



**Town of Surfside
Town Commission Meeting
MINUTES
February 12, 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 7:00 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 and Commissioner Graubart. Commissioner Kligman joined the meeting at 7:09 P.M.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart thanked the residents, the Tourist Board and the Commission for taking action regarding the turtle donation to Newtown, CT and Sandy Hook Elementary School. He also spoke about the Round Table meeting that took place at an earlier date.

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

Commissioner Olchyk asked to add an item to the agenda regarding scholarships. She stated that Surfside has only \$1,500 for scholarships and she would like to request that the Town gives two (2) \$1,000 scholarships. She offered a motion to this effect and Commissioner Graubart seconded the motion to add the item to the agenda and all voted in favor. Commissioner Graubart made a motion to approve Commissioner Olchyk's request to have two (2) \$1,000 scholarships. The motion received a second from Vice Mayor Karukin. The motion passed 4-0 with Commissioner Kligman absent.

Commissioner Graubart linked item 9F to Points of Light 41. He also pulled item 3, page 33; item 1, page 33; item 7, page 35; item 38, page 17 and item 45, page 18. Mayor Dietch added item 9I as a 9:30 p.m. time certain and item 5B as a 9:00 p.m. time certain.

Vice Mayor Karukin requested to add online bill pay, Parking Capital Improvement Plan and the Mitigation of Large Structures to the Points of Light and pulled item 38, page 17 and item 45, page 18.

Commissioner Olchyk pulled item 1, page 4; item 40, page 17; and item 43, page 18.

Commissioner Kligman made a motion to approve the agenda and order of business. The motion received a second from Commissioner Graubart and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Commissioner Graubart announced various Community meetings and events. He also spoke about the event that will be taking place February 14, 2013 in Newtown, CT when the Town and Ruth K. Broad K-8 School will be donating a Turtle.

Vice Mayor Karukin spoke about his visit to Newtown and how moved he was to see all of the posters, pictures and cards that were there. He also spoke about how excited they were about receiving the donated turtle from the Town and the Ruth K. Broad students.

Commissioner Olchyk stated that she had a problem with who decided how much money the Town was going to spend on this because the total was \$4,169. She understood that the Tourist Board contributed \$1,806, this making a total of \$2,363 coming out of the Town's budget. She stated that if it was her decision the Town would have only spent the \$950 to ship the Turtle and nothing else. She would like to know if the Town Manager could spend that kind of money without the Town Commission authorizing it and she wants to make sure this does not happen again in the future.

Town Manager Roger M. Carlton explained the process and how everything happened. He stated that the Commission decided to do two (2) things; the first one was to adopt a resolution that supports a program that now is supported by 500 or more Mayors nationwide regarding automatic weapon control. The second thing was that the Town Commission directed him to come up with some appropriate gesture to express our great sympathy for the tragedy and its victims. The gesture was suggested by Barbara Cohen and she in her research found out that the pet of the Sandy Hook Elementary School is a turtle and one of the turtles was painted by the Ruth K. Broad K-8 School art class and they donated their turtle to Sandy Hook School. He stated that he will take all responsibilities for the expenses and the Town Charter stated that his expense authority is \$8,500 and this was only half of that. He spoke about the Ruth K. Broad event that Commissioner Graubart and Commissioner Kligman attended and asked Commissioner Kligman to speak about that event.

Commissioner Kligman stated that it was an event attended by the art students that participated in the turtle, the Superintendent was in attendance, Julia Magnani as the PTA President was also there together with other members and Dr. Rodriguez as well. She stated that the feeling that we were able to provide this turtle that all of the students participated in brings hope, love and inspiration through this art work. Commissioner Olchyk stated that she had no problem with the turtle; she had a problem with the \$4,169 that the trip would cost. If the turtle had been just shipped she would be fine with everything.

Commissioner Kligman asked the Manager to speak a little bit more about the ceremony that will take place and the reason that there had to be some representation from our Town.

Vice Mayor Karukin stated that the same question was asked when he visited and the expectation was that the Town was going to have representation there.

Duncan Tavares, TEDACS Director, explained the process and how overwhelming the response from Newtown was regarding the donation of the turtle. He explained that it is not only the turtle but also the outreach from one community to the other and the understanding was that representatives from the Town and the school will be part of the ceremony on February 14, 2013 to have a sense of community, unity and

moving forward after this tragedy and as a representation of our community to their community.

Commissioner Olchyk would like to see if in the future, Commissioners are asked to approve a certain amount when they decide to have a “gesture” that cost \$4,169.

Mayor Dietch announced some community events, committee meetings and stated that these events and meetings are available on the website as well.

G. Employee of the Quarter – Dina Goldstein and Alfred Cooper – Roger M.

Carlton, Town Manager

Chief David Allen presented Dina Goldstein with the Employee of the Quarter award. Interim Public Works Director John Di Censo presented Alfred Cooper with the Employee of the Quarter award. Former Public Works Director Bill Evans also spoke about Alfred Cooper.

H. Officer of the Month of October 2012 – Sgt. Jose Pacheco and Officer Lesmes Ruiz Chief of Police David Allen

Chief David Allen presented Sgt. Jose Pacheco and Officer Lesmes Ruiz with the Officer of the Month of October 2012.

I. Officer of the Month of November 2012 - Officer Craig Lovellette – Chief of Police David Allen

Chief David Allen presented the Employee of the month of November 2012.

Unfortunately Officer Lovellette was unable to attend the Commission meeting.

J. Civilian of the Month of December 2012 – Executive Assistant Dina Goldstein – Chief of Police David Allen

Chief David Allen presented Dina Goldstein with the Civilian of the Month of December 2012.

K. Officer of the Year – Officer John Gentile – Chief of Police David Allen

Chief David Allen presented John Gentile with the Officer of the Year Award.

L. Civilian of the Year – Elinor Joseph – Chief of Police David Allen

Chief David Allen presented Elinor Joseph with the Civilian of the Year Award.

M. Recognition of Feral Cat Program Volunteers – Executive Assistant Dina Goldstein

Dina Goldstein presented a plaque in appreciation to Mary Thingelstad and Suely Caramelo and thanked them for everything they do for the Town.

N. Rescue Board Presentation designed by Mr. Guy Esten and donated by the Filiberto Family – Mayor Daniel Dietch

Parks and Recreations Department Director presented the Filiberto family to the Town Commission and Mr. Guy Esten, Rescue Board Designer.

Mr. Filiberto, a fifty one year resident of Surfside presented the Town Commission with a Rescue Board.

O. Recognition to Bay Harbor Elementary Students Cameron Behar and Kailani Barreras – Commissioner Michelle Kligman

Commissioner Kligman presented the Exemplary Student award for Academic Excellence and Citizenship to Cameron Behar and Kailani Barreras.

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 minus the pulled items. The motion received a second from Commissioner Graubart. The motion carried 4-0 with Commissioner Kligman absent from the dais.

A. Minutes – (None)

B. Budget to Actual Summary as of November 30, 2012 – Donald Nelson, Finance Director

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

Item 1, Page 4 – Commissioner Olchyk asked if the proffers from the Surf Club and the Chateau project are going to be used for the second floor in the Community Center or for the streetscape as it states on the Points of Light. Town Manager Roger M. Carlton explained that they were two different things and that there was a separate proffer for Downtown.

Item 31, Page 15 – Commissioner Olchyk pulled item by mistake.

Item 38, Page 17 – Vice Mayor Karukin asked for this item to be discussed during the month of August, 2013. All agreed.

Item 40, Page 17 - Commissioner Olchyk stated that she has received a few calls regarding the stain of the sidewalks. She also mentioned an AT&T box that looks like a trip hazard. John Di Censo explained that the box belongs to AT&T not the Town and the Town has contacted AT&T to repair it.

Town Manager Roger M. Carlton will have staff review all the sidewalks on Collins Avenue within the next two weeks.

Item 43, Page 18 – Commissioner Olchyk expressed that in her opinion the price of the outdoor fitness equipment is very expensive. Mayor Dietch explained that the item does not need to be approved and that it is only for discussion purposes for the next budget cycle.

Item 45, Page 18 – Vice Mayor Karukin stated that his name is next to it but that he had no idea what the item was about. Commissioner Graubart stated that it was his item. Town Manager Roger M. Carlton will correct the name.

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

Item 3, Page 31 – Commissioner Olchyk asked a question about the Peter Bakker case. Interim Town Attorney Linda Miller explained the process and the status of the case.

Commissioner Kligman made a motion to extend the meeting fifteen minutes. The motion received a second from Vice Mayor Karukin and all voted in favor.

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

Item 1, Page 33 – Commissioner Graubart asked if the amount budgeted for curbing has gone above budget. Chris Giordano spoke on the item and responded that the amount of linear feet of curving did go over budget.

Item 3, Page 33 – Commissioner Graubart asked the Town Manager about some scheduled meetings. Town Manager Roger M. Carlton explained the process for the Shul project and the meetings that will take place moving forward. Interim Town

Attorney Linda Miller stated that in her opinion there is no legal basis to stop the process.

Item 7, Page 35 – Commissioner Graubart asked for an update. Chris Giordano provided the Town Commission with an update regarding the seawalls.

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*)

- **November 28, 2012 Downtown Advisory Committee Minutes**

- **December 3, 2012 Tourist Board Minutes**

Item 9, page 39 – Commissioner Olchyk asked about the cost of the Turtles. Town Manager Roger M. Carlton explained that there is the option to sponsor and the option to purchase the turtle.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

***1. Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References – Linda Miller, Interim 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.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Kligman.

Mayor Dietch opened the public hearing. No one wished to speak on the item. Mayor Dietch closed the public hearing.

The motion carried 5-0.

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

B. First Reading Ordinances

5. Resolutions and Proclamations

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

***A. Red Light Camera Legislative Urging – Mayor Daniel Dietch**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO REQUIRE PEDESTRIAN SIGNAL LIGHTS WITH A NUMERIC COUNTDOWN FEATURE AT ANY INTERSECTION WHERE A RED LIGHT CAMERA IS INSTALLED; PROVIDING FOR DIRECTION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch introduced the item.

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

***B. Employment Offer Letter – Commissioner Michelle Kligman**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE EMPLOYMENT OF LINDA MILLER AS INTERIM TOWN ATTORNEY PURSUANT TO THE FEBRUARY __ EMPLOYMENT OFFER LETTER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Kligman presented the item.

Mayor Dietch suggested conducting a performance evaluation starting in June and finalizing it by July 2013.

Commissioner Olchyk made a motion to approve with Mayor Dietch's suggestion. The motion received a second from Commissioner Graubart and all voted in favor.

***C. Bullying – Commissioner Michelle Kligman**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ("TOWN"), ADOPTING AN ANTI-BULLYING POLICY THAT ESTABLISHES AN AWARENESS CAMPAIGN AND REPORTING SYSTEM FOR BULLYING, HARASSMENT, AND INTIMIDATION OF CHILDREN IN COMMUNITY FACILITIES; REQUIRING THE TOWN PARKS AND RECREATION DEPARTMENT IN COLLABORATION WITH THE TOWN PARKS AND RECREATION COMMITTEE TO CREATE A PROGRAM OF EDUCATION AND

REPORTING, TO PREVENT BULLYING IN THE TOWN'S COMMUNITY FACILITIES; AND REQUESTING SURROUNDING COMMUNITIES JOIN IN SUCH EFFORTS AND TO ESTABLISH A COLLABORATIVE INITIATIVE THROUGH AN INTERLOCAL BOARD TO DEVELOP AND IMPLEMENT AN AWARENESS CAMPAIGN AND ANTI-BULLYING POLICY; PROVIDING FOR AUTHORIZATION; PROVIDING AN FOR EFFECTIVE DATE.

Commissioner Kligman presented the item.

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

***D. Work Order Awards to C3TS/Stantec for Design of Harding Avenue Improvements – Roger M. Carlton, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING EXPENDITURE NOT TO EXCEED \$57,500. TO STANTEC ARCHITECTURE INC., (FORMERLY C3TS) FOR A WORK ORDER ON THE STREETSCAPES IMPROVEMENTS PROJECT RENOVATING HARDING AVENUE FROM 96TH STREET TO 94TH STREET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item.

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

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

Terry Cohen spoke regarding the ongoing issues with her neighbors. Commissioner Kligman asked if the Legal Department could look at the issue and see if maybe the Town could do something about it. Interim Town Attorney Linda Miller stated that she met with Ms. Cohen and the Town Manager to discuss the issues being raised and subsequent to that her office met with Code Compliance Director Joe Damian to discuss how they can address the code violations.

Carlos Aparicios spoke about his concerns on how some houses are kept up in the Town. Town Manager Roger M. Carlton suggested a meeting with Mr. Aparicios, Joe Damian and himself to explain the Code Enforcement program. Commissioner Kligman asked the Town Manager to be included in this meeting. The Town Manager agreed and stated that he will report back during the next Commission meeting.

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. Request for Funding Assistance for Ruth K. Broad K-8 Center: Recreational Facilities – Roger M. Carlton, Town Manager (TIME CERTAIN AT 7:45 PM)

Julia Magnani presented the Town Commission with a PowerPoint Presentation showing the current conditions of the school recreational facility.

Town Manager Roger M. Carlton recommended referring the request to the Parks and Recreation Committee for possible inclusion in the Town's FY 13/14 budget.

Commissioner Graubart will contribute \$1,000 to the Ruth K. Broad K-8 Center PTA. Dr. Rodriguez spoke about the need for a full time nurse at the school and asked for financial assistance. The item will be researched and appear on the March 12, 2013 Town Commission agenda.

B. Traffic Study (Please bring the Traffic Study book provided in December 2012) –

Roger M. Carlton, Town Manager (*Deferred by Town Manager to the March 12, 2013 Town Commission Meeting*)

***C. Utility Undergrounding- Recommendation for Discussion and Direction - Roger M. Carlton, Town Manager (TIME CERTAIN AT 8:00 PM)**

Town Manager Roger M. Carlton presented the item and showed a Power Point presentation on how the undergrounding project currently looks in Golden Beach, including pictures of the FPL transformer boxes and the switching gear.

He introduced the Town's Financial Advisor and Bond Counsel and the FPL representatives.

Vice Mayor Karukin thanked the staff and the consultants that have put in so much time preparing and getting the Town to this point. He also thanked the residents that attended the five public education sessions, especially Ken Arnold for attending all of them. He thanked Sandra Argow for taking the time and taking some pictures so that they can get a better feel of the project and all of the respondents who participated in his survey which reflected support for the project. He also stated that he invited a guest, Mr. Andrew Marshall, who looked at the documents for him and he may call on him to help explain the issues that may come up during the discussion.

Julia Magnani spoke in favor of the utility undergrounding and asked the Town Commission to support the item.

Mark Blumstein spoke in favor of the item.

Jorge Serbov stated that they own a few properties in Town and he wanted to know what if a house does not want electricity because it is self-sustaining. He also stated that the Town is almost below sea level and he thinks the FPL switches could be dangerous in case of a flood.

Sandra Argow expressed her concerns about the boxes that will be placed on some properties.

Sue Gladstone expressed her concerns about the project in case of hurricane and flooding. She asked if the Town was going after aesthetics or practicality. She also asked what are the noise implications of this project and where the switch boxes would be located.

Louis Cohen spoke in favor of the item.

Mr. Behar spoke in favor of the item. He stated that this is a defining item for the Town of Surfside.

Vladimir Pave asked who will own the switches and the lines, FPL or the Town.

Jason Nevader spoke in favor of the item.

Lindsay Lecour spoke in favor of the item.

Saul and Adriana Rosen spoke in favor of the item.

Peter Neville spoke about his concerns with this project and flooding issues and the possibility of someone getting electrocuted.

Jennifer Dray spoke in favor of the item.

Peter Zuckerman spoke in favor of the item.

DJ Canavas spoke in favor of the item.

Ken Arnold spoke in favor of the item.

There were questions posed by the Town Commission to the FPL representatives regarding safety, maintenance, recovery time in case of storms and/or power outages and many other concerns.

Commissioner Kligman requested that there be more public information. Advertise two more meetings in the Gazette and provide opportunities to meet with the condos. Commissioner Kligman would like to explore an alternative for senior citizens that live on fixed incomes not to put a lien on their properties as a way to finance any code required upgrades within their homes. Town Manager Roger M. Carlton stated that he will make that a part of the next status report.

Commissioner Graubart asked questions regarding the cost to the residents. He asked if the amount that will be charged to the residents will be the same percentage rather than a fixed monthly amount regardless of the electric use. Florida Power and Light representative responded affirmatively and stated that the minimum amounts are set by the MGRUF tariff.

Commissioner Kligman made a motion to allow the process to continue with a clear understanding that this was not final approval. The motion received a second from Vice Mayor Karukin. The motion passed 4-1 with Commissioner Graubart voting in opposition.

***D. Additive Alternates to Utility Project – Decorative Street Signs–** John Di Censo, Interim Public Works Director

Item was deferred to the next Town Commission meeting.

E. Severance/Compensation – Commissioner Joe Graubart

Item was deferred to the next Town Commission meeting.

***F. Confirmation of Candidates Short List for Interviews-** Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton presented the item and asked the Town Commission for direction.

Commissioner Graubart expressed his feeling of being rushed through the process and explained the process that the City of Miami Beach has conducted.

Vice Mayor Karukin expressed that he would like to interview the finalist as planned.

Commissioner Olchyk made a motion to move forward with the process of interviewing the candidates that received 4 votes, 3 votes and 2 votes. The motion received a second from Vice Mayor Karukin. The motion carried 4-0 with Commissioner Graubart voting in opposition.

G. Town Calendar – Commissioner Joe Graubart

Item was deferred to the next Town Commission meeting.

H. Commission Directive: Town Manager Short Term Priorities – Commissioner Joe Graubart

Item was deferred to the next Town Commission meeting.

I. Required Clearance Clarification – Roger M, Carlton, Town Manager
Commissioner Graubart presented the item.

Town Planner Sarah Sinatra introduced the item to the Town Commission. She recommended that the Town strike out Code section 90-50 which says that the home owner will only be permitted to have 24 inches in height.

Code Compliance Director Joe Damian spoke on the item and stated that this clarification will not impact any residents that are under the Special Master Hearing process because he has been using the 30 inches in height provision.

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

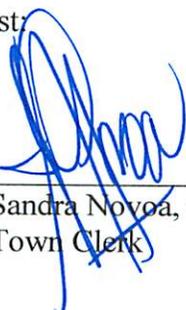
10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:20 am.

Accepted this 12th day of March, 2013



Daniel Dietch, Mayor

Attest:


Sandra Novoa, CMC
Town Clerk