



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES**

**October 10, 2017  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:48 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.

**C. Pledge of Allegiance**

Public Works Director Randy Stokes led the Pledge of Allegiance

**D. Mayor and Commission Remarks – Mayor Daniel Dietch**

Mayor Dietch recognized Officer Leonard and Officer Mesa who will be retiring this month.

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

Commissioner Karukin made a motion to move item 9E up – Committee Appointments right after the consent agenda. The motion received a second from Commissioner Paul and all voted in favor.

Commissioner Karukin made a motion to defer items 5A and 5B related to the Water, Sewer and Storm Water Rates and Service Charges, defer Item 4A1 related to the Pension Ordinance and item 4A2 related to Crossover of the Dunes to November 14, 2017 at 7:00 pm or as soon thereafter and remove item 9I verbal update on Shul undergrounding from the agenda. The motion received a second from Commissioner Paul and all voted in favor.

**F. Community Notes – Mayor Daniel Dietch**

Mayor Dietch announced 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 Gielchinsky made a motion to approve the consent agenda minus the pulled items listed below. The motion received a second from Commissioner Karukin and all were in favor.

Items pulled from the consent agenda:

Page 26 of the Town Manager's Report – Commissioner Karukin

Item 3A - Page 10 Minutes (scrivener's error) – Mayor Dietch

Page 20 – Item 3B – Mayor Dietch would like the Manager to contact AT&T and find out the possibilities of broadcasting the various meetings.

Page 23 – Item 3B – Mayor Dietch spoke on item 14 of the traffic mitigation update specifically to the mapping companies.

Commissioner Paul made a motion to approve the pulled items from the consent agenda. Commissioner Karukin seconded the motion and all voted in favor.

**A. Minutes – Sandra Novoa, MMC, Town Clerk**

- **September 18, 2017 First Budget Hearing Minutes**
- **September 18, 2017 Special Town Commission Meeting**
- **September 26, 2017 Final Budget Hearing Minutes**
- **September 26, 2017 Special Town Commission Meeting Minutes – Undergrounding**

**\*B. Town Manager's Report – Guillermo Olmedillo, Town Manager**

1. See Click Fix
2. Post Hurricane Workshop
3. Interlocal Shuttle Update
4. Development Application Status
5. Code Compliance
6. Finance
7. Information Technology
8. Police Department

**\*C. Town Attorney's Report – Weiss Serota, Town Attorney**

**D. Committee Reports – Guillermo Olmedillo, Town Manager**

- July 10, 2017 Tourist Board Meeting Minutes
- August 31, 2017 Planning and Zoning and Design Review Board Meeting Minutes

**E. Expenditure of Forfeiture Funds for Fiscal Year 2017-2018 – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2017/2018 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$78,192 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.**

Adopted on Consent

**F. Texting While Driving Urging Resolution – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION MAKING TEXTING WHILE DRIVING A PRIMARY OFFENSE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE**

Adopted on Consent

**G. Confirmation of Termination of a State of Emergency – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONFIRMING THE TERMINATION OF THE STATE OF EMERGENCY DECLARED FOR THE TOWN OF SURFSIDE, FLORIDA RELATED TO HURRICANE IRMA; AND PROVIDING FOR AN EFFECTIVE DATE**

Adopted on Consent

#### 4. Ordinances

##### A. Second Reading Ordinances

**1. Pension Ordinance adopting Chapter 185 minimum benefits for police officers along with other changes to the ordinance – Guillermo Olmedillo, Town Manager [To be deferred to November 14, 2017 at 7:00 pm or as soon thereafter]**

**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 CLARIFY THE DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; AMENDING SECTION 2-175(d) OF THE TOWN CODE TO PROVIDE FOR ONE ACTUARIAL BUYBACK CALCULATION TO DETERMINE THE COST OF MILITARY OR PRIOR LAW ENFORCEMENT SERVICE; AMENDING SECTION 2-176(b) OF THE TOWN CODE TO PROVIDE FOR EARLY RETIREMENT FOR POLICE MEMBERS AT AGE 50 WITH TEN YEARS OF SERVICE; AMENDING SECTION 2-176(c)(2) OF THE TOWN CODE TO PROVIDE FOR A TEN YEAR CERTAIN AND LIFE BENEFIT AS THE NORMAL FORM OF BENEFIT FOR POLICE MEMBERS; AMENDING SECTION 2-177(c) OF THE TOWN CODE TO PROVIDE FOR OPTIONAL FORMS OF BENEFITS FOR POLICE MEMBERS; AMENDING SECTION 2-178(a) OF THE TOWN CODE TO PROVIDE FOR MINIMUM DEATH BENEFITS FOR POLICE MEMBERS; AMENDING SECTION 2-189(e)(2)a. AND (e)(4) OF THE TOWN CODE TO PROVIDE FOR MINIMUM DISABILITY BENEFITS FOR POLICE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Item was deferred to November 14, 2014 at 7:00 pm. under item 1E Agenda and Order of Business.

**2. Crossover of the Dune – Sarah Sinatra, Town Planner [To be deferred to November 14, 2017 at 7:00 pm or as soon thereafter]**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, SECTION 90-37 “SPECIAL EXCEPTIONS,” TO PROVIDE A SPECIAL EXCEPTION APPROVAL PROCESS AND RELATED CRITERIA FOR DUNE CROSSOVERS; AND BY AMENDING SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” TO PERMIT DUNE CROSSOVERS ONLY IF APPROVED BY SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR**

**INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Item was deferred to November 14, 2014 at 7:00 pm. under item 1E Agenda and Order of Business.

**3. Amending Article VI. – “Rules of Procedure for Town Meetings” - Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; 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.

Mayor Dietch and Commissioner Karukin suggested some changes to Rule 6.06 (a)(1)(b), (b)(1) and (b)(2). Town Attorney Mehaffey read new wording to amend the sections.

Town Attorney Mehaffey spoke about Rule 8.01, section (i) and after some discussion the Town Commission agreed to amend the section.

Mayor Dietch opened the public hearing. No one wishing to speak, he closed the public hearing.

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

**4. Water, Sewer and Storm water Rates and Service Charges – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 78 “UTILITIES” OF THE TOWN CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Town Attorney Mehaffey requested to change the effective date to November 14, 2017 due to the deferral of the resolutions.

Mayor Dietch opened the public hearing. No one wishing to speak, he closed the public hearing.

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

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

**B. First Reading Ordinances**

There were no ordinances on first reading.

**5. Resolutions and Proclamations**

- A. Water, Sewer and Storm Water Rates and Service Charges – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING WATER AND SEWER RATES AND SERVICE CHARGES EFFECTIVE OCTOBER 1, 2017; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Item Deferred

- B. Water, Sewer and Storm Water Rates and Service Charges – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING STORM WATER UTILITY RATES EFFECTIVE OCTOBER 1, 2017; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Item Deferred

- C. Request to Release Covenant Restricting Property Use for property generally located at 9380, 9372, 9364, 9348, 9340, 9332, 9316 and 9300 Collins Avenue – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE RELEASE OF A COVENANT BURDENING PROPERTY GENERALLY LOCATED AT 9380, 9372, 9364, 9348, 9340, 9332, 9316 AND 9300 COLLINS AVENUE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Town Manger Olmedillo gave some background information on the item. Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Gielchinsky. The motion carried 3-1 with Commissioner Paul voting in opposition.

**D. Public Information Representative (Independent Contractor) – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING A PROPOSAL AND AGREEMENT WITH PINZUR COMMUNICATIONS, INC TO PROVIDE PUBLIC INFORMATION REPRESENTATIVE SERVICES; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THE SERVICES; 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 to the Town Commission. Assistant Town Manager Tavares gave further details.

Commissioner Karukin made a motion to approve and requested that the Police Department work with the same company. The motion received a second from Commissioner Gielchinsky and all voted in favor.

**6. Good and Welfare**

The Mayor opened Good and Welfare. No one 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. Discussion Regarding Regulation of Medical Marijuana Dispensaries – Guillermo Olmedillo, Town Manager**

Town Attorney Mehaffey presented both options to the Town Commission.

After some discussion, Commissioner Paul made a motion to move forward and regulate drug stores and include the distance requirement. The motion received a second from Commissioner Gielchinsky and all voted in favor.

- B. Freeboard Modification**– Sarah Sinatra Gould, Town Planner  
Town Manager Olmedillo presented the item. Town Planner Sinatra gave further details.

The Commission discussed the item and there was consensus to move forward on the item.

Public Speakers George Kousoulos and DRB/P&Z Board Chair Lindsay Lecour spoke on the item.

- C. Charter Amendment to Address Additional Freeboard** – Sarah Sinatra Gould, Town Planner  
Town Planner Sarah Sinatra presented the item and gave an update.

Commissioner Karukin commented that he would not want this to go on the March ballot because there is already an item on that ballot and he does not want to cloud the issue. Commissioner Paul's concern is how to protect the homes that are not subject to this. After discussion, the consensus was to move forward but to ask the Town Attorney to assess when this could be brought back and whether it is limited to our Commission election dates every two years and also ask the Town Planner to continue to seek out additional designs.

Public Speakers George Kousoulas and DRB/P&Z Board Chair, Lindsay Lecour spoke on the item and gave their views.

- D. Artificial Grass** – Guillermo Olmedillo, Town Manager  
Town Manager Olmedillo presented the item and gave an update. Other municipalities have created an ordinance, regulations and policies regarding the issue. Mayor Dietch would like this researched further but generally was in favor of artificial grass of highest quality.

Public Speakers Diana Gonzalez and Ruben Valdivia spoke on the item.

Commissioner Gielchinsky said that he was at the Planning & Zoning Board meeting as the Liaison to the Board when the Board expressed their views against the artificial grass. His concern was with permeability and water drainage and after doing some research he learned that it depends on the installation techniques. Commissioner Paul shared her research on the item. Town Planner Sinatra and Building Official Ross Prieto gave more information on the item. After discussion it was determined to hold citations on current or new residents on artificial grass until a decision is made.

Commissioner Gielchinsky made a motion to defer discussion of this item to the December 2017 Regular Commission meeting and continue the moratorium the Town imposed on enforcement of this item until the December meeting and directing staff to research and come back to the Town Commission with information concerning what other municipalities have done to address legalizing or permitting

the installation of synthetic grass. Also, address concerns such as installation, permeability, and drainage. Manager Olmedillo commented that he does not have a problem with putting a hold on citations until a policy can be made. Commissioner Gielchinsky accepted the Manager's comments into the motion. The motion received a second from Commissioner Karukin and all voted in favor.

- E. Board and Committees Vacancies [Verbal]** – Sandra Novoa, MMC, Town Clerk
- *Design Review Board – At Large Appointment – Commissioner Karukin made a motion to appoint Mr. William Fleck to the Design Review Board. The motion received a second from Commissioner Gielchinsky and all voted in favor.*
  - *Sustainability Subcommittee – Vice Mayor Cohen was absent*
  - *Planning and Zoning Board – Commissioner Gielchinsky had no appointment.*
  - *Tourist Board – Commissioner Gielchinsky made a motion to appoint Mr. Jeff Lehman to the Tourist Board. The motion received a second from Commissioner Paul and all voted in favor.*
  - *Personnel Appeals Board – Commissioner Karukin appointed Ms. Jackeline Azis to the Personnel Appeals Board*
- F. Report on Special Commission Meeting- Presentation from Dr. Kury on Undergrounding Powerlines [Verbal]** – Guillermo Olmedillo, Town Manager  
Town Manager Olmedillo gave an update on the presentation. Commissioner Karukin believes the Town needs to establish a Vegetation Management Policy. Commissioner Paul believes the Town has to identify hot spot areas. The Commission all gave their views on the item. Town Manager was asked to begin conversations with FPL.
- G. Update on property located at 200 96<sup>th</sup> Street [Verbal]** – Guillermo Olmedillo, Town Manager  
Town Manager Olmedillo gave an update.
- H. Florida Public Service Commission Urging Resolution** – Mayor Daniel Dietch  
Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Gielchinsky and all voted in favor.
- I. Update on Shul Undergrounding [Verbal]** – Guillermo Olmedillo, Town Manager  
Item was removed from the agenda

## 10. Adjournment

Commissioner Karukin made a motion to adjourn. The motion received a second from Commissioner Paul and all voted in favor. Meeting adjourned at 10:40 p.m.

Respectfully submitted,

Accepted this 14<sup>th</sup> day of November, 2017



\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:



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Sandra Novoa, MMC  
Town Clerk