



**Town of Surfside
Town Commission Meeting
MINUTES
November 8, 2011
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 7:05 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Olchyk commented about the newspaper articles and letters circulating and expressed that it was not good for the Community and the Town's morale.

Mayor Dietch spoke about the positive changes happening in the Town. He welcomed the new Town Clerk and the new Code Compliance Director who recently joined the administration. Mayor Dietch touched on the emails that have been circulating and stated that there is no need to be anonymous. He encouraged persons with issues to them forth.

Commissioner Kopelman spoke about the article that appeared in the Miami Herald Neighbors by Vice Mayor Graubart and made a motion to censor him. There being no second, the motion failed.

Vice Mayor Graubart spoke about Commissioner Kopelman's much earlier newspaper article. Vice Mayor Graubart indicated that Commissioner Kopelman is entitled to his opinion. Commissioner Kopelman responded that the article was written during the last Commission term.

Commissioner Karukin disagreed with the content of the Vice Mayor's neighbors article because he thinks it was a distortion of the facts.

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

Town Attorney Lynn Dannheisser announced an Attorney/Client Session on the litigation entitled Young Israel Bal Harbor Inc. vs. Town of Surfside, Case # 24392 in the United States District Court. The Town Attorney is seeking advice concerning litigation strategies and the meeting will be confined to this discussion. The meeting is called for 6:30 pm on Tuesday, November 29, 2011 in the Manny Crawford Conference Room.

Commissioner Karukin pulled the Budget to Actual Summary as of August 31, 2011, pg. 24 and Point of Light item 3C, #10, pg. 27.

Commissioner Olchyk asked to pulled Points of Light item 3C, # 5, pg 26; # 6, pg. 26; # 7, pg. 27; # 15, pg. 29; #23, pg. 31; #39, pg. 34; # 4, pg. 34; item 3D, Police Department, pg.40 and item 3D, Subrogation Right, pg. 42.

Vice Mayor Graubart pulled Point of Light 3C, #1, pg. 25; # 2, pg. 25; # 40, pg.34; #13, pg. 35; Calvin, Giordano & Associates, Inc Progress Report 3E, # 3, pg. 45; #4, pg. 46.

Town Manager, Roger M. Carlton asked to defer item 3C2 from the Points of Light and item 9G.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced that the next bike ride with the Chief of Police will be on December 6, 2011 at 6:00 pm, starting in front of Town Hall. A Holiday Toy giveaway will take place on December 21, 2011 between 3:00 pm. – 5:00 pm. in the Commission Chambers. The first national test of the Alert System will be on November 9, 2011 at 2:00 pm. The Surfside Urban Gardeners will meet on Wednesday November 16, 2011 from 7-9 pm in the Manny Crawford Conference Room, 2nd floor Town Hall. The Grand Opening of the Garden is tentatively scheduled for the first weekend in December. The Mayor also announced that the Winter Camp registration is now open and the camp will run from December 19 – December 30, 2011. There will be a senior trip to the Hard Rock Casino on Thursday, December 15, 2011.

Commissioner Kopelman announced the Veteran's Day celebration on Friday, November 11, 2011 at 10:00 am at the Veteran's Park.

Vice Mayor Graubart announced the return of the popular Surfside Third Thursday Music Event Series from November to April every third Thursday of the month from 7-10 pm on Harding Avenue.

G. Introduction of new Town Clerk, Sandra Novoa – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton spoke about the hiring process for the Town Clerk's position.

Town Clerk Sandra Novoa, thanked the Manager, the Mayor and the Commissioners for the opportunity to serve as the new Clerk of the Town of Surfside.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Kopelman made a motion to approve the consent agenda less the items that were pulled. The motion received a second from Commissioner Karukin and all voted in favor.

A. Minutes - September 13, 2011 Commission Meeting

B. Budget to Actual Summary as of August 31, 2011- Martin Sherwood, Finance

Director

Pg. 24 – Town Manager, Roger M. Carlton answered a question asked by Commissioner Karukin regarding the Water and Sewer fund.

Pg. 24 – Town Manager, Roger M. Carlton answered a question asked by Commissioner Olchyk regarding the Municipal Parking fund expenditures and revenues.

The Town Manger asked for a motion to authorize the acquisition of another multi-space meter to be placed at the new property for the public to use on holidays and weekends.

Commissioner Kopelman made a motion to approve the acquisition of a multi-space meter. The motion received a second from Commissioner Karukin and all voted in favor.

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

Item 1, pg. 25 – Vice Mayor Graubart's question regarding the parking counts on the Downtown vision project will be answered at a later date and a copy of the study will be sent to the Mayor and all the Commissioners.

Item 5, pg. 26 – Commissioner Olchyk had a question on the donation of a police car to the Friends of Surfside Cats. Town Manager, Roger M. Carlton explain that the Town was not going to receive more than \$500.00 for that police vehicle and he made the decision to donate to these volunteers.

Item 6, pg. 26 – Town Manager, Roger M. Carlton answered questions as to the Tourism/Resort Tax Auditor program and Ms. Julia Magnani who was retained on a part time hourly basis without any benefits.

Item 7, pg. 27 – Commissioner Olchyk requested to receive a quarterly report as to how many documents have been scanned.

Item 10, pg. 27 – Mr. Bill Evans, Director of Public Works answered questions posted by Commissioner Olchyk.

Item 15, pg. 29 – Commissioner Olchyk requested specifications as to how much the Town is spending on beach cleanup. Town Manager, Roger M. Carlton explained that a variety of beach maintenance activities cost \$37,000.00 yearly. He indicated that to employ someone to clean the beach full time will cost approximately \$33,000.00 additionally yearly. He also explained that to have the beach look like Bal Harbor's beach we will have to submit a design to the State and DEP and spend the money for the design without any guarantees of approval. Tim Milian, Parks and Recreations Director, explained the duties of his Maintenance and Custodian employees as relates to the beach. Bill Evans, Public Works Director, spoke about the duties of his Maintenance person assigned to the beach once a week and

supplements the Maintenance person from Parks and Recreations Department. Commissioner Olchyk made a motion to hire an employee not to exceed \$20,000.00 a year to maintain the beach and include the purchase of a new ATV. The motion received a second from Vice Mayor Graubart. The motion failed 2-3 with Commissioner Kopelman, Commissioner Karukin and Mayor Dietch voting in opposition.

Item 23, pg. 31 – Joe Damian, Director of Code Enforcement answered questions asked by the Commission regarding the Carlisle Condominium and the short Term Rentals.

Item 39, pg. 34 – Manager Roger M. Carlton explained that the Micro-Finance Employee Benefit Program would benefit employees with financial hardship.

Item 40, pg. 34 – Vice Mayor Graubart suggested providing free parking during the holiday season. The Manager explained that if you provide free parking, those spaces will be used with employees and that an alternate idea was to provide forbearance of a parking ticket for one hour. Commissioner Olchyk made a motion to approve this item. The motion received a second from Commissioner Kopelman and all voted in favor.

Item 4, pg. 34 – Manager Roger M. Carlton announced that the linkage with Sunny Isles Beach route will begin on November 15th, 2011 to allow residents' transportation to other destinations not currently available to them. The Manager explained that the City of Miami Beach is asking the Town to extend our route to 69th Street to pick up the closed Publix customers. He also explained that the program would not start until the cost was funded either by Miami Beach or Publix. Commissioner Kopelman made a motion to revisit after three months from its initiation. The motion received a second from Mayor Dietch and all voted in favor.

Item 13, pg. 35 Vice Mayor Graubart asked Commissioner Kopelman about the status of this item. Commissioner Kopelman explained that we are getting close to the holidays but even when he is no longer in office, he is willing to work with the Town Manager to build a relationship between Condo Residents and Single Family Homes residents.

***D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney**
1. Scheduling of Elections Seminar by Joe Centorino, Executive Director Miami-Dade County Commission on Ethics and Public Trust - Lynn M. Dannheisser, Town Attorney

Item Police Department, pg. 40 - Commissioner Olchyk asked how many delinquent accounts for off duty details is the report referring to. Chief of Police David Allen explained that there were about three or four companies that owed money and that he requested the Town Attorney to prepared delinquent letters to send out.

Item Subrogation Rights, pg. 42 – Commissioner Olchyk asked for an explanation on this item. Town Attorney, Lynn Dannheisser, explained that she will be happy to explain off the Dais.

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

Item 3, pg. 45 – Vice Mayor Graubart asked if the Town will be reimbursed or get some sort of credit from Dell Computers. Town Manager, Roger M. Carlton stated

that the Town received much upgraded computers at a discounted price and they are all working properly.

Item 4, pg.46 – Vice Mayor Graubart wanted to make sure that the Town’s water/sewer/storm drainage project is brought up occasionally and he wanted to know if the project is moving along and on schedule. The Town Manager indicated that a full report will be provided to the Commission in December.

***F. Purchase of New Parks & Recreation Truck – Tim Milian, Parks and Recreation Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE PURCHASE OF A FULL SIZE MAINTENANCE TRUCK FORD F-150 PIGGYBACKING OFF THE STATE FAC CONTRACT UP TO \$17,500 BUDGETED UNDER PARKS AND RECREATION ACCOUNT #001-6000-572-64-10 FOR FY 2011/2012; PROVIDING FOR AN EFFECTIVE DATE. Approved on consent

***G. Federal Grant Program – John Di Censo, Assistant Police Chief**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A RECORDS IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE. Approved on consent

Commissioner Karokin made a motion to approve the consent agenda with all items discussed and pulled. The motion received a second from Vice Mayor Graubart 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)

None

B. First Readings Ordinances

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

None

5. Resolutions and Proclamations

(Set for approximately 8:00 p.m.) (Note: Depends upon length of Good and Welfare)

*** A. Garbage and Recycling Bills Appearing on TRIM Notice and Annual Ad Valorem Tax Bills - Martin Sherwood, Finance Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE TOWN FOR THE COST OF PROVIDING RECYCLING SERVICES AND SOLID WASTE SERVICES; STATING A NEED FOR SUCH A LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION TO REQUIRED OFFICERS AND DEPARTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Roger M. Carlton gave a brief description of the item.

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

B. Deco Bike, LLC (Bicycle Rental) Concession Agreement- Duncan Tavares, Tourism, Economic Development and Community Services Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN CONCESSION AGREEMENT WITH DECO BIKE, LLC; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Roger M. Carlton spoke about the item.

Vice Mayor Graubart made a motion to adopt the resolution. The motion received a second from Commissioner Kopelman.

A representative of Deco Bikes, LLC spoke in favor of the item and responded to questions posted by the Commission.

Mr. Louis Cohen spoke in favor of the item.

Commissioner Karukin made a friendly amendment to change the termination clause of the agreement to include a convenience termination within 60 days notice. Vice Mayor Graubart made an amendment to only approve 2 stations. The motion passed 5-0.

***C. Expanded Crime Prevention Initiative-** David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2011/2012 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF TWELVE THOUSAND DOLLARS (\$12,000.00); AND PROVIDING FOR AN EFFECTIVE DATE. Item deferred

D. 9501 Collins Temporary Construction Fence- Sarah Sinatra, Town Planner

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A WAIVER OF THE REQUIREMENTS FOR A SIX FOOT SETBACK AND ACCOMPANYING LANDSCAPING FOR A TEMPORARY CONSTRUCTION FENCE ALONG COLLINS AVENUE AND PERMITTING A GRAPHIC DEPICTING THE PROPOSED DEVELOPMENT ON THE TEMPORARY CONSTRUCTION FENCE FOR THE PROPERTY OWNER OF 9501 COLLINS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Roger M. Carlton gave the Commission a brief description of the item.

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

6. Good and Welfare

Anamarie Kelly Stoppa spoke about the Documents of Incorporations of Carlisle Condominium and what pertains to short term rentals. She also spoke about work being completed without building permits. She took a minute to commend Chief of Police, David Allen and the Metro Dade Fire Department for their prompt response to the call in her building.

Sasha Plutno spoke about the order denying a motion to dismiss on the litigation of Young Israel vs. The Town of Surfside and the fact that the document has not been posted on the Town's website. He spoke about an accident that occurred over two months ago and there is still broken glass on the street causing him and his neighbor to get flat tires. He expressed opposition to the Town Manager's bonus proposal.

Barbara McLaughlin informed the Commission about people who are parking in the Abbot Lot and from the time that they go to obtain the ticket to when they get back to their cars, they have gotten a ticket. Town Manager, Roger M. Carlton explained that if that occurs, a quick review of the ticket can be completed and the situation remedied.

Vice Mayor Graubart indicated for the record that he is in complete disagreement with Commissioner Kopelman about the FEMA issue and how we got there.

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

A. Compensation Adjustment for Town Manager- Mayor Daniel Dietch / Commissioner Marta Olchyk (alternative) [Deferred from September 13, 2011 Commission Meeting at the request of the Town Manager]

Commissioner Olchyk made a motion to approve a one time bonus of 6% for the Town Manager in appreciation of his excellent work for the Town of Surfside. The motion received a second from Mayor Dietch and all voted in favor.

9. Mayor, Commission and Staff Communications

***A. Children’s Movement of Florida- David Lawrence Jr. – [at the request of Vice Mayor Joe Graubart] (SET FOR TIME CERTAIN AT 8:15 PM)**

Vice Mayor presented Mr. Lawrence from The Children’s Movement of Florida. Mr. Lawrence spoke about the education in the United States and asked for the Commission’s support. Mr. Lawrence requested all of the Commissioner’s email addresses to keep them up to date with The Children’s Movement of Florida’s news. Vice Mayor Graubart asked the Town Manager to bring back a resolution in December to make a \$500.00 contribution to the Children’s movement.

***B. Severance and Employment Salary Policy Restrictions- Commissioner Marta Olchyk Item withdraw by Commissioner Olchyk.**

C. Employee Appreciation Day- Vice Mayor Joe Graubart

Vice Mayor Graubart made a motion to approve \$5,600.00 for an Annual Employee Appreciation Event and for the Town Manager to try to get sponsors to pay for some of the cost. The motion received a second by Commissioner Kopelman with a friendly amendment to spend no more than \$5,000.00. The amendment was accepted by Vice Mayor Graubart and all voted in favor.

D. “Shovel Ready Projects”- Vice Mayor Joe Graubart

Town Manager, Roger M. Carlton spoke about the shovel ready projects and asked the Mayor and Commissioners to join the Directors on December 1, 2011 for the five year financial and operations plan retreat.

Vice Mayor Graubart asked to have some of the “shovel ready” projects ready in case the Town receives any stimulus packages and to also consider the Community Center’s second floor, Town Hall elevator projects as priorities.

E. Water Based Cooling Towers – Roger M. Carlton, Town Manager

Town Manager, Roger M. Carlton explained that this item was an experiment in the Azure Condominium having to do with measuring the amount of water that was used by the cooling tower for the air conditioning system. The theory is that the water in part evaporates into the atmosphere and doesn’t go into the sewer system so the building wouldn’t have to pay the surcharge for sewer. The experiment was conducted and the consultant working with Azure has asked the Town to make this a permanent situation. The Town Manager explained that there are major issues that involve DERM expecting that the excess water goes into the sewer; also the financial impact system wide to the Town will require a rate increase imposed on all customers. The Town’s recommendation is not to proceed any further.

Mr. Michael Lefkowitz spoke on the item and provided the Commission with a report.

Commissioner Karukin made a motion to approve the item as recommended by the Manager. The motion received a second by Commissioner Olchyk. The Town Manager offered a friendly amendment to refund the cost of the separate meter to Azure Condominium Association. Commissioner Karukin accepted the amendment and all voted in favor.

Commissioner Kopelman made a motion to extend the meeting 15 minutes past 11:00PM. The motion received a second from Commissioner Karukin and all voted in favor.

F. Community Center Project Closeout –Roger M. Carlton, Town Manager; Paul Gioia, Building Official; Bill Evans, Public Works Director; Tim Milian, Parks and Recreation Director

Town Manager gave a report on the Closeout of the Community Center Project, including settlement of all claims from AECOM, CGA and West Construction.

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

G. Interlocal Agreement with Florida International University Metropolitan Center to Implement a Residential Satisfaction Survey (RSS) and a Citizen’s Academy-

Roger M. Carlton, Town Manager (October 11, 2011 Town Commission Meeting, Item 9 C) “ **Reconsideration**” at Request of Commissioner Kopelman

Item was deferred.

10. Adjournment

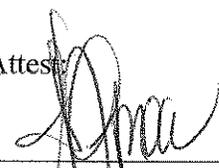
There being no further business to come before the Commission, the meeting adjourned at 11:09 p.m.

Accepted this 15th day of Dec, 2011



Daniel Dietch, Mayor

Attest



Sandra Novoa, CMC
Town Clerk