



Town of Surfside
Regular Town Commission Meeting
MINUTES
October 10, 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 7:02 p.m.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief Yero led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Paul wished everyone a Happy New Year and read an inspirational poem.

Commissioner Karukin stated that as the Tourism Liaison he said that Lindsay Fast had resigned and wished her the best of luck.

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

Commissioner Karukin moved Items 4B2 to be heard first, and linked items 4A1 and 4B1, 4B2 and 9D to be moved up after the Consent Agenda.

Mayor Dietch added Item 9E – Town Hall Meeting Minutes to the agenda.

A motion was made by Commissioner Karukin to make these changes to the agenda. The motion received a second from Vice Mayor Gielchinsky and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch read his community notes which can be found on the Town's website.

G. Presentation of Proclamation to Bay Harbor Islands Council Member Isaac Salver – Vice Mayor Gielchinsky

Mayor Dietch commended Bay Harbor Islands Council Member Isaac Salver on all his accomplishments.

Vice Mayor Gielchinsky presented the proclamation to Bay Harbor Islands Council Member Isaac Salver.

2. Quasi-Judicial Hearings - None

- 3. Consent Agenda (Set for approximately 7:30 p.m.)** *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. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*

A motion was made by Commissioner Karukin to approve the Consent Agenda minus pulled item 3E. The motion received a second from Vice Mayor Gielchinsky. All voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk

- August 26, 2019 Joint Town Commission and Planning & Zoning Board Workshop Minutes
- August 26, 2019 Special Town Commission Meeting Minutes
- September 10, 2019 First Budget Hearing Meeting Minutes
- September 10, 2019 Regular Town Commission Meeting Minutes
- September 24, 2019 Final Budget Hearing 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

- June 20, 2019 Downtown Vision Advisory Committee Meeting Minutes
- July 17, 2019 Sustainability and Resiliency Committee Meeting Minutes
- August 22, 2019 Parks and Recreation Committee Meeting Minutes
- August 29, 2019 Planning and Zoning Board Meeting Minutes

Approved on consent.

E. Stormwater Master Plan - Guillermo Olmedillo, Town Manager [*Linked to Item 3F*]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 127 WITH CALVIN GIORDANO & ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATED TO THE PREPARATION OF A STORMWATER MASTER PLAN FOR THE TOWN; 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.

A motion was made by Commissioner Paul for purposes of discussion. The motion received a second from Vice Mayor Gielchinsky.

Commissioner Paul had a question regarding the item.

Town Manager Olmedillo answered Commissioner Paul's question.

The following individual spoke on the item:
Eliana Salzhauer

A motion was made by Commissioner Karukin to approve the Resolution. The motion received a second from Vice Mayor Gielchinsky. All voted in favor.

F. FY 2020 Budget Amendment Resolution No. 1 – Guillermo Olmedillo, Town Manager [*Linked to Item 3E*]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 1 FOR THE FISCAL YEAR 2020 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

G. Florida Government Week – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RECOGNIZING FLORIDA CITY GOVERNMENT WEEK ON OCTOBER 21 TO 27, 2019 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE

CELEBRATION AND CORRESPONDING ACTIVITIES; 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 2-235 (“Lobbying”) of the Town Code Lobbyist Registration Fee Exemption for Principals of Town Business – Guillermo Olmedillo, Town Manager**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 2-235 – “LOBBYING” TO PROVIDE AN EXEMPTION FROM LOBBYIST REGISTRATION FEES FOR PRINCIPALS AND EMPLOYEES OF TOWN BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 to approve the Ordinance. The motion received a second by Commissioner Karukin. The motion passed with a 4-0 with Commissioner Paul absent.

- 2. Amendment of Election Qualifying Dates Due to the March 17, 2020 Presidential Preference Primary – Town Clerk Sandra Novoa, MMC and Town Attorney Lily Arango, Esq.**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 101, “QUALIFYING FOR ELECTED OFFICE” OF THE TOWN CHARTER PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES, WITH LIMITED APPLICABILITY TO ESTABLISH QUALIFYING DATES AND SUPPLEMENTAL QUALIFYING DATES FOR THE TOWN’S MARCH 17, 2020 GENERAL ELECTION; PROVIDING FOR INCORPORATION INTO CHARTER; PROVIDING FOR CODIFICATION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR NOTIFICATION TO MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

The following individuals spoke on the item:
Eliana Salzhauer

Mayor Dietch answered speaker Eliana Salzhauer's question regarding the item.

A motion was made by Vice Mayor Gielchinsky to approve the Ordinance. The motion received a second from Commissioner Karukin. All voted in favor.

**3. Prohibiting Hotels in H40 – Guillermo Olmedillo, Town Manager
[Linked to Item 4B2]**

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.

Alex Tachmes, representing the Four Seasons Hotel, spoke on the item.

Kristofer Machado, representing 9040 LLC and 90th Street International Investment Corporation spoke on the item.

Jennifer Fine, 9025 LLC, spoke on the item.

The following individuals spoke on the item:
Eliana Salzhauer
George Kousoulas
Marianne Meisheid

After a lengthy discussion the following motion was made:

A motion was made by Vice Mayor Gielchinsky to deny the Ordinance. The motion received a second by Commissioner Karukin. Motion passed with a vote of 4-1 with Commissioner Cohen voting against.

A motion was made for reconsideration of Commissioner Paul's and Commissioner Cohen's vote. The motion was made by Commissioner Paul and seconded by Commissioner Cohen. Commissioner Cohen's

new vote was in favor of the denial of the Ordinance and Commissioner Paul's vote was against the denial of the Ordinance.

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

B. First Reading Ordinances

1. **Limitations on Accessory Uses in H40 – Guillermo Olmedillo, Town Manager [Linked to Item 4A3]**

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 ESTABLISH LIMITATIONS ON HOTEL ACCESSORY USES IN THE H-40 ZONING DISTRICT SOUTH OF 93RD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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 Karukin. All voted in favor.

Alex Tachmes, representing the Four Seasons Hotel, spoke on the item.

Kristofer Machado, representing 9040 LLC and 90th Street International Investment Corporation spoke on the item.

The following individuals spoke on the item:

Eliana Salzhauer
Marianne Meisheid
George Kousoulas
Sasha Plutno
Michael Dranoff

After a lengthy discussion regarding the item and the limitations stated, the following motion was made:

A motion was made by Vice Mayor Gielchinsky to deny the Ordinance. The motion received a second by Commissioner Karukin. All voted in favor.

2. Limitations on Hotel Uses 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 ESTABLISH LIMITATIONS ON HOTELS IN THE H-40 ZONING DISTRICT SOUTH OF 93RD STREET INCLUDING: A PROHIBITION ON BALLROOMS AND BANQUET FACILITIES AS HOTEL ACCESSORIES; PROVIDING DISTANCE SEPARATION STANDARDS BETWEEN HOTELS; PROVIDING LIMITATIONS ON EVENT AND/OR MEETING ROOM SPACE; PROHIBITING STRUCTURED PARKING FACILITIES, AND REQUIRING THAT PARKING STRUCTURES INCORPORATE HOTEL AND/OR ACCESSORY USES; CREATING EXEMPTIONS FOR EXISTING AND APPROVED DEVELOPMENTS, AND FOR HISTORICALLY DESIGNATED PROPERTIES; AND AMENDING SECTION 90-51 “MAXIMUM FRONTAGE OF BUILDINGS AND FAÇADE ARTICULATIONS” TO ESTABLISH CONTINUOUS WALL FRONTAGES FOR HOTELS IN THE H40 ZONING DISTRICT SOUTH OF 93RD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

Commissioner Karukin made a motion for purposes of discussion, and seconded by Commissioner Paul.

Alex Tachmes, representing Four Seasons Hotel, spoke regarding the draft language on the exemption and is requesting that the language be corrected. He presented the proposed language through the Clerk to the Commission.

Kristofer Machado, representing 9040 LLC and 90th Street International Investment Corporation, spoke in detail on the exemption language and read it into the record. He also presented it to the Town Clerk.

The following individuals spoke on the item:

Rick Superstein
Marianne Meirsheid
George Kousoulas
Esther Superstein

After a lengthy discussion the Commission agreed to address the suggestions made during the second reading of this ordinance.

A motion was made by Commissioner Karukin to approve the Ordinance on first reading. The motion received a second from Commissioner Paul. Motion passed with a 3-2 vote with Commissioner Cohen and Vice Mayor Gielchinsky voting against.

A motion was made by Commissioner Karukin to take Good and Welfare after Item 4B2. The motion received a second from Vice Mayor Gielchinsky and all voted in favor.

5. Resolutions and Proclamations

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

A. Approval of Resolution for Agreement with Lexis Nexis Coplogic Solutions Inc., for Traffic Crash Reporting, Traffic Crash Reporting Distribution, and Uniform Traffic Citation Module – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A SOFTWARE SERVICE AGREEMENT WITH LEXISNEXIS COPLOGIC SOLUTIONS, INC. FOR ELECTRONIC TICKET SERVICES AND ELECTRONIC POLICE RECORD PORTAL SERVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

A motion was made by Vice Mayor Gielchinsky to approve the Resolution. The motion received a second from Commissioner Karukin. All voted in favor.

B. Annual Pension Funding Policy - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING MINIMUM ANNUAL CONTRIBUTION REQUIREMENTS FOR THE TOWN OF SURFSIDE RETIREMENT PLAN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

A motion was made by Vice Mayor Gielchinsky to approve the Resolution. The motion received a second from Commissioner Karukin. All voted in favor.

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.

Eliana Salzhauer spoke regarding the order of business and moving items out of order. She spoke regarding transparency especially with zoning issues and that more outreach with the public is needed. She mentioned reevaluating the comprehensive plan and preserve the quality of life. She would like the new beach to be kept clean. She also spoke regarding the November meeting and what will be on the agenda and if the second reading of the H40 item will be on the November calendar.

Shmuel Rubashkin spoke in support of Surf N Sides.

Eli Ginsburg, owner of Surf N Sides, spoke regarding his business and the challenges faced regarding the flags on the beach and the services he was contracted by with the Town.

A motion was made by Commissioner Cohen to extend Mr. Ginsburg an additional 3 minutes to speak. The motion received a second from Commissioner Paul. Motion passed on consensus.

A motion was made by Commissioner Cohen to extend Mr. Ginsburg an additional 2 minutes to speak. The motion received a second from Commissioner Paul. Motion passed on consensus.

George Kousoulas spoke regarding the beach and tourism.

Nicholas Handelsman spoke regarding sustainability.

Victoria Saife spoke regarding the public relations consultant.

A motion was made by Commissioner Paul to extend Ms. Saife additional time to speak. The motion received a second from Mayor Dietch. Motion passed on consensus.

Sasha Plutno spoke regarding community emergency response teams.

A motion was made by Commissioner Paul to extend Mr. Plutno an additional 20 seconds to speak. The motion received a second from Commissioner Karukin. Motion passed on consensus.

Marianne Merscheid spoke regarding quality of life for the residents.

Michele Arambula spoke in support of Surf N Sides.

Bob Fisher spoke regarding miscellaneous items involving quality of life.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Beach and Dune Report - Guillermo Olmedillo, Town Manager

Town Manager Olmedillo gave a verbal report of the item.

Direction was given by the Commission for staff to take the report and create a Dune Management Plan.

A motion was made by Mayor Dietch directing staff to create a Dune Management Plan. The motion received a second from Commissioner Karukin. All voted in favor.

B. Rotary Club Donation – Guillermo Olmedillo, Town Manager

A motion was made by Vice Mayor Gielchinsky to defer the item to the November 12, 2019 Commission meeting. The motion received a second by Commissioner Karukin. Passed on consensus.

C. Paced Development – Guillermo Olmedillo, Town Manager

Town Manager Olmedillo gave a verbal update on the item.

The following individuals spoke on the item:
George Kousoulas

A motion was made by Commissioner Paul to extend 2 minutes to speaker George Kousoulas. The motion received a second from Commissioner Karukin. Passed on consensus.

Discussion among the Commission and staff took place regarding the verbal update given and the options offered.

A motion was made by Commissioner Karukin to move forward with Option 1 and bring the item back before the Commission in 60 days. The motion received a second by Commissioner Paul. Passed on consensus.

D. Zoning in Progress – Guillermo Olmedillo, Town Manager *[Linked to Item 4B2]*

Town Manager Olmedillo introduced the item.

The following individuals spoke on the item:
Kristofer Machado, representing Four Seasons Hotel
Eliana Salzhauer
Esther Superstein

A motion was made by Commissioner Karukin to approve the item. The motion received a second by Commissioner Paul. The motion passed with a 3-2 vote with Commissioner Cohen and Vice Mayor Gielchinsky voting against.

E. Town Hall Meeting – Mayor Daniel Dietch

Mayor Dietch gave an update on the minutes of his Town Hall Meeting and referred to a section of those minutes in Paragraph 2, Tourism Revenue in Surfside, the second sentence references a helpful guide, which is not yet completed. He requested the Commission approve sharing this summary minus that sentence. He also stated the information will be made available to the public.

Commissioner Karukin suggested stating “under construction or in development” that way the public knows that it is forthcoming instead of deleting the section.

A motion was made by Commissioner Karukin to move forward with approval of the Mayor’s Town Hall Meeting minutes and not remove the section in paragraph 2 but instead make mention that it is under construction or in development. The motion received a second from Vice Mayor Gielchinsky. Passed on consensus.

Commissioner Cohen requested to discuss the issue regarding the concessionaire and his requests for signs at tonight’s meeting.

Mayor Dietch advised Commissioner Cohen to place it on a future agenda as a discussion item and to supply the appropriate backup documents. He stated that this will give the Commission the courtesy to review the information in order to ask the appropriate questions at the time.

Commissioner Cohen stated that he would then place it on a future agenda as a discussion item.

10. Adjournment

There being no further business to discuss before the Commission, Commissioner Karukin made a motion to adjourn the meeting. The meeting adjourned without objection at 10:49 pm.

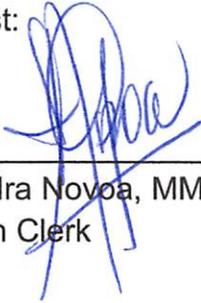
Respectfully submitted,

Accepted this 12th day of November, 2019.



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk