



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**February 14, 2012  
7 p.m.**

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

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:05 P.M.

**B. Roll Call of Members**

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Graubart, Commissioner Karukin Commissioner Kopelman and Commissioner Olchyk.

**C. Pledge of Allegiance**

Commissioner Kopelman led the Pledge of Allegiance.

**D. Mayor and Commission Remarks – Mayor Daniel Dietch**

Commissioner Kopelman spoke about his tenure as a Commissioner for the last 23 months. He thanked Town Manager, Roger M. Carlton and the members of the Town Commission..

Commissioner Olchyk spoke about the candidate forum and explained that on February 8, 2012, she was contacted about the tentative date for the candidate forum she stated that she replied as soon as she received it and said that she was not going to be in town on March 6, 2012. She wanted everyone to be aware that the reason for her absence at the forum it will be not to lack of interest on her side, but rather a lack of interest from those organizing it to accommodate her.

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

Commissioner Karukin made a motion to call a Special Meeting to discuss the election issues and bring an emergency ordinance in front of the Commission.

Commissioner Kopelman seconded the motion and all voted in favor.

Commissioner Karukin pulled item 3B, page 15; item 6, page 20; item 28, page 26.

Commissioner Olchyk pulled items 8, page 20; item 28, page 26; item 33, page 28; item 35, page 28.

Town Manager, Roger M. Carlton pulled Point Of Light # 27 from the Supplemental Agenda.

Commissioner Kopelman made a motion to approve the consent agenda minus the items pulled. The motion received a second from Commissioner Karukin and all voted in favor.

**F. Community Notes – Mayor Daniel Dietch**

Mayor Dietch announced that Commissioner Sally Heyman's "Mom & Po" grants applications are due on February 17, 2012. The next Eye on Surfside crime prevention meeting is February 21, 2012 at 6:00 p.m. The Forks over Knives movie and lecture will be on February 22, 2012 at 7:00 p.m. The Parks and Recreations Department is hosting a senior trip to the Redland's Schnebly Winery on Saturday, February 25, 2012 at 9:00 am. The Rock and Reel event will be on Saturday, March 3, 2012 at 4:00 p.m. The Parks and Recreation Department and AARP are hosting a Defensive Driving Class on Thursday, March 22, 2012. The Endlessly Organic fresh produce distribution is on February 21, 2012.

Vice Mayor Graubart announced the Third Thursday event on February 16, 2012 with Mariachis and music from Colombia between 7:00 p.m. and 10:00 p.m. He also announced that on Tuesdays at 11:00 a.m. the Town is showing episodes of the Twilight Zone with a lecture.

**G. Presentation to Commissioner Ted Kopelman – Mayor Daniel Dietch**

Mayor Dietch spoke about Commissioner Kopelman and presented him with a plaque of appreciation for his service to the people of Surfside.

**H. Presentation from Miami Dade County Commissioner Sally Heyman – Mayor Daniel Dietch (SET FOR TIME CERTAIN AT 7:30PM)**

Miami Dade County Commissioner Sally Heyman presented the Town with a modern Segway for the Police Department. She also spoke about the big event that was going to take place at Halouver Park and explained that due to permitting issues, the event had been cancelled. She also provided the Town with discounted prescription cards for the residents, where they can take the card to the pharmacy of their choice and get a discount on their medications.

**I. Officer of the Year award – David Allen, Chief of Police**

David Allen, Chief of Police presented John Gentile with the Officer of the Year award. Vice Mayor Graubart stated that Officer Gentile has a compassionate heart and takes the time to help those in needs.

Officer Gentile gave thanks to the Mayor and the Commissioners and stated that he is very proud to work for the Surfside Police Department.

**J. Police Civilian of the Year – David Allen, Chief of Police**

David Allen, Chief of Police presented Dina Goldstein with the Police Civilian of the Year. He stated that Ms. Goldstein received during the last year, 11 letters of appreciation, 9 Police Department Commendation, 2 Town of Surfside Certificates of Appreciation, she was the 2011 South East Florida Crime Prevention Association of the Year Award winner, she was also the winner of the Crime Prevention LEO Award for Dade County and she participated in over 30 crime prevention events.

Ms. Goldstein thanked the Mayor, the Commissioners, Chief Allen, Assistant Chief Dicenso and her co-workers for always supporting her and letting her excel.

**K. Citizen Recognition of Dr. Shaw and Eli Tourgeman** – David Allen, Chief of Police  
David Allen, Chief of Police recognized Mr. Shaw and Mr. Tourgeman for contacting the Police Department on January 11, 2012 thereby assisting in an arrest of an ex-convict.  
Mr. Shaw was unable to make it to the meeting.

**L. Recognition of Larry Feder for his contributions to the Holiday Toy Drive** – David Allen, Chief of Police  
David Allen, Chief of Police presented a plaque to Mr. Larry Feder for his continuing support to the children in need. Mr. Feder has donated toys during the Surfside Police Department Toy Drive for three consecutive years.

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda (*Set for approximately 7:45 p.m.*)**

Commissioner Kopelman made a motion to approve the Consent Agenda. The motion received a second from Karukinand all voted in favor.

**\*A. Minutes** - January 17, 2012 Regular Commission Meeting  
January 23, 2012 Special Commission Meeting

Approved on Consent

**B. Budget to Actual Summary as of November 30, 2011** – Roger M. Carlton, Town Manager

Commissioner Karukin asked to see if the Manager could have a line item added into the report for the cash reserves.

The Mayor spoke about the monthly reports from the City of North Bay Village that includes more information and it might be a great idea to discuss at a later day.

Town Manager, Roger M. Carlton spoke and explained the Budget to Actual Summary report.

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

Item 6, page 20 – Commissioner Karukin spoke about the website and stated that he has been working with Duncan Tavares and that he had delayed the process because he had some questions and concerns. Vice Mayor Graubart requested to see the report that was provided by the Communication's Committee when working on this project.

Item 8, page – Commissioner Olchyk wanted to find out why the Town hasn't already start the use of the e-readers. Tim Milian, Parks and Recreations Director explained that the Wi-Fi is now available and that we are currently waiting on a legal document so that people interested in checking out the e-readers can fill out the form in order to take them and to protect the Town in case of any damages and also protecting the content on the e-readers. He stated that the program should be up and running before the next Town Commission Meeting.

Item 27, page 26 – Town Manager, Roger M. Carlton explained that the concessionaire has not been able to achieve his goals. The Town tried helping by having some special events and reducing hours during the winter. The

concessionaire advised the Town that he can no longer continue the contract. The manager brought another operator to take over the concession and the information was in their packages and the agreement is transferable. Commissioner Olchyk asked if the same healthy menu will be provided and the answered was affirmative. She asked if the compensation will remain the same and the answered was affirmative as well. Also, if he is unable by any chance to provide the meals for a party/event, the people will be able to cater from the outside.

Vice Mayor Graubart asked who is responsible for running background checks on all the concession employees. Tim Milian responded that all of the background checks are done through our Human Resources Department.

Item 28, page 26 - Commissioner Olchyk spoke against the Sea Level poles. She asked how many communities of our size with the same sea exposure have these Sea Level poles.

The Mayor explained that there would be two poles installed by an Eagle Scout, one will be installed in the bay and another one in the beach. He explained that the \$200.00 is only to cover for any staff time if there is any.

Commissioner Kopelman made a motion to approve. The motion received a second from Commissioner Karukin. The motion passed 4-1 with Commissioner Olchyk voting in opposition.

Item 33, page 28 – Commissioner Olchyk spoke about the Dog Park and stated that in her opinion there is no need for a another Dog Park within 10 blocks. The Mayor explained that there is an enormous demand and people are expressing support and he would like to honor their wishes.

Item 35, page 28 – Commissioner Olchyk wanted to know about the expenditures. Ducan Tavares, TEDACS Director explained the issues.

Vice Mayor Graubart asked to add a Points of Light as a personal privilege. He talked about a Kiddie Pool over at the Bay Harbor Islands, they have a big shade over the pool and he would like to find out what a structure like that will cost the to install over the Town's kiddie pool.

Commissioner Kopelman made a motion to accept all the items discussed. The motion received a second from Commissioner Karukin and all voted in favor.

**\*D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney  
Approved on Consent

**\*E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.  
Approved on Consent

#### **4. Ordinances**

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

##### **A. Second Readings (Ordinances and Public Hearing)**

*(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)*

**B. First Readings Ordinances**

**\*1. Sidewalk Businesses – Duncan Tavares, TEDACS Director**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 “SIDEWALK BUSINESSES” AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 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 regulates sidewalk cafes]**

Town Clerk, Sandra Novoa read the ordinance by title.

Town Manager, Roger M. Carlton introduced the item.

Commissioner Kopelman made a motion to approve the ordinance on first reading. The motion received a second from Commissioner Karukin. The motion passed 5-0.

**5. Resolutions and Proclamations**

*(Set for approximately 8:45 p.m.) (Note: Depends upon length of Good and Welfare)*

**\*A. A Resolution of the Mayor and Town Commission Permanently Extending the Provisions Contained in Resolution 11-1997 and 11-2043 that Provide for Police Officers to Enforce Certain Provisions of the Town Code – Joe Damien, Code Compliance Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE PERMANENT EXTENSION OF THE PROVISIONS CONTAINED IN RESOLUTION 11-1997 AND 11-2043 THAT PROVIDE FOR CODE ENFORCEMENT OFFICERS, WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS, TO ADDRESS CODE VIOLATIONS FOR SECTION 90-79 “RESTRICTED AND PROHIBITED PARKING”, SECTION 74-01 “COMMERCIAL VEHICLES IN RESIDENTIAL AREA”; SECTION 54-02 “HANDBILL DISTRIBUTION”; SECTION 54-63 “SIDEWALK OR STREET OBSTRUCTION”; SECTION 54-78 “PROHIBITED NOISES”; SECTION 14-29 “CONSTRUCTION WORK WITHOUT PERMIT”; SECTION 10-28**

**“LEASH LAWS”; SECTION 10-32 “FECAL DISPOSAL”; SECTION 10-33 “DOGS ON THE BEACH”; SECTION 10-36 “BARKING OR VICIOUS DOGS”; SECTIONS 34-78 THROUGH 34-80 “LITTER ORDINANCE”; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**B. Resolution in Sympathy to the family of Jack Stevens, a Downtown Vision Advisory Committee Member – Roger M. Carlton, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SYMPATHY TO THE FAMILY OF JACK STEVENS, A LONG TIME PROPERTY OWNER IN DOWNTOWN SURFSIDE AND AN ACTIVE MEMBER OF THE DOWNTOWN VISION ADVISORY COMMITTEE.**

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

**\*C. Executive Recruitment of Finance Director – Roger M. Carlton, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EXPENDITURE FROM THE GENERAL FUND FOR AN EXECUTIVE RECRUITING FIRM FOR SELECTION OF A FINANCE DIRECTOR; AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$25,000; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Kopelman made a motion to approve. The motion received a second from Commissioner Karukin. The motion passed 4-1 with Commissioner Olchyk voting in opposition.

**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.*

Annamarie Kelly spoke about the invasion of her privacy. She asked the Mayor what is the protocol to contact him because she has tried without getting a call back. She wanted to know why she needs to contact the Chief of Police in order to get any questions answered. She wants to know what is being done with the situation at the Carlyle building. She also brought a sample of her dog food with mold for the Mayor and Commissioners to see. She explained that it is because there is no air conditioning in the hallway of her building.

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

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

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

**8. Unfinished Business and New Business**

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

**\*A. Discussion of 4<sup>th</sup> of July Events – Tim Milian, Parks and Recreation Director**

Commissioner Kopelman made a motion to approve. The motion received a second from Commissioner Karukin. The motion passed 4-1 with Commissioner Olchyk voting in opposition.

**\*B. Update on Candidate Forum (Verbal) – Roger M. Carlton, Town Manager**

Town Manager, Roger M. Carlton spoke about the candidate forum and explained that it will only be a Mayoral Candidates Forum on March 6, 2012 at 7:00 p.m.

**C. Surfside Ballot question(s) for the upcoming United States Presidential election of 2012; to be held on Tuesday, November 6, 2012 regarding multi-level parking garage(s) and the location(s) – Vice Mayor Joe Graubart**

Vice Mayor Graubart spoke on his interest to place the multi-level parking garage(s) on the upcoming Presidential election ballot. The Commission concluded that it was premature to vote on the item.

**D. Soft Drinks/Soda Vending Machine at 96<sup>th</sup> Street Park – Vice Mayor Joe Graubart**

Tim Milian, Parks and Receptions Director explained that about 5 or 6 years ago the Town removed all the soft drinks from the vending machines and replaced them with healthy beverages and the next day there was an outpouring from residents asking for the soft drinks.

Vice Mayor Graubart spoke about the soft drinks and the amount of sugar and high fructose corn syrup they have. It is his wish to remove the soft drinks from all of the vending machines in Town.

The Mayor suggested proposing to the Parks and Receptions Committee to include some healthy beverages such as juices in the vending machines. All were in favor.

**E. Resort Tax Update – Duncan Tavares, TEDACS Director**

Town Manager, Roger M. Carlton explained that a written update of the Resort Tax Audit was included in their packages.

**F. Ratification of the Fraternal Order of Police Local 135, Collective Bargaining Agreement– Yamileth Slate-McCloud, Human Resources Director (Verbal Report)**

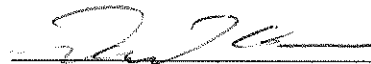
Town Manager, Roger M. Carlton

The item will be in front of the Commission on a Special Town Meeting to be schedule.

**10. Adjournment**

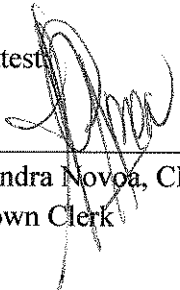
There being no further business to come before the Commission, the meeting adjourned at 9:53p.m.

Accepted this 13 day of March 2012



Daniel Dietch, Mayor

Attest



Sandra Novoa, CMC  
Town Clerk