



**Town of Surfside
Town Commission Meeting
MINUTES
March 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 pm.
- B. Roll Call of Members** - Town Clerk Debra Eastman called the roll and the following members of the Commission were present upon roll call: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.
- C. Pledge of Allegiance** – Chief David Allen led the Pledge of Allegiance.
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch

Commissioner Marta Olchyk encouraged the residents who have been sending the commissioners e-mails and notes with complaints and inquiries on the town's fiscal responsibility, to please attend the commission meetings and express their concerns there. She noted that she did this before becoming a commissioner. She stated that we have the government that we deserve and that the goals will not be achieved if the residents do not voice their concerns.

Mayor Daniel Dietch spoke about the importance of transparency in government and highlighted all the avenues that exist in Surfside for residents to be informed. The Mayor noted that the Town is in the process of preparing a CAFR (Comprehensive Annual Financial Report), which will provide more information regarding the financial performance. He added that the Town Manager and Town Attorney meet with residents daily to address their concerns. The Mayor noted that the Town functions better when they hear from the residents.

- E. Agenda and Order of Business** Additions, deletions and linkages
Vice Mayor Graubart requested to remove the following items from the Consent Agenda: Item 3(C) #5, page 32 for the awards, item 10, page 27 photo film permit

program, item 23, page 29 Buy a Brick, item 26, page 33 Lien Special Counsel, and page 41 Neighborhood Improvements, 3 (D) Attorney Reports Planning and Zoning Board, page 35, Special Matters, page 38 and Maranon. Commissioner Karukin requested to remove from the Consent Agenda items 6 and 16 on pages 25 and 28. Commissioner Olchyk requested to remove from the Consent Agenda Item 3(B), page 22 Budget, item 3(C), Community Garden, page 28 item 3(E) and page 39 Community Center. Mayor Dietch asked to pull items 4 and 42, and Item 3(A). Commissioner Kopelman requested to defer Item 4(B)2

The Mayor requested to hear Item 4(B)3 immediately following the Consent Agenda. He also requested to move Communication items 8(A) and 8(B) to be heard directly after item 4(B)3.

Town Manager Roger Carlton requested to pull the following items from Item 3(C) Town Manager's Report Points of Light: Item 3, Maranon; Item 4, Land Acquisition; Item 9, Bal Harbor Shoppes and Item 10, Photo/film permit.

Vice Mayor Graubart made a motion to approve the Agenda as amended. Commissioner Kopelman seconded the motion which carried unanimously.

F. Community Notes – Mayor Daniel Dietch

The Mayor spoke about the following community notes:

Surfside Town Hall meeting – Thursday March 24 at 7 p.m. in the Commission Chambers. The Mayor asked the residents to attend and formally be introduced to the new Town manager. He noted that a note will be posted to website and downstairs.

The Mayor also informed the residents of the following:

DUI check point 96th block of Collins Ave. Friday, March 11, 2011,
Police Department is hosting Shred-a-thon on Saturday, March 26 at 9-12 o'clock,
Surfside is offering the 9th Citizen's Police Academy every Thursday March 10th through May 19th.

He reminded the residents about the program Eye on Surfside, community awareness which will hold the first meeting on March 15, 2011 at 6 pm.

The Mayor acknowledged two officers nominated for LEO (Law Enforcement Officer) awards – Sgt. Richard Williams for the Support Services Award and Officer Jay Matellis for the Crime Prevention.

The Mayor reminded the residents about the countywide Special Election on March 15, 2011.

The Mayor announced that registration is currently available for the Senior, Adult and Youth Spring Program and that Summer Camp information is now available. He informed that the Spring Egg Hunt on April 10, 2011, the Senior Trip to Flamingo Gardens on March 16, 2011 and Baynanza will be held on April 16, 2011.

The Mayor spoke about the sustainable initiatives for which the town wants to gauge interest from community which include a Community garden and Garden Club. He spoke about the Organic Fresh Produce Buying Club.

The Mayor announced that the meetings for the Downtown Vision Advisory Committee will be held on March 10th and March 22nd.

Vice Mayor Graubart updated everyone on a Musical Event taking place on the 3rd Thursday, March 17, 2011.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

A. 2010 Surfside Census Report – Barbara Cohen

Mayor Dietch thanked Barbara Cohen for her work on the census. Ms. Cohen mentioned that the information the Commission has is for 2005-2009, since the Florida Census information is not yet available.

Mayor Dietch noted that the demographics are changing in the town. Town Manager Roger Carlton mentioned that the community is becoming much younger and that the town should provide more services to the younger residents. He also noted that there is also an increase in the older population that will need services as well. Mr. Carlton mentioned that the Community Center is the place where these services can be rendered within the budget constraints.

B. Budget to Actual Summary as of December 31, 2010 – Martin Sherwood, Finance Director

Commissioner Olchyk inquired about budget items such as capital projects, asset and loans for water and sewer, municipal parking and the storm water.

Town Manager Roger Carlton stated that in the past the agenda included a report on expenditures in relation to the budget, but this has been changed to also include the revenues.

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

Item 3: Town Manager Roger Carlton noted that the commission awarded the sale of the Maranon property for \$188,000.00. He noted that the bidder is having difficulty in obtaining financing. Mr. Carlton recommended granting a 45 day extension to the bidder.

Item 4: Town Manager Roger Carlton spoke about the Delgado property. He noted that the town is pursuing the purchase and has ordered a second appraisal.

Town Manager Roger Carlton also spoke about the single family home located between the 93rd and 95th street parking lot. He noted that pursuant to the

commission's direction, an offer was made on the property, but since then, there have been discussions with David, the Synagogue located across Harding about their desire to buy both houses. He asked for the Commission's direction of whether to pursue the purchase.

Mayor Dietch expressed support about expanding town property but cautioned against spending the money simply because it is in the budget.

Mr. Shaka Bagdaiddy from Magen David stated he has a verbal agreement with the first property and that he has the idea is to purchase the adjacent property. He noted that while it is not for sale, the owner would sell it for \$450,000. He added that once Magen David found out that the town had an interest in the property they decided not pursue the purchase.

Commissioner Olchyk inquired about any code problems that might arise. Town Attorney Lynn Dannheisser noted that any site plan would come before the Planning and Zoning Board and will be reviewed as a quasi judicial proceeding based solely on what is presented.

Commissioner Karukin noted he is not sure how the parking lot that is further away from the downtown district will be utilized. Town Manager Roger Carlton mentioned that one of the conversations going on with the Vision Committee is whether we need additional anchor further to the South for the downtown area. He noted that this is an extraordinary piece of property and added that a private/public partnership could be done on that property. Town Manager Roger Carlton added that if the town does something like that, having the entire block would be positive.

Town Manager Roger Carlton asked the Commission for authorization to continue to meet with Magen David.

Ken Arnold spoke about the use of the property by the Best Western Hotel.

Vice Mayor Graubart noted that he is favor of moving forward with the purchase of the property valued at \$285,000.00

Item 9: Town Manager Roger Carlton stated that he and Mayor Daniel Dietch attended a meeting regarding Bal Harbor Shoppes and noted the specifics of the current plan. Town Manager Roger Carlton also expressed concern that there has not been a traffic study indicating the effect of the new addition to 96th street. The Manager suggested approaching the developer and asking them to amend their plans. Town Attorney Lynn Dannheisser suggested getting Town Planner Sarah Sinatra involved in this since this proposal could have a regional impact. Commissioner Karukin volunteered to assist as well.

Randi McBride inquired if the town could be forced to re-open Carlisle. Mr. Carlton mentioned that Surfside would resist that. He added that the closing of Carlisle has already been approved by Dade County.

Item 10: Town Manager Roger Carlton reported on the County's intent to provide an office to municipalities for photo/film permits. Vice Mayor Graubart recommended that the issue be reviewed by the Local Planning Agency.

Item 16: Commissioner Olchyk inquired about the proposed site of the Community Garden and Farmers' Market. Mr. Tavares, Director of Tourism, Economic Development & Community Services, explained that the town is simply providing the venue, which is the community center breezeway, and added that it would be run by a private organization. Commissioner Olchyk expressed concern as to who will pay to run the venue and who would clean it.

Item 23: Vice Mayor Graubart suggested putting on display the bricks from the Buy-a-Brick program that are currently in the Manager's conference room.

Item 42: Mayor Dietch expressed concern about the crossing safety at 93rd Street when the Community Center opens. Town Manager Roger Carlton noted that he is currently working with the County and State about alerting motorists regarding children crossing. He added that he will have a report available at the next meeting.

Vice Mayor Graubart inquired about an item on page 35 regarding the recommendation that parking and or accessory usage be included in H-30 C. He inquired if this would be a regulated use. Town Planner Sarah Sinatra noted that this was a voted upon item by the Planning and Zoning Board as the LPA to relocate the accessory uses a conditional uses to the conditional uses section.

Page 38: Vice Mayor Graubart inquired about the PILOT (Payment In Lieu of Taxes) Plan. Commissioner Karukin had previously removed that item. Town Attorney Lynn Dannheisser explained that the program is usually done to compensate local governments when another government agency takes the property out of the tax roll.

Page 39: Commissioner Olchyk inquired about the Town Manager Community Center Oversight Committee and what they refer to as "timely". She requested clarification as to what is considered "timely". Mr. Carlton asked Commissioner Olchyk to hold on to the question until the resolution for a change order is presented.

D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney

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

Approval of Consent. All in favor.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

1. Boat Storage - Sarah Sinatra Gould, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.65 BOAT STORAGE, INCLUDING ZONING CODE DEFINITIONS OF “SETBACKS” AND “YARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance permits boats to be parked in the front, side and rear yards of a lot, but not in the side or rear setbacks and requires screening of boats in the side or rear yard from neighboring properties.]

The Mayor opened the public hearing. Hearing no residents wishing to speak, the Mayor closed the public hearing.

Town Clerk Debra Eastman read the ordinance by title.

Commissioner Kopelman made a motion to approve the ordinance. Commissioner Karukin seconded the motion. The motion carried 4 to 1 (Vice Mayor Graubart was absent for the vote).

B. First Readings Ordinances

1. Ordinance Calling for a Temporary Moratorium, Memo of Law and Report by Town Attorney – Lynn M. Dannheisser, Town Attorney *(Need to set date for a Special Meeting for First Reading)*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON-RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE, MORE PARTICULARLY DEPICTED ON THE DOWNTOWN BUSINESS DISTRICT AREA ZONING MAP ON EXHIBIT “A’ ATTACHED HERETO; PROVIDING FOR A STUDY; PROVIDING FOR A WAIVER; VESTED RIGHTS, APPEAL; EXHAUSTION OF ADMINISTRATIVE REMEDIES AND TERM; PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF PRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

[This ordinance imposes a temporary moratorium on the issuance of Certificates of Use and Certificates of Occupancy for non-retail, non-restaurant uses]

Item deferred until a Special Commission Meeting to be held March 23rd at 5:01 PM.

2. Ordinance – Joint Meeting Recommendations Ordinance – Roger M. Carlton, Town Manager, Lynn M. Dannheisser, Town Attorney, Sarah Sinatra Gould, Town Planner *(Need to set date for a Special Meeting for First Reading)*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-2 “DEFINITIONS”, AMENDING SECTION 90-20. “DEVELOPMENT REVIEW REQUIREMENTS” TO ESTABLISH A DEVELOPMENTAL IMPACT COMMITTEE; AMENDING SECTION 90-23 “CONDITIONAL USES”; 90-41 “REGULATED USES”; 90-45. “SETBACKS.”; 90-45.1 “AGGREGATION OF LOTS”; SECTION 90-44 THROUGH SECTION 90-67 RELATING TO DESIGN REVIEW GUIDELINES; SECTION 90-73 “PROHIBITED SIGNS.”; SECTION 90-87 INSTALLATION OF LANDSCAPING AND IRRIGATION; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Item deferred until a Special Commission Meeting to be held March 23rd at 5:01 PM.

3. Master Utility Bond Ordinance – Roger M. Carlton, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$16,000,000 UTILITY SYSTEM REVENUE BONDS, SERIES 2011, TO FINANCE THE COSTS OF WATER, SEWER, STORMWATER AND RELATED CAPITAL IMPROVEMENTS; PLEDGING CERTAIN NET REVENUES OF THE UTILITY SYSTEM FOR THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS OF HOLDERS OF SUCH BONDS; MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the ordinance by title.

Town Manager Roger Carlton explained the Master Utility Bond Ordinance and the current poor condition of the Town’s water and sewer drainage system. Town Manager Roger Carlton stated that the Town’s water systems are located behind the houses, which the County currently requires to be moved to the front. He distributed a Consent Decree and spoke about the Town’s water and sewer rates and compared them to those of Bal Harbor and Bay Harbor.

Town Manager Roger Carlton noted that the ordinance before the Commission requests authorization to approach group lenders for bond interest pricing. He added that there will also be a resolution that will set the terms of the bond. He noted that this debt has no claim on taxes or the general fund and the only guarantee for this debt are the revenue from the rates from the water, sewer and drainage system. Town

Manager Roger Carlton explained about the flow of funds or buckets.

Mr. Sergio Masvidal, Public Financial Management, addressed the Commission and spoke about rate covenants.

Jolinda Herring from Bryant, Miller, Olive stated that her firm will render an opinion that the bonds are tax exempt and this will allow for a lower interest rate.

Mr. Carlton spoke about the extraordinary job that has been done by the Citizens Oversight Committee in working on this process. The following members of the committee were present and spoke about their professional background:

Martin Oppenheimer,
Bertha Goldenberg,
Pete Hernandez, and
Gerald Chenevert

The members of the committee expressed a general consensus in favor of the project and the well thought out plan that takes into consideration the convenience of the residents and their quality of life in the future.

The other two members not present are Walter Lugo and Irving Levine.

Commissioner Karukin expressed his desire that Mr. Oppenheimer, given his background in public education, be involved in the proposed communication plan to inform residents about the project. He also requested that information be provided for the residents who will need to install a separate meter for their sprinkler system.

Mayor Dietch suggested that a workshop be held for the residents in order to explain to them about their bill and why a second meter might be advantageous to them. Town Manager Roger Carlton mentioned that an invitation to the workshop will be mailed out with the next bills.

Commissioner Kopelman inquired about consequences of the Town defaulting on this note. Jolinda Herring stated that if the town default on the note, the bank which holds the bond, has the right to file lawsuit against the town for payment from all future water and sewer revenue until the debt is satisfied. Mr. Masvidal opined that the town's risk of default is low since utility issued bonds are generally a strong credit. Town Manager Roger Carlton noted that a portion of the \$16 million could be set aside as additional reserves up front, in addition to the reserves the town already has.

Commissioner Olchyk asked if there is any alternative to proceeding with the bonds. Town Manager Roger Carlton stated that if the cash flow is utilized to fund the project, it could take up to 15 years to complete and the town would be torn up for that time. Commissioner Olchyk inquired about utilizing half of the bond amount taking the rest out of the reserves and any other funds that might be available. Town Manager Roger Carlton noted that there is not enough money in the reserves to borrow half and use the rest from it to complete the project.

Town Attorney Lynn Dannheisser read the following 3 changes to the ordinance into the record: Page 16, Form of bond – note that in the second to last paragraph “in addition to compliance with, subparagraph (i)”, it should read “the preceding paragraph”. Page 23, Disposition of revenues – change from “net revenues” to “gross revenues”. Page 26, four paragraphs from the bottom: “compliance with subparagraph (i)”, should read “preceding paragraph”.

Vice Mayor Graubart inquired about the rates comparison analysis with the other municipalities. Public Works Director Bill Evans explained the comparisons.

Vice Mayor Graubart inquired about the percentage Calvin, Giordano and Associates is charging for this infrastructure project. Mr. Chris Giordano did not have an exact figure, but Town Manager Roger Carlton interjected that it was approximately 8 or 9%.

Commissioner Kopelman made a motion to accept the ordinance as amended. Commissioner Karukin seconded the motion.

Mayor Dietch commented that there is a provision in the bond covenant for an annual audit, which will be available to the resident.

Vice Mayor Graubart commented that had the town utilized bonds to build the community center along with the water and sewer bonds, the town would now be in a \$30 million debt.

Commissioner Olchyk asked if bids were obtained from other firms, other than CGA. The Mayor replied that other bids were obtained. Town Manager Roger Carlton noted that when the town awarded the bid to CGA, that award encompassed different services provided by CGA. He also mentioned that the commission had authorized to allow CGA to complete the water and sewer project. Town Manager Roger Carlton noted that other companies can be utilized for future projects.

Resident Sasha Plutno commented that his water bill has risen and expressed concern that it will continue to increase with the bond issue.

Mayor Dietch noted that the water rates include the debt service and rate stabilization. He also spoke about CGA’s rate and noted that the project requires professional oversight and design. He added that the agenda packet is available on the website.

The ordinance was approved on roll call 4 to 1 with Vice Mayor Graubart dissenting.

5. Resolutions and Proclamations

A. Bottle Bill Resolution – Vice Mayor Joe Graubart

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF

SURFSIDE, FLORIDA, URGING THE GOVERNOR, STATE REPRESENTATIVE AND STATE SENATORS IN THE FLORIDA LEGISLATURE TO ADOPT A STATE OF FLORIDA “BOTTLE BILL” TOAMONG OTHER THINGS ENCOURAGE THE RETURN OR RECYCLE OF ALL BEVERAGE CONTAINERS AND OTHER RECYCLABLE MATERIALS; FURTHER DIRECTING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO CERTAIN PUBLIC OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution into the record.

Vice Mayor Graubart made a motion to adopt the resolution. Mayor Dietch seconded the motion.

Commissioner Olchyk expressed opposition to spending time and money on legal work, research and procedures on something that she feels is philosophical and not practical. She also expressed concern about the term “minimal” as an approximate cost and asked for specific costs. Vice Mayor Graubart opined that there would be no cost to sending this item to Tallahassee.

Upon roll call, the motion carried 3 to 2 with Commissioners Olchyk and Kopelman dissenting.

B. Resolution Authorizing the Town Manager to Execute Community Center Change Orders – Roger M. Carlton, Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDERS FOR THE COMMUNITY CENTER FROM THE DATE OF THIS RESOLUTION TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AND RETURN TO THE TOWN COMMISSION FOR AFTER-THE-FACT APPROVALS SO LONG AS THE TOTAL AMOUNT OF CONSTRUCTION COSTS DOES NOT EXCEED FIVE MILLION DOLLARS; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution into the record.

Commissioner Kopelman made a motion to accept. Vice Mayor Graubart seconded the motion.

Town Manager Roger Carlton stated that the Community Center is in the home stretch in the building construction. He noted that the work is being conducted 7 days a week and 12 to 14 hours a day to get it finished by the time the kids get out of school. He also noted that at this point, multiple decisions are being made on a daily basis. Town Manager Roger Carlton stated that bringing change orders before the Commission can take a month or longer and proposed that he have the authority to approve the change orders as long as he stays within the \$5 million

budget. He noted that he will not make the decisions alone, but will also have Mr. Paul Gioia's input as well as Calvin, Giordano and Associates.

Vice Mayor Graubart inquired about the dollar amounts of the change orders the Town Manager is requesting authority to approve. Town Manager Roger Carlton noted that it would be whatever it takes to complete the project.

Vice Mayor Graubart suggested that the change orders be signed off by all the parties involved in the decision making.

Mayor Dietch spoke in favor of giving Town Manager Roger Carlton the authority to approve the change orders in order to complete the project in time. He noted that the control the Commission has is the budget.

Commissioner Olchyk inquired as to what "timely" refers to and what the deadline is. She also expressed concern about the possibility of going over budget in order to complete the project as a result of the manager having the authority to approve the change orders. Town Manager Roger Carlton stated that most children in town attend public schools, which end the first week of June, and that he would like to have an opening celebration at around Memorial Day. Mr. Carlton also noted that the resolution has a very clear cap of \$5 million.

The motion to approve the resolution carried unanimously.

**C. Problem Gambling Awareness Week Proclamation – Mayor Daniel Dietch
A RESOLUTION OF THE TOWN OF SURSIDE, FLORIDA
PROCLAIMING PROBLEM GAMBLING AWARENESS WEEK TO
RAISE PUBLIC AWARENESS ABOUT THE EFFECTS OF GAMBLING
AND SPREADING THE MESSAGE OF HOPE.**

Town Clerk Debra Eastman read the resolution into the record.

**Vice Mayor Graubart made a motion to approve the resolution.
Commissioner Karukin seconded the motion. The motion carried
unanimously.**

***D. IT Support Services – Chief David Allen Page 180-192
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF
FUND BALANCE (RESERVES) TO THE OFFICE OF TOWN
CLERK/DIRECTOR OF ADMINISTRATIVE SERVICES BUDGET;
AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2010-2011;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the resolution into the record.

**Commissioner Karukin made a motion to approve the resolution.
Commissioner Kopelman seconded the motion.**

Chief Allen commented that the existing equipment is old and a contract is needed to maintain it.

Commissioner Olchyk spoke about the contract with CGA which includes IT services. Chief Allen mentioned that CGA has a contract with the Town, but the Police Department is not included. Commissioner Olchyk inquired if other firms were approached for a better price. Chief Allen noted that no other firm was approached. He further noted that CGA lowered the price of the contract and it seems reasonable. Commissioner Karukin noted that he had the same concerns as Commissioner Olchyk. Chief Allen noted that the contract is for one year.

Mr. Carlton mentioned that for \$75,000 a year, we are getting maintenance on the entire fleet of computers.

The motion carried 4 to 1 with Vice Mayor Graubart dissenting.

E. Forfeiture Funds – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2010/2011 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THIRTY EIGHT THOUSAND SEVEN HUNDRED FORTY THREE AND SIXTY-FOUR CENTS (\$38,743.64) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

Town Clerk Debra Eastman read the resolution into the record.

Commissioner Kopelman made a motion to accept the resolution. Vice Mayor Graubart seconded the motion.

The motion carried unanimously.

F. Purchase of Pressure Washer and Trailer – Assistant Police Chief, John DiCenso

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE PURCHASE OF A PRESSURE WASHER AND TRAILER FROM SMITH-HAMILTON INDUSTRIAL TOOLS; AUTHORIZING THE TOWN MANAGER TO EXPEND PARKING FUND PROCEEDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution into the record.

**Commissioner Kopelman made a motion to accept the resolution.
Commissioner Karukin seconded the motion.**

Commissioner Kopelman inquired why the town needs a 3,500 psi versus 3,000. Bill Evans replied that while the 3,000 psi is an adequate pressure washer, the 3,500 will also take care of other issues such as cleaning the sewer and the pipes and clean at a greater level.

Commissioner Olchyk inquired about what will happen to the smaller pressure washer the town currently owns. Mr. Evans replied that it will be used for smaller jobs.

Commissioner Olchyk expressed concern about not having the funds available in the municipal parking fund. Mr. Carlton noted that there is currently \$2 million in that fund.

The motion carried unanimously on roll call.

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.

Alan Gorme spoke about the commercial parking and noted that there are no time constraints in the ordinance. Town Manager Roger Carlton stated that the times enforced are 6:00 pm to 8:00 am.

Barbara McLaughlin inquired about what occurred at the meeting at Bal Harbour. Town Manager Roger Carlton mentioned that he will comment later in the evening.

Richard Iacobacci commented that the St. Regis construction parking is still affecting the streets and the residents. He inquired about any restrictions. Police Chief Allen mentioned that there are no restrictions unless the restriction is posted. He added that they have posted one-hour parking signs and enforced the law. The Chief also mentioned that there are residents that allow parking in front of their homes and in their driveways.

Sasha Plutno noted that the town lost its community flood insurance discount. Mr. Plutno mentioned that he spoke to the Commission about this 6 months ago and inquired about the status. Mayor Dietch stated that the item will be discussed later in the meeting.

Lou Cohen mentioned that the Charter Review Committee met in 2009 to 2010. He asked that the Commission take a look at the issues that were discussed in the Charter Review Committee and make decisions based upon that.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

8. Unfinished Business and New Business *A. Report of the Ad Hoc Communications Committee – Randi MacBride,
Chairperson

The Mayor thanked Randi MacBride and the Ad Hoc Communication Committee for their time and effort in preparing the report to the Commission. Ms. MacBride noted that Committee Members Cheryl Arnold and Jeff Burros were also present at the meeting along with the liaison Commissioner Karukin. Mayor Dietch noted that Norma Rojas and Kathy Imberman also served on the Committee.

Vice Mayor Graubart asked if some of the members of the committee could stay on to ensure that the recommendations are implemented. Mayor Dietch suggested including short term, intermediate and long term initiatives as points of light where they will be updated every month. He noted that this relieves the committee members of this burden and hands it off to the manager.

Mayor Dietch noted that the solid waste authority that has a “report fraud” button on their website. He suggested that it could be expanded to report abuse, report waste, etc. He added that the button provides a direct link to the agencies responsible for that.

Mayor Dietch mentioned that a suggestion box has been ordered for town hall. Ms. MacBride also suggested a utility payment drop off box for after hours.

B. Report of the Ad Hoc Code Enforcement Committee - Anthony Blate,
Chairperson - **No Action**

9. Mayor, Commission and Staff Communications (*Set for approximately 10:15 p.m.*)

A. Community Center Plaque – Vice Mayor Joe Graubart

Vice Mayor Graubart directed everyone to the Town Hall plaque that was recently refurbished. He noted that the plaque shows the Commission that was present at the inception of the Community Center and the same Commission was present at the dedication. The Vice Mayor noted that at the new Community Center the Commission of Inception and Commission of Dedication have all different members. Vice Mayor Graubart suggested that the new plaque read “Dedicated to the people of Surfside, by the people of Surfside”. He further suggested that the architect and contractors be listed. He further suggested that neither this commission nor the previous commission should be listed.

Commissioner Kopelman stated that both Commissions should be listed on the plaque.

Barbara Cohen noted that the reserve money for the Community Center came from the resort tax.

The direction to the Town Manager is to proceed as planned. No vote was taken.

B. Non-resident use of Community Center – Commissioner Marta Olchyk

Commissioner Olchyk expressed that the Community Center should be for the residents of Surfside at no cost and suggested that people in the surrounding communities should pay for its use. Commissioner Kopelman noted that for this year and next year he would like to limit access to the Community Center to residents of Surfside only.

Town Manager Roger Carlton stated that until the Town has an idea of what the load on the Community Center will be, the use of the Community Center should be for Surfside residents only. He further noted that opening the Community Center with a fee to the residents would be a disaster. He further suggested that residents with non-resident guests to the Community Center not be turned away.

Town Manager Roger Carlton mentioned that the plan is to open the facility with identification to Surfside residents without charging any fees and have a non-resident guest policy. Parks and Recreation Director Tim Milian noted that an exact number of allowable guests have not been determined.

The question of whether to allow hotel guests to utilize the facility will be discussed next month.

Vice Mayor Graubart stated that he knows that the Commission is not in favor of charging residents, but noted that if the Commission establishes what a resident would pay, they can also have an idea of what to charge a non-resident.

C. Report on Feral Cats and Dog Feces – Roger M. Carlton, Town Manager

Town Manager Roger Carlton spoke about the problem with feral cats in the community. He noted that as the number of cats grows, the problems with them grow. He noted that the recommendation is to increase spaying and neutering programs and coordinate a process by which the cats will be captured. Town Manager Roger Carlton suggested 15 feral cat feeders in the community who would responsibly feed the cats by putting out food for no more than an hour. He stated that condominium buildings will be approached to voluntarily allow the Town to enter their properties in order to police the feral cat population. He added that a report of the progress will be brought before the Commission.

Town Manager Roger Carlton stated that he was also approached about the dog feces problem. He stated that there are 5 dog stations, which have been successful in significant collections of dog feces.

Barbara McLaughlin noted that the program for cats includes health care and shots.

Vice Mayor Graubart suggested that a zone of 50 yards be establish immediately around the community center where no feral cats can be fed. He cited health concerns for the children attending the community center.

Mayor Dietch spoke of the importance of finding a solution to this problem.

Jeff Burros stated that he lives in the area around the Community Center and noted that his daughter loves cats, but has asked about the bad smell while walking on the beach. He expressed that this cannot be good for tourism and added that he has picked up litter on the beach.

D. FOP Collective Bargaining Agreement Wage Re-opener – Assistant Police Chief, John DiCenso
Call for Executive Session – Lynn M. Dannheisser, Town Attorney

Town Manager Roger Carlton stated that the executive session will be held at 4:00 PM on March 23, 2011 and at 5:01 there will be the first reading of the two ordinances that were deferred at tonight's meeting.

E. Status Report – Building Department – Paul Gioia, Building Official

Building Official, Paul Gioia, spoke about the amnesty program. He noted that 96 cases complied within the 120 days, 18 did not comply and are set for Special Master on April 7th. Mr. Gioia also stated that of the 64 FEMA violations, it now only has 3 violations. Mr. Gioia stated that he hopes that by middle of year the other 3 will be mitigated. Town Manager Roger Carlton noted that once the 3 cases remaining are finished, the Town can reapply for the flood insurance discount.

10. Adjournment

Accepted this 10 day of May, 2011


Daniel Dietch, Mayor

Attest:


Debra E. Eastman, MMC
Town Clerk