



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
November 12, 2019  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:03 p.m.

**B. Roll Call of Members**

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

**C. Pledge of Allegiance**

Chief Yero led the Pledge of Allegiance.

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

Vice Mayor Gielchinsky spoke regarding gratitude to everyone who has shown him support, thanked staff and wished everyone a Happy Thanksgiving.

Town Manager Olmedillo advised the Town Commission regarding the issuance of courtesy notices and stated that the code used was in error. He stated that letters will go out advising that the original letters were issued in error.

Mayor Dietch thanked the staff who coordinated the Veterans Day Ceremony and reiterated the loss of someone in the community. He mentioned that Norman Superstein, a veteran of World War II and a longtime resident passed away. The Commission sends the family their condolences.

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

Commissioner Karukin requested to link items 3I and 5A, link items 3M and 3G and have them pulled from the Consent Agenda.

Mayor Dietch stated a Bal Harbor Commissioner would like to speak on item 5I, therefore he requested that item be pulled from the Consent Agenda.

A motion was made by Commissioner Paul to link items 3I and 5A, 3M and 3G, pull out of the Consent Agenda 3M, 3G and 5I, seconded by Commissioner Karukin. All voted in favor.

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

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

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

- 3. Consent Agenda (Set for approximately 7:30 p.m.)** *All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*

A motion was made by Vice Mayor Gielchinsky to approve the Consent Agenda minus the pulled items 3I, 3M, 3G and Attachment E, page 127. The motion received a second from Commissioner Karukin. All voted in favor.

A motion was made by Commissioner Karukin to pull item 3K, seconded by Vice Mayor Gielchinsky. All voted in favor.

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

- September 19, 2019 Joint Town Commission and Planning and Zoning Meeting Minutes
- October 10, 2019 Regular Town Commission Meeting Minutes
- October 29, 2019 Special Commission Meeting-Quasi-Judicial Hearing Minutes

Approved on consent.

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

Attachment E was pulled by Commissioner Karukin.

Commissioner Karukin complimented the DVAC on how well they are doing.

Approved on consent.

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

Approved on consent.

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

- September 12, 2019 Downtown Vision Advisory Committee Meeting Minutes
- September 16, 2019 Parks and Recreation Committee Meeting Minutes
- September 18, 2019 Sustainability and Resiliency Committee Meeting Minutes
- September 26, 2019 Planning and Zoning Board Meeting Minutes

Approved on consent.

**E. Resolution authorizing Mutual Aid and Joint Declaration Agreements between the Town of Surfside and the Town of Golden Beach - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MUTUAL AID AGREEMENT WITH THE TOWN OF GOLDEN BEACH, A JOINT DECLARATION OF THE CHIEF OF THE TOWN OF SURFSIDE POLICE DEPARTMENT AND THE CHIEF OF THE TOWN OF GOLDEN BEACH POLICE DEPARTMENT PURSUANT TO MUTUAL AID AGREEMENT, AND A JOINT DECLARATION AMENDMENT UNDER TOWN OF SURFSIDE POLICE DEPARTMENT AND THE TOWN OF GOLDEN BEACH POLICE DEPARTMENT'S MUTUAL AID AGREEMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**F. Purchase of a Waste Collection Vehicle Through Florida Sheriffs Association & Florida Association of Counties FY 2020 Pricing – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A MACK TRUCK FOR THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

- G. Procurement of Seven Police Vehicles, Four (4) Marked Hybrid Ford Police SUV Interceptor Vehicles, Two (2) Unmarked Hybrid Ford SUV Vehicles, and One (1) Ford F-150 Pick -Up Truck - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF POLICE VEHICLES, ACCESSORIES, GRAPHICS, AND RADIO EQUIPMENT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AN EXEMPTION FROM COMPETITIVE BIDDING; DECLARING CERTAIN POLICE VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

Commissioner Karukin made a motion to approve as amended changing the word to "installation" instead of "purchase", seconded by Vice Mayor Gielchinsky. The motion passed with a 4-0 vote. Commissioner Cohen was absent.

- H. 96<sup>th</sup> Street Facility RFP Design and Management – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 128 WITH CALVIN GIORDANO & ASSOCIATES, INC. FOR PROFESSIONAL CONSULTING SERVICES FOR THE 96<sup>TH</sup> STREET PARK FACILITY RFP DESIGN, ASSIST AND MANAGEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE WORK AUTHORIZATION; AUTHORIZING THE TOWN MANAGER AND TOWN OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE**

Approved on consent.

- I. Parks and Recreation Bus Transportation Services – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH ACADEMY BUS, LLC FOR COACH BUS TRANSPORTATION SERVICES; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN**

**CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

This item was linked to Item 5A.

A motion was made by Commissioner Karukin, and seconded by Vice Mayor Gielchinsky. All voted in favor.

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**J. Resolution to Re-Adopt the Town of Surfside Title VI Program Plan - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A TITLE VI PROGRAM PLAN IN ACCORDANCE WITH TITLE VI, 42 U.S.C. SECTION 2000D, CIVIL RIGHTS ACT OF 1964, AS REQUIRED FOR THE TOWN TO RECEIVE FEDERAL PASS-THROUGH FUNDING FROM MIAMI-DADE TRANSIT AGENCY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**K. Approval of Resolution for an Agreement with the United States Postal Service for Annual Rent/Lease of Town Parking Spaces Located in the 94<sup>th</sup> Street Parking Lot and the 95<sup>th</sup> Street Parking Lot – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING LEASE AMENDMENTS/RENEWALS WITH THE UNITED STATES POSTAL SERVICE (USPS) FOR PARKING SPACES AT THE 94<sup>TH</sup> STREET MUNICIPAL PARKING LOT, AND PARKING SPACES AT THE 95<sup>TH</sup> STREET MUNICIPAL PARKING LOT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

Commissioner Karukin requested to pull the item because he was concerned with the 27 spaces in the 94<sup>th</sup> Street lot.

The Town Commission discussed the need for so many parking spots.

Town Manager Olmedillo answered their questions.

A motion was made by Commissioner Karukin to defer the item, and seconded by Vice Mayor Gielchinsky. The motion passed with a 4-0 vote. Commissioner Cohen was absent.

**L. Parker Pay Stations Modem Upgrade - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A SECOND ADDENDUM TO THE AGREEMENT WITH HARRINGTON RESOURCES, INC. D/B/A PARKER SYSTEMS DATED NOVEMBER 9, 2016 FOR MODEM UPGRADES ON THE TOWN'S PAY STATIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**M. Purchase of a Ford Truck - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A VEHICLE FOR THE BUILDING DEPARTMENT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

Commissioner Karukin requested to place all purchases of vehicles together as one item for the future.

A motion was made by Commissioner Karukin, and seconded by Vice Mayor Gielchinsky. The motion passed with a 4-0 vote. Commissioner Cohen was absent.

**N. FY 2020 Budget Amendment Resolution No.2 – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2020 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**4. Ordinances**

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

**A. Second Reading Ordinances**

**1. Limitations on Accessory Uses in H40 – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO ESTABLISH LIMITATIONS ON HOTELS IN THE H-40 ZONING DISTRICT SOUTH OF 93<sup>RD</sup> STREET INCLUDING: A PROHIBITION ON BALLROOMS AND BANQUET FACILITIES AS HOTEL ACCESSORIES; PROVIDING DISTANCE SEPARATION STANDARDS BETWEEN HOTELS; PROVIDING LIMITATIONS ON EVENT AND/OR MEETING ROOM SPACE; PROHIBITING STRUCTURED PARKING FACILITIES, AND REQUIRING THAT PARKING STRUCTURES INCORPORATE HOTEL AND/OR ACCESSORY USES; CREATING EXEMPTIONS FOR EXISTING AND APPROVED DEVELOPMENTS, AND FOR HISTORICALLY DESIGNATED PROPERTIES; AND AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS AND FAÇADE ARTICULATIONS" TO ESTABLISH CONTINUOUS WALL FRONTAGES FOR HOTELS IN THE H40 ZONING DISTRICT SOUTH OF 93 STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

Town Planner Sinatra introduced the item and gave a synopsis of the requested ordinance.

Commissioner Paul requested an explanation on number 5.

Town Planner Sinatra answered Commissioner Paul's question.

Commissioner Karukin commented on the historical perspective of the maximum wall frontage and the changes of the Code. He suggested to present the recommendation of the Planning and Zoning Board of the removal of the 300-foot separation.

Town Planner Sinatra addressed Commissioner Karukin's questions and concerns regarding the Code and the amended motion he would like to make for the H30 and H40 of the 150-foot setback.

The following individuals spoke on the item:

Victoria Saife

Matthew Barnes, Akerman LLP, representing the Marriott.

Jeffrey Platt

Peter Filiberto

Richard Heisenbottle, RJ Heisenbottle Architects, PA, representing 90<sup>th</sup> Street International Investment Corp.

Motion made by Commissioner Cohen to allow Richard Heisenbottle an additional minute to speak, motion received a second from Commissioner Paul. All voted in favor.

Tricia Fowley

Kristofer Machado, Ackerman LLP, 9040 LLC and 90<sup>th</sup> Street International Investment Corp.

A motion was made by Commissioner Cohen, and seconded by Vice Mayor Gielchinsky to allow Kristofer Machado 6 minutes to speak.

Eliana Salzhauer

Michael Dranoff

Kathleen Kaufman

George Kousoulas

Eike Stankovic

Michel Ayub

Esther Superstein

Rick Superstein

A motion was made by Commissioner Paul to hear Good and Welfare right after this item, and seconded by Vice Mayor Gielchinsky. All voted in favor.

Mayor Dietch closed public comments.

Commissioner Paul commented on the statements made by Kristofer Machado.

Town Planner Sinatra spoke regarding the number one traffic generator being banquets and ballrooms.



Further discussion regarding the item and requested amendments to the ordinance to include deleting the 300-foot separation requirement, adding the requirement that hotels in the H40 south of 93 street along Collins and Harding Avenue could not be greater than 150 feet in the historic district subject to approval by the Planning and Zoning Board and Commission. Also, that number 7 of the ordinance language be subject to the approval of both the Planning & Zoning Board and the Town Commission.

Town Attorney Arango stated that she would look at the amendments being requested and amend the Ordinance.

A motion was made by Commissioner Karukin to approve the Ordinance as amended. The motion received a second from Vice Mayor Gielchinsky. The motion passed with a 4-1 vote with Commissioner Cohen voting against.

A motion was made by Commissioner Karukin to have Town staff bring back the ordinance for consideration that any building south of 93<sup>rd</sup> street in the moderate high density be no greater than 150 feet, seconded by Commissioner Paul. The motion passed with a 3-2 vote. Vice Mayor Gielchinsky and Commissioner Cohen voted no.

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

## **B. First Reading Ordinances**

### **1. Synthetic Turf for Excess Landscape Areas – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-85.2 "DEFINITIONS" TO ESTABLISH A DEFINITION FOR SYNTHETIC TURF; AMENDING SECTION 90-87 "INSTALLATION OF LANDSCAPING AND IRRIGATION" TO PERMIT SYNTHETIC TURF ON ALL PROPERTIES WITHIN THE TOWN SUBJECT TO REQUIREMENTS, INSTALLATION AND MAINTENANCE STANDARDS AND PERMITTING; AND AMENDING SECTION 90-88 "MAINTENANCE OF LANDSCAPE AREAS" TO PERMIT SYNTHETIC TURF WITH EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

Town Clerk Novoa read the title into the record.

The following individuals spoke on the item:

Eliana Salzhauer  
Diana Gonzalez  
Joel Simmons  
Sasha Plutno

Members of the Town Commission addressed the comments made by the public.

A motion was made by Commissioner Karukin for purposes of discussion, seconded by Commissioner Paul.

A motion was made by Commissioner Karukin to approve the Ordinance, and seconded by Mayor Dietch. Motion passes with a 4-1 vote with Commissioner Paul voting against.

**2. Setbacks Lots over 50 feet in Width – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-2 "DEFINITIONS" OF CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE A MEASUREMENT FOR LOT FRONTAGE; AMENDING SECTION 90-45 "SETBACKS" OF CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS FOR PROPERTIES 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 into the record.

Commissioner Karukin requested clarification of the formula from Town Planner Sinatra regarding the setback and maximum building length. He also suggested creating a maximum square footage.

Town Planner Sinatra clarified the formula for the setback, the maximum building length and suggested that possible language could state that any aggregated lot cannot exceed what one can do with a double lot.

Town Manager Olmedillo gave some other options and clarification of the ordinance.

Commissioner Paul commented on the large homes being built on the smaller lots and this issue should be addressed as a whole on all lots.

Commissioner Cohen asked what the formula currently is now.

Town Planner Sinatra answered Commissioner Cohen's question.

The following individuals spoke on the item:

Sasha Plutno  
Louis Scherr  
Eliana Salzhauer  
Randy Rose  
Dale Allen  
Peter Hickey  
Jeff Rose  
Joe Miranda

A motion was made by Commissioner Cohen to allow Jeff Rose an additional minute, and seconded by Commissioner Paul. All voted in favor.

Jennifer Zawid  
Peter Filiberto  
George Kousoulas

A motion was made by Vice Mayor Gielchinsky to extend George Kousoulas an additional minute, and seconded by Commissioner Paul. All voted in favor.

Mayor Dietch responded to the comments made by the public.

A motion was made by Commissioner Karukin at 11:00 p.m. to extend the meeting no more than 4 hours, and seconded by Vice Mayor Gielchinsky. All voted in favor.

Town Manager Olmedillo addressed the Commission regarding this item and the different options available.

A motion was made by Commissioner Karukin to defer the item. The motion received a second by Commissioner Paul. All voted in favor.

Commissioner Karukin withdrew his motion to defer the item and Commissioner Paul withdrew her second.

A motion was made by Vice Mayor Gielchinsky, and seconded by Commissioner Karukin directing Town Manager Olmedillo to obtain materials and visuals to present at the special joint meeting of the

Town Commission and the Planning & Zoning Board Meeting within sixty (60) days. All voted in favor.

**3. Structural Plans Review Fee Change - Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 14-29, "PERMIT FEES" OF THE TOWN'S CODE OF ORDINANCES TO ADJUST THE FEES FOR STRUCTURAL PLANS REVIEW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

A motion was made by Vice Mayor Gielchinsky for purposes of discussion. The motion received a second by Mayor Dietch. All voted in favor.

Mayor Dietch asked why the fees have to go up.

Town Manager Olmedillo requested Building Official Prieto to introduce the item and explain the increase in the fees

Building Official Prieto explained the increase in fees and answered Mayor Dietch's question.

A motion was made by Vice Mayor Gielchinsky to approve the Ordinance, and seconded by Commissioner Paul. The motion passed with a 4-1 vote with Commissioner Karukin voting no.

**5. Resolutions and Proclamations**

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

**A. Interlocal Shuttle Bus Report - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING ("MOU") WITH THE VILLAGE OF BAL HARBOUR AND THE TOWN OF BAY HARBOR ISLANDS RELATED TO THE ASSESSMENT OF SHUTTLE BUS SERVICES BY THE LEHMAN CENTER FOR TRANSPORTATION RESEARCH AT FLORIDA INTERNATIONAL UNIVERSITY;**

**PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

Assistant Town Manager Tavares introduced the item and Bay Harbor Island Commissioner Jordan Leonard.

Bay Harbor Island Commissioner Jordan Leonard presented the item and spoke regarding working together when it comes to transportation, the grant and cost entailed.

The following individuals spoke on the item:  
Peter Filiberto

A motion was made by Commissioner Karukin to approve the Resolution, and seconded by Vice Mayor Gielchinsky. All voted in favor.

- B. Resolution Directing the Town Manager to Take any and all Actions Necessary to Ban the Use of Herbicides Containing Glyphosate by the Town of Surfside (“Town”) and Town Contractors in the Performance of Landscaping and Maintenance Work on all Town-Owned Properties and Facilities – Guillermo Olmedillo, Town Manager and Lillian M. Arango, Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DIRECTING THE TOWN MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO BAN THE USE OF HERBICIDES CONTAINING GLYPHOSATE BY THE TOWN OF SURFSIDE (“TOWN”) AND TOWN CONTRACTORS IN THE PERFORMANCE OF LANDSCAPING AND MAINTENANCE WORK ON ALL TOWN-OWNED PROPERTIES AND FACILITIES; FURTHER DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION AS STATED HEREIN; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

The following individuals spoke on the item:  
Eliana Salzhauer  
Sasha Plutno

A motion was made by Commissioner Paul to approve the Resolution, and seconded by Vice Mayor Gielchinsky. All voted in favor.

**C. Resolution Establishing a Policy for the Maintenance and Retention of Text Messages Sent or Received in Connection with Town Business Consistent with the Requirements of the Florida Public Records Law – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ESTABLISHING A POLICY FOR THE MAINTENANCE AND RETENTION OF TEXT MESSAGES SENT OR RECEIVED IN CONNECTION WITH TOWN BUSINESS CONSISTENT WITH THE REQUIREMENTS OF THE FLORIDA PUBLIC RECORDS LAW; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

Town Manager Olmedillo introduced the item.

Town Attorney Arango gave an explanation of the item and the requirement of a texting policy requested by the State Attorney's Office, which is dictated by law.

Commissioner Paul asked Town Attorney Arango to define what constitutes text messages and how social media apps come into play.

Town Attorney Arango stated that it is not a social media policy but a text messaging policy.

Commissioner Karukin asked how the redaction of personal messages would take place.

Town Attorney Arango stated that they would work on a procedure on how to retrieve those messages.

A motion was made by Commissioner Karukin to approve the Resolution substantially in the form attached, and seconded by Commissioner Paul. The motion passed with a 4-1 vote with Commissioner Cohen voting no.

**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.*

The following individuals spoke:

Vice Mayor Seth Salver from the Village of Bal Harbour spoke regarding parking passes for neighboring communities and a friends and family rate.

Charles Burkett spoke regarding the 150 feet setback, tourism funds, Town parks, historic preservation and staffing.

Patricia Fernandez spoke regarding not having more hotels, traffic and parking on the sidewalk by her house.

A motion was made by Commissioner Paul to extend Patricia Fernandez an additional minute, and seconded by Commissioner Karukin. The motion passed with a 4-0 vote. Commissioner Cohen was absent.

Sasha Plutno spoke regarding the CERT Program, commended the Police Department and spoke regarding aggregation of lots.

Commissioner Paul made a motion to extend Sasha Plutno an additional minute, and seconded by Commissioner Karukin. All voted in favor.

Diana Gonzalez spoke regarding the hotels and the monies spent on tourism.

Jeffrey Platt spoke regarding who originated the attack on the residents of the Town, who urged Town Manager Olmedillo to notice homeowners on signs on their lawn.

Mitchell Gottlieb spoke regarding parking signage change, the NW corner of Abbott Avenue and 94<sup>th</sup> and 95<sup>th</sup> and appreciates the hard work of every employee.

Commissioner Paul made a motion to extend Mitchell Gottlieb an additional minute, and seconded by Commissioner Karukin. The motion passed with a 4-0 vote. Commissioner Cohen was absent.

Eliana Salzhauer spoke regarding the courtesy notice she received and wanted clarification.

Jennifer Rotker spoke regarding the small town feel of Surfside and not to allow the large buildings.

Marianne Meischeid spoke regarding the use of the Town seal and agrees with Town Manager Olmedillo and the signs being removed. She spoke regarding the tourist dollars and clarified that they do not come from the residents.

Levi Caplan spoke regarding 90<sup>th</sup> and Dickens and the stop signs being obstructed. Mr. Caplan gave pictures to the Town Clerk and Town Commission.

Clara Diaz-Leal spoke regarding quality of life, respecting each other's beliefs and protecting the quality of life by having a walkable community.

Norma Parron thanked the Town Commission for their hard work and a great job done. She also spoke regarding a light pole missing and electrical wires going into a house without having a pole across the street from her house on the west side between 90<sup>th</sup> and 91<sup>st</sup> and Byron.

Bob Fisher commended the Police Chief during the Halloween event. He suggested having a building preservation committee. He spoke regarding the lighting in Surfside and how it needs to be better. He suggested having food trucks with bands in the downtown district and more lighting.

Members of the Town Commission addressed comments made by the public speakers.

**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. Rotary Club of Bal Harbour Donation Request – Guillermo Olmedillo,  
Town Manager**

Town Manager Olmedillo introduced the item.

Hyon O'Brian, President of the Bal Harbour Rotary Club, described the donation request.

A motion was made by Commissioner Karukin to approve \$1,000, and seconded by Vice Mayor Gielchinsky. All voted in favor.

Martin Packer from the Rotary Club thanked the Commission for their donation.

**B. Approval of 2020 Town Commission Meetings Schedule – Sandra  
Novoa, MMC, Town Clerk**

Mayor Dietch requested that the schedule be reviewed by the new Commission.

Vice Mayor Gielchinsky requested to put an asterisk on the May 1 meeting stating that it is pending on the new commission's approval.

A motion was made by Commissioner Paul to approve the 2020 Town Commission Meeting Schedule, and seconded by Commissioner Cohen. All voted in favor.



**C. Downtown Alleys - Guillermo Olmedillo – Town Manager**

Town Manager Olmedillo gave an update on the downtown alleys. He addressed questions from the Commission regarding who is responsible and the health issue involved.

The Town Commission directed Town Manager Olmedillo to handle the health issue and public safety issue and advise the owners to remedy those issues/violations.

The following individuals spoke on the item:  
George Kousoulas

Commissioner Paul asked if there could be a special taxing district created for the alleys.

Town Manager Olmedillo answered Commissioner Paul's question.

Town Manager Olmedillo read the plat description to the Commission.

A motion was made by Mayor Dietch to have staff address the property owners by informing them of the conditions of the alleys, the challenges faced, that the property owners must comply within a reasonable amount of time and then follow with code enforcement, and seconded by Vice Mayor Gielchinsky. All voted in favor.

A motion was made by Mayor Dietch to follow the recommendation from DVAC, and second by Commissioner Karukin. All voted in favor

**D. Hamsa-Hamsa Agreement Discussion - Guillermo Olmedillo – Town Manager**

Town Manager Olmedillo gave an update on the violation letters and issues with the contractor.

Vice Mayor Gielchinsky spoke regarding the item and the challenges that have been encountered and feels that it is a benefit to the Town to have the concessionaire. He spoke with Mr. Ginsburg and advised him to increase the level of cooperation with the Parks and Recreation Director Milian.

Vice Mayor Gielchinsky suggested another 6-month extension from the current term they have and then readdress the contract.

Commissioner Karukin stated that he has heard of issues, prices, third party food and getting across the gate into the area, and stated that he is not comfortable renewing Mr. Ginsburg's lease for 3 years. He stated of

consistent problems he has heard about and gave examples. He is also not comfortable with the scheduling issues.

Commissioner Paul agreed with a 6-month trial basis and also agreed not to do a 3-year contract but instead on a year to year basis.

The following individuals spoke on the item:

Mandy Davoudpour  
Eliana Salzhauer

Vice Mayor Gielchinsky stated to the applicant that if they approve this the applicant must agree to stop the public records requests, to stop texting him at night or on the weekend, no scheduling issues and to stop the unnecessary emailing to the Commission and there will be no flags on the beach. The applicant must work with Town Manager Olmedillo and Town Attorney Arango on the 6-month extension agreement.

Town Manager Olmedillo stated that the conditions of the contract call for a certain schedule that must be provided to staff. He stated that schedule is to be an open schedule and not to the convenience of the concessionaire.

Eli Ginsburg, Hamsa Hamsa, addressed the questions posed by the Town Commission.

A motion as made by Vice Mayor Gielchinsky to modify the current agreement to provide a 6-month extension agreement with one-year extensions and direct Town Attorney Arango and Town Manager Olmedillo to draft a new agreement and bring back to the Commission at the end of the 6-month extension, seconded by Commissioner Paul. All voted in favor.

Commissioner Cohen left at 12:27 a.m. on November 13, 2019.

#### **E. Purchasing Code Revisions – Guillermo Olmedillo – Town Manager**

Town Manager Olmedillo introduced Finance Director Jason Greene to present the item.

Finance Director Greene presented the item.

Commissioner Paul stated that she is in support of increasing the Town Manager's expenditures but is not in agreement with waiving the competitive bidding.

A motion was made by Vice Mayor Gielchinsky to adopt all revisions proposed including increasing the Town Manager's expenditures to a total

of \$25,000, and seconded by Commissioner Karukin. The motion passed with a 4-0 vote. Commissioner Cohen was absent.

**F. Installation of Traffic Signal Loop Detectors – Guillermo Olmedillo –  
Town Manager**

Town Manager Olmedillo introduced the item and is seeking direction from the Town Commission.

Vice Mayor Gielchinsky asked if the project on 95<sup>th</sup> and Harding is the work funded by the Shul.

Public Works Director Stokes stated that the project on 95<sup>th</sup> and Harding was a separate project that has not gone through as of yet.

Commissioner Karukin commented on the traffic impact on 94<sup>th</sup> and Harding.

The following individual spoke on the item:  
Eliana Salzhauer

Town Manager Olmedillo suggested engaging with the Department of Transportation (DOT) and obtain a cost share with DOT as a partnership. He stated that he will reach out DOT and report back to the Town Commission at a future time.

The Commission agreed by consensus.

**G. Climate Emergency Resolution – Mayor Daniel Dietch**

Mayor Dietch presented the item.

A motion was made by Commissioner Paul to approve the Climate Action Plan, and seconded by Vice Mayor Gielchinsky. The motion passed with a 4-0 vote. Commissioner Cohen was absent.

**H. Practical Difficulty Variance Ordinance Amendment - Mayor Daniel Dietch**

Mayor Dietch presented the item and gave the options available.

Commissioner Karukin requested to defer the item in order for it to be heard at the Special Joint Planning and Zoning and Town Commission Meeting. The Town Commission agreed by consensus.

**10. Adjournment**

There being no further business to discuss before the Town Commission, Commissioner Karukin made a motion to adjourn the meeting. Motion seconded by Commissioner Paul. The meeting adjourned without objection at 1:06 a.m. on November 13, 2019.

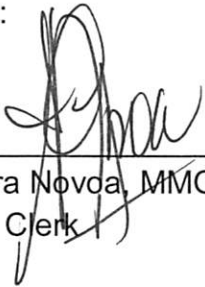
Respectfully submitted,

Accepted this 10<sup>th</sup> day of December, 2019.



Daniel Dietch, Mayor

Attest:



Sandra Novca, MMC  
Town Clerk