



**Town of Surfside
Town Commission Meeting
March 9, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order

The meeting was called to order at 7:00 p.m.

B. Roll Call of Members

Town Clerk, Debra Eastman called the roll and the following were present:
Commissioner Elizabeth Calderon, Commissioner Steven Levine, Commissioner
Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett.

C. Pledge of Allegiance

Chief of Police, David Allen led the Pledge of Allegiance.

D. Agenda and Order of Business (Additions, Deletions)

Vice Mayor Marc Imberman requested to move item 9B and 9D to after E5. There
was no objection.

E. Special Presentations

1. Officer of the Month – Chief David Allen

Police Chief David Allen recognized Detectives Frank Colonna and Joe Matthews
for their outstanding police work in tracking down a burglar and felon resulting in
an arrest and recovery of stolen property.

**2. Special Recognition – Sarah Johnston, Legal Intern, Town Attorney, Lynn
Dannheisser**

Town Attorney, Lynn Dannheisser presented a Certificate of Appreciation to
Sarah Johnston a law student at St. Thomas University for her valuable services to
the Town of Surfside while serving as a legal intern.

**3. Special Recognition – Town Committees and Boards for past two years, Vice
Mayor Marc Imberman**

Vice Mayor Marc Imberman thanked the members of all of the Town of Surfside
Committees for their service to the Town over the last two years. Those in
attendance received a Certificate of Appreciation and a 75th Anniversary Mug.

4. Special Presentation – Eli Tourgeman, Surfside Business Association

Chairman of the Surfside Business Association, Eli Tourgeman presented a
number of gifts donated from Surfside businesses to the Mayor and Town
Commission and thanked them for their service.

5. Special Presentation – Barbara Cohen, Census
Barbara Cohen reported that the Census forms have been mailed and encouraged all to fill out the forms and return them.

9B. Spring Egg Hunt – Vice Mayor Marc Imberman (taken out of order at request of Vice Mayor)
Vice Mayor Marc Imberman made a motion to reinstate the Spring Egg Hunt and accept a \$2,000 donation from Calvin, Giordano and Associates, Inc. toward the event. The motion received a second from Commissioner Howard Weinberg. Mayor Charles Burkett called for the vote and all were in favor with Commissioner Steve Levine absent at this vote.

9 D. Status of Beach House Property Maintenance – Vice Mayor Marc Imberman (taken out of order at request of Vice Mayor)
Vice Mayor Marc Imberman made a motion to take \$3,000 from the Town Commission budget line item for seminars to dedicate toward fencing the unsightly beach house lot and to direct the Town Manager to follow up with placing a lien on the property in order to recover the cost. The motion received a second from Commissioner Steve Levine. Mayor Charles Burkett called for the vote and all were in favor.

6. Community Center Update – CGA/AECOM
Chris Giordano gave an update on the Community Center and the status of the foundation permit. Commissioner Howard Weinberg asked if a webcam could be pointed at the site for viewing on the Town's website. Vice Mayor Marc Imberman asked if there could be a 300 day countdown calendar on the website. Marta Olchyk requested information on daily or monthly expenses be published on the website.

7. Presentation of Report of Charter Review Board- Town Attorney, Lynn Dannheisser
Ken Arnold, Chairman of the Charter Review Board presented the report of the Committee to the Town Commission.

2. Quasi-Judicial Hearings

Proposed Hotel 92nd & Collins – Lynn Dannheisser, Town Attorney
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") APPROVING THE SITE PLAN APPLICATION SUBMITTED BY TRANSACTA LANAI DEVELOPERS, LTD., (THE "APPLICANT"), FOR A SITE PLAN APPROVAL PURSUANT TO SECTION 90-41 ET. SEQ. OF THE ZONING CODE, TO PERMIT THE DEVELOPMENT OF "PROPOSED SURFSIDE HOTEL", A FOUR (4) STORY, 178 HOTEL ROOM AND FIVE (5) SUITE HOTEL PROJECT, ON THE PROPERTY LOCATED AT 9200 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney, Lynn Dannheisser explained this is a quasi-judicial hearing and asked that any Commission member who had exparte communication make disclosure at this time. Mayor Charles Burkett, Vice Mayor Marc Imberman, Commissioner Steve Levine and Elizabeth Calderon all disclosed conversations with residents.

Mayor Charles Burkett passed the gavel to Vice Mayor Marc Imberman and made a motion to defer the item pending notice to surrounding property owners. The motion received a second from Commissioner Elizabeth Calderon. The method of proposed notification was discussed.

Sylvia Coltrain explained that the plans have been discussed for over one year and that the neighbors are fully aware of the project and had the opportunity to attend various Planning and Zoning hearings.

Commissioners Steve Levine and Howard Weinberg spoke in opposition to the deferment.

Richard Iacobacci spoke in favor of the project. Alan Yarkin spoke in favor. Barbara Cohen spoke in favor. Dorie Lorie suggested changing the Town Code to include the need for notice to the neighbors.

Commissioner Elizabeth Calderon withdrew her second to the motion. Mayor Charles Burkett, hearing no other second, declared that there was now no motion on the table.

Town Clerk, Debra Eastman administered the oath to those wishing to testify in the quasi-judicial proceedings. Karen Friedman, staff member of Calvin, Giordano and Associates gave the report of the project. The applicant and architect reported on the project.

Daniel Dietch, Chairman of the Planning and Zoning Committee spoke in favor of the project and verified that it meets zoning code and design review guidelines.

Commissioner Steve Levine made a motion to approve the resolution and to add two more conditions which are:

- Applicant will provide off street parking agreement for construction workers
- Applicant agrees to have discussions with FDOT regarding signalization

The motion received a second from Vice Mayor Marc Imberman. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Mayor Charles Burkett voting in opposition.

3. Consent Agenda

- A. Minutes – Town Commission Meeting, February 9, 2010**

- B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head
- C. Projects Progress Report – George Keller, Calvin, Giordano & Associates
- D. Mutual Aid Agreement between City of Miami Beach Police Department and Town of Surfside – Chief David Allen
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE WITH THE CITY OF MIAMI BEACH POLICE DEPARTMENT.
- E. Mutual Aid Agreement between Village of Indian Creek and the Town of Surfside – Chief David Allen
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE WITH THE VILLAGE OF INDIAN CREEK PUBLIC SAFETY DEPARTMENT.

A motion to approve the consent agenda was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Steve Levine. Mayor Charles Burkett called for the vote and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Fences, Walls and Hedges Amendment – Town Attorney, Lynn Dannheisser
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.56.17 “FENCES, WALLS AND HEDGES” TO PROVIDE REGULATIONS RELATED TO TEMPORARY CONSTRUCTION FENCING; PROVIDING FOR REPEAL; SEVERABILITY, INCLUSION INTO THE CODE; AND AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. A motion was made by Vice Mayor Marc Imberman to adopt the ordinance on second reading. The motion received a second from Commissioner Steven Levine. Mayor Burkett opened the public hearing and there was no one wishing to speak. Town Clerk, Debra Eastman called the roll and all were in favor.

2. Municipal Use Ordinance – Town Planner, Sarah Sinatra and Town Attorney, Lynn Dannheisser

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" 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.

Town Clerk, Debra Eastman read the title of the ordinance. A motion was made by Vice Mayor Marc Imberman to adopt the ordinance on second reading. The motion received a second from Commissioner Steven Levine. Mayor Burkett opened the public hearing and there was no one wishing to speak. Town Clerk, Debra Eastman called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

1. Regulated Use Ordinance – Town Planner, Sarah Sinatra and Town Attorney, Lynn Dannheisser

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-2 "DEFINITIONS" AND ARTICLE IV SECTION 90-41 "REGULATED USES" 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.

Town Clerk, Debra Eastman read the title of the ordinance. A motion was made by Vice Mayor Marc Imberman to introduce the ordinance on first reading. The motion received a second from Commissioner Howard Weinberg. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Commissioner Elizabeth Calderon voting in opposition.

5. Resolutions and Proclamations

- A. The Surf Club historic preservation – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE DESIGNATION OF THE SURF CLUB AS AN HISTORIC STRUCTURE; AND DIRECTING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO THE MIAMI DADE COUNTY HISTORIC PRESERVATION BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Steven Levine. The motion received a second from Commissioner Howard Weinberg. Mayor Charles Burkett called for the vote and all were in favor.

- B. Proposed Water and Sewer Fund Utility Rate Study – Martin Sherwood, Finance

Support Services Department Head

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING THE FIRM OF TISCHLERBISE, INC. TO PERFORM A COMPREHENSIVE WATER AND SEWER COST OF SERVICE AND RATE DESIGN STUDY; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and the motion passed 4-1 with Mayor Burkett voting in opposition.

C. Sanitary Sewer Pump Stations Improvements – John Messarian, Calvin, Giordano, & Associates, Inc.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WORK AUTHORIZATION WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR SANITARY PUMP STATIONS NOS. 1 AND 2 IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE ALL REQUIRED DOCUMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

D. Sanitary Sewer Lining and Replacement – John Messarian, Calvin, Giordano, & Associates, Inc.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WORK AUTHORIZATION WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR THE PREPARATION OF CONSTRUCTION PLANS AND DOCUMENTS, PERMIT PROCESSING AND CONSTRUCTION MANAGEMENT SERVICES REQUIRED FOR THE LINING AND REPLACEMENT OF SANITARY SEWER LINES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE ALL REQUIRED DOCUMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

6. Good and Welfare

Heather Oppenheimer discussed the shoreline cleanup scheduled for April 17.

Barbara McLaughlin requested information on the status of Miami Beach Fire Rescue providing services to the Town of Surfside.

Barbara Cohen discussed the upcoming Arts Festival to be held in Surfside.

Barbara McLaughlin thanked the sitting Town Commission for their service to the Town.

7. Town Manager and Town Attorney Reports

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. FEMA problem – Mayor Charles Burkett
Paul Gioia, Building Official reported on progress of outstanding problem areas and their recent resolution.
- B. Spring Egg Hunt – Vice Mayor Marc Imberman
(Discussed after item E5)
- C. Status of Beach House Property Maintenance – Vice Mayor Marc Imberman
(Discussed after item E5)
- D. Status of Circulator Bus Schedule Discussions with Neighboring Municipalities – Vice Mayor Marc Imberman
Vice Mayor Imberman requested an update on coordinating the town bus with Bal Harbor and Bay Harbor Islands bus routes with a common depot. Town Manager, Gary Word explained that staff is in the process of meeting with CITT and Sunny Isles Beach officials to enable residents to go to Mt. Sinai.

Town Manager, Gary Word read a letter of intent to resign into the record.

10. Adjournment The meeting adjourned at 10:20 p.m.

Accepted this 13 day of April 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk