



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
November 9, 2021  
7 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 7:04 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 Nelly Velasquez, Commissioner Eliana Salzhauer 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**

Vice Mayor Paul asked for a moment of silence for resident Lou Cohen who was very active in the community. She also reminded everyone about the Veteran's Day Ceremony this week.

Commissioner Salzhauer thanked the Parks and Recreation Department for an incredible Halloween event.

Mayor Burkett also thanked and commended the Parks and Recreation Department for an amazing event.

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

Commissioner Kesl would like to move up the ZIP item to be heard when Town Attorney Recio arrives. He also would like to discuss the dock maximum size at some time tonight after item 9A (Champlain Tower South Memorial). He would like to add item 9II (Art in Public Spaces Committee) to be heard in combination with

item 9A (Champlain Tower South Memorial). He would like to link item 9C (Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans) and 9S (Purchase of Electric Vehicles).

Vice Mayor Paul stated that the docks are in the ZIP.

Vice Mayor Paul stated that both items 9A (Champlain Tower South Memorial) and 9I (Art in Public Spaces Committee) are separate.

Commissioner Velasquez stated that it could be moved after 9C (Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans).

Commissioner Kesl stated that the item is an art for a memorial.

Commissioner Velasquez had mentioned she would like to have something like an Art Basel but would like to put 9I (Art in Public Spaces Committee) before 9D (Demolition by Neglect).

Commissioner Salzhauer stated that they can wait on that and deal with more important issues.

Commissioner Velasquez would like to move item 9GG (Ocean Front Grant Study Program) to be heard around item 5A (Resolution – Champlain Towers South Collapse Investigation) and the money should be used for the residents. She requested to link item 9GG (Ocean Front Grant Study Program) with item 5A (Resolution – Champlain Towers South Collapse Investigation).

Commissioner Salzhauer stated that they can discuss the money for the money to be used for other things.

Commissioner Salzhauer would like to link 9DD (Champlain South Memorial Park at 88<sup>th</sup> Street End) with 9A (Champlain Tower South Memorial), item 9AA (Champlain South: “Don’t Wait...Accelerate!” Action Plan & Changes Necessary to Prevent Another Catastrophe) to be heard before item 9A (Champlain Tower South Memorial). She would like to move item 9I (Community Center Pool Deck Lighting) to be heard after item 9D (Demolition by Neglect).

Commissioner Velasquez would like to move up item 9HH (Ballot Question for March 15, 2022 Elections) to be heard after item 9AA (Champlain South: “Don’t Wait...Accelerate!” Action Plan & Changes Necessary to Prevent Another Catastrophe).

Vice Mayor Paul asked to move item 5C (Resolution – Resolution in Support of the Sister Bays Program) to the consent agenda.

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

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

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

Commissioner Salzhauer appointed Randi MacBride to the Planning and Zoning Board.

- **Budget Committee - Mayor Burkett**

Mayor Burkett asked for those interested to please send in an application.

- **Parks and Recreation Committee – Vice Mayor Paul**

Vice Mayor Paul appointed Lara Frank to the Parks and Recreation Committee.

- **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.

- **Police Pension Board**

A motion was made by Commissioner Kesl to appoint William Blumenkranz, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

- **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.

**G. Undergrounding Update Presentation and Discussion - Andrew Hyatt, Town Manager**

Paul Abbott, Consultant, provided a presentation with the update of the undergrounding to the Commission.

Vice Mayor Paul asked if they will be digging up parts that have not been dug up before and how they will handle if they find any relicts of native americans.

Mr. Abbott answered Vice Mayor Paul's question and explained how they handled a similar situation in Key Biscayne.

Commissioner Salzhauer asked who is KCI and what is the estimate on the KCI cost.

Mr. Abbott stated that he has not received an official proposal. He stated that the only cost estimate they have is from FPL and have received information from Atlantic Broadband.

Commissioner Salzhauer asked if the \$37 million is the total cost and they will have to give the residents a firm amount.

Mr. Abbott stated it is the number he is mentioning tonight, and they have considered other unique procedures in other municipalities and they cannot increase the number for profit or margin and they evaluate it every 60 days.

Mr. Abbott stated that you will not have a concrete number until you move forward with the project, but he feels confident with the number.

Commissioner Kesl asked if they are doing the big installation, they might want to raise the boxes on concrete pedestals in the future and how feasible it is to do that.

Mr. Abbott stated that it is difficult but if you move it vertically, it will not be without disruption or loss of power.

Commissioner Kesl asked how long the project would take.

Mr. Abbott stated that it will take about 9 months to start the process of negotiating the contract and as stated in the last meeting, they need to take structured sections of the community.

Commissioner Velasquez stated that if you want to upgrade the Town, you have to invest in the Town as long as it is structured the correct way.

Mayor Burkett agrees with the Vice Mayor and spoke regarding getting workers to do work and this is probably the worse time to be presenting something like this. He agrees to put it out there and have the voters decide. He would recommend waiting a couple more years to see if prices go down.

Assistant Town Manager Greene corrected a statement regarding the ballot question to come back at the December meeting. He stated that they will not be requesting direction from the citizens whether to do the project, what you are asking them is the right to issue debt at a certain amount to be borrowed that will be tied to ad valorem taxes and there are state and charter rules that determines how that is

done. He explained the process on using the unrestricted reserve amounts that can be used.

Commissioner Velasquez asked what interest rate he looked at.

Assistant Town Manager Greene addressed the comment made by Commissioner Velasquez.

Commissioner Salzhauer asked what amount they are looking at putting in and what the estimate would be next year. She agrees with Mayor Burkett and believes this is a lot of money and she does not like to get into debt. She also commented that this would not allow funding for other projects.

Assistant Town Manager Greene addressed the comment made by Commissioner Salzhauer.

Commissioner Salzhauer stated that it should be given to the voters since they already spent \$500,000 to do this study.

Commissioner Kesl asked if they do the ballot question, he would like to hear from the residents.

Vice Mayor Paul agrees that it should be given to the residents to vote on this item. She asked regarding how the water and sewer is related to this and when will it be paid off.

Assistant Town Manager Greene addressed the comment made by Vice Mayor Paul and stated that the water and sewer is a different fund and spoke regarding the amount left to be paid.

Commissioner Velasquez spoke regarding the project and the need for it to be done now because if they continue to wait the cost will continue to rise.

Mayor Burkett spoke regarding the debt and the amount of money being put aside every year. He stated that generally what that would mean is that if they went ahead and funded it, they would end up not putting any money aside to save and still have the same amount of money in the savings account and would not be able to save more unless they raise taxes.

Commissioner Velasquez stated that the property values will continue to rise. She asked if the amount includes the 96<sup>th</sup> Street Park. She continued discussing the funding and cost of the undergrounding project.

Assistant Town Manager Greene addressed the comment made by Commissioner Velasquez and stated that the budgeted amount would be short because they are adding LEED requirement.

Mayor Burkett stated that it is important to have the information sent out to the voters.

The following individuals from the public spoke:

Jeff Rose is glad that they will be putting it on the ballot and what is the working time and time of finishing the project. He also suggested to put more money towards the walkability project.

Marianne Meisheid asked where the \$375,000 from the Shul development agreement for undergrounding went and she has not received a response.

George Kousoulas explained the issue with the alleys.

Debbie Cimadevilla spoke regarding the undergrounding and besides the Shul the Surf Club also put money aside for beautification. She also asked to reach out to the engineers and synchronize with whatever work is done around Abbott Avenue.

Mr. Abbott stated that it would take about 5 years to finish the project.

Assistant Town Manager Greene addressed the comments made by Ms. Meisheid and stated that in the Shul development agreement it states that the money is put into an escrow account and they are in talks with the Shul.

Vice Mayor Paul stated that there was an issue with the alleyway and if the Town would undertake the undergrounding can the Town take ownership.

Mayor Burkett asked if that area is part of the undergrounding.

Assistant Town Manager Greene addressed the comment made by Mayor Burkett and stated that yes, it is.

Mr. Abbott stated that he did not put the Shul in that allowance because they are responsible for their part of the undergrounding but does have the alleyway.

Commissioner Kesl asked if the Shul does not pay for the undergrounding can they use that money to pay down the parking fund. He commented if they have to use that money for the undergrounding.

Assistant Town Manager Greene addressed the comment made by Commissioner Kesl and stated that Shul cannot underground the alleyway themselves.

Commissioner Salzhauer commented on the undergrounding by the Shul and can they give direction to the Shul to do their own undergrounding.

Assistant Town Manager Greene stated that the \$350,000 is not enough for the underground.

Town Attorney Arango stated that it is platted as a private property and they need to obtain consent of the property owners.

Commissioner Salzhauer asked if they need direction for them to do their part of the undergrounding.

Vice Mayor Paul explained why she stated for the Town to take ownership of the alleys in order to make improvements.

Assistant Town Manager Greene explained the issues with the comment made by Vice Mayor Paul.

Mayor Burkett stated that he likes the idea to explore the possibility of taking ownership of the alley and determine who the owners are as it pertains to the plat.

Town Attorney Arango asked if they are asking to take over the alley.

Mayor Burkett stated that he believes it is a good idea, and for the administration to explore the options and bring to the next meeting.

**H. Presentation of the 2021 Public Pension Standards Award - Andrew Hyatt, Town Manager**

Town Manager Hyatt made the presentation.

**2. Quasi-Judicial Hearings – N/A**

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

A motion was made by Commissioner Velasquez to approve the Consent Agenda, seconded by Commissioner Kesl. 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
- October 12, 2021 Regular 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, Town Manager**

- August 23, 2021 Special Parks and Recreation Committee Meeting Minutes
- September 30, 2021 Planning and Zoning Board Meeting Minutes
- October 14, 2021 Planning and Zoning Board Zoning Code Workshop Minutes

Approved on consent.

**E. Resolution Authorizing the Renewal of the Agreement with Thomson Reuters West Publishing for CLEAR Investigative Tool for Fiscal Years 2021-2024 - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE RENEWAL OF AGREEMENT WITH THOMSON REUTERS WEST PUBLISHING CORPORATION FOR CLEAR INVESTIGATIVE TOOL FOR FISCAL YEARS 2022-2024; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**F. Resolution Authorizing Law Enforcement Mutual Aid Agreement between the Town of Surfside and the City of North Miami- 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 CITY OF NORTH MIAMI; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.



**G. Resolution Authorizing Expenditure of Forfeiture Funds for FY 2021-2022 -  
Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING FISCAL YEAR 2022 POLICE FORFEITURE FUND EXPENDITURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**H. Approval of 2022 Regular Town Commission Meeting Dates and Agenda  
Deadlines – Sandra N. McCreedy, Town Clerk**

Approved on consent.

**I. Authorization to Expend to Preserve Historical Town Documents – Sandra  
N. McCreedy, Town Clerk**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF SERVICES FROM KOFILTE TECHNOLOGIES, INC. FOR PRESERVATION. ARCHIVAL AND DIGITIZATION OF HISTORICAL TOWN DOCUMENTS; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(6) OF THE TOWN CODE AS A SOLE SOURCE PROVIDER; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH SERVICES AND/OR AGREEMENT AS DEEMED NECESSARY BY THE TOWN ATTORNEY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**J. Robert Fisher Historic Designation by the Town of Surfside Proclamation  
Approval - Andrew Hyatt, Town Manager**

Approved on consent.

**K. Town Hall Fire Alarm System Upgrade - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A TOWN HALL FIRE ALARM SYSTEM UPGRADE FROM SCIENS BUILDING SOLUTIONS, LLC C/O EMPIRE FIRE SAFETY; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)F OF THE TOWN CODE AS A PUBLIC WORKS PURCHASE FOR TOWN FACILITY MAINTENANCE WORK; AUTHORIZING THE TOWN MANAGER**

**TO ENTER INTO A PURCHASE ORDER AND/OR OTHER AGREEMENTS AS MAY BE APPROVED BY THE TOWN MANAGER AND TOWN ATTORNEY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**L. FY 2021 Budget Amendment Resolution No. 11- Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 11 FOR THE FISCAL YEAR 2020/2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**M. Resolution Urging the Florida Service Commission to Reject or Reduce FPL's Proposed Rate Increase – Vice Mayor Tina Paul**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA PUBLIC SERVICE COMMISSION (PSC) TO REJECT FLORIDA POWER & LIGHT'S (FPL) REQUEST FOR A BASE RATE INCREASE AND RATE UNIFICATION, AND TO REJECT THE PROPOSED MINIMUM MONTHLY CHARGE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**4. Ordinances**

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

**A. Second 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 McCready read the title of the Ordinance into the record.

Town Attorney Recio introduced the item and advised the Commission on the recommendations made by the Planning and Zoning Board.

Vice Mayor Paul explained the changes and the new language proposed and what was recommended by the Planning and Zoning Board.

Commissioner Salzhauer is not fine with 10 feet.

Discussion took place among the Commission regarding the changes proposed.

The following individuals from the public spoke:

George Kousoulas  
Bill Thompson  
Sebastian Garcia  
Gil Garcia  
Jeff Rose  
Randy Rose

Commissioner Salzhauer wanted to know what the importance of the 10-foot balcony is.

Mr. Kousoulas addressed the comments made by Commissioner Salzhauer.

After a lengthy discussion among the Commission, the following motion was made.

A motion was made by Commissioner Velasquez to approve the Ordinance as written on second reading, seconded by Vice Mayor Paul. The motion carried with a 3-2 vote with Commissioner Salzhauer and Commissioner Kesl voting in opposition.

***(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. 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 McCready read the title of the resolution into the record.

This item is linked with item 9GG.

Commissioner Salzhauer left the meeting at 10:43 p.m.

Commissioner Salzhauer arrived back to the meeting at 10:44 p.m.

Allyn Kilsheimer provided an update on the status of the item. He stated that the access to the site was from the 25<sup>th</sup> to 29<sup>th</sup> of October with limited access with a drone. During that time frame they had the right to walk around an offsite facility. He described the piles of the building portion that collapsed and the portion that was demolished. He stated that they were told that the very large pieces were somewhere else. He also provided an update on a telephone conference with NIST.

Commissioner Salzhauer asked why they are not allowing him to do his job.

Mr. Kilsheimer addressed the comments made by Commissioner Salzhauer.

A motion was made by Vice Mayor Paul to extend the meeting for 30 minutes (11:00 p.m.), seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Commissioner Salzhauer would like to have answers and when he is allowed in will they get the information they need

Commissioner Velasquez asked if they have the commitment of other people that will be paying for this and who is paying for this.

Mr. Kilsheimer stated that they will run out of the \$750,000 before December

and he stated how much more money he will need to do the testing and offsite material. He explained the worst-case scenario and they are doing the best they can with what they will have.

Commissioner Kesl asked if other levels of government care about this.

Further discussion took place among the Commission and Mr. Kilsheimer regarding the cost expended and the additional cost to be incurred.

Vice Mayor Paul spoke regarding the report that was received today and it is more detailed and essentially it is necessary to find out what happened. She also asked regarding the satellite infrastructure monitoring and if he concluded his findings for Champlain East and Champlain North and if so could they have that report.

Mr. Kilsheimer stated that the satellite data is in the budget and they will start talking to them after they know the kind of foundation system this building had because nobody knows what foundation that building had. He stated that in Champlain North there is nothing that he saw there that is anything of imminent danger of collapse. As it pertains to Champlain East, it is a different design than the other one and when they know more about the material on Champlain South, they will finish the study.

Mayor Burkett stated that Mr. Kilsheimer is correct and Surfside as well as Mr. Kilsheimer have been treated very badly including himself and they have been blocked from getting on the site. He stated that it seems to be a reason why things aren't moving, and it has become convoluted. He stated that he wants Mr. Kilsheimer to be the lead in finding out why the building fell. He stated that they need to find out how this will work, and who will pay for it.

Mr. Kilsheimer stated that they made their own decision with the information they are developing.

Commissioner Salzhauer stated that this is upsetting to witness, and they will not make it easy for Mr. Kilsheimer to get in there and he is the right guy for this.

Commissioner Velasquez stated that within the \$750,000 approved they could do the geotechnical.

Mr. Kilsheimer stated that the geotechnical is \$450,000.

Commissioner Velasquez stated she does not understand how doing testing on concrete will help other buildings. She is proposing giving grants to condominiums, so they can do their own testing.

Mr. Kilsheimer stated that they cannot do the same geotechnical like the one

they can do because they are on an occupied dwelling. He stated that the soil is not the issue itself.

Vice Mayor Paul asked if ~~with~~ the additional \$750,000 will be enough to get the testing done.

Mr. Kilsheimer stated it will get them to do all the work.

A motion was made by Commissioner Velasquez to extend the meeting for another 30 minutes until midnight, seconded by Commissioner Salzhauer. The motion carried with a 5-0 vote.

Vice Mayor Paul would like to request funding to assist with covering the cost for this investigation. She suggested to ask Congresswoman Wasserman-Shultz to request appropriation funding for the Town.

Mayor Burkett stated that he is on board in getting answers and the Town is getting blocked and those individuals at those levels are the ones blocking them.

Mr. Kilsheimer stated that the Receiver will get them to do the sampling and testing on the site shortly.

Commissioner Velasquez stated why they aren't going to Congresswoman Wasserman-Shultz for more money.

Mr. Kilsheimer stated that they have been working and they cannot do the geotechnical study without doing the destructive study on site. He explained the right the Receivership is able to give them at this time.

A motion was made by Vice Mayor Paul to extend the meeting for another 30 minutes (until 12:30 a.m.), seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The following individuals from the public spoke:

Marianne Meisheid  
George Kousoulas  
Randy Rose  
Yadira Santos

Mayor Burkett asked Mr. Kilsheimer what is the most importance thing he needs to get to the bottom of what happened.

Mr. Kilsheimer addressed the comments made by Mayor Burkett.

After a very lengthy discussion the following motion was made.

A motion was made by Vice Mayor Paul to approve the resolution with an amount of \$750,000 to get him through December and then if he needs more money, he will then come before the Commission, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition because she prefers the money to go to the surfside residents to determine the condition of their own property.

**B. FY 2022 Budget Amendment Resolution No. 1 - 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.

Assistant Town Manager Greene provided an explanation of the item.

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

**C. Resolution in Support of the Sister Bays Program – Vice Mayor Tina Paul**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SUPPORT FOR THE SISTER BAYS PROGRAM AND URGING COASTAL COMMUNITIES THROUGHOUT THE COUNTY TO SUPPORT THE PROGRAM; ENCOURAGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEVELOP A MEMORANDUM OF UNDERSTANDING FOR THE SISTER BAYS PROGRAM; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

This item was moved and adopted under the Consent Agenda (Item 3).

**6. Good and Welfare/ Public Comments from Residents  
(Set for approximately 8:15 p.m.)**

The following individuals from the public spoke:

Eduardo Yero, spoke regarding the Chief of Police search and the big question asked is what is it they are looking for. Is it someone with a big resume and published on police journals or someone that knows the community. He stated that

Captain Healy is someone that has been here and knows the community. He stated that Captain Healy cared about Surfside before having a job here.

Jeff Rose commended Captain Healy and has seen more patrol officers in the street, he commended Public Works staff and they need to show appreciation to staff and treat staff like they treat others.

David Lombardi spoke regarding the dock issue on Point Lake and they are concerned that there is a loop hole in the zoning code.

Mel Schlezer, spoke regarding the dock and Point Lake.

Randy Rose spoke regarding the dock and seawall.

Marion Ott spoke regarding the dock and Point Lake.

Vice Mayor Paul spoke regarding working on this portion of the dock in the new zoning code with Town Attorney Recio and included it in the ZIP.

Commissioner Salzhauer addressed comments made by the public regarding the stop signs, the dock and Point Lake.

Commissioner Velasquez addressed the comments made by the public regarding the stop signs, dock and Point Lake.

Commissioner Kesl spoke regarding the 2006 zoning code as it pertains to the dock.

Mayor Burkett spoke regarding the old zoning code and the comments made by the public. He would like to direct the Town Attorney to put it into the ZIP.

Commissioner Velasquez stated that they should not allow any more docks in that small area of water and they should have these docks on the wider parts.

A motion was made by Commissioner Salzhauer to amend the code to address docks to limit dock projections to 10% of the width of the waterway, 10% of the width of the property and cannot block navigability and for lots with water on two sides to only allow dock on the wider waterway, seconded by Commissioner Velasquez. The motion carried with a 5-0.

Vice Mayor Paul asked if they pulled the dock from the ZIP.

Town Attorney Arango advised to issue the separate ZIP and advertise it as soon as possible. This would be a separate ordinance for this and a separate ZIP because it expires in the next month.

Mayor Burkett asked if they could add it to the ZIP before it expires.

Further discussion took place among the Commission regarding the ZIP and changes to the language as it pertains to the dock.

Town Attorney Recio explained on the map where Point Lake and North Canal are



located, and the changes proposed to the ZIP.

A motion was made by Vice Mayor Paul to direct the Town Attorney to investigate the ownership of the lake bottom of Point Lake and North and South Canal and to engage Miami Dade County to collect taxes, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The meeting took a recess at 9:53 p.m.  
The meeting resumed at 10:00 p.m. with Commissioner Salzhauer absent.

Commissioner Salzhauer entered the meeting at 10:05 p.m.

**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 – Vice Mayor Paul**

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**E. Excessive Homeless Contribution Made by the Former Commission - Mayor Charles W. Burkett**

Deferred to the next meeting.

**F. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt,**

Town Manager

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**T. One-way Automatic Gate at 96<sup>th</sup> Street and Bay Drive - Mayor Charles W. Burkett**

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**AA. Champlain South: “Don’t Wait...Accelerate!” Action Plan & Changes Necessary to Prevent Another Catastrophe – Commissioner Eliana Salzhauer**

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**DD. Champlain South Memorial Park at 88<sup>th</sup> Street End - - Commissioner Eliana Salzhauer**

Deferred to the next meeting.

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

Deferred to the next meeting.

**FF. Zoning In Progress Extension – Tony Recio, Town Attorney**

A motion was made by Commissioner Kesl, seconded by Vice Mayor Paul with the changes as presented by Town Attorney Recio and it will be advertised December 7, 2021. The motion carried with a 5-0 vote.

Town Attorney Recio stated that the one relating to the dock will be done separately that will go into effect immediately and the other one will go into effect December 7, 2021. He explained the changes to the Commission on their handouts.

The following individuals from the public spoke:  
George Kousoulas  
Jeff Rose

**GG. Ocean Front Grant Study Program – Commissioner Nelly Velasquez**

This item is linked with item 5A.

**HH. Ballot Question for March 15, 2022 Elections – Commissioner Nelly Velasquez**

Commissioner Velasquez presented the item and would like to see at the next ballot for election in March the undergrounding, place hedges in the Charter, make the Police Chief a charter officer and for the Commission to be paid and do a study of all other cities compensation for elected officials.

Mayor Burkett asked for her rationale regarding her statement.

Commissioner Velasquez stated that if the Police Chief is not working out the Commission has a say and could remove the Police Chief.

Vice Mayor Paul stated that she supports the undergrounding. She disagrees with placing the Police Chief as a charter officer and it should be up to the Town Manager. She stated that she added the hedges to the ZIP because of the controversy. She stated that as it pertains to compensation for the Commission, the question should be worded should the Commission be compensated and to put a certain amount.

Commissioner Kesl will support the undergrounding to go to the voters. He stated that many municipalities pay a living wage for their position and let the voters decide.

Commissioner Salzhauer agrees to ask the residents if they want to pay for the undergrounding. She does want the Town Manager to make the decisions but will have to put more thought into that. She does not believe adding hedges to the charter. She does agree for the Commission to have a salary.

Mayor Burkett asked for the Town Clerk to provide dates to have a workshop before the next commission meeting to hold a charter question workshop.

Mayor Burkett stated that they need to have statements in the charter that residents can decide as to height and density.

A motion was made by Commissioner Kesl to extend the meeting for 5 minutes (until 12:36 a.m.), seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

The following individuals from the public spoke:

Randy Rose spoke regarding increasing the height.  
Jeff Rose spoke regarding leaving the Police Chief up to the Town Manager and raising the homes.

Commissioner Salzhauer addressed the comments made by the public speakers.

**II. Art in Public Spaces Committee – Commissioner Charles Kesl**

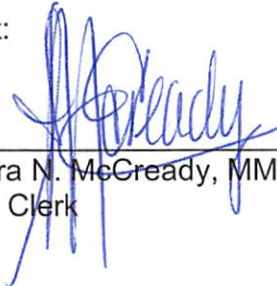
Deferred to the next meeting.

**10. Adjournment**

A motion was made by Commissioner Velasquez to adjourn the meeting without objection at 12:33 a.m. (November 10, 2021), seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

Accepted this 11<sup>th</sup> day of January, 2022.

Attest:

  
\_\_\_\_\_  
Sandra N. McCready, MMC  
Town Clerk

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