



**Town of Surfside
Regular Town Commission Meeting
MINUTES
January 9, 2024
6:00 PM**

Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

1. Opening

1A. Call to Order

Mayor Danzinger called the meeting to order at 6:13 pm.

1B. Roll Call of Members

Town Clerk McCreedy called the roll with the following members present.

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

Also Present: Town Attorney Lillian Arango, Town Attorney Tony Recio, and Town Manager Hector Gomez.

1C. Pledge of Allegiance

Chief Marciante led the pledge of allegiance.

1D. Mayor and Commission Remark - Mayor Shlomo Danzinger

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

A motion was made by Commissioner Landsman to move item 9F (Establishment of the Surfside Youth Advisory Council) to be heard before item 2 (Quasi-Judicial Hearings), link item 9D (92nd Street Park Discussion) and item 3C (Consent Agenda) and defer item 9B (Investigation Report Findings) to the February meeting, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

1F. Community Notes - Mayor Shlomo Danzinger

Mayor Danzinger provided his community notes.

2. Quasi-Judicial Hearings

Mayor Danzinger reminded everyone from the public and on the dais to abide by the rules

of decorum.

Town Attorney Recio read his quasi-judicial statement into the record.

Town Clerk McCready swore in all the speakers.

Town Attorney Recio asked Town Clerk McCready to confirm compliance with the advertising and notice requirements for this hearing.

Town Clerk McCready confirmed noticing requirements were met.

Town Attorney Recio polled the members of the Commission for ex-parte communications.

Commissioner Landsman met with Michael Szafranski, Mr. Schwartz and Graham Penn.

Commissioner Meischeid met with Michael Szafranski and Mr. Schwartz.

Commissioner Valsquez met with Michael Szafranski and Mr. Schwartz.

Vice Mayor did not have any meetings with the applicants.

Mayor Danzinger did not meet with the applicant but did facilitate a meeting between some concerned residents and the applicant regarding some safety concerns.

A motion was made by Vice Mayor Rose to link the discussion portion of item 2A (9300 Collins Avenue-New 87-Unit Multi-Family Building) and item 2B (9300 Collins Avenue-Religious Land Use Relief), seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

2A. 9300 Collins Avenue - New 87-unit Multi-Family Building - Hector Gomez,
Town Manager

Staff Recommendation: Development review requirements for this type of project follow Sec 90-20(2)(a) of the Zoning Code which requires:

The development, as proposed, conforms to the Comprehensive Plan and the Zoning Code.

The proposal complies with the Town's Comprehensive Plan in that the development is a residential use at a density consistent with the Future Land Use Plan. Staff also finds that the proposal complies with the Zoning Code. The Site Plan has underground parking, and an application has been filed to allow a Religious Facility (Synagogue) on site. The Application will be approved or denied by the Town Commission. Note, the formerly approved Site Plan also utilized underground parking but was acceptable due to its hotel use.

The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any.

The project has minimal impacts on the environment and natural resources. The previous apartments on this site were demolished and the existing site is now vacant. There are no existing natural resources or sensitive plant communities on the site. Construction impacts will be minimized by the Town's development regulations.

The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside.

This proposal will have a positive impact on the local economy by increasing the tax base with 87 new dwelling units averaging approximately 1,620 SF of floor area.

The redevelopment may also support other redevelopment in the area. The population added by this project will also benefit the downtown businesses.

The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area.

The development of this site with new construction and existing development regulations will include facilities with water conservation principals in both the building dwelling units and in the landscape design. The Town will also require the Applicant to upgrade the water line running in the middle of the block and improve on-site drainage collection. The water, sewer and solid waste impact can be accommodated by the Town.

The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.

The project will generate additional traffic volumes according to the traffic study submitted by the Applicant. It is estimated 31 AM and 28 PM vehicle trips will be generated by the project. The majority of these trips will be oriented to the underground parking area which accesses 93rd Street. 93rd Street has traffic signals on both Collins Avenue and Harding Avenue and the traffic will be accommodated by these roadways. The Applicant is also widening the sidewalk on Collins Avenue to 8 feet and is closing several prior curb cuts of Collins Avenue from this site. On-street parking is being provided on Collins Avenue at a higher level than the existing condition and only one access drive for drop-offs and pick-ups is connected to Collins Avenue.

The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes

or legislation; and,

The 3-story development of this site is consistent with the general development of the west side of Collins Avenue. The area on the east side of Collins Avenue are primarily 12 story buildings. The area west of the property fronting on Harding Avenue is primarily parking lots (Town Hall lot and the 94th Street lot). Two existing single-family dwellings are located just south of the west parcel to this project (Lot 19). Lot 19 is primarily a landscape area with access to the Harding Avenue sidewalk.

In the event of redevelopment, the Applicant shall also submit a detailed plan for demolition.

The Applicant will comply with all applicable requirements of Ordinance No. 2022-1720, adopted March 8, 2022 (codified in Section 14-104 of the Town Code), regarding construction sites.

Town Administration recommends the Applicant's Site Plan package be approved by the Town Commission with the following conditions:

- All height related dimensions must be based on the average crown of road for Collins Avenue and in both NAVD and NGVD. This has been provided on all revised sheets and the application complies with height limitations. New drawing sheets A-203 and A-204 need to have Average Crown of Road and NAVD and NGVD indications added to the drawing sheets for consistency.
- Dry flood proofing of the underground garage level is necessary. Flood shields have been added to the garage entrance and the loading dock. Additional flood proofing of the underground garage walls may be required. The Town Building Official will need to verify the flood proofing requirement.
- Provide a plan detail adjacent to the on-street parking spaces illustrating the Collins Avenue sidewalk with curb and gutter, Medjool Date Palm with tree grate, sidewalk width between the inside edge of the tree grate and the 2-foot-high wall. Plan must provide a minimum 5-foot-wide walkway width between proposed property wall and any tree grate.
- The landscape table provided should reflect the proposed tree and plant Florida Friendly percentages. The revised landscape plan has 58 Florida Friendly native trees out of 125 total trees which is 46%. The landscape table on Sheet L-07 should depict this percentage. Florida Friendly shrubs are 2,034 out of 4,574 total shrubs which are 44%. The landscape table on Sheet L-09 should reflect this percentage.
- Obtain FDOT Access Connection Approval for Collins Avenue prior to approval of the final building permit plans.

Attachment A: Site and Zoning Characteristics Table

Attachment B: Bougainvillea Apartments Historic Designation Reports

Attachment C: Town Building Official Letter of Determination

Attachment D: DRG Meeting Memo

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

Town Manager Gomez introduced Consultant Town Planner Walter Keller.

Consultant Town Planner Keller provided an overview and background of the project.

Graham Penn, representative of the project provided some letters of support for the record and presented the item to the Town Commission and showed some renderings of the project.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Gerardo Vildostegui spoke about the religious relief.

Joshua Epstein spoke about the religious relief.

Eliana Salzhauer spoke about the covenant and that it is a false covenant. She stated that when the developer sells the property the covenant will no longer be in effect and the new owners can invoke the live local. She stated that the underground parking should not be allowed.

George Kousoulas stated that this project should be approve but not tonight. He believes that the project does not meet code. He urged the Town Commission to defer the item.

Jeff Zomper presented a 10-year rent versus investment profit analysis to the Town Commission.

Tricia Fowley stated that they do not oppose the project. She would like for the sanitary sewer system and pump station to be placed on the 94th Street lot. If unable to do so and it must go on 93rd street parking lot, then to consider placing it in the Southeast corner so that it is not abutting her property.

Mosche Schneider - President of Marbella Condominium spoke on the item and he stated that they do need more synagogues.

Jonathan Fish welcomed the new neighbors and spoke in favor of the project.

Ruven Herssein spoke in favor of the project. He stated that every project that have been approved are beautiful and create wealth and value for every resident in Surfside.

Meir Cosiol spoke and believes it is a beautiful project and that the Town Commission should approve it.

Steven Schrasa spoke in favor of the item and believes the Town Commission should approve it.

Mayor Danzinger closed the floor to public comments.

Graham Penn rebutted a few comments made by members of the public and requested the approval of both item 2A (9300 Collins Avenue-New 87-Unit Multi-Family Building) and item 2B (9300 Collins Avenue-Religious Land Use Relief).

Town Planner Frankel stated that the Town Code dictates three criteria that the applicant must establish in order for the Town to consider their request. Town Planner Frankel went through the criteria and read them into the record:

1. The applicant is a claimant under RLUIPA or RFRA; and
2. The town has imposed a substantial burden on the religious exercise of the applicant, whether a person, religious assembly or instruction, and the burden is not a result of the town furthering a compelling governmental interest and is not the least restrictive means of furthering that compelling governmental

interest; or

3. The town has imposed or implemented a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution, discriminates on the basis of religion or religious denomination, excludes religious assemblies from a jurisdiction or unreasonably limits religious assemblies, institutions or structures within a jurisdiction.

The applicant addresses these items in the submitted Religious Land Use Request Form. **Attachment A to the agenda item: Religious Land Use Request Form. Attachment B to the agenda item: Letter of Intent.** The applicant responses and Town regulations are below:

1. The applicant has claimed relief under RLUIPA
2. The applicant states: "Code section 90-41 bars all religious assembly uses outside of SD-B40"; and "The Town's regulation has made it impossible to develop a religious assembly use on the property." This is correct. The Town zoning code does not permit public places of assembly in the H40 zoning district.
3. The applicant answered "yes" on the form to the question of whether the religious assembly has been treated on less than equal terms to other nonreligious assembly. The applicant states "The H40 district permits 'as of right' other nonreligious assembly uses such as hotels and motels with accessory ballrooms and meeting rooms, in this area." These accessory uses in a hotel are required to have internal access only and are amenities mainly for hotel guests. Accessory uses in residential buildings are for the exclusive use of the residents and guests of the building and not for public assembly. Public assembly use oriented to the general public, whether religious or nonreligious, as the primary land use or accessory land use is not permitted "by-right" in this zoning district.

Town Planner Frankel stated that the Town Administration recommends review of code section 90-99 for determination of criteria satisfaction and consideration of public input and information. The Town Commission may elect to:

1. Grant the relief requested; or
2. Grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or
3. Deny the request, in accordance with federal law.

Town Administration recommends the following conditions accompany a whole or partial approval of the applicant's request:

- ADA complaint access to the Religious Use be available from a public right-of-way.
- Use of the designated space be restricted to a specified religious congregation or assembly. The space may not be utilized as a party room for the residential use at the property.
- Any changes to the use or design of the religious use space as described in the Site Plan Application presently under review must be approved by the Town

Commission

- A separate folio may not be established for the religious use separate from that of the residential portion of the development.

Commissioner Landsman asked if the relief changes the zoning of the property to mixed used.

Town Attorney Recio responded that it does not. He further stated that for the live local you have to be in a commercial district, industrial or mixed used.

Commissioner Landsman further asked if the project meets Town Code from the Town Planner.

Consultant Town Planner Keller responded affirmatively.

Commissioner Landsman also asked if they could ask for a tax exemption.

Town Attorney Recio reiterated that the applicant stated that the covenant filed by the applicant states that they will not seek a tax exemption.

Commissioner Meischeid stated that it is a nice property, and she is sure that the neighborhood will welcome it. She stated that she is aware that they are placing a synagogue in order to obtain underground parking. She believes that if they need the synagogue it should be at least 25% of the project. She further stated that the applicant may consider making the synagogue larger to meet the 25%.

Commissioner Velasquez asked the applicant if they did not have the religious exemption, if they would be able to build the proposed building with the underground parking.

Graham Penn stated that the synagogue will be a benefit to the neighbors.

Commissioner Velasquez stated that she also read that FEMA requires them to have the 25% requirement.

Graham Penn, representing the applicant respectfully disagreed with Commissioner Velasquez. He stated that setback for the historical building there is less than 17 feet which is the requirement for air to flow through.

Commissioner Velasquez spoke about the covenant and asked what happens with the covenant if they sell the property. She believes that the covenant should state "and any future owner" and in number 4 should state that if you sell the property, the same covenant should apply for any future owner.

Graham Penn stated that the covenant will run with the land. He stated that the only way the covenant will lose validity is if any of three thing occurs:

- The owner abandons the project,
- Any new or modification of zoning laws that nulls the covenant, or
- The expiration of the resolution.

Commissioner Velasquez insisted on adding the language to the covenant.

Graham Penn deferred to the Town Attorneys to see if they can come up with a more appropriate language as they see fit.

A recess took place at 8:21 p.m. in order to start the Good and Welfare portion of the meeting.

The meeting resumed at 8:54 pm.

Town Attorney Recio along with Mr. Penn discussed the language on the covenant and offered the following amendment to the document.

"On page 1, fourth paragraph will read as follows: "Now Therefore, in consideration of the premises, Owner and successors and/or assigns hereby freely, voluntary...", and paragraph 6 will read as follows: "...Miami-Dade County, Florida, shall run with the land and shall continue...".

Vice Mayor Rose asked from the Town Attorney if the application meets code.

Town Attorney Recio stated that it does.

Vice Mayor Rose asked if the building is higher, which response was that it was not.

Vice Mayor Rose asked if the building had more units, which the response was that it is a different project as the previous project was a hotel.

Mayor Danzinger thanked Mr. Szafranski and Mr. Schwartz for meeting with the residents of the Marbella condominium and take the time to address their concerns.

Mayor Danzinger stated that this project will benefit residents as it is no longer a hotel.

Mayor Danzinger spoke about the religious relief and that the Town should not spend dollars to defend lawsuits related to this matter. He also stated that this land is not a mixed used and will not be used for live local.

After further discussion the following motion was made.

A motion was made by Vice Mayor Rose to approve the resolution with the amendments discussed above to the covenant, seconded by Mayor Danzinger. The motion carried with a 3-2 vote with Commissioner Meisched and Commissioner Velasquez voting in opposition.

[Attachment A - Zoning Table](#)

[Attachment B - Bougainvillea Apartments Historic Designation Documents](#)

[Attachment C - Letter of Determination regarding Mixed-use and Underground Parking Garage](#)

[Attachment D - DRG Meeting Memo](#)

[9300 Collins Site Plan packet 12.22.23](#)
[9300Collins Avenue Resolution with Exhibits](#)
[9300 Collins Avenue Supplemental Packet.pdf](#)

2B. 9300 Collins Avenue - Religious Land Use Relief - Hector Gomez, Town Manager

Town Administration recommends review of code section 90-99 for determination of criteria satisfaction and consideration of public input and information. The Town Commission may elect to:

1. Grant the relief requested; or
2. Grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or
3. Deny the request, in accordance with federal law.

Town Administration recommends the following conditions accompany a whole or partial approval of the applicant's request:

- ADA complaint access to the Religious Use be available from a public right-of-way.
- Use of the designated space be restricted to a specified religious congregation or assembly. The space may not be utilized as a party room for the residential use at the property.
- Any changes to the use or design of the religious use space as described in the Site Plan Application presently under review must be approved by the Town Commission
- A separate folio may not be established for the religious use separate from that of the residential portion of the development.

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

A motion was made by Vice Mayor Rose to link the discussion portion of item 2A (9300 Collins Avenue-New 87-Unit Multi-Family Building) and item 2B (9300 Collins Avenue-Religious Land Use Relief), seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

This item was heard in conjunction with item 2A (9300 Collins Avenue-New 87-unit Multi-Family Building).

A motion was made by Vice Mayor Rose to approve the resolution, seconded by Commissioner Landsman. The motion carried with a 3-2 vote with Commissioner Meisheid and Commissioner Velasquez voting in opposition.

[Attachment A: Religious Land Use Request Form](#)

[Attachment B: Letter of Intent -- Religious Land Use Relief](#)

[Religious Land Use Relief Map.pdf](#)

[Reso Religious Use Request - 9300 Collins Avenue.docx](#)

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 Vice Mayor Rose to approve the consent agenda minus item 3A (Approval of Minutes) and correcting the linkage to link item 9D (92nd Street Park Discussion) and item 5B (Town of Surfside Sister City Resolution and Key to the Town Request), seconded by Commissioner Landsman. The motion carried with a 5-0.

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

A motion was made by Commissioner Meischeid to amend the minutes to include that she disagreed with the comments made by Mayor Danzinger on the item of anti-semitism, seconded by Commissioner Velasquez.

Town Clerk McCready stated that she was unable to complete the section of those minutes due to members of the Town Commission speaking over each other. She suggested that if verbatim minutes are required, a certified court reporter can be retained.

The motion died 2-3 with Commissioner Landsman, Vice Mayor Rose and Mayor Danzinger voting in opposition.

A motion was made by Vice Mayor Rose to adopt the minutes as is, seconded by Commissioner Landsman. The motion carried with a 3-2 vote with Commissioner Meischeid and Velasquez voting in opposition.

[December 12, 2023 Regular Town Commission Meeting Minutes](#)

3B. Board and Committee Reports/Minutes - Sandra N. McCready, MMC, Town Clerk

Approved on consent.

[November 27, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)

3C. Authorizing of a Mutual Aid Agreement Between the City of Hialeah and the Town of Surfside Police Department - Hector Gomez, Town Manager

Town administration is recommending that the Town Commission authorize the Mutual Aid Agreement between the City of Hialeah and the Town of Surfside Police Department for a period of five (5) years.

Approved on consent.

[MAA 2023 COH and Town of Surfside.pdf](#)

[Reso Approving Police Mutual Aid Agreement with City of Hialeah](#)

3D. Authorization to Expand on Video Surveillance and Recording Camera

System for Parking Lots Located at Town Hall Lot and 94 Street Lot - Hector Gomez, Town Manager

Town Administration recommends approval of an expenditure in the amount of \$57,018 with Streamline Voice and Data for Video Surveillance and Recording Camera System for Parking Lots on Harding and 94th Street and Harding and 93rd Street.

Approved on consent.

[Resolution Approving Surveillance Camera Equipment Purchase from Streamline Voice for Harding Avenue Parking Lots.pdf](#)

[Exhibit A - Parking Lots Surveillance System Proposal](#)

3E. FY 2024 Budget Amendment Resolution No. 3 - Hector Gomez, Town Manager

Town Administration recommends approval of Budget Amendment Resolution Number 3.

Approved on consent.

[Resolution Approving Budget Amendment No. 3](#)

[Attachment A - FY2024 Budget Amendment No. 3](#)

3F. Authorizing the Town Manager to Execute the Interlocal Agreement with Miami-Dade County, Governing the Provision of On-Demand Transit Services - Hector Gomez, Town Manager

The Town administration recommends approval of this resolution.

Approved on consent.

[Resolution Approving MDC ILA for On-Demand Transportation Services](#)

[Exhibit A - ILA with Miami Dade County.pdf](#)

4. Ordinances

Second Reading

4A1. Update Town Code Section 70-41 and 70-42 to Increase Local Business Taxes as Allowed by State Statute - Hector Gomez, Town Manager

Town administration is recommending the Town Commission to increase local business taxes by up to 5%, which is the permissible amount under state statute.

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

Town Manager Gomez introduced the item.

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

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comment.

Commissioner Velasquez asked the Town Manager how often increases would take place.

Town Manager Gomez stated that just this time and in accordance with Florida Statutes. He also stated that any future increase has to be presented to the Town Commission in a form of an ordinance as set forth in the Town Code.

The motion carried with a 5-0 vote.

[Business Tax Ordinance - Business Impact Estimate.pdf](#)
[Ordinance Amending Sec. 70-41 Local Business Tax Rates](#)
[Attachment "A" - Schedule of Fees](#)

4A2. Ordinance Amending Chapter 54 - Offenses and Miscellaneous Provisions, Camping Prohibited - Hector Gomez, Town Manager

The City of Miami Beach recently fortified the safety and well-being of its residents and visitors by amending Chapter 70 of the City Code, specifically Article II titled "Public Places," under Section 70-45, which now prohibits camping.

The Town Commission should consider adopting the attached ordinance prohibiting camping as defined in the ordinance and enacting regulations to oversee and restrict specific activities or conduct in public areas that obstruct access, jeopardize safety or sanitation, or infringe upon the public's rights to freely utilize these spaces for their intended purposes. This is essential for safeguarding the health, safety, and well-being of both Town residents, visitors and the public.

The Ordinance was amended to incorporate changes directed by the Town Commission at first reading to prohibit camping on private residential property unless consented to by the owner, and to make non-substantive clarifications and revisions.

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

Town Manager Gomez introduced the item.

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

Mayor Danzinger opened up the floor to public comments.

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

Mayor Danzinger closed the floor to public comment.

After some discussion amongst the Town Commission, the motion carried with a 3-2 vote with Commissioner Meischeid and Commissioner Velasquez voting in opposition.

[Ordinance Amending Chapter 54 - Offenses and Miscellaneous Provisions - Camping Prohibited - Second Reading](#)

First Reading

4B1. Permit Fees for Condominium Recertification and Special Assessments - Hector Gomez, Town Manager

Town administration recommends adopting the proposed Code change of Section 14-29 and adopting subsection (k).

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

Town Manager Gomez introduced the item.

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

Mayor Danzinger opened up the floor to public comments.

The following members of the public spoke on the item:

George Kousoulas supports the item but believes it should be 50% instead of 20% off.

Mayor Danzinger closed the floor to public comment.

The Town Commission deliberated the percentage that is appropriate.

The Town Manager suggested the Town Commission approves 20% but no more than 30%. He explained that the Town will provide them with a financial report for 2024 and at that point they can change the percentage if they would like.

After some discussion the motion carried with a 5-0 vote.

[Ordinance Amending Sec.14-29 Permit Fees for Building Recertification](#)

4B2. Stormwater Retention and Drainage in H30A and H30B - Hector Gomez, Town Manager

Town Administration recommends the implementation of explicit requirements for on-site stormwater retention through drainage planning and retaining wall structures when appropriate.

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

Town Manager Gomez introduced the item.

Mayor Danzinger opened up the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer liked the item but believes that the neighbor should get 6 feet and the neighbor could decide what to do with it. She spoke about the health issues with standing water and mosquitos.

George Kousoulas spoke about the size of the wall. He does not believe this should take place at the expense of the other neighbor. He stated that you should do it on your property, and you only get 6 feet.

Mayor Danzinger closed the floor to public comment.

Commissioner Velasquez asked if they have to raise the entire house? She believes a three (3) foot wall should be sufficient.

Commissioner Landsman spoke about the retaining wall and the pools.

Building Official Jim McGuinness stated that residents living next to a new construction, are complaining that the neighbor's houses are getting flooded. He is requesting the power to enforce retaining stormwater within their own property or convey it to a legal drainage and building infiltration trenches and fields which avoids the backyards from getting flooded.

Commissioner Meischeid believes they do not have to be 10 feet. She stated that the house can be raised by FEMA but that you do not have to raise the yard. She believes that 6 feet is a better number.

Vice Mayor Rose stated this scales it back to a 6 foot wall and spoke regarding the 50% opacity. He has seen it in Surfside and it needs to be looked at what is the reality of the item. He stated most people are doing 6 foot retaining walls and spoke regarding what this ordinance will allow. He stated that this ordinance as written is very well done.

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

[Ordinance On-Site Retention of Stormwater and Retention Wall Standards](#)

4B3. Code Amendment for Submerged Lands and Pointe Lake Development -
Hector Gomez, Town Manager

Town Administration recommends approval of this ordinance in order to clarify the prohibitions on development in Point Lake and Biscayne Bay for the protection of adjacent properties, the general public and marine life.

The Town Commission called for a recess at 10:17 pm.

The meeting was called to order at 10:28 pm with the following members of the Town Commission present:

Mayor Shlomo Danzinger, Vice Mayor Rose and Commissioner Landsman.

Absent members: Commissioner Meischeid and Commissioner Velasquez.

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

Town Manager Gomez requested the Town Attorney to assist in the presentation of this item.

Town Attorney Arango provided an overview of the ordinance.

Mayor Danzinger opened up the floor to public comments.

The following individuals from the public spoke:

Manuel Lecour spoke in favor of the item.

David Wolfson spoke in favor of the item.

Mayor Danzinger closed the floor to public comment.

The members of the Town Commission expressed the intention is to preserve the lake.

After some discussion among staff and the Commission, the following motion was made.

A motion was made by Commissioner Landsman to approve the ordinance on first reading, seconded by Vice Mayor Rose. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

[Ordinance No Development on Point Lake](#)

5. Resolutions and Proclamations

If the public wishes to speak on any matters in this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak at the beginning of this section.

Mayor Danzinger opened up the floor to public comments for this section of the agenda.

The following members of the public spoke:

Gerardo Vildostegui spoke regarding item 5A (Awarding Contract to Keith Engineering for the Surfside Memorial).

Eliana Salzhauer spoke regarding item 5A (Awarding Contract to Keith Engineering for the Surfside Memorial).

5A. Awarding Contract to Keith Engineering for the Surfside Memorial - Hector Gomez, Town Manager

The Town Administration seeks Town Commission approval to award a contract not to exceed \$246,000 for professional services to KEITH, the short-listed firm from RFP No. 2023-04, for Design Services for the Surfside Memorial. Additionally, the

Town will retain \$30,000 for potential additional services, such as surveying or reimbursable expenses. This decision follows successful negotiations conducted in accordance with the CCNA (Consultants' Competitive Negotiation Act) Guidelines for design services related to the Surfside Memorial Park project.

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

Town Manager Gomez introduced the item.

A motion was made by Vice Mayor Rose to approve the resolution, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

[Attachment A - KEITH Proposal for the Surfside Memorial.pdf](#)

[Attachment B - Surfside Memorial Proposed Schedule - 12-18-23 - Final.pdf](#)

[Resolution Approving Agreement with Keith for Design of Surfside Memorial](#)

[Professional Services Agreement - Keith - Surfside Memorial Design Services RFQ 2023-02.docx](#)

[KEITH Proposal for the Surfside Memorial.pdf](#)

5B. Town of Surfside Sister City Resolution and Key to the Town Request - Shlomo Danzinger, Mayor

For the commission to approve the resolution of the town of Surfside, Florida, establishing a sister city relationship with the City of Hialeah, FL, as a sister city to the Town of Surfside, Florida.

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

This item was linked to item 9D (92nd Street Park Discussion).

Mayor Danzinger presented the item and invited Mr. Frank MacBride to provide his presentation.

Mr. MacBride provided a presentation that he had made in front of the Parks and Recreation Committee. He suggested to create and display some art around Town and he proposed to place a small area dedicated to parents to read with their children.

Parks and Recreation Committee Chair Retta Logan spoke and invited the Town Commission to come up with a different name as Miami Beach already has a "Flamingo" Park.

The commission discussed amongst themselves what they would like to see done in the pocket park.

Commissioner Landsman would like to consider providing wifi in the park for those that would like to read on electronic devices.

Randi McBride stated that the pergola that was installed in the park looks to be out of place and should be looked at.

A motion was made by Commissioner Landsman to approve with a slight modification on the park name to be Flamingo Garden, seconded by Vice Mayor Rose. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

A motion was made by Vice Mayor Rose to include a table, benches and book exchange for an amount not to exceed \$15,000, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

A motion was made by Vice Mayor Rose to extend the meeting 30 minutes at 11:11pm, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

[Key to the Town Request Form - Mayor Bovo.pdf](#)

[Resolution Establishing Sister City Relationship with Hialeah](#)

5C. Town Commission Selection of Conceptual Design Plan and Advancement to Design Development with Kimley-Horn & Associates, Inc. for the Surfside Boulevard Beautification Project from Bay Drive to Harding Avenue - Hector Gomez, Town Manager

The Town Administration requests Town Commission approval to proceed with the selection of one of the conceptual design plans presented by Kimley-Horn & Associates, Inc. for the Surfside Boulevard Beautification Project from Bay Drive to Harding Avenue. Additionally, the Town Administration is authorized to enter into the design development phase with the selected conceptual plan. This decision follows extensive consultations and reviews of the conceptual plans and aligns with the Town's objectives for enhancing the Surfside Boulevard infrastructure and aesthetics.

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

Town Manager Gomez introduced the item.

A motion was made by Vice Mayor Rose to approve the resolution and proceed with option 2 for discussion purposes, seconded by Commissioner Landsman.

Commissioner Landsman leans more towards option 1.

Mayor Danzinger would like to see a smaller radius of a circle if the decision is to go with a circle.

The consensus was to move forward with option 2 but reduce the size of the circles.

The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

[Reso Selecting and Approving Conceptual Design Plan Surfside Blvd Beautification](#)

6. Good and Welfare (Set for approximately 8:15 p.m.)
Public comments for subjects or items not on the agenda.

Mayor Danzinger opened the floor to good and welfare.

The following members of the public spoke:

Eliana Salzhauer spoke about truth in defense of slander and accusations of her being disrespectful. She stated anything she says up here has been researched. She spoke regarding the Demac property and what is allowed on the property.

George Kousoulas spoke about the conduct and every resident's fundamental right to speak up.

Gerardo Vildostegui spoke about the DAMAC project, and he would like to know if there is any update regarding the 8777 site and the memorial. He also spoke about Town Code, Rule 7.05 and the criteria the Mayor uses.

Joshua Epstein spoke about how now there is only two minutes on every item to speak. He suggested that three minutes should be given to every speaker. He spoke about emails that are being sent out from Surfside Tomorrow and that the Town should direct the Town Attorney's office to see if there are any electioneering violations.

Randi McBride stated that all five commissioners were elected to represent all residents. She felt that the Vice Mayor's opening remarks were intended to silence residents.

Frank McBride spoke about the upcoming event to recognize former elected officials. He stated that the timing seems inappropriate and at this time he will not be attending the event.

Martin Langesfeld asked what the status of the investigation is. He would like to know how is it that another building is going up without knowing why the Champlain Tower South collapsed. He spoke about the Memorial and that the family of the victims are not being informed of what is going on.

There being no one else wishing to speak under Good and Welfare, Mayor Danzinger closed Good and Welfare.

Commissioner Landsman spoke about the 8777 Collins Avenue and the adopted resolution. He stated that it was not exactly what all the family members wanted but it was a step forward in the right direction. He thanked the members of the public for the feedback they receive monthly.

Commissioner Meisheid spoke about 8777 Collins Avenue site and FEMA and she stated that she will continue to follow up with the families to make sure that according to FEMA they are not building. She further stated that she would like to know as to how to find out

who is behind Surfside Tomorrow.

Commissioner Velasquez agrees that Town Code Section 7.05 should be amended. She believes that the Mayor should not use these rules to suppress speech. She spoke about the 3 minutes and how everyone should be able to speak three minutes on every item and it is currently taken away from residents.

Vice Mayor Rose stated that everyone is entitled to their opinion. He believes that if you are trying to undermine the projects and what this commission is doing, he believes they should be called out. He thanked Mr. MacBride for his service as an elected official. He thanked all the residents for coming out and participating.

Mayor Danzinger spoke about the memorial committee and how there are currently emails and meetings scheduled related to the memorial. He addressed Town Code Section 7.05. He also addressed the comment made regarding the two minutes per item and that is to try to have a productive meeting and finish the agenda set forth.

7. Town Manager and Town Attorney Reports

7A. Town Manager's Report - Hector Gomez, Town Manager

Town Manager Gomez introduced the item and provided an overview of the Town Manager's Report.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Vice Mayor Rose to approve the Town Manager's Report, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meisheid and Commissioner Velasquez absent.

[January Town Manager's Report](#)

7B. Town Attorney's Report - Lilly Arango, Town Attorney

Town Attorney Arango introduced the item and provided an overview of the Town Attorney's Report and pending litigations.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

Gerardo Vildostegui spoke about the ethics complaint filed by Commissioner Velasquez against Mayor Danzinger. He would like to know if the Town Attorney is representing the Mayor on this matter.

The Town Attorney addressed the comments and stated that they are not representing Mayor Danzinger.

Mayor Danzinger also addressed the comments made by Mr. Vildostegui.

Mayor Danzinger closed the floor to public comments.

A motion was made by Vice Mayor Rose to approve the Town Attorney's Report, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

[Town Attorney's Report](#)

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

9A. Amendment to 90-74. - "Temporary Signs" to allow for creativity - Shlomo Danzinger

To promote creative expression and diversity, the commission should consider eliminating the current requirement for a black and white color palette in temporary signage.

Mayor Danzinger introduced the item to the Town Commission.

The current code requires that all real estate signs be in black and white and may include a trademarked logo or symbol. Someone has been going around town and complaining about real estate signs that are in color and is filing complaint.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to remove some of the restriction in Town Code Section 90-74 (a)(3) removing item 3 for first reading, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

9B. Investigation Report Findings - Hector Gomez, Town Manager

For the Town Commission to discuss and recommend.

A motion was made by Commissioner Landsman to move item 9F (Establishment of the Surfside Youth Advisory Council) to be heard before item 2 (Quasi-Judicial Hearings), link item 9D (92nd Street Park Discussion) and item 3C (Consent Agenda) and defer item 9B (Investigation Report Findings) to the February meeting, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

This item was deferred to the February 13, 2024, Regular Town Commission meeting.

9C. ITB 2023-05 Abbott Avenue Pump Station Project Bid Opening Results and Recommendation - Hector Gomez, Town Manager

For the Town Commission to discuss and provide direction to the Administration on how to proceed.

A motion was made by Vice Mayor Rose to extend the meeting 15 minutes at 11:44pm, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

Town Manager Gomez provided an overview of the ITB 2023-05 related to the Abbott Avenue pump station project bid opening results. He stated that due to the Cone of Silence he is unable to ask the bidders what happened.

Vice Mayor Rose stated that it is inappropriate that there are two Commissioners that left the meeting, and he believes this item should be deferred to discuss this item with a full board.

Mayor Danzinger stated that this is a perfect example of what was voted in the last election and what the referendum was trying to address. He spoke regarding the enterprise fund.

Town Manager Gomez explained that the Town has spent time and dollars in putting together a design and he would not like to lose that. He suggested that maybe the appropriate steps could be putting an RFP out and engaging a firm at an earlier phase.

A motion was made by Commissioner Landsman to terminate the solicitation, lift the cone of silence and allow the Town Manager to speak to the bidders and bring back more information during the February meeting, seconded by Vice Mayor Rose. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

[Attachment A - Bid Opening Sheet](#)

[Attachment B - Estimate of Probable Cost](#)

9D. 92nd Street Park Discussion - Vice Mayor Jeff Rose

For the Town Commission to discuss and provide direction to Town administration.

A motion was made by Commissioner Landsman to move item 9F (Establishment of the Surfside Youth Advisory Council) to be heard before item 2 (Quasi-Judicial Hearings), link item 9D (92nd Street Park Discussion) and item 3C (Consent Agenda) and defer item 9B (Investigation Report Findings) to the February meeting, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

This item was linked and discussed under item 5B (Town of Surfside Sister City

Resolution and Key to the Town Request).

9E. Bert Harris Act - Vice Mayor Jeff Rose

For the Town Attorney to provide to the Town Commission a legal opinion regarding the Bert Harris Act as well as discuss the implications of creating rules or laws for real estate steering.

Vice Mayor Rose introduced the item.

A motion was made by Vice Mayor Rose for purposes of discussion, seconded by Commissioner Landsman.

Town Attorney Recio provided an overview of the Bert Harris Act.

Vice Mayor Rose asked a few questions of the Town Attorney.

Town Attorney Recio responded to his questions.

Vice Mayor Rose requested for the Bert Harris Act copy to be attached to the minutes and inserted for the record as an exhibit.

Town Attorney Recio spoke about a legislation that is actually happening at the moment.

Mayor Danzinger asked the Town Attorney if he is a developer.

Town Attorney Recio stated he is not a developer.

Mayor Danzinger asked the Town Attorney if a legislator comes in wants to reduce the size of a house thereby diminishing the value of the property does that fall under the Bert Harris Act.

Town Attorney Recio stated it does lead to a possible Bert Harris claim.

9F. Establishment of the Surfside Youth Advisory Council - Shlomo Danzinger, Mayor

The establishment of a Youth Advisory Council, modeled after initiatives in other municipalities, aimed at fostering active youth participation in local government.

This item was heard prior to item 2 (Quasi-Judicial Hearing) on this agenda.

Mayor Danzinger introduced the item to the Town Commission and presented Lucia Lecour.

Lucia Lecour spoke to the Town Commission about her idea to create a Youth Advisory Council as she has always had an interest in politics and by creating this advisory council it will be beneficial not only her but others. She presented the Town Commission with a PowerPoint presentation consisting of the objectives,

responsibilities, benefits, and framework.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to allow for the Mayor, Town Manager and Town Attorney to sit down with Ms. Lecour to develop a framework and bring it back to the Commission for the February meeting, seconded by Commissioner Landsman.

Vice Mayor Rose opened the floor to public comment.

The following individuals from the public spoke:

Eliana Salzhauer

George Kousoulas

Vice Mayor Rose closed the floor to public comments.

Commissioner Landsman asked Ms. Lecour if she believed there were enough youths in Town to have this Council created.

Ms. Lecour stated that the friends she has spoken to are very interested in this program.

Commissioner Meischeid thanked Ms. Lecour for her initiative and glad she brought it forward to her and she has a great role model.

Commissioner Velasquez echoed Commissioner Meischeid's comments.

Vice Mayor Rose thanked Ms. Lecour for bringing this idea forward and believes it is great having the youth involved.

Mayor Daniznger thanked Ms. Lecour for bringing this great idea forward.

The motion carried 5-0 vote.

9G. Roofing Requirements - Shlomo Danzinger, Mayor

For the Commission to review and update roofing requirements to facilitate more affordable roof replacement options for residents. This is crucial for homeowners as insurance companies are now actively seeking to drop policyholders whose roofs have hit the 20 year mark.

Mayor Danzinger introduced the item.

A motion was made by Vice Mayor Rose for purposes of discussion, seconded by Commissioner Landsman.

Discussion among the commission took place and the following motion was made.

A motion was made by Vice Mayor Roseto direct staff to prepare an ordinance to

allow existing reroofing, straight change out without going to the Planning and Zoning Board, seconded by Commissioner Landsman. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

10. Adjournment

There being no further business to discuss before the Commission, a motion was made by Commissioner Landsman to adjourn the meeting at 12:15 a.m. (January 10, 2024), seconded by Vice Mayor Rose. The motion carried with a 3-0 vote with Commissioner Meischeid and Commissioner Velasquez absent.

Accepted this _____ day of _____, 2024.

Mayor Shlomo Danzinger

Attest:

Sandra N. McCready, MPA, MMC
Town Clerk