

**Town of Surfside  
Special Town Commission Meeting**

**MINUTES**

**March 23, 2011**

**5:01 p.m.**

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

**1. Opening**

- A. Call to Order:** Mayor Daniel Dietch called the Special Commission meeting to order at 5:16.
- B. Roll Call of Members:** Town Clerk Debra Eastman called the roll and the following members of the Commission were present upon roll call: Commissioner Michael Karukin, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch. Commissioner Kopelman was absent from the meeting.
- C. Pledge of Allegiance:** Vice Mayor Joe Graubart led the Pledge of Allegiance.
- D. Agenda and Order of Business** Additions, deletions and linkages

**2. Ordinances**

**A. First Readings Ordinances**

- 1. Ordinance Calling for a Temporary Moratorium, Memo of Law and Report by Town Attorney – Lynn M. Dannheisser, Town Attorney**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON-RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE, MORE PARTICULARLY DEPICTED ON THE DOWNTOWN BUSINESS DISTRICT AREA ZONING MAP ON EXHIBIT “A’ ATTACHED HERETO; PROVIDING FOR A STUDY; PROVIDING FOR A WAIVER; VESTED RIGHTS, APPEAL; EXHAUSTION OF ADMINISTRATIVE REMEDIES AND TERM; PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF PRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION**

**IN CODE; PROVIDING AN EFFECTIVE DATE.**

**[This ordinance imposes a temporary moratorium on the issuance of Certificates of Use and Certificates of Occupancy for non-retail, non-restaurant uses]**

Town Clerk Debra Eastman read the Ordinance by title.

**Commissioner Karukin made a motion to adopt the ordinance. Commissioner Olchyk seconded the motion.**

Commissioner Karukin inquired about how this ordinance will be applied if an existing business is sold and a same type business comes in to replace it. Town Attorney Dannheisser directed Commissioner Karukin to Section 4, where the exemptions are addressed and noted that this is one of those incidents. .

Vice Mayor Graubart expressed concern that this restriction can drive property values down and may enable developers to come in and get things at bargain prices.

Commissioner Olchyk requested clarification as to what is considered “temporary”. Town Attorney Lynn Dannheisser noted that the moratorium is for 6 months. Commissioner Olchyk inquired about what would occur if there are no recommendations in 6 months. Ms. Dannheisser noted that if so the issue would have to come back to Commission.

Resident Carol Stevens Penson stated that she received a notice. She also expressed that she does not want a purely commercial district and does not want to limit the types of business in that area.

Dorie Lurie commented that there are buildings that house businesses in the Downtown district that are not owned by Surfside residents. She asked if they can protest. She added that this is affecting people’s property rights.

Town Attorney Lynn Dannheisser noted that moratoriums are well established and well recognized planning tool that cities and counties use when they are in the process of developing a vision. She added that a moratorium is a place holder and a planning tool. Ms. Dannheisser stated that it is utilized in the short term and that there is case law that supports it.

Sasha Plutno stated that this will limit property owner’s rights and expressed opposition to the ordinance.

Jack Stevens stated that the moratorium is premature. He also spoke about the St. Regis Hotel which is ready to open and the effect this will have on traffic.

Vice Mayor Graubart expressed opposition to the ordinance and cited the potential economic impact it may have.

Orestes Jimenez inquired about the cost of the Committee and expressed opposition to the ordinance. Mayor Dietch noted that the Committee is comprised of Surfside residents or business operators and not consultants.

**Upon roll call the motion failed to pass 2 to 2, with Commissioner Olchyk and Mayor Dietch voting in favor and Commissioner Karukin and Vice Mayor Graubart dissenting. Commissioner Kopelman was absent from the meeting.**

**Commissioner Karukin made a motion to reconsider now. Commissioner Olchyk seconded the motion.**

Commissioner Karukin noted that if he voted in favor of the ordinance it would go to the P&Z Board.

**A vote on reconsideration was taken and upon roll call, the motion passed 3 to 1 with Vice Mayor Graubart casting the dissenting vote. Commissioner Kopelman was absent from the meeting.**

**2. Ordinance – Joint Meeting Recommendations Ordinance –** Roger M. Carlton, Town Manager, Lynn M. Dannheisser, Town Attorney, Sarah Sinatra Gould, Town Planner

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-2 “DEFINITIONS”, AMENDING SECTION 90-20. “DEVELOPMENT REVIEW REQUIREMENTS” TO ESTABLISH A DEVELOPMENTAL IMPACT COMMITTEE; AMENDING SECTION 90-23 “CONDITIONAL USES”; 90-41 “REGULATED USES”; 90-45. “SETBACKS.”; 90-45.1 “AGGREGATION OF LOTS”; SECTION 90-44 THROUGH SECTION 90-67 RELATING TO DESIGN REVIEW GUIDELINES; SECTION 90-73 “PROHIBITED SIGNS.”; SECTION 90-87 INSTALLATION OF LANDSCAPING AND IRRIGATION; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the Ordinance by title.

**Commissioner Olchyk made a motion to adopt the ordinance. Commissioner Karukin seconded the motion.**

Town Planner Sarah Sinatra gave an overview of the ordinance and spoke about modifications to the code.

Vice Mayor Graubart inquired why the 85% was chosen. Town Manager Roger Carlton noted that this figure represents a reasonable balance and gives developers creativity and establishes a trade off and has advantages. He noted that there is 15% less units. Sarah Sinatra explained aggregation now and what is proposed.

Ms. Sinatra mentioned that the ordinance has been heard by LPA. She added that the LPA was 3-2 and clear that this is the recommendation.

Vice Mayor Graubart expressed that he is opposed to the ordinance and expressed concern about the composition of the committee.

Shelley Eichner of CGA stated that they always implement the will and desire of Commissioners. She added that it is their position to take input and put it into a code and apply good planning principles.

Commissioner Olchyk spoke about the possible economic impact on community and inquired about the cost.

Dorie Lurie entitled her comments, "where did the money go" and asked about the building permits that were not closed, the size of the meeting notice placed in the Miami Herald and why mail notice was not provided to the residents.

Alan Krischner, 9479 Corp, spoke about the Best Western property and requested that whatever action is taken accommodate hotel development.

Joel Simmons stated that the gross acre should be to erosion control line rather than the perimeter of the lot. He spoke about the aggregation of lots and suggested that the use should be changed to density.

Felice Rivolta spoke about the 8x15 parking space.

Town Manager Roger Carlton stated that there is some merit to this information and mentioned that he will bring back clarification to the second reading.

The Mayor closed the public hearing.

Commissioner Karukin responded to Ms. Lurie's concerns and assured her that their minds are not made up.

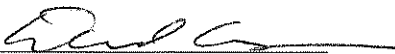
Vice Mayor Graubart requested that parking information be taken to the P&Z Board.

Mayor Dietch commented that if the Commission moves forward with this, there are still opportunities to tweak other elements. .


**Upon roll call, the motion passed 3 to 1 with Vice Mayor Graubart casting the dissenting vote. Commissioner Kopelman was absent from the meeting.**

**4. Adjournment:** Mayor Dietch adjourned the special meeting at 6:40 pm.

Accepted this 10 day of May, 2011

  
Daniel Dietch, Mayor

Attest:

  
Debra E. Eastman, MMC  
Town Clerk