



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**January 17, 2012  
7 p.m.**

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

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:07 P.M.

**B. Roll Call of Members**

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Graubart, Commissioner Karukin and Commissioner Olchyk. Commissioner Kopelman was absent.

**C. Pledge of Allegiance**

Chief Allen led the Pledge of Allegiance.

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

**1. Announcement Regarding Special Commission Meeting on Monday,  
January 23, 2012 at 7:00 p.m. to vote on Young Israel Litigation Settlement**

Mayor Dietch announced the Special Commission Meeting for Monday, January 23, 2012 at 7:00 p.m.

Commissioner Olchyk spoke about the upcoming election and encourages any women interested in participating to come forward and run for office.

Commissioner Karukin gave thanks to Commissioner Olchyk for advocating cleaning up the beach walk.

Vice Mayor Graubart also asked people to step up and run for office and interest themselves in what's happening in the Town that can impact their lives.

Mayor Dietch thanked all for putting together a great election skills seminar on January 12, 2012 with the Miami Dade Commission on Ethics and Public Trust and gave thanks to Ms. White and Ms. Acosta from the Miami Dade County Elections Department for attending. He thanked Duncan Tavares, Surfside Urban Gardeners, Ready-to-Grow Gardens, Luke's Landscaping, and the many volunteers who participated in the 2<sup>nd</sup> annual Dr. Martin Luther King Jr. Day of Service on January 16, 2012. Ten fruit trees were planted throughout Surfside for the benefit of the community.

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

Vice Mayor Graubart pulled item 3A, page 1; item 9, page 17, item 3C, number 15, page 20; item 3D, page 32.

Commissioner Karukin pulled item 13, page 18; item 20, page 22; item 30, page 24 and item 31, page 24.

Commissioner Olchyk pulled item 15, page 20; item 30, page 24 and item 33, page 25.

Mayor Dietch pulled item 35, page 25.

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

Mayor Dietch announced the following events:

The Tourist Bureau is sponsoring the next Third Thursday event on January 19, 2012.

The Parks and Recreation Department will be hosting a Family Fun Day on Sunday, January 22, 2012 at the 96<sup>th</sup> Street Park.

The next Surf-Bal-Bay Farmers Market will be in Bay Harbor Islands on Sunday, January 22, 2012 on Kane Concourse.

The next Bike Ride with the Chief is Tuesday, January 24, 2012 at 5:00 p.m.

Starting on January 26, 2012 two new programs begin at the Community Center, one of them will be Capoeira Martial Arts and the other one will be Elementary School Tutoring.

He invited everyone to join the Parks and Recreation Department as it hosts a Football Party at the Community Center on February 5, 2012 at 5:30 p.m.

The next DVAC meeting will be held on Wednesday, February 8, 2012 at 7:00 p.m. in the Commission Chambers.

The Parks and Recreation Department will be hosting a Senior Valentines Dance at the Community Center on February 10, 2012 between 7:00 p.m. and 10:00 p.m.

The Mayor announced that Commissioner Sally Heyman had just released information and the application for the Miami Dade “Mom and Pop” grant.

**G. Employees of the Quarter; Front Office Staff - Darlene Martinat, Sabrina Ferreira, Treva Bolus, LaSonya Nixon, Magalie Bichotte and Mayte Gamiotea – Yamileth Slate-McCloud, Human Resources Director**

Mrs. Slate-McCloud presented the Employees of the Quarter award to the front office staff. These nominations were made by an employee and reviewed by the selection committee for the great improvements of the front office.

Mrs. Gamiotea thanked the Mayor, the Commissioners and the Town Manager on behalf of her staff for the support while revamping the front office. She explained that the process has been challenging and rewarding at the same time and they will continue to improve while providing excellent customer service.

**H. Recognition of Larry Feder for his contributions to the Holiday Toy Drive –**

David Allen, Chief of Police

Item deferred by David Allen, Chief of Police

**I. Recognition of Parking Enforcement Officer Willie Perez for Police Civilian of the Month December 2011 – David Allen, Chief of Police**

Item deferred by David Allen, Chief of Police

**J. Officer of the Month presentation for Sgt. Rory Alberto, Detective Alberto Knight and Reserve Officer Rolando Baldomero – David Allen, Chief of Police**

David Allen, Chief of Police presented Sgt. Rory Alberto, Detective Alberto Knight and Reserve Officer Roland Baldomero with the officer of the month for December 2011 award.

The Chief of Police explained why these officers were nominated.

Sgt. Alberto and Detective Knight thanked the Chief of Police and Assistant Chief of Police for their support during the investigation and stated that it was a team effort.

- K. Beautification Committee Members Recognition-** Commissioner Marta Olchyk  
Commissioner Olchyk presented the members of the Beautification Committee with a Certificate of Appreciation and thanked them for participating in all of the meetings and for volunteering in the DVAC Committee.

- L. Presentation by Aletha Player – FPL District Representative – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN AT 7:45PM)**  
Ms. Player asked the Mayor and Commissioners if they have any concerns to bring to her attention. She stated that four of the seven leaning poles that were reported to FPL, belong to FPL the other three belong to AT&T. She reported that those four poles will be replaced before the end of this quarter. She also spoke about the benefits of undergrounding.  
Commissioner Olchyk thanked Ms. Player for taking the time to come and speak to the Town Commission.

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda (Set for approximately 7:55 p.m.)**

Commissioner Karukin made a motion to approve the Consent Agenda less the items that were pulled. The motion received a second from Vice Mayor Graubart and all voted in favor.

- A. Minutes -** December 13, 2011 Regular Town Commission Meeting  
December 12, 2011 Beautification Committee Meeting

Vice Mayor Graubart asked for the minutes to reflect a debate that went on over the 95<sup>th</sup> Street project. Also on page one (1) of the minutes on the last sentence, he would like to add “but the real savings were due to lower assessments”.

- B. Budget to Actual Summary as of October 31, 2011 – Roger M. Carlton, Town Manager**  
Approved on consent

- \*C. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager**  
Item # 9, page 17 – Vice Mayor Graubart asked the Manager to have Deco Bikes show a safe bike route. He has seen tourists going down Harding to get to Miami Beach and he thinks there are safer ways to get there. Mr. Tavares explained that the hard pack is part of the original plan and a map will appear on the kiosks.  
Item # 13, page 18 – Commissioner Karukin had a question regarding the solid waste and recycling fees to be moved to the TRIM notice. He asked the Town Manager if that means that a resident tax bill will increase. The Town Manager

explained that it will go on the TRIM notice first but it will be a separate line item on their tax bill. This is only for the Single Family Homes, the bill is a set amounts for the entire year.

Item # 15, page 20 – Commissioner Olchyk asked about the item.

Ryan Shear, representing the Developer spoke in favor of the item. Vice Mayor Graubart wanted to talk about how much money is being spent on this project. He suggested contacting different universities and conducting a schematic design contest, providing the first place with \$5,000.00, second place with \$3,000.00 and third place with \$2,000.00. The Town Manager said that the administration is in agreement with contacting the Universities and that they will bring back a plan for of Commission review.

Item # 20, page 22 – Commissioner Karukin asked the Manager to talk about the different DOT issues that are currently going on. The Manager explained that one of the main issues is the repaving project throughout the entire length of Collins and the northern two blocks of Harding. He explained that the issue before the Town Commission is problems with a bus pull out on 96<sup>th</sup> Street that buses are not using because it is very difficult to get back into traffic. The County is currently studying the issue and if it gets approved and the sidewalk could be moved out, then some landscaping could go into that area. The Manager also talked about the constant work going on with DOT on 96<sup>th</sup>, Harding and Collins on the Water/Sewer and Storm Drainage Project with the permits, timing and traffic. The Town Commission also asked the Manager to review the issue with congestion on Byron and 88<sup>th</sup> Street. This issue will be on the table once the water and sewer project is out of the way.

Item # 30, page 24 – There are residents' concerns from the multi-family buildings regarding parking shortages along Collins Avenue in particular. There is a conflict as to where to park their cars and the Mayor has asked the Manager through the Points of Light to take a look at this issue and report back with mitigation strategies.

Item 31, page 24 – Commissioner Karukin wanted to know if the study will include every position in Town Hall from top to bottom including Town Manager, Town Attorney and so forth. Town Manager, Roger M. Carlton responded affirmatively.

Item 33, page 25 – Commissioner Olchyk wanted to understand how the Town will benefit from the program. Mayor Dietch responded by stating that the plan is to raise consciousness in our everyday life regarding rising sea levels. The Mayor will prepare a fact sheet for the Commission and an action will be taken at the next Commission meeting.

Item 35, page 25 – Bill Evans, Public Works Director, spoke about the bus linkages with Sunny Isles. All of the linkages are posted on the Town's website.

**\*D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney  
Approved on consent

**\*E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.  
Vice Mayor Graubart asked a representative from Calvin, Giordano and Associates, Inc. if they have received any change orders that are causing the Water/Sewer and Storm Drainage Project to go over budget. Mr. Giordano stated that there are a few change orders both up and down but the only one that has gone through is the direct

purchase order. The other ones are still in conversations with the Public Works Director and the Town Manager.

Vice Mayor Graubart expressed his concerns that if the Town is going to borrow additional funds, it may indicate that the project is going to go over budget and if the Town borrows additional funds it might put the town in further debt.

Vice Mayor Graubart asked why Calvin, Giordano and Associates, Inc. are submitting their monthly report on the Town's stationary. Mr. Carlton explained that if anyone is uncomfortable with the way it is being done he will change it to CGA's stationary. There was no direction from the Town Commission to make the change..

Commissioner Karukin made a motion to approve the pulled items from the Consent Agenda. Commissioner Olchyk seconded the motion and all voted in favor.

#### 4. Ordinances

*(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)*

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

###### \*1. Temporary Construction Fences – Sarah Sinatra, Town Planner

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1 "CONSTRUCTION FENCING" 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 delegates to the Town Manager the authority to waive temporary construction fencing setback requirements and approval of certain graphics on said fencing]

Sandra Novoa, Town Clerk read the ordinance by title.

Mayor Dietch opened the Public Hearing. No one wishing to speak on the item, Mayor Dietch closed the Public Hearing.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

###### \*2. Town of Surfside Amended off Street Parking compliance for SD-B40 and Religious Places of Public Assembly Ordinance – Lynn Dannheisser, Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET 1. PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES FURTHER CLARIFYING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT AND OFF-STREET PARKING COMPLIANCE FOR RELIGIOUS PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

[This Ordinance makes applicable the off-street parking requirement options for mitigation to changes of use from service business to retail or restaurant within the SD-B40 district and for religious places of public assembly. It also allows an opportunity for a property owner to apply for a reduction in mitigation on a case by case basis]

Sandra Novoa, Town Clerk read the ordinance by title.

Sarah Sinatra, Town Planner gave a brief presentation on the ordinance.

Mayor Dietch opened the Public Hearing. No one wishing to speak on the item, Mayor Dietch closed the Public Hearing.

Commissioner Karukin made a motion to approve the ordinance. The motion received a second from Commissioner Olchyk. The motion passed 3-1 with Vice Mayor Graubart voting in opposition. Commissioner Kopelman was absent.

**\*3. Awning Ordinance – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" AND SPECIFICALLY AMENDING SECTION 14-52 "COMMERCIAL STANDARDS ESTABLISHED"; AND CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-47 "YARDS GENERALLY, ALLOWABLE PROJECTIONS"; SECTION 90-49 "AWNINGS AND CANOPIES"; AND SECTION 90.99 "APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES."; 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 design review standards for awnings in the downtown business district]

Sandra Novoa, Town Clerk read the ordinance by title.

Mayor Dietch opened the Public Hearing.

Ms. Nicole Gitzon posted a question to Sarah Sinatra, Town Planner.

No one else wishing to speak, Mayor Dietch closed the Public Hearing

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

**B. First Readings Ordinances**

*(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)*

**5. Resolutions and Proclamations**

*(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)*

**A. Casino Gambling Expansion Opposition Resolution – Roger M. Carlton,  
Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING IN FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Dietch passed the gavel to the Vice Mayor and made a motion to approve the resolution. The motion received a second from Commissioner Karukin. Vice Mayor made a friendly amendment to put it as a referendum to the Miami Dade County electors.

Mayor Dietch and Commissioner Karukin accepted the friendly amendment and all voted in favor.

**\*B. Approval of Loan Application for State Revolving Funds for the Construction of Water, Wastewater and Stormwater Infrastructure – Roger M. Carlton, Town Manager (Linked to Item 9J)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR \$9,312,881 FOR CONSTRUCTION ACTIVITIES ASSOCIATED SURFSIDE WATER, WASTEWATER AND STORMWATER IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Town Manager, Roger M. Carlton spoke on the item and answered questions posted by the Commission.

After a discussion, the Manager suggested to amend the resolution by adding a “Whereas” clause that says that these funds would not be used for anything that was not in the original scope of work.

Commissioner Karukin made a motion to approve the resolution as amended. The motion received a second from Commissioner Olchyk. The motion passed 3-1 with Vice Mayor Graubart voting in opposition.

**6. Good and Welfare (Set for approximately 8:15 p.m.)**

Mr. Sasha Plutno spoke about CGA's report being on the Town's stationery when they are an independent contractor and should be using their own. He spoke about the flood insurance discount issue not being resolved as of today. He also talked against piggybacking on other cities contracts and thinks that the Town should advertise and give everyone a fair chance by doing open bidding. Mr. Plutno made two allegations about a Town Employee harassing a resident that has code enforcement violations and the Manager taking pictures of his property. Mr. Carlton responded to Mr. Plutno's allegations and stated that they have no validity. He also addressed the FEMA issue and explained that the Town is doing everything possible to get FEMA to come in to do the inspection and currently waiting for a date.

Mr. Carlton talked about the process of piggybacking and competitive bidding which saves the Town considerable time and money.

.Mrs. McLaughlin asked about the status of Friends of Surfside Cats and if she should try to get volunteers and/or donations. Mr. Carlton gave her an update on the program and said that any efforts and or donations will be very well appreciated.

Ms. Ann Finley spoke about her wishes to have a dedicated dog park. She is representing 26 homes and 30 dog owners that have signed a petition and would love to have a place to take their dogs. Mayor Dietch spoke about some of his efforts towards this program. The Mayor said that Ms. Finley should form a not profit group like the Garden Club and continue to develop the concept.

Ms. Flory Borden, a Beauty Salon, owner spoke about how unhappy she is with the lack of parking on Harding Avenue and how dirty the streets are.

Mr. Sergio Castaneda spoke in support of the feasibility parking study.

Ms. Nicole Gitzen spoke about the Community Garden fence that was put up. She also stated that the water that comes out of her faucets smells very bad. Mr. Evans, Public Works Director will take a sample of her water to test.

Mr. Ken Arnold spoke in support of the parking garage feasibility study.

Ms. Jennifer Brilliant spoke about the Town's prohibition of chain link fences.

**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. Town Sponsored Candidate Debate Presentation from the League of Women Voters– Mayor Daniel Dietch (SET FOR TIME CERTAIN AT 7:30PM)**  
Roger M. Carlton spoke about the possibility of having the Miami Dade League of Women Voters or the Miami Dade County Commission on Ethics to conduct the candidate debate that was approved on the previous meeting. He presented Ms. Tery Coble, President of the Miami Dade League of Women Voters and Gigi Pardo, Voter’s Services Chair. Ms. Coble spoke about the format of the Candidate forum. Commissioner Karukin made a motion to proceed with the Miami Dade League of Women Voters, televise the debate live and repeat it. The motion received a second from Commissioner Olchyk and all voted in favor.
- B. Local Business Tax Receipt and Certificate of Use: Non-compliant Businesses Action Program – Joe Damien, Code Compliance Director**  
Joe Damien, Code Compliance Director, explained the Town’s effort to have all of the businesses to obtain their Local Business Tax receipts and Certificate of Use.
- C. Massive Parking Problem – Commissioner Edward Kopelman**  
Item deferred
- D. Abbott Lot Parking – Vice Mayor Joe Graubart**  
Item was linked by Vice Mayor to item 9C.  
Vice Mayor Graubart spoke about the issues at the Abbott lot with people parking all day long from construction companies without paying and/or using handicap stickers. He talked about his concerns about residents only being able to enter by Abbot or Harding due to the high traffic volume.  
A discussion took place about the time limits and the enforcement from the staff. Commissioner Karukin suggested that the post office parking lot could be used for employee parking.
- E. 95<sup>th</sup> Street “Streetscape Project” – Vice Mayor Joe Graubart**  
Roger M. Carlton, Town Manager explained that Vice Mayor Graubart requested for the Administration to contact Universities, either Engineering or Architects to see what can they do for the Town, keeping in mind that there is \$350,000.00 committed to this project. The Mayor asked to research for potential grants that could be used towards the project.  
Vice Mayor Graubart stated that he would like to defer Phase I and II indefinitely. There was no second.  
Commissioner Karukin made a motion to authorize the Manager to meet with the schools on a design between the “hard-packed” sand and Collins. The motion received a second from Commissioner Olchyk and all voted in favor.
- F. Incorporating the ‘name’ of new businesses established in Surfside – Vice Mayor Joe Graubart**

Vice Mayor Graubart would like to draft a resolution encouraging business to use the name “Surfside” as part of branding. The Mayor explained that it was researched by the Planning and Zoning Board and the Town cannot force businesses by resolution to use “Surfside” on their business information.

**G. Resort Tax Audit Update – Roger M. Carlton, Town Manager**

Town Manager, Roger M. Carlton gave an update on the Resort Tax Audit process and explained that some residents who were alleged to be short time residents have been signing an affidavit stating otherwise.

**H. Downtown Vision Process Continuum – Roger M. Carlton, Town Manager**

Duncan Tavares, Tourism Director gave a brief explanation of the Downtown Vision Process and updated the Commission on where the committee stands.

**\*I. Request for Proposals for Municipal Parking Structure(s) – Roger M. Carlton, Town Manager**

Roger M. Carlton, Town Manager asked the Commissioners to adopt the scope of work and allow staff to advertise for proposals to do a feasibility study.

Commissioner Karukin amended certain language in the RFP and spoke on the potential impacts of a parking garage.

Commissioner Olchyk and Vice Mayor Graubart spoke about their concerns.

Commissioner Karukin made a motion to approve advertisement with the amendments. The motion received a second from Commissioner Olchyk. The motion passed 3-1 with Vice Mayor Graubart voting in opposition.

**\*J. 88<sup>th</sup> Street & Byron Avenue Traffic Calming Design Alternatives- Roger M. Carlton, Town Manager (Linked to Item 5B)**

Town Manager, Roger M. Carlton explained that 88<sup>th</sup> Street is being re-done due to the water and sewer project. He would like to call a neighborhood meeting to talk about the intersection and proposed design. The Town Commission favored the oval shaped design and authorized the meeting to be held.

Commissioner Karukin made a motion to extend the meeting 10 minutes. The motion received a second from Commissioner Olchyk and all voted in favor.

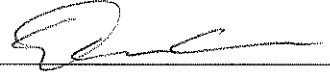
**K. Discussion of Miami Dade County Water and Sewer Department’s Miami Herald Article of January 16, 2012 Re: Risks of Replacing 54” Line Under Government Cut – Mayor Daniel Dietch**

The Town Manager spoke about the article that was in the Miami Herald and explained that Surfside, Bal Harbour Village and Bay Harbor Islands need to put pressure on the County to implement the \$8,000,000.00 project allowing their sewage to go to the Hallover Park – North Dade Regional Plant. The Manager will come back next month with more information about a possible study and how much would it cost.

**10. Adjournment**

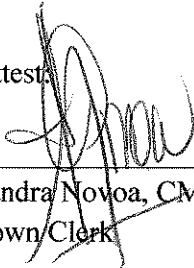
There being no further business to come before the Commission, the meeting adjourned at 11:06p.m.

Accepted this 14 day of Feb, 2012



Daniel Dietch, Mayor

Attest



Sandra Novoa, CMC  
Town Clerk