

RESOLUTION NO. 10-1965

**A RESOLUTION OF THE TOWN OF SURFSIDE FLORIDA, CALLING FOR A JOINT MEETING BETWEEN TOWN COMMISSION AND PLANNING AND ZONING BOARD TO CREATE A PROCESS TO IDENTIFY THE ISSUES TO BE RECONSIDERED IN THE ZONING CODE (ORDINANCE NO. 10-1558); AUTHORIZING <sup>COMMISSIONER</sup> MICHAEL KARUKIN TO ENTER INTO NEGOTIATIONS WITH THE PETITION COMMITTEE CHALLENGING ORDINANCE NO. 10-1558; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on August 30, 2010, a petition for referendum (“Petition”) submitting Ordinance No. 10-1558 (the “Zoning Code”) to the electorate was filed with the Town of Surfside and,

**WHEREAS**, on September 20, 2010, pursuant to Article VII Section 114 of the Town Charter which requires the Town Clerk to render an opinion relative to the sufficiency of the petition, the Town Clerk issued such letter finding the Petition insufficient for failure to comply with Section 113 of the Charter and advised the committee of petitioners that it could cure the insufficiency within ten (10) days by resubmitting the Petition in accordance with Section 115 of the Town Charter; and

**WHEREAS**, the petitioners have not re-submitted said Petition but the Town Commission and the Town Planning and Zoning Board at various times both prior and subsequent to the filing of the Petition have nevertheless offered to reconsider those portions of the Zoning Code the petitioners find objectionable; and

**WHEREAS**, the Town Commission believes it would be in the best interest of the Town to avoid a costly ballot and/or litigation and to try to address the issues in controversy and, therefore, would adopt a formal expression of its intent to create a

process and timeline to identify what portions of the Zoning Code may be objectionable and to reconsider those relevant portions of the Code;

**WHEREAS**, on September 30, 2010 the Planning and Zoning Board expressed its desire to have a joint meeting with the Town Commission on this matter; and

**WHEREAS**, on a parallel track the Town Commission wishes to engage in settlement discussions with the petition committee and it believes the most efficient and effective way to facilitate this effort is to appoint one member of the Town Commission to represent the Commission in those discussions;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** The above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Call for Joint Meeting between Planning and Zoning Board and Town Commission.** The Town Commission and the Town Planning and Zoning Board (the Boards) shall conduct a joint meeting on Nov. 4, 2010. The Boards shall create a process and timeline within which to identify which portions of the Zoning Code (Ordinance No. 10-1558) should be reconsidered.

**Section 3. Appointment and Authorization to Enter Discussions with the**  
**Petition Committee.** <sup>COMMISSIONER</sup> MICHAEL KARUKIN is hereby authorized to enter into discussions with the Petition Committee on a parallel track to secure a list of concepts and sections of the Zoning Code (Ordinance No. 10-1558) that are in controversy and return to the Commission a list of those issues for reconsideration.

**Section 4. Implementation by Town Manager and Town Attorney.** The Town Manager and Town Attorney are hereby authorized to take all action necessary to assist in the implementation of the terms, conditions, and intent of this Resolution.


**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 12<sup>th</sup> day of October, 2010.

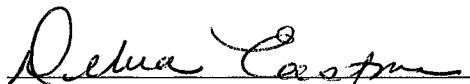
Motion by Commissioner Karukin, second by Commissioner Kopelman.

FINAL VOTE ON ADOPTION


Commissioner Michael Karukin	<u>yes</u>
Commissioner Edward Kopelman	<u>yes</u>
Commissioner Marta Olchyk	<u>yes</u>
Vice Mayor Joseph Graubart	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>

  
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Daniel Dietch, Mayor

ATTEST:

  
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Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR  
THE TOWN OF SURFSIDE ONLY:

  
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Lynn M. Dannheisser  
Town Attorney