



**Town of Surfside
Town Commission Meeting
MINUTES
April 10, 2012
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:02 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Olchyk thanked everyone for voting for her and assured everyone that she will do the best that she is able to do.

Commissioner Lisbon also thanked everyone for their vote. He spoke about how he got elected and that he wishes that the Town will be more united in the future and that everyone will be happy with the decisions that the Board will make.

Mayor Dietch welcomed everyone back and extended a welcome to the newest Commissioner Sheldon Lisbon and expressed his wishes to work together with him.

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

Commissioner Olchyk pulled item 5, page 13 and item 23, page 18.

Town Manager, Roger M. Carlton pulled item 10, page 15 and item 33, page 21.

F. Community Notes – Mayor Daniel Dietch

Vice Mayor Karukin announced that on Saturday, April 28, 2012 at 7 pm. the Miami Beach High School will be holding their 40th Annual Concert to benefit the Multiple Sclerosis Society.

6th Annual Parent's Hunt for Art Sponsored by the Surfside Business Association and Tourist Board Ongoing through the end of the week

Parks & Recreation Department Summer Camp Registration currently taking place through June 6, 2012

Weekly Teen Scene for Youth Ages 12 to 15 Thursday 6:00 p.m. at the Community Center

Income Tax Workshop Thursday, April 12, 2012 from 12:00 noon to 7:00 p.m. at the Community Center
Endlessly Organic Produce Distribution 4/17/12 from 3:00 to 6:00 p.m. at the Community Center
Police Department Eye on Surfside Meeting Tuesday, April 17, 2012 at 7:00 p.m. in the Police Training Room
Blood Drive Wednesday, April 18, 2012 from 11:00 a.m. to 5:00 p.m. in the Police Training Room
Holocaust through Literature Lecture Wednesday, April 18, 2012 at 7:00 p.m. in the Community Center
Final Third Thursday, April 19, 2012 from 7:00 p.m. to 10:00 p.m.
H.O.P.E. 58th Homeless Event Saturday, April 21, 2012 from 8:00 to 10:30 a.m. at the Miami Beach Community Church
Baynanza Shoreline Cleanup Saturday April 21, 2012 9:00 a.m. to 12:00 noon
DVAC Meeting Monday, April 23, 2012 at 7:00 p.m. in the Commission Chambers
Parks & Recreation Department Senior Trip to Fairchild Tropical Garden on Wednesday, April 25, 2012 9:30 a.m. to 3:30 p.m.
Bike with the Chief Wednesday, April 25, 2012 at 5:30 pm. Leaving from Town Hall
Planning & Zoning Board Meeting Thursday, April 26, 2012 at 7:00 p.m. in the Commission Chambers
Police Department sponsored Prescription Drop-Off Saturday April 28, 2012 from 10:00 a.m. to 2:00 p.m. Town Hall Lobby
Surfside Urban Gardeners Meeting Saturday, April 28, 2012 at 2:00 p.m.
Movie Night at the Surfside Community Center Saturday, April 28, 2012 Movie starts at 8:00 p.m.
Surfside Special Election Tuesday, May 1, 2012 from 7:00 a.m. to 7:00 p.m.
Mayor Dietch announced the arrival of the Deco Bike Share Program with the first bike rental location located at the Community Center
Residents interested in forming a group to explore a possible dog park contact Ann Findley. Information available online
New Business Directors are available online and at Town Hall
Congratulations to Cine Citta Café, Lotus Miami and Kosherland for being highlighted in Uptown Magazine's section on Kosher Culture

- G. Officer of the Month Award for January, February and March 2012 – David Allen, Chief of Police**
January 2012: Sgt. Jose Valino, Officer Frank Colonna and Officer Donald McGavern
Chief Allen presented the Officers of the Month Awards for January with a plaque and congratulated them for a job well done.
February 2012: Officer Edward Carrasquillo and Officer Joseph Matthews
Chief Allen presented the Officers of the Month Awards for February with a plaque and congratulated them for a job well done.
March 2012: K-9 Kilo

Chief Allen posthumously presented the officer of the Month of March to the Police Department's K-9 dog Kilo, who passed away from cancer.

H. Employee of the Quarter Award to Jose Nodarse and Josvani Iglesias – Bill

Evans, Public Works Director

Bill Evans, Public Works Director presented the Employees of the Quarter Award to Jose Nodarse and Josvani Iglesias. He spoke about their accomplishments and hard work and presented them with a plaque in appreciation.

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 Board and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board 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.

- *A. 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 SYNAGOGUE ON THE SITE, AND SUBMITTED BY YOUNG ISRAEL CONGREGATION., (THE "APPLICANT"), ALL ON THE PROPERTY LOCATED AT 9580 ABBOTT AVENUE DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney, Lynn Dannheisser read a preliminary statement at the beginning of the quasi-judicial public hearing and announced the particular agenda item.

Town Clerk, Sandra Novoa confirmed that the advertisement requirements were met for the quasi-judicial hearing.

Town Clerk, Sandra Novoa swore in everyone that wished to speak on the quasi-judicial hearing.

Town Planner, Sarah Sinatra presented the item to the Town Commission, the people in attendance and presented staff recommendations into evidence as part of the record.

Applicant, Stanley B. Price, representing Young Israel Congregation presented his testimony to the Town Commission.

Jaime Shapiro, Architect for the project spoke about the design considerations as part of the Applicant's presentation.

Mr. Tim Plummer, President of David Plummer & Associates, spoke about the traffic impact analysis and the best location for the on-site parking access as part of the Applicant's presentation.

Mr. Tobin, representing the opposition crossed examined individual speakers.

Mr. Jack Gluck, Past President of the Young Israel Congregation addressed the Commission as part of the Applicant's presentation.

Mr. Moshe Behar, resident of Surfside, presented his testimony as part of the applicant's presentation.

Mr. Bakker provided his testimony as part of Mr. Tobin's presentation.

Mr. Tobin provided the Town Clerk with 19 documents for the record as evidence and presented his testimony.

Mrs. Bakker provided her testimony as part of Mr. Tobin's presentation.

Mayor Dietch opened the Public Hearing.

Ms. Dorit B. Weintraub spoke in favor of the item and spoke about the spiritual leadership that Young Israel provides her family. She asked the Commission to consider the approval of the site plan application.

Ms. McLaughlin spoke in favor of the synagogue and against the setbacks of the building.

Mr. Weiss spoke in favor of the item.

Mr. Ricardo De Armas spoke in favor of the item. He asked for the Town Commission's consideration in approving the synagogue.

Mr. Cohen asked the Town Commission if they could put a cap on the size of the building as a condition.

Mr. Iacobacci spoke in favor of the synagogue but asked to see if they could put a condition that when they have a special event they could register with the Town and utilize a valet parking service.

There being no other person wishing to speak on the item, Mayor Dietch closed the public hearing.

Mayor Dietch spoke about clarifications made with the Town Attorney and shared with the applicant. Under Agreed Upon Conditions, Item 3 – "The Applicant shall provide landscaping in the abandoned bus bay, relocate the sidewalk, and provide additional landscaping in front of the building." Item 12 – "The Applicant shall demolish the existing wall on the south side of the property. The Applicant will install a temporary construction fence per the code requirement on the Applicant's southern property line during the entire construction period. The Applicant shall begin construction on a new wall/fence thirty (30) days prior to the Applicant applying for a Temporary Certificate of Occupancy (TCO), the construction shall be completed prior to issuance of the TCO. The Applicant agrees that said wall/fence shall be located two feet north of the property line and landscaping of

both sides of said wall/fence shall be installed at Applicant's expense. Applicant shall design the fence and landscaping in consultation with the immediately adjacent neighbors. Said fence and landscaping shall be reviewed by the Design Review Board which shall have the final decision in this matter." Item 16 – "The Applicant acknowledges that there will be no spillover of lighting to the adjacent southern property line."

The addresses under item 3, Section B. Conditions to be completed before grade or building permits are issued will be revised.

Item 9 under Section B. Conditions to be completed before grade or building permits are issued was added to read as follows; Item 9 – "Applicant shall present evidence of parking plan for the provision of off-street parking for construction workers during the period of construction of the approved project."

Vice Mayor Karukin asked the applicant if they had in fact contacted the Bakkers. Mr. Price confirmed that he hasn't been present at any meeting but the Bakkers had been contacted by the Young Israel Congregation. Mr. Gluck confirmed meeting with Mr. Bakker.

Vice Mayor Karukin asked the Town Planner if what Mrs. Bakker had said about the two (2) feet between properties was a fact. The Town Planner stated that there are 7 ½ feet between the Synagogue and the property line. Mr. Price stated that there are another five (5) feet between the property line and the Bakkers' property, making this a total of 12 ½ feet between properties.

Commissioner Olchyk asked if the Town has any high restrictions in the code that will keep the building from becoming any taller than approved. Town Attorney, Lynn Dannheisser responded positively to the question.

Vice Mayor Karukin made a motion to approve with the amendments outlined by the Mayor. The motion received a second from Commissioner Olchyk and all voted in favor.

3. Consent Agenda

***A. Minutes -** March 13, 2012 Regular Town Commission Meeting
Item deferred

B. Budget to Actual Summary as of January 31, 2012 – Roger M. Carlton, Town Manager
Item deferred

***C. Town Manager's Report (Points of Light)** – Roger M. Carlton, Town Manager

- Item deferred
- *D. **Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney
Item deferred
 - *E. **Projects Progress Report** – Calvin, Giordano and Associates, Inc.
Item deferred

4. Ordinances

Second Readings (Ordinances and Public Hearing)

- *1. **Sidewalk Businesses** – Duncan Tavares, TEDACS Director

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 "SIDEWALK BUSINESSES" AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 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 regulates use of sidewalks by restaurants]

Item was deferred to the Regular Town Commission Meeting of May 8, 2012.

A. First Readings Ordinances

No Ordinances for First Reading

5. Resolutions and Proclamations

(Set for approximately 9:15 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. **Fraternal Order of Police Local 135, Collective Bargaining Agreement – Year 2 Wage Re-opener** – David Allen, Chief of Police (SET FOR TIME CERTAIN AT 7:15 PM)

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT – YEAR 2 WAGE RE-OPENER FOR THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE ("AGREEMENT") DATED OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2013;

DIRECTING THE TOWN MANAGER TO EXECUTE SAME AND DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

David Allen, Chief of Police presented the item.

Commissioner Olchyk had questions on the amounts of the step increases.

Anthony Livoti, FOP Representative spoke on the item.

Vice Mayor Karukin made a motion to approve the resolution. The motion received a second from Commissioner Lisbon and all voted in favor.

- *B. Transfer of \$68,000.00 from the Resort Tax Fund balance to the Tourist Bureau Fiscal Year 2011-2012 budget – Duncan Tavares, TEDACS**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF RESORT TAX FUND BALANCE (RESERVES) TO THE TOURIST BUREAU DEPARTMENT FY 2011-2012 BUDGET FOR THE LOGGERHEAD TURTLE ART SPECIAL EVENT PROJECT; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2011-2012; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to accept. The motion received a second from Commissioner Lisbon and all voted in favor.

- *C. Grant of Authority to Town Clerk to Secure After-The-Fact Signatures for Previously Passed Legislation – Town Attorney, Lynn M. Dannheisser**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, GRANTING THE TOWN CLERK THROUGH THE TOWN MANAGER AUTHORITY TO LOCATE, SECURE SIGNATURES, AND SECURE AFTER-THE-FACT SIGNATURES FOR LEGISLATION PREVIOUSLY LAWFULLY PASSED AND ADOPTED BUT NOT EXECUTED OR CODIFIED TO PROCEED WITH SECURING THE SIGNATURES OF THE OFFICIALS IN OFFICE AT THE TIME OF THE LEGISLATION PASSAGE OR IN THE ALTERNATIVE TO SECURE AN AFTER-THE-FACT SIGNATURE FROM CURRENT OFFICIALS IN ORDER TO PROPERLY ISSUE AND CODIFY SUCH LEGISLATION; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to approve the resolution. The motion received a second from Commissioner Lisbon and all voted in favor.

6. Good and Welfare

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

Mr. Anthony Livoti spoke about the John Davis vs. Town of Surfside litigation and provided the Town Commission with a document. Town Attorney, Lynn Dannheisser advised the Town Commission not to discuss the issue due to pending litigation and stated that if they wished to talk about the issue she would schedule an Executive Session.

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. Classification and Compensation Study – Yamileth Slate-McCloud, Human Resources Director (SET FOR TIME CERTAIN AT 9:25 PM)**

Yamileth Slate-McCloud, Human Resources Manager presented the item to the Town Commission.

Commissioner Olchyk had many questions and asked for the item to be deferred. Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Lisbon. The motion passed 3-1 with Commissioner Olchyk voting in opposition.

A. Gomez Barker Associates, End-of-Session Legislative Report – Fausto B. Gomez (SET FOR TIME CERTAIN AT 9:40 PM)

Mr. Fausto Gomez presented the End-of-Session Legislative Report.

***C. Comprehensive Annual Financial Report (CAFR) – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN AT 9:50 PM)**

Michel Futterman, CPA, Marcum LLP, presented the Comprehensive Annual Financial Report (CAFR) to the Town Commission.

Vice Mayor Karukin made a motion to accept the CAFR report. The motion received a second from Commissioner Lisbon and all voted in favor.

Vice Mayor Karukin made a motion to extend the meeting one (1) more hour. The motion received a second from Commissioner Lisbon. The motion passed 3-1 with Commissioner Olchyk voting in opposition.

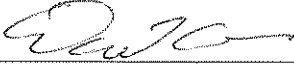
- *D. Island Community Initiative ALPR Project-** David Allen, Chief of Police
David Allen, Chief of Police presented the item to the Town Commission.
Vice Mayor Karukin expressed concerns with a number of First Amendments and FOIA issues with the project.
Commissioner Olchyk made a motion to approve. The motion received a second from Commissioner Lisbon and all voted in favor.
- *E. Charter Review Process** – Vice Mayor Michael Karukin
A Commission Workshop will be scheduled to discuss the item.
- *F. Hedges, Walls and Sight Lines and Code Compliance** – Joe Damien, Code Compliance Director (**SET FOR TIME CERTAIN AT 10:00 PM**)
Joe Damien, Code Compliance Director gave a report and a brief update to the Town Commission.
- *G. Commission Priorities** - Mayor Daniel Dietch
A Commission Workshop will be schedule to discuss item.
- *H. Hatzala Emergency Medical Services (EMS) for the Town of Surfside** –
Commissioner Sheldon Lisbon
Commissioner Lisbon presented the item.
Town Manager, Roger M. Carlton offered to contact Hatzala Emergency Medical Services and report back to the Commission.
- *I. Police Vehicle Lease Program – Phase II** – David Allen, Chief of Police
Chief Allen presented the item to the Town Commission.
Commissioner Olchyk had questions and didn't feel comfortable voting on the item.
Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Lisbon and all voted in favor.
- *J. Student Scholarship Program** – Mayor Daniel Dietch
Mayor Dietch presented the item and asked the Manager to put together guidelines for recognizing exceptional Surfside students. Mayor Dietch appointed Commissioner Olchyk to work with the Town Manager to identify a Committee and/or develop rules.
All voted in favor.

A motion to adjourn was made by Vice Mayor Karukin and seconded by Commissioner Olchyk and all voted in favor

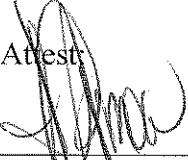
10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:58p.m.

Accepted this 8th day of May, 2012



Daniel Dietch, Mayor

Attest


Sandra Novoa, CMC
Town Clerk