



**Town of Surfside
Town Commission Meeting Minutes
October 11, 2011
7 p.m.**

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

Supplemental No. 1

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:04pm.

B. Roll Call of Members

Recording Clerk, Sarah Johnston called the roll; all members were present at roll call.

C. Pledge of Allegiance

Chief Allen led the pledge of allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Dietch asked if any Commission members had any comments, no members spoke.

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

Commissioner Kopelman requested that item 9K (sergeant pay raise verses arbitration) be added to the agenda.

Vice Mayor Graubart announced he would like to add to the agenda a request from Jordan Leonard, a Bay Harbor Islands Councilman, to request help from Surfside with their upcoming carnival. He requested the following items be pulled from the consent agenda, item 20 page 35 (short term rentals), page 45 item 3E (projects progress report). Town Attorney Lynn Dannheisser requested that a call for an executive session be added to item 9L.

Commissioner Olchyk requested the following items be pulled from the consent agenda; item 1A page 2 (introduction of Code Enforcement Director), 3C page 32 (point of light relating to FP&L and AT&T), item 17 (point of light relating to e-readers), item 20 page 35 (short term rentals), 5B page 72 (resort tax auditing firm), item 9C page 121 (Citizens Academy), 9A 141 (party rentals), 9J page 178 (records management).

Mayor Dietch requested item 9G page 144 (Town Manager compensation) be removed from the agenda, he requested the following items be pulled from the consent agenda, item 3E page 45 (Projects Progress Report), item 5F page 112 (appointment of replacement members). He wants to link and pull Point of Light item #5 page 31 (Community Gardener Association) be linked to item 5E page 86 (Community Garden Agreement), Point of Light item #7 page 31 (resort tax) be linked to item 5B page 72 (resort tax auditor selection), Point of Light item #8 page 32 (document imaging) be linked to item 9J page 178 (records management); Point of Light item #10 page 32 (website enhancement) be linked to item 9H page 145 (setting a workshop for website related content); item 12 page 33 (Citizens Academy) be linked to item 9C page 121 (Citizens Academy), and item 29 page 37 (9502 Collins Avenue) be linked to item 5C page 77 (9501 Collins Avenue).

Town Manager Roger Carlton requested item 9G page 150 (Town Manager compensation) be pulled.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch stated that Surfside just received the 2011 Crime Prevention Unit of the Year Award, he complimented Chief Allen, Assistant Chief Di Censo, the staff and Dina Goldstein, and Officer Jay Matelis in particular.

Commissioner Karukin reminded everyone that on October 29, 2011 the Alzheimer's Association Memory Walk would be held.

Vice Mayor Graubart announced that at the November Town Commission meeting, David Lawrence the former publisher of the Miami Herald and an early childhood development representative would make a short presentation related to early childhood development initiatives.

Mayor Dietch asked Town Manager Roger Carlton to develop a policy on how items are added to the agenda.

Town Manager Roger Carlton responded that it will be a joint recommendation from the Town Attorney and the Town Manager.

Town Attorney Lynn Dannheisser explained that any Commissioner, the Town Manager, and the Town Attorney have authority to add items to the agenda.

Mayor Dietch announced the following upcoming events:

- Bay Harbor, Bal Harbour, Indian Creek Village, Surfside Island Beach Bash will be on October 14, 2011
- Eye on Surfside Program will meet on October 18, 2011 at 6:00 pm in Town Hall.
- National Prescription Drug Take Back Initiative on October 29, 2011 at 10am-2pm at the Surfside Police Department.
- Annual Halloween Block Party will be on October 31, 2011 between 6pm-8pm.
- Senior trip to the musical Hairspray will be on October 26, 2011.
- Halloween Haunted Park will be on October 29, 2011 from 6:30pm-8:30pm at the 96th Street park.

- Senior Health Fair will be November 2, 2011 from 11am until 2pm at the Surfside Community Center.
- Veterans Day Ceremony will be on November 11, 2011 at 10am at Veterans Park.
- Fall Session 2 programming registration for the Parks and Recreation Department is currently underway and the programs begin October 24, 2011.
- The Buy a Brick Program is still available at Community Center.
- Fall Community Center Pool Hours are 9am until 6pm.
- Surf Bal Bay Farmers Market will be in Bay Harbor Islands on October 16, 2011.
- Endlessly Organic fresh produce distribution will at the Community Center on October 18, 2011. Urban Gardeners Association will have a meeting on October 26, 2011 at 7pm in Town Hall.
- The Downtown Vision Advisory Committee will be meeting on October 26, 2011 in Town Hall.
- Free Electronics Recycling for residents will be on October 27, 2011 8:30am-1pm at Town Hall.
- Sally Hayman will have a free flu shot clinic on November 1, 2011 at the Community Center.
- Reminder that hurricane season is until November 30, 2011, there is a volunteer initiative sponsored by the Police Department and Richard Iacobacci to help residents with storm preparation and lawn maintenance types of items.
- Mayor Dietch made an announcement about the North Miami Beach Publix being closed for renovations, resulting in the Surfside Publix being busier than usual.

G. Police Officer of the Month – August and September – August: John Gentile and Lesmes Ruiz; September: Micah Smith and Marian Valino

Chief Allen introduced officers of the month for August 2011-Les Ruiz and John Gentile, and officers of the month for September 2011-Micah Smith and Marian Valino, and presented awards.

H. Reading of *Home Sweet Surfside* Poem by Simone D'Antuono Page 1

Mayor Dietch introduced resident, Simone D'Antuono to read a poem she had written about Surfside.

I. Introduction of New Code Enforcement/Compliance Director, Jose Damien – Roger M. Carlton, Town Manager Page 2-4

Town Manager Roger Carlton introduced the new Code Enforcement and Compliance Director, Jose Damien.

Jose Damien introduced himself and explained his work background, including that he worked in Code Enforcement and Asset Management in Miami Beach for 25 years. Commissioner Olchyk asked Jose Damien if he would continue working with private clients,

Jose Damien responded that he has some previously made commitments, but those commitments are minimal, not in Surfside, and will be fulfilled after hours.

Commissioner Olchyk asked about verification that there is no conflict of interest with his private clients and about his contract.

Town Manager Roger Carlton responded that there is a policy within Town relating to outside employment and they are very cautious to abide by that policy.

Vice Mayor Graubart requested that Jose Damien get to know the people with whom he is enforcing the code.

Jose Damien explained his philosophy in working with code enforcement and the process he follows before getting to the enforcement phase.

Commissioner Kopelman stated that he likes Jose Damien's resume and would like to meet with him soon.

Commissioner Karukin explained he advocates a reactive approach instead of proactive approach, and he looks forward to meeting with him.

Mayor Dietch also welcomed him to the Town and reiterated that he supports a practical approach to code enforcement.

Town Attorney Lynn Dannheisser announced an upcoming Attorney Client Session related to John Davis Case on November 1, 2011 at 6pm.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:20 p.m.*)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.
**Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

- A. Minutes - September 1, 2011 Second Budget Workshop Page 5-15
September 13, 2011 First Budget Hearing Page 16-21
September 26, 2011 Second Budget Hearing Page 22-27

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

Director Page 28-29

- *C. **Town Manager's Report (Points of Light)** – Roger M. Carlton, Town Manager
Page 30-39
- *D. **Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney Page 40-44
- E. **Projects Progress Report** – Calvin, Giordano and Associates, Inc. Page 45-47
- F. **Beautification Committee Meeting Minutes July 11, 2011**

Commissioner Karukin made a motion to approve consent agenda minus the items pulled, Commissioner Kopelman seconded the motion, all voted in favor.

**DISCUSSION FOR PULLED ITEMS FIRST:*

Item 3E, page 45 relating to projects progress reports.

Chris Giordano from Calvin Giordano & Associates presented the status of the water and sewer projects. He showed examples and video of the existing sewer pipes which can be lined and examples of when they are unable to install a liner and must remove portions of the pipe for replacement. He explained that that infill in the sewer system was costing the Town approximately \$225,000 per year.

Town Manager Roger Carlton explained that the lateral line is the line going from the main sewer pipe into the home and that the Town is repairing and, if necessary replacing the sewer pipes up to the individual property lines.

Town Manager Roger Carlton indicated that the water pipes will be completely replaced. Chris Giordano showed images of the replacement of laterals and water main lines. He showed a graph showing production levels toward completion of the project stating that they are slightly behind on time, therefore they will be adding additional crews to work on the project.

Vice Mayor Graubart asked about the replacement of laterals lines for restaurants and commercial property, he does not think the Town should have to pick up the tab to replace the laterals because the restaurants and commercial properties are not maintaining them.

Mayor Dietch said that other Towns have fat/oil/grease ordinances and this is something that should be considered by the Town.

Bill Evans, Public Works Director, said that staff is well aware of this problem and the Town will have the lines cleaned. He stated that this is an issue, which must also involve Code Enforcement and, if necessary, amend the code of ordinances. He responded that although the restaurants have grease traps, not all are maintained, warranting code enforcement involvement.

