



**Town of Surfside
Town Commission Meeting
MINUTES
July 12, 2016
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:01 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 and Commissioner Tina Paul. Commissioner Michael Karukin and Commissioner Daniel Gielchinsky were absent.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Vice Mayor Cohen asked to join him and stand in support for the police officers in our nation. He also thanked the Commission to allow him to participate in the last meeting via telephone. Commissioner Paul thanked the Vice Mayor for recognizing and supporting law enforcement and unity for our country.

Vice Mayor Cohen appointed Sandra Argow to the Traffic Advisory Committee. Mayor Dietch nominated Eduardo Yero to the Police Pension Board.

Commissioner Paul made a motion to accept Eduardo Yero. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Michael Karukin and Commissioner Daniel Gielchinsky absent.

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

Mayor Dietch asked that we take Item 4B 3 Beach Chair Ordinance after Commissioner Gielchinsky arrives as he has been delayed.

The Mayor asked if we can move Item 9A1 CAFR up on the agenda after Section 1.

Commissioner Paul made a motion to accept the changes in the order of business. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Michael Karukin and Commissioner Daniel Gielchinsky absent.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch recognized two Surfside students who received the Town of Surfside Higher Education Scholarships, Conrad Danzer and Nicole Alfonso. Recognition was given to William Perez who celebrated his twentieth year as a parking law enforcement officer and to Tony Mesa who received a gold medal in mountain biking at the Police Competition in Lakeland, FL. The Mayor announced the upcoming community events which can be found in the Gazette and on the Town's website.

G. July 2016 Donate Life Month Proclamation Presentation – Mayor Daniel Dietch

The Mayor read the proclamation and thanked his colleagues for supporting this initiative. Cynthia Smith gave a brief presentation and a Surfside resident who was a transplant recipient spoke about donate life.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

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

A. Minutes – Sandra Novoa, MMC, Town Clerk

June 9, 2016 Budget Workshop Minutes

June 14, 2016 Regular Commission Meeting Minutes

June 22, 2016 Special Commission Code Compliance Process and Priorities Meeting Minutes

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

***C. Town Manager's Report – Guillermo Olmedillo, Town Manager Page 32 - 40**

1. See Click Fix
2. Development Applications
3. Code Compliance Cases
4. Prohibitions Regarding the Sale or Use of Expanded Polystyrene Food Service Articles
5. Code Compliance Workshop
6. Parks and Recreation Capital Project
7. Police Department June Significant Incidents/Arrests
8. Fourth of July
9. Parking Enforcement Officer Willie Perez
10. Click It or Ticket Campaign
11. Police Events
12. New Recycling Program
13. Information Technology and TV Broadcasts

***D. Town Attorney's Report – Linda Miller, Town Attorney (Item pulled by Commissioner Gielchinsky)**

Commissioner Gielchinsky spoke about the workforce housing ordinance and Manager Olmedillo gave an overview of the item.

Commissioner Gielchinsky made a motion to extend the meeting fifteen minutes. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent.

Commissioner Gielchinsky made a motion to direct the Town Manager to voice on Surfside's behalf our practical concerns about the implementation of the proposed County ordinance and the difficulties the town of Surfside would have in complying with the ordinance and in opting out of the ordinance as proposed and our concept of home rule which wants to be controlled locally. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent.

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- May 16, 2016 Parks and Recreation Committee Meeting Minutes

F. FY 2015/2016 Budget Amendment Resolution – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2015 TO SEPTEMBER 30, 2016; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE CAPITAL PROJECTS FUND, POLICE FORFEITURE FUND, AND SOLID WASTE FUND; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

A. Second Reading Ordinances

1. Special Events Ordinance– Guillermo Olmedillo, Town Manager

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

Town Clerk Sandra Novoa read the title of the ordinance.

Town Manager Olmedillo said pages 58-63 should not be added as those pages are part of a resolution. The Mayor asked that we amend the provision as to the banning of a one-year penalty and give the Town Manager more flexibility on dealing with habitual violators as to more than one-year ban. Manager Olmedillo asked that we replace the word police officer and change it to code compliance officer. Vice Mayor Cohen suggested that violators be shut down and Town Planner Sinatra gave more details on zoning codes and the comprehensive plan relating to this item. Commissioner Paul asked the Town Manager what he suggests as to the one-year ban and he suggested three years.

The Mayor opened the public hearing.

Public Speaker Jeffrey Platt said his concerns were addressed to his satisfaction by the Town Planner.

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

Mayor Dietch said in paragraph D subpart 1 subpart C he wishes to add that after the third violation, violators shall be suspended from obtaining a permit for future events for a period of not less than one or more than three years as determined by the Town Manager or its designee from the date of the violation.

In subpart D 4, instead of any town police officer is changed that any code compliance officer can issue violations.

Vice Mayor Cohen made a motion to accept with changes made by the Mayor. The motion received a second from Commissioner Paul and all voted in favor with Commissioner Karukin, and Commissioner Gielchinsky absent.

B. First Reading Ordinances

1. Sign Definition Modification Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF “AREA” OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF “MONUMENT SIGN” TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

2. Roof Pitch Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SECTION 90-44. “MODIFICATIONS OF HEIGHT REGULATIONS”; SPECIFICALLY AMENDING SECTION 90-44.1 TO INCLUDE ROOF PITCHES AS AN ARCHITECTURAL ELEMENT WHICH MAY BE ERECTED TO A REASONABLE AND NECESSARY HEIGHT, CONSISTENT WITH AND NOT TO EXCEED LIMITATIONS AS SPECIFIED IN THE CODE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Cohen made a motion to approve. After discussion, Vice Mayor Cohen withdrew the motion to approve.

Vice Mayor Cohen made a motion to defer the item. The motion received a second from Commissioner Paul and all voted in favor with Commissioner Karukin, and Commissioner Gielchinsky absent.

3. Beach Furniture Ordinance – Linda Miller, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE”; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; AMENDING SECTION 86-27 “INTENT OF ARTICLE”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “PERMIT CONDITIONS”; CREATING SECTION 86-33 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-34 “CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS”; CREATING SECTION 86-35 “RIGHTS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY CIVIL FINE OR TO APPEAL”; 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 to approve. The motion received a second from Vice Mayor Cohen. After the public hearing and discussion, the motion failed as all voted in opposition with Commissioner Karukin absent.

The Mayor opened the public hearing.

Public Speakers:

-Deborah Cimadevilla thanked the Town Manager for the 20 ft. clearance and the no storage on the beach. She stressed the beach is a public beach and there is preplacement of rows of chairs and some advertisement by hotels that there is a private beach. She stated that rows of unused chairs are not fair to the residents of Surfside. She would like the ordinance to include that if asked the vendor must remove empty chairs so the public could use the space.

-Victoria Saik said she took a walk on the beach near the Fontainebleau and mentioned all the vendors, chairs, storage, tiki huts, etc. on the beach. She wants to hear a detailed plan from the town as to how to keep the beach free of this and keep the beach for the public.

-Jeffery Platt said the State has a regulation of no storage on the beach and developers have ignored it because it has not been enforced. Storage ruins the dune system. He foresees a sea of lounge chairs with no room to play.

-Larisa Alonso agrees with the residents who spoke before her. Placement of chairs should be as needed only. She asked for protection of the beach.

- Marianne Meischied said the ordinance should include upland property only.
 - Joel Simmonds representing the Grand Beach Hotel said he has met several times with town officials and they have complied and limited their setup and recycled empty chairs during the day to work with the town. He believes the ordinance oversteps the line and is not in favor of the ordinance.
 - Stephen Halpert has doubts that the town has the authority to enact the provisions stated in the ordinance. In addition, he has noted much beach erosion over the years and the beach needs rebuilding.
 - Michael Kasdan representing the Surf Club agrees with the last two speakers. He had a visual presentation as to what this ordinance would do. John Shubin representing the Surf Club went over the legal aspects of the ordinance and which he believes can be very problematic.
 - George Kousoulas spoke about the authority the town has as to health, safety and welfare of its citizens. He feels the ordinance needs to be revised and explained why.
- No one else wishing to speak, the Mayor closed the public meeting.

Commissioner Paul presented a video of previous meetings and what was originally planned by the Town Manager which she feels was the right way to go.

Passing the gavel, Mayor Dietch made a motion to take Item 9C next. The motion received a second from Commissioner Gielchinsky and all voted in favor with Commissioner Karukin absent.

Passing the gavel, Mayor Dietch made a motion to extend the meeting one hour. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent.

Commissioner Paul said there are four classes of beach users and each should get 25% of beach use. Commissioner Gielchinsky said the beach is 100% the public's and 100% State ruled and is concerned that this ordinance goes beyond what we can legally do. Commissioner Paul and Commissioner Gielchinsky were not in agreement with each other. The Mayor tried to bring more unity and stability on the subject and said we cannot please everyone. There was much discussion on the item.

Commissioner Gielchinsky made a motion to direct the Town Manager and staff and Attorney as appropriate to come back to us with the answer to this question only: Can the Town Manager through an individualized beach management plan system account for all of the relative stakeholders and interests who may wish to operate a commercial beach furniture concession operation on the beach, both owners on the East side of Collins and on the West side of Collins, and all others who may be affected and all others who may choose to develop in the future on the East side of Collins, on the West side of Collins and all those who may be affected. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent.

5. Resolutions and Proclamations

A. Sid Tepper Street Designation – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, CO-DESIGNATING 89TH STREET AS “SID TEPPER STREET”; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO MIAMI-DADE COUNTY COMMISSIONER SALLY HEYMAN FOR SPONSORSHIP OF A RESOLUTION FOR CONSIDERATION AND APPROVAL BY THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR APPROVAL; PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

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

5. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-Jeffery Platt said he now lives across the street from a hotel that has some guests that are loud and rowdy. He finds beer cans and condoms on the beach on 92nd Street. He spoke of his participation on various town committees and of being a concerned citizen along with many other residents who serve, participate and attend meetings. He was very upset at a member of the Commission who referred to them as a vocal minority and finds it very disrespectful.

-Marianne Meischied spoke about the 92nd Street beach end which is in need of repair as the Marriott has put money aside for this and asked if the town has a plan to fix it.

-Larisa Alonso spoke about the 91st street plan for underground utilities, sidewalks and shade trees. She had a visual presentation and said underground utilities is not good because of flooding in that area and FPL does not recommend underground utilities which are prone to flooding. Deborah Cimadevilla continued the presentation and said adding concrete sidewalks will take away their parking spaces.

-George Kousoulas spoke about the dune system which is unique. He believes they are being over manicured especially the sea grapes and asked about the cut through in the dunes in front of the Chateau and was it approved. He also spoke about the 92nd Street beach entrance that needs improvement and that the Marriott has put money toward it and asked what is the town's plan.

-Nick Wijoh spoke in favor of streetscape, undergrounding utilities, sidewalks and shade trees.

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

Commissioner Paul asked the Town Manager to respond to the issue of the beach entrance on 92nd Street. Manager Olmedillo said that Director Kroll had spoken at length with Ms. Meischied and thought the matter was taken care of. Director Kroll spoke and said the mold was removed and they do periodic checks. As to the seawall he said there is no schedule as to when it will be done. The Mayor said when they have enough funds they will work on it and mentioned that some funds have been provided by the Marriott. He asked the Town Manager to come back with a plan next month as to what we may be able to do with the funds we do have. As to the cut through the Manager said there was a DEP permit obtained and Surfside has no jurisdiction over it.

Vice Mayor Cohen addressed the reference that a member of the Commission was having meetings with developers. He said he had met with developers and with Mr. Platt and any meetings were only with the interest of the town. He also mentioned decorum at meetings and that anyone who is not acting respectfully will be asked to leave. He gave an overview of the sand issue and said we have to move forward on this issue as there are more important items to deal with and we have to maximize our efforts.

Commissioner Gielchinsky was appreciative of the turnout this evening and thanked them for expressing their views and urged them to continue coming to town meetings. He also said public should look into ClickFix.

The Mayor addressed some of the issues and said not all sidewalks are the same as the traditional concrete. He would like the 91st Street and Abbot looked into as it is a low area and see what can be done.

Commissioner Paul thanked Ms. Alonso and Ms. Cimadevilla for their photo presentation on the flooding in their area.

As a point of privilege, Commissioner Gielchinsky asked to pull Item 3D from the agenda as he was not here for the beginning of the meeting.

Passing the gavel, Mayor Dietch made a motion to reconsider the motion to approve the consent agenda. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent for the vote.

Passing the gavel, Mayor Dietch made a motion to approve the consent agenda minus the pulled Item 3D. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent.

The Mayor then continued with Item 9B.

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. Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2015 – Guillermo Olmedillo, Town Manager

A representative from the auditors gave a brief report on the item. Town Manager Olmedillo expressed his appreciation to staff and Director Nelson for a job well done.

B. Miami Dade County Board of County Commissioners – Two Historic Preservation Ordinances passed June 7, 2016 – First Reading – Guillermo Olmedillo, Town Manager

Public Speakers:

-Esther Superstein said her property has been designated by the Historic Society and they have had problems dealing with them and getting answers and feels the town should have control over these properties.

-Rick Superstein said his family has invested and cleaned up these properties and would like to retain their values.

Commissioner Paul made a motion that Good and Welfare be moved to 8:30 p.m. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin, and Commissioner Gielchinsky absent.

Public Speaker Neisen Kasdin representing the Supersteins spoke of the problems facing them. He is asking the town to ask the County to be deferred as new legislation is in process which may give the towns the option of governing their own historic areas.

Manager Olmedillo said he received communication from Stan Price supporting Mr. Kasdin.

Public Speaker George Kousoulas feels the Supersteins are not being treated fairly by the process. If given the opportunity, he urges the town to bring the control back to Surfside.

Commissioner Paul made a motion to defer this item until further research is done. The motion died for a lack of a second.

The Mayor explained that the town has taken specific action considerate of the situation the Supersteins or others that find themselves in. Town Planner Sinatra gave more information on the item and hardships one may face.

Town Manager Olmedillo was asked to continue to engage with Miami-Dade County and to use the Historic Preservation staff to help us in making a decision. Also to advise them that their historic preservation decision may be right for them but it is not right for the town of Surfside. We would like to wait for the County's decision and need more time (six months) to evaluate and whether we can opt out or not. Commissioner Paul is in favor of these buildings being designated as historic.

Commissioner Gielchinsky arrived at 8:35 p.m.

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

Passing the gavel, the Mayor made a motion that the Town Manager engage with Miami Dade Commission to see whether we can opt out and the town to use the Historic Preservation staff for support and communicate with them asking for not more than six-month deferral on any decision in order to sort this out. The motion received a second from Vice Mayor Cohen and the motion carried 3/1 with Commissioner Paul voting in opposition. Commissioner Karukin was absent.

- C. Procedures to Regulate the Submittal of Electronic Presentations to the Town Clerk Prior to a Public Meeting – Guillermo Olmedillo, Town Manager**
Manager Olmedillo presented the item.

Passing the gavel, the Mayor made a motion that requests for presentations which may require electronic equipment for a regular Commission Meeting is submitted to the town by noon Friday prior to the meeting date. All other meetings it is close of business day, two business days prior to the meeting.

Commissioner Paul noted that some people who do not regularly attend meetings may not be aware of this and if they have a presentation if with permission of the Commission we can accommodate them. The Mayor said he would announce it at meetings, and put it on the town website and in the Gazette.

The Mayor amended the motion to add that this become an ordinance. The motion received a second from Commissioner Gielchinsky and all voted in favor with Commissioner Karukin absent.

10. Adjournment

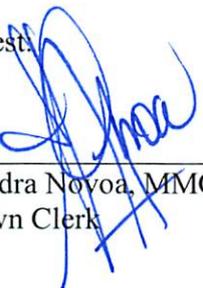
The meeting adjourned at 12:07 a.m.

Respectfully submitted,

Accepted this 10th day of August, 2016



Daniel Dietch, Mayor

Attest:


Sandra Novoa, MMC
Town Clerk