



**Town of Surfside
Town Commission Meeting
MINUTES**

**December 11, 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 7:02 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 Olchyk, Commissioner Kligman and Commissioner Graubart.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart spoke about the water and sewer project and Grand Beach Hotel, Surf Club construction project, the Shul expansion project and the demolition of the Best Western Hotel and many more. He expressed that the Commission at times has become overwhelmed and fatigued. He stated that the Town is moving at a very rapid pace and that it should slow down.

Commissioner Olchyk read the article that she wrote to the Miami Herald regarding the bus shelters. She stated that she was very displeased with the Miami Dade County Officials as well as the Town personnel regarding how they deal with the issue of the bus shelters.

Commissioner Kligman congratulated Town Clerk Sandra Novoa for being sworn in as the 2012-2013 President of the Miami Dade County Clerk's Association.

She spoke about the burglaries in the Town and asked Chief David Allen to provide a brief update on what the Police Department is doing. Chief of Police David Allen stated that the Town has had 10 burglaries since September 2012 with the last one occurring on November 29, 2012. He provided the Town Commission with an update on many activities underway to contain this problem.

Vice Mayor Karukin announced that he graduated from the Good Government Initiative at the University of Miami. He stated that it was a very rewarding experience.

Mayor Dietch spoke about services that the Police Department offers to the Town residents and businesses.

Mayor Dietch thanked the Town Staff for everything they do. He stated that it was another year of progress and that he has received very good feedback from the residents.

Mayor Dietch thanked retiring Building Official Paul Gioia for his time and dedication to the Town.

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

Commissioner Kligman made a motion to defer item 9H. The motion received a second from Vice Mayor Karukin. The motion passed 4-1 with Mayor Dietch voting in opposition.

Commissioner Kligman requested to move the Points of Light to the end of the agenda and to have Item 9G to be discussed at an earlier time.

Commissioner Graubart requested to pull the Budget to Actual and the Projects Progress Report from the Consent Agenda.

Town Manager Roger M. Carlton pulled item 3E from the Consent Agenda for discussion.

F. Community Notes – Mayor Daniel Dietch

Commissioner Graubart announced certain Community events.

2. Quasi-Judicial Hearings (None)

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

Commissioner Kligman made a motion to approve the Consent Agenda minus pulled items 3B, 3E and 3F. The motion received a second from Vice Mayor Karukin and all voted in favor.

***A. Minutes** - November 13, 2012 – Regular Commission Meeting

B. Budget to Actual Summary as of September 30, 2012 – Donald Nelson, Finance Director

Commissioner Graubart asked about the General Fund revenues on the Budget to Actual Summary. Town Manager Roger M. Carlton provided an explanation and congratulated staff because the Town has \$5,349,497 in the General Fund reserve account as of September 30, 2012.

Vice Mayor Karukin congratulated the Town Manager for a well job done in regards to the Town funds.

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

***D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney (Item Deferred by Town Attorney Lynn Dannheisser)

***E. Schedule Special Commission Meeting for Chateau Project (Verbal)** – Roger M. Carlton, Town Manager

The Administration is recommending having the Chateau Project Quasi-Judicial Hearing on Thursday, January 24, 2013. The Planning and Zoning Board made two minor amendments and added a new condition to the project that relates to access to the hardpack.

Commissioner Graubart asked the Town Attorney the reasons why she recommended deferral of the item during the Planning and Zoning Board meeting.

Interim Town Attorney Miriam Maer stated that the reasons she recommended deferral that night and tonight as well was because certain issues were not resolved to her satisfaction. A disclosure of Interest Statement is needed to protect the members of the Town Commission from ethical violations, secure a perpetual non revocable access to the hardpack, there are issues regarding title such as the private ownership of the Beach which was alleged but not substantiated by applicant's counsel, there are discrepancies on the legal description in the deed, the survey and the plans and the last one were general issues as to the completeness and accuracy of the plans when compared to the code requirements.

Miriam Maer stated that she may not be able to resolve the issues before the January 24, 2013 meeting since she is committed for the rest of December and in early January.

Town Manager Roger M. Carlton stated that if the Legal Department needs assistance to complete this item, they could use their budget to hire outside counsel to assist them during this process. He also stated that these same arguments had been made at the Planning and Zoning Board and that group decided to go forward and unanimously recommend the project with additional conditions to address Ms. Maer's concerns.

Eduardo Klinger representing the Chateau project spoke about the need to schedule the meeting on January 24, 2013 as recommended by the Administration. Mayor Dietch made a motion to schedule the Quasi-Judicial hearing for Thursday, January 24, 2013 at 7:00p.m. The motion died for lack of second.

Mayor Dietch made a motion to schedule the Quasi-Judicial meeting for Thursday, January 24, 2013 at 7:00p.m. The motion died for lack of second.

Neisen Kasdin, representing Chateau Ocean spoke on the item and requested the Town Commission to schedule the Quasi-Judicial hearing for January 24, 2013.

Interim Town Attorney Miriam Maer recommended the Mayor and the Town Commission to limit the discussion to the scheduling of the meeting and not to discuss any issues pertaining to the project in question.

Commissioner Kligman stated that she does not feel comfortable being pushed to schedule a meeting when the Legal Department has not resolved all issues regarding this project.

Neisen Kasdin stated that there are no open issues which cannot be resolved prior to January 24, 2013. Mayor Dietch asked the Interim Town Attorney to read the issues into the record one more time since Counsel was not present when they were originally read.

Town Manager Roger M. Carlton asked the Interim Town Attorney if she would be able to meet before the end of the year and attempt to resolve these issues. Interim Town Attorney Miriam Maer stated that she could meet one time before the 21st of December and after that she will be unavailable.

Town Manager Roger M. Carlton asked that based on that meeting commitment with the Legal Department, Town Manager and the Chateau representatives, the Town Commission schedule a tentative public hearing for January 24, 2013. If after the meeting before the 21st of December there are outstanding issues, they will be informed during the January 15, 2013 Regular Town Commission meeting where they could defer the Quasi-Judicial meeting.

After much discussion Mayor Dietch made a motion to schedule the Quasi-Judicial Special Town Commission meeting for January 24, 2013 subject to a meeting no later than December 21, 2012 to resolve the outstanding issues. Vice Mayor Karukin seconded the motion. Commissioner Kligman made a friendly amendment that those items are resolved to the satisfaction of the Town's Legal Department. Mayor Dietch and Vice Mayor Karukin accepted the friendly amendment and all voted in favor.

Commissioner Graubart made a motion to postpone good and welfare till 9:00 p.m. Commissioner Olchyk seconded the motion and all voted in favor.

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

Commissioner Graubart asked for an update regarding Starbucks. Town Manager Roger M. Carlton reported that Starbuck was very close to signing a lease close to the CVS Pharmacy. They presented the project to the Planning and Zoning Board preliminarily and received some feedback.

Commissioner Graubart asked about the old force main. Public Works Director Bill Evans provided a brief explanation and suggested that it would probably be condemned.

Commissioner Graubart asked about the Emergency Management update. Chris Giordano explained that after two weeks he will be able to have a draft for review and comments and after that process, staff will be trained and the Town Commission will be given an updated plan.

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

- October 17, 2012 Tourist Board Meeting Minutes
- June 25, 2012 Downtown Vision Advisory Committee Minutes
- November 14, 2012 Special Pension Board Meeting Minutes
- November 15, 2012 Special Pension Board Meeting Minutes
- September 27, 2012 Planning and Zoning Board Minutes

4. Ordinances

(Set for approximately 7:20 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

***1. Building Frontage Ordinance – Vice Mayor Michael Karukin**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance deferred from November 13, 2012 Town Commission Meeting]

Item deferred

2. Amending to Chapter 90 Planning & Zoning to Merge Function of DRB into P&Z Board Functions – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” BY DISSOLVING THE DESIGN REVIEW BOARD AND CONSOLIDATING THE DESIGN REVIEW FUNCTION INTO THE EXISTING FUNCTIONS OF THE PLANNING AND ZONING BOARD, CHANGING MEMBERSHIP REQUIREMENTS FOR PLANNING & ZONING BOARD; AND PROVIDING FOR FILLING OF VACANCIES; INCLUDING A TRANSITIONAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance deferred from November 13, 2012 Town Commission Meeting]

Item deferred

***3. Amendment to the Retirement Plan Necessary to Settle Davis Case – Roger M. Carlton, Town Manager Page 93-96**

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 read the title of the ordinance.

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

Mayor opened the public hearing. No one wishing to speak, Mayor Dietch closed the public meeting

The motion passed unanimously.

***4. FEMA Reinsertion of Section 42-92 (6) CCCL Elevation of Construction – 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” INCLUDING RE-INSERTION OF SUBPARAGRAPH (6) RELATING TO THE CCCL; 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

Town Clerk Sandra Novoa read the title of the ordinance.

Town Manager, Roger M. Carlton presented the item to the Town Commission. Mayor Dietch opened the public hearing. No one wishing to speak, the Mayor closed the public hearing.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart. The motion passed 4-0 with Commissioner Kligman absent from the Dais.

5. Amendment to Lobbyist Registration and Adoption of Forms – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 OF THE CODE OF THE TOWN OF SURFSIDE RELATING TO LOBBYIST REGISTRATION AND; PROVIDING FOR DEFINITIONS; PROVIDING FOR ANNUAL EXPIRATION AND RENEWAL FOR LOBBYIST REGISTRATIONS; REQUIRING REGISTRATION OF PRINCIPALS; REQUIRING DISCLOSURE OF ANNUAL LOBBYIST EXPENDITURE BY JANUARY 15TH OF EACH YEAR; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Item deferred

(Set for approximately 7:50 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

***1. Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References – Lynn Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES” 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.

5. Resolutions and Proclamations

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

A. Tourism Five Year Strategic Plan Consultant – Duncan Tavares, TEDACS Director (TIME CERTAIN 8:30 P.M.) *ITEM 5A LINKED TO ITEM 5C

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE FIVE YEAR TOURISM STRATEGIC PLAN AGREEMENT WITH CJF MARKETING INTERNATIONAL AND REDEVELOPMENT MANAGEMENT ASSOCIATES, INC.; 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.

Duncan Tavares, TEDACS Director presented the item.

Commissioner Graubart made a motion for discussion purposes. The motion received a second from Vice Mayor Karukin.

Commissioner Olchyk had a question regarding the expenditures above \$60,000. Duncan Tavares, TEDACS Director stated that any increase will have to go to the Tourist Board for approval.

Commissioner Kligman stated that the agreement is not specific that expenditures over \$60,000 will come back to the Tourist Board and what it says is that any additional outside work must be approved by the Town and that the Town is not necessarily the Tourist Board.

Interim Town Attorney Miriam Maer advised the Town Commission that on page 158 the Town is in fact the Town of Surfside.

Mayor Dietch stated that the Phase I was supposed to start in December but he would like to delay the timing by a month on the entire project.

Commissioner Kligman made a motion to approve with two amendments that any additional expenditure up to \$6,000 must be approved by the Tourist Board and over \$6,000 will have to be approved by the Town Commission and the project would start in January 2013. Vice Mayor Karukin seconded the motion and all voted in favor.

- *B. Certification of Charter Amendments Election Results – November 6, 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 CHARTER AMENDMENTS ELECTION HELD ON NOVEMBER 6, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

Item deferred

- *C. Business Improvement District Consultant Agreement – Duncan Tavares, TEDACS Director *ITEM 5C LINKED TO ITEM 5A***

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WAIVING THE COMPETITIVE BID PROCESS AND AUTHORIZING THE BUSINESS IMPROVEMENT DISTRICT ORGANIZATIONAL PLAN AGREEMENT WITH REDEVELOPMENT MANAGEMENT ASSOCIATES, INC.; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Item deferred

- *D. Expenditure of Forfeiture Funds to Replace Electronic Control Devices – Chief of Police David Allen**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$7,505 FROM THE FORFEITURE FUND TO PURCHASE SIX TASERS AND ACCESSORIES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

Item deferred

- *E. Purchase of a Replacement Parking Enforcement Truck – Chief of Police David Allen**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE PURCHASE OF A PARKING ENFORCEMENT TRUCK FROM THE MUNICIPAL PARKING FUND FOR

\$18,042 BUDGETED UNDER MUNICIPAL PARKING FUND ACCOUNT #402-9500-545-6410 FOR FY 2012/2013; PROVIDING FOR AN EFFECTIVE DATE.

Item deferred

F. Resolution in Support of the League of Women Voters of Florida – Commissioner Joe Graubart

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PROCLAIMING SUPPORT OF THE LEAGUE OF WOMEN VOTERS OF FLORIDA REQUEST TO GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE FOR CREATION OF AN ELECTION REFORM TASK FORCE.

Item deferred

G. Amendment to Settlement Agreement Between the Town of Surfside and Indian Creek Village – Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN TOWN OF SURFSIDE AND INDIAN CREEK VILLAGE (“VILLAGE”), PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Item deferred

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.

Commissioner Graubart made a motion to delayed Good and Welfare till 9:00 pm. The motion received a second from Commissioner Olchyk and all voted in favor.

Terry Cohen spoke about issues with Code Enforcement and her neighbors on both sides of her property. She complained about her neighbor’s wind chimes, flag pole and other matters. Code Compliance Director Joe Damien spoke on the item and explained a number of enforcement activities are already underway.

Barbara McLaughlin spoke about the various committees and encouraged everyone to volunteer for the different committees. She also spoke about the Town’s toy drive.

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. Town Manager Recruitment Decision Tree– Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton presented the item and presented the Town Commission with each recommended step of the recruitment process.

Job Description: Vice Mayor Karukin stated that he cross referenced everything with the Town Charter and everything checks out. He commented that on item 7 he would like to cross out the first sentence.

Town Manager Roger M. Carlton stated that it should be two separate items.

Vice Mayor Karukin mentioned that on item 10 the Town may want to be more neutral when it comes to supporting or not supporting the renovation of downtown. Mayor Dietch suggested using “economic development or community development”.

Commissioner Graubart mentioned that the Town should be prepared and have a date that if the Town has not completed the search, they could get assistance from an executive recruiter. Commissioner Olchyk mentioned that they had agreed to 90 days. Town Manager Roger M. Carlton reminded the Commission that 90 days put them in the month of March 2013 and that he is retiring effective April 26, 2013.

Mayor Dietch spoke on the second item under the Minimum Qualifications and it was his opinion that mentorship is very important. He added that the capability that the Department Heads have developed during the last two years is extraordinary and he thinks that the ability to mentor is a critical function of the job. Vice Mayor Karukin suggested the item to read as follows “Ability to delegate authority, responsibility and to mentor Subordinate Department Heads...”

Mayor Dietch wanted a correction to be made on the third line of the second page, change the word “mayor” to “major”.

Vice Mayor Karukin made a correction on the description of Surfside on page 416. He stated that Table 1 is not correct; he suggested changing the title to read “Housing Structures” instead of “Single Family Homes”.

Mayor Dietch would like to add “Any increase to high density intensity must go to a vote of the community” under the history section, second paragraph, page 416.

Vice Mayor Karukin would like to remove the word “even” from the same paragraph and star the sentence with “With this limitations...”

Town Manager Roger M. Carlton stated that the Administration is suggesting a salary range between \$140,000 and \$180,000. Commissioner Olchyk was not in agreement to go as high as \$180,000. She would like to top it at \$160,000.

Commissioner Graubart asked how much the fringe benefits are. Town Manager Roger M. Carlton stated that more or less 30% in total cost but it all depends if the candidate is enrolled in ICMA, if they want health benefits etc.

Commissioner Kligman agreed with the range and made a motion to leave it at the range of \$140,000 - \$180,000. Vice Mayor Karukin seconded the motion. The motion passed 4-1 with Commissioner Olchyk voting in opposition.

Town Manager Roger M. Carlton presented the different media that the Town will use to advertise.

Commissioner Kligman asked when the advertisement would begin. The Town Manager responded that the Administration will begin as soon as tomorrow.

Commissioner Kligman asked the Town Manager to find out how much it will cost to advertise, if available, more than twice a month in the Florida League of Cities.

Mayor Dietch recommended advertising with the Florida Bar Association as well as the Florida Trend magazine. Town Manager Roger M. Carlton agreed to look into it.

Vice Mayor Karukin suggested cutting out The Florida Times Union. Town Manager Roger M. Carlton stated that the newspaper is a very good advertisement vehicle for all North Florida and will be able to get the Town some good candidates from that region and he does not recommend removal. Vice Mayor Karukin agreed.

Mayor Dietch recommended looking into the Orlando paper. A roll call resulted in a 4-1 vote with Commissioner Olchyk in opposition to adding the Orlando paper.

Town Manager Roger M. Carlton asked about a committee to review resumes.

Town Manager Roger M. Carlton explained that it could be a committee including residents and staff; they will go through all resumes and develop a short list for the Town Commission to review. He mentioned that the committee will have to meet in the public.

Commissioner Kligman would like to review all of the resumes because it is the most important decision that a Commissioner could make. It is her opinion that a head hunter usually does not know the Town and its idiosyncrasies.

Commissioner Olchyk would like to have a citizens committee and she would participate as well. Town Manager Roger M. Carlton asked Miriam Maer, Interim Town Attorney, the rules for having more than one Commissioner on a committee. Interim Town Attorney Miriam Maer stated that there will be noticing and advertisement issues which may slow the process down.

Vice Mayor Karukin made a motion to extend the meeting another 30 minutes. Commissioner Kligman seconded the motion and all voted in favor.

Commissioner Kligman suggested that if they wish to consider a citizens committee it should be determined later in the process.

Town Manager Roger M. Carlton asked if they are comfortable with Human Resources Director Yamileth Slate-McCloud providing them with a short list. He added that if any of the members wish to look at all of the resumes and add any to the short list they are welcome to do so once the short list is presented. Everyone agreed to this process.

Mayor Dietch suggested that the Town Manager and the Town Attorney be involved in the process of selecting the short list as well. Commissioner Olchyk disagreed with the Mayor. She feels that the Town Manager would not select anyone that is completely opposite to him and he would choose someone with his same philosophy and she feels it will be a continuation of him.

Town Manager Roger M. Carlton stated that he was offended by Commissioner Olchyk's comment and that he will help this Town because the Commission has assigned it to him and he will recommend the best person possible whether he/she has

his same philosophy or not. He reminded Commissioner Olchyk that he recommended an executive recruiter and that recommendation had been denied.

Vice Mayor Karukin liked the Mayor's suggestion.

Commissioner Kligman stated that Yamileth Slate-McCloud reports to the Manager and that she would not do anything without talking to the Manager and that he will be involved no matter what.

Commissioner Graubart stated that he would like the Manager to find someone in the middle of the spectrum between him and former Manager Gary Word.

The consensus of the Commission was for the Town Manager to be involved in the process.

Town Manager Roger M. Carlton asked the Town Commission if they would like the Town's Human Resources Director to work on the uniform set of questions for the short list of qualified candidates. Commissioner Kligman and Commissioner Graubart responded that they would like to see the questions before finalization. Town Manager Roger M. Carlton stated that they would put them together for their review.

Commissioner Graubart stated that he does not wish the Mayor to supervise the process. The consensus was that the Manager and the Human Resources Director will be supervising the process.

The Town Commission expressed that they don't have a minimum/maximum number of candidates to interview.

The Town Commission agreed to reimburse travel expenses to the applicants that are from out of town and are invited to be interviewed. Estimated cost \$2,000.

The Town Commission agreed to interview the finalists individually in a round robin manner. After the individual interviews were complete, the Town Commission would convene and rank the applicants.

Town Manager Roger M. Carlton stated that they need to appoint someone from the Town Commission to lead the negotiations once the candidates are ranked. He explained that in his case it was done by Town Attorney Lynn Dannheisser, the Mayor and outside counsel.

Vice Mayor Karukin made a motion for this process to be handled in the same manner. Commissioner Graubart made a friendly amendment to use the current Town Manager's contract as a guide and base the new one on the current one. Commissioner Olchyk was in opposition to that process.

Vice Mayor Karukin stated that the Mayor should negotiate the contract with the Town Attorney and the Town Manager's assistance and once the contract is in front of the Commission for approval they could make amendments if they wish.

Town Manager Roger M. Carlton requested a collective vote on everything discussed in reference to the Town Manager's recruitment process.

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

Vice Mayor Karukin made a motion to defer the items not discussed during this meeting to the January 15, 2013 Regular Town Commission meeting. The motion received a second from Commissioner Olchyk. The motion passed 4-1 with Commissioner Graubart in opposition.

B. Florida Department of Transportation Urging – Mayor Daniel Dietch
Item deferred

***C. Traffic Study – Roger M. Carlton, Town Manager**
Item deferred

***D. Free Parking the Night of the Food Truck Event – Thursday, December 27, 2012 (5:00p.m. – 10:00p.m.) – Commissioner Joe Graubart**
Item deferred

E. Additional Deco Bike Rental Stations – Commissioner Joe Graubart
Item deferred

***F. FPL Undergrounding Status Report – Roger M. Carlton, Town Manager (Will be delivered on Monday, December 10, 2012 under separate cover) (TIME CERTAIN 8:00 P.M.)**

Town Manager Roger M. Carlton presented the item.

Vice Mayor Karukin expressed his concerns and would like the Florida Power and Light representatives to address them and include them in the Informational Campaign. Bill Evans Public Works Director addressed the Town Commission and introduced Florida Power and Light representatives. He explained that the Town has a proposal from FPL ready to go and that Florida Power and Light has met their commitment to the Town for delivering plans and a firm cost proposal. If a decision is made by the Commission to move forward, the Town could have a contract ready to go out for the different disciplines needed to implement this project. There will be a team of electricians needed to do the household and business connections, a team of pre-approved contractors and a team of general contractors. His anticipation will be that this project could take between twelve and sixteen months to complete.

John Lehr, Florida Power and Light representative, spoke on the project and explained that at one point there will be two systems operating at the same time, the overhead and the underground. The project will be turned over by zones and then the poles will be removed.

Florida Power and Light representatives answered questions posted by Vice Mayor Karukin. The Mayor asked for a showing of hands for support for the project. Approximately 10 people raised their hands.

Eliana Salzhauer spoke in favor of the item.

Ken Arnold spoke in favor of the item.

Mark Slatko spoke in favor of the item.

No one spoke in opposition.

Commissioner Kligman made a motion to proceed with five public information meetings and requested the Town Manager to include in the public how the Town will finance the project and how the Town will be obligated. Mayor Daniel Dietch requested that Frequently Asked Questions (FAQ's) be prepared as soon as possible. The motion received a second from Vice Mayor Karukin and all voted in favor.

***G. Setting Priorities to Give Direction to the Town Manager and Town Attorney –**

Roger M. Carlton, Town Manager

Commissioner Olchyk spoke about the special meeting to discuss the priorities setting and was canceled by the Town Manager per the Vice Mayor's request.

Vice Mayor Karukin addressed the Commission and explained that he did not have the time to prepare the documentation necessary for the Special Meeting agenda. He explained that the Town's Code Section 2.203 which establishes the rules for scheduling regular and Special Meetings but the Code is silent when it comes to the cancellation of Special Meetings. He stated that he had taken the Town Attorney's advice to rescind the request and since it was last week and way beyond the 24 hours required to schedule a special meeting he asked for the meeting to be reinstated. After that the last thing he heard was that the meeting was still cancelled. Vice Mayor Karukin stated that this should be clarified in the Town's Code and that he had asked the Town Clerk to make a parliamentary determination about the proper way to cancel a Special Meeting.

Town Manager Roger M. Carlton added that the Town Clerk is not the Town's parliamentarian and that the Town Attorney is. The request placed the Town Clerk in a difficult position and he wanted to clarify her responsibility. He also spoke about the agenda deadline that the Town was under when the documents were requested from Vice Mayor Karukin to complete the special meeting agenda. He said that he made the decision based on the Vice Mayor's request to cancel and that he would take full responsibility for the decision made. He also mentioned that the item had been placed on the Regular Agenda so it was still possible to have this discussion.

Mayor Dietch spoke about the submission of an Agenda item without proper back up and that he did not think it was appropriate to participate in a discussion that was not properly backed up and he did not think it was fair for him or his colleagues. That was why he sent a note to the Town Clerk that was distributed to the rest of the Commissioners.

Vice Mayor Karukin stated that he was shocked and dismayed to see how a simple request to cancel a meeting was met with such a reaction.

Commissioner Kligman stated that there is a bigger problem and that all Commissioners are not treated equally. She expressed concern that the Town Manager does not provide support to all Town Commissioners equally and provides greater support to the Mayor.

Commissioner Kligman stated that she wanted to discuss the priorities because the Town Manager is retiring in four months and they have a lot of items in the works and they have to reach a consensus as a body as to what the priorities should be.

Town Manager Roger M. Carlton spoke about the process to establish the agenda and stated that the Mayor has no involvement in such process.

Commissioner Olchyk mentioned the incident when she was absent from a meeting and requested an item to be deferred and the request was not granted.

Town Manager Roger M. Carlton stated that if the Commission is so dissatisfied with his administration of the Town, they should call for a vote, give him the notice under his contract and “put him out of his misery”. He said that he is not going to finish his four remaining months after killing himself for the Town and all his staff doing the same thing with this type of negative environment.

Commissioner Graubart stated that the Mayor is equal and at times he has felt that the rest of them fly in an economy class and that he feels that as Commissioner Kligman said the agenda is set by the Mayor and the Manager and they move forward on that.

Vice Mayor Karukin stated that no one can deny the effectiveness of the Town Manager. The problem is not so much the leadership style because it is overwhelmingly positive and things get done. The problem is that he has five bosses and the list of priorities reflects that. He stated that he would like to redirect the discussion to setting the priorities and to figure out within the four months that the Manager has left what they wish for him to focus on.

Vice Mayor Karukin made a motion to extend the meeting for an hour. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Kligman’s level one priorities:

- Complete the water/sewer/storm drainage project
- Go/No Go decision on underground power lines and related utilities
- Go/No Go decision on the parking structures
- Decision on the Downtown Business Improvement District
- Decision on the Community Center second story
- Recruitment of new Town Manager
- FEMA flood insurance discount
- Complete bus shelters

Commissioner Graubart’s level one priorities:

- Decision on the Community Center second story
- Reassess the Zoning Code
- Recruitment of new Town Manager
- Slow things down

Vice Mayor Karukin’s level one priorities:

- Complete the water/sewer/storm drainage project
- Recruitment of new Town Manager
- FEMA flood insurance discount
- Beach restoration
- Reassess the Zoning Code – Planning and Zoning Board strategies to limit large massive structures.
- Online bill pay

Commissioner Olchyk’s level one priorities:

- Decision on the Community Center second story
- Recruitment of new Town Manager and she wants to be involved in the recruitment
- FEMA flood insurance discount
- Install bus shelters
- Beach restoration
- Continue to beautify Surfside's physical appearance
- Sewall replacement

Mayor Dietch's level one priorities:

Aside from what everyone else mentioned.

- Update the Five Year Financial Plan
- The sewer main north

Mayor Dietch would like items to be separated by groups/departments.

Vice Mayor Karukin was convinced by the Mayor on the sewer main north and he would like to add it to his list

The Town Manager stated that he would prepare a combined list organized as requested by the Mayor.

***H. Town Attorney Performance Evaluation – Mayor Daniel Dietch (TIME CERTAIN 9:00 P.M.)**
Item deferred

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:35 a.m.

Accepted this 15 day of January, 2013



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk