



**Town of Surfside
Town Commission Meeting
MINUTES
October 14, 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 7:05 P.M.

B. Roll Call of Members

Recording Clerk Frantza Duval called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Karukin, Commissioner Olchyk and Commissioner Cohen.

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

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

Commissioner Karukin pulled Item 20 CRS - page 41 and Item 3G Mobile App - page 69

Mayor Dietch pulled Item 34 - page 6, Item 15 – page 38, Item 24 – page 42, and Item from page 48

Commissioner Cohen made a motion to move up Item 9F - Request to Increase Lot Coverage Percentage and be heard between 7:45-8:00 p.m. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Vice Mayor Tourgeman urged the community to vote and familiarize themselves with the issues. He also mentioned a Miami Herald article regarding neighboring Indian Creek and how the article gave a positive view of Surfside as it is upgrading.

G. Town Manager Recruitment Update – Colin Baenziger, Colin Baenziger & Associates

Mr. Baenziger gave an update on the issue and said they have received 51 applications to date. He wanted the Commission to be aware of the fact that many potential candidates they have tried to recruit are already in the salary range or higher

than what is being offered by Surfside. The Commission is scheduled to interview the final candidates on November 20, 2014. There was some discussion as to the date and the process that follows. Commissioner Cohen suggested that after the individual interviews the Commission get together and discuss their views and then do their rankings. Commissioner Olchyk wanted to be assured that a potential candidate finds the salary being offered acceptable. She also wanted to be assured that all references and various items are verified and checked. Commissioner Olchyk is not in favor of reimbursement of travel expenses for an interview. Mr. Baenziger replied and said all items will be checked and as to salary he again reiterated that the reason some were not interested was they were already in the salary range being offered. As to travel expenses, he said that would be up to the Commission.

Commissioner Karukin said we should not close the door on a potentially good candidate because they are out of town and we should pay their travel expense. The Mayor agreed and by a nod of head and for the record the majority of the Commission agreed with the Mayor and Commissioner Karukin that travel expenses should be paid by Surfside.

Mayor Dietch directed the Town Manager to go forth and schedule a date as soon as possible that is acceptable to members of the Commission.

Commissioner Cohen asked Mr. Baenziger what he was looking for in a candidate for Surfside and also why he thinks that city has gone through so many managers. As to the frequency of town managers in Surfside he said the reasons vary as to perhaps the right person was not selected, to a manager being worn. He mentioned the amount of meetings the town manager was required to attend which sometimes resulted in a 60-80 hour week.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Vice Mayor Tourgeman 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 – Sandra Novoa, CMC, Town Clerk

September 9, 2014 – First Budget Hearing

September 9, 2014 – Regular Town Commission Meeting

September 11, 2014 – Special Town Commission Meeting – Town
Manager Search

September 11, 2014 – Special Town Commission Meeting – Sand Report

September 29, 2014 – Special Town Commission Meeting – Town
Manager Recruitment Process

B. Budget to Actual Summary as of July 31, 2014 – 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

- August 21, 2014 Community Center Expansion Committee
- August 21, 2014 Parks and Recreation Committee
- August 27, 2014 Planning and Zoning Board Meeting
- September 2, 2014 Sand Project Committee

- G. **Tourist Mobile App** – Duncan Tavares, TEDACS Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH PROSPORT ENTERTAINMENT, LLC, D/B/A SHFT MOBILE TECHNOLOGIES (“SHFT MOBILE”) AND THE TOWN OF SURFSIDE FOR THE DESIGN AND DEVELOPMENT OF THE TOWN’S TOURISM MOBILE APPLICATION PLATFORM (“TOURISM MOBILE APP”) REAFFIRMING THE RESORT TAX BOARD EXPENDITURE OF \$10,800.00 FROM THE FY2014/2015 RESORT TAX FUND ACCOUNT NO. 102-8000-552-48-10 FOR MAINTENANCE, SERVICING AND LICENSING; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

**Pulled Items: (deferred) Commissioner Karukin - Item 41 and Item 3G
Mayor Dietch - Item 6, Item 38, Item 42 and Item from page 48**

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)

B. First Reading Ordinances

- 1. An Ordinance Amending Town Code Section 90-52 “Required Clearances” and Striking Town Code Section 90-92 “Sight Triangles and Clearances” – Joe Damian, Code Compliance Director**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AMENDING CODE SECTION 90-52 “REQUIRED CLEARANCES” AND STRIKING CODE SECTION 90-92 “SIGHT TRIANGLES AND CLEARANCES;” PROVIDING FOR INCLUSION IN THE CODE;

REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Recording Clerk Frantza Duval read the title of the ordinance.
Director Damien presented the item.

Vice Mayor Tourgeman made a motion for discussion. The motion received a second from Commissioner Cohen.

Town Attorney Miller had an amendment to Item E which she read.

Vice Mayor Tourgeman made a motion to approve with the Amendment of Item E. The motion received a second from Commissioner Olchyk and all voted in favor.

Public Speakers:

-Clara Diaz-Leal Parker thanked the Commission and Director Damian for working with the community on this issue as they now feel more comfortable about their safety and privacy. She also asked that if there is clearance they be allowed to have taller bushes. She also talked about the traffic issue.

-George Espinel wanted to thank all. He also mentioned having new stop signs in certain areas.

-Deborah Cimadevilla thanked the Commission and all involved in addressing this issue. She also spoke about traffic concerns.

2. Medical Marijuana Ordinance – Sarah Sinatra, Town Planner (deferred)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA RELATING TO MEDICAL MARIJUANA FACILITIES FOR MEDICAL USE ONLY; AMENDING CHAPTER 90 “ZONING” BY AMENDING “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-23 “CONDITIONAL USES”; SECTION 90-41 “TABLE- REGULATED USES”; CREATING SECTION 90-41.2 “MEDICAL MARIJUANA FACILITIES”; SPECIFICALLY AMENDING SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was not heard

3. 10% Windows for Each Story – Sarah Sinatra, Town Planner (deferred)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE

AND ROOF DECKS” TO MODIFY THE CODE TO REQUIRE A 10% WINDOWS PER FAÇADE OF A SINGLE FAMILY HOME PER STORY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was not heard

4. Single Family District Paint Colors – Sarah Sinatra, Town Planner (deferred)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO LIMIT THE PERMITTED COLORS IN THE H30A AND H30B ZONING DISTRICTS TO THE FOUR LIGHTEST COLORS ON A COLOR SWATCH; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR

Item was not heard

5. Ordinance Amending Section 2-235 “Lobbying” – Sandra Novoa, CMC, Town Clerk (deferred)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 “LOBBYING”; CLARIFYING THE DEFINITION OF A LOBBYIST; SPECIFICALLY AMENDING SECTION 2-235 (2) “LOBBYIST REGISTRATION, FEES, RENEWAL AND WITHDRAWAL”; REQUIRING ALL LOBBYIST WITHIN THE SAME FIRM WHO REPRESENT THE SAME PRINCIPAL TO REGISTER, PAY FEE AND FILE EXPENDITURE REPORT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was not heard

5. Resolutions and Proclamations

A. Resolution Strongly Requesting MD County Historic Preservation Board to Cease the Designation of 9340 Collins Avenue and any Properties between 93rd and 94th Street between Collins and Harding Avenue – Vice Mayor Eli Tourgeman

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA STRONGLY REQUESTING THE MIAMI-DADE COUNTY HISTORIC PRESERVATION BOARD (“BOARD”) TO CEASE THE DESIGNATION OF 9340 COLLINS AVENUE AND ANY PROPERTIES BETWEEN 93RD AND 94TH STREET BETWEEN COLLINS AND HARDING AVENUES SURFSIDE, FLORIDA AS HISTORIC PROPERTIES; TO PROVIDE THE TOWN WITH THE OPTION TO WORK IN PARTNERSHIP WITH THE PROPERTY OWNERS ON A PUBLIC PRIVATE PARTNERSHIP; TO ALLOW THE TOWN TIME TO ANALYZE PREPARATION OF ZONING CRITERIA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman presented the item.

Mayor Dietch had some issues and questions that were not satisfactorily addressed so was uncomfortable with going forth with the resolution at this time. Manager Crotty and Town Planner Sinatra gave more details on the issue. There was further discussion on the item and Leoncio delaPena also spoke on the topic.

Vice Mayor Tourgeman made a motion to support the Resolution. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Mayor Dietch voting in opposition.

Commissioner Karukin made a motion to extend the meeting a half hour. The motion received a second from Commissioner Cohen. The motion failed 3-2 with Mayor Dietch and Commissioner Karukin in favor and Vice Mayor Tourgeman, Commissioner Olchyk and Commissioner Cohen in opposition.

Mayor Dietch apologized to the public who attended the meeting and wished to speak on an issue that has been deferred due to non-extension of meeting.

B. Resolution Approving CGA Work Authorization No. 88 – Michael P. Crotty, Town Manager (deferred)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 88 (CREATE ZONING CRITERIA INCLUDING MID-BLOCK WALKWAYS AND OPEN SPACE, CGA PROPOSAL NO. 14-7020) IN A TOTAL AMOUNT NOT TO EXCEED \$ 54,998.59 FROM THE GENERAL FUND, FY2014/2015 ACCOUNT NO. 001-2000-524-31-10; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Item was not heard

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

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-George Kousolas spoke about some construction that was done overnight and many residents were upset over the noise. He thanked the Town Manager for his help and it was cleared up. Hopefully there will be better communication from the State to the town when work has to be done. He agrees with the Mayor in finding out now just what the second story at the community center could hold.

-Jeff Platt is a pet owner and is very upset over the fact that people walk their pets on the beach without a leash. There are signs that say no pets on beach and feels it is not enforced. He has called the Police Dept and no one comes.

-Louis Cohen said that several months ago at a Commission meeting he suggested an email account so that residents who cannot attend the meetings have a way to interact with the Commission.

-Eliana Salzhauer was on the committee and outvoted as to doing an analysis on the community center to see what it can or cannot hold. She also had concerns about downed wires around town and when trying to get it resolved everyone tells her it is someone else's responsibility. The town has to take care of the issue.

-Barbara McLaughlin asked about the street lights which have been out for a while on 94th Street and Collins Avenue. She also was concerned about the timing of the special meeting held by the Commission and that the general public was not aware as it was not advertised well or televised and placing notices in the Gazette is not enough. Town Manager Crotty said that anyone wishing to know about special meetings could provide their email address to staff as special blasts do go out with such information.

Mayor Dietch addressed some of the issues mentioned and gave an update on some. He suggested a pilot program regarding Mr. Cohen's request regarding public interaction during meetings. Police Chief Allen responded to the issue of unleashed dogs on the beach and said warnings and citations have been issued. He also said police respond to all calls and there is a daily detail that monitor the beach.

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. Harding Avenue Business District Bench Sponsorship – Duncan Tavares, TEDACS Director (deferred)

B. Citizens Survey – Duncan Tavares, TEDACS Director (deferred)

C. Parking Solution – Michael P. Crotty, Town Manager (deferred)

D. Update on Sand and Beach Management Issues – Michael P. Crotty, Town Manager

Manager Crotty gave an update on the issue. Commissioner Olchyk asked if the Surf Club will be paying for the removal of sand if deemed necessary from testing results. Manager Crotty said the Surf Club indicated they will participate. Mayor Dietch said that after turtle season was over, it was his understanding that the Surf Club will sift the sand to assure it is free of debris and Manager Crotty confirmed. There was further discussion on the matter.

Vice Mayor Tourgeman made a motion to move forward with \$11,400 to Land Science for final testing on beach sand. The motion received a second from Commissioner Karukin. The motion passed 4-1 with Commissioner Cohen voting in opposition. The Mayor wanted it made clear that the Town of Surfside is the client and all communication will be with the Town.

Public Speakers:

-Renee Tischler expressed her concerns about removal of sand and future testing of sand.

-Monica Grandezee has concerns about moving sand around and the actions of the Chateau and wants them to work with the community.

-George Kousolas had concerns regarding testing of sand and what does the Surf Club mean when they say they will participate and ultimately who will be paying for this. He also expressed some other concerns regarding the sand.

-Jeff Platt had concerns regarding Miami-Dade removing the cliffs and escarpment and mixing it in with existing sand. He also said he spoke to the Surf Club and it was indicated to him that they will not remove the sand and feels the community is not getting correct information.

-Deborah Cimadevilla expressed her views on the issue and suggested that an Ordinance or regulation is put in place so this cannot happen in the future.

-Marianne Meiseid had concerns about moving the sand around before testing is done.

Mayor Dietch asked that we have a regulation and ordinance on the books for the next meeting so we do not have these problems as future development is coming.

Vice Mayor Tourgeman made a motion to direct the Town Manager to move forward rapidly with town regulation and ordinances regarding development regulation. The motion received a second from Commissioner Karukin and all voted in favor.

Vice Mayor Tourgeman made a motion to move to Item 4B1 and then to Item 5A. The motion received a second from Commissioner Karukin and all voted in favor.

E. Bal Harbour Village Sanitary Sewer Force Main – Donald Nelson, Finance Director (deferred)

F. Request to Increase Lot Coverage Percentage – Commissioner Barry Cohen

Commissioner Cohen presented the item and said it was brought up before the Planning and Zoning Committee and they were receptive to it. The feedback he has gotten from the community is that more young families are moving into the area and the demographics have changed. Vice Mayor Tourgeman said years ago people abided by the code and if they wanted something different they applied for a variance. Today it seems when someone wants something different we just change the code and wanted people to be aware of that. He also said he believed that the Planning and Zoning Board wanted to look into a more conceptual design before moving forward.

Town Planner Sarah Sinatra said the homeowner did not take the option of applying for a variance but went straight to the Commission and the Commission directed her to place it on the agenda at Planning and Zoning. She was asked by Planning and Zoning to bring back more text and graphics as to expansion of ground floor coverage and she will present that at the next P&Z Meeting.

Public Speaker Charles Ness spoke in support of the item and said P&Z was supportive of even a larger percentage of ground coverage expansion than what he was requesting as long as it didn't impinge on current setbacks. He has a petition with over 100 signatures supporting the item.

Mayor Dietch directed the Town Planner to build into her report the possibility of limiting any second story expansion of a house and the impact on a single lot, a lot and a half, and two lots. Planner Sinatra said this was discussed at P&Z without limitations of second story expansion and the Mayor asked if she could present both options.

Vice Mayor Tourgeman made a motion to take Item 9D next. The motion received a second from Commissioner Karukin and all voted in favor.

- G. Enterprise Resource Planning (ERP) Proposal – Donald Nelson, Finance Director (deferred)**
- H. Solid Waste Rates – Donald Nelson, Finance Director / Joseph Kroll, Public Works Director (deferred)**
- I. Possible dates for a rescheduled Joint Meeting of the Town Commission and Tourist Board – Duncan Tavares, TEDACS Director (deferred)**
- J. Surfside Seawall Replacement Project Bid Value Engineering – Chris Giordano, CGA {To be delivered Separately} (deferred)**
- K. Traffic Mitigation Plan for Surfside and Bal Harbour – Advanced Transportation Engineering Consultants – Chief David Allen**
Chief Allen introduced Rick Mitinger who gave a power point presentation on the study done. Commissioner Karukin asked if he could receive a copy of the slides as there were too many to present at this meeting. He also mentioned that it would be beneficial to have this report compared with previous traffic study done.
- Public Speakers:**
- Monica Grandezee questioned the analysis done on 90th and 91st Streets regarding a stop sign because it is incorrect on the slide presented.
 - Renee Tischler wanted all to be aware that the corner of 90th Street and Harding is extremely dangerous as there is no light and one has very little time in crossing that intersection.
 - Barbara Cohen mentioned the 94-95th Street traffic and said it is a terrible situation and it will get worse.
- L. Report on Community Center Second Floor Extension Committee Recommendation– Tim Milian, Parks and Recreation Director**
Director Tim Milian introduced Ms. Reta Logan Chair of the Parks and Recreation Committee who presented their recommendation which is to table the expansion of the second floor for two years.

Public Speakers:

- Eliana Salzhauer, Vice Chair of the Committee agreed with the Chair and said at this time we should not close the center for construction as it is very highly used.
- Barbara McLaughlin said the expansion of the center is important to the growing community. She suggested that we begin the pre-construction planning now.
- Barbara Cohen said we should get it moving in two years and begin the planning now.

Commissioner Karukin supports the recommendation of the Parks and Recreation Committee. However, he feels starting the process of planning now is not a good idea as in two years there may be more ideas, a new Commission, and it would be redone.

Commissioner Olchyk has worked closely with the Parks and Recreation Department as liaison. She praised the ad-hoc committee and said they were hard working and dedicated. She agrees with their recommendation to defer the construction for two years and agrees with Commissioner Karukin that we should not go forward with spending monies on preconstruction plans at this time.

Vice Mayor Tourgeman was against postponement of building the second floor and expanding the community center. He based his view after speaking with many residents who want to have a meeting room for events and also said that the center is mostly funded by tourist tax dollars. He feels that something that would benefit the residents as well as tourists should not be deferred.

Commissioner Cohen said from what he has heard this evening he thinks that the project should be delayed.

There was further discussion on the issue as to what the second floor would house. Mayor Dietch feels the Town Manger should begin an action plan as to what the required steps would be and said we have the funds now and perhaps there are things we can do such as an analysis of the building to see if it can support a second story. He asks the Commission to support his recommendation to have their expectations managed.

Commissioner Olchyk and Commissioner Karukin feel that we should not spend the money now for an analysis as it may have to be redone at the time we are ready to go forward and know exactly what the second story would house.

Commissioner Olchyk made a motion to approve the recommendation made by the Committee and defer the expansion of the second floor project for two years. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Vice Mayor Tourgeman voting in opposition. Mayor Dietch voted to approve with the reservations he placed on the record.

Vice Mayor Tourgeman made a motion to take Good and Welfare next. The motion received a second from Commissioner Karukin and all voted in favor.

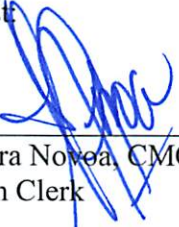
10. Adjournment

The meeting adjourned at 11:04 p.m.

Accepted this 18th day of November, 2014



Daniel Dietch, Mayor

Attest:


Sandra Novoa, CMC
Town Clerk