



**Town of Surfside
Town Commission Meeting
MINUTES**

December 10, 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, Commissioner Graubart, and Commissioner Olchyk. Vice Mayor Karukin and Commissioner Kligman were absent.

Commissioner Kligman arrived at 7:10 p.m.

C. Pledge of Allegiance

Anthony Blate led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart asked to rise and have a moment of silence in memory of Nelson Mandela. He spoke about his day of being principal of Miami Beach High School and commended the principal and students.

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

Commissioner Kligman requested that item 4B3 be moved to a time certain after the quasi-judicial hearings.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. The Mayor also gave an update on the Harding Avenue project. The Mayor welcomed the newly opened Beach Grand Hotel. Commissioner Graubart gave an update on the Tourist Board report.

2. Quasi-Judicial Hearings

A. Carmona Veterinary Corporation – Sarah Sinatra, Town Planner

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Town Attorney Linda Miller asked the members of the Town Commission if they had any Ex-parte Communications.

Mayor Dietch stated that he had communications with the applicant, residents and Downtown Business owners.

Commissioner Graubart stated that he had communications with the applicant and some Business owners.

Commissioner Kligman stated that she had communications with residents but not with the applicant.

Commissioner Olchyk stated that she had no communications with the applicant.

Town Clerk Sandra Novoa swore everyone wishing to speak on the item.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Applicant David Carmona presented the item to the Town Commission with a PowerPoint presentation.

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

Commissioner Kligman commended the applicant and the planning staff for the improvements made to the façade of the building as it fits in with the downtown area. The Commissioner also asked Town Planner Sinatra and Town Attorney Linda Miller to explain the process if the applicant does not follow the conditions set forth and there are complaints from the public.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 3-1 with Commissioner Graubart voting in opposition.

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

Pulled Items:

Commissioner Olchyk pulled item F2D, page 61 from the Manager's report.

Commissioner Graubart pulled items 6, page 65 from the Manager's report and item 3D, page 67 from Town Attorney's report

Commissioner Kligman pulled item 3B, page 39 from Budget to Actual Summary, and item 4, page 45, item B1 page 47 and item 8, page 66 from the Manager's report.

Mayor Dietch pulled item F2, page 59 from the Manager's report

Town Manager Michael P. Crotty pulled item C2, page 50 from the Manager's report.

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

A. Minutes – November 12, 2013 Regular Town Commission Meeting
Adopted on consent

B. Budget to Actual Summary as of September 30, 2013 – Donald Nelson, Finance Director

Item 3B, page 39 Commissioner Kligman no longer wished to discuss the item.

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

- Item 4, Joint Skate Park with City of Miami Beach – Pulled by Commissioner Kligman

Concerns about regulation of the park and safety issues. Chief Allen and Town Manager Crotty said a meeting is scheduled with Miami Beach and they were asked to report back to the Commission with an update.

- Item B1, Harding Ave Streetscape – Pulled by Commissioner Kligman

Expressed how pleased she was with the project and suggested a celebration such as ribbon cutting when completed. Town Manager Crotty said a ballpark completion date is about 2-3 weeks.

- Item C2, North Force Main/Building Better Communities Bond Program – Pulled by Town Manager Michael P. Crotty

Chris Giordano of CGA gave update on the issue

-Item F2A, FEMA National Flood Insurance Program – Pulled by Mayor Dietch

Requested more concrete information on flood insurance and Building Official Rosendo Prieto provided some additional information.

-Item F2D, 40 Year Building Certification – Pulled by Commissioner Olchyk

Building Official Rosendo Prieto gave an update on the issue.

-Item 6, Personnel Dept. Head Salaries – Pulled by Commissioner Graubart

Article in Miami Herald that Surfside may be losing their Town Clerk to another municipality and was concerned about losing a very important and competent employee. Town Manager Crotty spoke of the disparity of salaries of department heads. The current salary for the Clerk's position in the neighboring communities is as follows:

Village of Bal Harbour - \$89,797

North Bay Village - \$94,359

Bay Harbor Islands - \$99,361

After research it was determined that the salary of the Town Clerk was inequitable and recommends an adjustment in salary as suggested by the consultant.

Based on interaction with the Town Clerk Sandra Novoa, Commissioner Kligman said Sandra has added a very high value of service to the Town and agrees that her salary be adjusted. Commissioner Olychk agreed with Commissioner Kligman and is very pleased with Sandra's accomplishments. However, she would like an assurance that the Town Clerk will not leave her position after a few months after receiving an increase in salary. Mayor Dietch also expressed his satisfaction with the Town Clerk, Sandra Novoa. The Town Commission agreed that this issue is totally under the Town Manager's purview and to take the necessary actions to assure fairness in the salaries of Department Heads.

Item 8, Requests for Proposals – Pulled by Commissioner Kligman –
Town Manager Crotty gave an update on the item.

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

Item 3D - Pulled by Commissioner Graubart.

Residents concern about Rliupa Project and structures with no windows. Can houses of worship be built in single family district. Town Planner Sinatra and Town Attorney Miller said they have no knowledge of an application or a request for a building for public assembly.

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

Adopted on consent

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

Adopted on consent

- September 12, 2013 - Pension Board Minutes
- October 2, 2013 – Planning and Zoning Board Minutes
- October 21, 2013 - Parks And Recreation Committee Minutes
- October 28, 2013 – Downtown Vision Advisory Committee Minutes
- November 4, 2013 – Downtown Vision Advisory Committee Minutes

G. Resolution Surfside General Election – Sandra Novoa, Town Clerk

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR HOLDING A GENERAL MUNICIPAL ELECTION UNDER THE DATE OF MARCH 18, 2014 FOR THE ELECTION OF MAYOR AND ALL FOUR COMMISSIONERS OF THE TOWN OF SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

Adopted on consent

H. Proposed Mutual Aid Agreement and Joint Declaration with the City of North Miami Beach Police Department – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A JOINT DECLARATION AND MUTUAL AID AGREEMENT FOR OPERATIONAL ASSISTANCE IN LAW ENFORCEMENT, EMERGENCIES AND ROUTINE LAW ENFORCEMENT SERVICES WITH THE CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted on consent

I. Proclamation to the Youth Environmental Alliance (YEA) – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SUPPORTING BEACH DUNE RESTORATION AND PROCLAIMING JANUARY 1, 2014 AS THE “TOWN OF SURFSIDE RE-NOURISH THE BEACH DAY”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Adopted on consent

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

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

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

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

Town Clerk Sandra Novoa read the title of the ordinance.

Town Planner Sarah Sinatra 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 Kligman made a motion to approve. The motion received a second from Commissioner Olchyk and the motion carried 4-0.

2. Construction Fences – Sarah Sinatra, Town Planner

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

Town Clerk Sandra Novoa read the title of the ordinance

Building Official Rosendo Prieto spoke on the item and answered some questions posted by the Town Commission.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk and the motion carried 4-0.

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Garage Door Modification – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-0.

2. Side Setback Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Commissioner Olchyk made a motion to approve. The motion received a second from Mayor Dietch after passing the gavel. Mayor Dietch made a friendly amendment that the side setback cannot be less than ten feet. Commissioner Olchyk accepted the friendly amendment. The motion carried 3-1 with Commissioner Graubart voting in opposition.

3. Ordinance prohibiting the sales of live animals in Surfside – Commissioner Michelle Kligman

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman presented the item to the Town Commission, Public speaker Hallandale Beach Commissioner Michelle Lazon spoke about the importance of this ordinance and said several Florida municipalities have already adopted similar laws. She commended the Commission for moving forward on this issue for not allowing the cruelty and inhumane industry of puppy mills to exist in the town of Surfside.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Kligman. The motion carried 4-0.

5. Resolutions and Proclamations

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

- A. Authorization to Enter into Agreement with Florida Inland Navigation District for the Seawall Replacement Project – Michael P. Crotty, Town Manager**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH FLORIDA INLAND NAVIGATION DISTRICT AND APPROVING AN EXPENDITURE NOT TO EXCEED \$494,445. FOR THE SURFSIDE SEAWALL REPLACEMENT, PROJECT NO. DA-SU-13-149; THE EXPENDITURE IS MATCHING GRANT FUNDING RECEIVED FROM FLORIDA INLAND NAVIGATION DISTRICT; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE GENERAL FUND RESERVE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$494,445 TO THE STORMWATER FUND-SURFSIDE SEAWALL REPLACEMENT ACCOUNT NO. 404-5500-538.63.30; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Kligman had questions regarding the funding of the project and Town Manager Crotty, Chris Giordano of CGA, and Finance Director Donald Nelson addressed the questions. Timing of the project was discussed and Town Manager Crotty said the project must be completed by June 30, 1915.

Although she will vote in favor, Commissioner Kligman had an issue with the credibility of the funding. Initially the Administration was told that the funding would come from the water and sewer budget and now the funds are to come from the reserve fund. In the future she will not support an issue that changes after the fact. Commissioner Olchyk agreed with Commissioner Kligman.

There was much more discussion regarding funding, timing of the project, who will do the work and notification of public especially those with beachfront property. The seawalls in dire need were identified.

Public Speaker Pablo Causell spoke about access to the beach for people with kayaks or canoes and surfboards.

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

- B. Approval to enter into an agreement for crosswalk installation at 93rd/Harding Avenue and 94th/Abbot with Paveway Systems, Inc – Joseph Kroll, Public Works Director**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN PAVEWAY SYSTEMS INC. TO INSTALL A STAMPED ASPHALT CROSSWALK AT THE INTERSECTION OF 93RD STREET AND HARDING AVENUE AND AT THE INTERSECTION OF 94TH STREET AND ABBOTT AVENUE; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH PAVEWAY SYSTEMS, INC; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$19,700 FROM THE MUNICIPAL TRANSPORTATION FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Olchyk made a motion to approve. The motion received a second from Commissioner Kligman. The motion carried 4-0.

C. Plastic Bag Ban Legislation – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA IN SUPPORT OF LEGISLATION RESTRICTING THE USE OF PLASTIC SHOPPING BAGS, OR IN THE ALTERNATIVE TO REPEAL THE BAN ON LOCAL AND STATE REGULATION OF THE USE OF PLASTIC SHOPPING BAGS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch presented the item to the Town Commission.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Kligman. The motion carried 4-0.

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

No one wished to speak under good and welfare.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Town of Surfside 2014 Legislative Priorities– Michael P. Crotty, Town Manager [SET FOR TIME CERTAIN 8:45 PM]

Commissioner Olchyk made a motion to defer the item to the next Commission meeting. The motion received a second from Commissioner Graubart and all were in favor.

- B. 2014 Meeting Calendar Schedule – Michael P. Crotty, Town Manager**
Commissioner Graubart made a motion to adopt the new 2014 schedule. The motion received a second from Commissioner Olchyk. The motion carried 3-0 with Commissioner Kligman absent from the Dais.
- C. Early Voting and the March 18, 2014 General Election – Sandra Novoa, Town Clerk**
Commissioner Olchyk made a motion not to conduct the early voting. The motion received a second from Commissioner Graubart and all voted in favor.
- D. Updated Code Compliance Priorities Recommendations – Joe Damien, Code Compliance Director**
Item deferred to January agenda
- E. Communications between Commissioner Graubart and Silvia Coltrane from Transacta Lanai Developers – Commissioner Joe Graubart**
Correspondence provided for informational purposes.
- F. Construction Hours – Commissioner Joe Graubart**
Commissioner Graubart made a motion directing the Town Attorney to draft an ordinance to change the allowed times as follows: Dec. 1 – March 31 - 9am – 5:30 pm and from April 1 – November 30 - 8am – 6:00pm. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Kligman was informed that the scheduled workshop for site triangles has been cancelled. Suggested dates to reschedule are January 16, January 21, or January 22, 2014.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 10:18 p.m.

Accepted this 14 day of January, 2014


Daniel Dietch, Mayor

Attest


Sandra Novoa, CMC
Town Clerk