



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**November 12, 2013**

**7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:02 P.M

**B. Roll Call of Members**

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Graubart, Commissioner Kligman and Commissioner Olchyk.

**C. Pledge of Allegiance**

Chief David Allen led the Pledge of Allegiance

**D. Mayor and Commission Remarks – Mayor Daniel Dietch**

Mayor Dietch thanked the Town, his colleagues and the Parks & Recreation Dept. for a very well done Veterans Day ceremony.

Vice Mayor Karukin said he will be out of town December 10-12, 2013.

Mayor Dietch announced he will be out of town December 17-19, 2013

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

Commissioner Graubart asked that we move discussion item 9H (CGA). Mayor Dietch suggested moving 9H to become 9A and everything else bumped down. Mayor Dietch asked that item 9C (Pension Board) become 1H.

Vice Mayor Karukin made a motion to approve the agenda changes and the motion received a second from Commissioner Olchyk with all in favor.

**F. Community Notes – Mayor Daniel Dietch**

Mayor Dietch announced the upcoming community events which can be found on the Town's website. The Mayor also gave an update on the Harding Avenue project as well as an update from the Water and Sewer Dept. and the Homeless Drive.

Barbara Cohen gave an update on Tourist Board activities.

Commissioner Graubart announced that he will be principal of the Miami Beach High School the day of November 20<sup>th</sup> and invited parents to attend with their children.

Commissioner Graubart requested that the upcoming Town Hall Meeting scheduled for November 19<sup>th</sup> be advertised so those interested may attend.

**G. Proclamation Presentation to Stanton Bershad – Mayor Daniel Dietch**

Mayor Dietch presented Stan Berchad with a proclamation and thanked him for being an amazing resident and for all his efforts on behalf of the town.

**2. Quasi-Judicial Hearings (None)**

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

Items pulled:

Commissioner Graubart pulled item 3B Budget to Actual Summary and from the Town Manager's Report item D3 Massing and Zoning

Commissioner Kligman pulled item 2 Bullying Program and from the Town Manager's Report item D1 The Shul Project.

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 17, 2013 Regular Commission Meeting Minutes  
September 26, 2013 Second Budget Hearing Minutes  
September 30, 2013 Town Commission and Planning and Zoning Board Special Meeting Minutes  
October 8, 2013 Regular Commission Meeting Minutes

- B. Budget to Actual Summary as of August 31, 2013** – Donald Nelson, Finance Director  
Commissioner Graubart had a few questions  
Vice Mayor Karukin asked for a better way to present  
Director Nelson gave more input for Commissioner Graubart and Vice Mayor Karukin.

- \*C. Town Manager's Report** – Michael P. Crotty, Town Manager  
Item 2, Page 1 (page 39 of the agenda packet) – Bullying Program – Commissioner Kligman – The Commissioner specifically spoke about the 96<sup>th</sup> Street park which is frequented by lots of children of all ages from other municipalities as Bay Harbor is now closing its park. The staff supervising the park is young and when giving direction they are almost ignored and feels better supervision is now required.  
Item D3, Page 16 (page 54 of the agenda packet) – Massing and Zoning Discussion -  
- Commissioner Graubart deferred  
Item D1, Page 16 (page 54 of the agenda packet) – The Shul Project – Commissioner Kligman – Town Planner Sinatra gave an update on the project.

A motion was made by Vice Mayor Karukin to extend the meeting 10 minutes. Commissioner Kligman seconded the motion and it carried 4-1 with Commissioner Graubart voting in opposition.

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

- \*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 (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)

- July 15, 2013 Parks and Recreation Committee Minutes
- July 25, 2013 Planning and Zoning Board Minutes
- August 26, 2013 Parks and Recreation Committee Minutes
- August 29, 2013 Planning and Zoning Board Minutes
- September 10, 2013 Tourist Board Minutes
- September 10, 2013 Downtown Vision Advisory Committee Minutes
- September 25, 2013 Tourist Board Minutes

**G. Voters Right Registration Urging Resolution** – Mayor Daniel Dietch

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING AND ENCOURAGING THE FLORIDA LEGISLATURE TO REPEAL ALL LAWS WHICH DENY THE RESTORATION OF VOTING RIGHTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

Adopted on Consent.

**B. Expenditure of Forfeiture Funds for the Purchase of Special Equipment** – David Allen, Chief of Police

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$46,000 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

Adopted on Consent.

**C. Resolution Ratifying Charter Review Board Appointees – Linda Miller, Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING APPOINTEES TO THE TOWN OF SURFSIDE CHARTER REVIEW BOARD; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopted on Consent.

**D. National Flood Insurance Program Rate Hikes Urging Resolution – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AFFIRMING SUPPORT FOR CONGRESSWOMAN ILEANA ROS-LEHTINEN’S CO-SPONSORSHIP OF LEGISLATION TO SUSPEND NATIONAL FLOOD INSURANCE PROGRAM PREMIUM HIKES; URGING THE U.S. CONGRESS TO PASS THIS MUCH NEEDED LEGISLATION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR DIRECTION TO THE TOWN MANAGER AND TOWN CLERK AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopted on Consent.

**E. Proposed Agreement with the Miami-Dade State Attorney’s Office to Prosecute Criminal Municipal Ordinances – Chief David Allen**

**RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE MIAMI-DADE STATE ATTORNEY’S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopted on Consent.

**4. Ordinances**

*(Set for approximately  N/A  p.m.) (Note: Good and Welfare must begin at 8:15)*

**A. Second Readings (Ordinances and Public Hearing)**

- 1. Capital Improvement Element Update – Sarah Sinatra, Town Planner**  
*{Ordinance has been deferred to the December 10, 2013 Town Commission Meeting due to advertisement requirements}*

**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.**

No action. Item deferred to the December 10, 2013 Town Commission Meeting.

- 2. Construction Fence – Sarah Sinatra, Town Planner**  
*{Ordinance has been deferred to the December 10, 2013 Town Commission Meeting due to advertising requirements}*

**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.**

No action. Item deferred to the December 10, 2013 Town Commission Meeting.

*(Set for approximately  N/A  p.m.) (Note: Good and Welfare must begin at 8:15)*

**B. First Reading Ordinances**

**5. Resolutions and Proclamations**

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

- A. Employee Health Benefits Retroactive Contract Renewal for FY 13-14 – Yamileth Slate-McCloud, Human Resources Director**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY APPROVING THE GROUP HEALTH AND DENTAL PLAN WITH UNITED HEALTHCARE AND THE TERM LIFE INSURANCE, ACCIDENTAL DEATH, SHORT TERM DISABILILTY, AND LONG TERM DISABILITY WITH MUTUAL OF OMAHA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Graubart asked if anything had changed from the last presentation to the Commission. HR Director McCloud indicated there was a change from an HMO plan to a POF plan and explained the benefits of the change with a minimal change in outlay. Commissioner Kligman asked about competitive bidding and Town Manager Crotty indicated that because there was insufficient time as the contract was near expiration as well as the proposed 17% increase, staff felt it best to handle it this way. However, if the Commission wishes, next year they can look at different options and plans and present them to the Commission.

Mayor Dietch had questions regarding the Health Reimbursement Account and what happens to the funds if not utilized. HR Director McCloud said the funds would go back to the town. Finance Director Donald Nelson gave a more detailed account on the issue.

Mayor Dietch asked what the impact would be to change the date cycle of the contract so the town doesn't have to make quick decisions. Director McCloud and Director Nelson were asked to review this and get back with its report at the next meeting.

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

**B. Approval and Award of Contract to Witt/O'Brien's for Emergency Debris Monitoring via a Piggy Back Bid from the Indian Creek Village – Joseph Kroll, Public Works Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH WITT O'BRIEN'S LLC. FOR DEBRIS MONITORING SERVICES PIGGYBACKING OFF THE COMPETITIVELY BID CONTRACT AWARDED BY THE VILLAGE OF INDIAN CREEK, FLORIDA; APPROVING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EXECUTE THE REQUIRED AGREEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Public Works Director Joseph Kroll presented the item to the Town Commission.

The Commission had a few questions which Director Kroll answered to their satisfaction. Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart and all voted in favor.

**C. Approval and Award of Contract to DRC Emergency Services for Emergency Debris Removal via a Piggy Back Bid from the City of North Miami – Joseph Kroll, Public Works Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH DRC EMERGENCY SERVICES LLC. FOR DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES PIGGYBACKING OFF THE COMPETITIVELY BID CONTRACT AWARDED BY THE CITY OF NORTH MIAMI, FLORIDA; APPROVING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EXECUTE THE REQUIRED AGREEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Public Works Director Joseph Kroll presented the item to the Town Commission. Director Kroll gave an overview of the item and indicated there is no retainer fee involved and a fee is charged only when service needed.

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

**D. Approval to Expend Funds From the Storm Water Reserve Account for Drainage Improvements to Biscaya Island Drive for Engineering, Permits and Construction – Joseph Kroll, Public Works**

**RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING TOWN STAFF TO OVERSEE THE BISCAYA DRAINAGE IMPROVEMENT PROJECT; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$174,000 FROM THE STORMWATER FUND-RENEWAL AND REPLACEMENT ACCOUNT NO. 404-5500-538.63.20; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.** - Public Works Director Joseph Kroll presented the item to the Town Commission.

Town Manager Crotty explained the item and asked Bob McSweeney of CGA to give an overview of the item. Mr. McSweeney indicated that the system in place does not meet any level of service and is undersized which causes some flooding. The suggested pipe size increase would allow for better drainage in a ten day one year storm event which is a standard roadway system.

Vice Mayor Karukin asked why this was not part of the initial planning when work was done years ago. Mr. McSweeney indicated that this was part of a matching grant funding program and at that time the town had limited funds available. He gave a detailed

account as to what was done and why the focus was on the water system and sewage. Also, Biscaya Island was not identified as a problem at that time.

Both Mr. Chris Giordano and Mr. McSweeney addressed questions from Commissioner Graubart regarding engineering and design fees and high tide issues.

Commissioner Kligman made a motion to approve for appropriation and expenditures. The motion received a second from Commissioner Olchyk and all voted in favor.

**AND**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 76; A WORK AUTHORIZATION TO INCLUDE CIVIL ENGINEERING, CONSTRUCTION INSPECTION, GOVERNMENT CONSULTING AND SURVEYING FOR BISCAYA DRAINAGE IMPROVEMENTS; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$58,000 FROM THE STORMWATER FUND-RENEWAL AND REPLACEMENT ACCOUNT NO. 404-5500-538.63.20; AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Karukin made a motion to approve. Commissioner Graubart seconded for discussion purposes only.

After some discussion Commissioner Graubart seconded the motion to approve. The motion carried 5-0.

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

Mayor Dietch opened the meeting to Good and Welfare

Andrea Diamond expressed her concerns about the amount of people from other municipalities that came to the town on Halloween. In the past the Community Center hosted a Halloween Party for the children and she feels it is much safer for the residents and the children. Commissioner Graubart suggested that the Town Manager meet with the Chief of Police and discuss the issue.

Sebastien DesMorais asked for assistance with a noise problem with a neighbor whose dogs wake the family several times during the night. He has been in contact with Code Compliance and the Police Dept but the problem has not been resolved. The Mayor indicated that there was a recent workshop on code compliance and Commissioner Olchyk said that at the workshop she indicated issues must be followed through with fines after initial warning.

Paul Yavis said the town of Surfside has a dog problem especially on the beach where dogs are not allowed and their use of a vacant lot on 90<sup>th</sup> Street which emits a very bad odor. Town ordinances should be enforced more strictly.

Vanesa Scheim spoke about the amount of construction being done, traffic lane closures and noise level. She feels the hours of construction should be adjusted to 9:00 a.m.-5:00p.m. Commissioner Graubart understands her concerns and suggested the Commission bring the issue as a discussion item. Commissioner Olchyk said there has to be better code enforcement and has spoken to Public Works as there is also a lack of cleanliness with lunch trash from workers as well as hours of operation.

Peter Neville was in agreement with Halloween being very dangerous this year with many people, and some adults wearing masks as well, knocking on doors. He also suggested that a leaflet be provided to foreigners who have purchased in Surfside outlining what requires a permit from the town before a project is started. Mayor Dietch said that was discussed at the code compliance workshop. Commissioner Olchyk took issue with the word "foreigners" and said information should be provided to all new resident of Surfside.

Julia Magnani represented the PTA of Ruth K. Broad which will be holding its annual fundraising carnival. In the past the town of Surfside, Bay Harbor, Bal Harbor and Indian Creek have sponsored this event but they were told that this year the town of Surfside did not put it into their budget. She is asking the Commission if the town would contribute \$500 towards this event.

Commissioner Olchyk said she voted no on the budget item because she feels that money spent should benefit all residents of Surfside not just those with children. She also indicated that other groups just as worthy may then ask for assistance and how do you justify saying yes to one and no to another. She also said that former attorney Miriam Meyer recently made a significant contribution to Ruth K. Broad upon the recommendation of the Commission. Commissioner Graubart and Commissioner Kligman asked Finance Director Donald Nelson where the money would come from if approved and Director Nelson said it would come from the general fund, miscellaneous.

Commissioner Kligman made a motion that \$500 be allocated to sponsor the carnival and the motion received a second from Commissioner Graubart. The motion carried 3-2 with Commissioner Olchyk and Mayor Dietch voting in opposition.

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

#### **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. Six-Month Performance Evaluation Town Manager Michael Crotty– Mayor Daniel Dietch**

Mayor Dietch informed the Commission that based on the evaluation Town Manager Crotty rated above average in all criteria. Commissioner Olchyk congratulated the Town Manager and said she is very satisfied with his performance. She suggested that the Town Manager be somewhat more forceful with his supervisors regarding code enforcement especially when these issues are brought before the Commission for resolution. Commissioner Olchyk also suggested that an update be presented to the Commission on such issues.

**B. Wall Frontage and Side Setbacks in H120 District – Vice Mayor Michael Karukin**  
Vice Mayor Karukin presented the item to the Town Commission

Town Planner Sarah Sinatra spoke on the item.

After some discussion the Town Commission directed the Town Manager to work with the Town Planner on graphics.

**C. Pension Board Vacancy – Sandra Novoa, CMC, Town Clerk**

\*\*Item was heard as item 1H\*\*

Mr. Issa, CFP presented to the Commission his background and expertise in pensions and 401ks.

Vice Mayor Karukin made a motion to approve Mr. Abraham Issa, CFP to the Pension Board. The motion received a second from Commissioner Kligman and all voted in favor.

**D. Water/Sewer/Storm Drainage Project Contract Summary and Closeout – Michael P. Crotty, Town Manager (TIME CERTAIN 8:00 PM)**

Chris Giordano presented the item to the Town Commission. The item was for discussion purposes only. Mr. Giordano addressed questions from the Commission.

**E. RKB Bay Harbor Islands K-8 Center- Basketball Court Update – Commissioner Joe Graubart**

Commissioner Graubart stated that he provided the report as an update to the Town Commission.

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

Town Manager Crotty gave an update on the issue and said the remaining pieces of artwork will be retained and become the property of the town Tourist Board and will be placed on display for public viewing. Ideas such as fundraising and marketing were mentioned. Commissioner Olchyk spoke of the cost of upkeep of the turtles and

that was why approval was made to sell the turtles in the past. At the Tourist Board Meeting there was strong support to keep the turtles.

**G. Public Corruption – When Will it End – Commissioner Joe Graubart**  
For information purposes

**H. Report on Contracted Services – Michael P. Crotty, Town Manager**

*\*\* Item was heard as item 9A\*\**

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

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

Commissioner Graubart said he had mixed feelings about going forward with CGA as citizens of Surfside had expressed some concerns.

Commissioner Kligman said the report was very helpful and saw positive feedback from various departments working with CGA. However, she thinks the town should go out to bid in light of the length of time with the same company. She was also at a loss as to why this is being brought up again as it was voted on to go out to bid at the November 13, 2012 meeting. As indicated at previous meetings she is asking why the will of the Commission is being ignored and why aren't we moving forward on this item.

There was further discussion with Chris Giordano, Town Manager Crotty, and the Commission. Finance Director Nelson said that in his opinion CGA is a first class quality firm that has provided excellent service to the town and works well with each department. He further indicated that the time element was not a factor because of the quality of service provided. There was further discussion regarding going out to bid.

Commissioner Kligman made a motion to issue an RFP for Architectural, Landscape and Engineering Services, excluding IT and Community Development Services. The motion received a second from Commissioner Olchyk.

The Mayor made a friendly amendment for the successful bidder to sign a contract that would have a term of three years with up to two (2) one year extensions.

Commissioner Kligman and Commissioner Olchyk accepted the Mayor's friendly amendment. The motion carried 4-1 with Vice Mayor Karukin voting in opposition.

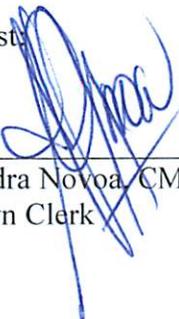
## **10. Adjournment**

There being no further business to come before the Commission, the meeting adjourned at 11:00 p.m.

Accepted this 10<sup>th</sup> day of December, 2013

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

  
\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk