



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**June 14, 2016**

**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 7:05 P.M.

**B. Roll Call of Members**

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Commissioner Michael Karukin, Commissioner Tina Paul and Commissioner Daniel Gielchinsky. Vice Mayor Barry Cohen was absent.

Commissioner Gielchinsky made a motion to permit Vice Mayor Cohen to participate by phone. The motion received a second from Commissioner Paul and all voted in favor.

**C. Pledge of Allegiance**

Police Chief Allen led the Pledge of Allegiance

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

Commissioner Paul asked all to please stand with her and with Orlando and for the gay community of the world. She thanked the community for electing and accepting her and she is very proud to be able to serve. Commissioner Gielchinsky gave an update on conversations he had with various members of the community and said the number one issue appeared to be the undergrounding of power lines, second being gating and traffic alleviation. Commissioner Karukin said not everyone endorses the gating process. Mayor Dietch said he stands in support of the people in Orlando and his heart goes out to the people there. Vice Mayor Cohen thanked the people who have expressed their wishes for his recovery. The Vice Mayor suggested a Dance Challenge within the town and other communities.

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

Item 8 from Town Manager's Report was linked with Item 5B Ad Hoc Citizen Traffic Mitigation Advisory Committee. Item 5A Sustainability Subcommittee of the Planning and Zoning Board was linked to with Item 9J Sustainability Subcommittee and the Comprehensive Plan.

Move up on the agenda Items 5I School Nurse Initiative and 9E Miami Dade Urban Debate League.

Commissioner Karukin made a motion to accept the linkages and moving of items. The motion received a second from Commissioner Gielchinsky and all voted in favor.

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

The Mayor recognized two surfside students who received awards, Sofia Guitterez for Outstanding Art Student and Sofia Iacobacci as Outstanding Surfside Resident. On Flag Day, Chief Allen was recognized as Officer of the Year by the American Legion. Mayor Dietch commented on the moving ceremony of the burning of the American flag. The Mayor announced honors the city has received and the upcoming community events which can be found in the Gazette and on the Town’s website.

**G. National Flood Insurance Program Community Rating System – Mayor Daniel Dietch**

The Mayor gave an overview on the item and a discount has been restored with the anticipation of a larger discount in the future. He displayed and read a plaque the city has received.

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda**

Pulled Items:

Commissioner Paul pulled item 3A and 3C. Mayor Dietch pulled item 3A. Commissioner Karukin pulled item 3B and Item 3C.

Commissioner Paul made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent for the vote.

**A. Minutes – Sandra Novoa, MMC, Town Clerk**

**B. May 10, 2016 Regular Commission Meeting Minutes (Item Pulled)**

Commissioner Paul had a correction to the wording and should read “Commissioner Paul asked if the cost of the vehicles could be offset by use at construction sites and if the older cars be used at the construction sites.”

Mayor Dietch had a correction “Max Liefer representing Deco Capital”

**C. Budget to Actual Summary as of March 30, 2016 – Guillermo Olmedillo, Town Manager**

**\*C. Town Manager’s Report – Guillermo Olmedillo, Town Manager**

1. See Click Fix
2. Development Applications
3. Code Compliance Cases
4. Prohibitions Regarding the Sale or Use or Expanded Polystyrene Food Service Articles
5. Code Compliance Workshop
6. Parks and Recreation Programs
7. Police Department May Significant Arrests

8. Traffic Management Report (pulled item)  
Commissioner Gielchinsky made a motion that direction be given to the Manager to continue to move forward with recommendations. The motion received a second from Commissioner Karukin and all voted in favor. Vice Mayor Cohen was absent.
9. Sergeant's Promotional Examination
10. Opening for Community Service Aide Position
11. Trial Program – Surfside Residential Overnight Parking (Linked with Item 5B)  
Commissioner Paul said she had suggested the hours of 7:00a.m.-7:00 p.m. much like Miami Beach.
12. Multi-Agency Traffic Educational/Enforcement Event
13. Police Events
14. New Recycling Program
15. Information Technology and TV Broadcasts

Commissioner Karukin made a motion to approve the pulled consent agenda items. The motion received a second from Commissioner Gielchinsky and all voted in favor. Vice Mayor Cohen was absent.

**\*D. Town Attorney's Report – Linda Miller, Town Attorney**

**E. Committee Reports – Guillermo Olmedillo, Town Manager**

- February 24, 2016 Pension Board Meeting Minutes
- April 18, 2016 Parks and Recreation Committee Meeting Minutes
- April 28, 2016 Planning and Zoning Board Meeting Minutes

**F. Mutual Aid Agreement between the City of North Miami Beach Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE, FLORIDA POLICE DEPARTMENT; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**G. Proclamation Request – Declaring July 2016 as Donate Life Month in Support of the Life Alliance Organ Recovery Agency – Mayor Daniel Dietch**  
Approved on consent.

**H. Report on Code Enforcement Petitions received on April 21, 2016 and May 3, 2016 from Mr. Jonathan Horn – Sandra Novoa, MMC, Town Clerk**  
Approved on consent.

#### **4. Ordinances**

##### **A. Second Reading Ordinances**

- 1. Planning and Zoning Design Review Board Membership Ordinance – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS” CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 90-18 “DESIGN REVIEW BOARD” CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Gielchinsky made a motion for discussion. The motion received a second from Commissioner Karukin. Commissioner Gielchinsky said he was satisfied with the ordinance.

The Mayor opened the public hearing. No one wishing to speak, the Mayor closed the public hearing.

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

## **B. First Reading Ordinances**

### **1. Construction Hours and Notice – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING “CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE II. - BUILDING CODE”; SPECIFICALLY CREATING SECTION 14-32; “CONSTRUCTION SCHEDULE AND NOTICE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE**

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Paul made a motion for discussion. The motion received a second from Commissioner Gielchinsky.

Commissioner Gielchinsky had questions regarding weekend work, and no work on Sunday. Commissioner Karukin was not comfortable with the wording of the ordinance as it states that even a home owner is not able to work on their home on a Sunday. Manager Olmedillo gave further details on repair and maintenance and construction noise.

The Mayor opened the meeting to public speakers.

-Terry Cohen said last Sunday her neighbor had a tree trimming company do work. She believes that if one is doing work inside their home with no disturbance to neighbors it should be allowed even on a Sunday.

-Jonathan Horn said this is a quality of life issue and on weekends repair or maintenance work that are noisy should not be allowed.

-George Kousoulas thought the basics of the ordinance was good and suggested that one could check with the definitions of our building codes and code compliance to see if what is being done is an alteration or a repair.

-Laurie Kahn said home construction work is being done on weekends because there is no one who can stop them.

Commissioner Paul and Mayor Dietch thought the suggestion from Mr. Kousoulas about the definitions in our building codes and code compliance idea could be referred to in the ordinance. The noise ordinance could also be referred to. There was further discussion regarding weekend work and commercial workers and homeowners doing work on their home. The definition of emergency repairs was mentioned and the need for approval by the City Manager.

The Mayor paused the item to go to Good and Welfare.

There was further discussion regarding permit work or non-permit work on a Sunday also if one is doing work themselves or commercially done. Manager Olmedillo explained that the noise issue is separate. Building Official

Ross Prieto explained permit vs. non-permit work but explained that it is not what type of work that is being done but how it is being performed and the noise that it can generated. Hours of operation was also discussed.

The Manager was given direction regarding permitted and non-permitted work and the hiring of people to do work on Sundays. Hours of operation was defined and emergency work. The ordinance will come back for a second reading in August.

Commissioner Paul made a motion to accept with changes. The motion received a second from Commissioner Gielchinsky. The motion passed 3/2 with Commissioner Karukin and Vice Mayor Cohen voting in opposition.

## **2. Amending Special Events Ordinance – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING CHAPTER 35 ARTICLE I “SPECIAL EVENTS”; CREATING SECTION 35-5. “SPECIAL EVENTS INVOLVING THE COMMERCIAL USE OF SINGLE-FAMILY RESIDENTIAL PROPERTIES PROHIBITED”; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance. Manager Olmedillo presented the item.

Commissioner Gielchinsky made a motion for discussion. The motion received a second from Commissioner Karukin.

Public Speaker Terri Cohen said this is an ongoing problem where there are rentals of homes for commercial parties. It creates traffic problems and when approached by police the owner tells them it is a private party even though there are different events and there is no way to prove it is not a private party.

The Mayor suggested that under Subpart D.1.C we amend the ordinance to include language as to the issuance of violations and if there is habitual abuse there will be prohibition of any future special events. The Manager agrees there should be violations issued and then taken before a magistrate to present our case.

Commissioner Karukin asked if this precludes a garage sale and does it present any conflicts with any of our other codes. Manager Olmedillo said garage sales are separate from this ordinance and referred to the Town Attorney regarding conflicts with other codes which there are no conflicts. Commissioner Karukin asked that the ordinance be amended to include areas H30A and H30B.

Commissioner Gielchinsky made a motion to accept with the amendments made by Commissioner Karukin and Mayor Dietch. The motion received a second from Commissioner Karukin and all voted in favor.

**3. Sheds – Sarah Sinatra Gould, AICP, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SEC. 90-19. “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS”; SPECIFICALLY AMENDING SECTION 90-19.7 EXEMPTING SHEDS FROM PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD REVIEW AND PROVIDING THE DESIGN GUIDELINES SHALL BE FOLLOWED; AMENDING “SECTION 90-54 “ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS” SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS AND LANDSCAPE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance. Town Planner Sinatra presented the item.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul. The motion carried 4/1 with Vice Mayor Cohen voting in opposition.

Public Speaker Larisa Alonso thanked the Commission for making this easier for residents and perhaps other codes should be looked at that may help residents.

**5. Resolutions and Proclamations**

**A. Sustainability Subcommittee of the Planning and Zoning Board – Guillermo Olmedillo, Town Manager (Linked to Item 9J)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE SUSTAINABILITY SUBCOMMITTEE OF THE PLANNING AND ZONING BOARD TO MEET ON A PERIODIC BASIS; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Paul made a motion to accept. The motion received a second from Commissioner Gielchinsky and all voted in favor.

**B. Ad Hoc Citizen Traffic Mitigation Advisory Committee – Guillermo Olmedillo, Town Manager (Linked to Manager’s Report Item B)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE AD HOC CITIZEN TRAFFIC MITIGATION ADVISORY COMMITTEE; TO EXIST FOR THREE (3) MONTHS IN DURATION AND TO HOLD THREE (3) MEETINGS; TO STUDY, REVIEW AND TO PROVIDE RECOMMENDATIONS FOR THE DEVELOPMENT OF THE COMPREHENSIVE TRAFFIC MITIGATION PROGRAM PROVIDING; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin does not support this and gave his reasons. He feels it is not an effective use of the town’s resources as this has been covered excellently by Chief Allen. Mayor Dietch said not all issues are being solved and there is a need for organization so we can better address the community as to when things are proposed to be done. Commissioner Karukin suggested adding language as to communication with the community to the Charter. Manager Olmedillo and Chief Allen gave more insight on the item. Commissioner Paul feels this committee gives the residents a voice and said she attended a traffic meeting which was well attended and is in favor. Commissioner Gielchinsky was weighing his decision and is not sure if it is a good idea but also said it is only three meetings. Vice Mayor Cohen thinks it is a good idea and would like to go forward with it. Selection of committee members was discussed as by geographic areas and problem areas. The Mayor directed the Town Manager to better define the function of the committee.

Public Speaker Victor May believes this is a good idea and agrees that we have no goals.

Mayor Dietch appointed Clara Leal-Diaz Parker to the committee and Commissioner Karukin said he would like to be the liaison. Commissioner Paul appointed Deborah Cimadevilla and Commissioner Karukin appointed Juan Borges. Vice Mayor Cohen and Commissioner Gielchinsky will make their appointments at a later date.

Commissioner Paul made a motion to accept. The motion received a second from Commissioner Gielchinsky. The motion passed 4/1 with Commissioner Karukin voting in opposition.



**C. Mill and Pave 88<sup>th</sup> Street East of Collins – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED PROPOSAL/CONTRACT TO M&M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING; TO MILL AND PAVE 88<sup>TH</sup> STREET EAST OF COLLINS AVENUE; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$18,294.00 FROM THE FISCAL YEAR 2015/2016 TRANSPORTATION FUND ACCOUNT NO. 107-8500-549-4911; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo gave more details on the item.

Commissioner Paul made a motion for discussion. The motion received a second from Commissioner Karukin.

Commissioner Paul asked what can be done to improve safety on 88<sup>th</sup> Street. The Mayor urged residents to all call the police if they see a vehicle driving on the beach area.

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

As a point of order, Commissioner Gielchinsky made a motion to take Item 9D next. The motion received a second from Commissioner Karukin and all voted in favor.

**D. Approval of Expenditure for Emergency Repair to Sanitary Lift Station Pump – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT OF \$17,000.00 FROM THE FISCAL YEAR 2015/2016 WATER AND SEWER REPAIR AND MAINTENANCE ACCOUNT NO. 401-9900-536-4601 FOR THE EMERGENCY REPAIR TO A SANITARY LIFT STATION PUMP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

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

- E. Purchase a stand-by sanitary pump for lift stations as sole source to match existing pumps in operation – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$35,000.00 FROM THE FISCAL YEAR 2015/2016 MACHINERY AND EQUIPMENT ACCOUNT NO. 401-9900-536-6410 PURCHASE A HOMA AMX644-350/60GU/CFM DRY PIT NON-CLOG SEWAGE PUMP FROM BARNEY'S PUMPS, INC.; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

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

- F. Surfside Seawall Replacement Project Phase II – Award Contract to Pac. Comm. Inc.– Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED A CONTRACT TO PAC COMM, INC. FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN THE AMOUNT OF \$376,750.00 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED \$723,000.00 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Gielchinsky made a motion for discussion. The motion received a second from Commissioner Karukin.

Commissioner Gielchinsky asked if the contractor would honor the same pricing to residents if they wished to avail themselves. The Town Manager

said yes. Commissioner Gielchinsky asked if the money was there and the Town Manager said yes it is in the Water and Sewer account.

Public Speaker Mr. May said there was discrimination as not all ideas are listened to. He spoke about previous repair of our seawall and now a similar replacement. The Mayor gave an update of the item to Mr. May to better answer his concerns. Commissioner Gielchinsky said this is an opportunity for residents to take advantage of the pricing to repair their seawalls.

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

**G. Surfside Seawall Replacement Project Phase II – Professional Engineering Services - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WORK AUTHORIZATION NO. 98 SEAWALL GRANT APPLICATION AND MANAGEMENT FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN AN AMOUNT OF \$65,257.73 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED \$65,257.73 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Gielchinsky. All voted in favor with Vice Mayor Cohen absent.

Chris Giordano from CGA gave information regarding inspection and the expenses. The Town Manager was directed to notify residents of the availability of seawall repair.

Vice Mayor Cohen left the meeting at 12:14 a.m.

**H. Approval of Expenditure for Enhancement and Replacement of A/C Ductwork and Variable Air Volume Boxes – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PROPOSAL AND SALES AGREEMENT FROM D.A.C. AIR CONDITIONING CORP.; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN THE AMOUNT OF \$33,567.00 FROM THE CAPITAL IMPROVEMENTS TOWN HALL IMPROVEMENTS ACCOUNT NO. 301-4400-539-6220 FOR ENHANCEMENT AND REPLACEMENT OF AIR CONDITIONING DUCTWORK AND VARIABLE AIR VOLUME BOXES; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Gielchinsky.

The Mayor asked the Town Manager if this was the end of the road. Town Manager Olmedillo and Public Works Director Kroll believe this will make things much better. The Town Manager said they will have to include a warranty disclosure provision as this was a concern of Commissioner Karukin.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul. All voted in favor with Vice Mayor Cohen absent.

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

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE VILLAGE OF BAL HARBOUR AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION; TO SUPPORT AND ENHANCE THE NURSE INITIATIVE FOR 2016-2017 SCHOOL YEAR; AUTHORIZING THE APPROPRIATION OF \$3,667.00 FROM THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE TOWN OF SURFSIDE'S PROPORTIONATE SHARE OF FUNDING FOR THE NURSE ENHANCEMENT INITIATIVE; SUBJECT TO APPROVAL IN THE TOWN OF SURFSIDE FISCAL**

**YEAR 2016-2017 ANNUAL BUDGET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution. Dr. Rosenfeld representing the City of Miami spoke about the program.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul. The motion passed 4/1 with Vice Mayor Cohen absent for the vote.

**6. Good and Welfare**

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers

-Victor May (The Mayor asked Mr. May to give the Town Clerk a copy of his presentation a day before so arrangements can be made for him to give his visual presentation.) He spoke about seawalls and repairs and replacements.

-Jonathan Horn asked if there was a way to separate Biscaya Drive and the petition they presented. The Mayor said the ordinance on hours of operation was discussed earlier, there will be a workshop and the residents of Biscaya Drive have other initiatives they may seek. He also said they need leadership on some of their issues.

-Deborah Cimadevilla asked Commissioner Gielchinsky who was asking for the undergrounding of utilities and said she found online an article on Surfside and why it was not a good idea. She also mentioned the flooding issue on Abbott Avenue. She asked they not spend money on undergrounding and check the factual information.

-Terry Cohen spoke about a dock on 96th Street. She also spoke about the noise ordinance and the difference between a private and commercial party. She suggested a code compliance officer be on call on weekends when these events occur.

-Marianne Meisheid spoke about the temporary certificate of occupancy given to the Marriott in the amount of \$7,500 and wanted to know why the amount was so small which was set aside to improve the entrances on 92<sup>nd</sup> Street. She wanted to know where the plan is to beautify 92<sup>nd</sup> Street.

-Jeff Platt spoke about the direction of the town which was considered residential but feels that is changing to become a tourist town. He feels there have been private meetings with developers and not through the City Manager which is not the proper way things should be done.

-George Kousoulas spoke on the unique dune system which is a communal thing. His concern is the many crossovers which have been made and now the Chateau is planning a crossover which he feels is redundant and is a threat to storm surge. He blames the town for allowing this to have happened.

-Larisa Alonso spoke on the 92<sup>nd</sup> Street shower station which needs to be fixed and also if there was a way to spend money on improving access to the beach instead of undergrounding utilities. She also said the Surfside public bus is very dirty and needs cleaning. She feels the Tourist Board is not acting appropriately as they do not have the members needed that have hotel and hospitality experience. She also commented on the crossover the Chateau is building and feels it should not have been allowed.

-Louis Cohen suggested that all new building developments should have more LEED (Leadership in Energy and Environmental Design). He also would like to see the Commission consider extended and staggered terms.

No one else wishing to speak the Mayor closed Good and Welfare.

Commissioner Karukin would like more information regarding the crossovers and the dunes as he has no knowledge of this issue. Regarding the town going from residential to tourist he said that was not accurate as we once were considered tourist and went to residential and now we are part tourist. The money tourism generated helps the town in the general fund. He also spoke about the undergrounding and would like to get more information on the pros and cons.

Commissioner Paul agrees with Mr. Cohen about more LEED. She said she was not aware of the certificate of occupancy mentioned but feels we should welcome the new residents as it is good for the town and brings in more income. She agrees with the idea of ramps and improving beach access. Regarding docks there are many safety and liability issues involved but likes the idea. She does believe we need code enforcement on the weekends. She suggested something like golf carts to transport people and people can tip the driver something like they have on Miami Beach.

Commissioner Gielchinsky believes the boat dock is a great idea but they would have to weigh the pros and cons. Regarding the dune issue and crossover he asked if anyone had any information on this to please let them know. Regarding the undergrounding he said many families/people are in favor of it. He gave an overview of his experience working with undergrounding utilities. He said they would like to do a study how this can be done in Surfside.

Commissioner Karukin said many years ago they did look into having a boat dock and the town attorney said there were many liabilities involved as well as the proximity to some of the residential homes and also people using it that are not Surfside residents. There would also be parking and traffic issues. He said the golf cart idea also did come up once before as well as having rickshaws.

The Mayor said the Town Manager has all the information regarding the certificate of occupancy and one could speak with him if they have further questions. He said the town has changed and we are not just a tourist town and referred to what Commissioner Karukin indicated and one can go back in time and see the history of Surfside. He also said they are always trying to improve the city's streets and the showerhead in question will be fixed if dangerous. He also commented on the extended and staggered terms and agrees with more LEED requirements even on the residential side.

The Mayor then continued with Item 4B-1.

**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. Boards and Committees Appointments** – Guillermo Olmedillo, Town Manager  
Commissioner Gielchinsky nominated Richard Iacobacci to the DRB/Planning and Zoning Board. George Kousoulas was nominated to the Environmental Sustainability Resources Sub-Committee.
- B. Town Asset Maximization Diagrams**– Guillermo Olmedillo, Town Manager  
Manager Olmedillo presented the item on ways of beautifying the town. The Commission were all in favor of this plan. Public Speaker George Kousoulas said he thought the Manager’s plan was fantastic.
- C. Demolition permitting for Single Family Homes with Architectural or Historic Significance** – Linda Miller, Town Attorney  
Attorney Miller presented the item. Commissioner Paul explained further and had some photos to support this. There was further discussion on historic preservation. Building Official Ross Prieto and Assistant Town Attorney Jane Graham addressed some of the concerns of the Commission. Public Speaker George Kousoulas spoke on the item and said this does not address all issues.

Commissioner Paul made a motion to proceed with working with the Miami-Dade Historic Preservation Board to help staff prepare legislation. The motion received a second by Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

Commissioner Paul made a motion to extend the meeting to 1:15 a.m. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

- D. Beach Chairs Plan** – Guillermo Olmedillo, Town Manager  
Manager Olmedillo presented the item.  
The Mayor opened the public speaking.

Public Speakers:

- Marianne Meisheid feels the Manager’s plan is not good and needs planned property owners only with no vendors.
- Harald Bindeus representing the Grand Beach Hotel spoke about too much regulation. He thinks the Manager’s plan is good and they are working with the town to come together. He explained the need for beach services and the benefits of having this hotel and the income it generates for the town.
- Sean McKeen General Manager of the Marriott said here should be complete deregulation.
- Jean-Michel Kling, General Manager of the Grand Beach Hotel said guests at the hotel have the same rights as residents. They are entitled to having beach chairs and they have been working with the town on this issue.
- Jeff Platt is not in favor of the plan and said it only mentions vendors and do the residents want vendors on the beach. From 7:00 a.m. areas are already set up with beach chairs.

- Clara Diaz-Leal believes the plan is okay but lacks specifics. She does not have a problem with licensed vendors but there should be more flexibility in making this workable.
- Deborah Cimadevilla is upset we are still talking about this as the residents have spoken. She is not in favor of the plan and a year ago we all spoke about chairs being placed as needed only. There were other issues she spoke about regarding beach access and the residents should have at least 60% of the beach.
- Maria Perez a local resident and broker said she has never had problems with the beach area but we could use a lifeguard.
- Reed Kandalaft, General Manager of the Four Seasons supports the Managers plan.
- Moniur Mojchrad wants to be assured there will always be space for residents on the beach.
- Joe Benton supports the Town Manager's plan and said we should be focusing on the dune.
- Oscar Chavez has property on the beach and pays high taxes and mentioned the problems all the new hotel construction has caused. He feels all these hotels will be taking over the entire beach. He believes they should have only 30% of the beach and is against any vendors.
- Patricia Fernandez is fighting for the preservation of Surfside as a community and said we need regulation regarding beach chairs.
- Monica Otano is concerned about the Manager's plan and believes we need regulation of beach chairs.

Commissioner Karukin made a motion to extend the meeting to 1:00 a.m. The motion received a second from Commissioner Paul and all voted in favor.

- Larisa Alonso asked why this cannot be regulated. If commercial chairs are placed everywhere she asks how can children play on beach. Chairs are being stored on the dunes and the plan does not address storage. Take a look at other areas where residents are being pushed out of their beaches.
- Jessica Weiss believes it is a small group that is very vocal and believes there is no problem with the chairs and she has no issue.
- Sara Liss said there seems to be a lot of passion and concern and feels there is a time for action.
- George Kousoulas has looked at this issue in several ways and believes the simple plan is ok but because it is simple it can create chaos. Upland property should be included in the plan.
- Victor May shares concerns of residents and residents should have access to the beach.

Commissioner Paul said we should all want to find the right balance for access to the beach. She does feel there should be some regulation and does not want to see a sea of beach chairs set up along the beach that may infringe on resident's rights.

Commissioner Karukin believes there should be limits on the opening chair count. The upland use sounds reasonable as well. He reminded all that it is not "our beach" but beaches belong to the State and Surfside does not own it.



Commissioner Karukin asked if we can get a definitive answer on limits and percentages. Manager Olmedillo said with his conversations with DEP we cannot control vendors and it is very difficult even to deal with percentages. Vendors also have to be sponsored and not just any vendor can come out and set up. They gave specific feedback that the only thing we can control is health, safety and welfare.

The Mayor said to reflect back to the manager our feedback so we can move forward with regulatory framework.

Commissioner Gielchinsky does not believe there is a problem with beach chairs and at this time feels there is no need for regulation and does not believe we should spend any money on this issue. In speaking with residents there are other issues they are more concerned with.

Commissioner Karukin concerns are even though it is not a big problem now it may become a problem in the future.

Commissioner Paul said depending on where you live there may be a problem and she wants to see a balance where all can enjoy the beach equally. The Mayor said not everyone will be happy but to stop bickering and give staff direction to start some framework to go forward.

Vice Mayor Cohen thanked the Commission for realizing we have no authority in regulating the beach and we are on our own. The Vice Mayor then spoke about sea level rise as this is something that has to be addressed. Tourist Director Duncan Travares said moving this forward is the best direction. Commissioner Paul would like notices regarding future workshops or 1st reading be put in the water bills and notices at the condos. The Mayor said it is put on the website and in the Gazette. The Vice Mayor said this is a waste of time.

Commissioner Karukin made a motion to direct staff to use the feedback to work on a first reading ordinance. The motion received a second from Commissioner Paul. The motion carried 3/2 with Vice Mayor Cohen and Commissioner Gielchinsky voting in opposition.

- E. Miami Dade Urban Debate League – Guillermo Olmedillo, Town Manager**  
Cliff Schulman presented the item and is asking for some financial support. Commissioner Karukin said this is an unbudgeted item and last year they were asked by various groups for donations. He said they have already allocated monies and are down in funds from this account. The Mayor suggested allocating \$500 this budget and entertain another \$500 next year. Commissioner Gielchinsky added that perhaps they could also volunteer as judges and Mr. Schulman very much liked that idea. The Mayor asked if he can report back in about six months as to the progress of the program.

Commissioner Gielchinsky made a motion to approve \$500 at this time and urges his colleagues to join and volunteer as judges. The motion received a second from Commissioner Paul and all voted in favor.

- F. Post Office Lot Parking Update – Guillermo Olmedillo, Town Manager**  
Manager Olmedillo gave an update and said he has continued having conversations with the owner of the lot. He is asking for direction as to what they

want (1) public/private partnership (2) what type of business structure (3) determine the equity participation. He also said if they wish to continue negotiations with the owner of the lot we should get some type of appraisal.

Commissioner Karukin said there were not enough specifics and therefore he could not give any direction and was not comfortable with this. Commissioner Paul said if we can do this without incurring the costs she is for it. Commissioner Gielchinsky agrees with (1) and (2) and also an appraisal.

Public Speaker George Kousoulas believes this is one of two lots that are right for the town and they should move forward with it but not consider (3) regarding equity.

Public Speaker Clara Diaz Leal feels this item is important and it is always left for late on the agenda. She feels we need an appraisal in order to move on it.

Public Speaker Victor May also spoke on the item and aid there are different ways to handle this.

Commissioner Gielchinsky made a motion to continue to direct the Town Manager with consideration of #1 and #2 and suggesting the owner to employ an appraisal and the Town will get an appraisal and if in agreement both sides will split the cost to hire a third appraisal. The motion received a second from Mayor Dietch after passing the gavel. The motion carried 3/1 with Commissioner Karukin voting in opposition. Vice Mayor Cohen was absent.

Commissioner Karukin made a motion to extend the meeting to 1:30 a.m. The motion received a second from Commissioner Paul and all voted in favor

**G. Practical Difficulty Variance – Mayor Daniel Dietch**

Mayor Dietch presented the item.

Commissioner Karukin made a motion to rescind Ordinance 15-1636. There was discussion on the item as to pros and cons.

There was no second to the motion.

The item will be brought back in August.

Commissioner Gielchinsky made a motion to extend the meeting fifteen minutes.

The motion received a second from Commissioner Karukin and all voted in favor.

**H. Sid Tepper Street Designation – Mayor Daniel Dietch**

Commissioner Paul made a motion to accept. The motion received a second from Commissioner Gielchinsky and all voted in favor. Vice Mayor Cohen was absent.

**I. Draft Discussion Item Memorandum Template – Mayor Daniel Dietch**

The Mayor presented the item.

Commissioner Karukin thought it was a good template but is against it being a rule.

Commissioner Paul made a motion to accept a preferred discussion item memorandum format. The motion received a second from Commissioner

Gielchinsky and the motion carried 3/1 with Commissioner Karukin voting in opposition. Vice Mayor Cohen was absent.

**J. Sustainability Subcommittee and the Comprehensive Plan (Comp Plan) – Commissioner Michael Karukin (Linked to Item 5A)**

Commissioner Karukin gave an introduction to the item and talked about his concerns regarding Item 5A and the necessary language needed for both items. Mayor Dietch and Town Planner Sinatra addressed his concerns and some language will be added to the Charter which satisfied Commissioner Karukin.

Public Speaker George Kousoulas agrees with Commissioner Karukin and wants to know what this Subcommittee will be doing as he feels there may be an overlap.

Commissioner Gielchinsky thanked Commissioner Karukin for putting this together.

**10. Adjournment**


The meeting adjourned at 1:47 a.m.

Respectfully submitted,

Accepted this 12<sup>th</sup> day of July, 2016

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

  
\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk