



**Town of Surfside  
Regular Town Commission Meeting  
AGENDA  
February 8, 2022  
7 p.m.**

**1. Opening**

**A. Call to Order**

**B. Roll Call of Members**

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

**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. McCready, Town Clerk**

- **Planning & Zoning Board – At Large**
- **Budget Committee - Mayor Burkett**
- **Personnel Appeals Board – Mayor Burkett**
- **Personnel Appeals Board – Commissioner Salzhauer**
- **Personnel Appeals Board – Commissioner Velasquez**

**2. Quasi-Judicial Hearings**

**3. Consent Agenda (*Set for approximately 7:30 p.m.*)** *All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*

**A. Minutes – Sandra N. McCready, MMC, Town Clerk (Pages 1-84)**

- **December 14, 2022 Regular Town Commission Meeting Minutes**
- **January 11, 2022 Regular Town Commission Meeting Minutes**
- **January 18, 2022 Zoning Code Workshop Meeting Minutes**
- **January 26, 2022 Special Town Commission Meeting Minutes**

**\*B. Town Manager’s Report** – Andrew Hyatt, Town Manager (Pages 85-98)

**\*C. Town Attorney’s Report** – Weiss Serota, Town Attorney (Pages 99-115)

**D. Committee Reports** - Andrew Hyatt, Town Manager (Pages 116-160)

- November 15, 2021 Parks and Recreation Committee Meeting Minutes
- November 16, 2021 Planning and Zoning Board Zoning Code Workshop Meeting Minutes
- December 16, 2021 Planning and Zoning Board Meeting Minutes

**E. FY 2022 Budget Amendment Resolution No. 3** - Andrew Hyatt, Town Manager (Pages 161-166)

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 FOR THE FISCAL YEAR 2022 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### 4. Ordinances

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

##### A. Second Reading Ordinances

**1. Ordinance Amending Section 90-57 “Marine Structures”** - Andrew Hyatt, Town Manager (Pages 167-173)

**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.**

**2. Ordinance Securing Construction Sites, Safety and Other Requirements** – Vice Mayor Tina Paul (Pages 174-185)

**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.

3. **Building Recertification “Don’t Wait...Accelerate!”-Changes Necessary to Prevent Another Building Collapse Catastrophe (In Honor of Champlain Towers South Victims) - Commissioner Eliana Salzhauer (Pages 186-247)**

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.

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

#### **B. First Reading Ordinances**

1. **Amending Zoning Definitions to Remove Development Loopholes – Commissioner Eliana Salzhauer (Pages 248-256)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2. - “DEFINITIONS”, TO DELETE THE DEFINITION FOR “GROSS ACRE” AND TO REVISE THE DEFINITIONS FOR “HEIGHT,” “LOT AREA,” AND “LOT COVERAGE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**5. Resolutions and Proclamations**

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

- A. **Resolution Reaffirming the Town's Commitment to Condemn Anti-Semitic, Hateful and Hurtful Messages and Behavior – Mayor Charles W. Burkett (Pages 257-262)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REAFFIRMING THE TOWN'S COMMITMENT TO CONDEMN ANTI-SEMITIC, HATEFUL AND HURTFUL MESSAGES AND BEHAVIOR, INCLUDING THE REAFFIRMATION OF THE PROVISIONS OF SECTION 54-2 OF THE TOWN'S CODE, "CONSIDERATION OF ANTI-SEMITISM AND HATE CRIMES IN ENFORCING LAWS" AND SUPPORTING AN AMENDMENT TO SECTION 54-2 TO BROADEN THE DEFINITION OF ANTI-SEMITISM AS OUTLINED HEREIN; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B. **Resolution Urging the Florida Legislature to Oppose Senate Bill 280 – Commissioner Eliana Salzhauer (Pages 263-285)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE SENATE BILL 280, WHICH UNDERMINES LOCAL AUTHORITY'S ABILITY AND ELECTED DUTY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF SURFSIDE RESIDENTS, AND WOULD ALLOW INDIVIDUALS AND ENTITIES TO DELAY ENACTMENT OF LOCAL ORDINANCES BY FILING LAWSUITS THAT ALLEGE AN ORDINANCE IS ARBITRARY OR UNREASONABLE; AUTHORIZING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO THE OFFICIALS NAMED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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.*

**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**

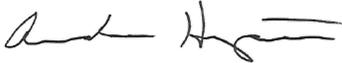
**9. Mayor, Commission and Staff Communications**

- A. Town Manager Performance Review** – Mayor Charles W. Burkett
- B. Raising Houses in Surfside to Make our Town More Resilient and Sustainable** – Mayor Charles W. Burkett (Pages 286-329)
- C. Amending the Town’s Purchasing Code (Chapter 3)** – Commissioner Nelly Velasquez (Pages 330-342)
- D. Community Center Pool Deck Lighting - Staff Report** – Andrew Hyatt, Town Manager (Pages 343-344)
- E. Art in Public Spaces Committee** – Commissioner Charles Kesl (Pages 345-346)
- F. Demolition by Neglect** - Mayor Charles W. Burkett (Pages 347-349)
- G. Excessive Homeless Contribution Made by the Former Commission** - Mayor Charles W. Burkett (Pages 350-357)
- H. Lowering of Property Taxes and Water Bills – Staff Report** – Andrew Hyatt, Town Manager (Page 358)
- I. Amending Town Code Section 2-237 Business Relationships** – Commissioner Eliana Salzhauer (Pages 359-364)
- J. Community Center Second Floor Possibility-** Andrew Hyatt, Town Manager (Pages 365-366)
- K. Amend Tourist Board Ordinance** – Commissioner Nelly Velasquez (Page 367)
- L. Legally Defective Charter Amendment Vote in 2012** – Mayor Charles W. Burkett (Pages 368-395)
- M. Cone of Silence/Secrecy** – Mayor Charles W. Burkett (Page 396)
- N. License Plate Readers** – Mayor Charles W. Burkett (Page 397)
- O. Cancel Culture in Surfside** - Mayor Charles W. Burkett (Pages 398-404)
- P. Permit Process** - Mayor Charles W. Burkett (Pages 405-416)
- Q. High Water Bill** – Mayor Charles W. Burkett (Pages 417-418)
- R. Increased Commercial Airliner Flights over Surfside** - Mayor Charles W. Burkett (Page 419)
- S. Purchase of Electric Vehicles** - Mayor Charles W. Burkett (Page 420)
- T. One-way Automatic Gate at 96<sup>th</sup> Street and Bay Drive** - Mayor Charles W. Burkett (Page 421)
- U. Draconian Fines for Residents** - Mayor Charles W. Burkett (Pages 422-428)
- V. Surfside’s Brand Name, Miami’s Uptown Beach Town** – Mayor Charles W. Burkett (Page 429)
- W. Epinephrine Auto-Injectors (EpiPen) Policy Discussion** - Commissioner Eliana Salzhauer (Pages 430-433)
- X. Private Security Service** – Mayor Charles W. Burkett (Page 434)

- Y. Remote Participation by Commissioners – Commissioner Charles Kesi (Page 435)**
- Z. Budget Meeting Fiasco - Commissioner Eliana Salzhauer (Page 436)**
- AA. Tree Program - Andrew Hyatt, Town Manager (Pages 437-438)**
- BB. Farmer's Market – Mayor Charles W. Burkett (Page 439)**

## 10. Adjournment

Respectfully submitted,



Andrew Hyatt  
Town Manager

---

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsurfsidefl.gov](http://www.townofsurfsidefl.gov).

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.