



**Town of Surfside
Town Commission Meeting
August 10, 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 7:10 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** Chief David Allen led the Pledge of Allegiance.
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
Commissioner Marta Olchyk asked that everyone consider the time and when speaking and not repeat points, if possible.
- E. Agenda and Order of Business (Additions, Deletions)**
Vice Mayor Joe Graubart made a motion to move item 9C to follow 4A1.
The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.
Mayor Daniel Dietch requested that item 8A be moved to section IH. Vice Mayor Joe Graubart made a motion to move item 8A to section IH. The motion received a second from Commissioner Edward Kopelman. Mayor Dietch called for the vote and all were in favor.
Commissioner Marta Olchyk made a motion to move item 9B to 1I. The motion received a second from Commissioner Michael Karukin. Mayor Dietch called for the vote and all were in favor.
Mayor Daniel Dietch requested to pull the item regarding the Town Manager search and replace it with an item entitled Appointment of Interim Town Manager.
Commissioner Kopelman made a motion to pull the item and replace it. The motion received a second from Commissioner Michael Karukin. Mayor Dietch called for the vote and all were in favor.
- F. Community Notes** – Mayor Daniel Dietch
Mayor Daniel Dietch reminded everyone of the hurricane preparedness class the details of which is on the website and of the upcoming foreclosure prevention clinic. Mayor Daniel Dietch pointed out the need for a volunteer to coordinate the Baynanza

event this year. Commissioner Michael Karukin encouraged participation in the Surfside Spice event now being held.

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

Chris Giordano of CGA gave an update on the progress of the community center. Commissioner Marta Olchyk expressed her displeasure with the pace of the progress. Vice Mayor Joe Graubart asked for information regarding penalties for project delays. He requested that billing detail be placed in the monthly agenda packets for the Town Commission.

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 – July 7, 2010 Special Commission Meeting

Town Clerk, Debra Eastman explained that the error on the draft minutes has been corrected and posted to the website.

July 12, 2010 Commission Agenda Meeting

July 13, 2010 Commission Meeting

July 15, 2010 Water/Sewer Rate Study Workshop

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

C. Projects Progress Report – Calvin, Giordano & Associates, Inc.

D. Insurance Broker of Record Revised Resolution – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CORRECTING RESOLUTION 10-1939 APPROVING A CONTRACT WITH STANTON M. BERSHAD, CLU 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 TO COMMENCE OCTOBER 1, 2010; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Edward Kopelman to adopt 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. 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]

Mayor Daniel Dietch gave an opening statement regarding the process so far and his support for the adoption of this ordinance. A motion was made by Commissioner Edward Kopelman to discuss the ordinance. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and it passed 4-1 with Vice Mayor Graubart voting in opposition.

Litsa Kyrellis spoke of upzoning and was opposed to an out of scale hotel and minimized parking spaces.

Dorie Lurie opined that the Planning and Zoning Board was not adequately informed on this issue and did not take adequate time in forming their recommendation.

Robert Toth spoke in opposition to having public and private schools in town that would not be taxed.

Cecilia Ward spoke in favor of adopting the ordinance.

Orestes Jimenez spoke of the intent of the Town Charter.

George Romani spoke in opposition to the ordinance and called for a referendum.

Alan Gorme spoke in opposition to having public and private schools in town that would not be taxed.

Silvia Coltrane spoke in favor of the hotel and the benefits it will bring to the Town.

Peter Neville spoke of a letter that was sent to the Florida Dept of Community Affairs in 2008 regarding the zoning code and provided a copy to the Town Clerk.

Eli Tourgeman spoke in favor of adopting the ordinance.

Randi MacBride spoke of the charter referendum in 2004, definitions of density and intensity and asked for a review of older documents.

Galen Bakken spoke in opposition to the adoption of the ordinance.

Neisen Kasdin spoke in favor of adoption of the ordinance.

Shelley Eichner, Calvin, Giordano and Associates spoke about floor area ratio, explained the comprehensive plan and zoning code allowances and explained the role of the Evaluation and Appraisal Report.

Commissioner Marta Olchyk asked questions about setbacks for the proposed hotel, minimum lot area.

Manty Sabates indicated that the school issue is federal and not a town issue.

Richard Iacobacci spoke in favor of the adoption of the ordinance.

Commissioner Edward Kopelman made a motion to adopt the ordinance to readopt the 2008 zoning code and subsequent ordinances and to remove hotels as a permitted use from the H30C zone. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

2. Red Light Traffic Control Signals – Chief David Allen

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 “TRAFFIC AND VEHICLES”, CREATING ARTICLE III “DANGEROUS INTERSECTION SAFETY”; SECTION 74 PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SAVINGS, RATIFICATION AND RESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance allows for the establishment of red-light traffic monitoring within the Town as permitted by Florida Statutes.]

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

In response to Commissioner concerns, Mr. Al Boucher of American Traffic Solutions explained that there is a cost neutrality clause for the term of the contract and that the Town will never owe ATS.

Elaina Ramirez spoke in opposition to the ordinance.

Peter Neville spoke in opposition to the ordinance.

Jeff Burros spoke in opposition.

Commissioner Edward Kopelman made a motion to adopt the ordinance. The motion received a second from Vice Mayor Joe Graubart.

Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Commissioner Michael Karukin voting in opposition.

3. Re-naming of Facilities – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 75 “NAMING, RENAMING, AND CO-DESIGNATION OF TOWN FACILITIES, ROADS OR PROPERTY” TO DELETE THE REQUIREMENT THAT MUNICIPAL ROADS, FACILITIES OR PROPERTIES MUST BE NAMED POSTHUMOUSLY; PROVIDING FOR SEVERABILITY;

PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance deletes the requirement that municipal roads, facilities or properties be named only posthumously.]

The Town Clerk read the title of the ordinance. Vice Mayor Joe Graubart made a motion to adopt the ordinance. The motion received a second from Commissioner Marta Olchyk. Commissioner Edward Kopelman spoke in opposition. Commissioner Michael Karukin suggested alternative naming. Mayor Daniel Dietch spoke in favor.

Barbara McLaughlin suggested naming things in town for famous authors. Vice Mayor Joe Graubart withdrew his motion. Mayor Daniel Dietch asked for another motion, hearing none, no further action was taken.

B. First Readings (Public Hearings on Ordinances)

1. Elimination of requirement for licensed architect – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90-15 (b) ELIMINATING THE REQUIREMENTS FOR A LICENSED ARCHITECT TO SERVE ON THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the ordinance. Commissioner Michael Karukin made motion to introduce the ordinance on first reading. The motion received a second by Commissioner Edward Kopelman.

Mayor Daniel Dietch requested that the ordinance include other professions rather than eliminating the licensed architect. He would like to include licensed general contractors, professional planners, and landscape architects. The Town Clerk called the roll and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

2. Proposed Water and Sewer Utility Rate Adjustment – Martin Sherwood, Finance Support Services Department Head

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 78 “UTILITIES” INCLUDING ESTABLISHING AMONG OTHER THINGS NEW SERVICE CHARGES WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2010-2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the ordinance. Commissioner Edward Kopelman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Michael Karukin.

Martin Sherwood, Director of Finance, explained the need for the rate adjustment. Brian Jewett, TischlerBise, Town vendor gave a presentation on the company’s recommendation. Mayor Daniel Dietch pointed out that the Commission

expressed at the workshop a preference not to bill monthly until the meter readers are installed and the office staff hours are restored.

Herbert Parker spoke in opposition to the increase in fees.

Sasha Plutno spoke in opposition to the bond.

Alina Ramirez spoke in opposition to the rate structure.

Peter Neville spoke in favor of replacing the pipes.

Litsa Kyrellis asked about the tiered charges and cost components.

Barbara Cohen asked if there was any federal money to offset the cost.

Mayor Daniel Dietch called for the vote. The Town Clerk called the roll and all were in favor.

5. Resolutions and Proclamations

A. Referendum for Amendment to Town Charter – Gary Word, Town Manager and Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR AMENDMENT OF THE TOWN CHARTER TO DELETE SECTION 31.1, “PERSONNEL APPEALS BOARD”; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF ENABLING RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Town Manager, Gary Word explained the resolution. A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and all were in favor.

B. Red Light Camera Contract – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT PIGGYBACKING OFF A COMPETITELY BID CONTRACT BY AND BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE TOWN OF SURFSIDE ATTACHED AS EXHIBIT “A” AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Marta Olchyk. The Town Clerk called the roll and the motion passed 4-1 with Commissioner Michael Karukin voting in opposition.

6. Good and Welfare

Jason Fisher representing two websites spoke in favor of free speech and informed the Town Commission of a pending letter regarding the same.

Frank MacBride spoke of code violations and encouraged painting of the curb at the tot lot.

Barbara McLaughlin asked about having FPL trim trees on Harding.

Jessie Flack spoke about boats on lawns and the need for tying them down.

Peter Neville suggested a solar water heating system at the new Community Center.

George Romani spoke in favor of having the zoning code adopted by referendum.

Herbert Parker spoke in favor of tree trimming.

Dorie Lurie asked about campaign promises and asked questions regarding the Town Attorney and the Town Attorney Budget.

Mayor Daniel Dietch clarified his prior statement that the previous Town Commission did have good governance and that they were advocates and champions of good governance.

Town Attorney, Lynn Dannheisser responded regarding the Office of Town Attorney duties, budget and responsibilities.

7. Town Manager and Town Attorney Reports

Town Manager, Gary Word gave a verbal report on the budget workshops, progress of the Community Center construction, town record reorganization, summer camp, hanging planters in downtown and parking lot construction.

Town Attorney, Lynn Dannheisser spoke of her contact with a neighboring community regarding utility lien recovery.

Petition Received by Town Clerk 7-19-2010 – Debra Eastman, Town Clerk

Town Clerk, Debra Eastman read a letter into the record indicating to the Town Commission that a petition received for the repeal of Ordinance 1491 and Resolution 10-Z-01 is deemed by her, per Town Charter, entirely invalid and does not meet the criteria set forth in the Town Charter.

8. Unfinished Business and New Business

A. Committee appointments – appointments and ratification of appointments

Commissioner Michael Karukin appointed Niza Motola to the Personnel Appeals Board and Barbara McLaughlin to the Code Enforcement Ad Hoc Committee.

Mayor Daniel Dietch appointed Barbara Cohen to the Tourist Bureau.

Commissioner Marta Olchyk appointed Norma Rojas to the Website Ad Hoc Committee and Mitchell Kinzer to the Code Enforcement Ad Hoc Committee.

A motion to ratify the appointments was made by Commissioner Edward Kopelman. The motion received a second from Vice Mayor Joe Graubart. Mayor Daniel Dietch called for the vote and all were in favor.

B. ~~Town Manager Search Process~~ Appointment of Interim Town Manager

Mayor Daniel Dietch reviewed the resume of Roger Carlton and recommended that he be hired for the position of Interim Town Manager. Commissioner Edward Kopelman made a motion to hire Roger Carlton as the Interim Town Manager subject to negotiations and comparable terms as the current Town Manager. The motion received a

second from Commissioner Michael Karukin. Commissioner Marta Olchyk expressed concern with funding an overlap in positions between the current and interim Town Managers. Mayor Daniel Dietch volunteered to come back with a plan to hire Roger Carlton on an interim basis with a letter of intent and duly noted Commissioner Olchyk's request of not more than two weeks overlap. The Town Clerk called the roll and all were in favor.

C. Report of Town Manager re: life rings on beach

Town Manager, Gary Word explained the process of installing life rings, the estimated cost and the associated liability. Vice Mayor Joe Graubart suggested contacting Miami Dade Commissioner Sally Heyman to see if there is any funding for this project. At the suggestion of Commissioner Edward Kopelman the item was deferred until the Town Manager can contact Commissioner Heyman's office.

D. Discussion of 9450 Collins Parking Lot

Shelley Eichner, Town Planner stated the lot needs to be rezoned to a suitable category and she will bring this back to the next meeting.

E. Construction RFP Landscaping

Shelley Eichner, Town Planner acknowledged that she will address this as well.

9. Mayor, Commission and Staff Communications

A. Commission Meeting Recordings on Loan To Public – Vice Mayor Joe Graubart
Vice Mayor Joe Graubart made a motion to have 3 DVDs of the Town Commission meetings at the front desk on loan for the public. The motion received a second from Commissioner Edward Kopelman. Mayor Daniel Dietch called for the vote and all were in favor.

B. Education Committee – Commissioner Marta Olchyk

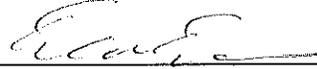
Commissioner Marta Olchyk suggested reinstating the Education Committee. As a previous member she spoke of the value to the community and school system. Vice Mayor Joe Graubart suggested that each Commissioner serve as a liaison to schools and volunteered for Nautilus or Beach High. Mayor Daniel Dietch volunteered to be the liaison to Bay Harbor. Vice Mayor Joe Graubart volunteered to have the school PTA presidents contact the Town Commission. Commissioner Marta Olchyk was in agreement.

C. Zoning Code Referendum – Vice Mayor Joe Graubart

At the request of Vice Mayor Joe Graubart, Town Clerk, Debra Eastman read the item into the record. Vice Mayor Joe Graubart made a motion to hold a referendum for the adoption of the zoning code and to direct the Town Attorney to prepare the language. The motion did not receive a second.

10. Adjournment The meeting adjourned at 12:15 a.m.

Accepted this 14 day of Sept., 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk