



**Town of Surfside
Town Commission Meeting
September 14, 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 7:05 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

Mayor Daniel Dietch read a prepared statement encouraging residents to be patient, become involved and work toward developing solutions to the problems.

Commissioner Marta Olchyk spoke of her disappointment with the lack of accomplishment by the Town.

Commissioner Edward Kopelman read a statement regarding the recently filed petition.

Vice Mayor Joe Graubart disagreed with Commissioner Kopelman and spoke in support of the petition effort.

Commissioner Michael Karukin spoke regarding the petition, it's potential impact on the town, staff and residents and the consequences and possible outcome.

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

Town Attorney, Lynn Dannheisser requested that four items be added to the agenda.

Commissioner Edward Kopelman made a motion to adopt the agenda as amended.

The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Daniel Dietch reminded all of the Miami Dade County, Dream in Green, home energy savings workshops being held throughout the County. Vice Mayor Joe Graubart reported on meetings with Miami Beach Elementary School and Nautilus Middle School on the Town's desire to support educational needs and recognize exemplary achievement or service.

G. Special Presentation – Certificate of Appreciation, Commissioner Michael Karukin

Commissioner

Commissioner Michael Karukin presented a Certificate of Appreciation to Town employee, Hector Perez and thanked him for going above and beyond by providing food, water and caffeine.

- H. Special Presentation-** Janet Mondshein, Director, Mothers Against Drunk Driving, Chief David Allen
Police Chief, David Allen introduced Janet Mondshein, Director of Mothers Against Drunk Driving who gave information regarding the Moonlight Madness event that will take place on Friday, Oct 15, 2010.

- I. Community Center Update-** Calvin, Giordano & Associates, Inc.
Chris Giordano reported the daily work schedule for the building of the Community Center. Vice Mayor Joe Graubart requested that Mr. Giordano provide the Town Commission with a report showing detailed daily invoices and/or billing statements, not just a total.

- J. Annual Audit Report** – Fiscal Year ended September 30, 2009, - Martin Sherwood, Finance Support Services Department Head
Martin Sherwood, Finance Director introduced the Audit Manager of Marcum Rachlin and explained that the audit report must be filed at a public meeting. The Commission requested that auditor provide information to them on the differences between a forensic audit, a performance audit and a financial audit. A motion to accept the audit report was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

2. Quasi-Judicial Hearings None

3. Consent Agenda

- A. Minutes** – July 20, 2010 Town Commission First Budget Workshop
August 9, 2010 Town Commission Second Budget Workshop
August 10, 2010 Town Commission Meeting
- B. Monthly Budget to Actual Summary** - Martin Sherwood, Finance Support Services Department Head
A motion to adopt the consent agenda was made by Commissioner Michael Karukin. The motion received a second from Commissioner Edward Kopelman. Mayor Daniel Dietch called for the vote and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

- 1. Amending Planning and Zoning Membership Requirement** – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF

SURFSIDE, FLORIDA AMENDING CHAPTER 90-15 (b) (1) ONE OF THE BOARD MEMBERS MUST BE A FLORIDA-LICENSED ARCHITECT OR A FLORIDA-LICENSED GENERAL CONTRACTOR OR A CERTIFIED PLANNER OR A FLORIDA-LICENSED LANDSCAPE 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.

Town Clerk Debra Eastman read the title of the ordinance. A motion to adopt the ordinance on second reading was made by Commissioner Michael Karukin. The motion received second from Commissioner Edward Kopelman. There being no public comments or further discussion, the Town Clerk called the roll and all were in favor.

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.

Town Clerk Debra Eastman read the title of the ordinance. Finance Director, Martin Sherwood explained the purpose of the ordinance. Brian Jewett represent TischlerBise provided a presentation. A motion to adopt the ordinance on second reading was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch opened the public hearing. David Steinfeld asked about the rate increase and the proposed penalty for higher use. Alan Gorme advised separate meters for irrigation. Lou Cohen spoke about inequities for the condominium buildings and it was explained that this had been taken into consideration. Mark Blumstein spoke in opposition to having a higher cost tier for excess usage. Jeff Burros suggested a bill calculator be added to the town website.

Town Manager, Gary Word explained that financing options will come back to the Town Commission at a later date. Town Clerk Debra Eastman called the roll and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

B. First Readings (Public Hearings on Ordinances)

1. Regulated Uses – Lynn Dannheisser, Town Attorney and Karen Friedman and Shelley Eichner, Calvin, Giordano and Associates

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW PARKING AS A USE WHEN SUBORDINATE TO A MAIN USE IN ALL DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS

OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Town Planner, Karen Friedman explained the purpose of the ordinance is to clarify and to move parking from the accessory table to the regulated uses table. Commissioner Michael Karukin made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Mart Olchyk. Town Clerk Debra Eastman called the roll and all were in favor.

**2. Off Street Parking Design Standards – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

Town Clerk Debra Eastman 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. Town Planner, Karen Friedman explained this is a clarifying ordinance and does not change the methods of review. Town Clerk Debra Eastman called the vote and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

3. Update Capital Improvements Element – Shelley Eichner, Calvin, Giordano & Associates

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Commissioner Michael Karukin made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Edward Kopelman. Town Planner, Shelley Eichner explained the State requirement for the annual review of the CIE. Town Clerk Debra Eastman called the roll and all were in favor.

5. Resolutions and Proclamations

A. City of Miami 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 CITY OF MIAMI, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.

The Town Clerk read the title of the resolution. A motion to adopt the ordinance 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. Proposed Storm water Rate Adjustment – Martin Sherwood, Finance Support Services Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE RATE PER EQUIVALENT RESIDENTIAL UNIT (ERU) TO BE USED IN CALCULATING STORMWATER UTILITY RATES; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of 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.

C. Town Manager Settlement Agreement

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A SEVERANCE AGREEMENT BETWEEN TOWN MANAGER GARY L. WORD AND THE TOWN OF SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. A motion was made by Commissioner Edward Kopelman to adopt the resolution. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and all were in favor. Mayor Daniel Dietch thanked Mr. Word for his service.

D. Interim Town Manager Agreement

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EMPLOYMENT LETTER BETWEEN INTERIM TOWN MANAGER ROGER M. CARLTON AND THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Clerk read the title of the resolution. A motion was made by Commissioner Edward Kopelman to adopt the resolution. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and the motion was adopted 4-1 with Vice Mayor Joe Graubart voting in opposition.

E. Retainer Agreement

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING A RETAINER AGREEMENT WITH THE LAW OFFICE OF BENEDICT P. KUEHNE, P.A. TO REPRESENT THE TOWN OF SURFSIDE IN CONNECTION WITH THE LEGAL SUFFICIENCY OF THE PETITION FOR REFERENDUM REGARDING THE ORDINANCE 10-1558 AND RELATED ISSUES; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Commissioner Marta

Olchyk asked about being able to hold off. It was explained that the Town Attorney, Lynn Dannheisser is in the processing of reviewing the issues at this time. Mayor Daniel Dietch asked for a weekly report of the legal fees. Town Attorney, Lynn Dannheisser estimated she would be able to report back to the Town Commission in two to three weeks. Silvia Coltrane asked a question regarding the signatures on the petition. The Town Clerk called the roll and all were in favor.

6. Good and Welfare

Barbara McLaughlin cautioned about the certification of signatures.

Charles Burkett urged reversing of Town Code and tightening of the belt.

Alan Gorme spoke about costs and cautioned about non-taxpaying schools coming to the area.

Lou Cohen spoke regarding a Herald article and asked the Vice Mayor to broaden his allegiance to the people who did not vote for him.

Dorie Lurie spoke about hiring a new Town Manager without advertising, police budget, administrative perks and pensions and the recent petition.

Jackie Ivory spoke in favor of the judgment of the Town Commission.

Maxine Zalstein stated the hotels in Surfside are closed because there is no tourism.

Litsa Kyrellis spoke in favor of zoning and comprehensive plan changes going to a referendum vote.

Richard Iacobacci questioned the language on the petition and asked for the meaning.

Commissioner Edward Kopelman made a motion to extend the Good and Welfare portion of the agenda an additional fifteen minutes. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

Julia Magnani spoke about communication and patience. She asked that the residents let go of the past and embrace the future.

David Steinfeld spoke about being a part of the solution.

Silvia Coltrane spoke about the minority speaking for the town, old code and the petition.

Chris Ivory asked for clarification of how the petition may affect permit holders.

Sasha Plutno asked for budget cuts and that the town work out the proposed hotel issues.

Mark Blumstein spoke regarding the petition and called for it to be withdrawn.

Shirley Bakker spoke about the property next to her property that belongs to the synagogue and her efforts to keep it clean.

Martin Oppenheimer spoke in favor of businesses that create income for town and asked for support for the Town Commission.

7. Town Manager and Town Attorney Reports

Town Manager, Gary Word reported that the Tourist Board is working on a hotel and retail directory, the new employee health insurance and the Manager's letter on the website. Lynn Dannheisser advised that a letter has been prepared for distribution by the Building Official regarding the impact of the petition and will distribute the letter to the Town Commission. Mayor Dietch requested that the facts be included in the Gazette. Vice Mayor Joe Graubart asked about the life rings. Town Manager, Gary Word explained that Commissioner Heyman will address this in the new year budget. Commissioner Edward Kopelman asked about the status of the Carlisle agreement. Town Manager, Gary Word explained that it is on scheduled and expires in November.

8. Unfinished Business and New Business

A. Library Asset Disposal – Town Manager, Gary Word

Commissioner Edward Kopelman asked to defer this topic for another month and it was agreed.

Maxine Zolstein asked about the library books in storage.

B. Committee Appointments

Parks & Recreation Committee – Vice Mayor Joe Graubart

Vice Mayor Joe Graubart proposed the appointment of Doris Obregon to the Parks and Recreation Committee and Commissioner Edward Kopelman proposed Charles Kesl be appointed to the Beautification Commission. All were in favor.

9. Mayor, Commission and Staff Communications

A. POW-MIA Flag - Vice Mayor Joe Graubart

Vice Mayor Joe Graubart requested that a flag be purchased to fly at Town Hall.

Commissioner Edward Kopelman will look into obtaining a flag at a discounted price.

Commissioner Michael Karukin volunteered to also check with the PBA.

10. Adjournment The meeting adjourned at 11:45 p.m.

Accepted this 12 day of Oct, 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk