

**Town of Surfside  
Town Commission Meeting  
May 11, 2010  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Fl  
Surfside, FL 33154

**AGENDA MEETING MAY 10, 2010 MINUTES**

**1. Opening**

**A. Call to Order** Mayor Daniel Dietch called the meeting to order at 8:38 a.m.

**B. Roll Call of Members** Town Clerk, Debra Eastman called the roll with the following in attendance: Commissioner Edward Kopelman, Commissioner Michael Karukin, Commissioner Marta Olchyk, and Mayor Daniel Dietch. Vice Mayor Joe Graubart was absent. Commissioner Michael Karukin exited at 10 a.m.

**C. Pledge of Allegiance**

**D. Mayor's Remarks** – Mayor Daniel Dietch

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

**F. Special Presentations**

1. Emergency Preparedness - Assistant Chief John DiCenso  
No discussion.

2. Heather Oppenheimer – Baynanza 2010 Report

**G. Community Notes** – Mayor Daniel Dietch

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

**2. Quasi-Judicial Hearings**

**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, April 6, 2010  
Town Commission Agenda Review Meeting, April 12, 2010

Town Commission Regular Meeting, April 13, 2010  
No discussion.

B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services  
Department Head  
No discussion.

C. Projects Progress Report – Calvin, Giordano & Associates, Inc.  
No discussion.

#### 4. Ordinances and Public Hearings

##### A. Second Readings (Ordinances)

1. Construction Fencing 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 90-56 “FENCES, WALLS AND HEDGES”; CREATING 90-56.1 “CONSTRUCTION FENCING” 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 provides specific construction fencing requirements for single family properties which limits fences to wood pickets and framed plywood or chain link with canvass. It also requires the posting of a bond and provisions for landscape buffers for multi-family and non-residential properties.]**

Information was given that the Building Official and Town Planner have made changes to include town homes and single family houses.

2. Notice Requirement for Site Plan Approval – Lynn Dannheisser, Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-35 “PLANNING AND ZONING BOARD; APPLICATIONS FOR SPECIAL EXCEPTIONS, ZONING CHANGES, CONDITIONAL USES AND VARIANCES; RULES OF PROCEDURE” TO PROVIDE THAT NOTICE WILL BE REQUIRED FOR SITE PLAN APPROVAL AND ALL NOTICES SHALL BE AT APPLICANT’S COST; 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 imposes a new requirement for notice of site plan approvals to be posted and otherwise given in the same manner as other zoning and land use applications.]**

There was no discussion.

**B. First Readings (Public Hearings on 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 “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.]**

Commissioner Michael Karukin explained that this ordinance was now back for first reading due to material changes being made by the Planning and Zoning Board since the last first reading. Town Planner, Sarah Sinatra explained the changes.

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.]**

Building Official, Paul Gioia explained this ordinance impacts all new construction that meets the criteria of substantial improvement.

3. RLUIPA SD-B40 Amendment Ordinance – Lynn Dannheisser, Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY ARTICLE IV “DISTRICT REGULATIONS”; AMENDING SECTION 90-41 “REGULATED USES” 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 proposes to amend the Zoning Code to provide a limited exception to the first floor prohibition for places of public assembly in the SD-B40 zoning district where such uses are located outside of the traditional downtown area.]**

Town Attorney explained the impact of this ordinance and that it does not pertain to any district that currently exists and that it will be a policy decision if the Commission decides to adopt it.

## **5. Resolutions and Proclamations**

### **A. Amnesty Resolution – Lynn Dannheisser, Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, WAIVING ALL CITATIONS THAT HAVE BEEN HERETOFORE ISSUED BY THE TOWN; ADOPTING AN AMNESTY PERIOD; MANDATING CONTINUED ENFORCEMENT OF LIFE SAFETY REQUIREMENTS OF THE FLORIDA BUILDING CODE; PROVIDING FOR PENALTIES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney, Lynn Dannheisser explained that there are pending violations that have not been pursued and the intent of the resolution will be to assist residents to come into compliance.

### **B. 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.**

Mayor Daniel Dietch explained that the Planning and Zoning Board has sunset and will need to have new members appointed at the Commission meeting.

### **C. Disposition of Surplus Equipment – John DiCenso, Assistant Police Chief**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE DISPOSITION OF SURPLUS EQUIPMENT FROM THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.**

Assistant Police Chief, John DiCenso explained the list of broken and outdated equipment that will be sold.

**D. Insurance Broker Agent of Record – Martin Sherwood, Finance Support Services Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A CONTRACT WITH GEHRING GROUP TO BE THE INSURANCE BROKER FOR ALL OF THE TOWN'S SERVICES RELATED TO EMPLOYEE HEALTH, DISABILITY, LIFE, DENTAL AND OTHER RELATED BENEFITS PROGRAMS; AUTHORIZING AN INITIAL CONTRACT TERM OF NOT MORE THAN TWO AND ONE-QUARTER YEARS, WITH SERVICES TO CONTINUE UNTIL A SUBSEQUENT RFQ FOR THE SAME SERVICES IS ISSUED AND AWARDED; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager, Gary Word explained the bid process that was used to identify and recommend the broker and the reason for selecting an insurance broker of record.

**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.*

**7. Town Manager and Town Attorney Reports**

Mayor Daniel Dietch requested that the Town Manager and Town Attorney provide reports for each agenda.

**A. Town Attorney Report**

Town Attorney, Lynn Dannheisser explained that many items are on-going and explained the current litigation regarding the 9200 Collins hotel approval.

Mayor Daniel Dietch asked Building Official, Paul Gioia to explain the 90<sup>th</sup> Street seawall repair.

**8. Unfinished Business and New Business**

**A. Consideration of Disposal of 9255 Abbott Avenue Property - Gary Word, Town Manager**

Mayor Daniel Dietch expressed his desire to go forward with the sale of the property. Commissioner Edward Kopelman agreed.

**B. Direction on Town Library – Gary Word, Town Manager**

Commissioner Edward Kopelman expressed his support to reopen the Town Library. Mayor Daniel Dietch asked about the remaining dollars in the fund for reimbursement to residents for the cost of use of the Miami-Dade Library.

**9. Mayor, Commission and Staff Communications**

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

Commissioner Marta Olchyk expressed her concern about long term rentals in buildings intended for short term rentals and the number of people occupying one unit. Town Manager, Gary Word explained that it is up to the Town Commission to give direction to the Town Manager on what they would like done if there is proof of this use.

**B. Beach Walk – Commissioner Marta Olchyk**

Commissioner Marta Olchyk expressed interest in the town cleaning up the beach walk area. It was pointed out that the area is the property of Miami Dade County and the Town's current lack of resources.

**C. Surfside Color Guard Participation in Military Funerals – Vice Mayor Joe Graubart**  
Mayor Daniel Dietch expressed concern of the cost of a color guard and asked if police confiscation funds could be used to obtain color guard uniforms.

**D. Short Term Rentals – Vice Mayor Joe Graubart**

Mayor Daniel Dietch expressed the need for a clear policy for short term rentals, the need to know the impact on the town, if it is enforceable and whether the town has the resources.

**E. Sharing Municipal Services - Commissioner Kopelman**

Commissioner Edward Kopelman inquired about Surfside partnering with Bal Harbor and Bay Harbor to share services. Town Manager, Gary Word explained the efforts in the past including the joint library, central police dispatch, building inspection and code enforcement and parks and recreation services. There have been problems due to the differing policies from municipality to municipality.

**F. Broadcasting of Pre-agenda Meetings – Mayor Daniel Dietch**

Mayor Daniel Dietch the purpose behind the agenda meetings and the Commission's team building efforts. Commissioner Michael Karukin spoke in support of broadcasting the agenda meetings. Commissioner Edward Kopelman stated the cost of broadcasting is approximately \$200.

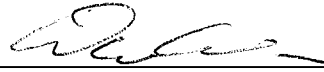
**G. Downtown Revitalization – Mayor Daniel Dietch**

Commissioner Michael Karukin asked about the official status of the Charrette document and it was pointed out that it was never officially endorsed or accepted by the previous Town Commission.

**H. Committee Appointments – Mayor and Town Commission**

**10. Adjournment** The meeting adjourned at 10:10 a.m.

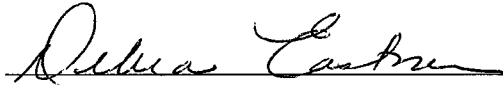
Accepted this 13 day of July, 2010.



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Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk