



**Town of Surfside
Special Town Commission Meeting
MINUTES
July 24, 2018
6 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 6:04 p.m.

B. Roll Call of Members

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

C. Pledge of Allegiance

Police Chief Yero led the pledge of allegiance.

2. First Reading Ordinances

A. Beach Furniture Ordinance – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II. – “PUBLIC BEACHES” OF CHAPTER 86 “WATERWAYS” OF THE TOWN OF SURFSIDE CODE PERTAINING TO BEACH FURNITURE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the Ordinance.

Town Manager Olmedillo presented the item to the Town Commission. He advised the Town Commission of other items that should be included in the Ordinance and/or Administrative Policy which were listed in the memorandum.

Vice Mayor Gielchinsky made a motion to approve. Passing the gavel, Mayor Dietch seconded the motion.

Commissioner Paul presented a PowerPoint of photos of the current state of beach furniture.

Commissioner Paul had the following suggested amendments to the additional items provided by Staff and the Beach Furniture Ordinance:

- Page 2 of memo; first bullet point; “3-hour notice” changed to “2-hour notice”
- Page 2 of memo; third bullet point; tarp should be optional
- Page 2 of memo; first bullet point after Analysis; “40 chairs” changed to “20 chairs”
- Page 2 of memo; first bullet point after Analysis; clean up needs more definition
- Page 2 of memo; seventh bullet point; is currently not adhered to
- Needs to be a ratio of staff to beach chairs
- Line 64 of Ordinance; strike the word “vehicles”
- Line 71 and 72 of Ordinance; strike through and should read “no commercial vehicles. Vehicles should only be operated on the beach by emergency personnel, County or Town”
- Line 74 of Ordinance; strike through “or a hotel located on the west side of Collins Avenue”
- Sec. 86-30; after item (c); insert something that gives a passage to the shoreline
- Sec. 86-30; item (d); “3 hours” changed to “2 hours”
- Sec. 86-30; item (f); overnight storage not specified and would like to see it changed to 25 chairs
- Sec. 86-30; Line 189; tarp should be optional
- Sec. 86-30; item (h); change “40 chairs” to “maximum of 20 chairs or 10% of the unit on east side properties”
- Sec. 86-31; Line 218; Add “...west side hotels and condominiums or from the general public...” after “shall require a permit from”
- Sec. 86-31; Line 231-270; strike through (2)

Commissioner Karukin had the following comments with regards to the Beach Furniture Ordinance:

- Objects to overnight storage on the beach
- Objects to projecting street end rights-of-way
- Concern with enforcement costs of this Ordinance
- Sec. 86-30; item (b); beginning of line should read “Beach Furniture Operators shall not place or store beach furniture at or near...”

Commissioner Cohen spoke regarding beach renourishment and the use of beach furniture tarps with the Town’s branding.

Mayor Dietch opened the item to public comments and the following speakers addressed the Town Commission:

- Arthur Holman
- Jeffrey Platt
- Victor May
- Jennifer Rotker
- George Kousoulas

Hearing no other speakers, Mayor Dietch closed the public comments.

Commissioner Cohen left the meeting at 6:50 p.m.

Vice Mayor Gielchinsky had the following suggested amendments to the additional items provided by Staff and the Beach Furniture Ordinance:

- Sec. 86-30; item (f); Line 187; change 4 feet to 5 feet
- Include a provision for habitual violators
- Sec. 86-26; Line 72; change “vehicles” to “carts”
- Item (2); insert the words “and uniquely” in between the words clearly identified

Mayor Dietch had the following suggested amendments to the additional items provided by Staff and the Beach Furniture Ordinance:

- Sec. 86-30; Line 175, 177 and 179; change “storm” to “hurricane”
- Sec. 86-30; Line 176; change compliance period from “3 hours” to “2 hours”
- Sec. 86-30; item (d); including a provision that provides the Town Manager the authority to compel the removal of all beach furniture placed or stored on the public beach at his discretion
- Any beach furniture operator has to hire sufficient staff to meet the needs of that operation. It can be the same company but not the same staff

After some discussion, Vice Mayor Gielchinsky made a motion to include the following amendments to the Beach Furniture Ordinance:

- Line 64; strike through word “vehicle”
- Sec. 86-26; Line 72; change word, “vehicles” to “carts”
- Any beach furniture operator has to hire sufficient staff to meet the needs of that operation. It can be the same company but not the same staff
- Sec. 86-30; item (d); include a provision that provides the Town Manager the authority to compel the removal of all beach furniture placed or stored on the public beach at his discretion
- Storage of beach stacked chairs on the beach shall be limited to thirty (30) chairs per property

- Sec. 86-30; item (f); Line 187; change 4 feet to 5 feet
- Provision for habitual violators
- Sec. 86-30; Line 175, 177 and 179; change “storm” to “hurricane”

Passing the gavel, Mayor Dietch seconded the motion. The motion died 2-2 with Commissioner Karukin and Commissioner Paul voting in opposition.

3. Resolutions

A. Solid Waste Assessment Rate – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution.

Town Manager Guillermo presented the item to the Town Commission. Interim Finance Director Wallace provided a brief explanation of the rationale and answered some questions posed by the members of the Town Commission.

Mayor Dietch had some concerns about the rates that were presented.

Mayor Dietch suggested increasing the rate to the actual cost of disposal as a proxy for the cost of the changes of the fuel, equipment and labor. The Mayor is not ready to increase the rates at the level suggested.

Interim Finance Director Wallace stated that for this year, the Town will be sending its own notices in an abundance of caution. This notice will provide the opportunity to better explain the rate increase to the residents. He also suggested to increase the rates by at least 10 or 15 percent and lower them, if decided, at a later time during the final hearing in September. This will allow residents to receive the new rates that will be passed down to the Town.

Commissioner Karukin questioned what the increase would be based on. Finance Director Wallace stated that it will be based on the existing rates of \$277.00 but he would like to speak with the consultant.

Mayor Dietch asked Town Manager Olmedillo the status of the equipment (trucks) replacement and Town Manager Olmedillo stated that for this upcoming

budget, a line item was created in order to start accounting for the replacing of vehicles.

Mayor Dietch opened the meeting to public comments.

Resident Victor May spoke on the item and gave his opinion. There being no one else wishing to speak on the item, Mayor Dietch closed the public comment portion of the meeting.

Finance Director Wallace stated that he will respond next week with better projections based on the conversation with the consultant and will be able to speak about the methodology.

Mayor Dietch stated that a 15% increase over the overall current cost is \$318.67 and asked Finance Director Wallace if that gives him the flexibility he needs in order to meet the deadline.

Finance Director Wallace replied to Mayor Dietch that this item will be back in front of the Town Commission on Wednesday, September 12, 2018.

Town Attorney Arango stated that the adjustment on the rate will be reflected on appendix "A" which is the notice that will be published and on appendix "B" which is the mailed notice to residents. She also would like confirmation that before the notices are mailed, that the assessment methodology and the numbers are tightened and available.

Commissioner Karukin made a motion to increase the annual assessment to \$318.67 and instructed staff to adjust the numbers accordingly. The motion received a second from Vice Mayor Gielchinsky. The motion carried 4-0.

Mayor Dietch suggested the Town Administration prepare "Frequently Asked Questions" that explain how this process works and why the increase is necessary at this time. Town Manager Olmedillo acknowledged the suggestion.

4. Mayor, Commission and Staff Communications

A. Undergrounding Report *[Verbal]*- Guillermo Olmedillo, Town Manager

Town Manager Olmedillo presented the item with a PowerPoint presentation. He explained that back on June 11, 2013, the Town Commission discussed a resolution to authorize the payment for setting up the true cost, or committed cost, from FP&L. That resolution was not approved, and the initiative came to a halt at that point. After Hurricane Irma, the issue resurfaced and the Town brought in Dr. Kury, who was invited by Commissioner Karukin to make a presentation, and the administration submitted a report.

He stated that FP&L proposed some recommendations. One of them was the acquisition of easements. They are recommending that this project not be on rights-of-way but on private property instead. It is recommended not obtain a binding

estimate, as the estimate is only valid for 180 days and obtaining easements may take longer than that.

Town Manager Olmedillo explained that the first step will be to decide if the Town Commission would like to spend the funds to have the legal descriptions, surveys and necessary paperwork completed for the easements. After that, the decision of the finance mechanism must happen and this will be followed by deciding if a referendum is required.

Town Manager Olmedillo then gave an overview of the costs with a total FP&L "Ballpark estimate" cost of \$5,765,000 and a very rough estimate for easement acquisition of \$3,000,000 and easement property restoration of \$1,500,000. Also, undergrounding Atlantic Broadband and AT&T would be a rough calculation of \$2,400,000. Street lighting with project management services would be approximately \$4,700,000 and the connection to buildings approximately \$2,500,000.

Vice Mayor Gielchinsky asked why FP&L's position is to underground outside of the right-of-way. Town Manager Olmedillo stated that he is waiting on a written response from Aletha Player, who is the area representative, but his assumption is that it is easier for FP&L. Vice Mayor Gielchinsky asked about the conduits that were installed during the stormwater project. Town Manager Olmedillo responded that those are on all the intersections but not in front of the homes.

Commissioner Karukin spoke about a previous survey that he saw that explained where the 3x3 boxes would be placed in front of some homes. He also spoke about the expense that the home owners would have to incur as a result of the undergrounding in order to make their homes compatible to hook up.

Commissioner Karukin also spoke about the possibility of having the new Sustainability and Resiliency Committee look at this project and the cost and provide the Town Commission with recommendations. Commissioner Paul agreed.

Commissioner Paul stated that she supports a referendum and expressed her concerns about sea level rise.

Town Manager Olmedillo recommended going back to FP&L and see if Vice Mayor Gielchinsky's recommendation of the threshold of the easement is possible and communicate to FP&L the Town's expectation and that it is a deal breaker if not done this way.

Mayor Dietch would like the Town Commission to provide the Town Manager with as many good questions as possible so that Town Manager Olmedillo can ask those of FP&L and get as much information and details as possible to build the knowledge base.

Vice Mayor Gielchinsky asked if Calvin Giordano and Associates, Inc. (CGA), or anyone, has a survey to see what is on those rights-of-way that is currently Town wide. Mayor Dietch stated that we must have surveys from the water sewer project.

A Calvin Giordano and Associates, Inc. (CGA) representative stated that he believes FP&L is trying to avoid having to be responsible for moving equipment from private property if the owner of the property, at some point, decides that they want it moved.

Mayor Dietch inquired about the possibility of posting the PowerPoint presentation on the web. Town Manager Olmedillo requested not to until there is a final response from FP&L as that may change the presentation dramatically.

B. P3 Update [Verbal] - Guillermo Olmedillo, Town Manager

Town Manager Guillermo Olmedillo presented the item. He explained that as per the Town Commission's direction, The Administration met with the Abbott Lot proposer and requested information from them which they have not submitted and instead they requested an extension of time so that their application remains valid.

The Administration also met with the Civic Center proposer, consultants, attorneys and the Town's consultant Lambert Advisory, who is satisfied that the assumptions on the numbers are accurate and acceptable.

Commissioner Karukin would like to see Lambert's report. Town Manager Olmedillo will ask them to submit a written report to be shared with the Town Commission.

Town Manager Olmedillo would like to know if the Town Commission would like him to move forward with negotiations.

Commissioner Karukin stated that he can't analyze and study a document by just seeing it once. He would like to have the documents in order to read them at his pace to make an informative decision.

Alex Tachmes, who is representing the applicant, spoke on the item and after some questions and answers, the agreement was to make their proposal available to the members of the Town Commission. He also stated that at this point his client would like to begin public dialogue with a possibility of a charrette. Mr. Tachmes' client respectfully requested the Town Commission schedule a meeting in September where they can make a formal presentation.

Discussion took place on the possibility of scheduling the presentation sometime in September. Vice Mayor Gielchinsky provided dates to avoid due to religious holidays. After some conversation among the members, the meeting will be scheduled after the second and final budget hearing on September 26, 2018.

Town Attorney Arango read the Florida Statute into the record governing the proposal and public records law.

Vice Mayor Gielchinsky made a motion to schedule a special meeting on Wednesday, September 26, 2018 at 6:00 pm. The motion received a second from Commissioner Karukin. Motion carried 4-0.

Mayor Dietch announced that he will be late to the August 14, 2018 meeting.

Mayor Dietch asked for a moment of silence for two young boys that passed away over the weekend.

3. Adjournment

There being no further business, Commissioner Karukin made a motion to adjourn. The motion received a second from Commissioner Paul. The meeting adjourned at 10:12 p.m.

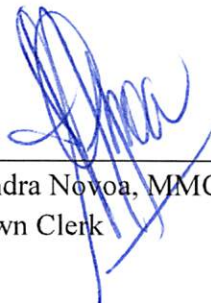
Respectfully submitted,

Accepted this 9th day of October, 2018



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk