



**Town of Surfside
Town Commission Meeting
January 18, 2011
7 p.m.
MINUTES**

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

1. Opening

- A. **Call to Order** – Mayor Daniel Dietch called the meeting to order at 7:00 pm.
- B. **Roll Call of Members** - Town Clerk Debra Eastman called the roll and the following members of the Commission were present upon roll call: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.
- C. **Pledge of Allegiance** – Police Chief David Allen led the Pledge of Allegiance.
- D. **Mayor and Commission Remarks** – Mayor Daniel Dietch

Mayor Dietch thanked the residents for their engagement and participation in the community. He also thanked the boards and committees. He commented that the water and sewer project on the agenda is a bitter pill. He added that there are hard decisions to be made and noted that good decisions need to be made for the benefit of the community.

Vice Mayor Joe Graubart spoke about the Tucson, Arizona tragedy, followed by a moment of silence. The Vice Mayor spoke about the importance of maintaining a civil attitude. He further commented on the history and failures of the previous commission.

The Vice Mayor presented the Community Notes. He mentioned the North Shore car wash on January 22nd. He also spoke about the Parks and Recreation Family Fun Day. He mentioned the Winter Program, the Police Department Program Eye on Surfside and the Dr. Martin Luther King Day Day of Service organized by Richard Iacobacci. He also thanked the police department.

The Vice Mayor also gave an update on the Tourist Board. He spoke about Jazz on the 3rd Thursday of the month. He also mentioned the Kaplan, Iacobacci and Onichini families and their participation in the Holiday Light Contest.

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

Vice Mayor Graubart requested to move up the presentation to Dr. Priscilla Whitehead. Town Manager Roger Carlton requested to add an item and link five items for water and sewer. Commissioner Edward Kopelman asked to include a statement of support for the National Guard under Presentations. Commissioner Marta Olchyk requested to discuss the following from the agenda: Monthly Budget (p. 4), Maranon, auditor for the Tourist Board (p. 7), FEMA Archives (p.16) Credit Cards (p.17), Grant Advisor (p.18), Disaster Debris monitoring service control (p.40).

Vice Mayor Graubart made a motion to amend the agenda as discussed. Commissioner Kopelman seconded the motion. All were in favor and the motion carried unanimously.

F. Special Presentation – Employee of the Quarter – Duncan Tavares, Tourist Bureau Director – Roger M. Carlton, Town Manager

Town Manager Roger Carlton presented Tourist Bureau Director Duncan Tavares the “Employee of the Quarter” award.

G. Special Presentation – Officer of the Month - Chief David Allen

October, 2010 Officer Jay Matelis and November, 2010 Officer John Gentile
Police Chief David Allen presented the Officer of the Month recognition to Officer Jay Matelis for the month of October 2010. Chief Allen also presented the Officer of the Month recognition to Officer John Gentile for the month of November 2010.

The Chief noted that Officer Matelis is being recognized for his work coordinating MAAD events. He further noted that Officer Gentile is being recognized for his outstanding police work.

Vice Mayor Graubart presented Dr. Priscilla Whitehead with an award of recognition. Dr. Whitehead is leaving the Church by the Sea.

Tourist Bureau Director Duncan Tavares introduced Ms. Maureen Esposito who spoke about the Statement of Support for the National Guard. She spoke about the town’s employees’ participation in the military.

Commissioner Kopelman expressed support for the National Guard.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

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.

A. Resolution Statement of Support for National Guard and Reserve of Florida – Commissioner Edward Kopelman

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA EXPRESSING A STATEMENT OF SUPPORT FOR THE NATIONAL GUARD AND RESERVE OF FLORIDA AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Monthly Budget to Actual Summary as of October 31, 2010** - Martin Sherwood, Finance Support Services Department Head
- C. Town Manager's Report- "Points of Light"**
- D. Town Attorney's Report-** Lynn M. Dannheisser, Town Attorney
- E. Projects Progress Report** – Calvin, Giordano & Associates, Inc.
- F. Beautification Committee – Replacement of Sandra Argow with Grace Heising** – Commissioner Marta Olchyk

- G. Resolution Debris Monitoring Agreement** – Assistant Police Chief, John DiCenso
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE CONTRACT RENEWAL WITH O'BRIENS RESPONSE MANAGEMENT, INC. FOR TWO YEARS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT RENEWAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT RENEWAL; AND PROVIDING FOR AN EFFECTIVE DATE.

- H. Resolution FDLE Grant** - Assistant Police Chief, John DiCenso
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO APPLY FOR THE FEDERAL JUSTICE ASSISTANCE GRANT ADMINISTERED BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT TO RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A MOBILE IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

- I. Mutual Aid Agreement with Aventura** - Assistant Police Chief, John DiCenso
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF AVENTURA, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.

- J. Mutual Aid Agreement with North Miami** – Assistant Police Chief, John DiCenso
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.

- K. Proclamation for 2011 Martin Luther King, Jr. Day of Service Surfside** – Mayor Daniel Dietch

- L. Resolution Declaring "Reverend Dr. Priscilla Felisky Whitehead Day"** – Vice Mayor Joe Graubart

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DELCARING JANUARY 18, 2011 AS "REVEREND DR. PRISCILLA FELSIKY WHITEHEAD DAY" IN THE TOWN OF

SURFSIDE.

Commissioner Kopelman made a motion to adopt the items on the Consent Agenda. Commissioner Karukin seconded the motion which carried 4 to 1 with Commissioner Olchyk dissenting.

Chief Allen spoke about the red light safety program. He noted that the program is currently in the “warning” period. Mayor Dietch noted possible concerns, but opined that it allows the town to better use police resources. Commissioner Kopelman commended the Chief on the “no turn on red” signs.

Commissioner Olchyk spoke about the monthly budget versus actual.

The Commission then discussed the auditor item on page 13. Manager Carlton mentioned that the item was included in the budget that was approved and explained the audit process. Commissioner Olchyk commented that she does not want to add any new positions and noted that she opposes hiring anyone for that position. Town Manager Roger Carlton mentioned that this is not a city position, but rather an independent auditor with a fee up to \$6,000 to perform the audit.

The Commission also discussed the e-mail archives and spam filter project on page 16.

The Commission also discussed credit card use and online item on page 17.

The Commission then discussed the renewal of disaster debris monitoring contract on page 40. The commissioners inquired if the town has to pay for the service even when it is not being utilized. Manager Carlton explained that it is only payable if the service is used.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

**1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 “COMMERCIAL VEHICLES” CREATING SECTION 74-2 “USE OF COMMERCIAL VEHICLES” AND SECTION 74-3 “ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

[This Ordinance regulates the parking of commercial vehicles on residential streets, allowing one commercial vehicle to be parked in a residential driveway

provided the resident has obtained a commercial vehicle parking permit from the Town and delineating issuance and revocation procedures.]

Town Clerk Debra Eastman read the ordinance by title into the record.

Commissioner Kopelman made a motion to adopt the ordinance on second reading. Vice Mayor Graubart seconded the motion.

Vice Mayor Graubart opined that this is a great opportunity for the Chief, Town Manager and resident volunteers to discuss a decal system rather than tags. Commissioner Kopelman interjected that the licensed vehicles are easier to identify by placard or decal. Chief Allen opined that the current system is fine. Manager Carlton mentioned that if it is the will of the commission to have staff discuss this item then they will do so and report back to the commission next month.

Town Attorney Lynn Dannheisser mentioned that an ordinance relating to commercial vehicles on the street currently exists on the books.

Mr. Alan Gourme stated that some houses have different commercial vehicles. He noted that there are residents who work at different places. He suggested two hanging tags per family.

Mayor Dietch opened the public hearing.

Mr. Richard Iacobacci inquired if there could only be one commercial vehicle per household. He further inquired about how the vehicles would be classified if there is only one per household parked in the driveway and no commercial vehicle parked on the street. Attorney Dannheisser read information on the size, capacity and sign.

Seeing no other residents wishing to speak, Mayor Dietch closed the public hearing.

Following the discussion, the motion to adopt the ordinance passed unanimously on roll call.

2. Amend Town Code to add Psychic Reading and Consultation As a Permitted Use – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD "PSYCHIC READING AND CONSULTATION" AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[Per the Settlement Agreement approved at the last Commission meeting, we amend the code to allow psychic reading and consultation as a permitted use in

SD-B40 (Downtown Business) District as a second floor use and subject to all other regulations.]

Town Clerk Debra Eastman read the ordinance by title into the record.

Town Attorney Lynn Dannheisser gave an overview of the Ordinance.

Commissioner Olchyk made a motion to adopt the ordinance. Vice Mayor Graubart seconded the motion.

Vice Mayor Graubart expressed concern about possible litigation that might arise. Commissioner Kopelman spoke against the ordinance.

Mayor Dietch opened the public hearing.

Ms. May Sneyt spoke against the ordinance and asked the commission to not approve this in this town.

Town Attorney Lynn Dannheisser reminded everyone that litigation was previously discussed and that the town received a Notice of Dismissal based upon including psychic as a permitted use added to the code.

Upon roll call, the motion to adopt the ordinance passed 4 to 1 with Commissioner Kopelman dissenting.

B. First Readings Ordinances

1. Outside Employment Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” AND SPECIFICALLY CRATING SECTION 2-152 “OUTSIDE EMPLOYMENT BY TOWN EMPLOYEES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance prohibits outside employment unless approved by the Town Manager. It is based on the Code of Miami-Dade County.]

Town Clerk Debra Eastman read the ordinance by title into the record.

Town Attorney Lynn Dannheisser noted that this ordinance tracks the Miami Dade County ordinance.

Commissioner Kopelman made a motion to approve the ordinance. Commissioner Karukin seconded the motion.

Commissioner Kopelman inquired about how this affects the Police Department.

Mayor Dietch added that this ordinance should apply equally to both full-time and part-time employees. Commissioner Kopelman suggested amending the ordinance to expand it to part-time employees.

Town Attorney Lynn Dannheisser offered the following amendment:

Section 2-152 – Outside employment by the Town employees, adding section 2 as follows:

“No part-time employee shall accept outside employment during such hours and times that are committed to employment by the Town of Surfside, nor shall equipment or material belonging to the Town of Surfside be used by any part-time employee for employment outside the Town of Surfside.”

Commissioner Karukin seconded the amended motion. The motion carried unanimously.

2. Curb Cuts – Sarah Sinatra Gould, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.61 CURB CUTS OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance places curb cut regulations currently in the building code into the zoning code and allows for additional curb cuts on single family lots.]

Town Clerk Debra Eastman read the ordinance by title into the record.

Shelly Eichner, CGA, presented the item and noted that it allows additional curb cuts for lots greater than 100 feet in width. She added that it also moves the building code language to the zoning code so that it all can be in one place.

Commissioner Kopelman made a motion to adopt the ordinance. Commissioner Karukin seconded the motion.

The motion to adopt the ordinance passed unanimously. Commissioner Kopelman was absent at the time of vote.

***3. Boat Storage - Sarah Sinatra Gould, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.65 BOAT STORAGE, INCLUDING ZONING CODE DEFINITIONS OF “SETBACKS” AND “YARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL

**ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT
HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

[This Ordinance revises boat regulations for parking, annual boat registration, maintenance, and use no less than 12 times a year as evidenced by an owner affidavit.]

Town Clerk Debra Eastman read the ordinance by title into the record.

Town Manager Roger Carlton explained the proposed ordinance. He noted that it allows the boat owner to put the boat in side or rear yard, only if it is in a wide area. He added that if parked in the front yard, the boat must be on a paved surface. If the boat is parked on the side or rear, a wall or hedge will be required to hide the boat from the neighbors. Town Manager Roger Carlton noted that boats and boat trailers shall be removed immediately upon the issuance of a hurricane watch.

Commissioner Kopelman made a motion to approve the ordinance. Vice Mayor Graubart seconded the motion.

Resident Howard Rennert spoke in opposition.

Commissioner Karukin expressed opposition to the new requirements. He added that there are currently enough rules and these new rules are invasive and intrusive.

Vice Mayor Graubart asked staff to provide information on what the surrounding towns of Bay Harbor Islands, Bal Harbour, Miami Shores, Miami Beach do. He proposed to grandfather in all existing boat owners in a way of protecting the town's residents.

Mayor Dietch noted that if the ordinance is approved on first reading, it will move on Planning and Zoning.

Resident Luis Ramirez spoke in opposition.

Resident Richard Iacobacci agreed with Vice Mayor Graubart and opposes the fee.

The motion carried 3 to 2 with Commissioner Karukin and Commissioner Olchyk voting in opposition.

Mayor Dietch stated that this ordinance will go to P&Z and then come back to the commission. Vice Mayor Graubart noted that the proposal shall also include grandfathering.

5. Resolutions and Proclamations

A. Code Compliance Authority for Police Officers – Police Chief David Allen

Town Manager Roger Carlton spoke about the two options available to the town in terms of code enforcement. He mentioned that the town can make code enforcement more extensive but we have one code enforcement official. He added that under Florida law the police are allowed to enforce code with training. Town Manager Roger Carlton explained option A and option B.

Alternate A

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTIONS 90-79; SECTION 90-79 ABANDONED OR INOPERABLE VEHICLES; SECTION 90-79 PARKING ON GRASS OR UNPAVED OR UNAPPROVED SURFACES; SECTION 74-1 COMMERCIAL VEHICLE PROHIBITED IN THE RESIDENTIAL AREA; SECTION 54-63 SIDEWALK OR STREET OBSTRUCTION; SECTION 10-28 LEASH LAW; SECTION 10-32 FECAL DISPOSAL; SECTION 10-33 DOGS ON THE BEACH; SECTION 10-36 BARKING OR VICIOUS DOGS; SECTION 54-78 PROHIBITED NOISES; SECTION 34-28 ILLEGAL DEPOSIT OF DEBRIS; SECTION 54-2 HANDBILL DISTRIBUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Alternate B

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTIONS 90-79; SECTION 90-79 ABANDONED OR INOPERABLE VEHICLES; SECTION 90-79 PARKING ON GRASS OR UNPAVED OR UNAPPROVED SURFACES; SECTION 74-1 COMMERCIAL VEHICLE PROHIBITED IN THE RESIDENTIAL AREA; SECTION 54-63 SIDEWALK OR STREET OBSTRUCTION; SECTION 10-28 LEASH LAW; SECTION 10-32 FECAL DISPOSAL; SECTION 10-33 DOGS ON THE BEACH; SECTION 10-36 BARKING OR VICIOUS DOGS; SECTION 54-78 PROHIBITED NOISES; SECTION 34-28 ILLEGAL DEPOSIT OF DEBRIS; SECTION 54-2 HANDBILL DISTRIBUTION; SECTION 14-29 WORK WITHOUT PERMIT; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Commissioner Kopelman made a motion to approve option B, which included Saturday and Sunday hours of enforcement. Vice Mayor Graubart seconded the

motion. Upon roll call, the motion carried 4 to 1 with Commissioner Karukin voting in opposition.

B. Resolution for Construction Administration and Inspection and Engineering
– Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 42 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING CONSTRUCTION ADMINISTRATION, CONSTRUCTION INSPECTION AND ENGINEERING DURING CONSTRUCTION OF THE WATER, SEWER, STORM DRAINAGE PROJECT AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Town Manager Roger Carlton explained five amendments to the Calvin Giordano and Associates agreement, which will finish the project to completion. He stated that the project is so far along that the startup costs, learning curves and reissuance of plans to another firm would be very expensive. He noted that it is a big project and that it is not in the final decision-making point. He added that this stage still allows design to finish, bids to come in and the contract still needs to be awarded. Town Manager Roger Carlton stated that the project still has a long way to go for financing.

Mr. Chris Giordano, of CGA, introduced John Cooper, Shaun Bamforth, Christina Baliera and Chris Bernard. Mr. Giordano did a PowerPoint presentation on the proposed process of replacing the sewer lines, water lines and drainage system.

Commissioner Olchyk inquired about the permitting process and the projected time frame.

Commissioner Karukin inquired if it is possible that the project can come in under the estimated cost. Town Manager Roger Carlton stated that he thinks that the project will come in under \$16 million.

Commissioner Kopelman made a motion to approve all five resolutions (Items 5B, 5C, 5D, 5E and 5F). Commissioner Karukin seconded the motion. The motion carried 4 to 1 with Vice Mayor Graubart dissenting.

C. Resolution for Public Relations Utility Replacement Project – Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 43 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR PUBLIC RELATIONS AND SOCIAL NETWORKING MANAGEMENT FOR THE UTILITY REPLACEMENT PROJECT AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Commissioner Kopelman made a motion to approve all five resolutions (Items 5B, 5C, 5D, 5E and 5F). Commissioner Karukin seconded the motion. The motion carried 4 to 1 with Vice Mayor Graubart dissenting.

D. Resolution for Topographic Survey – Roger M. Carlton, Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 45 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING A TOPOGRAPHIC SURVEY ON ROADS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Commissioner Kopelman made a motion to approve all five resolutions (Items 5B, 5C, 5D, 5E and 5F). Commissioner Karukin seconded the motion. The motion carried 4 to 1 with Vice Mayor Graubart dissenting.

E. Resolution for Dry Sewer Lines – Roger M. Carlton, Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 41 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING THE PREPARATION OF CONSTRUCTION PLANS FOR SURFSIDE INFRASTRUCTURE IMPROVEMENTS FOR DRY SEWER LINE AND AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Commissioner Kopelman made a motion to approve all five resolutions (Items 5B, 5C, 5D, 5E and 5F). Commissioner Karukin seconded the motion. The motion carried 4 to 1 with Vice Mayor Graubart dissenting.

F. Resolution for Pavement Restoration Plan - Roger M. Carlton, Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 46 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR THE PAVEMENT RESTORATION PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Commissioner Kopelman made a motion to approve all five resolutions (Items 5B, 5C, 5D, 5E and 5F). Commissioner Karukin seconded the motion. The motion carried 4 to 1 with Vice Mayor Graubart dissenting.

G. Resolution – Reappropriation of Legal Department Funds– Lynn

Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF FUND BALANCE (RESERVES) TO THE LEGAL DEPARTMENT BUDGET; AMENDING THE TOWN’S BUDGET FOR FISCAL YEAR 2010-2011; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Town Attorney Lynn Dannheisser explained that the resolution appropriates funds into the legal budget and that the town needs to appropriate \$35,000 to the legal budget for Young Israel.

Commissioner Kopelman made a motion to approve. Commissioner Karukin seconded the motion.

Mayor Dietch explained that the funds come from roll over from last year’s funds saved from the legal budget.

Upon roll call, the resolution carried unanimously.

H. Resolution Retainer of Houlihan & Partners, P.A. – Lynn

Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH HOULIHAN & PARTNERS, P.A. TO APPEAR AS CO-COUNSEL AND REPRESENT THE TOWN IN THE CASE CAPTIONED YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO: 10-CV-24392 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Town Attorney Lynn Dannheisser stated that she recommends Houlihan & Partners be retained because they are experienced federal litigators.

Commissioner Kopelman made a motion to approve the resolution. Commissioner Karukin seconded the motion.

Commissioner Olchyk expressed opposition to retaining Houlihan & Partners and stated that she is bothered to know that there may be some semblance of impropriety based on personal issues with our Attorney. She stated that she is in favor of going at full strength and utilizing everything within power to prove that Surfside is right in this matter. She added that the town has a town attorney on staff and another firm we are retaining and should not hire an additional firm. She added that she does not want for her vote to reflect that she was in favor of hiring another firm when the town might have been able to do it without him.

The Mayor also noted that Houlihan will participate in the initial strategy and in litigation only.

Commissioner Kopelman asked the Town Attorney to address the comments made by Commissioner Olchyk. Town Attorney Lynn Dannheisser stated that Commissioner Olchyk was referring to that she (Dannheisser) has a personal relationship with Mr. Houlihan. She dates Mr. Houlihan. Town Attorney Lynn Dannheisser stated that her job is to recommend and give the best advice and counsel. She added that this issue is a huge exposure to the Town and that the plaintiff is asking for \$5 million in damages. She added that prevailing in litigation is very important to the Town and that there is no benefit to her personally. Attorney Dannheisser mentioned that she spoke to the Commission on Ethics to ensure that there is no conflict. There is no conflict and she has given the best advice and counsel. She added that due to her personal relationship, the fees have been reduced from \$500 to \$250 per hour.

Upon roll call, the motion to approve the resolution carried 4 to 1 with Commissioner Olchyk voting in opposition.

**I. Resolution Police Confiscation Fund – Police Chief, David Allen
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR
2010/2011 POLICE CONFISCATION FUND EXPENDITURE IN THE
AMOUNT OF FORTY-FIVE THOUSAND (\$45,000.00) TO BE
FUNDED BY PROCEEDS OF CONFISCATED FUNDS.**

Town Clerk Debra Eastman read the resolution by title into the record.

Town Manager Roger Carlton that the resolution appropriates the money in the Confiscation fund. Police Chief David Allen added that the auditor recommended that the federal statute be added because forfeiture money is from state and federal.

Vice Mayor Graubart made a motion to approve the resolution.
Commissioner Karukin seconded the motion, which carried unanimously.

**J. Resolution Approving Contract with Lynx Construction, LLC – Roger
M. Carlton, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE DESIGN-BUILD CONTRACT WITH LYNX CONSTRUCTION LLC FOR THE DESIGN AND CONSTRUCTION OF THE SURFACE PARKING LOT LOCATED AT 9450 COLLINS AVENUE IN ACCORDANCE WITH THE BID AWARD MADE BY RESOLUTION 10-1980; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Town Manager Roger Carlton recommended the award of design-build for parking lot to Lynx Construction.

Commissioner Kopelman made a motion to approve the resolution. Commissioner Karukin seconded the motion.

Upon roll call, the motion carried unanimously.

6. Good and Welfare

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.

Mr. Stan Bershad invited all to the car wash on Saturday benefitting the Kiwanis. He added that the cost is \$5 per car.

Mr. Lou Cohen spoke about being in favor of the hotel proposed by Sylvia Coltrane and about the status.

Mr. Richard Iacobacci spoke about Team Surfside and Martin Luther King Day Day of Service and thanked Duncan Tavares, the Police Department and the Mayor's wife for the PTA participation. He added that he would like to see a monthly event.

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 – None

9. Mayor, Commission and Staff Communications

A. Proposed FY 2011-2012 Budget Calendar - Roger M. Carlton, Town Manager

Town Manager Roger Carlton stated that the involvement of the Commission and the Citizens comes in too late in the budget process. He explained the budget calendar and asked the commission to accept the proposed schedule.

Commissioner Kopelman made a motion to approve the proposed budget calendar. Commissioner Karukin seconded the motion, which carried unanimously.

B. Maranon Property Report – Roger M. Carlton, Town Manager

Town Manager Roger Carlton briefly discussed the history of the Maranon property and recommended selling it.

Commissioner Kopelman moved to sell the property. Commissioner Karukin seconded the motion.

Vice Mayor Graubart stated that this matter has been dragged out enough and he does not want to add to the divisiveness. He commented that it is a half million dollar loss. He stated that he agrees with healing the community. The Vice Mayor stated that he would like the Town to consider demolishing the house so they can get tax money.

Upon roll call all were in favor and the motion to sell the property carried.

C. Report on Feral Cats and Dog Feces – Roger M. Carlton, Town Manager
DEFERRED

D. Discussion on Downtown Vision Process – Roger M. Carlton, Town Manager

Town Manager Roger Carlton presented a new approach at looking at what the downtown should be. He added that a consultant will not be used, but rather staff will be used. He stated that if the Commission accepts the report, he will direct staff to start and he will come back to the Commission with recommendations on what should be done. Town Manager Roger Carlton thanked Duncan Tavares for his assistance.

Commissioner Kopelman stated that he is pleased with the Advisory Committee and inquired about when the results will be presented. Town Manager Roger Carlton noted that the first meeting will be February 15th.

Commissioner Olchyk inquired about the possibility that a paid consultant might be needed. Town Manager Roger Carlton stated that in that case, the project would come back to the commission for funding.

Commissioner Kopelman made a motion to proceed with the project as quickly as possible. Commissioner Karukin seconded the motion, which carried unanimously.

E. Discussion of Performance Based Salary Adjustments – Roger M. Carlton, Town Manager

Town Manager Roger Carlton stated that Commissioner Olchyk made the request for this item. He added that this accepts the theory that raises be performance based. He asked the Commission if this is the direction in which they want to proceed.

Commissioner Karukin moved the item. Commissioner Kopelman seconded the motion. All were in favor and the motion to approve carried.

F. Acceptance of Legislative Program for 2011- Roger M. Carlton, Town Manager

Town Manager Roger Carlton noted that this item includes recommendations Town Lobbyist Fausto Gomez.

Commissioner Kopelman made a motion to accept the item. Commissioner Karukin seconded the motion.

The motion carried 4 to 1 with Vice Mayor Graubart voting in opposition.

G. Crossing Barrier at 96th Street and Harding - Roger M. Carlton, Town Manager and Assistant Police Chief John DiCenso

Town Manager Roger Carlton explained the barrier and that he met with the District Engineer who is supportive of doing additional study.

Town Manager Roger Carlton noted he would like authorization to join with Bal Harbour to work with DOT to install a crosswalk at that location and regarding repaving Collins Avenue, adding stamped concrete to the crosswalks and also adding crossings for community center.

Commissioner Kopelman made a motion to approve the Manager's recommendation. Vice Mayor Graubart seconded the motion, which carried unanimously.

H. Discussion Regarding Adjustment of Solid Waste Collection Service - Roger M. Carlton, Town Manager and Assistant Police Chief John DiCenso

Town Manager Roger Carlton stated that this item relates to a request from Commissioner Olchyk and that he is seeking how the commission would like to go forward to make these decisions part of the budget process.

Commissioner Karukin opined that it was a good idea and suggested redirecting it to the staff.

Vice Mayor Graubart commented that the single family homes have a serious raccoon problem and mentioned that he hopes that part of the study will be that the Town will issue trash cans that can be wheeled to the street. He added that bags can no longer be used.

Mayor Dietch inquired about the current services and that the Town needs to post the recycling schedule there along with the current level of service and landscape waste collection. Town Manager Roger Carlton stated that upgrading the website information will be the priority for the new Public Works Director.

Mr. Jack Shiferal from Choice Environmental spoke that they pick up for other municipalities. Mayor Dietch encouraged him to speak with the Town Manager.

Commissioner Olchyk inquired about the trash containers for the beach. Town Manager Roger Carlton mentioned that they will be available in 30 days.

I. GreenPrint –Our Design for a Sustainable Future – Mayor Daniel Dietch

Town Manager Roger Carlton stated that Mayor Dietch asked for this item to be placed on the agenda and suggested that staff look at what is appropriate for Surfside to become a more green community. He asked for input from the Commission and stated that he will bring back a report for them.

Town Manager Roger Carlton introduced Mr. Bill Evans as the new Public Works Director.

**J. Discussion Regarding Proposed Five Year Financial Plan – Roger M. Carlton,
Town Manager DEFERRED**

10. Adjournment

Mayor Dietch adjourned the meeting at 10:30 pm.

Accepted this 18 day of April, 2011



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC