



Town of Surfside
Town Commission Meeting
MINUTES
January 10, 2017
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 7:05 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

Police Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Gielchinsky wished everyone blessings in the New Year. He gave a brief update on power outages and flickering in the community. He thanked the Town and Director Alan Graham for their assistance in the Shul Hanukah event which was very successful. He spoke about the recent incident at Ft. Lauderdale Airport and the various bomb threats involving Jewish communities. He asked for heightened awareness by the public and if they see something to say something and report it to the authorities. To educate oneself you can google “see something, say something” for various informative websites.

Commissioner Paul wished everyone a Happy New Year and agreed with Commissioner Gielchinsky’s comments about awareness. She thanked our governor and local officials who handled the Ft. Lauderdale airport incident. We should not change our lifestyle but still go out and enjoy life but just be more cognizant of our surroundings.

Vice Mayor Cohen spoke about the Town’s business district and the vacant stores and the loss of tax income.

Commissioner Karukin responded to Vice Mayor Cohen’s comments about empty stores. He said one of the reasons for vacancies is that landlords are dramatically increasing the rents where it is no longer affordable. He does not think the tax income generated from these stores has any great impact.

- E. Agenda and Order of Business Additions, deletions and linkages**
Mayor Dietch asked to add to the agenda Item 9F and link it to Item 4A1. Commissioner Paul made a motion to add Item 9F and link it to Item 4A1. The motion received a second from Commissioner Karukin and all voted in favor.
- F. Community Notes – Mayor Daniel Dietch**
Commissioner Paul gave an update on the Parks and Recreation Committee and our staff working with staff of other communities. The Mayor encouraged everyone to go to the Town’s website for current news. The Mayor announced upcoming community events which can be found in the Gazette and on the Town’s website.
- G. Presentation of FIND Grant Reimbursement Check – Mr. Spencer Crowley**
The Mayor introduced Mr. Crowley and thanked him for his service to the community. Mr. Crowley gave an overview of FIND and presented the Town with a check. Commissioner Karukin thanked Mr. Crowley and Chris Giordano from CGA. Mayor Dietch gave a special thanks to former Commissioner Marta Olchyk for her efforts in getting CGA to procure this grant.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Mayor Dietch pulled Item 3A pages 8 and 12.

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

A. Minutes – Sandra Novoa, MMC, Town Clerk

B. Budget to Actual Summary as of October 31, 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. Hawthorne Tot Lot Renovation and Fence Replacement
5. Community Center Butterfly Garden
6. December 2016 Significant Incidents/Arrests
7. New Police Officer
8. Police Events
9. Information Technology and TV Broadcasts

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- October 27, 2016 Planning and Zoning Board Meeting Minutes
- November 2, 2016 Parks and Recreation Committee Minutes
- November 17, 2016 Planning and Zoning and Design Review Board Minutes

Pulled Item 3A – Commission Meeting Minutes pages 8 and 12. An amendment with two corrections were sent to the Commission prior to the meeting.

A motion to adopt the pulled items from the consent agenda was made during the February 16, 2017 Regular Commission meeting by Commissioner Paul and seconded by Vice Mayor Cohen and the motion was 4-1 with Vice Mayor Cohen voting in opposition.

4. Ordinances

A. Second Reading Ordinances

- 1. Temporary Moratorium on Cannabis Dispensing Businesses – Guillermo Olmedillo, Town Manager (Linked to 9F)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES AS FURTHER DEFINED HEREIN; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Gielchinsky. Commissioner Karukin withdrew the motion to approve.

Commissioner Karukin made a motion to defer the item to the Commission Meeting on February 16, 2017 at 7:00 p.m. The motion received a second from Commissioner Gielchinsky and all voted in favor.

B. First Reading Ordinances

- 1. Ordinance Amending Chapter 2 “Administration” Article VII “Code of Ethics”; Specifically Creating Section 2-227.1 “Honor Code for Elected and Appointed Town Officials and Town Employees” – Mayor Daniel Dietch**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” ARTICLE VII “CODE OF ETHICS”; SPECIFICALLY CREATING

SECTION 2-227.1 “HONOR CODE FOR ELECTED AND APPOINTED TOWN OFFICIALS AND TOWN EMPLOYEES”; 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 made a motion for discussion. The motion received a second from Commissioner Paul.

Executive Director Joseph Centorino of the Miami-Dade Commission on Ethics gave an overview of public service and the honor code and is pleased that Surfside has adopted the code.

The Mayor gave an update on the Town’s ethics code as to the past and what has been done to provide the Town with a better community. Town Manager Olmedillo said all Town employees will be educated as to what this ordinance means once it is adopted.

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

5. Resolutions and Proclamations

A. Urging the Florida Legislature to Authorize a Tax Exemption for Residential Historic Properties Including Historic Condominium and Cooperative Properties – Commissioner Tina Paul

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE FLORIDA LEGISLATURE TO AMEND SECTION 196.1961, FLORIDA STATUTES TO AUTHORIZE BY GENERAL LAW A PROPERTY TAX EXEMPTION FOR RESIDENTIAL HISTORIC PROPERTIES INCLUDING HISTORIC CONDOMINIUM AND COOPERATIVE PROPERTIES; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR, THE FLORIDA SENATE PRESIDENT, THE FLORIDA HOUSE SPEAKER, THE CHAIR AND MEMBERS OF THE MIAMI-DADE STATE LEGISLATIVE DELEGATION, THE FLORIDA SECRETARY OF STATE, THE EXECUTIVE DIRECTOR OF THE FLORIDA DEPARTMENT OF REVENUE, THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY AND THE FLORIDA LEAGUE OF CITIES, INC.; 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. Commissioner Paul presented the item. The Commission discussed the item and if there would be any fiscal impact.

Public Speaker George Kousoulas spoke on the item and is not in favor as presented and explained his views.

Commissioner Paul made a motion to approve. After passing the gavel, the motion received a second from Mayor Dietch. The motion tied with Mayor Dietch and Commissioner Paul affirmative, Commissioner Karukin and Vice Mayor Cohen in opposition and Commissioner Gielchinsky absent for the vote.

B. Voluntary Collection Agreement with Airbnb, Inc. – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A VOLUNTARY COLLECTION AGREEMENT FOR RESORT TAX BETWEEN AIRBNB, INC. AND THE TOWN OF SURFSIDE; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Gielchinsky

Public Speakers:

-Jeffery Platt was not in favor of AIRBNB coming into the Town.

-Deborah Cimadevilla had concerns about residential single family homes and the term length of a lease. She is not in favor.

Town Manager Olmedillo gave further information on short term rentals as they are regulated. Enforcement is sometimes difficult and he explained that AIRBNB can be a benefit to the community. Code Compliance Director Graham gave details on code compliance relating to the item.

After a brief discussion all members of the Town Commission voted in favor.

C. Supporting the Biscayne Bay Coastal Wetlands Project – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE U.S. ARMY CORPS OF ENGINEERS, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO TAKE ALL STEPS NECESSARY TO EXPEDITE AND COMPLETE THE CONSTRUCTION OF PHASE I OF THE BISCAYNE BAY COASTAL WETLANDS (“BBCW”) PROJECT; FURTHER URGING THE U.S. ARMY CORPS OF ENGINEERS, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO TAKE ALL STEPS NECESSARY TO EXPEDITE THE PLANNING OF PHASE II OF THE BBCW PROJECT PRIOR TO THE CURRENT SCHEDULED DATE OF 2021; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS STATED HEREIN; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch thanked the administration for taking on this initiative and recused himself from the vote and he will complete the appropriate form. He passed the gavel to Commissioner Karukin as the Vice Mayor was absent from the dais.

The Commission discussed the item and Assistant Town Attorney Jane Graham and Town Manager Olmedillo gave an update.

Commissioner Paul made a motion to approve the resolution and have Assistant Town Attorney Graham attend the South Florida legislative meeting on Thursday. The motion received a second from Commissioner Gielchinsky and all voted in favor with Mayor Dietch recused from the vote (Form 8B - Memorandum of Voting Conflict was submitted by the Mayor to the Town Clerk).

D. Municipal Representation on the 2017-18 Florida Constitution Revision Commission – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE APPOINTMENT OF MUNICIPAL OFFICIALS TO THE 2017-18 FLORIDA CONSTITUTION REVISION COMMISSION; SUPPORTING THE PROTECTION OF

MUNICIPAL HOME RULE; SUPPORTING THE POSITIONS OF THE FLORIDA LEAGUE OF CITIES, INC.; SUPPORTING THE APPOINTMENT OF FLORIDA LEAGUE OF CITIES PRESIDENT, BOCA RATON MAYOR SUSAN HAYNIE TO THE 2017-18 CONSTITUTION REVISION COMMISSION; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR, THE FLORIDA SENATE PRESIDENT, THE FLORIDA HOUSE SPEAKER, THE CHAIR AND MEMBERS OF THE MIAMI-DADE COUNTY STATE LEGISLATIVE DELEGATION, THE FLORIDA SECRETARY OF STATE, THE EXECUTIVE DIRECTOR OF THE FLORIDA DEPARTMENT OF REVENUE AND THE FLORIDA LEAGUE OF CITIES, INC.; 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.

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

E. Big Belly Solar, Inc., Sole Source Lease Agreement – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A SOLE SOURCE CONNECT SERVICES AGREEMENT WITH BIG BELLY SOLAR, INC. FOR A TERM OF FIVE (5) YEARS EFFECTIVE APRIL 1, 2017 WITH SUBSEQUENT ONE (1) YEAR RENEWAL TERMS FOR THE SERVICE, INCLUDING SOFTWARE, EQUIPMENT, EQUIPMENT DELIVERY, INSTALLATION, CUSTOMER SERVICE AND EQUIPMENT MAINTENANCE, WARRANTY FOR DEFECTIVE PART REPLACEMENT AND REPAIR, SET UP AND TRAINING FOR TWELVE SOLAR TRASH AND RECYCLING COMPACTION CONTAINERS; APPROVING AND AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$15,040 FROM THE FISCAL YEAR 2016/2017 SOLID WASTE FUND, ACCOUNT NO. 403-4000-534-4403; PROVIDING FOR APPROVAL AND AUTHORIZATION; 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 Paul. The motion carried 4-1 with Vice Mayor Cohen absent for the vote.

5. Good and Welfare – The Mayor opened the public speaking.

Public Speakers:

- Jeffery Platt spoke about service animals on the beach which must be leashed and the Lounge Chair Ordinance enforcement.
- Marianne Meischied spoke about streetlights being out and reported it several times.
- George Kousoulas spoke about the vacancies on Harding Avenue.
- Allan Yarkam spoke about the yellow cab stand on the east side of Collins Avenue and its location.
- Philp Namiecm spoke about Point Lake and docks. He also said he is not in favor of AIRBNB.
- Ashley Gibb spoke about Point Lake and dock and boats in the channel. He also had concerns about a recreational area which is being talked about.
- Daryl Wall who lives on Point Lake spoke about the impact of the dock and boat in the channel. He is against a recreational area.
- Jonathan Horn spoke against the sidewalk issues and a recreational area in Point Lake.
- Paul Carvajal spoke of problems getting through to the lake and the problems that would occur with opening a recreational area.
- Paul Jacobson spoke about what is being proposed for the end of Biscaya Drive regarding a recreational park with kayak launching. He is against the idea as many problems will come with it. He spoke against the installing of sidewalks on their streets.
- Sanjay Kamlani spoke about the recreational park and agrees with the other speakers as to the problems it will bring and is also against the sidewalks.
- Mel Schlessor lives on Biscaya Drive and they are in the process of forming a neighborhood association which may include residents of Point Lake. They would like to work with the City and be informed of any changes they are proposing so the residents can have an input. He asked if a single-family residence community can allow short-term rentals.
- Deborah Cimadevilla spoke about the sidewalk issue.

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

- Commissioner Karukin is opposed to installing sidewalks and was not aware of a recreational park on street ends but agrees with the public comments.
- Commissioner Paul spoke about street end parks and had concerns about the privacy of adjacent residences. She commented on the other concerns addressed by the public.
- Commissioner Gielchinsky spoke about a book he read which deals with changes in cities throughout the years and the tough decisions administrations faced. He stated that we must move forward on enhancing the quality of life for people in our residential area as that is the platform he ran on.
- Vice Mayor Cohen spoke about the street ends and said he would oppose opening it up to everyone and have kayak launches. He also addressed street lighting and traffic.
- Mayor Dietch spoke about the Beach Chair Ordinance, the street lighting problems, vacancies on Harding Avenue, Point Lake and other issues brought forth by the public.

A single-family residence may have a short-term rental but they must be registered with the Town and meet all requirements.

-Town Manager Olmedillo asked that residents keep informed by listening or attending the public meetings and not listen to rumors. Some of the comments regarding street end parks and kayaks were not true.

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. Review of Surfside Parking Actions – Guillermo Olmedillo, Town Manager

Town Manager Olmedillo reported on what has been done in the past and gave an update.

Commissioner Karukin believes there is a division among the community on the issue and we should put this up for a referendum in the next scheduled election 2018. Commissioner Paul is in favor of a referendum.

Public Speakers:

-George Kousoulas spoke on the item and suggested various options for the administration to consider.

-Jeffery Platt spoke about the location of a possible garage and thought a vote was taken and the site around the Town Hall Center was approved.

-Clara Diaz-Leal agreed that a site was approved and now changed and is in favor of a referendum.

The Commission discussed the concerns of the public speakers, the traffic problem, parking problem and new retail. Commissioner Gielchinsky is in favor of new retail, office spaces and a parking garage and is in favor of the Abbot Lot. They also discussed the Parking Trust Fund. The Parking Trust Fund and the agreement with the Shul was brought up and Town Attorney Miller said they should not discuss it but they can talk about the Parking Trust Fund. Commissioner Gielchinsky said if the parking spaces are not provided to the Shul within the next two years the monies agreed upon will not be given to the Town.

Passing the gavel, the Mayor made a motion to direct the Town Manager to assess the situation and come back with a set of observations and recommendations. The motion received a second from Commissioner Karukin and all were in favor.

B. Traffic Mitigation Program – Guillermo Olmedillo, Town Manager

Commissioner Karukin made a motion to defer the item. The motion received a second from Vice Mayor Cohen.

Commissioner Karukin asked to defer the item for several reasons: it is not in a good format; unable to cross reference; abbreviations; numbering is confusing; other items already under the Police Department. The Mayor responded to his concerns but said we should vote on specific items and give policy direction to the Town Manager. Police Chief Allen spoke on the item and indicated with approval from the Commission he can go forward on several items.

Commissioner Karukin withdrew the motion to defer.

Public Speakers:

-Deborah Cimadevilla gave an update on the subject and the recommendations from the Committee.

-Clara Diaz-Leal Parker spoke about safety issues in the residential district. Commissioner Gielchinsky made a motion to allow Ms. Parker an extra minute to speak. The motion received a second from Commissioner Karukin.

After discussion, the Commission made the following motions.

Commissioner Karukin made a motion to allow the Police Department to use their discretion for items 1; 2; 3; 4; 7; 8; 10; 13; 16. The motion received a second from Commissioner Paul and all voted in favor.

Commissioner Karukin made a motion to direct administration to raise the issues (items 9; 12; 14; 15; 17; 18) with the FL Dept. of Traffic in Friday's meeting and report back in February 2017. Passing the gavel, the motion received a second from Mayor Dietch and all voted in favor.

Commissioner Karukin made a motion to extend the meeting an additional 30 minutes. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Commissioner Gielchinsky made a motion against revisiting Item 5. The motion received a second from Commissioner Karukin. The motion carried 3-1 with Commissioner Paul voting in opposition and Mayor Dietch recused from the vote.

Commissioner Gielchinsky made a motion to go ahead with studying Item 6. The motion received a second from Commissioner Karukin and all voted in favor with Mayor Dietch recused from the vote.

Commissioner Karukin made a motion to not move forward with Item 11. The motion received a second from Commissioner Paul. The motion failed 2-3 with Commissioner Gielchinsky, Vice Mayor Cohen and Mayor Dietch voting against.

Commissioner Gielchinsky made a motion to continue to evaluate pedestrian safety options in the single-family home districts. The motion received a second from Vice Mayor Cohen. Mayor Dietch made an amendment to continue to evaluate pedestrian

safety options in Surfside. The amendment was accepted by Commissioner Gielchinsky and Vice Mayor Cohen and all voted in favor.

Commissioner Paul made a motion to identify vehicle hot spots in the Town of Surfside. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Commissioner Paul made a motion to extend the meeting an additional 30 minutes. The motion received a second from Commissioner Gielchinsky and the motion carried 4-1 with Vice Mayor Cohen voting in opposition.

Passing the gavel, the Mayor made a motion to evaluate 91st Street improvements. The motion received a second from Vice Mayor Cohen and all voted in favor.

C. Fund Balance Policies – Mayor Daniel Dietch

Commissioner Karukin made a motion to direct the Town Manager to develop policies for all fund balances. The motion received a second from Vice Mayor Cohen and all voted in favor.

D. Piano's on Parade – Mayor Daniel Dietch

Mayor Dietch presented the item.

Commissioner Paul made a motion to direct the Town Manager to consider Piano's on Parade, work out the details and report back to the Commission. The motion received a second from Commissioner Karukin and all voted in favor.

E. Proposed Ballot Item for November 2017 – Commissioner Michael Karukin

Commissioner Karukin made a motion to remove the item from the agenda and will bring it back at a future date. The motion received a second from Commissioner Paul and all voted in favor.

F. Additional Zoning In Progress – Regulating Medical Marijuana Facilities – Guillermo Olmedillo, Town Manager (Linked to 4A1)

Town Manager Olmedillo spoke briefly on the item.

Commissioner Karukin made a motion to direct the Town Clerk to publish an additional notice of zoning in progress as provided in the description of Item 9F. The motion received a second from Commissioner Paul and all voted in favor.

The Mayor spoke about beach renourishment and the Town Manager said an update will be given at the February 16, 2017 meeting. Commissioner Paul was thanked for her efforts regarding historic preservation and encouraged to continue to do so.

10. Adjournment

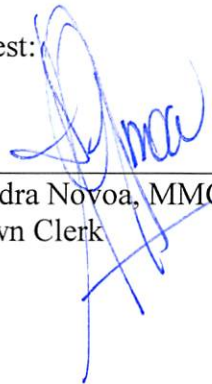
The meeting adjourned at 11:46 p.m.

Respectfully submitted,

Accepted this 16th day of February, 2017



Daniel Dietch, Mayor

Attest: 

Sandra Novoa, MMC
Town Clerk