



**Town of Surfside  
Special Town Commission Meeting  
AGENDA**

**August 26, 2019**

**6 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> 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 community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of 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**

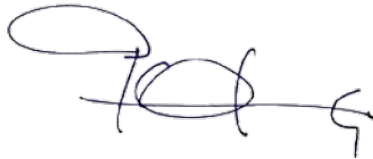
- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

**2. Repealing of Ordinance No. 2019-1698 (Amending Section 34-11 of the Town Code to Prohibit the Distribution, Sale or Use of Single-Use Plastics, including Single Use Plastics (Bags) – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE NO. 2019-1698, WHICH AMENDED PORTIONS OF SECTION 34-11, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS" OF THE TOWN'S CODE OF ORDINANCES, AND AMENDED THE TITLE TO "PROHIBITION ON DISTRIBUTION, SALE OR USE OF SINGLE-USE PLASTICS," PROVIDED FOR DEFINITIONS FOR SINGLE-USE PLASTICS, AND REGULATING SINGLE-USE PLASTICS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. Adjournment**

Respectfully submitted,



Guillermo Olmedillo  
Town Manager

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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](http://www.townofsurfsidefl.gov).

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

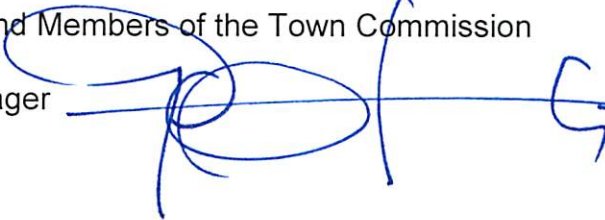
THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



# MEMORANDUM

ITEM NO. 2

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission

**From:** Guillermo Olmedillo, Town Manager 

**Date:** August 26, 2019

**Subject:** Repealing of Ordinance No. 2019-1698 (Amending Section 34-11 of the Town Code to Prohibit the Distribution, Sale or Use of Single-Use Plastics, including Singe Use Plastic Bags).

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At the August 13, 2019 Town Commission meeting, for recent legal challenges and applicable state legislation, the Town Commission directed staff to prepare a Notice of Intent to Repeal Ordinance No. 2019-1698 (Amending Section 34-11 of the Town Code to prohibit the distribution, sale or use of single-use plastics, including single-use plastic bags). The Notice of Intent to Repeal was published on August 16, 2019, as required by Section 57.112, Florida Statutes, and the attached Ordinance will be heard on first reading on this date with second reading to occur on September 10, 2019.

Repeal of Ordinance No. 2019-1698 in its entirety will result in the reinstatement of Section 34-11 of the Code as existed prior to adoption of Ordinance No. 2019-1698.

Commission direction: Town Staff recommends approval on first reading of the proposed ordinance.

Reviewed by

Prepared by



37            **Section 4. Severability.** The provisions of this Ordinance are declared to be  
38 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be  
39 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
40 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it  
41 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
42 part.

43            **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
44 resolutions, in conflict herewith, are repealed to the extent of such conflict.

45            **Section 6. Effective Date.** This Ordinance shall become effective immediately upon  
46 final adoption on second reading.

47            **PASSED** on first reading on the 26<sup>th</sup> day of August, 2019.

48            **PASSED AND ADOPTED** on second reading on the 10<sup>th</sup> day of September, 2019.

49                            **On Final Reading Moved By:** \_\_\_\_\_

50                            **On Final Reading Second By:** \_\_\_\_\_

51 **FINAL VOTE ON ADOPTION**

- 52 Commissioner Barry Cohen            \_\_\_\_\_
- 53 Commissioner Michael Karukin        \_\_\_\_\_
- 54 Commissioner Tina Paul                \_\_\_\_\_
- 55 Vice Mayor Daniel Gielchinsky        \_\_\_\_\_
- 56 Mayor Daniel Dietch                    \_\_\_\_\_

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60 \_\_\_\_\_  
Daniel Dietch  
61 Mayor

62 **ATTEST:**

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66 Sandra Novoa, MMC

67 Town Clerk

68 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
69 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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73 \_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.

74 Town Attorney