



**Town of Surfside
Regular Town Commission Meeting
MINUTES
May 10, 2022
7:00 PM**

Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

1. Opening

1A. Call to Order -

Mayor Danzinger called the meeting to order at 7:03 p.m.

1B. Roll Call of Members -

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Nelly Velasquez, Commissioner Marianne Meisheid and Commissioner Fred Landsman.

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

1C. Pledge of Allegiance -

Chief Torres provided the pledge of allegiance.

1D. Mayor and Commission Remarks -

Mayor Danzinger congratulated Town Clerk McCready for receiving her Master's Degree in Public Administration. He also thanked Public Works Director Gomez for the hard work on the projects that they have been working in the past few weeks.

Mayor Danzinger reminded everyone that they come here open minded and respectful and encouraged everyone to speak in a respectful manner and for the decorum statement.

Vice Mayor Rose did not have any remarks.

Commissioner Landsman spoke regarding the events coming up in Town Hall.

Commissioner Meischeid is looking forward to a great meeting.

Commissioner Velasquez stated that she hopes to have a productive meeting and finish by 10:00 p.m.

1E. Agenda and Order of Business Additions, deletions and linkages -

A motion was made by Vice Mayor Rose to move item 9B (FY 2023-2027 Five-Year Financial Forecast and Proposed Fund Balance Policy) to the end of the discussion items after item 9F (Revision to Code Section 90-57 - "Marine Structures"), seconded by Commissioner Meischeid. The motion carried with a 5-0.

1F. National Public Safety Telecommunicator Week 04/11/22 – 04/17/22 - Mayor Shlomo Danzinger

The Police Department is requesting the Town Commission approve a proclamation declaring 04/11/2022 to 04/17/2022 National Public Safety Telecommunicator Week.

Mayor Danzinger read the proclamation into the record and presented it to the Police Dispatchers.

A motion was made by Commissioner Velasquez to approve the proclamation, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.
[Proclamation Certificate Coins and Key to the Town Request Telecommunicator 2022.doc](#)
[National Public Safety Telecommunicator Proclamation.pdf](#)

1G. Financial Audit Presentation - Andrew Hyatt, Town Manager

Town Manager Hyatt provided a summary of the Audit.

Brandon Lopez, Marcum LLP, external auditors presented the financial audit and went through different areas of the report.

Mayor Danzinger asked Mr. Lopez to explain in layman terms the Water Management Fund and why the water bill is the way it is since residents are concerned about the high rate in their water bills.

Mr. Lopez explained the Water Management Fund and explained that at times that fund runs into a deficit and explained the assessment the Town had done.

Mayor Danzinger recapped that the Town did not increase the rate for 10 years and unfortunately the Town never met that amount and the Town had to raise it by 13%.

Mr. Lopez stated it is thinking ahead in order to avoid a huge increase.

Commissioner Landsman asked if it is their opinion that this Commission take action to increase marginally.

Mr. Lopez spoke regarding the projections that took place five years ago but has seen an improvement and suggested to continue to monitor which would help the Town determine if they need to do another study.

Vice Mayor Rose asked Assistant Town Manager Greene if he has a plan for recommendation.

Assistant Town Manager Greene stated that he does have a five year plan.

Commissioner Landsman congratulated Town Manager Hyatt and Assistant Town Manager Greene for doing a great job.

1H. CTS Update - Andrew Hyatt, Town Manager

Town Manager Hyatt introduced Allyn Kilsheimer to give the update.

Allyn Kilsheimer provided an update on the Champlain Tower South testing progress. He stated things are going the way they have been and stated it is a slow process. He stated that they are helping them on how to look at the samples and spoke regarding conversations with the experts. He stated that all the physical samplings should be completed by next week. He spoke regarding conversations with NIST to have access to the warehouse. He also spoke regarding some geotechnical testing taking place next week.

Mayor Danzinger asked regarding the geotechnical testing.

Mr. Kilsheimer addressed the comments made by Mayor Danzinger and stated that

the plan is to attempt to have the bid by the end of this month.

Mayor Danzinger asked if the geotechnical study deemed that the grounds were fine.

Mr. Kilsheimer explained what the geotechnical study encompasses.

Mayor Danzinger asked if there are additional outside sources to take an additional look. He asked regarding the access to the warehouse.

Mr. Kilsheimer stated that he has spoken to the receiver and they are looking at possibly working over the memorial weekend. He addressed the comment made by Mayor Danzinger as it pertains to the warehouse and they are meeting to provide an agreed upon protocol but does not know how NIST will react.

Commissioner Velasquez asked if he feels if they are getting closer to finding out the cause of the collapse.

Mr. Kilsheimer stated no because there is no way of evaluating the construction because the most important pieces NIST has possession of those. He spoke regarding needing the strength and consistencies of the materials and they are waiting to get that. He stated that the key is being able to evaluate what NIST has.

Commissioner Velasquez asked if it is safe to say that the ground was not the cause of the collapse.

Mr. Kilsheimer stated that from their geotechnical studies shows that the ground was not the cause of the collapse.

Commissioner Velasquez asked if there was no sink hole at the site.

Mr. Kilsheimer stated that there was no sink hole.

Town Manager Hyatt gave a summary of the CTS anniversary event upcoming with some details of the event and what they are working towards. He stated that on May 13th at 10:00 a.m. there will be a press conference at the Tennis Center regarding the banner at the site.

Mayor Danzinger stated that the banner will be going up on Thursday and invited the Commission to attend.

Commissioner Velasquez asked regarding the dates of the anniversary event and after that they will come up with the memorial committee and if the event will be held on 88th Street.

Town Manager Hyatt stated yes and they are working on the location but 88th Street is the focus. He stated that the receiver will be working with the new buyer to see what can and cannot be done on the site and they are continuing the dialogue with them.

Commissioner Velasquez asked if that piece of land belongs to the Town and they are not allowed to tell them what to do with the property.

Town Manager Hyatt stated yes and spoke regarding the egress and ingress area.

Mayor Danzinger spoke regarding allowing the family to make the decision of where the event should take place.

2. Quasi-Judicial Hearings

3. Consent Agenda

A motion was made by Commissioner Meischeid to approve the consent agenda, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

3A. Approval of Minutes - Town Clerk Sandra N. McCready, MPA, MMC

Approved on consent.

[2022-04-12 Budget Workshop Town Commission Meeting Minutes.pdf](#)

[2022-04-12 Special Town Commission Meeting - Quasi Judicial Minutes.pdf](#)

[2022-04-12 Regular Town Commission Meeting Minutes.pdf](#)

[2022-04-27 Special Town Commission Meeting Minutes.pdf](#)

3B. Committee Reports -

Approved on consent.

[2022-03-07 Tourist Board Meeting Minutes.pdf](#)

[2022-03-31 Planning and Zoning Board Meeting Minutes.pdf](#)

3C. Miami Dade County and Town of Surfside Interlocal Agreement for National Pollutant Discharge Elimination System Permit No. FLS000003 for period of October 1, 2022 to September 30, 2027 - Andrew Hyatt, Town Manager

Staff recommendation is to enter into the Interlocal Agreement as a co-permittee with Miami-Dade County in order to allow for continued support with NPDES and MS4 requirements and to be in compliance with State Regulations.

Approved on consent.

[Resolution NPDES.docx](#)

[Interlocal Agreement](#)

[Interlocal Agreement Signature Sheet](#)

3D. Independent External Audit Reengagement - Andrew Hyatt, Town Manager

The Administration recommends approval of the resolution that would reengage the Town's current external auditors.

Approved on consent.

[Reso Approving Engagement of Marcum Auditors](#)

[2022.DOCX Surfside 2022 Eng Ltr.pdf](#)

3E. Abolishing Town of Surfside Budget Advisory Committee - Andrew Hyatt, Town Manager

Town Administration recommends approval of the resolution.

Approved on consent.

[Reso Abolishing Budget Advisory Committee TA v2.DOCX](#)

3F. Amending the Downtown Vision Advisory Committee (DVAC) Charter - Andrew Hyatt, Town Manager

Town Administration recommends approval of the resolution.

Approved on consent.

[Resolution DVAC.docx](#)

[Downtown Visioning Taskforce \(May 2022\).pdf](#)

3G. Nurse Enhancement Initiative for School Year 2022/2023 - Andrew Hyatt, Town Manager

Town Administration recommends approval of the resolution which authorizes the execution of the Memorandum of Understanding, with an Amendment 5, for the continuation of expanded participation in the Nurse Enhancement Initiative for school year 2022/2023 in the amount of \$8,112 in October 2022.

Approved on consent.

[Resolution Approving MOU - Amend. No. 5 to MOU School Nurse Initiative 22 23.DOCX](#)

[Nurse Amendment #5 Municipalities School Year 22-23.pdf](#)

4. Ordinances

Second Reading

First Reading

4B1. Nonhabitable Understory - Commissioner Marianne Meischeid

Consider and adopt an ordinance at first reading to amend the zoning code to allow a nonhabitable understory in low-rise residential areas.

Town Clerk McCready read the title of the ordinance into the record.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Jeffrey Platt asked if they are trying to change the words and is against this item.

George Kousoulas explained what the item entails and what this ordinance is trying to do as it pertains to the code.

Eli Ginsburg stated that for the record he is not a developer or contractor and the only interest is to have his children live and play in Surfside. He spoke in support of the item.

Phyllis Shamis spoke against the item and does not want it to block her sun and her garden.

Mayor Danzinger closed the floor to public comments.

Commissioner Meischeid introduced the item and spoke regarding the Town Code and Florida Building Code and amendment to the Code to allow these features that bring a lot of benefits. She spoke regarding the key points.

Mayor Danzinger asked Town Attorney Recio to provide the definition of story.

Town Attorney Recio provided the definition of a story and how it pertains to Chapter 90 and Chapter 42. He spoke regarding the modification and clarification.

Commissioner Velasquez asked Town Attorney Recio that the current definition of story is a concrete floor and ceiling. She stated that the change is to have it called a uninhabitable open space. She spoke regarding uninhabitability. She asked if she can express her thoughts and ideas and add them to the ordinance.

Town Attorney Recio stated that it can never be habitable space and it can still be considered a story. He stated that the uninhabitability cannot be usable interior house space and this can be clarified.

Vice Mayor Rose asked Town Attorney Recio what the current height for single family homes and under this potential change what would the height be and can the commission change this and how the height could be changed.

Town Attorney Recio stated that single family homes and under this potential change the height for both would be 30 feet and any change has to go to the voters.

Vice Mayor Rose stated that he is supportive as it is written and stated it opens up open air and permeability. He spoke regarding these homes being built on piles and these homes will also be built on piles.

Building Official McGuinness stated that the information being spread is incorrect and the homes as well as pools are built on piles and they will require a geotechnical study and how they will be built. He stated that this takes place with all homes being built.

Commissioner Velasquez asked how they would change the number of stories would

require the commission vote.

Town Attorney Recio stated it would require a vote from the residents.

Mayor Danzinger stated what they are trying to do is define what is a story and explained what benefits this would bring. He stated that there are concerns from the residents and the commission.

Commissioner Velasquez stated that by changing the wording you can change what the charter protects and is having a hard time understanding. She also wants explanation as to what is being added to the understory. She would like the pool to stay at ground level, the understory smaller than the size of a bedroom, an office or storefront, no bathroom, no fencing and will they be allowing brick walls in addition to the raising of the house. She would like the fencing to be a lattice fencing in order to not block the residents on both sides. She suggested a greater setback on both sides and garage doors should not be allowed. She stated that they should not have front fencing or hedges in the front because it cuts light from going through. She wants to make sure that the ordinance states that the house could not go higher than 30 feet maximum. She would like these suggestions added to the language of the ordinance.

Further discussion took place among the Commission as to what the definition of an understory would be and if it is still considered a story and having this go as a referendum to the residents.

Commissioner Landsman stated that he is in favor of giving the residents options and it does give builders option and it does not mean that everyone will be building these types of homes. It gives options of something open and airy. He stated that when he served on the Planning and Zoning Board and this was discussed and agreed upon by the Board for this new definition and this current Board does as well.

Mayor Danzinger asked if the motion maker would like to add some of the language of the hedges.

Vice Mayor Rose stated he would be amicable to some of the language at the second reading.

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

[Photo 8950 Irving UnderstoryFront.pdf](#)

[Photo 8950 Irving Understory Light Air.pdf](#)

[Ordinance Re Nonhabitable Understory - First Reading - 5-4-22.pdf](#)

5. Resolutions and Proclamations

Town Manager Hyatt stated that Items 5A, 5B, 5C and 5D should be linked.

A motion was made by Vice Mayor Rose to link items 5A, 5B, 5C and 5D, seconded Commissioner Meisheid. The motion carried with a 5-0 vote.

5A. Reimbursement and Intent to Issue Bond Resolution - Andrew Hyatt, Town Manager

Town Administration recommends approval of the resolution.

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

The following individuals from the public spoke:

Jeffrey Platt stated that the undergrounding project is going to be paid for by the condominiums and is against the project. He asked how much the undergrounding is going to cost and nobody has come to the Commission or residents with an actual price.

Eliana Salzhauer stated she is not in agreement with the cost and it would put the Town in a hole.

George Kousoulas spoke regarding the cost of the project.

A motion was made by Vice Mayor Rose to take a 5 minute recess, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

The meeting recessed at 9:05 p.m.

The meeting reconvened at 9:27 p.m.

Assistant Town Manager Greene provided an overview and summary of the item.

Paul Abbott, Project Manager introduced himself.

Mayor Danzinger asked on Page 2, paragraph 2 regarding the location of the equipment and asked for him to address that paragraph.

Mr. Abbott stated that the initial stage of the project is done by the contractor and then afterwards FPL comes in and explained what FPL will do. He spoke regarding a similar lighting program in a near by community.

Commissioner Velasquez left the dais at 9:35 p.m.

Mayor Danzinger asked regarding Page 3 under scope or services and read the section. He asked if you can't find information on the Town site GIS are there contingencies in place for surveys.

Mr. Abbott addressed the comments made by Mayor Danzinger and spoke regarding spot checks.

Commissioner Velasquez came back to the dais at 9:38 p.m.

Mayor Danzinger asked regarding the cost to replace the driveways and landscaping and that is a large portion of the bill and where the conduits will be placed.

Mr. Abbott addressed the comments made by Mayor Danzinger.

Mayor Danzinger asked regarding the easements and read that section.

Mr. Abbott addressed the comments made regarding the conduits and if that equipment needs to be elevated it is an easy process.

Mayor Danzinger asked how raising the roads would affect the conduits.

Mr. Abbott addressed the comments and stated that the conduits can function in water and it is easily elevated.

Mayor Danzinger asked regarding the bid documents and that the project is not susceptible to pressure.

Mr. Abbott commented on the bid document and dates and the binding process.

Commissioner Meischeid asked regarding the portion of the project by the Shul and the cost.

Mr. Abbott addressed the comments from Commissioner Meischeid.

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

[Reimbursement Resolution of Intent GO Bonds \(5-2022\).DOCX](#)

5B. Authorization to Execute Project Agreement with KCI Technologies, Inc. and Expend Funds for Undergrounding of Utilities Services (Phase II) - Completion of Bid Documents (100% Plans and Technical Specifications) - Andrew Hyatt, Town Manager

Town Administration recommends that the Town Commission authorize the Town Manager to execute a Project Agreement with KCI Technologies, Inc. for Phase II scope of work as outlined in KCI Technologies, Inc. proposal dated April 28 2022 and expend up to \$1,471,855 for scope of work outlined.

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

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

[Reso Approving KCI PSA For Phase II.DOCX](#)

[Project Agreement - KCI Tech - Undergrounding of Utilities Phase 2-FY22.pdf](#)

5C. Authorization to Expend Funds and Amend Agreement with HPF Associates, Inc. for Continued Project Administration of Phase II of Town Utilities Undergrounding Project - Andrew Hyatt, Town Manager

Town Administration recommends that the Commission authorize the Town Manager to execute an amended contract agreement and to expend up to \$184,626 for the purpose of engaging with HPF Associates, Inc. as project manager for Phase II of the undergrounding of the Town's utilities.

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

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

[Reso Approving First_Amendment to PSA with HPF - Phase II Services \(1\).docx](#) [First Amendment to HPF PSA for Phase II Utilities Underground Project.DOC](#) [HPF Associates, Inc. Proposal](#)

5D. FY 2022 Budget Amendment Resolution No. 5 - Andrew Hyatt, Town Manager

Town Administration recommends approval of the budget amendment.

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

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

[Reso Approving Budget Amendment No. 5.docx](#)
[FY2022_Budget_Amendment_No._5.pdf](#)

6. Good and Welfare

The following individuals from the public spoke:

Jeffrey Platt spoke regarding decorum and the actions of Mayor Danzinger and Vice Mayor Rose when it pertained to the increase of the Town Manager's contract. He spoke regarding the beach ordinance and the Town Manager is ignoring it and complained about the Marriott Hotel.

Gerardo Vildostegui spoke regarding walkability in the Town and spoke regarding a pilot project the City of Miami Beach currently has and the issues they are facing which are similar to Surfside. He spoke regarding traffic calming devices.

Phyllis Shamis spoke regarding the union negotiations and she sat with them and is happy that the employees will have better salary and spoke regarding out of salary pay. She would like that clause to be readdressed and added. She is concerned with trash on the streets and unsecured construction sites.

Eliana Salzhauer stated that she is heartbroken to see what is going on.

Joshua Epstein stated that Surfside is changing and spoke regarding taking people's rights while expanding someone else's rights.

George Kousoulas spoke regarding the Town Planning position as a junior position to help the Town Planner and would like to state that the Town Planner they have is very knowledgeable and what they need to look for is someone to help him.

Eli Ginsburg spoke regarding talks that took place during the campaign and one of the items that were voted on for regulating the hedges and the permitting process is slow.

Michael Dranoff stated he is sad to see incredible conflict of interest going on as it pertains to construction.

Barry Cohen welcome the Commission and that he hopes they are successful and peaceful. He stated that when he served on the Commission they are all civil with each other.

Bob Fisher spoke regarding 600 92nd Street, he spoke regarding the pile of trash and they are blocking the gutter.

A motion was made by Commissioner Velasquez to extend Mr. Fisher's time by 30 seconds, seconded by Commissioner Landsman. The motion carried with a 5-0 vote. Mayor Danzinger closed public comments.

Commissioner Velasquez stated that she was not allowed to speak and finish her statement. She stated that there have been major conflict of interests going on today in the meeting.

Mayor Danzinger stated that she is not being fare to the other Commissioners and the public.

7. Town Manager and Town Attorney Reports

7A. Town Manager's Report - Andrew, Hyatt, Town Manager

Town Manager Hyatt provided an overview of the Town Manager's Report and spoke regarding online permitting and they are having training for staff in the next two weeks to go online in June. He spoke regarding having over \$416 million dollars of commercial projects. He continued to provide a summary of his report.

Public Works Director Gomez spoke regarding the pedestrian safety and traffic calming devices and other projects. He suggested having a new traffic study.

Discussion took place among the Commission and Public Works Director Gomez regarding the different projects and the traffic issues and the connection of 95th and 94th Street.

Commissioner Velasquez asked regarding closing Byron Avenue and Bay Drive and the previous commission had requested that and they did ask for the traffic study. She asked if the previous Commission approval is sufficient.

Public Works Director Gomez stated that they will come back requesting a new study.

Town Manager Hyatt stated that Bay Drive will be temporarily closed during the work.

Commissioner Meischeid asked if he was aware of a walkability study that includes Downtown and would he coordinate the results with the Town Planner.

Mayor Danzinger asked if walkability in Town will be addressed.

Public Works Director Gomez stated that some of these projects that will be included in the traffic study and spoke regarding the inclusion for the walkability.

Town Manager Hyatt stated the different projects that they are working on.

Town Planner Keller spoke regarding the downtown walkability and feasibility study.

Vice Mayor Rose spoke regarding having one meeting with everyone involved and then at the next commission meeting vote for the item on the study.

Town Planner Keller stated that the goal was to meet with DVAC and they had issues with obtaining quorum and does believe they can drop off those meetings.

Vice Mayor Rose stated he was trying to combine them and having less meetings in order to have this done.

Town Manager Hyatt stated that you can have a workshop prior to the commission meeting in order to expedite it.

Mayor Danzinger asked what the difference would be between the workshop and the special meeting.

Town Manager Hyatt answered Mayor Danzinger's question.

Commissioner Velasquez asked if this is eliminated the parking and asked regarding the palm trees.

Town Planner Keller stated that not all of the parking and addressed the comments

regarding the palm trees.

Consensus was reached among the Commission to change the process of the walkability study and design study.

Town Manager Hyatt continued the summary of his report.

Commissioner Velasquez asked regarding an update on the Abbott Avenue Drainage.

Town Manager Hyatt stated that the project is moving forward and the construction documents are in and spoke regarding the grant they received.

A motion was made by Vice Mayor Rose to approve the Town Attorney's Report, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.
[2022-05 May Town Manager's Report.pdf](#)

7B. Town Attorney's Report -

Town Attorney Arango provided an overview of the Town Manager's Report. She explained the way her report is set up.

Town Attorney Arango advised the Commission that she would like to request an attorney/client executive session regarding Beach House Hotel, LLC v Town of Surfside, Case No. 2020-025405 CA 06 and asked the Town Clerk to coordinate a time a date for that executive session.

Town Attorney Arango continued with a summary of the pending litigation cases and upcoming matters. She also discussed that the Charter Review deadline is coming up now December 2022 and she will be working on brining a committee together for the Charter Review.

A motion was made by Vice Mayor Rose to approve the Town Attorney's Report, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.
[Town Attorneys Report.DOCX](#)

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

Mayor Danzinger opened public comments.

The following individuals from the public spoke on all discussion items (items 9A through 9F):

Eliana Salzhauer

Joshua Epstein

Walter Norkin

Gerardo Vildostegui

George Kousoulas

Mayor Danzinger closed public comments.

9A. Amendment to Section 54-78 - Prohibited Noises - Mayor Shlomo Danzinger

To amend Town Code Section 54-78 - Prohibited Noises - to specifically allow for residents to utilize devices such as lawn mowers, hedge clippers, and other mechanical devices for personal lawncare on Sundays and Saturdays, between the hours of 10 AM - 6 PM. Commercial contractors, such as landscapers, will be prohibited from utilizing these devices on Saturday and Sunday.

A motion was made by Commissioner Velasquez for discussion purposes with the amendment for Saturday and Sunday from 10:00 a.m. to 12:00 p.m., seconded by Commissioner Landsman.

Mayor Danzinger introduced the item and spoke regarding the reason for bringing this item and the current law prohibits religious Jewish community who cannot do work on Saturday. He stated that he is proposing to start Saturday at 10:00 am and allow homeowners to do their lawns on the weekends including Sunday. He also included holidays for homeowners not for commercial. He stated he will agree to move it to 11:00 a.m. because 12:00 p.m. is during the hottest time.

Commissioner Velasquez agrees and stated that she would prefer to move it to 11:00 a.m.

A motion was made at 10:57 p.m. by Vice Mayor Rose to extend the meeting one hour (until midnight), seconded by Mayor Danzinger. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

Commissioner Meischeid agrees with the dates and time.

Commissioner Landsman agrees with the dates and the time to start at 10:00 a.m. to 6:00 p.m.

Vice Mayor Rose agrees with the dates and time to start at 10:00 a.m. for homeowners.

A motion was made by Commissioner Velasquez to have homeowners allowed to do landscaping Saturdays and Sundays from 10:00 a.m. to 6:00 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

9B. FY 2023- 2027 Five-Year Financial Forecast and Proposed Fund Balance Policy
- Andrew Hyatt, Town Manager

Provide direction to Town Administration on proposed Fund Balance Policy.

Assistant Town Manager Greene provided the FY 2023-2027 Five-Year Financial Forecast and Proposed Fund Balance Policy.

Commissioner Velasquez asked if the Town Balance Fund is healthy as it pertains to the garbage fees and asked if the garbage fees will be reduced.

Assistant Town Manager Greene stated that it is up to the Commission to lower the garbage fees.

Mayor Danzinger asked regarding the assumption per square foot and it being a conservative assumption.

Assistant Town Manager Greene stated that they will end up at a higher level.

Commissioner Velasquez asked if they can make those changes.

Assistant Town Manager Greene stated that he would suggest to work with the Town Attorney and come back with a discussion item.

Town Attorney Arango explained the legislature which restricts the Tourism dollars and they need to look at what the restrictions would be.

A motion was made by Commissioner Velasquez to have the Town Attorney to look at moving the funds. The motion died for a lack of a second.

Mayor Danzinger stated that he would like to speak to the Tourist Board to see what programs they have in mind to make sure they have the funding.

Mayor Danzinger asked regarding the money of the water fund and could it be moved.

Assistant Town Manager Greene stated that those funds are restricted.

Commissioner Velasquez asked if they could give a rebate.

Assistant Town Manager Greene stated that the water and sewer to restricted.

A motion was made by Vice Mayor Rose at 12:29 a.m. to extend the meeting for 5 minutes, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Assistant Town Manager Greene explained the debt and the Town being in default which caused them to have to increase the rates. He provided the recommendation that will be provided to them in July.

Mayor Danzinger thanked Assistant Town Manager Greene for his hard work.

[Fund Balance Policy - 2022.pdf](#)

9C. New High School at Haulover Park - Vice Mayor Jeffrey Rose

I would like to request for the Town Commission to work in coordination with neighboring municipalities to bring a resolution before the Miami Dade County Board of Commissioners requesting a new high school.

A motion was made by Commissioner Velasquez for discussion purposes, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Vice Mayor Rose introduced the item while working with other neighboring municipalities to work together in moving this forward.

Commissioner Meischeid asked regarding the park and asked for clarification.

Mayor Danzinger explained the process of working with the municipalities.

Commissioner Velasquez suggested trying to identify other sites that would work for a school.

Mayor Danzinger stated that its the title for the project but to actually have these partners to find a location.

Town Attorney Arango asked if this includes traditional high schools and charter high schools.

A motion was made by Commissioner Velasquez to approve as is or add additional locations and either traditional or charter schools and move forward with a resolution, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

9D. 24-inch Projections of Sills, Cornices, and Ornamental Features - Vice Mayor Jeffrey Rose

To move this item forward as a first reading ordinance to clean up the ambiguous language in the zoning code.

Vice Mayor Rose introduced the item and stated this item came about when the Hillcrest project.

Commissioner Velasquez asked if this is for the H120 district only.

Vice Mayor Rose asked Town Attorney Recio what it applies to.

Town Attorney Recio stated it applies to all districts but each one has different restrictions.

Commissioner Velasquez asked if this is in the code already.

Town Attorney Recio clarified what the code states and this will clarify the code.

Commissioner Velasquez stated that this is something has been discussing for a while and it is putting it into an ordinance.

Town Attorney Recio addressed the comments made by Commissioner Velasquez.

Town Attorney Arango asked Town Planner Keller if he has sufficient information to draft the ordinance.

Town Planner Keller stated that he will work with Town Attorney Recio.

Commissioner Velasquez would like for every Commissioner to have an input in order to understand instead of one person taking the lead.

A motion was made by Commissioner Meisheid to move forward with an ordinance on first reading, seconded by Vice Mayor Rose. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

9E. Zoning Code Ambiguities and Inconsistencies - Vice Mayor Jeff Rose

To have the town manager have the town attorney and town planner look at the zoning code and bring back to the commission language in our current zoning code on Municode that has ambiguities, inconsistencies, and clean up the language that needs fixing.

A motion was made by Vice Mayor Rose to have the Town Manager and Town Attorney and Town Planner to point out some of the zoning code ambiguities and inconsistencies to bring back to the Commission, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

Commissioner Velasquez asked how this will come back next month. She stated that they would come back to the Commission once they have completed.

Mayor Danzinger stated that this is instructing the Town Planner and Town Attorney to go through the code and find the inconsistencies.

Commissioner Landsman stated that the prior Commission had many meetings to try and change the code and it was never done. He explained what this Commission is trying to do in order to be able to update the code and codify it.

Vice Mayor Rose stated it is what is in MuniCode and spoke regarding the several meetings that took place and stated if they see things in the current code that are inconsistency or gray area, bring them to the Commission's attention.

Commissioner Velasquez stated that this should be a Town staff looking at this not Mr. Kousoulas.

9F. Revision to Code Section 90-57 - "Marine Structures" - Commissioner Fred Landsman

Revise existing ordinance to amend Code Section 90-57.

A motion was made by Commissioner Landsman for purposes of discussion, seconded by Commissioner Meisheid.

Commissioner Landsman introduced the item and this is not an effort to privatize the waterway and all members of the community have access to the water. He stated the different waterways and spoke regarding those waterways. He provided his suggestions and revisions to the code.

Commissioner Velasquez stated that originally they should have left those waterways the way they were. She stated that this was to be only for Pointe Lake and stated what is the public good for this. She stated that Vice Mayor Rose should recuse himself.

Mayor Danzinger stated that Commissioner Velasquez must stop making accusations.

Commissioner Velasquez asked Town Attorney Recio regarding why the other waterways were being addressed.

Town Attorney Recio stated it is due to the waterways that are adjacent are in the code and there are inconsistencies and read those areas of the code.

Commissioner Velasquez asked if the 10% is the leading item and it fixed the code.

Town Attorney Recio reiterated the section of the code and explained what that portion states.

Further discussion took place among Commissioner Velasquez, Town Attorney Recio and Town Planner Keller.

Town Planner Keller explained the section of the code and stated there is an inconsistency.

Vice Mayor Rose stated that for the record he is not a marine contractor and has never built docks and is not licensed to build docks. He gave a history of this item from the previous Commission and stated this is why they have brought this up to make it consistent. He provided his suggestions of leaving it at 10% and stated that DERM has to approve.

Commissioner Meischeid stated that they need to keep all the paragraphs a-i but correcting d.

Mayor Danzinger provided his suggestions and spoke regarding why they need to wait 15 days for a permit. He addressed comments that came up as it pertains to private property access to waterways. He spoke regarding the dock size and people have the right to launch their boats. He spoke regarding public space. He also stated that the 10% works for the most part but there needs to be an average and there should be a cap. He spoke regarding Biscayne Bay and they have to protect the sea grass. He suggested adding Biscayne Bay to 600 feet.

Vice Mayor Paul stated that the 10% is regulated and explained how that would work and what DERM will require due to their regulations.

Commissioner Velasquez asked why the finger pier has to be so wide.

Mayor Danzinger stated it is allowing the residents to build. He also stated to Commissioner Velasquez that those individuals that live in that area also are residents.

Mayor Danzinger commented on the limitation of the finger dock. He would be in favor of not limiting the design.

Vice Mayor Rose explained the limits that are put in place.

Commissioner Velasquez asked regarding the finger dock and the large docks at the end and asked for clarification.

Commissioner Landsman provided clarification for Commissioner Velasquez.

Commissioner Meisheid stated that this is getting complicated and agrees with Mayor Danzinger.

Mayor Danzinger provided a summary of the what took place and stated that they are leaving Point Lake as the previous Commission stated. He is proposing to change is at 88th Street Bay and allowing them because they have an issue with sea grass.

A motion was made by Vice Mayor Rose to extend the meeting by 30 minutes (at 11:58 p.m.), seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

A motion was made by Commissioner Landsman to request for the ordinance to be written and to include the following: Point Lake stays as is, Biscayne Bay up to 10% of the width of the waterway, for a maximum of 60 feet and Indian Creek to be 10% of the width of waterway up to 35 Feet. The motion received a seconded by Commissioner Meisheid. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

[Ordinance No. 2022-1718-Ordinance-Marine Structures-Construction of Docks.pdf](#)

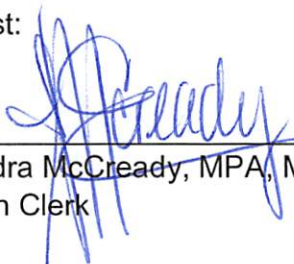
10. Adjournment

A motion was made by Commissioner Velasquez to adjourn the meeting at 12:34 a.m., seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 14th day of June, 22.

Attest:



Sandra McCready, MPA, MMC
Town Clerk



Shlomo Danzinger, Mayor