



**Town of Surfside
Town Commission Meeting
MINUTES
November 18, 2014
7 p.m.**

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

1. Opening

A. Call to Order

Vice Mayor Eli Tourgeman called the meeting to order at 7:02 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Vice Mayor Tourgeman, Commissioner Karukin, Commissioner Olchyk and Commissioner Cohen. Mayor Dietch was absent.

C. Pledge of Allegiance

Police Captain Julio Yero led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Vice Mayor Eli Tourgeman

Commissioner Cohen asked for a moment of silence in recognition for our great country, its citizens and those who have lost their lives.

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

Town Manager Crotty asked to withdraw Item 9A Solid Waste Rates and Item 9C Bal Harbour Village Sanitary Sewer Force Main and present at next Commission Meeting. Commissioner Karukin made a motion to accept. The motion received a second from Commissioner Cohen and all voted in favor with Mayor Dietch absent.

Commissioner Cohen asked to defer Item 9D Request to Increase Lot Coverage Percentage. Commissioner Karukin made a motion to accept. The motion received a second from Commissioner Cohen and all voted in favor with Mayor Dietch absent.

Vice Mayor Tourgeman asked to defer Item 9B Harding Avenue Business District Bench Sponsorship. Commissioner Karukin made a motion to accept. The motion received a second from Commissioner Cohen and all voted in favor with Mayor Dietch absent.

F. Community Notes – Vice Mayor Eli Tourgeman

Vice Mayor Tourgeman announced the upcoming community events which can be found on the Town's website. He also announced that utility bills can now be paid on line.

2. Quasi-Judicial Hearings

Vice Mayor Tourgeman read the guidelines.

Town Attorney Linda Miller asked the Town Commission if anyone had ex-parte communications with the Applicant or any objector. All members of the Commission said they had no ex-parte communications.

Town Clerk Sandra Novoa swore in everyone wishing to speak in favor or against the item.

A. 801- 88th Street Variance – Sarah Sinatra, Town Planner Page 1-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN SURFSIDE, FLORIDA CONSIDERING THE APPLICATION OF 801-88th STREET TO PERMIT A VARIANCE FROM THE REQUIREMENTS OF SECTION 90-54.5 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; TO CONNECT A DETACHED GARAGE TO THE HOME TO ALLOW THE EXISTING SINGLE FAMILY HOME TO CONVERT THE GARAGE TO ADDITIONAL LIVING SPACE; PROVIDING FOR RECOMMENDATION OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Town Planner Sinatra presented the item and said they received a letter of support from a neighbor of the variance. Staff is recommending approval.

Applicant Ari Sklar gave a visual presentation showing views of the house and the proposed changes being planned.

Vice Mayor Tourgeman opened the public hearings.

Terry Cohen spoke in support of the item.

No one else wishing to speak Vice Mayor Tourgeman closed the public hearings.

Commissioner Karukin asked if this item was in conflict with agenda Item 9D regarding lot sizes. Town Planner Sinatra replied and said the proposed changes to the house are in compliance.

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

3. Consent Agenda

Pulled Items:

Commissioner Karukin pulled Item 17 and Item 18 –FEMA and Item J – Cell Phone Donation Program.

Commissioner Olchyk pulled Item 23 – Beach Management Agreement

Commissioner 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 with Mayor Dietch absent.

A. Minutes – Sandra Novoa, CMC, Town Clerk

October 14, 2014 Regular Commission Meeting

B. Budget to Actual Summary as of August 30, 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

- September 30, 2014 Planning and Zoning Board Meeting Minutes

G. Expenditure of Forfeiture Funds for Fiscal Year 2014-2015 – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2014/2015 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$83,300.00 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Mutual Aid Agreement between the Village of Indian Creek Public Safety Department and the Town of Surfside Police Department – David Allen, Chief of Police

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE POLICE DEPARTMENT AND THE VILLAGE OF INDIAN CREEK PUBLIC SAFETY DEPARTMENT; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

I. Mutual Aid Agreement between the City of Miami Beach Police Department and the Town of Surfside Police Department- David Allen, Chief of Police

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE CITY OF MIAMI BEACH, FLORIDA; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

J. Mutual Aid Agreement between the Village of Miami Shores Police Department and the Town of Surfside Police Department – David Allen, Chief of Police

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE MIAMI SHORES VILLAGE, FLORIDA; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

Pulled Items:

- Commissioner Karukin pulled Item 17 and Item 18 –FEMA. Building Official Ross Prieto gave an update on the item and said there is a tentative verification date for mid February.
- Commissioner Olchyk pulled Item 23 – Beach Management Agreement. Town Manager Crotty gave an update on the item.
- Commissioner Karukin pulled Item J – Cell Phone Donation Program. Commissioner Karukin gave information on this new program.

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

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

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

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Karukin made a motion for discussion purposes. The motion received a second from Commissioner Cohen and all voted in favor with Mayor Dietch absent.

Commissioner Karukin asked if the staff had a recommendation for the ordinance. Town Manager Crotty said staff worked with the recommendations of the Commission and this was approved at first reading.

Vice Mayor Tourgeman opened the public hearings. No one wishing to speak Vice Mayor Tourgeman closed the public hearings.

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

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. 10% Windows for Each Story – Sarah Sinatra, Town Planner

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

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Cohen made a motion for discussion purposes. The motion received a second from Commissioner Karukin and all voted in favor with Mayor Dietch absent.

Town Planner Sinatra explained the ordinance and why this ordinance was presented. Commissioner Karukin had some questions and Ms. Sinatra was able to address them satisfactorily.

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

2. Single Family District Paint Colors – Sarah Sinatra, Town Planner

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

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Karukin was not supportive of the ordinance as it limits a homeowner as to paint colors. Vice Mayor Tourgeman explained there is a paint palate which does give options. Town Planner Sinatra further explained the paint palate. Commissioner Cohen suggested that color selection go before the Design and Review Board and not the Town Manager.

Commissioner Cohen made a motion to approve. The motion received a second from Commissioner Olchyk. Commissioner Karukin made a friendly amendment that the Design and Review Board approve the color. Commissioner Cohen accepted the friendly amendment and all voted in favor with Mayor Dietch absent.

3. Ordinance Amending Section 2-235 “Lobbying” – Sandra Novoa, CMC, Town Clerk

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.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Olchyk made a motion for discussion purposes. The motion received a second from Commissioner Cohen and all voted in favor with Mayor Dietch absent.

Vice Mayor Tourgeman explained the ordinance and why it was being presented.

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

5. Resolutions and Proclamations

- A. A Resolution Strongly Urging the Miami Dade County Historic Preservation Board (“Board”) to Grant a Six Month Deferral for Designation of Any and All Properties in the Town of Surfside as Historic Structures or Districts – Vice Mayor Tourgeman**

A RESOLUTION OF THE TOWN OF SURFSIDE STRONGLY URGING THE MIAMI-DADE COUNTY HISTORIC PRESERVATION BOARD (“BOARD”) TO GRANT A SIX MONTH DEFERRAL FOR DESIGNATION OF ANY AND ALL PROPERTIES IN THE TOWN OF SURFSIDE AS HISTORIC STRUCTURES OR DISTRICTS; TO ALLOW THE TOWN TIME TO PREPARE CRITERIA TO HELP GUIDE FUTURE DEVELOPMENT INTO THE DESIRED DEVELOPMENT PATTERN AND TO ANALYZE AND TO STUDY THE IMPACT TO THE TOWN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Karukin made a motion for discussion purposes. The motion received a second from Commissioner Olchyk and all voted in favor with Mayor Dietch absent.

Commissioner Karukin said he had asked for a corridor analysis and if six months would be enough time to get it done. Town Planner Sinatra said it was.

Vice Mayor Tourgeman opened the public hearings:

-Annamarie Kelly Stoppa spoke on the issue and Home Rule and the town’s rights and asked the Commission to not approve the ordinance.

-Steven Norris said he had over 200 signatures to save the seaway buildings and asks to not approve the ordinance and said the demolition permit was invalid.

-Tina Paul said she had send emails to the Commission and no one has responded. She has set up a website and asks residents to go on line and sign the petition to stop the demolition.

-Terry Cohen suggests the town create a Historic Preservation Committee to study and preserve some of its buildings and keep its history.

-Steve Karam said the Seaway Villas in its present condition is unsafe. He said Patricia Cohen and Steven Norris want it to be preserved in its current condition. Mr. Karam said that Patricia Cohen is being investigated by the Assistant State Attorney and Steven Norris has used the villas to extort monies from the buyers.

-Faith Doyle spoke about the Seaway Villas and that residents there will be voicing their opinion in opposition at the Historic Preservation Board Meeting tomorrow evening.

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

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

Vice Mayor Tourgeman directed Town Planner Sinatra and Town Attorney Miller to deliver the resolution to the Historic Preservation Board at their meeting tomorrow night. Members of the Commission were in agreement.

6. Good and Welfare

Vice Mayor Tourgeman opened the meeting to Good and Welfare.

Public Speakers:

-George Kousoulas spoke about the placement of sand below the mean high/low water line.

-Monica Grandeze was very pleased with holiday decorations. She also spoke about the beach and what Mr. Platt had stated. She would like to see a permanent Beach Committee.

-Barbara Cohen spoke about the holiday lights along Harding Avenue and said it was fabulous.

-Steven Parker said the entrance to the beach on 95th Street was very well done. He spoke regarding the various sites being looked at for a parking facility and feels the Post Office lot is the best option.

-Jeffery Platt spoke about the beach and the leveling of it and now the white sand has been covered with the darker sand. He also spoke about the debris on the beach. He also said the Grand Beach Hotel served alcohol on the beach as well as setting up their lounges and umbrellas beyond their property line and taking space from the general public. He also objects to dogs on the beach and the owners not cited.

-Lou Cohen asked that the rates for waste disposal be leveled off as they are increasing too much. He also asked what the policy was for trash dumpsters.

-Larisa Alonso asked the Commission to reconsider the ordinance regarding utility storage sheds and to allow for larger sheds.

-Steven Norris expressed his objection at the referral of the properties between 90-91st Streets as "dumps." This was stated at a previous Commission Meeting. He also defended the name of Vice Mayor Barbara Cohen of Bal Harbour.

-Terry Cohen would like more dog stations in the town.

Commissioner Olchyk wanted to acknowledge two members of the community who attended the meeting as they wished to speak on recycling and fee structure. She explained the item has been deferred to the next meeting as the Finance Director was unable to attend the meeting and he was present it.

Commissioner Olchyk also said regarding the beach and lounges that they have been working on this issue but with little results from the State and County.

No one else wishing to speak Vice Mayor Tourgeman 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. Solid Waste Rates** – Donald Nelson, Finance Director/Joseph Kroll, Public Works Director (withdrawn)
- B. Harding Avenue Business District Bench Sponsorship** – Duncan Tavares, TEDACS Director (deferred)
- C. Bal Harbour Village Sanitary Sewer Force Main** – Donald Nelson, Finance Director (withdrawn)
- D. Request to Increase Lot Coverage Percentage** – Commissioner Barry Cohen (deferred)
- E. Possible dates for a rescheduled Joint Meeting of the Town Commission and Tourist Board** – Duncan Tavares, TEDACS Director
A tentative date of February 2, 2015 at 7:00 p.m. was scheduled.
- F. Status Update on Beach Related Items** – Michael P. Crotty, Town Manager
Manager Crotty gave an update on the item and said they still have not received the results of the sand testing. In October the town signed an agreement with Land Science and it took about ten days to negotiate the contract. The samples were taken on October 31st and Lab Science expected to receive the results from the testing lab last week. It was indicated it would take about four working days to prepare their analytical review of the test results. As stated we have not received the results and staff is taking an “arms length” approach on the issue as to not influence them in any way. The report is expected in the very near future.

Another issue is the Chateau and what are they going to do with the sand. They have a CCCL permit which allows them to place the sand on the beach from 94th Street south into Miami Beach. We have been working with them to address this to the satisfaction of the town and its residents and consistent with the recommendations of the Sand Committee to place the excavated sand into the dunes if it meets the testing protocol. They have a meeting later this week to work out a solution that if any sand is to be placed in Surfside it would be in the dunes. The Chateau is also requesting two proposals one possibly from Land Science and one from Terracon to test their materials. The town is working with them and the citizens will have the results of the sand testing and what the Chateau will be doing with their sand.

**G. Donation in the amount of \$500 to Ruth K. Broad Carnival Ride –
Michael P. Crotty, Town Manager**

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

Vice Mayor Tourgeman acknowledged Town Manager Crotty and said this was his last Commission Meeting. He said it was a pleasure working with him and thanked him for his dedication and service to the town and wished him well.

Commissioner Olchyk said that although they may have had disagreements she will always remember Mr. Crotty for his hard work and work ethics and especially for treating each member of the Commission as equals. She wished him and his family the best of luck.


Vice Mayor Tourgeman announced that tomorrow between the hours of 3:15-4:15 p.m. the residents will have the opportunity to meet the five candidates for the Town Manager position. He urged the community to attend and give their input to the Commission.

10. Adjournment

The meeting adjourned at 9:00 p.m.

Accepted this 9th day of December, 2014


Daniel Dietch, Mayor

Attest:


Sandra Novoa, CMC
Town Clerk