



**Town of Surfside
Town Commission Meeting
MINUTES**

November 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 7:03 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Cohen said he enjoyed the workshop last week and is very excited about the future of Surfside.

Vice Mayor Tourgeman said they have received a Certificate of Appreciation from Florida International University on their involvement on human trafficking. There was also lots of publicity in various newspapers.

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

Vice Mayor Tourgeman made a motion to move Item 9G after the consent agenda. The motion received a second from Commissioner Olchyk and all voted in favor.

Items 4B2 and 9C are linked as well as Items 9B, 9D and 9F.

F. Community Notes – Mayor Daniel Dietch

Commissioner Karukin thanked HR Director Yami St.Cloud and Team Surfside in their efforts in the walk for Alzheimer's and said they raised approximately \$210,000. Vice Mayor Tourgeman thanked the Parks and Recreation Dept. and all who participated in the Halloween Block Party and said it was a very nice event.

Vice Mayor Tourgeman gave an update on the Tourist Board activity.

Mayor Dietch announced the upcoming community events which can be found in the Gazette and on the Town's website. He asked for a moment of silence in memory of Maria Jimenez.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Karukin made a motion to approve the consent agenda. The motion received a second from Commissioner Cohen and all voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk

October 13, 2015 Regular Commission Meeting

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

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

- See Click Fix
- Ten Year Water Supply Plan
- Development Applications
- Alley Way Improvement Project
- Code Compliance
- Hawthorne Tot Lot – Playground Equipment
- New Programs
- Police Department Re-Accreditation
- LEO Foundation Awards
- Police Department Events
- Information Technology & TV Broadcast
- Town-Owned Seawall Repair
- Traffic Circle

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- September 16, 2015 Coastal Issues Committee Meeting Minutes
- September 21, 2015 Parks and Recreation Committee Minutes
- September 24, 2015 Planning and Zoning Board Meeting Minutes
- October 5, 2015 Tourist Board Meeting Minutes

F. Calling the March 15, 2016 Election Resolution – Sandra Novoa, Town Clerk

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR HOLDING A GENERAL MUNICIPAL ELECTION UNDER THE DATE OF MARCH 15, 2016 FOR THE ELECTION OF MAYOR AND ALL FOUR COMMISSIONERS OF THE TOWN OF SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

G. Pay by Phone Parking Payment Option– Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PAYBYPHONE TECHNOLOGIES, INC. AND THE TOWN OF SURFSIDE; PIGGYBACKING OFF THE COMPETITELY BID CONTRACT AWARDED BY THE CITY OF MIAMI DEPARTMENT OF OFF-STREET PARKING A/K/A/ MIAMI PARKING AUTHORITY; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Resolution Supporting the Proposed Legislation Entitled Misuse of Public Office Act – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE CURRENT VERSION OF THE DRAFT BILL ENTITLED MISUSE OF PUBLIC OFFICE ACT; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICE OF SENATOR GAETZ AND THE OFFICE OF GOVERNOR RICK SCOTT; THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

A. Second Reading Ordinances

1. Expanded Polystyrene Ordinance Phase 2 – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE I OF CHAPTER 34 “ENVIRONMENT” AND SPECIFICALLY CREATING SECTION 34-10 “PROHIBITIONS REGARDING THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY FOOD SERVICE PROVIDERS AND STORES; EXEMPTIONS”; 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 Commissioner Cohen and all voted in favor with Vice Mayor Tourgeman absent for the vote.

The Mayor opened the public hearing. There being no one to speak the Mayor closed the public hearing.

B. First Reading Ordinances

1. Temporary Signs – Sarah Sinatra, Town Planner - REVISED

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-69 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-74 “TEMPORARY SIGNS”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 Cohen and all voted in favor.

**2. 150 Feet of Frontage in H120 – Commissioner Michael Karukin
[Linked to Item 9C]**

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 SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS AND SPECIFICALLY AMENDING SECTION 90-51.1 CONTINUOUS WALL FRONTAGE OF 150 FEET IN THE H120 DISTRICT; 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 the motion carried 3/2 with Commissioner Cohen voting in opposition and with Vice Mayor Tourgeman absent for the vote.

The Mayor opened the public hearing.

-Clara Leal Diaz Parker has concerns about the ordinance and feels it leaves space for more massing.

-Marianne Meischied feels we do not need a larger scale in Surfside.

-George Kousoulas presented some pictures of what the ordinance would do compared to what we now have.

-Neisen Kasdin is not in favor of this ordinance and explained why he thought so as it only applies to one property and the owner is his client.

-Deborah Cimadevilla supports the ordinance.

Commissioner Karukin said he has been fighting for this ordinance for a long time and it is in the best interest of the town. He does not appreciate idle threats of litigation.

Commissioner Olchyk said our vote should not be based on fear but what is right for the town and is in favor of the ordinance.

5. Resolutions and Proclamations

A. Recycling Agreement – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A SOLE SOURCE AGREEMENT WITH SUN RECYCLING AND THE TOWN FOR SOLID WASTE DISPOSAL AND RECYCLABLES PROCESSING SERVICES, VEGETATION DISPOSAL, CONSTRUCTION DEBRIS DISPOSAL, AND FOR THE TOWN TO RECEIVE A FRANCHISE FEE FROM THE COMMERCIAL ROLL-OFF CONTAINER SERVICE; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SUN RECYCLING; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EFFECTIVE DATE.
Public Works Director, Utilities Director, Joseph Kroll presented the item.

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

Commissioner Olchyk had a question regarding costs and if this would cost more or less. Director Kroll said the city would be picking up its own recycling and then be able to sell it. Commissioner Olchyk asked if the community's rates would remain the same and not be increased. Director Kroll said that was correct and there would be no increase in rates for recycling and scheduling will remain with no less pick-ups.

B. FY 2014/2015 Proposed Budget Amendment Resolution– Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2014 TO SEPTEMBER 30, 2015; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE POLICE FORFEITURE FUND BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015; PROVIDING FOR AN EFFECTIVE DATE.
Manager Olmedillo presented the item with a slight adjustment.

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

5. Good and Welfare

The Mayor opened the meeting to public speakers:

- Tina Paul announced she is running for Commission at the next election. She briefly spoke on development in the town and how it is affecting the residents.
- Mareni Starre announced she is running for the Commission at the next election.
- Ricardo DeArmas has an issue with restaurant tables and chairs that take up much of the sidewalk and it is difficult to walk there. He also said people not impaired are using handicap spaces by using a decal which does not belong to them.
- Terry Cohen has a problem with a neighboring large oak tree which can cause damage to her property and would like the Commission to look into the planting of oak trees.
- Maurice Malka believes the town should look into an efficient transportation system rather than more parking. He also addressed clean air energy and global warming.
- Howard Weinberg praised Special Master Aleksandr Boksner for dealing with a problem brought before him in a fair and unbiased way. He also spoke positively on the need for parking in the business district which means the area is thriving.
- Deborah Cimadevilla had questions regarding the sand replacement and wanted to know if the Town has received the survey as to how much sand will be taken out and replaced as well as the start date. She said they are still finding construction debris on the beach.
- George Kousoulas spoke about the long view development and asks that we look at what we have today and what we want the town to look like in the future. Commissioner Olchyk asked Mr. Kousoulas that when he presented his prospectus of the 94th Street lot he did not include commercial or business and asked if that was correct. Mr. Kousoulas said in his view he does not feel it should be included at this time.

No one else wishing to speak the Mayor closed Good and Welfare and responded to some of the concerns of the speakers. The Town Manager will look into some of the concerns and will research public records. The Mayor suggested that any speakers include their email address if they would like a response in that manner.

Mayo Dietch then resumed the meeting to Item 9G.

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

No Items to discuss

9. Mayor, Commission and Staff Communications

- A. 2016 Meeting Calendar – Sandra Novoa, Town Clerk**
Information only
- B. Gating the Community – Guillermo Olmedillo, Town Manager**
[Linked to Items 9D and 9F]
Manager Olmedillo presented the item and gave an update on the procedure for gating a community. Vice Mayor Tourgeman said it will take many years to do this and does not see any reason why we cannot start a conversation now. Commissioner Olchyk said people want one way streets, gated communities and do not realize how much it entails and the costs. Commissioner Cohen said we should explore gating as many people in the community are in favor of it and does not think it would cost a lot to do.
- C. Zoning in Progress – Section 90-51 Maximum Frontage of Buildings and Specifically Amending Section 90-51.1 Continuous Wall Frontage of 150 feet in the H120 District – Commissioner Michael Karukin**
[Linked to Item 4B2]
Town Attorney Miller read the rules and to direct the Town Clerk to advertise the notice. Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Olchyk and the motion carried 4/1 with Vice Mayor Tourgeman voting in opposition.
- D. Planning and Zoning Board Request for a Ballot Question on One Way Streets – Guillermo Olmedillo, Town Manager**
[Linked to Items 9B and 9F]. Town Planner Sinatra presented the item. Both Commissioner Karukin and Olchyk are not supportive and feel this is not the right time to move on this item. The Mayor feels we need a streetscape master plan and study before we do anything.
- E. Residency Requirements of Resort Tax Board Membership – Commissioner Michael Karukin**
Commissioner Karukin gave an update and feels only residents should be on the Tourist Board. Vice Mayor Tourgeman does not agree as appointees should have some level of expertise to best serve the residents of Surfside.
Public Speaker Joel Simmonds gave some input on the item.
Commissioner Olchyk said the individual appointed should be qualified, honest and not have a self motivated issue in mind. Having input from outside professionals may not have the best interest of the community at large. Vice Mayor Tourgeman disagreed with Commissioner Olchyk.

F. Proposed Miami-Dade Charter Amendment on Special Taxing Districts – Guillermo Olmedillo, Town Manager [Linked to Items 9B and 9D]

G. RFEI Workshop Direction– Guillermo Olmedillo, Town Manager
Town Manager Olmedillo gave an overview of the workshop and what steps staff is suggesting and is looking for direction from the Commission.

Commissioner Karukin would like to have a ballot asking what the citizens want.

The Mayor opened the public hearing.

Public Speakers:

-Marianne Meisheid would like to move forward with an RFP on the town hall site.

-George Kousoulas said there are two viable options the first being the Post Office site and the other the Town Hall site. He does not believe the other properties are good options.

-Daniel Gielschinsky has been looking into this issue closely as he has announced his candidacy to run for the Commission. He agrees with Mr. Kousoulas and his two options and thinks we should move forward with an RFP for the Post Office site.

-Bradley Colmer and agrees with the two sites mentioned and first being the Post Office site. He spoke about working with the owner of the post office site and thinks an agreement can be made.

-Joel Simmonds was not sure of the process but believes negotiations with the Post Office should be open and not limited to just one party.

-Clara Diaz-Leal asks that all dynamics involved are considered regarding the community's quality of life. She is in favor of the Town Hall site and totally against the Abbot site.

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

Commissioner Karukin was in favor of the Post Office lot and the Town Hall lot. Commissioner Olchyk agrees with the two lots but gives priority to the Town Hall lot and then the Post Office. Commissioner Cohen believes we should get RFP's on all the sites and see what is presented. He is in favor of more input and more workshops to come up with the best comprehensive plan. He believes the Post Office lot and Town Hall lot are good suggestions.

Mayor Dietch gave his thoughts on each lot being considered. His preference is to go with the Post Office site as well as the Town Hall site but cannot see both being developed at the same time. He believes we should start with the Post Office site with a minimum number of spaces and enter into a public/private partnership.

Commissioner Cohen said since we do not have an agreement with the post office owner we should also look at the 93rd/ 94th Street site and get an RFP on that lot. Vice Mayor Tourgeman said we sold parking spaces that we do not have and this has created the parking shortage that now exists. We need to do something now as he very much against traffic going into the residential areas to try to find parking. He believes the 94th Street lot would suffice the immediate need. The Town Manager concurred with the 94th Street lot. He said a developer has been in touch with the owner of the Post Office building and feels some agreement can be made. Vice Mayor Tourgeman said in his dealings with the owner over the past years gave him the impression the owner was not interested in selling but his interest is only in leasing. If the owner is willing to negotiate the Post Office lot would be ideal on a public/private partnership. He believes the town hall is a long term solution.

Mayor Dietch asked the Vice Mayor if he voted for the Shul project which included the selling of 100 parking spaces. The Vice Mayor said he did not vote to give away parking spaces. Mayor Dietch asked the Town Attorney to search the records and present them to the Vice Mayor stating he did vote for the shul project which did include the parking spaces.

Vice Mayor Tourgeman made a motion to have an RFP for the 94th Street site and an RFP for the Post Office lot with expenses paid by the developer and this would be a public/private partnership with no cost to the town. The motion received a second from Commissioner Cohen.

The Mayor paused the item to go to Good and Welfare which is a time certain item. After Good and Welfare the item resumed.

The Mayor asked the Town Manager for his views on the 94th Street site regarding retail space. Manager Olmedillo feels it is a good site now to help solve some of the parking problem as it is close to the business district. The Mayor does not feel the 94th Street site is the ideal location.

Passing the gavel, the Mayor made a motion to move forward with the Post Office lot with a net gain of 100 spaces and structure as a public/private partnership with no cost to the city. The motion received a second from Commissioner Karukin.

Town Attorney Miller said that a previous motion was made and must be voted on or withdrawn before the Mayor's motion can be voted on.

Vice Mayor Tourgeman said he would not withdraw his motion and would like to add that a minimum of 100 spaces be included in the original motion. Commissioner Cohen seconded the addition of 100 parking spaces.

Mayor Dietch asked the Town Manager to help him understand how this would work practically. Manager Olmedillo explained the process that would take place if both RFP's went out. The Manager also needs direction as to what term lease they are looking for. The Mayor feels we should focus on just one site and Commissioner Karukin agreed. There was further discussion on the item.

A vote was taken on the motion made by Vice Mayor Tourgeman.

“Vice Mayor Tourgeman made a motion to have an RFP for the 94th Street site and an RFP for the Post Office lot with expenses paid by the developer and this would be a public/private partnership with no cost to the town. The motion received a second from Commissioner Cohen.

Vice Mayor Tourgeman would like to add that a minimum of 100 spaces be included in the original motion. Commissioner Cohen seconded the addition of 100 parking spaces.”

The motion carried 3/2 with Mayor Dietch and Commissioner Karukin voting in opposition.

H. Ballot Question Amending Charter Sec. 4 For Scheduling of Ballot Question – Linda Miller, Town Attorney

Mayor Dietch said the way this reads it can only appear on a regular election ballot and he has an issue with the timing. Commissioner Karukin does not think we should touch this item. Town Planner Sinatra gave some suggestions which the Commission was agreeable to.

10. Adjournment

The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Accepted this 8th day of December, 2015



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk