



**Town of Surfside**  
**Regular Town Commission Meeting**  
**MINUTES**  
**April 9, 2019**  
**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 7:08 p.m.

**B. Roll Call of Members**

Town Clerk Novoa called the roll with the following members present:

Mayor Daniel Dietch, Commissioner Michael Karukin, Vice Mayor Daniel Gielchinsky and Commissioner Barry Cohen. Commissioner Tina Paul was absent.

**C. Pledge of Allegiance**

Chief Yero led the Pledge of Allegiance

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

Vice Mayor Gielchinsky spoke about the legislature proposed cuts to Medicaid disbursements to providers that treat children diagnosed with autism (ASD).

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

Vice Mayor Gielchinsky made a motion to add a new item as 9F to speak about the Planning and Zoning Board request about the Freeboard.

Mayor Dietch pulled items 3G and 3H from the consent agenda as they required approval due to presentations and to move item 9D to after consent and to defer item 9C.

The motion was made by Vice Mayor Gielchinsky, received a second from Commissioner Karukin and all voted in favor.

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

Commissioner Karukin spoke regarding the beach renourishment and the Tourist board approved an item regarding transportation to a pop-up beach for residents and visitors. He stated that the Tourist Board debated on two locations, one close to the north side and the other by the south side. Commissioner Karukin toured both locations and approves the locations for the pop-up beach.

Mayor Dietch spoke regarding Seymor Gelber and requested a moment of silence in honor of Mr. Gelber who passed away at the age of 99.

Commissioner Karukin also spoke regarding Mr. Gelber and the type of man he was.

Mayor Dietch congratulated Police Officer of the month, Officer Duran.

Mayor Dietch spoke regarding the annual Water Conversation event.

Mayor Dietch announced the hosting of the beach cleanup on April 13, 2019 at the Community Center.

Mayor Dietch spoke regarding the different events taking place in the Town. All these events and information can be found on the Town's website.

Vice Mayor Gielchinsky read an article stating that Airbnb is rescinding its plan to bar listings in the Israeli bank.

**G. Miami- Dade County Fire Rescue 2018 Annual Report Presentation – Miami-Dade County Fire Chief Dave Downey**

Mayor Dietch introduced Miami-Dade County Fire Chief Dave Downey who presented the Annual Report to the Town Commission and presented to the Commission a plaque with the Miami-Dade County Fire Department logo.

Vice Mayor Gielchinsky asked some questions which were answered.

Mayor Dietch took a moment of privilege and read Miami- Dade Fire Chief Dave Downey's biography and presented him with the Key to the Town.

**H. Presentation of the Town Commission Annual Salary - Guillermo Olmedillo, Town Manager**

Town Manager Guillermo Olmedillo gave a presentation of the Commission annual salary. Each member of the Town Commission was presented with their one-dollar annual check.

**I. Arbor Day Proclamation Presentation - Mayor Daniel Dietch**

Mayor Dietch read the proclamation into the record and presented it to Randy Stokes, Public Works Director.

- J. Municipal Clerks Appreciation Week Presentation to Town Clerk Sandra Novoa, MMC - Mayor Daniel Dietch**  
Mayor Dietch read the proclamation into the record. He presented the proclamation to Town Clerk Sandra Novoa and commended her for her service to the Town.

**2. Quasi-Judicial Hearings**

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

\*\*Item 3F, 3G and 3H were pulled and heard before adoption of the consent agenda items.

Commissioner Karukin made a motion to approve the consent agenda. The motion received a second from Vice Mayor Gielchinsky. The motion carried 3-1 with Commissioner Cohen voting in opposition.

**A. Minutes – Sandra Novoa, MMC, Town Clerk**  
Approved on Consent

- March 12, 2019 Regular Town Commission Meeting Minutes

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

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

**D. Committee Reports – Guillermo Olmedillo, Town Manager**  
Approved on Consent

- February 25, 2019 Parks and Recreation Committee Minutes
- February 28, 2019 Planning and Zoning Board Minutes

**E. Approval to Modify the Parking Meter Rate to a Variable Rate Based System – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN ON-STREET VARIABLE PARKING RATE IN THE BUSINESS DISTRICT ON HARDING AVENUE FOR WEEKDAYS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on Consent

**F. Resolution in Opposition to House Bill 1383 and Senate Bill 1720, Bert J. Harris Act – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING FLORIDA HOUSE BILL 1383 AND SENATE BILL 1720 RELATING TO PROPERTY RIGHTS AND BERT J. HARRIS ACT CLAIMS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

The following speakers spoke on this item:

Sasha Plutno

Eliana Salzhauer

Approved on Consent

**G. Arbor Day Proclamation Presentation and Resolution - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING THE IMPORTANCE OF TREES FOR THE TOWN OF SURFSIDE'S COMMUNITY AND ENVIRONMENT AND ENCOURAGING THE PLANTING OF TREES; PROCLAIMING APRIL 26, 2019 IN THE TOWN OF SURFSIDE AS "ARBOR DAY"; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Item was pulled in order to approve prior to presentations.

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

**H. Municipal Clerks Appreciation Week Proclamation Approval - Mayor**

Daniel Dietch

Item was pulled in order to approve prior to presentations.

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

**4. Ordinances**

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

**A. Second Reading Ordinances**

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

**B. First Reading Ordinances**

**1. Florida Friendly Landscape – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING ARTICLE VIII, "LANDSCAPE REQUIREMENTS," OF CHAPTER 90, "ZONING," OF THE TOWN'S CODE OF ORDINANCES BY ESTABLISHING FLORIDA-FRIENDLY LANDSCAPE REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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.

The following members of the public spoke on the item:

Sasha Plutno  
Eliana Salzhauer  
Phyllis Shamis

Town Manager Guillermo Olmedillo addressed Ms. Salzhauer's comments and concerns and will have the Town's consultant sit with Ms. Salzhauer and address her concerns.

Mayor Dietch addressed the comments made by the public.

After some discussion Vice Mayor Gielchinsky made a motion to defer the item for one month. The motion received a second from Commissioner Cohen. The motion carried 3-1 with Commissioner Karukin voting in opposition.

- 2. Ordinance Amending Chapter 34 "Environment" of The Town's Code of Ordinances to Create Section 34-15, Within a New Division 5, "Sunscreen Products," to Prohibit the Sale of Sunscreen Products Containing Oxybenzone or Octinoxate, or Both – Mayor Daniel Dietch**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 34 "ENVIRONMENT" OF THE TOWN'S CODE OF ORDINANCES TO CREATE SECTION 34-15, WITHIN A NEW DIVISION 5, "SUNSCREEN PRODUCTS," TO PROHIBIT THE SALE OF SUNSCREEN PRODUCTS CONTAINING OXYBENZONE OR OCTINOXATE, OR BOTH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title of the ordinance.

The following members of the public spoke on the item:

Shmuel Rubenstein  
Eliana Salzhauer  
Ben Jacobson  
Raul Concepcion  
Daniel Alvarez  
Devorah Shagalov  
Melissa Lazarus  
Dr. Andrew Weinstein  
Michael Abrouk  
Brian Berman  
Kurt Reynertson

Commission responded to the public's comments.

Commissioner Karukin made a motion for discussion purposes. The motion received a second from Commissioner Cohen and all voted in favor.

After an extensive discussion Mayor Dietch made a motion to approve the ordinance. The motion died for lack of a second.

**5. Resolutions and Proclamations**

*(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)*

**A. Tree Giveaway - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN EXPENDITURE FOR PURCHASE OF TREES FROM LUKE'S LANDSCAPING IN CONNECTION WITH THE TOWN'S TREE GIVEAWAY PROGRAM; AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$30,250.00; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title into the record.

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

**B. Autism Awareness Month and AHCA's Proposal to Cut Funding for ABA Services – Vice Mayor Daniel Gielchinsky**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE STATE OF FLORIDA GOVERNOR AND THE LEGISLATURE TO REJECT CERTAIN PROPOSALS PROVIDING FOR A REDUCTION IN APPLIED BEHAVIORAL ANALYSIS ("ABA") SERVICES FOR AUTISTIC PERSONS BY THE AGENCY FOR HEALTH CARE ADMINISTRATION ("AHCA"); RECOGNIZING APRIL AS AUTISM AWARENESS MONTH IN THE TOWN OF SURFSIDE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title into the record.

The following members of the public spoke on the item:

Eliana Salzhauer  
Sasha Plutno

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

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

The following members of the public spoke on items that were not on the agenda.

Eliana Salzhauer spoke regarding the approval of the Eden Hotel project, the EpiPen item, water challenge and be more mindful of the impact on the environment.

Sasha Plutno spoke about the vehicles on the beach and the July 4<sup>th</sup> fireworks related to the sea turtle nesting.

Marcia Texeira spoke about the Town's commitment to the quality of life of the residents.

Justo (Andy) Atrio spoke about the conditions of the sea grape trees by the beach and provided pictures to the Commission.

Pamela O'Hagan spoke on behalf of Patricia Fowley regarding the Eden project.

Pamela O'Hagan spoke about the Eden Development.

Sheryl Goldberg spoke about the importance of the Eden Development reaching an agreement with their neighbors. She also spoke about the Downtown District and the stain on the sidewalks due to food droppings. She also spoke about the EpiPens and plastic bags in the supermarkets.

Uri Cohen spoke about the current prohibition of the use of leaf blowers.

Avital Atar spoke about issues that concern her that the parks are not in good condition or clean, no libraries and the fact that the Town is not family oriented. She spoke regarding the lack of enough sidewalks.

Mady Dawsdpon spoke regarding the lack of sidewalks, streets are not family oriented and the lack of enough lighting.

Ezzy Wasserman spoke about the ordinance that was passed banning leafblowers.

Phyllis Shamis spoke about the Eden project and asked the Commission to do anything that needs to be done to protect the O'Hagans and the Fowleys.

Diana Gonzalez spoke about the reconsideration on the water conservation and artificial grass prohibition projects in the Town.

Members of the Town Commission addressed some of the comments from the speakers.

## **7. Town Manager and Town Attorney Reports**

Under item 3



**8. Unfinished Business and New Business**

No unfinished business or new business.

**9. Mayor, Commission and Staff Communications**

**A. Beach Renourishment Presentation Update [Verbal] – Guillermo Olmedillo, Town Manager**

Town Manager Guillermo Olmedillo gave a verbal update and presentation of the beach renourishment project.

Vice Mayor Gielchinsky asked about the projected start date of the renourishment project and explained what the project entailed including which portions of the beach will be closed.

Further discussion among Vice Mayor Gielchinsky and Town staff regarding the project and informing the residents and construction schedule.

Mayor Dietch requested the Town Clerk email the PowerPoint presentation to him.

**B. Code Compliance Resources and Process – Guillermo Olmedillo, Town Manager**

Town Manager Guillermo Olmedillo presented the item.

The following members of the public spoke on the item:

Sasha Plutno  
Eliana Salzhauer  
Diana Gonzalez  
Phyllis Shamis

Commission and staff addressed some of the questions from the public.

Mayor Dietch recommended to hire two (2) part-time positions to concentrate on the beach and downtown areas and one (1) full-time administrative support position.

Discussion among the Commission and Town Manager continued, and the Commission requested the Town Manager to come back in a few months with an update.

Mayor Dietch made a motion to direct the Town Manager to hire two (2) part-time code compliance officers to concentrate on the beach and downtown areas and one (1) full-time administrative support personnel. The motion died for lack of second.

**C. EpiPen Policy Discussion – Commissioner Tina Paul**  
Item was deferred.

**D. Miami-Dade County Environmental Enhancement and Education Grant Opportunity – Mayor Daniel Dietch**  
Mayor Dietch introduced the item.

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

**E. Town Hall Meeting Recap - Mayor Daniel Dietch**  
Mayor Dietch gave an update and requested that the Town Hall meeting recap be published on the website and to update the formatting.

The following members of the public spoke on the item:  
George Kousoulas

Vice Mayor Gielchinsky made a motion requesting staff to publish and update the formatting on the website. The motion received a second from Commissioner Karukin and all voted in favor.

**F. Planning & Zoning Board Request for Give a Foot – Get a Foot Campaign/Freeboard – Vice Mayor Gielchinsky ADD ON ITEM**  
Vice Mayor Gielchinsky introduced the item.

Vice Mayor Gielchinsky requested to bring this item back for discussion at the next Commission meeting.

Town Manager Guillermo Olmedillo explained this concept and the process of approval prior to being sent to Miami-Dade County Elections Department.

Town Clerk Sandra Novoa advised the Commission on the qualifying dates, which are not available at this time and the requirements prior to adding a question on a ballot.

Vice Mayor Gielchinsky made a motion to extend the meeting for 30 minutes. The motion received a second from Commissioner Karukin. All voted in favor.

Further discussion took place among the Commission on this item.

The following members of the public spoke on the item:  
Sasha Plutno  
Eliana Salzhauer  
George Kousoulas

Commissioner Cohen left at 11:15 p.m.

Vice Mayor Gielchinsky made a motion to direct the Town Clerk to speak with Miami Dade County Elections Department to determine the schedule for referendum items and to develop the specific language for the Commission's consideration at the May Commission meeting. The motion received a second from Commissioner Karukin. All voted in favor with Commissioner Cohen absent.

### 10. Adjournment

There being no further business to discuss before the Commission, the meeting adjourned without objection at 11:17 p.m.

Respectfully submitted,

Accepted this 14<sup>th</sup> day of May, 2019.

Attest:

  
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Sandra Novoa, MMC  
Town Clerk

  
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Daniel Dietch, Mayor