



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
August 10, 2021  
7 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 7:00 p.m.

**B. Roll Call of Members**

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, and Commissioner Eliana Salzhauer.

Absent: Commissioner Charles Kesl

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

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

Mayor Burkett spoke regarding what has occurred and something they never expected to happen. He expressed his deepest condolences to all the families, friends and loved ones that have gone through this difficult time. He stated that they will be here for all those affected and recognized the incredible community that stood up and helped. He thanked staff for their hard work during this situation and difficult time.

Vice Mayor Paul spoke regarding the incident and the support for the victims. She requested a moment of silence.

Commissioner Salzhauer spoke regarding doing justice for the families and would like to turn it into action to avoid this from happening again.

Commissioner Velasquez agrees with the rest of the Commission and stated it has been a very hard month and half and spoke regarding the support of the residents, staff and the rest of the world.

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

A motion was made by Commissioner Salzhauer to move up item 9AA (Champlain South: "Don't Wait...Accelerate!" Action Plan & Changes Necessary to Prevent Another Catastrophe) to be heard after the consent agenda or before the Ordinances. The motion died for lack of second.

Mayor Burkett stated that it is premature without knowing what the reason was for the collapse of the building.

Commissioner Salzhauer would like to turn this into action.

A motion was made by Commissioner Salzhauer to move item 9AA (Champlain South: "Don't Wait...Accelerate!" Action Plan & Changes Necessary to Prevent Another Catastrophe) to top of the discussion items, seconded by Vice Mayor Paul. The motion failed based on a tie-vote (2-2 vote) which results in preserving the status quo.

Mayor Burkett reiterated that it is premature to prescribe certain things to be done without knowing what the cause of the collapse was.

Commissioner Salzhauer stated that the Town should look at requiring the recertification of existing buildings at 30 years and require geotechnical analysis as part of the recertification and the Building Department wants to do this as well.

Mayor Burkett stated that after meetings with Miami Dade Mayor Levine-Cava and Governor DeSantis they are working on measures to address recertification of buildings.

Vice Mayor Paul agreed to discuss the matter.

A motion was made by Commissioner Salzhauer to pull item 3G (No Cost COVID-19 Testing Kiosk). The motion died for lack of a second.

Mayor Burkett to defer items 9C (Excessive Homeless Contribution made by the Former Commission), 9F (Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission) and 9N (Cancel Culture in Surfside) to the following month's agenda.

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

**2. Quasi-Judicial Hearings – N/A**

**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 pulled items, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesi absent.

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

- May 26, 2021 – Special Town Commission Meeting – Quasi Judicial
- June 8, 2021 - Budget Workshop Meeting Minutes
- June 8, 2021 – Quasi-Judicial Hearing Meeting Minutes
- June 8, 2021 – Regular Town Commission Meeting Minutes

Approved on consent.

**\*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**

- April 5, 2021 – Tourist Board Meeting Minutes
- April 21, 2021 – Budget Advisory Committee Meeting Minutes
- April 29, 2021 – Planning and Zoning Board Meeting Minutes
- May 3, 2021 - Tourist Board Meeting Minutes
- May 25, 2021 – Parks and Recreation Committee Meeting Minutes

Approved on consent.

**E. Ratification of Interlocal Agreement between the Miami-Dade County Clerk of Courts and the Town regarding Parking Citations – Town Manager Andrew Hyatt**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING AND APPROVING AN INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY CLERK OF COURTS FOR ACCESS TO THE UNIFORM DIGITAL PARKING CITATION ISSUING SYSTEM; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**F. Solid Waste Services Special Assessment Final Rate Resolution – Town Manager Andrew Hyatt**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED RESIDENTIAL PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**G. No Cost COVID-19 Testing Kiosk – Commissioner Charles Kesl**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A TEMPORARY REVOCABLE, NON-EXCLUSIVE LICENSE AGREEMENT WITH CURATIVE INC. TO PROVIDE A SELF-SERVICE KIOSK AT TOWN HALL FOR COVID-19 TESTING; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion was made by Vice Mayor Paul to approve the resolution, seconded by Commissioner Salzhauer. The motion failed with a 2-2 vote with Commissioner Velasquez and Mayor Burkett voting in opposition.

Vice Mayor Paul thanked Commissioner Kesl for this item.

Commissioner Salzhauer thanked Commissioner Kesl and stated that this is a great idea and would like to see if they could do vaccination sites and mandate that all Town employees wear masks and would like to see mandatory vaccination of all Town employees or incentivize the employees to get vaccinated.

Vice Mayor Paul stated that she has emailed the Town Manager regarding mandating masks at Town facilities. She does not think they should go as far as mandating vaccination of Town employees and incentivizing with giving people money.

Town Manager Hyatt stated that he spoke with Commissioner Kesl regarding some things he wanted to bring, and one was wearing masks.

Commissioner Velasquez stated that she is not in agreement with having a testing site when there is already one in Haulover and an in-town testing site could bring people that might be positive into our Town and we have seniors in our Town. She stated that mandating vaccines is infringing on each person's individuals' rights. She agrees with wearing masks at Town Hall and it is the parent's choice to send their children to the Community Center.

The following individuals from the public spoke:

Jeff Rose spoke regarding possibly bringing sick people into Town and potentially exposing residents and staff.

Mayor Burkett concurs with Mr. Rose and stated that there are locations nearby to get tested and wearing a mask is a courtesy to your neighbors and it should be up to the parent to bring their child to the Community Center.

Commissioner Salzhauer stated that the reason for this kiosk is to test the residents and they will not be staffed by our employees and all they are providing is a piece of land for them to do the testing. She spoke regarding the reason for this pandemic still being around is because people are not staying home and wearing masks and they need to protect the employees by wearing masks at Town Hall.

Vice Mayor Paul would like to see mask mandates at Town facilities.

A motion was made by Vice Mayor Paul to mandate masks at Town facilities, seconded by Commissioner Salzhauer. The motion failed with a 2-2 vote with Commissioner Velasquez and Mayor Burkett voting in opposition.

#### **4. Ordinances**

***(Set for approximately N/A 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**

#### **5. Resolutions and Proclamations**

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

**A. Resolution Urging President Joseph R. Biden, Jr. and the Biden Administration to Condemn the Cuban Government's Handling of the Pro-Democracy Protests and Supporting the Cuban People in their Struggle for Freedom and Basic Needs– Commissioner Nelly Velasquez**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING PRESIDENT JOSEPH R. BIDEN, JR. AND THE BIDEN ADMINISTRATION TO CONDEMN THE CUBAN GOVERNMENT'S HANDLING OF THE PRO-DEMOCRACY PROTESTS AND SUPPORT THE CUBAN PEOPLE IN THEIR STRUGGLE FOR FREEDOM AND BASIC NEEDS; EXPRESSING SUPPORT FOR THE CUBAN PEOPLE'S STRUGGLE FOR DEMOCRACY AND BASIC NEEDS AND DENOUNCING THE CUBAN DICTATORSHIP'S VIOLENCE AGAINST THE CUBAN PEOPLE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

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 Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Kesl absent.

**B. Abbott Avenue Drainage Improvements – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE DESIGN PHASE OF SCENARIOS ONE (1) AND SEVEN (7) PURSUANT TO THE PROJECT ENGINEERING REPORT PREPARED BY KEITH & ASSOCIATES, INC. FOR THE ABBOTT AVENUE DRAINAGE IMPROVEMENTS PROJECT FROM 90<sup>TH</sup> STREET TO 96<sup>TH</sup> STREET; AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE DESIGN PHASE OF THE IMPROVEMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

A motion was made by Vice Mayor Paul to approve the resolution as amended to include in the design stage a power backup and transfer switch and that there will be no water in the houses, seconded by Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Vice Mayor Paul stated that she has supported this from day one. She wants clarification that they are voting on scenario 7 and scenario 1 is being negotiated with FDOT.

Mayor Burkett stated to have them provide the presentation then they can address more comments.

Steven Stevens, Matthew Brooks and Carlos Morales, Keith Engineering provided the presentation of the item and provided hydraulic modeling.

Discussion took place regarding solutions as it relates to storms, run offs and the different scenarios and which scenario and design would be best.

Mayor Burkett asked which column to look at to see which option was the best and which direction they should move with.

Mr. Stevens addressed the question asked by Mayor Burkett and explained that it will not add to the problem somewhere else.

Mr. Morales continued with the other scenarios in the presentation. They stated that their recommendation is to do all three scenarios combined 1, 2 and 7.

Mayor Burkett asked regarding the run off of water into other areas.

Mr. Morales addressed Mayor Burkett's question and stated that they will address those concerns.

Vice Mayor Paul stated that if they are meeting with FDOT this week if they can ask them to update their system prior to us doing ours.

Commissioner Velasquez stated that is why Public Works Director Stokes recommended scenario 7 and working with FDOT. She spoke regarding the closure of Abbott Avenue and their recommendation to do scenario 7 more than the others.

Commissioner Salzhauer asked if anyone has asked FDOT to upgrade. She asked if part of their scope is to work with FDOT and have them do their part.

Mr. Stevens stated that they are working with the Town and their Master Plan and there is a Town wide scope.

Commissioner Salzhauer would like follow-up with FDOT.

Mayor Burkett stated that if they will work with FDOT to work with them.

Further discussion took place regarding the scope of work and working with FDOT.

Vice Mayor Paul asked for them to explain how this would help the other streets that have flooding.

Mr. Stevens addressed the question by Vice Mayor Paul and stated there is a basin which takes the burden off the other streets as well.

Vice Mayor Paul asked if they could also design for portable backup power.

Mr. Morales stated that they could add a plug for generators to be plugged in.

Mayor Burkett asked what the timeframe would be for those backup generators to be connected. He asked if they are providing for backup power as well.

Mr. Stevens answered Mayor Burkett's question and they would have one dedicated in order to determine where to plug it into.

Mr. Morales spoke regarding the elevation required for generators and addressed the comments made by Mayor Burkett.

Vice Mayor Paul asked to include a transfer switch for a portable generator.

Further discussion took place among the Commission and Keith Engineering regarding generator and a transfer switch for a portable generator.

Commissioner Velasquez asked Assistant Public Works Director Gomez that they would like to have a temporary generator that belongs to the Town.

Assistant Public Works Director Gomez spoke regarding having some type of generator to have strategically placed in advance of a storm. He stated it would be one generator per station.

Vice Mayor Paul stated that it is not necessary to have a generator there all the time.

Commissioner Salzhauer spoke regarding fixing the flooding and wants to make sure that there will be money still left to fix the other areas of the Town after Abbott Avenue is finished.

Assistant Town Manager Greene stated that they won a federalized state grant for a Town wide storm drainage plan and will incorporate this project and look at the entire Town.

Mayor Burkett asked if they address one flooding it will alleviate the flooding in other areas.

Mr. Stevens stated yes it does take stress from the other streets as well.

The following individuals from the public spoke:



Victoria Saife spoke regarding the flooding and water that enters their garage and around the house.

Debbie Cimadevilla asked where the pump will be installed. She spoke regarding the flooding on Abbott Avenue.

Joshua Epstein spoke in support of this item.

Claudia Alouche spoke regarding the flooding on Abbott Avenue.

Marina Sarabia spoke regarding the flooding on Abbott Avenue.

Mayor Burkett stated that the Town is working on a pilot project to raise homes in Town and his concern is the initial surges of water and keeping the water out of the house.

Mr. Stevens stated that their analysis is to keep it under the FEMA elevation.

Mayor Burkett stated that information should be given to them to determine that information. He stated he would rather lift the houses but will keep an open mind.

Commissioner Velasquez stated it is a great idea to raise the homes, but it does not resolve the problem with the cars in the street and the homes do not have enough parking and the cars that are on the streets are the ones that are getting flooded. She stated this is needed to resolve the problem they are having on Abbott.

Mr. Morales stated that the pumps would be underground including the pump stations and the only thing sticking out would be the control panel that would be on the side of the road.

Jeff Rose stated that they are short two board members on the Planning and Zoning Board. He stated that the resolution states scenarios 1 and 7 and wanted to make sure it is done correctly. He asked if they do number 7 without doing number 1 if the water will still go into the homes. He asked if this falls into the budget or do they have the funds for it.

Commissioner Salzhauer stated that scenario 1 is being done by FDOT.

Mr. Morales addressed the questions raised by Mr. Rose.

Assistant Town Manager Greene addressed the comments made by Mr. Rose and stated the Town's recommendation are scenarios 1 and 7 and negotiating with FDOT to do the work. He stated that the design fee is for \$422,000 and they are recommending they will be using ARPA monies that will come from the federal government and should be receiving it in August. Also, unrestricted reserve fund balance in the stormwater fund. They are also working on obtaining additional grants.

Mayor Burkett spoke regarding the flood elevation and addressed the comments made by the public.

Commissioner Salzhauer asked if there are any computer models to see how it would look with water coming in.

Mayor Burkett stated that there is a flood line they are addressing which is different from the front door step of some homes.

Mr. Stevens stated that this is Abbott Avenue, the master plan covers the entire Town.

Mayor Burkett stated for them to talk about Abbott and the water going into their homes and after spending millions of dollars they will not have water going into the homes.

Mr. Stevens spoke regarding the three elements, the area, the amount of rainfall and the amount going out. He is providing more outflow because they are putting two pump stations with 3 wells and there will be less water in the basin above ground. He stated that the water will not be going into the homes initially.

Commissioner Salzhauer would like animation showing the water going up and having it as part of the design.

Vice Mayor Paul wanted clarification on the cost of the project and spoke regarding the summary of the project. She wanted to be sure that the resolution is amended to number 7 and to have portable backup power with a transfer switch to be added as language to the resolution.

Assistant Town Manager Greene stated that the recommendation is for numbers 1 and 7 and the funding is only for number 7 and work with FDOT to engage with them to work to do number 1.

Town Attorney Arango stated that they can make that clarification in the resolution language.

**C. Street Sweeping Services Contract Award with Star Cleaning USA, Inc. as a Result from RFP 2021-02 and Evaluation Committee Recommendation - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED A CONTRACT TO STAR CLEANING USA, INC. FOR STREET SWEEPER SERVICES PURSUANT TO RFP NO.**

**2021-02; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Salzhauer wanted to clarify that they can terminate the contract if they are not doing a good job.

Town Attorney Arango stated yes with a 5-day notice to terminate the contract.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Kesi absent.

**D. FY 2021 Budget Amendment Resolution No. 10 - Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 10 FOR THE FISCAL YEAR 2020/2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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 Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Kesi 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.*

The following individuals from the public spoke:

Marina Sarabia spoke regarding the Abbott Avenue drainage and stated that in Byron Avenue they also have a lot of water. She stated they have the enormous amount of traffic and speeding.

George Kousoulas spoke regarding raising the homes as an option preferable to the Keith Engineering project and stated that the problem on Abbott Avenue is getting worse and is necessary to be done now.

Jeff Rose spoke regarding the height limit and taking it to the voters and allowing the residents to build flood resistant homes. He thanked the Commissioners and Town staff on how they worked during this catastrophe.

Joshua Epstein spoke regarding the mask mandate and either wear masks or go back to lockdown. He spoke that raising the houses is not a real solution.

Marianne Meischheid spoke regarding the Commission picking people that will show

up to the meetings and possibly having alternates to some of the committees. She stated that DVAC has not met in months due to lack of quorum and responses. Debbie Cimadevilla spoke regarding a Commission with finding possible solution and spoke regarding the catastrophe that took place. She stated that we must make the most for the time they have together.

Bob Fisher spoke regarding the fire hydrants that were cleaned up and painted. He stated that the street lights are working, and people are cleaning up the outside of their houses. He spoke regarding trash in the middle of the street down Carlyle Avenue. He stated that the sand is all over the street and in the gutter off of 94<sup>th</sup> Street and Carlyle. He stated that some of the light poles are leaning and need to be replaced. He spoke regarding getting all the utility companies to tighten up the wires. He spoke regarding preserving the Champlain area and the hollowed grounds to look into that law and place granite plaques for those victims.

Mayor Burkett closed good and welfare.

Mayor Burkett thanked the Parks and Recreation Department staff for their amazing work as well.

Commissioner Velasquez thanked Ms. Sarabia and requested closing the street regardless what the County says and request it to be closed immediately. She stated that she does not feel safe walking down the street and the safety of the residents is important. She spoke regarding undergrounding utilities which is not only for beautification but for safety. She spoke regarding walkability in the Town.

Commissioner Salzhauer thanked everyone for their comments and supports doing whatever needs to be done to reduce flooding. She stated that as a Commission they are being inconsistent, and they must decide what is best for the Town.

Vice Mayor Paul thanked everyone for coming out and thanked Ms. Cimadevilla for her comments. She addressed comments regarding the flooding and what they will be voting on is something that will help all the other streets besides Abbott Avenue. She spoke about having more enforcement with the traffic, speeding and littering and directed the Town Manager to see what can be done. She addressed the comments made by Mr. Fisher and asked for the Town Planner to help him with what he needs for Historic Designation of his home. She spoke regarding the issues with DVAC meeting and the business district is suffering. She asked what they can do to change the resolution to add alternate members. She spoke regarding the raising of homes and the Abbott Avenue drainage as separate issues and the Commission has not discussed raising homes.

Commissioner Velasquez stated it is not the fact of only getting alternates but getting them here in person. She stated that when they were holding the meetings via zoom, they did not have this issue.

Mayor Burkett spoke regarding raising the homes and they have identified two homes. He spoke regarding Byron Avenue and stopping it now and he had suggested opening that artery up. He stated that what they need to do is to talk with Miami Dade and possibly reinstitute Harding Avenue two way and they cannot traverse through the residential area. He stated it was done due to the emergency. He asked Town Manager and Police Chief and speak with Miami Dade to reopen Harding Avenue and Miami Dade is no longer staffing it. He spoke regarding doing whatever they can to help the businesses.

Vice Mayor Paul asked Mayor Burkett who prepared the report on raising the homes because it was not directed by this Commission.

A motion was made by Commissioner Salzhauer to have one more minute to go around for discussion, seconded by Commissioner Velasquez.

Commissioner Salzhauer spoke regarding the raising of homes and all direction must come from this Commission. She asked Mayor Burkett to put together a memo and put it on the agenda to be heard.

Commissioner Velasquez would like to vote on closing the street and restoring everything back the way it was prior to June 24, 2021 as of tomorrow both on Byron Avenue and Abbott Avenue.

Vice Mayor Paul asked how quickly it could be done.

Town Manager Hyatt stated that they could have it done.

A motion was made by Commissioner Velasquez to close 88<sup>th</sup> Street off Harding Avenue, Abbott Avenue and Byron Avenue immediately and bringing back everything the way it was prior to June 24, 2021, seconded by Commissioner Salzhauer. The motion carried with a 4-0 vote with Commissioner Kesl absent.

#### **7. Town Manager and Town Attorney Reports**

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

Town Manager Hyatt would like to move the zoning in progress item 9CC (Extension of Zoning in Progress) up.

Town Manager Hyatt asked on how to proceed with KCE and their contract with obtaining samples of Champlain South and conducting investigation and it will take about 5 weeks before he is able to take possession of the site.

Mayor Burkett asked the Commission if they would like to ask Mr. Kilsheimer any questions.

Allyn Kilsheimer introduced himself.

Commissioner Salzhauer asked him that she understands that the County will not give him access to the site for sampling.

Mr. Kilsheimer stated that he is not allowed on the site at all.

Commissioner Salzhauer stated she does not understand why he is being excluded.

Mr. Kilsheimer stated that Miami Dade County Police declared it a crime scene and therefore they are protecting their evidence. He finds it hard to believe how the site itself is a crime scene since everything that was on the site is no longer there.

Commissioner Salzhauer asked if he had the same problem getting access with the Pentagon and we should be first in line.

Mr. Kilsheimer stated that everyone in the Town has been pushing to get access to the site. He stated he cannot understand it.

Commissioner Salzhauer stated that their interest is to find out what happened to the Champlain Tower and put our residents first. She stated why can't we get access to the site to find the answers to what happened to Champlain South?

Mayor Burkett stated that the County has been told that since day one and the State Attorney's Office is involved right now and have determined it to be a crime scene. He stated that NIST is doing sampling there currently which is against the court order. He stated that they will take the position that they have a compelling need to get on that site to find out why it fell down.

Commissioner Velasquez stated why aren't they looking at the building that still exists.

Mr. Kilsheimer stated he has been at Champlain North 12 times and they have taken samples from the building, walls, floors and basements. They are different buildings and different sizes and they are learning the most they can on the north building and have to see if the same thing exists on the south. He has been asked by residents if it is safe for their families to live there and he can't tell them the answer. He stated he does not know why these people are stopping them from finding this out to determine what happened.

Commissioner Salzhauer stated that her concern is that nobody wants to hear that and that is not giving them answers and they need to get him on site. She stated that it has taken six weeks.

Mr. Kilsheimer stated that there was a phone call with the receiver, when he has control of the site which will be in September, then they might be able to get access.

Mayor Burkett stated that Town Attorney Arango has been fighting and laying the ground work to make the argument to obtain access of the site. He previously offered the County that if they have a conflict with Surfside then they can take Mr. Kilsheimer and hire him, but they did not accept that offer. He wrote two letters to Mayor Levine-Cava and stated they will not be responsible if another building falls down because the County has not given access to the site.

Commissioner Salzhauer asked how long it will take him to have his report once he has access to the site.

Mr. Kilsheimer stated he cannot say at this point until he starts his study.

Commissioner Velasquez stated that she does not understand how that property has to do with the rest of the buildings that are still standing.

Mr. Kilsheimer stated that it's the site, when it was built, the materials that were used and if they find that the tower collapsed because of a certain material that were used, they have to make sure they did not use the same materials for others. You have to understand why Surfside came down to make sure it will not occur with other buildings built during the same time.

Vice Mayor Paul stated she does not understand how the County trusted him for the assessment that the existing walls need to be shored up but they won't trust him to do the study he needs to do.

Mr. Kilsheimer spoke regarding the bracing of the walls and he sent it to the State and they couldn't ignore him. He spoke regarding the buildings that he went to and advised them of certain shoring that needed to be done but did not take samples. He stated that more people have to ask Miami Dade why they will not give him access. If they are worried about him taking something, they can have an officer with him.

Mayor Burkett stated that they are asserting that they are the municipality in charge and responsible for the lives of their residents. He stated that Judge Hanzman is doing a great job.

Further discussion took place regarding the reason why they are not allowing the Town to go to the site and the value of the property and any issues the property might have after Mr. Kilsheimer's study.

Mr. Kilsheimer stated he needs to know the materials and they are doing the engineering models but cannot put the materials until he is able to get access.

Commissioner Velasquez asked if they will be doing a geotechnical study.

Mr. Kilsheimer explained what they are doing and they checking everything.

Further discussion took place regarding access to the site and what is being looked at by Mr. Kilsheimer to determine what occurred and continue to assert for Mr. Kilsheimer getting access to the site.

Town Attorney Arango stated that they need direction by the Commission to pursue all avenues in allowing access to the site.

Commissioner Salzhauer asked for them to follow the suggestions by Mr. Kilsheimer and Building Official McGuinness with lowering the recertification timeframe.

Town Attorney Arango stated that through FMIT, the Town's insurance company, the Town has counsel to defend the Town from lawsuits seeking damages and Town Attorney Arango is defending the municipal rights of the Town.

Mayor Burkett asked Mr. Kilsheimer asked what would be more fruitful, to know why the building fell or determine the safety of the other buildings.

Mr. Kilsheimer stated first to determine why the building fell.

Commissioner Salzhauer would like to push for the geotechnical study.

Mr. Kilsheimer stated that once they determine why the building fell, he stated that if they can get to the site then they can find out if there is a foundation problem. He stated that the issue is that they need to understand what was wrong and then determine the time frame.

Commissioner Velasquez asked what he suggests in the meantime while they wait to see to get access to the building. She commented on an additional 11 weeks before obtaining access and would there be any damage to the site not caused by the collapse that would change the diagnostic as to what happened because of rain, wind etc. and how much will it cost.

Mr. Kilsheimer stated that it will cost approximately \$2.1 million dollars and he stated that he does believe that the tides could affect the foundation but if there was a sink hole there it could get bigger with time. But if you don't know if it is there you can't know.



Commissioner Velasquez stated if there would be a sink hole they would see it.

Mr. Kilsheimer stated he will continue to do the engineering and continue to do the work under the assumption that they are doing to get access to the site.

Vice Mayor Paul accessed a friend's penthouse near the site and saw that the site is still getting water and it continues getting water.

Mr. Kilsheimer stated if the tide rises it will get water, they were not designed as bath tubs back then. He stated that all concrete cracks and they are made to crack. He stated that when the building fell it creates cracks and that might be why water is coming in.

Vice Mayor Paul stated that he recommended shoring the area and asked why they have not started.

Mr. Kilsheimer stated that he does not know why they haven't started.

Commissioner Velasquez asked that while she understands he has to go inside the site, what do they tell the other residents that are worried with the building they are living in?

Mr. Kilsheimer stated that they were asked to look at 11 buildings but could only go with permission. They went into 9 of the 11 buildings and checked the parking, pool and garage decks. He stated that if he saw something worrisome they told the owners.

Vice Mayor Paul was wondering if they could use satellite imaging to know what is happening in other buildings.

Mr. Kilsheimer stated that they need to know what is happening underground first. He stated that they do not need the satellite images at this time, they need to know what is happening in the ground.

Commissioner Salzhauer spoke regarding the private property and public property. She stated that it is up to the owners of the private property to hire their own engineers. She stated that she received calls from condominium residents that were not aware of the memo. She stated that the condominium association is aware but not the owners. She suggested that the buildings need to have a check list of what they need to do. She asked if there is anything he could do to test some areas of land that would tell him something about the ground underneath them.

Mr. Kilsheimer stated that you maybe able to do it at the Regency but they do not have a basement and it is not totally vacant. He stated that you may be

able to do some of it in the streets but will not help with the piles, pile caps and dirt of the building.

Mayor Burkett stated that he agrees with where he is going so test the site nearby but that does not tell us what happened to that site and why the building fell. He said it is important to get access to the site.

Town Attorney Arango stated that the County is in control of the site and will return the site over to the receiver in 4-5 weeks. The receiver is preparing a protocol for inspection of the site, only visual. He wants to grant it to every plaintiff and defendant in the case and does not recognize the Town's distinct status as the enforcement jurisdiction and approve special access for testing.

Vice Mayor Paul suggested appealing to the families of the victims and maybe they can tell the receiver.

Commissioner Salzhauer stated that each one has a different interest.

Mayor Burkett stated that Mr. Kilsheimer cannot do more work at the site unless he gets on that site.

Commissioner Velasquez stated how they solve this issue with getting Mr. Kilsheimer access to the site.

Town Attorney Arango's recommendation is that once the site is turned over to the receiver, if warranted, Building Official McGuinness should proceed with another unsafe structures notice on the site and go before Judge Hanzman. She stated that they are being treated as a defendant and their enforcement rights are being ignored by the County and the receiver.

Mayor Burkett stated that they need to take the immediate steps to continue with what Mr. Kilsheimer is doing with the North tower and get the data from onsite study.

Commissioner Velasquez asked if a geotechnical investigation can only be done only on a vacant property.

Discussion took place regarding what samples are taken from other buildings.

Vice Mayor Paul stated that she feels safe and has concern there are other buildings with the same architect.

Mayor Burkett asked Town Clerk McCready to forward the report Vice Mayor Paul send to Town Attorney Arango to the other Commissioners.

Further discussion took place regarding the testing, maintenance issue of the

South tower, access to the site and getting to the truth of what occurred.

Mr. Kilsheimer stated that they first have to check the design of the building from the original plans, check the materials used and most cities do not get material testing information during permitting and construction. He stated that everyone is talking about geotechnical and that is not everything and if it was a sink hole you have to determine if the ground created a sink hole. You have to look at the whole thing.

Mr. Kilsheimer stated that he has never seen a community come together like here and the Commission working together as well as staff, he has not seen this before. He complimented the Town and staff.

A motion was made by Vice Mayor Paul to extend the meeting for 10 minutes, seconded by Commissioner Salzhauer. The motion carried with a 4-0 vote with Commissioner Kesl absent.

The following individuals from the public spoke:

Joshua Epstein  
Jeff Rose  
George Kousoulas

Commissioner Velasquez commented on the statement made by Mr. Epstein and geotechnical study.

Mayor Burkett asked whether the Commission wants the attorney to take steps to get the Town access to the site.

A motion was made by Commissioner Salzhauer to move forward and give the Town Attorney the authority to assert the Town's right to obtain access to the property in order for Mr. Allyn Kilsheimer to do the testing on behalf of the residents of the Town of Surfside, seconded by Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Town Manager Hyatt stated that he needs authority from the Town Commission to continue with KCE engineering services.

Assistant Town Manager Greene stated that he has had conversations with FEMA and work beyond the date of clearing the debris, life safety first responder's category A and B will be reimbursed by FEMA but the investigation is up to the Town to pay for that portion.

Commissioner Velasquez stated that they need to be fiscally responsible.

Commissioner Salzhauer stated that Mr. Kilsheimer cannot be effective until he gets onsite. In the meantime, he can go back to Washington and pause this

until he can get onsite.

Mr. Kilsheimer stated that if they pause this, he cannot guarantee how long it will take everyone together again to continue. He stated it is not an issue of a month but how long it will take to get everyone onsite.

A motion was made by Commissioner Salzhauer to extend the meeting for 10 minutes, seconded by Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Commissioner Salzhauer asked Town Attorney Arango how long it will take by the time they file, have a hearing and heard by a judge.

Town Attorney Arango stated about two (2) weeks and there has never been a situation like this before.

Mr. Kilsheimer stated that they still have at least two months of engineering for the north tower without samples, if you put everything on hold and stop all the engineering analysis.

Commissioner Salzhauer asked how many weeks' worth of work without having access to the site.

Mr. Kilsheimer stated about 3 more months. If they never get access to south, all they have is the numbers run on south and what they have learned of north.

Commissioner Salzhauer asked if it would be conclusive.

Mr. Kilsheimer stated that it will be as conclusive as possible.

Further discussion took place regarding time left for the modeling and the cost involved.

Vice Mayor Paul wants to make sure they are not duplicating the work and how much it would cost.

Mayor Burkett stated that Mr. Kilsheimer is doing a great job and it would be better if he kept working but probably would be better to find out if they could get on site and allow Mr. Kilsheimer to pause.

The following individuals from the public spoke:

George Kousoulas stated that what the modeling will tell you is very important. Marianne Meisheid stated that they need to let Town Attorney Arango to do her job and allow Mr. Kilsheimer on site.

Joshua Epstein spoke regarding access to the site.

A motion was made by Commissioner Salzhauer to extend the meeting for 10 minutes, seconded Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Kesl absent.

Further discussion took place among the Commission, staff and Mr. Kilsheimer regarding the cost, what it includes, and whether he will be able to obtain the information from NIST.

Commissioner Salzhauer asked Mr. Kilsheimer how many weeks of work he has done and how long he still has to go with the sampling with the other buildings and if this would be conclusive.

Mr. Kilsheimer stated it would be as conclusive as it could be without doing the sampling.

Commissioner Velasquez spoke regarding the cost involved for a presumed assumption.

Vice Mayor Paul asked Mr. Kilsheimer how much the 3 month of modeling would cost. She stated that she had calls from residents and they wanted to make sure they were not duplicating efforts by NIST.

Mr. Kilsheimer stated it would cost approximately \$500,000.

Mayor Burkett stated that everything hinges on him obtaining access to the site. He stated it will be better for us to find out quickly if they could get on the site so Mr. Kilsheimer can continue with the sampling. He stated that if they halt his services, they will fall to the back of the line and possibly not be able to obtain his services again.

Commissioner Salzhauer asked Assistant Town Manager Greene if they can afford this and where it is coming from.

Assistant Town Manager Greene stated that they do have the funds, they would just add less to the reserve. He explained the cost and what it would be included in the \$2.5 million dollars.

Further discussion took place regarding the testing, the time it would take if we do not physically get access to the site and how long it would take to get the results then.

A motion was made by Vice Mayor Paul to keep KCE Engineering and allow him to continue with the modeling and possibly doing it in less than 3 months if he gets access to the site and not to exceed \$750,000, seconded by

Commissioner Salzhauer. The motion carried with a 4-0 with Commissioner Kesi absent.

**8. Unfinished Business and New Business**

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

**A. Ending Option to Contribute to Parking Fund in Lieu of having Required Parking in Building Plans – Commissioner Charles Kesi**

Deferred to the next meeting.

**B. Demolition by Neglect - Mayor Charles W. Burkett**

Deferred to the next meeting.

**C. Excessive Homeless Contribution made by the Former Commission - Mayor Charles W. Burkett**

Deferred to the next meeting.

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

Deferred to the next meeting.

**E. Climate Environmental Collective Revised - Vice Mayor Tina Paul**

Deferred to the next meeting.

**F. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission – Mayor Charles W. Burkett**

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**I. Community Center Second Floor – Staff Report - Andrew Hyatt, Town Manager**

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**S. One-way automatic gate at 96<sup>th</sup> Street and Bay Drive - Mayor Charles W. Burkett**

Deferred to the next meeting.

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

Deferred to the next meeting.

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

Deferred to the next meeting.

**V. Daylight Plane Requirement for New Construction – Commissioner Charles Kesl**

Deferred to the next meeting.

**W. Six Month Performance Evaluation of Town Manager Andrew Hyatt - Mayor Charles W. Burkett**

Deferred to the next meeting.

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

Deferred to the next meeting.

**Y. EpiPen - Commissioner Eliana Salzhauer**

Deferred to the next meeting.

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

Deferred to the next meeting.

**AA. Champlain South: “Don’t Wait...Accelerate!” Action Plan & Changes Necessary to Prevent Another Catastrophe – Commissioner Eliana Salzhauer**

Deferred to the next meeting.

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

Deferred to the next meeting.



**CC. Extension of Zoning in Progress – Tony Recio, Town Attorney**

Town Attorney Recio spoke regarding the extension of the Zoning in Progress and is implementing the changes from the workshops and they should have it in a week in a half.

Commissioner Salzhauer stated that it is not fair to the residents but there are a lot of unknowns right now and the issues with the land right now. The issue isn't the zoning in progress but what is in the zoning code.

Mayor Burkett stated that it is important to recognize that they have spent 1 ½ years in putting in a new zoning code and every Commissioner had their voice. He stated that they currently have a document with suggestions and recommendations from all elected officials. He stated for everyone to read it and get with the Town Attorney if they do not understand it.

Commissioner Velasquez stated they decided they were not going to do roof top terrace and they placed it in the zoning in progress when she was not at the meeting.

Further discussion took place regarding items being placed on the zoning in progress by Mayor Burkett.

Commissioner Salzhauer stated that she has discussed this and the way they got here is because the Mayor changed multiple items.

The following individuals spoke on the item:

Jeff Rose believes that it should expire, the zoning code will lead to many Bert Harris claims and the roof top decks and mechanicals is one of them. George Kousoulas spoke regarding understanding the zoning in progress and it is a band aid.

Vice Mayor Paul spoke regarding her notes and her issue is the process of how this was done. The proper process is taking the current code and revising certain parts not taking the entire code and rewriting it.

Commissioner Salzhauer stated that she agrees with the Vice Mayor and the process has been hijacked and while the code has resulted in progress, there have been changes, and that she cannot support something that has all the things it needed at the beginning.

Commissioner Velasquez stated that they are both wrong. She said that during campaigning everyone complained about the code and that is why they wanted to change the zoning code. She stated that if they go back to

that meeting, they all supported fixing the zoning code.

Mayor Burkett addressed the comments made and the allegation that Commissioner Kesi voted the wrong way on rooftop decks. He stated that they have a choice right now and they will be held accountable for the way they vote.

A motion was made by Commissioner Velasquez to extend the zoning in progress, seconded by Mayor Burkett. The motion carried with a 4-0 vote with Commissioner Kesi absent.

Town Clerk McCready stated that Commissioner Kesi sent two emails to be read under Good and Welfare. She read both emails into the record.

#### 10. Adjournment

A motion was made by Vice Mayor Paul to adjourn the meeting without objection at 11:30 p.m.

Accepted this 14<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
Charles W. Burkett, Mayor

Attest:

  
\_\_\_\_\_  
Sandra N. McCready, MMC  
Town Clerk