



**Town of Surfside
Special Town Commission Meeting
MINUTES
August 25, 2020
7 p.m.**

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

1. Opening

A. Call to Order

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

B. Roll Call of Members

Town Clerk McCready called the roll with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Charles Kesl, Commissioner Nelly Velasquez and Commissioner Eliana Salzhauer.

Also present were Interim Town Manager Jason Greene and Town Attorney Lillian Arango.

2. Ordinances

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

A. First Reading Ordinances

1. **Beach Furniture Ordinance 2020 Sponsored by Commissioner Salzhauer** – Jason Greene, Interim Town Manager, Lillian M. Arango, Haydee Sera and Anthony Recio, Town Attorneys

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING ARTICLE II, "PUBLIC BEACHES," OF CHAPTER 86, "WATERWAYS" OF THE TOWN'S CODE OF ORDINANCES RELATING TO BEACH FURNITURE AND PUBLIC BEACHES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR EXPIRATION OF BEACH FURNITURE OPERATOR PERMIT APPROVED

PURSUANT TO RESOLUTION NO. 17-2470; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title of the ordinance into the record.

Commissioner Salzhauer introduced the item and stated that Assistant Town Attorney Recio would be making the presentation. She commented on the different options including the repeal and what options would be best.

Commissioner Kesl stated that what Commissioner Salzhauer stated is not all correct and stated that the Town Attorney came up with a proposal that would work for everyone. He spoke regarding the analysis of the repeal and replace of this ordinance.

Vice Mayor Paul stated that this has been in the making for over six years and previous Commission did not regulate in the proper way.

Mayor Burkett commented on the item and stated that he has a presentation to provide.

Commissioner Salzhauer provided a presentation on the item and then had Assistant Town Attorney Recio continue with the presentation.

Commissioner Salzhauer asked regarding the beach ratio, if it was done before the beach renourishment.

Commissioner Velasquez asked if the photos used in the presentation were prior to the beach renourishment.

Assistant Town Attorney Recio stated it was prior to the beach renourishment.

Commissioner Velasquez asked regarding the calculations as well as the language the Commission has to approve and if future Commissions could place the language that was taken out back.

Mayor Burkett stated that it has to be in the Charter.

Commissioner Salzhauer stated that there were no new photos of the beach chair furniture due to COVID restrictions. She stated that the changes in the language is to avoid future Commissions from changing the language by commission vote to commercializing the beaches.

Vice Mayor Paul stated that she has a presentation which was prior to the beach renourishment and COVID.

Vice Mayor Paul introduced her presentation on the item.

The following individuals from the public spoke on the item:

Joseph Rebak
Allan Yarkin
Frederic Marq
Marilyn Reitman
Niesen Kasdin
George Kousslouas
Ben Jacobson
Jennifer Rotker
Eli Tourgeman
Jeff Rose
Richard Ramunno
Yoann Andreu
Ralph Wolfe
Rene Wolfe
Ron Glass
Horace Henderson
Jeffrey Platt
Steve Schott
Clara Diaz-Leal
Deborah Cimadevilla
Michael Kashtan
Aurora De La Rosa
Mandyf Davenport
Katy Horowitz
Caridad Izquierdo
Manty Sabates
Oliver Sanchez
Max Dekelbaum
Silvia Coltrane
Victoria Saife

Commissioner Salzhauer addressed the comments made by the speakers and the restrictions currently in place and once COVID is over and everything goes back to status quo it will allow them to place the beach chairs where they please. She apologized for bringing this ordinance because she knows that the hotels will never be satisfied and any compromise with the hotels is like negotiating with terrorists. She does not want things status quo.

Commissioner Velasquez stated that she would like to see the pictures after the beach renourishment that would show the conditions of the beach at that time.

Vice Mayor Paul clarified when the photographs were taken, the one from

the storage was 2018 and the crowded beach was 2019. She stated she has current photos to share and this is about the residents and everyone being happy. She spoke regarding the beach chairs, the condition of the beach, and what is in the best interest for the tourists and residents. She stated that this ordinance represents everyone.

Commissioner Kesl thanked everyone participating in the meeting. He spoke regarding his support for this item. He spoke regarding the need to preserve the dunes and if the beach chairs are back there it jeopardizes the dunes.

Commissioner Velasquez spoke regarding this issue which was brought up in March and believes that they should be able to discuss this further and feels passing something today would be irresponsible and believes it should be deferred in order for them to speak to the Interim Manager and Town Attorney.

Mayor Burkett provided a PowerPoint presentation and stated the residents come first.

Discussion took place among the Town Commission regarding Mayor Burkett's presentation and proposed changes to the ordinance and possibly addressing it at another time.

Commissioner Velasquez asked what is the urgency of this item and why this item could not be addressed at a later time.

Vice Mayor Paul addressed the importance and urgency of the item and Commissioner Kesl's comments.

A motion was made by Vice Mayor Paul to approve the Ordinance on first reading subject to Mayor Burkett's comments to amend the ordinance, seconded by Commissioner Salzhauer. The motion carried with a 3-2 vote with Commissioner Kesl and Commissioner Velasquez voting in opposition.

3. Resolutions and Proclamations

(Set for approximately 8:00 p.m.) (Note: Depends upon length of Good and Welfare)

A. Design Services for the Reconstruction of 96th Street Park- Jason Greene, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING NEGOTIATIONS WITH THE HIGHEST-RANKED QUALIFIED FIRM, SAVINO & MILLER DESIGN STUDIO, PURSUANT TO RFQ NO. 2020-02 SEEKING DESIGN SERVICES FOR

RECONSTRUCTION OF 96TH STREET PARK; AND FURTHER AUTHORIZING, IF NECESSARY, NEGOTIATIONS WITH SUBSEQUENTLY RANKED QUALIFIED FIRMS, FOR THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Item Deferred to next meeting.

B. CARES Act Funding Interlocal with Miami-Dade County – Jason Greene, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN INTERLOCAL AGREEMENT FOR FEDERALLY-FUNDED SUBAWARD WITH MIAMI-DADE COUNTY FOR THE REIMBURSEMENT OF NECESSARY EXPENSES INCURRED DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 PURSUANT TO THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title of the resolution into the record.

A motion was made by Vice Mayor Paul to approve the Resolution, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

C. Structural Plans Review Funding Authorization - Jason Greene, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FOR STRUCTURAL PLAN REVIEW SERVICES TO M.T. CAUSLEY, LLC; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Item Deferred to next meeting.

**4. 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.

Commissioner Velasquez commented on the dates for the Town Manager interviews. She is not available on September 4, she is available Monday, Tuesday Wednesday and Thursday but not Friday, September 4 and would like more dates to be sent out.

Commissioner Kesl stated the dates he would be available for the interviews.

The following individuals from the public spoke:

Florida State Senator Jason Pizzo wanted to say hello and stated he has been dealing with several issues in Tallahassee and extended his assistance in anything they would need from his office.

Jeff Rose spoke regarding having Interim Town Manager Jason Greene as our permanent Manager. He spoke regarding roadblocks with the new zoning in progress.

Mayor Burkett responded to the comments made by speaker Jeff Rose.

Jeffrey Platt

Clara Diaz-Leal would like to have the walkability issues and traffic concerns be addressed at the next meeting.

Jennifer Rotker spoke regarding the marine turtle lighting ordinance and for it to be enforced.

Mandyf Davoudourf spoke regarding having more control over the speeding.

George Kouslouas spoke regarding the zoning in progress.

Sharon Hakmon spoke regarding the zoning code.

Mayor Burkett responded to the comments made regarding the zoning code.

Commissioner Salzhauer addressed comments made by the public speakers regarding the zoning code and the platform they ran on.

Yoann Andreu spoke regarding the zoning in progress.

Diana Gonzalez spoke regarding the lights in Town in the areas that are very dark.

Horace Henderson spoke regarding the condominium association at the Carlyle is aware of what they have to do regarding the turtle lights. He spoke regarding the zoning changes. He spoke regarding reaching out to the Interim Town Manager and the Commission and promote employees that have been performing a good job.

David Epstein spoke regarding his support for the beach chair ordinance and believes it is the right thing to do. He spoke regarding the speeding on Harding Avenue and Collins Avenue.

Commissioner Velasquez addressed comments made by the public speakers regarding the speeding in Town.

Mayor Burkett stated that he has spoken with Police Chief Yero and they have come up with a new Traffic Detail Unit and have command staff also assisting with this and the residents will see a change. He thanked Clara Diaz-Leal on her hard work with the walkability project and returning Byron Avenue to a normal street.

Commissioner Velasquez stated that adjustments in the new Traffic Unit should include the Police Chief providing the Commission a report of how many tickets are being written.

Vice Mayor Paul stated that the Commission does get a monthly report from the Police Department on how many tickets have been written. She also spoke regarding the speeding in Town.

Commissioner Kesl spoke regarding the incident in Bal Harbor and the speeding in Town.

Commissioner Salzhauer suggested placing on the agenda red light/speeding cameras.

Mayor Burkett stated that they were removed because they were deemed to be unconstitutional and we should look at what Golden Beach and Bal Harbour are doing.

Vice Mayor Paul commented on the red light cameras and the faultiness of the cameras.

Commissioner Velasquez spoke regarding a company in New York that does red light cameras and that in Florida, the officer has to see the individual speeding but they do it in New York.

Mayor Burkett stated that one of the things with the red light cameras was that there were accidents due to the cameras. He stated that the red light cameras are illegally dubious.

Vice Mayor Paul spoke regarding the data of those red light cameras and its accuracy.

Tricia Fowley stated that she supports the beach chair ordinance and spoke regarding some individuals bringing alcohol bottles into the water.

Alice Boymelgreen spoke regarding the legal standing of the street ends and kayak launch and its status.

Deborah Cimadevilla thanked the Commission for their work and contributions. She spoke regarding the speeding in Town.

Mayor Burkett asked if the County has opened up the restaurants to 50% and once they do for the Town to follow the same order.

A motion was made by Vice Mayor Paul to open the restaurants to 50% once the County issues their order, seconded by Commissioner Salzhauer. The motion carried

with a 5-0 vote.

Commissioner Velasquez requested different dates for the interviews for the Town Manager and she is not available on Friday. She is available Monday, Tuesday and Wednesday.

Further discussion continued among the Commission regarding the dates for the interviews.

Clara Diaz-Leal stated she was voted in and gave the dates of her availability which is all day Thursday and some other days the following weeks.

Vice Mayor Paul stated that Monday is Labor Day and Thursday is their meeting and she will not do that.

Commissioner Salzhauer stated that Clara Diaz-Leal is available on September 3 and possibly doing Tuesday September 8 for the others.

Clara Diaz-Leal stated that she will be available September 3rd and September 8th in the afternoon.

Vice Mayor Paul stated those dates will work.

Commissioner Kesl stated those dates will work.

Mayor Burkett stated those dates will work.

5. Mayor, Commission and Staff Communications

A. COVID-19 Task Force Update – Jason Greene, Interim Town Manager

Commissioner Kesl gave an update on the COVID-19 task force meeting and the ban implemented on short-term rentals.

A motion was made by Commissioner Kesl to not renew the short-term rental emergency order, seconded by Vice Mayor Paul. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

B. Discussion and Action Regarding Newly Implemented “Town Blog”, Surfside Gazette and Social Media Guidelines – Commissioner Eliana Salzhauer

Item Deferred to next meeting.

**C. Amending Town Code Section 2-205 Conduct of Meetings; Agenda –
Mayor Charles W. Burkett**

Item Deferred to next meeting.

**D. Topper Selection for 4 x 4 Posts on Hardpack and Walking Path - Jason
Greene, Interim Town Manager**

Item Deferred to next meeting.

**E. Building Department Document Scanning- Jason Greene, Interim Town
Manager**

Item Deferred to next meeting.

F. Pinzur Communication – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

**G. Preservation of Eden Project located at 9300 Collins Avenue - Mayor Charles
W. Burkett**

Item Deferred to next meeting.

H. Speeding on Collins and Harding - Mayor Charles W. Burkett

Item Deferred to next meeting.

**I. Homeless Contribution by the Town of Surfside of \$100,000 - Mayor Charles
W. Burkett**

Item Deferred to next meeting.

J. Free (hassle-free) downtown parking for residents - Mayor Charles W. Burkett

Item Deferred to next meeting.

K. Records Retention Policy – Mayor Charles W. Burkett

Item Deferred to next meeting.

L. Regulation of Short-Term Rentals – Mayor Charles W. Burkett

Item Deferred to next meeting.

M. S.M.A.R.T Goals, Quality Control & Quality Assurance – Commissioner Charles Kesl

Item Deferred to next meeting.

N. Design Review Board Discussion – Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

O. Weiss Serota Contract Follow up – Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

P. Town Pension Benefits for Non-Public Safety Employees – Mayor Charles W. Burkett

Item Deferred to next meeting.

Q. Additional lighting in the residential area – Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

R. Construction Guidelines for Hurricane Season – Commissioner Nelly Velasquez

Item Deferred to next meeting.

S. Lowering of Property Taxes and Water Bills – Mayor Charles Burkett

Item Deferred to next meeting.

T. CGA Contract Follow Up – Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

- U. Discussion Regarding Appointments to Committees and Boards – Sandra N. McCready, Town Clerk**

Item Deferred to next meeting.

- V. FPL Solar Together - Vice Mayor Tina Paul**

Item Deferred to next meeting.

- W. Climate Environmental Collective Revised - Vice Mayor Tina Paul**

Item Deferred to next meeting.

- X. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission – Mayor Charles W. Burkett**

Item Deferred to next meeting.

- Y. How our Zoning Protections Against Over-Development Were Gutted - Mayor Charles W. Burkett**

Item Deferred to next meeting.

- Z. Amending Town Code Section 2-233 to Include Non-for-Profit – Mayor Charles W. Burkett**

Item Deferred to next meeting.

- AA. Amending Town Code Section 2-237 Business Relationships – Commissioner Eliana Salzhauer**

Item Deferred to next meeting.

- BB. Speeding & Stop Sign Running - Commissioner Eliana Salzhauer**

Item Deferred to next meeting.

- CC. Surfside Point Lake Subaqueous WM Crossing - Bid Documents – Jason Greene, Interim Town Manager**

Item Deferred to next meeting.

DD. Beachwalk Trimming- Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

EE. Pool Deck Lighting for Extended Winter Hours- Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

FF. Community Center Second Floor – Staff Report - Jason Greene, Interim Town Manager

Item Deferred to next meeting.

GG. Repeal of Ordinance No. 17-1662 Beach Furniture – Mayor Charles W. Burkett

Item Deferred to next meeting.

HH. Designated (Painted) Walking Areas in the Residential District- Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

II. Procurement Expertise – Commissioner Eliana Salzhauer

Item Deferred to next meeting.

JJ. Take Home Vehicles - Commissioner Eliana Salzhauer

Item Deferred to next meeting.

KK. Recent and Significant Increase in Boat, Paddleboard and Kayak Use on Point Lake – Mayor Charles W. Burkett

Item Deferred to next meeting.

LL. Comparison of 2006 Code to 2020 Code – Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

MM. Stormwater Masterplan - Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

NN. Securing Power Infrastructure: Timely Action Plan for Hurricane Season through accountability now by FPL, ATT and Atlantic Broadband – Staff Report – Jason Greene, Interim Town Manager

Item Deferred to next meeting.

OO. Amendment to the Tourist Board Ordinance – Commissioner Nelly Velasquez

Item Deferred to next meeting.

PP. Demolition by Neglect - Mayor Charles W. Burkett

Item Deferred to next meeting.

QQ. Draft Ordinance Amending Definitions of Lot Coverage - Commissioner Eliana Salzhauer

Item Deferred to next meeting.

RR. Zoning Rewrite “Acre” vs. “Gross Acre” - Commissioner Eliana Salzhauer

Item Deferred to next meeting.

SS. Legally Defective Charter Amendment Vote in 2012 – Mayor Charles W. Burkett

Item Deferred to next meeting.

TT. Purchase of the property located at 9540 Bay Drive (Pink House) – Commissioner Nelly Velasquez

Item Deferred to next meeting.

UU. Permanent Digital Sign – Commissioner Nelly Velasquez

Item Deferred to next meeting.

**VV. Traffic Control Devices on 88th Street and Hawthorne Avenue –
Commissioner Eliana Salzhauer**

Item Deferred to next meeting.

WW. Cone of Silence/Secrecy – Mayor Charles Burkett

Item Deferred to next meeting.

XX. Gazette Revenue and Funding Sources – Mayor Charles Burkett

Item Deferred to next meeting.

YY. Resident Survey regarding kayak Launch – Vice Mayor Paul

Item Deferred to next meeting.

ZZ. Beach Raking – Commissioner Eliana Salzhauer

Item Deferred to next meeting.

AAA. Kayak Launch – Commissioner Eliana Salzhauer

Item Deferred to next meeting.

**BBB. Taking Steps to Keep our Businesses Alive During COVID – Mayor Charles
Burkett**

Item Deferred to next meeting.

***Thirty (30) Day Staff Report – Items from June 23, 2020 Special Town
Commission Meetings***

A. Miami Christmas Lights – Jason Greene, Interim Town Manager

Items Completed or Removed from Previous Agendas

**A. Resolution Adopting an Amended Resiliency Reserve Policy
Revision**

B. Resolution Approving the March 17, 2020 Town of Surfside

Municipal Election

- C. Resolution Abolishing the Sustainability and Resiliency Committee**
- D. Resolution Amending the Downtown Vision Advisory Committee**
- E. Resolution Reauthorizing the Parks and Recreation Committee**
- F. “Flash Your Lights”**
- G. Mandatory Face Mask in the Town of Surfside**
- H. Bandanas for Town Residents**
- I. Commission Meeting Starting Time at 6:00pm**
- J. Discussion Regarding Assistant Town Manager position and Action**
- K. Photovoltaic RFP**
- L. Facilities Review**
- M. Kayak Launch**
- N. Jacober Contract**
- O. Zambelli Fireworks Manufacturing**
- P. Small Business Survival Grant**
- Q. Review of Amendment No. 2 to Update No. 5 Town of Surfside Emergency Measures**
- R. Downtown Surfside Sidewalk Beautification - Plans and Studies -
[Downtown Vision Advisory Committee to discuss]**
- S. Sidewalk on N 95th St between Abbott and Byron**
- T. Beach Raking**
- U. Community Digital Signs**
- V. Government Academy**
- W. Various Tourism Related Events, Initiatives, and Destination Marketing**
- X. Classification and Compensation Study**
- Y. Flooding/Drainage Improvements**
- Z. Abbott Avenue Drainage**
- AA. Police Body-Worn Camera System**
- BB. Care ACT Fund**
- CC. FY 2020 Budget Amendment**
- DD. Purchase of Additional Sewer Pump**
- EE. Planning and Zoning Board Membership Requirements Ordinance**
- FF. Tourist Board Membership Requirement Ordinances**
- GG. Resolution Renaming the Town’s Higher Education Scholarships to be called the “Arya Gray Memorial Higher Education Scholarship”**
- HH. Interlocal Shuttle System Report Update**
- II. Reconsideration of the Installation of Berms on 92nd**
- JJ. Staffing Hiring Freeze**
- KK. Undergrounding power lines – Staff Report**

- LL. Streamline Town Staffing
- MM. Brightview Agreement (FKA Luke's Landscape) Report and Follow up-Staff Report
- NN. Replacement Bins for Trash and Recycling Receptacles Throughout Town
- OO. Discussion and Action on Ballot Language for Undergrounding of Utilities
- PP. Potential Ballot Question - P3/Lease or Sale of Town Property
- QQ. Charter Amendments to affirm the limit of pay for elected officials to a maximum of \$1 per year, term limits for elected officials of 3 consecutive terms, or any part thereof, for both Mayor & Commissioners, a prohibition on the sale or leasing of any Town property without a referendum & a prohibition against any loan or borrowing of any type, which would put the Town into debt for more than 10% of its annual property tax revenue and which could not be fully amortized within a total of 5 years and restore development protections in the charter
- RR. Star Cleaning Service (Street Sweeping)
- SS. New Zoning Code-Procedural and Notice Requirements
- TT. 92nd St Beach-end Improvements
- UU. Develop Capital Improvement Plan (CIP)
- VV. 10 Year Water supply Plan
- WW. Various Parks & Recreation Related Events and Initiatives
- XX. Dog Park – Removed by the Mayor on 08/11/2020

6. Adjournment

A motion was made by Commissioner Velasquez to adjourn the meeting without objection at 11:13 p.m. The motion received a second from Commissioner Kesl. The motion carried with a 5-0 vote.

Accepted this 13th day of OCTOBER, 2020.

Attest:



Sandra N. McCready, MMC
Town Clerk



Charles W. Burkett, Mayor