



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
October 12, 2021  
7 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 7:00 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 Eliana Salzhauer (arrived at 7:19 p.m.) and Commissioner Charles Kesl.

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

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

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

A motion was made by Commissioner Kesl to add for reconsideration the COVID-19 Kiosk, seconded by Vice Mayor Paul. The motion failed with a 2-2 vote with Commissioner Salzhauer absent, Mayor Burkett and Commissioner Velasquez voting in opposition.

Commissioner Kesl stated that this is important for the businesses, employees and residents in the Town of Surfside.

Commissioner Velasquez stated that she does not feel that they should be bringing sick people into our Town with the elderly people we have.

Vice Mayor Paul supports this and stated that she spoke to a friend of hers that is a doctor in New York and stated that testing is crucial in preventing COVID and believes it is beneficial to the community.

Commissioner Velasquez stated that there are several testing centers in Haulover, Bay Harbor, Miami Beach and other areas.

Mayor Burkett stated that the church on Harding Avenue has a testing site.

Town Manager Hyatt stated that they did receive a building permit but have had a small turnout.

Mayor Burkett stated that he agrees with Commissioner Velasquez.

Town Attorney Arango stated this is the motion for adding it to the agenda, not the merits of the item.

A motion was made by Commissioner Velasquez to move the following items under 9A (Champlain Tower South Memorial Wall and Permanent Memorial), item 9DD (Police Chief Search) and item 9FF (Amending the Town's Purchasing Code (Chapter 3) after 9A, then 9CC linked to item 9A (Champlain Tower South Memorial Wall and Permanent Memorial), seconded by Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

Commissioner Kesl advised the Commission that he will have to leave at 8:00 p.m.

**E. Community Notes – Mayor Charles W. Burkett**

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

- **Planning and Zoning Board** – Commissioner Salzhauer

No appointment was made by Commissioner Salzhauer at this time.

- **Planning and Zoning Board** – At-Large

A motion was made by Vice Mayor Paul to appoint Carolyn Baumel as the second alternate to the Planning and Zoning Board, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

- **Pension Board** – At-Large

A motion was made by Vice Mayor Paul to appoint Valentine Whittaker to the Pension Board, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

- **Personnel Appeals Board** – Mayor Burkett

No appointment was made by Mayor Burkett at this time.

- **Personnel Appeals Board** – Commissioner Kesl

No appointment was made by Commissioner Kesl at this time.

- **Personnel Appeals Board** – Commissioner Salzhauer

No appointment was made by Commissioner Salzhauer at this time.

- **Personnel Appeals Board** – Commissioner Velasquez

No appointment was made by Commissioner Velasquez at this time.

- **Tourist Board** - Mayor Burkett

Mayor Burkett appointed Diana Gonzalez to the Tourist Board.

- **Budget Advisory Committee** – Mayor Burkett

No appointment was made by Mayor Burkett at this time.

**G. Undergrounding Update Presentation – Andrew Hyatt, Town Manager {Verbal}**

Town Manager Hyatt introduced Paul Abbott, consultant to make the presentation of the undergrounding and specifics of the project.

Commissioner Velasquez asked regarding the transfer switch boxes.

Mr. Abbott stated that the Vista acts as a safety device. He continued with the presentation.

Commissioner Salzhauer asked regarding restoring everyone's driveways and where the device would be located.

Mr. Abbott addressed the comments made by Commissioner Salzhauer and the process of the undergrounding, as well as the boring and he stated that there will be multiple borings. He also stated that there is limited area.

Mayor Burkett stated that it is a complicated process and asked where the boring would take place.

Mr. Abbott stated that there will be areas and some feeders will be affected during the boring. He also described the process and time frame.

Mayor Burkett asked Mr. Abbott if they pull the wire in advance.

Mr. Abbott stated that they will make sure the conduit works before they pull the lines.

Commissioner Salzhauer asked how long they will be without access to their homes.

Mr. Abbott stated that they will always have access to their property and it will take approximately a week for the work to be done and the resident's driveway be restored.

Commissioner Kesl likes the presentation because Mr. Abbott is providing pros and cons. He spoke regarding the boxes and people have to understand what it will do to their environment.

Mr. Abbott continued with the presentation and showed the pictures of the boxes.

Vice Mayor Paul asked where the boxes would be placed.

Mr. Abbott spoke regarding the different phases and pinpoint where a transformer would be placed.

Commissioner Salzhauer asked the approximate size of the transformer.

Mr. Abbott stated that it would 2 feet x 3 feet by 2 ½ feet high.

Commissioner Salzhauer asked if they would have a mock up before it goes to the voters.

Commissioner Velasquez asked regarding the smaller boxes she has seen.

Mr. Abbott stated the smaller boxes are not underground electrical, they are either cable or phone. He stated that most likely there will be a smaller pedestal in every 3 or 4 homes.

Commissioner Salzhauer asked if there is any concern of the boxes releasing some type of waves or production of anything that is unsafe.

Mr. Abbott stated that there are no waves being released or produced with undergrounding and works very well if it is exposed to water.

Mr. Abbott stated that they are looking at staying on the asphalt area and away from the landscaping. He addressed questions regarding the cost and he stated that the cost is more because they have to put back the asphalt.

Vice Mayor Paul asked if they will be able to see how it will look as it pertains to the placement.

Mr. Abbott stated that they will have a chance to see it and provided the presentation and spoke regarding the LED lighting on the light posts.

Discussion took place among the Commission regarding the light posts and their height as it pertains to weather resistant and making sure the street lights are strong.

Mr. Abbott stated that due to the delay of the delivery of the documents to FPL, they currently do not have the cost of the project. He stated that they will have the information for the November meeting. He stated that right now, based on bids they received for Sunny Isles work they did, with one less cable provider than Surfside, the range will be between \$25 to \$30 million dollars including the street lighting project, which is a \$4 million dollar project on its own. He stated the budget 10 years ago included leaving some of the old poles and putting decorative copper tops.

Commissioner Salzhauer stated this is for the voters to decide and asked how much they are spending before getting to the poles. She also asked how much would it cost to get this to the voters before the project starts.

Mr. Abbott stated that he would defer to Assistant Town Manager Greene and stated about \$400,000.

Commissioner Salzhauer asked how much more they will have to spend before it gets to the voters.

Mr. Abbott stated that he cannot state currently but legal fees include the easements.

Commissioner Velasquez asked if the legal fees and 25% deduction is included in the \$25-\$30 million price.

Mr. Abbott stated that they do not take away the poles until the underground system is made live and that is why the project is broken down in three phases.

Mayor Burkett asked what the 25% discount is against. He asked if Mr. Abbott will be able to validate the cost.

Mr. Abbott stated they are raw costs and they have looked over the cost with FPL and have brought it back to them with any discrepancies.

Mayor Burkett asked regarding the yellow portion on the zoning map.

Mr. Abbott stated that is based on surveys and KCI did that map.

Vice Mayor Paul asked for Mr. Abbott to elaborate on the cost per resident.

Mr. Abbott stated that is included in the overall budget which is about \$2 million and the Commission can decide if to charge each individual homeowner.

Commissioner Kesl left the meeting at 8:02 p.m.

Mr. Abbott stated that some of the modern homes are already undergrounded and in some homes the box will be replaced.

Commissioner Velasquez stated that the homeowners will not be paying for this.

Commissioner Salzhauer spoke regarding some of the buildings on Collins Avenue that are already underground and those condominium owners would have to pay a part of the project.

Mayor Burkett stated that everyone is paying for this because they are taking a \$30 million loan.

Assistant Town Manager Greene addressed the comments made by the Commission regarding the cost.

Further discussion took place among the Commission and Mr. Abbott regarding the cost and what is included.

Commissioner Salzhauer asked if next month they will tell the Commission the number and if that will be the number that they can give to the voters.

Mr. Abbott addressed the comments made by Commissioner Salzhauer and stated that FPL is only one piece, you have other elements that make up the entire budget as well.

Commissioner Salzhauer stated that they should get everyone that is interested in joining to do so.

Mr. Abbott stated that they are adding additional conduits in the event someone else would like to buy in to it.

**2. Quasi-Judicial Hearings – N/A**

**3. Consent Agenda.**

Town Attorney Arango stated that she is seeking direction from the Commission to expend the funds for the investigation.

Commissioner Salzhauer asked how much this investigation would cost.

Town Attorney Arango stated it is \$250.00 an hour and not to exceed \$25,000.

Commissioner Salzhauer stated that she is aware that they cannot talk about this but knows that there is an issue and would like to address this with more HR work and changing the guards in some roles. She stated that this continues to be a recurring problem and if the person does not want an investigation, then they should not have an investigation. She stated that the investigation only addresses if there is merit and not the actual problem. She stated that she does not see enough women in power in Town Hall.

Town Attorney Arango stated that they have a policy on how to address these circumstances.

A motion was made by Vice Mayor Paul to authorize the Town Attorney not to exceed \$15,000 for the investigation, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Vice Mayor Paul stated that it is important to find out what occurred and get to the bottom of this.

Commissioner Salzhauer stated that she is fine with doing the investigation, she is just getting impatient. She spoke regarding the police chief openings and she wants to see more women in control in different positions in Town.

Commissioner Velasquez stated that finding a more qualified person should not be based on race, sex or ethnicity. She wants to stop the speeding on Harding Avenue and Collins Avenue and she would like to find a Police Chief that is able to handle the issues in Town. She does agree with this investigation.

Mayor Burkett stated that they have done a good job with their workforce and their workforce is diverse. He supports the comments made by Commissioner Velasquez. He spoke regarding the last investigation that was done and asked if there was a finding in the last investigation.

Town Attorney Arango stated that there was a finding and it cannot be discussed at this time.

Mayor Burkett stated that he saw the report of the last investigation and that there were no findings reported. He stated that he is not comfortable with writing a blank check.

Commissioner Kesl returned to the meeting at 8:38 p.m.

Town Manager Hyatt stated that as part of his Town Manager Report there will be dredging project in Bal Harbor and wanted to let the Commission know about the project. He also stated that this is the last meeting for Chief Yero.

Police Chief Yero thanked the Commission and Town for the years he has put in Surfside and thanked his Command Staff and Town staff.

Mayor Burkett thanked Police Chief Yero for his dedication.

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

**A. Minutes – Sandra N. McCready, MMC, Town Clerk**

- June 25, 2021 Emergency Town Commission Meeting Minutes  
Zoning Code Workshop
- September 13, 2021 Special Town Commission – First Budget Hearing  
Meeting Minutes
- September 14, 2021 Regular Town Commission Meeting Minutes
- September 23, 2021 Special Commission Meeting Minutes
- September 30, 2021 Special Town Commission – Final Budget Hearing  
Meeting Minutes

Deferred to the next meeting.

**\*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, Town Manager**

- March 18, 2021 Downtown Vision Advisory Committee Meeting Minutes
- August 2, 2021 Tourist Board Meeting Minutes
- August 26, 2021 Planning and Zoning Board Meeting Minutes



Approved on consent.

**E. Town of Surfside Fiscal Year 2022 Grants - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE SUBMISSION OF GRANT APPLICATIONS FOR TOWN PROJECTS BETWEEN OCTOBER 1, 2021 AND SEPTEMBER 30, 2022; SUBJECT TO AND PENDING FINAL ACCEPTANCE OF AWARDED FUNDS AND APPROVAL OF GRANT AGREEMENTS BY THE TOWN COMMISSION, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**F. Champlain Towers South Collapse Federally Funded Subaward and Grant Agreement - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A FEDERALLY FUNDED SUBAWARD AND GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT (DIVISION), AND THE TOWN OF SURFSIDE FOR A FEDERAL GRANT AWARD PROJECT FROM THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), RELATED TO THE CHAMPLAIN TOWERS SOUTH (CTS) BUILDING COLLAPSE; ACCEPTING THE AWARD OF ALL GRANT FUNDING FROM THE DIVISION AND FEMA; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

Approved on consent.

**G. Sanitation Sewer Evaluation Survey (SSES) Smoke Testing Third Cycle Phase I - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH 300 ENGINEERING GROUP, P.A. FOR A SANITATION SEWER EVALUATION SURVEY AND SMOKE TESTING SERVICES FOR THE TOWN'S SANITARY SEWER SYSTEM, PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES; AUTHORIZING THE EXPENDITURE OF FUNDS; 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 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)*

##### B. First Reading Ordinances

1. Ordinance to Amend Side Setback in H120 District – Tony Recio, Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47, "YARDS GENERALLY, ALLOWABLE PROJECTIONS" AND SECTION 90-48 "MODIFICATION OF SIDE AND REAR YARD REGULATIONS" TO PROVIDE ALTERNATIVE SIDE SETBACK REQUIREMENTS IN THE H120 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCreedy read the title of the Ordinance into the record.

Town Attorney Recio introduced the item and stated this is an alternative setback and explained the details of this ordinance.

Commissioner Velasquez asked if the 6 feet will go over the 20 feet.

Commissioner Salzhauer stated that then it would be a 14-foot setback.

Town Attorney Recio stated it is for balconies and stated that currently with the wedding cake design whatever the setback is you have an encroachment.

Commissioner Salzhauer is not happy getting rid of the wedding cake because then you have rectangular buildings.

Town Attorney Recio explained the difference between them and gave examples.

Commissioner Salzhauer stated that what you will see is just rectangles. She stated that they will just see the boxes.

Vice Mayor Paul explained the changes to the ordinance and her concern is the side setbacks. She spoke regarding the 10-foot distance between balconies is too close.

Commissioner Velasquez asked regarding the 20 feet on each side.

Town Attorney Recio clarified it is 20% of the lot width and gave an example. He stated that the 20 feet is the minimum and there is also an average setback of 25 feet spread across the building.

Mayor Burkett asked George Kousoulas to provide the comparison proposal and how it changes.

The following individual from the public spoke:  
George Kousoulas spoke and provided the comparison proposal.

Vice Mayor Paul asked for clarification on the proposal.

Mayor Burkett asked if this proposal changed from the draft zoning code.

Town Attorney Recio stated it did change.

Vice Mayor Paul stated that she is proposing an option other than the wedding cake.

Mayor Burkett stated that he thought it was being proposed at the last meeting.

Town Attorney Recio stated the difference between what took place at the last meeting and now.

Vice Mayor Paul explained this ordinance and the changes being proposed.

Mr. Kousoulas continued with the explanation of the proposal.

Further discussion took place among the Commission and Mr. Kousoulas regarding the changes, the wedding cake design and proposals.

Mayor Burkett asked Bill Thompson, Surf Club, if he would like to add something.

Bill Thompson, Surf Club, stated that they are trying to do something different like what they are doing with the Seaway.

The following individuals spoke from the public:

Jeff Rose  
Shlomo Danzinger  
Joshua Epstein  
Marianne Meisheid

After a lengthy discussion the following motion was made.

A motion was made by Vice Mayor Paul, to approve the ordinance on first reading as amended with ~~the version~~ of the 6 feet, seconded by Commissioner Velasquez. The motion carried with a 3-1 vote with Commissioner Salzhauer voting in opposition and Commissioner Kesl absent.

**5. Resolutions and Proclamations**

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

**A. Champlain Towers South Collapse Investigation – Destructive Testing -  
Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING EXPENDITURE OF FUNDS TO KCE STRUCTURAL ENGINEERS PC FOR TASK 2 ENGINEERING ANALYSIS TO DETERMINE THE CAUSE OF THE CHAMPLAIN TOWERS SOUTH (CTS) BUILDING COLLAPSE AND DESTRUCTIVE TESTING NOT TO EXCEED THE AMOUNT OF \$1,500,000.00; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Town Manager Hyatt introduced Allyn Kilsheimer who provided an update on the item.

Mr. Kilsheimer stated that he has been working with the Receiver who is trying to help and is not in control of the property. He stated that the Receiver is hoping to get control of the property this week and Miami Dade County took the pumps from the property and the property is now full of water. He stated that they will be getting pumps in there to start pumping out the site once they have control of the site. He stated that they would then do the lidar flyover, which is a drone survey and equipment to get the elevation of the existing elements. He stated that he will start getting the onsite geological study.

Commissioner Salzhauer thanked him for coming. She stated that it is important to know what happened to make sure this does not happen again. She stated it is very frustrating not getting information on this issue. She spoke with Mayor

Levine Cava's office and found out exactly what he stated. She stated that the County is not doing any investigation and it is NIST doing the investigation that will take years. The County will take NIST's investigation report to look at it as far as for a criminal investigation. She stated that she does not understand the rush and why the federal government is not giving money for a memorial park. She wants to know if the residents want to know the answers as to what happened. She stated if we do not flip this bill, we will never find out what happened. She asked if they will let him get the evidence to obtain the information to determine what happened.

Mr. Kilsheimer stated that it is already approved by the Court once the receiver gets possession of the property, they are able to go on site to do all the testing they need to do on the site with all the material that is onsite. He proceeded to provide an overview of the next steps.

Commissioner Salzhauer stated that her concern is that Judge Handsman has jurisdiction over the parts of the building.

Mr. Kilsheimer stated he cannot speak to that but what he believes is morally the right thing to do.

Commissioner Salzhauer asked who can give them the answer legally on what he can get his hands on.

Mr. Kilsheimer stated they have not brought lawyers on because he did not know this was going to be an issue. He stated that they will do whatever they can do on the site and what they might find in the warehouses. He said that everything that was on the site is off site. They use engineering models that will tell them a lot of the information needed. He stated that he will speak with an international firm to see if they can help.

Commissioner Salzhauer stated that if they are spending the money that they will get to the end of it.

Mr. Kilsheimer stated that there are other people and judges that you can talk to.

Town Attorney Arango stated that once the property is turned over to the Town, there are steps and protocols taking place and the judge does have some jurisdiction over the site. She stated that she was advised that some of the families of the victims are able to visit the area.

Commissioner Salzhauer stated that she spoke to the Chief of Staff for Mayor Levine Cava and Miami Dade County Police Director Ramirez and that the evidence belongs to NIST. She just wants to make sure that they are able to get the testing and end result they want.

Mr. Kilsheimer stated that the information Commissioner Salzhauer received is obviously not accurate. He stated that if they only take 1,000 cores, they only pay for 1,000 cores but if they do not spend the money, they cannot do the work.

Commissioner Salzhauer stated that she just wants them to look at everything. She just does not want duplication of services.

Mr. Kilsheimer stated that they will look at everything.

Commissioner Salzhauer stated that she has an issue doing the due diligence for the buyer.

Vice Mayor Paul asked if Mr. Kilsheimer had any factual information to share with them.

Mr. Kilsheimer stated he does not have any factual information to share at this time. He stated that they are doing this independently and when they are done with the report then they will provide it to the Commission.

Commissioner Velasquez asked if he has already spent \$500,000 from the \$750,000 what was approved.

Mr. Kilsheimer stated that yes, they have expended \$500,000 from the work started from June 24, 2021.

Assistant Town Manager Greene stated that the Town has paid \$100,000 from the invoices received to date.

Commissioner Velasquez asked regarding FEMA payments and why they haven't seen anything for that money being expended.

Mr. Kilsheimer stated that FEMA has paid about \$400,000 and the Town \$100,000. He stated that they have a process and gave a status. He stated that this is an independent report that is provided when they are done with their study.

Commissioner Velasquez stated that as long as it takes for them to do that, the residents will not know until his study is done. She suggested to give the buildings money to do their own geotechnical studies.

Mr. Kilsheimer stated that it would be within a year from June. If he cannot get into the site for 8 months, then it will take longer. If they do a test and they find something that is bad, they will know as well as all the residents of Surfside. They will not wait until the end if they find a major problem.

Commissioner Velasquez stated that this is not about trust but giving the residents answers instead of giving them the money to give them the opportunity to do their own study.

Mr. Kilsheimer spoke regarding the memorandums back in July regarding what the people should look for and that went to all the building managers for them to move forward. He received information from some people that have done what they recommended.

Vice Mayor Paul asked if anything has been found in the other buildings that he looked at that has provided insight to this site.

Mr. Kilsheimer stated what they found in Champlain North that the concrete level was better than the drawings stated.

Vice Mayor Paul asked regarding the testing of the materials.

Mr. Kilsheimer responded to Vice Mayor Paul's questions.

Commissioner Salzhauer asked regarding the other entities that will contribute to the fees for the destructive testing, what percent of the \$1.5 million is the sampling and destructive testing they would contribute to.

Mr. Kilsheimer stated that there is no way of knowing that until they are able to go and get the sampling.

The following individuals from the public spoke:

George Kousoulas

David Rodan

Joshua Epstein

Mr. Kilsheimer responded to Mr. Rodan's comments. He stated that Champlain East is totally different.

Commissioner Velasquez suggested postponing this item until next month.

A motion was made by Vice Mayor Paul to extend the meeting for 30 minutes, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Mayor Burkett asked if there was a possibility that something could have been done to prevent this from happening. He also asked if there was something that

could have been done to get rid of all the water or has the site been neglected after the collapse.

Mr. Kilsheimer stated that there were areas that could have been sealed and things could have been done. He stated that it has made what they will find in there more difficult.

Mayor Burkett asked if there could have been steps taken to not allow the site to be neglected.

Mr. Kilsheimer stated there were things that could have been done.

Mayor Burkett asked if the evidence have been affected as well as the concrete because of the water.

Mr. Kilsheimer stated yes.

Mayor Burkett asked regarding the cost sharing.

Mr. Kilsheimer explained how the cost sharing would take place.

Mayor Burkett asked if he was told he could not speak to the Plaintiffs.

Mr. Kilsheimer stated that yes. He stated that the plaintiff never responded and the plaintiff's attorney spoke to Town Attorney Recio and told him to advise Mr. Kilsheimer to not contact the plaintiffs.

Commissioner Velasquez asked regarding the money, if they do not pay, they will not get the report.

Mr. Kilsheimer stated that he said regarding the samplings.

Mayor Burkett spoke regarding the Town being blocked and until they get the access they need and deserve; they will not be able to get the answers.

Mr. Kilsheimer explained his conversations with Mr. Goldberg.

Mayor Burkett stated that he is not willing to move forward if Mr. Kilsheimer is not the lead investigator.

Vice Mayor Paul asked Mr. Kilsheimer if the money they previously approved will be enough for him to continue.

Mr. Kilsheimer stated yes.

Mayor Burkett ended the discussion.



A motion was made by Vice Mayor Paul to defer this item until the next month, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesl absent.

**B. Budget Amendment - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 1 FOR THE FISCAL YEAR 2022 BUDGET; PROVIDING FOR IMPLEMENTATION; 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 defer this item until the next month, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Commissioner Kesl came back to the meeting at 8:38 p.m.

**C. No Cost COVID-19 Testing Kiosk – Commissioner Charles Kesl**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A TEMPORARY REVOCABLE, NON-EXCLUSIVE LICENSE AGREEMENT WITH CURATIVE INC. TO PROVIDE A SELF-SERVICE KIOSK AT TOWN HALL FOR COVID-19 TESTING; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion was made by Commissioner Kesl to add the COVID Kiosk to the agenda and for approval, seconded by Commissioner Salzhauer. The motion carried with a 3-2 vote with Mayor Burkett and Commissioner Velasquez voting in opposition.

Commissioner Velasquez asked why he is so dead strong on this when they have several sites close to the Town.

Commissioner Kesl addressed the comments made by Commissioner Velasquez and risk of exposure.

Commissioner Velasquez stated that there is nobody in this meeting that has the expertise to speak about this and that center will get other individuals sick especially the elderly and he does not take into consideration any of the residents.

Commissioner Salzhauer stated that when this was on the agenda, she pulled it

from Consent because she wanted to incentivize the employees to get vaccinated.

Town Clerk McCready read the resolution title into the record.

Commissioner Kesl left the meeting at 9:00 p.m.

**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:

Jeff Rose spoke regarding the undergrounding and needing the walkability study as well. He spoke regarding street ends and placing the kayak launches. He spoke regarding the repaving of the road from 71<sup>st</sup> street to 96<sup>th</sup> street and Harding Avenue and DVAC voted on it and wanted to have it done before the end of the year.

Randy Rose spoke regarding placing something on the ballot to increase the height to 18 stories like 87 Park which will also increase your tax base that can help with undergrounding.

Jeffrey Platt does not like the idea from Randy Rose and is upset at the demands that the individuals from Champlain South are asking for. He spoke regarding the presentation of Mr. Abbott.

Gerardo Vildostegui spoke regarding the issue of undergrounding and the Town of Surfside website stated that the Town was built on the Tequesta Indian burial ground and the Town must keep that in mind.

Commissioner Salzhauer responded to Randy Rose and Jeff Rose comments under good and welfare.

Vice Mayor Paul addressed the comments made by the speakers regarding undergrounding as well as street ends and stated a street ends is not a park.

Commissioner Velasquez spoke regarding street ends and they are not parks.

Mayor Burkett agrees with his colleagues' comments and he addressed the comments made by the public speaker regarding the street ends.

Commissioner Kesl stated that he believes in an open community and sharing public spaces and he does not have a gut reaction in utilizing street ends. He spoke regarding the Champlain Tower South property and believes it should not be rushed.

**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. Champlain Tower South Memorial Wall and Permanent Memorial – Vice Mayor Tina Paul**

Vice Mayor Paul introduced the item and provided a presentation with the proposed samples of arts received by email.

Commissioner Salzhauer stated that she would prefer to have the memorial on the site.

A motion was made by Commissioner Salzhauer to extend the meeting by 30 minutes until 12:00 a.m., seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesl absent.

The following individuals from the public spoke:

Martin Langsfeld, asked if the Town could stop someone from bringing a building up.

Town Attorney Arango stated that the site is in control of the Receiver and the Court and they have stated that the site will be sold. There will be development approvals by this Commission and you cannot stop the building from going up but you can review developments on the site

Commissioner Salzhauer stated that the judge is moving this quickly to get this sold and that is what is frustrating to her. She stated that this rush to sell it is for people to forget what happened there.

Commissioner Velasquez stated that what she suggested was that the footprint of where the building fell, to keep that portion and sell the rest.

Vice Mayor Paul stated that she also suggested something similar and the Judge could divide the parcel and could have it appraised based on the portion.

Mayor Burkett stated that he will be reaching out to Governor DeSantis.

Town Attorney Arango stated that there currently is a contract and described

the next steps.

Commissioner Velasquez asked Town Attorney Arango if the site is sold to the individual, what happens with the investigation.

Town Attorney Arango stated that it becomes private property and no more access by the Receiver.

Commissioner Salzhauer stated that you will need to take it up with the judge.

David Rodan, spoke regarding the value of the land. He would ask the Commission to make an exception to allow the same number of units on the sellable part.

Mayor Burkett stated that what they are trying to get is the most amount of money for the families. He believes the process is going too fast. He stated that they do not want more density than what was currently there.

Further discussion took place regarding the size of the building allowed to be built and a memorial.

Jeff Rose spoke regarding different ideas for the memorial. He suggested a special meeting just to discuss this item and get the Town and families involved.

Pablo Langsfeld spoke regarding the condition of the site.

Town Attorney Arango explained to Mr. Langsfeld the process and that he can go to the Court and ask the judge.

Tatiana Ivanova wanted to provide the Commission with a presentation for next meeting.

Joshua Epstein stated that the residents do support a memorial on the site.

Vice Mayor Paul stated that the reason for this item was to present the ideas and suggestions of art and begin the conversation about the memorial.

Commissioner Salzhauer stated that they need to see if the County will provide funding and stated that before the painting is done, they should see it before.

Vice Mayor Paul stated that they were in contact with the County regarding the temporary memorial removal and the mural being presented is a gift by the Artist for the temporary wall that was built.

Commissioner Salzhauer stated that she does not believe everyone shares the same thoughts.

Mayor Burkett asked if they can get a graphic of what the memorial will look like.

**B. Ending Option to Contribute to Parking Fund in Lieu of having Required Parking in Building Plans – Commissioner Charles Kesl**

Deferred to next meeting.

**C. Demolition by Neglect - Mayor Charles W. Burkett**

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

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

Deferred to next meeting.

**J. Amend Tourist Board Ordinance – Commissioner Nelly Velasquez**

Deferred to next meeting.

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

Deferred to next meeting.

**L. Cone of Silence/Secrecy – Mayor Charles W. Burkett**

Deferred to next meeting.

**M. License Plate Readers – Mayor Charles W. Burkett**

Deferred to next meeting.

**N. Cancel Culture in Surfside - Mayor Charles W. Burkett**

Deferred to next meeting.

**O. Permit Process - Mayor Charles W. Burkett**

Deferred to next meeting.

**P. High Water Bill – Mayor Charles W. Burkett**

Deferred to next meeting.

**Q. Increased Commercial Airliner Flights over Surfside - Mayor Charles W. Burkett**

Deferred to next meeting.

**R. Purchase of Electric Vehicles - Mayor Charles W. Burkett**

Deferred to next meeting.

**S. One-way automatic gate at 96<sup>th</sup> Street and Bay Drive - Mayor Charles W. Burkett**

Deferred to next meeting.

**T. Draconian Fines for Residents - Mayor Charles W. Burkett**

Deferred to next meeting.

**U. Surfside's Brand Name, Miami's Uptown Beach Town – Mayor Charles W. Burkett**

Deferred to next meeting.

**V. Daylight Plane Requirement for New Construction – Commissioner Charles Kesl**

Deferred to next meeting.

**W. Abandoned Sports Equipment on Streets, Unmarked Unattended – Commissioner Charles Kesl**

Deferred to next meeting.

**X. Epinephrine Auto-Injectors (EpiPen) Policy Discussion - Commissioner Eliana Salzhauer**

Deferred to next meeting.

**Y. Private Security Service – Mayor Charles W. Burkett**

Deferred to next meeting.

**Z. Champlain South: "Don't Wait...Accelerate!" Action Plan & Changes Necessary to Prevent Another Catastrophe – Commissioner Eliana Salzhauer**

Deferred to next meeting.

**AA. Remote Participation by Commissioners – Commissioner Charles Kesl**

Deferred to next meeting.

**BB. Raising Houses in Surfside to Make our Town more Resilient and Sustainable – Mayor Charles W. Burkett**

Deferred to next meeting.

**CC. Champlain South Memorial Park at 88th Street End – Commissioner Eliana Salzhauer**

Deferred to next meeting.

**DD. Police Chief Search - Commissioner Eliana Salzhauer**

Commissioner Salzhauer would like to advertise in the correct publication to do a national search in order to receive more candidates from other states.

Town Manager Hyatt stated that they have sent it out to 23 advertisement postings and now they have 9 applicants from out of state. He stated that they can get an RFP from an organization that does that.

Mayor Burkett asked how much would that cost.

Town Manager Hyatt stated it could be about \$10,000 or more. He stated that every time he spoke to each of them, they kept changing their minds and it takes time to get qualified people.

A motion was made by Vice Mayor Paul to extend the meeting for 10 minutes (until 12:10 a.m.), seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Vice Mayor Paul stated there is value in having someone with local experience and suggested giving the Town Manager their top three as suggestions.

Mayor Burkett stated to allow the Town Manager to do his job and he is not paying for a recruiter.

The following individuals from the public spoke:

Jeff Rose suggested to look inhouse and they need to entrust the Town Manager and stop micromanaging.

Shlomo Danzinger stated that they have good candidates inhouse.

Commissioner Salzhauer stated that they need vision on how to transform this Town and have more community policing.

Mayor Burkett left the meeting at 12:04 a.m.

Vice Mayor Paul stated there are good applicants and to give direction to the Town Manager as to what they are looking for.

Commissioner Salzhauer stated they want a new dynamic in Town.



Vice Mayor Paul stated that our officers help the residents.

Commissioner Velasquez stated that the minute you go through Bal Harbor you slow down because those police officers mean business and here, they are speeding.

**EE. Budget Meeting Fiasco - Commissioner Eliana Salzhauer**

Deferred to next meeting.

**FF. Amending the Town's Purchasing Code (Chapter 3) – Commissioner Nelly Velasquez**

Deferred to next meeting.

**10. Adjournment**

A motion was made by Commissioner Salzhauer to adjourn the meeting without objection at 12:08 a.m., seconded by Commissioner Velasquez.

Accepted this 9<sup>th</sup> day of November, 2021.

Attest:

  
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Sandra N. McCready, MMC  
Town Clerk

  
\_\_\_\_\_  
Charles W. Burkett, Mayor