



**Town of Surfside
Town Commission Meeting
MINUTES
June 9, 2015
7 p.m.**

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

1. Opening

A. Call to Order

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

B. Roll Call of Members

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

C. Pledge of Allegiance

Resident Lou Cohen led the Pledge of Allegiance

Vice Mayor Tourgeman asked the Commission if they would honor the request of Commissioner Cohen and have him participate via telephone. At the request of Commissioner Karukin, Town Attorney Miller read the rules regarding telephone participation.

Commissioner Karukin made a motion to allow Commissioner Cohen to participate via telephone. The motion received a second from Commissioner Olchyk and all voted in favor with Mayor Dietch absent.

D. Mayor and Commission Remarks – Vice Mayor Tourgeman

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

Commissioner Olchyk made a motion to move Item 9D to after item 1G on the agenda. The motion received a second from Commissioner Karukin and all voted in favor with Mayor Dietch absent.

Vice Mayor Tourgeman asked for a motion to make his Tourist Board appointment after item 1G on the agenda. The motion was made by Commissioner Olchyk and seconded by Commissioner Karukin and all voted in favor with Mayor Dietch absent.

Commissioner Karukin made a motion to link Item 8 on the Town Manager's Report with Item 4B1 and Item 9C regarding the corridor analysis and items 3 and 25 of the Town Manager's Report.

The motion received a second from Commissioner Olchyk and all voted in favor with Mayor Dietch absent.

F. Community Notes – Vice Mayor Tourgeman

Commissioner Karukin announced an upcoming car wash event on June 28th benefiting the Alzheimer Association and also an upcoming Walk at Museum Park. Dates and details on these items can be found on the town website.

Vice Mayor Tourgeman recognized Chief Allen as today he is celebrating his birthday. Vice Mayor Tourgeman announced the upcoming community events which can be found in the Gazette and on the Town's website.

G. Introduction of New Community Garden President and Vice President – Guillermo Olmedillo, Town Manager

Duncan Tavares, TEDACS Director introduced the new President and Vice President of the Community Garden. The new President Dr. Freddy Chiche and Secretary Barbara Woolverton spoke briefly on the garden.

Passing the gavel, Vice Mayor Tourgeman made a motion to appoint Mr. Sean McKeen to the Tourist Board as his appointee. The motion received a second from Commissioner Olchyk and all voted in favor with Mayor Dietch absent. Mr. McKeen took a moment to address the Town Commission.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Olchyk pulled item 3H Forfeiture Funds page 87.

Commissioner Karukin pulled item 3 SCALA, page 12; item 25(linked to Item 3), page 19 from the Town Manager's Report and item 5, page 42 from the Town Attorney's Report.

Commissioner Karukin asked the Town Manager if possible to indicate which items have been updated from the previous report.

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

A. Minutes – Sandra Novoa, CMC, Town Clerk

May 4, 2015 Joint Tourist Board and Commission Meeting Minutes

B. Budget to Actual Summary as of March 30, 2015 – Guillermo Olmedillo, Town Manager

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

1. Bus Service – Multi-jurisdictional Study-Bus Service Improvement and Operational Efficiencies.
2. Film Ordinance
3. Channel 77 Improvements (linked to Item 25)
4. See Click Fix
5. Sidewalk Ordinance Implementation
6. Five Year Tourism Strategic Plan
7. Historic Preservation
8. Land Development Regulations – Block between Harding and Collins Avenue (linked with 4B.1 and 9C)
9. Ten Year Water Supply Plan
10. Development Applications
11. FEMA National Flood Insurance Program (NFIP)
12. Community Rating System (CRS)
13. Forty Year Building Certification for Collins, Harding, Abbott Avenues and Surfside Blvd.
14. Development Projects
15. Code Compliance Cases Settled
16. Enterprise Resource Planning (ERP)
17. Silver Sneaker Program
18. 96th Street Park Renovation
19. Place Making Micro-Grant Application
20. Traffic Issues
21. Police Department Events
22. Solid Waste Commercial Rates Structure
23. Point Lake
24. Beach Management Agreement
25. Information Technology & TV Broadcasts (linked to Item 3)
26. Public Utilities/Engineering
27. Town-Owned Seawall Repair

Pulled Items:

Items 3, Item 25 linked and pulled by Commissioner Karukin. His suggestion was to add music instead of being mute when the slide shows are on before the video streaming.

Item 5 from Town Attorney Report pulled by Commissioner Karukin. His concern is whether Surfside will have to refund any monies regarding the red light camera issue now in the courts with a class action suit and what is the likelihood of anything happening on this. Attorney Miller said it is now in the courts and we are waiting to hear back. Chief Allen said we have to wait for the decision of the judge.

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- April 6, 2015 Tourist Board Meeting Minutes
- April 27, 2015 Parks and Recreation Committee Meeting Minutes
- April 30, 2015 Planning and Zoning Board Meeting Minutes

F. Mutual Aid Agreement between the Miami Dade County Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE LAW ENFORCEMENT MUTUAL AID AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE TOWN OF SURFSIDE, FLORIDA FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE; 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.

Adopted on Consent

G. Mutual Aid Agreement between the Town of Golden 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, FLORIDA AND THE TOWN OF GOLDEN BEACH, 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.

Adopted on Consent

H. Approval of Expenditure of Forfeiture Funds to Purchase Two Ballistic Resistant Shields – 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 \$3,418.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF 2 (TWO) POINT BLANK BELLATOR SHIELDS 24”X40” WITH VIEW PORT LEVEL; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Item pulled by Commissioner Olchyk

Commissioner Olchyk made a motion for discussion. Passing the gavel, the motion received a second from Vice Mayor Tourgeman.

Commissioner Olchyk asked if we were assured of getting the best price and if there was a warranty. Chief Allen said we were getting the best price and as to warranty, this was a onetime deal.

Commissioner Olchyk made a motion to approve. Passing the gavel, the motion received a second from Vice Mayor Tourgeman. The motion carried 2-1 with Commissioner Karukin voting in opposition. Commissioner Cohen and Mayor Dietch were absent.

I. Approval of Expenditure of Forfeiture Funds to Purchase Radio Equipment – 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 \$5,036.70 FROM THE FORFEITURE FUND FOR THE PURCHASE OF RADIO EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent

J. Resolution to Terminate Interlocal Agreement between the Town of Surfside and Miami Dade County for Curbside Recycling Pickup - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER TO TERMINATE THE INTERLOCAL AGREEMENT FOR INCLUSION IN THE MIAMI-DADE COUNTY CURBSIDE RECYCLING PROGRAM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent

K. Resolution to Support the School Nurse Initiative - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, BAL

HARBOUR VILLAGE AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC., TO IMPLEMENT A NURSE INITIATIVE FOR THE 2015-2016 SCHOOL YEAR AND AUTHORIZING THE APPROPRIATION OF \$3,667.00 FROM THE FISCAL YEAR 2015-2016 ANNUAL BUDGET FOR THE TOWN OF SURFSIDE'S PROPORTIONATE SHARE OF FUNDING FOR THE NURSE ENHANCEMENT INITIATIVE SUBJECT TO APPROVAL IN THE TOWN'S FISCAL YEAR 2015-2016 ANNUAL BUDGET; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent

L. Additional Contribution for Downtown Harding Avenue Business District Tree Lights - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING CONTRIBUTIONS TO SUSTAIN THE LIGHTING OF THE DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; PROVIDING AUTHORITY TO THE TOWN MANAGER TO ACCEPT ON BEHALF OF TOWN COMMISSION CONTRIBUTIONS FOR DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent

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

4. Ordinances

(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. Practical Difficulty Variance – Commissioner Barry Cohen

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING "SECTION 90-36 VARIANCES"; SPECIFICALLY AMENDING "90-36.1 GENERAL VARIANCES" TO MODIFY THE CODE TO PROVIDE FOR A PRACTICAL DIFFICULTY VARIANCE; 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 Olchyk made a motion for discussion purposes. After passing the gavel the motion received a second from Vice Mayor Tourgeman.

Town Planner Sarah Sinatra gave an update and more details on the ordinance.

Commissioner Karukin thinks the ordinance is a bad idea as it opens up a “slippery slope” to make it easier for getting variances. He also questions how many times can one do this and feels the suggestion by a Planning and Board member to include language to state a variance can be applied only one time per property. He does not support this ordinance as he has deep concerns about it.

Vice Mayor Tourgeman said Surfside is changing and more young families are moving in the town. Many are converting garages to add additional living space. He was against changing the code but feels this ordinance gives some flexibility to a home owner. He has no problem with this ordinance.

Vice Mayor Tourgeman opened for public comment.

Public Speakers:

-Anthony Blake agrees with Commissioner Karukin. He said we are very crowded in Surfside and it doesn't make sense to allow an increase of an additional 25%. He asks if this ordinance applies only for a specific district or across the board. He also feels the specific request for the variance in question should be carefully looked at.

-George Kousoulos does not think the zoning should be changed in the variance. He cautions about the 50% issue in the ordinance and other than that he feels the ordinance is good.

-Charles Ness thanked all who put their efforts into this ordinance. He understands the concerns of some that there has been some over building in some areas but feels this ordinance is stringent enough and asks for approval by the Commission.

No one else wishing to speak Vice Mayor Tourgeman closed the public comments.

Passing the gavel Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Cohen. Commissioner Karukin made a friendly amendment to include the language “one time only per property.” Vice Mayor Tourgeman and Commissioner Cohen accepted the friendly amendment. The motion carried 3-1 with Commissioner Karukin voting in opposition. Mayor Dietch was absent.

2. Residential Sheds – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND AMENDING “SECTION 90-54 ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS”; AND SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS; 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 only if the 70 foot provision in the ordinance is included. Town Planner Sinatra read the revision for clarification. At 70 square feet landscaping is not required but if it exceeds 70 square feet but less than 100 square feet landscaping will be at the discretion of the Planning and Zoning Board.

Commissioner Karukin withdrew his motion to approve.

Passing the gavel Vice Mayor Tourgeman made a motion to approve as stated. There being no second the motion died.

Commissioner Cohen left the meeting at 9:24 p.m.

B. First Reading Ordinances

- 1. Amendment to Section 90-51. Maximum Frontage of Buildings -**
Commissioner Karukin (linked with Item 9C and Item 8)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; AMENDING SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; SPECIFICALLY AMENDING SECTION 90-51.1 CONTINUOUS WALL FRONTAGE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

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

Vice Mayor Tourgeman opened for public comments.

Public Speaker Neison Kasdin representing the owners of the property on 91st Street said this ordinance will greatly impact them and asks the Commission to reconsider this ordinance. He gave an explanation as to why he asks they do not move forward on this item.

No one else wishing to speak Vice Mayor Tourgeman closed the public comments.

Commissioner Karukin said he has been working on this issue quite long and gave an update on this corridor analysis and why we should go forward now and getting something into the books.

Commissioner Olchyk spoke in favor of the ordinance.

5. Resolutions and Proclamations

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

Vice Mayor Tourgeman opened the meeting to Good and Welfare.

Public Speakers:

-Deborah Cimadevilla spoke about the sand issue and gave an update. She began reading a letter from her attorney.

-Larisa Alonso continued reading the letter from Ms. Cimadevilla's attorney.

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

Town Manager Olmedillo said he has sent his communications with Miami-Dade to the Commission. Vice Mayor Tourgeman asked the Town Manager to send via email the updates to Ms. Cimadevilla and Ms. Alonso.

Vice Mayor Tourgeman then resumed item 9D.

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. Town Policies and Procedures** – Guillermo Olmedillo, Town Manager
Manager Olmedillo gave an update and his suggestions.

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

Commissioner Olchyk does not like the item because it will make the situation more convoluted as everyone would have to agree to a recommendation of an appointee.

Commissioner Karukin thinks these are reasonable approaches as to who will be representing us at various meetings.

Vice Mayor Tourgeman does not think this is practical as it is written.

No action taken on this item.

9. Mayor, Commission and Staff Communications

A. Traffic Management Plan – Long Term Solutions – Guillermo Olmedillo, Town Manager

Chief Allen gave an update and said they would continue the high visibility especially on Byron at rush hours. He mentioned upcoming plans for a new traffic signal as well as other speed slowing devices. Signage indicating residential area are being created. Removing the traffic circle on Byron and putting in stop signs. Vice Mayor Tourgeman was against removing the circle but feels the circle should be made smaller. The Commission agrees to keep the circle but make the circle smaller.

Chief Allen also suggested adding speed bumps in several areas. Commissioner Karukin requested the Chief provide a schematic of the areas in question at the next meeting. He would like to see exactly where they would be placed and also see where Vice Mayor Tourgeman suggested they be placed. It is too difficult to visualize without a schematic and Commissioner Olchyk agreed. The Commission agrees with all the bullets except the last one.

B. Emergency Operations Plan [VERBAL]- Guillermo Olmedillo, Town Manager

Chief Allen described the emergency operations plan with a power point presentation.

C. Corridor Analysis Update – Guillermo Olmedillo, Town Manager (linked with 4B1 and Item 8)

Town Planner Sarah Sinatra gave an update and highlights on the item. She gave staff and Planning and Zoning Board recommendations. There was a short power point presentation. Commissioner Karukin thanked Planner Sinatra for all her hard work.

Vice Mayor Tourgeman opened the public comments.

Public Speakers

-Rick Superstein spoke about the potential historic preservation designation and asks that they take that into account in their decision making.

-George Kousoulos said the Harding Ave area is not as nice as it could be. He suggests they look more closely at this.

No one else wishing to speak Vice Mayor Tourgeman closed the public comments.

Commissioner Karukin asked Town Planner to reference page 168 that Mr. Kousoulos was talking about. She answered the questions posed by Mr. Kousoulos.

D. Parking Solution Options– Guillermo Olmedillo, Town Manager

Town Manager Olmedillo said he has met with the community and gave an update. His recommendations for short term was to build a parking garage on the 94th Street lot and for long term look for a public/private partnership development in one of the other locations to address the remainder of the parking shortage. TEDACS Director Duncan Travares gave a presentation showing the different lots and approximate parking spaces for the sites. Commissioner Karukin gave a presentation of the parking survey results from residents.

Vice Mayor Tourgeman opened the public hearing.

Public Speakers:

-Pamela O'Hagan asked the Commission not to ruin the community and the spirit of what Surfside is. She indicated that she will fight anything that threatens her home because of the building of parking lots.

-Denyse Fowley who owns the home next to Ms. O'Hagan said her family has been there for over 60 years. She does not want her home taken from her and feels Surfside should be left beautiful the way it is and putting in multi-level parking garages on 93rd and 94th Street is disgusting. Her suggestion is to add parking behind the business district and around town hall.

-Donald Fowley agrees with what has been said and is monitoring the parking lots on 93rd and 94th Street at his expense and would be happy to share his data.

-Pieter Bakker asks if there is really a need for parking garages. He has surveyed all the parking lots over a period of a couple of months at different times of the day and presented the results to the Commission. It showed many empty spaces in all lots.

-Michael Chiche lives across from where the town wants to build a larger parking lot. The lot there is never full but has many construction vehicles. He does not feel we need more garages.

-Clara Diaz-Leal said the Abbot Lot is flawed and too close to residents. She said the survey the Commission has is incorrect as she has surveyed the lots videoed them and there are plenty of empty spaces.

-George Kousoulos gave a comparison of the survey the Commission has and said it is flawed and it would be very costly to the town and the town would be in a deficit. He said no one is just building parking garages but are including retail.

No one else wishing to speak Vice Mayor Tourgeman closed the public comments.

Commissioner Karukin said the debate over parking lots has been going on for years. He thanked all who gave their input but as a Commissioner he has to look at all sides. He said the previous survey has good data but does not agree with all their suggestions. As to the 94th Street lot his concern is that it is the last flat area for the town to have community activities.

Vice Mayor Tourgeman said they will take a quick break and then go to Good and Welfare as that is a time certain item on the agenda. After Good and Welfare they will continue the discussion on the parking item.

Commissioner Olchyk said she disagrees with the resident survey regarding the Abbott lot as she always has difficulty finding a parking space. She does agree that it would not serve the community to build an expensive parking garage. She is in favor of a public/private partnership for development. She strongly disagrees with taking of houses of people who are living there. We have to define who will benefit most and if it is the business community we have to find a solution to that. If it is the condominiums then we have to look at that position. She feels we have to look at what is really needed in the community and not what is the easiest. She liked the presentation by Mr. Kousoulos which showed the town would be losing money which is a red flag in her book and also Commissioner Karukin's presentation as to how the residents feel. She does not see a need to make a decision now on this item.

Vice Mayor Tourgeman gave a brief history on the parking debate from years back. He said in the business district when people could not find parking they would leave. He said we have to look toward the future and not just for today's needs and we must be open minded. He said we do have a parking deficiency.

Commissioner Karukin made a motion to defer the item to the next Commission Meeting, July 14, 2015. The motion received a second from Commissioner Olchyk and the motion carried 3-1 with Vice Mayor Tourgeman voting in opposition. Mayor Dietch was absent.

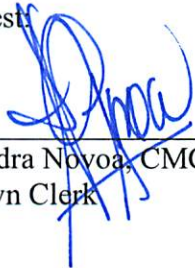
10. Adjournment

The meeting adjourned at 10:43 p.m.

Accepted this 14 day of June, 2015



Daniel Dietch, Mayor

Attest


Sandra Novoa, CMC
Town Clerk