



Town of Surfside
Regular Town Commission Meeting
MINUTES
December 11, 2018
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 Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Gielchinsky, Commissioner Cohen, Commissioner Karukin and Commissioner Paul.

C. Pledge of Allegiance

Chief Yero led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Paul wished everyone Happy Holidays.

Commissioner Cohen thanked everyone for a very exciting and educational period during his service with the Commission. He stated he went to the businesses and asked them if Surfside had a parking problem and some said yes and others said no but what he heard was what an incredible place Surfside is to live in and he is proud to serve his Town. He wished everyone Happy Holidays and New Year.

Vice Mayor Gielchinsky stated what a great time of year it is and how happy he is to serve his community and how blessed he is and he wished everyone Happy Holidays. He also stated that unfortunately there are individuals threatening their safety and sense of security and he wanted to encourage everyone that if they see something that threatens their sense of security or their neighbors to please say and do something.

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

Vice Mayor Gielchinsky requested that the Airbnb item (5A) be heard at the time that Mayor Groisman from Bal Harbour arrives.

Mayor Dietch asked to move Item 3 before Item 1H and to also pull item 1H and 9B and defer 4A6 to the January 22, 2019.

Vice Mayor Gielchinsky made a motion to hear Item 3 before Item 1H and Item 5A to be taken at any time. The motion was seconded by Commission Cohen and all voted in favor.

Vice Mayor Gielchinsky made a motion to defer Item 4A6 to the January 22, 2019 Special Town Commission Meeting at 7:00 pm or soon thereafter. The motion was seconded by Commissioner Karukin and all voted in favor.

Vice Mayor Gielchinsky made a motion to move Good and Welfare up 5 minutes. The motion was seconded by Commissioner Karukin which carried 4-0 with Commissioner Cohen absent.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch congratulated the Surfside Youth Soccer Team 12 and under as League Champions and 10 and under as League Runner-ups.

Mayor Dietch reported on the following items:

- Miami Dade Animal Services offering free rabies vaccinations through the end of the year at the Pet Adoption Center
- Surfside Police Department hosting their annual toy drive
- Street sweeper will be making its rounds on Monday, December 17, 2018 and January 14, 2019.
- A Town Hall meeting on Wednesday, December 19, 2018 at 7:00 p.m. in the Commission Chambers.
- The mobile DMV will be at Town Hall on Thursday, December 20, 2018.
- Town Hall Offices will be closed on December 25, 2018 and January 1, 2019.
- Bike Ride with the Chief on Wednesday, December 26, 2018 at 5:00 p.m. starting at Town Hall.
- Coffee with the Cops on Thursday, December 27, 2018 at 10:00 a.m. at Starbucks on Harding Avenue.
- Tourist Bureau is sponsoring the Inaugural Glen Douglas Winter Chamber Music Festival by the Sea on December 31, 2018 at 2:30 p.m. at the Surfside Community Center

Commissioner Paul spoke regarding a concert at St. Joseph's Hall and that some of the residents are in the choir and they extended the invitation. The event is Friday at 7:30 p.m.

G. Public Pension Standards Award for Funding and Administration 2018 – Mayor Daniel Dietch

Mayor Dietch introduced the item and presented the award to the Administration and acknowledged the Pension Board members that were present.

Town Manager Olmedillo spoke and thanked the Commission for their support.

H. Town Lobbyist Fausto Gomez Legislative Priorities – Guillermo Olmedillo, Town Manager [Linked to Item 9B]

Town Manager Olmedillo introduced the item and Town Lobbyist Fausto Gomez.

Town Lobbyist Gomez gave a status of the legislative priorities and funding request priorities list.

Commissioner Paul thanked Mr. Gomez for his and his team's work in Tallahassee for the Town of Surfside. She stated that funding for the red tide mitigation, swimmable waterways, coral reefs dying due to the bacteria and having clean waterways should be top priorities on the list.

Mr. Gomez addressed Commissioner Paul's concern.

Vice Mayor Gielchinsky spoke regarding easements on certain properties and other ways to address the public service commission. He asked about the climate change issue and how important this is on a daily basis. He also spoke about appropriations for sewer projects, underground utility and climate change.

Town Lobbyist Cesar Fernandez explained the legislative process.

Discussion ensued regarding the Commissions' different concerns in the legislation and how they are being addressed or how to address the issues moving forward.

I. Alfred B. Cooper Garage Proclamation Presentation – Mayor Daniel Dietch
Mayor Dietch introduced the item and presented the proclamation to Alfred B. Cooper for his tenure with the Town of Surfside and wished him the best on his retirement.

J. Hector I. Perez Café Proclamation Presentation – Mayor Daniel Dietch
Mayor Dietch introduced the item and presented the proclamation to Hector I. Perez for his tenure with the Town of Surfside and wished him the best on his retirement.

2. Quasi-Judicial Hearings - None

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

Commissioner Paul made a motion to approve the Consent Agenda minus pulled items 3B and 3J. The motion was seconded by Vice Mayor Gielchinsky which carried 5-0 on roll call vote.

Vice Mayor Gielchinsky made a motion to approve the items pulled from the Consent Agenda. The motion was seconded by Commissioner Paul which carried 3-0 on roll call vote with Commissioner Karukin and Commissioner Cohen absent.

A. Minutes – Sandra Novoa, MMC, Town Clerk

- November 13, 2018 Town Commission Workshop Minutes
- November 13, 2018 Regular Town Commission Meeting Minutes

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

Town Manager Olmedillo introduced the item.

Commissioner Karukin pulled this item from consent to speak regarding an item on page 69.

***C. Town Attorney’s Report – Weiss Serota, Town Attorney**

D. Committee Reports – Guillermo Olmedillo, Town Manager

- October 15, 2018 Parks and Recreation Committee Meeting Minutes
- October 25, 2018 Planning and Zoning Board Meeting Minutes

E. Resolution Authorizing Mutual Aid Agreement between the City of Sweetwater Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND SWEETWATER FLORIDA FOR POLICE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE
Approved on Consent.

F. Approval to Procure Police Mobile Laptop Computers - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE LEASING OF LAPTOPS AND SOFTWARE FOR THE POLICE DEPARTMENT AND EXPENDITURE OF FUNDS NOT TO EXCEED \$139,527.00; FINDING THAT THE PURCHASE IS EXEMPT FROM PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch opened the floor to public comments and the following members of the public spoke on the item:

- Victor May

Mayor Dietch closed the floor to public comments.

Commissioner Paul commented on the 37 laptops and asked what happens after the 3-year lease. She noticed that the Police had the current laptops for 5 years and she wanted to know if the intent is to keep the laptops beyond the 3 years and that she wishes that the software will be made for apples, because she has had the same computer for 8 years and bought it used from 2010 and works great. Commissioner Paul inquired as to what is the Town doing with the computers that are being replaced. Town Manager Olmedillo stated the last batch of computers were all donated to Ruth Broad K-8 Center.

Eliana Salzhauer spoke regarding procurement.

Discussion ensued regarding the laptops.

Vice Mayor Gielchinsky thanked Chief Yero for the explanation of why they need these laptops.

Vice Mayor Gielchinsky made a motion to approve. The motion was seconded by Commissioner Paul Motion which carried 3-0 on roll call vote with Commissioner Cohen and Commissioner Karukin absent.

G. Parks and Recreation Department Replacement Hybrid Vehicle - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE PURCHASE OF A 2019 TOYOTA RAV 4 HYBRID FOR THE PARKS AND RECREATION DEPARTMENT AND EXPENDITURE OF FUNDS NOT TO EXCEED \$25,983.00 FROM THE FISCAL YEAR 2018/2019 BUDGET; FINDING THAT THE PURCHASE IS EXEMPT FROM PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent.

H. Resolution Authorizing the Voluntary Cooperation Mutual Aid Agreement between the South Florida Financial Crimes Strike Force and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE SOUTH FLORIDA FINANCIAL CRIMES STRIKE FORCE VOLUNTARY COOPERATION MUTUAL AID AGREEMENT FOR THE TERM COMMENCING SEPTEMBER 1, 2018 THROUGH SEPTEMBER 2021; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
Approved on Consent.

I. After-the-Fact Approval of Alfred B. Cooper Garage and Hector I. Perez Café Proclamations – Guillermo Olmedillo, Town Manager
Approved on Consent.

J. Temporary Easement for 2019 Beach Renourishment Project – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A TEMPORARY EASEMENT AGREEMENT WITH MIAMI-DADE COUNTY FOR EQUIPMENT STAGING IN CONNECTION WITH BEACH RENOURISHMENT, EROSION CONTROL AND HURRICANE PROTECTION PROJECT; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Paul pulled the item from the consent agenda to discuss.

Mayor Dietch opened the floor to public comments and hearing none, he closed the floor to public comments.

To answer Commissioner Paul's question regarding the inclusion of 95th Street, Town Manager Olmedillo explained that they have been working with several agencies in order to coordinate this job and certain spots were selected for access where staging can occur and a consensus of all agencies that will be working on the project.

Vice Mayor Gielchinsky made a motion to approve the resolution. The motion was seconded by Commissioner Paul which carried 3-0 on roll call vote with Commissioner Cohen and Commissioner Karukin absent.

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. Aggregated Single-Family Lots - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-45 "SETBACKS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; 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.

Mayor Dietch opened the floor to public comments and the following individuals spoke on the item:

- Ellen Abramson
- Eliana Salzhauer

Mayor Dietch closed the floor to public comments.

Mayor Dietch commented on the notion of McMansions and if the residents have ideas to please bring them to the Commission.

Commissioner Karukin spoke regarding the aggregated lots and thanked the Board, the Commission and staff for their diligent work.

Town Manager Olmedillo commented on the comments made by the public on feet instead of percentage and asked Town Planner Sinatra Gould to explain the setbacks.

Town Planner Sinatra Gould explained why they went with percentages and not feet and they will go with whichever is greater; either 20% or 20 feet.

Commissioner Cohen asked if this would be an issue if they own two lots and if it would change their vested rights. Town Planner Sinatra Gould stated that grandfathering was discussed in length by the Planning and Zoning Board and they voted no.

To answer Commission Cohen's question regarding lots being undevelopable, town staff stated that it will not make a lot undevelopable and if the ordinance is changed to whichever is greater; 20% or 20 feet than she needs to put that into the ordinance and read it into the record.

Discussion ensued among staff and the Commission regarding the future aggregated lots and existing lots and amendments to be made.

Staff read into the record the amendments to be 20 feet or 20% whichever is greater on each table in the ordinance.

Town Attorney Mehaffey asked if there was a change made on page 176, 6th line from the top and staff said yes.

Commissioner Karukin made a motion to approve the Ordinance with the amended language on second reading. The motion was seconded by Vice Mayor Gielchinsky which carried 5-0 on roll call vote.

2. Lobbyist Registration Exemption for Representatives of Single-Family Property Owners – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 2-235 – “LOBBYING” TO PROVIDE EXEMPTION FROM THE LOBBYIST REGISTRATION REQUIREMENTS FOR REPRESENTATIVES OF SINGLE-FAMILY PROPERTY OWNERS IN CERTAIN SITUATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Mayor Dietch opened the floor to public comments and hearing none, he closed the floor to public comments.

Commissioner Paul requested to add the word single family “residential” property instead of single-family property in the title of the ordinance.

Mayor Dietch asked if it makes a difference from a legal or planning perspective and Town Attorney Arango said that single family is a defined term in our code.

Commissioner Paul's concern is that if it is a spec home they should register.

Town staff explained that adding the word residential would not change the aspect and it is a single-family property owner. If that home is built on spec or something else there is not much of a distinction from a property owner living in it or renting it out and all single-family units are considered residential.

Town Manager Olmedillo stated what the intent of this item is and explained what this ordinance achieves.

Commissioner Paul understands what is being said and asked if architects representing the homeowner must register as a lobbyist and Town Manager Olmedillo stated that anyone representing the homeowner before any board must register as a lobbyist.

Commissioner Paul wanted to know if those coming before the Planning and Zoning Board must register and staff replied that they do have to register as a lobbyist even for small additions and it applies to all single-family homeowners as well.

Discussion continued among the Commission and staff regarding representatives of owner occupants.

Commissioner Paul stated they want to support owner occupants and not spec homes.

Discussion ensued regarding the lobbyist fees and language.

Commissioner Karukin made a motion to approve the ordinance on second reading. The motion was seconded by Vice Mayor Gielchinsky which carried 5-0 on roll call vote.

3. Corner Lot Fences - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-56.5 "MODIFICATION OF SECONDARY FRONTAGE FENCE AND ORNAMENTAL WALL REGULATIONS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS FENCE AND SHRUB REQUIREMENTS IN THE H30A AND H30B ZONING DISTRICTS; 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 Planner Sinatra Gould introduced the item.

Commissioner Paul commented on page 190; line 43 regarding the 3-foot setback. She asked if it is more or less restricted and if this is currently in the fence setback code and if it is consistent with the lots or only on corner lots. Commissioner Paul also asked how would this affect existing fences on the corner lots or any lot.

Town Planner Sinatra Gould answered Commissioner Paul's question on the setbacks and stated that it does not affect existing fences.

Commissioner Karukin asked if this ordinance would give the homeowner more flexibility and Town Planner Sinatra Gould stated that it would and that it passed at the Planning and Zoning Board.

Mayor Dietch opened the floor to public comments and hearing none, he closed the floor to public comments.

Commissioner Karukin made a motion to approve the ordinance on second reading. The motion was seconded by Commissioner Paul which carried 3-0 on roll call vote with Vice Mayor Gielchinsky and Commissioner Cohen absent.

4. Ordinance Amending Section 34-11, 'Prohibition on Distribution, Sale or Use of Plastic Straws,' to Clarify the Definition of Plastic Straw and Provide for Reasonable Accommodations - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 34-11, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS" OF THE TOWN'S CODE OF ORDINANCES TO CLARIFY THE DEFINITION OF PLASTIC STRAW AND PROVIDE FOR REASONABLE ACCOMMODATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Commissioner Paul wanted to state that Publix now sell paper straws.

Mayor Dietch opened the floor to public comments and hearing none, he closed the floor to public comments.

Commissioner Paul made a motion to approve the ordinance on second reading. The motion was seconded by Commissioner Karukin which carried 4-0 on roll call vote with Vice Mayor Gielchinsky absent.

5. Reasonable Accommodation Procedure - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA CREATING SECTION 90-100 "REASONABLE ACCOMMODATION PROCEDURES" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS UNDER THE FAIR HOUSING ACT AND AMERICANS WITH DISABILITIES ACT; 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.

Commissioner Paul made a motion to discuss. The motion was seconded by Commissioner Karukin.

Commissioner Paul had a question on page 203; lines 101 through 107. She said that line does not mention the time frame extension and was concerned. She feels it is not addressing if they get an extension. She also stated that page 204; lines 162-171 are confusing. She would like to see more clarity.

Discussion ensued among the Commission regarding the language for the extension.

Staff explained the recertification process and its requirement of it being renewed every 2 years.

Mayor Dietch opened the floor to public comments and the following members of the public spoke on the item:

- Diana Gonzalez

Mayor Dietch closed the floor to public comments.

Commissioner Karukin made a motion to approve the ordinance with the amended language at the end of Section D3 on second reading. The motion was seconded by Commissioner Paul which 5-0 on roll call vote.

Vice Mayor Gielchinsky made a motion to extend the meeting one hour. The motion was seconded by Commissioner Karukin and all voted in favor.

6. Beach Furniture Ordinance - Guillermo Olmedillo, Town Manager *[ITEM HAS BEEN DEFERRED TO JANUARY 22, 2019 AT 7:00PM OR AS SOON THEREAFTER]*

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.**

Item was deferred to the January 22, 2019 Town Commission Meeting.

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

B. First Reading Ordinances

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

A. Airbnb Resolution – Vice Mayor Daniel Gielchinsky

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA
CONDEMNING ANTI-SEMITISM ACTS BY AIRBNB AND
DEMANDING COMPLIANCE WITH NON-DISCRIMINATION
REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE
DATE.**

Town Clerk Novoa read the title of the resolution.

Mayor Dietch welcomed Bal Harbour Mayor Groisman.

Vice Mayor Gielchinsky introduced the item.

Mayor Dietch opened the floor to public comments and the following individuals spoke on the item:

- Gabriel Groisman, Mayor of Bal Harbour
- Menno Ratzker
- Sasha Plutno
- Joseph Wals
- Eliana Salzhauer
- Shaya Gheblikian

Mayor Dietch closed the floor to public comments.

Vice Mayor Gielchinsky addressed the comments made by the public and the importance of this item.

Commissioner Karukin commented on the item and what he feels needs to be modified in the language of the resolution. He feels this is a contractual issue and to not use language of opinions versus facts.

Mayor Dietch asked Commissioner Karukin if he can get on board with the resolution with the proposed amendments to the language and Commissioner Karukin said yes, he can.

Commissioner Karukin continued stating his issues in which he feels it is not being handled as a contractual breach and asked if this was a determination by the Town Attorney stating there was an actual breach.

Town Attorney Arango stated that is a determination to be made by the Commission if they feel there was a breach by Airbnb in boycotting activities which is prohibited by the Town's Code. She feels that it does constitute a boycott and a breach.

Town Attorney Arango explained the process of how a breach in a contract is handled.

Vice Mayor Gielchinsky explained the goals of the resolution.

Discussion continued among the Commission on the item and the modifications to be made to the resolution.

Commissioner Cohen commented on the item and a huge corporation making a decision based on religion.

Mayor Dietch commented that this is a legal matter and the element of correctness that has been shared by the dais and the community and the agreement with an anti-discrimination clause and the breach.

Discussion ensued among the dais and the Town Attorney regarding contractual issues and this resolution and having immunity.

Commissioner Paul wanted to clarify the agreement with Airbnb was for the sole purpose to collect resort taxes and regulate their operations however, we went into this agreement in 2016 and all over the internet Airbnb was known for discriminating against blacks and also the LGBTQ community. She would liked to have seen supporting articles regarding the issue with Israel and the West Bank.

Vice Mayor Gielchinsky addressed Commissioner Paul's questions and that it mostly focuses on the West Bank because of the political hot bed.

Commissioner Paul stated that the agreement did not give Airbnb publicity, as Vice Mayor Gielchinsky had suggested, it was to collect resort taxes. She is against all discrimination and agrees with this resolution.

Commissioner Cohen commented on the item and not allowing the Town to be bullied by Airbnb and on the company supporting one religion and discriminating against another religion and other entities.

Mayor Dietch commented on the whereas clauses and the changes to be made to them.

Vice Mayor Gielchinsky read the amendments to be made for the Town Attorney to amend the resolution as follows:

- “Is a residential community and a tourist destination”
- 5th recital clause: delete hatred, prejudice, hypocrisy
- Remove the 7th recital clause
- Section 2 of the body switch “decision” to “action, most recently the removal of all listings”
- Section 3 add: “in breach of Section V”
- Section 4 to remove: “act of disrespect”
- Section 5 to remove: “act of disrespect”

Vice Mayor Gielchinsky made a motion to approve the resolution as amended. The motion was seconded by Commissioner Cohen which carried 5-0 on roll call vote.

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

Mayor Dietch opened the floor to public comments and the following individuals spoke on the item:

- Sasha Plutno spoke regarding the proposed Eden Hotel project, the Town donation that was made to the Homeless Trust and against the storage of beach chairs.
- Jeff Platt spoke regarding the issue with beach chairs and the hotels.
- Sheryl Goldberg spoke regarding code enforcement.
- Louisa Agresti spoke regarding the Tourist Board, PR and media events and the Town paying for those items.
- Donald Lewin spoke regarding traffic and walking paths.
- Ellen Abramson spoke regarding quality of life issues which included commercialization and respecting our beaches and having a carry-on carry-off policy.
- Eliana Salzhauer spoke regarding preservation of public land and public beaches including having a carry-on carry-off policy, signage on the beach path, the

budget and what the Town is spending money on. She spoke regarding parking lots and lanes being closed and would like to know why they are being closed.

- Diana Gonzalez spoke regarding beach chair storage and transparency on the budget and how the Town is spending their money.
- Shaya Gheblikian spoke regarding beach chairs.
- Anna Senturion spoke regarding signage on hotels and condominiums stating private property and the beach

Mayor Dietch closed the floor to public comments.

Commissioner Paul responded to Mr. Plutno and stated that she addressed the issue with the Town Manager and had not received a response regarding the Eden Hotel and the noise issue with the workers and would like the questions answered.

Town Manager Olmedillo responded to Commissioner Paul. He stated that he spoke with the Building Official and Code Enforcement and the Town has to enforce if people are using the site as a storage site storing materials for other sites they then need to be shut down and he gave them instructions to do it as of tomorrow. They must prove that they are storing and using it as a staging site for another construction project.

Commissioner Paul stated that the issue Mr. Plutno brought up is that they start opening the gates at 6 am. and Code Enforcement Officers should start earlier and change shifts to cover hours that are not being covered.

Town Manager Olmedillo stated that Code Enforcement will address and check the issue of them staging for another construction project and they will be shut down and that will also cure the noise issue.

Commissioner Paul questioned what was being done about the use of leaf blowers. Town Manager Olmedillo stated that they have been sited on numerous occasions and Code Enforcement is after them and citing them on a constant basis.

Commissioner Paul would like statistics on how many citations were issued and how many have been paid because it is still occurring.

Commissioner Paul spoke regarding the Tourism budget and inconsistencies that are out of line with what is good for the residents and the tourists. She feels the Town is too centered on tourism and our beaches need to be clean. The Town needs to focus on cleaner beaches, better signage on the beaches, designated areas of where to walk, ride your bike and walk your dog. Bal Harbour has proper signage and this needs to be addressed so everyone can utilize the beach paths safely.

Commissioner Karukin spoke regarding why the beach chair item was moved and regarding the storage of beach chairs and will address this on January 27, 2019. He spoke regarding the Tourist Board and that the State limits what you can spend tourist dollars on.

Commissioner Cohen addressed the public's comments including leaf blowers and enforcing the laws we put into place. He spoke regarding the Tourist Board budget. He addressed the comment on public land and how important it is for the Town to have public land and protect it. He spoke about expenditures the Town makes in order to compete with other cities. He responded to the comment made that Surfside is a private beach and that the beach is a public beach and to make sure everybody has rights to the beach.

Mayor Dietch spoke on code compliance and following the rules and the laws of the Town enforcing the infractions and they are trying to be a sensitive community. He understands the concerns expressed and encouraged the residents to attend the Town Hall meeting.

Mayor Dietch 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.

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

A. Street Lighting in Residential District – Vice Mayor Daniel Gielchinsky

Vice Mayor Gielchinsky introduced the item and spoke on standard LED lighting.

Mayor Dietch opened the floor to public comments and the following individuals spoke on the item:

- Eliana Salzhauer
- Ellen Abramson
- George Kousoulas

Commissioner Paul commented that lighting is very important, not only street lighting, but also for beautification and making our streets look better by changing the light features. She feels that we need to work with Florida Power and Light (FP&L). Commissioner Paul said that the fluorescent lights get lighter as they are on longer as well as LED and the quality of light. She stated that it is important and she would like the Town Manager to work with FP&L to see what is available as far as fixtures and bulbs and see samples before putting them up to ensure they are pleasing.

Commissioner Karukin commented that this is a topic that will not make everyone happy and the type of lighting is important. This is not high up on the priority list for him and what the cost would be.

Commissioner Cohen asked how this applies to Collins Avenue lighting.

Mayor Dietch stated that this is the County's and inventory has been done of all the lighting in Surfside and most of the lights have been converted to LED. He also spoke regarding the residents stating the gaps of no lights and how they do not feel safe. Mayor Dietch spoke regarding FP&L's standards.

Commissioner Paul spoke regarding the lighting of Collins Avenue and Harding Avenue and how dark it is.

Mayor Dietch asked Town Manager Olmedillo if that section pertains to the County and Town Manager Olmedillo replied that it pertains to the County.

Commissioner Paul asked if a study had been done by CGA on the lighting because she has never seen the study and asked if the Community Center could be added.

Assistant Town Manager Duncan Tavares addressed the RFP that is in the process of being issued on the business district lighting.

Discussion continued among the dais regarding the RFP and the lighting in the business district.

Town Manager Olmedillo explained that all the poles in the residential area are FP&L poles and are already in the process of being changed to LED bulbs. They can approach FP&L and ask what their standards will be for this project and then determine what dark spots are left and then go back to FP&L and ask what they are planning to do. If the Commission wants to add more poles it has to be Town poles and he is not sure if it can be negotiated with FP&L because it would be a different standard.

Vice Mayor Gielchinsky asked how the Town can measure that FPL met the standards and criteria.

Town Manager Olmedillo stated that in their contract it states what their standards will be and FP&L and the contractor will submit the as built and provide it to the Town.

Direction was given to the Town Manager to come back with FP&L's LED Lighting Standards and the programming of installation of the LED lights.

9. Mayor, Commission and Staff Communications

- A. Board/Committee Appointments – Sandra Novoa, MMC, Town Clerk
- Sustainability Committee – Mayor Daniel Dietch**

Mayor Dietch stated that he would come back at a later time with an appointee to the Sustainability Committee.

B. Legislative Priorities – Guillermo Olmedillo, Town Manager [Linked to Item 1H]
This item was discussed under item 1H.

C. Downtown Vision Advisory Committee – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced Tourism Director, Lindsay Fast.

Tourism Director Fast introduced the item and explained the Committee and stated that staff is seeking direction from the Commission as to drafting of the ordinance.

Mayor Dietch opened the floor to public comments and the following individuals spoke on the item:

- George Kousoulas
- Eliana Salzhauer
- Ellen Abramson
- Diana Gonzalez

Commissioner Karukin commented on the goals and objectives and some concerns regarding number two.

Tourism Director Fast answered Commissioner Karukin's questions and stated that number two pertains to pop up stores and that everything else would come before the Commission for their approval.

Town Manager Olmedillo responded that it is basically extending the list to the downtown area.

Commissioner Karukin feels they need two or three deliverables and not too broad.

Mayor Dietch explained that the moratorium is what made the public become more engaged and to develop a committee and let them determine what can be done.

Discussion continued among the dais regarding the goals and objectives and identifying more specific deliverables from the Committee, allowing the Town Manager to have flexibility to appoint members and decisions being voted on by the Commission.

Discussion ensued among the Commission regarding the composition of the Committee being residents and that stakeholders should be invited to be involved and not restrict only to residents.

Vice Mayor Gielchinsky agrees that it should be the Town Manager's Committee and he can then bring the names to the Commission to vote on the slate.

Commissioner Karukin left at 11:13 p.m.

Mayor Dietch stated that he believes seven members is the right number of members for the composition of the Committee. He believes it should be a Committee of the Town Manager with input of the Committee and is fine that a majority of members be Surfside residents and business owners and ratified by the Commission. He also stated that the Town Manager should be the Chair of that Committee.

Commissioner Paul wants it to be clear that it should prioritize business owners who are residents and suggested having a landscape architect as a member of the Committee. She still feels troubled that it is comprised of only two residents and would like to see more balance.

Discussion continued among the Commission on the makeup of the Committee.

Vice Mayor Gielchinsky agrees with Mayor Dietch's suggestions.

Direction to staff to amend the application to allow a place where the applicant can state if they are a Surfside resident.

D. Code of Ethics Ordinance Enhancements and Amendments – Mayor Daniel Dietch

Mayor Dietch introduced the item.

Commissioner Cohen left the meeting at 11:40 p.m.

Commissioner Paul asked if the Code of Ethics was recently updated in the past year or two years. Town Attorney Arango stated that there were a few updates but not as thorough as this update.

Commissioner Paul stated that she is supportive of this as long as it applies to all staff, directors, contractors, and freelancers. She feels that everyone should be held to the same standards.

Mayor Dietch opened the floor to public comments and the following individuals spoke on the item:

- Joel Simmonds
- Eliana Salzhauer
- Ellen Abramson

Vice Mayor Gielchinsky discussed the code of ethics and the training they get every year and the differences between them.

Mayor Dietch gave examples of gifts that the Commission gets and ethics opinions on this matter.

Discussion continued regarding the Sunshine Law and ethics codes.

Commissioner Paul commented that a gift from one's parent does not apply but page 228; number 4 is confusing. She supports the concept if it includes all the staff and employees.

Commissioner Paul asked what happened to Item D on page 230 regarding PACE and Mayor Dietch responded to Commissioner Paul's question stating to go back to the PACE item and it will clarify it there.

Direction was given by the Commission for the Town Attorney to draft the ordinance with very clear standards.

E. Abbott Avenue Drainage Improvements – Guillermo Olmedillo, Town Manager

Town Manager Olmedillo introduced the item.

Commissioner Paul made a motion to extend the meeting an additional 30 minutes. The motion was seconded by Vice Mayor Gielchinsky and all voted in favor with Commissioner Karukin and Commissioner Cohen absent.

Vice Mayor Gielchinsky would like to defer this item until the whole Commission is present to vote.

Commissioner Paul would also like to defer this item until a full Commission can be here and she would like a presentation done when this comes back to the Commission. She said that she was not able to read the report because of the length of the report and she has questions. She needs to gather more information before coming to a decision.

Commissioner Paul would like a PowerPoint presentation from Calvin Giordano and Associates with graphics, options, and visually where the pipes will lie. She requested a visual of various stages, flooding and the options in order for everyone to understand better.

Curt Keyser of Calvin Giordano and Associates stated that they will be more than happy to give a presentation at the next meeting and will give the Commission a report and highlights in a form understandable by all.

Mayor Dietch opened the floor to public comments and the following individuals spoke on the item:

- Eliana Salzhauer
- Deborah Cimadevilla

Commissioner Paul made a motion to defer this item until January 2019. The motion was seconded by Vice Mayor Gielchinsky and all voted in favor with Commissioner Cohen and Commissioner Karukin absent.

F. Byron Avenue Traffic Congestion – Guillermo Olmedillo, Town Manager

Mayor Dietch recused himself from this item and quorum was lost.


Due to loss of quorum the item will be deferred to the January 2019 meeting.

10. Adjournment


There being no further business, Vice Mayor Gielchinsky made a motion to adjourn. The motion received a second from Commissioner Paul. The meeting adjourned at 12:21 a.m. on December 12, 2018.

Respectfully submitted,

Accepted this 8th day of January, 2019



Daniel Dietch, Mayor

Attest:


Sandra Novoa, MMC
Town Clerk