



**Town of Surfside
Regular Town Commission Meeting
MINUTES
December 8, 2020
7 p.m.**

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 7:02 p.m.

B. Roll Call of Members

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Charles Kesl (arrived at 7:05 pm) and Commissioner Eliana Salzhauer.

Also present were Town Manager Andrew Hyatt and Town Attorney Lillian Arango.

C. Pledge of Allegiance

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

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

Vice Mayor Paul would like to request to move up item 9CC (Woof Gang Bakery & Grooming – Zoning Code Conditional and Accessory Uses) and 9DD (Surfside Farmer's Market) after item 9A (COVID-19 Task Force Update).

There being no objection, item 9CC (Woof Gang Bakery & Grooming – Zoning Code Conditional and Accessory Uses) and 9DD (Surfside Farmer's Market) will be heard after item 9A (COVID-19 Task Force Update).

F. Community Notes – Mayor Charles W. Burkett

G. Presentation of the 2020 Public Pension Coordinating Council (PPCC) Award – Andrew Hyatt, Town Manager

Town Manager Hyatt presented the 2020 Public Pension Coordinating Council (PPCC) Award and congratulated staff and the members of the Pension Board.

H. Appointments to the Planning and Zoning Board and Personnel Appeals Board- Sandra N. McCreedy, MMC, Town Clerk

Town Clerk McCreedy introduced the item and advised the different applications that were received.

A motion was made by Commissioner Salzhauer to nominate Michael Dranoff as alternate number two to the Planning and Zoning Board, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Commissioner Kesl stated that he had not had a chance to review the applications.

Commissioner Salzhauer stated that the Town belongs to residents and prefers Michael Dranoff than having big developers on the Planning and Zoning Board.

Vice Mayor Paul stated that only one of the candidates was Michael Dranoff which she met through the P3 issue and has come to the Commission to speak as an architect and believes he is a good fit and her second choice was Melissa Malman.

Mayor Burkett stated he agrees with the comments and they absolutely want to protect the quality of life in Town and believes Mr. Dranoff has a very impressive resume.

Commissioner Velasquez asked if Mr. Dranoff lives and owns property in Surfside and stated that his property shows as an LLC.

Commissioner Salzhauer answered Commissioner Velasquez' question regarding which home Mr. Dranoff owns. She stated that if they are applying to the Planning and Zoning Board and the property shows as an LLC with a mailing address on Biscayne that does not make her feel comfortable. She would prefer to have an individual living in Surfside to serve on the Board.

A motion was made by Commissioner Kesl to go around for another minute, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Commissioner Salzhauer stated that Mr. Dranoff has participated in the meetings and this is the alternate position and demonstrated their commitment.

Vice Mayor Paul commented on Mr. Dranoff's application and she is happy to see him interested in serving.

Commissioner Kesl stated that he agrees with Mayor Burkett and stated he would support the nomination of Mr. Dranoff.

Commissioner Velasquez stated she wants to make sure that the individual is a Town resident.

The following appointments were made to the Personnel Appeals Board (alternate member):

A motion was made by Vice Mayor Paul to appoint Jeff Rose to the Personnel Appeals Board, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

2. Quasi-Judicial Hearings

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

A motion was made by Commissioner Kesl to approve the Consent Agenda, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

- A. Minutes – Sandra N. McCreedy, MMC, Town Clerk**
- November 19, 2020 Special Town Commission Meeting Minutes

Approved on consent.

- *B. Town Manager's Report – Andrew Hyatt, Town Manager**

Approved on consent.

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

Approved on consent.

- D. Committee Reports - Andrew Hyatt, Interim Town Manager**
- October 1, 2020 Downtown Vision Advisory Committee Meeting Minutes
- October 5, 2020 Tourist Board Meeting Minutes
- October 19, 2020 Parks and Recreation Committee Meeting Minutes

Approved on consent.

- E. FY 2021 Budget Amendment Resolution No. 3 - Andrew Hyatt, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 FOR THE FISCAL YEAR 2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

- F. Certification of Surfside Special Municipal Election – November 3, 2020 – Sandra N. McCreedy, Town Clerk**

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020 FOR THREE REFERENDUM/BALLOT QUESTIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

G. Florida Power & Light (FPL) Authorization to Engage and Expend Funds - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING AN EXPENDITURE OF FUNDS TO FLORIDA POWER & LIGHT COMPANY FOR AN ENGINEERING DEPOSIT REQUIRED IN CONNECTION WITH PREPARATION OF A BINDING ESTIMATE FOR UNDERGROUNDING OF ELECTRIC DISTRIBUTION FACILITIES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Town Manager Hyatt requested to defer this item.

Mayor Burkett stated that he would like to give authorization to the Town Manager to move forward with the consultant to negotiate with FPL.

Town Manager Hyatt stated that they will work with the consultant and work with FPL.

Commissioner Salzhauer asked what is the part that has to occur to have this happen.

Town Manager Hyatt stated that they spoke with the consultant and he needs to be part of this process and needs to be on board before working on it.

Commissioner Velasquez would like to move forward with the suggestion and for the Town Manager to handle it whichever way he finds it best.

Mayor Burkett asked Town Attorney Arango if the resolution needs to be revised.

Commissioner Salzhauer asked if they will lose all negotiation with the consultant.

Vice Mayor Paul stated that she agrees with the Town Manager and it is best to have this done at the right time to move forward with the plan and for the Town Manager to come up with a plan.

Town Manager Hyatt stated the first step is to move forward with obtaining a consultant and then move forward to engage with FPL.

Commissioner Kesl asked what type of person would this consultant be that would have inside knowledge.

Town Manager Hyatt stated that there is an individual that has been working with Sunny Isles Beach.

Further discussion took place among the Town Commission regarding the hiring of a consultant for the negotiations with FPL.

A motion was made by Commissioner Velasquez to amend the resolution with a two-step process allowing the Town Manager to engage a consultant for up to \$25,000 to work with negotiations with FPL, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

The following individual from the public spoke on the item:
Jeff Rose

Assistant Town Manager Greene addressed the comments made by speaker Jeff Rose on the budget for undergrounding.

H. Resolution Authorizing Mutual Aid and Joint Declaration Agreements between the Town of Surfside and the Town of Bay Harbor Islands - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE TOWN OF BAY HARBOR ISLANDS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

I. Resolution Approving an Interlocal Agreement with the Miami-Dade County Police Department for Direct Radio Communication Between 911 Public Safety Answering Points and the Town of Surfside Police Department - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY POLICE DEPARTMENT FOR DIRECT RADIO COMMUNICATION BETWEEN 911 PUBLIC SAFETY ANSWERING POINTS AND THE TOWN POLICE DEPARTMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

- J. Resolution Authorizing the Memorandum of Understanding Agreement between the Town of Surfside (Police Department) and PaybyPhone Technologies, Incorporated for PaybyPhone Services.**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE FIRST AMENDMENT TO AGREEMENT WITH PAYBYPHONE TECHNOLOGIES, INC. FOR MOBILE PAYMENT SERVICES AT THE TOWN'S PARKING FACILITIES; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(7)(j) OF THE TOWN CODE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

(Set for approximately N/A 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

5. Resolutions and Proclamations

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

- A. RFQ No. 2020-06 Continuing Engineering Services - Andrew Hyatt, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING NEGOTIATIONS WITH THE TOP EIGHT RANKED QUALIFIED FIRMS PURSUANT TO RFQ NO. 2020-06 SEEKING CONTINUING ENGINEERING SERVICES FOR THE AWARD OF CONTINUING CONTRACTS FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Commissioner Salzhauer commented on the 16 applicants received and why do they not go with ten of them which will make for better competition.

Assistant Town Manager Greene stated that they went through the applicants and the reason why they went with eight applicants was due to the amount of engineering work the Town has to give to the firm.

Commissioner Velasquez asked when they get into a contract with the firms do, they pay a monthly retainer fee or do they pick one in particular that is the retainer firm and asked how it works.

Assistant Town Manager Greene stated that this is just to negotiate with the firm and they will decide which firm is best for certain services on a retainer base.

Further discussion took place among the Commission regarding the negotiation of the contract with the chosen vendor.

Commissioner Velasquez asked how they ranked the particular eight (8).

Assistant Town Manager Greene addressed the comments made by the Commission on how the ranking process was and his recommendation was to go with eight.

Mayor Burkett asked if he recommends going with more than eight.

Assistant Town Manager Greene stated that even eight is a lot.

Further discussion took place among the Commission on the number of vendors to negotiate with.

Town Attorney Arango stated that there were five vendors and it is up to the will of the Commission and that all the engineering discipline are covered by the firm.

Vice Mayor Paul stated that she is fine with the eight and believes adding more is extra work for everyone including the negotiations taking place.

Commissioner Kesl stated that it depends how often they revisit the contracts and gave an example of the landscape contract.

A motion was made by Vice Mayor Paul to approve the Resolution, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

A motion was made to reconsider the previous motion by Commissioner Kesl, seconded by Commissioner Salzhauer.

Commissioner Kesl withdrew his motion. The previous motion stands.

Commissioner Velasquez asked if they are looking at 16 firms to be considered.

Commissioner Kesl stated that yes to go to with 16 firms.

Vice Mayor Paul stated that the recommendation is eight and she is satisfied with that.

Commissioner Salzhauer commented on having more than eight and error on the side of giving the Town more resources and feels that eight is too few.

Vice Mayor Paul stated that there is a cost involved. She stated that it cost time to do the negotiation and is comfortable with that and stated that it also cost money to draw up the contracts.

B. Byron Avenue Closure Resolution – Mayor Charles Burkett

A RESOLUTION OF THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, IN SUPPORT OF CLOSING BYRON AVENUE AT 96TH STREET AND/OR OTHER TRAFFIC MITIGATION MEASURES; DIRECTING THE TOWN ADMINISTRATION TO COMMENCE THE PROCESS OF CLOSING 96TH STREET AT BYRON AVENUE AND/OR OTHER TRAFFIC MITIGATION MEASURES, INCLUDING APPLICATION TO AND WORKING WITH MIAMI-DADE COUNTY FOR SUCH CLOSURE AND/OR TRAFFIC MITIGATION MEASURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL TO MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCreedy read the title into the record.

Mayor Burkett stated that he placed this on the agenda because it was a campaign promise.

Town Attorney Arango stated that if Commissioner Velasquez has a conflict on this matter, she needs to remove herself from the meeting.

Commissioner Velasquez asked if Mayor Burkett commented on the closure of Bay Drive, if she still has a conflict if Bay Drive is being considered.

Town Attorney Arango stated that she needs to hear the amendment.

Mayor Burkett suggested Bay Drive and Byron Avenue for closure.

Town Attorney Arango stated that if Commissioner Velasquez lives on Byron Avenue, she will have a conflict.

Mayor Burkett stated that he does not believe it is a conflict since it is an issue with traffic and they placed the Town Manager in charge of having the closure take place. He also commented on a conversation he had with Miami Dade County Commissioner Sally Heyman and that she recommended that in addition to working on it on her own, that she produces a resolution to pass it along to the County.

Commissioner Salzhauer stated that there was no public notice and this is an item that will impact everyone that lives on those streets that run east and west. She stated that those blocks will become busy and it is a domino effect and they must consider the implications to the rest of the Town.

Vice Mayor Paul stated that they did have a traffic committee and received recommendations to close Byron Avenue. She stated that they never saw a proper report and it failed due to the two components. She stated that this is to submit a request for a traffic flow study and the resolution is the correct move.

Commissioner Velasquez stated that she agrees with Vice Mayor Paul that this resolution is fine the way it is and should include Bay Drive. She stated that she does not believe that the streets will get busy and supports it 100%. She stated that this will make it safer for the children to play.

Commissioner Kesl stated that he is ready for a vote on this item and spoke regarding safety and traffic issues by the closure of Byron Avenue.

Mayor Burkett addressed the comments made by Commissioner Kesl and Commissioner Salzhauer regarding the closure of Byron Avenue.

Commissioner Velasquez stated her reasons for her conflict and her needing to be recused from voting on this item due to the fact that she lives on Byron Avenue.

Commissioner Salzhauer commented on the possible conflict on the item and her getting permission due to the fact that her mother lives on Byron and including Bay Drive and a possible conflict because she lives on Bay Drive.

Town Attorney Arango clarified that there was a previous Ethics Opinion in 2015 that the Mayor and any Commissioner living on Byron Avenue should recuse themselves and the Ethics Commission Director stated that they stand by their 2015 opinion that any Commissioner living near that intersection should recuse themselves.

Vice Mayor Paul stated that the resolution stated closing Bryon Avenue and/or any other traffic mitigation.

Commissioner Velasquez recused herself from the item.

Commissioner Salzhauer stated that there are many residents who would like to talk and spoke regarding commencing the closure of Byron Avenue.

Vice Mayor Paul clarified what the resolution speaks about regarding the closure of Byron Avenue.

Mayor Burkett read into the record the previous motion made to close Byron Avenue.

The following individuals from the public spoke on the item:

George Kousalous spoke in support of this item.

Arlene Raiman spoke in support of the item and the different entrance and exits and the fact that the closure is a safety issue.

Joshua Epstein spoke regarding the item.

Clara Diaz Leal spoke regarding the numerous studies done by Calvin Giordano and the only street affected is Byron Avenue and spoke in support of the item.

Sharon Hakmon spoke regarding the closure of Bay Drive.

Moshe Behar spoke regarding the item

Stephen Schott spoke regarding the item.

Charles Scharf spoke regarding the item.

Deborah Cimadevilla spoke in support of the item.

Jeff Rose spoke regarding the item.

Michael Szafranski spoke regarding the item.

Jackie Savir spoke regarding the general walkability of the Town and empathizes with the people who live on Byron Avenue and closing both exits.

Mandyf Nissani spoke in support of the item.

Carolyn Baumel spoke regarding the item and would like the Commission to have a traffic study done.

Bella Krieger spoke regarding the item and the speeding taking place on the streets and the traffic.

Jennifer Zawid stated that whatever happens on Byron has an impact on Bay Drive and they are upset that they are trying to save Byron Avenue at the expense of Bay Drive.

Joanna Hoffman spoke regarding the pattern of traffic.

Peter Zuckerman spoke regarding the item.

Mayor Burkett stated that Town Attorney Arango advised not to add the Bay Drive closure and make another resolution at the next meeting for the Bay Drive closure.

Commissioner Kesl stated that he understands that all traffic is connected and requested clarification by Town Attorney Arango if by not including Bay Drive if that would hinder the progress of a comprehensive traffic solution.

Town Attorney Arango addressed the comments made by Commissioner Kesl.

Commissioner Kesl asked if the closure of Bay Drive would hinder this resolution and believes this item should be deferred to next meeting.

Town Attorney Arango stated that they need a new resolution for the closure of Bay Drive.

Commissioner Salzhauer stated that she supports the Byron Avenue closure but she believes that it should be deferred to the next meeting to include the closure of Bay Drive.

Vice Mayor Paul addressed the comments made by the public speakers including the closure of 88th Street and what was done with the roundabouts. She spoke regarding the report and going to the County and getting the ball rolling. She stated that they were supposed to beautify the greenery and would like to get that done.

Mayor Burkett addressed the comments made by the speakers, the direction of the closure, the U-turn and that is why he believes the closure of Bay Drive is necessary. He gave permission to have another resolution for the next meeting for the closure of Bay Drive.

Commissioner Salzhauer stated there is no closure of Bay Drive and if it is a stronger case with the County.

Town Attorney Arango stated she could not answer that question at the time.

A motion was made by Commissioner Kesl to approve the Resolution, seconded by Vice Mayor Paul. The motion carried with a 3-1 vote with Commissioner Salzhauer voting in opposition and Commissioner Velasquez recusing herself.

A motion was made by Vice Mayor Paul to bring back a resolution for the closure of Bay Drive, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer recusing herself.

Commissioner Kesl commented on seeing another study and spoke regarding other areas involving flooding.

Commissioner Velasquez stated that they do need solutions for all residents based on the traffic issue and it is not fair that one street gets resolution and the other does not.

Vice Mayor Paul commented on the closure of Byron Avenue and she is experiencing more traffic on Collins Avenue.

Mayor Burkett spoke regarding the Town being more walkable, the tram, the bus and seeing the Town purchasing more land to make more parks and believes they have taken giant steps.

Mayor Burkett requested to add the Bay Drive closure on next month's agenda.

The following individual spoke on the item:
Deborah Cimadevilla spoke in support of the item.

C. Oil Drilling Resolution – Mayor Charles Burkett

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE BAHAMIAN GOVERNMENT TO REVOKE OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Mayor Burkett introduced the item and gave a summary of the resolution.

Commissioner Kesl commented on his support of the item.

Vice Mayor Paul provided her support of this item.

Commissioner Velasquez spoke in support of the item.

Commissioner Salzhauer spoke in support of the item.

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

**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.

The following individuals from the public spoke:
Joshua Epstein spoke regarding cancel culture.

Jeff Rose thanked the Commission for appointing him to the Personnel Appeals Board and spoke regarding the Planning and Zoning Board and meetings to clear the backlog.

Mandyf Nissani Davondorf spoke regarding the undergrounding of powerlines and thanked the Commission for their work as well as the kayak launch.

Commissioner Kesl spoke regarding the backlog of the Planning and Zoning Board items. He stated that he is glad the Town has a new Town Planner.

Commissioner Salzhauer thanked her son for speaking and stated that he has taken an interest in national politics and spoke regarding the ethics and everyone should use it as a tool to conduct themselves appropriately.

Commissioner Kesl left the meeting at 8:53 pm.

Mayor Burkett commented on the statements made by Joshua Epstein and Commissioner Salzhauer's complaints to the Ethics Commission about himself and others and the outcome was that there was no violation on the statements he has written.

Commissioner Velasquez addressed comments made by Commissioner Salzhauer and the disrespectfulness taking place and the disrespectfulness to the Mayor and other Commissioners is not appreciated.

Vice Mayor Paul thanked the speakers and addressed the comments made by Jeff Rose and the back log with the Planning and Zoning Board. She addressed the comments made by Joshua Epstein and wished everyone a happy holiday.

Commissioner Velasquez commented on statements made by residents and addressed the comments made by Commissioner Salzhauer.

Mayor Burkett showed a statement he made regarding COVID-19 and the study made by John Hopkins. He stated he wanted everyone to read the article.

Commissioner Salzhauer stated that Mayor Burkett should not have shared his screen when Vice Mayor Paul was speaking and stated that she supports Vice Mayor Paul.

Vice Mayor Paul commented on the statements made of the personal attacks and she was thanking Joshua Epstein on the comments made regarding cancel culture and they should get back to Town business.

Commissioner Kesl came back to the meeting at 9:00 pm.

Commissioner Kesl stated that he will leave the meeting when it gets to this point and it is embarrassing.

Commissioner Velasquez spoke about the comments made regarding the P3 project.

Mayor Burkett spoke regarding the John Hopkins study and he shared it and stated that it was not his comments marked.

A motion was made by Commissioner Salzhauer to go around for another 30 seconds, seconded by Vice Mayor Paul. The motion carried with a 2-2 with Commissioner Kesl absent. Motion failed.

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. COVID-19 Task Force Update (*Verbal*) – Commissioner Charles Kesl

Commissioner Kesl gave an update on the COVID-19 Task Force.

Town Manager Hyatt commented on the COVID-19 update.

Vice Mayor Paul commented on the COVID 19 conference call with Miami Dade County Mayor Levin-Cava.

Commissioner Salzhauer stated that this is why it is important for the information to be sent out to the community.

Mayor Burkett addressed the comments made by Commissioner Salzhauer and the article regarding John Hopkins.

Commissioner Velasquez stated that they cannot state that the individuals from the Town do not wear a face mask and she was the one that pushed to wear the face mask and does not appreciate stating that she is against COVID-19.

A motion was made by Vice Mayor Paul to direct the Town Manger to work with Police Chief Yero to work on a mandate to enforce the mask and hand out masks if they do not have one and issue a citation to them if they do not wear the mask, seconded by Commissioner Salzhauer. The motion carried with a 3-2 vote with Mayor Burkett and Commissioner Velasquez voting in opposition.

Commissioner Velasquez stated that she agrees with Vice Mayor Paul but people are having financial hardship and does not agree with the fines.

Vice Mayor Paul stated that it is handing out a citation not a fine and what they are looking for is for them to wear the masks.

Commissioner Kesl spoke regarding the publication and the research of compliance with COVID.

Commissioner Salzhauer spoke regarding the data for COVID and the opinion of an article. She stated the importance of wearing a mask.

Mayor Burkett stated that he always supported wearing masks.

Commissioner Velasquez commented on the CDC guidelines regarding wearing masks.

Vice Mayor Paul clarified it is the current mask mandate.

A motion was made by Vice Mayor Paul to extend the meeting by 30 minutes, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Mayor Burkett voting in opposition.

The following individuals spoke on the item:

Alicia Boymelgreen spoke on the mask mandate.

Eli Ginsburg spoke on the mask mandate.

Joshua Epstein spoke regarding public comment on items and the mask mandate.

Robert Lisman spoke regarding the mask mandate and hospitalization and death rates going up in the State of Florida.

Mandyf Nissani Davondorf spoke regarding the death rate due to COVID, mask mandate and citing individuals for not wearing masks and the risk the Police Officers take by going up to the individuals that are not wearing masks.

Moshi Behar spoke regarding the mask mandate and a group of young individuals who were not wearing a mask in Bal Harbour and Bal Harbour was educating the public with handing out pamphlets.

Horace Henderson spoke regarding the mask mandate.

Vice Mayor Paul addressed the comments made by the public speakers regarding the mask mandate, citations and compliance in wearing the masks.

A motion was made by Commissioner Velasquez to amend the mask mandate, remove the citation portion of it because it is not the right time to give out citations. The motion died for lack of a second.

Commissioner Velasquez suggested placing in the Gazette the mask mandate and citing the residents is wrong.

Commissioner Kesl commented on the article in the Town's journal and the science of messaging. He stated that the message has to be consistent for COVID that masks are a saving necessity and must be worn.

Commissioner Salzhauer agrees with Commissioner Kesl and wanted to clarify that the reason why the government mentioned not wearing masks was because the fear that healthcare workers would not have masks to wear.

Mayor Burkett provided a graph of an updated posting from the CDC with the infection, hospitalization and death rates. He provided the graph and the current death rate.

A motion was made by Vice Mayor Paul to extend the meeting for 10 minutes, seconded by Commissioner Salzhauer. The motion carried with a 5-0 vote.

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

Deferred to next meeting.

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

Deferred to next meeting.

D. Topper Selection for 4 x 4 Posts on Hardpack and Walking Path - Andrew Hyatt, Town Manager

Deferred to next meeting.

E. Building Department Document Scanning- Andrew Hyatt, Town Manager

Deferred to next meeting.

F. Demolition by Neglect - Mayor Charles W. Burkett

Deferred to next meeting.

G. Excessive Homeless Contribution made by the Former Commission - Mayor Charles W. Burkett

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

J. Quality Control & Quality Assurance – Commissioner Charles Kesl

Deferred to next meeting.

K. Increase Lighting Plan – Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

L. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

M. FPL Solar Together - Vice Mayor Tina Paul

Deferred to next meeting.

N. Climate Environmental Collective Revised - Vice Mayor Tina Paul

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

Q. Beachwalk Trimming- Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

**R. Community Center Pool Deck Lighting - Staff Report – Andrew Hyatt,
Town Manager**

Deferred to next meeting.

**S. Community Center Second Floor – Staff Report - Andrew Hyatt, Town
Manager**

Deferred to next meeting.

**T. Designated (Painted) Walking Areas in the Residential District- Staff
Report – Andrew Hyatt, Town Manager**

Deferred to next meeting.

**U. Alternative Kayak Launches in Addition to the 96th Street Park – Mayor
Charles W. Burkett**

Deferred to next meeting.

**V. Comparison of 2006 Code to 2020 Code – Staff Report – Andrew Hyatt,
Town Manager**

Deferred to next meeting.

W. Stormwater Masterplan - Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

**X. Amendment to the Tourist Board Ordinance – Commissioner Nelly
Velasquez**

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

AA. Cone of Silence/Secrecy – Mayor Charles Burkett

Deferred to next meeting.

BB. License Plate Readers – Mayor Charles Burkett

Deferred to next meeting.

CC. Woof Gang Bakery & Grooming – Zoning Code Conditional and Accessory Uses – Vice Mayor Paul

Vice Mayor Paul introduced the item and the owners of the business are anxious to bring their business to Surfside. She stated that the owners require a zoning change because of the way our code is written. She stated that the current zoning code only allows pet grooming if it is part of an accessory use to a veterinarian business. What needs to be changed in the zoning code is to amend the code to allow pet grooming services as an accessory use to a retail pet store. She stated that the Town Attorney would have to prepare an ordinance to come before the Commission at the next meeting. She stated that the reason why she wanted to discuss this item was to see if the Commission would like to bring an ordinance amending the zoning code. The ordinance would require two (2) readings and then it would have to go before the Planning and Zoning Board for approval.

Commissioner Kesl stated that he personally does not think that should be done. He is glad to have adverse businesses in Town and there is an issue with pets going into Publix and they are not service dogs and there are safety issues.

Commissioner Salzhauer stated that as long as they do not allow the sale of pets and do not contribute to the sale of animals, then she would be fine with the grooming and bakery store for pets. She also stated that the laws of controlling pets including picking up after their dogs and taking the dogs to establishments. She stated that they do need to step up the enforcement of the dogs.

Commissioner Velasquez agrees with Commissioner Kesl and does not believe this is the right type of business to have in Surfside and the issue with the pets going into Publix that some scare the children.

Vice Mayor Paul clarified this business is a pet grooming business and it is up to each business if they allow pets. She stated that the baking is not done on premises they just sell the items.

A motion was made by Vice Mayor Paul to amend the zoning code to allow this type of business, seconded by Commissioner Salzhauer. The motion carried with a 3-2 vote with Mayor Burkett and Commissioner Velasquez voting in opposition.

DD. Surfside Farmer's Market – Vice Mayor Paul

Vice Mayor Paul introduced the item. She stated that they had a farmer's market at 95th Street parking lot and it was going well until COVID. She stated that she would like to bring back the farmer's market under the same contract they had.

Commissioner Velasquez left the meeting at 11:42 p.m.

A motion was made by Vice Mayor Paul to bring back the Surfside Farmer's Market for the term of one year with the COVID safety guidelines, seconded by Commissioner Kesl. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Commissioner Salzhauer stated it is a great idea, but enforcement of mask wearing and social distancing as well as having hand sanitizer stations must take place.

Commissioner Kesl supports the item and making sure everyone is wearing masks.

Mayor Burkett supports the idea but how you reconcile it by adhering to the restrictions of COVID and the gathering of people in one area. He stated that California just closed down the entire state and we are encouraging the gathering of people in one place.

Commissioner Kesl addressed the comments made by Mayor Burkett and stated that the Farmer's Market was not very successful and the Tourist Board gave them some money for them to purchase furniture for people to sit down. He stated that it is easier to have social distancing at the Farmer's Market.

Commissioner Salzhauer stated it is consistent with the shopping in supermarkets because they only allow a certain number of people at once in the store.

Vice Mayor Paul stated that there are other farmer's markets open and would like to see the Surfside one open as well. She stated that it is not a crowded farmer's market and individuals go at different times. She also stated that due to COVID she would like to not have the furniture there at this time.

Town Attorney Arango asked Vice Mayor Paul if she had a term in mind for this agreement since the original agreement expired in December 2019 and then it had a renewal period of one year. She asked Vice Mayor Paul if she would like the renewal for another year.

Vice Mayor Paul stated that a year would be great.

EE. Cancel Culture in Surfside – Mayor Charles Burkett

Deferred to next meeting.

Staff Reports

A. Permanent Digital Sign - Andrew Hyatt, Town Manager

B. Purchase of Land for Parks – Commissioner Nelly Velasquez

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. CARES Act Funding Interlocal with Miami-Dade County Resolution**
- YY. Repeal of Ordinance No. 17-1662 Beach Furniture – Mayor Charles W. Burkett**

- ZZ. Preservation of Eden Project located at 9300 Collins Avenue –**
Removed by Mayor Burkett
- AAA. Speeding on Collins and Harding –** Removed by Mayor Burkett
- BBB. How are Zoning Protections Against Over-Development Were Gutted –** Removed by Mayor Burkett
- CCC. Amending Town Code Section 2-233 to include Non-for-Profit –**
Removed by Mayor Burkett
- DDD. Procurement Expertise –** Removed by Commissioner Salzhauer
- EEE. Take Home Vehicles –** Removed by Commissioner Salzhauer
- FFF. Beach Raking –** Removed by Commissioner Salzhauer
- GGG. Speeding and Stop Signs Running –** Removed by Commissioner Salzhauer
- HHH. Draft Ordinance Amending the Definition of Lot Coverage –**
Removed by Commissioner Salzhauer
- III. Gazette Revenue and Funding Sources –** Removed by Mayor Burkett
- JJJ. Town Pension Benefits for Non-Public Safety Employees –**
Removed by the Town Commission
- KKK. Records Retention Policy –** Removed by Mayor Charles W. Burkett
- LLL. Weiss Serota Contract Follow up –** Removed by Mayor Charles W. Burkett
- MMM. Calving Giordano Contracts -** Removed by Mayor Charles W. Burkett

10. Adjournment

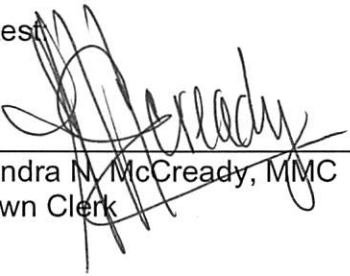
A motion was made was made by Vice Mayor Paul to adjourn the meeting without objection at 11:45 p.m., seconded by Commissioner Kesl. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Accepted this 14 day of January, 2021.



Charles W. Burkett, Mayor

Attest



Sandra M. McCready, MMC
Town Clerk