

**Town of Surfside
Town Commission Meeting
June 8, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7 p.m.

B. Roll Call of Members

The clerk called the roll with Commissioners Michael Karukin, Edward Kopelman, Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch in attendance.

C. Pledge of Allegiance

Police Chief David Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Daniel Dietch welcomed the public.

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

Commissioner Olychik made a motion to move items in the agenda as needed.
Commissioner Kopelman seconded the motion.

F. Special Presentations

1. Miami Beach Senior High School Exemplary Student Recognition, Alexander Rennert – Mayor Dietch mentioned Alexander Rennert's accomplishments and presented an award to him for exemplary student recognition.

2. Nautilus Jr High School Exemplary Student Recognition – Cora Coleman

Vice Mayor discussed Cora Coleman's accomplishments and presented a certificate of exemplary student recognition to her.

3. The Honorable County Commissioner, Sally A. Heyman

Sally Heyman, County Commissioner, explained emergency procedures during hurricane season. She discussed possible beach clean-up of tar balls resulting from the oil spill. She thanked Police Chief Allen for the police department's emergency efforts in advance.

4. Census Update, Barbara Cohen

Barbara Cohen gave a report on the status of the census. She asked Surfside residents to turn in their census forms.

5. Downtown Beautification Improvements, Fernando Rodriguez, Director of Public Works

Fernando Rodriguez summarized the beautification committee's efforts, which included planters and a proposal of Jamaican caper bushes. David Steinfeld, Chair of the Beautification Committee, discussed several projects in beautifying the Town. Commissioner Olchyk asked about cost. The Town Manager stated that the cost for project is \$6,000.

Commissioner Kopelman made a motion to approve the Jamaican caper bushes. Commissioner Olchyk seconded. The clerk called the roll and all were in favor.

G. Community Notes – Mayor Daniel Dietch – No discussion.

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

Chris Giordano gave an update on the Community Center. He discussed the permitting for the Community Center and the process of moving forward with the project. Vice Mayor Graubart asked of contract fees and estimated time of completion. February 2011 is the estimated time of substantial completion.

2. Quasi-Judicial Hearings – No discussion.

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 Workshop May 5, 2010

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

C. Projects Progress Report – Calvin, Giordano & Associates, Inc.

MOTION FOR CONSENT:

A motion to approve the items on the consent agenda was made by Commissioner Kopelman. The motion received a second from Commissioner Olchyk. The clerk called the roll and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Landscape Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY ARTICLE VIII (8) “LANDSCAPE REQUIREMENTS”; AMENDING SECTIONS 90-92, 90-94 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. [This ordinance exempts the SD-B40 from the recent increase in landscaping requirements in order to avoid making every property in the district non-conforming.]

The clerk read the title of the ordinance.

Commissioner Kopelman made a motion to adopt the ordinance. The motion received a second from Commissioner Karukin. The clerk called the roll and the motion passed 4 to 1 with Vice Mayor Graubart in opposition.

2. Base Flood Level Elevations – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 AND SPECIFICALLY SUBSECTIONS (1) AND (2) OF SECTION 42-92 “SPECIFIC STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES RELATED TO BASE FLOOD LEVEL ELEVATIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. [This ordinance changes the definition of substantial improvement relating to the 50% rule.]

The clerk read the title of the ordinance.

Commissioner Olchyk made a motion to adopt the ordinance. The motion received a second from Commissioner Karukin. Town Manager, Gary Word explained the ordinance and made a recommendation to adopt. The clerk called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

1. Re-adoption of Zoning Code (Ordinance 08-1491) Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE CODE OF SURFSIDE, FLORIDA BY REPEALING AND REPLACING CHAPTER 90 ENTITLED “ZONING” IN IT’S ENTIRETY; ADOPTING A NEW CHAPTER 90 ENTITLED “ZONING” INCLUDING ADOPTION OF AN OFFICIAL TOWN ZONING MAP FOR ALL DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance re-adopts 2008 ordinance plus all changes to date]

The clerk read the title of the ordinance.

Commissioner Kopelman made a motion to adopt the ordinance. The motion received a second from Commissioner Karukin.

Mayor Dietch explained the history of the ordinance from 2008. He stated not to violate the charter amendment. He encouraged to schedule a workshop so the Town residents can decide whether or not to adopt. Vice Mayor Graubart stated that this issue is too important not to have public input. He read a letter from Matty Bower of Miami Beach. Commissioner Kopelman suggested to have a town meeting and give notice to the residents. Commissioner Karukin suggested the process be explained and what is exactly proposed. Mayor Dietch explained the ordinance. Town Attorney Lynn Dannheisser explained not to violate the charter amendment, specifically, height, density, and intensity. Vice Mayor Graubart invited Sarah Sinatra to speak on hotel room sizes.

Commissioner Kopelman made a second motion to accept the ordinance as amended. Commissioner Karukin seconded the motion.

Mayor invited the public to speak on the issue.

Ms. Sabates supports the new code and approves the hotel.

Alina Ramirez asked for clarification of places of public assembly in the zoning code.

Maximo Magnani asked to keep Surfside a residential, family community. Lynn re-iterated that with the re-adoption of the 2004 code, there shall be no increase in the height, density, and intensity.

Silvia Coltrane, developer of 9200 Collins Avenue, asked to speak on the hotel project on 92nd street and zoning code changes. She stated that the code changed from motel to hotel to improve Surfside and that the hotel is not supporting prostitution. She mentioned the strictness of developers to build in Surfside. She mentioned lack of parking.

Aran Dunlap, representative of Elizabeth Bankes, spoke on the re-adoption of the zoning code and asked the commission not to adopt the code on first reading.

Jorge Gutierrez supports the Mayor's proposal and Commissioner Kopelman's motion on the zoning code item. Vice Mayor Graubart asked Jorge Gutierrez his opinion of the new code. Jorge stated that the new code is an improvement of the old static code.

Niesen Kasdin advised against the re-adoption of the 2004 code.

Town Attorney Lynn Dannheisser stated the amendment of the ordinance.

Commissioner Kopelman made a third motion to adopt the ordinance as amended. Commissioner Karukin seconded. The clerk called the roll and the motion passed 4 to 1 with Vice Mayor Graubart in opposition.

A special meeting was set for Wednesday, July 7, at 7pm to discuss the re-adoption of the 2004 code with Surfside residents.

2. 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]

The clerk read the title of the ordinance.

Commissioner Kopelman made a motion to adopt the ordinance. The motion received a second from Commissioner Olchyk. Town Manager, Gary Word explained the purpose of the ordinance. *The clerk called the roll and all were in favor.*

3. 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 clerk read the title of the ordinance.

Commissioner Kopelman made a motion to adopt the ordinance. The motion received a second from Commissioner Karukin. Town Attorney, Lynn Dannheisser explained the purpose of the ordinance. Mayor Dietch was concerned about timing. Sarah Sinatra discussed funding for parking spaces. With the ordinance, money would be contributed to a capital fund project. Town Attorney, Lynn Dannheisser stated that this ordinance is a solution to the downtown district’s parking problem. Town Manager, Gary Word supported the ordinance. *The clerk called the roll and all were in favor.*

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.

Jorge Gutierrez mentioned Elizabeth Ogden, perhaps on an interim basis until the resolution is amended.

Vice Mayor Graubart nominated Elizabeth Ogden to serve on both the P&Z Board and the DRB. No action taken. Bring back to next commission meeting to appoint a fifth person.

B. Solar Lights/Handicap Ramps/Pads Construction on Harding Avenue – Fernando Rodriguez, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE CONSTRUCTION OF SOLAR LIGHTS, HANDICAP RAMPS AND PADS ALONG HARDING AVENUE, AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL PURCHASE ORDERS OR OTHER REQUIRED DOCUMENTATION; AUTHORIZING THE FUNDING FROM THE CAPITAL PROJECTS FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

The clerk read the title of the ordinance. Fernando Rodriguez explained the project with a CGA representative. *Vice Mayor Graubart made a motion to adopt the ordinance. The motion received a second from Commissioner Karukin. The clerk called the roll and all were in favor.*

C. Retention of Genovese, Joblove & Battista, P.A. for Special Assessment Liens – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH GENOVESE JOBLOVE & BATTISTA, P.A. TO ASSIST THE TOWN OF SURFSIDE WITH THE COLLECTION OF VARIOUS SPECIAL ASSESSMENT LIENS; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney, Lynn Dannheisser explained that she has found a law firm to deal with liens and foreclosures for a fixed filing fee of \$500. The firm will also charge back fees from what is collected. Commissioner Olchyk would like to see bids from other firms. *Commissioner Kopelman made a motion to adopt the ordinance. The motion received a second from Commissioner Olchyk. Upon roll call all were in favor.*

D. Proposed Mid-Year Budget Amendment Resolution – Martin Sherwood, Finance Support Services Department Head

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR THE FISCAL YEAR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010; FOR THE PURPOSE OF AMENDING THE CURRENT YEAR'S GENERAL FUND BUDGET DOWNWARD AND CAPITAL PROJECTS FUND UPWARD; AND OTHER BUDGETARY ADJUSTMENTS REQUIRED TO THE FISCAL YEAR ENDED SEPTEMBER 30, 2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Gary Word explained the resolution.

Commissioner Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Karukin. Finance Director, Martin Sherwood discussed the process of the budget and reported on the mid-year budget adjustments, increases, and decreases in expenditure. Commissioner Karukin asked to explain downward spending adjustment. Vice Mayor Graubart asked what areas are of concern in the budget.

Upon roll call all were in favor.

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.

Mia Steinfeld spoke on honoring a Surfside resident.

Julia Magnani feels that the hotel project is not in the best interest of the community.

Barbra McLaughlin gave a report on the Tourist Bureau's resort tax regulations.

Peter Neville spoke on the library opening June 7. He asked to advertise the library opening in the Gazette or place a public notice in the Herald.

Dorie Lurie is displeased with the way the town is managed. She mentioned several projects of the Town that are financial burdens.

Randy McBride asked the hours of the library. She discussed corner hedges and sight lines, specifically 88th Street.

7. Town Manager and Town Attorney Reports

A. Town Manager Report

Town Manager Gary Word gave his report. He discussed future volunteer beach clean-up of oil contamination. He also discussed the red light camera law, to install red light cameras throughout the Town. Police Chief Allen discussed the financials to install the red light cameras. Town Manager, Gary Word mentioned installing parking pay stations and stop sign removal. Mike Garcia, Code Enforcer, spoke on hurricane preparedness.

B. Town Attorney Report –

Town Attorney, Lynn Dannheisser referenced the agenda packet and mentioned the new intern from St. Thomas University.

C. Schedule R. Meyers, Executive Director, Commission On Ethics for lecture on Sunshine Public Records and Records – deferred discussion to email

8. Unfinished Business and New Business – No discussion.

9. Mayor, Commission and Staff Communications

A. Status of report on the Lily Pad and Carlisle – Commissioner Marta Olchyk

Commissioner Olchyk would like the removal of short term rentals from Surfside.

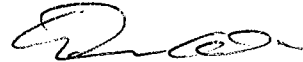
Town Manager Gary Word explained the over-occupancy situation at the Lily Pad and the Carlisle short rental situation. He stated there are no resources to enforce and no evidence or proof to enforce.

- B. Beach Walk – Commissioner Marta Olchyk**
Commissioner Olchyk would like a clean beach walk, free of animal excrement. Town Manager Gary Word stated that Miami Dade County is responsible for cleaning east of the beach walk and the Town is responsible for the west side.
- C. Surfside Color Guard Participation in Military Funerals – Vice Mayor Joe Graubart**
Vice Mayor Graubart would like to have color guard participation at military funerals. Commissioner Kopelman mentioned that “Bugles of America” could also attend.
- D. Short Term Rentals – Vice Mayor Graubart – as previously discussed in 9A.**
- E. Sharing Municipal Services - Commissioner Kopelman (omitted)**
- G. Downtown Revitalization – Mayor Daniel Dietch**
Mayor Dietch stated that an FAU professor may have his class participate in downtown revitalization.
- H. Committee Appointments – Mayor and Town Commission**
Deferred until next commission meeting – suggested to make a regular agenda item.
- I. FEMA – Code Enforcement – Vice Mayor Joe Graubart**
Vice Mayor Graubart discussed the nature of the matter regarding the Novack family. He stated that in order to right the wrong that had been done, the Town should publicly apologize, dismiss the notice of violations, and reimburse any attorney’s fees and costs. ***Vice Mayor Graubart made a motion to approve the above. Commissioner Karukin seconded the motion.*** Mayor Dietch asked the Town Attorney, Lynn Dannheisser for specifics regarding the Novack situation. Mayor Dietch is willing to set right the wrong done and in addition re-naming the 96th Street park in Novack’s name. Aron Donald, representative of Paul Novack, asked the commission to consider attorney fee reimbursement. Commissioner Kopelman opposed reimbursement. Commissioner Karukin commended the Novack family and supports reimbursement. Randy McBride supports compensating the Novack family and explained the “vendetta” from the previous commission. Ken Arnold is opposed naming a street or building with a living person’s name. Peter Neville spoke of reimbursing the Novack family by taking the money from the previous commission.
- Mayor Dietch suggested to amend the motion with the addition of restoring Novack’s good name at the 96th Street park. Vice Mayor Graubart moved to amend the motion. The motion to amend received a second from Commissioner Karukin. The clerk called the roll on the amended motion and it passed 4-1 with Commissioner Kopelman in opposition.***
- J. Website Adhoc Committee - Mayor Daniel Dietch**
Mayor Dietch asked members to think of appointments for improvements to the website.

K. Code Enforcement Committee – Mayor Daniel Dietch
No discussion.

9. Adjournment - The meeting adjourned at 11:45pm. Marta Olchyk made a motion to adjourn.

Accepted this 13 day of July, 2010.



Daniel Dietch, Mayor

Attest:



Lilliane A. Subirats
Building Clerk