

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

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

MINUTES

1. Opening

A. Call to Order Mayor Daniel Dietch called the meeting to order at 7 p.m.

B. Roll Call of Members Town Clerk, Debra Eastman called the roll with Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner 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's Remarks – Mayor Daniel Dietch

Commissioner Edward Kopelman read a prepared statement regarding the televising of the agenda meetings. Mayor Daniel Dietch invited residents to participate in the May 16, 2010 celebration of the Town's 75th Anniversary celebration. Vice Mayor Joe Graubart explained the parade route and schedule of activities.

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

There were no additions or deletions.

F. Special Presentations

1. Emergency Preparedness - Assistant Chief John DiCenso

Assistant Police Chief John DiCenso explained the status of the Town's preparedness for a hurricane emergency including the staff training, readiness of the Town Hall, available special equipment and outside contracts currently in place. Mayor Daniel Dietch asked that a section be added to the Town website where volunteers could apply to assist those in need before and after a hurricane.

2. Heather Oppenheimer – Baynanza 2010 Report

Heather Oppenheimer reported on the huge success of the clean up effort. The Town Commission thanked Ms. Oppenheimer for her service.

G. Community Notes – Mayor Daniel Dietch

Commissioner Michael Karukin encouraged all to attend the concert by the Miami Beach rock band.

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

Chris Giordano reported on the test piles, contract negotiations with AECOM and permitting process. Commissioner Olchyk questioned the permitting process. Vice Mayor Joe Graubart expressed concern regarding charges made to the Town.

2. Quasi-Judicial Hearings There were none.

3. Consent Agenda

- A. Minutes – Town Commission Workshop, April 6, 2010
Town Commission Agenda Review Meeting, April 12, 2010
Town Commission Regular Meeting, April 13, 2010
- B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services
Department Head
- C. Projects Progress Report – Calvin, Giordano & Associates, Inc.

A motion was made by Commissioner Edward Kopelman to approve the items on the consent agenda. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

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.]

Town Clerk, Debra Eastman read the title of the ordinance. A motion was made by Commissioner Michael Karukin to adopt the ordinance on second reading. The motion received a second from Commissioner Edward Kopelman. Mayor Daniel Dietch opened the public hearing. Mr. Irving stated concern regarding parking. Mr. George spoke in opposition. Town Attorney, Lynn Dannheisser corrected a Scribner’s error on the 4th line of permitted

fences section. The motion was amended to include the correction. Town Clerk, Debra Eastman called the roll and all were in favor.

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.]

Town Clerk, Debra Eastman read the title of the ordinance. Town Attorney, Lynn Dannheisser explained that the old Code did not require notice be given for a site plan approval and that this will add that requirement. A motion to adopt the ordinance on second reading was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch opened the public hearing. Amy Huber of Shubin and Bass spoke on behalf of Elizabeth Bankes and indicated that the Town should go back and issue notice for the 9200 Collins Avenue hotel. Colin Hendrick spoke in favor of noticing. Town Clerk, Debra Eastman called the roll and all were in favor.

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.]

Town Clerk, Debra Eastman read the title of the ordinance. Town Planner, Sarah Sinatra explained that many changes have been made to this ordinance necessitating that it come before the Town Commission again for first reading. Commissioner Edward Kopelman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Marta Olchyk.

Vice Mayor Joe Graubart spoke in opposition. Mayor Daniel Dietch asked if a cross referencing between the zoning and landscape codes could be accomplished by second reading.

Elaina Ramirez asked if this impacted the business district. Barbara McLaughlin asked if this would apply to the Young Israel application. Richard Iacobacci asked for the Town Planner to highlight the area on the visual. Town Clerk, Debra Eastman called the roll and the motion passed 3-2 with Commissioner Michael Karukin and Vice Mayor Joe Graubart voting 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.]

Town Clerk, Debra Eastman read the title of the ordinance. A motion to was made by Commissioner Edward Kopelman to introduce the ordinance on first reading. The motion received a second from Vice Mayor Joe Graubart. Amy Huber of Shubin and Bass spoke on behalf of Paul and Denise Novack and asked that the Town dismiss the violation against them. Town Attorney, Lynn Dannheisser explained that the town has not prosecuted the violation and that it is pending with no action and that the issue is being resolved. Town Clerk, Debra Eastman called the roll and the motion passed with all in favor.

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 Clerk, Debra Eastman read the title of the ordinance. Mayor Daniel Dietch passed the gavel to Vice Mayor Joe Graubart. Vice Mayor Joe Graubart passed the gavel to Commissioner Marta Olchyk. A motion to introduce the ordinance on first reading was made by Commissioner Edward Kopelman. The motion received a second from Mayor Daniel Dietch. Mr. Weintraub spoke in favor. Barbara McLaughlin asked about the meaning of the ordinance. Stanley Price of Bilzen, Sumberg as about the enforcement of the ordinance, spoke of the application fees paid by his client and current plans that are part of the public record. Co-president of Young Israel spoke in favor. Town Clerk, Debra Eastman called the roll and the motion failed with Commissioner Michael Karukin, Vice Mayor Joe Graubart and Mayor Daniel Dietch voting in opposition.

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 Clerk, Debra Eastman read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Vice Mayor Joe Graubart. Mayor Daniel Dietch suggested that the Town Commission may want to revisit the Code to determine what changes they may to enact. Town Clerk, Debra Eastman called the roll and all were in favor.

Vice Mayor Joe Graubart asked to have a point of personal privilege. Mayor Daniel Dietch asked about the subject and ruled that he would allow the point of personal privilege after the report of the Town Attorney.

- 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.

Town Clerk, Debra Eastman read the title of the resolution. The Town Commission offered the following appointments:

Commissioner Michael Karukin – Scarlet Tenen
Commissioner Marta Olchyk – Armando Castellanos
Commissioner Edward Kopelman – Sheldon Lisbon
Vice Mayor Joe Graubart – offered no appointment
Mayor Daniel Dietch – Peter Glynn

Mayor Daniel Dietch suggested that the two architect members of the Design Review Board be Elizabeth Ogden and Jorge Gutierrez.

Commissioner Edward Kopelman made a motion to ratify the above appointments. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

- 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.

Town Clerk, Debra Eastman read the title of the resolution. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Vice Mayor Joe Graubart. Mayor Daniel Dietch called for the vote and all were in favor.

- 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 Clerk, Debra Eastman read the title of the resolution. Town Manager, Gary Word explained the bid process used to conclude this recommendation and that Stan Bershad would also be an acceptable choice. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Michael Karukin.

Anamaria Studley of the Ghering Group spoke of their product and the benefits of selecting their services. Stan Bershad spoke of his company and his proven record and the price savings. Town Clerk, Debra Eastman called the roll and the motion unanimously failed.

Commissioner Edward Kopelman made a motion to adopt the resolution with the services provided by Stan Bershad. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch called for the vote and 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.

Dawn Cray spoke in opposition to the previously approved hotel.

Steve Banks spoke about appropriate development for Surfside and possible branding.

Loren Rome spoke in opposition to the hotel.

Peter Neville spoke about the destruction of the previous Community Center.

Mandy Samatos spoke in favor of the hotel.

Edwardo Yero spoke in favor of having received notice for the proposed hotel.

Tanya Martino spoke in opposition to the hotel.

Richard Iacobacci spoke in favor of the hotel and informed of the many hearings that have been held.

Fred Caroso spoke in favor of the hotel.

Sylvia Coltrain spoke about the hotel and that she has an approved project that meets the Town Code.

Ms. Kelly spoke in opposition to the hotel.

Edward Kopelman made a motion to extend the meeting to completion of the agenda. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

7. Town Manager and Town Attorney Reports

Gary Word, Town Manager gave a verbal report including the installation of planters in the downtown area. He announced he will be out of the office at a meeting on Thursday and Friday. He reminded of the 75th Anniversary celebration on May 16 and that the utility lines are being installed in Bal Harbor at the new St. Regis building which will back up traffic into Surfside.

A. Town Attorney Report

Town Attorney, Lynn Dannheisser summarized her written report.

Vice Mayor Joe Graubart was given a point of personal privilege where he read a prepared statement calling for the resignation of the Town Attorney. Commissioner Edward Kopelman made a motion to reappoint the Town Attorney. Mayor Daniel Dietch moved to amend the motion to a vote of confidence in the Town Attorney and the Town Attorney's Office. The motion received a second from Commissioner Marta Olchyk. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

Police Chief David Allen reported on 96th Street park activity and what the Police are doing to be proactive.

8. Unfinished Business and New Business

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

Town Manager, Gary Word explained several suggested options for the use and/or disposal of the property and his recommendation for the sale of the property. Commissioner Edward Kopelman made a motion to direct the Town Manager to move forward with the RFP for the sale of the property as is. The motion received a second from Vice Mayor Joe Graubart. Commissioner Edward Kopelman withdrew his motion. Vice Mayor Joe Graubart made a motion to go forward with the staff recommendation. The motion received a second from Commissioner Edward Kopelman. Mayor Daniel Dietch called for the vote and all were in favor.

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

Vice Mayor Joe Graubart suggested that the Town Library be opened on a temporary basis on Monday, Wednesday and Friday from 10 a.m. to 4 p.m. from Memorial Day through Labor Day as a summer program. Town Manager, Gary Word stated he would gather information and bring it back to the Town Commission. Commissioner Edward Kopelman volunteered that he and his wife will donate \$1,000 toward the cost of the program. Commissioner Michael Karukin requested that the program include gathering information on actual utilization.

Commissioner Edward Kopelman made a motion to defer the remaining agenda items to the June meeting with the exception of the item 9F. The motion received a second from Vice Mayor Joe Graubart. Mayor Daniel Dietch called for the vote and all were in favor.

9. Mayor, Commission and Staff Communications

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

B. Beach Walk – Commissioner Marta Olchyk Deferred

**C. Surfside Color Guard Participation in Military Funerals – Vice Mayor Joe Graubart
Deferred**

D. Short Term Rentals – Vice Mayor Joe Graubart Deferred

E. Sharing Municipal Services - Commissioner Kopelman Deferred

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

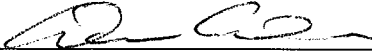
Vice Mayor Joe Graubart made a motion to televise future agenda meetings. The motion received a second from Commissioner Edward Kopelman. Mayor Daniel Dietch called for the vote and all were in favor.

G. Downtown Revitalization – Mayor Daniel Dietch Deferred

H. Committee Appointments – Mayor and Town Commission Deferred

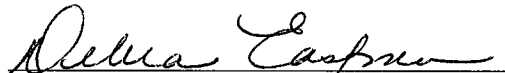
10. Adjournment The meeting adjourned at 12:10 a.m.

Accepted this 13 day of July, 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk