



**Town of Surfside
Town Commission Meeting
MINUTES**

**September 13, 2016
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 7:04 p.m.

B. Roll Call of Members

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

C. Pledge of Allegiance – Mr. Jake Rubin led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Paul suggested the community attend the first Friday evenings event hosted by the Tourist Board as it is very enjoyable. In Bay Harbor Islands, she attended the commemoration of September 11 honoring first responders which was a beautiful ceremony and recommends the Farmers Market which they have.

Commissioner Karukin reminded everyone that in November, Team Surfside will hold a walk for Alzheimer's.

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

Town Manager Olmedillo asked to add Item 9E Parking to the agenda(verbal)

Commissioner Gielchinsky made a motion to add Item 9E to the agenda. The motion received a second from Vice Mayor Cohen and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

The Mayor thanked the Police Dept., Ann Findlay and volunteers for their efforts in the Town's Trap, Neuter and Release Program. He also recognized Lee Gottlieb and the volunteers from Wells Fargo Bank for their efforts in planting over 3,000 sea oats in the dune area. Mosquito control (Zika) information can be found on the town website and he urged the community to sign up for the Code Red System on the town website. The Mayor announced the upcoming community events which can be found in the Gazette and on the Town's website. Vice Mayor Cohen gave an update on the Tourist Board Meeting. Commissioner Karukin gave an update on the Traffic Mitigation AdHoc Committee.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Gielchinsky pulled Item 3D from the Town Attorney's Report, page 68 Item: Police Department. Commissioner Paul pulled 3A, pages 8, 9, 11, 15 and 16 from the Commission minutes.

Commissioner Paul made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Gielchinsky and all voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk

**July 12, 2016 Special Commission Meeting – Quasi Judicial Minutes
August 9, 2016 Regular Town Commission Meeting Minutes (Pulled
by Commissioner Paul)**

Commissioner Paul read into the record several corrections to the minutes.

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

***C. Town Manager's Report – Guillermo Olmedillo, Town Manager**

1. See Click Fix
2. Development Applications
3. Surf Club
4. Code Compliance Cases
5. Hawthorne Tot Lot
6. August 2016 Significant Incidents/Arrests
7. 91st and Abbott Avenue Parking Enforcement Detail
8. Uniform Crime Report January to June 2016
9. Police Events
10. Zika Event
11. Records Management
12. Information Technology and TV Broadcasts

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

Item pulled by Commissioner Gielchinsky. The Commissioner spoke about the red light camera ticket issue and enforcement.

E. Committee Reports – Guillermo Olmedillo, Town Manager

- May 19, 2016 Pension Board Minutes
- July 26, 2016 Ad-Hoc Citizens Traffic Advisory Committee Minutes
- August 25, 2016 Planning and Zoning Board Minutes

Commissioner Karukin made a motion to approve the pulled items from the consent agenda. The motion received a second from Commissioner Paul and all voted in favor.

As a point of privilege Commissioner Karukin read Mason's Rules about minutes which generally say they should be about what is done and not what is said.

4. Ordinances

A. Second Reading Ordinances

1. **Monument Signs**– Sarah Sinatra Gould, AICP, Town Planner *{Item to be deferred to October 13, 2016 at 7:00PM in the Commission Chambers}*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF "AREA" OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF "MONUMENT SIGN" TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; 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.

Commissioner Karukin made a motion to defer the item to October 31, 2016 at 7:00 p.m. in the Commission Chambers. The motion received a second from Commissioner Paul and all voted in favor.

2. 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.

Town Attorney Miller had a correction to the ordinance and requests that Section II, page 101, be stricken as it is redundant and appears on page 102.

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

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

B. First Reading Ordinances

1. Pension Amendment Increasing Employee Contributions and Improving Benefits – Guillermo Olmedillo, Town Manager

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE TOWN CODE TO CREATE A DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; AMENDING SECTION 2-176(a)(4) OF THE TOWN CODE TO PROVIDE FOR SEVEN YEAR VESTING FOR THE TOWN ATTORNEY; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR GENERAL EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 68% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR SENIOR MANAGEMENT EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 80% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-180(a) OF THE TOWN CODE TO INCREASE IN THE GENERAL EMPLOYEE AND SENIOR MANAGEMENT EMPLOYEE PICK-UP PENSION CONTRIBUTION BY 2%; 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.

Town Manager Olmedillo presented the item. Adam Levinson gave details on the item and the benefits of it and said the bulk of the cost of this is paid by the employees. Mr. Levinson then answered some questions from Commission but said the actuary could be here for the second reading to further explain.

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

2. Architecturally Significant Buildings on H120 Zoned Lots – Commissioner Daniel Gielchinsky

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; 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.

Commissioner Gielchinsky presented the item. Attorney Graham Penn representing the applicant gave a power point presentation in support of the ordinance.

Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Paul. Commissioner Karukin (as full disclosure) said he had met with the attorney approximately 3 months ago. He would like to have input from the Planning and Zoning Board before he gives his support. Commissioner Paul also said she had met with the attorney before. She had some concerns and expressed her views and suggested redrafting the ordinance that would also benefit the town, as well as including other zones. Addressing Commissioner Paul’s concerns, Commissioner Gielchinsky gave further information on the item.

Public Speaker George Kousoulas gave his views on the item and suggested they not just look at this one building. He gave some suggestions on the ordinance.

The discussion on the ordinance was paused to go to Good and Welfare.

There was further discussion by the Commission. The Mayor suggested that the person who will certify the criteria be a licensed architect or qualified official who is knowledgeable in historic designation. Also, to have the applicant carry the financial burden with the money being put into an escrow account. He would like to see a balance as to what is good for the town and the applicant.

Commissioner Karukin made a motion to defer the ordinance to the Planning and Zoning Board. The motion received a second from Commissioner Paul. The motion carried 3/2 with Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

As liaison to Planning and Zoning, Commissioner Gielchinsky requested the Town Attorney go through this evenings tape and send him a memo with the Mayor's suggestions.

5. Resolutions and Proclamations

A. Employee Health Benefits Contract Renewal for FY 2016-2017– Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING GROUP HEALTH AND VISION COVERAGE WITH UNITEDHEALTHCARE, DENTAL COVERAGE WITH GUARDIAN AND TERM LIFE INSURANCE, ACCIDENTAL DEATH, SHORT TERM DISABILITY, AND LONG TERM DISABILITY WITH MUTUAL OF OMAHA; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Town Manager Olmedillo presented the item and Human Resources Director Yamileth McCloud provided the Commission with more details.

Commissioner Karukin asked, if at their own expense, members of the Commission could buy into the program as they are listed as employees. The insurance agent spoke and explained that one would have to work 30 hours per week or more and buying into the plan would not apply to them.

Commissioner Karukin made a motion to approve. Passing the gavel, the motion received a second from Mayor Dietch and all voted in favor.

B. Fraternal Order of Police Collective Bargaining Agreement - Guillermo Olmedillo, Town Manager

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE (“FOP”) DATED OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2019 ATTACHED HERETO AS ATTACHMENT “A”; DIRECTING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND 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 Paul and all voted in favor.

C. Resolution to Authorize the Engagement of Marcum, LLP for the Annual Audit of the Financial Statements – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE RENEWAL OPTION WITH MARCUM LLP FOR AUDITING SERVICES; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

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

D. Resolution Declaring Principles of Inclusion – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DECLARING PRINCIPLES OF INCLUSION FOR INDIVIDUALS WITH AUTISM AND OTHER SPECIAL NEEDS, AND URGING ACTION BY NATIONAL, STATE, AND LOCAL GOVERNMENTS, BUSINESSES, AND RESIDENTIAL COMMUNITIES CONSISTENT WITH THESE PRINCIPLES; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE NATIONAL LEAGUE OF CITIES, NATIONAL ASSOCIATION OF

COUNTIES, FLORIDA LEAGUE OF CITIES, FLORIDA ASSOCIATION OF COUNTIES, MIAMI-DADE COUNTY LEAGUE OF CITIES, MIAMI-DADE COUNTY, MIAMI-DADE PUBLIC SCHOOLS, AND MUNICIPALITIES IN MIAMI-DADE COUNTY; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch presented the resolution.

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

E. Zika Cooperation Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING MUNICIPALITIES IN MIAMI-DADE COUNTY TO CONTINUE COLLABORATION TO PROTECT THE PUBLIC AGAINST THE ZIKA VIRUS; URGING THE UNITED STATES CONGRESS, STATE OF FLORIDA AND MIAMI-DADE COUNTY TO ASSIST AND SUPPORT LOCAL GOVERNMENTS IN MIAMI-DADE COUNTY FLORIDA TO FUND, DEVELOP AND IMPLEMENT MITIGATION AND ERADICATION SOLUTIONS FOR THE ZIKA VIRUS; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO UNITED STATES SENATOR BILL NELSON, UNITED STATES SENATOR MARCO RUBIO, CONGRESSWOMAN DEBBIE WASSERMAN-SCHULTZ, FLORIDA SENATOR GWEN MARGOLIS, FLORIDA REPRESENTATIVE JOSEPH GELLER, EACH MEMBER OF THE MIAMI-DADE COUNTY COMMISSION AND EACH MAYOR OF MUNICIPALITIES IN MIAMI-DADE COUNTY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch presented the resolution.

Commissioner Paul made a motion to discuss. The motion received a second from Commissioner Karukin.

Commissioner Paul suggests they add eco-friendly alternatives to the toxic spraying. The Mayor suggested that in the last line of the resolution they add environmentally preferable solutions for the eradication of the Zika virus.

Commissioner Paul made a motion to accept with the addition of the Mayor's language of using environmentally preferable solutions. The motion received a second from Commissioner Karukin and the motion carried 4/1 with Vice Mayor Cohen absent for the vote.

5. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

- George Kousoulas spoke about streetscape on Collins Avenue.
- John Shukeis also spoke about the streetscape project on Collins Avenue.
- Howard Weinberg had concerns about the issuance of code violations.
- Jeffrey Platt spoke about alcohol on the beach and also spoke about dogs on the beach.
- Deborah Cimadevilla spoke about parking in the residential area and items left on her property by construction workers.

Town Manager Olmedillo said they are looking into code enforcement on the issue Mr. Weinberg referred to.

Police Chief Allen addressed the issue of dogs on the beach as his department receives many calls on the issue. Service dog standards and abuse of the system were discussed.

Commissioner Karukin had concerns about the sidewalk issue on Collins Avenue and has asked they look further into this especially in the troubled areas.

Passing the gavel and based on feedback this evening, Mayor Dietch made a motion to refer to the Planning and Zoning Board that they look into the sidewalk issues on the Collins and Harding corridor. The motion received a second from Commissioner Karukin and all voted in favor.

The Mayor made a motion to direct the Town Attorney to review ADA laws as they relate to service animals on public spaces and coordinate with the Police Chief to assure we are current on our enforcement and we tighten up our regulations. The motion received a second from Commissioner Paul. The motion carried 3/2 with Vice Mayor Cohen and Commissioner Karukin voting in opposition.

No one else wishing to speak the Mayor closed Good and Welfare and resumed with Item 4B.2.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Single Family Home Historic Significance and Education Process – Commissioner Tina Paul

Commissioner Paul presented the item. She asked if she could represent the town at the next Historic Preservation Meeting. She also suggested a flyer be sent to the community to better educate them on this item as not everyone could attend a workshop.

Commissioner Paul made a motion for the Commission to allow her to speak on their behalf at the September 21, 2016 meeting of the Historic Preservation Board regarding a survey and their staff assist in designing a flyer to educate the community on historic preservation. Passing the gavel, the motion received a second from Mayor Dietch.

The Mayor opened public hearing.

-Public Speaker David Duchman spoke against having another government agency telling the town what structures are being designated as historic.

-Public Speaker George Kousoulas believes that although the Commission has different opinions they are all right in some of their views. He gave his views on the item.

No one else wishing to speak the Mayor closed the public hearing.

After much discussion Commissioner Paul withdrew her motion.

Commissioner Paul made a motion to allow her and the Town Manager to go before the Historic Preservation Board to discuss the possibility of having a survey in the H30 A/B/C districts to determine historic value of homes and get assurance they would not designate any homes based on the survey. Passing the gavel, the motion received a second from Mayor Dietch. The motion failed 3/2 with Commissioner Karukin, Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

Commissioner Paul made a motion to ask the Historic Preservation staff to produce a flyer to distribute within the town with their water bills to explain what historic preservation is about and in addition to hold a workshop.

Passing the gavel, the motion received a second from Mayor Dietch. The motion failed 3/2 with Commissioner Karukin, Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

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

Commissioner Gielchinsky presented background information and appointed Gregg Covin to the Design Review Board.

Commissioner Gielchinsky made a motion to accept the appointment. The motion received a second from Vice Mayor Cohen. The motion passed 4/1 with Commissioner Paul voting in opposition.

C. Beach Chair Management – Guillermo Olmedillo, Town Manager
Manager Olmedillo presented the item and is asking the Commission for further direction and presented his recommendations.

Commissioner Gielchinsky made a motion to approve the Town Manager's recommendations.

The motion received a second from Vice Mayor Cohen and all voted in favor.

Mayor Dietch believes we should focus on upland properties only. Commissioner Karukin concurs and said the money should come from the Tourist Board budget. There was further discussion from the Commission.

Commissioner Gielchinsky withdrew his previous motion and made a motion to approve the Town Manager's recommendation limited to the upland properties owners only. Mayor Dietch added a friendly amendment that there be access immediately east of the dunes for public safety as well as maintenance access and that there are individual beach management plans. Commissioner Gielchinsky accepted the friendly amendment except for the beach management plan. The beach management issue was discussed. The motion received a second from Vice Mayor Cohen and all voted in favor.

Mayor Dietch opened public hearing.

Public Speakers:

-Deborah Cimadevilla spoke on the beach chair and litter issues and presented some visuals.

-Marianne Meischied agrees with the motion but had some questions regarding concessions.

-John Suchecke had questions regarding the beach chair issue.

-Larisa Alonso agrees we should have upland only and there has to be a safety zone from the high water line. She also gave her views on beach chairs.

-Norma Parron spoke about riparian rights of homeowners who purchased ocean front view properties and was against rows of chairs being placed on the beach.

-Frederick Mark representing the Grand Beach Hotel spoke about the beach management plan.

- George Kousoulas is in agreement with the friendly amendment to the ordinance and spoke of the State law regarding upland property owner's rights and read a portion of the State law.

-Jeffery Platt would like no rows of beach chairs on the beach as well as alcohol being served.

-Elizabeth Cimadevilla gave her views on the beach chair problems and asked the Commission to weigh all matters and make the right decision.

No one else wishing to speak the Mayor closed public hearing.

Commissioner Paul made a motion to extend the meeting to 11:30 p.m. The motion received a second from Commissioner Gielchinsky and the motion carried 4/1 with Vice Mayor Cohen voting in opposition

Commissioner Paul read an email she received from a resident and shared a photo regarding beach chairs.

Commissioner Gielchinsky read a document provided by Deborah Cimadevilla. Commissioner Gielchinsky made a motion to direct the Town Attorney to draft a letter and send it to the developer advising them that there are no private beaches in Surfside. The motion received a second from Commissioner Karukin and all voted in favor.

D. Proper and Sufficient Information Dissemination - Guillermo Olmedillo, Town Manager (*Verbal*)

Manager Olmedillo presented the item. Commissioner Karukin suggested putting in the Gazette an article to attract residents to sign up for e-mail blasts.

E. Parking (added to agenda) – Guillermo Olmedillo, Town Manager (*verbal*) Manager Olmedillo gave an update on the item.

Commissioner Gielchinsky made a motion to direct the Town Manager to negotiate a scope and fees for the schematic design services to help us frame the solicitation for a parking structure. The motion received a second from Commissioner Karukin and all voted in favor.

10. Adjournment

The meeting adjourned at 11:25 p.m.

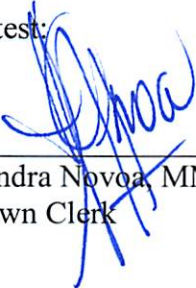
Respectfully submitted,

Accepted this 13th day of October, 2016



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk