



**Town of Surfside
Town Commission Meeting
MINUTES
April 9, 2013
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 7:02 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

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart spoke and apologized for the errors on some of the water bills and stated that they will all be corrected. He also welcomed new Town Manager Michael P. Crotty and asked the Town Commission to give Manager Crotty the necessary time to get up to speed.

Mayor Dietch spoke about the accomplishments of the Town Commission during Town Manager Roger M. Carlton's administration and presented him with a proclamation that he read into the record.

Vice Mayor Karukin presented Town Manager Roger M. Carlton with a Bobble Head that looked exactly like him. Commissioner Kligman presented Town Manager Roger M. Carlton with his own "Roger's Way" street sign.

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

Commissioner Graubart linked item 2 on page 20 to item 3 on page 61, item 12 on page 24 to item 43 on page 41, item 9A to item 9G and item 9H to item 9O.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced Town Manager Roger M. Carlton's Farewell and Welcome new Town Manager Michael P. Crotty at Flannigan's on Friday April 26, 2013 from 5pm – 7pm.

He also invited the Community to an informal Town Hall Meeting to Meet and Greet New Manager Michael Crotty on April 30, 2013 at 7:00 pm in the Community Center.

Mayor Dietch announced other events and programs that could be found in the Town's website.

Commissioner Graubart announced different events that could be found in the Town's website as well.

Mayor Dietch spoke about the Mayor's meeting that he attended with the Mayors from the neighboring communities and the opportunity for expanded cooperation.

G. Officers of the Month of March 2013 – Sgt. Patrick McKenna and Detective Marian Valino – Chief of Police David Allen

Chief David Allen presented Sgt. Patrick McKenna and Detective Marian Valino with the Employee of the Month award.

H. Recognition of Lieutenant Rory Alberto for Completing the FBI National Academy – Chief of Police David Allen

Chief David Allen recognized Lieutenant Rory Alberto for completing the FBI National Academy and congratulated him for being one of the participants chosen from 49 states and 26 countries that attended this academy. Lt. Alberto is the first officer in the history of Surfside to attend the FBI National Academy.

I. Recognition of Commissioner Michelle Kligman from the School Board of Miami Dade County for Spearheading the Bullying Program – Mayor Daniel Dietch

Mayor Dietch recognized Commissioner Kligman and read the Proclamation she received from the School Board of Miami Dade County.

Commissioner Kligman recognized the Town Commission and thanked them as well for their support in the anti-bullying program.

2. Quasi-Judicial Hearings (None)

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

Commissioner Olchyk pulled item 3B, page 17; item 12, page 5 and item 49, page 18.

Commissioner Graubart pulled item 43, page 35; item 2, page 20 and item 12, page 24.

Commissioner Kligman pulled item 2, page 20; item 34, page 33; item 42, page 35 and item 45, page 36.

Vice Mayor Karukin made a motion to approve the Consent Agenda minus the pulled items. The motion received a second from Commissioner Kligman and all voted in favor.

A. Minutes – March 12, 2013 Regular Commission Meeting Minutes

March 18, 2013 Special Commission Meeting Minutes

B. Budget to Actual Summary as of January 30, 2013 – Donald Nelson, Finance Director

Commissioner Olchyk asked about the Forfeiture Fund Revenue of \$4. Town Manager Roger M. Carlton stated that it is just interest. Chief David Allen explained the process and how long does it take to receive the funds.

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

Item 2, Page 1 - Commissioner Kligman asked for an update on the project. Town Manager Roger M. Carlton stated the reason that some streets are still unpaved on the south is because the asphalt trucks had to get to the west side of town, The Town did not want the contractor to be driving on new asphalt and that is why some of the streets are not completed. He also spoke about the price of the asphalt today which is higher than was bid two years ago and what they are doing to complete the project.

Chris Giordano spoke on the item as well.

Item 12, Page 5 – Commissioner Olchyk asked for an update on the Dog Park. Town Manager Roger M. Carlton stated that the pump station has to be finished before the dog park construction begins. The Town Manager stated that the dog park will cost more than budgeted and he would like the authorization from the Town Commission to get it finish and have it open as soon as possible with a budget not to exceed \$18,000. The additional funds would come from the excess funds in the bus shelter allocation.

Vice Mayor Karukin made a motion to accept. Commissioner Graubart stated that the outdoor Fitness Equipment should be added to the FY 13/14 budget process but now the Dog Park is going from \$10,000 to \$18,000. Vice Mayor Karukin explained that the Dog Park went to the budget process during the 12/13 budget process and they were allocating more funds but that the issue was already approved. The motion received a second from Commissioner Kligman. The motion passed 3-1 with Commissioner Olchyk in opposition and Commissioner Graubart absent from the dais.

Item 34, Page 14 – Commissioner Kligman asked if there is an ordinance being drafted for the grass blowers. Town Manager Roger M. Carlton stated that there is an ordinance in place but it is not being enforced and that more information will be available at the Code Compliance Workshop on April 17, 2013.

Item 42, Page 16 – Commissioner Kligman stated that she has expressed her concerns about the elderly residents trying to get to Mt. Sinai Hospital and she was not sure that what was offered in the Points of Light will help because there is a fee for the program and it defeats the purpose. Town Manager Roger M. Carlton stated that the only way to provide a bigger discount than the Jewish Family Services program is to be subsidized by the Town from the General Fund. Commissioner Kligman requested staff to bring options as part of the FY 13/14 budget process.

At 11:00 p.m. Vice Mayor Karukin made a motion to extend the meeting ninety (90) minutes. The motion received a second from Mayor Dietch and all voted in favor.

Item 43, Page 16 – Commissioner Graubart would like the Town Commission to give the Town Attorney the authority to look into the plastic bag ban. Sarah Johnston, Interim Assistant Town Attorney stated that they looked into the item and the Town can adopt a voluntary program but the Florida Legislature in 2009 amended the statute that until they adopt a report from Department Environmental Protection (DEP), local government would not be able to ban or regulate plastic bags. She stated that there is a current bill for this session changing that and adopting the report. Commissioner Graubart made a motion for the Administration to inform Town Lobbyist Fausto Gomez to advocate this item in the Legislature. Commissioner Kligman seconded the motion. Motion passed 3-1 with Vice Mayor Karukin voting in opposition and Mayor Dietch abstaining.

Item 45, Page 17 – Item linked to item 9C.

Item 49, Page 18 – Commissioner Olchyk asked the staff to send letters to School Principals and Counselors and asked them to send us the information and we will contact the student's parents. She stated that if there is a need for a Commissioner to

attend any meetings she will be happy to do so if other Commissioners are unavailable.

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

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

Commissioner Graubart asked Chris Giordano if there was anything to inform them about how the project is wrapping up and if he had any concerns that he would like to share with the Town Commission. Chris Giordano responded in the negative.

Commissioner Graubart asked if there were any updates regarding the funding. Chris Giordano with CGA responded that as they wrap up the project they will be requesting the grant reimbursements.

He also added they are still waiting for the permit to repair the seawall at 88th and Carlyle.

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)*

- December 17, 2012 Parks and Recreation Committee Meeting Minutes
- December 18, 2012 Downtown Vision Advisory Committee Parking Structure Feasibility Study Subcommittee Meeting Minutes
- January 7, 2013 Tourist Board Meeting Minutes
- February 4, 2013 Tourist Board Meeting Minutes
- February 11, 2013 Parks and Recreation Committee Meeting Minutes
- March 20, 2013 Downtown Vision Advisory Committee Parking Structure Feasibility Study Subcommittee Meeting Minutes

Commissioner Olchyk made a motion to approve the remaining items on the Consent Agenda. The motion received a second from Commissioner Kligman and all voted in favor.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

***1. 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 Manager Roger M. Carlton introduced the item.

Vice Mayor Karukin made a motion to approve. Commissioner Olchyk seconded the motion.

Mayor Dietch opened the Public Hearing. No one wished to speak in favor or against the item. Mayor Dietch closed the public hearing.

The motion carried 4-0 with Commissioner Olchyk absent from the dais.

(Set for approximately 9:30 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” AMENDING CODE SECTION 90-52 “REQUIRED CLEARANCES” AND STRIKING CODE SECTION 90-92 “SIGHT TRIANGLES AND 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 Shelley Eichner introduced the item to the Town Commission.

Vice Mayor Karukin made a motion to accept on first reading. The motion received a second from Commissioner Graubart. The motion carried 5-0.

5. Resolutions and Proclamations

(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Town Hall Janitorial Services – John DiCenso, Interim Public Works Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH KELLY JANITORIAL SERVICES INC., FOR JANITORIAL SERVICES THROUGHOUT TOWN HALL; 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.

Interim Public Works Director John DiCenso introduced the item to the Town Commission.

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

B. Isaac Singer Boulevard Signage – John DiCenso, Interim Public Works Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AUTHORIZING A CORRECTION TO STREET SIGN NAME FROM "ISAAC SINGER BOULEVARD" TO "ISAAC BASHEVIS SINGER BOULEVARD; AUTHORIZING APPROXIMATELY \$1400 TO REPLACE THE EXISTING SIGNS AND INSTALL TWO (2) GROUND MOUNTED MEMORIAL DESIGNATION SIGNS AT EACH END OF 95TH STREET WHICH WERE NOT PART OF THE ORIGINAL PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton introduced the item to the Town Commission.

Nancy Levin spoke on the item.

Vice Mayor Karukin made a motion to accept. The motion received a second from Commissioner Kligman for discussion purposes only.

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

***C. Resolution In Opposition to House Bill 999**

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 HOUSE BILL 999 "ENVIRONMENTAL REGULATION" LIMITING A MUNICIPALITY'S ABILITY TO REQUEST ADDITIONAL INFORMATION FROM A DEVELOPMENT APPLICANT AFTER A PRE-APPLICATION MEETING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

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

D. Expressing Sympathy to the Family of Susan McGlynn, Head Librarian for the Town of Surfside – Tim Milian, Parks and Recreation Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; EXPRESSING SYMPATHY TO THE FAMILY OF SUSAN MCGLYNN, HEAD LIBRARIAN FOR THE TOWN OF SURFSIDE FOR 17 YEARS; AUTHORIZING PLACEMENT OF A MEMORIAL BRICK

IN THE SURFSIDE COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE.

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

- *E. FY 12/13 Proposed Mid-Year Budget Amendment Resolution – Roger M. Carlton,**
Town Manager
Item deferred by Town Manager Roger M. Carlton.

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

Peter Nevel spoke of his concerns with underground garages and he suggested that if there is a need for garages to make sure they are above ground.

Mr. Cohen spoke about the terms of the Commission and the need to extend it to four (4) years and they should be staggered terms as well. He also acknowledges the passing of Susan McGlynn the Town's Librarian.

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. Financing the Proposed Conversion of Overhead Utilities to Underground –**
Item 9A was linked to item 9G.

Commissioner Joe Graubart

- B. Severance/Compensation – Commissioner Joe Graubart**
Commissioner Graubart deferred the item.

- C. Town Calendar – Commissioner Joe Graubart**

This item will be reported on under Points of Light 44. The Administration is working to purchase a Management System for better tracking of contracts, agreements and other documents.

- D. Commission Directive: Town Manager Short Term Priorities – Commissioner Joe Graubart**

Item deferred by Commissioner Graubart

- E. Surfside Walking Path – Commissioner Marta Olchyk**

Commissioner Olchyk presented the item.

After some discussion Commissioner Olchyk made a motion to add the item to the Points of Light and for the Town Manager to bring back options on how to enforce the issue of bicycles and dogs on the walking path. The motion received a second from

Mayor Dietch. The motion passed 3-1 with Vice Mayor Karukin voting in opposition and Commissioner Graubart absent from the dais.

- F. Performance Pay for Town Manager – Vice Mayor Michael Karukin**
Vice Mayor Karukin presented the item.
Vice Mayor Karukin made a motion to accept. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Graubart voting in opposition.
- *G. FPL Undergrounding Update Seven – Roger M. Carlton, Town Manager**
No action taken on this item.
- H. Surfside Ballot Question(s) for the March Election of 2014; Regarding Multi-level Parking Garage(s) – A/K/A Parking Structures and Their Location (s) – Commissioner Joe Graubart**
Item was linked to item 9O.
Discussion took place under item 9O.
- I. Short Term Parking Meters 15-30 Minutes – Commissioner Joe Graubart**
Commissioner Graubart deferred the item to the May 2013 Regular Town Commission Meeting.
- J. Donation of \$250 to the Miami Lighthouse in Memory of Frances Estelle Kopelman – Roger M. Carlton, Town Manager**
Town Manager Roger M. Carlton presented the item.
Vice Mayor Karukin made a motion to adopt. The motion received a second from Commissioner Kligman and all voted in favor.
- *K. Miami Dade County Special Election Regarding Sun Life Stadium Improvements Conflicting with Regularly Schedule Town Commission Meeting on May 14, 2013 – Roger M. Carlton, Town Manager**
Town Manager Roger M. Carlton presented the item.
Vice Mayor Karukin made a motion to change the Regular Commission Meeting from Tuesday, May 14, 2013 to Wednesday, May 15, 2013 at 7:00 p.m. The motion received a second from Commissioner Graubart and all voted in favor.
- L. 50,000 Guests at the Community Center – Tim Milian, Parks and Recreation Director**
Parks and Recreation Director presented the item and stated that on March 23, 2013, the attendance reached 50,000 and was marked by the Zaniniri family.
- *M. FY 11/12 Comprehensive Annual Financial Report (CAFR) Acceptance – Finance Director Donald Nelson (*SET FOR TIME CERTAIN 7:45 PM*)**
Town Manager Roger M. Carlton introduced the item to the Town Commission.
Auditor Michael Futterman with Marcum, LLP spoke on the audit and provided the Town Commission with an overview of the report.
Vice Mayor Karukin made a motion to approve the CAFR Report. The motion received a second from Commissioner Olchyk and all voted in favor.
- *N. Traffic Study (Please bring the Traffic Study book provided in December 2012) – Roger M. Carlton, Town Manager (*SET FOR TIME CERTAIN 8:30 PM*)**
Town Manager Roger M. Carlton presented the item.
Jeff Maxwell, Associate Director of Traffic Engineering with CGA presented the study with a power point presentation.
Commissioner Graubart proposed to closed 90th and 92nd Street at Harding Avenue to provide a safer environment for Surfside residents.
Peter Filiberto spoke in favor of the item.

Ken Arnold spoke in favor of the item.

Commissioner Kligman posed questions about the traffic calming devices.

Vice Mayor Karukin asked questions about the study and the actions if the report is accepted.

Town Manager Roger M. Carlton explained that starting the process and accepting the report is not committing them to anything. Accepting the report will only direct staff to work with Miami-Dade County to get the traffic signal timing on 96th Street at Harding and Collins adjusted to improve the traffic flow and start the citizens' involvement process with neighborhood meetings and the Town Commission will receive reports on what the citizens want.

Commissioner Kligman asked that during the citizens' involvement process they take into consideration the two closures that Commissioner Graubart suggested and also a partial closure on Byron Avenue at 88th Street.

Mayor Dietch asked that part of the acceptance could be for staff to come back with a framework on what public engagement would entail and when and where the meetings will take place.

Mayor Dietch would like to include four items on the motion, the closure at Byron Avenue and 88th Street, installing a pedestrian crossing at Byron and 96th street, increasing the distance of the striping on Byron Avenue and 96th Street because one of the issues is that cars park on the east side of Byron Avenue and cars are unable to turn right on 96th street and the last one is the striping and stop signs that were removed from 90th Street.

Commissioner Kligman made a motion to accept the study, authorize the timing on 96th street at Harding and Collins adjusted to improve the traffic flow, authorize the public involvement process and add the various items requested by the members of the Town Commission. The motion received a second from Commissioner Olchyk and all voted in favor.

***O. Parking Structure Feasibility Study –Roger M. Carlton, Town Manager (*SET FOR TIME CERTAIN 9:00 PM*)**

Item was linked to item 9H

Town Manager Roger M. Carlton presented the item to the Town Commission.

Eddie Lamas from C3TS presented a Power Point presentation to the Town Commission.

Mr. Shuster was called to speak but was no longer in the chambers.

Peter Filiberto spoke on the item.

Vice Mayor Karukin would like to get copies of the options slide, project cost summary slide and economic analysis summary slide from the power point presentation. He stated that he is not completely in agreement with all of the conclusions and analysis but the parking count studies have all found the same thing that there is a deficit of somewhere between 200 and 300 spaces depending on when and how you do the study. He stated that on the options slides he didn't see anything that may be feasible for the short term.

Chief of Police David Allen spoke about the commercial vehicles parking in the parking lots and the parking issues this is creating for the Police Department.

Commissioner Graubart stated that this was discussed a few years ago and that one of the alternatives was building a Municipal Parking Garage at Town Hall. He stated that

he could not vote in favor of accepting the report unless there was an amendment that they would put this to referendum and let the residents decide. Town Manager Roger M. Carlton stated that a referendum question was limited to 75 words that to be very specific and clear. Therefore the Town Commission should decide what it wanted to put before the attorneys citizens before a referendum was scheduled.

Commissioner Olchyk stated that they should not go to a referendum without deciding the different options available to the residents and that the only thing they are doing is accepting the report in front of them.

Commissioner Olchyk requested to add the parking lot issue next to Town Hall to the Points of Light.

Commissioner Kligman stated that for her it was not only about a parking structure, it was also about a parking structure that will also create a space that will connect people to their community. She stated that this should probably go to a referendum at some point but in her opinion they should know what kind of partnership they are getting into and all the information possible before they put it out to a vote.

Commissioner Olchyk made a motion to accept the report, for staff to put together a framework for how this will be decided and to authorize public involvement. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Graubart voting in opposition.

P. Commercial Vehicles Parking – Roger M. Carlton, Town Manager

Item was discussed during the Parking Study Item 90.


10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:21 a.m.

Accepted this 15th day of May, 2013



Daniel Dietch, Mayor

Attest:


Sandra Novoa, CMC
Town Clerk