



**Town of Surfside
Town Commission Meeting
MINUTES**

December 9, 2014

7 p.m.

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

1. A. Call to Order

Mayor Dietch called the meeting to order at 7:05 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance

Mayor Dietch acknowledged former Commissioner Howard Weinberg who was in attendance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Cohen asked for a moment of silence to reflect on all the tragedies and difficulties parts of the world are dealing with. He also reached out to former Commissioner Ted Kopleman and on behalf of the community wishes him a complete recovery from his illness. Commissioner Cohen suggested looking into having a couple of computers available for research perhaps in the Community Center. Surfside does not have a library and this would greatly help students who may not have access to a computer. He also suggested that consideration be given to having a foundation set up so people who wish to make a charitable tax deducted gift to the town of Surfside can do so.

Commissioner Olchyk said that Mr. Kopleman had graciously donated devices such as Kindles and Tablets for a library and no one took advantage of using them. Parks and Recreation Director Tim Milian said they were not used and are now in storage. They were donated several years ago and are outdated somewhat but they can let the public know again that they are available for use and see if there is any interest. Mayor Dietch suggested the item be added for discussion at the next meeting when we have more information and all agreed.

Vice Mayor Tourgeman reminded all that on December 17th at 2:00 p.m. the Bay Harbour children will be singing and on December 22nd there will be the judging of the Light Up Surfside and four vouchers will be awarded.

Commissioner Olchyk expressed her thanks to John DiCenso for coming in as Interim Town Manager and helping the town of Surfside. She spoke very highly of Mr. DiCenso as did Mayor Dietch.

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

Items linked are Item 9E Employee Morale and Item from Town Manager's Report.

Commissioner Olchyk made a motion to move Item 9A Solid Waste Rates to 8:00 p.m. or earlier. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

Commissioner Cohen made a motion to move Item 9D Lot Coverage after Good and Welfare. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Anyone wishing to display holiday signs on public property should get in touch with the Town Manager for information.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Olchyk pulled Item 12 Historic Preservation from Town Manager's Report.

Commissioner Cohen 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 Commissioner Karukin absent.

A. Minutes – Sandra Novoa, CMC, Town Clerk

November 6, 2014 Special Town Commission Meeting

November 18, 2014 Regular Town Commission Meeting

B. Budget to Actual Summary as of September 30, 2014 – Donald Nelson, Finance Director Page 16 - 19

***C. Town Manager's Report – John Di Censo, Interim Town Manager**

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

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

F. Committee Reports – John Di Censo, Interim Town Manager

- September 22, 2014 Parks and Recreation Committee Minutes

G. Approve Resolution to Amend Miami-Dade County Inter-local Agreement for Maintenance of the Bus Shelters – Joseph Kroll, Public Works Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AMENDMENT NUMBER ONE TO THE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE TRANSIT AGENCY AND THE TOWN OF SURFSIDE TO ASSIGN THE TOWN ALL MAINTENANCE RESPONSIBILITIES FOR THREE (3) BUS SHELTERS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Certification of Charter Amendments Election Results- November 4, 2014 – Sandra Novoa, CMC, Town Clerk

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 4, 2014 SPECIAL ELECTION FOR THE TOWN OF SURFSIDE, AND DECLARING RESULTS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved consent.

Pulled Items:

Item 24 Historic Preservation. The Mayor asked that the Town Planner and Town Attorney represent them at the Historic Preservation Board Meeting and continue to request a deferral on this matter.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

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.

Town Attorney Linda Miller asked that the item be deferred until February 10, 2015, 7:00 p.m. as it has not gone before the Planning and Zoning Board.

Vice Mayor Tourgeman made a motion to defer the item until February 10, 2015. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin 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.

Town Attorney Linda Miller asked that the item be deferred until February 10, 2015, 7:00 p.m.as it has not gone before the Planning and Zoning Board.

Vice Mayor Tourgeman made a motion to defer the item until February 10, 2015. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin 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.

The Mayor opened the meeting to public hearing. No one wishing to speak the Mayor closed the meeting to public hearing.

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

5. Resolutions and Proclamations

A. Town Manager – Mayor Daniel Dietch

Mayor Dietch gave an update on the recruitment on the new Town Manager and the agreement before the Commission for their approval.

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

Commissioner Olchyk had a question regarding conflict of interest and what would the Town Manager's position would be as she did not see a memorandum of understanding in her package. Mayor Dietch was able to answer the question and show where her concern was addressed in the agreement.

Vice Mayor Tourgeman said his recommendations were not included in the report. The Mayor responded and said there was a timeline and all information received by then was included. However, the Mayor said his comments were considered even though they were not received in a timely fashion. Vice Mayor Tourgeman was happy with the choice made. When the agreement is signed the town will have a new Town Manager, Mr. Guillermo Olmedillo who will begin on January 5, 2015.

Mr. Olmedillo spoke and said he was honored and is looking forward to working with the Commission and for the town of Surfside.

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

6. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-Jeffery Platt spoke about the beach and said he noticed that after some high tides a cliff had formed and the difference in color and texture of the sand was very visible. The white sand, which was what the beaches originally had, was like powder and the dark sand was hard, crusty claylike. After almost a year, the sand has not bleached out as they were told it would.

-Louis Cohen discussed the play "Our Town" and the message he wanted to bring to the Commission was not to take things or people for granted. Mr. Cohen then discussed Genesis and how the town now has the opportunity for a new beginning and to not take its personnel for granted.

-Barbara McLaughlin agrees with Lou Cohen and feels that more respect be given to its public employees. Elected officials should not be involved in the management of employees.

-Sandy Lighterman represented a film industry and asked about developing a friendly policy with the town and bringing the industry back to the town.

-Leah Sokolowky representing a production company Torre Parros, which is currently shooting in Miami-Dade County. They have found a location on Biscaya Drive which they would like to use in part of the series they are filming. She is asking the Commission if there were ways they can make this happen.

-Howard Weinberg had some experience with production companies and filming but has nothing to do with this company. He suggested that it is a good opportunity for Surfside but strict policies should be put forth such as using our police, no parking on residential streets, post a bond, etc. as production companies have the funds to do what is necessary for their goals and the revenue generated would benefit the town.

-Norma Parron spoke about proposed parking garages and feels it is more feasible to have it built on Collins Avenue as it would greatly help the people who live there.

-Deborah Cimadevilla spoke about the parking and construction and that people use her area as a parking lot and it generates a lot of trash. She said she has worked in the film industry and was not in favor of allowing the production company coming. She said along with the professionals also come some undesirable activities and actions which she would not want in a family community. She also has concerns about all the new revenue coming in and questions why are taxes and fees still going up.

Commissioner Olchyk said she agreed with Ms. Cimadevilla and wanted to know where all this new money is going to be allocated.

Mayor Dietch said in the past two years the tax rate has actually gone down. He also said they have not been successful in creating a citizens committee to get input on issues such as the film industry. He feels the community really does not want the industry to come in. Commissioner Olchyk agrees with the Mayor as there is so much construction going on and the parking situation is terrible.

Commissioner Cohen was not in favor of the film industry coming in as the town is not equipped to handle it.

No one else wishing to speak the Vice 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. Solid Waste Rates – Donald Nelson, Finance Director/Joseph Kroll, Public Works Director

Director Nelson gave an update which was only for commercial use and changing from a fixed rate structure to amount of consumption.

Mayor Dietch opened the meeting to public hearing.

Public Speakers:

-Norma Parron speaking on behalf of her condo association said they have reviewed what was being proposed and said their fees would increase by 20% and did not feel this was fair as it amounts to a \$12,000 yearly increase which is not in their budget.

-Ivan Parron feels it is a costly endeavor for the town to buy new trucks and receptacles when the system in place is working.

-Elizabeth Cimadevall agrees with Norma Parron and is outraged that the condos have to take this enormous brunt of an increase.

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

Public Works Director stated that the Mirage Condominium (8925 Collins Ave) has a solid waste system that is unique and differs from the rest of the Town and there will be no rental fees as they are not using any Town provided dumpsters.

Commissioner Olchyk wanted clarification as to fees and amount of consumption and thinks each condo should be individual and not grouped together. Public Works Director Joseph Kroll said the new system would be on a month to month basis and what is in place now groups all together. Director Kroll further explained how the new system would work. There was further discussion regarding condos vs. apartments and fees. Director Kroll was asked that more realistic figures be presented and more examples to clarify how this would work. The Mayor asked there be an Outreach Program (a few meetings) with the citizens and business owners to give them a clear understanding of the proposed system. Also, a letter should be sent to all condo boards before a first reading of an ordinance.

Commissioner Olchyk made a motion to move forward with the proposed rate structure as long as the citizens are informed of the fee and aware of how the new system would work. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

B. Harding Avenue Business District Bench Sponsorship – Duncan Tavares, TEDACS Director

Vice Mayor Tourgeman made a motion to defer the item. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

C. Bal Harbour Village Sanitary Sewer Force Main – Donald Nelson, Finance Director

Director Nelson gave an overview of the issue.

Public Speaker Lee Kelly once again said commitments should be honored as the town of Surfside will tarnish their reputation. Pay what is owed to Bal Harbour.

Commissioner Olchyk made a motion to approve the recommendation and pay what is owed to Bal Harbour. The Mayor wanted on record that the town of Surfside did everything over and beyond to honor this contract and praised the leadership that made this project done correctly. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

Vice Mayor Tourgeman left the meeting at 10:22 P.M.

Commissioner Cohen made a motion to move Item 9H ahead of Item 9G. After passing the gavel Mayor Dietch seconded the motion and all voted in favor.

D. Lot Coverage – Commissioner Barry Cohen

Town Planner Sarah Sinatra gave a power point presentation.

Commissioner Cohen made a motion for discussion. The motion received a second from Mayor Dietch after passing the gavel.

Architect Steve Bernard representing Charles Ness spoke on the item and gave further details. He said they have over 100 signatures in favor of expansion. Mr. Ness, the applicant, spoke who is asking for a change in the code so one could expand their home especially for growing families.

Anthony Blatt said he was not opposed to one house expanding but cautions that changing the code could create future problems for neighbors, green space, FEMA as homes are crowded together now.

Mayor Dietch said we should look at the very restrictive variance now in place as that may be a better way to address the issue. He also feels that if a house is approved to go vertical or deeper that no second story can be added at any time. Town Planner Sinatra said the Planning and Zoning Board had much discussion about allowance of a second story addition and agreed on what she is presenting. Mayor Dietch said he will review their meeting as he is still unconvinced.

Vice Mayor Tourgeman is not in favor of a code change as this will affect neighboring homes and their views of more concrete. In this particular case he would be in favor of a change in the variance. Commissioner Olchyk agreed with the Vice Mayor.

Commissioner Cohen said many residents would like to see the code changed as younger families are moving in and more space is needed. He feels changing the variance on a particular request is not the road to take. A code change can be tailored to meet the needs of the community. He is not in favor of changing the variance even on an individual basis as it may open up future problems but suggests an ordinance change.

The Mayor opened the meeting to public speakers.

-Clara Diaz-Leal Parker said we have the opportunity to review and see what people may need. If some costs can be lowered on variances it may help but is against changing the codes.

-Howard Weinberg said zoning and planning are very tough complex issues and praised Town Planner Sinatra for presenting a well done accurate report on all her issues. He said the town was very fortunate to have her.

-Lee Kelly said the most optimistic thing she has heard this evening was using reason. Trying to help the citizens by perhaps lowering the fees of a variance and redoing old plans or codes is thinking about reasonable solutions for each case.

-George Kousoulas tried to further explain what was being proposed as to lot increase and suggests lowering the percentage of increase and also closely look at the second level.

Ms. Sinatra was directed to meet with Planning and Zoning and explain that the Commission wants to review the proposal further and she will bring back more options with conditions to the variance (residential only), for their discussion and then back to the Commission. Commissioner Cohen made a motion to approve the direction given Ms. Sinatra. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

Commissioner Olchyk made a motion to move forward Item 9E. The motion received a second from Commissioner Cohen and all voted in favor with Commissioner Karukin absent.

E. Employee Morale – John Di Censo, Interim Town Manager *[Linked to Town Manager’s Report Item 28]*

Manager DiCenso presented the item and said it was very visible to him the low morale of staff and gave the reasons for it. Staff felt a lack of support from the previous Town Manager and officials and have been publically berated. He explained that in 2013 a review was done as to salaries other municipalities pay their department heads and that the department heads in Surfside were underpaid. A salary adjustment was approved but due to budget restrictions the Town Manager opted to do this in two phases. The five department heads only received half of what they were promised. Mr. DiCenso said this was wrong as it was deserved and would like to see it corrected. He further asked the Commission that if they were not happy with an employee’s performance that they praise in public and discipline in private. He also asked that problems be brought to the Town Manager. Mr. DiCenso read into the record a letter from Commissioner Karukin who could not be in attendance this evening.

Commissioner Karukin’s letter as follows:

“This item is about the restoration of 38,000 dollars to the payroll budget to compensate key employees.

I fully support this item and would encourage all to do the same.

Forget that 38,000 dollars represent less than 0.002 percent of the budget. What is most important is the message it sends.

It means that these are the people who take care of us, who lead by example for all the others in their respective departments. It means we value their service and dedication to this town.

I am not only speaking as a Commissioner, but also as a resident, and I ask that you support the Town Manager’s recommendation and vote yes on item 9E.

Thank you for your consideration.”

Public Speaker Michelle Kligman spoke and said it was a difficult subject to speak about as people are uncomfortable with talking about employee salaries. However, she spoke in favor of the adjustment as the staff we have are very valuable and certainly deserve the adjustment. She said she had asked the previous Town Manager not to bring it up to the Commission as it was in his authority to handle this and salaries should not be brought up and discussed in public. The adjustment was promised to them and feels the Commission should go forward and find an amicable solution privately with the Town Manager.

Public Speaker Lee Kelly said something promised should be delivered. Keep your word to your employees.

Vice Mayor Tourgeman said this item was discussed at length and a decision was made and we should now go forward and does not wish to discuss it further. He said the low morale was due to the former administration. He further said that many employees were give raises and is uncomfortable discussing salaries in public. Mr. DiCenso took exception to Vice Mayor Tourgeman’s remark about the administration causing the low morale. He said that although the Vice Mayor now states he is uncomfortable discussing salaries, the Vice Mayor’s derogatory comments regarding salaries caused the low morale. Vice Mayor Tourgeman took exception to Mr. DiCenso’s statement.

Commissioner Olchyk said this is a very private issue and the Town Manager should have brought it to the Commission first instead of handling it the way he did. She said she was not happy with some of the supervisors hired and the high salaries given which was in the Town Manager’s purview and he did that. To her surprise she heard that salaries were to be increased again and some of the employees involved have caused the town many problems. As

she has said in the past, employees should be paid according to their performance. If we have employees who are not doing their job properly they should not be rewarded regardless if their salary is below the salary range. She also said she was disappointed that Manager DiCenso brought up the subject now as he is only here for a short time as interim and the issue was discussed before and voted on.

Mr. DiCenso responded by stating he felt very strongly about this issue and felt he had to bring it back as what transpired was wrong. The managers deserved and were promised the adjustment back in 2013 and it was not delivered. He stands firmly on this issue and feels it must be corrected as these managers have been underpaid for years. Although he is here as interim manager he is going to do his job to the best of his ability and not sit on his hands.

Commissioner Cohen said this issue was a very disturbing event that occurred during the budget process. Unfortunately at that time the town was held hostage and there was only one way to vote to get the budget approved. The Mayor had the luxury of voting his conscience and against the budget and I was forced to vote for it so the town could have a budget package. He applauded Manager DiCenso for bringing the issue forth and former Commissioner Karukin's statement and wishes he were here to vote on this. Because of what is being done to department heads employees have been talking about bringing in unions. He is supportive on giving the adjustments and praised the employees who work for the town and this should be handled by the Town Manager and the Commission responsible for policy.

Mayor Dietch gave an overview of the issue from 2013. He does not feel the staff was treated fairly and praised the employees, especially department directors. He asked that all reflect on what has been said this evening and to the citizens to reflect on the quality of service they receive. He asked the community to reach out to the public officials and express their views on this issue.

Commissioner Cohen asked the Commission to really think about the issue and come to decision which is fair to the employees.

Commissioner Cohen made a motion to reinstate the raises given to the department heads in 2013 as promised. Mayor Dietch asked for a friendly amendment that the issue be brought back to the next commission meeting if it does not pass this evening. Commissioner Cohen accepted the friendly amendment. The motion received a second from Mayor Dietch after passing the gavel. A vote was taken with Mayor Dietch and Commissioner Cohen for approval and Commissioner Olchyk and Vice Mayor Tourgeman in opposition. The issue will be brought back to the next commission meeting.

F. Parking Solution – John Di Censo, Interim Town Manager

Manager DiCenso gave an update and communications he has had with the owner of the Post Office lot.

Public Speaker George Kousoulas has had experience in building parking lots and garages and said the post office lot is the best site for the town. He gave some details and options for retail space which the owner is interested in and offered to sit with the Town Manager and help with a plan to go forward.

Commissioner Cohen made a motion for a short break. The motion received a second from Mayor Dietch after passing the gavel. The motion passed with Commissioner Karukin and Vice Mayor Tourgeman absent.

G. Sand Results – John Di Censo, Interim Town Manager

Manager DiCenso gave an update and summary from the testing reports they have received to date.

Public Speaker Marianne Meischeid asked about the beach committee and where they stand and what are the action plans once the Chateau gets their sand results.

Manager DiCenso said there is an action plan in place and explained what will be done by the Chateau.

Mayor Dietch asked the Town Manager to post on the town website a summary of the activities as to what was done and what will be done or has to done.

Public Speaker Jeffrey Platt said the Town Manager was under the misconception that the sand problem only deals with the Chateau when the Surf Club is not going to fulfill their commitment. He accused the administration of letting the hotels to do whatever they please because the town benefitted monetarily. Mayor Dietch found the remarks to be offensive but Mr. Platt said destroying our beaches was offensive to the citizens.

H. Traffic Signal Proposal – 91 Street and Collins Avenue – David Allen, Chief of Police

Public Speaker Renee Tischler would like 90th and Harding Street to also be considered. Byron Avenue is also becoming a problem with traffic and should be looked into.

Public Speaker Lee Kelly said instead of focusing on just one area, the Surf Club, putting a light where the Marriott is located as it is needed there also.

The Mayor asked the Chief to continue to pursue the item on the agenda.

- I. **94th Street/Grand Beach Milling/Resurfacing (Verbal)** – Joseph Kroll, Public Works Director
Director Kroll gave an update and said the job was completed at no cost to the town.

Commissioner Cohen was nominated to be the Town's delegate for Miami-Dade County League of Cities. All approved the nomination with Vice Mayor Tourgeman and Commissioner Karukin absent.

10. Adjournment

Public Speaker Deborah Cimadevilla wished to speak about the sand issue but it was 11:00 p.m. The Mayor asked if there could be a motion to extend the meeting five minutes. No one wishing to make a motion to extend the meeting, the meeting adjourned at 11:00 p.m.

Accepted this 13th day of January, 2015


Daniel Dietch, Mayor

Attest:


Sandra Novoa, CMC
Town Clerk