Commissioner Olchyk asked about the supervision of the on-site work crews.

Chris Giordano responded that there are three (3) full-time inspectors following around the work crews all day and he is here weekly. He further explained that whenever any work is being done in the Town there is always a Calvin Giordano & Associates employee and a Town staff member present.

Page 32 item 11 relating to FP&L and AT&T pole replacement.

Commissioner Olchyk asked why staff has been unable to get FP&L and AT&T to replace leaning telephone and electric poles in the Town.

Bill Evans responded that he has met with FP&L and AT&T engineers separately and they did not feel any of the poles needed replacement. He said he pushed as far as he could to get them to replace the poles and they determined that they were structurally safe. He explained that FP&L and AT&T require the poles to be leaning a minimum of 17% and additional criteria must be present, showing deterioration. He said the engineers sent the Town a letter stating that all of the poles were within the acceptable parameters and did not need replacement.

Town Manager Roger Carlton said the Town could complain to the Public Service Commission but in his experience the complaint does not usually bring results, he said he fully supports going underground but at this point in time it is futile to go any further with this issue.

Mayor Dietch said there are two poles that will go underground if the CVS expansion and the proposed Grand Beach Hotel project go forward.

Vice Mayor Graubart asked if Town Manager Roger Carlton could prepare a letter on behalf of the Commission (signed by all members) asking them to rectify the issue.

Mayor Dietch indicated that there is a "most favored nations" clause that staff should look into to see if they could be compelled to act.

Town Manager Roger Carlton said he will prepare a letter and include pictures.

** see agenda item Good and Welfare*

Item 17 page 34 relating to e-readers.

Commissioner Olchyk asked how the e-readers were acquired and how much they cost. Duncan Tavares responded that there are four (4) Kindles, two (2) Nooks, and two (2) Sony e-readers. He said two (2) were donated and the rest were purchased from money left over from the library fund. He explained that currently there is no wifi so they are waiting on a wifi proposal from IT. He said staff will be managing the e-readers and he has been in discussion with other cities that have the program. Duncan Tavares explained it is a new program and staff will be prudent in implementing this procedure. Commissioner Kopelman suggested having local businesses sponsor some of the e-readers.

Commissioner Olchyk asked how long it will take to get this program going.

Town Manager Roger Carlton said he should have the whole thing ready for the next meeting.

Commissioner Olchyk asked why they purchased the items without having the wifi set-up.

Duncan Tavares explained it was because the e-readers were budgeted for last year and were purchased before year-end.

Vice Mayor Graubart wanted to add an item to the Points Of Light for next month, he asked the manager of the Surfside Publix if they could install a lock box for residents to pay utility bills at the Publix location. He said the Publix manager seemed receptive to the idea.

Item 3E Page 45 relating to project progress payments

Town Manager Roger Carlton said they are in final stages of negotiation with AECOM and as he committed, he will have a full report in November, which recommends a settlement that will hopefully stay within the \$5 million dollar amount. He explained that the last time the Town took on a construction project was with the renovation of Town Hall which cost \$750,000 in legal fees, he is hoping to avoid that with this project. Town Manager Roger Carlton said that they had installed air diverters for the air conditioners to keep noise down (they had received complaints from neighbors). Mayor Dietch wants the consultants and the Town Manager to understand that \$5 million dollars is the budgeted number.

Town Manager Roger Carlton stated that he is trying as hard as he can to stay within that \$5 million amount even though they added a \$250,000 room to the Community Center. Vice Mayor Graubart was very concerned about the snack bar and referenced the numbers he was given by the Finance Director stating that they have paid over \$1 million dollars to AECOM and he is unhappy with the snack bar which was built. He said he is upset with what was built because he felt it was inadequate.

Commissioner Olchyk wants to report that the chair of the Beautification Committee resigned and Mayor Dietch needs to replace his appointment

Commissioner Kopelman made a motion to approve items pulled from the Consent Agenda with changes, Commissioner Karukin seconded the motion to approve with changes. All voted in favor.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

*1. Required Amendments to FEMA Ordinance- Paul Gioia, Building Official
Page 48-63

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 "FLOODS" AND SPECIFICALLY SECTION 42-26 "STATUTORY AUTHORIZATION"; SECTION 42-41 "DEFINITIONS"; SECTION 42-57 "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD"; SECTION 42-77 "DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR"; SECTION 42-92 "SPECIFIC STANDARDS"; SECTION 42-95 "COASTAL HIGH HAZARD AREAS (V-ZONES)"; AND SECTION 42-114 "CONDITIONS FOR VARIANCES" 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

[This ordinance clarifies certain elements of the FEMA flood ordinance. These clarifications have been requested by FEMA and are required to regain the status which allows our residents to obtain discount for their flood insurance premium.]

Commissioner Karukin made a motion to approve, Commissioner Olchyk seconded the motion. All voted in favor except for Commissioner Olchyk who was not present for the vote.

Paul Gioia discussed the reason why staff was proposing the ordinance and explained that this is the end of what has been a lengthy process for the Town to be able to gain FEMA approval and obtain a positive rating for Flood Insurance.

B. First Readings Ordinances

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

NONE

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Employee Health Benefits Contract Renewal for Fiscal Year 2011-2012- Martin Sherwood, Finance Director [contract available at the Town's Clerk's office] Page 64-71**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING GROUP HEALTH PLAN BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND UNITED HEALTHCARE/ NEIGHBORHOOD HEALTH PLAN; PROVIDING FOR AN EFFECTIVE DATE.

Stan Bershad explained the new health plan that he was able to negotiate.

Martin Sherwood explained that the negotiation resulted in a savings of over \$35,000, he thanked Stan Bershad for his efforts.

Town Manager Roger Carlton clarified that the employees are also receiving a 9.3% increase.

Commissioner Kopelman made a motion to approve, Commissioner Karukin seconded the motion. All voted in favor.

***B. Selection of Resort Tax Auditing Firms- Duncan Tavares, Tourism, Economic Development and Community Services Director Page 72-76**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING SEVEN (7) AUDIT FIRMS TO PERFORM RESORT TAX AUDITS FOR THE TOWN IN RESPONSE TO RFP NO. 11-04; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO CONTINUING CONSULTANT AGREEMENTS WITH THE SELECTED AUDIT FIRMS; FURTHER AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kopelman acknowledged former Commissioner Blumstein who was in attendance.

Commissioner Karukin made a motion, Commissioner Kopelman seconded the motion.

Town Manager Roger Carlton explained that the Town previously was not performing resort tax audits and that going forward the Town needs to perform these audits.

Commissioner Olchyk expressed concern with the rates the auditors were proposing to charge and would like to see if the audit firms will lower their proposed rates.

Town Manager Roger Carlton responded that the audit firms have lowered their rates and the less expensive firms are too small and unable to do the work required for auditing the larger businesses. He explained that there are businesses collecting resort taxes in the Town doing a significant amount of business justifying the need for a larger audit firm at a higher blended hourly rate.

Commissioner Olchyk expressed support of obtaining auditors, but she is not supportive of the hourly amount being charged.

The vote was 3-1 in favor with Commissioner Olchyk opposed and Mayor Dietch was not present for the vote.

***C. 95th Street Grand Concourse Project Fund Receipt of Contribution from 9501 Collins Avenue Developer - Roger M. Carlton, Town Manager Page 77-80**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA ("TOWN"), ACCEPTING A PROFFER BY GREYSTONE RESIDENTIAL LLC, SUCCESSOR IN INTEREST TO 9501 COLLINS AVENUE, LLC IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) CONTRIBUTION TO THE 95TH STREET GRAND CONCOURSE PROJECT FUND; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger Carlton explained the project being proposed is already approved and the applicants have already obtained a permit. He showed examples of the project the applicants are planning, which was already approved and they already have a permit. He explained that the developers who purchased the property offered \$100,000 towards the 95th Street Grand Concourse Project Fund; the developers of the property have asked

for a resolution to approve the proffer because they wish to begin their development as soon as possible.

Commissioner Kopelman made a motion to accept, Commissioner Olchyk seconded the motion to accept.

Ryan Shear spoke on behalf of Greystone Residential LLC., he expressed excitement to begin the project and explained that they intend to start offering the Townhouses for sale in January 2012 and the groundbreaking is scheduled for the end of the first quarter 2012.

All voted in favor.

***D. Expenditure of Forfeiture Funds- David Allen, Chief of Police Page 81-85**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2011/2012 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF SEVENTY NINE THOUSAND TWO HUNDRED TEN DOLLARS (\$79,210.00); AND PROVIDING FOR AN EFFECTIVE DATE

Chief Allen presented this item explaining it is a resolution to use \$79,000 for listed items supporting crime prevention.

Commissioner Kopelman made a motion to approve, Commissioner Karukin seconded the motion.

Commissioner Karukin and Vice Mayor Graubart asked about crime initiatives at entryway of Town.

Mayor Dietch, in response to questions, explained that in an effort to deter crime the edges of the Town should more clearly defined.

Commissioner Kopelman asked Chief Allen about license plate reader cameras being placed upon the police cars.

Town Manager Roger Carlton said he will reinstate this item as a Point of Light.

All voted in favor.

***E. Award of Community Garden Agreement - Duncan Tavares, Tourism, Economic Development and Community Services Director Page 86-111**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AFTER-THE-FACT AGREEMENT WITH SURFSIDE URBAN GARDENERS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger Carlton introduced the item explaining this is an item that has been before the Commission previously and staff is seeking approval for the final agreement. Melissa Moonves 8842 Emerson Avenue, President of the Urban Gardeners Association explained how the project will work.

Mayor Dietch said he is very supportive and is pleased the item is before the Commission. **Mayor Dietch passed the gavel and made a motion to accept, Vice Mayor Graubart seconded the motion. All voted in favor.**

***F. Appointment of Replacement Members of the Planning And Zoning Board and Design Review Board- Lynn M. Dannheisser, Town Attorney Page 112-116**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING REPLACEMENT MEMBERS OF THE TOWN PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD; PROVIDING FOR IMPLEMENTATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Karukin explained his appointee, Scarlett Hammons stepped down and he has appointed Lindsay Lecour to serve on the Planning and Zoning Board and Design Review Board as a replacement appointee.

Commissioner Kopelman made a motion to approve, Vice Mayor Graubart seconded the motion, All voted in favor.

Town Attorney Lynn Dannheisser explained the Board still needs an additional appointment from the entire Commission.

Mayor Dietch said if there is no one who meets the qualifications within the Town they can look outside but he would prefer they find someone inside of the Town.

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

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.

At 8:14pm Mayor Dietch opened up Good and Welfare.

Andy Labrada and Liza Ortega, 8837 Harding Avenue and owner of EventX productions spoke and thanked the Commission for their support. He said that he filmed the opening of the Community Center and recently screened the film at the International Film Festival in Doral. Mayor Dietch asked that the videos of the Community Center opening be broadcast on channel 77.

Town Manager Roger Carlton stated that Mr. Labrada's company also films the Town's crime prevention videos.

Ana Marie Kelly 9195 Collins Ave, spoke regarding issues that have occurred in her building. She expressed concern because she has called the Police Department on issues

and has been told they were civil issues. She also spoke about short-term rentals and asked the Commission to enforce laws against short-term rentals in her condominium. Chief Allen responded that the Town has always responded but this is an issue between her and her condominium association.

Town Manager Roger Carlton responded that now that the ordinance is in place and with the recently hired Code Enforcement Director staff can now investigate reports and follow through with the enforcement procedure.

Commissioner Olchyk would like it noted that the Carlyle Condominium has had complaints for an extended period time and would the staff enforcement start there. Town Manager Roger Carlton confirmed with the Commission that staff will increase enforcement of the short term rental ordinance.

Mayor Dietch requested it be reported back to the Commission as a Point of Light. **Mayor Dietch closed good and welfare at 8:30pm.**

7. Town Manager and Town Attorney Reports

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

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications (Set for approximately 9:00 p.m.)

***A. Presentation of Preliminary Parking Utilization Study Including Alley Upgrades, Wayfarer Signage, Parking Lot Improvements and Surfside Branding for Image Building - Ravi Devaguptapu, Engineer (SET FOR TIME CERTAIN AT 9:00 PM) Page 117-118**

Town Manager Roger Carlton explained this was a presentation relating to a preliminary parking study and was not before the Commission for a final decision.

Juan Calderon from Florida Transportation Engineering (FTE) presented the Parking, Way Finding, and Alleyway study. He went over parking inventory, parking lot design, alleyway revitalization, Way Finding signs, and branding. He indicated there was many issues with parking inventory and that the parking demand is impacted by seasonality (the winter season being the busiest time of year), store vacancy (there are currently eight (8) vacant units), and a proposal to eliminate side street parking on Harding Avenue. Analyzing all these factors and accounting for the adjustments a need for a parking garage is reflected based upon the occupancy numbers.

Town Manager Roger Carlton said this is just a parking count, which shows at peak time there will be a shortage in the Abbott Avenue parking lot. He said the decision to be made from this presentation is whether to go forward with a feasibility study. He explained that after a feasibility study is done then staff and the Commission will have

discussions about the garage (if it is determined one is needed) relating to style, design, public, or partner with a private company, etc.

Juan Calderon also presented the alleyway revitalization concepts and showed samples of proposed alleyways. He introduced Chris Rogers from Yazzi Designs to present on the wayfinding portion of the study. Chris Rogers went over the current issues he identified (gateways, vehicular directionals, identity signs, and pedestrian signs). He also showed some preliminary concepts for entryway signs and expressed the importance of, whichever sign is selected, the design should be carried through the Town. The other item he has researched is developing a tagline/motto for the Town and identified some things to consider when they come up with a tagline.

Town Manager Roger Carlton summarized what staff is seeking tonight, he is not asking for a final decision but he would like some input from the Commission. He said coming up with an aesthetic that everyone likes would allow them to move forward with the program mentioned by the Chief relating to more defined Town entryways.

Mayor Dietch said he is not convinced that they need a garage but he would like to continue with the process to determine if a parking garage is necessary.

Commissioner Karukin said that he is in agreement with Mayor Dietch and asked how FTE's results were compared to the 2004 study

Juan Calderon responded they were unable to use the 2004 study because of the timeline used.

Town Manager Roger Carlton responded that the current study that was done was much more granular and that the 2004 was 7 years ago and the Downtown area has changed dramatically. He explained the reasons behind a parking feasibility study and the methods in place to pay for the study. He referenced merchants that have not come to Surfside because of the parking situation.

Town Manager Roger Carlton referenced the presentation made by Juan Calderon and said that they adjusted the numbers based upon the season, removal of spots, and increased business occupancy.

Commissioner Kopelman expressed concern with attracting businesses if there is not enough parking to support the businesses.

Vice Mayor Graubart asked that this item be deferred to a workshop.

Town Manager Roger Carlton confirmed that the Commission would like for him to schedule a workshop.

Commissioner Karukin expressed some concern with the Way Farer signs and is worried about sign pollution, but stated he does support signs for parking.

Vice Mayor Graubart asked about construction workers parking in the Abbott lot.

Juan Calderon explained there were some construction workers in the Abbott lot but he did not see a substantial impact on parking because of the construction workers.

***B. Legislative Program Discussion- Fausto Gomez, Legislative Consultant (SET FOR TIME CERTAIN AT 9:20 PM) Page 119-120**

Fausto Gomez (as the Town lobbyist) explained that the legislative session has been moved up from March to January. Issues for the Town Commission to be aware of are:

- Reapportionment – he believes it is a priority for the Town to make sure the legislative districts are contiguous and represented by one representative.
- From the Revenue Estimation conference in Tallahassee it was said that there would be a \$1.5 billion dollar deficit within the next two (2) fiscal years. He said the Legislature has kept a billion dollars in reserves so they do not have to have a budget cut this upcoming budget year however that is expected to change the next year.
- Pension reform –during the last legislative session the retirement age for 401k programs was changed from 55 to 60, in the upcoming session the Governor has stated he wants to change the age back to 55. Additionally, there is a proposed change mandating 401k programs for municipalities.
- TABER – this is a proposed revenue and expenditure limitations, previously this was imposed only on state revenue, in the upcoming session they want to expand the limitations to include local government.
- Peoples Transportation Plan – Surfside receives \$182,000 annually, that is from the 20% of the share that goes to Miami-Dade County, new municipalities have been added to the County and they are proposing the new municipalities get their share from the existing amount, resulting in Surfside receiving a reduction in amount down to \$146,000.
- Internet Travel Service – he said only Miami Dade County, Surfside, and Bal Harbour can charge local tourist development tax for hotels. He said there is ongoing litigation with Orange County and Orbitz and Expedia relating to rooms being resold at a higher cost than cost the tourist tax is paid on. He said this will be a key issue this upcoming legislative session.
- Red light cameras – He explained that the future speaker of the House of Representatives would like to get rid of the cameras.

Town Manager Roger Carlton stated that Orbitz and Expedia just settled for \$10 million with Orange County regarding the tourism tax.

Town Manager Roger Carlton stated that this is the earliest they have ever seen a Legislative program and would like the permission from the Commission to accept this as primary legislative action and to fly there on emergency basis if needed.

Fausto Gomez stated he would like reapportionment added.

Commissioner Kopelman made a motion to approve with apportionment added, Commissioner Karukin seconded the motion. All voted in favor.

***C. Interlocal Agreement with Florida International University Metropolitan Center to Implement a Residential Satisfaction Survey (RSS) and a Citizen's Academy- Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN AT 9:30PM) Page 121-140**

Dr. Howard Frank from the FIU Metropolitan Center spoke about implementing a Citizens Academy for about 20 people which would be two 8-hour sessions at the school

and a Residential Satisfaction Survey (RSS) which would be a diagnostic tool for management. He said he was involved with an academy in Homestead many years ago, he explained that they work on a buddy system helping local officials and they give an overview of government.

Commissioner Karukin made a motion. There was no second.

Commissioner Kopelman asked about the sample size and questioned whether that gives an accurate depiction. He asked how they select the people.

Dr. Frank responded that they pick a representative sample of the Town from buying the phone numbers, and he will work with the Town in selecting the sample.

Town Manager Roger Carlton indicated that the request tonight is whether the Commission members are interested and the final decision will be next month.

Commissioner Kopelman would like more information before he makes a decision.

Commissioner Olchyk expressed concern with spending \$11,000 for the study and with community participation based on previous committees and lack of involvement.

Commissioner Karukin has some reservations and referenced a non-scientific study he did. He said he supports this conceptually but has some reservations with survey size and cost.

Dr. Frank indicated that the survey is based upon 400 responses in a time certain.

Mayor Dietch indicated that both of these initiatives provide transparency and said he believes it is a relatively small investment in the community and he sees this as an opportunity for the Town.

Town Manager Roger Carlton asked if the Commission would like for staff to bring back the issue relating to the survey (with more details) and the issue relating to the academy (with more detail)

The vote was 3-2 with Commissioner Karukin and Mayor Dietch voting in support and Vice Mayor Graubart, Commissioner Kopelman, and Commissioner Olchyk voted in opposition.

***D. Community Center Pool Party Rentals- (September 13, 2011 Town Commission Meeting, Item 9 A) " Reconsideration" at Request of Commission Karukin Page 141**

Commissioner Karukin wanted to reconsider his previous vote on this issue.

Commissioner Kopelman made a motion for reconsideration, Vice Mayor Graubart seconded the motion, all voted in favor.

Commissioner Kopelman made a motion to accept the Community Center pool rental agreement, Mayor Dietch seconded the motion. All voted in favor.

E. "Shovel Ready Projects"- Vice Mayor Joe Graubart Page 142

Vice Mayor Graubart explained that he put this item on the agenda in case there is another Federal Stimulus Package. He would like the Town to have some shovel ready projects, he suggested some projects he would like to be considered.

Commissioner Karukin made a motion to go beyond 11:00pm, Commissioner Kopelman seconded the motion, all voted in favor.

Town Manager Roger Carlton defined what shovel ready projects are indicating that they are projects where plans, specifications, and bid documents are complete in advance in case a stimulus package is passed and funds become available. He said that he is supportive of this idea and believes it is very forward thinking
Mayor Dietch asked that this be a Point of Light.

F. “Welcome to Town” Packet for New Residents (“WELCOME WAGON”) - Vice Mayor Joe Graubart Page 143

**Due to the late hour and residents waiting, agenda item 9L (relating to the food policy at the Community Center Pool) was heard before this item.*

Vice Mayor Graubart explained that years ago when residents moved to Surfside they received a welcome packet for new homeowners which would include some pertinent information for residents new to the area.

Commissioner Olchyk asked how much this would cost.

Mayor Dietch asked that is a Point of Light.

Town Manager Roger Carlton responded that the cost would be staff effort to put it together and it will be a Point of Light.

G. Compensation Adjustment for Town Manager- Mayor Daniel Dietch [to be delivered under separate cover] Page 144

**This item was not discussed.*

H. Setting a Workshop for the Town Website, Channel 77, the Gazette, Social Networking and other Methods to Improve Communication with Citizens- Roger M. Carlton, Town Manager Page 145-175

Commissioner Karukin asked Town Manager Roger Carlton to inform the former Communication Committee of this workshop.

Town Manager Roger Carlton said staff had received bids on redoing the website and none were acceptable. He said staff is recommending that they have a workshop to discuss this and he will schedule the workshop.

***I. Community Center/Pool Outside Food Policy – Tim Milian, Parks & Recreation Director Page 176-177**

**Item moved before item 9F*

Town Manager Roger Carlton said that the policy currently in effect is based upon the agreement between the Town and the Concessionaire that the Commission agreed to

enter into previously. He said the Parks and Recreation Committee made a recommendation to install a picnic table and allow finger food (not from the Concession) in a designated area. He said that the Administration recommends that for the first year they maintain exclusivity to ensure survival of the concessionaire.

Tim Milian, Parks and Recreation Director, spoke and said that the outside food policy would lead to the detriment of the current concessionaire and referenced other municipalities that have had this problem. He said the entire board of the Parks and Recreation Committee was present at the Commission meeting.

Commissioner Kopleman made a motion to continue the policy Commissioner Karukin seconded the policy.

Mark Blumstein, a resident of Surfside, said he disagrees with the recommendation to allow exclusivity with the concessionaire.

Alvaro Norris, a resident of Surfside, said he supports the exclusivity in order to allow the concession to remain in business.

Eliana Salzhauer, board member of the Parks and Recreation Committee, spoke in opposition of allowing the concessionaire to be exclusive.

David Jacobsen, resident and owner of the concession, spoke in support and explained there are many other concessions that have closed when they allowed outside food to come in.

Sharon Goldberg 9232 Dickens Avenue, spoke in opposition of allowing the concessionaire to be exclusive and also discussed nutritional concerns with the food being offered at the concession.

Barbara McLaughlin, board member of the Parks and Recreation Committee, spoke in support of keeping exclusivity with the concessionaire.

Doris Obregon, board member of the Parks and Recreation Committee, spoke in support of exclusivity for the concessionaire.

Commissioner Kopleman addressed additional concerns such as clean up and maintenance that is associated with allowing outside food to be brought into the Community Center pool area.

Commissioner Olchyk wanted to remind everyone that the Commission spent a lot of time reviewing the menu and there is a variety of food options, she is also concerned with the potential clean up and maintenance issues.

Vice Mayor Graubart is also concerned with obesity and nutritional concerns and said he would like a friendly amendment to have this issue come up in May. He said this will allow exclusivity until May and then the decision will be made by next Commission before the height of the season.

Commissioner Karukin is more concerned with the additional burden which could be placed upon the Town with policing this issue. He is in agreement with Vice Mayor Graubart and would like this to come up no later than May.

Mayor Dietch said they can measure the viability of the concession during the winter, he is concerned with the Town getting into a subsidy situation with the concessionaire.

All in favor.

J. Records Management- John Di Censo, Interim Town Clerk Page 178 – 179

Interim Town Clerk John Di Censo reported on the records management process, he said there is a large document scanner that is missing which would allow for the clean-up of many of the files located in the rooms throughout Town Hall. He wants permission to get that scanner and a person to scan the documents; he also indicated that he could outsource this item.

Commissioner Kopelman made a motion to buy the large document scanner.

Commissioner Olchyk said she has a lot of questions about the scanners which have already been purchased.

Vice Mayor Graubart made a motion to extend the meeting to 12:15am,

Commissioner Kopelman seconded the motion. All voted in favor.

Paul Gioia spoke to the current cost involved with looking for plans or what the residents have to pay to have building plans copied for a public records request.

Mayor Dietch wants to bifurcate this issue.

Commissioner Kopelman made a motion to purchase large document scanner now and hold off on the additional person until next month. Vice Mayor Graubart seconded the motion. All voted in favor to purchase the scanner.

K. This item was walked on and related to Fraternal Order of Police impasse.

Commissioner Kopelman introduced this item. The Town is ready for an impasse hearing relating to this issue, which is tying to compensation for sergeants to annual performance evaluations. He is calling for an executive session relating this issue.

Vice Mayor Graubart added this item relating to a request from Bay Harbor Islands. He said Leonard Jordan, a Councilman from Bay Harbor Islands was asking if Surfside would contribute to their upcoming International Flag of Nations Carnival which raises funds for parks and classrooms.

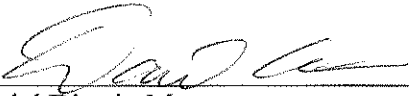
Vice Mayor Graubart made a motion to donate \$500 or \$1000, Commissioner Karukin seconded the motion. Commissioner Kopelman supports a \$500 donation. Mayor Dietch thinks this kind of event is something that should be contributed by parents and local businesses. He is opposed. The vote was 3-2 with Commissioner Kopelman, Commissioner Olchyk, and Mayor Dietch opposed and Vice Mayor Graubart and Commissioner Karukin voting in favor.

Commissioner Olchyk said that she would like to show support for the Manager with a one time special bonus for Town Manager Roger Carlton, Commissioner Karukin seconded the motion for this be at item on the next agenda. All voted in favor.

10. Adjournment

Commissioner Kopelman made a motion to adjourn at 12:18am.

Accepted this 13 day of December 2011



Daniel Dietch, Mayor

Attest:



Sarah Johnston, Recording Clerk