



**Town of Surfside
Town Commission Meeting
MINUTES
July 17, 2012
7 p.m.**

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

1. Opening

A. Call to Order

Vice Mayor Karukin 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: Vice Mayor Karukin, Commissioner Kligman and Commissioner Olchyk. Mayor Dietch was absent due to a death in the family.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

None

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

Lynn Dannheisser Town Attorney deferred Mayor Dietch's Item 9C, added an Item 9F to introduce Ms. Miriam Maer who will be acting as Town Attorney in her absence.

Town Manager Roger M. Carlton added Item 9G – Candidate Forum/Debate and introduced a resolution attached to Points of Light 9 (95th Street-end).

Commissioner Olchyk pulled item 1, page 38 and item 4, page 40 from the Points of Light.

Commissioner Kligman pulled page 27 of the minutes and item 12, page 42 of the Points of Light.

F. Community Notes – Mayor Daniel Dietch

Vice Mayor Karukin announced the upcoming Town Activities and Events.

G. Recognition of Ft. Lauderdale Police Officer Heather Lee for Arrest of Surfside Felony Subject- David Allen Chief of Police

Chief David Allen presented Officer Heather Lee from the Ft. Lauderdale Police Department with a plaque thanking her for the arrest of Surfside sexual assault suspect.

- H. Recognition of Doris “Dorie” Lurie for her contribution to the Surfside Community** – Mayor Daniel Dietch
Vice Mayor Karukin presented Doris “Dorie” Lurie with a plaque in recognition for her contribution to the Surfside Community.
Commissioner Kligman read some of Mrs. Lurie’s accomplishment into the record.
Commissioner Olchyk thanked Doris “Dorie” Lurie and stated that she is the reason why she is serving today as a Commissioner.
Mrs. Lurie thanked the Town Commission and spoke about her years of public service as a Town resident.
- I. Officer of the Month for April – Sgt. Jay Matelis and Officer Tammy Campbell**– David Allen, Chief of Police
Chief of Police David Allen presented Sgt. Jay Matelis and Officer Tammy Campbell with the Police Officer of the Month for April Award for arresting a bank robber.
Chief David Allen also stated that Officer Campbell is the Officer of the Month for Miami Dade County as well for this arrest.
- J. Civilian of the Month for May – Parking Enforcement Officer Alain Acosta** – David Allen, Chief of Police
Chief of Police David Allen presented Parking Enforcement Officer Alain Acosta with the Civilian of the Month Award. Officer Acosta issued 495 parking citations during the month of May.
- K. Officer of the Month for June – Officer Jonathan Alvarez**- David Allen, Chief of Police
Chief of Police David Allen presented Officer Jonathan Alvarez with the Officer of the Month for June Award for arresting a bicycle thief.
- L. Recognition of the North Shore Kiwanis 60 Years of Service** – Mayor Daniel Dietch
Vice Mayor Karukin presented a plaque to the North Shore Kiwanis for their 60 Years of Service to the Town of Surfside.
Commissioner Olchyk made a motion to approve the resolution thanking the Kiwanis. The motion received a second from Commissioner Kligman and all voted in favor.

Commissioner Kligman presented Psychologist Adrian Michaels to speak on the emotional issues that happen when children are bullied. This item will be before the Town Commission later on the Agenda.

2. Quasi-Judicial Hearings

- A. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 8985 BAY DRIVE, TO PERMIT A SIDE SETBACK VARIANCE FROM SECTION 90-45 OF THE CODE OF ORDINANCES TO ALLOW A 15.9 FOOT SIDE**

SETBACK VARIANCE ON THE EAST SIDE OF THE PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Lynn Dannheisser read a preliminary statement at the beginning of the quasi-judicial public hearing and announced the particular agenda item.

Town Clerk Sandra Novoa confirmed that the advertisement requirements were met for the quasi-judicial hearing.

Town Clerk Sandra Novoa swore in everyone that wished to speak on the quasi-judicial hearing.

Sarah Sinatra, Town Planner presented the item and provided the Commission with the Staff recommendation.

Vice Mayor Karukin opened the Public hearing.

No one wished to speak on the item and Vice Mayor Karukin closed the public hearing.

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

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

Commissioner Olchyk made a motion to approve the Consent Agenda less the items that were pulled. The motion received a second from Commissioner Kligman and all voted in favor.

***A. Minutes - June 12, 2012 – Regular Commission Meeting**

Commissioner Olchyk asked to correct the spelling for Ms. Norma Parron's name on page 30 of the June 12, 2012 Minutes.

Commissioner Kligman asked to add language to the June 12, 2012 Minutes on page 30, item 4A1 to reflect her comment "as long as the FOP is ok with it and the item does not need impact bargaining".

B. Budget to Actual Summary as of April 30, 2012 – Roger M. Carlton, Town Manager

Passed on consent

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

Item 1 – Commissioner Olchyk wanted to clarify and stated on the record that she did not want a commitment to purchase benches unless there are available sponsors.

Item 4 – Commissioner Olchyk asked the Town Manager not to tie the short term rentals to the Junior Code Compliance Officer position offered for the FY 2012-2013 budget. After a short discussion Commissioner Kligman asked Code Compliance Director Joe Damian to come back during the August Commission meeting with specifics as to the short term rentals.

Item 9 – Town Manager, Roger M. Carlton explained that this item has appeared eleven (11) times in the Points of Light and he recommends a resolution to approve funding for Bermello Ajamil in compliance with Commissioner Kligman's resolution that was passed during the June 12, 2012 Town Commission meeting. Commissioner Kligman made a motion to approve. Commissioner Olchyk seconded the motion and all were in favor.

Item 12 – Commissioner Kligman asked for an update on the FEMA flood insurance. Town Attorney, Lynn Dannheisser gave the Town Commission an update on this item.

- *D. **Town Attorney’s Report** – Lynn M. Dannheisser, Town Attorney
Passed on Consent
- *E. **Projects Progress Report** – Calvin Giordano and Associates, Inc.
Passed on Consent

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

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

- 1. **FY12 Capital Improvement Element Update** – Sarah Sinatra,
Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

Sandra Novoa Town Clerk read the ordinance by title.

Sarah Sinatra Town Planner spoke on the item.

Vice Mayor Karukin opened the public hearing. No one wished to speak on the item and the public hearing was closed.

Commissioner Kligman made a motion to approve the ordinance. The motion received a second from Commissioner Olchyk and all were in favor.

B. First Readings Ordinances

- 1. **Amended Legislation to Planning & Zoning/Design Review Board Requirements** – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”; PROVIDING FOR SEVERABILITY; PROVIDING

FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Sandra Novoa Town Clerk read the ordinance by title.

Town Attorney Lynn Dannheisser presented the item to the Commission and offered to bring back a more comprehensive plan during the September 2012 Town Commission meeting.

Commissioner Kligman made a motion to approve. Motion received a second by Commissioner Olchyk and all voted in favor.

2. Fence Ordinance – Roger M. Carlton, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-56.1-4 “FENCES, WALLS, AND HEDGES” 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.

Sandra Novoa, Town Clerk read the ordinance by title.

Sarah Sinatra, Town Planner presented the item.

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

**3. Adopt an Ordinance Governing Height of Ceiling and other Requirements in Parking Facilities with Elevator Lifts – Roger M. Carlton, Town Manager
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AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90-77 “OFF STREET PARKING REQUIREMENTS” TO PERMIT MECHANICAL PARKING LIFTS TO BE COUNTED AS REQUIRED PARKING SPACES SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Sandra Novoa, Town Clerk read the ordinance by title.

Roger M. Carlton, Town Manager presented the item.

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

5. Resolutions and Proclamations

A. Proposed Ad-Valorem Budget Millage for Fiscal Year 2012-2013 - Donald Nelson, Finance Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item.

Commissioner Kligman expressed her concerns in using reserves to lower the millage rate.

Commissioner Olchyk expressed the same concerns.

Vice Mayor Karukin asked if part of the reserves were monies carried over from previous years.

Town Manager Roger M. Carlton responded in the affirmative.

Town Attorney Lynn Dannheisser asked for a short recess to discuss with Ms. Miriam Maer what vote was necessary to set the millage rate since one of the members of the Town Commission was absent and one seat was vacant.

Vice Mayor Karukin called for a recess at 9:20 p.m.

The Town Commission convened at 9:30 p.m. with all three members present.

Town Attorney, Lynn Dannheisser stated that a majority vote was sufficient in this resolution.

Commissioner Kligman made a motion to approve. Vice Mayor Karukin seconded the motion. The motion passed 2-1 with Commissioner Olchyk voting in opposition.

B. Charter Review Ballot Question -- Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CHARTER TO PROVIDE REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR INCLUSION IN THE CHARTER; ACCEPTING THOSE CHARTER PROVISIONS APPROVED BY

A MAJORITY OF THE VOTERS ON NOVEMBER 6, 2012 ACCORDING TO OFFICIAL RESULTS; AMENDING THE TOWN CHARTER TO ADD A PREAMBLE AND CITIZEN'S BILL OF RIGHTS; AMENDING ARTICLE VI. SECTION 105 GENERAL AND SPECIAL ELECTIONS OF COMMISSION MEMBERS; ARTICLE IX. SECTION 128 MANDATORY CHARTER REVIEW; AND ARTICLE I. SECTION 4 GENERAL POWERS OF TOWN; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; DIRECTING THE TOWN CLERK TO AMEND AND CODIFY THE TOWN CHARTER IN ACCORDANCE WITH THE ELECTION RESULTS AND THIS RESOLUTION; PROVIDING FOR INCLUSION INTO THE TOWN CHARTER AND CODE; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Lynn Dannheisser presented the item to the Commission. Commissioner Kligman made a motion for discussion purposes. Commissioner Olchyk seconded the motion.

Vice Mayor Karukin expressed his concerns with an item that deals with the vacancy in candidacy because of the complexity of the item. He explained that it is his preference to not put Item 2 on the ballot or just simplify it by using the language in item E which said that if there is an issue that does not fit within the Charter, the Commission can create an ordinance to deal with the particular situation.

Town Manager Roger M. Carlton recommended pulling Item 2 off the ballot and placing three (3) items on the November 2012 ballot and dealing with item 2 under Charter Review.

Commissioner Olchyk expressed that it was her understanding that the reason that this item was brought in front of the Commission was specifically to address Item 2.

Vice Mayor Karukin explained that there is no pressing issue at the moment that the Town must place that item on the ballot.

Commissioner Olchyk made a motion to place Item 1, 3 and 4 on the November 2012 ballot. The motion received a second from Commissioner Kligman and all voted in favor.

C. Renewal of Voluntary Cooperation Mutual Aid Agreement with the South Florida Money Laundering Strike Force – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ("TOWN") APPROVING THE RENEWAL OF INTERLOCAL AGREEMENT FOR THE VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND SOUTH FLORIDA LAW ENFORCEMENT AGENCIES AND PROVIDING FOR AN EFFECTIVE DATE.

Chief David Allen presented the item to the Town Commission. Commissioner Olchyk made a motion to approve. The motion received a second from Commissioner Kligman and all voted in favor.

D. Interlocal Agreement for NPDES Co-Permittee in Permit No. FLS000003-003 – Bill Evans, Public Works Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE RENEWAL OF THE INTERLOCAL AGREEMENT BETWEEN ALL CO-PERMITTEES NAMED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003-003 AND MIAMI-DAE COUNTY, AND ALSO BETWEEN ALL COPERMITTEES PROVIDING FOR IDENTIFICATION AND CONTROL OF POLLUTANT DISCHARGES IN SHARED MUNICIPAL SEPARATE STORM SEWER SYSTEMS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item to the Town Commission. Commissioner Olchyk made a motion to approve. The motion received a second from Commissioner Kligman and all voted in favor.

E. Approve a Resolution Accepting a Run-off Election– Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING A SPECIAL RUN-OFF ELECTION IN ACCORDANCE WITH THE TOWN CHARTER; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item and explained that in the event that there is a tie during the August 28, 2012 Special Election a run-off election will be scheduled for Tuesday, September 11, 2012.

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

Commissioner Kligman asked that if there was a cost in case of a run-off election. Town Manager Roger M. Carlton responded affirmatively that the cost would be approximately \$15,000 - \$20,000.

There being no further discussion, the motion passed unanimously.

F. Expenditure of Forfeiture Fund – David Allen, Police Chief

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 \$15,000 FROM THE FORFEITURE FUND TO PURCHASE THIRTY FIREARMS FOR THE POLICE DEPARTMENT.

Chief of Police David Allen presented the item to the Town Commission. The \$15,000 will be used to replace the Department's firearms.

The Chief explained that the Town will try to return the old firearms to get a rebate/credit.

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

G. Accepting Florida Municipal Insurance Trust (FMIT) Matching Funds Safety Grant – Tim Milian, Park and Recreations Director

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, ACCEPTING A GRANT WITH THE FLORIDA MUNICIPAL INSURANCE TRUST ("FMIT") FOR MATCHING FUNDS TO RESURFACE THE PARKS AND RECREATION COURTS AND SAFETY TRAINING FOR STAFF.

Tim Milian presented the item to the Town Commission.

Commissioner Kligman asked what the total amount of the grant was and about the matching funds. Tim Milian stated that the Town will receive \$5,000 and the Town has to match it with \$5,000 already allocated in the Parks and Recreation Department budget.

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

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.

Alan Gorme spoke about the possibility of reducing the trash and garbage services to three times a week in the single family neighborhood.

Eli Tourgeman announced his candidacy for the August 28, 2012 Special Town Election.

Joe Graubart spoke about the FEMA flood insurance and suggested getting information as to why the discount was lost to educate everyone and not let this happen again.

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. Deferral of Certain Items if a Commissioner is Absent- Commissioner Marta Olchyk

Commissioner Olchyk stated that the one month that she missed the Commission meeting was because she was visiting her family. She stated there was an item of great concern that dealt with additional costs for certain positions and everyone on the Town Commission knew that these items were very important to her. She was very upset that these items were presented knowing she wasn't able to attend and knowing that if she was present she would have voted against them in order to avoid this from happening. She suggested that in the future whenever a Commissioner is aware that another will not be present, the item should be deferred as a courtesy if it is related to funding and or any controversial item. To prove her point, the Mayor asked to defer this item because he was not going to be present and she will make a motion to postpone this item until next month. The motion received a second from Commissioner Kligman and all voted in favor.
Item was deferred

B. Public Information Campaign for Charter Amendment Election- Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton presented the item.
Commissioner Kligman made a motion authorizing the Town Manager to come back during the August 15, 2012 Town Commission meeting with a budget and a plan for an educational campaign not to exceed \$20,000. The motion received a second from Vice Mayor Karukin. The motion passed 2-1 with Commissioner Olchyk voting in opposition.

C. Report on PACE Program – Mayor Daniel Dietch Item was deferred

D. Resort Tax Audit Initial Summary – Duncan Tavares, TEDACS Director

Duncan Tavares TEDACS Director presented the report to the Town Commission.

E. Discussion Regarding Zero-Tolerance Policy for Bullying in Town and Community Facilities – Commissioner Michelle Kligman

Commissioner Kligman introduced the item and presented a draft resolution. She shared some statistics that were not limited to the State of Florida. Vice Mayor Karukin provided some feed back to Commissioner Kligman. Although he appreciates the intent of the item, he is not in agreement with the "Zero Tolerance" part of the resolution because not all situations are clear. He is not in support of the Town obligation as to enforcement. He is not in agreement with the expense of signage part of the item. He thinks it lacks specifics as to staffing, cost estimates and any idea of collaborating with other communities. He suggested that maybe this item should be discussed with the Parks and Recreation Committee.

Commissioner Olchyk stated she was not in favor of any expenditures related to this item.
Commissioner Kligman will incorporate some of the feedback and bring it back to the Parks and Recreation Committee.

Additional Items

Item 9F – Introduction of Acting Town Attorney, Miriam Maer – Lynn Dannheisser, Town Attorney

Town Attorney, Lynn Dannheisser introduced Miriam Maer. Ms. Maer will be Acting Town Attorney for Ms. Dannheisser during the month of August while she is on vacation.

Item 9G – Candidate Forum/Debate – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton spoke about the Mayoral forum that was held by the League of Women Voters. He would like direction regarding a Candidate Forum approximately ten days before the Special Election.
Commissioner Olchyk made a motion to approve. Commissioner Kligman seconded the motion and all voted in favor.

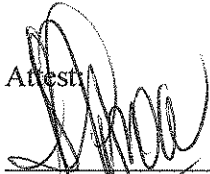
10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 10:56p.m.

Accepted this 15 day of AUGUST, 2012



Daniel Dietch, Mayor

Attest


Sandra Noyoa, CMC
Town Clerk