



**Town of Surfside
Town Commission Meeting
MINUTES
August 13, 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 7:06 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart made a friendly reminder that with the start of schools to drive extra carefully and if possible to help our schools by donating supplies.

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

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website.

2. Quasi-Judicial Hearings

A. Request of Owner of Property located at 8859 Carlyle Avenue

The applicant at 8859 Carlyle Avenue is requesting a side setback variance.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 8859 CARLYLE AVENUE 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 ADD AN ADDITION TO THE FIRST FLOOR

AND ADD A SECOND STORY TO THE EXISTING SINGLE FAMILY HOME; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty requested to defer the item to the September 17, 2013 Regular Town Commission meeting at 7:00 P.M.

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

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 and all voted in favor.

A. Minutes – July 16, 2013 Regular Commission Meeting Minutes

Vice Mayor Karukin made a correction to item 9A. Charter Review Committee Process - To change the word “**Mayor**” Mark Imberman to “**Commissioner**” Mark Imberman.

B. Budget to Actual Summary as of May 31, 2013 – Donald Nelson, Finance Director
Commissioner Graubart asked Don Nelson, Finance Director to present the item.

Donald Nelson, Finance Director presented the item and stated that the Town’s revenues and expenditures are on track.

Vice Mayor Karukin asked how restricted funds are tracked. Town Manager Michael P. Crotty asked Director Nelson to explain how the parking trust fund is accounted for. Commissioner Graubart requested that a quarterly or semi-annual update be submitted regarding developers proffers.

***C. Town Manager’s Report (Points of Light) – Michael P. Crotty, Town Manager**
Item A3, page 32 – Duncan Tavares, TEDACS Director stated that the Electric Car Charging Stations are in the process of getting quotes from electricians and once they received them it will take sixty (60) days for implementation.

Item A7, page 34 – Tim Milian, Parks and Recreation Director gave a Powerpoint presentation on a proposed Skate Park. This would be a joint project with the City of Miami Beach and was favorably reviewed at the Parks and Recreation July Meeting. Commission Graubart requested more information regarding safety issues.

Item B6, page 41 – Town Manager Michael P. Crotty gave an update on traffic study
Item C1, page 41 – Town Manager Michael P. Crotty stated that the 95th Street End Project will begin on Wednesday, August 21, 2013.

Item C4, page 44 – Chris Giordano explained that the Water/Sewer/Storm Drainage project is near completion and waiting engineers final review for approval.

Item C5, page 46 – Chris Giordano gave update on seawall project.

Item C6, page 46 – Joseph Kroll, Public Works Director gave update with DOT with reference to the 96th Street crosswalk at Harding, and crossing light at Byron projects.

Item C12, page 50 – Tim Milian, Parks and Recreation Director spoke about the Surfside Tennis Center renovation and presented the Town Commission with a Powerpoint presentation. Regulation of usage and fee structure would be reviewed when renovations are done.

Item C13, page 52 – Chris Giordano gave update on the Viscaya drainage system project.

Item E2, page 54 – Vice Mayor Karukin clarified that the actual review must begin in January 2014 not in November 2013.

Item E5, page 55 – Joint Commission and Planning and Zoning Board Meeting to be announced.

Item F1, page 55 – Town Attorney Linda Miller stated that the Town will meet the Spiaggia representative and will provide a follow up status to the Town Commission in September.

Item F2A, page 55 – Rosendo Prieto spoke about the FEMA National flood Insurance status and presented a Powerpoint to the Town Commission. Mayor Dietch asked about the town's vulnerability and where we are at getting a discount.

Item F3A, page 57 – Workshop meeting regarding code compliance and site triangles will be tentatively scheduled for early November

Item F5A, page 59 – Mayor Dietch gave update on beach concessions and expressed he was not in favor of private concessions and said that signs indicating no tents on beaches should be enforced.

***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*)

- June 17, 2013 Parks and Recreation Advisory Committee Minutes
- June 27, 2013 Planning and Zoning Board Meeting Minutes
- July 1, 2013 Tourist Board Meeting Minutes
- July 11, 2013 Tourist Board Workshop Minutes

G. Appointment of Special Masters – Linda Miller, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ("TOWN"), RATIFYING FIRST TIME APPOINTMENTS OF SPECIAL MASTERS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

Approved on consent

H. Florida Department of Transportation (FDOT) Sidewalk Café Lease Agreement (Revision) – Duncan Tavares, TEDACS Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 94RD STREET TO 96TH STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty requested to defer the item to the September 17, 2013 Regular Town Commission meeting at 7:00 P.M.

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

I. Reformation of Current Student Loan System – Commissioner Michelle Kligman

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AFFIRMING SUPPORT FOR THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS RESOLUTION NO. R-637-13 URGING THE U.S. CONGRESS AND THE U.S. DEPARTMENT OF EDUCATION TO REFORM THE CURRENT STUDENT LOAN SYSTEM; URGING THE U.S. CONGRESS TO RESTORE THE 3.4 PERCENT (3.4%) INTEREST RATE ON SUBSIDIZED FEDERAL STUDENT LOANS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty requested to withdraw the item.

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

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

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

1. Deferred Retirement Option Plan (“DROP”) – Yamileth Slate-McCloud, Human Resources Director and Michael P. Crotty, Town Manager

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-193 OF THE CODE TO PERMIT ALL MEMBERS ELIGIBLE FOR NORMAL RETIREMENT TO PARTICIPATE IN THE DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

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

Mayor Dietch opened the Public Hearing. No one wishing to speak, Mayor Dietch closed the Public Hearing.

Commissioner Graubart made a motion to approve. The motion received a second from Vice Mayor Karukin. The motion carried 3-0.

Hardpack Easement – Linda Miller, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; 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 for discussion and the motion received a second by Vice Mayor Karukin. Town Planner Sarah Sinatra presented the item to the Town Commission.

Commissioner Graubart wanted more clarification about the amended sentence which reads "... new development provides an impact on public safety" and inquired who determines who is creating an "impact." Town Planner Sinatra reported that the ordinance that the Commission has includes highlighted and underlined areas which indicate amendments to the first reading. Vice Mayor Karukin believed no habitual structure could be build east of the bulkhead and the ordinance as presented was incorrect. Town Planner Sinatra said he was correct and it would be amended to read "properties east of Collins Avenue." After some discussion, Mayor Dietch and Vice Mayor Garukin asked the ordinance to be amended to reflect the correct language.

The ordinance was amended to read as follows:

ALL PROPERTIES EAST OF COLLINS AVENUE UPON WHICH REDEVELOPMENT OR EXPANSION OF HABITABLE, FULLY ENCLOSED STRUCTURES, REQUIRE A PERMIT FROM THE TOWN, SHALL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; PROVIDED THAT THE DEVELOPMENT CREATES AN IMPACT ON PUBLIC SAFETY AND THAT THE NEED FOR THE EASEMENT IS PROPORTIONAL TO THE IMPACT CREATED. THE HARDPACK IS DEFINED AS THE SAND ROAD WEST OF THE EROSION CONTROL LINE USED BY PUBLIC SAFETY VEHICLES; EACH ACCESS EASEMENT AGREEMENT SHALL BE IN A FORM ACCEPTABLE TO THE TOWN MANAGER AND APPROVED AS TO LEGAL SUFFICIENCY BY THE TOWN ATTORNEY AND SHALL CONTAIN A SIGNED AND SEALED BOUNDARY SURVEY AND LEGAL DESCRIPTION OF THE EASEMENT AREA,

Mayor Dietch opened the Public Hearing.

Louis Cohen spoke on the item.

No one else wishing to speak on the item, Mayor Dietch closed the Public Hearing.

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

2. **Trellises** – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS” TO ADD “TRELLISES” LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; 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 by Vice Mayor Karukin. Motion passed with all in favor.

3. **Required Carport Standards** – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; 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.

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

4. **Metal Roofs** – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; 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.

Vice Mayor Karukin made a motion to approve. Motion received a second from Commissioner Graubart. All voted in favor.

(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 N/A p.m.) (Note: Depends upon length of Good and Welfare)

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

Public Speaker Peter Neville spoke on tourism and suggested that Surfside consider having a sister city. Mr. Neville expressed the need for a better library.

Public Speaker Martin Oppenheimer asked the Commission to support the updating and remodeling of tennis courts.

Vice Mayor Karukin spoke about the Library and he hopes that with the second floor of the Community Center something can be done.

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. Awards, Presentations and Recognition Meetings – Commissioner Joe Graubart
Commissioner Graubart made a motion to bring this item back at the next Commission meeting. Vice Mayor Karukin seconded the motion and all voted in favor.

B. PACE Program – Town Manager Michael P. Crotty
Vice Mayor Graubart nominated Mayor Dietch to serve as board member for PACE. Mayor Dietch accepted the nomination.

- C. **Veterinary Clinics** – Sarah Sinatra, Town Planner [TIME CERTAIN 7:30 PM]
Town Planner Sarah Sinatra presented the item to the Town Commission.
David Carmona, DVM gave a Power Point presentation with facts and statistics supporting the need for veterinary services for the community.

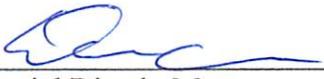
Mayor Dietch opened the meeting for public comments
Public speakers Joe Corderi, Ana Fidlay, Walter Javier, Walter Lugo, Janet Shichman, Orit Mimoun, Noreen Clay, Nicole Gitzen, all spoke in favor and felt this was a needed service in the community. Dr. Cursin although not opposed, would like more details and information before moving forward. Mayor Dietch closed the public comments.

Due to a family commitment, Commissioner Kligman was unable to attend the meeting and requested that no action be taken as she would like to part of the discussion. Commissioner Graubart made a motion to honor and accept Commissioner Kligman's request to defer. The motion was seconded by Mayor Dietch. Motion carried 2-1 with Vice Mayor Karukin in opposition.

10. Adjournment

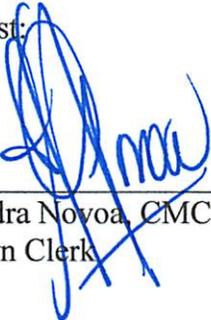
There being no further business to come before the Commission, the meeting adjourned at 10:23 p.m.

Accepted this 17 day of September, 2013



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk