



Town of Surfside
Regular Town Commission Meeting
MINUTES
December 14, 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 McCready called the roll with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Kesl and Commissioner Eliana Salzhauer (arrived at 7:08 p.m.).

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

Commissioner Kesl spoke regarding having decorum and they do not get things done and it is disrespectful and distracting. He stated that tonight he will be looking at decorum and the person will be respected.

Commissioner Kesl stated that he will not be running for re-election. He stated it has been very difficult and encouraged anyone that would like to run to run. He wished everyone happy holidays.

Commissioner Velasquez stated that she does not like the fact that he stated that nothing has been done. She further commented on the different projects that have been approved and are in the works and his comments are insulting.

Commissioner Salzhauer stated that making these decisions are a lot behind the scenes work that has been in the works. She spoke regarding the park project and that is why she wants to get the zoning code done. She stated that their methods are different, the building collapse and pandemic, we have dealt with a lot.

Vice Mayor Paul wished everyone happy holidays and stated there is still a lot of work to be done.

Mayor Burkett agrees with Vice Mayor Paul. He stated that he is happy that Commissioner Kesl spoke regarding the decorum and respect.

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

Vice Mayor Paul requested to link item 9II (Ordinance for New Development Requirements) with 9A (Champlain South: "Don't Wait...Accelerate!" Action Plan & Changes Necessary to Prevent Another Catastrophe), and move 9GG (Citizens Presentation-Concept Project of the Memorial Park by Ivanova Tatiana) before 9A (Champlain South: "Don't Wait...Accelerate!" Action Plan & Changes Necessary to Prevent Another Catastrophe).

Commissioner Kesl deleted the following items and explained the reason for the deletion. The items being deleted are items 9D (Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans), move item 9Y (Daylight Plant Requirement for New Construction) to the next zoning code workshop and delete item 9Z (Abandoned Sports Equipment on Streets, Unmarked Unattended).

Commissioner Velasquez would like to discuss item 9HH (Change Surfside Election Date from March to November) and agrees that the election should be in November because it would allow more people to come out and vote. She requested to move it up.

Commissioner Kesl stated that there are things to be discussed over a year and half and those should be discussed first.

Vice Mayor Paul and Commissioner Kesl are not in agreement with moving the election to November.

Commissioner Velasquez stated that it is important to discuss it to be able to put it up on the agenda.

Mayor Burkett asked Commissioner Kesl what would be the harm to discuss the item and have the residents decide.

Commissioner Kesl stated he did not have time to review that item.

Commissioner Velasquez asked Town Attorney Arango regarding the change of election date.

Town Attorney Arango stated that the next elected officials would serve 2 ½ years for the first round.

Mayor Burkett asked to bring up the Town Manager's evaluation to be heard before item 9II (Ordinance for New Development Requirements). He stated it is a review for the Town Manager today. He stated that they need to start the conversation and recognize that he has been here for a year.

Commissioner Velasquez stated that the Town Manager has been doing a great job and his review should be done at a special meeting.

Commissioner Kesl stated that the formal written review they are doing now and preparing to submit, needs to be done prior to discussing.

Vice Mayor Paul did the review and then it was taken off the agenda and now they have a new review to be done and it is not on the agenda and is fine for it to be on the January agenda. She also requested to remove item 9J (Climate Environmental Collective Revised) because there is not enough time to form this important committee.

Mayor Burkett stated that they have two people in Town that are interested in participating in a flood program and the Commission wanted to see a presentation. He stated it costs \$7,000 for a soil study for this specific house. He asked to be able to do the presentation and this would address homes all across Town. He stated that they are still looking for grants. He asked for item 9DD (Raising Houses in Surfside to Make our Town More Resilient and Sustainable) to be moved up to be heard before 9C (Amending the Town's Purchasing Code (Chapter 3)).

Commissioner Kesl stated that they are all in support of the item.

Commissioner Velasquez asked if they can discuss item 9HH (Change Surfside Election Date from March to November) with the ballot question resolutions above 5B (Bond Referendum-General Obligation Bonds-Undergrounding Utilities).

A motion was made by Commissioner Velasquez, to combine 9II (Ordinance for New Development Requirements) with 9A (Champlain South: "Don't Wait...Accelerate!" Action Plan & Changes Necessary to Prevent Another Catastrophe), deletion of items 9D (Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans), item 9Z (Abandoned Sports Equipment on Streets, Unmarked Unattended), item 9J (Climate Environmental Collective Revised), bring up item 9HH (Change Surfside Election Date from March to November) to be discussed with the resolution, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

Commissioner Salzhauer would like to add an item. She spoke regarding the large homes being made and the loopholes that are in the code. She explained her item.

Mayor Burkett stated that the zoning code is important, and he is working with the community solving the problem and is eager to go to the next zoning code workshop and get the code done.

Commissioner Salzhauer is proposing the same way they separate it, go back to the 40% and 80% on second floor, get rid of the loopholes with a maximum of 6% and measure from the correct place. Direct the Town Attorney to come up with a stand-alone item to put into a motion in the event the zoning code does not pass.

A motion was made by Commissioner Kesl to add an item to tonight's agenda that creates definitions for the zoning code for lot areas, lot coverage, setbacks (encroachments) to be heard before item 9C (Amending the Town's Purchasing Code (Chapter 3), seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Discussion took place among the Commission regarding the item to be added to the agenda regarding zoning code definitions.

E. Community Notes – Mayor Charles W. Burkett

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

- **Budget Committee - Mayor Burkett**

Mayor Burkett did not make an appointment.

- **Personnel Appeals Board – Mayor Burkett**

Mayor Burkett did not make an appointment.

- **Personnel Appeals Board – Commissioner Kesl**

Commissioner Kesl appointed Andrea Travani to the Personnel Appeals Board.

- **Personnel Appeals Board – Commissioner Salzhauer**

Commissioner Salzhauer did not make an appointment.

- **Personnel Appeals Board – Commissioner Velasquez**

Commissioner Velasquez did not make an appointment.

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

The Town Commission did not make an appointment to the Planning and Zoning Board.

G. Presentation to Mr. Bob Fisher - Andrew Hyatt, Town Manager

Town Manager Hyatt presented Mr. Fisher with the plaque for his home that received the historic acknowledgement by the Town.

Mayor Burkett spoke regarding Mr. Fisher and congratulated him. He read the proclamation.

Commissioner Salzhauer thanked Mr. Fisher for doing this.

Commissioner Velasquez thanked Mr. Fisher for doing this.

Vice Mayor Paul stated she read the historic designation report and it is fascinating.

Mr. Fisher thanked everyone.

Town Manager Hyatt stated that he wanted to thank the staff and the Commission for allowing the Town to go and apply for a grant for the Abbott Avenue drainage and the Town received \$2 million-dollar grant.

Town Manager Hyatt introduced Mr. Allyn Kilsheimer to provide an update.

Mr. Kilsheimer gave an update on the Champlain Tower South. He stated that they are still waiting on the testing and inspection. They are doing different modes of triggers if they try different things. He provided an update on the meetings they have attended.

Commissioner Salzhauer spoke regarding the Plaintiff's attorneys and they filed a motion in not allowing us to get access to the site. She stated that he should be allowed to test the site and get the truth.

Vice Mayor Paul spoke regarding a meeting the County had where she asked for Mr. Kilsheimer to obtain access to the other two sites and she will follow up with Mayor Levine-Cava.

Commissioner Kesl stated that they want him to obtain access and that the Town of Surfside may be a defendant or plaintiff as evidence is uncovered.

Commissioner Velasquez stated that they just want to get the answers.

Mayor Burkett stated he is disappointed that they are being blocked. He stated that they need to know why the building fell down to make sure no other buildings are at risk. He stated that NIST said they work in terms of years.

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 minus the meeting minutes, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

Town Attorney Arango requested an Executive Session regarding Solimar vs. Town of Surfside and would like to hold the meeting before the end of the year.

Commissioner Velasquez would prefer it to be after the holidays in January.

A. Minutes – Sandra N. McCreedy, MMC, Town Clerk

- November 9, 2021 Regular Town Commission Meeting Minutes
- November 17, 2021 Town Commission Workshop Minutes

Deferred to the January 11, 2022 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

- October 4, 2021 Tourist Board Meeting Minutes
- October 25, 2021 Parks and Recreation Committee Meeting Minutes
- November 18, 2021 Special Tourist Board Meeting Minutes

Approved on consent.

E. Purchase of Police Vehicles - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF FOUR (4) 2022 FORD POLICE INTERCEPTOR UTILITY VEHICLES, TOGETHER WITH EMERGENCY LIGHTING EQUIPMENT, GRAPHICS, AND RADIO EQUIPMENT FOR EACH POLICE VEHICLE; FINDING THAT THE PURCHASE OF THE POLICE VEHICLES AND EMERGENCY LIGHTING EQUIPMENT, GRAPHICS, AND RADIO EQUIPMENT ARE EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; DECLARING CERTAIN POLICE VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING THE SALE OR DISPOSITION OF THE SURPLUS PROPERTY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

F. Cellular Water Meters Phase I Expenditure - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF NEW CELLULAR ENCODERS TOGETHER WITH CLOUD-BASED HOSTING SERVICES FROM BADGER METER, INC. TO REPLACE EXISTING ENCODERS USED TO TRANSMIT WATER METER INFORMATION TO TOWN HALL; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(6) AND (7)F OF THE TOWN CODE AS SERVICES AVAILABLE FROM A SOLE SOURCE AND AS A PUBLIC WORKS AND UTILITIES PURCHASE FOR TOWN FACILITY MAINTENANCE AND REPLACEMENT 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.

G. Youth Sports Instructors Soccer – Alves Sports Group, LLC- Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH ALVES SPORTS GROUP, LLC FOR THE TOWN'S YOUTH SOCCER PROGRAM; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(2) OF THE TOWN CODE; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

- H. **Youth Sports Instructors Tennis – GM Sports Tennis, LLC – Andrew Hyatt, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH GM SPORTS TENNIS, LLC FOR THE TOWN'S YOUTH TENNIS PROGRAM; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(2) OF THE TOWN CODE; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

- I. **CRS Max Annual Contract Renewal – Andrew Hyatt, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AGREEMENT WITH CRS MAX CONSULTANTS, INC. FOR COMMUNITY RATING SYSTEM CONSULTANT SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; 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**

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

B. **First Reading Ordinances**

1. **Marine Structure Ordinance addressing docks – 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 90-57. - "MARINE STRUCTURES", TO PROVIDE FOR REGULATIONS FOR CONSTRUCTION OF DOCKS, PIERS AND MOORINGS ON WATERFRONT LOTS; PROVIDING FOR SEVERABILITY; PROVIDING

FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Town Attorney Recio introduced the item and gave a summary of the item. He handed out a map with the lots relative to the item.

Commissioner Salzhauer stated if they do not have anything in the Ordinance they would be able to place anything anywhere.

Town Attorney Recio spoke regarding the setback requirements per the Ordinance.

Commissioner Kesl spoke regarding the set backs and the use of boats when they get attached to the docks. He stated that he supports this item.

Vice Mayor Paul asked regarding the D5 setbacks and the size of the lots and if they are able to build docks. She asked if the Building Official and Town Planner are good with the way the Ordinance is written.

Building Official McGuinness is content with the way the Ordinance is written.

Town Planner Keller stated that he also supports the Ordinance as written.

Commissioner Salzhauer does believe the setbacks are important because the triangle can be changed and the 10 feet protects future owners and is in support of the Ordinance as written.

Commissioner Velasquez asked how long this D5 has been in practice.

Town Attorney Recio stated many years.

Commissioner Velasquez stated this is the first time they are adding the setbacks. She would like to hear from the residents.

The following individuals from the public spoke:

Saul Rosen

Mel Schlessor

Randy Rose

Jeff Rose

Israel Cohen
Jaime Rubinson

Mayor Burkett asked if the DERM requirement is above what they are requesting.

Town Attorney Recio stated that it is.

Town Attorney Arango stated that you would go with what is more restrictive.

Town Attorney Recio addressed the comment made by Mr. Cohen regarding the lots not circled in red and those lots are 10% of the width of the waterway or 15 feet, which means he could build a 10-foot dock.

Town Attorney Recio stated that Bay Drive is 35 feet.

Town Attorney Arango stated that it would be under subsection d of the part of the Ordinance and encouraged the Commission to pass the Ordinance.

A motion was made by Commissioner Velasquez to approve the Ordinance on first reading without the 10 feet on both sides. There being no second the motion died for lack of a second.

A motion was made by Vice Mayor Paul to discuss the item, seconded by Commissioner Kesl.

A motion was made by Commissioner Kesl to approve the Ordinance as written, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

5. Resolutions and Proclamations

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

A. Legislative Priorities – Andrew Hyatt, Town Manager

A RESOLUTION OF THE MAYOR AND TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING STATE LEGISLATIVE PRIORITIES FOR 2022; AUTHORIZING THE TOWN MANAGER AND TOWN OFFICIALS TO IMPLEMENT THE LEGISLATIVE PRIORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

A motion was made by Vice Mayor Paul to discuss the resolution, seconded by Commissioner Salzhauer.

Vice Mayor Paul would like to oppose SB 736 and stated that this allows the developers off the hook of their responsibilities for 10 years by reducing it to 4 years. She would like to add funding for Champlain Tower South Independent investigation and funding for the memorial. She would also like to add insurance incentives for buildings that are in compliance with their maintenance.

Commissioner Salzhauer agrees with Vice Mayor Paul and pursue the FAA flight pattern.

Mayor Burkett stated that he has been dealing with that and they come over Surfside 2 ½ minutes apart. He requested to add it to the legislative priorities.

Commissioner Salzhauer asked how some of the priorities got there.

Assistant Town Manager Greene stated that the items that were added was worked with the Town Manager and they looked at the priorities over the past ten years.

Commissioner Kesl would like to add transportation as well as water transportation.

Vice Mayor Paul is concerned about clean water and there is so much litter coming from boaters and does not think water transportation is a legislative priority for Surfside.

Commissioner Salzhauer spoke regarding obtaining funding not only for a memorial but also for a memorial park.

Mario Bailey, Town lobbyist, explained the legislative priorities and how the procedure works on the opposition of the SB 736.

Town Manager Hyatt spoke regarding legislative days.

A motion was made by Commissioner Kesl to approve the resolution with the

changes presented, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

B. Bond Referendum-General Obligation Bonds-Undergrounding Utilities – Andrew Hyatt, Town Manager.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 15, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A BOND REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF SURFSIDE IN AN AMOUNT NOT TO EXCEED FORTY MILLION (\$40,000,000.00) DOLLARS FOR THE PURPOSE OF UNDERGROUNDING OF UTILITIES; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH REFERENDUM; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Vice Mayor Paul stated that the amount stated by Mr. Abbott was \$37 million.

Commissioner Salzhauer stated that he stated that you needed some wiggle room.

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

C. Annual Salary for Mayor and Commissioners with Single Health Coverage – Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 15, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE II, SECTION 7 - "SALARY", TO PROVIDE FOR PAYMENT OF AN ANNUAL SALARY FOR MAYOR AND COMMISSIONERS AND SINGLE HEALTH INSURANCE BENEFIT; PROVIDING FOR NOTICE OF ELECTION; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE

TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Commissioner Velasquez commented there not being an amount.

Commissioner Salzhauer stated that it is in the ballot language.

Town Attorney Arango clarified the language is on page 191.

Commissioner Salzhauer asked if they want family coverage, then the Commissioner would have to pay that cost.

Assistant Town Manager Greene stated that per their conversations, the Commissioners would be treated as employees and explained the different options.

Commissioner Salzhauer stated that she was expecting more of a salary since this job takes so much time. She was hoping to really have real salaries that would entice real people to do the work. She was thinking more like \$30,000 a year.

Commissioner Kesl stated that he thought it was \$12,000 biweekly. He stated that he brought this up in the gazette and it did not make sense to him after he won the election and this is a lot of work. He stated this is a good start.

Commissioner Velasquez believes it is a good start and another motivation is the health insurance.

Vice Mayor Paul stated that people should be motivated to serve their community and not by the money.

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

D Prohibition on Storage of Privately-Owned Property Overnight on Beach – Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 15, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE IX. – “MISCELLANEOUS PROVISIONS,” ADDING SECTION 150 - “PROHIBITION ON STORAGE OF PRIVATELY-OWNED PROPERTY OVERNIGHT ON BEACH” TO PROVIDE FOR A PROHIBITION ON THE STORAGE OF PRIVATELY-OWNED PROPERTY OVERNIGHT ON THE BEACH; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Commissioner Salzhauer spoke regarding the most important thing was not having the land swap and they need to protect their beach. She stated that they do not want privatization of the beaches. She would like to add a minimum standard of 60% to overturn it.

Commissioner Velasquez stated that she believes it should be more specific or give an example. She believes it is too broad.

Commissioner Salzhauer stated that private property is anything. She stated they cannot store anything that is private on the beach.

Vice Mayor Paul stated that they allowed storage and had to take it away and it was not easy because they took advantage of it.

Commissioner Kesl stated that he is good with this as well. He stated that he advocated for no private or commercial activities on our public beaches.

Commissioner Salzhauer stated that she would like the same language as the land swap.

Town Attorney Arango stated the language to be included to make it the same as the land swap.

The following individuals from the public spoke:

Randy Rose

Jeffrey Platt

A motion was made by Commissioner Salzhauer to approve the resolution as amended, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

E. Lot Area, Building Height for Beachfront Properties and Increasing Minimum Required Electoral Vote to 60% - Andrew Hyatt, Town Manager

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

Town Clerk McCready read the title into the record.

Mayor Burkett stated that he has some additional language to be added to the resolution.

Commissioner Salzhauer stated that she spoke with Town Attorney Recio that what they are doing is accomplishing what they are looking for. She asked the Town Planner and Building Official stating that what they are doing will keep the skylines in check.

Commissioner Kesl stated that he supports this ballot question and the measuring it from the bulkhead line. He spoke regarding elevation and crown of road.

Commissioner Velasquez stated that she does want to make sure their buildings will not go higher and likes the 60% approval.

Vice Mayor Paul spoke regarding the conversation that took place in the workshop with the survey for the NAVD and NGVD and asked where they are at on that.

Building Official McGuinness stated that their building permitting has doubled and the survey will be available in a couple of days.

Vice Mayor Paul asked what the Building Official's recommendation is.

Building Official McGuinness stated that you must change it to NAVD and that is what needs to be used and it is about 1 ½ foot difference.

Vice Mayor Paul stated that they need to know the number in order to place it in the ballot language.

Mayor Burkett spoke regarding the item and explained the measurements as it pertains to this item and the difference between NAVD and NGVD. He stated that the numbers proposed are the correct numbers.

Commissioner Salzhauer suggested some language in preserving the current skyline. She wants to make sure that this is not making a bigger building.

Commissioner Kesl asked regarding the NAVD and NGVD measurements.

Building Official McGuinness explained the difference of NAVD and NGVD.

Vice Mayor Paul asked if the Building Official suggests deferring the item until they have the numbers from the survey.

Building Official McGuinness stated whatever the will of the Commission would be.

Mayor Burkett stated what they are trying to accomplish is not having any building higher than what they currently have in Surfside. He continued explaining the measurements and crown of the road as it pertains to this item.

Further discussion took place among the Commission and Building Official McGuinness regarding the difference between NAVD and NGVD and the

calculations.

The following individuals from the public spoke:

George Kousoulas

Mayor Burkett asked if they know what the NGVD numbers are for those buildings then the Commission can make a decision and where they measure from.

Vice Mayor Paul stated that not many buildings are left to be redeveloped.

Mayor Burkett suggested a sampling of the buildings.

Vice Mayor Paul asked Building Official McGuinness if they can go with the number given by Mr. Kousoulas without a survey.

Town Planner Keller suggested that they get the number by a registered surveyor.

Mayor Burkett stated they should have a sampling of the 3 lowest and 3 highest buildings and their location and the Commission will decide what is the lowest NAVD number and state if they vote for this then they will get this type of building. He stated that he believes it has gone way too high already.

Commissioner Velasquez stated that whoever does the survey, they should bring the number.

After a lengthy discussion on the item and placing this on the January meeting agenda, the Commission requested the Building Official to go and see if he can get the measurements of all the buildings and if he cannot get all of the buildings then to obtain 3 or 4 of the smallest buildings and 3 or 4 of the tallest buildings.

Town Attorney Arango stated that she has serious concerns about having the survey before the holidays.

A motion was made by Commissioner Kesl to approve the resolution, seconded by Commissioner Velasquez.

The motion was withdrawn by Commissioner Kesl and Commissioner Velasquez rescinded her second.

Town Manager Hyatt requested authorization from the Commission to expend the additional funds for the survey.

A motion was made by Commissioner Velasquez, to give the Town Manager authorization to expend up to \$25,000 to do the survey, seconded by Commissioner Salzhauer. The motion carried with a 5-0 vote.

A motion was made by Commissioner Salzhauer to defer the item to the January meeting, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The following individuals from the public spoke:

Randy Rose
George Kousoulas
Jeff Rose
Jordan Wachtel
Linden Nelson
Sharon Hakmon

F. Hedges in Single-Family Lots – Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON MARCH 15, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER AT ARTICLE IX. – “MISCELLANEOUS PROVISIONS,” ADDING SECTION 149 - “HEDGES IN SINGLE-FAMILY RESIDENTIAL LOTS”, TO PROVIDE THAT SIX (6) FOOT HEDGES SHALL BE PERMITTED ON SINGLE-FAMILY LOTS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

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

Vice Mayor Paul has an issue on page 210 to change the language from “along”

to “within” shown in Exhibit “A” and “(6) feet tall strike through “on or” in the ballot question.

Mayor Burkett stated that there is a survey and they cannot legally put it on the line.

Town Attorney Arango agrees with Vice Mayor Paul’s suggestion.

Commissioner Velasquez stated that it is embarrassing that someone goes through this Commission when the residents have to come and fight for hedges to create privacy on their property. This ballot question is to protect the hedges.

Mayor Burkett commented on everyone having different opinions and the reason why it is on the ballot is because they keep having elected officials that knock it down and the residents are tired of it. He stated that 6 feet right now is the best they can do.

A motion was made by Commissioner Velasquez to extend the meeting for an hour, seconded by Commissioner Salzhauer. The motion was carried with a 5-0 vote.

The following individuals from the public spoke:

Jeff Rose

Jordan Wachtel

Linden Nelson

Steven Schott

Commissioner Kesl addressed the comments made by the speakers.

Commissioner Velasquez stated that these are natural trees and where people want to put them should not be the problem of the Commission as long as they are not blocking traffic visibility.

Vice Mayor Paul spoke regarding the change in the zoning code language.

Commissioner Salzhauer spoke regarding what the code currently states that reducing the height of the hedges because it makes it easier for people to hide.

Mayor Burkett spoke regarding the resolution and believes it is a good thing.

Vice Mayor Paul requested to move up item 9GG (Citizens Presentation – Concept Project of the Memorial Park by Ivanova Tatiana) to be heard now.

Commissioner Velasquez stated that the families should be consulted with and bring them in on the idea.

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

The following individuals from the public spoke:

George Kousoulas spoke regarding working together on the zoning code.

Jeff Rose apologized for the last meeting for any chaos and everyone should have taken a step back. He thanked staff for all they have done in the last 2 years. He stated they are all appreciated by residents and happy holidays. He stated that they need to focus on what is important in the community.

Jeffrey Platt apologized for his actions at the last meeting. He spoke regarding the zoning code as it pertains to larger homes on corner lots.

Randy Rose provided a copy to the Commission and spoke regarding the size of homes and the lots in Town.

Jaime Rubinson spoke regarding the zoning in progress and for the Commission to focus on the big picture.

Marianne Ott spoke regarding the diversity of the Commission and they should respect each other and stated that they should have more trees and shade in Town. She would also like to see the underground of powerlines.

Linden Nelson stated he is proud to hear the conversation taking place. He thanked the staff for all the work done.

Commissioner Kesl spoke regarding the zoning code and voiced his frustration about decorum and not that they did not accomplish much in Town. He believes that there are lots of things in the discussion items and if they would have better organization and understanding of the process, then they would have been able to accomplish more. He thanked the public speakers for their comments and concerns.

Commissioner Salzhauer spoke regarding what took place at the last zoning code workshop. She spoke regarding what has been accomplished.

Commissioner Velasquez thanked the speakers and spoke regarding the one-story homes and privacy. She spoke regarding some residents that do not want the large two-story homes.

Vice Mayor Paul spoke regarding her tenure on the Commission and did admit it is at times painful to be here but she is here to support and work for the residents. She addressed the comment made about the trees and spoke regarding a tree give-away by the Town and would like to direct the Town Manager to do a tree-give away program again.

Commissioner Velasquez stated that she understands that small projects are good but our Town has many larger problems that need to be addressed like flooding.

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 South: “Don’t Wait...Accelerate!” Action Plan & Changes Necessary to Prevent Another Catastrophe – Commissioner Eliana Salzhauer [*Linked to Item 9II*]

This item was linked to item 9II (Ordinance for New Development Requirements).

Commissioner Salzhauer introduced the item and the changes needed to be made to avoid this from happening again. She stated that they should reduce the recertification to 30 years and do the geotechnical studies and give direction to move this forward.

Vice Mayor Paul stated that the flaw is what people aren’t looking at which is how you protect the neighbors when there is a building and demolition of properties. She spoke regarding her item 9II (Ordinance for New Development Requirements) and her point is the protection of neighbors. She spoke regarding looking at buildings every 20 years and on the coast, you might see more deterioration. She also believes getting assistance for geotechnical studies as a legislative priority. She is fine with 30 years but would prefer 20 years.

Commissioner Velasquez stated that there are buildings that have never received a geotechnical study.

Vice Mayor Paul would like to direct the Town Manager to amend the recertification to 30 years and geotechnical study should be done along the coast line.

Commissioner Kesl thanked Commissioner Salzhauer and Vice Mayor Paul. He spoke regarding the geothermal issues and he spoke regarding a conversation he had with the FEMA director two days after the collapse.

Commissioner Velasquez stated she is fine with either 20 years or 30 years and in New York they do recertifications of their buildings every 5 years. She stated that people need to feel safe in their building. She stated that she

suggested giving grant money to each condominium building to help with the cost to do their own study.

Mayor Burkett reiterated what Commissioner Salzhauer, Vice Mayor Paul, Commissioner Kesi and Commissioner Velasquez stated.

Mayor Burkett stated that, regarding the collapse, there is no conclusion yet from our experts. He said making judgements is silly and a waste of our time because this is something that serious people are taking serious steps to seriously look at. He stated that we (Surfside) should be following the County and the State and he knows it sounds nice that Surfside should lead and sounds good and it may make you feel good but the bottom line is that there are experts, there are professionals and they are looking at this and they are going to solve this problem. He stated since we do not know the reason why the building fell down to this day. He stated that we are all sort of angry because again we (Surfside) are being blocked from getting those answers, and that is just his opinion and he is going to vote against this because he wants the right information. He stated that he wants to do the right thing and he does not want people fixing the things that necessarily we do not know are broken yet.

Town Attorney Recio stated that section 8.1 provides that the building code be the same across the county which includes recertification and he has strong doubts what they can incorporate.

Commissioner Salzhauer stated that she does not want to go based on what the County states and the County can challenge it if they want and they know that 40 years is not working.

Vice Mayor Paul stated that they had engineering specialists that looked at this and these regulations are in the Florida Building Code. She is looking at how to go beyond that to safeguard the neighbors.

Commissioner Kesi stated that he was looking for validation. He stated that there are many tiers of issues.

Commissioner Velasquez stated that they should start somewhere and start with 30 years and the geotechnical study should be part of the inspections and 10-year recertification.

Mayor Burkett stated that it is important to do the geotechnical study and Mr. Kilsheimer was getting on the site to see if it was a geotechnical issue. He stated that he is not sure if the condominiums will want to do the geotechnical studies.

The following individuals from the public spoke:

George Kousoulas
Randy Rose
Jordan Wachtel
Jeff Rose
Shlomo Danzinger

Building Official McGuinness stated that he took this to the County because we received attraction from the County. He stated that his recommendation is to come up with the ordinance that is close to the County.

Mayor Burkett asked if they could prospectively adopt it once the County has approved it.

Town Attorney Recio stated that the County Building Code states it is a uniformed code in Miami Dade County.

Town Attorney Arango reiterated what Town Attorney Recio stated and they must follow the County Code.

Commissioner Velasquez asked Building Official McGuinness what the County is proposing.

Building Official McGuinness addressed the comments made by Commissioner Velasquez.

Commissioner Salzhauer addressed the comments made by the public.

Vice Mayor Paul stated that what is also important is what you do to protect the buildings when new construction is going up next door to them.

Town Attorney Arango asked where these standards are and what format, since the direction is to the Town Attorney to draft an ordinance.

A motion was made by Commissioner Salzhauer to direct the Building Department and Mr. Kilsheimer, to have a 30-year inspection with 10 years recertification with 2-year notice to the building and a duty for a report from a structural engineer they have a duty to report it to the Building Official and add the geotechnical studies, seconded by Vice Mayor Paul. Vice Mayor Paul rescinded her second. The motion was seconded by Commissioner Kesl. The motion carried with a 3-2 vote with Mayor Burkett and Vice Mayor Paul voting in opposition.

Town Attorney Arango advised that they have concerns with the legality of the proposed motion as it pertains to the County Building Code.

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

B. Champlain Tower South Memorial – Vice Mayor Paul *[Linked to Item 9EE]*

Vice Mayor Paul introduced the item and spoke regarding archiving the materials they have received and form a committee to review ideas for the memorial.

Commissioner Salzhauer spoke regarding a location of the memorial park and set the land aside.

The following individual from the public spoke:

Pablo Langisfeld
Shlomo Danzinger
Linden Nelson
Randy Rose
Jeff Rose

Tattiana Ivanova provided a PowerPoint presentation regarding the memorial.

Commissioner Salzhauer stated that they do not own the land.

A motion was made by Commissioner Salzhauer to direct the Town Attorney and Town Manager to begin the process to set aside 88th Street East of Collins all the way to the beach as a memorial park. The motion died for lack of a second.

Vice Mayor Paul stated that they do not own the land. She thanked Ms. Ivanova for her presentation.

Commissioner Kesl spoke regarding the presentation and the vision of what this site could be for everyone. He stated that they need the land to be able to envision this.

Mayor Burkett thanked everyone and stated that they do not own the land.

Commissioner Velasquez stated that they should have the families involved and get together and create a committee and get their opinion.

Mayor Burkett spoke to Mr. Langisfeld and stated that the Town has been responsive and that other agencies are less responsive and their intention is to memorialize their daughter and her husband.

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

Deferred to the next meeting.

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

Removed from the agenda.

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

Deferred to the next meeting.

F. Art in Public Spaces Committee – Commissioner Charles Kesl

Deferred to the next meeting.

G. Demolition by Neglect - Mayor Charles W. Burkett

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

J. Climate Environmental Collective Revised - Vice Mayor Tina Paul

Removed from the agenda.

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

Deferred to the next meeting.

L. Community Center Second Floor Possibility- Andrew Hyatt, Town Manager

Deferred to the next meeting.

M. Amend Tourist Board Ordinance – Commissioner Nelly Velasquez

Deferred to the next meeting.

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

Deferred to the next meeting.

O. Cone of Silence/Secrecy – Mayor Charles W. Burkett

Deferred to the next meeting.

P. License Plate Readers – Mayor Charles W. Burkett

Deferred to the next meeting.

Q. Cancel Culture in Surfside - Mayor Charles W. Burkett

Deferred to the next meeting.

R. Permit Process - Mayor Charles W. Burkett

Deferred to the next meeting.

S. High Water Bill – Mayor Charles W. Burkett

Deferred to the next meeting.

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

Deferred to the next meeting.

U. Purchase of Electric Vehicles - Mayor Charles W. Burkett

Deferred to the next meeting.

V. One-way Automatic Gate at 96th Street and Bay Drive - Mayor Charles W. Burkett

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

Y. Daylight Plane Requirement for New Construction – Commissioner Charles Kesl

Moved to the next zoning code workshop.

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

Removed from the agenda.

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

Deferred to the next meeting.

BB. Private Security Service – Mayor Charles W. Burkett

Deferred to the next meeting.

CC. Remote Participation by Commissioners – Commissioner Charles Kesl

Deferred to the next meeting.

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

Deferred to the next meeting.

EE. Champlain South Memorial Park at 88th Street End - - Commissioner Eliana Salzhauer *[Linked to Item 9B]*

Item was discussed under item 9B.

FF. Budget Meeting Fiasco - Commissioner Eliana Salzhauer

Deferred to the next meeting.

GG. Citizens Presentation – Concept Project of the Memorial Park by Ivanova Tatiana– Sponsored by Vice Mayor Paul

Item was discussed under item 9B.

HH. Change Surfside Election Date from March to November – Mayor Charles W. Burkett

Mayor Burkett introduced the item and stated that Town Attorney Arango already stated that if this passes in March, the new Commission will be serving for 2 ½ years. He stated it is more sensible to have the elections concurrent with Miami-Dade County and it costs more money to have the election in March instead of having them in November.

Commissioner Kesl stated that the cost factor is an issue and spoke regarding being in favor of sending this to the voters but would like to ask for more detail. He also stated that having the election in March would allow the voters to focus on the local election.

Commissioner Salzhauer stated that there is a lot of value to separating it from the national primary election because it gives them a separate bite of the apple to putting things on the agenda.

Commissioner Velasquez stated it is a good point Commissioner Kesl brought up. She is fine either way but prefers November because more voters come to the polls.

Vice Mayor Paul stated that she is fine with March elections and the primary presidential elections are every 4 years and ours are every 2 years.

Commissioner Salzhauer stated that the ballot questions should be focused on important issues and not this one.

Mayor Burkett stated that if you put the question out there and if 75% of the residents would prefer to go in November and he does not see what the down side is. He stated that not allowing the residents to decide is what he has an issue with.

Commissioner Salzhauer spoke regarding making decisions for residents but she does not think putting issues like these diminishes everything that is important. She would like to maintain the ballot questions they already have.

Commissioner Velasquez disagrees with Commissioner Salzhauer because these questions are important and there are different ways of seeing things.

Commissioner Kesl stated that the ballots questions need to be things that will go in the Town Charter.

Vice Mayor Paul would like more information on this and an analysis done and does not know why the sudden change. She would like to move up 9GG (Citizens Presentation – Concept Project of the Memorial Park by Ivanova Tatiana) which was not moved up and it is a potential ballot question.

Mayor Burkett stated this is not silly and it is an option for the residents and it can be talked about and debated. He stated that if the residents want it in March, then he is fine with that but it would be better in November for more participation.

The following individuals from the public spoke:

George Kousoulas

Jaime Rubinson

Mayor Burkett passed the gavel to Vice Mayor Paul.

Town Attorney Arango stated this is a time sensitive item.

A motion was made by Mayor Burkett to place on the ballot the question to move the election from March to November, seconded by Commissioner Velasquez. The motion failed with a 2-3 vote with Commissioner Salzhauer, Commissioner Kesl and Vice Mayor Paul voting in opposition.

**II. Ordinance for New Development Requirements – Vice Mayor Tina Paul
[Linked to Item 9A]**

Item was discussed under item 9A (Champlain South: “Don’t Wait...Accelerate!” Action Plan & Changes Necessary to Prevent Another Catastrophe).

A motion was made by Vice Mayor Paul to direct the Town Attorney to draft an Ordinance with the Town Manager and Building Official to require specific safety practices and standards for protection and monitoring of existing buildings next to properties with demolition and new construction as well as adding seismic meters and monitoring wells, seconded by Commissioner Salzhauer. The motion carried with a 5-0 vote.

10. Adjournment

A motion was made by Commissioner Kesl to adjourn the meeting without objection at 12:28 a.m. (December 15, 2021). seconded by Commissioner Velasquez The motion carried with a 5-0 vote.

Accepted this 8 day of March, 2022.



Charles W. Burkett, Mayor

Attest:



Sandra N. McCready, MMC
Town Clerk