



**Town of Surfside
Regular Town Commission Meeting**

MINUTES

October 9, 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 Paul reminded the public of the November 6, 2018 elections.

Vice Mayor Gielchinsky spoke regarding service and thanked those that serve and the resignation of the United Nations Ambassador.

Commissioner Cohen thanked Mayor Dietch for his hard work and his dedication to the community as well as the Town Manager and his team.

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

Motion made by Commissioner Paul and seconded by Commissioner Karukin to move item 9D after Consent Agenda. Motion passed by consensus.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch spoke about the red tide and king tides coming up, the turtle nesting season, Hurricane season and other upcoming events.

Commissioner Cohen spoke regarding the Tourist Board and its great achievements.

2. Quasi-Judicial Hearings – No Quasi-Judicial Item

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.

Motion made by Commissioner Paul and seconded by Commissioner Karukin to approve all consent agenda items as presented below minus the pulled items (3A, 3B, 3E and 3F). Motion carried 5-0.

A. Minutes – Sandra Novoa, MMC, Town Clerk

- **July 24, 2018 Special Town Commission Meeting Minutes**
- **September 12, 2018 Special Town Commission Meeting – First Budget Hearing Minutes**
- **September 12, 2018 Regular Town Commission Meeting Minutes**
- **September 26, 2018 Special Town Commission Meeting – Final Budget Hearing Minutes**
- **September 26, 2018 Special Town Commission Meeting Minutes**

This item occurred after item 9C.

Town Clerk Novoa introduced the item.

Vice Mayor Gielchinsky made corrections to page 19 of the minutes.

Commissioner Paul suggested corrections to pages 19, 21, 28, 29, 31 and 33 of the minutes to separate public comments of those in favor and those in opposition of the item.

Town Clerk Novoa stated that minutes are not verbatim and are based on the adopted Robert's Rules of Order. She is not to assume which speakers are in favor or against.

Discussion continued about the Florida Statutes requirements on action minutes.

Town Attorney Arango stated that at times interpretation can be subjective and in public comment you only refer to the individuals who spoke, so the Clerk is not required to list what they spoke about and if they are in favor or not.

Vice Mayor Gielchinsky also stated that some minutes in other cities have even less information than what is written in the Surfside minutes.

Eliana Salzhauer spoke on the item.

Mayor Dietch stated that if anyone from the public wishes a verbatim record of the meeting, they are welcome to pay and bring a court reporter.

Town Manager Olmedillo stated that if any Elected Official feels that something important was left out, they are welcome to contact the Town Clerk before the

meeting in order to make corrections. Minutes are meant to reflect actions, not commentaries.

Commissioner Karukin left the meeting at 11:58 p.m.

Motion made by Commissioner Paul and seconded by Vice Mayor Gielchinsky to approve minutes with the stated corrections. Motion carried 3-0 with Commissioner Cohen and Commissioner Karukin absent.

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

Town Manager Olmedillo introduced the item and provided clarification on the report.

Commissioner Paul had some comments about page 44.

Town Manager Olmedillo explained what the proposal currently is and the adjustments to be made.

Motion to accept the Town Manager's report was made by Commissioner Paul and seconded by Vice Mayor Gielchinsky. Motion carried 3-0 with Commissioner Cohen and Commissioner Karukin absent.

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

Approved on Consent

D. Committee Reports – Guillermo Olmedillo, Town Manager

- **August 6, 2018 Tourist Board Meeting Minutes**
- **August 30, 2018 Design Review Board and Planning and Zoning Board Meeting Minutes**

Approved on Consent

E. Three-Year Marketing Services Agreement with Jacober & Associates, Inc. D/B/A Jacober Creative – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING AND AWARDING THE PROPOSAL OF JACOBER & ASSOCIATES, INC. D/B/A JACOBER CREATIVE FOR MARKETING SERVICES TO THE TOWN'S TOURIST BUREAU; 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.

Motion made by Commissioner Paul for discussion and seconded by Vice Mayor Gielchinsky.

Commissioner Paul requested to pull item 3E because she had some questions on the item.

Lindsay Fast, Tourism Director answered the questions that Commissioner Paul had.

Mayor Dietch stated that he believes the bus wrap makes it look good.

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

- Eliana Salzhauer
- George Kousoulas
- Marianne Meischeid
- Barbara Cohen
- Jennifer Rotker

Mayor Dietch closed the public comments portion.

Discussion on the item took place amongst the Town Commission.

Motion to approve was made by Commissioner Paul and seconded by Vice Mayor Gielchinsky. Motion carried 3-0 with Commissioner Cohen and Commissioner Karukin absent.

F. Public Information Representative – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A RENEWAL/AMENDMENT TO THE AGREEMENT WITH PINZUR COMMUNICATIONS, INC. FOR PUBLIC INFORMATION REPRESENTATIVE SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE RENEWAL/AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution.

Commissioner Paul requested to pull item 3F because the contract is vague and also questioned why there was no RFP for the services.

Town Attorney clarified the contract.

Town Manager Olmedillo stated that the roles are different between this contract and the Jacober contract and the Town does not have the staff with the qualifications for this work.

Commissioner Paul commented on her concerns with this contract.

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

- Eliana Salzhauer

Mayor Dietch closed the public comments portion.

Rachel Pinzer, of Pinzur Communications, Inc. spoke on the item and the lapsed contract, social media and the scope of services this contract includes.

Vice Mayor Gielchinsky asked if the bullet points can be expanded to add the following language to the agreement:

“Draft social media policy for the Town of Surfside and, subject to direction of the Elected Officials, coordinate social media workshop for Elected Officials and Town Administration and implement the social media directives of the Elected Officials and Town Administration.”

Motion to approve with said amendment was made by Vice Mayor Gielchinsky and seconded by Mayor Dietch. Motion carried 2-1 with Commissioner Paul voting in opposition. Commissioner Cohen and Commissioner Karukin were absent.

4. Ordinances

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

A. Second Reading Ordinances

1. Grandfathering Building Lengths – 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.

Town Clerk Novoa read the title of the ordinance.

Vice Mayor Gielchinsky stated that as the Liaison to the Planning and Zoning Board he gave the Planning & Zoning Board’s recommendation and recused himself from this item.

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

- Joel Simmonds
- Jennifer Rotker
- George Kousoulas

Mayor Dietch closed the public comments portion.

Commissioner Paul responded to Mr. Simmonds' request and agreed with what the Planning & Zoning Board recommended.

Mayor Dietch asked what would happen if that building would be destroyed and how it would affect them.

Town Manager Olmedillo explained they would be out of compliance and nonconforming.

Discussion on the item took place amongst the Town Commission.

Mayor Dietch commented that they live in an evolving time and the likelihood of a total loss is not likely and ordinances and requirements change and gave his support on this item.

Motion to deny the ordinance and accept what the Planning & Zoning Board recommended was made by Commissioner Paul and seconded by Commissioner Karukin. Motion carried 3-1 with Commissioner Cohen voting against and Vice Mayor Gielchinsky abstaining.

B. First Reading Ordinances

None.

5. Resolutions and Proclamations

A. Approval of Agreement with Luke's Landscaping Inc. For Landscape Maintenance Services through "Piggy Back" Method with City of Sunny Isles Beach Agreement – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AGREEMENT WITH LUKE'S LANDSCAPING, INC. FOR LANDSCAPE MAINTENANCE SERVICES; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE OF ORDINANCES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution.

Commissioner Cohen left the meeting at 10:38 p.m.

Town Manager Olmedillo introduced the item and explained that the contract is a piggy backing contract with Sunny Isles.

Commissioner Paul asked questions related to the contract.

Town Manager Olmedillo explained the difference.

Commissioner Paul addressed questions to Luke's Landscaping regarding environmentally friendly pesticides and fertilizers, the use of leaf blowers, the types of plants they are using and if they have licensed arborists.

A representative from Luke's Landscaping addressed Commissioner Paul's questions regarding pesticides and fertilizers and the use of leaf blowers. He also answered the questions about the different types of plants and that they are licensed arborists.

Discussion on this item continued amongst staff, the dais and the vendor.

Mayor Dietch confirmed through the Public Works Director that they are a vendor for the debris removal during a storm.

Mayor Dietch opened the floor for public comments and seeing none he closed the floor to public comments

Motion to approve this Resolution was made by Vice Mayor Gielchinsky and seconded by Commissioner Paul. Motion carried with a 4-0 vote with Commissioner Cohen absent.

B. Agreement with Waste Management Inc. of Florida (WM) for Recycling Drop off Service through Piggy Back Contracting with Existing Contract with City of Coral Springs – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AGREEMENT WITH WASTE MANAGEMENT INC. OF FLORIDA FOR RECYCLING SERVICES; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE OF ORDINANCES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution.

Town Manager Olmedillo introduced and explained the item.

Discussion ensued on the item with the Commission wanting a conflict of interest clause.

Town Attorney Arango explained how that would not be the same case with this contract because they do service other municipalities.

Discussion ensued regarding this item and recycling.

Town Attorney Arango asked for clarification of which facility they will be going to and the change will be made to the agreement that it will be taken only to the Pembroke Pines facility.

Motion to approve the Resolution with the change in the agreement to add Pembroke Pines was made by Commissioner Karukin and seconded by Commissioner Paul. Motion carried 4-0 with Commissioner Cohen absent.

Motion to extend the meeting 2 hours was made by Commissioner Karukin and seconded by Commissioner Paul. Motion carried 4-0 with Commissioner Cohen absent.

C. Extension of Contract Service Agreement for Maintenance Services of Chiller and Air Conditioner System (TRANE Service Agreement) – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH TRANE U.S. INC, FOR MAINTENANCE AND SERVICE FOR THE EXISTING TRANE CHILLER AND AIR CONDITIONER SYSTEM; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution.

Town Manager Olmedillo introduced and explained the item which is extending the contract.

Discussion on item ensued with a recommendation to approve subject to amendments from Town Attorney adding standard municipal language to the agreement.

Town Attorney Arango stated that the contract is missing some of the standard municipal language that needs to be added.

Motion to approve subject to amendments from the Town Attorney adding standard municipal language was made by Commissioner Karukin and seconded by Vice Mayor Gielchinsky. Motion carried 4-0 with Commissioner 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.

The following persons spoke on items not on the meeting agenda:

- Joshua Epstein
- Brian Bey
- Karla Maguire
- Elise Harris
- Patricia Fernandes
- George Kousoules
- Eva Kaman
- Anthony Blate
- Ricardo De Armas
- Eliana Salzhauer
- Peter Neville
- Bruce Faulkner
- Pamela O'Hagan
- Judy Martinez
- Jennifer Rotker
- David Epstein
- Victoria Saife
- Clara Diaz Leal

The Town Commission responded to some of the topics brought up by the residents.

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*

Town Clerk Novoa stated this item will be deferred to the next meeting since Commissioner Cohen left the meeting early.

- B. Construction Fencing –** Guillermo Olmedillo, Town Manager

Town Manager Olmedillo introduced the item and explained that some construction sites in the single-family district have flimsy and ragged fences and neighbors are complaining. Town Manager Olmedillo would like to see stronger sturdier fencing around the construction sites.

Sarah Sinatra Gould, Town Planner gave an explanation regarding the construction fencing.

Commissioner Paul agrees with the Planning & Zoning Board and believes that there should be a time constraint of how long the fence should be allowed to be up temporarily and Code Compliance should also be involved.

Mayor Dietch agreed that a more durable fence is needed and there should be a higher standard than what we have now and limit it to the front.

Discussion continued on the item with a recommendation requesting stronger fences on construction sites.

Mayor Dietch stated that he is not interested in moving forward with this at this time.

This item is on impasse. Mayor Dietch asked to maybe bring this back in the future and asked the Police Chief to take the Elected Officials on a bike ride to look at those sites.

C. Downtown Vision Advisory Committee (DVAC) Discussion Item - Guillermo Olmedillo, Town Manager

Town Manager Olmedillo introduced the item.

Discussion ensued to possibly reconstitute the Committee under the Town Manager with an adopted charter for a better relationship with property owners and business owners and to attract more businesses to Surfside.

Vice Mayor Gielchinsky stated that the Planning & Zoning Board had asked about DVAC.

Mayor Dietch believes it should be their Board, and recalling what happened last time with DVAC, felt that there was a significant amount of overlap with the Tourist Board and it should be addressed at this time and maybe make it part of the Tourist Board.

Discussion continued on this item among the dais.

The following members of the public spoke on this item:

- George Kousoulas
- Eliana Salzhauer

Lindsay Fast, Tourist Board Director explained that this has already gone before the Tourist Board. She was asked how the structure should be and she stated that there is no overlap or duplication of efforts and whatever the Town Manager would recommend.

Mayor Dietch made a motion to direct the Town Manager to reconstitute this Committee to be a Committee of the Town Manager. The motion was seconded by Vice Mayor Gielchinsky. Motion carried 4-0 with Commissioner Cohen absent.

D. Comprehensive Plan Amendment to provide Density and Intensity Equivalencies, and Chapter 90 Zoning Amendment Affecting Lands and Structures Owned by the Town – Guillermo Olmedillo, Town Manager

Town Manager Olmedillo introduced the item and requested a deferral.

Commissioner Paul stated that she does not support the deferral as she supports no zoning amendments to MU.

Commissioner Paul read a portion of the Town Manager's memo and stated that she believes that means not making changes to the zoning of municipal properties.

Extensive discussion on this item by the Commission and the residents took place.

Mayor Dietch opened the floor to public comments. And the following residents/individuals spoke on the item:

- Joshua Epstein
- Johanna Ostrander
- Patricia Fernandes
- George Kousoulas
- Walter Javier
- Former Vice Mayor Alan Rubin
- Eva Kaman
- Anthony Blate
- Eliana Salzhauer
- Pamela O'Hagan
- Diana Gonzalez
- Retta Logan
- Jennifer Rotker
- Robert McNutt
- David Epstein
- Judy Martinez
- Jalil Thurber

Mayor Dietch closed the floor to public comments.

Mayor Dietch explained that is a zoning code problem. The last parking was done in 2013 and for the benefit of the community, the Town should validate what the requirements were in 2013 to see if they are still valid today.

Vice Mayor Gielchinsky explained to the public what item 9D is about and wanted to set the record straight so the public understands the item at hand.

Commissioner Paul read the language of the memo handed out by the Town Manager and feels that her interpretation of the memo is not to make changes to the zoning.

Mayor Dietch stated that the intent of the proposed amendment is to treat all uniformly and fix the present problems with the zoning and the elements of the zoning change and the equivalency table issue.

Commissioner Paul asked a question about a referendum.

Town Attorney Arango stated that if the Commission desires to send it to a referendum, it would be sent to the voters for approval and a special election will be called and the Town will be bound by the results of that election and decision on the referendum.

Discussion among the dais continued on this item.

Motion to adopt the Town Manager's recommendation to defer indefinitely made by Vice Mayor Gielchinsky and seconded by Commissioner Cohen. Motion carried 4-1 with Commissioner Paul voting in opposition.

10. Adjournment

There being no further business, Vice Mayor Gielchinsky made a motion to adjourn. The motion received a second from Commissioner Paul. The meeting adjourned at 12:33 a.m.

Respectfully submitted,

Accepted this 13th day of November, 2018

Attest:



Sandra Novoa, MMC
Town Clerk



Daniel Dietch, Mayor