



**Town of Surfside
Town Commission Meeting
AGENDA**

SUPPLEMENT No. 2

November 9, 2016

7 p.m.

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:30 p.m.)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

A. Minutes – Sandra Novoa, MMC, Town Clerk

B. Budget to Actual Summary as of August 31, 2016 – Guillermo Olmedillo, Town Manager

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

- 1. See Click Fix
- 2. Development Applications
- 3. Code Compliance Cases
- 4. October 2016 Significant Incidents/Arrests
- 5. High Holiday Detail
- 6. New CSA Position
- 7. Run with the Police-5K Run/Walk
- 8. Police Events
- 9. Information Technology and TV Broadcasts

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- August 25, 2016 Pension Board Meeting Minutes
- September 29, 2016 Planning and Zoning Board Meeting Minutes
- September 29, 2016 Sustainability Subcommittee Meeting Minutes

F. Expenditure of Forfeiture Funds for Fiscal Year 2016-2017 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2016/2017 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$50,592 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Reading Ordinances

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Architectural Significance – Commissioner Daniel Gielchinsky

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Amendment to Chapter 54, Division 2 “Noise” – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “OFFENSES AND MISCELLANEOUS PROVISIONS” DIVISION 2 “NOISE”; SPECIFICALLY AMENDING SECTION 54-78 “PROHIBITED NOISES”, SPECIFICALLY AMENDING SECTION 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; CREATING SECTION 54-80 “ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS”; CREATING SECTION 54-81 “RESPONSIBILITY FOR COMPLIANCE”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

**4. Amending Article VI. – “Rules of Procedure For Town Meetings”
Specifically Amending Sections 2-201, 2-202, 2-203,2-204, 2-205, 2-206, 2-207, 2-208 and 2-209 – Linda Miller, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 8:15 p.m.) (Note: Depends upon length of Good and Welfare)

A. Human Health Based Water Quality Criteria – Commissioner Tina Paul

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ADHERE TO STRICTER STANDARDS AND TO CONTINUE TO MAXIMIZE OPPORTUNITIES FOR THE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT IN THEIR CONSIDERATION OF FLORIDA'S PROPOSED HUMAN HEALTH-BASED WATER QUALITY CRITERIA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA GOVERNOR, FLORIDA SENATE PRESIDENT, HOUSE SPEAKER, CHAIR AND MEMBERS OF THE MIAMI-DADE COUNTY STATE LEGISLATIVE DELEGATION, ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE DIRECTOR OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Upgrade/Replacement of the Town of Surfside Parking Pay Stations – 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 HARRINGTON RESOURCES INC., DBA PARKER SYSTEMS FOR THE UPGRADE AND REPLACEMENT OF PARKING PAY STATIONS AND PAY-BY-PLATE FUNCTIONALITY; PIGGYBACKING OFF THE TERMS OF THE COMPETITIVELY AWARDED CONTRACT BY LEE COUNTY, FLORIDA; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$324,373.00 FROM THE MUNICIPAL PARKING FUND, MACHINERY AND EQUIPMENT FROM ACCOUNT NUMBER 402-9500-545-6410; AUTHORIZING AND APPROVING THE TOWN MANAGER TO ENTER INTO A CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

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

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the consent agenda and discussed separately.

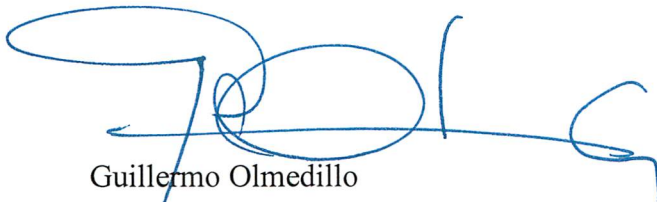
8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. **Meeting Dates and Deadlines for 2017** – Sandra Novoa, MMC, Town Clerk
- B. **Ad Hoc Traffic Advisory Committee Recommendation(s)** – Guillermo Olmedillo, Town Manager
- C. **Bal Harbour Shoppes Expansion** – Mayor Daniel Dietch
- D. **Future Land Use Element of Comp Plan** – Commissioner Michael Karukin
- E. **Zoning in Progress – Regulating Medical Marijuana Facilities** – Guillermo Olmedillo, Town Manager

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**Town of Surfside
Town Commission Meeting
MINUTES
October 13, 2016
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 Daniel Dietch, Commissioner Tina Paul, Commissioner Michael Karukin and Commissioner Daniel Gielchinsky. Vice Mayor Barry Cohen was absent.

Commissioner Gielchinsky made a motion to allow Vice Mayor Cohen to participate by phone. After passing the gavel, the motion received a second from Mayor Dietch. The motion carried 3/1 with Commissioner Karukin voting in opposition. Commissioner Karukin explained his reason for voting in opposition.

Commissioner Karukin made a motion to amend the rules and procedures regarding participation by calling in. The motion received a second from Commissioner Paul and all voted in favor.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

The Mayor invited the Commission to share their remarks. Commissioner Gielchinsky thanked the Police Chief and his department for their efforts and gave best wishes for the Jewish holidays. Commissioner Paul wished all happy holidays and remarked about the hurricane that missed South Florida. Mayor Dietch acknowledged past Public Works Director Joe Kroll who has left Surfside for another city. He also acknowledged Public Safety professionals who safeguard our community.

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

F. Community Notes – Mayor Daniel Dietch

The Mayor informed of high tide levels and possible coastal flooding in some areas. Mayor announced the upcoming community events which can be found in the Gazette and on the Town's website. Vice Mayor Cohen gave an update on the Tourist Board Meeting. Commissioner Karukin reminded everyone that in November, Team Surfside will hold a walk for Alzheimer's. Commissioner Karukin asked about the status of the Bay Harbor Bridge and Mayor Dietch gave an update on the item.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Paul pulled 3A Commissioner Meeting minutes. Mayor Dietch pulled 3E page 66.

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

A. Minutes – Sandra Novoa, MMC, Town Clerk

September 13, 2016 – First Budget Hearing Meeting Minutes

September 13, 2016 – Regular Town Commission Meeting Minutes

(Pulled by Commissioner Paul for Scribner errors)

September 27, 2016 – Final Budget Hearing Meeting Minutes

B. Budget to Actual Summary as of July 31, 2016 – Guillermo Olmedillo, Town Manager

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

1. See Click Fix
2. Community Garden
3. Development Applications
4. Marriott Residence Inn
5. Code Compliance Cases
6. September 2016 Significant Incidents/Arrests
7. High Holiday Detail
8. Security Camera Monitors Installed at Town Hall South Exit Points
9. Police Chief for a Day
10. Police Events
11. Information Technology and TV Broadcasts

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

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- **July 18, 2016 Parks and Recreation Committee Meeting Minutes**
- **August 1, 2016 Tourist Board Meeting Minutes**
- **August 15, 2016 Parks and Recreation Committee Minutes**
- **August 23, 2016 Ad Hoc Citizen Traffic Mitigation Advisory Committee Minutes** (Pulled by Mayor Dietch)

The Mayor is supportive of ideas presented and had some suggestions. Commissioner Karukin made a motion to accept the report but take no action on any of the recommendations until the Commission discuss further. The motion received a second from Commissioner Gielchinsky and all voted in favor with Commissioner Paul absent.

- **August 25, 2016 Planning and Zoning Board Meeting Minutes**
- **September 21, 2016 Ad Hoc Citizen Traffic Mitigation Advisory Committee Final Report and Minutes**

4. Ordinances

A. Second Reading Ordinances

1. Monument Signs– Sarah Sinatra Gould, AICP, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF "AREA" OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF "MONUMENT SIGN" TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; 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 discuss. The motion received a second from Commissioner Paul.

Commissioner Karukin had some concerns and Commissioner Paul wanted some clarification. Town Planner Sinatra addressed these issues.

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

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

2. Pension Amendment Increasing Employee Contributions and Improving Benefits – Guillermo Olmedillo, Town Manager

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE TOWN CODE TO CREATE A DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; AMENDING SECTION 2-176(a)(4) OF THE TOWN CODE TO PROVIDE FOR SEVEN YEAR VESTING FOR THE TOWN ATTORNEY; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR GENERAL EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 68% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR SENIOR MANAGEMENT EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 80% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-180(a) OF THE TOWN CODE TO INCREASE IN THE GENERAL EMPLOYEE AND SENIOR MANAGEMENT EMPLOYEE PICK-UP PENSION CONTRIBUTION BY 2%; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance

The Mayor opened the public hearing.

Public Speaker Victor May commented on the ordinance and gave suggestions for improvement.

Town Manager Olmedillo explained the ordinance and addressed some of Mr. May's concerns. Both Commissioner Karukin and Paul spoke in support of the ordinance.

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

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

B. First Reading Ordinances

- 1. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” FOR CONSISTENT CALCULATION FOR COST OF CONSTRUCTION FOR PERMIT FEES AND TO REQUIRE AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF THE CONSTRUCTION; 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 Gielchinsky made a motion to discuss. The motion received a second from Commissioner Karukin.

Town Manager Olmedillo read into the record a correction on page 87 as there was an incomplete sentence.

The Commission discussed the ordinance and had some issues with it. They also had some concerns regarding renovations to single family homes. Manager Olmedillo and Building Official Ross Prieto offered more insight regarding their issues.

Mayor Dietch opened the public hearing.

Public Speakers:

-Victor May was not in favor of the ordinance and explained why he felt so.

-George Kousoulas felt the basis of the ordinance is good but suggests they do not make it too complicated.

The Commission further discussed fees, permits, audits and the Flood Insurance Program. Regarding the ordinance, the Commission agreed in part but felt the ordinance needed further refinement.

Commissioner Karukin made a motion to defer the item till November Commission Meeting 2016. The motion received a second from Commissioner Paul and all voted in favor.

2. **Beach Furniture Ordinance** – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE” TO INCLUDE BEACH FURNITURE OPERATION; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-33 “VIOLATIONS, CIVIL FINES AND PENALTIES”; 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
Town Manager Olmedillo presented the item.

Commissioner Gielchinsky made a motion to discuss. The motion received a second from Commissioner Karukin.

The Commission briefly gave their views on the ordinance with some suggestions.

Mayor Dietch opened the public hearing.

Public Speakers:

-Victor May feels there should be an agreement between all parties as it is a public beach and regulated by State.

-Jeffery Platt is against beach chair operators taking up beach space leaving little for the public.

-George Kousoulas believes the ordinance needs more work.

-Joel Simmonds representing Grand Beach Hotel had issues with the ordinance and read the language he was not in favor of.

-Deborah Cimadevilla had a visual presentation showing rows of unused chairs and storage on the beach. A motion was made to allow Ms. Cimadevilla to speak an additional minute.

-Michael Kashdan representing the Surf Club believes there should be an individual management plan for each property. A motion was made to allow Mr. Kashdan to speak an additional minute.

-Clara Diaz-Leal is happy that they are working on an ordinance and having an individual management plan is essential.

-Amy Huber an attorney representing the Surf Club said the ordinance needs some changes as they are not in favor as it is written. A motion was made to allow Ms. Huber to speak an additional minute.

-Terry Cohen suggested all parties meet to come to a solution.

Commissioner Paul gave a power point presentation showing the history of the beach from years ago to present. She suggests tailoring to each property as they are different but is against commercialization. The Mayor wanted it clear that the absence of regulation gives us no influence as to what happens on the beach. Commissioner Karukin believes we should proceed without fear of litigation and agrees with an individualized management plan. Commissioner Gielchinsky agrees we should have an individualized management plan but feels we would not be allowed to do so. He also brought up funding and where the money will come from. Commissioner Karukin believes it could come from the Tourist Board revenue.

Passing the gavel, Mayor Dietch made a motion to amend Section 86-33 and to incorporate (1) legislation to be reviewed in one year; (2) permits are revocable; (3) administrative policies regarding public access and safety (4) beach furniture storage (5) adequate staffing; (6) area cleaning; (7) set-up procedures; (8) designated area for public health, safety and welfare. The Town Manager is directed to bring back a finance plan by second reading. The motion received a second from Commissioner Gielchinsky. Commissioner Paul made a friendly amendment that there be no beach commercialization such as renting of beach chairs but hotels provide chairs as an amenity and condos provide chairs as needed. The Mayor accepted the friendly amendment but Commissioner Gielchinsky did not accept the friendly amendment. Passing the gavel, the Mayor restated the motion and added that condos will place chairs as needed and hotels will have a preset and provide chairs as an amenity. The motion received a second from Vice Mayor Cohen. The motion passed 3/2 with Vice Mayor Cohen and Commissioner Gielchinsky voting in opposition.

5. Resolutions and Proclamations

A. Procurement of three (3) Ford Police Interceptor Vehicles – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$96,000 FROM THE FISCAL YEAR 2016/2017 GENERAL FUND MACHINERY AND EQUIPMENT ACCOUNT NUMBER 001-3000-521-6410 FOR THE PURCHASE OF THREE (3) FORD POLICE INTERCEPTOR VEHICLES; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo presented the item.

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

Public Speaker Victor May spoke on the item.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Gielchinsky and all voted in favor with Vice Mayor Cohen absent for the vote.

Vice Mayor Cohen was disconnected at 10:46p.m. and called back at 10:50 p.m.

B. Approve Resolution to purchase a 2016 Mack Truck with a Heil 25 yard rear load from the Florida Sheriff Bid – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$224,331.50 FROM THE FISCAL YEAR 2016/2017 SOLID WASTE FUND, MACHINERY AND EQUIPMENT ACCOUNT NO. 403-4000-534-6410; FOR THE PURCHASE OF A 2016 MACK TRUCK WITH A HEIL 25 YARD REAR LOADER; PIGGYBACKING OFF THE FLORIDA SHERIFF'S ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES BID NO. 15-13-0904; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo presented the item.

Public Speaker Victor May spoke on the item and was not in favor. Public Works Director Joe Kroll gave details on the item. The Commission thanked Director Kroll for his service to the town and wished him well in his new endeavor.

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

C. Amendment to Employment Agreement between Town and Town Manager, Guillermo Olmedillo – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, GUILLERMO OLMEDILLO, AND THE TOWN OF SURFSIDE; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo presented the item.

Commissioner Karukin made a motion to approve. Commissioner Gielchinsky made a friendly amendment that we wave the vacation for the Town Manager. Commissioner Karukin accepted the amendment. The motion received a second from Commissioner Paul and all voted in favor.

Public Speaker Victor May spoke on the item and suggested the Town Manger was in a conflict of interest. Mayor Dietch responded and to clarify for the record, the provision in the contract related to conflict of interest were for those entities that he may have worked for in the past. As to the present the Town Manager was very clear about his business and this was presented to our employment lawyer and this is a legal provision. The Commission spoke highly of the Town Manager.

Commissioner Karukin made a motion to extend the meeting one hour. The motion received a second from Commissioner Gielchinsky. The motion passed 4/1 with Commissioner Paul voting in opposition.

D. Approval of Proposal for Parking Garage Architectural Schematics on the Abbott Parking Lot – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING PROPOSAL NO. 1259-141203R FROM SYNALOVSKI ROMANIK SAYE, LLC FOR PARKING GARAGE SCHEMATIC DESIGN SERVICES FOR THE ABBOTT AVENUE PARKING LOT SITE; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$25,000 FROM THE FISCAL YEAR 2016/2017 BUDGET; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2016/2017; APPROPRIATING THE AMOUNT OF \$25,000 FROM THE PARKING FUND RESERVES TO THE PROFESSIONAL SERVICES ACCOUNT NO. 402-9500-545-3110;

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

Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo presented the item.

The Commission had a lengthy discussion on the item and expressed their views.

Public Speakers:

-Clara Diaz-Leal spoke about timeline, previous lots proposed and giving back the money for the parking spots we sold and do not have.

-Jeffery Platt spoke about the Town Hall lot and was against the Abbott lot and feels we do not need more parking lots.

-George Kousoulas recommended the study and suggested a mini garage.

-Deborah Cimadevilla asked if a referendum was needed.

Commissioner Paul left the meeting at 11:44 p.m.

At 11:56 p.m. Commissioner Gielchinsky made a motion to extend the meeting 15 more minutes. The motion received a second from Commissioner Karukin and all voted in favor with Commissioner Paul absent.

Commissioner Gielchinsky made a motion to direct the Town Manager to provide a summary of steps taken; a brief summary of parking studies; a summary of potential sites as well as negotiating of potential sites to include a recap of development agreements that utilize the parking trust fund, the number of spots and the financial commitment made including dollar amount and years of commitment and if there was an out clause; provide high level options and what courses of action we can take next.

The motion received a second from Mayor Dietch after passing the gavel. The motion passed with all voting in favor with Commissioner Paul absent.

Commissioner Gielchinsky made a motion to extend the meeting 15 minutes. The motion received a second from Commissioner Karukin. The motion passed with all voting in favor with Commissioner Paul absent.

6. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-George Kousoulas suggested using Sarah Sinatra and her services in helping with some of the ordinances that come before the Planning and Zoning Board and Commission.

-Lou Cohen spoke about people at home having the ability to contact the Board or Commission to participate by video.

-Terri Cohen spoke about undergrounding of utilities which she is in favor of.

- Jeffrey Platt spoke about the future of the town and about the construction workers and parking issues.
- Nick Wigoda spoke in favor of undergrounding utilities as well as sidewalks and streetscape.
- Eli Ginsberg was in favor of undergrounding utilities but was concerned about the financial burden it may cause especially for people on fixed incomes.
- Sanjay Kamlani supports undergrounding utilities. He suggested that the money being generated from new construction be used to beautify the town.
- Victor May spoke about safety and security and gating the community.
- Deborah Cimadevilla spoke about undergrounding utilities and said it is not feasible in areas prone to flooding such as the area in which she resides. The issue of flooding must be resolved first.

Commissioner Karukin addressed the issue of undergrounding utilities and feels with new technology it is something they should look in to. However, he mentioned it will be very costly. On the issue of flooding he read some suggestions such as making sure storm drains are cleared of debris. Commissioner Gielchinsky also addressed the issue of underground utilities and thanked the people who attended to voice their opinions. Commissioner Paul spoke about the community changing and is looking for a balance of life. She understands Mr. Ginsburg's concerns about who is going to pay for the undergrounding of utilities and hookups to residences. Flooding on some of our streets was also mentioned. Mayor Dietch gave an overview of what has been done regarding flooding. He also addressed the other issues of concern by the public.

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

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Service Animals – Linda Miller, Town Attorney (Informational purposes)

Public Speaker Jeffery Platt spoke about the differences between an emotional support animal and a service animal.

B. Amendment to Chapter 54, Division 2 “Noise” – Guillermo Olmedillo, Town Manager

Commissioner Gielchinsky made a motion to draft an ordinance within 60 days to correct the inconsistencies. The motion received a second from Vice Mayor Cohen and the motion passed with Commissioner Karukin voting in opposition and Commissioner Paul absent.

Passing the gavel, the Mayor made a motion to extend the meeting 5 more minutes. The motion received a second from Commissioner Karukin and all voted in favor with Commissioner Paul absent.

10. Adjournment

The meeting adjourned at 12:18 p.m.

Respectfully submitted,

Accepted this ____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



**TOWN OF SURFSIDE
DISCUSSION ITEM**

Agenda Item: # 9E
Agenda Date: November 9, 2016
From: Guillermo Olmedillo, Town Manager
Subject: Zoning In Progress – Regulating Medical Marijuana Facilities

The Town Administration of the Town of Surfside has determined that it is in the best interest of the Citizens of Surfside and the general public to regulate the location of medical marijuana facilities in the event the State of Florida legalizes said facilities for medical use. The Town has seen reports, studies and cases regarding the impacts of medical marijuana facilities to the surrounding area. The Town Commission has the authority to determine what uses are best suited to particular zoning categories as well as land use categories within the Town.

Pursuant to Florida law, Compassionate use of low-THC and medical cannabis.—

“A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.” Section 381.986(8)(b) Fla. Stat.

To address the situation of potential new medical marijuana facilities in the Town in locations that are inconsistent with proposed zoning changes, the Town may invoke “Zoning in Progress,” as provided by Sec. 90-6 of the Code of Ordinances. The “Zoning in Progress” doctrine generally allows the Town to temporarily “pause” the processing of applications while new zoning regulations are being prepared for adoption, if the new application will be affected by the anticipated changes in zoning regulations. Pursuant to Sec. 90-6(3) of the Code of Ordinances Zoning in Progress, the Town will stop the review of any application while code modifications are being considered, from the time of the publication of notice of the intent to pursue new regulations until the regulations are adopted or three months from now, whichever occurs first.

Recommendation: Direct the Town Clerk to publish a Notice of Zoning in Progress as provided in Section 90-6 “Zoning in Progress” of the Code of Ordinances, in order to apply a hold on the processing of applications that are submitted to the Town after the date of the publication of the Notice.