



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

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

**MINUTES – Agenda workshop on June 7, 2010**

**1. Opening**

**A. Call to Order**

Mayor Daniel Dietch called the meeting to order at 8:30 a.m.

**Roll Call of Members**

Mayor Daniel Dietch, Vice Mayor Joe Graubart, Commissioners Edward Kopelman, Michael Karukin, and Marta Olchyk were in attendance.

**B. Pledge of Allegiance**

**C. Mayor and Commission Remarks – Mayor Daniel Dietch**

Mayor Daniel Dietch thanked the Commission for participating in the previous working session to work on their vision to give clear policy.

**D. Agenda and Order of Business – No discussion.**

**E. Special Presentations – No discussion.**

**1. Miami Beach Senior High School Exemplary Student Recognition, Alexander Rennert**

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

**3. The Honorable County Commissioner, Sally A. Heyman**

Mayor Daniel Dietch explained that this is an opportunity for the Town to strengthen the bond between the county and Town initiatives.

**4. Census Update, Barbara Cohen**

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

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

Mayor Daniel Dietch explained that he received a letter from a resident high-school student regarding sanitation projects in Haiti. He would like the Town to be a conduit for the collection of material resources. Commissioner Marta Olchyk explained that the Town donated \$7,500 to Haiti. Mayor Dietch reiterated that the Town will not give monies.

**H. Community Center Update**– Calvin, Giordano & Associates, Inc.  
Mayor Daniel Dietch explained we do not have the permit and what are the future plans to get the project completed.

2. **Quasi-Judicial Hearings** – No Discussion.

3. **Consent Agenda** – No discussion.

*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.

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 “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 Karukin asked if the ordinance went back to P&Z after first reading. Sarah explained that it did not go to P&Z. Commissioner Kopelman asked about the landscaping in the business district. Town Attorney Lynn Dannheisser explained the process of this ordinance to Commissioner Karukin.

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 Attorney Lynn Dannheisser explained there are 60-80 properties that are noncompliant. Town Attorney Lynn Dannheisser, Building Official Paul Gioia and Town Manager Gary Word have been working with FEMA. The result of their efforts is this resolution that will sunset violations that were issued more than five years ago. Mayor Daniel Dietch asked if this resolution will give a positive rating with flood insurance. Town Attorney Lynn Dannheisser explained that a good rating will continue with proper record keeping. Vice Mayor Joe Graubart suggested asking FEMA for the traditional flood insurance discount based upon the Town's claim history.

**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]**

Town Attorney Lynn Dannheisser explained that on May 13, 2008 the Town adopted a rewrite of certain portions of the code. The changes that were made are listed in Exhibit A. The Charette indicated that the Town wanted a form based code. A rewrite was based on a modified form based code. The labeling of the districts are different. The requirements, height, density, and intensity were not changed for the districts. Categories were labeled differently.

A lawsuit ensued for defective notice of the zoning code rewrite.

Upon extensive research, a lack of statutory notice was found after second reading. It was concluded that what was most effective in handling the litigation was to acknowledge the lack of notice and readopt the zoning code properly.

The one application that would have to be reheard with this readoption is the hotel application, which is a site plan approval that did not yet vest. The application will be reheard under new requirements. We now have to give notice on site plan approvals. Lynn Dannheisser asked to readopt the code to moot out the lawsuit and save time and attorneys fees. Mayor Daniel Dietch asked if the readoption of the zoning code conflicts with the Charter Amendment of 2004. Town Planner Sarah Sinatra explained the charter amendment. Height would not change.

Density and intensity, regulated by the Comprehensive Plan has not changed since 1996. Vice Mayor Joe Graubart asked Lynn to confirm that the readoption of the

code will not be in violation of the Charter Amendment. Town Attorney Lynn Dannheisser explained that no provision has increased height density or intensity. Only the names of the districts have changed. Commissioner Karukin asked when the hotel would be heard again. He asked if the readoption of the code would change development density. Sarah Sinatra stated no changes would be made to density. Mayor Daniel Dietch asked if there are density allocations in the code. Sarah Sinatra explained it is part of the Comprehensive Plan. There is height in both the code and the comprehensive plan. Vice Mayor Joe Graubart asked that if there is a change in parking requirements, does that decrease or increase the amount of hotel rooms? Sarah Sinatra explained that the number of spaces changes the number of units permitted.

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]**

Mayor Daniel Dietch explained that the franchise agreement expires at the end of the fiscal year. Mayor explained the franchise agreement and how it benefits residents.

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.]**

Lynn explained that the ordinance enables the downtown district to comply with parking requirements in an alternate way. This would formalize a way for businesses to comply, with a parking trust fund for a garage facility and will elevate the parking situation downtown. Mayor Daniel Dietch asked the value of a parking space. Town Manager Gary Word explained that it is \$25,000 per space. Sarah Sinatra explained that a capital improvement is needed for the budget. Mayor Daniel Dietch explained that impact fees should be a workshop.

## 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.**

Vice Mayor Joe Graubart asked if the appointee would require approval from the Commission. Mayor Daniel Dietch recommended the appointee be a landscape architect, an engineer, or a construction professional.

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.**

Town Manager Gary Word explained the ordinance. The total cost of the grant is \$139,000. Mayor Daniel Dietch asked why it would come out of reserves instead of capital improvements. Finance Director Martin Sherwood explained why was taken from reserves and not the capital improvement program. Vice Mayor Joe Graubart asked if the engineering went to bid. Public Works Director Fernando Rodriguez explained that the engineering is done by CGA. Commissioner Marta Olchyk asked if we can bid. Vice Mayor asked if the company should post a bond. Fernando Rodriguez explained that there are bonding requirements.

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 the ordinance. There are 171 delinquent accounts for garbage with \$220,000.00 total. She researched firms to get the best deal. Attorney Richard Sarafin charges a \$500/month retainer and will collect back fees from what is recovered. He has a good recovery rate because he goes after those liens were foreclosures have been filed. He will not file unless foreclosure. Commissioner Marta Olychk asked if we would have a cap on how much to spend and if there could be a bid process. Mayor Daniel Dietch asked for a cost benefit analysis.

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 budget amendment. Finance Director Martin Sherwood explained the increases and decreases in expenditures of the budget amendment. The Commission asked specific questions of line items.


6. **Good and Welfare** – No discussion.  
*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**
  - A. Town Manager Report – No discussion.
  - B. Town Attorney Report –  
Commissioner Karukin asked what the HR policy was on the arrest of employees.  
Commissioner Kopelman asked about the Dina Agin case.
  - C. Schedule R. Meyers, Executive Director, Commission On Ethics for lecture on Sunshine Public Records and Records – No discussion.
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  
Town Manager Gary Word explained the short term rental situation is challenging to control. An upgrade in code enforcement is necessary. Do not have staff resources.  
Vice Mayor Joe Graubart explained how it is done in Miami Beach. Commissioner Marta Olychk asked what can be done if we have information on short term rentals.  
Gary Word explained that evidence is needed to prosecute.
  - B. Beach Walk – Commissioner Marta Olchyk – No discussion.
  - C. Surfside Color Guard Participation in Military Funerals – Vice Mayor Joe Graubart – No Discussion.
  - D. Short Term Rentals – Vice Mayor Joe Graubart  
Vice Mayor Joe Graubart explained that an ordinance is needed. The Town should not allow short term rentals and should be included in condo docs. Resort tax should be collected on short term rentals. Lynn Dannheisser suggested drafting an ordinance to collect taxes.
  - E. Sharing Municipal Services - Commissioner Kopelman – No discussion.

- F. Downtown Revitalization – Mayor Daniel Dietch – No discussion.
- G. Committee Appointments – Mayor and Town Commission  
Commissioner Karukin asked the requirements of committee appointments. Lynn Dannheisser explained there has to be financial disclosure.
- H. FEMA – Code Enforcement – Vice Mayor Joe Graubart  
Mayor Daniel Dietch needs specifics on Novack’s reimbursement. Commissioner Kopelman asked what the liability is for the Town if this is repudiated and is their intention to pursue financial restitution.
- I. Website Adhoc Committee - Mayor Daniel Dietch  
Mayor Daniel Dietch encouraged the Commission to identify citizens that would like to volunteer their services to better the Town’s website.
- J. Code Enforcement Committee – Mayor Daniel Dietch – no discussion  
The Town Manager requested to add an item to the agenda regarding the Community Center. To ensure the Community Center will be designed according to the contract with the architect, he suggested re-negotiating. Vice Mayor Graubart stated the scope of the project has dramatically changed.

**10. Adjournment -**

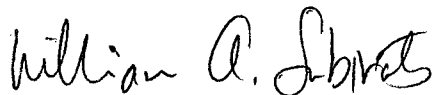
The meeting adjourned at 11:10 a.m.

Accepted this 13 day of July, 2010.



Daniel Dietch, Mayor

Attest:



Lilliane A. Subirats

Building Clerk