



**Town of Surfside
Town Commission Meeting
MINUTES**

February 10, 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 7:00 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

Police Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Vice Mayor Tourgeman thanked the community for all the support they have extended to him and his family while facing a very difficult time with the passing of his mother.

Commissioner Cohen asked for a special moment of silence for Vice Mayor Tourgeman and his family. Commissioner Cohen thanked the community for all the emails and input he has received and said he would meet one on one to discuss any concerns they may have.

Mayor Dietch and on behalf of his colleagues, expressed sincere appreciation to John DiCenso for coming in as Interim Town Manager and helping the town of Surfside in their time of need. In recognition of his service in various positions he held in the town, a brick honoring him has been placed at the Community Center.

The Mayor explained the procedure which is followed in conducting a meeting and it was brought to his attention that the last meeting was not managed well. Therefore on this agenda they will discuss decorum. They have a new process and speaker cards will be used to allow public input but asks they indicate the item they wish to speak on an if not on the agenda then they can be heard in Good and Welfare. He asks the community to hold themselves to a higher standard and be respectful and he commits himself to do the same.

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

Commissioner Olchyk asked if items 9B and 9C be moved up on the agenda. Mayor Dietch said we can hear the items at 10:00 P.M.

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 gave an update on the Tourist Board Meeting and announced an upcoming event on Feb. 19, 2015. He also congratulated Parks and Recreation for the success of the 4K Run which they sponsored. The Silver Sneakers Program was mentioned and the community should call if they are interested in bringing the program into the city.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Olchyk pulled Item 15, 3B Monthly Budget page 14; Item 8 Holiday Lights page 19; Item 28 Landscaping page 26
Mayor Dietch pulled Item 1 Bus Service page 17

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

A. Minutes – Guillermo Olmedillo, Town Manager

January 13, 2015 Regular Commission Meeting Minutes

B. Budget to Actual Summary as of November 30, 2014 – Guillermo Olmedillo, Town Manager

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

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

***E. Projects Progress Report – Guillermo Olmedillo, Town Manager**

F. Committee Reports – Guillermo Olmedillo, Town Manager

- October 30, 2014 Planning and Zoning Board Meeting Minutes
- November 3, 2014 Tourist Board Meeting Minutes
- December 15, 2014 Parks and Recreation Committee Meeting Minutes
- December 15, 2014 Tourist Board Meeting Minutes
- January 8, 2015 Planning and Zoning Meeting Minutes
- Commissioner Olchyk pulled item 15, 3B Monthly Budget page 14; item 8 Holiday Lights page 19; item 28 Landscaping page 26
- January 12, 2015 Tourist Board Meeting Minutes

Pulled Items:

-Item 1 Bus Service - Mayor Dietch asked the Town Manager to go forward with linking the service with our neighboring coastal communities as we do not have to wait for Miami-Dade Transit to help. We have the interest and support of

neighboring administration. The Town Manager has been in contact with the Town Managers of neighboring communities and will follow through with the item.

-Item 15, 3B Monthly Budget - Commissioner Olchyk asked for an explanation of the deficit in water and sewer. Finance Director Don Nelson explained the report in more detail and said the final figures are on the positive side and the presentation does not show it.

-Item 8 Holiday Lights – Town Manager Olmedillo said the Tourist Board had approved to extend the lights until April at a cost of approximately \$5,500. The Town Manager said if the idea was to keep the area illuminated then perhaps we should look into permanent lighting such as street light posts that would give character to the town. Tourist Director Duncan Tavares explained the costs of the renting of the lights which include monitoring every two days and also the electricity which costs about \$300 per month. Vice Mayor Tourgeman was not in favor of spending \$5,500 as originally he believed there would be no cost to extend the lighting as presented at the Tourist Board Meeting. Commissioner Olchyk was not in favor of spending additional monies for these lights. Commissioner Cohen read the agreement with the vendor and the lights could be extended without additional costs. The Town Manager will meet with the vendor and work out the issue.

-Item 28 Landscaping – Commissioner Olchyk said after speaking with many people she has been advised not to pursue this until next year. For the record she said she would not do anything unless there were at least three bids and hopes this stands for all issues we put out for bids. The Mayor explained that although we did piggy-back with the City of Adventura on their landscape contract there was still a competitive action.

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

4. Ordinances

A. Second Reading Ordinances

1. 10% Window for Each Story – Guillermo Olmedillo, Town Manager

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.

Mayor Dietch read the title of the ordinance.

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

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

B. First Reading Ordinances

1. Expanded Polystyrene Ordinance – Mayor Daniel Dietch

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE I OF CHAPTER 34 “ENVIRONMENT” AND SPECIFICALLY CREATING SECTION 34-9 “PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY TOWN CONTRACTORS AND SPECIAL EVENT PERMITTEES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; AMENDING CHAPTER 34 “ENVIRONMENT” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 34-78 “DEFINITIONS” AND AMENDING SECTION 34-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS”; 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 Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

5. Resolutions and Proclamations

6. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-Jeffery Platt spoke on the decorum issue. He felt the paragraph on the agenda was personally addressed to him as he speaks in a very passionate way and is not always in

agreement with decisions being made. The paragraph said a speaker will be limited or then asked to leave. The residents feel strongly on an issue when they believe they have been misled, misinformed and lied to.

-Students Working Against Tobacco spoke about the problem of candy flavored tobaccos as they are attracting young people to smoke. They are asking the town to pass a resolution banning the sale of candy flavored tobaccos. The Commission applauded their mission but also they really cannot tell a vendor they cannot sell tobacco.

-Monica Grandeze asked that she be listed on the agenda for a Special Meeting regarding sand. She had asked for approximately 45 minutes to give the residents presentation. She also asked for a question and answer portion at that meeting. She also asked what the action plan is regarding the sand issue.

-George Kousoulas feels development is getting a bad rap in this town as they are smaller and less dense than they could have been and the development that has taken place is good. The important thing is to grow with a synchronized plan. He said the city has the say when it comes to property rights and exemplified the twelve story limit.

-Marcos Arancibia speaking on behalf of Tina Paul said construction trucks are coming in as early as 6:00 a.m. well before the time allowed.

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

The Mayor addressed Mr. Platt and said he was sorry that he felt the language regarding decorum was directed at him as it was not. No one is trying to limit passion but said to bring it but the language the administration came up with was to create respect for all parties.

Commissioner Cohen said he thought that tones were set previously that had to be worked on and we are all trying to be more professional and communicate better. He respects Mr. Platt and his passion for this town. He again urged residents to take an interest in all issues the city has.

Commissioner Olchyk said she was offended when a piece of stone was placed on the dais as that was an improper way of expressing one's self. She felt it was disrespectful to the Commission as well as to the citizens of the town if there was damage done to the countertop and had to be replaced. She further said even though they may disagree they should always be respectful of one another and anyone wishing to speak for or against an issue has a right to present their point of view.

The Mayor said this was part of our code. He asked the Town Manager to reach out to Ms. Grandeze on her requests. Vice Mayor Tourgeman asked how we can fix the agenda to reflect the presentation to be given by Ms. Grandeze. Town Manager Olmedillo said it is a time management issue as there are three items on the agenda all of which will most likely be discussed and he is certain there will be several public speakers. Vice Mayor Tourgeman asked the Commission to allow time for the presentation regardless of how many items are on the agenda. The Mayor directed the Town Manager to use his professional judgment and work this out with Ms. Grandeze. Commissioner Cohen agreed with the Vice Mayor that everyone has the opportunity to speak at the meeting.

Commissioner Olchyk, speaking of past experiences on several committees, wanted it known that although there are committees that make recommendations it does not necessarily mean that their recommendations will be approved.

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. Proposed Policy and Enforcement Standards for Corner Visibility (Hedges & Fences) on Properties Located at Street Intersections –

Guillermo Olmedillo, Town Manager presented the item and standards to be met. Code Compliance Director Joe Damien asked for clear direction on the issue as they have paused endorsement until a new ordinance was adopted. Vice Mayor Tourgeman said we should be both reactive and proactive in the approach. If there is an area which poses a danger then the homeowner should be communicated to. The Mayor suggested Mr. Damian meet with a residents in perhaps a staff meeting, to educate them so they have the opportunity to bring any questions they may have. The Mayor also mentioned to move the stripes and stop signs.

Commissioner Tourgeman made a motion to proceed as discussed and stated. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

B. Participation During Public Meetings – Commissioner Marta Olchyk

Commissioner Olchyk stated she believes everyone has a right to speak and to their own opinion. She believes it is unfair for a meeting to be dominated by one issue when there are others items on the agenda which have to be addressed and equally important to some people. Many times at a meeting several speakers address the Commission with the same comments. The Commission has been very conscientious of the residents but she feels they are neglecting addressing other issues on the agenda because of time constraints. She personally has left meetings before they adjourned as the meetings have extended beyond 11:00 p.m. almost into midnight and she feels she has not been able to give her input on some issues. She is asking that a person be allowed to speak only once on an issue and not monopolize a meeting. She feels it is unfair to other people who have come to speak on an item and cannot because the meeting is being taken over by one issue. Therefore, she is asking her colleagues to look into the fairness by allowing everyone the same time.

Mayor Dietch agreed with Commissioner Olchyk and said there is room for improvement and he will do his part to try to streamline the meetings.

He said he wants to be respectful to the Commission and the community and also adhere to what the Florida Statutes allow and he will do his best.

- C. Noise from Construction Activities and Special Events** – Commissioner Marta Olchyk presented the item and said construction not only has extended hours and days and when she calls she is told it is an emergency. Town Manager Olmedillo said he feels an emergency should be defined before they are allowed extended hours of operation and is uncomfortable with the language which appears in the ordinance. He also said there are times when a construction operation requires hours outside the code because of large concrete pours.

