



**Town of Surfside
Town Commission Meeting
MINUTES
March 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 7:04 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

Commissioner Cohen thanked everyone for attending the meeting and said he looked forward to working with everyone.

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

Linked Items 4A2 Beach Sand Quality Ordinance with 9H Additional Comments from Residents on Beach Sand Quality Ordinance and 9I Sand Relocation Options.

Commissioner Olchyk made a motion to defer Item 9B Charter Review. 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. Vice Mayor Tourgeman gave an update on the Tourist Board Meeting.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Pulled Items:

Mayor Dietch pulled Items 3F Interlocal Agreement and 3H Gas Tax.

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 – Sandra Novoa, CMC, Town Clerk

February 10, 2015 Regular Commission Meeting Minutes

February 12, 2015 Special Town Commission Meeting Minutes

B. Budget to Actual Summary as of December 31, 2014 – Guillermo Olmedillo, Town Manager

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

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- December 4, 2014 Pension Board Minutes
- January 27, 2015 Parks and Recreation Committee Minutes
- January 29, 2015 Planning and Zoning Board Minutes

F. Approve and enter into an Interlocal Agreement with Miami Dade County for the use of the County Solid Waste Management System – Guillermo Olmedillo, Town Manager (Pulled Item by Mayor Dietch)

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR USE OF THE COUNTY SOLID WASTE SYSTEM MANAGEMENT SYSTEM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor said he did not see the duration period in the agreement and also asked if we could get some support regarding disposal of house hazardous waste materials. Town Manager Olmedillo said the length of the contract is five years and he would speak with the County regarding collection of house hazardous waste materials and report back at the April meeting.

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

G. Mutual Aid Agreement between the City of Sunny Isles Beach Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE POLICE DEPARTMENT AND THE CITY OF SUNNY ISLES BEACH POLICE 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.

H. A Resolution of the Town of Surfside expressing its opposition to any increase in gasoline taxes by the Congress of the United States or the Legislature of the State of Florida – Vice Mayor Eli Tourgeman (Pulled item by Mayor Dietch)

A RESOLUTION OF THE TOWN OF SURFSIDE EXPRESSING ITS OPPOSITION TO ANY INCREASE IN GASOLINE TAXES BY THE CONGRESS OF THE UNITED STATES OR THE LEGISLATURE OF THE STATE OF FLORIDA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE UNITED STATES CONGRESS, FLORIDA LEGISLATURE, FLORIDA LEAGUE OF CITIES, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, INC., THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, AND ALL THE MUNICIPALITIES OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch asked Vice Mayor Tourgeman to give further details on the item. Vice Mayor Tourgeman explained why he was against the tax increase on gasoline. The tax increase was proposed because the price of gasoline has gone down and the revenues coming in have decreased. However, when gasoline prices start to increase the tax remains. Mayor Dietch responded with his views on the issue and said tax money is needed to improve our highways and infrastructure. Commissioner Olchyk agreed with the Vice Mayor.

Vice Mayor Tourgeman made a motion to approve the resolution. The motion received a second from Commissioner Olchyk. A vote was taken with Vice Mayor Tourgeman and Commissioner Olchyk for approval and Mayor Dietch and Commissioner Cohen in opposition and Commissioner Karukin absent.

Public Speakers

Lou Cohen said not enough tax monies are collected to do what is needed. He questioned why the town was even presenting this resolution and feels it does not belong here. He believes the Commission should rethink the issue.

Norma Parron said the FL tax is 53.4 cents and feels there is nothing wrong with going forward with the resolution.

I. Mutual Aid Agreement between the City of Miami Gardens Police Department and the Town of Surfside Police Department - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE CITY OF MIAMI GARDENS, 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.

4. Ordinances

A. Second 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.
Mayor Dietch gave an overview of the item.

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

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

2. Beach Sand Quality Ordinance – Mayor Daniel Dietch {item linked to item 9h and 9i}

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE I OF CHAPTER 34 “ENVIRONMENT” AND SPECIFICALLY CREATING SECTIONS 34-2 to 34-8 “BEACH SAND QUALITY” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS”; AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY SECTION 90.5 “COMPLIANCE WITH REGULATIONS”; 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.

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

Assistant Town Attorney Jane Graham together with Building Official Ross Prieto gave a power point presentation and an update on all the experts they contacted. Ms. Graham went through the changes recommended by the Planning and Zoning Board as well as recommended changes from citizens and the responses from the experts. Vice Mayor Tourgeman said to keep the language that indicates whether there is knowledge or no knowledge of toxins that testing has to be done. As to the muncell #7 sand it is up to the discretion of the Commission and this refers to excavated sand only. Vice Mayor Tourgeman believes #7 sand should be throughout even on the dunes. The texture of sand

was also discussed. Specifically, fine sand verses coarse sand and the affect on the ecology of the beach.

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

Steve Blair from Dade County Environmental Resources Dept. spoke about the sand grain size and color and gave more details on the subject.

Vice Mayor Tourgeman made it clear that even though sand may be the color #7 it still has to meet the requirements set forth regarding chemical testing. Mayor Dietch feels we could use some flexibility.

The Mayor opened the public hearing.

Public Speakers:

-Larisa Alonso spoke on the sift size of sand and debris. She would like the State and Government to do more sampling of sand being put on beaches. She would like the ordinance to be stricter regarding excavated sand.

-Marianne Meisheid has served on the Sand Committee and said the issue is important to the citizens. New precedents must be set now.

-Glyn Taylor had photos of samples of debris he has found on the beach and says the Commission is ignoring what is being found.

-Mario Fernandez said since the construction, he finds it difficult to use the beach especially bringing children to the beach for fear of them being cut or hurt because of the debris. It has been a year since the discussions began and they want it solved.

-Monica Grandeze spoke about future demolition of buildings and said developers have to be aware they will have to put in new tested sand. Why is the Commission protecting the developers?

-Claudio Ried representing Debbie Cimadevilla has been working with staff and the suggestions he has presented. He feels a restrictive ordinance is a good thing and addressed the issue of protecting the dunes also.

-Debbie Cimadevilla said we need the strictest ordinance to protect our beaches which is our asset. We need safety on the beaches and the dunes should be included in our restrictions.

-Sharon Goldberg spoke about inorganic arsenic in the sand.

-Stephen Leatherman consultant for Debbie Cimadevilla said the dunes should be included in the ordinance and agrees that no excavated sand be placed on the beach unless it passes all the required testing and restrictions. He also said the fill placed on the beach should be removed.

-Oded Schneiderman thanked the Mayor for all he has done for the town. His children do not go to the beach as he feels it is not safe. He feels the developers should be thanking the town for allowing them to build and as a token of appreciation they should give the town beautiful clean beaches and not drag this

issue on for debate for over a year. He urges the Commission to do the right thing.

-George Kousoulas said he attended the Planning and Zoning Board Meeting and said they felt #7 sand might be too restrictive and in fact hurt the town. He also spoke about the expenses and grain texture.

-Jeff Platt thanked the Town Manager for providing the sifting reports from Teracon which said they found nothing. However, citizens found much debris and FDP and Miami-Dade also found debris.

-Norma Parron, President of Mirage Condos, said the town should not accept any excavated fill even on the dunes. We should accept higher standards.

-Lou Cohen said he has confidence in the town attorney and the wording of the ordinance. He said many residents have come out to the meetings for the sand issue and ignored other important issues the town has. He asks them to also be involved in other issues that affect all its residents and not just those who utilize the beach.

-Alex Tachmes representing Fort Capital said they support any ordinance that requires the sand to be safe. However the ordinance says no sand east of the CCCL can be removed and that would restrict the testing of this sand and explained the procedure when there is demolition for new construction. The ordinance suggests that no permits can be issued unless sand is tested and the ordinance limits the testing to the edges of the property. Another point was sand removed has to be replaced and if a building was being constructed on the site where sand is removed it didn't make sense to say sand has to be replaced there. He felt these are procedural issues that can be looked at.

No one else wishing to speak, Mayor Dietch closed the public hearings.

Commissioner Olchyk asked the Town Attorney to respond to Mr. Tachmes points of interest. Attorney Miller asked Building Official Ross Prieto to respond. Mr. Prieto explained the sequence of events for sand testing and permits for demolition, excavation and building development. Assistant Attorney Graham responded to the replacement of sand to be equal or of greater volume.

Vice Mayor Tourgeman asked the Commission if they would have approved the request from a developer if the developer said they would be putting in a lower standard of sand because that is what we are dealing with. Mr. Tachmes said some of these issues are because of DEP coastal permits, and in future developments they do not have any problems with putting excavated sand out of the city. Ms. Graham further clarified the sand placement and testing.

There was much discussion regarding silt content from 5% to 2% or 1% as Vice Mayor Tourgeman had suggest some changes to the ordinance. Mayor Dietch proposed some changes based on the recommendations from the citizens. All proposed changes were voted upon and changes with an affirmative vote will be made by the town attorney.

Vice Mayor Tourgeman made a motion to approve with changes made as discussed and voted on. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

B. First Reading Ordinances

1. Amending Chapter 54 “Prohibited Noises”, specifically Section 54-77 “Waiver of Division Provisions” – Commissioner Marta Olchyk

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTION 54-77 “WAIVER OF DIVISION PROVISIONS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was not heard

5. Resolutions and Proclamations

A. Grant Writing Services – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDING THE GRANT WRITING BID TO ANGIE BREWER & ASSOCIATES, LC TO PROVIDE GRANT WRITING SERVICES PER THE REQUEST FOR PROPOSAL NO. 2014-009 (THE “RFP NO. 2014-009”); AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO ENTER INTO AN AGREEMENT WITH ANGIE BREWER & ASSOCIATES, LC; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Olmedillo presented the item.

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

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

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-Lee Gottlieb stated he was not hired or paid by the Surf Club and was a member of the Sand Committee. He is representing Youth Environmental Alliance and spoke about shoreline protection.

-Rick Superstein said he owns property in Surfside and the Historical Preservation Board has deemed some of them as historical and said the problem is the town has no say in it.

He feels the citizens should have more say about their town and not have Miami-Dade County dictating to them. He is asking for help from the Commission.

-Norma Parron agrees with Mr. Superstein and feels the town should have their own choices. She congratulated the Police Chief and his department for the way they handled an accident yesterday by diverting traffic and not causing a traffic issue in the town.

-Brendan Mahony spoke about the public safety traffic issue on Byron Avenue and asked how this can be prioritized.

-Larisa Alonso needed an update on a traffic issue regarding a street sign indicating the direction of Bay Drive which had been removed.

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

Regarding the Historic Preservation Board, Town Manager Olmedillo said there is a meeting on March 18th. Commissioner Sally Heyman is involved in the issue. The Commission feels we should have representation there to express our views and ask for a three month extension until the corridor study is completed.

Police Chief Allen said he has met with several traffic officials and gave an update on the Byron Avenue situation.

Commissioner Cohen made a motion to next take Items 9C, then 5A and then 9I in that order. The motion received a second from Commissioner Olchyk and all voted in favor.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Sustainability Committee – Mayor Daniel Dietch

Item was not heard

B. Next Step for Review of the Charter Review – Commissioner Michael Karukin

Item was deferred to the April 14, 2015 Town Commission Meeting

C. Post Office Parking Lot Parking Structure Update – Guillermo Olmedillo, Town Manager

Town Manager Olmedillo gave an update and said he had a couple of financial concerns and needs direction from the Commission. Vice Mayor Tourgeman proposed that the town buy out the post office lot and have total control over it. Commissioner Cohen suggested we look into the 93rd/94th Street lot and construct a three story parking structure and gave details on what he envisions.

The Mayor opened the public hearing.

Public Speakers:

-Lou Cohen was happy to hear about other locations mentioned. He spoke of traffic concerns at certain proposed locations.

-George Kousoulas gave a power point presentation regarding the post office lot and showed his proposal for this area.

Commissioner Olchyk left the meeting at 10:55 p.m.

Commissioner Cohen made a motion to extend the meeting thirty minutes. The motion received a second from Mayor Dietch (after passing the gavel) and all voted in favor with Commissioner Olchyk and Commissioner Karukin absent.

The Mayor directed the Town Manager to go forward with the intent to negotiate the purchase of the post office parking lot and to also consider the 94th Street lot.

Commissioner Cohen made a motion to hear Item 9I next. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Olchyk and Commissioner Karukin absent.

D. Confirming the May 4, 2015 Joint Meeting of the Town Commission and Tourist Board – Guillermo Olmedillo, Town Manager

Item was not heard

E. Flavored Tobacco and Electric Cigarettes – Vice Mayor Eli Tourgeman

Item was not heard

F. Community Rating Systems (CRS) Program for Public Information (PPI) – Guillermo Olmedillo, Town Manager

Item was not heard

G. Destination Resorts Opposition Resolution – Mayor Daniel Dietch

Item was not heard

H. Additional Comments from Residents on Beach Sand Quality Ordinance – Guillermo Olmedillo, Town Manager {Linked to Item 4A2

Town Manager Olmedillo gave an update and spoke of estimated costs and his recommendation.

Public Speakers:

-Glyn Taylor is in favor of removing the sand and bringing in new sand.

-Debbie Cimadevilla spoke of the debris being found on the beach and the safe option is to remove the sand.

-Bob de la Fuente representing Mr. Taylor and Ms. Cimadevilla said he has been working with the developers and are close to coming to an agreement. The solution is to remove the sand and replace it with new debris free sand.

-Stephen Leatherman said Surfside is known for its high quality of beach sand and the sifting is not working and to solve the problem it has to bring in clean sand.

- Ruben Levine wants to have the sand replaced and gave his reasons.

-Marisa Alonso supports what Mr. Leatherman said.

-Sharon Goldberg said there are health hazards if someone steps on a sharp object and this may result in law suits.

-Marianne Meischeid said the DEP gave the Surf Club notice to clean up the beach and it still is not done and we need safety on the beach.

-Renee Tischler said things have become more complicated and we should move forward.

-Monica Grandeze said after two sifting processes it still has not worked and debris is still in the sand.

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

-Jeff Platt talked about new sand coming in and where it will come from and gave details on Altoona sand which can be customized. He again agreed that the sifting process has not worked.

Manager Olmedillo explained that removing of the sand is an issue that DEP has to address as it is not in our jurisdiction to remove sand from the system and we would have to get permits. As to cost, we would have to go out to bids and then determine how this would be funded.

Vice Mayor Tourgeman stated that the Town did not cause the problem and that the permit said that the placed sand should be free of debris and it is not. He stated that this is the Surf Club's responsibility and that they need to remove the sand because apparently the sifting doesn't work and if they cause the problem, they have to fix it at their cost by removing it and bringing the proper sand. Mayor Dietch stated that his position is no different and that the sand needs to be free of debris, free from chemical contamination with the limits that have been established but he wanted to know how to get that accomplished.

Commissioner Cohen said he remembers the Surf Club saying they would fix the problem and it would show good faith on their part to do so and for future projects they may wish to do. He stated that it is the Surf Club's responsibility to fix the situation they have created and the other solution is to remove the sand and place the proper sand. Manager Olmedillo said the options are to ask the developer to voluntarily fix the problem or do we try to force them to do so. Vice Mayor Tourgeman and Commissioner

Cohen stated once again that the Town did not created this problem and that the Surf Club should fix it.

A council representative Michael Kashtan from the Surf Club said they want a clean pristine beach as do the residents. The reports they received said the beach sand was clean and now they hear differently. They want to work this out and will look into this as they recently found out about the issue and asked for time to look into this.

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

Vice Mayor Tourgeman said the message should be brought back that the problem has to be fixed by the Surf Club as they created the problem. Mr. Kashtan said they need time to investigate and come back with a solution. The Vice Mayor asked how much time they needed and Commissioner Cohen asked for a time certain. The response was "as soon as they can" but feels they can get back to the Town Attorney by the end of the week with a proposal of what can be done. He stated that communication is important and urge Town residents to email him if they find anything else in the sand.

The Town Manager said he would be in touch with Fort Capital.

Vice Mayor Tourgeman expressed to the Manager that the direction is to remove the sand and that they have to take a vote of confidence from the Commission that they are to remove and replace the sand. Commissioner Cohen stated that they are all in agreement.

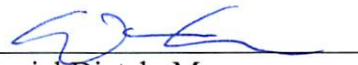
Vice Mayor Tourgeman left the meeting at 11:48 p.m. losing quorum to continue the meeting.

- I. **Sand Relocation Options** – Guillermo Olmedillo, Town Manager
(Linked to Item 4A2 and 9H)
Item was not heard

10. Adjournment

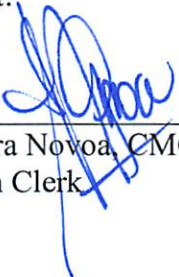
The meeting adjourned at 11:48 p.m.

Accepted this 14th day of April, 2015



Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC
Town Clerk