



**Town of Surfside
Town Commission Meeting
MINUTES**

October 8, 2013

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 7:01 p.m.

B. Roll Call of Members

Recording Clerk Jenorgen Guillen called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Kligman, Commissioner Olchyk and Commissioner Graubart.

C. Pledge of Allegiance

Lieutenant Jay Matellis led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart expressed his concerns regarding the pace of construction and the disruption it is causing to the community. He listed several ongoing projects which may take up to two years to complete and feels the administration should review these concerns and prepare for better options before permitting future development. Vice Mayor Karukin wished his father a Happy Birthday,

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

Town Manager Crotty linked items 9C and 9I relating to code items.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Mayor Dietch thanked staff for moving things forward as meetings can be seen live on the web as well as the local television channel. The Mayor also gave an update on some of the projects in progress.

Commissioner Graubart gave an update of the Tourist Board meeting which can be reviewed on the Town's website.

G. Recognition of Anthony R. Napoleon – Mayor Daniel Dietch

Mayor Dietch thanked Anthony Napoleon of Lukes Landscaping for helping the Town with the dog park and especially for his creativity in providing a water fountain for the animals. Resident Ann Findlay presented Mr. Napoleon with an award of recognition.

H. Recognition of Irina Mocanu -

Code Compliance Officer Joe Damien recognized Irina Mocanu who did an outstanding job as an intern in his department. Ms. Mocanu is a student at FIU pursuing her Master's degree. On behalf of the Town, Mayor Dietch thanked Ms. Mocanu for her service.

I. Officer of the Month of August – Sergeant Patrick McKenna, Detective Marian Valino and Detective Alejandro Llorente – David Allen, Chief of Police presented Sgt. Patrick McKenna, Detective Marian Valino and Detective Alejandro Llorente with the Officer of the Month of August award.

J. Officer of the Month of September – Sergeant Patrick McKenna, Officer Edward Carrasquillo and Officer Carol Sawaya - Chief of Police David Allen presented Sgt. Patrick McKenna, Officer Edward Carrasquillo, and Officer Carol Sawaya with the Officer of the Month of September award.

K. Police Civilian of the Month of September – Parking Enforcement Team – Elinor Joseph, Andrea Smith-Bustillo, Alain Acosta, Willie Perez, Angel Melendez and Josue Castro – David Allen, Chief of Police presented Elinor Joseph, Andrea Smith-Bustillo, Alain Acosta, Willie Perez, Angel Melendez and Josue Castro with the Police Civilian of the Month award for September.

2. Quasi-Judicial Hearings

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

Commissioner Graubart pulled items 3E page 27; 3B page 21 and item 7 page 39.
Commissioner Karukin pulled items A8 page 13, C3 page 18, F1a page 27 and 3E page 37. Mayor Dietch pulled item 7 page 12 Point of Light.

Vice Mayor 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

A. Minutes – September 9, 2013 First Budget Hearing Meeting Minutes

B. Budget to Actual Summary as of July 31, 2013 – Donald Nelson, Finance Director
Page 4-6

Items 3B page 21 – Commissioner Graubart - Items deferred

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

Item A8 page 13 - Vice Mayor Karukin - Several requests to have the turtles back on the beach. Item to be put on the next agenda.

C3 page 18, - Vice Mayor Karukin – item deferred

F1a page 27 – Vice Mayor Karukin - Question if item is listed correctly under Town Attorney, Mayor said yes.

Item 7 page 12 – Traffic Signalization - Mayor Dietch - He requested from the Town Manager that there be no delay in traffic signal improvements while working on this project.

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

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

Item 3E page 27 - Commissioner Graubart - Items deferred

Item 7 page 39 – Seawall - Commissioner Graubart - Chris Giordano gave an update of the Seawall Project.

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

- June 3, 2013 Tourist Board Meeting Minutes

- June 4, 2013 Pension Board Meeting Minutes

- June 24, 2013 DVAC Meeting Minutes

- August 5, 2013 Tourist Board Meeting Minutes

G. Florida Water and Land Legacy Amendment – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”); ENDORSING AND ENCOURAGING SUPPORT OF THE FLORIDA WATER AND LAND CONSERVATION AMENDMENT, WHICH WOULD DEDICATE FUNDS TO ACQUIRE AND RESTORE FLORIDA CONSERVATION AND RECREATION LANDS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

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

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. Veterinary Clinics – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) “REGULATED USES” ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Jenorgen Guillen read the title of the ordinance.

Sarah Sinatra, Town Planner presented the item and said modifications have been made to the ordinance as directed by the Commission and are recommending approval.

Vice Mayor Karukin made a motion to discuss and the motion was seconded by Commissioner Graubart.

Dr. Joel Beth Navratik, veterinarian, said she was denied opening a practice several years ago and the item as presented with restricted distance requirements of 600 feet is unfair and would make it almost impossible for more than one such service to open. One application has already been submitted by Dr. Carmona.

Commissioner Graubart expressed his views and said he was not in favor of veterinary clinics for downtown and would prefer more restaurants, bars, and other types of businesses that attract more tourism. However, he feels the ordinance as stands is unfair and suggested a friendly amendment to the ordinance to change the distance requirements to 400 feet.

The Commission discussed distance requirements as there are no limitations placed on other types of businesses.

A motion was made by Vice Mayor Karukin to approve the ordinance as is. There was no second and the motion did not move forward.

A motion was made by Commissioner Kligman to accept with the amendment to change the distance requirements to 400 feet. The motion received a second from Commissioner Olchyk and the motion passed 4-1 with Commissioner Graubart voting in opposition.

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

B. First Reading Ordinances

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

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Jenorgen Guillen read the title of the ordinance. Sarah Sinatra, Town Planner, presented the item.

A motion was made by Commissioner Graubart to discuss. The motion received a second by Commissioner Olchyk and all voted in favor.

Mayor Dietch made a motion to approve and received a second from Vice Mayor Karukin. Motion carried 4-1 with Commissioner Kligman absent for the vote.

2. Construction Fence - Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1.B. "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Jenorgen Guillen read the title of the ordinance.
Sarah Sinatra, Town Planner presented the item.

A motion was made by Commissioner Graubart to accept with discussion purposes. The motion received a second by Vice Mayor Karukin and all voted in favor.

Building Official, Ross Prieto gave an update and a more detailed description of the item. Commissioner Graubart made a suggestion that viewing portals be added so the public can view the construction in progress.

A motion was made by Vice Mayor Karukin to approve and received a second by Commissioner Olchyk and all voted in favor. Mayor Dietch indicated that the Commission is also looking for viewing portals.

5. Resolutions and Proclamations

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

A. Tennis Center Lighting and Tennis Center Renovations – Tim Milan, Parks and Recreation Department Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH FAST-DRY COURTS, INC. AND THE TOWN OF SURFSIDE PIGGYBACKING OFF THE COMPETITELY BID CONTRACT AWARDED BY MIAMI BEACH, FLORIDA;

AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Tim Milan, Parks and Recreation Department Director presented the item and addressed the questions from the Commission.

A motion was made by Vice Mayor Karukin to approve and received a second by Commissioner Kligman and all voted in favor.

AND

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH MUSCO SPORTS LIGHTING, LLC AND THE TOWN OF SURFSIDE PIGGYBACKING OFF THE COMPETITELY BID CONTRACT AWARDED BY CLAY COUNTY; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Tim Milan, Parks and Recreation Department Director presented the item and addressed the questions from the Commission.

A motion was made by Vice Mayor Karukin to approve the contract and received a second by Commissioner Olchyk and all voted in favor.

B. Resolution Establishing Surfside Charter Review Board –Vice Mayor Michael Karukin

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE CHARTER REVIEW BOARD; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Michael Karukin presented the item.

Vice Mayor Karukin made a motion to accept the Charter Review Board as amended in Section 2. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Kligman made a motion to accept the appointment of Vice Mayor Karukin to the Charter Review Board. The motion received a second from Commissioner Olchyk and all voted in favor.

C. Town Attorney Agreement – Commissioner Michelle Kligman

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING LINDA MILLER AS TOWN ATTORNEY; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN LINDA MILLER AND THE TOWN OF SURFSIDE ATTACHED HERETO AS EXHIBIT “A”; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Michelle Kligman presented the item.

A motion was made by Commissioner Graubart to accept the contract and received a second by Commissioner Olchyk. All voted in favor.

D. Employee Health Insurance Broker and Contract Renewal for FY 2013-2014 – Donald Nelson, Finance Director [SET FOR TIME CERTAIN AT 8:35 PM]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, AUTHORIZING THE WAIVER OF THE COMPETITIVE BIDDING PROCESS AND APPROVING A CONTRACT, NOT TO EXCEED TWENTY-FOUR THOUSAND DOLLARS (\$24,000), WITH ADAMS BENEFIT, INC. TO BE THE INSURANCE BROKER FOR ALL OF THE TOWN’S SERVICES RELATED TO EMPLOYEE HEALTH, DISABILITY, LIFE, DENTAL, AND OTHER RELATED BENEFITS PROGRAMS; WITH SERVICES TO CONTINUE UNTIL A SUBSEQUENT RFQ FOR THE SAME SERVICES IS ISSUED AND AWARDED; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EXECUTE AN AGREEMENT WITH ADAMS BENEFIT, INC; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Donald Nelson began giving an overview of the resolution and indicated this was not a change in insurance plans but only in insurance broker.

Commissioner Kligman made a motion to take a five minute break as Finance Director Nelson became ill. The motion received a second from Vice Mayor Karukin and all voted in favor.

Mayor Dietch called the meeting back to order and said 911 had been called as a member of the staff became ill and needed medical assistance.

Human Resources Director Yamileth Slate-McCloud continued with an overview of the item and the recommendation is to change the insurance broker to Adams Benefit.

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

Town Manager Crotty gave input as to proposals received and how the staff looked into alternate proposals. The current broker was given an opportunity to come back with alternative options and after several email communications, Stan Bershad (current broker), said there were no other options to reduce costs. At that time the Town Manager felt a change was needed. Commissioner Olchyk said she had concerns about the change but after reviewing the item more thoroughly she was comfortable with understanding the situation.

Mr. Bershad explained his position and how he has worked successfully for the city for many years and wishes to continue working for the city and suggested they get together again to look at other plans. Mr. Bershad also said there has been a miscommunication between him, the Town Manager, and the Director of Human Resources. Town Manager Crotty said at the September 18th meeting he specifically said he was disappointed as there was no analysis presented and directed Mr. Bershad to go back and identify a reduction in cost as a 17% increase was unacceptable. Human Resources Director Yamileth Slate-McCloud indicated that she has not received the proper health care support from the current agent regarding health reform issues.

Commissioner Olchyk made a motion to accept the change of broker to Adams Benefit . The motion received a second from Vice Mayor Karukin and the motion passed 4-1 with Mayor Dietch voting in opposition.

E. Community Rating System (CRS) Consultant CRS Max Consultants, Inc.
– Rosendo Prieto, Building Official

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN COMMUNITY RATING SYSTEM MAX CONSULTANTS (CRS MAX), INC. TO ASSIST THE TOWN IN REESTABLISHING ITS PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT FOR RETENTION OF CRS FOR CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$15,000 FROM THE BUILDING SERVICES DEPARTMENT IN THE GENERAL FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Ross Prieto, Building Official presented the item.

Vice Mayor Karukin made a motion to approve and the motion received a second from Commissioner Graubart.

Before the vote, Commissioner Olychk expressed her views that she was not in favor of spending more money on this item as we have hired consultants in the past with no resolution. Town Manager Crotty gave more insight into the issue and feels we need the expertise of a consultant to move forward. There was discussion that the initial investment will result in much savings to the Town and its residents.

A vote was taken and all voted in favor with Commissioner Olchyk voting in opposition.

A motion was made by Vice Mayor Karukin to extend the meeting one (1) hour. The motion received a second from Mayor Dietch. The extension was approved 3-2 with Commissioners Graubart and Olchyk voting in opposition.

6. Good and Welfare (*Set for approximately 8:15 p.m.*)

Mayor Dietch opened the meeting to Good and Welfare.

Mr. Dennis Giordano representing the firm of Calvin, Giordano & Associates (CGA) spoke about some relationship concerns between the Town and his company.

After some discussion Commissioner Kligman made a motion to direct the Town Manager to prepare an analysis of current contracted services we have with CGA as well as related services such as planning, IT and the like, with a summary. The Town Manager is to also include the Administration's recommendations as to how to move forward. This should be presented to the Commission for review two weeks prior to the November Commission meeting. The motion received a second from Commissioner Graubart and all voted in favor.

There being no further speakers the Mayor closed Good and Welfare.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Presentation of Final Bid Update – Terrel Fritz, RMA [SET FOR TIME CERTAIN AT 7:45 PM]

Mr. Terrel Fritz gave an update with a slide presentation on the proposed business district update.

Vice Mayor Karukin had concerns regarding increased rents for businesses and Mr. Fritz explained the process if an increase was to be made. Vice Mayor Karukin indicated he had not seen any feedback from businesses or property owners and would like to hear their input before a vote. The Commission discussed having a straw vote to have a better understanding of where the business community stands on this issue.

Mayor Dietch paused the discussion to honor the timeline (8:15 p.m.) for Good and Welfare.

Public Speaker Myriam Colson representing Colson Investments spoke in favor of the issue and said the tenants she spoke with were also in favor. She also indicated how important it was to get the property and business owners to vote. Viviane Franca, a business owner, spoke in favor of the issue and said most business owners would vote in favor if better parking was addressed.

Vice Mayor Karukin made a motion to direct staff to meet with Mr. Fritz and create a report and plans for a straw ballot for the next Commission Meeting. The motion received a second from Commissioner Graubart and all voted in favor.

B. Major Contracts, Bond Issues, Public/Private Partnerships and Loans to be reviewed by Miami Dade County Inspector General and/or Commission on Ethics – Commissioner Joe Graubart

Commissioner Graubart gave an update of the item and suggested that major projects in excess of one million dollars be reviewed further by an outside independent source.

C. Update on Hedge Sight Triangles (Corner Visibility) Issues (linked with I)

Joe Damien, Code Compliance Director

Joe Damien, Code Compliance Director gave an overview of the item with a slide presentation and addressed questions of the Commission. An informal workshop on code compliance dealing with hedge site triangles will be scheduled for November. Residents involved will be notified of the workshop meeting.

D. Dr. Grayson Street Naming – Sandra Novoa, CMC, Town Clerk

Commissioner Olychk said she received an email from the family and said they do not want it. Item deferred

E. Comprehensive Town Plan RFP – Commissioner Joe Graubart

Commissioner Graubart spoke regarding sign and awning ordinance and perhaps put it out for bid. Mayor Dietch indicated that the Town should question how satisfied they are with the quality and level of service and if we are getting good value before we put out to bid. Town Manager Crotty said he will follow the

motion of the Commission as stated in Good and Welfare and come back with a report and recommendations.

F. Resolution No. 12-2092 – Expenditures over \$8,500 – Commissioner Marta Olchyk

Commissioner Olchyk presented the item. Commissioner Olchyk feels we should adhere to the Charter and the Commission should be consulted when expenditures exceed \$8,500. If there is an emergency a special meeting of the Commission should be called before action is taken.

Commissioner Olchyk made a motion that the Town Manager adhere to the Charter Resolution that when there is any expenditures over \$8,500 the Commission be consulted for approval. The motion received a second from Commissioner Kligman and all voted in favor.

G. Food at Town Meetings – Commissioner Marta Olchyk

Commissioner Olchyk made a motion there be a limited amount of \$100 for food at any one of the meetings. The motion did not receive a second. No action taken.

H. Biscaya Drainage Options – Michael P. Crotty, Town Manager

Town Manager Crotty gave an update. Bob McSweeney of CGA gave an overview of the Biscaya Drainage Options and listed the proposed three options for information purposes. The item will be brought back at a subsequent meeting with the Town's recommendation. Commissioner Graubart had concerns about the Town's Public Works Department doing this work but Commissioner Olchyk feels the Public Works Department should be given an opportunity to present its proposal.

I. Matrix Comparing: "Notice of Violation" vs. "Civil Citation – (linked with 9C) - Joe Damien, Code Compliance Director
Discussion under item 9C.

J. Parking Outreach – Michael P. Crotty, Town Manager

Town Manager Crotty gave an update of the item. In order to assist in adding value to solving the problem Town Manager Crotty presented a three prong approach and asked the Commission to consider it for a vote.

Vice Mayor Karukin made a motion to approve the three requested actions as presented by Town Manager Crotty. The motion received a second from Commissioner Olchyk and the motion carried 4-1 with Commissioner Graubart voting in opposition.

10. Adjournment

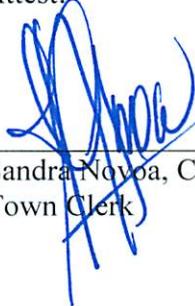
There being no further business to come before the Commission, the meeting adjourned at 12:00 midnight.

Accepted this 12th day of November, 2013



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk