



**Town of Surfside
Town Commission Meeting
April 13, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order

Mayor Daniel Dietch called the meeting to order at 7 p.m.

B. Roll Call of Members Town Clerk, Debra Eastman called the roll with Commissioner Michael Karukin, Edward Kopelman, Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch in attendance.

C. Pledge of Allegiance

Police Chief David Allen led the Pledge of Allegiance

D. Mayor's Remarks – Mayor Daniel Dietch

Mayor Daniel Dietch thanked the previous Town Commission for their service and welcomed everyone. Vice Mayor Joe Graubart thanked the voters for their trust.

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

Commissioner Edward Kopelman requested that an item be added to section 9 to discuss pre-agenda meetings.

F. Special Presentations

1. Police Officer of the Month – Chief David Allen

Detectives Frank Colonna, Joseph Matthews and Sgt. Loxley Arch were named Officers of the Month for their role in the arrest of two violent criminals.

2. Employee of the Quarter – Tim Milian, Director of Parks and Recreation

Virginia Agramonte from the Parks & Recreation Department was selected as the 2010 First Quarter Employee of the Quarter winner.

3. Barbara Cohen – Census Update

Barbara Cohen gave an update of the census process and encouraged residents to take note of the impending deadline.

4. Heather Oppenheimer – Baynanza April 17, 2010

Ms. Oppenheimer reported on the upcoming shoreline cleanup and encouraged volunteers to participate.

G. Community Notes – Mayor Daniel Dietch

Mayor Daniel Dietch congratulated Surfside Youth Soccer for their two championships, reported that Ruth K. Broad Bay Harbor K-8 Center is holding teacher appreciation day on April 14, reported that Ruth K. Broad Bay Harbor K-8 Center is looking to receive a grant and the residents can assist by voting on line and that the Relay for Life will be held on May 1, 2010.

H. Community Center Update – Calvin, Giordano & Associates, Inc.

Chris Giordano reported on the Notice to Proceed and possible completion date of February, 2011. He reported that there will be an update added to the Town's website to provide for photos. Commissioner Marta Olchyk requested that dollars spent also be posted on the website.

2. Quasi-Judicial Hearings - None

3. Consent Agenda

A. Minutes – Town Commission Meeting Minutes March 9, 2010
Town Commission Induction Meeting March 17, 2010
Town Commission Workshop April 1, 2010

B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services
Department Head

C. Projects Progress Report – George Keller, Calvin, Giordano & Associates

D. Resolution Certifying Election Results – Debra Eastman, Town Clerk
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE GENERAL MUNICIPAL ELECTION HELD ON MARCH 16, 2010 FOR THE ELECTION OF MAYOR AND FOUR (4) TOWN COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.

E. Proposed Mutual Aid Agreement with the City of Coral Gables Police Department –
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 CORAL GABLES POLICE DEPARTMENT.

A motion to approve the items on the consent agenda was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (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. Town Attorney, Lynn Dannheisser explained the purpose of the ordinance. Vice Mayor Joe Graubart made a motion to adopt the ordinance. The motion received a second from Commissioner Michael Karukin.

After discussion from the Commission, Mayor Daniel Dietch opened the meeting for public comments. Heather Oppenheimer suggested adding therapeutic massage also in conjunction with a fitness center. Litza Shiner asked that it be clear that this is an accessory use. Alan Packard spoke in favor.

Commissioner Marta Olchyk moved to amend the motion to include fitness center. The motion to amend received a second from Commissioner Michael Karukin.

Town Clerk Debra Eastman called the roll on the amended motion and it passed 4-1 with Commissioner Kopelman voting in opposition.

2. **First Readings (Public Hearings on Ordinances)**

**A. RLUIPA Parking Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY ARTICLE IV “DISTRICT REGULATIONS”; AMENDING 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. Town Attorney, Lynn Dannheisser explained the history and the intention of the ordinance. Commissioner Edward Kopelman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Marta Olchyk.

Mayor Daniel Dietch explained the district area. Mr. Gluck spoke in favor. Stanley Price spoke in favor. Richard Iacobacci asked about parking concerns. Litza Shiner spoke about parking concerns.

Town Clerk, Debra Eastman called the roll and all were in favor.

B. Landscape Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY ARTICLE VIII “LANDSCAPE REQUIREMENTS”; AMENDING SECTIONS 90-92, 90-94, 90-95 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. Town Planner, Sarah Sinatra explained the proposed changes. Commissioner Edward Kopelman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Michael Karukin. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Vice Mayor Graubart voting in opposition.

C. Construction Fencing Ordinance – 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 “FENCES, WALLS AND HEDGES”; CREATING 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.

Town Clerk, Debra Eastman read the title of the ordinance. Town Attorney, Lynn Dannheisser explained the requirements of the ordinance. Commissioner Edward Kopelman made a motion to introduce the ordinance on first reading. The motion received a second from Vice Mayor Joe Graubart. Town Clerk, Debra Eastman called the roll and all were in favor.

D. Notice Requirement for Site Plan Approval – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-35 “PLANNING AND ZONING BOARD; APPLICATIONS FOR SPECIAL EXCEPTIONS, ZONING CHANGES, CONDITIONAL USES AND VARIANCES; RULES OF PROCEDURE” TO PROVIDE THAT NOTICE WILL BE REQUIRED FOR SITE PLAN APPROVAL AND ALL NOTICES SHALL BE AT APPLICANT’S COST; 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. Town Attorney, Lynn Dannheisser explained that this ordinance will add a requirement of noticing of site plans. Vice Mayor Joe Graubart made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Michael Karukin. Litza Shiner asked about how notices are sent. Town Clerk, Debra Eastman called the roll and all were in favor.

5. Resolutions and Proclamations

A. Proposed Strike Force – 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 MEMORANDUM OF UNDERSTANDING FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.

Town Clerk, Debra Eastman read the title of the resolution. Town Manager, Gary Word explained the purpose. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Marta Olchyk. Town Clerk, Debra Eastman called the roll and all were in favor.

B. Sod and other incidental repair work at 96th Street Park – Tim Milian, Director of Parks and Recreation

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(3) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES, APPROVING REPLACEMENT OF SOD AND OTHER INCIDENTAL REPAIR WORK AT 96TH STREET PARK TO BE PROVIDED BY COUNTRY BILL'S LAWN MAINTENANCE; PIGGYBACKING ON CITY OF NORTH MIAMI BID #12-06-07, AUTHORIZING EXECUTION OF PURCHASE ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Town Manager, Gary Word explained the contract and the need. A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Kathy Imberman spoke of her concern of the high cost for few children impacted. Sasha Plutkin asked who will use the field. Shirley Barker asked about the amount of sod. Mayor Daniel Dietch called for the vote and the motion passed 4-1 with Vice Mayor Graubart voting in opposition.

C. Adoption of Committee Rules – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AND ADOPTING UPDATED RULES AND PROCEDURES FOR COMMITTEES CREATED BY THE TOWN COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Town Attorney, Lynn Dannheisser explained the purpose of the resolution. Commissioner Edward Kopelman

made a motion to adopt the resolution. The motion received a second from Commissioner Marta Olchyk. After further discussion, Commissioner Kopelman withdrew his motion to adopt. Commissioner Kopelman made a motion to defer this item until after discussion at a workshop. The motion received a second from Commissioner Olchyk. Mayor Daniel Dietch called for the vote and all were in favor.

D. Amendment to Community Shuttle Bus Service Contract – Fernando Rodriguez, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND LIMOUSINES OF SOUTH FLORIDA, INC.; AUTHORIZING THE TOWN OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT TO THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Town Manager, Gary Word explained the contract and the piggyback. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

6. Good and Welfare

Peter Neville congratulated the newly elected Town Commission and spoke of reopening the town library, previous town employees and the naming of the park.

Joe Whitman spoke of the need for a bike ordinance and parking concerns.

Richard Iacobacci suggested that trash pickup be delayed until after 9 a.m. to solve traffic congestion.

Steven Banks spoke regarding the approved hotel at 9200 Collins.

Matt Cogo suggested installation of seating and domino tables.

Randy McBride spoke in opposition to the waiver of any bids.

Frank McBride requested maintenance of trees at tot lot and repainting of no parking zone.

Ph Shasa Plutkin asked that money paid to the previous commission be reimbursed and asked for enforcement of the no turn on red signs.

7. Town Manager and Town Attorney Reports

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Mayor's remarks on Agenda Discussion Items – Mayor Daniel Dietch

Mayor Daniel Dietch distributed a suggested format for Commissioners to provide to the Town Clerk for use in the agenda for each of their items.

B. Charter Changes – Commissioner Michael Karukin

Commissioner Michael Karukin explained the need for a Commission workshop regarding the proposed charter changes and the need to comply with the county deadline for getting the questions on the ballot for November, 2010. Town Attorney, Lynn Dannheisser requested a workshop on quasi-judicial procedure.

C. Committee Appointments – Debra Eastman, Town Clerk

This item was deferred pending the Commission workshop on committees.

- D. Discussion regarding televising of Pre-agenda meetings – Commissioner Kopelman**
Kathy Imberman spoke in favor of televising the pre-agenda meetings. Litza Shiner spoke in favor of televising. Polly Kopelman spoke in opposition to televising. Richard Iacobacci spoke in favor of not televising the pre-agenda meeting. Commissioner Edward Kopelman made a motion to hold the pre-agenda meetings in the Commission Chambers and not to televise the meeting. The motion received a second from Commissioner Marta Olchyk. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Vice Mayor Graubart voting in opposition.

10. Adjournment The meeting adjourned at 10:55 p.m.

Accepted this 13 day of April, 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk