



**Town of Surfside
Town Commission Meeting
MINUTES
July 8, 2014
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 Tourgeman, Commissioner Karukin, Commissioner Olchyk and Commissioner Cohen.

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Cohen indicated that since the meeting of June 24, 2014 regarding the Town Manager position, he has had time to review the resume of Bill Evans and feels he is very qualified for the position of Town Manager. Because of the full agenda and wanting the Commission to express their views also, the Mayor asked if Commissioner Cohen would make a motion under item 1.E for discussion. As a Point of Order, Commissioner Karukin said there is a procedural way to revisit a decision made if it qualifies and the Town Attorney can look into it.

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

Commissioner Cohen made a motion to add a discussion item regarding the Town Manager's position under Item 9 Mayor, Commission and Staff Communication. The motion received a second from Commissioner Karukin and all voted in favor.

Vice Mayor Tourgeman made a motion to move up item 9C Tourist Board to be heard after 1F. The motion received a second from Commissioner Karukin and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Town Manager Crotty said the meeting regarding the sand project has been changed to July 21, 2014. Vice Mayor Tourgeman gave an update on the Tourist Board Report.

2. Quasi-Judicial Hearings (None)

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

Pulled items:

Commissioner Karukin pulled Item 3C Town Manager's Report Item 17 Historic Preservation, Item 28 Security Cameras and Item regarding DVAC minutes.

Commissioner Olchyk pulled Item 3B Budget to Actual Summary, Item Resort Tax Projects, Capital Projects; and Item Overpayment Pension Plan Outstanding Balance

Mayor Dietch pulled Item 25 Beach Management Agreement, Item 3F Projects Progress Report, Item 45 Pension Board, and Item 18 Land Development Program

Commissioner Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Olchyk and all voted in favor with Vice Mayor Tourgeman absent from the dais.

A. Minutes – June 10, 2014 Regular Commission Meeting

June 18, 2014 Special Commission Meeting – Proposed Ballot Questions

June 24, 2014 Special Town Commission Meeting – Town Manager

June 24, 2014 Special Town Commission Meeting – Quasi-Judicial Hearing

B. Budget to Actual Summary as of April 30, 2014 – Donald Nelson, Finance Director

***C. Town Manager's Report – Michael P. Crotty, Town Manager**

***D. Town Attorney's Report – Linda Miller, Town Attorney**

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

F. Committee Reports – Michael P. Crotty, Town Manager

- February 18, 2014 Pension Board Minutes

- May 5, 2014 Tourist Board Minutes

- May 19, 2014 Parks and Recreation Committee Minutes

- May 28, 2014 Downtown Vision Advisory Committee Minutes

G. Mutual Aid Agreement between the Bal Harbour Village Police Department and the Town of Surfside Police Department – David Allen, Chief of Police

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

Pulled Items:

-Commissioner Olchyk Item 3B – questioned some items that were on the plus side last year and this year they show a deficit. Director Nelson responded and said it was more of a timing issue where we have advanced the money and the developer contribution is received after the April date of the report. At the end of the year everything is brought up to date.

Commissioner Olchyk also questioned the fact that an item was paid ahead of time and then find out that the actual bill was less. Director Nelson said the item in question related to the Retirement Board and actuary report and explained the process. There was an error and the town paid its portion of the bill twice but has since been reimbursed.

Mayor Dietch asked if we could move to the time certain items 4B1 Sign Code and 4B2 Parking Trust Fund and then come back to the pulled agenda items.

-Commissioner Karukin Item 17 Historic Preservation upcoming board meeting and Mayor said he met with the Director and we are working with them to preserve historic structures in the town.

-Commissioner Karukin DVAC asked if we can remove now the two parking spaces in question to help with the traffic problem. Town Manager Crotty said there was an upcoming meeting addressing the issue.

-Mayor Dietch Item 18 Land Development Program – Town Manager Crotty spoke on the item and said to be aware of any historic structures that may be involved. Town Planner Sinatra said she would like to go ahead and meet with the Historic Preservation Board and get a better understanding of their goals and what we should be looking for.

-Mayor Dietch, Item 25 Beach Management Agreement; The Mayor asked Town Manager Crotty what his plans were on this item and Mr. Crotty deferred the item to Town Attorney Miller as he indicated they were at a stalemate with Miami Dade County on the issue. Attorney Miller said that the State said we do not have jurisdiction on this issue and if we are to pursue this there may be some ramifications. The Mayor asked that staff meet with the State administration and report back what if any ramifications would be involved and report back and place it as a discussion item for the next meeting in August 2014.

-Commissioner Karukin Item 28 Security Cameras – Commissioner Karukin feels this is a security issue and we should move forward on this now.

- Mayor Dietch 45 Pension Board. The Mayor said that we are paying Mr. Klausner of Klausner and Kaufman to attend all meetings and he was not at the last meeting of Pension Board. Director Nelson said Mr. Klausner sometimes cannot attend all meetings but sends his assistant. The Mayor was rather firm in stating that we are paying for Mr. Klausner and expect Mr. Klausner to be present.

Vice Mayor Tourgeman made a motion to accept the pulled items from the consent agenda. The motion received a second from Commissioner Karukin and all voted in favor.

After the agenda pulled items were discussed, Mayor Dietch apologized to those who filled out speaker cards for not recognizing them at the given time.

He called on Public Speaker George Kousoulas who said we have to revisit the issue regarding parking garages.

The Mayor called Joe Graubart but he had already left the meeting.

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. Solar Panels – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Sandra Novoa read the ordinance

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Commissioner Karukin absent from the dais.

Vice Mayor Tourgeman made a motion that a Point of Privilege be given to a public speaker. The motion received a second from Commissioner Olchyk and all voted in favor. Public Speaker Deborah Cimadevilla spoke regarding the Charter item staggered terms and asked who suggested the change, the residents or the Commission. She said speaking to residents most were fine with the two year term. She also was in favor of the residents being involved in the hiring of a new Town Manager and a process taking place. The Mayor addressed her concerns and Commissioner Olchyk also addressed the concerns regarding the Town Manager position and gave a better understanding of the process.

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

B. First Reading Ordinances

1. Sign Code – Sarah Sinatra, Town Planner [SET TIME CERTAIN 7:45 PM]

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance. Commissioner Karukin made a motion to approve for discussion. The motion received a second from Vice Mayor Tourgeman. Town Planner Sarah Sinatra presented the item with visuals of signs which are permitted and those which would be non-conforming. Ms. Sinatra gave a summary of the joint meeting with the Planning and Zoning Board.

If the ordinance is approved with a timeframe to be in compliance, Commissioner Karukin asked if there would be grant monies available for stores to make the needed change. Vice Mayor Tourgeman explained that small businesses could apply for a grant.

Mayor Dietch asked what the property line was to place a sign and asked Ms. Sinatra to look into it and come back with some suggestions. The Mayor also indicated he was not in favor of illuminated open/closed signs as he feels it downgrades the appearance.

Commissioner Cohen questioned the color of signs such as real estate having to be black and white but political signs can be color. Town Attorney Miller will research this issue.

Commissioner Karukin made a motion to approve. The motion received a second from Vice Mayor Tourgeman. The motion carried 4-1 with Commissioner Cohen voting in opposition.

2. Parking Trust Fund – Sarah Sinatra, Town Planner [IMMEDIATELY AFTER ITEM 4B2]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING

**TRUST FEES PAID IN LIEU OF OFF-STREET PARKING;
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 Planner Sarah Sinatra presented the item,

Commissioner Olchyk asked that we wait to vote on this issue until we have the cost of the project as Ms. Sinatra indicated they were still looking into that. Commissioner Karukin explained that we needed something in place now to prevent further problems as there is much new development in the town and more to come. There will be a second reading also.

Vice Mayor Tourgeman and Commissioner Karukin thanked Town Planner Sinatra for her great effort on this issue.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Mayor Dietch absent from the Dais.

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

**A. Resolutions of the Town Commission of the Town of Surfside, Florida,
Calling for The Town's November 4, 2014 Special Election to Present to
the Town's Electorate Certain Proposed Amendments to the Town
Charter-- Linda Miller, Town Attorney [SET FOR TIME CERTAIN 9:15 PM]**

**1. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN
OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014
TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE
PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE
TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN
CHARTER LANGUAGE GOVERNING "QUALIFICATIONS FOR
OFFICE"; 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 REPEALER; PROVIDING FOR
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Karukin made a motion for discussion and the motion received a second from Commissioner Olchyk.

Commissioner Karukin felt there were too many items placed on the agenda and some being rather dense may cause voter fatigue and wanted the Commission to be aware of that.

Public speaker Lou Cohen said on the 2015 ballot there will be several public officials to vote on and feels that having too many resolutions on this ballot is not a good idea as electors will probably not read them all after the first few. Mr. Cohen said some of the resolution may not be understood and suggests no more than three be put on ballot one being the staggered terms.

Barbara McLaughlin agrees with Mr. Cohen and feels people will vote more conscientiously with fewer items to read.

Daryl Wall agrees with Mr. Cohen and Ms. McLaughlin as to fewer items on the ballot but wanted to know why staggered terms was being put on when it was defeated once before. Commissioner Karukin explained the reasoning for this resolution. Mayor Dietch spoke in favor of all items as times change and the Charter needs to reflect this. He feels with a good education process for the residents the electors will have a good understanding of the issues on the ballot. Commissioner Cohen has trust in the citizens of Surfside and feels they will carefully read and address the issues.

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

- 2. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING "VACANCIES ON COMMISSION"; 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 REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

3. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING "VACANCY IN CANDIDACY"; 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 REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

4. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING "CANVASSING BOARD"; 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 REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

5. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING "QUALIFYING" (I.E., BECOMING A CANDIDATE FOR ELECTED OFFICE IN THE TOWN); 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 REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

6. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING "ESTABLISHING ELECTED OFFICIALS' STAGGERED TERMS AND INCREASING TOWN COMMISSIONERS' TERMS FROM TWO TO FOUR YEARS"; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

7. **RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING "RUNOFF ELECTION"; 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 REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

B. Professional Services – Duncan Tavares, TEDACS Director

1. Professional General Architectural Services – RFQ # 2014-001

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING FIVE (5) PROFESSIONAL GENERAL ARCHITECTURAL FIRMS TO PERFORM PROFESSIONAL GENERAL ARCHITECTURAL SERVICES FOR THE TOWN, IN RESPONSE TO RFQ NO. 14-001; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO

NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRMS; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Crotty introduced the item. Duncan Tavares spoke on the item.

Commissioner Karukin made a motion to accept with the amendment that the contract comes back to the Commission for review. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

2. Professional General Engineering Services - RFQ # 2014-002

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE RANKINGS OF THE SELECTION COMMITTEE FOR PROFESSIONAL GENERAL ENGINEERING SERVICES IN RESPONSE TO RFQ NO. 14-002; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRM; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to bring back a contract for review and approval. The motion received a second from Commissioner Karukin and all voted in favor.

C. Town Hall Improvements – Joseph Kroll, Public Works Director

1. Town Hall Roof Repairs

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDING BID TO UNLIMITED ROOFING SERVICE, INC. FOR ROOF REPAIRS TO TOWN HALL IN AN AMOUNT NOT TO EXCEED \$65,000.00; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Crotty gave an update on items 5C1, 5C2, and 5C3.

Vice Mayor Tourgeman made a motion to defer the item and bring back to a special meeting July 16, 2014 before or after the Budget Meeting. The motion received a second from Commissioner Karukin and all voted in favor.

2. Town Hall Air Conditioner Replacement with New Chiller System

Note: This is attached as a DRAFT!

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO _____ TO CONVERT THE EXISTING A/C UNITS TO A CHILLER SYSTEM AT TOWN HALL IN AN AMOUNT NOT TO EXCEED \$_____; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to defer the item and bring back to a special meeting July 16, 2014 before or after the Budget Meeting. The motion received a second from Commissioner Karukin and all voted in favor.

3. Town Hall Mold Removal and Remediation

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN DECON ENVIRONMENTAL AND ENGINEERING, INC. TO PROVIDE MOLD REMEDIATION AND RESTORATION SERVICES FOR THE SURFSIDE TOWN HALL; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH DECON ENVIRONMENTAL AND ENGINEERING INC., BY PIGGYBACKING OFF OF A COMPETITELY BID AGREEMENT FOR THE SAME SERVICES AWARDED BY THE BROWARD COUNTY SCHOOL BOARD; AUTHORIZING THE AMENDMENT TO THE 2013/2014 BUDGET AND APPROPRIATION NOT TO EXCEED \$28,368.21 TO ACCOUNT 001-5000-539-4602; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to defer the item and bring back to a special meeting July 16, 2014 before or after the Budget Meeting. The motion received a second from Commissioner Karukin and all voted in favor.

D. Resolution Approving the Design of the 94th Street End Project – Michael P. Crotty, Town Manager [SET FOR TIME CERTAIN 9:00 PM]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty presented the item to the Town Commission.

Members of the Chateau Ocean, LLC presented the proposed project with a visual presentation.

Commissioner Olchyk had concerns regarding the showers and asked how they plan to secure their use and not be open to the general public such as transient people using them. The representatives of the Chateau said they did not realize there was an issue but would be willing to relocate them or remove them. Vice Mayor Tourgeman said there are several other showers along the beach and does not feel this is a problem but provide a service for the public. Commissioner Karukin and Commissioner Cohen agreed with the Vice Mayor to keep the shower. For the record, the Mayor would like the shower moved perhaps closer to the Chateau side. The showers will be kept and it was suggested that any problems be reported to the police.

Public speaker Lou Cohen had a question about the beach level. The question was addressed by a representative of the Chateau.

Commissioner Karukin made a motion to approve with the amendment that art work is to be approved by the Town Commission. The motion received a second from Vice Mayor Tourgeman. The motion passed 3-2 with Commissioner Olchyk absent for the vote and Commissioner Cohen voting in opposition.

Commissioner Olchyk wanted it to go on record that the while under construction, the Chateau temporarily removed the bus shelter on the corner and wanted to make sure that the bus shelter will be put back in the same place as it is very important to the people. The representative from the Chateau said the shelter will be put back in the same place and will even be nicer than the original one.

**E. Harding Avenue Business Improvement District (BID) Ballot Results –
Duncan Tavares, TEDACS Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE
RESULTS OF THE TOWN OF SURFSIDE BUSINESS
IMPROVEMENT DISTRICT ELECTION HELD BETWEEN MAY 28,
2014 AND JUNE 12, 2014 FOR A SPECIAL ASSESSMENT DISTRICT
KNOWN AND DESIGNATED AS THE SURFSIDE BUSINESS
IMPROVEMENT DISTRICT; AND PROVIDING FOR AN
EFFECTIVE DATE.**

Duncan Tavares presented the item.

For the record, Town Attorney Miller read Section 3 of the resolution which
was inadvertently left out as follows:

**IT IS HEREBY CERTIFIED AND DECLARED THAT PURSUANT TO
THE VOTES CAST IN THE BUSINESS IMPROVEMENT DISTRICT
ELECTION FINALIZED ON THURSDAY, JUNE 12, 2014, THE
SPECIAL ASSESSMENT DISTRICT WILL NOT BE FORMED AT
THIS TIME PER THESE RESULTS.**

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

6. Good and Welfare (*Set for approximately 8:15 p.m.*)
The Mayor opened the meeting to Good and Welfare.

Public Speakers:

-Barbara McLaughlin asked why public ordinances were not advertised in the papers
although they are on the website. Town Manager Crotty said the cost can be very
excessive especially in papers such as the Miami Herald. However this issue will be
looked into shortly when the new budgets are worked on.

No one else wishing to speak the Mayor closed Good and Welfare.

Although Good and Welfare was closed the Mayor allowed Public Speaker Eliana
Salzhauer to speak as she was a little late in arriving. Ms. Salzhauer said the Parks and
Recreation Committee need direction as to how to move forward on upgrading the
Community Center. First we should determine if the existing structure can support a
second story before spending more money on plans. Also to determine if a second story
is needed as the existing facility is beautiful.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Surfside Seawall Replacement Project Bid Opening Results and Recommendation – Michael P. Crotty, Town Manager

Chris Giordano spoke on the item.

The Mayor suggested staff reach out to residents who live on the water that may want work done on their seawall.

Vice Mayor Tourgeman made a motion that in 60 days they come back with a plan and recommendations. The motion received a second from Commissioner Olchyk and all voted in favor.

B. Update on Community Center 2nd Floor Expansion (Verbal) – Tim Milian, Parks and Recreation Director

Duncan Tavares gave an update on the item. The Mayor asks that staff work on a budget before we go forward.

C. Resort Tax Allocation to Tourist Board – Commissioner Michael Karukin
****Item was discussed right after item 1F.**

Commissioner Karukin said he understands there is some opposition to this proposal but wants to make it clear that this is a discussion item and something to think about. He is not against the 5 year Plan presented by the Tourist Board, however, he feels that more monies from the resort tax can be utilized more effectively such as helping with the expansion of the community center. Vice Mayor Tourgeman is against putting a cap on monies as most of the revenue received from these taxes goes back to the town for improvements. Because he has been involved with the Tourist Board for several years he knows that they have limited income to work with and have not advertised or promoted the town to its full potential. Commissioner Olchyk said she would like to revisit the issue more thoroughly to better understand it before she can make a decision. Commissioner Cohen also said there should be more discussion on the item. Mayor Dietch opened it up to the public.

Public Speakers:

Barbara Cohen spoke of the importance of the Tourist Board and its functions.

Michelle Kligman asked that if this item is to move forward that it be deferred and the Tourist Board have the opportunity to express their views on the item of capping funds.

Mr. H. Bindeus representing the Grand Beach Hotel is against any cap on resort tax and explained how important it is to advertise and compete in the

S. Florida tourist market. He also feels that people on the Tourist Board should have experience in that field.

Barbara McLaughlin spoke on the State legalities of tax revenue and how it is to be spent.

Commissioner Cohen read a list of where resort tax monies can or should be spent. He also said he feels there should be Commission oversight as to where these monies are spent.

Commissioner Olchyk made a motion to have a joint meeting with the Tourist Board in early October 2014. The motion received a second from Commissioner Karukin and all voted in favor.

D. Discussion on Tentative Budget Meetings – Donald Nelson, Finance Director

A Special Meeting is scheduled for Wednesday July 16th and July 22nd at 5:00 p.m. Commissioner Cohen said he would not be able to attend the July 16th meeting and the Mayor asked if he could go over the materials and present any questions he has to staff before he leaves town.

E. Update on the Town Manager Transition and Discussion on Work Plan Priorities (Verbal) – Michael P. Crotty, Town Manager

To expedite the process, the short list of applicants for review will be available to the Commission August 4, 2014.

As a point of order, Commissioner Cohen made a motion to re-consider the vote taken on June 24 2014 at the Special Meeting of the Commission. The motion received a second from Commissioner Karukin. Commissioner Olchyk reminded the Commission that a similar situation happened years ago and she was told that her request for reconsideration had to be put in writing and then it would be presented at the following meeting and Commissioner Cohen's request should be handled the same way. Commissioner Karukin said he believes she was given the wrong information as to procedure.

Commissioner Cohen made a motion to extend the meeting fifteen minutes. The motion received a second from Commissioner Karukin. The motion carried 3-2 with Vice Mayor Tourgeman and Commissioner Olchyk voting in opposition.

After some discussion the fact is that the Town Manager position has been advertised, applications have been received and there is a deadline to receive further applications. Also, referring back to the minutes of the Special Meeting of June 14, 2014 it was determined that no motion was made and therefore no vote taken.

Commissioner Cohen withdraws his motion.

Town Manager Crotty asked the Commission for their feedback regarding the work plan and timeframe regarding the transition. The Mayor asked that the item be added for discussion to the July 16th meeting.

Manager Crotty said under Item 2 of the Work Plan he is asking that on August 28, 2014 they meet with the Shul regarding the development agreement and ask that the Planning and Zoning Meeting be moved.

Commissioner Karukin made a motion for a meeting to be held on August 28, 2014 at 7:00 p.m. regarding a Quasi Judicial item regarding the Shul development agreement. The motion received a second from Commissioner Cohen and carried 3-2 with Vice Mayor Tourgeman and Commissioner Olchyk absent.

- F. FY 12/13 Comprehensive Annual Financial Report (CAFR) Acceptance**
– Finance Director Donald Nelson [*SET FOR TIME CERTAIN 7:30 PM*]
Town Manager Michael Crotty introduced Finance Director Donald Nelson to present this item.
Finance Director Donald Nelson presented the item and introduced Enrique Llerena representing Marcum Group. Mr. Llerena gave a detailed explanation of the report.

Mayor Dietch asked for clarification on some items and Director Nelson explained the items satisfactorily.

Commissioner Olchyk asked if there was a way of getting monies from developers first before we start city projects. Director Nelson said it is recommended not to hold up a project and that we have always been reimbursed for monies as stipulated in development agreements.

The Mayor thanked Director Nelson and his staff for their hard work on the auditing process.

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

- G. Policy Direction Regarding Ownership of Submerged Lands (Point Lake and North Canal) – Michael P. Crotty, Town Manager**
Town Manager Crotty gave an update on the item.

The Mayor suggested that staff re-engage with the community regarding costs and updating them on this issue.

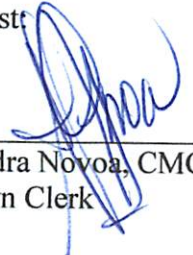
Commissioner Karukin made a motion to approve staff recommendations and to re-engage with the community. The motion received a second from Commissioner Cohen. The motion passed 3-2 with Vice Mayor Tourgeman and Commissioner Olchyk absent.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:13 p.m.

Accepted this 12th day of August, 2014


Daniel Dietch, Mayor

Attest: 

Sandra Novoa, CMC
Town Clerk