



**Town of Surfside  
Town Commission Meeting  
January 12, 2010  
7 p.m.**

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

**MINUTES**

**1. Opening**

**A. Call to Order**

The meeting was called to order at 7: 07 p.m.

**B. Roll Call of Members**

Town Clerk, Debra Eastman called the roll and the following were present:  
Commissioner Elizabeth Calderon, Commissioner Steven Levine, Commissioner  
Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett.

**C. Pledge of Allegiance**

Chief of Police, David Allen led the Pledge of Allegiance.

**D. Agenda and Order of Business (Additions, Deletions)**

Mayor Charles Burkett added an item to the agenda under New Business entitled,  
Vacant Lot, Formerly Beach House on Collins Avenue

**E. Special Presentations**

**1. Officer of the Year – Chief David Allen**

Chief David Allen presented the Officer of the Year Award to Officer Jay  
Matellis.

**2. Civilian of the Year – Chief David Allen**

Chief David Allen presented the Civilian of the Year Award to Dina Goldstein,  
Criminal Investigations Unit Operations Assistant for Town of Surfside Police.

**3. Special Recognition – Julia Magnani, Surfside Civic Association,**

Vice Mayor Marc Imberman

Vice Mayor Marc Imberman on behalf of the Mayor and Town Commission  
recognized Julia Magnani and the Surfside Civic Association for continuing the  
tradition of collecting funds for distribution as a holiday bonus to the Town of  
Surfside employees.

**4. Community Center Update – CGA/AECOM**

Chris Giordano of Calvin, Giordano reported on the status of the permits for the  
Community Center, the groundbreaking to be held on January 26, 2010 and the  
projected completion date of the end of the year 2010 or beginning of 2011.

**2. Quasi-Judicial Hearings**

**3. Consent Agenda**

*All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.*

**Recommended Motion: To approve all consent agenda items as presented below.**

- A. Minutes – December 8, 2009 Town Commission Meeting  
December 15, 2009 Special Commission Meeting
- B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services  
Department Head
- C. Projects Progress Report – George Keller, Calvin, Giordano & Associates
- D. Resolution for Mutual Aid Agreement and Joint Declaration with Miami-Dade  
Police Department – Chief David Allen  
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF  
SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN  
MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID  
AGREEMENT FOR VOLUNTARY COOPERATION AND OPERATION  
ASSISTANCE WITH THE MIAMI-DADE POLICE DEPARTMENT. Adopted  
on consent.**
- E. Resolution for Mutual Aid Agreement with Miami Shores Village –  
Chief David Allen  
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF  
SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN  
MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID  
AGREEMENT WITH MIAMI SHORES VILLAGE AND THE TOWN OF  
SURFSIDE. Adopted on consent.**
- F. Resolution for Mutual Aid Agreement with Sunny Isles Beach –  
Chief David Allen  
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF  
SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN  
MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID  
AGREEMENT WITH SUNNY ISLES BEACH AND THE TOWN OF  
SURFSIDE. Adopted on consent.**
- G. Adopting the Emergency Operations Plan – Assistant Chief John DiCenso  
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA, ADOPTING THE EMERGENCY OPERATIONS  
PLAN DATED NOVEMBER, 2009 APPROVED BY MIAMI-DADE  
COUNTY; PROVIDING FOR AN EFFECTIVE DATE. Adopted on consent.**

- H. Appointing Special Masters – Lynn Dannheisser, Town Attorney  
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING NEWLY APPOINTED SPECIAL MASTERS; PROVIDING FOR AN EFFECTIVE DATE.** Adopted on consent.

- I. Reappropriation of Fund Balance for Life Guard Stand – Tim Milian, Director of Parks and Recreation  
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF FUND BALANCE (RESERVES) TO THE IMPROVEMENTS OTHER THAN BUILDINGS FUND; AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2009-2010; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Marc Imberman made a motion to reallocate the funds and to ask the Town Manager to come back to the next meeting with an analysis of the existing budget as to how the project is going to be funded. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Commissioner Levine voting in opposition.

Vote on consent agenda: Vice Mayor Marc Imberman made a motion to adopt the items on the consent agenda. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

#### 4. Ordinances and Public Hearings

##### A. Second Readings (Ordinances)

1. Evaluation and Appraisal Report (EAR) Based Comprehensive Plan Amendments – Sarah Sinatra, Town Planner  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the ordinance and announced that if anyone would like a copy of the notice of intent to inform them and that the amendments have been found in compliance with DCA, they may sign up with the Town Clerk.

A motion to adopt the ordinance was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and all were in favor.

2. Carport Canopies – Sarah Sinatra, Town Planner  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90.2 AND 90.58 "CARPORT CANOPIES" 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, Debra Eastman read the title of the ordinance. A motion to adopt the ordinance was made by Commissioner Steven Levine. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

**B. First Readings (Public Hearings on Ordinances)**

1. **Downtown Property Maintenance Ordinance – Lynn Dannheisser, Town Attorney  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14-51 “ESTABLISHED”; AMENDING CHAPTER 14-52 “COMMERCIAL STANDARDS”; CREATING SECTION 14-56 “MAINTENANCE OF SIDEWALKS AND SWALE AREA” 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, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

2. **Emergency Management Procedures – Assistant Chief John Di Censo  
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” BY ADDING ARTICLE VIII. “EMERGENCY MANAGEMENT PROCEDURES”; PROVIDING FOR PURPOSE, PROVIDING FOR DEFINITIONS, AND EMERGENCY MANAGEMENT STRUCTURE; PROVIDING DECLARATION OF A STATE OF EMERGENCY, TERMINATION OF A STATE OF EMERGENCY, THE SUSPENSION OF LOCAL BUILDING REGULATIONS, AND THE CERTIFICATION OF EMERGENCY CONDITIONS; PROVIDING FOR COORDINATION WITH MIAMI-DADE COUNTY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the ordinance. Commissioner Steven Levine made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

3. **Amending Regulated Uses and Joint Use and Off-Site Facilities – Lynn Dannheisser, Town Attorney  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” AND SECTION**

**90-80 "JOINT USE AND OFF-SITE FACILITIES" 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, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

**5. Resolutions and Proclamations**

**A. Approving Contract for West Construction – Gary Word, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A CONTRACT WITH THE FIRM OF WEST CONSTRUCTION, INC. TO BE THE GENERAL CONTRACTOR FOR THE CONSTRUCTION OF THE TOWN COMMUNITY CENTER AND AQUATIC FACILITY; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE CONSTRUCTION CONTRACT BY AND BETWEEN THE TOWN AND WEST CONSTRUCTION, INC. TO BUILD THE COMMUNITY CENTER AND AQUATIC FACILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the resolution. Vice Mayor Marc Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Elizabeth Calderon. Town Attorney, Lynn Dannheisser noted a clerical error in Section 3.9 and suggested that the language "the Town makes no warranties" be added to that section.

Town Clerk, Debra Eastman called the roll for the motion as amended and all were in favor.

**B. Proposed Revised Investment Policy – Martin Sherwood, Finance Support Services Department Head**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, SUPERSEDING RESOLUTION NO. 1520 AND RESOLUTION NO. 1473 APPROVING AN INVESTMENT POLICY OF THE TOWN FOR TOWN FUNDS; CONTAINING OBJECTIVES; DELEGATION OF AUTHORITY; PROVISIONS FOR MONITORING AND ADJUSTING THE PORTFOLIO; INTERNAL CONTROLS; QUALIFIED INVESTMENTS; DIVERSIFICATIONS AND MATURITY; PROVISIONS FOR COMPETITIVE SELECTION; PROVISIONS RELATING TO QUALIFIED INSTITUTIONS; PROVISIONS RELATING TO SAFEGUARDING AND CENTRALIZATION; AND ACCOUNTING METHODS AND REPORTING REQUIREMENTS AND PERFORMANCE EVALUATION; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and the motion passed 3-2 with Commissioner Elizabeth Calderon and Mayor Charles Burkett voting in opposition.

Vice Mayor Marc Imberman suggested, and it was agreed, to direct the Town Manager to establish a criteria and create a committee to advise and oversee the function of the resolution and to bring the information back to the Town Commission for their review.

**6. Good and Welfare**

*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.*

Barbara Cohen spoke about the upcoming census process and the need for workers. Commissioner Howard Weinberg announced the upcoming Kiwanis car wash.

**7. Town Manager and Town Attorney Reports**

Progress in Downtown District, Lynn Dannheisser, Town Attorney  
Town Attorney, Lynn Dannheisser reported on the review of the downtown business district with regard to vacant store fronts, improved landscaping, increased code enforcement and the recent survey in the Gazette publication. Vice Mayor Marc Imberman suggested that the Town Commission have a joint meeting with the Planning and Zoning Board to discuss this issue.

**8. Unfinished Business and New Business**

**A. Proposed Maranon Property Settlement, Gary Word, Town Manager**

Town Manager, Gary Word gave the background and explained the proposed settlement. Commissioner Elizabeth Calderon made a motion to accept the property at 9255 Abbott Avenue in full settlement of the debt. The motion received a second from Commissioner Howard Weinberg. Town Clerk, Debra Eastman called the roll and the motion was adopted 4-0 with Mayor Charles Burkett voting in opposition.

**B. Proposed Vacant Lot Purchase, Gary Word, Town Manager**

Town Manager, Gary Word explained the proposal to purchase property at 9450 Collins Avenue. A motion was made by Commissioner Elizabeth Calderon to outright purchase the property for \$500,000. The motion received a second from Commissioner Howard Weinberg.

Barbara Cohen asked about the property next to this one and whether it was for sale. Bennett Feldman spoke on behalf of the owner of the property and spoke in favor of the purchase.

Town Clerk, Debra Eastman called the roll and the motion failed with Commissioner Steven Levine, Vice Mayor Marc Imberman and Mayor Charles Burkett voting in opposition.

- C. Beach House Vacant Lot – Mayor Charles Burkett  
Mayor Charles Burkett explained his desire to clean up the unsightly lot. Building Official, Paul Gioia explained that it is considered a construction site. Mayor Burkett suggested that the town might implement a curtain ordinance.

**9. Mayor, Commission and Staff Communications**

- A. Town Shuttle Bus Route – Vice Mayor Marc Imberman  
Vice Mayor Marc Imberman reminded that the Commission requested that the two closest County Library locations be incorporated into the bus schedule. Town Manager, Gary Word indicated that this is currently being done on a trial run and appears to be doing well. Vice Mayor Imberman requested that the bus route be coordinated with Bal Harbor and Bay Harbor buses and routes synchronized for use of Surfside residents. The Town Commission was in agreement.

- B. Committee Vacancies – Debra Eastman, Town Clerk  
Town Clerk, Debra Eastman provided a list to the Town Commission of all the current committee members and vacancies.

Commissioner Elizabeth Calderon stated she was filing the evaluation of the Town Manager with the Town Clerk. She requested that the Town Clerk provide a copy to the members of the Town Commission and requested that the other members of the Town Commission provide their evaluations to the Town Clerk for distribution.

**10. Adjournment** The meeting adjourned at 10:00 p.m.

Accepted this 9 day of Feb, 2010.

  
Marc Imberman, Vice Mayor

Attest:

  
Debra E. Eastman, MMC  
Town Clerk