



**Town of Surfside
Regular Town Commission Meeting
MINUTES**

**September 13, 2022
7:00 PM**

Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

1. Opening

Meeting opened at 7:10 pm

1A. Call to Order

Mayor Danzinger called the meeting to order at 7:10 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

Acting Police Chief Healy provided the pledge of allegiance.

1D. Mayor and Commission Remarks - Mayor Shlomo Danzinger

Mayor Danzinger welcomed everyone to the meeting and advised that due to the large number of individuals present and the large agenda the public speaking will be limited to 2 minutes and 3 minutes for good and welfare. He explained the decorum statement and what the role of the Mayor is and how the meetings are to be conducted. He read the decorum statement into the record and explained what Robert's Rules of Orders state.

Vice Mayor Rose stated to the public that they are here to listen to the residents and not to go by the misinformation that has been posted on NextDoor. He encouraged the public to listen to the facts and what the Town Attorney states and not the misinformation they are receiving.

Commissioner Landsman thanked everyone for coming and participating in Town

government. He stated that he is here to listen.

Commissioner Meischeid commented on the past events involving the condominium association meeting that took place with Senator Jason Pizzo and the other panelists.

Commissioner Velasquez thanked everyone that is present and hopes that the Commission listens to all the residents that will come here to speak. She stated that it is important to listen to those residents that live in homes and not only the ones in condominiums and the hotels.

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

Mayor Danzinger would like to pull item 3D (Town of Surfside Fiscal Year 2023 Grants) and item 3F (New Visit Surfside Tourism Website) and place both items at the end of the resolutions.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to move items 3D (Town of Surfside Fiscal Year 2023 Grants) and 3F (New Visit Surfside Tourism Website) at the end of the resolutions after item 5D (National Childhood Cancer Awareness Month), seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

1F. Community Notes - Mayor Shlomo Danzinger

Mayor Danzinger spoke regarding the misinformation being written on NextDoor and spoke regarding the main reason why they are not responding to that misinformation. He stated that there is a big issue with Sunshine and they are told not to speak on social media. He encouraged residents to reach out to the elected officials to obtain the correct information.

1G. Board and Committee Appointments - Town Clerk Sandra N. McCready, MMC

- **Planning and Zoning Board - *Commission Marianne Meischeid***
- **Personnel Appeals Board - *Mayor Danzinger, Vice Mayor Rose, Commissioner Meischeid and Commissioner Velasquez***

The following individuals from the public spoke:

George Kousoulas spoke regarding the opening in the Planning and Zoning Board and commended Judith Frankel for her new position with the Town. He spoke regarding Lindsey Lecour being perfect for the Board.

Eliana Salzhauer spoke about there being more balance on the Board. She urged the Board to revote for a Chair. She spoke regarding the Commission disregarding the recommendations from the Planning and Zoning Board.

Mayor Danzinger closed public comment.

Mayor Danzinger spoke regarding certain requirements for members of the Planning and Zoning and provided the requirements.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to amend the Ordinance by removing the sustainability portion from the board appointment requirements, seconded by Commissioner Landsman.

Vice Mayor Rose opened the item for discussion.

Mayor Danzinger spoke regarding the specific requirements and spoke regarding the ordinance and it being difficult to appoint individuals to the Board.

Commissioner Meischeid agrees with the Mayor and does not find it necessary and believes it fits some but it is getting harder and harder to fulfill the professional spots.

Commissioner Landsman asked that there were some requirements for certain positions and by eliminating that portion would it be able to allow some other individuals to qualify.

Mayor Danzinger stated it would make it easier to appoint members and some of the members fit those requirements.

Commissioner Velasquez stated that the placing of the sustainability section was because they did away with the sustainability committee. She stated that she is fine either way but if they are trying to move the Town to be more sustainable that they should have a discussion. She stated that she is fine either way and was something that was not necessary.

Vice Mayor Rose stated the history of how that requirement came into being. He stated that Board Member Bravo falls under that requirement as well. He stated that he would like to also have some other requirements of other professional experiences and would like to have that as one of the discussion items.

The motion carried with a 4-1 vote with Vice Mayor Rose voting in opposition.

Commissioner Meischeid stated that Judith Frankel was her appointment and she is now with the Town as the new Town Planner. She stated that her appointment is Lindsey Lecour who has much experience in the Planning and Zoning Board as a Chair and provided an overview of her experience.

Town Clerk McCready asked Commissioner Meischeid under what professional requirement would she fall under.

Commissioner Meischeid stated that she would fall under construction management.

Town Clerk McCready stated that they have a member already under that requirement.

Commissioner Meischeid stated that she read the Ordinance. She read what line 58 of the ordinance stated and how she interprets that section.

Town Clerk McCready stated past practice and stated that in the past different sections have members under one category not under all 3 categories.

Town Attorney Arango stated the interpretation of the section and as long as one of the members meet the category it is fine but as stated by Town Clerk McCready she stated what the past practice has been.

Commissioner Meischeid will appoint Lindsey Lecour under section 1, construction management.

Vice Mayor Rose stated that Ms. Lecour would be very helpful and he has had discussions with her and has gone before her when she was Chair of the Planning and Zoning Board.

Commissioner Landsman commended Ms. Lecour and believes that they do need flexibility and they have to want to volunteer to work and help the Town. He appreciates her being interested in doing it after 10 years of doing it and thanked former Chair Frankel for her hard work.

Mayor Danzinger thanked Ms. Lecour.

Mayor Danzinger spoke regarding the Personnel Appeals Board and stated that this Board has not met in 15 years and believes due to the implementation of the union he does not see the necessity of making any appointments.

1H. CTS Update - Andrew Hyatt, Town Manager

Town Manager Hyatt introduced Allyn Kilsheimer.

Allyn Kilsheimer provided an update on the CTS investigation. He spoke regarding the work being done on the site. He spoke regarding the capacity of the piles of the south building and now are going through to see if they have enough of the piles. He stated that Town Attorney Recio is helping them to obtain the items necessary for additional testing. He stated that they are moving forward. He stated that Town Clerk McCready has helped to get them information quickly.

Commissioner Velasquez asked when they could expect the report.

Mr. Kilsheimer stated that the report is about 40% done and with the information they will be receiving it will be about 60% completed but it will get to a point that they will not be able to continue without the additional information. He stated that they are working to reduce the cost.

Commissioner Meischeid thanked Mr. Kilsheimer for volunteering to attend the condominium meeting.

1I. Downtown Walkability and Design Study Update - Andrew Hyatt, Town Manager

Town Manager Hyatt introduced Consultant Town Planner Keller to provide the PowerPoint presentation with the options.

Consultant Town Planner Keller provided a presentation with the different options and the results of the walkability and design study.

Christina Fermin provided an update on the outreach at the Farmer's Market as well as the business survey.

Consultant Town Planner Keller also provided the findings on landscaping. He provided the parklet design samples.

Vice Mayor Rose thanked Mr. Kousoulas for his work and asked if the only survey done was for the Farmer's Market.

Ms. Fermin stated that the survey was sent out and mostly Surfside residents as well as tourists responded.

Vice Mayor Rose asked what was the mix of those that responded to the survey.

Ms. Fermin stated that there was a mix including the Farmer's Market.

Vice Mayor Rose asked if FDOT has to approve taking out the lanes and getting rid of all the parallel parking.

Consultant Town Planner Keller stated that they should obtain more public input, pass a resolution and then take it to FDOT.

Vice Mayor Rose stated that was approved by the previous Tourist Board, the previous DVAC and the previous Commission. It is something that the previous Commission brought forward and this Commission would like to move forward.

Ms. Fermin stated that FDOT will not have an issue with removing parallel parking because they do not like parallel parking.

Commissioner Landsman spoke regarding the different options and parking spaces being removed in Harding and asked how many those are.

Consultant Town Planner Keller responded to Commissioner Landsman's questions as it pertains to the different options.

Commissioner Velasquez asked if they are to eliminate the parking on both sides would that eliminate the double parking.

Consultant Town Planner Keller stated it would be easier to enforce it and issue the violations.

Commissioner Velasquez stated if they eliminate the parking will they still have the 3 lanes and the bike lane.

Consultant Town Planner Keller stated that they would suggest reducing the speed limit to 25 mph and it is up to the State. He stated that it would be safer.

Commissioner Meischeid commented on the 25 mph and stated that Bal Harbor is already implementing that.

Consultant Town Planner Keller addressed the comments made by Commissioner Meischeid.

Mayor Danzinger stated that some people are saying that they do not want widening the sidewalks but they want more sidewalk space. He also spoke regarding the survey and the participation.

Town Planner Keller and Ms. Fermin addressed the comments made by Mayor Danzinger.

Commissioner Velasquez asked when did the survey take place and when did they gather the information for this presentation.

Ms. Fermin provided the dates they were out on the field performing the survey.

Consultant Town Planner Keller stated it was done during peak season.

Commissioner Velasquez asked regarding the 25 mph speed and does a survey or traffic study have to be done to lower the speed.

Consultant Town Planner Keller stated that there is a process you have to go through but will look into it.

Mayor Danzinger stated that is why it is important to have good working relationships with our State Senators.

Vice Mayor Rose spoke regarding the covered shaded area and it was included in this study.

Consultant Town Planner Keller stated that none of the covered area was included.

Mayor Danzinger asked if he is looking for direction from the Commission to move forward.

Commissioner Velasquez asked regarding the Suntrust area and why that crosswalk was removed.

Consultant Town Planner Keller stated that they did not investigate that and it would be safer to do it under a controlled environment instead of jaywalking.

Town Manager Hyatt stated that FDOT is about to resurface that area and they can address that with them.

A motion was made by Vice Mayor Rose to have the Town Manager to contact

FDOT to put the crossing back in, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Commissioner Landsman to move forward with option 1 in the study and not to move forward with option 2, seconded by Commissioner Velasquez.

Mayor Danzinger opened public comment.

The following individuals from the public spoke:

Eliana Salzhauer spoke against the item. She stated that nobody wants a parking garage.

Joel Thieme stated that some of these discussions are becoming reckless. He spoke regarding the survey. He does not like the parklets.

Rodrigo Butori spoke against the item and spoke about keeping sustainability.

Julio Rumbaut spoke regarding the item and the survey that was conducted. He spoke against the item.

Trisha Fowley spoke against the item. She stated that there are still unoccupied spaces in Downtown. She would like the sidewalks to be cleaner.

Camilo Pino spoke against the item. People are against widening the sidewalks.

Jeffrey Platt spoke against the item and the crosswalks are needed.

Gerardo Vildostegui spoke against the item.

Ben Jacobson spoke regarding the walkability study and is in support of the item and smart parking.

Eli Ginsburg spoke regarding smart parking.

Marisol Krasner spoke against the item.

Mayor Danzinger closed public comment.

Commissioner Landsman stated that this is the first time that they see this presentation and believes that option 1 is the most logical option. He spoke regarding the speed limit.

Commissioner Meischeid addressed the comments made by the public speakers.

Commissioner Velasquez asked regarding having ways to have traffic sensors control the flow if someone needs to cross the street.

Vice Mayor Rose stated that the previous commission started this and would like option 3 and would like more of the outdoor seating. He spoke regarding drop off spots for the elderly. He stated on the record that no business or restaurant gave him an envelope of cash.

Mayor Danzinger stated that their priority is residential safety. He spoke regarding the light possibly being a solution. He stated that the parklets are a bit dangerous and is worried about that and putting people at risk. He stated that regardless the option they should include a drop off point. He spoke regarding increasing the walkability in Town. He spoke about option 2. He asked what feedback the Town Manager got from DVAC.

Town Manager Hyatt addressed the comment made by the Mayor and what DVAC suggested.

Mayor Danzinger stated that the goal is to see how the program works and accepted by the Town. He stated that option 2 would resolve a lot of problems in Town.

Consultant Town Planner Keller stated that the trees do take a lot space and that needs to be addressed as well.

Vice Mayor Rose stated that himself and Commissioner Meischeid were on a zoom call with previous the police chief and the issue is the double parking and not enough room on the sidewalks.

The motion carried with a 5-0 vote.

2. Quasi-Judicial Hearings

3. Consent Agenda

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 by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.

A motion was made by Commissioner Landsman to approve the consent agenda minus the pulled items, item 3D (Town of Surfside Fiscal Year 2023 Grants) and item 3F (New Visit Surfside Tourism Website), seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

3A. Approval of Minutes - Sandra McCreedy, MMC., Town Clerk

Approved on consent.

[08-09-2022 Special Town Commission Meeting Minutes.pdf](#)

[08-09-2022 Regular Town Commission Meeting Minutes.pdf](#)

3B. Town of Surfside Roadway Designation and Renaming of 98 Points of Light Way - Andrew Hyatt, Town Manager

Town Administration recommends approval of the resolution.

Approved on consent.

[Resolution In Support of Designating and Renaming 98 Points of Light Road.doc](#)

[Town of Surfside Roadway Designation 98 points of light way_8.10.2022.doc.pdf](#)

[House Bill 1469.pdf](#)

3C. FY 2022 Budget Amendment Resolution No. 9 - Andrew Hyatt, Town Manager

Town Administration recommends approval of the budget amendment.

Approved on consent.

[Resolution Approving Budget Amendment No. 9 for FY 2022.DOCX](#)
[Attachment A - FY2022 Budget Amendment No. 9.pdf](#)

3D. Town of Surfside Fiscal Year 2023 Grants - Andrew Hyatt, Town Manager

Town Administration recommends approval of the attached resolution to allow the Town to submit for grants with some possible matching funds from the Town.

Item was pulled by Mayor Danzinger and moved to be heard after item 5D (National Childhood Cancer Awareness Month).

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

Mayor Danzinger stated that he wanted to add one item to the list of the exhibit to the resolution. The item to be added would be number 15 "Outdoor Exercise Equipment".

Mayor Danzinger passed the gavel.

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

[Resolution Approving and Supporting FY 2023 Grant Applications For Various Town Projects.DOCX](#)

3E. Resolution Supporting the Town's Florida Department of Environmental Protection (FDEP) Grant Application for the Dune Restoration Project - Andrew Hyatt, Town Manager

Town Administration recommends approval of the attached resolution.

Approved on consent.

[Resolution Supporting the Town's FDEP Grant Application For the Dune Restoration Project.DOCX](#)

3F. New Visit Surfside Tourism Website - Town Manager, Andrew Hyatt

Staff recommends authorizing \$57,900 tourism Resort Tax expenditure for the redesign of the new VisitSurfsideFl.com website allowing the Town Manager and Town Attorney to negotiate and enter into agreement with Simpleview.

Item was pulled by Mayor Danzinger and moved to be heard after item 5D (National Childhood Cancer Awareness Month).

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

Mayor Danzinger stated he pulled the item because he believes the current proposal does not offer services. He stated that he would like to see additional proposals for this item and believes the proposal is a bit excessive. He stated that he would like to put this aside until it comes back from the Tourist Board.

A motion was made by Vice Mayor Rose to bring the item back once they receive additional proposals and it comes back from the Tourist Board, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[Resolution Approving Purchase of Services from SimpleView for Visit Surfside Website.DOCX](#)

[Town of Surfside Simpleview Proposal.pdf](#)

4. Ordinances

Second Reading

4A1. Beach Furniture Ordinance - Vice Mayor Jeff Rose

Approval of the ordinance as amended for second reading, with changes as directed by the Town Commission at first reading.

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

A motion was made by Vice Mayor Rose to approve the ordinance as written on second reading, seconded by Commissioner Meisheid.

Vice Mayor Rose introduced the item and stated this was modified by the previous commission. He asked the public to please just listen to the facts and respect goes both ways.

Mayor Danzinger opened public comment.

The following individuals from the public spoke:

Marcio Lucchese spoke regarding the code of honor and they represent the public interest and the public has been clear on this issue. He spoke against the item.

Camilo Pino spoke against the item.

Aurora De La Rosa spoke in support of the changes to the ordinance.

Eliana Salzhauer spoke against the item.

Julio Rumbaut spoke against the item and how many preset chairs the hotels would have.

Gerardo Vildostegui spoke against the item.

Jeffrey Platt spoke against the item.

Jennifer Rotker spoke against the item and vehicles being used on the beach.

Trisha Fowley spoke against the item.

Jonathan Frechter spoke in favor of the ordinance and everyone is entitled to their opinion and should all have respect.

Rolando Epstein stated that the beach does not belong to Surfside and it is public. He stated the most important thing is the welfare of the residents.

Eva Kaman spoke against the ordinance.

Alicia Baymelgreen spoke against the ordinance.

Ben Jacobson spoke in favor of the ordinance.

George Kousoulas stated that the speakers against the ordinance have no factual reasoning and just false claims. He spoke regarding both versions of the ordinance which are similar.

Eli Ginsburg spoke regarding the preset portion of the ordinance and understands the concerns. He stated that people do not want to stay in a hotel that will not give them a chair on the beach.

Mayor Danzinger closed public comment.

A motion was made by Vice Mayor Rose to extend the meeting for one hour at 10:50 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Vice Mayor Rose introduced the item and asked Assistant Town Manager Greene how much ad valorem taxes does the Town have and what share does the hotels bring in.

Assistant Town Manager Greene stated that they represent 70% of the property tax revenue that come into the general fund.

Vice Mayor Rose asked how much is the resort tax coming into the Town. He asked what is included that entails community events.

Assistant Town Manager Greene stated it would be about \$5 million dollars and he stated that those events are covered under the resort tax and not the property taxes.

Vice Mayor Rose asked Town Attorney Recio regarding the flyer that was disseminated by a former commissioner with beach chairs, umbrellas and 2 separate areas allowed and the 4 x 4 in the picture.

Town Attorney Recio stated that will not be allowed in this ordinance and the preset is 20 feet back from the high tide line.

Vice Mayor Rose commented on a picture posted on NextDoor by Mr. Rumbaut and asked who would need powered vehicles on the beach and food services on the beach.

Town Attorney Recio stated that it would be serviced by the condominium and a hand cart and no motorized vehicles are allowed.

Vice Mayor Rose spoke regarding another flyer on expanded chair hours from sunrise to sunset.

Town Attorney Recio stated the correct time.

Vice Mayor Rose asked if motorized vehicles are allowed and can they be ridden.

Town Attorney Recio stated it is only on the hard pack and cannot be motorized or ridden.

Further discussion took place among Vice Mayor Rose and staff regarding the misinformation that has been released by residents.

George Kousoulas went over the presentation on the beach chairs.

Commissioner Velasquez asked if this would happen on all properties.

Mr. Kousoulas addressed the comments made by Commissioner Velasquez.

Commissioner Landsman would agree to some modification and believes it is not balanced properly and he will not support it.

Commissioner Meischeid stated that there is so much information and misinformation on this ordinance and how many have read the ordinance as well as photographs that were from 4 years ago. She went over the actual intent of this ordinance and the actual modifications. She spoke regarding an email she received from a resident with a video from the Grand Beach and stated there are hundreds of feet to the side that cannot be touched. She recommended amending the following lines: Lines 399 and 400 to get rid of the following words "either for itself or through a third party vendor".

Vice Mayor Rose asked if she is stating that you can bring your own food to the beach.

Commissioner Meischeid stated he is correct.

Commissioner Velasquez asked if she is saying that you are meaning people selling on the beach.

Vice Mayor Rose stated that it pertains to peddlers and it means that they cannot have a tent to sell food on the beach.

Commissioner Velasquez asked who will be responsible to pick up the garbage and clean the beach.

Mayor Danzinger stated that is already in code and explained the fine.

Commissioner Velasquez asked if they could be more specific and clear that way they can understand.

Mayor Danzinger reiterated the definition of what is a beach chair operator. He stated if it is easier to leave it as is.

Town Attorney Arango directed them to the lines where it specifies in the defined term and should remain the way it is written in the definition.

Commissioner Meischeid commented again on her suggested changes and it refers to their residents and/or verified guests.

Commissioner Velasquez addressed the comments made by Vice Mayor Rose regarding the 69% and asked Assistant Town Manager Greene regarding the resort tax.

Assistant Town Manager Greene addressed the comments made by Commissioner Velasquez.

Commissioner Velasquez stated her only issue with the ordinance as is right now is the preset and believes 5 chairs is too little but 40 are too much. She stated that she would like to reach an agreement of possibly 20 chairs and 10 per 100 linear feet. She stated they could also start the 40 chairs from the back but not all on the beach.

Vice Mayor Rose would compromise removing the presets and making it .15 for 100 which makes it 30 instead of 40.

Commissioner Velasquez can agree to 20 preset chairs.

Mayor Danzinger thanked Vice Mayor Rose for calling out the misrepresentation. He read some of the items as it reads currently in the code. He spoke regarding allowing people to go to the beach. He spoke regarding the presets. He believes that there will always be space for residents and they will be vigilant if they see an issue and they will keep on top of it and modify if needed. He spoke regarding the west side entering into contract with condominiums and hotels and there could be repercussions.

A motion was made by Vice Mayor Rose to extend the meeting for an hour until 1:00 a.m., seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Mayor Danzinger stated that ultimately they have to keep the service providers accountable.

Commissioner Velasquez would prefer the accountability to be on the hotels and condominiums.

Mayor Danzinger requested certain language to be added to the definition for beach chair service provider.

Commissioner Meisheid stated that the person with the license should be held totally responsible for the violations.

After a lengthy discussion among the Commission, the following motion was made.

A motion was made by Vice Mayor Rose to approve the ordinance as written with the revisions made by Commissioner Meisheid and modification to .1 per 100 feet, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

Mayor Danzinger called a 5 minute recess at 12:04 a.m.

Mayor Danzinger called the meeting back to order at 12:16 a.m.

Town Clerk McCready called the roll with all the members present.

[Beach Furniture Ordinance 2nd Reading.docx](#)

[Exhibit A - Beach Chair Allocation Area Diagram.pdf](#)

4A2. 50% Lot Coverage for 1-Story Homes. - Mayor Shlomo Danzinger

To modify the Town Code to allow for 50% lot coverage for 1-story homes (not to exceed any existing setbacks), and to stipulate in the code; if a homeowner who has built above the 40% lot coverage wishes to build a second floor, the homeowner must remove the excess square footage from the first floor, bringing the total lot coverage to a maximum of 40%, when building a second floor (to be limited to the standard 80% of the 40%).

New one story homes build over the 40% coverage must adhere to a 22' ft height restriction.

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

Mayor Danzinger introduced the item and spoke regarding the changes made after discussion.

A motion was made by Vice Mayor Rose to approve the ordinance on second reading as written, seconded by Commissioner Landsman.

Mayor Danzinger opened public comment.

The following individuals from the public spoke:

Eliana Salzhauer asked if there are any safeguards to prevent the next commission from changing it.

George Kousoulas stated that they should have protections and spoke regarding the 22 feet.

Mayor Danzinger closed public comment.

Mayor Danzinger stated that the code stipulates 40% on the second floor. He read the proposed changes and what is stipulated in the code.

Commissioner Velasquez asked for line 76 to change the word may to shall, as it pertains to the height of the houses she is fine to 50% lot for one story homes but now this is an understory. She stated that she is fine with the 50% but for the house not to have the understory and if you need the understory you are creating a taller house.

Mayor Danzinger stated it only adds 4%.

Vice Mayor Rose stated a point of information and explained what the height limitation is.

Commissioner Velasquez asked regarding the pools being built which are also raised. She suggested that if they want a pool then it should be flushed and not

raised.

Mayor Danzinger stated that they cannot do 50% and they are maxed out at 40%.

Commissioner Velasquez asked that it would be a pitched roof only.

Mayor Danzinger provided the feedback from the people from Town. He stated that the individuals are mostly doing two story homes without an understory. He explained that some of these are homes that are out of code.

Commissioner Velasquez stated that she understands doing it for new homes and have the new homes with pitched roofs.

Vice Mayor Rose stated that they do listen to the Planning and Zoning Board and is fine with the change.

The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

[Ordinance Amending Lot Coverage for Single Story.doc](#)

4A3. Ordinance to Increase the Minimum Percentage of Florida Friendly Landscaping Required to 40% - Fred Landsman, Commissioner

Consider direction to the Town Planner and Town Attorney to bring back an ordinance to implement these recommendations.

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

Commissioner Landsman introduced the item.

Commissioner Velasquez asked how much square footage would be required.

Mayor Danzinger explained the requirement.

Mayor Danzinger opened public comment.

The following individuals from the public spoke:

Eliana Salzhauer

Mayor Danzinger closed public comment.

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

[Ordinance Amending FL Friendly Landscape Ordinance.doc](#)

4A4. Amending the Town Code Relating to the Location and Requirements for Ground-Level and Rooftop Mechanical Equipment. - Fred Landsman, Commissioner

For the Planning and Zoning Board to recommend to the Town Commission to adopt this ordinance on second reading.

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

Commissioner Landsman introduced the item.

A motion was made by Commissioner Landsman to approve the ordinance on second reading as amended to include Building Official McGuinness' additions, seconded by Vice Mayor Rose.

Commissioner Velasquez agreed with this ordinance.

Mayor Danzinger commented on some items that he did not believe to be necessary. He stated that one is regarding mechanical equipment to be enclosed on top. He asked if the air conditioning units require ventilation of the unit.

Building Official McGuinness stated that any mechanical equipment on the roof above 16 foot grade needs to have access and enclosed. He stated that they will make sure there should be no top cover only side cover and all installations shall comply with the latest adopted version of the Florida Building Code and Florida Mechanical Code.

Mayor Danzinger would like to remove certain language from line 61 and provided that change.

Further discussion took place among the Town Commission and Building Official McGuinness regarding the enclosure and type of enclosure required.

A motion was made by Vice Mayor Rose to extend the meeting 30 minutes until 1:30 a.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Mayor Danzinger opened public comment.

The following individuals from the public spoke:
Eliana Salzhauer spoke against the item.

Mayor Danzinger closed public comment.

The motion carried with a 5-0 vote.

[Ordinance Re Ground and Rooftop Mechanical Equipment - H30A and H30B.doc](#)

First Reading

4B1 Amending Town Code Section 90-67. - Emergency Power Generators - Lillian Arango, Town Attorney

The attached Ordinance for first reading amends Section 90-67 of the Town Code to permit the placement of generators on the rooftop in residential structures located in the H30A and H30B zoning districts, in accordance with screening mitigation

requirements as set forth in Section 90-67.3 of the Code, as may be amended.

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

A motion was made by Vice Mayor Rose to approve the ordinance on first reading, seconded by Commissioner Landsman.

Town Attorney Arango stated that at the a previous meeting this concern came up and that is why this item is before them.

Commissioner Velasquez asked how big the generator is and is there a size requirement.

Mayor Danzinger stated that there are requirements.

Mayor Danzinger opened public comment.

The following individual from the public spoke:

Eliana Salzhauer spoke against the item and asked regarding carbon monoxide poisoning and believes this needs to be studied.

Mayor Danzinger closed public comment.

Mayor Danzinger stated that there are requirements as to where they need to be placed.

Commissioner Velasquez stated that they should keep it furthest away from the house.

The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

[Amending Town Code Section 90-67. - Emergency Power Generators.docx](#)

5. Resolutions and Proclamations

If the public wishes to speak on a matter on this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak prior to the approval of any resolution..

Mayor Danzinger took all public comments for all resolutions at one time.

The following individuals from the public spoke regarding any and all resolution items.

Eliana Salzhauer

Ben Jacobson

5A. Water and Sewer Rate Adjustment - Town Manager, Andrew Hyatt

Town Administration recommends approval of the resolution for a multi-year rate adjustment for water and sewer services for Fiscal Years 2023-2026.

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

Vice Mayor Rose asked Assistant Town Manager Greene if the water fund pays into the general fund.

Assistant Town Manager Greene spoke regarding the fact that it is a self sustaining fund and spoke regarding what the external auditors stated that their negative fund balance needed to be dealt with. He also stated that the general Fund under no circumstances can be moved to the water fund.

Commissioner Velasquez asked what the amount of increase would be.

Assistant Town Manager Greene stated that it would be a 3% on flow and 2% on fix which would be about 2.5 to 3% increase.

Further discussion took place among the Commission and Assistant Town Manager Greene on the increases.

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

[Resolution - Multi-Year Water and Sewer Rate Adjustments FY 2023 through FY 2026.DOCX](#)

[Attachment A - FY 23-26 Water & Sewer Rate Adjustments.pdf](#)

[Water & Sewer Rates 2023 example.pdf](#)

5B. Solid Waste Services Special Assessment Final Rate Resolution - Andrew Hyatt, Town Manager

The Town Administration recommend that the Commission adopt the Annual Rate Resolution for Fiscal Year 2023 to re-impose and collect the annual solid waste assessment.

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

Mayor Danzinger proposed changing the amount under item (d) to \$350.00.

Assistant Town Manager Greene stated that staff has no authority to change that amount and explained the process of when that change can take place based on a set of ordinances.

Commissioner Velasquez asked why should they be subsidizing and absorb it and not charge the residents.

Assistant Town Manager Greene addressed the comment made by Commissioner Velasquez and stated that fund would have to come out of the budget and would have to raise the milage rate.

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

5C. Approving Agreement with Beach Raker, LLC for Beach Cleaning and Maintenance Services Utilizing Terms and Conditions of Village of Key Biscayne Contract No. 2021-11-29
- Andrew Hyatt

Town Administration recommends approval of an agreement with Beach Raker, LLC for beach cleaning and sargassum integration services utilizing the terms and conditions of Village of Key Biscayne Contract No. 2021-11-29, which was competitively procured through the Village of Key Biscayne Request for Proposal (RFP) No. 2021-15, and expend budgeted funds in an amount not to exceed \$171,000.00 per fiscal year (FY) commencing with FY 2023.

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

Mayor Danzinger asked if they have rates from what Bal Harbor is paying similar to us and what kind of services they provide.

Public Works Director Gomez stated that Bal Harbor does currently have a contract with this vendor but have not used them because they started their beach renourishment project. He stated what the Town is requesting.

Commissioner Velasquez asked if one of the three days could be on a weekend day so the beach could be clean.

Public Works Director Gomez stated that they could try and create some time during the weekend.

Mayor Danzinger asked if they could offer an option to purchase the equipment and bring it inhouse and possibly doing it as many times a week we would like by doing it inhouse.

Vice Mayor Rose stated this is being paid by Tourist dollars.

Further discussion took place among the Commission and staff in possibly entering into a 6 month contract while they look into bringing it inhouse and staffing.

A motion was made by Vice Mayor Rose to extend the meeting for 30 minutes (until 2:00 a.m.), seconded by Mayor Danzinger. The motion carried with a 5-0 vote.

Mayor Danzinger would like to bring this back with pricing in the next month for purchasing the equipment and with the possibility of bringing it inhouse and only have it as a 6 month contract.

Public Works Director Gomez requested additional time in order to obtain the proper pricing for the equipment.

Town Manager Hyatt recommended to have at least a 6 month contract.

Town Attorney Arango stated that if the piggy back contract allows the flexibility to terminate early we should explore that option.

Commissioner Meischeid asked if it is one vehicle or two separate vehicles.

Public Works Director Gomez stated it is one vehicle with 2 attachments.

Mayor Danzinger passed the gavel.

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

[Resolution Approving Beach Raker for Beach Cleaning And Maintenance Utilizing KB Contract.DOCX](#)

[Exhibit A to Resolution - Cooperative Agreement Between Town and Beach Raker LLC.pdf](#)

[Attachment 1 - Beach Raker LLC Rates Schedule](#)

[Attachment 2 - Surfside Monthly Rate Table](#)

5D. National Childhood Cancer Awareness Month - Mayor Shlomo Danzinger

For the commission to approve a proclamation recognizing September 2022 as National Childhood Cancer Awareness Month.

Please see attached for a draft of the proclamation.

Mayor Danzinger introduced the proclamation that was brought to him from a children's hospital and read the proclamation into the record.

A motion was made by Commissioner Meischeid to approve this proclamation, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Vice Mayor Rose absent from the dais.

[National Childhood Cancer Awareness Month - Sept 2022 .pdf](#)

[Proclamation Certificate Coins and Key to the Town Request - National Childhood Cancer Month.doc](#)

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda.

Mayor Danzinger opened Good and Welfare.

The following individuals from the public spoke:

Marcio Lucchese spoke regarding code of ethics

Eliana Salzhauer spoke regarding the removing of the sustainability section of the

requirements for the planning and zoning board appointees. She thanked the supporters that were out at the rally for prioritizing the environment. She thanked the Commission for the ethics committee coming out.

Julio Rumbaut spoke regarding conflict of interests among the Commission.

Gerardo Vildostegui asked the Commission to come up with a better way of the public commenting on discussion items. He spoke regarding some of the Commission being responsive to emails and commended the Mayor for always responding to emails. He commented on enforcement of having a smoking ban on the beach and enforcement of any of the regulations.

Jennifer Rotker spoke regarding misinformation of marine turtles.

Trisha Fowley spoke regarding sustainability. She spoke about beach raking and code enforcement.

Jeffrey Platt spoke regarding sustainability and destruction of the Town.

Adam Dash spoke regarding how nice Surfside is. He stated that he has been a victim of burglaries and thefts and does not receive follow-up by the Police Department. He stated that they are all connected. He would like to ask the Commission to help him have his cases followed up.

Marisol Krasner spoke regarding the division of the community.

Marta Amieva thanked the Commission for their work and believes in the goodness of others. She stated that they love this Town and would like to keep the beach the way it is.

Camilo Pino spoke regarding the status of the undergrounding which passed on the referendum.

Ben Jacobson spoke regarding resiliency and paper straws and would like an alternative and believes the plastic straws would be better. He spoke regarding beach cleaners. He spoke regarding smart parking and being on the Tourist Board, the Board recommended to move forward with smart parking with a 5-0 vote.

Eli Ginsburg spoke regarding the amounts of complaints that are not ethical that were swamping the Ethics Committee. He spoke regarding inclusivity and if they will be restoring the palm fauns for the Sukkot. He spoke regarding the speaker claiming the Torah as an attack on the Mayor. He thanked the Mayor for reuniting the Commission.

Gloria Rivera spoke regarding protecting the turtles.

Mayor Danzinger closed public comment.

Vice Mayor Rose addressed the comments made regarding beach raking which was passed to clean the beach. He stated that Code has hired new employees and will look at Mr. Dash's cases with the Police and is in support of the palm fauns for Sukkot. He appreciated everyone that came to speak.

Commissioner Landsman responded to the comments made by two of the residents that spoke about him. He stated that they do have different views on items. He also spoke regarding the comment that he does not get back to emails and stated for them to call him.

He addressed the comments regarding enforcement on the beach.

Commissioner Meisheid addressed the comments made and stated that they had a sustainability committee and there was an issue with obtaining quorum which is the same issue with other boards. She spoke regarding increasing the hours of code enforcement. She will follow-up with the burglaries and respect goes two ways.

Commissioner Velasquez addressed the comments made including the burglaries and for him to take that up with the Police Department. She stated that they have a great police force. She spoke regarding the palm fans for Sukkot. She stated that they will listen to the residents and take their comments under consideration. She stated that the undergrounding is on its way and approved for funding. She stated that next year they will see a lot of work being done on that.

Mayor Danzinger spoke regarding the ethics committee workshop and they were here to educate the residents as to what it pertains to and what constitutes an ethics complaint. He stated that they have added special meetings in order to address the discussion items. He spoke regarding leaf blowers. He spoke regarding sustainability and understory. He addressed the comment made by Mr. Platt regarding the Torah. He stated that there are no special interests here and they want what is best for the Town.

7. Town Manager and Town Attorney Reports

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

Item was deferred to the Special Town Commission Meeting of September 28, 2022.
[2022-09 September Town Manager's Report.pdf](#)

7B. Town Attorney Report - Lillian Arango, Town Attorney

Item was deferred to the Special Town Commission Meeting of September 28, 2022.
[Town Attorney's Report.DOCX](#)

8. Unfinished Business and New Business

Mayor Danzinger would like to request to add the remaining items to the special meeting of September 28, 2022.

Vice Mayor Rose asked if you can add the Town Manager Report, Town Attorney Report and discussion items to the September 28, 2022 special meeting.

9. Mayor, Commission and Staff Communications

9A. Charter Review Board - Lillian Arango, Town Attorney

Charter Review Board Summary for September 13, 2022 Regular Commission Meeting

Item was deferred to the Special Town Commission Meeting of September 28, 2022.
[Exhibit A.docx](#)

9B. Town Manager's Performance Evaluation - Andrew Hyatt, Town Manager

Verbal

Item was deferred to the Special Town Commission Meeting of September 28, 2022.

9C. Beautification of Residential Area Street Signage - Andrew Hyatt, Town Manager

Town administration is seeking direction from the Town Commission on how to proceed with the decorative street signs throughout Town. In order to proceed with the decorative signs, the following actions need to occur:

- Obtain product approval from Miami Dade County
- Enter into an interlocal agreement with Miami Dade County
- Procure sign materials and contractor to perform scope of work

Item was deferred to the Special Town Commission Meeting of September 28, 2022.
[Exhibit A - Surfside Street Name Sign Technical Memorandum](#)
[Exhibit B - Decorative Sign Visual Options](#)

9D. Update on Improving Walkability and Pedestrian Safety within Residential Area - Andrew Hyatt, Town Manager

Item was deferred to the Special Town Commission Meeting of September 28, 2022.
[Exhibit A - "One Way Pilot Technical Memorandum"](#)
[Exhibit B - "Estimate of Probable Cost for One-Way Trial Implementation"](#)

9E. Hedges in the Right of Way (H30A/H30B) - Shlomo Danzinger, Mayor

For the commission to determine if a revision to the town code is required regarding bushes in the right-of-way for the H30A & H30B zones.

Item was deferred to the Special Town Commission Meeting of September 28, 2022.

9F. Pelican Harbor Seabird Station Donation Request - Commissioner Marianne Meischeid

Continue the Town of Surfside's legacy in donating \$1,000 to their cause of rehabilitating and releasing seabirds, pelican and other wildlife.

Item was deferred to the Special Town Commission Meeting of September 28, 2022.
[Application for Assistance from the Town of Surfside.pdf](#)
[Request Letter of CB.pdf](#)
[2021 990 Pelican Harbor Seabird Station Inc.pdf](#)
[PHSS Consumers Certificate of Exemption 2022-2027.pdf](#)
[2021 PHSS Audited Financials.pdf](#)

10. Adjournment

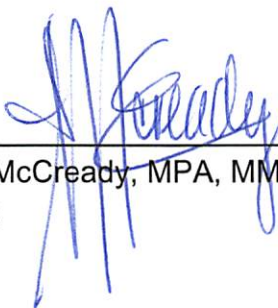
A motion was made by Vice Mayor Rose to adjourn the meeting without objection at 1:46 a.m., seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Accepted this 12th day of October, 2022.



Shlomo Danzinger, Mayor

Attest:



Sandra N. McCreedy, MPA, MMC
Town Clerk