



**Town of Surfside  
Revised Regular Town Commission  
Meeting  
MINUTES  
January 11, 2022  
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 Eliana Salzhauer (arrived at 7:01 p.m.) and Commissioner Charles Kesl (arrived at 7:02 p.m.).

Also present were Assistant Town Manager Jason Greene, Town Attorney Lillian Arango and Town Attorney Tony Recio.

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

Vice Mayor Paul wished everyone a Happy New Year and thanked Town Attorney Recio and Town Attorney Arango for their work preparing many resolutions and ordinances during holiday season, as well as the Town Clerk's for working so hard. She extended condolences to former Commissioner Michael Karukin for the passing of his mother. She encouraged everyone to attend the Tourist Board Third Thursdays event and to wear their masks. She thanked Captain Healy for his dedicated work as Interim Chief and welcomed Police Chief Torres.

Commissioner Salzhauer also thanked Town Attorney Arango and Town Attorney Recio for working through the holidays on the different resolutions and ordinances. She stated that she would like to be able to get things done tonight.

Commissioner Velasquez wished everyone a Happy New Year and welcomed new Police Chief Torres.

Mayor Burkett welcomed new Police Chief Torres and thanked Captain John Healy for his hard work. He thanked staff for their dedication and hard work.

Commissioner Kesl appreciates the civility they had at the last meeting and would like it to continue.

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

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

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

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

No appointment was made by the Town Commission.

**- Budget Committee - Mayor Burkett**

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

**- Personnel Appeals Board – Mayor Burkett**

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

**- 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. Champlain Towers South Status Update - Andrew Hyatt, Town Manager**

Allyn Kilsheimer gave an update and commented on the status of the last court hearing. He stated that the trial date was moved to March 2023.

Vice Mayor Paul asked if there was any update on the investigation status of any findings and how often he has visited the site and storage facility.

Mr. Kilsheimer stated that they have not been allowed on the site and nobody has been allowed to go to the storage facility. He stated that without being able to get on the site to perform the testing, it is difficult to know what has occurred. He spoke regarding the protocol process.

Vice Mayor Paul stated that if they will not have the opportunity to get the testing of the materials soon it may become tainted.

Mayor Burkett stated that Surfside has not been given the access needed.

Mr. Kilsheimer stated that the Judge stated that if he would do something to the site that would hinder it then he would no longer have access to the site.

Further discussion took place regarding the protocol process and what the Judge has stated as it pertains to Mr. Kilsheimer' s access to the site.

Mr. Kilsheimer stated that at the last zoom hearing there were over 366 people on the call.

Commissioner Salzhauer asked regarding the time frame and his experience investigating other properties and the hurdles he is running into. She stated that they will not stop or give up and thanked Mr. Kilsheimer.

Commissioner Kesl asked based on his experience does he see the situation where Surfside has been wronged.

Mr. Kilsheimer addressed the comment made by Commissioner Kesl.

Mayor Burkett asked how many notices the Town has received.

Town Attorney Arango stated 25.

## 2. Quasi-Judicial Hearings

### A. 9011 Collins Avenue/Surf Club-Amendment to Resolution 13-Z-06 - Andrew Hyatt, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING AN AMENDMENT TO RESOLUTION NO. 13-Z-06 FOR THE SURF CLUB PROPERTY LOCATED AT 9011 COLLINS AVENUE, SURFSIDE, FL, TO AMEND CONDITION NO. 19, OF SECTION IV., REQUIRING DESIGN AND CONSTRUCTION OF A LIFEGUARD STAND AND PAYMENT OF OPERATIONAL COSTS, AND PROVIDING FOR A ONE-TIME PAYMENT TO THE TOWN IN LIEU THEREOF FOR 96<sup>TH</sup> STREET PARK RENOVATIONS; RATIFYING ALL OTHER REQUIREMETNS AND CONDITIONS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 13-Z-06; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title into the record.

Mayor Burkett read the quasi-judicial statement into the record.

Town Attorney Arango read the development order requirement into the record and stated this is not an amendment to the site plan.

Town Attorney Arango asked Town Clerk McCready to confirm notice requirements.

Town Clerk McCready confirmed notice requirement was met.

Town Attorney Arango polled the Commission.

Vice Mayor Paul stated that she spoke with Bill Thompson briefly and staff.

Mayor Burkett stated that he spoke with Bill Thompson briefly and staff.

Commissioner Velasquez had no communication with anyone on this matter.

Commissioner Salzhauer had no communication with anyone on this matter.

Commissioner Kesl had no communication with anyone on this matter.

Town Clerk McCready stated there was no one from the public that wanted to speak, therefore no one was sworn in.

Mayor Burkett commented on the development order and the funds being used towards the 96<sup>th</sup> Street Project.

Commissioner Kesl stated that he supports the idea of the lifeguard station there.

Vice Mayor Paul stated that in theory she supports the lifeguard station but it was stated that it needed to be staffed fulltime and that needed to be reevaluated.

Commissioner Salzhauer stated that the lifeguard station could be placed later by the Surf Club.

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

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

A motion was made by Vice Mayor Paul to approve the Consent Agenda with the amended minutes minus the December 14, 2021 meeting minutes, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

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

- **November 9, 2021 Regular Town Commission Meeting Minutes**
- **November 17, 2021 Town Commission Workshop Minutes**
- **December 7, 2021 - Town Commission Zoning Workshop Minutes**
- **December 14, 2021 Regular Town Commission Meeting Minutes**

Approved on consent minus the December 14, 2021 Meeting Minutes.

**\*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 28, 2021 Planning and Zoning Board Meeting Minutes**
- **November 18, 2021 Special Tourist Board Meeting Minutes**
- **December 6, 2021 Tourist Board Meeting Minutes**

Approved on consent.

**E. One-Year Extension of Curative Testing Site Outside Town Hall - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE REVOCABLE, NON-EXCLUSIVE LICENSE AGREEMENT (AGREEMENT) WITH CURATIVE INC. TO EXTEND THE TERM OF THE AGREEMENT; APPROVING THE EXTENSION OF THE TEMPORARY USE PERMIT ISSUED TO CURATIVE INC. BEYOND THE INITIAL NINETY (90) DAY TERM TO ALLOW THE CONTINUED UTILIZATION OF A COVID-19 TESTING KIOSK PURSUANT TO SECTION 90-36.1 OF THE TOWN CODE OF ORDINANCES; AUTHORIZING THE TOWN MANAGER TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT AND EXTENSION OF THE TEMPORARY USE PERMIT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**F. FY 2022 Budget Amendment No. 2- Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2022 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**G. 89<sup>th</sup> Street Beach End Improvement Expenditures Request - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS IN AN AMOUNT NOT TO EXCEED \$145,000 TO IMPLEMENT THE 89<sup>TH</sup> STREET BEACH END CAPITAL IMPROVEMENT PROJECT (CIP); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**H. Approving Florida Memorandum of Understanding and Miami-Dade County Interlocal Agreement relating to Opioid Litigation Settlement Agreement Funds - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE FLORIDA MEMORANDUM OF UNDERSTANDING WITH THE STATE OF FLORIDA AND OTHER PARTICIPATING LOCAL GOVERNMENT UNITS FOR THE ALLOCATION AND USE OF OPIOID SETTLEMENT FUNDS TO ABATE AND RESOLVE THE OPIOID EPIDEMIC; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE OPIOID SETTLEMENT INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY GOVERNING THE USE OF OPIOID SETTLEMENT FUNDS ALLOCATED TO THE MIAMI-DADE COUNTY REGIONAL FUND; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; 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

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

##### B. First Reading Ordinances

#### 1. Ordinance Securing Construction Sites, Safety and Other Requirements – Vice Mayor Tina Paul

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY CREATING ARTICLE V – “CONSTRUCTION SITES”, CONSISTING OF SECTION 14-104 “SECURING OF CONSTRUCTION SITES, SAFETY, AND OTHER REQUIREMENTS”, OF CHAPTER 14 - “BUILDINGS AND BUILDING REGULATIONS”, TO PROVIDE FOR SECURING OF CONSTRUCTION SITES AND PROTECTIONS TO ADJACENT AND NEIGHBORING PROPERTIES; 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.

Commissioner Velasquez stated that there are a lot of changes than what they received and believes it should be deferred to next month. She stated that they are placing something on the agenda that she has not been able to read in detail and sit with the attorneys and understand what the ordinance entails. She stated this affects not only the condominiums but single-family homes. She stated this is not what was asked for last month. She stated that anything that happens in the H120 should be separate.

Commissioner Kesl agrees if there are additions that it should be deferred.

Commissioner Salzhauer stated that this is an important item and the safety is important. She stated that the only changes made are the yellow highlighted sections. She stated that things change between first and second reading of ordinances.

Vice Mayor Paul stated that the idea is to provide standard safety measures that will protect the neighboring properties in the H120 district and that the new additions are not new additions and were elaborated by Mr. Kilsheimer to be more specific to what they are requesting. She spoke regarding the highlighted additions and read a detailed article from an engineering and architectural firm. She stated that the article she read applies to H120 structures and there are some respectful practices that will help the entire Town by including single family homes.

Mayor Burkett stated that this is a zoning issue and spoke regarding this being discussed in a workshop and some of the terms they are not familiar with and she is asking this Commission to make significant changes to the Code. He stated that the process is bad and the idea that she is trying to change procedures without having a workshop is not right.

Commissioner Kesl stated that this is not related to the zoning code and it is about protecting construction sites to be safe. He stated that the Vice Mayor has done a great job and believes this should be discussed and there are areas that they need to discuss.

Commissioner Salzhauer thanked Vice Mayor Paul for putting this together and this is exactly what they needed to put together. She stated that this requires work to be done and is worth talking about. She spoke regarding the portion that was added is minor.

Commissioner Velasquez stated that she agreed to it last time because she stated that it was to discuss the construction east of Collins Avenue to protect the other buildings. She stated that now it is adding single family homes. She stated she is fine with the part of east of Collins Avenue, but the code on single family should be treated separately.

Further discussion took place among the Commission regarding the new language in the Ordinance.

Mayor Burkett asked if the Building Official was able to review it.

Town Attorney Recio stated that he did review it and he did have concerns with a preconstruction survey, the systemic monitoring and the water table monitoring.

Mayor Burkett asked Mr. Kilsheimer if he is fine with the document.

Allyn Kilsheimer stated that he agrees with the preconstruction survey, the systemic monitoring and the water table monitoring but has not seen the other areas of the ordinance.



Commissioner Salzhauer stated that the victims and relatives of Champlain Towers want change and want to make sure that they are safe. She stated that these are the safety requirements needed. She stated that she is fine with the item and everything that is in the ordinance.

The following individuals from the public spoke:

George Kousoulas stated that they have time between first and second reading to fine tune it. He stated that if you have a workshop you are talking about the next commission voting on the item. He stated that during the next month to speak to staff and experts.

Jeff Rose stated that this is a good initiative but agrees with Commissioner Velasquez that this was never discussed to include single family homes. He stated that many residents do read the agenda and are unable to see these changes that they were not able to look at.

Joshua Epstein stated that the process is to get things on the agenda two weeks prior and the obligation is to have it on time.

Randy Rose stated that he agrees with working smart and proper notice is important with adding new items.

Commissioner Velasquez would like to take out all the additions regarding single family homes as these are two different districts.

Commissioner Salzhauer stated that the additions are general in nature.

Commissioner Kesl asked regarding the additional requirements.

Vice Mayor Paul addressed the comments made by Commissioner Kesl.

Town Attorney Recio addressed the comments made by Commissioner Kesl as it pertains to the additions.

After a lengthy discussion regarding the item, the following motion was made.

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

- 2. Building Recertification “Don’t Wait...Accelerate!”-Changes Necessary to Prevent Another Building Collapse Catastrophe (In Honor of Champlain Towers South Victims) – Commissioner Eliana Salzhauer**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY CREATING A NEW SECTION 14-3,**

**“RECERTIFICATION OF EXISTING BUILDINGS”, IN ARTICLE I. – “IN GENERAL”, OF CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS”, TO ADOPT AND INCORPORATE SECTION 8-11. – “EXISTING BUILDINGS” OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES WITH MODIFICATIONS IN FURTHERANCE OF THE “DON’T WAIT, ACCELERATE” PLAN TO IMPROVE BUILDING SAFETY; 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.

Commissioner Salzhauer presented the item and explained what they are trying to do, and the information came from our experts, Mr. McGuinness and Mr. Kilsheimer. She spoke regarding what is in place is not accurate.

Commissioner Velasquez stated that she supports this. She stated that the problem she sees is that they bring things for H120 and then it spills into something else. She stated that Commissioner Salzhauer is adding geotechnical studies and Mr. Kilsheimer stated those are dangerous studies to be done with buildings that are fully occupied by residents. She would like a change to put in line 109 to add after the word and “of buildings East of Collins Avenue 4 stories and above” and in the area of geotechnical studies should also state that it is for “buildings East of Collins Avenue 4 stories and above”. She stated these tests are very expensive and would put an enormous financial burden on the small buildings on the Collins and Harding Avenue corridor. She would accept this with those changes.

Commissioner Kesl spoke regarding building requirements for buildings over 3 years to be inspected every 5 years. He read the grand jury report. He believes 30 years is too long.

Vice Mayor Paul spoke regarding the general considerations and guidelines and read the section. She stated that condominiums are hiring structural engineers that are specialized in recertification. She proposed to change the word on line 113 from requirement to “additional recommendation” and change the word “shall” to “may”.

Mayor Burkett stated that he agrees with it. He spoke regarding the grand jury report. He stated that they do not know why the building fell down and for them to sit there and pretend they are going to solve a problem they do not know exists yet is not prudent. He spoke regarding geotechnical studies. He stated that he agrees with the comments made by Vice Mayor Paul. He asked regarding page 5 of 6 at the top, page 217 in line 119 what does that mean.

Commissioner Salzhauer stated that came from Mr. Kilsheimer and that is what he recommended. She clarified that everything came from Mr. Kilsheimer and he stated that he stands on his recommendation and what they are looking in the geotechnical are using waves. She also stated that she is happy to incorporate what the Grand Jury is recommending.

Commissioner Velasquez stated that this should be a suggestion if they want to engage in these studies as well as item B. She stated that this was to lower the recertification period and now it has other items that are costly.

Commissioner Kesl spoke regarding the geotechnical requirements. He agrees to get the language from experts.

Vice Mayor Paul reiterated what she stated and stated line 119 is part of the geotechnical studies.

Mayor Burkett agrees that the geotechnical is a comprehensive thing and the way it is written it could be interpreted to be a destructive testing.

The following members from the public spoke:

George Kousoulas

Shlomo Danzinger

Jeff Rose

Joshua Epstein

Randy Rose

Commissioner Salzhauer stated that she would not mind incorporating the Grand Jury recommendation.

Commissioner Kesl would like to encourage the geotechnical requirement rather than mandate the requirement.

Vice Mayor Paul would like to make it a recommendation not a requirement. She stated to change requirements to additional recommendations as it pertains to the geotechnical study on line 113 of the proposed ordinance. She would like to lower it to 20 years.

Town Attorney Recio reiterated the amendments to the ordinance.

Mayor Burkett asked if it is 20 years now.

Town Attorney Recio stated that since it is first reading, to allow the Building Official to look it over.

Town Attorney Arango advised the Commission the requirements

A motion was made by Commissioner Kesl to approve the Ordinance on first reading as amended to 20 years. The motion died for lack of a second.

After a lengthy discussion the following motion was made incorporating the grand jury report as it pertains to the inspections.

A motion was made by Commissioner Salzhauer to approve the Ordinance on first reading as amended to have recertification to 30 years and geotechnical requirements as recommendations and try to incorporate the recommendations from the Grand Jury Report, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The meeting took a recess at 9:45 p.m.  
The meeting reconvened at 9:56 p.m.

Town Clerk McCready called the roll and all members of the Commission were present.

A motion was made by Vice Mayor Paul to move item 5D (Champlain Towers South Memorial Park & Pedestrian Plaza at 88<sup>th</sup> Street) to be heard now and then have the discussion regarding the hedges right after, seconded by Commissioner Velasquez. The motion carried with a 4-1 vote with Commissioner Kesl voting in opposition.

## 5. Resolutions and Proclamations

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

### A. 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 they all have been working hard on this. He read his recommended changes.

Commissioner Salzhauer spoke regarding the NGVD calculation and she is fine with the ballot question with NGVD if you get rid of the "5". Her concerns are with the revisions he submitted today, and it is that it reduces the size of the building.

Commissioner Kesl stated that he has spoken to other officials regarding flood zoning. He stated this ballot question talks about restricting density. He spoke regarding the wave crest.

Mayor Burkett spoke regarding conversations he had with residents who state that the developers will force them out of their buildings. He explained what his language states. He stated that he is trying to let the people say enough and that they do not want the skyline moving up.

Discussion took place among the Commission regarding locking this in the Charter to prevent another commission from coming and changing it.

Vice Mayor Paul spoke regarding the different workshops where this was discussed. She stated that the document in front of them is the same one that was in front of them a month ago. She spoke regarding wave crest.

Town Attorney Recio stated that wave crest could change.

The following individuals from the public spoke:

George Kousoulas  
Jeff Rose  
Randy Rose

A motion was made by Commissioner Velasquez to extend the meeting 30 minutes until 11:30 p.m., seconded by Commissioner Salzhauer. The motion carried with a 5-0 vote.

After a lengthy discussion the following motion was made.

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

**B. Authorizing Additional Expenditure of Funds to Special Counsel in Connection with the Appeal of the Federal Aviation Administration's (FAA's) South Central Florida Metroplex Project – Lilian Arango, Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING ADDITIONAL EXPENDITURE OF FUNDS TO SPECIAL COUNSEL, LEECH TISHMAN FUSCALDO & LAMPL, IN CONNECTION WITH THE APPEAL OF THE FEDERAL AVIATION ADMINISTRATION'S (FAA'S) SOUTH CENTRAL FLORIDA METROPLEX PROJECT (METROPLEX), FOR LEGAL FEES AND CONSULTANT'S SERVICES FOR PHASE 1 METROPLEX FLIGHT PROCEDURE ASSESSMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title into the record.

Commissioner Kesi stated that he is concerned moving forward with this and it is an uphill battle and is ready to not fund it past tonight.

Town Attorney Arango responded to Commissioner Kesi's question and the bulk of the work has been done and the brief is over 150 pages and explained the process.

Vice Mayor Paul asked how much more are they expected to spend and supports moving forward with this to the appeal stage.

Mayor Burkett stated this is not safe and spoke regarding the memorandum from Miami Beach and the flight path of the planes over Surfside. He stated that he asked the Town Attorney to get the bills to see how the money is being spent and requested the billings. He requested to have it deferred to the next meeting for him to get the bills to review. He stated that they need to be diligent.

Vice Mayor Paul stated that she also questioned the bills and believes they spent more than they are being billed and would like to move forward with the appeal.

Commissioner Velasquez stated this is a small price to pay for peace of mind. She stated this is something that she would support.

Commissioner Salzhauer stated that they need to be more proactive.

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

A motion was made by Commissioner Kesi to extend the meeting for 10 minutes until 11:40 p.m., seconded by Vice Mayor Paul. The motion carried with a 5-0

vote.

**C. Downtown Walkability and Design Study Scope of Work Approval – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$50,000 TO ENGAGE MARLIN ENGINEERING, INC. FOR A DOWNTOWN WALKABILITY AND DESIGN STUDY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title into the record.

Assistant Town Manager Greene provided an overview of the item and the funds are coming from the Transportation Fund which comes from the County ½ penny sales tax. He stated that this item has gone before DVAC and they support it.

Town Planner Keller explained the project and the study.

Mayor Burkett asked if there will be a drawing and they need results.

Commissioner Velasquez asked if they need the study to be able to obtain more parking and are permits needed. She stated that she would like to spend the money to widen the sidewalks.

Town Planner Keller stated that they need to provide the study to the State.

Further discussion took place regarding the item and the need for the study that has to be forwarded to the State.

The following individuals from the public spoke:

Jeff Rose

George Kousoulas

Shlomo Danzinger

Marianne Meisheid

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

A motion was made by Commissioner Velasquez to extend the meeting for 15 minutes until 11:55 p.m., seconded by Vice Mayor Paul and to discuss item 9C (Amending Zoning Definitions to Remove Development Loopholes). The motion carried with a 4-1 vote with Mayor Burkett voting in opposition.

**D. Champlain Towers South Memorial Park & Pedestrian Plaza at 88<sup>th</sup> Street–  
Commissioner Eliana Salzhauer**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; DIRECTING THE MANAGER TO PURSUE THE CLOSURE OF 88<sup>TH</sup> STREET EAST OF COLLINS AVENUE TO VEHICULAR TRAFFIC FOR THE PURPOSE OF PROVIDING A MEMORIAL PARK AND PEDESTRIAN PLAZA HONORING THE VICTIMS OF THE CHAMPLAIN TOWERS SOUTH COLLAPSE; AUTHORIZING THE TOWN MANAGER TO EXECUTE AND TAKE ALL ACTION NECESSARY, INCLUDING APPLICATIONS REQUIRED BY MIAMI-DADE COUNTY AND/OR FLORIDA DEPARTMENT OF TRANSPORTATION AND/OR ANY OTHER GOVERNMENTAL AGENCY WITH JURISDICTION; AUTHORIZING THE TOWN MANAGER TO RETAIN DESIGN OR ENGINEERING PROFESSIONALS FOR THE PREPARATION OF PLANS OR STUDIES AS REQUIRED FOR THE CLOSURE OF THE RIGHT-OF-WAY TO VEHICULAR TRAFFIC; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk McCready read the title into the record.

Commissioner Salzhauer introduced the item and is happy to move this forward. She stated this came about by Randy Rose and it has been frustrating that the judge was not interested in a memorial. She spoke regarding taking the land the Town owns that is closest to the property and use it for a memorial.

Commissioner Kesl stated that he supports this item and spoke regarding his concern with this section is having egress.

Commissioner Velasquez asked if another Commission could change their decision.

Town Attorney Arango stated that any Commission could come and reverse the decision.

Commissioner Velasquez wants to make sure they can do something beautiful for the families.

Vice Mayor Paul stated she cannot see anyone reversing this and wishes they could do more. She suggested having a committee to work on the memorial.

Mayor Burkett agrees with all the comments and they have all said the same thing. He stated that they have constantly made an effort to support the families.

The following individuals from the public spoke:  
Randy Rose



David Rodan  
Nussen Ainsworth  
Jeff Rose  
Joshua Epstein  
Pablo Langesfeld  
Levy Ainsworth  
Shlomo Danzinger

Commissioner Salzhauer stated that this will get done and it would have to be a ballot question to stop it being reversed.

Vice Mayor Paul spoke regarding the egress and stated that the Blue Green Building is existing and they have to find an egress area.

Mayor Burkett stated this is important, but they need to start the process.

Town Attorney Recio stated that the item before them is not closing the roads.

Commissioner Salzhauer stated that they are closing it like Lincoln Road.

Mayor Burkett stated they are all committed to having this happen.

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

**5.E ADD ON ITEM:**

A motion was made by Commissioner Salzhauer to reconsider the motion on Resolution Number 2021-2843, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Town Attorney Arango read the title of the resolution that was adopted and being reconsidered.

Mayor Burkett stated that the language should read that the hedges should be no less than 6 feet.

The following individual from the public spoke:  
Jeff Rose

Town Attorney Arango read the new language. She stated that it reads "shall the Charter be amended to prohibit any limitation on the height of hedges to single family lots to less than 6 feet". She stated that is the language for the ballot and she read the text amendment to be placed on the ballot.

Commissioner Kesl asked if this will tie the hands of the Commission when action is

taken on vehicle traffic visibility to corner lots.

Commissioner Salzhauer stated her concerns with this being on the ballot. Her concern is that the voters will get confused.

Town Attorney Arango stated that the correct language for the motion should be to amend Resolution Number 2021-2843 to incorporate the language for the ballot question to read "Shall the Charter be amended to prohibit any limitation on the height of hedges in single family lots to less than six (6) feet?" and the text amendment to read "Subject to required vision clearance for lots, hedges shall be permitted within any property line or any required yard or setback on a single family lot and no limitation shall be enacted to restrict the height of hedges to less than six (6) feet."

A motion was made by Commissioner Velasquez to amend Resolution Number 2021-2843 to incorporate the language for the ballot question and the text amendment, seconded by Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Kesl absent.

**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.*

Marianne Meischeid spoke regarding the corridor in the Downtown area. She spoke regarding the ballot questions regarding the hedges.

Shmuly Ainsworth spoke regarding the memorial and having a memorial at the site.

Jeff Rose spoke regarding the hedges.

George Kousoulas spoke regarding the hedges and the intent being expressed.

Randy Rose spoke regarding the ballot questions and would like something placed on the ballot for Champlain Tower South to increase it to 18 floors.

Joshua Epstein spoke regarding staying focused on the victims of Champlain Towers.

Robert Fisher spoke regarding undergrounding and an issue he had with an illegally parked car at his home.

Mayor Burkett addressed the comments made regarding the memorial site.

Commissioner Salzhauer stated that there is an item on the agenda regarding the memorial and explained it is at least as close as possible.

Commissioner Salzhauer agrees with Mr. Epstein that the important thing to be focused on is the memorial for the victims and their families. He stated that it is upsetting that money is more important than the families lost.

Commissioner Kesl spoke regarding undergrounding and problems with power

grids. He also addressed the comments made regarding the memorial.

Commissioner Velasquez spoke regarding the hedges and believes this is important and the ballot questions should be clear. She spoke regarding the memorial and it is important to remember the lives lost.

Vice Mayor Paul addressed the comments made and spoke regarding the workshops attended regarding the ballot questions and if it was not written properly then it is on them. She stated that she supported it because she knows that a lot of residents had issues with the hedges. She stated that more importantly is having the memorial and wishes it could be on the property but supports it being on 88<sup>th</sup> Street.

Mayor Burkett spoke regarding the hedges. He stated that the memorial is easy and they are doing something next to the site because they do not own the site. He addressed the comments made by Commissioner Kesl and stated that the hedges need to be on the ballot and the reason why it should be on the ballot to put a cap on the height of the hedges. He stated that it should read that the hedges should not be less than 6 feet.

Commissioner Velasquez stated that the correction was made last month and the correction should have been reflected now.

Town Attorney Arango clarified the charter ballot question regarding the hedges which was approved 4-1 at the last meeting and read what it currently reads. She stated that it was written in the affirmative and in the positive. She stated that the 6 feet was directed by this Commission. She spoke regarding the rule for reconsideration.

**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. Town Manager Performance Review – Mayor Charles W. Burkett**

Deferred to the next meeting.

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

Deferred to the next meeting.

**C. Amending Zoning Definitions to Remove Development Loopholes – Commissioner Eliana Salzhauer**

Commissioner Salzhauer introduced the item and explained these are for the H120 definitions and the gross acres applies to the beachfronts and the lot areas is to be moved from the bulk line to the erosion area. She spoke regarding lot coverage applying to residential which was the 40% they discussed previously.

Mayor Burkett stated that he supports this but is aggravated that she comes in and jumps in front of the line. He asked if the lot coverage language is the same as the ZIP.

Town Attorney Recio stated it is the same language in the ZIP.

Mayor Burkett asked if the second page is the actual language in the Code.

Commissioner Salzhauer stated that they will use NAVD.

The following individuals from the public spoke:

George Kousoulas

Jeff Rose

Shlomo Danzinger

Randy Rose

A motion was made by Commissioner Salzhauer to direct the Town Attorney to bring to the next meeting an Ordinance with the definitions, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**BB. Tree Program - Andrew Hyatt, Town Manager**

Deferred to the next meeting.

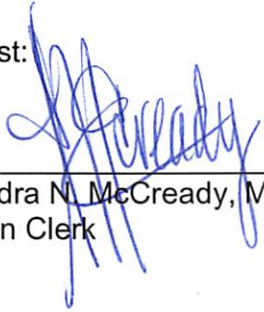
**10. Adjournment**

A motion was made by Commissioner Kestl to adjourn the meeting without objection at 11:40 p.m. seconded by Vice Mayor Paul. The motion was rescinded.

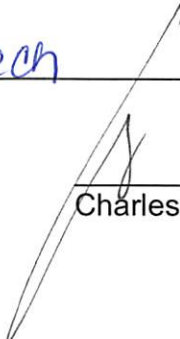
A motion was made by Commissioner Velasquez to adjourn the meeting without objection at 11:53 p.m. seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Accepted this 8 day of March, 2022.

Attest:



Sandra N. McCready, MMC  
Town Clerk

  
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Charles W. Burkett, Mayor