



**Town of Surfside
Regular Town Commission Meeting
AGENDA
March 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. Presentation of \$1.00 Salary to the mayor and the members of the Town Commission - Andrew Hyatt, Town Manager

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

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. McCreedy, MMC, Town Clerk (Pages 1-126)

- **April 27, 2022 Zoning Code Workshop Meeting Minutes**
- **May 26, 2022 Zoning Code Workshop Meeting Minutes**
- **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**
- **February 8, 2022 Regular Town Commission Meeting Minutes**

***B. Town Manager’s Report – Andrew Hyatt, Town Manager (Pages 127-147)**

***C. Town Attorney’s Report – Weiss Serota, Town Attorney (Pages 148-164)**

D. Committee Reports - Andrew Hyatt, Town Manager (Pages 165-204)

- January 24, 2022 Parks and Recreation Committee Meeting Minutes
- January 27, 2022 Planning and Zoning Board Meeting Minutes

4. Ordinances

(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances (Pages 205-216)

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.

2. Amending Zoning Definitions to Remove Development Loopholes – Commissioner Eliana Salzhauer (Pages 217-225)

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.

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

B. First Reading Ordinances

1. **Ordinance Amending Section 90-47-Scope of 24 Inch Setback Encroachment – Commissioner Eliana Salzhauer (Pages 226-229)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47. - “YARDS, GENERALLY ALLOWABLE PROJECTIONS”, SPECIFICALLY SUB-SECTION 90-47.1 TO RESTRICT PROJECTIONS FOR CERTAIN ARCHITECTURAL ELEMENTS AND TO PROHIBIT COMBINING ALLOWED ENCROACHMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

2. **Ordinance Amending Section 54-2-Consideration of Anti-Semitism and Hate Crimes in Enforcing Laws” – Mayor Charles W. Burkett (Pages 230-235)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 54-2. - “CONSIDERATION OF ANTI-SEMITISM AND HATE CRIMES IN ENFORCING LAWS”, TO STRENGTHEN AND AMEND THE DEFINITION AND EXAMPLES OF ANTI-SEMITISM THAT MAY BE CONSIDERED IN THE EVALUATION OF EVIDENCE OF ANTI-SEMITISM IN ENFORCING LAWS, INCLUDING EXAMPLES OF ANTI-SEMITISM RELATED TO ISRAEL; 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 ___p.m.) (Note: Depends upon length of Good and Welfare)

A. **Resolution Urging the Court to Consider Disbursing a Portion of Funds to Living Former Residents of the Champlain Towers South – Commissioner Eliana Salzhauer (Pages 236-239)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; URGING THE COURT TO CONSIDER DISBURSING A PORTION OF FUNDS ALREADY COLLECTED TO LIVING FORMER RESIDENTS OF THE CHAMPLAIN TOWERS SOUTH AND TO CONSIDER DISBURSING NEW FUNDS TO VICTIMS AS THEY ARE COLLECTED; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TRANSMIT THIS RESOLUTION TO THE COURT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Resolution Opposing Proposed Florida Senate Bill 1024 and House Bill 741 – Vice Mayor Tina Paul (Pages 240-244)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING OPPOSITION TO PROPOSED FLORIDA SENATE BILL 1024 AND HOUSE BILL 741, “NET METERING,” REVISING LEGISLATIVE FINDINGS RELATING TO REDESIGN OF NET METERING TO AVOID CROSS-SUBSIDIZATION OF ELECTRIC SERVICE COSTS BETWEEN CLASSES OF RATEPAYERS; PROVIDING FOR TRANSMITTAL; 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. Raising Houses in Surfside to Make our Town More Resilient and Sustainable – Mayor Charles W. Burkett (Pages 245-288)**
- B. Amending the Town’s Purchasing Code (Chapter 3) – Commissioner Nelly Velasquez (Pages 289-301)**
- C. Community Center Pool Deck Lighting - Staff Report – Andrew Hyatt, Town Manager (Pages 302-303)**
- D. Art in Public Spaces Committee – Commissioner Charles Kesl (Pages 304-305)**
- E. Demolition by Neglect - Mayor Charles W. Burkett (Pages 306-308)**
- F. Excessive Homeless Contribution Made by the Former Commission - Mayor Charles W. Burkett (Pages 309-316)**
- G. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt, Town Manager (Page 317)**
- H. Amending Town Code Section 2-237 Business Relationships – Commissioner Eliana Salzhauer (Pages 318-323)**
- I. Community Center Second Floor Possibility- Andrew Hyatt, Town Manager (Pages 324-325)**
- J. Amend Tourist Board Ordinance – Commissioner Nelly Velasquez (Page 326)**
- K. Legally Defective Charter Amendment Vote in 2012 – Mayor Charles W. Burkett (Pages 327-354)**

- L. **Cone of Silence/Secrecy** – Mayor Charles W. Burkett **(Page 355)**
- M. **License Plate Readers** – Mayor Charles W. Burkett **(Page 356)**
- N. **Cancel Culture in Surfside** - Mayor Charles W. Burkett **(Pages 357-363)**
- O. **Permit Process** - Mayor Charles W. Burkett **(Pages 364-375)**
- P. **High Water Bill** – Mayor Charles W. Burkett **(Pages 376-377)**
- Q. **Increased Commercial Airliner Flights over Surfside** - Mayor Charles W. Burkett **(Page 378)**
- R. **Purchase of Electric Vehicles** - Mayor Charles W. Burkett **(Page 379)**
- S. **One-way Automatic Gate at 96th Street and Bay Drive** - Mayor Charles W. Burkett **(Page 380)**
- T. **Draconian Fines for Residents** - Mayor Charles W. Burkett **(Pages 381-387)**
- U. **Surfside’s Brand Name, Miami’s Uptown Beach Town** – Mayor Charles W. Burkett **(Page 388)**
- V. **Epinephrine Auto-Injectors (EpiPen) Policy Discussion** - Commissioner Eliana Salzhauer **(Pages 389-392)**
- W. **Private Security Service** – Mayor Charles W. Burkett **(Page 393)**
- X. **Remote Participation by Commissioners** – Commissioner Charles Kesl **(Page 394)**
- Y. **Budget Meeting Fiasco** - Commissioner Eliana Salzhauer **(Page 395)**
- Z. **Tree Program** - Andrew Hyatt, Town Manager **(Pages 396-397)**
- AA. **Farmer’s Market** – Mayor Charles W. Burkett **(Page 398)**
- BB. **Zoning In Progress Extension** – Tony Recio, Town Attorney **(Pages 399-405)**
- CC. **Marine Structures in Neighboring Municipalities** – Vice Mayor Tina Paul **(Page 406)**

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.

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.