



**Town of Surfside  
Town Commission Meeting  
MINUTES  
May 10, 2011  
7 p.m.**

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

**1. Opening**

**A. Call to Order** Vice Mayor Joe Graubart called the meeting to order at 7:03 pm.

**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 Edward Kopelman, Commissioner Marta Olchyk and Vice Mayor Joe Graubart. Commissioner Michael Karukin and Mayor Daniel Dietch were absent.

**C. Pledge of Allegiance** Mr. Lou Cohen led the Pledge of Allegiance.

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

Vice Mayor Graubart spoke about the resolution by the Miami Dade County League of Cities dealing with civility in the way the municipalities conduct business.

Vice Mayor Graubart spoke of a letter he received from the University of Florida advising him that May is “Older Americans” month.

The Vice Mayor also noted the following community events:

Downtown Vision Advisory Committee is meeting May 12<sup>th</sup> and May 25<sup>th</sup>

Seniors Performing Arts trip, Alfred Hitchcock May 18<sup>th</sup>

Miami-Dade County Mayoral election on May 24<sup>th</sup>

Memorial Day Ceremony at Veteran’s Park, May 30<sup>th</sup>

Registration open for 2011 Parks and Recreation Summer Camp

Taste of Surfside Culinary event, June 26<sup>th</sup>

Town Manager Carlton added that the parking lot on 95<sup>th</sup> and Collins will be closed this Friday for resealing and restriping of the lot.

Commissioner Marta Olchyk mentioned that the Beautification Committee has been meeting regularly every month. The Commissioner thanked the members of the committee for volunteering their time, interest and effort. She noted that they are discussing the beautification of Harding Avenue.

**E. Agenda and Order of Business** Additions, deletions and linkages

Town Manager, Roger Carlton asked to pull the Water and Sewer Storm Water item from the Points of Light to report an update on the force main with Bal Harbor.

Vice Mayor Graubart asked the pull the following items from the consent agenda: 73, #2, pg 74 Maranon, pg 75 concession stand, pg 77 circulator bus, pg 81 #26, pg 82 #32, item 3F code enforcement regarding chain link fences.

Commissioner Olchyk noted that she did not pull any items because she met with the Town Manager and the Town Attorney prior to the meeting to discuss her questions.

Town Clerk Debra Eastman request to add Item 3G (Consent Agenda) Resolution for the re-appointment of Special Masters.

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

**H. Certificate of Appreciation – Town Intern, Chantel Raymond – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director**

Duncan Tavares presented Town Intern Chantal Raymond a Certificate of Appreciation for her work in the Town of Surfside. Mr. Tavares noted that Ms. Raymond will soon be receiving her Bachelor's degree from Johnson and Wales.

**2. Quasi-Judicial Hearings**

**Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Commission member. Commission members must also do the same.**

Vice Mayor Graubart read a statement regarding the process of a quasi-judicial hearing.

Town Clerk Debra Eastman swore in the witnesses wishing to testify.

Commissioner Marta Olchyk volunteered to serve as Vice-Chair of the Commission during the quasi-judicial proceeding. All were in favor. Town Attorney Lynn Dannheisser asked that any Commissioner who has had communication on the matters being discussed with the residents involve, please disclose that. Vice Mayor Graubart mentioned that he has spoken to residents on the issue, but not to the applicants. Commissioner Kopelman disclosed that he has spoken to both residents and the applicants. Commissioner Olchyk noted that she has spoken only to residents.

Town Planner Sarah Sinatra presented the first application which is the proposed hotel on 9200 Collins Avenue and presented the staff recommendation of the application. Ms. Sinatra noted that the applicant is proposing a site plan and conditional use application and provided details of the project and the conditions.

Commissioner Olchyk noted that during her meeting with the Town Manager and Town Attorney she was assured that the project would not be issued a Certificate of Occupancy unless all the requirements are met by the applicant. Vice Mayor Graubart distributed a map of the area where the lot is located.

Town Clerk Debra Eastman swore in new attendees to the evening's meetings who wished to speak.

Mr. Nieson Kasdin and Mr. Bill Spencer, Legal Representatives for Transacta Lanai Developers, spoke before the Commission. Mr. Kasdin noted that the site plan application is in compliance with all the requirements of the Town Codes. He added that it also fulfills all the conditions required in the standards of review for a conditional use. Mr. Kasdin then discussed the criteria for approval and how the project complies. He noted that the project is under the allowable density and intensity of use. He added that the project is consistent with and helps fulfill the goals of the Comprehensive Plan for that area. Mr. Kasdin submitted to the Town Clerk and distributed to the Commissioners a Google aerial map showing the various properties that are on the corridor between the town border and the business section, 95<sup>th</sup> street between Harding Avenue and Collins Avenue. He noted that his client's project reflects the predominant pattern of Development between Collins Avenue and Harding Avenue.

Vice Mayor Graubart noted that all the buildings cited in the map Mr. Kasdin distributed are residential condominiums and not hotels. Vice Mayor Graubart spoke about the traffic light analysis and expressed concern about beach goers in that area and the impact that additional hotel guests will have on the already dangerous intersection.

Mr. Kasdin introduced the project architect Mr. Luis Revuelta, Revuelta Architecture International 2950 SW 27 Avenue, Suite 110. Mr. Revuelta opined that the project agrees with what the Land Use Plan requests. Town Clerk Debra Eastman swore in Mr. Revuelta. Mr. Revuelta gave a PowerPoint presentation of the rendering, architectural design and dimensions of the proposed hotel.

Vice Mayor Graubart distributed a handout from when the project was first presented several years ago before the Planning and Zoning Board. He questioned why back then the total square footage of the land had been measured to be 1.7 acres and is now reported to be 2.25 acres. He noted that the measurements were reported as net square feet and gross square feet. Mr. Revuelta noted that the difference is based on square footage and gross square footage.

Ms. Silvia Coltrane (applicant), 9401 Collins Avenue – Ms. Coltrane spoke about the project and asked for the Commission's favorable vote. She noted that the number of units she is building is less than what is allowed by either the gross or net acreage. Ms. Coltrane mentioned that she is bringing a quality development to the Town in the form of an extended stay hotel. She noted that she has received letters of support from Marriot for her to continue with the project. She added that the property management that will be chosen for the hotel will be of the highest quality fitting of the Marriot brand.

Vice Mayor Graubart acknowledged former Commissioner Blumstein. Vice Mayor Joe Graubart asked Ms. Coltrane if she would sign a covenant that this site plan approval would not be transferable. Ms. Coltrane expressed surprise upon the Vice Mayor's question and noted she has private property rights and added that any changes to the site plan would have to come up before the Commission's approval.

Mr. Tucker Gibbs (Representative for the objector, The Surfside Resident's Association, 9032 Garland Avenue and Mr. David Semat, 9165 Collins Avenue) - Mr. Gibbs noted that he had been retained by his client to object to the project because the conditional use application is not in compliance with Article I, Section 4 of the Town Charter. He noted that this charter amendment limits density, intensity and height. Mr. Gibbs mentioned that the application should be denied because it exceeds the allowable density permitted under the 2004 code.

Mark Alvarez, 625 NE 50<sup>th</sup> Terrace, Miami - Mr. Alvarez presented a PowerPoint presentation regarding the property. In his presentation, Mr. Alvarez spoke about the density, intensity and height of this project and outlined how the project will not be in compliance with the Town's Charter.

Town Attorney, Lynn Dannheisser stated that the applicants have entered into the record their interpretation of why they feel the application should be denied based on its non-compliance with the Town Charter. She asked Special Zoning Counsel Nancy Stroud to present why this case is consistent with the Town Charter.

Nancy Stroud, 1900 Glades Road, Boca Raton, FL - Ms. Stroud opined that Mr. Alvarez's interpretation of the charter is not correct. She noted that it is clear in terms of density, intensity and height requirements by referring specifically to floor area, floor area ration and building heights.

The Commission took a 5 minute break and reconvened at 9:03 pm with a quorum.

Vice Mayor Graubart opened the Public Hearing.

Mark Blumstein spoke before the Commission in favor of approving the application. He spoke of the importance of the recommendations from the Planning and Zoning Board.

Barbara McLaughlin agreed with Mr. Blumstein that the application should be approved.

Randi McBride stated that she better understood Mr. Alvarez's interpretation if the Charter than that of Ms. Stroud's and expressed concern about the project violating it.

Neil Shuster stated that the hotel is out of character with the neighborhood and is inappropriate.

Martin Oppenheimer spoke in favor of the project. He noted that the project has already been approved by the Planning and Zoning Board and the applicant has met all the conditions and issues.

Debra Schilling Jrade spoke in favor of the project. She noted that there are two hotels next to where she lives and she does not hear any noises coming from the pool areas.

Faruk Ramfala, stated that he is neither a consultant nor a lobbyist, but he has been in the hotel business for over 35 years and is currently Managing Director for the Hilton Hotels Corp in Downtown Miami. He asked the Commission to look at the positive economic impact the hotel will have in the community.

Barbara Cohen spoke in favor of building the hotel.

Joseph Whitman inquired if the parking that will be made available to residents by the hotel will be paid or free.

Richard Iacobacci spoke in favor of the project. He expressed concern that the residents are paying 88% of the taxes in town and spoke about the revenues the hotel will bring in to the town.

Town Manager, Roger Carlton clarified that the current percentage of property taxes paid by residents is 80%. He added that the 5 year plan indicates that the figure will increase to 88% if no commercial properties are added. He noted that both numbers are extraordinarily high for Dade County.

Vice Mayor Graubart closed the public hearing.

Commissioner Kopelman asked Mr. Kasdin if his client accepts all the conditions of the resolution. Mr. Kasdin responded that they do accept all the conditions as reported by the Planning Director.

**A. Resolution for hotel at 9200 Collins Avenue – Lynn M. Dannheisser, Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A 175 UNIT FOUR (4) STORY HOTEL WITH ACCESSORY USES, AND A CONDITIONAL USE APPLICATION PURSUANT TO SECTION 90-23 OF THE ZONING CODE TO PERMIT THE DEVELOPMENT OF A THREE (3) STORY STRUCTURED PARKING FACILITY AND HOTEL SWIMMING POOL AND JACUZZI, SUBMITTED BY TRANSACTA LANAI DEVELOPERS, LTD., (THE “APPLICANT”), ALL ON THE PROPERTY LOCATED AT 9200 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the resolution by title into the record.

Town Attorney, Lynn Dannheisser clarified the title of the resolution.

**Commissioner Kopelman made a motion to adopt the resolution. Commissioner Olchyk seconded the motion. The motion passed 2 to 1 with Vice Mayor Graubart dissenting.**

**B. Resolution for Variance 1355 Biscaya Drive – Lynn M. Dannheisser, Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1355 BISCAYA DRIVE, TO PERMIT A SEVEN FOOT 11 INCH SIDE SETBACK VARIANCE FROM SECTION 90-45 OF THE CODE OF ORDINANCES TO ALLOW A 12.9 FOOT SETBACK FOR THE ENTIRE LENGTH OF THE PIE SHAPED LOT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Planner Sarah Sinatra noted that the applicant is requesting a side setback variance from the town's code to add a second story structure. Ms Sinatra noted that the code requires the setback to be 10% of the frontage of the lot. She added that this property is pie-shaped and the front is 129.6 feet. Ms. Sinatra stated that staff has determined that this is a hardship since the side setback would be required to be 12.9 feet. She added that staff and the Planning and Zoning Board are recommending approval.

Commissioner Olchyk disclosed that she is related to the applicant and asked the Town Attorney if she should recuse herself. She noted that the Town Attorney advised that she would not have to recuse herself unless she is in any way financially benefitted.

Peter Glynn noted that this house is next to his and he has no problem with it.

Vice Mayor Graubart clarified that the Commission is voting to approve the variance and not the plans for the project. Ms. Sinatra noted that the plans for the project have already been approved by P&Z, LPA.

**Commissioner Kopelman made a motion to approve the application. Commissioner Olchyk seconded the motion, which carried unanimously.**

**3. Consent Agenda**

- A. Minutes – March 8, 2011 Regular Commission Meeting  
March 23, 2011 Special Commission Meeting**
- B. Budget to Actual Summary as of February 28, 2011 – Martin Sherwood, Finance Director**
- C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager**

Town Manager, Roger Carlton reported that the Maranon property has been sold for \$188,000, as previously approved by the Commission.

Town Manager, Roger Carlton also reported on the Water and Sewer project. He noted that 6 bids were received and will be on the June agenda for the Town Commission approval. He also mentioned that the force main that takes the all the sewage is 60 years old and has never been shut down for inspection. Bal Harbor has put out a bid on a new force main that would go down Collins Avenue. As a result of the sewage incident on Miami Beach, where the force main blew up, the bid was amended to get prices for Surfside's sewage and their own to go North from Bal Harbor through Haulover cut to the main pumping station on NW 163<sup>rd</sup> Street. Town Manager, Roger Carlton mentioned that he has been in discussions with Bay Harbor and Bal Harbor about cost sharing for the section that runs through Surfside. He added that he will present a proposal to the Town Commission to share in the line. He noted that once the new line is built, the force main that runs through Byron Street can be shut down and inspected. He added that County Commissioner Sally Heyman can help to accelerate the connection north. Town Manager, Roger Carlton asked for authorization from the Town Commission to continue discussions with Bay Harbor and Bal Harbor. Vice Mayor Graubart asked the Town Manager to look into the cost of having the discharge go north rather than south to Miami Beach.

Town Manager, Roger Carlton reported that he has met with the sole concessionaire for the concession stand and that the negotiations have been successful in tying down the terms. He noted that an agreement will be ready for the Town Commission's approval in June.

Vice Mayor Graubart thanked the Town Manager and all who participated for the plaque and tenth year anniversary commemorative memorial for 9/11.

Town Manager, Roger Carlton mentioned that the Code Enforcement report takes it to another level in defining what the Town's code enforcement program is. He suggested that when the code enforcement report comes to the Commission that they need to set the policy of what code enforcement should be.

**D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney

**E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.

**F. Code Enforcement Update** – Paul Gioia, Building Official

**G. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA RATIFYING AND RE-APPOINTING SPECIAL MASTERS; PROVIDING FOR AN EFFECTIVE DATE.**

Cheryl Arnold explained that she is bringing to the Community an organic buying club in which people in the community get together and purchase fresh organic produce at a discount. She noted that there will be two options to choose from: a half share for a 15 lb

bag of produce for \$35 or a full share for a 25-30 lb bag of produce. She added that the bags will contain 7-9 different types of vegetables and different fruits. Ms. Arnold mentioned that the items will come prepackaged and that for the use of the space, they will also offer other organic items that residents can purchase at a discount. She also mentioned that there will be cooking and wellness classes through Johnson and Wales.

Page 73, Item 2 – Downtown Vision project, update on moratorium – Town Manager, Roger Carlton mentioned that he had two meetings with the Vision Committee and one with the property owners downtown. He noted that the moratorium was discussed and about 70% of those in the meeting agreed with the conceptual program to energize downtown. He added that he will prepare a list for the Vision Committee which might recommend rescinding the moratorium.

**Commissioner Kopelman made a motion to accept the consent agenda. Commissioner Olchyk seconded the motion. The motion carried unanimously.**

#### 4. Ordinances

##### A. Second Readings (Ordinances and Public Hearing)

**\*1. Short Term Rentals** – Lynn Dannheisser, Town Attorney (linked with item 4B2 and 5A)

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE IV “DISTRICT REGULATIONS” SECTION 90.41 “REGULATED USES” ADDING A NEW SECTION 90.41.1.5 ENTITLED “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, AND TOWNHOMES” REQUIRING REGISTRATION OF SHORT TERM RENTALS IN RESIDENTIAL NEIGHBORHOODS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

[This ordinance requires registration of short term rentals for compliance with resort and other taxes. It also limits short term rentals to no more than three per year.]

Town Clerk Debra Eastman read the second reading of the ordinance (**Item 4 (A)1**) by title into the record.

Town Clerk Debra Eastman read the first reading of the ordinance (**Item 4 (B)2**) by title into the record.

Town Attorney, Lynn Dannheisser explained that the reason for the ordinance is House Bill 883 adopted by the Florida Legislature that does not allow local regulations to restrict short-term rentals to be adopted if not in place by June 1, 2011. She noted that the ordinance for second reading will require anyone renting their home for less than 6 months to register with the town and pay all applicable taxes and fees. She noted that she does not recommend approval of Item 4(B)2.

Vice Mayor Graubart noted that the town has a code 90.41 that deals with regulated uses that seems to address this issue, but does not specify short-term rentals. Vice Mayor Joe Graubart cited a case from 2004 in which a judge found that Surfside would prevail in similar situation.

Town Attorney, Lynn Dannheisser noted that the code prohibits the renting of a portion of a property or a room, but does not prohibit renting an entire house on any basis.

Town Manager, Roger Carlton mentioned that if the Commission approves the ordinance on first reading, staff will develop that criterion that Town Attorney, Lynn Dannheisser stated for second reading before the end of May.

**Commissioner Kopelman made a motion to adopt the ordinance on second reading. Commissioner Olchyk seconded the motion.**

Vice Mayor Graubart opened the public hearing.

Dorie Lurie reported that she found short term rentals advertised on line and suggested that the tourist board look into it in order to collect taxes.

Polly Kopelman noted that she saw an advertisement on a bus for a room for rent for one week or one month.

Barbara McLaughlin stated that the short term rentals and non-collection of taxes has been going on for several years and noted that the condominiums are big offenders. She added that it is a complicated issue and there is little the Tourist Bureau can do.

Vice Mayor Joe Graubart asked Duncan Tavares, Tourist Bureau, Community Affairs and Economic Development Director if the Tourist Board is willing to forgo collecting taxes on short term rentals since they are prohibited. Mr. Tavares agreed with this comment.

**The motion passed 2 to 1 with Vice Joe Mayor Graubart dissenting.**

## **B. First Readings Ordinances**

- 1. Resort Tax – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 AND SPECIFICALLY ARTICLE IV “RESORT TAX” DIVISION 1 “RESORT TAX” AND DIVISION 2 “RESORT TAX BOARD” SPECIFICALLY AMENDING SECTIONS 70-106 THROUGH 70-111; AND CREATING SECTIONS 70-112 THOUGH 70-127, 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. (Deferred from April 12, 2011 Commission Meeting)**

[This ordinance updates resort tax imposition and adds an appeal process.]

Town Clerk Debra Eastman read the ordinance by title.

Commissioner Kopelman made a motion to adopt the ordinance. Commissioner Olchyk seconded the motion, which carried unanimously.

2. **Short Term Rental Prohibition Single Family Dwellings** – Lynn Dannheisser, Town Attorney (*linked with item 4A1 & 5A*)  
**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE IV “DISTRICT REGULATIONS” SECTION 90.41 “REGULATED USES” ADDING A NEW SECTION 90.41.1.5 RELATING TO A PROHIBITION OF SHORT TERM RENTALS OF SINGLE FAMILY DWELLINGS AND REGULATION OF TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, AND TOWNHOMES REQUIRING REGISTRATION OF SHORT TERM RENTALS IN RESIDENTIAL NEIGHBORHOODS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

[This ordinance is the same as Item 4A1 but prohibits short term rentals in H-30 Single family district]

No action taken due to adoption of item 4(A)1.

3. **Film and Print Production Ordinance** – Lynn Dannheisser, Town Attorney  
**Page**  
Option A- (All districts)  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 11 “ARTS, CULTURE, AND ENTERTAINMENT” AND ARTICLE I “FILM AND PRINT PRODUCTIONS” AND SPECIFICALLY CREATING SECTION 11-1 “FILM AND PRINT PRODUCTION PERMITS”, 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 permits and regulates film permitting and processing in all districts.]

**Vice Mayor Joe Graubart moved to defer this item. The motion failed to receive a second.**

Town Manager, Roger Carlton mentioned that this issue is not clear, but it is a community issue. He noted that the Commission could adopt option B, which would bring clarification that would allow indoor fashion and photo shoots.

**Commissioner Kopelman moved to adopt Option B with the understanding that on second reading exceptions will be developed by staff. Commissioner Olchyk seconded the motion.**

Peter Glynn stressed that the town needs a film policy. He suggested issuing contracts and permits and to have a film Commissioner and indicated that the town can make money in the permits issued.

Robert Basson stated that there should be regulations for the use of the homes as well as parking and traffic and that permits should be issued in advance to notify the town of film shootings. He added that there should be a clear delineation between the photo shoots and large scale film productions. Commissioner Kopelman acknowledged speaking with Mr. Basson earlier today on the phone and letting him know that he would agree with photo shoots, but not reality television shows or anything like that.

Laurie Swedroe mentioned that she has had filming in her home spoke in favor of allowing film and photo.

Vice Mayor Graubart read Town Code Section 90.41 which relates to permitted uses in the town within the district. He opined that there is a conflict and thinks that there should be a code against it. Nancy Stroud, Town Counsel, commented that based on the code, if the town wishes to allow filming, it will have to make it clear.

Commissioner Olchyk mentioned that the Town Attorney has reviewed all the information and opined that if she deemed that it was against the Town Code, she would have said so. She added that the legal sufficiency has already been discussed prior to the meeting and called on a vote.

**Commissioner Kopelman made a motion to adopt the ordinance. Commissioner Olchyk seconded the motion. The motion carried 2 to 1 with Vice Mayor Graubart dissenting.**

**Option B – (Exempt single family)**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 11 “ARTS, CULTURE, AND ENTERTAINMENT” AND ARTICLE I “FILM AND PRINT PRODUCTIONS” AND SPECIFICALLY CREATING SECTION 11-1 “FILM AND PRINT PRODUCTION PERMITS”, 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 is the same as Option A above but prohibits filming in the single family district west of Harding.]

## 5. Resolutions and Proclamations

### A. Resolution Opposing Legislation on Short Term Rentals –

Vice Mayor Joe Graubart *(linked with 4A1&4B2)*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING FLORIDA LEGISLATION THAT PREEMPTS THE RIGHT OF LOCAL GOVERNMENT TO REGULATE SHORT TERM RENTALS ON RESIDENTIAL PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Graubart withdrew the item.

### B. FPL Easement – Roger M. Carlton, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT EASEMENT DESCRIBED IN EXHIBIT “A” GRANTING AND GIVING TO FLORIDA POWER AND LIGHT COMPANY FOREVER A TEN (10) FOOT WIDE EASEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND UTILITIES TO BE INSTALLED FOR THE COMMUNITY CENTER AND AQUATIC FACILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager, Roger Carlton stated that FPL needs to finish installing the power at the Community Center and Surfside needs to grant them the easement. He added that he has already signed the agreement with FPL and would like to have retroactive approval from the Commission.

**Commissioner Kopelman made a motion to approve. Commissioner Olchyk seconded the motion. The motion carried unanimously.**

**Commissioner Kopelman made a motion to extend the meeting to 11:30pm. Commissioner Olchyk seconded the motion, which carried unanimously.**

## 6. Good and Welfare

Sasha Plutno spoke about a letter he received from Fidelity National Property and Casual Insurance indicating that the town had lost its community rating discount. Mr. Plutno noted that Surfside lost the 10% rating discount in 2008. Building Official Paul Gioia

responded that when he came to work for the Town a year ago the town had 64 violations. He added that the violations have now been cleared and validated by FEMA and the auditors. Mr. Gioia noted that they have copies of the data to clear it up. He also noted that the violations do not fully clear until they sunset after 5 years.

Peter Glynn stated that he cannot understand his water bill and the tier system. He opined that it penalizes large families.

Peter Neville stated that he was shocked by his water bill. He noted that he has been collecting the water dripping from his A/C unit to water his plants.

Richard Iacobacci stated that Surfside has the best Mayor, Town Manager and Town Attorney the town has ever seen. He also noted that he is upset about the cyber bullying in town.

Dorie Lurie questioned why the citizens who worked so hard to elect the current Commission are now disappointed with their work. She noted that the elected officials have continued with the high costs such as Calvin Giordano and the Town Attorney. She also cited the \$16 million Water and Sewer Project bond.

Vice Mayor Graubart acknowledged former Vice Mayor Frank McBride.

Randi McBride stated that she believes the Town now has the second best Vice Mayor it has ever had. She also expressed disappointment with the vote on the hotel. She felt that the charter amendment was violated.

Commissioner Olchyk stated that she votes for what she thinks is right. She added that she was not elected based on promises other than to be honest and ethical. She also stated that she has nothing against anybody and owes nothing to anyone, but is here to do what she thinks is best for the community.

Commissioner Kopelman agreed with Commissioner Olchyk and reiterated that they were elected to do the best job for the community. He addressed the vote on the hotel and noted that the town needs the tax dollars.

Vice Mayor Graubart expressed disappointment with the hotel vote.

#### **7. Town Manager and Town Attorney Reports**

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

*All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.*

#### **8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

**A. Community Center Opening – Roger M. Carlton, Town Manager**

Town Manager, Roger Carlton mentioned that we are on track with the completion of the Community Center and added that there will be a soft opening on Friday, June 10<sup>th</sup>. He added that there will be a series of weekend and week events after June 10<sup>th</sup> themed around bringing the community together. He noted that the events will end Sunday, June 19<sup>th</sup> with a community celebration.

**B. Wounded Warriors Family Support – Vice Mayor Joe Graubart**

Vice Mayor Graubart asked the Commission to approve a onetime \$500 contribution to this organization that supports the families of wounded warriors.

**Commissioner Kopelman made a motion to approve. Vice Mayor Graubart seconded the motion. The motion carried unanimously.**

**\*C. Fiscal Year 2009-2010 CAFR**

Finance Director, Martin Sherwood read the following statement into the record: The comprehensive Annual Financial Report, as well as a letter from the Town's independent auditors, Marcum, LLP dated April 4, 2011, was received by Town staff. The rules of the Auditor General, Chapter 10.550, required that the financial statements be filed as an official record at a public meeting. In addition, the auditors have requested that their letter dated April 4, 2011, be accepted for filing with the Town Commission.

Mr. Sherwood recommended that the Commission accept the CAFR as audited by Marcum, LLP for the fiscal year ended Sep 30, 2010.

**Commissioner Kopelman made a motion to accept the CAFR. Commissioner Olchyk seconded the motion.**

Vice Mayor Graubart noted that the CAFR is available online.

Town Manager, Roger Carlton noted that the Town ended the September 30, 2010 fiscal year with a \$975,000 surplus in the general fund and added that every other fund had a positive balance. Town Manager, Roger Carlton also stated that the pension fund is fully funded.

Commissioner Olchyk expressed concern that the Town over budgeted last year and noted that she hopes the same is not done this year. She stated that doing so can open the doors to more spending by the town.

**The motion carried unanimously.**

**D. FPL, Telephone and Cable Underground Conversion of Existing Overhead**

**Service Lines Report – Roger M. Carlton, Town Manager and Bill Evans, Director**

of Public Works

Commissioner Kopelman spoke about the importance of all the lines being underground in the town. He noted that he has spoken about this with Town Manager, Roger Carlton as well as the previous Town Manager. Vice Mayor Graubart agreed that it is a good idea, but noted that it is very expensive. He also commented that the green boxes are ugly and obtrusive. He would like to see this on a ballot for the residents to approve.

Commissioner Olchyk noted that there are leaning poles in the Town and expressed concern about those and suggested looking into fixing these poles. Commissioner Kopelman asked the Town Manager to look into any available funds from the State or the County. Town Manager, Roger Carlton stated that he is requesting authorization to continue investigating the option and noted that there is a program that if the underground work is done, the municipality receives a 25% discount. He also added that the poles can lean up to 17 degrees before they need to be fixed. Town Manager, Roger Carlton will precede obtaining information and will bring back to the commission.

**E. Report on Non-retail/Restaurant, Moratorium and Status of Meetings with DVAC and Business Owners – Roger M. Carlton, Town Manager (linked to Point of Light Number 2)**

No action to be taken.

**F. New Crime Prevention Initiatives – Police Chief David Allen**

Chief Allen stated that the Mayor asked him to create some crime prevention initiatives. The Chief mentioned that he would like to start a citizen's patrol (Eye on Surfside), a bi-weekly bike with him and the police officers for the residents, crime prevention expo and mobile license readers. He reported that the red light program is being partnered with the license plate reader company alerting if a stolen or wanted car enters the town. Town Manager, Roger Carlton stated that Commissioner Karukin had asked him to express for him that he is not in favor of the license reading devices. Town Manager, Roger Carlton opined that the Town should move forward with the first four points made by the Chief. All were in favor of the suggestion.

**G. Resident Parking Program – Assistant Police Chief John DiCenso**

Chief Allen stated that the Town has encountered problems with the residential parking permit program. He noted that currently it is being tracked by pencil and paper and has become difficult to track. The Chief recommended more strict policy to control it. He noted that the permit fee should be \$30 to cover the cost. Commissioner Olchyk expressed disagreement with making the residents pay and suggested utilizing the parking fund. Town Manager, Roger Carlton mentioned that the town currently allows free parking, except on Harding and opined that the system is being abused. Vice Mayor Graubart opined that giving something for nothing diminishes its value. Commissioner Olchyk agreed that the parking violators should be prosecuted, but expressed concern for those residents who live in condominiums

who have to use the permits to accommodate their visitors and stated that the town would be punishing the residents who are using those permits legally because there are others who use it illegally. She recommended that the program be more scrutinized and that the permits be taken away from those residents that abuse its use.

Vice Mayor Graubart encouraged that the parking decals will be affixed to the vehicles by a Town Employee and not be simply handed out. He also suggested that board and committee members get a free decal. Commissioner Kopelman agreed that the Town should charge for the parking permits. The Vice Mayor spoke about Abbot and Byron Avenues being the most frequented by non-residents and suggested that the decal be in color, have the word "Resident", or Abbot Avenue.

**H. Contract Amendment with LAZ Parking** – Assistant Police Chief John Di Censo (linked to Point of Light Number 8)

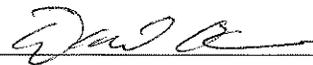
Chief Allen explained that the agreement with LAZ is for the services and maintenance in addition to collections, but noted that since the master pay stations have been installed, the police and parking employees have taken over the service and maintenance. The Chief asked to amend the contract to a lower fee and pay LAZ for collection service only. He noted that this will result in a savings of \$11,000.

**Commissioner Kopelman made a motion to amend the contract. Commissioner Olchyk seconded the motion. The motion carried unanimously.**

**9. Adjournment**

**The meeting adjourned at 11:30 p.m.**

Accepted this 14 day of June 2011

  
Daniel Dietch, Mayor

Attest:

  
Debra E. Eastman, MMC  
Town Clerk