



**Town of Surfside
Town Commission Meeting
MINUTES
April 14, 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, Vice Mayor Tourgeman, Commissioner Olchyk, Commissioner Karukin and Commissioner Cohen.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

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

Commissioner Karukin asked to link Item 9A - 94th Street Parking Structure Land Use/Zoning Analysis to Item 9B - Parking Lot Parking Structure Update. Commissioner Karukin asked if we could move up Item 9E Traffic Management Plan on the agenda.

As a point of privilege the Mayor said he had received a request from the Principal at Ruth K. Broad asking if we could prepare some proclamation from the town to reach out to retiring teachers. He suggested this may also be done for other schools and to add this as a discussion item.

Commissioner Karukin made a motion to accept the linkages as discussed. The motion received a second from Commissioner Cohen and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Commissioner Karukin thanked Yamileth Slate-McCloud, Director of Human Resources for the teamwork in the Cancer Walk for Life event. Vice Mayor Tourgeman gave an update on the Tourist Board Meeting and upcoming events. Commissioner Cohen thanked everyone as they were coming up on their one

year anniversary on the Commission. He also said he was available to meet and one should contact him through the town manager.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Karukin pulled items 9, 14, 16, and 17 from the Town Managers Report.

Commissioner Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Mayor Dietch after passing the gavel and all voted in favor.

A. Minutes – Sandra Novoa, CMC, Town Clerk

March 10, 2015 Regular Commission Meeting Minutes

B. Budget to Actual Summary as of January 31, 2015 – 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

- February 2, 2015 Tourist Board Meeting Minutes
- February 18, 2015 Special Planning and Zoning Board Meeting Minutes
- February 23, 2015 Parks and Recreation Committee Meeting 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

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.

Approved on consent.

G. Grant Writing Agreement – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE AGREEMENT FOR GRANT WRITING SERVICES WITH ANGIE BREWER AND ASSOCIATES, LC. ATTACHED HERETO AS ATTACHMENT “A” TO APPLY FOR GRANTS ON BEHALF OF THE TOWN PER THE REQUEST FOR PROPOSAL NO. 2014-009 (THE “RFP NO. 2014-009”);

PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION OF AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Destination Resorts and Gambling Opposition Resolution – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE HB 1233 AND REJECT ANY AND ALL EXPANSIONS OF DESTINATION RESORTS AND GAMBLING IN FLORIDA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA LEGISLATURE; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

I. Water Conservation Month and Challenge for Water Conservation – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE DECLARING APRIL AS WATER CONSERVATION MONTH IN THE TOWN OF SURFSIDE, FLORIDA, AND SUPPORTING THE NATIONAL “WYLAND MAYOR’S CHALLENGE FOR WATER CONSERVATION” IN THE TOWN OF SURFSIDE; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA LEGISLATURE, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, AND ALL THE MUNICIPALITIES OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

J. Approval of Expenditure of Forfeiture Funds to Purchase Electronic Control Devices – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2014/2015 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$9,642.54 FROM THE FORFEITURE FUND FOR THE PURCHASE OF 6 (SIX) TASERS X2 DEVICES AND ACCESSORIES FOR THE POLICE DEPARTMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

**K. Resolution Accepting the Pac Comm, Inc. RFP Response for Seawall Repair –
Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED REQUEST FOR PROPOSAL NO. 2014-003 (“RFP NO. 2014-003”) TO PAC COMM, INC. FOR THE SURFSIDE SEAWALL REPLACEMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

A. Second Reading Ordinances

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.

Town Clerk Sandra Novoa read the title of the ordinance.

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

- 2. Restructure of Solid Waste Commercial Rates – Guillermo Olmedillo, Town Manager**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 66-35, “SCHEDULE OF FEES” OF THE CODE OF ORDINANCES TO ESTABLISH A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF

ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Public Works Director Joseph Kroll gave an update on the item.

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

3. Water Supply Facilities Work Plan - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN'S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN'S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR INCLUSION IN THE TOWN OF SURFSIDE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to defer this item to the May 12, 2015 Town Commission meeting at 7:00 pm. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Karukin made a motion to take item 9E next. Vice Mayor Tourgeman seconded the motion and all voted in favor.

4. Ordinance Amending Town of Surfside Code Chapter 26 entitled "Elections", by Creating Section 26-13 thereof entitled "Supplemental Qualifying Period" – Linda Miller, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING TOWN OF SURFSIDE CODE CHAPTER 26 "ELECTIONS", BY ADDING THERETO SECTION 26-13 ENTITLED "SUPPLEMENTAL QUALIFYING PERIOD", FOR THE PURPOSE OF ESTABLISHING BY ORDINANCE, (PURSUANT TO TOWN CHARTER SECTION 105(8)) THAT NO FURTHER SUPPLEMENTAL QUALIFYING PERIOD SHALL BE ESTABLISHED IF A VACANCY IN CANDIDACY OCCURS WITHIN THIRTY-FIVE (35) DAYS PRIOR TO THE DATE OF AN ELECTION FOR THE OFFICE OF TOWN COMMISSIONER OR MAYOR; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CODE AND EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.
Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Cohen.

Jean Olin, Special outside Council presented the item.

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

5. **An Ordinance of the Town commission of the Town of Surfside, Florida amending pursuant to Florida Statue sections 100.3605(2) and 166.021(4), Section 101 of the Town of Surfside Charter regarding “Qualifying for Elected Office” with limited applicability to establishment of qualifying dates for the Town’s March 15, 2016 General Election, and establishing end date for supplemental qualifying period for said March 15, 2016 Election; providing for severability, conflict, inclusion in Town Charter/Code, notification to County and effective date. – Linda Miller, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), SECTION 101 OF THE TOWN OF SURFSIDE CHARTER REGARDING “QUALIFYING FOR ELECTED OFFICE” WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE TOWN’S MARCH 15, 2016 GENERAL ELECTION, AND ESTABLISHING END DATE FOR SUPPLEMENTAL QUALIFYING PERIOD FOR SAID MARCH 15, 2016 ELECTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CHARTER/CODE, NOTIFICATION TO COUNTY AND EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.
Vice Mayor Tourgeman made a motion for discussion. The motion received a second from Commissioner Karukin.

Jean Olin, Special outside Council presented the item. Ms. Olin clarified the ordinance in detail as the Commission had some questions. Vice Mayor Tourgeman was in favor of the ordinance and said we should then reconvene and then decide if we should then have the town elections at the same time as the Miami-Dade County elections as more people do come out to vote.

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

5. Resolutions and Proclamations

A. 4th of July Fireworks – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE EXPENDITURE FOR ZAMBELLI FIREWORKS MANUFACTURING CO. FOR EXHIBITION AND DISPLAY OF FIREWORKS; APPROVING THE EXPENDITURE OF \$4,000.00 FROM THE RESORT TAX FUND, ACCOUNT NO. 102-8000-552-48-10 AND \$8,000.00 FROM THE GENERAL FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-572-4810; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Karukin made a motion to accept the resolution. The motion received a second from Commissioner Olchyk and all voted in favor.

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

Public Speakers:

-David Wall questioned the stop sign on Abbot and 88th Street and asked if that could be looked into.

-Sasha Plutno has a problem with the construction noise beginning early in the morning and the time it ends. He also spoke regarding the loss of the 10% discount for flood insurance and asked where the town stands on the issue as to getting the discount back from FEMA. He also had an issue with the closing of Byron Ave due to traffic management and residents having several cars and are being cited for parking on the grass on their own property when they only have a one car garage and one additional parking space in their driveway. Vice Mayor Tourgeman said the Building Official and the Commission have been working very hard to get us back on track with FEMA for the discount. Commissioner Karukin asked that the FEMA update be put on the agenda for the next meeting.

-Clara Diaz-Leal said the lounge chairs from the resorts are taking up a lot of beach space and residents who pay taxes are finding it hard to find a space. She would like the Commission to look into some type of regulation. Commissioner Karukin said he has the same concern and although it is not on this evening's agenda he plans on bringing it up for discussion.

-Jessie Flax and Stanley Flax spoke about an elevation certificate and article in the Gazette which said help can be obtained from the town. They said they called the town officials for assistance and have only gotten a run around and no help. Building Official Ross Prieto responded and said if they had an elevation certificate in their file they would be happy to provide them with one. If they did not, Mr. Flax would have to obtain one from his surveyor. The Mayor suggested Mr. Flax follow up with the Town Manager to try to resolve the issue. Mrs. Flax complained about residents who do not pick up after their dogs as well as dogs using her lawn and not the street. She feels some residents have a total disrespect for their neighbors and wants to know what can be done.

-Marianne Meisheid said after 13 months on the sand issue she hopes it is resolved and that action is taken as this issue was voted on several times and nothing was done. She

asked the Town Manager to be their advocate and push for what the citizens want. She asked if he would promise to do this with DEP and follow up in a timely fashion for action to be taken before turtle season.

-George Kousoulas spoke about the beach chairs and basically the beach is a common area with no one having an allotted space and is a first come, first serve. The Commission may wish to keep that in mind when they discuss the matter. Commissioner Olchyk said she has been raising this issue for over two years and has proposed to be the liaison person with Dade County and has never been asked to participate in any meetings on the matter of concessions on the beach area. She said this issue cannot be resolved by the town alone but is up to Dade County and may take a long time for a resolution. Commissioner Karukin agreed with Commissioner Olchyk.

-Elizabeth Levine said she sees a difference in the citizens attending the meeting as more are coming to express their views and their concerns about the town and not only on one particular issue. She urges the Commission to make good decisions that will greatly impact the town and its residents.

-Lou Cohen looked back at the Commission in their term and he reflected on the "best of times and the worst of times." He said the best of time was the transparency in setting the budget and the worst of time was the sand issue which took a lot of time, energy and repetition. He thanked the Commission for finally coming to the right decision. For wisdom he commended the Commission on the hiring of Town Manager Olmedillo and for the age of silliness he said the vote to give department heads a raise (which they deserved) and then hold back on it was silly. He said to look to the future and wishes it to be less stressful and more fun for them.

-Lee Gottlieb of Youth Environmental Alliance thanked the town for leading the way and piloting the first resilient feature on our beaches. He told of the elevation process on 94th Street to help protect against storm surge.

-Eneida Lopez said she loves Surfside but has been approached by a developer for her property and has made an arrangement with them for their proposed new development. She has been informed that the town has put their proposal to go forward on hold and she feels they should be grandfathered in under the existing conditions when they first applied.

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

Manager Olmedillo responded to some of the concerns of the residents. As to the chairs on the beach he gave an update as to what has been done and his communications with Dade County and the denials from State. He said there may be a way to have more control on the issue and it was suggested to him that we could issue an ordinance presenting safety issues rather than the usual approach. He has been working with our legal department to bring something back to the Commission.

Manager Olmedillo explained the parameters in place for construction hours but said there are instances where they must work outside those hours. Unfortunately with construction there is noise but they are working to try to minimize the hours and special conditions. They have been meeting with project managers on various projects to get updates as to what will be happening next in their development.

As to DEP, Manager Olmedillo said they have been working with them through our Legal Dept. and representatives at State and have been pushing hard to get things resolved. He said they have to keep on trying and not let up.

The Manager addressed the elevation certificate issue and the setback issue. Building Official Ross Prieto gave an update on the FEMA issue and we are now waiting for our rating.

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

- A. Sustainability Committee – Mayor Daniel Dietch**
Item deferred to May 12, 2015 Town Commission meeting.
- B. Next Step for Review of the Charter Review – Commissioner Michael Karukin**
Item deferred to May 12, 2015 Town Commission meeting.
- C. Confirming the May 4, 2015 Joint Meeting of the Town Commission and Tourist Board – Guillermo Olmedillo, Town Manager**
Item deferred to May 12, 2015 Town Commission meeting.
- D. Flavored Tobacco and Electronic Cigarettes – Vice Mayor Eli Tourgeman**
Item deferred to May 12, 2015 Town Commission meeting.
- *E. Beach Sand Update – Guillermo Olmedillo, Town Manager**
Vice Mayor Tourgeman said at the last Commission Meeting the Town Manager was given clear direction to contact the Surf Club with their recommendations and have the Surf Club respond back to him by Friday of that week. He understands that the Surf Club did not respond and had to be called several times. He said this has been going on too long and thought this item was put to rest at the last meeting to remove and replace the sand. He asked for clarification as to why we are discussing this once again and is very upset as clear direction was given.

Because there were so many public speakers on this issue and many others for other issues, the Mayor asked if we could limit the time to less than the allotted three minutes on the sand issue. There were some outbursts from the citizens and the Mayor said there is a standard of decorum at meetings and asked that they respect the Commission and the process of the meeting.

Commissioner Cohen said the Surf Club has come back with three options which the Town Manager will present. He suggested that speakers do not come up to repeat the same thing but only if they have something new to add. Commissioner Karukin said that all the evidence indicates the sand is safe and not toxic so why are we insisting it be removed and replaced. He further stated that many residents do not feel the sand has to be replaced but do not attend the meetings because they fear of being booed. There

was clarification from Vice Mayor Tourgeman that the sand is still full of debris and that is why it has to be replaced. Commissioner Karukin said some of the debris found was at the shoreline and impossible to tell if it came from the Surf Club.

The Mayor asked that we move to hear from the Town Manager, Fort Capital and the residents. Vice Mayor Tourgeman was very adamant in saying he will not hear this issue again next month and this item must come to a closure this evening.

Town Manager Olmedillo gave an update as to what occurred after the last Commission meeting and that the town and the Surf Club had meetings with DEP. He read a letter from DEP regarding the town's role in the issue. He received a letter today from Fort Capital with three options. (1) an enhanced sifting of the sand - DEP approved; (2) same as (1) with adding new sand on top - DEP approved; (3) to remove and replace the sand - DEP would look into it and in principal would be affirmative to it.

Michael Tachmes representing Fort Capital addressed the Commission and said they would abide by the option the Commission decides on and present it to DEP. He introduced Harvey Sasso consultant from Coastal Systems who gave an overview of the three options with a power point presentation. He gave a timeline for the options. Commissioner Karukin asked if it was correct that if the sand were to be replaced that in 2017 we are scheduled for beach renourishment and new sand will be placed on top of what we replace this year. The consultant said he was correct.

Commissioner Cohen made a motion to hear Good and Welfare after item 9E. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Tourgeman in opposition.

The Mayor asked the consultant to clarify the difference in the sifting being proposed as to what was done before. Vice Mayor Tourgeman read a paragraph from a letter received from an expert that said there is no guarantee that sifting will clear the sand of all debris.

Commissioner Cohen made a motion that Fort Capital and or the Surf Club remove the sand and then replace it with acceptable sand subject to FDEP approval. Vice Mayor Tourgeman made a friendly amendment that Fort Capital and or the Surf Club will submit application to DEP within a week. The motion received a second from Vice Mayor Tourgeman.

The timeline to get this done before turtle season was discussed. The Mayor suggested sifting now and bringing in new sand. Commissioner Cohen suggested they do the sifting anyway and apply to DEP for option 3 to scrape and replace. Commissioner Karukin asked if there would be any cost to the town with any of the three options. Town Manager Olmedillo responded that it would not cost the town anything.

Commissioner Karukin asked that the motion be read and a vote taken. City Clerk Sandra Novoa read the motion – “Commissioner Cohen made a motion that Fort Capital and or the Surf Club remove the sand and then replace it with acceptable sand subject to FDEP approval. Vice Mayor Tourgeman made a friendly amendment that Fort Capital and or the Surf Club will submit application to DEP within a week. The motion received a second from Vice Mayor Tourgeman.” A vote was taken and all voted in favor. Mayor Dietch felt there were better options but wanted to put the issue to rest and voted in favor.

The Mayor opened the meeting for public speaking.

Public Speakers:

-Claudio Riedi representing Ms. Cimadevilla and Mr. Taylor said he agreed with Vice Mayor Tourgeman and we should not sift again. He further stated the town should aggressively request DEP agree to the scrape and replace the sand.

-Deborah Cimadevilla said at her expense she had to hire an attorney for something the town should not have allowed to happen. She especially thanked Vice Mayor Tourgeman for his support on this issue. She addressed the sifting and why it would not work and the process for bringing in new sand must be done now.

-Sharon Goldberg spoke on the health risks of debris and toxins in the sand.

-Monica Grandeze said there was no debris before the fill of the Surf Club. She especially thanked Commissioner Cohen, Olchyk and Vice Mayor Tourgeman for listening to the citizens.

-Judy Martinez said she has to go to Bal Harbour Beach as she is afraid to bring her child to the Surfside beach.

-Jeffery Platt thanked the Commission for finally making the right decision. He mentioned that by law nothing should be on the beach during turtle season and suggested there should be some regulations as to the stacks of chaise lounges left on the beach. He further stated that the chairs are ruining our dunes and the vegetation which should be there.

-Norma Parron thanked the Commission for finally making its citizens happy and also thanked Fort Capital for doing what is right.

-Glyn Taylor said this has to be resolved immediately as it poses a danger to those who use the beach especially children. He further said he does not agree with Commissioner Karukin about the debris on the beach and said “he was full of it.” He also does not agree with the Mayor’s views and said the debris is out there if they cared to look and it was time for a recall.

-Patricia Fernandez said after playing in the sand her child comes home covered in a white dust which is not sand. Instead of finding shells she finds debris. The town made a mistake by allowing this to happen and now the residents demand it be fixed.

-Kevin Dillon asked if there would be a plan in place to see how the progress would be moving. Town Manager Olmedillo said they would be

following up daily with DEP trying to get this completed in the briefest period of time. Once consent is given by DEP it will be posted.

-Paula Flores thanked the Commission for finally making the right decision

-Emil Temeltas thanked the Commission for its decision and wants to believe them but feel they have been misled in the past. As the Commission asks for respect he said the residents also want respect from their elected officials. He further said documentation is being made of the sand issue.

No one else wishing to speak on this issue the Mayor closed the public speaking and moved on to Good and Welfare.

9. Mayor, Commission and Staff Communications

- A. 94th Street Parking Structure Land Use/Zoning Analysis –**
Commissioner Barry Cohen (Linked to 9B)
Item deferred to May 12, 2015 Town Commission meeting.
- B. Parking Lot Parking Structure Update –** Guillermo Olmedillo, Town Manager (Linked to 9A)
Item deferred to May 12, 2015 Town Commission meeting.
- C. Building Department Inspectors Salary Adjustment –** Guillermo Olmedillo, Town Manager
Commissioner Olchyk made a motion to deferred this item to the May 12, 2015 Regular Commission meeting. The motion received a second from Vice Mayor Tourgeman and all were in favor.
- D. Zoning in Progress – Corridor Analysis 94th Street to 88th Street –**
Commissioner Michael Karukin
Commissioner Karukin presented the item and an update and said this has been regarded as a high priority item as to not permit a Marriott size building. Planning and Zoning Board are asking to put this on a 90 day hold until such time as Planning and Zoning, the Town Planner and the Commission have time to complete its work.

Town Planner Sarah Sinatra gave more details on the area. Vice Mayor Tourgeman said he did not see the urgency on this. Planner Sinatra wanted to clarify that on the Collins side of the street there would be 150 ft building length and 75ft on Harding. Planner Sinatra explained they are modeling and testing the issue of size and what can be developed.

Vice Mayor Tourgeman said he understands there is application for two projects over 90 ft. and if zoning in progress is in place they would not be able to go forward for the time being. The Mayor opened the issue for public speakers.

Public Speakers:

-Patricia Fernandez wants to know what the plans are for this corridor as numerous people have inquired about buying their property and if the

zoning code has been changed. Town Planner Sinatra said her side of the avenue is residential and that has not changed.

-George Kousoulas thought the Town Planner was approaching this correctly but asked the Commission to look at what they want the town to look like for the future. Before they set code limitations they may want to think what it may mean for the town.

-Rick Superstein feels the way this is being done is arbitrary and inconsistent. He feels we are reacting to the Marriott building and garage and we need time to rethink this issue and perhaps not downsize it so much. He is against alleyways and thinks Planning and Zoning were not aware of the dangers they may create. He also spoke about buildings designated as historic.

-Beatriz Valli a realtor said her client bought property at 88th St and Harding and has spent over \$12,000 so far and is now told the project is put on hold. Town Attorney Miller said for the record we cannot get into the merits of the individual development of a project. Ms. Sinatra can give information about the application.

-David de Cespedes said if the zoning in progress does happen it will affect his family by not being able to obtain the home they wish to have because developers will have to stop their projects.

-Juan David architect for a project on 88th St and Harding said his client has spend in excess of \$45,000 and it is not fair to have this project stopped and asks the Commission not to impose zoning in progress to his client.

-Jeffrey Bercow attorney, representing landowners on 88th St and Harding and Collins spoke about the legislative process and why zoning in progress would be unfair to his client. If zoning in progress goes forward he asks that those who already have approved applications for development be excluded. Leonardo Ambard the architect spoke and said he has worked with the city and has gotten approval and now the rules are being changed which is unfair.

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

Vice Mayor Tourgeman did not see the urgency and is against zoning in progress for this area. Commissioner Olchyk said placing herself in the position of the people who have purchased land, paid fees and getting approvals she does not think it fair to change the rules for those involved and will not vote for it.

Commissioner Karukin withdrew the item.

Commissioner Karukin made a motion to take item 9E Traffic Management Plan next. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

Vice Mayor Tourgeman made a motion to defer item 4B3 Water Supply Facilities Work Plan to May 12, 2015. The motion received a second from Commissioner Karukin and all voted in favor.

- E. Traffic Management Plan**– Guillermo Olmedillo, Town Manager
Manager Olmedillo presented the item and gave an update focusing on the infiltration of traffic and speeding in the residential areas. Police Chief Allen gave more details on the item and presented some recommendations.

Vice Mayor Tourgeman thanked the Chief for his presentation and proposals. He is in agreement with all except further closures of streets because he feels it will then divert the traffic westward into other residential neighborhoods. He prefers slowing down the speed by installing ripples and more stop signs which may force traffic to use Collins Avenue. He is in favor of a gated community before closing more streets and suggests a gate on 94th Street.

Commissioner Olchyk said she also was against street closures but in favor of more stop signs and devices to slow the speed.

Commissioner Cohen said we should just close off Surfside. Commissioner Karukin asked that we take no action until this is properly vetted.

There was further discussion regarding removal of the circle and gating the community. Manager Olmedillo explained the process in getting approval from Dade County to gate a community.

Vice Mayor Tourgeman made a motion that no action be taken. The motion received a second from Commissioner Karukin and all voted in favor with Mayor Dietch in opposition.

Mayor Dietch passed the gavel and made a motion that there be a special workshop on the Traffic Management Plan in the next thirty days. The motion received a second from Commissioner Cohen and all voted in favor with Vice Mayor Tourgeman in opposition.

Commissioner Karukin made a motion to extend the meeting 1 hour. The motion received a second from Mayor Dietch after passing the gavel. The motion passed 3 to 2 with Commissioner Cohen in opposition and Commissioner Olchyk absent for the vote. Commissioner Olchyk exited at 10:57 p.m.

The Mayor opened the item up for public speakers.

Public Speakers:

Clara Diaz-Leal said residents are finally paying attention but unfortunately only when it affects them. We should be involved in all issues as she feels we are poor planners especially with the new construction that has occurred. She addressed the traffic problem.

- Ron Bassman said the increase in traffic on residential streets has to be worked out.
- Monica Grandeze although she does not live on Byron she sees the problem these people are faced with and good planning is needed.
- Deborah Cimadevilla said after speaking to some officials there would have to be several gates around the residential community and is it realistic to build gatehouses. She also spoke of future development and more people coming in.
- Elizabeth Levine thanked the Commission for postponing this and organizing a workshop and she also thanked Chief Allen. With all due respect, she suggested that if the Byron Avenue issue comes up in the workshop the Mayor should recuse himself or abstain from voting.
- Jared Plutt will reserve his comments till a later time.
- Norma Parron feels that people who live in condos are not included in decision making. She said gating a community is not an easy matter and one has to think about cars lining up to visit guests. Also, there is the issue of all the construction going on and feels we cannot make any decisions until all is completed. She also said the traffic on Collins is very bad and the people who live in the condos are to be considered also.
- Steven Levine said Byron has a problem and agrees that he would not like to see neighbor against neighbor. However if you solve one person's problem you will be creating a problem for the next block.
- Maria Kupferberg believes blocking off Byron only pushes the problem to another street and it is not the answer. With all the new development going up more people will be moving in and the traffic will get worse. She believes the only solution will be to gate the community.
- Richard Iacobacci said he is afraid that this issue may pit neighbor against neighbor but blocking off Byron is not the solution. He agrees with further study of the issue and the workshop. He also feels more speeding tickets should be issued during peak hours.
- Joseph Fuist said until this is resolved he hopes they will continue to have heightened enforcement on Byron.
- Alex Motola is against the closing of Byron as traffic diverts to Carlisle. Closing of all entrances except for residences may be a temporary solution (a sign posted indicating for residences only).
- Ed Borges does not think closing Byron is the solution as traffic will then divert west to Carlisle. He is in favor of issuing more speeding tickets.
- Michael Cariglio said the traffic has become unbearable on Byron and is concerned about the safety of his children. He said the Police Chief agreed with the residents that Byron is a public safety issue.
- Marban Gyires spoke about the safety issue and perhaps create a maze so traffic does not want to come into Surfside. He believes closing the street is shortsighted and the issue needs more study before anything done.
- Michael Harari believes slowing down traffic with stop signs and speed bumps is a good idea and hopes all will be involved in the decision making not just those on a particular block.
- Michelle Kligman thanked the Commissioners who voted to take no action as this is an important issue which involves the entire community.

She does not think closing Byron is the answer and hopes the Commission listens to all the residents when making their decision.

-Brendan Mahoney said over the years this issue has become a public safety issue. The issuance of tickets and stop signs are not working and something has to be done. The town has taken a year dealing with the sand and the town needs to do something about this issue.

-Renee Tischler agrees with the recommendations of the Town Manager and said Byron Avenue is unsafe and something should be done now even if we have to change to a better plan in the future.

-Larisa Alonso said she was not in favor of closing just one street Byron but all should come together and see what is best for the entire community not just a selected street. We should not continue with the poor planning.

-Sarah Pack said she did not want the issue to become a battle of the blocks and hopes all will get involved to work at a resolution.

-Sandy Posso suggested doing trials by closing various streets and then changing to other streets to see how traffic flows.

Commissioner Karukin asked the Town Manager to have CGA make available the traffic study done in 2012 for the workshop.

Mayor Dietch passed the gavel and made a motion to issue a proclamation to four retiring teachers. The motion received a second from Commissioner Karukin and all voted in favor with Commissioner Olchyk absent.

Commissioner Cohen exited at 11:30 p.m.

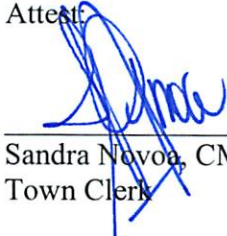
10. Adjournment

Vice Mayor Tourgeman exited at 11:48 p.m. There was no longer a quorum and the meeting ended at 11:48 p.m.

Accepted this 12th day of May, 2015


Daniel Dietch, Mayor

Attest:


Sandra Novoa, CMC
Town Clerk