



**Town of Surfside
Town Commission Meeting
MINUTES**

**November 9, 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 7:00 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Vice Mayor Cohen, Commissioner Tina Paul, Commissioner Michael Karukin and Commissioner Daniel Gielchinsky.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

The Mayor, Vice Mayor Cohen, Commissioner Paul and Gielchinsky briefly spoke about the presidential election. The Mayor congratulated neighboring community appointees.

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

F. Community Notes – Mayor Daniel Dietch

Commissioner Paul thanked the Parks and Recreation Dept. for the Halloween event which was well attended. Art Exhibits both in Bal Harbour and Surfside were mentioned. The Mayor announced some recognitions Surfside has received as well as the upcoming community events which can be found in the Gazette and on the Town's website.

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 Gielchinsky and all voted in favor.

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.

Approved on consent.

4. Ordinances

A. Second Reading Ordinances – N/A

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.

Town Clerk Sandra Novoa read the title of the ordinance.

Michael Larkin presented the item.

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

The Commission spoke of their concerns and Town Manager Olmedillo gave more details on the proposed ordinance. The Commission suggested more precise language in the ordinance and discussed the pros and cons. Town Planner Sarah Sinatra and Mr. Larken responded to the pros and cons. Planner Sinatra also spoke about massing. Suggestions for Planning and Zoning were to discuss setbacks.

Mayor Dietch opened the public hearing.

Public Speaker George Kousoulas spoke in favor of the ordinance with the suggested changes discussed. Commissioner Karukin made a motion to extend Mr. Kousoulas an additional minute. The motion received a second from Commissioner Paul. Mr. Kousoulas gave his suggestions for changes in the ordinance.

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

Passing the gavel, Mayor Dietch made a motion to approve and direct the ordinance back to Planning and Zoning with the following amendments.

- Remove the second “Whereas” clause
- Remove section related to the number stories increased allowed for lots of less or greater than 100’ and;
- Creating and including a chart within the ordinance stating the maximum number of floors of redevelopment/expansion using exception allowed per each existing building floors (2 floors per every 1 story); Adding the following language under after the last sentence on section 2, page 4 of the ordinance: The

property owner shall be responsible for the Town's cost associated with this review, including the fees charges by any necessary consultants, such amount shall be determined by the Town Manager or designee and held in escrow by the Town.

- On section (3)(a) change from three of the typical characteristics for two of the typical characteristics...
- Strike the requirement under section (3)(a)(iii)(d) The building embodies the scale, character and massing of the built context of its immediate area.
- Strike the requirement under section (3)(a)(b)(iii) The proposed alteration or addition is compatible with the as built scale and character of the surrounding neighborhood.
- Strike the requirement under section (3)(a)(c)(iii) The proposed alteration or addition is compatible with the as built scale and character of the surrounding neighborhood.

The motion received a second from Commissioner Gielchinsky and all voted in favor.

Town Attorney Miller confirmed that two memos were sent regarding the ordinance and Mayor Dietch directed the Town Manager to resend the memos as some may not have received it.

Amendment to Chapter 54, Division 2 "Noise" – Guillermo Olmedillo, Town Manager

- 2. 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.**

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 Paul.

The Commission discussed police enforcement, weekend enforcement, monetary resources as well as homeowner responsibility. Commissioner Paul suggested some amendments to the ordinance one being the owner be cited for non-compliance. Chief Allen addressed the issue of police enforcement regarding the noise code.

Mayor Dietch asked that under prohibitive noises, language be added to discourage Publix trucks from idling, and under notice of violation to add language on paragraph 7, the last sentence at the end “or any qualified person specified by Florida Statute as assigned by the Town Manager.

Commissioner Gielchinsky made a motion to approve with the Mayor’s stipulations. Passing the gavel, the motion received a second from Mayor Dietch. The motion passed 3/2 with Commissioner Paul and Commissioner Karukin voting in opposition.

Vice Mayor Cohen made a motion to add an item to the agenda and change the order of the agenda. The motion received a second from Commissioner Paul and all voted in favor.

Vice Mayor Cohen appointed Chase Berger replacing Mr. Kandalaf on the Sustainability Committee.

Vice Mayor Cohen left the meeting at 9:12 p.m.

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.

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

The Commission discussed substantial improvements and smaller projects for a home. The Florida Building Code was also discussed. Building Official Ross Prieto explained how substantial improvements are defined. Small projects being excluded from audit was discussed.

Public Speaker George Kousoulas said the Florida Building Code is a precise document and too much is being discussed and should be kept simple.

Commissioner Gielchinsky made a motion subject to modifications to include a “whereas clause” as discussed, and in subsection 6 adding the language “no less than before \$250 or no less than before \$150. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

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.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Attorney Miller added additional language which she read.

Commissioner Karukin made a motion to discuss and the motion received a second from Commissioner Paul.

Commissioner Karukin spoke about vacancies, appointees and other items as he had concerns about some of the language and suggested changes. The Commission discussed the various committees and the taking of their minutes, telephonic participation as well as other items of the ordinance.

Commissioner Karukin made a motion to amend on different sections and the Town Attorney will update the ordinance for a second reading. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

For the record, the Mayor announced that the reason the Titles are read by the clerk is because it is required by law.

5. Resolutions and Proclamations

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.

Town Clerk Sandra Novoa read the title of the resolution.
Commissioner Paul presented the item.

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

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.**

Town Clerk Sandra Novoa read the title of the resolution.

Town Manager Olmedillo presented the item and confirmed that one's license plate number must be plugged in and there is an option of receiving a receipt. Manager Olmedillo said they can add using American Express and gave an overview of the machinery.

Commissioner Karukin made a motion to approve with the amendment to include American Express. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

5. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

- Marianne Meischied spoke about good and welfare comments and action taken especially sidewalk concerns.
- George Kousoulas spoke about a town vision.
- Deborah Cimadevilla thanked the Commission for their work and our democratic process. She also had concerns about sidewalks and asked the Commission what their views were.

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

The Commission responded to the issue regarding sidewalks and recognized there are some problems and discussed some resolutions. Town Manager Olmedillo gave more insight regarding ownership, jurisdiction and compliancy.

Mayor Dietch responded to the town vision and studies done. He also addressed actions taken about community concerns and urged the community to use ClickFix.

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. Meeting Dates and Deadlines for 2017 – Sandra Novoa, MMC, Town Clerk

Commissioner Gielchinsky made a motion to change the meeting date from April 11, 2017 to April 13, 2017. The motion received a second by Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

Commissioner Paul made a motion to change the meeting date from February 14, 2017 to February 16, 2017. The motion received a second by Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

Commissioner Karukin made a motion to change the meeting date from December 12, 2017 to December 13, 2017. The motion received a second by Commissioner Gielchinsky and all voted in favor with Vice Mayor Cohen absent.

B. Ad Hoc Traffic Advisory Committee Recommendation(s) – Guillermo Olmedillo, Town Manager

Manager Olmedillo gave an update. The Mayor had an additional recommendation and made a motion that within thirty days, the documents be merged and that a list be put together with a timeframe as an instrument to work with. The Commission agrees with merging the documents but would like to view each item separately. The Commission discussed some of the items and expressed their concerns.

Public speaker Deborah Cimadevilla spoke on the issue and some concerns that have recently come up as well as the recommendations.

Commissioner Paul made a motion to extend one more minute for Ms. Cimadevilla. The motion received a second from Commissioner Karukin.

Commissioner Karukin made a motion to extend the meeting thirty minutes. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

C. Bal Harbour Shoppes Expansion – Mayor Daniel Dietch

The Town Manager was directed to represent the town in discussions with the future development of Bal Harbour Village. The Commission discussed a resolution and to include a traffic study regarding the impact on neighboring streets in Surfside.

Passing the gavel, Mayor Dietch made a motion to direct staff to come back with a resolution to present to the Village of Bal Harbour to be discussed at the December 2016 meeting. The motion received a second from Commissioner Gielchinsky and all voted in favor with Vice Mayor Cohen absent.

The Mayor amended the motion to include that the Town Manager represents the town at all public hearings related to the project. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

D. Future Land Use Element of Comp Plan – Commissioner Michael Karukin

Commissioner Karukin made a motion to defer the item to December 2016. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

- E. Zoning in Progress – Regulating Medical Marijuana Facilities** – Guillermo Olmedillo, Town Manager
Town Attorney Miller presented the item and recommended that the town needs time to draft an ordinance and placing a hold on public notification.

Commissioner Karukin made a motion to accept the recommendation. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

10. Adjournment

The meeting adjourned at 11:10 p.m.

Respectfully submitted,

Accepted this 13th day of December, 2016

Attest:



Sandra Novoa, MMC
Town Clerk



Daniel Dietch, Mayor