



**Town of Surfside
Town Commission Meeting
MINUTES**

**September 19, 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 7:00 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 Kligman and Commissioner Graubart. Commissioner Olchyk was not in attendance.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

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

Commissioner Graubart pulled items 11, 16, 38 and 40 from the Points of Light. Item 3D and Item 3E from the Consent Agenda and deferred item his discussion item. Commissioner Kligman pulled items 2, 3 16, 36 and 22 from the Points of Light. Mayor Dietch pulled item 22 from the Points of Light and requested to add a new Point of Light called “Prepaid Postage for Countywide Elections Absentee Ballots”. Vice Mayor Karukin requested to link all IT related items which were POL 5, 26 and item 9C.

Commissioner Graubart appointed Armando Castellanos to the Planning and Zoning Board, Randi McBride to the Tourism Board and Jessie Flax to the Parking Structure Advisory Committee. Commissioner Kligman appointed Sam Levine to the IT Committee and Vice Mayor Karukin re-confirmed Alberto Carballo to the IT Committee.

Town Attorney Lynn Dannheisser announced a Special Commission Meeting for September 24, 2012 at 5:45p.m. to bring the FEMA amendments to the Town Commission and have the possibility to be heard on second reading on October 9, 2012.

Town Attorney Lynn Dannheisser also spoke about the Quasi-Judicial Hearing that needs to take place for the Surf Club project. Commissioner Graubart was not sure about his availability to attend the meeting on the days proposed. After discussion,

the Town Commission agreed to meet on Monday, October 15, 2012 at 7:00p.m. in the Commission Chambers. Vice Mayor Karukin made a motion to accept. Commissioner Kligman seconded the motion and all voted in favor subject to Commissioner Graubart's availability.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming Town activities and events.

Vice Mayor Karukin announced that September is the World Alzheimer's month and invited all Surfside residents to a social event at the Coral Gables Museum on Thursday, September 27, 2012 from 6:00 – 10:00 p.m.

G. Representative Joseph "Joe" Gibbons, District 105 of the Florida House of Representatives

Representative Joseph "Joe" Gibbons thanked Surfside residents for re-electing him to the Florida House of Representative.

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 items that were pulled. The motion received a second from Commissioner Kligman and all voted in favor.

- *A. **Minutes** - August 15, 2012 – Regular Commission Meeting
August 23, 2012 – Special Commission Meeting
August 29, 2012 – Special Commission Meeting

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

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

Item 2, page 22 – Commissioner Kligman wanted to confirm with the Town Manager that the State Florida Loan was approved in concept but if that will be coming back in front of the Town Commission. Town Manager Roger M. Carlton responded that the Loan resolution was approved four months ago and a report was submitted and adopted by the Town Commission during the August 2012 meeting. He added that when the project is complete there will be a close out memo with all the finance change orders and expenses.

Item 3, page 23 – Commissioner Kligman had previously ask for a report on Short Term Rentals which is part of this agenda and she wanted Code Compliance Director Joe Damian to provide a brief summary of his report. Mayor Dietch requested for this item to be heard as an actual agenda item under the Mayor, Commission and Staff Communication item 9D.

Item 11, page 25 – Commissioner Graubart spoke about the Spaggio Condominium and stated that he felt deceived by them regarding the stack parking. Mayor Dietch explained that the deficiency was in what was approved through building permits and what was actually constructed. Town Manager Roger M. Carlton explained that there are 16 parking spaces in the building that were approved to have stack parking

and unfortunately the location is under a main beam that supports the building and that makes them 16 spaces short of what they should have. The Town Attorney and the Town Manager are working with the building attorney to negotiate a settlement of this problem that requires them to provide those 16 spaces through the Town's off-site parking ordinance. Commissioner Graubart wanted the record to state that he is very upset about this issue. Town Manager Roger M. Carlton stated that his might end up in litigation and it was not wise to discuss any further.

Item 16, page 26 – Commissioner Kligman wanted the Manager to explain the process if any Commissioner wanted to appoint someone to the Parking Structure Advisory Committee. Town Manager Roger M. Carlton stated that this is a completely open Committee like DVAC is and if there are names to please submit them to him.

Commissioner Graubart expressed his concern about the surveys being placed in the Gazette where they won't be signed by anyone. Vice Mayor Karukin stated that surveys are supposed to be anonymous.

Item 22, page 29 – Mayor Dietch reconfirmed that former Vice Mayor Rubin has volunteered to help with this Committee and that in attachment 4 linked to this item there is also recognition for middle school and elementary school students as well.

Item 36, page 33 – Commissioner Kligman had concerns regarding the Town's Health care cost because they have gone up by 15%. Mr. Stan Bershad explained that after negotiating with the health insurance companies the Town was able to reduce it to a 10% increase for the health insurance, no increase on the life insurance and disability insurance and for the dental insurance there is an \$8.00 increase.

Item 38, page 33 – Commissioner Graubart spoke about the pool tot lot and stated that the company that supplied all of the playground equipment went out of business and the Town should contact them and try to purchase any parts available at a discounted price. Town Manager, Roger M. Carlton stated that the Town will contact them; he also added that the Town retained \$22,000 from this company to fix the problem.

Item 40, page 34 – Commissioner Graubart thanked Commissioner Olchyk for negotiating a deal with Calvin Giordano and Associates on the Seawall Project.

Mayor Dietch requested to add a POL regarding the prepaid postage for countywide elections absentee ballots. The Mayor would like for the Town Manager and the Town Attorney to look into this matter and see how Surfside can be included.

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

Page 1 – Commissioner Graubart would like a forensic audit to find out how much the FEMA issue has cost the Town and to each town resident. Vice Mayor Karukin stated that a forensic audit can cost around \$75,000. Mayor Dietch spoke against Commissioner Graubart's suggestion. Town Manager Roger M. Carlton reminded the Commissioner that a full report had been made approximately two years ago regarding all types of audits and the related costs. The Town Commission took no action on this item.

Page 6 – Commissioner Graubart asked the Town Attorney if there will be an Executive Session meeting regarding the Bakker case. Town Attorney Lynn Dannheisser stated that the report shows what has happened to date in the case and there is no need for an Executive Session at this time.

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

Item 5, Page 65 – Commissioner Graubart would like the Town Manager to provide the Town Commission with the cost of preparing the emergency Management Comprehensive Plan update. Town Manager Roger M. Carlton will provide a memo to the Town Commission with the information requested.

F. Committee Reports – Roger M. Carlton, Town Manager *(Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent adopted minutes have been included)*

- June 2012, 2012 - Parks and Recreation Committee Meeting
- May 30, 2012 - Downtown Vision Advisory Committee Meeting
- May 4, 2012 - Tourist Board Meeting
- May 31, 2012 - Planning and Zoning Board

G. Renewal of Community Garden/Surfside Urban Gardeners Agreement – Roger M. Carlton, Town Manager
Approved on Consent

Vice Mayor Karukin made a motion to approve the pulled item. The motion received a second from Commissioner Kligman and all voted in favor.

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)

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.

[SECOND READING ORDINANCE WITHDRAWN. SEE ITEM 4B1]

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

B. First Reading Ordinances

***1. Amendment to Planning and Zoning Ordinance** – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" BY AMENDING THE DEVELOPMENT REVIEW PROCESS AND SPECIFICALLY AMENDING ARTICLE I. "IN GENERAL" AND SECTIONS 90-1 "GENERAL RULES OF CONSTRUCTION"; SECTION 90-2 "DEFINITIONS"; SECTION 90-3 ENFORCEMENT, INTERPRETATION, PURPOSE AND CONFLICT; SECTION 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS"; SECTION 90-16 "MEETINGS: BOARD YEAR, TIME FRAME; ORDER OF PRESENTATION; LOCATION"; AND SECTION 90-17 "POWERS AND DUTIES"; AND SPECIFICALLY DELETING SECTIONS 90-18 "DESIGN REVIEW BOARD; SECTION 90-19 "SINGLE FAMILY AND TWO FAMILY DEVELOPMENT REVIEW PROCESS"; SECTION 90-20 "DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY"; AND ADDING SPECIFICALLY UNDER ARTICLE II. "ADMINISTRATION AND ENFORCEMENT" DIVISION 1 "TOWN COMMISSION AND SECTION 90-14 "TOWN COMMISSION"; AND SPECIFICALLY ADDING ARTICLE III. "DEVELOPMENT REVIEW PROCEDURES" AND SECTIONS 90-19 "CREATION OF PROCESS"; SECTION 90-20 "PROCEDURES OF GENERAL APPLICABILITY"; SECTION 90-22 "SITE PLAN REVIEW"; SECTION 90-23 "PERMITTED USES"; AND RENUMBERING ALL EXISTING SECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman made a motion to move this ordinance to a Special Workshop together with the Planning and Zoning Board Members and to bifurcate the ordinance into two (2) separate ordinances, one dealing with memberships and the other dealing with the remaining updates and amendments. The motion received a second from Commissioner Graubart and all voted in favor.

***2. Amendment to Floodplain Ordinance per FEMA – Lynn Dannheisser,
Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 AND SPECIFICALLY SECTION 42-41 "DEFINITIONS"; SECTION 42-76 "PERMIT PROCEDURES"; SECTION 42-77 "DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR"; SECTION 42-91 "GENERAL STANDARDS"; SECTION 42-92 "SPECIFIC STANDARDS"; AND SECTION 42-95 COASTAL HIGH HAZARD AREAS (V-ZONES) 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

Item deferred to a Special Commission Meeting scheduled for September 24, 2012 at 5:45 p.m. in the Town Commission Chambers.

***3. Spa Ordinance – Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 ZONING AND MORE SPECIFICALLY SECTION 90-41(d)(7) REGULATED USES INCLUDING SPAS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Sarah Sinatra, Town Planner presented the item to the Town Commission.

Mayor Dietch made a motion to approve the ordinance. Vice Mayor Karukin seconded the motion.

Commissioner Graubart amended the motion to be sensitive to the parking requirements and the sales of memberships. The amended motion was accepted by the Mayor and Vice Mayor. The motion passed unanimously.

***4. Construction Fence Ordinance – Lynn Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-56.1 “CONSTRUCTION FENCING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO RENUMBER AND SUPPLEMENT WITH SECTION 90.56.1.B AND TO INCLUDE A REQUIREMENT THAT ALL CONSTRUCTION SITES SHALL PROVIDE A CONSTRUCTION FENCE TO SECURE THE SITE-UNTIL THE COMPLETION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Manager Roger M. Carlton presented the item.

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

5. Resolutions and Proclamations

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

***A. IPS Parking Meter Field Trial Agreement – Chief of Police David Allen**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS, FOR THE INSTALLATION AND EQUIPMENT OF THIRTY CREDIT CARD ENABLED METER HEADS FOR A TRIAL PERIOD OF NINETY DAYS; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN

MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman adding that if a decision to acquire the meters after the 90 day trial is to be recommended, the acquisition must be brought back as a new contract with a report. Amendment accepted by the Vice Mayor.

Commissioner Graubart made a friendly amendment to include 30 minutes and 1 hour time limits on the meters on 95th Street from Collins to Abbot Avenue.

The amendment was accepted by Vice Mayor Karukin and Commissioner Kligman and all voted in favor.

- *B. Certification of General Municipal Election Results – March 20, 2012 – Sandra Novoa, Town Clerk**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE GENERAL MUNICIPAL ELECTION HELD ON MARCH 20, 2012 FOR THE ELECTION OF MAYOR AND THREE (3) TOWN COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- *C. Certification of Special Municipal Election Results – May 1, 2012 – Sandra Novoa, Town Clerk**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTION HELD ON MAY 1, 2012 FOR THE ELECTION OF A TOWN COMMISSIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- *D. Certification of Special Municipal Election Results – August 28, 2012 – Sandra Novoa, Town Clerk**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTION HELD ON AUGUST 28, 2012 FOR THE ELECTION OF A TOWN COMMISSIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- *E. Charter Review – Lynn Dannheisser, Town Attorney**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AFTER THE FACT REVISIONS TO THE MASTER BALLOT TO CLARIFY CLERICAL LANGUAGE FOR THE NOVEMBER 6, 2012 ELECTION IN TWO PROPOSED CHARTER AMENDMENTS: THE PREAMBLE AND CITIZENS' BILL OF RIGHTS AND THE MANDATORY CHARTER REVIEW; PROVIDING FOR INCLUSION INTO THE TOWN CHARTER AND CODE; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Lynn Dannheisser presented the item and explained that this resolution is an after the fact resolution correcting some grammatical errors from the original resolution.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman 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.

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. Turtle Project – Art in Public Places Update – Duncan Tavares, TEDACS Director**

Duncan Tavares, TEDACS Director showed the Town Commission a PowerPoint presentation of the turtles that are already painted and ready to be displayed. Commissioner Kligman and Vice Mayor Karukin asked for clarification of the sponsorship program. Duncan Tavares explained the sponsorship program in detail.

***B. City of Miami Beach Stormwater Master Plan Summary – Sarah Sinatra, Town Planner**

Town Manager Roger M. Carlton spoke regarding the need to coordinate with the City of Miami Beach's proposed 20 year Stormwater Master Plan. The Town Manager will keep the Town Commission aware as the Miami Beach project evolves.

- *C. Town of Surfside Website Update** – Duncan Tavares, TEDACS Director
Duncan Tavares, TEDACS Director presented the Town Commission with the new Town's website. He explained that the Administration will go live during the early October and explained to the Town Commission some of the pages and features of the new website.
Vice Mayor Karukin asked Finance Director Don Nelson about on-line bill pay schedule. Don Nelson stated that they are currently working with Sungard to make this happen as soon as possible.
- *D. Report on Short Term Rental Ordinance Enforcement** – Joe Damian, Code Enforcement Director
Joe Damian presented the item.
Vice Mayor Karukin requested to see the Committee Report that was submitted about two years ago regarding Short Term Rental.
The Town Commission agreed that a workshop to discuss priorities for the Code Compliance Department should be scheduled.
- E. Byron Street Closure (Verbal)** – Roger M. Carlton, Town Manager
Town Manager Roger M. Carlton provided a verbal report on this item. After discussion, the Town Commission determined to review the functionality and outcome of the approved project before expending further funds to completely close the northbound movement from Miami Beach on Byron Avenue.
- *F. Indian Creek Settlement Agreement Discussion** – Roger M. Carlton, Town Manager
Town Manager Roger M. Carlton presented the item to the Town Commission.

Commissioner Graubart made a motion to extend the meeting 10 minutes. The motion received a second from Vice Mayor Karukin and all voted in favor.

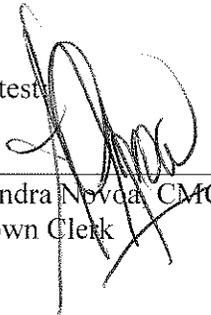
Vice Mayor Karukin made a motion to accept the proposed resolution of the payment process and authorized the Town Attorney to finalize an agreement with the Attorney of Indian Creek. The motion received a second from Commissioner Graubart and all voted in favor.
- G. Commissioner "Round Table" Get Together** – Commissioner Joe Graubart
Item deferred by Commissioner Graubart.

10. Adjournment

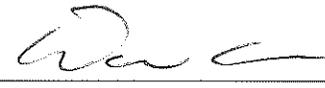
There being no further business to come before the Commission, the meeting adjourned at 11:02 p.m.

Accepted this 9 day of October, 2012

Attest



Sandra Novda CMC
Town Clerk



Daniel Dietch, Mayor