



**Town of Surfside
Regular Town Commission Meeting
MINUTES
July 9, 2019
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 7:01 p.m.

B. Roll Call of Members

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

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

C. Pledge of Allegiance

Chief Yero led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Vice Mayor Gielchinsky extended his gratitude and recognition to Parks & Recreation Director Milian and the Parks & Recreation Department for another July 4th event. He also thanked the Town staff and his colleagues for locating a new food vendor which has been very beneficial to the community.

Mayor Dietch reminded everyone that the children are out of school for the summer and everyone should be mindful and cautious as they are driving and riding their bikes.

Mayor Dietch reminded everyone about turtle nesting season and the 2019 hurricane season. He encouraged everyone to have their hurricane preparedness kits ready.

Mayor Dietch advised of the upcoming beach renourishment project that the US Army Corps of Engineers will be working on placing sand on the beach in the Town.

Mayor Dietch stated that effective Tuesday, July 16, 2019 the Town's access channel 93 will be located on channel 663 of the Atlantic Broadband lineup.

Mayor Dietch mentioned that on September 4, 2019 the Miami-Dade School Board will consider the upcoming legislative items and he encouraged everyone to attend.

Mayor Dietch invited everyone to attend his upcoming Town Hall Meeting on July 22, 2019 at 7:00 pm in the Commission Chambers.

Mayor Dietch mentioned the upcoming schedule for the street sweepers which can be found on the Town's website.

Mayor Dietch stated that the Police Department will be hosting its next Coffee with a Cop on July 25, 2019 at 10:00 a.m. at the Starbucks on Harding Avenue.

Mayor Dietch stated that the Police Department will be hosting its next Bike Ride with the Chief on July 31, 2019 at 5:00 p.m. starting at Town Hall.

Mayor Dietch invited the community to participate in an online satisfaction survey. The deadline is noon on July 31, 2019.

Mayor Dietch mentioned that the Higher Education Scholarship application deadline has been extended to August 2, 2019.

Mayor Dietch gave the schedule for recycling pickup which can be found on the Town website.

Mayor Dietch spoke regarding the Town Dog Park.

Mayor Dietch advised everyone to lock their vehicles and bikes to avoid opportunistic crimes. All of this can be found on the Town's website and on the Gazette.

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

Commissioner Cohen made a motion to take item 9J after item 4A1 and item 9G after item 9J. The motion received a second from Mayor Dietch and all voted in favor.

Commissioner Karukin made a motion to pull item 3F. The motion received a second from Vice Mayor Gielchinsky and all voted in favor.

Commissioner Karukin made a motion to have the budget discussions at 10:30 p.m. Motion seconded by Vice Mayor Gielchinsky and passed with a 5-0 vote.

Vice Mayor Gielchinsky made a motion to move the budget discussion to 11:00 p.m. Motion seconded by Commissioner Karukin and passed with a 4-0 vote with Commissioner Cohen absent.

Commissioner Paul made a motion to move the budget discussion to 11:30 p.m. Motion seconded by Commissioner Karukin and passed with a 4-0 vote with Commissioner Cohen absent.

Commissioner Paul made a motion to move the budget discussion to 11:45 p.m. Motion seconded by Commissioner Karukin and passed with a 4-0 vote with Commissioner Cohen absent.

F. Community Notes – Mayor Dietch
Community notes are under item 1D.

G. Presentation of Parks and Recreation Proclamation – Mayor Daniel Dietch

Mayor Dietch read the proclamation into the record and presented the proclamation to Parks & Recreation Director Milian and staff.

Commissioner Paul stated it was an honor serving as the Parks & Recreation Committee Liaison and commended the Parks & Recreation staff.

H. Presentation of Certificate of Appreciation from Miami-Dade County Office of the Mayor and Board of County Commissioners – Mayor Daniel Dietch

Mayor Dietch stated that Surfside contributed to the Miami-Dade Homeless Trust this past year. He spoke regarding the program and the benefits the Town receives from this program. They are starting a new program to help with mental illness. The Town of Surfside was presented with a Certificate of Appreciation.

Mayor Dietch read the Certificate of Appreciation into the record.

I. Presentation of Mango Contest Winners - Mayor Daniel Dietch

Mayor Dietch presented prizes to the Mango contest winners. He gave a history of the Mango contest and commended Dalia Blumstein who started this contest.

3rd Place – Linda Salzhauer – Ms. Salzhauer thanked the Commission.

2nd Place – Marsha Texeira – Ms. Texeira thanked the Commission.

1st Place – Meredith Rasco – Ms. Rasco was not present to receive her prize and it will be sent to her.

J. Recognition of Town Clerk Sandra Novoa, MMC for Receiving the 2019 Florida Association of City Clerks President's Award - Mayor Daniel Dietch

Mayor Dietch recognized Town Clerk Novoa for receiving the 2019 Florida Association of City Clerks President's Award.

Town Clerk Novoa thanked the Commission, the Town Manager and the Town Attorney for their support and assistance.

2. Quasi-Judicial Hearings

No items.

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

A motion was made by Commissioner Karukin and seconded by Vice Mayor Gielchinsky to approve the Consent Agenda minus the pulled items. Motion carried 5-0.

- A. Minutes – Sandra Novoa, MMC, Town Clerk**
May 14, 2019 Regular Town Commission Meeting
June 11, 2019 Regular Town Commission Meeting

Approved on consent.

- *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
- May 16, 2019 Downtown Vision Advisory Committee Meeting minutes
- June 3, 2019 Tourist Board Meeting Minutes

Approved on consent.

- E. **Purchase of Emergency Town Hall Generator to Upgrade Existing System** – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE PURCHASE AND INSTALLATION OF AN EMERGENCY GENERATOR FOR TOWN HALL FROM MEIRELES TRUCK SALES, INC. D/B/A MTS POWER PRODUCTS; FINDING THAT THE PURCHASE AND INSTALLATION ARE EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(4) OF THE TOWN CODE AS AN EMERGENCY AND SECTION 3-13(7)E OF THE TOWN CODE AS A PUBLIC WORKS OR UTILITIES PURCHASE OF EQUIPMENT; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR SUCH PURCHASE AND INSTALLATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

- F. **Community Center Photovoltaic System**– Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 117 WITH CALVIN GIORDANO & ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR A DESIGN-BUILD PHOTOVOLTAIC SYSTEM AT THE SURFSIDE COMMUNITY CENTER; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE WORK AUTHORIZATION; AUTHORIZING THE TOWN MANAGER AND TOWN OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

Town Clerk Novoa read the title into the record.

Commissioner Paul stated that she would like to hold off on this item.

Discussion continued among Commissioner Paul and the Commission regarding the panels and FPL.

The following public speaker spoke on the item:

Eliana Salzhauer

Town Manager Olmedillo gave a synopsis of the research that was conducted.

Mayor Dietch asked if Commissioner Paul would agree to use it on another municipal building.

Public Works Director Stokes explained that the Community Center uses three times the amount of energy that Town Hall uses. He supports this item.

A motion was made by Vice Mayor Gielchinsky to approve the resolution. Motion seconded by Mayor Dietch and carried with a 3-1 vote with Commissioner Paul voting against and Commissioner Cohen absent.

G. IT Infrastructure Upgrades – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE PURCHASE OF IT INFRASTRUCTURE UPGRADES EQUIPMENT FROM DELL TECHNOLOGIES, INCLUDING SERVER AND STORAGE UPGRADES FOR THE TOWN, AND AUTHORIZING THE EXPENDITURE OF FUNDS NOT TO EXCEED \$75,000.00 FROM THE GENERAL FUND, CAPITAL PROJECTS, 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. Holiday Lights – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED A CONTRACT TO SOUTH FLORIDA LIGHTING TEAM, LLC (D/B/A MIAMI CHRISTMAS LIGHTS) FOR TOWN-WIDE HOLIDAY DECORATIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

I. **Nurse Initiative – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SURFSIDE, THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, TOWN OF BAY HARBOR ISLANDS, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2019/2020 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

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

A. Second Reading Ordinances

- 1. Ordinance Amending Section 34-11, “Prohibition on Distribution, Sale or Use of Plastic Straws,” by Amending the Title to be “Prohibition on Distribution, Sale or Use of Single-Use Plastics,” Providing for Definitions for Single-Use Plastics, and Regulating Single-Use Plastics – Lillian Arango and Haydee Sera, Town Attorneys**

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 BY AMENDING THE TITLE TO BE “PROHIBITION ON DISTRIBUTION, SALE OR USE OF SINGLE-USE PLASTICS,” PROVIDING FOR DEFINITIONS FOR SINGLE-USE PLASTICS, AND REGULATING SINGLE-USE PLASTICS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Town Clerk Novoa read the title into the record.

A motion was made by Commissioner Paul for purposes of discussion and seconded by Vice Mayor Gielchinsky.

The following members of the public spoke on the item:

Eli Tourgeman
Madison Bernett
Jeff Platt
Marianne Meischeid
Chris O'Neil
Jennifer Rotker
Shaun Grenald
Deborah Cimadevilla
George Kousoulas
Yolas Correa
Frederick Marq

Mayor Dietch thanked the public speakers for their comments and remarks.

Commissioner Paul spoke regarding the climate crisis everyone is in and stated that there is a need to lead by example and thanked the last speaker. She expressed her concern with the fact that the ocean is dying and this is a beach town. She stated that everyone needs to be more proactive.

Mayor Dietch thanked Commissioner Paul for referring to it as a climate crisis and that people do not connect today with tomorrow and the next generation.

Mayor Dietch gave the statistics of those that have banned plastic bags and they are all coastal communities. He gave statistics on the amount of plastic that is in our oceans.

Mayor Dietch gave a synopsis of the item and the prohibition of single use plastic straws and what occurred in the legislature. He also stated what the private companies are doing to eliminate the use of plastic bags in their grocery stores.

Commissioner Paul stated that the oceans are dying and explained the problem with plastics and what it is doing to the environment. She will accept any term but feels it is a mistake as the ordinance has many exceptions to it.

Commissioner Karukin stated he appreciates a compromise and he will support it with removing single use flatware and dinnerware. He is also in agreement with banning the plastic bags.

Vice Mayor Gielchinsky stated that as a local government we have a place here to protect our citizens and that includes having a responsibility and taking leadership in this issue. He spoke regarding the pending lawsuit and is worried passing this might include us as another municipality in litigation. There will be a time for this, and Coral Gables will succeed and once that happens, he will support it. He is happy that the Mayor is proposing a modification to this ordinance.

Commissioner Cohen stated that necessity is the mother of invention and there are biodegradable plastics that are available through many sources. He feels that we need to have workshops and studies and feels that we should take the least restrictive alternatives and not cause damage to our businesses. He thinks they need to come up with something more reasonable and does not feel that they need to make hard and fast rules. He stated that he thinks they should be fully educated and start a process.

Mayor Dietch asked the Town Clerk to call the vote amending the ordinance to remove the single use plasticware and dinnerware in all places and only to read for single use plastic bags.

Commissioner Cohen asked if there was a procedure set up to move forward with educating the public.

Mayor Dietch stated yes there is an outreach program and a compliance period.

A motion was made by Mayor Dietch to approve the ordinance as amended by removing the single use plasticware and dinnerware in all places and only to read for single use plastic bags. Motion seconded by Vice Mayor Gielchinsky. Motion passed with a 5-0 vote.

2. Model Flood Ordinance – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING AND REPLACING CHAPTER 42 "FLOODS" RELATING TO THE TOWN'S FLOODPLAIN MANAGEMENT REGULATIONS, INCLUDING ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOOD PLAIN ADMINISTRATOR; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR

CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

Town Clerk Novoa read the title into the record.

A motion was made by Commissioner Karukin to approve the ordinance. Motion seconded by Vice Mayor Gielchinsky and passed with a 5-0 vote.

B. First Reading Ordinances

- 1. Hurricane Shutter Recommendation – Guillermo Olmedillo, Town Manager**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS" OF THE TOWN'S CODE OF ORDINANCES BY CREATING SECTION 14-58, "STORM SHUTTERS AND HURRICANE PROTECTION DEVICES"; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

A motion was made by Commissioner Paul to approve as amended. Motion seconded by Vice Mayor Gielchinsky and passed with a 5-0 vote.

The following members of the public spoke on the item:

Marianne Meisheid
George Kousoulas

Mayor Dietch stated that he feels he has the support to remove residential areas.

Town Manager Olmedillo stated it was to provide a uniformed look throughout the Town.

A motion was made by Commissioner Paul to approve subject to removing the residential requirement. Motion seconded by Vice Mayor Gielchinsky recommending to include Mr. Kousoulas' comments on Line 51 instead of "up to 10 days prior" make it "upon issuance of a storm watch" and 7-day after the passage of

the storm or the rescission of State of Emergency, whichever is longer. Motion passed with a 5-0 vote.

2. One-Year Extension of the 2018 Parking Exemption Ordinance
– Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 90-77, "OFF-STREET PARKING" OF CHAPTER 90, "ZONING" OF THE TOWN'S CODE OF ORDINANCES TO EXTEND THE PARKING EXEMPTION PROGRAM TO ADDRESS VACANCIES AND ECONOMIC REVITALIZATION IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

A motion was made by Vice Mayor Gielchinsky for purposes of discussion and seconded by Commissioner Paul.

Vice Mayor Gielchinsky feels the program works well and that the restaurant owners stated that the relief was beneficial to them with the opening of new restaurants. He stated that he would like more mom and pop businesses on Harding Avenue. He also stated that he would like to extend it for another year.

Commissioner Paul agrees with extending it another year, but the business owners should be notified. She feels the Commission should consider a vacancy tax for those properties that have remained vacant for another year.

Mayor Dietch would like to ask for some flexibility with new vacancies that come online.

Town Attorney Arango stated that the way it is drafted, as it pertains to eligibility, it pertains to those properties on the inventory list as of July 1, 2019.

Mayor Dietch asked the Town Attorney, without changing the title, if there can be flexibility with changing the title between first and second reading.

Town Attorney Arango asked Mayor Dietch if he would like the potential for eligibility to be ongoing.

Mayor Dietch stated that it would be over the period of that year and subject to the Town Manager's review.

Commissioner Cohen asked if they can require people to rent their property.

Mayor Dietch stated that they are trying to strike a balance with government intrusion.

A motion was made by Vice Mayor Gielchinsky to adopt the recommendation of the Town Manager and incorporate the Mayor's proposal to build some flexibility into the program at the Manager's discretion for vacancies that come up during the year. Motion seconded by Commissioner Karukin and carried with a 5-0 vote.

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

A. Florida Power and Light (FPL) Light Emitting Diode (LED) Street Light Conversion in Residential Area – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN LED LIGHTING AGREEMENT WITH FLORIDA POWER & LIGHT COMPANY (FPL) FOR THE CONVERSION AND INSTALLATION OF LED LIGHTING FACILITIES ON STREETS IN THE RESIDENTIAL AREA; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

A motion was made by Commissioner Paul for purposes of discussion and seconded by Vice Mayor Gielchinsky.

Commissioner Paul asked if anyone had a chance to go and see the LED lighting.

Town Manager Olmedillo stated that the Mayor was able to go.

Commissioner Karukin asked if it was the same ones at the 94th Street parking lots?

Public Works Director Stokes stated those are 4000. Those are the ones they do not recommend because they affect sleep.

Commissioner Karukin would like to defer it for one more month.

Commissioner Cohen asked why this is only in the residential district and not A1A.

Town Manager Olmedillo stated that there are three jurisdictions on lighting, the Town, FDOT and the County. He stated that the Town oversees the lights in the residential areas. FDOT and County are embarking in a program that will include the intersections on Harding and Collins and it should start soon. He stated that FDOT will receive LED lighting improvements at the intersections of Harding and Collins.

Commissioner Paul made a motion to defer the item for a month. Motion seconded by Commissioner Karukin and passed with a 5-0 vote.

B. Amending the Fee Schedule for Violations of Section 34-11 of the Town Code relating to Single-Use Plastics – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN'S SCHEDULE OF CIVIL PENALTIES AND ADMINISTRATIVE FEES TO BE ASSESSED FOR VIOLATION OF THE TOWN'S CODE, SPECIFICALLY FOR VIOLATIONS OF SECTION 34-11, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF SINGLE-USE PLASTICS"; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

Town Attorney Arango stated this is an accompanying item to the single plastic ordinance that was passed earlier. She stated that the Commission gave direction to change the commercial establishment daily fine from \$250.00 to \$150.00 and that should be the corresponding fine in this resolution. She stated that the 6th whereas clause should be corrected to \$150.00 per violation per commercial establishments consistent with the Commission's direction of March 2018.

Vice Mayor Gielchinsky stated that whatever they do here should be amended to be consistent with what was done tonight to define the use to single use plastics bag being banned moving forward.

Commissioner Paul stated there is a typo on page 646. It should read 2020. She stated that corrections need to be made to pages 345, 347 and

352. The amounts are incorrect and need to be amended. She also stated that littering should be a higher fine and should be enforced.

Commissioner Paul made a motion for purposes of discussion. Motion seconded by Vice Mayor Gielchinsky and all voted in favor.

A motion was made for Commissioner Paul to approve as amended and seconded by Vice Mayor Gielchinsky. Motion passed with a 3-2 vote with Commissioner Karukin and Commissioner Cohen voting against the item.

C. Solid Waste Services Special Assessment Preliminary Rate Resolution – 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; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

Vice Mayor Gielchinsky made a motion to adopt the resolution. Motion seconded by Commissioner Karukin and carried with a 5-0 vote.

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

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

The following members of the public spoke on the item:

Victor May spoke regarding the elections in 2020. He asked regarding the Charter and the Budget having \$300,000 for the amendment of the charter and he suggested to have a committee to determine which charter amendments should move forward on the ballot.

Deborah Cimadevilla spoke regarding levels of electric magnetic fields along Abbott Avenue and other areas and would like to know the status of her requests.

Eliana Salzhauer spoke regarding the crossing at the community center and how dangerous it is. She stated that the crosswalk is not long enough for the elderly and children. She read a statement into the record from Celeste Armas, who was struck by a vehicle while crossing the street to the Community Center.

Jeff Platt spoke regarding the July 4th fireworks and the fact that the beach was not cleaned up after the fireworks.

Peter Neville spoke regarding his visit by a code enforcement officer stating that he could be fined \$100 for his gardener using garden blowers.

Commissioner Karukin made a motion to give Mr. Neville an extra minute. Motion seconded by Commissioner Paul and all voted in favor.

Amparo Korbelt spoke regarding the walking path and replacing the wooden post and thanked the Commission. She asked when the Town is going to finish the second part of the project.

Phyllis Shamis spoke regarding streetlights and replacing those that are out. She spoke regarding houses under construction with the gates open and fireworks being thrown in the middle of the streets.

Jonah Epstein thanked the Commission for funding a nurse at his school. He stated that he and his brother walked to and from the community center daily and there were at least six times that they almost got hit by a car because they speed through the traffic lights.

Jennifer Rotker spoke regarding beach raking and the beach renourishment project.

Commissioner Paul addressed the comments made by the public speakers regarding litter left behind after the July 4th fireworks. She stated that she feels that it needs to be written into the contract that cleanup must be done after the fireworks. She commented on the crossing at 93rd Street and requested the police report and if the consensus is that the light is not long enough before it changes, we should get with FDOT to extend the time of the light. She requested at the budget hearing for more enhancements to the crosswalks. She addressed the garden blowers and stated that the debris does get inside the storm drains. She asked if a study can be done on the EMF by our public works staff.

Town Manager Olmedillo stated that the Public Works Department cannot do those studies.

Mayor Dietch spoke regarding the concerns of the traffic lights and walkway and that they are working with FDOT and Miami Dade County regarding those issues. He also discussed the red-light cameras they had in the past and the decision made a few years ago to remove them. He spoke to the Chief of Police regarding the accident that occurred.

Mayor Dietch directed the Town Manager to have discussions with FDOT and Miami Dade County to enhance the timing of the lights and enhancing the crosswalks.

Mayor Dietch discussed the cleanup after July 4th event and discussed the issue with the lawn blowers. He spoke regarding the wooden posts. He understands that the Public Works Department is replacing them as they can until the beach renourishment is complete. He also stated that there is a post down on 95th Street.

Commissioner Paul asked the Manager if there was supposed to be a crossing in the springtime at 92nd street and stated that there is no stopping between 90th and 93rd Street making that a speedway. She stated that there is a need for traffic lights on each corner due to the walkability factor.

Mayor Dietch responded to Commissioner Paul's comments and advised that FDOT is working on the crosswalk on 92nd Street.

Town Manager Olmedillo stated that it is scheduled within the next 30 days.

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

9. Mayor, Commission and Staff Communications

A. Board and Committee Appointments – Guillermo Olmedillo, Town Manager

- *Downtown Vision Advisory Committee – Town Manager's Committee*

- *Tourist Board – Commissioner Tina Paul*

Commissioner Karukin mentioned his conversation with the Assistant Town Manager regarding DVAC being represented by local business owners and feels that Alan Ohana would be a good fit the DVAC.

Commissioner Paul discussed the application she received for DVAC from Eli Tourqeman.

Commissioner Karukin would not support that appointment and would prefer Mr. Ohana.

Commissioner Cohen stated he received an application from the owner of Backyard BBQ who would like to serve on DVAC and would like as many people involved as possible.

Mayor Dietch stated that additional applications were sought and received.

Commissioner Paul stated she has not seen the applications except the one from Backyard BBQ and is not ready to vote on this appointment.

Discussion continued among Commissioner Paul and Commissioner Cohen regarding the code violations that the owner of Backyard BBQ has been issued.

Town Clerk Novoa stated that the applications for the Tourist Board were distributed but the applications for DVAC were not because it is the Town Manager's Committee and that staff prepared a memorandum to the Commission with the Town Manager's recommendation.

Town Manager Olmedillo gave clarification on who applied for DVAC and the Commission's directive for staff to obtain more applications for DVAC. He also stated it was his recommendation to fill that position with Mr. Ohana.

The following members of the public spoke on the item:

Eliana Salzhauer spoke regarding DVAC and Tourist Board.

Sheryl Goldberg spoke regarding the Tourist Board.

A motion was made by Vice Mayor Gielchinsky to ratify the Manager's selection to appoint Alan Ohana to the DVAC Committee. Motion seconded by Commissioner Karukin and carried with a 5-0 vote.

Mayor Dietch asked the Town Clerk if Ms. Goldberg meets the requirements for the Tourist Board.

Town Clerk Novoa stated that she would need a few minutes to review the application.

Vice Mayor Gielchinsky asked Mayor Dietch if his question was what the qualifications per the code were.

Mayor Dietch stated that he just wanted to make sure she qualifies.

Vice Mayor Gielchinsky read the code section of the qualification for the appointee into the record.

Town Clerk Novoa stated that Barbara Cohen and Jeff Lehman have tourist background. Neil Goodman's background is medical sales and pharmaceutical and owns a downtown business, and Charles Kesl is a business owner not in downtown.

Vice Mayor Gielchinsky stated that they need someone with real tourism background.

Commissioner Paul stated it is her appointment and her appointee is someone equally qualified to her previous appointee.

Further discussion continued among the Commission regarding the qualifications of the applicants and possible appointments.

A motion was made by Commissioner Paul to appoint Eli Tourgeman to be on the Tourist Board and seconded by Commissioner Cohen. Further discussion among the Commission took place. No vote was taken.

A motion was made by Commissioner Paul to appoint Sheryl Goldberg to the Tourist Board and seconded by Commissioner Karukin. Motion failed with a 2-3 vote with Commissioner Cohen, Mayor Dietch and Vice Mayor Gielchinsky voting against the appointment.

Commissioner Karukin stated that it is not an emergency and that Commissioner Paul can appoint someone else at a later time.

- B. Downtown Vision Advisory Committee Parking Lot Rate Recommendation – Guillermo Olmedillo, Town Manager**
Town Manager Olmedillo introduced the item and the recommendations that DVAC provided.

Commissioner Karukin stated that his objections are the same as last time. This prevents employees from parking and the objective is how do you deal with the employees.

Mayor Dietch stated that those employees downtown would purchase a parking pass.

Town Manager Olmedillo explained the different parking passes they sell which have a discounted rate.

Vice Mayor Gielchinsky stated that they encourage employees to go to the 94th street lot and discussed the plan and rideshare in the business district.

Mayor Dietch stated that there are three recommendations.

Commissioner Paul supports \$4.00 an hour at the four-hour maximum.

Town Manager Olmedillo clarified the plan and explained this item is talking about the parking lots.

Police Captain Bambis gave clarification on rates for the on-street parking.

Mayor Dietch asked Mr. Kousoulas to give clarification as a member of DVAC.

George Kousoulas gave clarification of the lots, times and rates.

Commissioner Paul spoke regarding her understanding of the rates and discussed several places, their rates and the need to consider where they are parking and where it is more desirable.

Mayor Dietch asked Commissioner Paul what rate she would be comfortable with.

Commissioner Paul stated that for non-renewable rates she would go to \$3.00 an hour.

Commissioner Karukin stated that they should take the recommendations from DVAC.

Further discussion among the Commission took place regarding the lots involved, the rates and hours.

Commissioner Karukin stated he is in support of the recommendations made on Page 358.

Commissioner Karukin made a motion to go with the recommendations on page 358. Motion seconded by Commissioner Paul as long as DVAC increases the rates.

The following members of the public spoke on the item:

Eliana Salzhauer

Mayor Dietch addressed the comments made by speaker Eliana Salzhauer.

Commissioner Cohen left the meeting at 10:20 p.m.

A motion was made by Commissioner Paul to adjust the time limits per the DVAC recommendations and direct the Town Manager to reach out to the business community to express the existing parking pass program and increase the parking rate to \$3.00 an hour for the hours of 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays and holidays and increase the rate to \$2.00 an hour Mondays through Fridays. Motion passed with a 3-1 vote with Commissioner Karukin voting no and Commissioner Cohen absent.

- C. Artificial Grass for Excess Landscape Areas–** Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced the item.

Commissioner Paul asked what material is currently being used in the landscape areas.

Town Manager Olmedillo stated it could be concrete, pebbles, any other type of material.

Commissioner Paul stated that to offset the benefits of carbon dioxide, can we require more trees on the properties that choose artificial grass.

Town Manager Olmedillo stated that the Commission could give direction to staff to do that and it would require an amendment to the code stating that additional trees are required or have a compensating formula.

Commissioner Paul recommended that those individuals with artificial grass not be fined.

The following members of the public spoke on the item:

Kristofer Machado
Frederic Marq

Mayor Dietch requested that legislation be drafted with the standards to be applicable anywhere in the Town for any installations.

Commissioner Paul spoke regarding the real grass and if this is an alternative to concrete that would be feasible and to add more trees.

A motion was made by Commissioner Karukin to prepare an ordinance to clarify that the excess, non-required landscape area to be artificial turf. Motion seconded by Vice Mayor Gielchinsky and passed with a 4-0 vote with Commissioner Cohen absent.

D. Farmers Market Request – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced the item.

Javier Valmana asked the Commission for their approval to hold a farmers market and presented his idea for the market.

Commissioner Paul is in support of the item but would like to have a trial run of it and would agree to waiving the fees.

Commissioner Karukin stated he was not in support of the item because it was done before and it did not work out. He stated that the parking is at a premium and is hesitant to take away spaces for the market. He also stated that these types of events are usually handled by the Tourist Board and believes that the Tourist Board should have been made aware of it.

Mr. Valmana stated he did meet with the Tourist Board Director and she was in support to the farmers market.

Mr. Valmana stated he would start it the first Sunday in September.

Mayor Dietch stated that he would like to bring back the farmers market. The Town has had several ones that have not succeeded and asked how he would obtain the vendors to make it spectacular.

Mr. Valmana addressed Mayor Dietch's question regarding the vendors.

Mayor Dietch asked Mr. Valmana who will take care of the solid waste component including recycling.

Mr. Valmana stated he would be responsible for the recycling and would like some time to work with the Town or with Miami-Dade County regarding the solid waste component.

Commissioner Karukin commented on the impact of the other boards including DVAC.

George Kousoulas, DVAC Committee member, spoke in support of the farmers market.

A motion was made by Commissioner Paul to direct staff to prepare an MOU to address all the points and any other points deemed to be appropriate for a four-month trial period from September to January. Motion seconded by Commissioner Karukin and carried with a 3-1 vote with Vice Mayor Gielchinsky voting against and Commissioner Cohen absent.

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to extend the meeting to 11:30 p.m. All voted in favor with Commissioner Cohen absent.

- E. Beach Renourishment Update [Verbal]** – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo gave an update of the beach renourishment project and target date to begin is early August.
- F. Paced Development** – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced the item.

Commissioner Karukin stated that the Town is are almost built out with the infill that has occurred and felt that this should have been done in 2015.

Commissioner Paul is in support of this and stated that the code should be reviewed. She stated that crime did increase during the development of the projects and this needs to be regulated better.

The following members of the public spoke on the item:

Eliana Salzhauer
George Kousoulas

Vice Mayor Gielchinsky spoke regarding the Pace Development and the existing infrastructure the Town has and believes the Town should come up with a formula.

Mayor Dietch discussed development and the mechanism of slowing down development and what happens during an evacuation. He discussed the impact of several construction developments occurring at the same time.

Town Manager Olmedillo stated that one of the challenges are projects that straddle Collins Avenue.

Mayor Dietch stated that there is an issue with circulation and it is not working. He stated that there should be more stringent standards as to what is acceptable within the plans themselves. He stated that they should focus on Harding Avenue East and deal with what can be addressed in the development order and slow down development to not have concurrent projects in the arterials.

Town Manager Olmedillo stated that they can come back with a development order and use it as a skeleton order for the other ones.

G. Legislative Priorities – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced the item.

Mayor Dietch thanked Cesar Fernandez, Town Lobbyist with Gomez & Barker Associates, for securing the appropriations for the improvements at the Biscaya waterway.

Mr. Fernandez gave a presentation on legislative priorities.

Commissioner Paul stated that her number one priority for a tourist state and Town is clean water and that includes the everglades restoration. She stated that they need state assistance for the sargassum crisis as well as stricter fines for waste dumping in waterways. She also requested funding for the Abbott drainage project.

Mayor Dietch encouraged residents to look at the items and if there are items important to them, they can add them to the list.

Commissioner Karukin asked if funding can be obtained for the Mayor's Government Academy.

Mayor Dietch stated that if it passes in the budget, it is the Town's Government Academy.

H. Joint Workshop of the Commission and Planning and Zoning Board
– Vice Mayor Gielchinsky
Vice Mayor Gielchinsky introduced the item.

Commissioner Paul stated that she objects to this subject because they had already adopted Ordinance number 18-1674 and she does not support a modification of the code at this time.

Further discussion took place on this item among the Commission.

A motion was made by Commissioner Karukin to extend the meeting 30 minutes and seconded by Commissioner Paul. Motion passed 4-0 with Commissioner Cohen absent.

The following members of the public spoke on the item:

George Kousoulas
Eliana Salzhauer

A motion was made by Vice Mayor Gielchinsky to hold a Joint Workshop of the Commission and Planning & Zoning Board. Motion seconded by Commissioner Karukin and carried with a 4-0 vote with Commissioner Cohen absent.

I. Zoning in Progress – New Applications or Site Plans for Hotels in H40 Zoning District, South of 93rd Street – Commissioner Michael Karukin

Commissioner Karukin introduced the item and stated there is a need for an additional 30 days to do the analysis.

The following members of the public spoke on the item:

Eliana Salzhauer
George Kousoulas

A motion was made by Commissioner Karukin to approve the item and seconded by Commissioner Paul. Motion carried with a 4-0 vote with Commissioner Cohen absent.

J. Town Acquisition of Vacant Parcel located at 8809 Harding Avenue for Public Park – Commissioner Barry Cohen

Commissioner Cohen introduced the item.

He gave a history of the vacant parcel. He is requesting to have a study done for the acquisition of the 88th street parcel adjacent to the park. He would like to get the thoughts of the Commission and to have their support in going through with the study and the acquisition for a park.

Vice Mayor Gielchinsky asked if Commissioner Cohen spoke to the owner to see if they were interested in selling.

Discussion among the Commission continued regarding the acquisition and value of the property.

Vice Mayor Gielchinsky asked if direction can be given to the Town Manager to contact the owner to see if they are willing to sell.

Mayor Dietch asked what the last appraisal was of the property.

Town Manager Olmedillo stated that it was approximately \$8 million dollars.

Mayor Dietch directed the Town Manager to speak with the owner to see what the appraised value would be and come back in August.

The item will be added to the August meeting.


10. Adjournment

A motion was made by Commissioner Karukin, seconded and by Vice Mayor Gielchinsky to adjourn the meeting without objection at 11:51 p.m. Motion carried with a 4-0 vote with Commissioner Cohen absent.

Respectfully submitted,

Accepted this 13th day of August, 2019.


Daniel Dietch, Mayor

Attest: 

Sandra Novoa, MMC
Town Clerk