



**Town of Surfside
Town Commission Meeting
AGENDA**

Supplemental No. 1

March 12, 2013

7 p.m.

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**
- G. Presentation on Ruth K. Broad K-8 Turtle to People of Newtown, CT – Mayor Daniel Dietch (Time Certain 7:25 PM)**
- H. Presentation to Planning and Zoning Board Member Jorge Gutierrez – Mayor Daniel Dietch**
- I. Recognition of Lifeguards Calvin Webb III, Heather Johnson, Jose Espinoza and Peter Filiberto – Tim Milian, Parks and Recreations Director**

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. 1233 Biscaya Drive – Klahr Variance Page 1-7

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1233 BISCAYA DRIVE, TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO REPLACE THE EXISTING DECK WITH A NEW CONCRETE DECK; PROVIDING FOR AN EFFECTIVE DATE.

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

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.

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

** Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

- A. Minutes** – January 15, 2013 Regular Commission Meeting **Page 8-23**
January 22, 2013 Special Commission Meeting **Page 24-26**
January 24, 2013 Special Commission Meeting **Page 27-32**
February 12, 2013 Regular Commission Meeting **Minutes**
February 26, 2013 Special Commission Meeting **Page 33-35**
- B. Budget to Actual Summary as of December 31, 2012** – Donald Nelson, Finance Director **Page 36-38**
- *C. Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 39-94**
- *D. Town Attorney’s Report** – Linda Miller, Interim Town Attorney **Page 95-98**
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 99-101**
- F. Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*) **Page 102-112**
 - January 9, 2013 Streetscaping Masterplan Sub-Committee Minutes
 - January 28, 2013 Downtown Vision Advisory Committee Minutes
 - January 29, 2013 Pension Board Minutes
- *G. Opposing Transportation Committee Bill** – Roger M. Carlton, Town Manager **Page 113-114**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO OPPOSE THE “PROPOSED TRANSPORTATION COMMITTEE BILL” REQUIRING MUNICIPALITIES TO REMIT 50% OF REVENUE GENERATED FROM ANY FEES COLLECTED BY ON-STREET PARKING METER DEVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

H. Proclaiming Dr. Bernstein Day – Mayor Daniel Dietch Page 115-117

A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING YEARS OF EDUCATIONAL SERVICE BY DR. ALLYN BERNSTEIN, PH.D.; PROCLAIMING MAY 2, 2013 AS “DR. ALLYN BERNSTEIN DAY”; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

***I. Prohibit Texting While Driving – Commissioner Joe Graubart Page 118-120**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; URGING THE HONORABLE GOVERNOR AND FLORIDA LEGISLATURE TO BAN TEXTING WHILE DRIVING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

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)

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

B. First Reading Ordinances

***1. Corner Clearance Ordinance – Sarah Sinatra, Town Planner Page 121-130**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” STRIKING CODE SECTION 90-52 REQUIRED CLEARANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

***2. Outdoor Dining Ordinance – Sarah Sinatra, Town Planner Page 131-153**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS” AND SPECIFICALLY AMENDING SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN 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

5. Resolutions and Proclamations

(Set for approximately 9:15 p.m.) (Note: Depends upon length of Good and Welfare)

***A. IPS Parking Meter Agreement – Chief of Police David Allen Page 154-171**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS GROUP INC., FOR THE PURCHASE OF FIFTY-ONE (51) CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS AND WEB-BASED MANAGEMENT SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

***B. Purchase of Three (3) Additional Bus Shelters – Commissioner Marta Olchyk
Town Manager Roger M. Carlton will report verbally Page 172-174**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PREMIERE DESIGN SOLUTIONS, INC. TO PURCHASE AND INSTALL THREE (3) BUS SHELTERS: TWO (2) ON COLLINS AVENUE AND ONE (1) ON HARDING AVENUE; AUTHORIZING THE PURCHASE OF THREE BUS SHELTERS FOR APPROXIMATELY \$75,000; AUTHORIZING THE APPROPRIATION OF FUNDS IN FISCAL YEAR 2012-13 FROM THE MUNICIPAL TRANSPORTATION FUND IN THE AMOUNT OF \$40,000 AND FROM THE CAPITAL FUND IN THE AMOUNT OF \$35,000; PROVIDING FOR AN EFFECTIVE DATE.

***C. Establishing the Town’s “Attorney/Client Conflict Disclosures and Waiver” Policy – Commissioner Marta Olchyk [Linked to Item 9A] Page 175-179**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) ESTABLISHING THE TOWN’S “ATTORNEY/CLIENT CONFLICT DISCLOSURES AND WAIVER” POLICY; PROVIDING FOR AN EFFECTIVE DATE.

***D. Consultants Competitive Negotiation Act (CCNA) – Mayor Daniel Dietch Page 180 - 181**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, FLORIDA STATUTES, ALSO KNOWN AS THE “CONSULTANTS COMPETITIVE NEGOTIATION ACT” OR “CCNA”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

***E. Town Manager John Mark Taxis Employment Agreement – Mayor Daniel Dietch
(The negotiations are on-going but not completed by the agenda deadline)**

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

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.

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

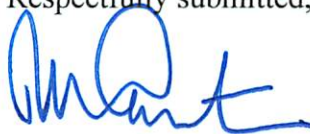
9. Mayor, Commission and Staff Communications

***A. Concern re: Conflict of Interest – Roger M. Carlton, Town Manager and Linda Miller, Interim Town Attorney [Linked to Item 5C](TIME CERTAIN 8:30 PM)
Page 182**

- B. Consideration for Allocation to Shared Cost for Full Time Nurse in Ruth K. Broad K-8 Center – (TIME CERTAIN 7:45 PM) Page 183-190**
- *C. Traffic Study (Please bring the Traffic Study book provided in December 2012) – Roger M. Carlton, Town Manager Page 191**
- *D. FPL Sixth Update – Roger M. Carlton, Town Manager- (TIME CERTAIN 8:45PM) Memo**
- E. Financing the Proposed Conversion of Overhead Utilities to Underground – Commissioner Joe Graubart Page 192-200**
- F. Severance/Compensation – Commissioner Joe Graubart Page 201**
- G. Town Calendar – Commissioner Joe Graubart Page 202**
- H. Commission Directive: Town Manager Short Term Priorities – Commissioner Joe Graubart Page 203-206 Back up to memo**
- *I. Setting a Date for a Special Meeting on Revision to the Plans for the Surf Club April 23, 2013 Amendment to the Development Agreement – Roger M. Carlton, Town Manager Verbal**
- J. Approval of Any Donation Over \$850 – Commissioner Marta Olchyk Page 207**

10. Adjournment

Respectfully submitted,



Roger M. Carlton
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.

Please insert after
Page 35



**Town of Surfside
Town Commission Meeting
MINUTES**

February 12, 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 7:00 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 Olchyk and Commissioner Graubart. Commissioner Kligman joined the meeting at 7:09 P.M.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart thanked the residents, the Tourist Board and the Commission for taking action regarding the turtle donation to Newtown, CT and Sandy Hook Elementary School. He also spoke about the Round Table meeting that took place at an earlier date.

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

Commissioner Olchyk asked to add an item to the agenda regarding scholarships. She stated that Surfside has only \$1,500 for scholarships and she would like to request that the Town gives two (2) \$1,000 scholarships. She offered a motion to this effect and Commissioner Graubart seconded the motion to add the item to the agenda and all voted in favor. Commissioner Graubart made a motion to approve Commissioner Olchyk's request to have two (2) \$1,000 scholarships. The motion received a second from Vice Mayor Karukin. The motion passed 4-0 with Commissioner Kligman absent.

Commissioner Graubart linked item 9F to Points of Light 41. He also pulled item 3, page 33; item 1, page 33; item 7, page 35; item 38, page 17 and item 45, page 18.

Mayor Dietch added item 9I as a 9:30 p.m. time certain and item 5B as a 9:00 p.m. time certain.

Vice Mayor Karukin requested to add online bill pay, Parking Capital Improvement Plan and the Mitigation of Large Structures to the Points of Light and pulled item 38, page 17 and item 45, page 18.

Commissioner Olchyk pulled item 1, page 4; item 40, page 17; and item 43, page 18.

Commissioner Kligman made a motion to approve the agenda and order of business. The motion received a second from Commissioner Graubart and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Commissioner Graubart announced various Community meetings and events. He also spoke about the event that will be taking place February 14, 2013 in Newtown, CT when the Town and Ruth K. Broad K-8 School will be donating a Turtle.

Vice Mayor Karukin spoke about his visit to Newtown and how moved he was to see all of the posters, pictures and cards that were there. He also spoke about how excited they were about receiving the donated turtle from the Town and the Ruth K. Broad students.

Commissioner Olchyk stated that she had a problem with who decided how much money the Town was going to spend on this because the total was \$4,169. She understood that the Tourist Board contributed \$1,806, this making a total of \$2,363 coming out of the Town's budget. She stated that if it was her decision the Town would have only spent the \$950 to ship the Turtle and nothing else. She would like to know if the Town Manager could spend that kind of money without the Town Commission authorizing it and she wants to make sure this does not happen again in the future.

Town Manager Roger M. Carlton explained the process and how everything happened. He stated that the Commission decided to do two (2) things; the first one was to adopt a resolution that supports a program that now is supported by 500 or more Mayors nationwide regarding automatic weapon control. The second thing was that the Town Commission directed him to come up with some appropriate gesture to express our great sympathy for the tragedy and its victims. The gesture was suggested by Barbara Cohen and she in her research found out that the pet of the Sandy Hook Elementary School is a turtle and one of the turtles was painted by the Ruth K. Broad K-8 School art class and they donated their turtle to Sandy Hook School. He stated that he will take all responsibilities for the expenses and the Town Charter stated that his expense authority is \$8,500 and this was only half of that. He spoke about the Ruth K. Broad event that Commissioner Graubart and Commissioner Kligman attended and asked Commissioner Kligman to speak about that event.

Commissioner Kligman stated that it was an event attended by the art students that participated in the turtle, the Superintendent was in attendance, Julia Magnani as the PTA President was also there together with other members and Dr. Rodriguez as well. She stated that the feeling that we were able to provide this turtle that all of the students participated in brings hope, love and inspiration through this art work. Commissioner Olchyk stated that she had no problem with the turtle; she had a problem with the \$4,169 that the trip would cost. If the turtle had been just shipped she would be fine with everything.

Commissioner Kligman asked the Manager to speak a little bit more about the ceremony that will take place and the reason that there had to be some representation from our Town.

Vice Mayor Karukin stated that the same question was asked when he visited and the expectation was that the Town was going to have representation there.

Duncan Tavares, TEDACS Director, explained the process and how overwhelming the response from Newtown was regarding the donation of the turtle. He explained that it is not only the turtle but also the outreach from one community to the other and the understanding was that representatives from the Town and the school will be part of the ceremony on February 14, 2013 to have a sense of community, unity and

moving forward after this tragedy and as a representation of our community to their community.

Commissioner Olchyk would like to see if in the future, Commissioners are asked to approve a certain amount when they decide to have a “gesture” that cost \$4,169.

Mayor Dietch announced some community events, committee meetings and stated that these events and meetings are available on the website as well.

G. Employee of the Quarter – Dina Goldstein and Alfred Cooper – Roger M. Carlton, Town Manager

Chief David Allen presented Dina Goldstein with the Employee of the Quarter award. Interim Public Works Director John Di Censo presented Alfred Cooper with the Employee of the Quarter award. Former Public Works Director Bill Evans also spoke about Alfred Cooper.

H. Officer of the Month of October 2012 – Sgt. Jose Pacheco and Officer Lesmes Ruiz Chief of Police David Allen

Chief David Allen presented Sgt. Jose Pacheco and Officer Lesmes Ruiz with the Officer of the Month of October 2012.

I. Officer of the Month of November 2012 - Officer Craig Lovellette – Chief of Police David Allen

Chief David Allen presented the Employee of the month of November 2012. Unfortunately Officer Lovellette was unable to attend the Commission meeting.

J. Civilian of the Month of December 2012 – Executive Assistant Dina Goldstein – Chief of Police David Allen

Chief David Allen presented Dina Goldstein with the Civilian of the Month of December 2012.

K. Officer of the Year – Officer John Gentile – Chief of Police David Allen

Chief David Allen presented John Gentile with the Officer of the Year Award.

L. Civilian of the Year – Elinor Joseph – Chief of Police David Allen

Chief David Allen presented Elinor Joseph with the Civilian of the Year Award.

M. Recognition of Feral Cat Program Volunteers – Executive Assistant Dina Goldstein

Dina Goldstein presented a plaque in appreciation to Mary Thingelstad and Suely Caramelo and thanked them for everything they do for the Town.

N. Rescue Board Presentation designed by Mr. Guy Esten and donated by the Filiberto Family – Mayor Daniel Dietch

Parks and Recreations Department Director presented the Filiberto family to the Town Commission and Mr. Guy Esten, Rescue Board Designer.

Mr. Filiberto, a fifty one year resident of Surfside presented the Town Commission with a Rescue Board.

O. Recognition to Bay Harbor Elementary Students Cameron Behar and Kailani Barreras – Commissioner Michelle Kligman

Commissioner Kligman presented the Exemplary Student award for Academic Excellence and Citizenship to Cameron Behar and Kailani Barreras.

2. Quasi-Judicial Hearings (None)

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

Vice Mayor Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Graubart. The motion carried 4-0 with Commissioner Kligman absent from the dais.

A. Minutes – (None)

B. Budget to Actual Summary as of November 30, 2012 – Donald Nelson, Finance Director

***C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager**

Item 1, Page 4 – Commissioner Olchyk asked if the proffers from the Surf Club and the Chateau project are going to be used for the second floor in the Community Center or for the streetscape as it states on the Points of Light. Town Manager Roger M. Carlton explained that they were two different things and that there was a separate proffer for Downtown.

Item 31, Page 15 – Commissioner Olchyk pulled item by mistake.

Item 38, Page 17 – Vice Mayor Karukin asked for this item to be discussed during the month of August, 2013. All agreed.

Item 40, Page 17 - Commissioner Olchyk stated that she has received a few calls regarding the stain of the sidewalks. She also mentioned an AT&T box that looks like a trip hazard. John Di Censo explained that the box belongs to AT&T not the Town and the Town has contacted AT&T to repair it.

Town Manager Roger M. Carlton will have staff review all the sidewalks on Collins Avenue within the next two weeks.

Item 43, Page 18 – Commissioner Olchyk expressed that in her opinion the price of the outdoor fitness equipment is very expensive. Mayor Dietch explained that the item does not need to be approved and that it is only for discussion purposes for the next budget cycle.

Item 45, Page 18 – Vice Mayor Karukin stated that his name is next to it but that he had no idea what the item was about. Commissioner Graubart stated that it was his item. Town Manager Roger M. Carlton will correct the name.

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

Item 3, Page 31 – Commissioner Olchyk asked a question about the Peter Bakker case. Interim Town Attorney Linda Miller explained the process and the status of the case.

Commissioner Kligman made a motion to extend the meeting fifteen minutes. The motion received a second from Vice Mayor Karukin and all voted in favor.

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

Item 1, Page 33 – Commissioner Graubart asked if the amount budgeted for curbing has gone above budget. Chris Giordano spoke on the item and responded to Commissioner Graubart's questions.

Item 3, Page 33 – Commissioner Graubart asked the Town Manager about some scheduled meetings. Town Manager Roger M. Carlton explained the process for the Shul project and the meetings that will take place moving forward. Interim Town

Attorney Linda Miller stated that in her opinion there is no legal basis to stop the process.

Item 7, Page 35 – Commissioner Graubart asked for an update. Chris Giordano provided the Town Commission with an update regarding the seawalls.

- F. Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)

- November 28, 2012 Downtown Advisory Committee Minutes

- December 3, 2012 Tourist Board Minutes

Item 9, page 39 – Commissioner Olchyk asked about the cost of the Turtles. Town Manager Roger M. Carlton explained that there is the option to sponsor and the option to purchase the turtle.

4. Ordinances

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

- *1. **Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References** – Linda Miller, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES” 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.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Kligman.

Mayor Dietch opened the public hearing. No one wished to speak on the item. Mayor Dietch closed the public hearing.

The motion carried 5-0.

(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 9:15 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Red Light Camera Legislative Urging – Mayor Daniel Dietch**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO REQUIRE PEDESTRIAN SIGNAL LIGHTS WITH A NUMERIC COUNTDOWN FEATURE AT ANY INTERSECTION WHERE A RED LIGHT CAMERA IS INSTALLED; PROVIDING FOR DIRECTION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch introduced the item.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Graubart. The motion passed 4-0 with Commissioner Graubart absent from the dais.

***B. Employment Offer Letter – Commissioner Michelle Kligman**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE EMPLOYMENT OF LINDA MILLER AS INTERIM TOWN ATTORNEY PURSUANT TO THE FEBRUARY __ EMPLOYMENT OFFER LETTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman made a motion to extend the meeting one hour. The motion received a second from Vice Mayor Karukin and all voted in favor.

Commissioner Kligman presented the item.

Mayor Dietch suggested conducting a performance evaluation starting in June and finalizing it by July 2013.

Commissioner Olchyk made a motion to approve with Mayor Dietch's suggestion. The motion received a second from Commissioner Graubart and all voted in favor.

***C. Bullying – Commissioner Michelle Kligman**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), ADOPTING AN ANTI-BULLYING POLICY THAT ESTABLISHES AN AWARENESS CAMPAIGN AND REPORTING SYSTEM FOR BULLYING, HARASSMENT, AND INTIMIDATION OF CHILDREN IN COMMUNITY FACILITIES; REQUIRING THE TOWN PARKS AND RECREATION DEPARTMENT IN COLLABORATION WITH THE TOWN PARKS AND RECREATION COMMITTEE TO CREATE A PROGRAM OF EDUCATION AND

REPORTING, TO PREVENT BULLYING IN THE TOWN'S COMMUNITY FACILITIES; AND REQUESTING SURROUNDING COMMUNITIES JOIN IN SUCH EFFORTS AND TO ESTABLISH A COLLABORATIVE INITIATIVE THROUGH AN INTERLOCAL BOARD TO DEVELOP AND IMPLEMENT AN AWARENESS CAMPAIGN AND ANTI-BULLYING POLICY; PROVIDING FOR AUTHORIZATION; PROVIDING AN FOR EFFECTIVE DATE.

Commissioner Kligman presented the item.

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

***D. Work Order Awards to C3TS/Stantec for Design of Harding Avenue Improvements – Roger M. Carlton, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING EXPENDITURE NOT TO EXCEED \$57,500. TO STANTEC ARCHITECTURE INC., (FORMERLY C3TS) FOR A WORK ORDER ON THE STREETSCAPES IMPROVEMENTS PROJECT RENOVATING HARDING AVENUE FROM 96TH STREET TO 94TH STREET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item.

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

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

Terry Cohen spoke regarding the ongoing issues with her neighbors. Commissioner Kligman asked if the Legal Department could look at the issue and see if maybe the Town could do something about it. Interim Town Attorney Linda Miller stated that she met with Ms. Cohen and the Town Manager to discuss the issues being raised and subsequent to that her office met with Code Compliance Director Joe Damian to discuss how they can address the code violations.

Carlos Aparicios spoke about his concerns on how some houses are kept up in the Town. Town Manager Roger M. Carlton suggested a meeting with Mr. Aparicios, Joe Damian and himself to explain the Code Enforcement program. Commissioner Kligman asked the Town Manager to be included in this meeting. The Town Manager agreed and stated that he will report back during the next Commission meeting.

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

9. Mayor, Commission and Staff Communications

A. Request for Funding Assistance for Ruth K. Broad K-8 Center: Recreational Facilities – Roger M. Carlton, Town Manager (TIME CERTAIN AT 7:45 PM)

Julia Magnani presented the Town Commission with a PowerPoint Presentation showing the current conditions of the school recreational facility.

Town Manager Roger M. Carlton recommended referring the request to the Parks and Recreation Committee for possible inclusion in the Town's FY 13/14 budget.

Commissioner Graubart will contribute \$1,000 to the Ruth K. Broad K-8 Center PTA. Dr. Rodriguez spoke about the need for a full time nurse at the school and asked for financial assistance. The item will be researched and appear on the March 12, 2013 Town Commission agenda.

B. Traffic Study (Please bring the Traffic Study book provided in December 2012) –

Roger M. Carlton, Town Manager (*Deferred by Town Manager to the March 12, 2013 Town Commission Meeting*)

***C. Utility Undergrounding- Recommendation for Discussion and Direction - Roger M. Carlton, Town Manager (TIME CERTAIN AT 8:00 PM)**

Town Manager Roger M. Carlton presented the item and showed a Power Point presentation on how the undergrounding project currently looks in Golden Beach, including pictures of the FPL transformer boxes and the switching gear.

He introduced the Town's Financial Advisor and Bond Counsel and the FPL representatives.

Vice Mayor Karukin thanked the staff and the consultants that have put in so much time preparing and getting the Town to this point. He also thanked the residents that attended the five public education sessions, especially Ken Arnold for attending all of them. He thanked Sandra Argow for taking the time and taking some pictures so that they can get a better feel of the project and all of the respondents who participated in his survey which reflected support for the project. He also stated that he invited a guest, Mr. Andrew Marshall, who looked at the documents for him and he may call on him to help explain the issues that may come up during the discussion.

Julia Magnani spoke in favor of the utility undergrounding and asked the Town Commission to support the item.

Mark Blumstein spoke in favor of the item.

Jorge Serbov stated that they own a few properties in Town and he wanted to know what if a house does not want electricity because it is self-sustaining. He also stated that the Town is almost below sea level and he thinks the FPL switches could be dangerous in case of a flood.

Sandra Argow expressed her concerns about the boxes that will be placed on some properties.

Sue Gladstone expressed her concerns about the project in case of hurricane and flooding. She asked if the Town was going after aesthetics or practicality. She also asked what are the noise implications of this project and where the switch boxes would be located.

Louis Cohen spoke in favor of the item.

Mr. Behar spoke in favor of the item. He stated that this is a defining item for the Town of Surfside.

Vladimir Pave asked who will own the switches and the lines, FPL or the Town.

Jason Nevader spoke in favor of the item.

Lindsay Lecour spoke in favor of the item.

Saul and Adriana Rosen spoke in favor of the item.

Peter Neville spoke about his concerns with this project and flooding issues and the possibility of someone getting electrocuted.

Jennifer Dray spoke in favor of the item.

Peter Zuckerman spoke in favor of the item.

DJ Canavas spoke in favor of the item.

Ken Arnold spoke in favor of the item.

There were questions posed by the Town Commission to the FPL representatives regarding safety, maintenance, recovery time in case of storms and/or power outages and many other concerns.

Commissioner Kligman requested that there be more public information. Advertise two more meetings in the Gazette and provide opportunities to meet with the condos. Commissioner Kligman would like to explore an alternative for senior citizens that live on fixed incomes not to put a lien on their properties as a way to finance any code required upgrades within their homes. Town Manager Roger M. Carlton stated that he will make that a part of the next status report.

Commissioner Graubart asked questions regarding the cost to the residents. He asked if the amount that will be charged to the residents will be the same percentage rather than a fixed monthly amount regardless of the electric use. Florida Power and Light representative responded affirmatively and stated that the minimum amounts are set by the MGRUF tariff.

Commissioner Kligman made a motion to allow the process to continue with a clear understanding that this was not final approval. The motion received a second from Vice Mayor Karukin. The motion passed 4-1 with Commissioner Graubart voting in opposition.

***D. Additive Alternates to Utility Project – Decorative Street Signs–** John Di Censo, Interim Public Works Director

Item was deferred to the next Town Commission meeting.

E. Severance/Compensation – Commissioner Joe Graubart

Item was deferred to the next Town Commission meeting.

***F. Confirmation of Candidates Short List for Interviews-** Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton presented the item and asked the Town Commission for direction.

Commissioner Graubart expressed his feeling of being rushed through the process and explained the process that the City of Miami Beach has conducted.

Vice Mayor Karukin expressed that he would like to interview the finalist as planned.

Commissioner Olchyk made a motion to move forward with the process of interviewing the candidates that received 4 votes, 3 votes and 2 votes. The motion received a second from Vice Mayor Karukin. The motion carried 4-0 with Commissioner Graubart voting in opposition.

G. Town Calendar – Commissioner Joe Graubart

Item was deferred to the next Town Commission meeting.

H. Commission Directive: Town Manager Short Term Priorities – Commissioner Joe Graubart

Item was deferred to the next Town Commission meeting.

I. Required Clearance Clarification – Roger M, Carlton, Town Manager
Commissioner Graubart presented the item.

Town Planner Sarah Sinatra introduced the item to the Town Commission. She recommended that the Town strike out Code section 90-50 which says that the home owner will only be permitted to have 24 inches in height.

Code Compliance Director Joe Damian spoke on the item and stated that this clarification will not impact any residents that are under the Special Master Hearing process because he has been using the 30 inches in height provision.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Kligman. The motion passed 4-0 with Commissioner Olchyk absent from the dais.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:20 am.

Accepted this _____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Commission Communication**

Agenda Item #: 9D

Agenda Date: March 12, 2013

Subject: Undergrounding Utility Project Status Report – Sixth Update

The determination to underground utilities in Surfside has been an evolutionary process which started in mid-2011 when the Town Commission determined to include conduit for future undergrounding (\$300,000) in the water/sewer/storm drainage project and to authorize the expenditure of \$59,000 for a MGRUF tariff study with FPL. Since that time the Town Commission and community have been kept aware through the Points of Light, Frequently Asked Questions (FAQ's) mailed to every home, the Gazette, five advertised televised public meetings and a continuum of Town Commission meetings culminating with the February 12, 2013 determination to authorize Staff to move forward with eight (8) directives before a final determination is reached.

This sixth status report provides updates on the eight directives:

1. Hear from the public, ask questions and determine if you want Staff, financial advisor, bond counsel and Town Attorney to continue to move forward with the project.

Action: More than twenty citizens spoke during the February 12, 2013 Town Commission meeting, Vice Mayor Karukin related the results of his survey, numerous questions were asked and answered and the Town Commission authorized Staff to move forward although the final decision has clearly not been made.

2. Authorize the team described above to pursue the necessary tariff changes with FPL and with the PSC that allow the monthly surcharges to be pledged.

Action: Town Manager Roger Carlton, Finance Director Donald Nelson and Bond Counsel JoLinda Herring met on March 5, 2013 in the FPL Juno Beach, Florida headquarters with senior FPL staff, including the top FPL attorney for the Public Service Commission (PSC) issues, the chief rate making person, the chief billing person, the head of undergrounding projects, the head of external affairs and our representative, Aletha Player, to discuss the necessary changes to the PSC MGRUF tariff that will allow this project to occur. These changes fall into the following categories:

- a. Amend the tariff to allow the MGRUF revenues to be pledged against a loan to fund the cost of the undergrounding of the FPL component of the project. This language was agreed to with the provision that FPL would have no responsibility for the debt.
- b. Amend the tariff to allow the cap on residential users (currently \$30 per month) to be less if the local government so determined. This was also agreed to. A second element of this discussion which was initiated by Commissioner Graubart regarding the regressivity of the original proposed monthly flat fee of not to exceed \$12 resulted in a lively discussion. FPL's current billing and the MGRUF tariff require a fixed percentage on the amount billed for electricity. That is how our franchise and utility fee are calculated. The impact is that the less electricity you consume the less franchise fee or the less MGRUF tariff you pay. This eliminates the regressivity argument. On the issue of a fixed monthly fee for all levels of service, FPL will not support this tariff amendment. This was not a philosophical or equity issue with FPL, rather, it was a billing system matter.

One final MGRUF tariff item has to do with any potential rate payers who decide they do not want to pay the MGRUF fee. The current tariff allows FPL to stop billing the fee after four months of refusal. This will possibly inhibit our financing, however, the potential is very small. An agreement was reached wherein FPL will notify us quarterly of who is not paying the MGRUF tariff and then we can place a lien on the property. By way of information, both FPL's and Surfside's unpaid electric and water/sewer bills total a small fraction of one percent of sales. An ordinance amendment to add the lien capability to our existing water and sewer lien capability will be presented in April, 2013 as part of the final legislative package. If the Town Commission does not wish to do this, a reserve against unpaid bills could be established and the interest rate on the debt would certainly be higher. Essentially a few non-payers would unfairly impact the cost to all beneficiaries of the system.

In summary, our main concerns with the MGRUF tariff have been resolved and we will go together to the PSC when FPL is ready, as they are now looking at the MGRUF tariff for other non-Surfside issues.

3. Request an extension of the April 27, 2013 date for making the final financial commitment until FPL's comprehensive MGRUF review is completed.

Action: The extension request was made to the FPL executives at the meeting. We asked for an extension until July, 2013 to allow for the PSC determination in May, 2013 including public notices and appeal periods as well as the time we needed for first and second reading of the bond ordinance, the resolution accompanying the second reading, our competitively seeking proposals from banks who will provide the financing and adoption of an ordinance that would allow the Town to place liens on non-payers of the MGRUF tariff in the same manner as we currently do for non-payers of water and sewer bills. Even though we were with very high placed FPL executives, the extension decision will be made at the highest executive level due to its implications for other undergrounding projects which do not use the MGRUF tariff and have not received an extension.

4. Established the \$10-12 as the maximum monthly residential surcharge and the \$20-50 monthly surcharge as the maximum commercial surcharge so that staff, bond counsel, Town Attorney and financial advisor all know that this is the outer limit of the financing.

Action: The \$10-12 monthly maximum no longer is possible due to the regressivity issue and the FPL position that the billing must be on a percentage basis up to a maximum of \$30 monthly (per the tariff) or a lower maximum established by the Town Commission. The new financial model requires an 8.6 percent MGRUF tariff add-on to all residential bills and the table (**Attachment 1**) reflects that everyone with an electric bill below \$140 monthly would actually save money and everyone with a bill above \$140 would have to pay more than the \$12 in the original model. Should the Town Commission wish to set a lower monthly cap, which will be possible if the PSC approves our agreement with FPL, the resultant shortfall will have to be funded from other sources which will be explained later in the memorandum. The \$50 maximum surcharge on commercial bills will not change since the calculation for commercial is already based on usage.

5. Clearly state that the financing decisions must come back to the Town Commission for approval.

Action: If FPL approves the extension, the first reading of the debt ordinance and the lien ordinance could be in April, 2013 and the second reading will be in May, 2013 all subject to the final approvals by the PSC. The funding would not be issued until the PSC determination is final. Once that occurs, the financing will be completed and FPL will receive the payment required under MGRUF. The financing will include sufficient funds to make payments during the time required to build the project since FPL does not collect the tariff until the project is completed. If FPL requires more time for their comprehensive MGRUF review, the extensions would need to be longer.

6. Authorize discussions to begin with Manny Rodriguez to determine what his role would be to manage the project.

Action: This discussion has not begun and will not until after Mr. Rodriguez retires from FPL.

7. Authorize Staff to retain an independent cost estimator with expertise in undergrounding to validate the cost estimates as an assurance that the various utility cost proposals are reasonable. That report would be available prior to the April, 2013 Town Commission meeting.

Action: The firm of HPF Associates, Inc. has been retained to validate the three tier FPL cost estimates (**Attachment 2**) as well as the cable and telephone estimates at a cost of \$2750. This firm is highly qualified having managed projects in Golden Beach and Miami Beach.

8. Hold one more special meeting during late April, 2013. By that time all the unknowns will be tied down to the greatest extent feasible.

Action: At the request of Commissioner Kligman, Staff will hold one more community meeting in April, 2013. The April, 2013 Town Commission meeting will include the first reading of the financing ordinance. While first reading approval in April, 2013 of the ordinance would indicate a “go” decision on the part of the Town Commission, the final decision on second reading with the accompanying resolution approving the lending institution and the terms of the debt is really the final “go” decision.

A few more items to discuss:

- Item 4 above raises the concern that the solution to the regressivity issue by reducing the cost to the lowest users causes the amount of money raised by the MGRUF tariff to be insufficient if the Town Commission determines to set a cap on the monthly surcharge of less than \$30. Should this be the case, alternate funding of the difference would have to be made available from other sources including but not limited to the revenue from new buildings already approved. A more detailed analysis of this will be presented in April, 2013 with the first reading ordinance.
- Commissioner Kligman expressed concern that placing a lien on a qualified senior citizen’s home if they couldn’t afford the cost of the electric upgrade within their home and the Town paid the cost would place undue stress on the occupant. Should the Town Commission wish, this concern could be met with a small fund wherein the Town pays the cost. This can certainly be resolved at a later date.
- It is important to be clear to the Commission that we have moved past all the issues of storm surge, hurricane safety and aesthetics. While there is neither unanimity nor certainty on all these issues, the community is overwhelmingly in favor of the project. The issues now relate to financing which in turn is related to the PSC approval of the MGRUF tariff amendments.

What is Staff seeking authority to do?

- Continue to move forward with FPL and the PSC to amend the MGRUF tariff.
- Resolve the extension date with senior FPL executives.
- Schedule the first reading of the finance ordinance and the lien ordinance amendment to include the MGRUF tariff in April, 2013.
- Hold one more public meeting in April, 2013 to gather more input and answer any remaining questions.



Roger M. Carlton, Town Manager



Donald Nelson, Finance Director

**FPL Customer Average Monthly Bill Estimates with
Governmental Undergrounding Fee at 8.6%**

Residential

Average Monthly Bill Amount	\$50.00	\$140.00	\$349.00
Governmental Underground Fee at 8.0651%	4.36	12.00	30.00*

*Maximum Under Tariff

Commercial

Average Monthly Bill Amount	\$100.00	\$236.00	\$581.00
Governmental Underground Fee at 8.0651%	8.60	20.30	50.00*

*Maximum Under Tariff

Town of Surfside
Overhead to Underground Utilities Conversion
Project Cost Estimates

Estimate 1 September 27, 2012	Estimate 2 January 30, 2013	Estimate 3 February 6, 2013	Project Description
\$ 7,486,221	\$ 6,065,143	\$ 4,052,440	Construction by FPL
(1,871,555)	(1,871,555)	(1,871,555)	Credit for "harding the system"
5,614,666	4,193,588	2,180,885	Construction cost by FPL
(59,844)	(59,844)	(59,844)	Credit for cost study (engineering deposit)
5,554,822	4,133,744	2,121,041	Net construction cost by FPL
(1,800,000)	(900,000)	-	Savings: FPL approved contractors if Town manages various portions of the contract
3,754,822	3,233,744	2,121,041	Net construction cost by Town
-	700,000	700,000	Decorative Street Lights (222)
700,000	700,000	700,000	Vista waterproof switch boxes.
645,482	645,482	645,482	Contingency and construction inspection
1,800,000	2,000,000	2,000,000	Estimated cost to bring power to all homes and commercial structures
6,900,304	7,279,226	6,166,523	Total cost of Underground Electric
1,000,000	1,000,000	1,000,000	Cable TV undergrounding cost
1,000,000	1,000,000	1,000,000	AT&T undergrounding cost
(700,000)	(700,000)	(700,000)	Funds available from voluntary proffers from Surf Club (\$300,00), Grand Beach (\$185,00) and the Shul (\$215,00)
8,200,304	8,579,226	7,466,523	TOTAL

Please insert after
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Commissioner Kligman made a motion to proceed with five public information meetings and requested the Town Manager to include in the public how the Town will finance the project and how the Town will be obligated. Mayor Daniel Dietch requested that Frequently Asked Questions (FAQ's) be prepared as soon as possible. The motion received a second from Vice Mayor Karukin and all voted in favor.

***G. Setting Priorities to Give Direction to the Town Manager and Town Attorney –
Roger M. Carlton, Town Manager**

Commissioner Olchyk spoke about the special meeting to discuss the priorities setting and was canceled by the Town Manager per the Vice Mayor's request.

Vice Mayor Karukin addressed the Commission and explained that he did not have the time to prepare the documentation necessary for the Special Meeting agenda. He explained that the Town's Code Section 2.203 which establishes the rules for scheduling regular and Special Meetings but the Code is silent when it comes to the cancellation of Special Meetings. He stated that he had taken the Town Attorney's advice to rescind the request and since it was last week and way beyond the 24 hours required to schedule a special meeting he asked for the meeting to be reinstated. After that the last thing he heard was that the meeting was still cancelled. Vice Mayor Karukin stated that this should be clarified in the Town's Code and that he had asked the Town Clerk to make a parliamentary determination about the proper way to cancel a Special Meeting.

Town Manager Roger M. Carlton added that the Town Clerk is not the Town's parliamentarian and that the Town Attorney is. The request placed the Town Clerk in a difficult position and he wanted to clarify her responsibility. He also spoke about the agenda deadline that the Town was under when the documents were requested from Vice Mayor Karukin to complete the special meeting agenda. He said that he made the decision based on the Vice Mayor's request to cancel and that he would take full responsibility for the decision made. He also mentioned that the item had been placed on the Regular Agenda so it was still possible to have this discussion.

Mayor Dietch spoke about the submission of an Agenda item without proper back up and that he did not think it was appropriate to participate in a discussion that was not properly backed up and he did not think it was fair for him or his colleagues. That was why he sent a note to the Town Clerk that was distributed to the rest of the Commissioners.

Vice Mayor Karukin stated that he was shocked and dismayed to see how a simple request to cancel a meeting was met with such a reaction.

Commissioner Kligman stated that there is a bigger problem and that all Commissioners are not treated equally. She expressed concern that the Town Manager does not provide support to all Town Commissioners equally and provides greater support to the Mayor.

Commissioner Kligman stated that she wanted to discuss the priorities because the Town Manager is retiring in four months and they have a lot of items in the works and they have to reach a consensus as a body as to what the priorities should be.

Town Manager Roger M. Carlton spoke about the process to establish the agenda and stated that the Mayor has no involvement in such process.

Commissioner Olchyk mentioned the incident when she was absent from a meeting and requested an item to be deferred and the request was not granted.

Town Manager Roger M. Carlton stated that if the Commission is so dissatisfied with his administration of the Town, they should call for a vote, give him the notice under his contract and “put him out of his misery”. He said that he is not going to finish his four remaining months after killing himself for the Town and all his staff doing the same thing with this type of negative environment.

Commissioner Graubart stated that the Mayor is equal and at times he has felt that the rest of them fly in an economy class and that he feels that as Commissioner Kligman said the agenda is set by the Mayor and the Manager and they move forward on that.

Vice Mayor Karukin stated that no one can deny the effectiveness of the Town Manager. The problem is not so much the leadership style because it is overwhelmingly positive and things get done. The problem is that he has five bosses and the list of priorities reflects that. He stated that he would like to redirect the discussion to setting the priorities and to figure out within the four months that the Manager has left what they wish for him to focus on.

Vice Mayor Karukin made a motion to extend the meeting for an hour. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Kligman’s level one priorities:

- Complete the water/sewer/storm drainage project
- Go/No Go decision on underground power lines and related utilities
- Go/No Go decision on the parking structures
- Decision on the Downtown Business Improvement District
- Decision on the Community Center second story
- Recruitment of new Town Manager
- FEMA flood insurance discount
- Complete bus shelters

Commissioner Graubart’s level one priorities:

- Decision on the Community Center second story
- Reassess the Zoning Code
- Recruitment of new Town Manager
- Slow things down

Vice Mayor Karukin’s level one priorities:

- Complete the water/sewer/storm drainage project
- Recruitment of new Town Manager
- FEMA flood insurance discount
- Beach restoration
- Reassess the Zoning Code – Planning and Zoning Board strategies to limit large massive structures.
- Online bill pay

Commissioner Olchyk’s level one priorities:

- Decision on the Community Center second story
- Recruitment of new Town Manager and she wants to be involved in the recruitment
- FEMA flood insurance discount
- Install bus shelters
- Beach restoration
- Continue to beautify Surfside's physical appearance
- Sewall replacement

Mayor Dietch's level one priorities:

Aside from what everyone else mentioned.

- Update the Five Year Financial Plan
- The sewer main north

Mayor Dietch would like items to be separated by groups/departments.

Vice Mayor Karukin was convinced by the Mayor on the sewer main north and he would like to add it to his list

The Town Manager stated that he would prepare a combined list organized as requested by the Mayor.

***H. Town Attorney Performance Evaluation – Mayor Daniel Dietch (TIME CERTAIN 9:00 P.M.)**

Item deferred

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:35 a.m.

Accepted this 15 day of January, 2013