



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

**September 12, 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 7:12 p.m.

B. Roll Call of Members

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

Commissioner Cohen arrived at 7:20 p.m.

C. Pledge of Allegiance

Chief of Police Yero led the pledge of allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Paul would like to wish everyone a Happy New Year and celebrating creation and humanity. Saturday she will be attending a beach cleanup and hopes to see others out there as well.

Vice Mayor Gielchinsky would also like to wish everyone a Happy New Year and wished the community blessings and success. He also spoke regarding the event on Friday with the community and commended staff.

Mayor Dietch also wanted to reiterate what his colleagues said and wished everyone a Happy New Year.

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

Commissioner Paul made a motion to move Item 9B after consent. The motion received a second from Mayor Dietch and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch commented that there is a swimming advisory in Surfside and they can receive more information on the Town website.

Special thanks to administration and to the staff for obtaining a community rating of 7 for flood insurance.

Commissioner Karukin asked how residents can take advantage of this.

Building Official Prieto, stated that the residents do not have to do anything that it will take affect automatically.

Mayor Dietch mentioned some housekeeping items including turtle nesting season, hurricane preparedness, code red system registration if they need assistance in the event of a natural disaster and one has to sign up and register ahead of time.

Mayor Dietch mentioned that the parking renewal passes started and passes can now be purchased. He mentioned the street sweepers coming around and to making sure that the vehicles are removed from the side of the road for the sweepers to come by.

The second budget hearing will be held on Wednesday September 26, 2018 at 5:01 and the Commission meeting will follow.

Mayor Dietch mentioned the recycling schedule and the dog park and making sure one cleans up after their dog. He mentioned the shuttle bus service and schedule.

2. Quasi-Judicial Hearings

None.

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

Commissioner Karukin made a motion to approve all consent agenda items minus the pulled items 9B and 3A, pages 2 and 4. Passing the gavel, the motion was seconded by Mayor Dietch and all voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk

- **August 14, 2018 Special Commission Meeting – Quasi-Judicial Hearing**
- **August 14, 2018 Regular Town Commission Meeting**

On Item 3A, page 2 remove the word “will” after the statement regarding Commissioner Paul; page 4 under Item 1A - “Call to Order” was Vice Mayor Gielchinsky who called the meeting to order at 7:14 p.m.

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

Adopted on Consent

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

Adopted on Consent

D. Committee Reports – Guillermo Olmedillo, Town Manager

- **July 26, 2018 Design Review and Planning and Zoning Board Meeting Minutes**

Adopted on Consent

E. Florida City Government Week (October 22 – 28, 2018) – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RECOGNIZING FLORIDA CITY GOVERNMENT WEEK ON OCTOBER 22 to 28, 2018 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

F. Independent Audit Re-Engagement Resolution – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE ENGAGEMENT LETTER WITH MARCUM LLP FOR FINANCIAL AUDITING SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 30, 2018; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE ENGAGEMENT LETTER; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

G. Resolution Authorizing an Interlocal Agreement with Miami-Dade County to Allow the Town of Surfside, Pursuant to Section 8CC-11 of the Miami-Dade County Code of Ordinances, to Enforce Section 21-81 of the Miami-Dade County Code – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO ALLOW THE TOWN, PURSUANT TO SECTION 8CC-11 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, TO ENFORCE SECTION 21-81 OF THE MIAMI-DADE COUNTY CODE; PROVIDING FOR NECESSARY AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Childhood Cancer Awareness Month Proclamation – Mayor Daniel Dietch
Mayor Dietch introduced the item and presented the proclamation.

I. School Resource Officer – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE, FLORIDA, THE VILLAGE OF BAL HARBOUR, FLORIDA, AND THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, FOR CONTRIBUTION TO THE COST OF

SCHOOL RESOURCE OFFICER FOR THE RUTH K. BROAD K-8 CENTER SCHOOL; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. Modifications to Planning and Zoning Board and Dissolving the Development Impact Committee – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ABOLISHING THE DESIGN REVIEW BOARD, MODIFYING THE PLANNING AND ZONING BOARD MEMBERSHIP AND RESPONSIBILITIES, ABOLISHING THE DEVELOPMENT IMPACT COMMITTEE, AND REVISING THE DESIGN REVIEW GROUP REVIEW REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Clerk Riera read the title of the ordinance.

Commissioner Paul had a question of who appoints the alternate board members.

Town Attorney Mehaffey explained that the two at large seats are appointed by the Commission as a whole as alternate one and two and if one board member is absent, then alternate one votes, and when two board members are absent then alternate one and two will vote.

Vice Mayor Gielchinsky clarified that alternate one is a professional seat and alternate 2 is a non-professional seat.

Vice Mayor Gielchinsky stated that he will be proposing to appoint the two Design Review Board members to the two Planning & Zoning Board alternate seats.

Vice Mayor Gielchinsky made a motion to approve the ordinance on second reading. The motion was seconded by Commissioner Paul. Motion carried 4-1 with Commissioner Karukin voting in opposition.

**2. Modification to Building Length Requirements to Permit
Redevelopment of Existing Structures Destroyed by Acts of God -
Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA
AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF
BUILDINGS AND FACADE ARTICULATIONS." OF "CHAPTER 90
ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES
TO ADDRESS APPLICABILITY OF MAXIMUM BUILDING
LENGTH REQUIREMENTS FOR EXISTING BUILDINGS IN THE
H30C AND H40 ZONING DISTRICTS; PROVIDING FOR REPEAL
OF CONFLICTING PROVISIONS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Clerk Riera read the title of the ordinance.

Vice Mayor Gielchinsky stated that he was asked by the Planning & Zoning Board for the Commission to defer this item. They have an issue with the grandfathering clause and preexisting nonconforming condition and if zoning is there to bring everyone into conformity, then the Town Commission is basically giving certain individuals variances for grandfathering them under certain conditions. The Board would like to ask for further input by the Town Commission.

Discussion continued among the dais regarding this item and the concern the Planning & Zoning Board has regarding this issue.

George Kousoulas, Surfside resident, spoke on this item.

Vice Mayor Gielchinsky made a motion to defer this item to the October 9, 2018 meeting at 7:00 p.m. The motion was seconded by Commissioner Paul which carried 5-0 on roll call vote.

**3. Aggregation of Single Family Lots – Guillermo Olmedillo, Town
Manager *[Item to be deferred to October 9, 2018 Regular Town
Commission Meeting]***

**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.

Deputy Clerk Riera read the title of the ordinance.

Vice Mayor Gielchinsky made a motion to defer this item to the October 9, 2018 meeting at 7:00 p.m. The motion was seconded by Commissioner Cohen which carried 5-0.

Mayor Dietch opened the floor to public hearing, seeing no speakers, the public hearing was closed.

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

B. First Reading Ordinances

1. Municipal Zoning Equivalencies – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, "ZONING," OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CHANGE THE LIST OF PERMITTED USES IN THE MU AND CF ZONING DISTRICTS, CREATE A NEW MU(30) ZONING DISTRICT PROVIDING THE SAME DENSITY, HEIGHT AND AN EQUIVALENT INTENSITY AS THE H30C ZONING DISTRICT, TO PROVIDE DEVELOPMENT DENSITY AND INTENSITY EQUIVALENCY DATA FOR MUNICIPAL PROPERTIES, AND TO EXEMPT MUNICIPAL PROPERTY FROM THE LAND DEVELOPMENT REGULATIONS WHILE MAINTAINING EXISTING DENSITY, INTENSITY AND HEIGHT RESTRICTIONS FOR THOSE MUNICIPAL PROPERTIES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Clerk Riera read the title of the ordinance.

Mayor Dietch opened the public hearing.

Town Manager Guillermo Olmedillo stated that two issues are being addressed regarding these properties and explained the differences of the zoning pertaining to municipal properties.

George Kousoulas spoke regarding this item has concern on the delivery of the ordinance.

Mayor Dietch asked Town Attorney Arango if she had reviewed this ordinance and Town Attorney Arango stated that she did review this ordinance and there is no change in height or density.

Discussion continued regarding the parcels and this ordinance and receiving a second opinion on this item.

Commissioner Paul made a motion to defer this item. The motion was seconded by Commissioner Karukin.

Commissioner Karukin feels it might be in violation of Section 4 of the Town Charter.

The motion died on a 2-2 vote with Commissioner Cohen being absent and Vice Mayor Gielchinsky and Mayor Dietch voting in opposition.

Commissioner Karukin made a motion to approve this Ordinance on first reading with the condition that this be reviewed and the Town Commission receive an opinion from an outside source recommended by Weiss Serota to review Section 4 and then go before the Planning & Zoning Board for review and bring back to the Town Commission for second reading at the October Town Commission meeting. Passing the gavel, the motion received a second from Mayor Dietch. The motion carried 4-1 with Commissioner Paul voting in opposition.

5. Resolutions and Proclamations

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

A. Employee Health Benefits Contract Renewal for FY 2018-2019 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING UNITED HEALTHCARE TO PROVIDE EMPLOYEE HEALTH INSURANCE, GUARDIAN TO PROVIDE DENTAL AND VISION COVERAGE, AND MUTUAL OF OMAHA TO PROVIDE LIFE AND DISABILITY INSURANCE TO TOWN EMPLOYEES FOR FISCAL YEAR 2018/2019; AUTHORIZING THE TOWN MANAGER TO ENTER INTO ANY NECESSARY AGREEMENTS WITH UNITED HEALTHCARE AND

OTHER PROVIDERS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Clerk Riera read the title of the resolution.

Town Manager Olmedillo spoke regarding working with United Health and the Human Resources Director to try and obtain the best quote/price possible. United Health is the best one being offered to the employees.

Mayor Dietch asked Human Resources Director Yamileth Slate-McCloud if this is the best one possible.

Human Resources Director Yamileth Slate-McCloud stated that yes, it is the best one available with only a 4.9% increase and the average is 12% to 15% increase and the employees are happy with this.

Commissioner Paul asked how the Commission could become eligible for this.

Human Resources Director Yamileth Slate-McCloud stated that in summary you have to be considered an employee and there are a minimum of hours you have to work to be considered an employee and technically the Commission is not considered employees.

Commissioner Karukin stated that Bay Harbor also debated that issue as well and explained what Bay Harbor did.

Vice Mayor Gielchinsky stated that he spoke with an employee in Bal Harbour and he stated that technically the Commission at Surfside are considered employees even if they get paid \$1.00.

Commission thanked Human Resources Director Yamileth Slate-McCloud for all her work.

Commissioner Paul made a motion to approve the resolution. The motion was seconded by Vice Mayor Gielchinsky. The motion passed 4-0 with Commissioner Cohen absent.

Vice Mayor Gielchinsky made a motion asking staff to look at what Bay Harbor Islands did and to speak with our insurance brokers to see if insurance can be provided to the elected officials. The motion carried 4-0 with Commissioner Cohen absent.

B. Solid Waste Assessment Resolution – Guillermo Olmedillo, Town Manager

A RESOLUTION OF TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF SOLID WASTE IN THE TOWN

OF SURFSIDE, FLORIDA; AMENDING THE INITIAL ASSESSMENT RESOLUTION; ESTABLISHING THE RATE OF ASSESSMENT; IMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA; APPROVING THE ASSESSMENT ROLL; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Deputy Clerk Riera read the title of the resolution.

Town Manager Olmedillo stated that the Town has not raised the rates and that the Town's services are one of the best and he asked the Finance Director to give the presentation.

Interim Finance Director Wallace gave a presentation of the item and explained the assessment, the increase and the rate structure and how it is assessed. The recommendation is a rate increase of 15%.

Discussion continued between Interim Finance Director Wallace and the Town Commission on this item and the issue other municipalities are encountering with recycling.

Steve Kram, Surfside resident, spoke on this item and agreed that if a resident uses a lot of trash then they should pay for that and he should only pay for his usage and not extra for someone else's trash like tree trimmings. He feels each household should only pay for their individual usage and not for others.

Mayor Dietch asked Town Manager Olmedillo to coordinate a workshop on this item and coordinate with Mr. Kram to be in attendance.

Interim Finance Director Wallace spoke regarding the Bal Harbor rate for multi-family and the single home rates. He also read the emails and letters with comments from residents regarding the rate increase that were not able to attend the meeting and those emails are residents not in favor of the rate increase and assessment.

Town Manager Olmedillo stated that they are looking into those properties that are vacant and should not be receiving a trash bill and the Town is going through and cleaning up the records and removing those from the roll.

Vice Mayor Gielchinsky made a motion to approve the resolution. The motion was seconded by Commissioner Karukin. The motion carried 4-0 with Commission Cohen absent.

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 development in Surfside that must involve residents before big developments get approved.

Jennifer Rotker spoke regarding the hotels that have been trimming the foliage and sea grapes which is illegal and would like to have something done to stop these hotels from doing this.

Steve Kram spoke regarding being able to pay bills to the Town electronically and not have to write checks to pay the Town.

Mayor Dietch answered Mr. Kram's concern and explained how it can be done automatically and encouraged Mr. Kram to reach out to the Manager to get assistance.

Clara Diaz Leal spoke on the item and explained the difference between ACH and bill pay and that is where he might be running into his bill paying issue.

Commissioner Paul asked the Town Manager to comment on the issue of the trimming of the sea grapes.

Town Manager Olmedillo stated that he forwarded it to Code Enforcement and he will forward an email to the Commission once Code Enforcement comes back with their findings.

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 and Resiliency Committee*
 - *Mayor Daniel Dietch*
 - *Commissioner Barry Cohen*
- *Police Pension Board – At Large*
- *Planning and Zoning Board – At Large*

Vice Mayor Gielchinsky appointed the two Design Review Board members as Planning and Zoning Board members with Marina Gershanovich as alternate number 1 and Rochel Kramer as alternate number 2.

Vice Mayor Gielchinsky motioned to approve the appointments of Marina Gershanovich and Rochel Kramer to the Planning and Zoning Board. The motion was seconded by Commissioner Karukin and all voted in favor.

Commissioner Paul appointed William Blumenkranz to the Police Pension Board. Passing the gavel, Mayor Dietch seconded the motion with the condition that if the appointment is not serious then to bring the appointment back for reconsideration. Motion carried 5-0.

Mayor Dietch made a motion to appoint Roberto Izaurralde to the Sustainability and Resiliency Committee. The motion was seconded by Commissioner Paul and all voted in favor.

B. Household Domestic Pet Limit – Mayor Daniel Dietch

Mayor Dietch spoke regarding emails received expressing some concern on a code condition that is listed that limits domestic animals to two per household. He mentioned that he knows there might be many residents in violation because of the number of pets but it is a feeling of concern. He wanted to have a discussion to see if there is a better way for this to be regulated and if it should rely on a number or make it a priority to the code compliance.

Discussion continued regarding the concern of this item and the issues some residents are having and how to address it, regulate it and how the Commission feels on how many animals and/or pets a resident may have due to the noise and litter.

Commissioner Paul mentioned her concern regarding feeding community cats and the cat feeders getting harassed for feeding the feral cats and they could be fined. She also mentioned some type of cat feeders.

Discussion continued among the dais regarding feral cats and the goal of how many pets should be allowed in the neighborhood.

Mayor Dietch asked Town Manager Olmedillo to work on a community-based approach and reach out to Miami Beach and to report back to the Town Commission. Also for Town Manager Olmedillo to reach out to neighboring municipalities and ask about their cat issues and report back to the Town Commission.

Vice Mayor Gielchinsky made a motion to approve the direction from Mayor Dietch. The motion was seconded by Commissioner Paul. The motion carried 4-0 with Commissioner Cohen voting in opposition.

10. Adjournment

There being no further business to discuss before the Town Commission, Commissioner Karukin made a motion to adjourn the meeting and the motion received a second from Commissioner Paul. The meeting adjourned at 9:26 p.m.

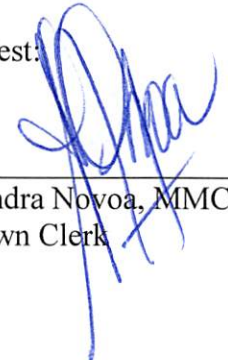
Respectfully submitted,

Accepted this 9th day of October, 2018.



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk