



**Town of Surfside
Town Commission Meeting
Minutes
August 9, 2011
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

- A. Call to Order:** Mayor Daniel Dietch called the meeting to order at 7:03 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 Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch. Commissioner Edward Kopelman was absent.
- C. Pledge of Allegiance:** Police Chief Dave Allen led the Pledge of Allegiance.
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**

Commissioner Michael Karukin notified the Commission that a member of the Tourist Board resigned. He asked to appoint Ms. Elaine Killeen to that position.

Commissioner Karukin moved to appoint Ms. Elaine Killeen to the Tourist Board. Vice Mayor Graubart seconded the motion, which carried unanimously.

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

Town Clerk Debra Eastman asked to pull Point of Light Item #2 Land acquisition of the Delgado property for Manager Roger Carlton to discuss.

Ms. Eastman also requested to pull Item 3F from the Consent Agenda regarding the FDOT Agreement and add as two resolutions as Item 5G Resolutions.

Vice Mayor Joseph Graubart noted that there are two individuals present at the meeting wishing to speak on the Deco Bikes. He asked to move that item to be heard before the ordinances.

Commissioner Marta Olchyk asked to pull Item #14 from Points of Light regarding bench shelters, Item #17, page 59 regarding the electrical poles. She also pulled the Item on page 61 regarding the tenth mile markers.

Vice Mayor Graubart asked to pull Item 3D, page 76; 3B and 3E, and Point of Light Item #22 on the 9/11 Memorial Ceremony.

Mayor Daniel Dietch asked to pull items on pages 16 and 69.

Roger Carlton, Town Manager asked to pull Item 5A, which is a discussion on the addendum to Ric Man that was not included in the agenda Package. He notified the Commissioners that this information is included in the manila envelopes before them.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the following Community notes:

- New resident parking programs will commence on 08/22
- Budget workshop will take place 09/01 at 4pm
- Surfside, Bal Harbour and Bay Harbor Farmers Market is taking place in Surfside this week
- Endlessly Organic fresh produce club
- Downtown Vision Advisory Committee will meet 08/22 at 7pm
- Community Blood Drive will take place 08/15
- Urban Gardeners Club will meet 08/24
- Fall Parks and Recreation Programs registration is open
- Guest policy for the Community Center is in effect

Vice Mayor Graubart announced the following Tourist Board activity:

- Surfside Spice through the end of September

G. Certificate of Appreciation, Intern Michelle Garcia

Surfside Intern Michelle Garcia was presented with a Certificate of Appreciation for her work in the Town. Duncan Tavares, Tourism, Economic Development and Community Services Director thanked her.

**H. Marilyn Stevens, Partnership and Data Services Specialist, U. S. Census Bureau,
Duncan Tavares Tourism, Economic Development & Community Services Director**

Ms. Barbara Cohen introduced Ms. Marilyn Stevens. Ms. Stevens thanked the Town of Surfside for their census efforts. She noted that the Surfside Team reported to her. Ms. Stevens also mentioned that the population has increased by 17%, there is a high educational attainment and the median age has increased. She also informed that starting last December and every December there will be Housing, Economic and Social profile of Surfside, which is a new program of population characteristics.

Vice Mayor Graubart asked that the information provided by Ms. Stevens be posted on the Town website. Roger Carlton, Town Manager indicated that he will also include an article in the Gazette. Mayor Dietch suggested that a workshop be conducted with the Surfside Business Community to understand census data.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

A. Minutes - Town Commission Meeting – June 14, 2011

Town Commission Budget Workshop – June 23, 2011

Town Commission Meeting – July 12, 2011

B. Budget to Actual Summary as of May 31, 2011 – Martin Sherwood, Finance Director

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

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

Vice Mayor Graubart expressed concern over the schedule. He proposed an order setting a schedule that pertains to a suit against the Town. He wants to know if it can be moved up. Lynn Dannheisser, Town Attorney noted that the date indicated is the date by which it will be completed, but added that it could be earlier. She further noted that the parties do tend to wait to the deadline in order to obtain additional information for mediation.

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

Vice Mayor Graubart mentioned that the Community Center project is at the close out stage and noted that there is a long punch list. He noted that with rain the Community Center is being tested in many ways. He asked Bill Evans, Director of Public Works if there is anything the Commission should be made aware of. Bill Evans, Director of Public Works mentioned that the site grading is working fine and that he has not noticed any leaks in building that cannot be repaired as part of the punch list. Mr. Chris Giordano of Calvin Giordano and Associates mentioned that one area is leaking. He noted that West Construction has been testing and caulking the area. Mr. Giordano mentioned that the contractor will not be paid for the work until it is fixed. Vice Mayor Graubart asked about testing with hurricane conditions. He suggested that Public Works use a power washer.

Vice Mayor Graubart expressed disappointment with the snack bar. He mentioned that he has spoken to the Town Manager about this and noted that there is no walk in refrigeration. He further opined that it was not well planned. The Vice Mayor asked the Town Manager, the Town Attorney and Mayor to pursue compensation regarding that. Roger Carlton, Town Manager mentioned that this is high on the punch list to figure out how to correct it. He also noted that one A/C was not a good design because of cooking and lesser need for A/C for the lifeguard office side. Roger Carlton, Town Manager stated that if the adjustments to the A/C are not successful he

will cost out what the correction is. He also mentioned that the Town has a large retainer and will be part of settlement that he will try to bring in September or October. He added that if it is not successful then the matter would have to go to arbitration. Vice Mayor Graubart further opined that the oval building is a terrible layout. He added that the whole building should become the snack bar and not the life guard station.

Commissioner Karukin made a motion to accept all items discussed. Vice Mayor Graubart seconded the motion. All were in favor.

***F. FDOT License Agreement -Update– Bill Evans, Director of Public Works**

Roger Carlton, Town Manager spoke about the crosswalks in front of the Veteran's Park. He noted that currently there is no sidewalk at that location. Roger Carlton, Town Manager explained that the design calls for installing a sidewalk at that location; however, in order to do this, the Town needs to grant an easement to FDOT. He noted that this is not a license agreement. Lynn Dannheisser, Town Attorney informed the Commission that this is part of the supplemental packet. She mentioned that FDOT decided not to go with a license agreement but rather with an easement. She also indicated that there is also a series of four agreements relating to the funding from the CITT funds. Roger Carlton, Town Manager noted that these are standard form agreements done by FDOT and added that they have been reviewed by Lynn Dannheisser, Town Attorney. Roger Carlton, Town Manager also mentioned that the Town needs to stay in the queue of the bidding process for FDOT. He mentioned that he needs to get the documents to them within the next few days and apologized for the late delivery of documents by FDOT.

Lynn Dannheisser, Town Attorney mentioned that the Commission can take this as a composite item with both resolutions. She added that the Commission can approve the resolution with the condition that FDOT do a title search and clear the title.

Commissioner Karukin inquired about the significance of using the term "easement". Lynn Dannheisser, Town Attorney noted that a license agreement is less of an interest than an easement.

Commissioner Karukin made a motion to approve the resolution for the easement and related resolution in Item 5G. Commissioner Olchyk seconded the motion. The motion passed unopposed.

G. Beautification Committee Minutes, July 11, 2011 (draft – not adopted by Committee) – Commissioner Marta Olchyk

Commissioner Karukin made a motion to approve the consent agenda minus the items pulled for discussion. Vice Mayor Graubart seconded the motion, which carried unanimously.

Point of Light #2, Page 54 – Land Acquisition

Roger Carlton, Town Manager began discussion on the Delgado property that is located south of Town Hall. He noted that this property had been tied up in bankruptcy and foreclosure. He further mentioned that the Town currently has the funds to purchase the property. Roger Carlton, Town Manager mentioned that this morning he received a phone call from the Realtor representing the bank. He noted that the Realtor indicated that the bank has a full a clear title and wishes to discuss the sale of this property to the Town before putting the property on the open market. Roger Carlton, Town Manager noted that they are offering the property at \$599,000, which is almost half a million dollars less than the first appraisal and \$100,000 less than the second appraisal and less than the tax roll. Roger Carlton, Town Manager asked the Realtor if they were willing to go lower on the price with a cash deal and close quickly. He added that the agent would seek approval of the lower price from the bank.

Roger Carlton, Town Manager mentioned that Vice Mayor Graubart asked him what it would take for the Town to build a parking lot at that location which could be used to make it easier to get to the Community Center. A graphic was presented that showed yellow lines which would be the new parking lot. Roger Carlton, Town Manager recommends today to authorize the purchase at a price not to exceed \$600,000 and try to get terms similar to the past sale so that the Town can finish the acquisition to round out the Town Hall property at a favorable price. Roger Carlton, Town Manager mentioned that there are two options available in building the parking lot. He noted that a permanent parking lot can be built at a cost of about \$300,000, which is within the current budget. He also added that an interim and less permanent parking lot can also be built to last four or five years until a master plan for the whole Town Hall Complex is complete.

Roger Carlton, Town Manager summarized that his recommendation is for the Commission to authorize the acquisition of the property at a price less than \$600,000 and be able to close in less than 30 days. Vice Mayor Graubart added that he and the Town manager discussed making this parking lot primarily an employee parking lot. He noted that this would free up 40 parking spaces in the Harding lot which would bring in more revenue.

Roger Carlton, Town Manager clarified that the selling price is actually \$699,000, but added that he wants to get it down to \$600,000. NOTE: The manager made this statement on incorrect information provided by the Finance Director. The price is \$599,000.

Commissioner Karukin moved to purchase the Delgado property and that the price not exceed \$699,000. Vice Mavor Graubart seconded the motion.

Commissioner Olchyk mentioned that the price is a steal, but noted that this is not a moment for the Town to keep spending money. She commented that the Town continues adding things to the budget and she feels uncomfortable about it.

Commissioner Olchyk further mentioned that she is nervous to vote for something that is going to be an additional expenditure.

Mayor Dietch inquired if the land acquisition was budgeted for the current year. Roger Carlton, Town Manager stated that \$1 million was budgeted for this parcel. He added that nothing has been expended. Mayor Dietch noted that the Town is not adding anything to the budget, but is rather bringing to closure an item that was set in the budget last year.

Commissioner Olchyk further commented that she does not want to spend just because it is in the budget. She added that the Commission needs to be careful and look at what is happening to surrounding communities. She noted that the Commission has overlooked items that can be cut down. She opined that the Commission should not be in real estate development.

Roger Carlton, Town Manager clarified that the money comes from Parking Fund. He further noted that the Town cannot use money from the Parking Fund to subsidize the general fund to clean beaches or lower taxes. He noted that the money in the fund comes from charges to park. He reiterated that this is Parking Fund money. Roger Carlton, Town Manager commented that there is no real estate speculation going on here and added that the purpose for the acquisition of the property is purely to gain needed parking for the Community Center at a favorable price and to be smart for the future generations and for the next five years. Roger Carlton, Town Manager also noted that there may someday be a plan that comes for this area to move the garbage trucks parking lot and shops to the mainland and opined that it could create a complex and something that could be spectacular here. He added that although there is no plan for that, this is an opportunity that the Commission has to address. Roger Carlton, Town Manager noted that it is reasonable to use Parking Fund money to build more parking.

Vice Mayor Graubart inquired about the balance in the Parking Fund. Finance Director Martin Sherwood noted that the expense is included in the budget and added that there is in excess of \$1 million available. Roger Carlton, Town Manager directed the Commission to page 53, which indicates that as of 5/31/2011 the balance is \$1,678,000. Roger Carlton, Town Manager noted that due to the increase demand and parking pay stations downtown, the Town has been adding significantly each month to this reserve.

Vice Mayor Graubart opined that this is what this fund is for and noted that otherwise he would not vote for it.

Mayor Dietch commented that this is a specific public benefit project being proposed here.

Following discussion, the motion carried 3 to 1 with Commissioner Olchyk dissenting.

Mayor Dietch asked that all Commission members take a look at the budget and come to the budget workshop with specific ideas.

POL Item #14, bike racks

Commission Olchyk expressed frustration about the bus benches and shelters. She stated that she wants Bill Evans, Director of Public Works to explain the status. Commission Olchyk opined that this is a priority. Bill Evans, Director of Public Works explained that the project is being completed in 3 phases. He noted that the town submitted paperwork and they will not be finalized until February and the Surfside is in the last phase, which is Group C. He added that the project is behind schedule. Bill Evans, Director of Public Works further noted that as a result now group C has been pushed back and the project will be let in October and Surfside will probably not see shelter until January 2012.

Vice Mayor Graubart inquired about the bus stop that used to be in front of Community Center area and questioned where it will be this time and if the issue has been discussed. He stressed that this could be a safety concern. Bill Evans, Director of Public Works stated that he will speak with the Town Manager about this. Roger Carlton, Town Manager mentioned that he will make it a Point of Light item and will report the progress each month.

POL #16, pg 59 Electric car charging station

Mayor Dietch mentioned that Sunny Isles is not moving forward, but added that Miami Beach is moving forward. He suggested for Surfside to monitor the activity in Miami Beach for piggybacking opportunity.

POL #17 pg 59, leaning poles -

Commissioner Olchyk inquired about whether there is any time frame for this issue, when will it be done and what the Town can do about it.

Bill Evans, Director of Public Works mentioned that a full inventory was done of all poles in Surfside. He noted that 7 poles are leaning greater than 17 degrees. He added that this information was submitted to FPL and AT&T. Bill Evans, Director of Public Works commented that AT&T will meet with the Town, but no meeting date has been set with FPL. Bill Evans, Director of Public Works indicated that there is not much we can do rather than push the poles' owners. He further noted that he has spoken with the governmental liaison officer regarding this issue.

Commissioner Karukin inquired if the Commissioners can contact the government liaison individually. Roger Carlton, Town Manager indicated that they can.

Roger Carlton, Town Manager mentioned that he will keep this item open as point of light, will keep it focused, and will keep putting pressure on the parties involved.

POL #22, pg 60 – 9/11 Ceremony–

Vice Mayor Graubart requested an update. Chief Allen mentioned that Bal Harbour, Bay Harbor, Indian Creek and Surfside are on board to proceed with a ceremony. He noted that the Miami Dade Fire Department is participating with their ladder truck and fire boat. The Chief also added that the Village Manager from Bay Harbor will be attending as a guest speaker. Vice Mayor Graubart noted that invitations to local elected officials from surrounding towns will be sent out. He added that he would like Priscilla Whitehead, former pastor from Church by the Sea to be invited.

POL #25, – Tenth mile markers on beach –

Commissioner Olchyk inquired about when this item was proposed and when it was approved. She questioned what the rationale is. She also noted that some of the markers have already fallen over from the bucket they are buried in. Roger Carlton, Town Manager indicated that the Points of Lights come from conversations and from the dais. He further noted that this item was brought up in conversation with the Mayor and has been on for two or three months as a Point of Light. Roger Carlton, Town Manager mentioned that the cost is \$275.

Mayor Dietch commented that this item came from residents. Commissioner Olchyk inquired if the Point of Light has to have an expenditure attached. She indicated that she does not remember the amount of \$275 and added that she has had inquiries from residents about the purpose of the markers.

Bill Evans, Director of Public Works mentioned that this item has been discussed previously and that the cost was \$263. Bill Evans, Director of Public Works mentioned that two Commissioner Olchyk mentioned were dug up by someone or something and they have been fixed.

Commissioner Olchyk opined that it does not make sense.

POL #26, Electronic waste collection –

Mayor Dietch mentioned that he wants to look at hazardous waste as well. Bill Evans, Director of Public Works mentioned that Miami Beach is getting a household waste program. He added that the County is ramping back up the program and Surfside will piggyback on it. He mentioned that the County hopes to roll out the program in October. Bill Evans, Director of Public Works noted that the plan is to have one day for people to bring things here for collection. Vice Mayor Graubart suggested inviting the Village Manager from Bal Harbour here and added that it would be a good Surfside- Bal Harbour- Bay Harbor effort.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

NONE

B. First Readings Ordinances

1. **Litter Ordinance – Roger M. Carlton, Town Manager (linked with Item 9H)**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 34 “ENVIRONMENT” BY ADDING ARTICLE V “LITTER” AND SPECIFICALLY CREATING SECTIONS 35-78 “DEFINITIONS”, SECTION 35-79 “UNFINISHED, VACANT, UNOCCUPIED OR CLOSED STRUCTURES, CONSTRUCTION SITES OR VACANT LOTS; MAINTENANCE PROCEDURES REQUIRED OF OWNERS”; AND SECTION 35-80 “PROHIBITIONS ON OWNERS”; AND SECTION 35-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; DELETING CHAPTER 2. “ADMINISTRATION” ARTICLE I. SECTION 54-2 ENTITLED “DISTRIBUTION OF HANDBILLS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. Page 86-93

Town Clerk Debra Eastman read the Ordinance by title.

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

Commissioner Olchyk inquired about the enforcement procedure of the ordinance. She stated that she is in favor of the ordinance, but stressed that it has to be enforced.

Roger Carlton, Town Manager stated that the Town needs an ordinance in order to enforce. He noted that the enforcement will be done by Police and added that the police will be empowered to write citations for code enforcement.

Mayor Dietch explained that this is taking a responsible approach to people who feed feral cats and added that this is a companion litter ordinance.

Commissioner Olchyk stated that she wants a procedure and have someone actually go and check out who is doing the feeding and not just have an ordinance.

Roger Carlton, Town Manager added that this ordinance announces to cat feeders that they have to be trained and certified to feed the cats and that they must clean up afterwards. He noted that people who do not comply will get warnings and they will get cited and will be enforced by the police, if necessary.

FelicE Caramello stated that he has been a volunteer for cat network for ten years. She also explained how the feral cat population started in Miami Beach. Ms. Caramello added that her organization spays and neuters cats and stated that she is willing to help in training others. Ms. Caramello commented that Sunny Isles distributes badges for the feeders and suggested that Surfside can do same.

Paul Yavis talked about tobacco addicts. He mentioned that the street sweepers are picking up many cigarette butts. He stated that he wants tickets for those throwing down butts.

Commissioner Karukin mentioned that the ordinance grew out of something that was needed for the feral cat program, but noted that he does not like large expansion of government regulations. He opined that the ordinance is Draconian and extremely broad and added that some provisions are too punitive.

Lynn Dannheisser, Town Attorney stated that the Town started with a feral cat program and noted that the successful programs include enforcement mechanism and include a litter ordinance. She mentioned that the Town did not have any litter ordinance in its code. She asked the Commission what sections are objectionable to them and perhaps it can be dealt with another way or deleted. She added that there will be a second reading next month and will talk with Commissioner Karukin in the interim. Commissioner Karukin mentioned that the Town has an ordinance that allows the police to enforce a list of things and this kind of enforcement is not part of that list. Lynn Dannheisser, Town Attorney will look review that ordinance between first and second reading.

Vice Mayor Graubart inquired if Miami Dade County has a litter ordinance. Lynn Dannheisser, Town Attorney indicated that this is not a home rule issue. She added that this ordinance is based on the Miami Beach ordinance.

Vice Mayor Graubart mentioned that he would like to see that political door hangars be permitted. Lynn Dannheisser, Town Attorney noted that they cannot inhibit political speech.

Vice Mayor Graubart spoke about leaf blowing equipment. He stated that he thought there was an ordinance not permitting it. He mentioned that he would like to see the Commission give direction to have one.

Vice Mayor Graubart suggested an ordinance not permitting leaf blowing equipment and asked Bill Evans, Director of Public Works about problems created by blowing trimmings into the sewer system. Bill Evans, Director of Public Works mentioned that they enter storm drains. He added that it is a potential problem because of the Town's NPDES permit.

Roger Carlton, Town Manager asked the Commission to instruct staff tonight to give a report on the leaf blowing situation.

Ms. Barbara McLaughlin stated that she will suggest to Parks and Recreation Committee to set up an adult education program for Surfside to discuss what should be done to feed feral cats.

Commissioner Karukin noted that one detail in the ordinance says he cannot take a bottle or can of soda to beach (Item B, page 90). The Commission discussed that the changes can be made before the second reading.

The ordinance was approved 3 to 1 with Commissioner Karukin casting the dissenting vote.

5. Resolutions and Proclamations

A. Ric Man Agreement Addendum Number One – Bill Evans, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT ADDENDUM NUMBER ONE TO THE STANDARD FORM AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND RIC-MAN INTERNATIONAL, INC. FOR THE INFRASTRUCTURE REHABILITATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Karukin made a motion to approve the agreement addendum. Commissioner Olchyk seconded the motion.

Commissioner Olchyk inquired about the section addressing the incentive of \$50,000 to finish early.

Roger Carlton, Town Manager gave an overview of the contract and noted that after a review by the Town Attorney she opined that all verbal discussions since contract award should be codified into an addendum to the contract and stated that it is a ministerial thing and just clarifies everything that happened to date.

Commissioner Olchyk expressed concern that the Town is going to be awarding \$50,000. as a nearly completion incentive. Roger Carlton, Town Manager clarified that it will be awarded if it is done on time. Commissioner Olchyk inquired about what penalty provisions the Town has. She expressed concern about heavy rain delays and claims from the contractor that the work would have been finished on time if not for the rain delay. Bill Evans, Director of Public Works explained rain days and incentives and noted that they get a rain day if they are unable to work more than 50% of the day. He added that the contractor has to provide the documentation that this was an actual rain day.

Commissioner Olchyk inquired about the \$1,500 per day charge if they finish late. She asked if it will be based on same criteria. Bill Evans, Director of Public Works responded that rain days apply either way. He added that they get an extra day for each rain day. Commissioner Olchyk asked why the figures of \$50,000 and \$1,500. Bill Evans, Director of Public Works stated that the hope is that the project be finished early. Roger Carlton, Town Manager stated that the schedule for the contract to finish early and be awarded the \$50,000 bonus is an aggressive schedule for each of the three neighborhoods.

The motion to approve the addendum carried unanimously.

**B. Interlocal Agreement with Sunny Isles Beach for Street Sweeper – Bill Evans,
Director of Public Works**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA (“TOWN”) AUTHORIZING THE TOWN TO ENTER
INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SUNNY ISLES
BEACH, FLORIDA TO SWEEP THE TOWN’S STREETS; 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.**

Bill Evans, Director of Public Works mentioned that Sunny Isles will provide two sweeps a month for \$12,500. He mentioned that this proposal will be taken to the Sunny Isles Commission this month. Roger Carlton, Town Manager stated that it is paid by storm water utility and not by the general fund. Bill Evans, Director of Public Works stressed the importance of having the streets swept.

**Vice Mayor Graubart made a motion to approve the agreement. Commissioner
Olchyk seconded the motion, which carried unanimously.**

C. Interlocal Agreement with Sunny Isle Beach for Expanded Shuttle Bus Service

– Bill Evans, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SUNNY ISLES BEACH, FLORIDA (“SUNNY ISLES BEACH”) TO PROVIDE SHUTTLE BUS TRANSPORTATION SERVICES TO THE RESIDENTS OF THE TOWN AND FOR THE TOWN TO PROVIDE SHUTTLE BUS SERVICE TO THE RESIDENTS OF SUNNY ISLES BEACH WITH THE PICKUPS AND DROPOFFS ON A DESIGNATED LOCATION ON 96TH STREET; PROVIDING FOR AN EFFECTIVE DATE.

Bill Evans, Director of Public Works explained the shuttle bus service and stated that the central pick up /drop off is on 96th St. He noted that their riders and our riders will use each other’s service. He noted that this agreement will expand the service area. Bill Evans, Director of Public Works noted that they are also entering into an agreement with Hallandale. He stated that there is no cost to Surfside and that CITT would like to see this consolidation of bus service.

Mayor Dietch recognized Vice Mayor Imberman who raised this issue four or five years ago.

Mayor Dietch stated that he would like Public education component that includes the bus routes and stops.

Commissioner Olchyk opined that it is a great idea and stated that she wants good public information.

Vice Mayor Graubart expressed the desire for a safe and secure location. He asked Bill Evans, Director of Public Works to consider the heat and the sun and was not in favor of 96th St. as a central location. Bill Evans, Director of Public Works stated that 96th St is in agreement because they turn daily on 96th Street.

Commissioner Olchyk made a motion to approve the agreement. Commissioner Karukin seconded the motion. All were in favor and the motion passed.

D. Memorandum of Understanding with Bal Harbour for the Construction of the Sewer Force Main Pipe – Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), ADOPTING A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE TOWN AND BAL HARBOUR VILLAGE, FLORIDA (“BAL HARBOUR”); AUTHORIZING THE TOWN MANAGER TO TAKE ANY

AND ALL STEPS NECESSARY TO EXECUTE THE NECESSARY DOCUMENTS TO CARRY OUT THE INTENT AND PURPOSE OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Roger Carlton, Town Manager explained the purpose of the force main. He noted that the terms are in the memo. He also spoke about the project cost to the Town of Surfside being approximately \$1,500,000.

Roger Carlton, Town Manager stated that Bal Harbour and Surfside will jointly own the line 50/50 in the future and will be responsible for the repair of it as well.

Bal Harbour Town Manager Mr. Alfred Treppeda stated that the two municipalities can save taxpayer dollars by doing projects like this cooperatively and urged passage.

Commissioner Karukin made a motion to approve the resolution. Commissioner Olchyk seconded the motion.

Commissioner Olchyk inquired about any additional charges associated with this. Roger Carlton, Town Manager stated that the additional charges will be things that you find out in the field. Roger Carlton, Town Manager explained change orders. He stated that he wants the authority to do change orders and will get the project done and will come back to the Commission. He added that he authorized Bill Evans, Director of Public Works to hire an engineer-type to be in the field all the time for both projects. Commissioner Olchyk inquired about the cost of an engineer. Roger Carlton, Town Manager responded that this will be a contract employee and will be paid \$60,000.

Commissioner Olchyk asked if change orders will be approved by Roger Carlton, Town Manager and then brought back to the Commission. Roger Carlton, Town Manager stated that with this authority he will get the project done on time. He estimated that it is a 90 day project and will get final close out. Commissioner Olchyk expressed concern about the Engineer and that the Commission just found out. She asked if he will spend 10 times the \$5,000 and later let the Commission know. Roger Carlton, Town Manager stated that if this should happen the item would be brought back to the Commission right away and he would not wait until the end of the project. He added that the prime directive is to get done quickly.

Commissioner Olchyk asked why Roger Carlton, Town Manager did not bring the engineer to the attention of Commission. Roger Carlton, Town Manager responded that he decided to do this between the last Commission meeting and this one. He added that Bill Evans, Director of Public Works is being spread very, very thin.

Mayor Dietch opined that it is an investment. Vice Mayor Graubart asked what portion of \$60,000 is being allocated to the Collins Ave portion of the project and if the cost is being shared with Bal Harbour. Bill Evans, Director of Public Works responded that 60% of the time will be spent on the front end of the project at first, but as it winds down he will spend more time on the other project. Vice Mayor Graubart stated that he wants Roger Carlton, Town Manager to negotiate with Bal Harbour Town Manager for that portion. He also asked about the flow meter on force main.

The motion to approve the resolution carried unanimously.

~~*E. Agreement with (not for profit corporation) to use Town-owned Land for a Community Garden – Roger M. Carlton, Town Manager – Page 107
[To be delivered under separate cover] – See item 9I~~

F. Mutual Aid Agreement with Medley Police Department – Police 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 OPERATIONAL ASSISTANCE WITH THE TOWN OF MEDLEY, FLORIDA POLICE DEPARTMENT.

Roger Carlton, Town Manager explained that all towns in Miami Dade County have mutual aid agreements with each other. He noted that they are important in terms of storms and special events.

Commissioner Karukin made a motion to approve the resolution. Commissioner Olchyk seconded the motion, which carried unanimously. Commissioner Kopelman and Vice Mayor Graubart were absent.

~~3F. G. FDOT License Agreement -Update– Bill Evans, Director of Public Works~~

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EASEMENT GRANTING AND GIVING TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION A PERPETUAL EASEMENT DESCRIBED IN EXHIBIT “A” FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SIDEWALK; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING FOUR (4) AGREEMENTS ATTACHED AS

COMPOSITE EXHIBIT "A" MEMORIALIZING EXPENDITURE OF FUNDS FROM CITT FUNDS FOR INSTALLATION OF SIDEWALKS, CROSSWALKS AND VALVE ADJUSTMENTS AS REQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR AN EFFECTIVE DATE.

See Item 3F for approval.

6. Good and Welfare

Peter Neville stated that he is happy with the way the Town is proceeding with the Community Center and getting all the pipes fixed, etc. He also expressed that the Garden Club is an excellent idea.

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

9. Mayor, Commission and Staff Communications

A. Surfside Spice Culinary Event June 26, 2011 Video- Roger M. Carlton, Town Manager

Mayor Dietch mentioned that he wants the information to be put on the website and on channel 77. Mr. Tavares introduced the people responsible for organizing the event and who also produced the video. The video was shown.

Both Mayor Dietch and Vice Mayor Graubart thanked them for their work.

B. Community Center Guest Policy – Tim Milian, Parks and Recreation Director

Roger Carlton, Town Manager spoke about the previous discussion regarding guests. He stated that the policy went out for review to the community and proceeded to explain the policy- up to 5 guests at \$5 each, except for children of 4 months to 1 year. Mr. Tim Milian reported that in 17 days, there have been 435 guests for \$2,175, averaging 23 guests per day. He opined that the policy has been overwhelmingly positive.

Roger Carlton, Town Manager asked the Commission for approval of the policy and fees.

Commissioner Karukin made a motion to approve the Community Center Guest Policy. Commissioner Olchyk seconded the motion, which carried with all in favor.

Commissioner Olchyk spoke highly of the cleanliness of the Community Center and of the enforcement of no food around the pool.

C. Solid Waste Charges on Property Tax Bill Fiscal Year 2012-2013 – Roger M. Carlton, Town Manager

Roger Carlton, Town Manager mentioned that he is presenting this as an option. He then explained the collection process. He added that the cost to the town is \$16,000 per year. Roger Carlton, Town Manager noted that the administration recommends this and cautioned that there is a long lead time. He asked for a motion from the Commission to authorize to go forward. He added that the agreement would come back to the Commission.

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

Commissioner Karukin asked about the cost of \$16,000. Roger Carlton, Town Manager noted that it will eliminate the need for an additional employee that could cost \$40,000 per year. Mayor Dietch noted that there is also a collection issue in the Town.

All were in favor and the motion passed.

D. Summer Studies Report – Roger M. Carlton, Town Manager

Roger Carlton, Town Manager spoke about the summer studies and mentioned that he will get all items to the Commission at least a week before the workshop.

Roger Carlton, Town Manager reported on two items. He spoke about establishing a new department for code enforcement and planning. He stated that he is not going to recommend the new department, but will go forward with retaining a code enforcement person. Roger Carlton, Town Manager noted that there is a citizen's group that is now involved in the recruiting process and they are recommending that Lynn Dannheisser, Town Attorney and Roger Carlton, Town Manager interview five to make a final decision. He mentioned that this person will report to the Town Manager.

Second, Roger Carlton, Town Manager mentioned that the budget included the beginning of process to move to one arm bandits for garbage collection. He indicated that he will wait on this. He mentioned that it would add \$35,000 to the budget.

Commissioner Olchyk asked Roger Carlton, Town Manager to reconsider hiring the Code Enforcement position right away. Roger Carlton, Town Manager responded that the Town needs to make this move to have code enforcement program.

Vice Mayor Graubart inquired if Bay Harbor and Bal Harbour have full time code enforcement officers. Roger Carlton, Town Manager mentioned that this will be part of the study.

Commissioner Olchyk asked if this will be after the fact. Roger Carlton, Town Manager mentioned that the Town has a person in this position today and the funding for this is

part of the budget. He also noted that the Town has nearly 40 employees less than they had a few years ago and continue doing more and more work while adding surplus to the budget. Roger Carlton, Town Manager stated that you can see a positive difference in the Town. Mayor Dietch agreed that the administration is putting the shine back in Surfside. Commissioner Olchyk also agreed. NOTE: The Town Manager wishes to correct the estimated 40 employee reduction. The actual number is closer to 19 fulltime employees.

Vice Mayor Graubart stated that he would like to know how many employees the Town had in 1999.

**E. Water, Sewer, Stormwater/Collins Force Main Report on Community Meeting
And Discussions with Miami Beach - Roger M. Carlton, Town Manager**

Bill Evans, Director of Public Works reported that the work begins on Monday. He stated that the First phase will be on the South end of Town and also includes work on Harding and Collins. He noted that the emphasis will be on Collins and Harding and to neighborhoods to the South. Bill Evans, Director of Public Works explained the staging areas and noted that he approved much of materials needed. He spoke about the right of entry form for each single family property and noted that if they want to have meters and sewer work taken care of they must sign the form and get back to the Town. Bill Evans, Director of Public Works noted that the information will go out in water bill.

Mayor Dietch stated that he wants the information on the website. Bill Evans, Director of Public Works also mentioned that he will put information that Town will translate to Spanish if necessary.

Roger Carlton, Town Manager stated that the Town needs cooperation from the citizens. He stated that they must get the forms signed and will be working with each home for an individual solution to getting the pipes through their property in the least intrusive way. He added that they will balance the least intrusive way with the cost.

Commissioner Olchyk asked about police presence. Chief Allen stated that once they pipes start to be pulled at night, there will be an officer present as needed.

**F. 9501 Collins Avenue, LLC Right of First Refusal (Discussion Item) – Roger M.
Carlton, Town Manager and Lynn Dannheisser, Town Attorney**

Roger Carlton, Town Manager spoke about the history of the previous negotiation regarding the 50 foot lot on 9501 Collins. He noted that the Town has ten days for first right of refusal to buy the property if a valid offer is received. He mentioned that there is an offer for \$4.5 million dollars. Roger Carlton, Town Manager mentioned that Vice Mayor Graubart asked that we make contact with building to the north. He noted that the administration recommends passing on this option.

Commissioner Olchyk moves to pass on the first right of refusal. Commissioner Karukin seconded the motion, which carried unanimously.

G. Deco Bike Rental Station – Duncan Tavares, Tourism, Economic Development and Community Services Director
This item discussed prior to ordinances.

Vice Mayor Graubart suggested bringing the bikes to the Town. He stated that he understands it is successful in Miami Beach, but they are not bringing in as much money as they hoped. He asked for an explanation from Colby Reese from Deco Bikes.

Mr. Reese explained that it is a part of the public transportation program that is fun, healthy, and green.

Mr. Reese also explained the station set up of 16 bikes, docking spaces, stocked with 10 or 11 bikes. He mentioned that there are different methods by which people can check if bikes are available. He stated that he would work with the Town Manager and Public Works to pick location for highest and best use.

Mayor Dietch asked how many stations Mr. Reese would recommend. He suggested the Town Hall and Community Center area. Mayor Dietch stated that he is supportive of the concept.

Commissioner Karukin stated that the membership estimates appear to be optimistic, but noted that he is not sure about the amount of revenue sharing that will occur. He also commented that riding on Collins and Harding is dangerous. Vice Mayor Graubart stated that most bikers use a hardpack from Haulover to 63rd St.

Roger Carlton, Town Manager noted that, if the Town gets into the program, it is not to make money, but rather for health, ecological values and the like. He added that the projections are aggressive and asked for direction from the Commission to continue in the discussion.

Vice Mayor Graubart mentioned that he would not like to see advertising unless they are for Surfside businesses.

Mayor Dietch stated that the first priority is not to give parking spaces. Vice Mayor Graubart added to pursue Publix with the Town Manager.

Roger Carlton, Town Manager mentioned that the Commission has given administration direction to continue in negotiation and have as prime directive not to use any public parking spaces. There was also discussion about limiting advertising to local businesses. Mayor Dietch asked that he return to the Commission and let them know if this cannot be done.

All were in favor.

H. Feral Cats – Roger M. Carlton, Town Manager

Roger Carlton, Town Manager spoke about the training of feral cat feeders, issuing badges, etc. He stated that he will bring back program if so desired.

Commissioner Olchyk made a motion to accept the feral cat program. Commissioner Karukin seconded the motion. All in favor of moving forward.

I. Community Garden/Garden Club Agreement – Update Points of Light (POL)

Number 8 – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director

Mr. Tavares reported that they are moving forward with the Garden Club. He stated that a Garden Club has been formed. He noted that he included a draft agreement for discussion. Mr. Tavares mentioned that he will bring final agreement to the next meeting. Mayor Dietch thanked Mr. Tavares for his efforts.

Roger Carlton, Town Manager mentioned that he will make a Point of Light and will move forward.

Vice Mayor Graubart mentioned that he met with neighbors and received no negative feedback. He asked if the Commission should let the agreement sunset if he sees it go down to few residents. He stated that he wants the Town Manager to have criteria to determine if the program is successful. Roger Carlton, Town Manager asked that there be a requirement to report quarterly to see how successful the program is.

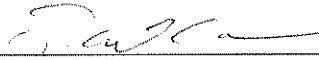
Mayor Dietch mentioned that he is not sure how the number of club members matters. He noted that people can subscribe to plots and can put some objective criteria what a measure of success will be. Mayor Dietch asked that this be added to the agenda for discussion at the next Garden Club meeting.

Roger Carlton, Town Manager thanked Town Clerk Debra Eastman for the work she has done. Roger Carlton, Town Manager stated that Chief DiCenso will be the interim clerk until a new Town Clerk is hired. Ms. Eastman thanked her fellow co-workers. She stated that Surfside has very hard working and dedicated employees. The Mayor and the Town Commission presented a plaque to Town Clerk Debra Eastman who will be leaving as of August 16, 2011.

10. Adjournment

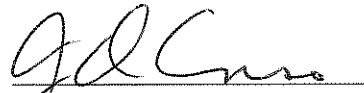
The meeting adjourned at 10:46 p.m.

Accepted this 19 day of Sept., 2011



Daniel Dietch, Mayor

Attest:



John Di Censo
Interim Town Clerk