Commissioner Olchyk made a motion to follow the recommendation of the Town Manager. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

Public Speaker George Kousoulas said they should look at the code carefully because not all large concrete pours have to be done all at once and should not be considered a special condition for allowing extended hours.

- D. Byron Avenue Traffic Congestion/Public Safety Concern** – Guillermo Olmedillo, Town Manager presented the item and suggested before we go to an outside agency to first come up with a plan as to what they want to achieve. Then, we can see if we need County approval or outside help. Chief Allen also spoke and gave an update and said he would like to close streets but that requires an engineering study which costs money. Vice Mayor Tourgeman suggested opening 94th Street for residents going west into town (perhaps with a gate).

The Mayor opened the public hearing.

Public Speakers:

-Brendan Maloney thanked the Chief and staff for their service. He said he has seen deterioration in overall safety over the past several years. He also has seen a significant change in demographics in the town with younger families with children coming in. He feels it has become unsafe especially for children.

-Renee Tischler thanked the Chief, the Commission and Town Manager for looking into this issue. She agrees with what Mr. Maloney said. She mentioned the budget impact costs and feels we should close streets as to limit traffic as speed bumps would only slow traffic down.

-Clara Diaz-Leal said she is grateful that the town has finally seen there is a public safety issue. She feels this issue is a priority and it is unsafe and must be fixed.

-Deborah Cimadevilla agreed with what was said but wants consideration be given to 91st Street also. Even though there is a traffic signal cars speed up to make the light and it is a major problem.

Mayor Dietch wanted to know where the funding would come from. The Mayor asked the Town Manager to work out the details as to funding. Vice Mayor Tourgeman asked the Chief to look at past studies that have been presented. Commissioner Olchyk agrees that we should review past studies. Commissioner Cohen mentioned the need for sidewalks and gave his views as to the problem and possible future problems with traffic and possible solutions.

The Mayor directed the Chief and Town Manager to proceed with the study.

The Town Manager mentioned a meeting taking place tomorrow with the Historic Preservation Committee regarding the ordinance and asked if the Commission wanted representation at the meeting. The Commission was in agreement that we should have representation and voice our point of view and take an active role.

E. Town Commission and Tourist Board Joint Meeting – Guillermo Olmedillo, Town Manager

A date of May 4, 2015 has been tentatively scheduled by the Commission. The Town Manager was asked to correspond tomorrow with the Tourist Board and ask them to commit to the date of May 4th. The Vice Mayor will also make calls to the Tourist Board and the Town Manager will also contact Commissioner Karukin.

F. Ad-Hoc Sustainability Committee – Mayor Daniel Dietch

The Mayor explained the need for the committee and said it would be giving recommendations.

Public Speaker Marianne Meischied mentioned that two out of town people were being considered for this committee and her concern was not to have any potential member from of town but only Surfside residents. She urges the Commission to honor the wishes of its residents as they pay the taxes and should have a voice in what happens in their town.

The Mayor explained some non-resident people are considered because they may be better informed on some issues. They may also bring ideas from their communities. He also said this is just in the forming stage and we should look at what is best for the town.

Vice Mayor Tourgeman said the committee should be comprised of only Surfside residents from all across the city. Commissioner Cohen agrees with the Vice Mayor and only to bring in an outsider if needed.

The Commission agreed to go forward and the Town Manager and Mayor will work together on a draft.

The Mayor allowed Monica Grandeze to speak even though no speaker card was filled out. She spoke in favor of residents of Surfside only on the committee.

G. Post Office Parking Lot Garage Update – Guillermo Olmedillo, Town Manager gave an update.

There was discussion as to cost, what the plan is and, negotiating with the property owner.

Public speaker George Kousoulas said he had come up with a plan to be discussed. The Town Manager said he did see the plan in a presentation but said it was a concept and there are certain building blocks to look at. There are a number of restrictions to be met and when the concept was reviewed it did not meet certain zoning codes at that time. He explained once you have a concept it has to be further defined. He also said the concept presented by Mr. Kousoulas was very good. Mr. Kousoulas disagreed with the Town Manager but said the plan (not a concept) was thoroughly thought out. The Commission agrees that we should use the free services of Mr. Kousoulas and his expertise.

The Mayor asked the Town Manager and Mr. Kousoulas to meet and come back with a plan.

Public Speaker Lou Cohen said he was concerned that the Post Office lot may not be the best location and there should be discussion on other locations and not just think about cost factors.


H. Point Lake – North Canal Update – Guillermo Olmedillo, Town Manager gave an update

The Mayor asked the Town Manager to reach out to the residents and let them know where we are and actions to be taken.

10. Adjournment

The meeting adjourned at 10:14 p.m.

Accepted this 10th day of March, 2015



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk