



**Town of Surfside
Town Commission Meeting
MINUTES
January 13, 2015
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 7:02 P.M.

B. Roll Call of Members

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

On behalf of the community the Mayor extended best wishes to Vice Mayor Tourgeman and his family.

Commissioner Cohen asked for a moment of silence to reflect on all the tragedies and difficulties parts of the world are dealing with.

C. Pledge of Allegiance

Assistant to the Town Manager John Di Censo led the Pledge of Allegiance

**D. Oath of Office of Town Manager Guillermo Olmedillo – Sandra Novoa, CMC,
Town Clerk**

E. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Dietch welcomed the new Town Manager Guillermo Olmedillo and Commissioner Olchyk wished him the best of luck.

Commissioner Karukin said due to business he will not be able to attend the next Commission Meeting in February.

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

Linked were Item 9C Solicitation of Sponsorship/Donations and Item 9D Harding Avenue Business District Bench Sponsorship

Commissioner Karukin would like to put on the March agenda for discussion Phase II of the Charter Review and asked if the Commission would be interested in doing so. The Commission agreed to put the item on the March agenda for discussion.

G. Community Notes – Mayor Daniel Dietch

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

H. Legislative Update – Fausto Gomez, Gomez Barker Associates, Inc.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Karukin pulled item 3B – Budget to Actual and item 25; page 26 Pay by Phone Parking.

Mayor Dietch pulled item 9, page 20 Seawall Project

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 Vice Mayor Tourgeman absent.

A. Minutes – Sandra Novoa, CMC, Town Clerk

December 9, 2014 Regular Commission Meeting Minutes

B. Budget to Actual Summary as of October 31, 2014 – Donald Nelson, Finance Director

***C. Town Manager's Report – Guillermo Olmedillo, Town Manager**

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

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

F. Committee Reports – Guillermo Olmedillo, Town Manager

- August 19, 2014 Pension Board Minutes

- November 17, 2014 Parks and Recreation Committee Minutes

G. Proposed Agreement with Miami Dade State Attorney's Office to Prosecute Criminal Municipal Ordinances – Chief of Police David Allen

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE MIAMI-DADE STATE ATTORNEY'S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Miami Dade County Sea Level Rise Task Force Recommendations Support – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE MIAMI-DADE SEA LEVEL RISE TASK FORCE RECOMMENDATIONS AND URGING THE BOARD OF MIAMI-DADE COUNTY COMMISSIONERS TO IMPLEMENT SUCH RECOMMENDATIONS; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE TOWN OF SURFSIDE IN THEIR SUPPORT FOR THE MIAMI-DADE SEA LEVEL RISE TASK FORCE; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MAYOR AND COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, INC. AND MUNICIPALITIES IN MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

Pulled Items:

- 3B Budget to Actual – Commissioner Karukin noted that on the report our reserves had dipped and wanted to know if there was a plan to bring it back up. Finance Director Nelson gave a positive update on the item.
- 9 Seawall Project – Mayor Dietch gave an update and advised of programs available for residents to have their seawalls repaired
- 25 Pay by Phone for Parking. Town Manager Olmedillo said this is a pilot program which is being looked into.

After all pulled items were discussed Commissioner Karukin made a motion to approve the pulled items. The motion received a second from Commissioner Olchyk and all voted in favor with Vice Mayor Tourgeman absent.

4. Ordinances

A. Second Reading Ordinances

B. First Reading Ordinances

- 1. Permitted Uses on Business District –Vice Mayor Eli Tourgeman/ Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(D) “REGULATED USES”; ADDING LIMITATIONS OF USES IN THE BUSINESS DISTRICT; 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.

As a courtesy to Vice Mayor Tourgeman, Mayor Dietch suggested the item be deferred as Vice Mayor Tourgeman is absent and is not able to speak on the issue. However he would like to give the citizens who attended this evening the opportunity to speak.

Commissioner Olchyk made a motion for discussion and then to vote. The motion received a second from Mayor Dietch after passing the gavel.

Public speakers:

-Michael Stevens and Teddy Stevens both spoke against the ordinance and feel the restrictions are illegal and the town should not be able to deny a business to open because one of the same type is already there on the same block.

-Richard Finuarb is against the ordinance and said the market should determine which kind of business should open.

-Donald Kahn is also opposed to the ordinance. He said this issue was brought up before, discussed in depth and then voted down.

Commissioner Karukin said he was not in favor of the ordinance and gave reasons he was opposed. Commissioner Olchyk agrees with Commissioner Karukin. Commissioner Cohen and Mayor Dietch expressed their views and both were not in favor of the ordinance.

Commissioner Olchyk made a motion not to proceed with the item. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Tourgeman absent.

5. Resolutions and Proclamations

A. Resolution to Purchase a New Solid Waste Truck – Joseph Kroll, Public Works Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TO APPROVE THE PURCHASE OF A 2016 MACK TRUCK WITH A 25 YARD REAR LOADER; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO SOLID WASTE FUND ACCOUNT NO. 403-4000-534-64.10 APPROPRIATING THE FUNDS IN THE SOLID WASTE FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2014/2015; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Olmedillo presented the item.

Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Cohen.

Public Works Director Kroll gave the pros and cons on the issue.

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

6. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-Former Commissioner Joe Graubart spoke about zoning and frontage and how the new hotels going up will affect the breezes and cast shadows to neighboring residences. He presented a petition and said we are becoming a concrete canyon. He further stated he believed that Mayor Dietch has given the key to the city to the developers.

-Jeffery Platt said he believed that the town has made no effort in forming a Standing Beach Committee. He would like to see better standards for the town and beaches and feels the town has ignored the situation on the beach. He questions the future agenda of the town as it appears they are letting developers do whatever they want. He further stated that the town does not want a Standing Beach Committee because it has been generously paid to ignore it.

-Jeffery Platt also spoke about the last few Commission Meetings where the most important item on the agenda was left for last. At the last Commission meeting because of time of almost 11:00 p.m. some speakers could not address the Commission because there was no longer a quorum and the meeting had to adjourn. He suggested that the sand issue be moved up on the agenda to after Good and Welfare so all the residents in attendance do not have to wait till 11:00 p.m. to be heard.

-Jeffery Platt spoke about the new face book page the town now has which he thinks is very selective. He wrote a post on face book and it was deleted by the temporary Town Manager. He received an email from the Town Manager stating his post was deleted as it seemed unprofessional especially coming from the Sand Committee Chair but he invited Mr. Platt to come in and discuss the matter. Mr. Platt took offense to the deletion and wanted to know if the face book was "selective journalism."

-Glyn Taylor said he believes the Commission has focused more on money and the developers rather than what is best for its citizens. He is very disappointed in the Commission and feels they have been deceptive and their actions have been offensive and said it is time for a recall of the Mayor.

-Martin Listowsky said he received two parking violations and did not know there was a time restriction for parking as no signs are posted.

-Deborah Cimadevilla spoke and was very expressive when she said she has been lied to, deceived, manipulated and managed by the Mayor. She received a call from the temporary Town Manager who told her that he was advised that no further action will be taken on the sand issue. She holds the Mayor responsible for not doing better for the town.

-Peter Neville fully agrees with Ms. Cimadevilla and said it is a disgrace as to what has happened to our beach. He holds the Mayor responsible as the Mayor had said the sand in question would be moved to the dunes and instead it was spread out over the beach. He also mentioned the terrible traffic problem that exists and how more difficult it will become with the approval of the Jewish school. He also said that Joe Graubart was right in his comments.

-Tina Paul said she has voiced her opinions many times at these meetings. The construction noise even on a Saturday morning is horrible. She will not go to Surfside beach anymore because it is horrible. The traffic situation is terrible. She feels the Commission has wrecked the town in the last three years. The audience stood in agreement with Ms. Paul.

-Norma Parron said at the last meeting when trash pickup was discussed she was told that her building would be exempt from the new system at this time. She said the minutes did not reflect that and she would like that in writing even though she feels the Commission doesn't always stand by what they say. Town Clerk Sandra Novoa said the minutes are a summary not verbatim but the video will be reviewed and the minutes will be amended to reflect what was indicated to Ms. Parron. If it is not in the minutes the Mayor asked that a letter be sent to the condo association reflecting the exemption.

-Elizabeth Marti spoke and had a video which showed residents who could not attend the meeting this evening but wanted to voice their opinions. The video reflected citizens expressing much disappointment of the beach sand. The video also reflected the Commission stating there would be a resolution.

No one else wishing to speak the Mayor closed Good and Welfare.

Commissioner Karukin said he would not address the sand issue at this time as it is on the agenda as Item 9F. He addressed Mr. Graubart's issue of massing and frontage and said the Commission did take subsequent actions and reduced the maximum frontage to what it was in pre 2008 code and did try to resolve that problem. Regarding Mr. Platt's issue about the face book page, he said municipality sponsored social media have certain guidelines which he is not familiar with and feels in a town such as Surfside we do not have the proper IT infrastructure to deal with this.

Commissioner Cohen thanked all for their comments and feel what they said was in the spirit of the best interest of Surfside. He said this is his first time as a public servant and he too wants what is best for the town. He did not agree with the indications that the Commission was attracting new developers to come in but the economic market is why developers are looking here as neighboring towns have little or no more room for development. We cannot tell people who to sell their land to.

Commissioner Olchyk wanted it known that the regular hours of the meeting are up to 11:00 p.m. If the meeting is to go over there has to be a motion made. She has made it very clear to the Mayor that the order of the agenda should be such to have important discussion items at the beginning as at 11:00 p.m. she will be leaving the meeting. She further said she has served the community for several years always to be fair and with the best interest of the town. She wished someone would have taken her place on the Commission this year. On many issues she has done her own research and gotten as much information as she could before casting a vote. Whether one agrees or disagrees with her views, she feels respect should be given her for putting in the hours working for the community as no one else wants to, and then she has to be exposed to being criticized and hard language. She further stated that she lives on the beach next to a construction site and has to contend with the noise everyday and traffic and her hands are tied as there is nothing she can do about it. She said she loves Surfside and only wants what is best for the town. As to the beach there are different points of views and from what she has

observed there are many people enjoying the beach. She personally has spoken to many knowledgeable people on the issue and was told the sand is not an issue as presented. The Commission has listened to all the experts in the agencies regarding the sand, and did what they were proposed to do.

Commissioner Karukin said one of the first things Commissioner Olchyk did when elected into office the first time was to try to establish a beach management committee. The committee would not only look at sand but escarpment, lounge chairs and various items. The Commission has not forgotten this committee but it is not an easy task to do.

Mayor Dietch thanked everyone for expressing their views even though it is not always easy to listen to people being unsatisfied. He welcomed anyone to meet with him to try to understand the complexities the town faces. He said there is nothing dishonest here. No one on the Commission stands for impropriety or corruption. The Mayor further explained that the town needed a future plan to grow as a few years ago they were near bankruptcy and would not be able to give its residents the quality of services they were used to.

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. Dish with the Commish – Commissioner Barry Cohen

Commissioner Cohen explained his idea of the community having the opportunity to meet informally once a month with a member of the Commission at a restaurant to exchange their views. The Commission agreed with the idea.

B. Department Director Salaries – Mayor Daniel Dietch

Town Manager Guillermo Olmedillo presented the item.

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

Commissioner Olchyk noted she was not happy with all the increases given as she felt some were not justified. She has been assured by the new Town Manager that in the future increases will be given only on merit.

**C. Solicitation of Sponsorships/Donations – Commissioner Barry Cohen
*[Linked to Item 9D]***

Commissioner Cohen presented the item. The Town Attorney was asked to work with Commissioner Cohen to explore the idea and bring it back to the Commission.

D. Harding Avenue Business District Bench Sponsorship – Duncan Tavares, TEDACS Director [Linked to item 9C]

Commissioner Karukin was not in favor as it would be defacing our beautiful park benches which were costly. Commissioner Olchyk will not support the issue.

Commissioner Karukin made a motion not to proceed. The motion received a second from Commissioner Cohen and all voted in favor with Vice Mayor Tourgeman absent.

E. Post Office Parking Lot Update – John Di Censo, Assisting the Town Manager

Town Manager Guillermo Olmedillo presented the item.

Commissioner Olchyk made a motion to support the Town Manager's recommendation to explore the issue. The motion received a second from Commissioner Cohen and all voted in favor with Vice Mayor Tourgeman absent.

F. Town Commission Approved Sand Action – Town Manager Guillermo Olmedillo

Manager Olmedillo gave an update stating that the cost of moving the sand to the dunes is substantially higher than what was previously quoted. He also said the reports from the experts testing the sand said there was no health hazard. He further stated that shifting the sand to the dunes would then kill the existing vegetation and it would be costly to replace the plants. He explained what has been done to date but wanted all to be aware of the costs. He is recommending no further action.

Public Speakers:

-Norma Parron said she viewed a video as to what the sand looked like before and it was white beautiful sand. What has been put down now is poor quality sand mixed with dirt and the feel under your feet is coarse and the look dirty. She further said the Mayor said it would be resolved and they have been let down.

-Jeffrey Platt who was Chair of the Beach Committee and attended many meetings said it was approved by the Commission to go with their recommendation that the Surf Club fill be removed from the beach. He was then advised that the Temporary Town Manager said that a unilateral decision had been made by a town official (name not provided) that no action will be taken. He would like to know who is running the town. If the Commission does not have the authority to take action then it is time for them to step down. He also presented items he picked up on the beach.

-Renee Tischler gave a review of what transpired and has been happening. She asked why all the plants have died at the Surf Club. Something is very wrong and should be fixed.

-Elizabeth Cimadevilla reiterated what was said previously and also said the numbers presented about the quality of beach sand don't lie. She is questioning why she ever believed in the Commission and they should stand by the resolution passed and the citizens deserve a clean beach.

-George Kousoulas spoke on sand quality and State standards and prior renourishment of the beach. He said we need to take a better look at what has been put on the beach.

-Michelle Kligman former Commissioner said the town has spent money and the citizens have spent their own money on this issue. She feels the issue has been very poorly managed from the beginning. A commitment was made to its residents and now the rug has been pulled out from under them. You need to honor your word or lose credibility as this community has been misled.

-Sharon Goldberg spoke about lead level content which she feels is high and said there is no safe level of lead especially among children.

-Clara Diaz-Leal said there is no reason for this to redone as this issue was resolved and approved and not on the agenda to be voted on again. This has to be fixed so we can focus on other bigger issues facing Surfside such as parking.

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

Commissioner Karukin agreed that this was very poorly handled from the very beginning. Regarding the resolution he thought it was a done deal until informed by a resident. His understanding is that the prior reports and costs given are no longer valid and what he voted on of \$158,000 would now be very much higher. He further stated that the report from Land Science said the evidence shows that the sand is not a health hazard and if this issue is now about cosmetics he does not feel spending the amount of money needed to move it is a good idea. He feels if the developers want to pay for it he has no problem. As to the comment on transparency he said the town has posted just about all documents regarding the sand issue. He also said a beach management committee has to now include the sand.

Commissioner Cohen spoke regarding legal aspects and if a developer is responsible if lead has seeped into the sand. He said that whoever knew or should have known that lead could seep into the sand is the party that is liable and should fix it. The developers said they would fix it but it was not a contract. However there has been a change in circumstance and now it will cost significantly more.

Commissioner Olchyk said she agreed that the issue was mishandled. From what they were told 8-10 months ago is different from what is being presented now. The quality of the sand is still vague as expert reports say there is no health hazard but residents perceive this differently and she is

not sure if this is the priority in this case. Before voting on the issue she would like to review more facts especially the basis for the new estimates presented. She has always been told that the developer would take care of any problem but now the burden is on the town. She does believe the developers are responsible for some of the issues they are facing now. The Commission was not aware of all the facts that the Sand Committee brought to their attention. Mistakes have been made and in order not to have them repeated she would like to better review the issue more deeply before voting.

Mayor Dietch said clearly this issue has not been managed well. It has been awful for the Commission as well as residents. He understands the frustration, emotion and passion of the residents. He asked if anyone had new or further information on the issue to let them know. The toxicology reports they have received say the sand is not a health hazard. He said the goal is to have a beach free from chemical and physical contamination and safe for residents and visitors. The Town Lobbyist stated earlier in his report that there would not be beach renourishment again for about two years. DEP and the Surf Club have been working together in sifting the sand removing any contamination. He responded to the concerns of the residents and said the town has not ignored the issue but has been working for the town.

Town Manager Guillermo Olmedillo said as if one puts their request in writing they will make the public records requested available to them. Regarding the cost increase he asked staff to research the cost of moving the sand and after speaking with people who work in that field, they came back with a figure approximately six times more than what was given in September. As to the developer he said he will go back and look at the record for any conditions in the development order that may address this issue. If there was an action that caused harm or damage to the town then perhaps legal can tell us what we can do. He suggested meeting with the developer and discussing the issue once we have a firm figure as to the cost.

Commissioner Olchyk left the meeting at 10:58 p.m. The Mayor asked for a motion to extend the meeting.

Commissioner Karukin made a motion to extend the meeting thirty minutes. The motion received a second from Commissioner Cohen and all voted in favor with Commissioner Olchyk absent for the vote.

In order to move forward, public speaker Monica Grandeze suggested that residents make a list of their questions to present to the town in a week. The Mayor suggested a special commission meeting with the residents and the Surf Club and Chateau to address their questions and concerns. He asked the Town Manager to present at that meeting the costs that may be involved.

G. Styrofoam/Expanded Polystyrene Policy – Mayor Daniel Dietch
The Town Manager was directed to develop a policy on the issue. Public Speaker Michael DeFilipp spoke and said the styrofoam is in our waters, beaches, greenery and it is not biodegradable and should be dealt with as Miami Beach has now banned it. He mentioned other municipalities that are now discussing it and adopting new restrictions.

H. Beach Sand Quality Regulations – Linda Miller, Town Attorney
Attorney Miller introduced Jane Graham who presented the item.

Mayor Dietch called for a three minute break.

Commissioner Karukin wanted to clarify what the ordinance will contain and what will be a separate document. George Kousoulas gave some insight and what may also be included in the proposed ordinance.

Commissioner Karukin made a motion to accept the recommendation. The motion received a second from Commissioner Cohen and all voted in favor with Commissioner Olchyk absent for the vote and Vice Mayor Tourgeman absent.

Commissioner Karukin made a motion to extend the meeting fifteen minutes. The motion received a second from the Mayor after passing the gavel. All voted in favor with Commissioner Olchyk absent for the vote and Vice Mayor Tourgeman absent.

I. Landscape RFP – John Di Censo, Assisting the Town Manager
Commissioner Karukin made a motion to defer to February 10, 2015. The motion received a second from the Commissioner Cohen and all voted in favor with Commissioner Olchyk absent for the vote and Vice Mayor Tourgeman absent.

J. Automated Electronic Check Signatures – John Di Censo, Assisting the Town Manager
Commissioner Karukin made a motion to defer to February 10, 2015. The motion received a second from the Commissioner Cohen and all voted in favor with Commissioner Olchyk absent for the vote and Vice Mayor Tourgeman absent.

K. Memorandum to Town Commission re Joint Meeting with Tourist Board – Duncan Tavares, TEDACS Director
Dates for availability for a joint meeting were discussed.

10. Adjournment

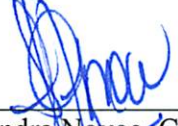
The meeting adjourned at 11:29 p.m.

Accepted this 10th day of February, 2015



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk