



**Town of Surfside
Special Town Commission Meeting
MINUTES**

**January 23, 2012
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 7:01 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Vice Mayor Graubart led the Pledge of Allegiance.

**2. Vote on Final Settlement of Young Israel of Bal Harbour, Inc. v. Town of Surfside
Civil Action No. 1:10-CV-24392 in the United States District Court for the Southern
District Court of Florida.**

Town Attorney, Lynn Dannheisser spoke about the process and how the parties achieved a settlement. She also explained the process moving forward.

Mr. Jack Gluck a member of the Young Israel thanked the Town Manager, the Town Attorney, the Mayor and the Commissioners for settling the case and welcomed everyone to their new home.

Dorit Weintraub spoke in favor of approving the settlement agreement and thanked the Mayor, the Commissioner and the members of the Young Israel Congregation.

Sheldon Lisbon thanked the Mayor, the Commission, the Town Attorney and the Town Manager for everything they did and spoke in favor of the settlement agreement.

Jessie Flax spoke against the settlement agreement because of the amount of traffic the building will bring to Byron Avenue.

Pieter Bakker spoke against the building being built in his backyard and the amount of traffic it will bring to the community.

Barbara McLaughlin spoke about neighborhood impacts.

Alex Niznik spoke in favor of the synagogue but explain the traffic problems he encounters every day leaving and coming to his home. He also stated that his home will lose value by having the loading docks of the synagogue faces his property.

Anen Citron spoke regarding the resident's concerns and spoke in favor of the synagogue.

Commissioner Kopelman made a motion to pass and adopt the settlement agreement. The motion received a second from Commissioner Karukin.

Vice Mayor Graubart had a question on page eight (8) of the settlement agreement regarding the transaction notice. He said that he has been very consistent during his tenure on the Planning and Zoning Board and as Vice Mayor and he is very concerned how the community is informed regarding land use issues. He stated that the public hasn't had a great deal of input on the issue and he sees that problematic and potentially setting a precedent on how the Town deals with variances. He said that he voted "no" on the 92nd Street and Harding Avenue Hotel Project, "no" on the 94th Street hotel project due to size and the proposed garage on Abbott. He stated that he is voting "no" on the project as proposed and planned as he thought that the traffic would burden and threaten the quality of life of the residents and especially those that live in the near by area.

Commissioner Kopelman stated that Vice Mayor Graubart voted in favor of the settlement during the Executive Session and that was inconsistent.

Mayor Dietch asked the Town Attorney for clarification due to concern over whether the request in question was for a "variance". Town Attorney, Lynn Dannheisser explained that this was a request for relief by a religious institution not a request for a zoning variance.

Mayor Dietch clarified for the record that Vice Mayor Graubart spoke in error on his comments about the proposed garage and that the Commission voted on a feasibility study for a garage during the January 17, 2012 Commission Meeting.

Vice Mayor Graubart disagreed with the Mayor's statement.

Commissioner Karukin spoke about the notification process and that in this case the list was expanded to include all residences to 94th Street, within the 10 day window.

Town Manager, Roger M. Carlton added that besides the mailings, an ad was run on the Saturday edition of the Miami Herald in the local section. There were three signs on the edges of the property.

Vice Mayor Graubart expressed his concerns about what other religious institutions may ask for in future Commission meetings. Town Attorney, Lynn Dannheisser explained that each matter has to be evaluated on its individual merits.

Mayor Dietch asked the Town Clerk to call the question.

Vice Mayor Graubart voted against.

Commissioner Kopelman voted in favor and stated that once the Executive Session minutes are made available, everyone will know that he was against part of the settlement but after it was addressed, he has been "able to sleep at night". It is been a long process but he thinks it will benefit the Town for many years to come.

Commissioner Olchyk voted in favor and stated that they have had many discussions about the case. She has studied in detail the case and feels that for the betterment of the community they have to go along with mediation because there is no better lawsuit that the one that it is not filed. She is proud to say that after many hours of thinking and studying about it, she feels that the community and Young Israel deserve for them to do the right thing and not what is politically correct.

Commissioner Karukin voted in favor and said that he had read a lot about these cases and spoke about different articles and a book he has read about RLUPA cases. He had a few concerns on height, setback, parking and traffic impact on Byron that we came to a

fair compromise on the parking and setbacks issues and he hopes that through the DIC process, staff will be able to mitigate some of his remaining concerns on ingress and egress on Byron. He spoke about this lawsuit shadowing the Town for nearly 11 years and based on everything he read and the many cases in the court system he concludes that it is not in the best interest of the Town to continue spending money on the lawsuit. He thanked the staff, the Mayor and the Congregation and all who worked so hard on this settlement.

Mayor Dietch reminded that the Town was sued by the Congregation and that it is his responsibility to the residents to find a solution that minimizes the risk and exposure to the Town. He also spoke about Young Israel being part of our Community and it is important to him to focus on embracing this opportunity instead of putting up road blocks. The Mayor also stated that there is a time for leadership to put the Town first and allows them to move past this dark chapter in the Town's history. He thanked his colleagues, staff, Young Israel and the people of Surfside, hoping they understand that there is a lot that goes into this decision.

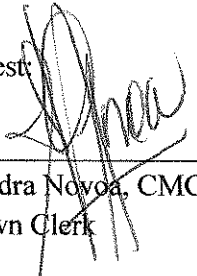
The motion passed 4-1 with Vice Mayor Graubart voting in opposition.

3. Adjournment

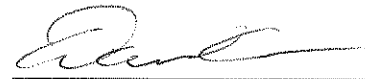
There being no further business to come before the Commission, the meeting adjourned at 8:07p.m.

Accepted this 14 day of Feb, 2012

Attest



Sandra Novoa, CMC
Town Clerk



Daniel Dietch, Mayor