



**Town of Surfside
Town Commission Meeting
July 13, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order Mayor Daniel Dietch called the meeting to order at 7 p.m.

B. Roll Call of Members

Town Clerk, Debra Eastman called the roll with Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch in attendance.

C. Pledge of Allegiance Chief David Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Daniel Dietch thanked everyone for their participation in the July 7, 2010 meeting to discuss the readoption of the zoning code. Mayor Dietch outlined the vision of the Town Commission as well as being able to accomplish the vision together as a community.

Remarks by Commissioner Edward Kopelman

Commissioner Edward Kopelman read a prepared statement. He made a motion to hold a no confidence vote in Vice Mayor Joe Graubart. There was no second. Vice Mayor Joe Graubart requested the opportunity to respond. Mayor Daniel Dietch asked if there was a motion to add a response to the agenda. Vice Mayor Graubart made a motion to allow his response. There was no second.

E. Agenda and Order of Business (Additions, Deletions)

Commissioner Marta Olchyk made a motion to move item 8 to become the new item 1J. The motion received a second from Commissioner Michael Karukin. Mayor Dietch called for the vote and all were in favor.

F. Special Presentations

Employee of the Quarter – Stacie Barrett, Parks and Recreation – Tim Milian, Director of Parks and Recreation

Director of Parks and Recreation, Tim Milian introduced Stacie Barrett and thanked her for her accomplishments and service.

Commissioner Edward Kopelman made a motion to add the presentation of Police Officer of the Month to the agenda. The motion received a second from

Commissioner Michael Karukin. Mayor Dietch called for the vote and all were in favor.

Police Chief David Allen presented the Officer of the Month award for the month of May, 2010 to Lesmes Ruiz and commended him for his alertness and exemplary police work.

Police Chief David Allen presented an award as Police Civilian of the Month to Dina Goldstein and commended her for her active involvement in community events and volunteering her time and effort during the evening and weekends.

G. Community Notes – Mayor Daniel Dietch

Mayor Daniel Dietch announced the Library is open on Monday, Wednesday and Friday from 10 a.m. to 4 p.m.

Mayor Dietch reminded utility users of the e-billing notification service. Mayor Dietch announced the Surfside Spice program which will run from August 1 through September 30, 2010. Mayor Dietch announced the newly created hurricane guide.

H. Community Center Update– Calvin, Giordano & Associates, Inc.

Chris Giordano of Calvin, Giordano & Associates, Inc. updated the Town Commission on the status of equipment on site, grading, installation of piles and tree relocation.

I. Report of Fausto Gomez, Legislative Lobbyist

Legislative Lobbyist, Fausto Gomez provided an oral report to the Town Commission regarding legislative bills that did and did not pass during the last session. State Representative Richard Steinberg gave an overview of the bills that came before the State Legislature.

Alina Ramirez expressed concern on the subject of Sober Houses.

A motion was made by Commissioner Edward Kopelman to move forward the second reading of the FPL agreement to come before the Commission as the next item. The motion received a second from Commissioner Marta Olchyk. Mayor Dietch called for the vote and all were in favor.

2. Quasi-Judicial Hearings

3. Consent Agenda

All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.

Recommended Motion: To approve all consent agenda items as presented below.

A. Minutes – Town Commission Agenda Meeting, May 10, 2010

Town Commission Regular Meeting, May 11, 2010
Town Commission Workshop, May 17, 2010
Special Town Commission Meeting, June 3, 2010
Town Commission Workshop, June 6, 2010
Town Commission Agenda Meeting, June 7, 2010
Town Commission Regular Meeting, June 8, 2010

B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head

C. Projects Progress Report – Calvin, Giordano & Associates, Inc.
A motion to approve the consent agenda was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. The Town Clerk called the roll and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Proposed Franchise Agreement Renewal-Florida Power & Light – Martin Sherwood, Finance Support Services Department Head
AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF SURFSIDE, AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance approves a thirty year non exclusive franchise Agreement with FP & L]

Town Clerk, Debra Eastman read the title of the ordinance. Commissioner Edward Kopelman made a motion to adopt the ordinance on second reading. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch opened the public hearing.

Richard Iacobacci spoke in favor of the agreement.

Ken Arnold requested that FPL be encouraged to repair the distribution network as part of the agreement.

Aletha Playa of FPL explained prior requests for the cost to have lines undergrounded.

Randi McBride asked if the Town had followed up on repairs that need to be done.

Town Manager, Gary Word asked FPL to look at a pole at 94th and the alley behind. Mayor Dietch closed the public hearing.

Town Clerk, Debra Eastman called the roll and all were in favor.

2. Parking Trust – Lynn Dannheisser, Town Attorney
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 OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance provides an alternate means to comply with off-street parking requirements in the downtown business district by payment of a mitigation fee into a parking trust fund.]

The Town Clerk read the title of the ordinance. A motion to adopt the ordinance on second reading was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Town Planner, Sarah Sinatra gave the analysis. Mayor Dietch opened the public hearing. There being no one wishing to speak, Mayor Dietch closed the public hearing. The Town Clerk called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

A. Red Light Traffic Control Signals – Chief David Allen

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 "TRAFFIC AND VEHICLES", CREATING ARTICLE III "DANGEROUS INTERSECTION SAFETY"; SECTION 74 PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SAVINGS, RATIFICATION AND RESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the ordinance. Police Chief David Allen spoke in favor of the ordinance and recommended passage. Commissioner Edward Kopleman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Marta Olchyk.

Alina Ramirez asked about traffic accidents and spoke in opposition to the cameras.

The Town Clerk called the roll and the motion passed 4-1 with Commissioner Michael Karukin voting in opposition.

Vice Mayor Joe Graubart made a motion to bring item 5G before the Town Commission next for consideration. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

B. Re-naming of Facilities – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 75 "NAMING, RENAMING, AND CO-DESIGNATION OF TOWN FACILITIES, ROADS OR PROPERTY" TO DELETE THE REQUIREMENT THAT MUNICIPAL ROADS, FACILITIES OR PROPERTIES MUST BE NAMED POSTHUMOUSLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the ordinance. Commissioner Marta Olchyk made a motion to introduce the ordinance on first reading. The motion received a second from Vice Mayor Joe Graubart. Town Attorney, Lynn Dannheisser explained that the ordinance is a policy decision of the Town Commission. The Town Clerk called the roll and the motion passed 3-2 with Commissioner Edward Kopelman and Commissioner Michael Karukin voting in opposition.

5. Resolutions and Proclamations

A. Appointing Planning and Zoning Board – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING MEMBERS OF THE PLANNING AND ZONING BOARD; PROVIDING FOR IMPLEMENTATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Vice Mayor Joe Graubart appointed Galen Bakken to the Planning and Zoning Board.

B. Reimburse Project Costs with Proceeds of Tax-Exempt Financing – Martin Sherwood, Finance Support Services Department Head

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN PROJECT COSTS INCURRED WITH PROCEEDS OF FUTURE TAX-EXEMPT FINANCING OR OTHER OBLIGATIONS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Finance Support Services Director, Martin Sherwood explained. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

C. Retainer Agreement – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING A RETAINER AGREEMENT WITH LEWIS STROUD & DEUTSCH TO REPRESENT THE TOWN OF SURFSIDE IN CONNECTION WITH BANKES V. SURFSIDE MATTERS AND ANY OTHER RELATED LITIGATION; PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Commissioner

Edward Kopelman. Town Attorney, Lynn Dannheisser explained that no notice has been received that the lawsuit has been cancelled. The Town Clerk called the roll and the motion passed 3-2 with Commissioner Marta Olchyk and Vice Mayor Joe Graubart voting in opposition.

D. Proposed Millage Rate – Martin Sherwood, Finance Support Services Department
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Commissioner Edward Kopelman. Finance Support Services Director, Martin Sherwood explained the purpose of the resolution. The Town Clerk called the roll and the motion passed 3-2 with Commissioner Marta Olchyk and Vice Mayor Joe Graubart voting in opposition.

E. Interlocal Agreement to Purchase and Install Bus Shelters – Fernando Rodriguez, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TRANSIT AUTHORITY TO PURCHASE AND INSTALL BUS SHELTERS ON COLLINS AND HARDING AVENUES USING STIMULUS FUNDS, AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL PURCHASE ORDERS OR OTHER REQUIRED DOCUMENTATION; AUTHORIZING THE TEMPORARY DISBURSEMENT OF FUNDS TO PAY FOR REQUIRED PERMIT FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Michael Karukin. Public Works Director, Fernando Rodriguez explained the project. Litsa Kyrellis asked about capital projects and repayment. The Town Clerk called the roll and all were in favor.

F. Parking Pay Stations – John DiCenso, Assistant Police Chief

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH HARRINGTON RESOURCES INC., dba PARKER SYSTEMS FOR THE PURCHASE, DELIVERY AND INSTALLATION OF 23 “LUKE” PARKING PAY STATIONS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND PARKING FUND

PROCEEDS; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Michael Karukin. Chief John DiCenso explained the pay stations and how they will operate. Richard Iacobacci asked about the removal of old meters. The Town Clerk called the roll and all were in favor.

**G. Community Center Construction Administration – Chris Giordano, CGA
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT WITH AECOM FOR ARCHITECTURAL SERVICES FOR SURFSIDE COMMUNITY CENTER, AUTHORIZING THE FUNDS TO PAY FOR; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Commissioner Edward Kopelman. Chris Giordano, Calvin Giordano and Associates explained the contract and fees and recommended passage. The Town Clerk called the roll and the motion passed 3-2 with Commissioner Marta Olchyk and Vice Mayor Joe Graubart voting in opposition.

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.

Lou Cohen spoke regarding government and discontent and asked that the hatefulness be stopped.

Barbara McLaughlin thanked the Commission and the Tourist Bureau members for their service.

Richard Iacobacci thanked Commissioner Kopelman and spoke of negativity on a blog site.

C. Wallace Hume spoke regarding short term rentals.

Orestes Jimenez spoke regarding the proposed hotel.

Dorie Lurie spoke in opposition of bonds and spending.

June Neville spoke about voting.

Alan Gorme spoke concerning public and private schools being allowed in the area and taxation.

Peter Neville spoke in opposition to Commissioner Kopelman's prior comments and the position of Town Attorney.

Alina Ramirez acknowledged Olga Guillot, a resident of Surfside, who recently passed away.

Randi McBride spoke in opposition to Commission agenda meetings.

Jason Nevader spoke in favor of the in-house town attorney and suggested replacing wooden electric poles with concrete.

DJ Cannava spoke in support of an in-house town attorney and the on-going parking of construction workers.

Sasha Plutno spoke of the expense to add an iron gate to his house, subsidy of recreation programs and in opposition of the contract with CGA.

Roxanne Fontaine expressed concern with the inability to play with unleashed dogs on the beach.

Commissioner Edward Kopelman made a motion to extend beyond the 45 minute allotted time for Good and Welfare. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

Commissioner Marta Olchyk spoke about dogs on the beach. Town Attorney, Lynn Dannheisser explained that Miami Dade County governs that beach area. She also explained the issue of notice as in the Town Code currently and previously.

Commissioner Michael Karukin addressed a comment regarding user fees for the use of the Community Center and that issue has not been discussed by the Town Commission. Vice Mayor Joe Graubart expressed that major issues should be put to a referendum.

7. Town Manager and Town Attorney Reports

Town Manager, Gary Word gave a report listing a website to monitor the Gulf Oil Spill, reminding the Commission of the Thursday Commission workshop on the budget, reported on FEMA insurance efforts, reported that Town Planner, Sarah Sinatra will be on maternity leave and replaced by Shelly Eichner and reported the FOP negotiations have begun.

Town Attorney, Lynn Dannheisser reviewed the Town Attorney report as submitted.

8. Unfinished Business and New Business

A. 84th Annual Conference, Florida League of Cities, Designation of Voting Delegate – Gary Word, Town Manager

The Town Commission designated Commissioner Michael Karukin as their representative for this purpose.

B. Tourist Bureau Concerns – Duncan Tavares, Tourist Bureau Director

Tourist Bureau Director, Duncan Tavares gave an overview of the concerns of the Tourist Bureau Board. Mayor Daniel Dietch summarized the discussion of the Commission giving direction for the Tourist Bureau Director to use the information available to put together an action plan and to come back before the Town Commission for further discussion.

C. Town Manager Resignation – Commissioner Marta Olchyk

Mayor Daniel Dietch announced that Gary Word, Town Manager has confirmed with him his intention to resign October 1, 2010.

D. Committee Appointments – Mayor and Town Commission

The following members were appointed to the Personnel Appeals Board: Brian Doreck, Alina Ramirez, Richard Iacobacci and Norma Padrone. Commissioner Michael Karukin requested that the elimination of the Personnel Appeals Board be on the November County Ballot.

The following members were appointed to the Parks and Recreation Committee: Eliana Salzhauer, Pilar Carvajal, Rasciel Socaras, and Arni Notkin.

The following members were appointed to the Tourist Bureau Board: Ricardo Mualin, Litsa Kryellis, Eli Tourgeman and Jacobo Blachar.

The following members were appointed to the Beautification Committee: David Steinfeld, Jennifer Brilliant, Sandra Argow. Commissioner Michael Karukin stated he would like to direct focus of this Committee to the beach walk area.

The following members were appointed to the Website Ad Hoc Committee: Cheryl Arnold, Ann Pastreich.

The following members were appointed to the Code Enforcement Ad Hoc Committee: Randal Rubin, Tony Blate.

Commissioner Edward Kopelman made a motion to appoint the above. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

9. Mayor, Commission and Staff Communications

A. Report on Elected Officials Seminar – Commissioner Michael Karukin

Commissioner Michael Karukin reported on his attendance at the Elected Officials Seminar and encouraged others to attend.

B. Resort Tax Analysis – Commissioner Michael Karukin

Commissioner Michael Karukin passed on this item. Commissioner Marta Olchyk and Vice Mayor Joe Graubart commended Commissioner Karukin on his work.

C. Architectural and Engineering Professional Services – Mayor Daniel Dietch

Mayor Daniel Dietch suggested that the Town should recompetete work now being done by CGA. He would to direct the Town Manger to do a new solicitation where multiple firms would be selected to drive the best value. It was concurred to direct the Town Manager to prepare an RFQ.

D. Commission Agenda Meetings – Commissioner Marta Olchyk

Commissioner Marta Olchyk stated that she has not seen the value of holding the agenda meetings.

E. Commission Agenda Meetings – Vice Mayor Joe Graubart

Vice Mayor Joe Graubart suggested that the agenda meetings might have been helpful to a new Commission, but agrees that they could be eliminated at this point. Mayor Daniel Dietch stated that the meetings provide an opportunity for dialogue. Commissioner Edward Kopelman spoke in favor of the meetings. Commissioner Marta Olchyk made a motion to discontinue the agenda meetings. The motion received a second from Vice Mayor Joe Graubart. The Town Clerk called the roll and the motion passed 3-2 with Mayor Dietch and Commissioner Kopelman voting in opposition.

F. Life Preserver Ring – Vice Mayor Joe Graubart

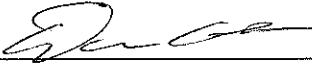
Vice Mayor Joe Graubart suggested that the Town install life rings on a post for emergency purposes and that perhaps County Commissioner Heyman's Office could be contacted for possible funding. Town Manager, Gary Word indicated that he will bring back a proposal to the next meeting regarding how the life rings could be financed and the possible liability.

Norma Padron suggested mounting the rings in a glass case in order to prevent theft.

Paul Yavis suggested that the Town should have lifeguards.

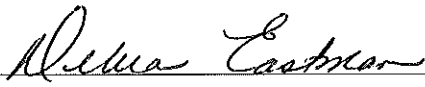
10. Adjournment The meeting adjourned at 11:55 p.m.

Accepted this 10 day of Aug. 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC
Town Clerk