



**Town of Surfside
Revised Regular Town Commission
Meeting
AGENDA
January 11, 2022
7 p.m.**

1. Opening

A. Call to Order

B. Roll Call of Members

C. Mayor and Commission Remarks – Mayor Charles W. Burkett

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

E. Community Notes – Mayor Charles W. Burkett

F. Appointment to Boards and Committees – Sandra N. McCready, Town Clerk

- **Planning & Zoning Board – At Large**
- **Budget Committee - Mayor Burkett**
- **Personnel Appeals Board – Mayor Burkett**
- **Personnel Appeals Board – Commissioner Salzhauer**
- **Personnel Appeals Board – Commissioner Velasquez**

G. Champlain Towers South Status Update - Andrew Hyatt, Town Manager

2. Quasi-Judicial Hearings

A. 9011 Collins Avenue/Surf Club-Amendment to Resolution 13-Z-06 - Andrew Hyatt, Town Manager (Pages 1-5)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING AN AMENDMENT TO RESOLUTION NO. 13-Z-06 FOR THE SURF CLUB PROPERTY LOCATED AT 9011 COLLINS AVENUE, SURFSIDE, FL, TO AMEND CONDITION NO. 19, OF SECTION IV., REQUIRING DESIGN AND CONSTRUCTION OF A LIFEGUARD STAND AND PAYMENT OF OPERATIONAL COSTS, AND PROVIDING FOR A ONE-TIME PAYMENT TO THE TOWN IN LIEU THEREOF FOR 96TH STREET PARK RENOVATIONS;

RATIFYING ALL OTHER REQUIREMENTS AND CONDITIONS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 13-Z-06; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 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. Minutes – Sandra N. McCreedy, MMC, Town Clerk (Pages 6-77)

- November 9, 2021 Regular Town Commission Meeting Minutes
- November 17, 2021 Town Commission Workshop Minutes
- December 7, 2021 - Town Commission Zoning Workshop Minutes
- December 14, 2021 Regular Town Commission Meeting Minutes

***B. Town Manager’s Report** – Andrew Hyatt, Town Manager (Pages 78-91)

***C. Town Attorney’s Report** – Weiss Serota, Town Attorney (Pages 92-106)

D. Committee Reports - Andrew Hyatt, Town Manager (Pages 107-147)

- October 28, 2021 Planning and Zoning Board Meeting Minutes
- November 18, 2021 Special Tourist Board Meeting Minutes
- December 6, 2021 Tourist Board Meeting Minutes

E. One-Year Extension of Curative Testing Site Outside Town Hall - Andrew Hyatt, Town Manager (Pages 148-154)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE REVOCABLE, NON-EXCLUSIVE LICENSE AGREEMENT (AGREEMENT) WITH CURATIVE INC. TO EXTEND THE TERM OF THE AGREEMENT; APPROVING THE EXTENSION OF THE TEMPORARY USE PERMIT ISSUED TO CURATIVE INC. BEYOND THE INITIAL NINETY (90) DAY TERM TO ALLOW THE CONTINUED UTILIZATION OF A COVID-19 TESTING KIOSK PURSUANT TO SECTION 90-36.1 OF THE TOWN CODE OF ORDINANCES; AUTHORIZING THE TOWN MANAGER TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT AND EXTENSION OF THE TEMPORARY USE PERMIT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

F. FY 2022 Budget Amendment No. 2- Andrew Hyatt, Town Manager (Pages 155-160)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2022 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. 89th Street Beach End Improvement Expenditures Request - Andrew Hyatt, Town Manager (Pages 161-172)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS IN AN AMOUNT NOT TO EXCEED \$145,000 TO IMPLEMENT THE 89TH STREET BEACH END CAPITAL IMPROVEMENT PROJECT (CIP); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. Approving Florida Memorandum of Understanding and Miami-Dade County Interlocal Agreement relating to Opioid Litigation Settlement Agreement Funds - Andrew Hyatt, Town Manager (Pages 173-199)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE FLORIDA MEMORANDUM OF UNDERSTANDING WITH THE STATE OF FLORIDA AND OTHER PARTICIPATING LOCAL GOVERNMENT UNITS FOR THE ALLOCATION AND USE OF OPIOID SETTLEMENT FUNDS TO ABATE AND RESOLVE THE OPIOID EPIDEMIC; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE OPIOID SETTLEMENT INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY GOVERNING THE USE OF OPIOID SETTLEMENT FUNDS ALLOCATED TO THE MIAMI-DADE COUNTY REGIONAL FUND; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

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

B. First Reading Ordinances

- 1. Ordinance Securing Construction Sites, Safety and Other Requirements – Vice Mayor Tina Paul (Pages 200-209)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY CREATING ARTICLE V – “CONSTRUCTION SITES”, CONSISTING OF SECTION 14-104 “SECURING OF CONSTRUCTION SITES, SAFETY, AND OTHER REQUIREMENTS”, OF CHAPTER 14 - “BUILDINGS AND BUILDING REGULATIONS”, TO PROVIDE FOR SECURING OF CONSTRUCTION SITES AND PROTECTIONS TO ADJACENT AND NEIGHBORING PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. Building Recertification “Don’t Wait...Accelerate!”-Changes Necessary to Prevent Another Building Collapse Catastrophe (In Honor of Champlain Towers South Victims) – Commissioner Eliana Salzhauer (Pages 210-245)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY CREATING A NEW SECTION 14-3, “RECERTIFICATION OF EXISTING BUILDINGS”, IN ARTICLE I. – “IN GENERAL”, OF CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS”, TO ADOPT AND INCORPORATE SECTION 8-11. – “EXISTING BUILDINGS” OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES WITH MODIFICATIONS IN FURTHERANCE OF THE “DON’T WAIT, ACCELERATE” PLAN TO IMPROVE BUILDING SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)

- A. Lot Area, Building Height for Beachfront Properties and Increasing Minimum Required Electoral Vote to 60% - Andrew Hyatt, Town Manager (Pages 246-253)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 15, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO THE TOWN CHARTER ARTICLE I, SECTION 4 - "GENERAL POWERS OF TOWN; POWERS NOT DEEMED EXCLUSIVE", AS PRESENTED IN A BALLOT QUESTION ON AN AMENDMENT TO THE TOWN CHARTER REGARDING LOT AREA, BUILDING HEIGHT FOR BEACHFRONT PROPERTIES, AND INCREASING MINIMUM REQUIRED ELECTORAL VOTE TO 60% TO REPEAL OR AMEND SECTION 4 OF THE CHARTER; PROVIDING FOR NOTICE OF ELECTION; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Authorizing Additional Expenditure of Funds to Special Counsel in Connection with the Appeal of the Federal Aviation Administration's (FAA's) South Central Florida Metroplex Project – Lilian Arango, Town Attorney (Pages 254-258)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING ADDITIONAL EXPENDITURE OF FUNDS TO SPECIAL COUNSEL, LEECH TISHMAN FUSCALDO & LAMPL, IN CONNECTION WITH THE APPEAL OF THE FEDERAL AVIATION ADMINISTRATION'S (FAA'S) SOUTH CENTRAL FLORIDA METROPLEX PROJECT (METROPLEX), FOR LEGAL FEES AND CONSULTANT'S SERVICES FOR PHASE 1 METROPLEX FLIGHT PROCEDURE ASSESSMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Downtown Walkability and Design Study Scope of Work Approval – Andrew Hyatt, Town Manager (Pages 259-266)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$50,000 TO ENGAGE MARLIN ENGINEERING, INC. FOR A DOWNTOWN WALKABILITY AND DESIGN STUDY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Champlain Towers South Memorial Park & Pedestrian Plaza at 88th Street– Commissioner Eliana Salzhauer (Pages 267-271)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; DIRECTING THE MANAGER TO PURSUE THE CLOSURE OF 88TH

STREET EAST OF COLLINS AVENUE TO VEHICULAR TRAFFIC FOR THE PURPOSE OF PROVIDING A MEMORIAL PARK AND PEDESTRIAN PLAZA HONORING THE VICTIMS OF THE CHAMPLAIN TOWERS SOUTH COLLAPSE; AUTHORIZING THE TOWN MANAGER TO EXECUTE AND TAKE ALL ACTION NECESSARY, INCLUDING APPLICATIONS REQUIRED BY MIAMI-DADE COUNTY AND/OR FLORIDA DEPARTMENT OF TRANSPORTATION AND/OR ANY OTHER GOVERNMENTAL AGENCY WITH JURISDICTION; AUTHORIZING THE TOWN MANAGER TO RETAIN DESIGN OR ENGINEERING PROFESSIONALS FOR THE PREPARATION OF PLANS OR STUDIES AS REQUIRED FOR THE CLOSURE OF THE RIGHT-OF-WAY TO VEHICULAR TRAFFIC; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare/ Public Comments from Residents

(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.

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

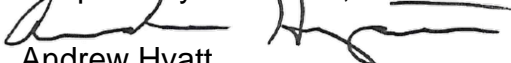
9. Mayor, Commission and Staff Communications

- A. Town Manager Performance Review** – Mayor Charles W. Burkett
- B. Raising Houses in Surfside to Make our Town More Resilient and Sustainable** – Mayor Charles W. Burkett (Pages 272-315)
- C. Amending Zoning Definitions to Remove Development Loopholes** – Commissioner Eliana Salzhauer (Pages 316-319)
- D. Amending the Town’s Purchasing Code (Chapter 3)** – Commissioner Nelly Velasquez (Pages 320-332)
- E. Community Center Pool Deck Lighting - Staff Report** – Andrew Hyatt, Town Manager (Pages 333-334)
- F. Art in Public Spaces Committee** – Commissioner Charles Kesl (Pages 335-336)
- G. Demolition by Neglect** - Mayor Charles W. Burkett (Pages 337-339)
- H. Excessive Homeless Contribution Made by the Former Commission** - Mayor Charles W. Burkett (Pages 340-347)
- I. Lowering of Property Taxes and Water Bills – Staff Report** – Andrew Hyatt, Town Manager (Page 348)
- J. Amending Town Code Section 2-237 Business Relationships** – Commissioner Eliana Salzhauer (Pages 349-354)
- K. Community Center Second Floor Possibility-** Andrew Hyatt, Town Manager (Pages 355-356)

- L. **Amend Tourist Board Ordinance** – Commissioner Nelly Velasquez (Page 357)
- M. **Legally Defective Charter Amendment Vote in 2012** – Mayor Charles W. Burkett (Pages 358-385)
- N. **Cone of Silence/Secrecy** – Mayor Charles W. Burkett (Page 386)
- O. **License Plate Readers** – Mayor Charles W. Burkett (Page 387)
- P. **Cancel Culture in Surfside** - Mayor Charles W. Burkett (Pages 388-394)
- Q. **Permit Process** - Mayor Charles W. Burkett (Pages 395-406)
- R. **High Water Bill** – Mayor Charles W. Burkett (Pages 407-408)
- S. **Increased Commercial Airliner Flights over Surfside** - Mayor Charles W. Burkett (Page 409)
- T. **Purchase of Electric Vehicles** - Mayor Charles W. Burkett (Page 410)
- U. **One-way Automatic Gate at 96th Street and Bay Drive** - Mayor Charles W. Burkett (Page 411)
- V. **Draconian Fines for Residents** - Mayor Charles W. Burkett (Pages 412-418)
- W. **Surfside's Brand Name, Miami's Uptown Beach Town** – Mayor Charles W. Burkett (Page 419)
- X. **Epinephrine Auto-Injectors (EpiPen) Policy Discussion** - Commissioner Eliana Salzhauer (Pages 420-423)
- Y. **Private Security Service** – Mayor Charles W. Burkett (Page 424)
- Z. **Remote Participation by Commissioners** – Commissioner Charles Kesi (Page 425)
- AA. **Budget Meeting Fiasco** - Commissioner Eliana Salzhauer (Page 426)
- BB. **Tree Program** - Andrew Hyatt, Town Manager (Pages 427-428)

10. Adjournment

Respectfully submitted,



Andrew Hyatt
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.