



Town of Surfside
Regular Town Commission Meeting
MINUTES
August 13, 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 8:01 p.m.

B. Roll Call of Members

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

Mayor Dietch, Vice Mayor Gielchinsky, Commissioner Karukin,
Commissioner Cohen and Commissioner Paul.

C. Pledge of Allegiance

Police Chief Yero led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Vice Mayor Gielchinsky commented on the start of school and showed gratitude to all the teachers.

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

A motion was made by Vice Mayor Gielchinsky and seconded by Commissioner Karukin to pull Item 3F from the consent agenda and for it to be heard after the Ordinances. Motion carried with a 4-0 vote with Commissioner Cohen absent.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch read his community notes and upcoming events into the record which can be found on the Town's website.

G. Presentation of the GFOA Award – Mayor Daniel Dietch

Mayor Dietch presented the GFOA Award to the Town's Finance Department and specifically to Budget Officer Andria Meiri.

H. Presentation of the CAFR Report – Mayor Daniel Dietch

Town Manager Guillermo Olmedillo introduced the item.

Michael Futterman, representing Marcum LLP presented the CAFR Report.

Commissioner Karukin asked if they have any expectations of how the ERP system implementation will affect next year's audit. Mr. Futterman answered Commissioner Karukin's concern with the process they will take for next year's audit.

2. Quasi-Judicial Hearings - None

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

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to approve the consent agenda minus pulled item 3F. The motion passed with a 5-0 vote.

- A. Minutes** – Sandra Novoa, MMC, Town Clerk
- June 11, 2019 Budget Workshop Minutes
 - July 9, 2019 Regular Town Commission Meeting Minutes

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 20, 2019 Parks and Recreation Committee Meeting Minutes
 - May 23, 2019 Planning and Zoning Board Meeting Minutes

Approved on Consent.

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

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND CITY OF CORAL GABLES, FLORIDA; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

Approved on Consent.

F. Farmers Market – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A LIMITED REVOCABLE LICENSE AGREEMENT WITH WAVEY ACAI BOWLS, LLC FOR OPERATION OF THE TOWN OF SURFSIDE'S FARMERS' MARKET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution into the record.

Assistant Town Manager Tavares introduced the item along with staff recommendations. He also answered questions from the Town Commission.

The following members of the public spoke on this item:
Javier Valmana, applicant.

Commissioner Paul stated that it's a trial period and it can be fine-tuned if needed.

Vice Mayor Gielchinsky spoke about the parking spaces that the Farmers Market is proposing to use and asked Mr. Valmana to reach out to The Shul and work with them as these parking spaces are usually occupied by The Shul attendees at the same time that the market is proposed to take place.

Javier Valmana, applicant, stated he did reach out and left messages and has not received a call back but will continue to follow up.

After further discussion among the members of the Town Commission, staff and the applicant regarding other matters within the agreement, the following motion was made:

A motion was made by Commissioner Paul and seconded by Commissioner Karukin to allow the Town Manager to negotiate the agreement further and approve such agreement once finalized. Motion carried with a 5-0 vote.

G. Water Supply Plan Work Authorization - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 122

WITH CALVIN GIORDANO & ASSOCIATES, INC. FOR ENGINEERING AND PLANNING SERVICES RELATED TO THE PREPARATION AND UPDATE OF THE TOWN'S WATER SUPPLY FACILITIES WORK PLAN; 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

Approved on Consent.

- H. Approval to Modify the Parking Rate and Parking Time Limits for Off-Street Parking (Municipal Parking Lots) - Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING OFF-STREET VARIABLE PARKING RATES FOR MUNICIPAL PARKING LOTS AND ESTABLISHING PARKING TIME LIMITS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution into the record.

The following members of the public spoke on this item:
Eliana Salzhauer

Discussion on the fees for resident parking to be codified continued among the commission.

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to approve the resolution. Motion carried with a 5-0 vote.

4. Ordinances

A. Second Reading Ordinances

- 1. Hurricane Shutter Use Ordinance – 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 of the ordinance into the record.

Mayor Dietch opened the public hearing.

The following members of the public spoke on this item:

Eliana Salzhauer

Marianne Meisheid

Mayor Dietch closed the public hearing.

A motion was made by Commissioner Paul and seconded by Vice Mayor Gielchinsky to approve the Ordinance. Motion carried with a 4-1 vote with Commissioner Cohen voting against.

2. Prohibiting Hotels in H40 – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO CHANGE THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES TO PROHIBIT HOTELS IN THE H-40 ZONING DISTRICT SOUTH OF 93RD STREET AND ADDRESS HOTEL ACCESSORY USES; 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 into the record.

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to approve the item pending discussion.

After some conversation, Commissioner Karukin rescinded his motion.

The following members of the public spoke on this item:

Eliana Salzhauer

Kristofer Machado

A motion was made by Vice Mayor Gielchinsky and seconded by Commissioner Karukin to give speaker Kristofer Machado a two minute extension. Motion carried by consensus.

Jennifer Fine

Sheryl Goldberg

Brian Bey

Marianne Meisheid
Matthew Barnes on behalf of the applicant.
Peter Neville
Alex Tachmen on behalf of the Four Seasons.

A motion was made by Vice Mayor Gielchinsky and seconded by Commissioner Karukin to give Alex Tachmen a one minute extension. Motion carried by consensus.

Esther Superstein
Michael Dranoff
George Kousoulas
Rick Superstein

Commissioner Karukin read a memorandum that stated the objective of this item and addressed some inaccuracies that were stated. He also stated and agreed with some of the recommendations from the Planning & Zoning Board, such as grandfathering and many of the restrictions.

Commissioner Paul stated that she viewed the April 30, 2019 Planning & Zoning Board Meeting video. She commented on some the residents' concerns. She referred to the comprehensive plan on future land use, policies and limiting the hotels in the H40 district. She further presented some of her evidence on crime statistics, traffic impacts by hotels, historic properties and stated that something has to be done that will be right for the town.

Commissioner Paul agrees in limiting the size of hotels to 100 feet in length and limiting aggregation and read some of the highlights from her notes.

Commissioner Paul read some of her recommendations as follows: 1) limiting the size of the hotels to 100 feet in length; 2) no aggregation of lots permitted; 3) 50 units per acre; 4) side setbacks of 15 feet or 15% whichever is greater; and 5) understanding that hotels west of Collins have the same rights to the beach as general public and they cannot set up lounge chair services for their guests.

Further discussion on amending the comprehensive plan among the Commission took place.

Town Planner Sinatra Gould answered the Commission's comments on the changes to the density for hotels in the comprehensive plan.

After further discussion on the item and the comprehensive plan the following motion was made:

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to defer the item to September 10, 2019. Motion passed with a 3-2 vote with Vice Mayor Gielchinsky and Commissioner Cohen voting in opposition.

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to direct staff to prepare an ordinance to restrict hotel use to boutique hotels. Motion carried with a 3-2 vote with Vice Mayor Gielchinsky and Commissioner Cohen voting in opposition.

A motion was made by Vice Mayor Gielchinsky and seconded by Commissioner Karukin requesting a Joint Special Meeting and Planning & Zoning Meeting to address affordable workforce housing, setbacks, aggregations, density, short term rentals, building length and other matters to be scheduled as early as September. Motion carried with a 5-0 vote.

B. First Reading Ordinances

1. Repealing Section 2-28, "Reimbursement of Travel and Other Expenses" of the Town Code – Lilian M. Arango, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION" OF THE TOWN'S CODE OF ORDINANCES BY REPEALING SECTION 2-28, "REIMBURSEMENT OF TRAVEL AND OTHER EXPENSES"; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance into the record.

A motion was made by Commissioner Karukin and seconded by Commissioner Paul for discussion purposes.

Interim Finance Director Wallace presented the item and answered questions made by the Commission on the policy.

Town Manager Olmedillo clarified the item and answered the Commission's questions on the item.

After further discussion by the Commission and staff regarding the policy and implementation, the following motion was made.

Mayor Dietch wanted to place on the record that if anybody is off of per diem and they are getting reimbursed because they are dealing with town business, they need to identify the people they are eating with on the receipt and not only taxi but to add ride shares.

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to approve the Ordinance and have the Administration handle reimbursement. Motion carried with a 5-0 vote.

5. Resolutions and Proclamations

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 of the resolution into the record.

Town Manager Olmedillo introduced the item.

A motion was made by Vice Mayor Gielchinsky and seconded by Mayor Dietch to approve the Resolution and give direction to the Manager that after the installation has been completed, to evaluate any gaps in light coverage and bring back a proposal to the Commission to address any gaps after the installation and to effectuate the evaluation. Motion carried with a 4-0 vote with Commissioner Paul absent.

A motion was made by Commissioner Karukin and seconded by Vice Mayor Gielchinsky to extend the meeting not more than 2 hours. Motion 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 this item:

Eliana Salzhauer spoke regarding how great the community of Surfside is and the need to protect and preserve it.

7. Town Manager and Town Attorney Reports
None

8. Unfinished Business and New Business
None

9. Mayor, Commission and Staff Communications

A. Boards and Committees Appointments

- *Tourist Board – Commissioner Paul*

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

A motion was made by Commissioner Paul to appoint Cornelia Samara, General Manager of the Four Seasons Hotel, to the Tourist Board. The motion received a second from Commissioner Karukin and carried 5-0.

Tourism Director Fast, Tourism Director spoke regarding the July 9, 2019 meeting and the fact that Alan Ohana was approved to serve on the Downtown Vision Advisory Committee (DVAC) but subsequently declined the appointment due to personal commitments. The Town Manager's recommendation was to appoint Jessica Bazen who meets the requirements.

Town Manager Olmedillo appointed Jessica Bazen to the Downtown Vision Advisory Committee.

B. Town Acquisition of Vacant Parcel Located at 8809 Harding Avenue

[Verbal] – Guillermo Olmedillo, Town Manager

A verbal update was given by Town Manager Olmedillo on the item.

Town Attorney Arango explained the procedure and the statutory process.

The following members of the public spoke on this item:

Eliana Salzhauer

Discussion among the Commission regarding the requirement of a referendum for the purchase of the property and its acquisition took place.

The Commission by consensus agreed to table this item.

C. Lobbyist Amendment – Commissioner Michael Karukin

Commissioner Karukin gave an update on the lobbyist amendment and the reasons why he thought that the ordinance should be revised.

Commissioner Paul commented on page 258.

Town Attorney Arango clarified Commissioner Paul's question on page 258 and gave clarification on compliance and reporting of the lobbyists.

A motion was made by Commissioner Karukin, seconded by Vice Mayor Gielchinsky to add the statement freewill and with no compensation to the language of the amendment and bring back an ordinance for first reading. Motion carried 5-0.

D. Discussion and Direction in Response to Notice from Florida Retail Federation and Florida Restaurant & Lodging Association Regarding Ordinance No. 2019-1698 (Section 34-11 of the Town Code) Prohibition on Distribution, Sale or Use of Single Use Plastics – Town Attorney Lilian Arango and Attorney Haydee Sera

Town Attorney Arango introduced the item.

Commissioner Paul commented on the enforcement of the ban.

Mayor Dietch spoke about other municipalities' experience and the ones that have appealed.

Further discussion among the Commission and Town Attorney Arango regarding the court rulings and the preemptions took place.

The following members of the public spoke on this item:
Eliana Salzhauer

The Commission addressed comments made by Eliana Salzhauer.

After further discussion on the item and the upcoming court rulings, the following motion was made.

A motion was made by Vice Mayor Gielchinsky and seconded by Commissioner Cohen to repeal the Ordinance and direct the Town Attorney to make all appropriate efforts up to and including contacting them daily, seek response to the offer, and clarify what they believe is the lawful way to handle their concerns. Motion carried 4-1 with Commissioner Paul voting in opposition.

Commissioner Cohen left the meeting at 11:48 p.m.

E. Stormwater Master Plan – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo gave an update on the Stormwater Master Plan.

Curt Keiser, Engineer with Calvin Giordano & Associates, gave a presentation of the Stormwater Master Plan proposal and addressed the questions members of Town Commission made regarding the master plan and the cost.

Commissioner Paul left the meeting at 12:04 a.m.

The following members of the public spoke on this item:
Eliana Salzhauer


Further discussion continued regarding the study, the cost and direction was given to the Town Manager to place this item on the agenda for next month as item 9A.

10. Adjournment

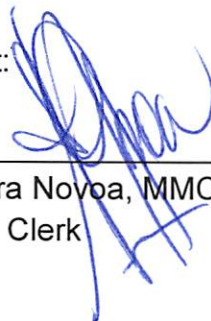
A motion was made by Commissioner Karukin and seconded by Vice Mayor Gielchinsky to adjourn the meeting without objection at 12:11 a.m. on August 14, 2019. Motion carried 3-0 with Commissioner Paul and Commissioner Cohen absent.

Respectfully submitted,

Accepted this 10th day of September, 2019.



Daniel Dietch, Mayor

Attest: 

Sandra Novoa, MMC
Town Clerk