



**Town of Surfside
Town Commission Meeting
February 9, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order

The meeting was called to order at 7:03 p.m.

B. Roll Call of Members

Town Clerk, Debra Eastman called the roll and the following were present:
Commissioner Elizabeth Calderon, Commissioner Steven Levine, Commissioner
Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett.

C. Pledge of Allegiance

Chief of Police, David Allen led the Pledge of Allegiance.

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

Vice Mayor Marc Imberman requested that the item Citizen's Action Team be moved from Mayor, Commission, Staff Communications to 1E4, Special Presentations.
Vice Mayor Marc Imberman requested that item 9D, In house Landscaper be replaced with an item entitled Vacant Beach House Construction Site.
Commissioner Elizabeth Calderon added item 9J, Investment Policy Committee
Commissioner Howard Weinberg stated that on item 9A, Relief for Haiti he will be seeking action.

E. Special Presentations

1. Officer of the Month – Chief David Allen

Chief David Allen presented the Officer of the Month Award to Sergeant Rory Alberto for his outstanding performance.

2. Community Center Update – CGA/AECOM

Chris Giordano, Calvin Giordano and Associates presented the Community Center update and the status of the permits.

3. Beautification Committee Report

Beautification Committee Member, David Steinfeld reported on the recommendations of the Committee for downtown beautification, including hanging baskets, removal of some smaller palms and replanting. He further indicated that the Committee is willing to commit to a fund raising project. It was

a consensus of the Town Commission to appropriate \$300 for a sketch of the proposed plan and to match the amount of dollars raised through the Committee's fund raising efforts with a match from the Town Parking Fund.

4. Citizens Action Team – Vice Mayor Marc Imberman

Vice Mayor Marc Imberman explained the Citizen's Action Team was formed to assist residents with projects. He thanked the group for their recent efforts in cleaning the yard of an elderly resident.

2. Quasi-Judicial Hearings

3. Consent Agenda

A. Minutes – Town Commission Meeting, January 12, 2010

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

C. Projects Progress Report – George Keller, Calvin, Giordano & Associates

**D. Bay Harbor Islands Mutual Aid Agreement –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 MUTUAL AID AGREEMENT WITH THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA POLICE
DEPARTMENT AND THE TOWN OF SURFSIDE POLICE
DEPARTMENT.**

Vice Mayor Marc Imberman made a motion to adopt the items on the consent agenda. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

**1. Downtown Property Maintenance Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AMENDING CHAPTER 14-51 “ESTABLISHED”;
AMENDING CHAPTER 14-52 “COMMERCIAL STANDARDS”;
CREATING SECTION 14-56 “MAINTENANCE OF SIDEWALKS AND
SWALE AREA” 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.**

Debra Eastman, Town Clerk read the title of the ordinance. Commissioner Steven Levine made a motion to adopt the ordinance on second reading. The motion

received a second from Commissioner Elizabeth Calderon. Mayor Charles Burkett opened the public hearing. There was no comment. Debra Eastman, Town Clerk called the roll and all were in favor.

2. Emergency Management Procedures – Assistant Chief John Di Censo
**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA
AMENDING CHAPTER 2 “ADMINISTRATION” BY ADDING ARTICLE
VIII. “EMERGENCY MANAGEMENT PROCEDURES”; PROVIDING
FOR PURPOSE, PROVIDING FOR DEFINITIONS, AND EMERGENCY
MANAGEMENT STRUCTURE; PROVIDING DECLARATION OF A
STATE OF EMERGENCY, TERMINATION OF A STATE OF
EMERGENCY, THE SUSPENSION OF LOCAL BUILDING
REGULATIONS, AND THE CERTIFICATION OF EMERGENCY
CONDITIONS; PROVIDING FOR COORDINATION WITH MIAMI-
DADE COUNTY; PROVIDING FOR PENALTY; PROVIDING FOR
REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN
EFFECTIVE DATE.**

Debra Eastman, Town Clerk read the title of the ordinance. Commissioner Howard Weinberg made a motion to adopt the ordinance on second reading. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett opened the public hearing. There was no public comment. Police Chief David Allen spoke in favor of the ordinance. Debra Eastman, Town Clerk called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

1. Noise Ordinance – Town Attorney, Lynn Dannheisser
**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA
AMENDING SECTION 54-78 “PROHIBITED NOISES” BY PROVIDING
FOR RESTRICTIONS ON DECIBEL LEVEL OF EMERGENCY POWER
GENERATORS AND ALLOWING FOR TESTING; PROVIDING FOR
REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN
EFFECTIVE DATE.**

Debra Eastman, Town Clerk read the title of the ordinance. Commissioner Steven Levine made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Mayor Charles Burkett requested that the ordinance be amended to include language which would suspend the decibel during periods of emergency. Town Attorney Lynn Dannheisser suggested that the Planning and Zoning Board be invited to attend a future meeting to discuss the ordinance. Commissioner Steven Levine made a motion to defer the ordinance. The motion received a second from Commissioner Elizabeth Calderon. Debra Eastman, Town Clerk called the roll and all were in favor of the deferral.

2. Fences, Walls and Hedges Amendment – Town Attorney, Lynn Dannheisser
**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA
AMENDING SECTION 90.56.17 “FENCES, WALLS AND HEDGES” TO**

PROVIDE REGULATIONS RELATED TO TEMPORARY CONSTRUCTION FENCING; PROVIDING FOR REPEAL; SEVERABILITY, INCLUSION INTO THE CODE; AND AN EFFECTIVE DATE.

Debra Eastman, Town Clerk read the title of the ordinance. A motion was made by Commissioner Steven Levine to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Debra Eastman, Town Clerk called the roll and all were in favor.

3. **Off-Street Parking Ordinance – Town Attorney, Lynn Dannheisser**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” 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.

Debra Eastman, Town Clerk read the title of the ordinance. A motion was made by Commissioner Elizabeth Calderon to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Planner, Sarah Sinatra explained that all sites owned by the Town do not comply with the zoning ordinance. Vice Mayor Marc Imberman suggested an amendment to the ordinance that would restrict by use. The maker of the motion and the second agreed to the amendment. Debra Eastman, Town Clerk called the roll and all were in favor of the amended motion.

5. Resolutions and Proclamations

6. Good and Welfare

Richard Iacobacci spoke in favor of increasing the hours previously cut from Code Enforcement.

A resident spoke about the activities and events being held in her condominium building.

7. Town Manager and Town Attorney Reports

A. Historic Preservation of Surf Club – Lynn Dannheisser, Town Attorney

Town Attorney Lynn Dannheisser reported on a meeting with the Surf Club who is seeking historic preservation and advised that she will be bringing a resolution for endorsement to a future meeting.

B. Opposition to FL League of Cities HB 119, Sex Offender Bill – Lynn Dannheisser, Town Attorney

Town Attorney Lynn Dannheisser reported on the impact of HB 119. A motion was made by Vice Mayor Marc Imberman to formally oppose the bill. The motion received a second from Commissioner Howard Weinberg. Mayor Charles Burkett called for the vote and all were in favor.

8. Unfinished Business and New Business

A. Purchase of Proposed Vacant Lot – Gary Word, Town Manager

Town Manager, Gary Word presented the terms of the purchase to the Town Commission. Bennett Feldman spoke on behalf of the owner of the property. A motion was made by Commissioner Elizabeth Calderon to purchase the property with the terms and conditions set forth by the Town Manager. The motion received a second from Commissioner Howard Weinberg. Town Clerk, Debra Eastman called the roll and the motion passed 3-2 with Mayor Charles Burkett and Vice Mayor Marc Imberman voting in opposition.

B. Financing of Lifeguard Stand – Gary Word, Town Manager

Town Manager, Gary Word presented a plan for funding to build the lifeguard stand with funds from Parks and Recreation, Department of Public Works, savings from Special Projects Coordinator position elimination and the Finance Department. A motion to adopt the recommendation was made by Commissioner Elizabeth Calderon. The motion received a second from Commissioner Howard Weinberg. Town Clerk, Debra Eastman called for the vote and the motion was adopted 3-2 with Mayor Charles Burkett and Vice Mayor Marc Imberman voting in opposition.

9. Mayor, Commission and Staff Communications

A. Haitian Relief and Recovery Fund – Commissioner Howard Weinberg

Commissioner Howard Weinberg explained the program set forth by the Miami Dade League of Cities to create a fund on behalf of the Country of Haiti. Commissioner Weinberg made a motion to donate \$7,500 to the fund. The motion received a second from Vice Mayor Marc Imberman. Town Clerk, Debra Eastman called the roll and the motion passed 3-2 with Mayor Charles Burkett and Commissioner Elizabeth Calderon voting in opposition.

C. Home on Carlyle – Mayor Charles Burkett

Town Manager, Gary Word and Building Official, Paul Gioia, explained this is an active construction site and the building is not habitable.

D. Recognition of Committee Members who served from March, 2008 through March, 2010 – Vice Mayor Marc Imberman

Vice Mayor Marc Imberman reported that he is including an item on the March agenda to recognize the members of the Town Committees over the past two years.

E. In-house Landscaper – Vice Mayor Marc Imberman

This item deleted from agenda and Vacant Beach House Construction Site added in its place.

Vacant Beach House Construction Site –

Vice Mayor Marc Imberman reported on the unsightly condition of the Beach House Lot. He made a motion to direct the Town Manager to fence and screen the property adequately and to place a lien on the property for the same. The motion received a second from Commissioner Elizabeth Calderon. After further discussion, the motion was withdrawn and the Town Manager was directed to investigate the property to what can be done.


- F. Town Photos on Website – Vice Mayor Marc Imberman**
Vice Mayor Marc Imberman requested that photos taken be placed on the website and labeled with the name of the event. By consensus the Commission requested that the Town Manager add the photos to the website.
- G. Recognition of Citizen’s Action Team – Vice Mayor Marc Imberman**
Discussed under item 1E4.
- H. Report on Pilot Program on Advertising in Gazette – Vice Mayor Marc Imberman**
Town Manager, Gary Word reported on the revenue from advertising in the Gazette for the month of February.
- I. Committee Vacancies – Debra Eastman, Town Clerk**
Town Clerk, Debra Eastman announced there was one vacancy on the Parks and Recreation Committee.
- J. Investment Policy Committee – Commissioner Elizabeth Calderon**
Commissioner Calderon
Commissioner Elizabeth Calderon spoke in favor of the formation of the Investment Policy Committee. It was suggested that the Town Manager prepare the criteria, qualifications, meeting requirements and authority and report to the Town Commission.

10. Adjournment The meeting adjourned at 10 p.m.

Accepted this 9 day of ~~MAR~~, 2010.


Marc Imberman, Vice Mayor

Attest:


Debra E. Eastman, MMC
Town Clerk