the Town Commission votes in favor of removing the item, the item will be considered removed from the agenda.  
The motion passed 4-1 with Mayor Dietch voting in opposition.  
Item removed from agenda.
- B. Consideration for Allocation to Shared Cost for Full Time Nurse in Ruth K. Broad K-8 Center – (TIME CERTAIN 7:45 PM)**  
Town Manager Roger M. Carlton presented the item.  
Tamar Oppenheimer spoke about the need for a full time nurse at the school. She stated that they are asking for the Town to fund a nurse which the cost will be shared with the Towns of Bay Harbor and Bal Harbour and the amount is \$7,200 per Town.  
Leslie Rosenfeld from the City of Miami Beach spoke on the item.  
Pablo Clausel spoke on the item and stated that this is a service that is critical to the school. He suggested that the Mayor to speak to the Mayors from other municipalities and to enter into an interlocal agreement based on a per capita basis.  
Commissioner Graubart made a motion to allocate the \$7200 if the Village of Bal Harbour and Bay Harbor Islands agree as well. The motion received a second from Vice Mayor Karukin and all voted in favor.  
Commissioner Kligman made a motion to take all the time certain items in order.  
Commissioner Graubart seconded the item and all were in favor.
- \*C. Traffic Study (Please bring the Traffic Study book provided in December 2012) – Roger M. Carlton, Town Manager**  
Mayor Dietch made a motion to authorize the Community discussions to begin and bring back a specific plan next month. The motion died for lack of second.  
Commissioner Olchyk made a motion to defer to the April meeting at a time certain. The motion received a second from Commissioner Kligman. The motion passed 3-2 with Mayor Dietch and Commissioner Graubart voting in opposition.
- \*D. FPL Sixth Update – Roger M. Carlton, Town Manager**  
Town Manager Roger M. Carlton presented the item.  
Commissioner Kligman stated that she wanted a meeting prior to first reading and another meeting between first and second reading. She requested that both meetings be advertised in the Gazette.  
Commissioner Graubart stated that the Town Manager's memo page 4, third bullet does not reflect his opinion. Vice Mayor Karukin stated that he is also in disagreement with the comments on that bullet.  
Florida Power and Light representative Aletha Player spoke on the item.

Commissioner Olchyk asked if there is any other alternative besides the big boxes. Mr. Rodriguez from Florida Power and Light stated that there are two types of boxes, one is a transformer that is only good for 5 or 6 houses and the switch boxes are bigger.

Mayor Dietch asked the Town Manager if there is a design for the location of the boxes that could be presented to the Town Commission due to the concerns of the size of the boxes and the locations. Town Manager Roger M. Carlton responded that there is a preliminary design and it could be presented to the Town Commission.

Commissioner Kligman asked the Town Manager if he could come up with a formula for those residents that are on a fixed income and cannot afford the electrical upgrade who will qualify for some type of assistance from the Town.

Commissioner Graubart suggested for the Town to come up with an application so that residents could apply for hardship assistance.

Mayor Dietch asked the Town Manager if the Town is close to receiving a refined cost estimate. Town Manager Roger M. Carlton stated that the independent cost estimator will provide that.

Commissioner Kligman wants all information to be integrated and provided to the Town residents during both meetings. Town Manager Roger M. Carlton stated that he will put an announcement in the April Gazette if the information is ready.

Vice Mayor Karukin asked about the possibility of change orders that will drastically increase the cost of the project over time. He is also concerned about how the MGRUF tariff played into the fee structure per resident now when they were told months ago the preliminary information. Also, he is concerned about what happens if people don't pay the MGRUF and if Surfside will be liable. He would like to know how the per house upgrade cost will get funded because some homes will cost more than others.

Vice Mayor Karukin also mentioned that the potential for increased revenue over time is good but he would much rather use the expected revenue increase in tourist tax revenue which the Charter allows them to use to offset the ad valorem property taxes and not to offset the cost of this project like Commissioner Graubart stated.

Town Manager Roger M. Carlton stated that the staff would like to find a way to structure this project to pay for itself and does not need property taxes or tourist tax revenue but when you begin to get constraints by the percentage system required under MGRUF then you have to find an alternate back-up revenue.

Town Manager Roger M. Carlton stated that the Town will budget a 10% reserve for change orders.

Vice Mayor Karukin opined that it will be a good idea to revise the FAQ's as new things are coming up.

Pablo Clausel spoke on the item.

Town Manager Roger M. Carlton asked if it was the will of the Commission to move forward working with Florida Power and Light and the cable and telephone companies and come back next month if the staff is ready with the ordinance on first reading and a report answering all of the questions.

Commissioner Kligman made a motion to give direction to the Town Manager to address the items in the memo and the additional items that were discussed. The motion received a second from Commissioner Olchyk and all voted in favor



- E. Financing the Proposed Conversion of Overhead Utilities to Underground** – Commissioner Joe Graubart made a motion to defer items 9E, 9F, 9G and 9H. The motion received a second from Commissioner Olchyk and all voted in favor.  
Items deferred
- F. Severance/Compensation** – Commissioner Joe Graubart  
Item deferred
- G. Town Calendar** – Commissioner Joe Graubart  
Item deferred
- H. Commission Directive: Town Manager Short Term Priorities** – Commissioner Joe Graubart  
Item deferred
- \*I. Setting a Date for a Special Meeting on Revision to the Plans for the Surf Club April 23, 2013 Amendment to the Surf Club Development Agreement** – Roger M. Carlton, Town Manager  
Town Manager Roger M. Carlton presented the item.  
Vice Mayor Karukin made a motion to schedule a Special Commission meeting for April 23, 2013. Commissioner Kligman seconded the motion and all voted in favor.
- J. Approval of Any Donation Over \$850** – Commissioner Marta Olchyk  
Commissioner Olchyk presented the item and stated that she would like for the Town Commission to approve that any donations over \$850 should be approved by the Town Commission.  
Town Manager Roger M. Carlton spoke on the item and stated that he has never given a donation of public money to any entity without authority from the Town Commission and that this item was generated from the turtle project to Newtown, CT. The Manager's spending authority per the Charter is \$8,500 and does not exclude donations or anything as long as the money is available.  
The Mayor suggested including this discussion as part of the Charter reform.  
Commissioner Graubart stated that when budget meetings are scheduled he will ask for \$5,000, \$1,000 for each Commissioner to give away to a pre-approved list.  
Item died for lack of a motion.

Commissioner Graubart made a motion to extend the meeting 10 minutes to discuss some of the remaining items on the agenda. The motion received a second from Commissioner Olchyk. The motion passed 3-2 with Vice Mayor Karukin and Commissioner Kligman voting in opposition.

## 10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:06 am.


Accepted this 9<sup>th</sup> day of April, 2013



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Daniel Dietch, Mayor

Attest:



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Sandra Nova, CMC  
Town Clerk