



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**September 17, 2013**

**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 7:01 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 Graubart, Commissioner Kligman and Commissioner Olchyk.

**C. Pledge of Allegiance**

Chief David Allen led the Pledge of Allegiance

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

Due to technical difficulties with the audio, this portion of the meeting is unavailable.

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

Commissioner Graubart linked items 3J, 3K, 3L, Constitution Week; Childhood Cancer Awareness Month Proclamation and Golden Veterans Parade Ceremony Commemoration.

**Community Notes – Mayor Daniel Dietch**

Mayor Dietch announced the upcoming community events which can be found on the Town's website.

Commissioner Graubart announced upcoming Tourist Board Meeting.

**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 in before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Commission member. Town Commission members must also do the same.*

**A. Request of Owner of Property located at 8859 Carlyle Avenue**

*The applicant at 8859 Carlyle Avenue is requesting a side setback variance.*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 8859 CARLYLE AVENUE TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO ADD AN ADDITION TO THE FIRST FLOOR AND ADD A SECOND STORY TO THE EXISTING SINGLE FAMILY HOME; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Nova swore in everyone that wished to speak.

Commissioner Graubart spoke with town staff and town attorneys as well as neighbors who allowed him into their backyards to look at subject property.

Mayor Dietch attended the Planning and Zoning meeting where the item was previously presented and heard recommendations from staff and also spoke to some of the neighbors.

Vice Mayor Karukin was present at the Planning and Zoning meeting where the item was presented.

Town Planner Sarah Sinatra presented the item to the Town Commission with a slide presentation and said staff recommends approval.

Applicant Mr. James Watson spoke and indicated how beneficial additional living space would be as well as increase the value of the home.

Mayor opened for public comments. No one wished to speak.

Commissioner Graubart read section 90-28 of the non conforming structure code and indicated that the application was in contrary to the code to approve. Mayor Dietch asked why the issue was directed to section 90-29 of the code for approval. Town Planner Sinatra said that section 90-28 of the non-conforming code specifically talks about use and the use is conforming. There are many different subsections to the non-conforming code and all are looked into and there are provisions that allow for enlargements and enhancements. Based on those criteria, the applicant does meet the criteria and that is why staff is recommending approval of the variance only. Commissioner Graubart indicated it was purchased with full knowledge as a cottage on a 25 foot lot and historically should remain as such. Town Planner Sinatra indicated that at the time of purchase the applicant had intentions to add a second floor to the structure and was given approval which was valid for one year. However, the applicant was unable to do so until now and the code had been changed. Building Official Rosendo Prieto also spoke addressing some of the questions the Commission had. Mayor Dietch had copies of the history of the property and asked Building Official Prieto to verify if prior approval for additions and a second floor had been issued in the past. Building Official Prieto said it was correct approval had been given.

Vice Mayor Karukin asked if the Town received any objections from neighbors and none were received. There was further

discussion regarding the size of the lot, enlargement of the existing structure, as well as FEMA regulations.

A motion to approve was made by Vice Mayor Karukin and received a second from Commissioner Kligman. The motion carried 4-1 with Commissioner Graubart voting in opposition.

**3. Consent Agenda (*Set for approximately 7:30 p.m.*)**

Mayor Dietch pulled Commission Minutes Meeting of July 23, 2013 for corrections

Vice Mayor Karukin pulled item 3B page 30 footnote F; page 51 item E.3

Commissioner Olchyk pulled item 3A, page 23 Commission Meeting August 13, 2003

Commissioner Graubart pulled item D, page 54; item 1, page 61; item 3, page 62.

Commissioner Kligman pulled item 5, page 35; item 2, page 38.

Town Manager Crotty correction to consent agenda item 36 Sidewalk Café Lease Addendum page 86, section 8 refers to ordinance 2008-3601 and should be ordinance no. 12-1587. If time permits to pull items A5 and B1 from the Town Manager's report.

Vice Mayor Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Olchyk and all voted in favor.

**A. Minutes – July 23, 2013 Special Commission Meeting Minutes**

Mayor Dietch had corrections to Item 6 - Employee Educational Assistance to change "all voted to accept the no" to "motion carried to accept the no vote 3-1 with Mayor Dietch voting in opposition."

Item 8 – ERP Project Management change to "motion carried 4-0" from motion carried 4-1."

August 5, 2013 Special Commission Meeting Minutes

August 13, 2013 Regular Commission Meeting Minutes

Commissioner Olychk had a correction to item 6 Consent Agenda items pulled which should be changed to "Vice Mayor Karukin made a motion to approve the pulled items from the consent agenda. The motion received a second from Commissioner Graubart (not Commissioner Olychk.)"

**B. Budget to Actual Summary as of June 30, 2013 – Donald Nelson, Finance Director**

**\*C. Town Manager's Report – Michael P. Crotty, Town Manager**

**\*D. Town Attorney's Report – Linda Miller, Town Attorney**

**\*E. Projects Progress Report – Calvin, Giordano and Associates, Inc.**

**F. Committee Reports – Michael P. Crotty, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)**

- July 15, 2013 Parks and Recreation Committee Minutes
- July 25, 2013 Planning and Zoning Board Minutes

**G. Florida Department of Transportation (FDOT) Sidewalk Café Lease Agreement (Revision) – Duncan Tavares, TEDACS Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 94<sup>RD</sup> STREET TO 96<sup>TH</sup> STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Item was adopted on consent.

**H. Approval for Payment of Emergency Repairs to the A/C Units at Town Hall to Smart Air Systems Inc. – Joseph Kroll, Public Works Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AFTER THE FACT THE EXPENDITURE TO SMART AIR SYSTEMS, INC. IN THE AMOUNT OF \$9,459.00 FOR THE EMERGENCY REPAIR OF THE CENTRAL AIR CONDITIONING UNITS LOCATED AT TOWN HALL; PROVIDING FOR APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

Item was adopted on consent.

**I. Fiber Optic Cable – Daniel Dietch, Mayor Page 108-110**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (TOWN) AFFIRMING SUPPORT FOR THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR; URGING ALL MUNICIPALITIES OF MIAMI-DADE COUNTY TO SUPPORT THE INSTALLATION OF FIBER OPTIC CABLE FOR PUBLIC USE IN THE FLORIDA EAST COAST RAIL CORRIDOR; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Item was adopted on consent.

**J. Constitution Week Proclamation – Mayor Daniel Dietch**

Item was adopted on consent.

**K. Childhood Cancer Awareness Month Proclamation – Mayor Daniel Dietch**

Item was adopted on consent.

**L. Golden Veterans Parade 50<sup>th</sup> Anniversary Commemoration – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”); EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD “GOLDEN VETERANS PARADE 50TH ANNIVERSARY COMMEMORATION” COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Item was adopted on consent.

**4. Ordinances**

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

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

*(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)*

**B. First Reading Ordinances**

- 1. Ordinance Amending Future Land Use Element of the Comprehensive Plan – Nancy E. Stroud, Esq., Special Land Use Counsel [SET FOR TIME CERTAIN AT 8:00PM]**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Special Land Use Counsel Nancy E. Stroud presented the item.

Vice Mayor Karukin made a motion for discussion purposes. The motion received a second from Commissioner Kligman

Public Speaker Mr. Pieter Bakker spoke against the ordinance.

Public Speaker Mr. Andrew Tobin asked for a postponement of six months as there is a litigation procedure in process.

Commissioner Kligman asked if the town was part of the litigation and if there were other liabilities involved. Commissioner Graubart would like to see the provisions separated as he sees a problem with Provision 2.

Mayor Dietch asked if Good and Welfare be deferred as it was scheduled for 8:15 p.m. Commissioner Graubart made a motion to defer Good and Welfare till after this item. The motion received a second from Vice Mayor Karukin and all voted in favor.

Vice Mayor Karukin asked if it were possible to approve without Provision 2 included. Counsel Stroud does not recommend that as the land development regulations are not consistent with the comprehensive plan and this proposal may correct that.

After some discussion Commissioner Kligman made a motion to accept. The motion received a second from Commissioner Olchyk. The motion carried 3-2 with Commissioner Graubart and Vice Mayor Karukin voting in opposition.

Commissioner Olchyk stated although she is not comfortable with the item she voted yes to go along with the recommendations of the attorneys. Mayor Dietch explained why he voted yes and felt it was in the best interest of the community and there has to be some remedy to the inconsistencies in some of the town ordinances.

2. **Veterinary Clinics – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) “REGULATED USES” ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Town Planner Sarah Sinatra presented the item to the Town Commission with a slide presentation and staff recommendation.

Vice Mayor Karukin made a motion to approve and the motion received a second from Commissioner Kligman for discussion purposes only.

Commissioner Graubart left the meeting at 9:12 p.m due to illness.

**Public Discussion**

Orit Mimoun (on behalf of Key Realty), Janet Schichman (on behalf of Sally and Mike Kennedy), Henry Stevens, Beth Lugo, Walter Javier, Kenny Stowe, Jessica Lewison, David Carmona, Walter Lugo, Joanna Huffman, Reesa Greenstein all spoke in favor of the vet clinic. David Carmona, DVM presented a petition of over 50 residents who are in favor. Dr. Garry Curson, had some concerns and requested more information as the proposed clinic may be his neighbor.

Vice Mayor Karukin thanked all for attending and said he was in favor of the item and felt it would be a good mix to the downtown district. Commissioner Kligman also in favor of the item but would like certain safeguards put in place and how it would be monitored. Town Planner Sinatra went through each of the conditions of the ordinance and special language could be put in the ordinance to safeguard against annoyances. The subject of grooming was also discussed perhaps with some limitations such as patrons cannot utilize the clinic just for grooming services. Mayor Dietch spoke about the downtown business district and how we need to look at our zoning codes in order to generate new business coming in. The Mayor is in favor as he sees this as a benefit to the community. Mayor Dietch suggested some language modifications to the ordinance. After some further discussion regarding conditional usage and compliance issues, Commissioner Kligman seconded the motion for approval. The motion carried 4-0 with Commissioner Graubart absent.

## 5. Resolutions and Proclamations

*(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)*

### A. Community Rating System Consultant CRS Max – Rosendo Prieto, Building official

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN COMMUNITY RATING SYSTEM MAX CONSULTANTS (CRS MAX), INC. TO ASSIST THE TOWN IN REESTABLISHING ITS PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT FOR RETENTION OF CRS FOR CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$15,000 FROM THE BUILDING SERVICES DEPARTMENT IN THE GENERAL FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chief Building Official Rosendo Prieto presented the item to the Town Commission.

Vice Mayor Karukin made a motion to discuss. The motion received a second from Commissioner Olchyk.

Commissioner Olchyk was very firm in her opposition to this item as she indicated that money had been spend three times prior with the assurance that this would be completed and it has not been accomplished. Commissioner Kligman agreed and asked how much had been spent and Town Planner Crotty estimated it was about \$40,000. Competitive bidding was discussed and Town Manager Crotty stated due to the necessity to get this resolved in order to get back into the program they did not use competitive bidding and felt help was needed to get this

resolved. Vice Mayor Karukin also expressed some concerns although he will vote in favor.

Vice Mayor Karukin made a motion to approve and the motion received a second from Mayor Dietch. Voting was a tie (status quo) with Commissioners Olchyk and Kligman in opposition with Commissioner Graubart absent. The item may be discussed again at the next meeting.

**B. Five Year Parks and Recreation Capital Plan – Tim Milian, Parks and Recreation Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) ACCEPTING THE PARKS AND RECREATION DEPARTMENT FIVE-YEAR CAPITAL PLAN; APPROVING THE PRIORITIES SET WITHIN THE CAPITAL PLAN; AND AUTHORIZING THE TOWN MANAGER TO TAKE NECESSARY ACTION TO COLLECT VOLUNTARY PROFFERS ASSOCIATED WITH THE CAPITAL PLAN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Kligman and Mayor Dietch thanked Tim Milian for doing a good job and an excellent presentation.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Graubart absent.

**C. Awning and Sign Code Update – Sarah Sinatra, Town Planner**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 73 (UPDATING AWNINGS AND SIGN CODE, CGA PROPOSAL NO. 13-5932) IN A TOTAL AMOUNT NOT TO EXCEED \$15,000; PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.**

Town Planner Sinatra reintroduced the item. Town Manager Crotty spoke on the issue and said staff is recommending approval. Commissioner Kligman questioned why the item was brought back after having been voted down. Vice Mayor Karukin said he met with Planning and Zoning and goes along with their suggestion to approve. Vice Mayor Karukin made a motion to approve. The motion received a second from Mayor Dietch. Mayor Dietch indicated why he thought this was important to approve and said it would benefit the downtown district. The item remains status quo with Commissioner Olchyk and Commissioner Kligman in opposition with Commissioner Graubart absent.



**D. Authorization of Funding for FY 12/13 FEMA-NFIP Remedial Work –  
Rosendo Prieto, Chief Building Official**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AND APPROVING AN AFTER-FACT EXPENDITURE OF \$30,260.00 FOR FY 2012/2013 FROM THE GENERAL FUND RESERVES TO THE BUILDING SERVICES DEPARTMENT IN THE GENERAL FUND TO RCW INTERIORS, LLC FOR THE REMEDIAL WORK ON PROPERTIES LOCATED AT 1220, 1236 AND 1355 BISCAYA DRIVE; PROVIDING FOR APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

Chief Building Official Rosendo Prieto presented the item to the Town Commission.

Commissioner Olchyk stepped away from the dais due to a voting conflict. Vice Mayor Karukin made a motion to approve. Commissioner Kligman made a motion for discussion.

Commissioner Kligman will vote in favor but had an issue with the process followed and asked why these expenditures were not brought before the Commission for approval. Town Manager Crotty addressed Commissioner Kligman's concerns. Richard Iacobacci gave more insight into what has been accomplished to date. Commissioner Kligman asked what part of the responsibility belongs to the homeowner and what portion belongs to the town. Town Manager Crotty said in May after regular updates from Eddie Rojas it was informed that the town had made the decision to pay for the remedial action as the most expeditious and least costly way to move forward to get back into the discount program. Mayor Dietch expressed his views and believed the town is partially responsible for not giving proper oversight on these properties in the past.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman. The motion carried 3-0 with Commissioner Graubart and Commissioner Olchyk absent.

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

No one spoke during Good and Welfare.

**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. Awards, Presentations and Recognition Meetings – Commissioner Joe Graubart**  
Item deferred
- B. Town Commission “Liaison” “Ex-Officio” – Commissioner Marta Olchyk**  
Commissioner Olchyk presented the item.  
Vice Mayor Karukin thanked the Commission members for being liaisons on various committees and if appointed he will serve as liaison to the Charter Committee.  
Commissioner Kligman said it was very difficult to get someone for the Charter Review but was successful and nominated Terry Cohen to the Charter Review Board and nominated Louisa Agresti to Parks and Recreation
- C. Comparison of Code Compliance Processes “Notice of Violation” vs. “Civil Citation” for Enforcement of Town Code – Joe Damian, Code Compliance Director**  
Code Compliance Director Joe Damien presented the report to the Town Commission. After some research Director Damien presented two options in issuing violation notices as well as the current process being used. Timeframes have to be determined as to how long the violator has to comply before penalties are issued as well as how far the Administration is willing to go to see it resolved. Commissioner Olchyk stated there should not be exceptions and a violator should be fined if not in compliance within the time allotted. Mayor Dietch requested Director Damien to prepare a framework to improve the civil violations notifications process and present it at the next Commission Meeting in October to be discussed and fine tune. Mayor Dietch also suggested Director Damien look at some of the older codes which may now be outdated.
- D. Town Manager Performance Evaluation – Mayor Daniel Dietch**  
Mayor Dietch presented the item. The evaluation will be done in November as a new form will be used and sent to the Commission for their feedback.  
Commissioner Kligman stated that it has been a pleasure to work with the Town Manager for the last six months and she is looking forward to complete his evaluations.  
Commissioner Olchyk agreed with Commissioner Kligman and looks forward to continuing working with him.  
Town Manager Michael P. Crotty said he would like to meet each Commission member individually after they have completed his evaluation and also suggested the evaluations be put on a public agenda so there could be a public dialogue also.


**10. Adjournment**

There being no further business to come before the Commission, the meeting adjourned at 11:00 p.m.

Accepted this 12<sup>th</sup> day of November, 2013

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

  
\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

15th November

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the bottom.