



**Town of Surfside
Regular Town Commission Meeting
MINUTES**

November 13, 2018

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 7:51 p.m.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief Yero led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Karukin stated that his mom is watching and that yes, he was wearing the tie.

Commissioner Paul spoke about some events she attended since October 9, 2018. She attended the viewing of the film “The Last Resort” documenting South Beach in the 70’s and 80’s by photographers Andy Sweet and Gary Monroe. She explained that Gary was one of her instructors at Miami Dade College. She spoke about how with time things are swept away and changes of tide. She attended an exhibition in Wilton Manors with photos of New York City and much more. She also attended some local events such as the car show on the concourse in Bay Harbor Islands, the Kite Festival in Haulover Park, Ukulele lessons at TY Park in Hollywood and our own Halloween festivities including the Spooktacular at 96th Street Park, Surfside Police Department Halloween Block Party at 92nd Street and the Diwali Indian celebration on Harding Avenue. She also spoke about the different national tragedies that have taken place during the past month and her attendance at the Holocaust Memorial and the Shul with all Surfside congregation and Law Enforcement in solidarity with the Tree of Light Synagogue of Pittsburgh. She spoke about the most recent gun violence in California and stated that these tragic events serve as reminders that as a community, we must remain strong and aware and protect each

other and work together to create a safer environment. Commissioner Paul continued to speak on different events such as the Veterans Day Celebration and the 10th Annual Southeast Florida Regional Climate Summit she attended. She stated that our quality of life is what attracts tourism and we must think of ways to protect this. Together we can create expectations and goals and deliver on them. Resilience is about building a community people want to come back to and we must recognize the value of a green infrastructure and living shorelines. She stated that what connects us is when you can look at someone in the eye and have a conversation and make an emotional connection. We see strength in our Surfside community and must focus on what is good for the entire community and to remember to love thy neighbor as thyself.

Vice Mayor Gielchinsky stated that it was a tough month as a nation between what happened in Pittsburgh and in California a few days ago. It is hard to understand why these things happen and why hate has become prevalent. He asked for a moment of silence for the citizens and law enforcement members that lost their lives during those tragic incidents. He spoke about how people tend to go back to their normal routines and forget about all the recent tragedies. He asked that everyone call upon their elected officials to look at their gun laws and strengthen them. He can not think of a good reason why non-law enforcement or military personnel should have semi-automatic rifles. He spoke about the veterans and their attitude and sense of pride. He also mentioned that Chief Flowers stated the if you see something, do something. For example, if you see someone making hateful comments or conduct in your community, stand up to that person and tell them that that behavior is not tolerated. He wonders if people start acting like that, some of the tragedies may be avoided.

Vice Mayor Gielchinsky read a letter into the record that he wrote to the Rabbi of the Congregation of Tree of Life and the Mayor of Pittsburgh and was placed on the agenda as item 9C.

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

Vice Mayor Gielchinsky made a motion to walk on an item that was previously circulated among the members of the Town Commission as item 9E- Street Lighting in Residential District. Commissioner Paul seconded the motion with the condition that the item must be heard before 11pm. The motion carried 3-0 with Commissioner Karukin and Commissioner Cohen in opposition.

Vice Mayor Gielchinsky made a motion to pull item 3H and move it to section 3, link items 5C and 9D and move to after 3H and to remove item 3O. Commissioner Karukin seconded the motion and all voted in favor.

Town Manager Olmedillo stated that item 3M had an amendment made and was distributed among the members of the Town Commission. Vice Mayor Gielchinsky made a motion to accept the amendment to item 3M. Commissioner Paul seconded the motion and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced that it was Happy World Kindness Day. He spoke about the turtle nesting season and about the Police Department's accreditation process. He stated that recyclables will be picked up on Tuesday instead of Thursday and there will be no garbage pick-up on Thursday of Thanksgiving week. He spoke about picking up after your pet and also provided the Police Department's non-emergency phone number.

Please visit the Town of Surfside's website for all this information and more.

Commissioner Cohen spoke about the importance of having residents attend the Commission meetings to engage and work together to make Surfside the best place to live.

G. Presentation by Senator-Elect Jason Pizzo – Mayor Dietch

Senator-Elect Jason Pizzo introduced himself and stated he will be sworn in on Tuesday, November 20th. He spoke about the upcoming session and mentioned the different municipalities that are in his district. He also introduced Maggie as the new Chief Legislative Aide. He thanked all the Elected Officials for their support during his campaign.

H. Mango Contest Winners Award Presentation – Mayor Daniel Dietch

Mayor Dietch presented the mango contest winners with a certificate and a Town coin. The winners for first place were Meghan and Stuart Rote, second place went to Andres and Maria Rey and third place winner was Jennifer Zawid.

I. Recognition of Dr. Freddy Chiche

Mayor Dietch introduced the current President of the Surfside Urban Gardeners, Ms. Dalia Blumstein. Dalia Blumstein thanked the Town for their continued support. She gave a brief presentation to Dr. Chiche. Mayor Dietch presented Dr. Chiche with a certificate and a Town coin.

2. Quasi-Judicial Hearings

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

Commissioner Karukin made a motion to approve the Consent Agenda minus the pulled items. Commissioner Paul seconded that motion which passed 5-0.

A. Minutes – Sandra Novoa, MMC, Town Clerk

- **October 9, 2018 Regular Town Commission Meeting Minutes**

Town Clerk Novoa stated that there were changes on the minutes and copies of those changes have been distributed to the Commission members.

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

Commissioner Paul pulled the social media report section of the Town Manager's report. She wanted to state that social media involves more than one platform and NextDoor does not rank among the top social media sites.

Mayor Dietch stated that the reason that platforms like Facebook are not utilized is because there is currently no Town Policy for social media.

Commissioner Karukin made a motion to accept the pulled items from the consent agenda. The motion was seconded by Vice Mayor Gielchinsky which passed 5-0 on roll call vote.

***C. Town Attorney's Report – Weiss Serota, Town Attorney**

D. Committee Reports – Guillermo Olmedillo, Town Manager

- **August 6, 2018 Tourist Board Meeting Minutes**
- **August 20, 2018 Parks and Recreation Committee Meeting Minutes**
- **September 27, 2018 Planning and Zoning Board Meeting Minutes**
- **October 8, 2018 Tourist Board Meeting Minutes**

E. Nurse Enhancement Initiative for School Year 2018/2019 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SURFSIDE, THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, TOWN OF BAY HARBOR ISLANDS, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC. TO FUND AND IMPLEMENT A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2018/2019 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent.

F. Tri-Community Maccabi Haifa Youth Basketball Clinic Non-Profit Support Ratification – Mayor Daniel Dietch

Approved on Consent.

- G. Approval of Resolution for an Agreement with USA Software, Inc. for software support and maintenance of the Surfside Police Department Computer Aided Dispatch System, Police Records Management System, Police Report Writing-Mobile Field Reporting, Crime Case Management Tracking/Criminal Intelligence, and Police Property and Evidence Modules - Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SOFTWARE SUPPORT AND MAINTENANCE AGREEMENT WITH USA SOFTWARE, INC. FOR THE INFORMATION MANAGEMENT SYSTEM SOFTWARE UTILIZED BY THE POLICE DEPARTMENT; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent.

- H. Miami-Dade County Homeless Trust – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A \$50,000 CONTRIBUTION TO THE MIAMI-DADE COUNTY HOMELESS TRUST; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

Item was pulled from Consent Agenda.

Town Clerk Novoa read the title of the resolution.

Town Manager Olmedillo introduced the item and the budget process of this item and stated that lobbyist Ron Book would give an overview of the program.

Mayor Dietch wanted to introduce Jay Solowsky, affiliated with the Homeless Trust and Constance Collins and wanted to thank them in bringing this to their attention.

Mr. Ron Book, representing the Homeless Trust, gave an overview of the program and the history of the Homeless Trust.

Commissioner Cohen asked Mr. Book if there is a number to call to have someone come out to get a homeless individual that is on the street.

Mr. Book replied that there is a number and he stated that he has left some business cards with the number of the Homeless Trust and that they can also be handed out to the homeless.

Vice Mayor Gielchinsky made a motion to approve the resolution. Commissioner Paul seconded the motion which passed 5-0 on roll call vote.

I. Resolution Authorizing Mutual Aid Agreement between the City of Miami Beach Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager

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

Approved on Consent.

J. Parks & Recreation Department Replacement Vehicle - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE PURCHASE OF A 2019 FORD ESCAPE FOR THE PARKS AND RECREATION DEPARTMENT AND EXPENDITURE OF FUNDS NOT TO EXCEED \$21,000.00 FROM THE FISCAL YEAR 2018/2019 BUDGET; FINDING THAT THE PURCHASE IS EXEMPT FROM PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was pulled from Consent Agenda.

Town Clerk Novoa read the title of the resolution.

Mayor Dietch explained the program and stated that the Town works off of a State contract and currently there are no electric vehicles available. He asked if the vehicle has to be purchased off a State contract and Town Attorney Arango stated that it has to be off a qualified list.

Mayor Dietch asked if this is a time sensitive item and Town Manager Olmedillo stated that the item could be deferred to see if there are any other sources that have a more environmental vehicle.

Vice Mayor Gielchinsky made a motion to defer item for up to 90 days and direct staff to research alternative electric or hybrid vehicles. The motion was seconded by Commissioner Karukin which passed 5-0 on roll call vote.

K. Approval of Resolution for an Agreement with LeadsOnline, LLC.

LeadsOnline is an investigative computer system software and program that allows for the collection, maintenance, and dissemination of data – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AGENCY AGREEMENT WITH LEADSONLINE, LLC FOR AN ELECTRONIC REPORTING AND CRIMINAL INVESTIGATION DATA SYSTEM FOR LAW ENFORCEMENT; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent.

L. Approval of Resolution - Interlocal Agreement and Affidavit for the Miami-Dade County Municipal Parking Fines Reimbursement Program – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY AND AN AFFIDAVIT FOR THE MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent.

M. Temporary Easement for Beach Renourishment - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A TEMPORARY EASEMENT AGREEMENT WITH MIAMI-DADE COUNTY FOR BEACH RENOURISHMENT, EROSION CONTROL AND HURRICANE PROTECTION PROJECT; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Item was pulled from Consent Agenda.

Town Clerk Novoa read the title of the resolution.

Town Manager Olmedillo introduced the item.

Town Attorney Arango gave a status on the item and the staged equipment.

Mayor Dietch opened the floor to public participation.

Joel Simmonds spoke regarding the item.

Town Manager Olmedillo answered the question of how long the beach will be closed. He stated that they are still having conversations and that the logistics on the entire project still have to be developed.

Discussion continued on the dais among the Commission and Town Manager regarding logistics and access points and areas.

Commissioner Karukin asked if there will be some type of communication being built into the plan and have it advertised. Town Manager Olmedillo stated that there will be advertising once the trucks will be coming.

Commissioner Paul was alarmed at the 24-month period.

Town Manager Olmedillo stated that the easement is a preventative instrument that the Federal Government is giving them. The entire beach will not be closed.

Mayor Dietch stated that it has been a process. It will take time and it all must be lined up and there are safety precautions.

Commissioner Karukin made a motion to approve the resolution. The motion was seconded by Vice Mayor Gielchinsky which passed 5-0 on roll call vote.

Commissioner Karukin made a motion to extend the meeting an additional 30 minutes. The motion was seconded by Commissioner Paul and all voted in favor.

Item 9E added by Vice Mayor Gielchinsky will be moved to the next regularly scheduled meeting.

- N. Approval of Resolution for an Agreement with the Miami-Dade State Attorney's Office for Reimbursement to the State for the Cost of Prosecution of Criminal Violations of the Town of Surfside Code for Fiscal Year Period 2018/2019 – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, FOR REIMBURSEMENT TO THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CRIMINAL VIOLATIONS OF THE TOWN OF SURFSIDE CODE FOR THE FISCAL YEAR PERIOD 2018/2019; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE TOWN MANAGER AND TOWN OFFICIALS TO IMPLEMENT THE TERMS AND

CONDITIONS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent.

O. Presentation of Proclamation to Senator-Elect Jason Pizzo Declaring November 20, 2018 Jason Pizzo Day – Vice Mayor Gielchinsky

Item removed from the agenda by Vice Mayor Gielchinsky.

4. Ordinances

(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. Aggregated Single-Family Lots – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-45 "SETBACKS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Commissioner Karukin made a motion to approve the ordinance on second reading. The motion was seconded by Vice Mayor Gielchinsky.

Commissioner Paul asked how the property tax is assessed on an aggregated lot and Town Manager Olmedillo answered by stating the assessed property value.

Town Attorney Arango stated that the land and building are assessed by the property appraiser's office.

Commissioner Karukin stated that he is not happy with the changes. He feels that it is a step in the right direction but feels the setback should be 20 feet.

Commissioner Karukin asked if it could be changed to 20 feet now.

Town Planner Sinatra Gould stated it is actually a percentage. She stated that the ordinance states 15% of the frontage and it depends on the size of the lot.

Commissioner Karukin stated it is not enough and spoke regarding mansions and feels that this does not go far enough and questioned how it can be changed to 20 feet.

Town Manager Olmedillo stated he could make the amendment to 20 feet.

Town Attorney Arango asked if it was a recommendation from the Planning & Zoning Board and it would be not accepting their recommendation.

Town Manager Olmedillo stated that if the title is not affected then they could amend.

Vice Mayor Gielchinsky asked Town Planner Sinatra Gould to explain what the initial discussion was about.

Town Planner Sinatra Gould gave a synopsis of the discussion that had taken place with the Planning and Zoning Board regarding this item and pie shaped lots.

Discussion among the staff and Commission continued on the setback amount and the language with the amendment.

Commissioner Paul asked if this is only added to aggregated lots and doesn't see a problem with the 20%/20 feet.

Staff recommends that it only be applied to aggregated lots.

Commissioner Karukin withdrew his original motion.

Commissioner Karukin made a motion to amend the Ordinance for there to be a 20% secondary frontage. Commissioner Paul seconded the motion.

Mayor Dietch opened the floor to public comments and the following members of the public spoke on the item:

- Eliana Salzhauer
- Maggie McManagla

Mayor Dietch closed the floor to public comments.

Mayor Dietch said his concern is making a change at 1:20 a.m. and asked Town Attorney Arango if the percentage was 10% or 15% on first reading and Staff answered it was 15%.

Mayor Dietch said that at this point any aggregated lot would still fall under the 15% and would like more research as to what 20% would represent.

Commissioner Karukin stated we would need a deferral for the research for the 20%.

Commissioner Karukin withdrew his previous motion.

Commissioner Karukin made a motion to defer this item to December 11, 2018 at 7:00 p.m. to receive a staff analysis of 20% and consideration of the secondary frontage from 10 feet to 20 feet. The motion was seconded by Vice Mayor Gielchinsky which passed 5-0 on roll call vote.

B. First Reading Ordinances

1. Lobbyist Registration Exemption for Representatives of Single Family Property Owners – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 2-235 – “LOBBYING” TO PROVIDE EXEMPTION FROM THE LOBBYIST REGISTRATION REQUIREMENTS FOR REPRESENTATIVES OF SINGLE-FAMILY PROPERTY OWNERS IN CERTAIN SITUATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Mayor Dietch opened the floor to public comments and the following members of the public spoke on the item:

- Eliana Salzhauer
- Ellen Abramson

Commissioner Karukin made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner Cohen which passed 5-0 on roll call vote.

2. Corner Lot Fences - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-56.5 “MODIFICATION OF SECONDARY FRONTAGE FENCE AND ORNAMENTAL WALL REGULATIONS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS FENCE AND SHRUB REQUIREMENTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS;

PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Town Planner Sinatra Gould introduced the item.

Vice Mayor Gielchinsky stated the hard work the staff had done and his suggestion would be to walk around Town if you plan on making changes.

Commissioner Paul requested clarification on the set back from any property line and Town Planner Sinatra Gould explained that it would be a set back from that right away and an additional 3 feet for landscaping.

Town Planner Sinatra Gould made clarification as to the setbacks.

Mayor Dietch suggested an amendment to include a maximum of 24 inches from center on row 46.

Commissioner Paul made a motion to approve the ordinance an amended. The motion was seconded by Vice Mayor Gielchinsky which passed 5-0 on roll call vote.

3. Ordinance Amending Section 34-11, "Prohibition on Distribution, Sale or Use of Plastic Straws," to Clarify the Definition of Plastic Straw and Provide for Reasonable Accommodations- Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 34-11, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS" OF THE TOWN'S CODE OF ORDINANCES TO CLARIFY THE DEFINITION OF PLASTIC STRAW AND PROVIDE FOR REASONABLE ACCOMMODATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Town Attorney Arango introduced the item and the clarification needed on the existing ordinance with its changes.

Commissioner Paul commented that it states, paper, bamboo and sugar straws but questioned why plastic had to still be there. Town Attorney Arango said that they are clarifying that plastic straws are not allowed, and alternatives can be used.

Commissioner Paul questioned why plastic straws for reasonable accommodations and what that means. Town Attorney Arango explained that the disabled do need to use straws and they need to be exempt.

Vice Mayor Gielchinsky made a motion to approve the ordinance. The motion was seconded by Commissioner Paul which passed 5-0 on roll call vote.

4. Reasonable Accommodation Procedure – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA CREATING SECTION 90-100 "REASONABLE ACCOMMODATION PROCEDURES" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS UNDER THE FAIR HOUSING ACT AND AMERICANS WITH DISABILITIES ACT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Commissioner Paul questioned what the purpose of this ordinance is and what is currently in place. She wanted to make sure it did not affect the handicap.

Town Attorney Arango responded that the code is specific to which the federal act is and does not provide safeguard to other situations and this adds a safeguard where your codes and ordinances would harm or discriminate against someone.

Commissioner Paul asked if it is imposing restrictions on the handicap and Town Attorney Arango stated that it does not.

Commissioner Paul said that she read the item and wanted to make sure it did not discriminate against the handicap or hinder someone from having to add a ramp at their home.

Vice Mayor Gielchinsky explained the Ordinance.

Commissioner Cohen asked if something was installed at the Community Center for the handicap and it is a major thing which allows those to go to the ocean.

Commissioner Karukin made a motion to approve the ordinance. The motion was seconded by Vice Mayor Gielchinsky which passed 4-0 on roll call vote with Commissioner Cohen absent.

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

A. Agreement for Food and Beverage Concession Services at the Surfside Community Center with Surf-N-Sides – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING AND AWARDING THE PROPOSAL OF HAMSA HAMSA, LLC D/B/A SURF-N-SIDES FOR FOOD AND BEVERAGE CONCESSION SERVICES AT THE SURFSIDE COMMUNITY CENTER; AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution.

Town Manager Olmedillo introduced the item.

Commissioner Paul had a correction on page 219 where it says, "Town Council" and then it says "Town Commission" everywhere else. Also Exhibit A and Exhibit B were not attached.

Town Attorney Arango stated that if the agreement is approved and the Commission moves forward to execution, the idea is that staff will work with the concessionaire to create this inventory list and then attach it.

Concessionaires of Hamsa Hamsa, LLC spoke and wanted to ask for clarification on two items on the lease, but first wanted to thank everyone on the dais. On the agreement there were two items with Town employees on page four and eight that they could not work out with the Town employees and to address it with the Commission. On page four under Section 10-6 it mentioned "other items are approved by the Town Manager". They are asking for sentence be taken out. They also asked for clarification on page eight, termination of convenience, and if it could be removed or have the RFP be reopened.

Mayor Dietch said that he cannot approve his proposed changes and leave them the way it is, that gets their foot in the door. He always has asked the Town Attorney to have very good severability clauses to protect the Town.

Commissioner Paul is ok with those changes but wondering on 10-6 as far as it was highlighted in red if there is a way they could add in the collapsible straws. She requested it if it could be reworded so it could be added in.

Town Attorney Arango stated that they can sell whatever they would like. The intent of that last sentence was to clarify that it was a food and beverage concession and sales should be restricted to that. The language can be amended as the Mayor suggested to read the sale of other items as approved by the Town Manager.

Discussion continued on the dais among the Commission on the language and on this item.

Commissioner Karukin made a motion to approve the resolution with the amended language by the Town Attorney. The motion was seconded by Commissioner Paul which passed 5-0 on roll call vote.

Mayor Dietch asked when the opening date would be and the concessionaires stated within two months of execution of the contract.

Commissioner Karukin made a motion to move Item 3M to be heard after 5A. The motion was seconded by Vice Mayor Gielchinsky and all voted in favor.

**B. FY 2017-2018 Budget Amendment Resolution – Guillermo Olmedillo,
Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN
OF SURFSIDE, FLORIDA, APPROVING THE FINAL BUDGET
AMENDMENTS FOR THE 2017-2018 FISCAL YEAR BUDGET;
PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR
AN EFFECTIVE DATE.**

Town Clerk Novoa read the title of the resolution.

Town Manager Olmedillo introduced the item.

Commissioner Paul questioned the decrease in tourist revenue and increase in expenditures and commented on the need to be mindful.

Commissioner Karukin made a motion to extend the meeting no more than 30 minutes. The motion was seconded by Commissioner Paul which passed 5-0 on roll call vote.

Interim Finance Director Wallace gave a synopsis of the item and the expenditures.

Commissioner Karukin made a motion to approve the resolution. The motion was seconded by Vice Mayor Gielchinsky which passed 5-0 on roll call vote.

Vice Mayor Gielchinsky made a motion to move Item 4B4 to be heard after 5B. The motion was seconded by Commissioner Karukin which passed 5-0 on roll call vote.

**C. Resolution to Terminate Evaluation and Rejection of the P3 Proposal –
Commissioner Michael Karukin**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TERMINATING FURTHER EVALUATION OF AND REJECTING AN UNSOLICITED PUBLIC-PRIVATE PARTNERSHIP (P3) PROPOSAL FOR THE DESIGN, CONSTRUCTION, FINANCING, OPERATION AND MAINTENANCE OF “SURFSIDE CIVIC CENTER” ON THE CURRENT TOWN HALL SITE, LOCATED AT 9293 HARDING AVENUE, AND THE MUNICIPAL PARKING LOT IMMEDIATELY NORTH OF TOWN HALL, LOCATED ON 93RD STREET, INCLUDING A NEW TOWN HALL, POLICE STATION, AND MIXED-USE RETAIL/RESTAURANT, OFFICE SPACE, PARKING GARAGE AND COMMUNITY RECREATIONAL SPACE (“PROJECT”); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution.

Commissioner Karukin made a motion to approve the resolution. Commissioner Paul seconded the motion.

Commissioner Karukin introduced the item and wanted to remind the residents that the Manager and staff follow the direction and instructions from the Commission and the rejection of the proposal’s language comes from the Florida Statutes. He read the following cover memo he sent to the Commission:

“This cover memo is a direct appeal to my fellow commissioners to stop the evaluation and reject this proposal. This project created an atmosphere of distrust, anger and frustration and considering there is no compelling need to cause so much consternation and increased risk to the welfare of this community, the project needs to be rejected.

Do you not worry about the long-term and unintended consequences of this deal? Do you not worry about what this project will do to our Town? Our beaches? Our streets? Our quality of life?

Do we really need a 450-space garage and a new business district? Have you any inkling what this will do to our Towns character? Do you not want to preserve and protect what small town charm we have left?

Surfside used to be our little secret. Not anymore. All-the-more reason why we need take a step back and rethink what problems are we are trying to solve. We need to think twice before we go making our lives even

worse by building a 450-space garage because a piece of paper says we need x number of parking spaces.

If the real reason is to solve a parking problem, then where is the evidence. I know that may be a bit rhetorical because I know the argument all too well. That is, some will say "it is not a today issue, it is a tomorrow issue".

We all know Surfside has been debating the parking issue for decades. The first formal study I saw was dated 1986. But the reality is we've been operating under a calculated parking deficit of about 270 spaces for *years*. But as you know, no one really complains anymore. That's because of increased enforcement preventing construction workers from taking up spots, limits on time to increase turnover, parking rate increases, rate differentials by location, and of course ride share, which was not around when the last big parking study was done. Kudos to SPD and the parking division for being so effective.

The tomorrow issue however is more theoretical and consists of a series of calculations that say we have a parking deficit of over 300 spaces. However, I do not subscribe to the notion that we are obligated to build to a calculated number. Who says we must do that? There is nothing wrong with parking being tight every now and then. It discourages people from using their cars. And we all know that parking utilization fluctuates with the time of day and time of year.

That was a result of the 2012 parking study.

If this project moves forward and gets built, other than the nightmare from 5 years of construction, one of two things will happen. It will be empty half the time or not. And if not empty, it means we have an even bigger problem on our hands: more cars, more crowds, more congestion, more traffic, and an even greater degradation of our quality of life.

You cannot let this happen. This project has caused enough pain and division in our community. It's just not worth it. Giving away our Town Hall for 1 year or 99 years is not the right thing to do. Please vote yes on this resolution to stop the project."

Mayor Dietch stated that they are here to listen to the residents and it is recognized and asked for those on the dais that are voting for it to raise their hands. Four elected officials raised their hands in support of the proposed resolution. He stated that there is a resolution on the table and over 50 speakers and wanted to let the residents know where most of the individuals on the dais stand.

Mayor Dietch opened the floor to public comments and the following members of the public spoke on the item:

- Deborah Cimadevilla
- Nicole Motola
- Caridad Izquierdo
- Madeline Noble
- Retta Logan
- Clara Diaz Leal
- Anthony Blate
- Ellen Abramson
- Dalia Blumstein
- Steve Kram
- Donald Lewin
- Jalil Thurber
- Bob McNutt
- Diana Gonzalez
- Kristin Min Sanchez
- Pamela O'Hagan
- Oliver Sanchez
- Victor May
- Nelly Noguerales
- Marcia Teixeira
- Alan Rubin
- Jeffrey Platt
- Charles Burkett
- Eliana Salzhauer
- Donald Fowley
- Sasha Plutno
- Tricia Fowley
- David Epstein
- Nathalie Vaturi
- David Wilson
- Cesar Izarraulde
- Louisa Agresti
- Ivan Parra
- Maggie McManagle
- Marc Levenson
- Eva Kaman
- Marisol Krasner
- George Kousoulas
- Elizabeth Cimadevilla
- Marianne Meischeid

Commissioner Karukin commented on the comment made that he did not have a spine and clarified that his decisions are based on facts.

Commissioner Paul wanted to address the bullying and that she spoke from a personal experience and does not appreciate that the speaker, who left already, tried turning it against her in that it is a weakness and she does not feel bullied by anyone in this room speaking about their passion and this Town. She has listened to everyone in favor and

opposed to this project and she has met with these developers and asked why the developers pulled the meeting and did not meet with the residents. She stated that a petition was never presented to them and there is no bullying in her decisions.

Mayor Dietch requested a motion to extend the meeting not to exceed 2 hours.

Commissioner Karukin made a motion to extend the Commission meeting 2 hours. The motion was seconded by Commissioner Paul and all voted in favor.

Commissioner Karukin addressed an issue that came up that announcements were not made public and he stated that these announcements have been made public and spoken about in previous meetings and in the agenda books and nothing was done in secret. Certain things they could not talk about and that is due to Florida Statutes and they were following the law.

Vice Mayor Gielchinsky addressed some of the comments made and why he is voting the way he is and explained his position on the item.

Commissioner Cohen stated that when the residents speak the Commission does listen and takes action.

Mayor Dietch stated that lessons have been learned and that they are not disconnected from the community and feels that is what brought the reactions from the residents. At the end, the Commission has to make a decision that is in the best interest of the community.

Town Clerk Novoa stated for the record that at 5:26 p.m. she received a petition from the Pointe Development Company.

Commissioner Karukin made a motion to approve this Resolution. The motion was seconded by Commissioner Paul which passed 4-1 with Vice Mayor Gielchinsky voting in opposition.

The Commission Meeting went into recess at 11:23pm

The Commission Meeting reconvened at 11:32 p.m.

Commissioner Karukin made a motion to move item 5A after item 9D. The motion was seconded by Commissioner Paul and 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 semantics on the items, residents are upset because they felt that they were left out in the process and being that of quality of life for the residents.

Galen Bakken spoke regarding the development in Surfside.

Retta Logan spoke regarding the division of the community and to allow residents to assist with the issues in Surfside.

Allen Davoudpour spoke regarding how the Town decides on what projects to bring forward and if there is a proposed change as a resident that it is given an opportunity instead of it being done away with just because there is a group of residents making noise. He would also like to see more trees and sidewalks.

Tricia Fowley spoke regarding the environment and how to do better due to the amount of plastic and trash in the beach and how it can be better, having the Town ban straws and plastic bags and using hybrid vehicles.

Jalil Thurber spoke regarding the amount of discussion in the community, mistrust created amongst the residents and that the Commission should have a workshop of what transpired regarding the P3.

Yuri Fridman spoke regarding the P3 project and a division amongst the community and the Commission.

Sasha Plutno spoke regarding parking issues and police enforcement in Surfside.

Charles Burkett stated that he felt that it was hypocritical to treat residents like first graders by using jazz hands and when Mr. Ron Book came up the dais clapped. He also stated that there is too much development in Surfside.

Alan Rubin spoke regarding the 4 year terms of elected officials not being a good idea.

Victoria Saife spoke regarding the parking study, P3 project, the quality of life in Surfside and overdevelopment.

Clara Diaz-Leal spoke regarding the quality of life in Surfside, it's deterioration and overdevelopment with the increased issues in parking.

Jeffrey Platt spoke regarding the future of Surfside and the overdevelopment of Surfside and the quality of life.

Debby Cimadevilla spoke regarding her having to spend her own money to make the developers clean up the beaches from all their debris.

Joshua Epstein spoke regarding the Commission representing the residents and that there is no need for a parking study at the peak of the season.

Mayor Dietch closed the floor to public participation.

Commissioner Paul commented on trying to convey the sense of community that she sees in this room and in the past month and would like to say to the person who mentioned to

run for office, that is exactly what she did. She was one of the individuals that was active with the sand issue. She stands by the residents and she listens to their concerns. She responded to the individual who made the comment about a small group and a small minority, she stated that she wishes she had addressed this much, much sooner because that terminology started here on the dais. We had residents coming here to speak about issues and they were being constantly called a small minority, and she did nothing, and they stopped coming. Then, a resident spoke and referred to other residents as a small minority and she did nothing, and it took her a week to recover from hearing another resident call a resident a minority, because that is to say their voice doesn't matter and all residents' voices matter. She continued that we need to come together and respect each other. She responded to the comment about the applause for Mr. Ron Book and that she did applaud out of respect, to be respectful of him.

Commissioner Karukin commented on a resident's comment on affordable housing and he has been working for a while with the Town Planner on the issues of affordable housing. He wanted to clarify that he was approached once with an affordable housing project and he asked how much the units would cost, and the individual stated about \$700,000 or \$800,000, which is does not consider to be affordable.

Mayor Dietch stated that he is here to serve the community and the perspective he has is different of that of the individual resident. His responsibility is to listen to a spectrum of individual matters and his intention is not to be disrespectful or offensive to anyone. He commented on allegations of illegal behavior and he addressed those alleged issues in 2010 when he ran for office and even put links to the State Attorney's Office, the Federal Bureau of Investigations (FBI) and Miami-Dade Commission on Ethics so residents could go in and let their concerns be heard if they were uncomfortable bringing it to them. The comments made hits him at his core and it concerns him when the residents say that decisions are being made without their input. They are all accessible to the residents and they can come to any of them with their concerns.

7. Town Manager and Town Attorney Reports

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

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.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Board and Committee Appointments [Verbal]– Sandra Novoa, MMC, Town Clerk - Sustainability Committee – Commissioner Cohen

Mayor Dietch introduced the item and suggested to defer the item.

Town Clerk Novoa stated she provided two applications to the Commission.

Mayor Dietch stated that they are looking for a subject matter expert and suggested to hold off appointing and the first meeting can still reconvene.

Commissioner Cohen made a motion to appoint Clara Diaz-Leal to the Sustainability and Resiliency Committee. The motion was seconded by Commissioner Paul which passed 5-0 on roll call vote.

B. 2019 Meeting Calendar - Sandra Novoa, MMC, Town Clerk

Town Clerk Novoa introduced the item and requested changing the meeting from October 8th to October 10th due to the Yom Kippur Holiday.

Vice Mayor Gielchinsky made a motion to approve the meeting dates. The motion was seconded by Commissioner Paul which passed 5-0 on roll call vote.

C. Pittsburgh Letter of Condolence – Vice Mayor Gielchinsky

Vice Mayor Gielchinsky read the letter into the record.

D. Reassessment of Business District Parking Requirements – Mayor Daniel Dietch

Mayor Dietch introduced the item and the parking issues in Surfside.

Vice Mayor Gielchinsky spoke in support of this item and feels that there is a trend of downsizing for commercial establishments and feels this study will help.

Discussion continued on the item among the Commission on the dais.

Commissioner Paul stated that she has a video she wants to show which is 5 minutes long and is called “The High Cost of Free Parking” the public can go on google or YouTube to see it and starts off with Steve Jobs. It really addresses the issue we are facing and comes up with some interesting ideas.

Mayor Dietch asked for a motion to view the video.

Commissioner Paul made a motion to allow the video to be shown. The motion was seconded by Vice Mayor Gielchinsky and all voted in favor.

Town Clerk Novoa showed the video.

Commissioner Paul thanked the Commission for allowing her to show the video and believes that they should reevaluate the zoning code and look into abolishing the parking fund and look into giving refunds. Also, if the Commission can find more parking spaces around. She feels that the Parking Enforcement Officers can shine some light at the troubled areas and they are the best ones to ask. She stated the quote on page 253 still holds and feels these things should be evaluated.

Discussion continued on the item among the Commission on the dais.

Mayor Dietch opened the floor to public comments and the following members of the public spoke on the item:

- Eliana Salzhauer
- Ellen Abramson
- Tricia Fowley
- George Kousoulas
- Clara Diaz Leal

Commissioner Cohen feels that they accomplished a tremendous amount tonight and are going in the right direction. The common question is what the Town is going to do with the parking problem.

Mayor Dietch is going to prepare a recommendation briefing with solutions and direct the Town Attorney and Town Manager to assess the legal implications and prepare a report or briefing to come before the Commission in January 2019 and do a further analysis to include the low season.

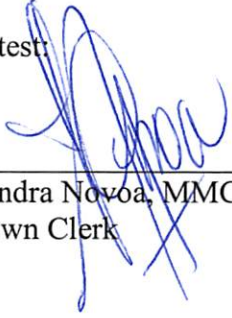
10. Adjournment

There being no further business to discuss before the Commission, the meeting adjourned without objection at 1:32 a.m. on November 14, 2018. A motion was made by Vice Mayor Gielchinsky and seconded by Commissioner Paul.

Respectfully submitted

Accepted this 11th day of December, 2018

Attest:



Sandra Nova, MMC
Town Clerk



Daniel Dietch, Mayor