



**Town of Surfside
Town Commission Meeting
MINUTES
May 8, 2012
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:07 P.M.

B. Roll Call of Members

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Lisbon and Commissioner Kligman. Commissioner Olchyk was absent.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Vice Mayor Karukin thanked resident and Community member Ricardo Mualin for coordinating an Alzheimer's Association breakfast.

Commissioner Kligman thanked everyone that went out to vote and for their support. Mayor Dietch welcomed Commissioner Kligman to the Commission

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

Vice Mayor Karukin linked item 9C to Point of Light 36 and pulled them as well.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced that there are many activities in Town and all of the information is available on the Town's website. In the interest of time he would no longer read the entire list.

**G. Presentation from Mr. Stan Bershada, CLU – Roger M. Carlton, Town Manager
(SET FOR TIME CERTAIN 7:15 PM)**

Mr. Bershada thanked the Town Commission for their support to the North Shore Kiwanis and presented the Town, Rebecca Flores from the Parks and Recreation Department, Chief of Police David Allen and Town Manager Roger M. Carlton with a Certificate of Appreciation for their help during the Dog Show and the Car Wash.

**H. Presentation from Representative Joseph A. "Joe" Gibbons – Roger M. Carlton,
Town Manager Page 1-2 (SET FOR TIME CERTAIN 7:30 PM)**

Representative Joseph A. "Joe" Gibbons addressed the Surfside Town Commission and explained how his district boundaries had been changed.

I. Presentation from Hatzala, Isaac M. Jaroslawicz, General Counsel – Commissioner Sheldon Lisbon Page 3 (SET FOR TIME CERTAIN 7:40PM)

Mr. Jaroslawicz, General Counsel for Hatzala spoke about their services and their trained volunteers.

Vice Mayor Karukin asked about their relationship with the Miami Dade County Fire Rescue Service. Hatzala's representative explained that the process with Miami Dade County Fire Rescue is seamless.

Town Manager Roger M. Carlton stated that he will report back in the Points of Light how the service start-up is going.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:30 p.m.)

Vice Mayor Karukin made a motion to approve the Consent Agenda less the item that was pulled. The motion received a second from Commissioner Lisbon and all voted in favor.

- *A. **Minutes** - March 13, 2012 Regular Commission Meeting
March 21, 2012 Special Town Commission Meeting
April 10, 2012 Regular Commission Meeting

B. Budget to Actual Summary as of February 29, 2012 – Roger M. Carlton, Town Manager

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

Item 36, Page 26 – Vice Mayor Karukin made a motion to reconsider his vote on item 9D Island Community Initiative Automatic License Plate Project (ALPR) of the April 10, 2012 Town Commission Meeting. Vice Mayor Karukin explained his concerns related to the MOU and the security and privacy of the program.

Mr. Anthony Soroka, Attorney from Bal Harbour Village answered the Vice Mayor's questions and concerns. He explained some of the public records law exemptions that will prohibit people from requesting personal information.

Vice Mayor Karukin pulled his motion for reconsideration.

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

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

***F. Florida League of Cities City Spirit Award – Tim Milian, Parks and Recreation Director –**

G. Florida Recreation and Park Association (FRPA) Agency Excellence Award – Tim Milian, Parks and Recreation Director

Commissioner Lisbon made a motion to approve the pulled item. The motion received a second from Commissioner Kligman. The motion passed 3-1 with Vice Mayor Karukin voting in opposition.

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. Amending Chapter 18, Division 3 “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 use of sidewalks by restaurants]

Town Clerk Sandra Novoa read the title of the ordinance.

Duncan Tavares, TEDACS Director presented the item.

Mayor Dietch asked the Town Manager to provide the Commission with an ongoing update as part of the Points of Light.

Mayor Dietch opened the Public Hearing. There was no one wishing to speak, Mayor Dietch closed the Public Hearing.

Vice Mayor Karukin made a motion to approve the ordinance on second reading.

The motion received a second from Commissioner Lisbon and all voted in favor.

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

B. First Readings Ordinances

- *1. Amending Section 2-176 Service Retirement Allowance and Clarify the Normal Retirement Date for Members who are Police Officers– Yamileth Slate-McCloud, Human Resources Director

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176 OF THE CODE TO CLARIFY THE NORMAL RETIREMENT DATE FOR POLICE OFFICERS UNDER THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Sandra Novoa Iread the title of the ordinance.

Town Manager Roger Carlton presented the item.

Commissioner Kligman had concerns about the ordinance being a term and condition of employment and in her opinion that should be negotiated with the Union. Town Attorney, Lynn Dannheisser will look into the question and will report back. She stated that she spoke to the Pension Board Attorney and he had approved the ordinance.

Commissioner Kligman made a motion that the Town and the Fraternal Order of Police enter into a Memorandum of Understanding (MOU).

Town Manager, Roger M. Carlton asked Commissioner Kligman to clarify her motion. He stated that an MOU might not be exactly what she is looking for but a statement from the FOP that they accept would suffice. Town Attorney, Lynn Dannheisser will further review Commission Kligman's request and report back if necessary. The motion received a second from Vice Mayor Karukin and all voted in favor.

5. Resolutions and Proclamations

(Set for approximately 8:40 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Amendment to Town Manager, Roger M. Carlton's Employment Agreement – Daniel Dietch, Mayor**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING SECOND AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, ROGER M. CARLTON AND THE TOWN; AND PROVIDING AN EFFECTIVE DATE

The Mayor spoke very highly of the Town Manager.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Lisbon. The motion passed 3-1 with Commissioner Kligman voting in opposition.

***B. Appointment of Members to the Town Planning and Zoning Board and Design Review Board – Lynn Dannheisser, Town Attorney (Linked to item 9A)**

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

Mayor Dietch reappointed Mr. Peter Glynn to the Planning and Zoning and Design Review Board. Vice Mayor Karukin reappointed

Ms. Lindsay Lecour to the Planning and Zoning and Design Review Board. Commissioner Lisbon appointed Mr. Jared Plitt to the Planning and Zoning and Design Review Board. Town Clerk, Sandra Novoa received an e-mail from Commissioner Olchyk appointing Carli Marie Koshal to the Planning and Zoning and Design Review Board. Commissioner Kligman was not ready to appoint. The Mayor re-appointed Jorge Gutierrez a License Architect to the Design Review Board.

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

***C. Reappoint Two Special Masters and Appoint Two Special Masters – Lynn Dannheisser, Town Attorney**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RE-APPOINTING SPECIAL MASTERS AND RATIFYING TWO NEWLY APPOINTED SPECIAL MASTERS TO BE INCLUDED IN THE LIST; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney, Lynn Dannheisser presented the item.

Commissioner Lisbon made a motion to approve. The motion was seconded by Vice Mayor Karukin.

Commissioner Kligman refrained from voting due to a conflict (See form 8B-Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers attached).

The motion passed 3-0.

***D. Proposed Bifurcation of Commission Meetings - Lynn Dannheisser, Town Attorney**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE BIFURCATION OF TOWN COMMISSION MEETINGS IN THE EVENT THAT THE TOWN HAS QUASI-JUDICIAL/ZONING MATTERS TO DISCUSS, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Lynn Dannheisser presented the item.

Commissioner Kligman made a motion to approve. The motion received a second from Mayor Dietch for discussion purposes.

After much discussion on the item, Commissioner Kligman made a motion to defer the item and asked staff to come back with recommendations. The motion received a second from Vice Mayor Karukin and all voted in favor.

***E. Memorandum of Understanding between the Town of Surfside and Jewish Community Services of South Florida – Duncan Tavares, TEDACS Director**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA
ACKNOWLEDGING THE PROGRAMMING BEING
OFFERED BY JEWISH COMMUNITY SERVICES OF SOUTH
FLORIDA TO THE RESIDENTS OF THE TOWN OF
SURFSIDE.**

Duncan Tavares, TEDACS Director presented the item.

Mr. Fred Stock representing Jewish Community Services spoke about the services they provide.

Vice Mayor Karukin amended the motion to approve in substantial form to allow for minor changes. Commissioner Lisbon seconded the amendment and all voted in favor.

***F. Municipal Parking Structure(s) Feasibility Study – Roger M. Carlton, Town
Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF SURFSIDE, FLORIDA APPROVING A
CONTRACT WITH THE FIRM OF RICH & ASSOCIATES,
INC. FOR THE MUNICIPAL PARKING FEASIBILITY
STUDY; AUTHORIZING TOWN OFFICIALS TO TAKE ALL
STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS
RESOLUTION; AND PROVIDING FOR AN EFFECTIVE
DATE.**

Town Manager Roger M. Carlton presented the item.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Lisbon for discussion purposes.

Commissioner Kligman made a motion to defer the item. She did not feel she was ready to make a decision and there was not a full Commission. Motion failed for lack of second.

After much discussion on the item, the motion passed 3-1 with Commissioner Kligman voting in opposition.

***G. Three Phase Work Authorization to include Traffic Calming,
Seawall Inspection and Landscape Architecture – Bill Evans,
Public Works Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF SURFSIDE, FLORIDA APPROVING WORK
AUTHORIZATION NO. 53; A THREE PHASE WORK
AUTHORIZATION TO INCLUDE TRAFFIC CALMING,
SEAWALL INSPECTION AND LANDSCAPE
ARCHITECTURE; AUTHORIZING THE TOWN MANAGER
TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR
AN EFFECTIVE DATE.**

Town Manager Roger M. Carlton presented the item.

Bill Evans, Public Works Director answered questions posed by the Manager and the Town Commission.

Commissioner Lisbon made a motion to approve. The motion received a second from Commissioner Kligman.

Commissioner Lisbon amended his motion to strikeout Phase III Street End Design of the project. The amendment received a second from Vice Mayor Karukin. The motion passed 3-1 with Commissioner Kligman in opposition.

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

Christophe Grignon spoke about his driveway not being fixed and the grass replaced for the last two months. He stated that he has called the contractor and they have failed to fix it. Bill Evans, Public Works Director asked Mr. Grignon for his address, stated that he was unaware of this situation and promised to be at their house first thing the next morning. Mr. Grignon also spoke about the need for change in the noise ordinance. Heather Bettur, President of Prince Media Development provided an update on the "Tale of the Surfside Turtles" project and stated that the grand viewing will be on June 17, 2012 at the Community Center.

Joe Corderi spoke about the noise ordinance and a letter received by a neighbor. David Strehlan, Producer Director invited everyone to a fundraiser event to introduce the Bashevis Singer film.

Commissioner Kligman stated that she has received a lot of complaints about cars cutting through the Town by the stop signs on 92nd and 93rd between Abbott and Byron Avenue. It seems that this occurs when the lanes on Harding are closed. She would like the Chief of Police to look into this matter and report back during the next Commission meeting.

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. Board and Committee Appointments – Roger M. Carlton, Town Manager**

Mayor Dietch, Vice Mayor Karukin, Commissioner Lisbon and Commissioner Kligman made their appointments to different Boards and Committees as follows:

Planning and Zoning Board

Peter Glynn – Mayor Dietch
Lindsay Lecour – Vice Mayor Karukin
Dr. Jared Plitt – Commissioner Lisbon
Carli Marie Koshal – Commissioner Olchyk
Mayor Dietch - Liaison

Design Review Board

Peter Glynn – Mayor Dietch
Lindsay Lecour – Vice Mayor Karukin
Dr. Jared Plitt – Commissioner Lisbon
Carli Marie Koshal – Commissioner Olchyk
Jorge Gutierrez. License Architect – Unanimously appointed

Personnel Appeals Board

Brian Dooreck – Mayor Dietch
Niza Motola – Vice Mayor Karukin
Vice Mayor Karukin – Liaison

Parks and Recreation Committee

Eliana Salzhauer – Mayor Dietch
Retta Logan – Vice Mayor Karukin
Doris Obregon – Commissioner Kligman

Tourist Board

Barbara Cohen – Mayor Dietch
Commissioner Lisbon – Liaison

Pension Board

Vice Mayor Karukin made a motion for the board to remain the same. The motion received a second from Commissioner Lisbon and all voted in favor.

Police Officers Pension Trust

Item deferred for next month

Vice Mayor Karukin made a motion to have the Town Commission make appointments to the DVAC Committee as well as the Town Manager. The motion received a second from Commissioner Kligman and all voted in favor.

***B. Charter Review – Lynn Dannheisser, Town Attorney**

Lynn Dannheisser, Town Attorney presented the item and spoke about the charter review and proposed four issues for adoption and placement on the November 6, 2012 ballot.

Vice Mayor Karukin spoke on the item and the charter review that was completed four (4) years ago.

Vice Mayor Karukin made a motion to approve the four items with the language to be presented by the Town Attorney in June. The motion received a second from Commissioner Kligman and all voted in favor.

***C. Reconsideration of Item 9D of the April 10, 2012 Town Commission Meeting –**

Vice Mayor Michael Karukin

Item was discussed on the Points of Light Item 36 under the Consent Agenda.

***D. Report on Partial Refinance of \$16 million Regions Bank Water/Sewer/Storm Drainage Loan – Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton presented the Commission with an update.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 10:45p.m.

Accepted this 12 day of June 2012


Daniel Dietch, Mayor

Attest:



Sandra Nova, CMC
Town Clerk

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michelle Kligman, hereby disclose that on May 8, 20 12 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my ^{nk}business-associate, friend/co-worker _____;
- _____ inured to the special gain or loss of my relative, _____;
- _____ inured to the special gain or loss of _____, by whom I am retained; or
- _____ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

On the May 8, 2012 Town of Surfside Commission meeting, I abstained from voting on the selection of the special magistrate for the Town of Surfside. I was employed by the City of Miami for seven years where my co-worker friend Rafael Suarez-Rivas was employed as an Assistant City Attorney. Rafael was now being considered by the Town Commission for a professional service agreement to act as a special magistrate for the town. Under an abundance of caution and/or any appearance of impropriety I chose to abstain.

5/18/2012
Date Filed

Michelle Kligman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.