



**Town of Surfside
Town Commission Meeting
MINUTES
March 11, 2014
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 7:04 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

Commissioner Graubart said it was his honor to have represented the Town of Surfside for the past four years as Vice Mayor and Commissioner. However, he expressed his disappointment with Mayor Dietch and the positions he has taken in not preserving the small town atmosphere he said he would when first elected. Commissioner Graubart also expressed his regrets that the Mayor is running unopposed.

Commissioner Kligman who will not be running again, was very emotional as she expressed what a privilege it was serving on the Commission and it was an honor representing the citizens of the town.

Commissioner Olchyk said she will very much miss both Commissioner Graubart and Commissioner Kligman. Commissioner Olchyk said she has asked them to reconsider and run again. Commissioner Olchyk thanked both Commissioners for their friendship and support.

Mayor Dietch said although they have not always agreed on some of the issues he expressed his appreciation to both Commissioner Graubart and Commissioner Kligman for their service.

Mayor Dietch indicated at the Awards Ceremony he forgot to thank the staff for their dedication and hard work.

E. Agenda and Order of Business Additions, deletions and linkages
Items 4A4 and 5B were linked.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. The Mayor gave recognition to former elected officials in the audience. The Mayor gave updates on projects in progress and reminded that the meetings are live streaming.

Commissioner Graubart gave an update on the Tourist Board report.

G. Proclamation to Officer Maryhelen McCarthy from Newtown, Connecticut –
Mayor Daniel Dietch

Mayor Dietch gave an overview of Surfside's donation of Ruth the Turtle to Newton and how much it meant to the Newton community in their healing process. He acknowledged Officer McCarthy of Newton and how she became associated with the Town of Surfside.. Mayor Dietch presented Officer McCarthy with a proclamation and thanked her for her connection to the town of Surfside. Officer McCarthy gave an emotional speech about her association with Surfside and the healing of Newton.

H. Award for Bay Harbor Island K-8 Center PTA President Julia Magnani –
Commissioner Joe Graubart

Commissioner Graubart presented PTA President Julia Magnani with a plaque thanking her for her dedication to the community.

I. Presentation: Brian Flynn from Miami Dade County on Beach Issues and 2015 Beach Nourishment – Michael P. Crotty, Town Manager

Brian Flynn gave an update report and answered questions from the Commission.

J. Presentation to Commissioner Graubart – Mayor Daniel Dietch

Mayor Dietch presented Commissioner Graubart with a plaque for his dedication and service to the Town.

K. Presentation to Commissioner Kligman – Mayor Daniel Dietch

Mayor Dietch presented Commissioner Kligman with a plaque for her dedication and service to the Town.

Town Manager Crotty presented a special recognition to Commissioner Graubart and Commissioner Kligman.

L. Special Presentation to Town Mayor, Vice Mayor and Commissioners \$1.00 Annual Salary – Michael P. Crotty, Town Manager

Town Manager Crotty presented the Mayor, Vice Mayor and Commissioners each with their yearly salary of \$1.00.

2. Quasi-Judicial Hearings (None)

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

Mayor Dietch pulled the following items:

- Item 10 Sidewalk Ordinance Implementation
- Item 13 95th Street End Project
- Item 14 Seawall Project
- Item 21 Town Hall and Tennis Hut Improvements
- Item 30 Forty Year Building Certification
- Item 37 Beach Management Agreement

Vice Mayor Karukin pulled the following items:

- Item 3D Canal Dock/Point Lake – Budget to Actual
- Item 3 Bus Service
- Item 34 Online Bill Pay
- Item 9 Downtown Vision Project

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

Vice Mayor Karukin made a motion to accept the pulled items from the February 11, 2014 Commission Meeting. The motion received a second from Commissioner Kligman and all voted in favor.

A. Minutes – February 11, 2014 Regular Town Commission Meeting

B. Budget to Actual Summary as of December 31, 2013 – Donald Nelson, Finance Director – Items pulled by Vice Mayor Karukin who asked for a report on where monies are coming from to support the item.

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

Item 10 Sidewalk Ordinance Implementation - Mayor Dietch asked for status

Item 13 95th Street End Project –update given by Town Manager Crotty

Item 14 Seawall Project update given by Chris Giordano of CGA

Item 21 Town Hall and Tennis Hut Improvements - asked for date of completion and cost. Town Manager Crotty gave update.

Item 30 Forty Year Building Certification deferred by Mayor Dietch

Item 37 Beach Management Agreement – Tim Milian said the item is on hold and gave update

Item 3 Bus Service – Town Manager Crotty gave update

Item 34 Online Bill Pay – Vice Mayor Karukin thanked Finance Director Nelson for allowing people to now pay their bills online.

Item 9 Downtown Vision Project – Vice Mayor Karukin asked that as discussed at last meeting, a statement be added for consideration that TVAC and DVAC be combined into a single entity for operational efficiency.

At 11:28 p.m. Vice Mayor Karukin made a motion to extend the meeting 10 minutes. The motion received a second from Mayor Dietch. Voting to extend the meeting were Vice

Mayor Karukin and Mayor Dietch and opposing was Commissioner Graubart with Commissioner Kligman and Commissioner Olychk absent.

Vice Mayor Karukin made a motion to accept the pulled Items. The motion received a second from Commissioner Graubart and all voted in favor with Commissioner Olchyk and Commissioner Kligman absent.

***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

- **November 19, 2013 Pension Board Meeting Minutes**
- **January 13, 2014 Parks and Recreation Committee Meeting Minutes**
- **February 3, 2014 Tourist Board Meeting Minutes**
- **February 18, 2014 Charter Review Board Meeting Minutes**

G. Supporting the Expansion of the School Nurse System – Michael P. Crotty, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE EXPANSION OF THE SCHOOL NURSE SYSTEM IN THE TOWN OF SURFSIDE; JOINING THE TOWN OF BAY HARBOR ISLANDS, NORTH BAY VILLAGE, BAL HARBOUR VILLAGE AND THE CITY OF MIAMI BEACH IN FUNDING, NOT TO EXCEED \$3667.00 FROM THE FY BUDGET 2014-2015, A NURSE AND MEDICAL ASSISTANTS FOR RUTH K. BROAD K-8 CENTER, NORTH BEACH ELEMENTARY, AND TREASURE ISLAND ELEMENTARY; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent

H. Approval of Expenditure of Forfeiture Funds to Replace a Research Investigative Tool – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$2,901.00 FROM THE FORFEITURE FUND TO REPLACE A RESEARCH INVESTIGATIVE TOOL; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

3. Ordinances

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

1. Ordinance Amending Chapter 54 Prohibited and Restricted Noises – Commissioner Joe Graubart

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTIONS 54-78 “PROHIBITED NOISES”, 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; AND DELETING SECTIONS 54-80 “SAME—WHEN CONSIDERED ENCLOSED”, 54-81 “SAME—DIVISION OF YEAR INTO PERIODS FOR PURPOSE OF CONTROL”, 54-82 “SAME—WHEN PROHIBITED”, AND 54-83 “SAME—PROHIBITED NEAR HOTELS AND APARTMENTS DURING PERIOD NO. 1”, BY REVISING THE HOURS FOR CONTROLLING PROHIBITED AND RESTRICTED NOISES; 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.

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

Commissioner Graubart indicated that the new ordinance is more in line with other communities. Vice Mayor Karukin had an issue with the restriction regarding when one could mow their lawn without being in violation as the ordinance would prohibit mowing of lawns on Sundays and federal holidays. He indicated that people who work would only have a Sunday or holiday to do so. Commissioner Graubart spoke in support of the ordinance and felt it would be nice to have quiet on these days.

Mayor Dietch opened the public hearing.

Public Speaker Randall King of Grand Beach Hotel spoke and said that this ordinance will be costly to the construction in progress.

No one else wishing to speak Mayor Dietch closed the public hearing.

Commissioner Graubart made a motion to accept. Vice Mayor Karukin made a friendly amendment to remove the language “and shall be prohibited on Sundays and federal holidays.” Commissioner Graubart did not accept the friendly amendment. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Vice Mayor Karukin voting in opposition.

2. Planning and Zoning Board Membership – Linda Miller, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY AMENDING SECTIONS 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”, 90-16 “MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION”, 90-17 “POWERS AND DUTIES”, 90-18 “DESIGN REVIEW BOARD”, 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS”, 90-20 “DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY”, 90-23 “CONDITIONAL USES”, AND 90-70 “SIGN PERMITS”, ESTABLISHING THE DESIGN REVIEW BOARD AND RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; 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.

Commissioner Graubart made a motion to accept for discussion purposes. The motion received a second from Commissioner Olchyk.

Commissioner Graubart questioned the hiring of outside architects and how much influence they may have. Both the Mayor and Town Planner Sinatra addressed Commissioner Graubart’s concerns to his satisfaction. Town Attorney Miller clarified some issues of concern.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 5-0.

3. Electric Vehicle Car Charging Station – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE

INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; 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.

Commissioner Kligman made a motion for discussion purposes only. The motion received a second from Commissioner Graubart.

Commissioner Kligman indicated that as written the charging station has to be completely concealed inside a garage. Her concern was for those homes that do not have a garage and it was suggested that the language be changed to provide landscaping or such to conceal the wires for those without garages.

Commissioner Graubart asked if older multi-family residences would be required to have an electric charging station. Commissioner Olchyk asked who pays for the electricity when a charging station is used. Vice Mayor Karukin had questions regarding parking spaces as there is a shortage of parking spaces in the town.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

Town Planner Sinatra made a friendly amendment that (1) all new multi-family dwellings of 20+ should provide access for a 220 volt station and (2) wall mounted in private homes be concealed from view such as landscaping or other materials.

Commissioner Kligman accepted the amendment and made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 5-0.

**4. Amendments to the Chapter 70 Article IV “Resort Tax” Ordinance –
Duncan Tavares, TEDACS Director {LINKED TO ITEM 5B}**

Amended Item

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING SECTIONS 70-109 “IMPOSITION; AMOUNT”, SECTION 70-124 “COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.”, SECTION 70-125 “ORGANIZATION”, SECTION 70-126 “POWER AND DUTIES”, AND CREATING SECTION 70-128 “BUDGET AND EXPENDITURE OF FUNDS” 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 Sandra Novoa read the title of the ordinance. Duncan Tavares, TEDACS Director presented the item to the Town Commission.

Commissioner Olchyk made a motion to accept and the motion received a second from Commissioner Graubart.

Vice Mayor Karukin indicated that the amended ordinance was received last night and there was no chance to review it. Mr. Tavares said the changes were minimal and explained the amended text. Commissioner Kligman also was not comfortable with the changes. There was some discussion regarding the proposed Board. The Commission had issues with some of the language of the ordinance.

Vice Mayor Karukin requested the legal department to look into (1) remove the annual review for the Chair of the Committee (2) put a cap on the 34% (3) combining TVAC and DVAC

Mayor Dietch opened the public hearing.

Tourist Board Vice Chair Barbara Cohen spoke on the item.

No one else wishing to speak, Mayor Dietch closed the public hearing.

Commissioner Olchyk withdrew the motion to accept and referred it back to the new Tourist Board. The motion received a second from Commissioner Graubart.

Vice Mayor Karukin made a motion to defer the item. The motion received a second from Commissioner Kligman. Motion to defer carried 4-1 with Mayor Dietch voting in opposition.

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

A. Harding Avenue Improvement District (BID): Resolution Establishing A Special Assessment District – Duncan Tavares, TEDACS Director

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, WITH ATTACHMENT(S), ESTABLISHING A SPECIAL ASSESSMENT

DISTRICT AREA TO BE KNOWN AS THE SURFSIDE BUSINESS IMPROVEMENT DISTRICT (“BID”) AND AUTHORIZING THE LEVY AND COLLECTION OF A SPECIAL ASSESSMENT FOR A PERIOD OF FIVE (5) YEARS SUBJECT TO THE APPROVAL OF A MAJORITY OF AFFECTED PROPERTY OWNERS; PROVIDING FOR THE NATURE AND ESTIMATE OF BENEFITS TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURES, PAYMENTS, AND STATUTORY LIENS; PROVIDING FOR PUBLICATION OF LEGAL NOTICE, AUTHORIZING AND DIRECTING THE TOWN MANAGER, TOWN CLERK, AND ALL OTHER NECESSARY TOWN OF SURFSIDE STAFF, AFTER CONSULTATION WITH THE TOWN ATTORNEY, TO UNDERTAKE ALL NECESSARY ACTIONS AND PROCEDURES TO ACCOMPLISH THE PURPOSE SET FORTH IN THIS RESOLUTION IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.

Duncan Tavares explained the item.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk.

Vice Mayor Karukin had some questions, which Mr. Tavares was able to answer satisfactorily.

A vote was taken and the motion carried 5-0 with all voting in favor.

- B. **Amendment to the Chapter 70 Article IV “Resort Tax” – Duncan Tavares, TEDACS Director {LINKED TO ITEM 4A4} Amended Item**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE RESORT TAX BOARD CONFLICT OF INTEREST AND ETHICS POLICY AND OPERATING PROCEDURES; PROVIDING FOR POLICIES, PRINCIPLES, STANDARDS OF CONDUCT, AND OPERATING PROCEDURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to defer item 5B linked to 4A4. The motion received a second from Commissioner Kligman. The motion carried 4-1 with Mayor Dietch voting in opposition.

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

Mayor Dietch opened Good and Welfare

Public Speaker Eli Tourgeman spoke and said he very much appreciated the service of Commissioner Kligman and the incredible support she has given the Business District. Mr. Tourgeman said he was deeply sorry that Commissioner Kligman is not seeking to run again and will miss her. He also thanked Commissioner Graubart for his dedication and service to the community.

No one else wishing to speak the Mayor closed 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.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

**A. Final Report of the Charter Review Board – Linda Miller, Town Attorney
[TIME CERTAIN 7:45PM]**

Chair Lou Cohen presented the item to the Town Commission and introduced outside Counsel Jean Olin to speak on the item. Chair Cohen thanked staff for all their help especially Town Clerk Sandra Novoa and Town Attorney Linda Miller. Counsel Olin gave an overview of the report.

Commissioner Kligman made a motion to accept the report of the Charter Review Board. The motion received a second from Commissioner Graubart and all voted in favor.

**B. Infrastructure Rehabilitation Project – Close Out Update – Michael P. Crotty,
Town Manager**

Chris Giordano from CGA provided a report on the item. Commissioner Olchyk thanked CGA for saving the town money.

**C. Status Report on Code Compliance Fines – Joe Damian, Code Compliance
Director**

Town Manager Crotty said the item will be reported back in April.

D. Report on Canal/Dock/Point Lake Issue – Michael P. Crotty, Town Manager

Town Manager Crotty said the item will be reported back in April.

E. Town Manager's Evaluation – Mayor Daniel Dietch

Commissioner Olchyk thanked Town Manager Crotty for all his work and said she was very happy working with him. Commissioner Graubart also expressed he was pleased with Mr. Crotty and indicated all his past and present positive evaluations. Commissioner Graubart made a motion that Mr. Crotty be given a one-time bonus, non pensionable, in the amount of \$7,500. The motion received a second from Commissioner Olchyk. Mayor Dietch expressed some of his concerns and is not supportive of a bonus. The motion carried 4-1 with Mayor Dietch voting in opposition.

At 10:59 p.m. Vice Mayor Karukin made a motion to extend the meeting 30 minutes. The motion received a second from Commissioner Graubart. The

motion passed 3-2 with Commissioner Kligman and Commissioner Olychk voting in opposition.

- F. **Stop Sign and Crosswalks Plan along Collins and Harding Avenue (Verbal) – David Allen, Chief of Police**
- G. **Smoking Ban for “Municipal Use” Property – Commissioner Joe Graubart**
Commissioner Graubart on the issue and would like the Town to consider.
- H. **Bus Service Update – Michael P. Crotty, Town Manager**
Town Manager Michael P. Crotty provided an update on the bus service.
- I. **Miami Dade County League of Cities Director Designation (Verbal)– Mayor Daniel Dietch - Appointment will be made next month**
- J. **Sight Line Triangle Compliance – Mayor Daniel Dietch**
Vice Mayor Karukin indicated there have been over 125 meetings on the books regarding this issue and said increasing the hedge height to 48 inches may solve the problem. There have been problems in scheduling a special meeting. Vice Mayor Karukin made a motion to put it on the agenda at the May 2014 Commission Meeting. The motion received a second from Commissioner Kligman and all voted in favor.
- K. **Residential Solid Waste Set Out Compliance – Mayor Daniel Dietch**
Commissioner Graubart spoke on the issue. Public Works Director Joseph Kroll also spoke on the item.

Commissioner Olychk left the meeting at 11:15 p.m.
Commissioner Kligman left the meeting at 11:22 p.m.

10. Adjournment

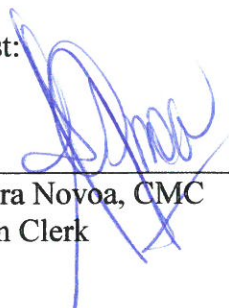
There being no further business to come before the Commission, the meeting adjourned at 11:39 p.m.

Accepted this 8th day of April, 2014



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk