



Town of Surfside
Special Town Commission Meeting
AGENDA
Tuesday, January 10, 2023
5:30 PM
Commission Chambers

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once this capacity has been reached, people will be asked to watch the meeting from the first floor.

1. Opening

1.A Call to Order

1.B Roll Call of Members

1.C Pledge of Allegiance

2. Mayor, Commission and Staff Communication

2.A Approval of Compensation Adjustment for the Acting Town Manager - Mayor Shlomo Danzinger

2.B Regulation/Prohibitions on Public Property - Mayor Shlomo Danzinger

2.C Zoning Ambiguities - Vice Mayor Jeffrey Rose [Zoning Code Ambiguities Exhibit A.docx](#)

2.D Town Manager Resignation - Commissioner Nelly Velasquez

3. Adjournment

Respectfully submitted,

Hector R. Gomez
Acting Town Manager

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

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

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

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

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC,

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SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.A

Date: January 10, 2023

From: Mayor Shlomo Danzinger

Subject: **Approval of Compensation Adjustment for the Acting Town Manager**

Suggested Action: – To approve an adjustment for the acting town manager's salary, effective upon his appointment on December 13, 2022, to compensate for the additional duties & responsibilities.

Budget Impact: – TBD



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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.B

Date: January 10, 2023

From: Mayor Shlomo Danzinger

Subject: Regulation/Prohibitions on Public Property

Suggested Action: –

The Town Commission should consider directing legislation to regulate and/or prohibit certain activities or conduct in public places that impedes or obstructs the use and safety thereof, for the health, safety, welfare of Town residents and visitors.

Background/Analysis: –

It has become necessary to regulate or prohibit certain activities or conduct in public places and property, such as sidewalks. Maintaining a safe, orderly and sanitary environment on pedestrian and public places, is essential to promote and preserve the health, safety and welfare of all Surfside residents and visitors and ensure the use of public property for designated purposes. The following five suggested ordinances will regulate or prohibit certain conduct on public property.

1. Obstruction of Sidewalks and Public-Rights-of-Way.

Public sidewalks and streets are constructed and maintained for the primary purposes of enabling pedestrians and lawfully permitted vehicles to safely and efficiently move about from place to place, promote recreation and outdoor walking and exercise, facilitate commerce and business patronage in the Downtown District and facilitate deliveries of goods and services, and providing the public with public and convenient access to businesses. The sidewalks in Town can be prone to congestion, especially in the Downtown District, where there is a higher level of pedestrian activity and traffic. Standing, sitting or lying on public sidewalks, and/or obstructions, so as to hinder, impede or interfere with the primary purpose of allowing the public to safely and efficiently move about from place to place should be prohibited. Legislation should be considered that would prohibit obstruction of public sidewalks and streets that inhibits pedestrians from safely and expeditiously utilizing those public ways for the purposes intended. Section 54-63 of the Town Code (Obstructions of sidewalks, streets or building entranceways by auctioneers, merchants, etc.) already prohibits certain obstructive activities on public sidewalks and streets by merchants. Section 54-64 (Congregation upon sidewalks) prohibits persons from congregating upon the sidewalks of the

town so as to create an obstruction or hinder the passage of pedestrians. This section of the Town Code could be expanded further to address and prohibit activities or conduct that obstruct public sidewalks and rights-of-way, such as sitting, sleeping, lying or loitering in a manner that inhibits the free, safe, convenient and normal use of public rights-of-way, as outlined above. The ordinance should provide for notice and warning prior to citation, including an opportunity to move and relocate.

2. Sleeping/camping on the beach or public property.

Public property and places, including parks and the beach, are the greatest asset of the Town, and are to be shared and used for the benefit, health and welfare of all and intended for recreational purposes for residents and visitors. Legislation should be enacted that would prohibit overnight sleeping and/or camping on public places, parks and the beach, and for the preservation of public and natural places in clean and pristine condition. Chapter 86 of the Town Code includes prohibited conduct or activities on the public beach, and could be amended to add a prohibition on sleeping and/or camping overnight.

3. Showering on the beach street ends with chemical substances; washing of clothes prohibited on beach street end showers.

The use of the showers on the beach street ends should be limited to rinsing off in connection with beach and recreational uses, and should not be utilized for full showering needs or washing of clothes, or any other uses involving chemical substances. Legislation should be considered that would regulate or prohibit the use of foreign or chemical substances, such as soaps, shampoos and detergents, on the beachfront street ends showers.

4. Aggressive and/or obstructive panhandling on public places; disorderly conduct.

Aggressive or obstructive panhandling, begging or solicitation throughout the Town, and, in particular, on public places in the Downtown District, can be extremely disturbing and disruptive to residents, visitors and businesses, impede access and enjoyment of public places and businesses, and may create a sense of fear, intimidation and disorder. Aggressive or obstructive panhandling, begging or solicitation may include approaching pedestrians in a persistent or aggressive and threatening manner, intending to intimidate, the use of abusive or profane language, unwanted physical threats or contact, and/or the intentionally blocking or obstruction of pedestrians and business access and vehicular traffic. These activities near or at outdoor events, cafes, restaurants, ATM machines, post office, banks, the entrance or exits of buildings may be especially troublesome because said persons cannot readily move away from the unsolicited conduct and may pose a threat to the person or property. Legislation should be considered, amending Chapter 54 of the Town Code (Offenses and Miscellaneous Provisions), which would prohibit such activities in public places and sidewalks, where it is obstructive or impedes safe pedestrian and vehicular access and traffic and when such activities are detrimental to the public health, safety and welfare. Legislation should also include prohibition on disorderly conduct in public places which is intended to harass, annoy, abuse or threaten another, or the use of profane, vulgar or indecent language to another.

5. Urinating and defecating on public property (with limited exceptions).

Public urination and/or defecation should be prohibited in public places (with limited exceptions, such as children under the age of five and impaired persons) that have not been designated as a urinal or toilet as a public nuisance and detrimental to the health, safety and welfare of the Town and its residents and visitors. Many municipal codes contain such prohibitions in order to protect basic health, safety and welfare of its citizens, visitors and those employed in Town. Legislation should be considered by amending Chapter 54 of the Town Code (Offenses and Miscellaneous Provisions) and/or Chapter 46 (Health and Sanitation) to explicitly prohibit urination and defecation on public places.



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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.C

Date: January 10, 2023

From: Vice Mayor Jeffrey Rose

Subject: Zoning Ambiguities

Suggested Action: – The Town Commission should consider whether to direct the Town Attorney to prepare an ordinance to address these inconsistencies in the zoning code.

Background/Analysis: – On May 10, 2022, the Town Commission directed the Town Attorney to work with the Town Planner to identify and resolve zoning inconsistencies and ambiguities. This memo is intended to summarize the results of the review of the zoning code to identify such inconsistencies and ambiguities.

Consideration – The attached Exhibit “A” lists the identified issues.

Exhibit "A"

1. Section 90-2 Update definition of "density" to for consistency with "lot area" definition.
2. Section 90-2 Update definition of "Average Setback" with calculation of average setback for H120
3. Section 90-2 Update "Yards" for consistency with setback regulations
4. Sec. 90-3 Enforcement and Interpretation.
 - a. The Commission should consider tracking official interpretations of this Code to ensure consistency going forward.
 - b. The Commission should consider defining the parameters for the Town Planner to determine that minor changes to approved plans substantially comply with the approved version.
5. Sec. 90-19. Clarify PZB jurisdiction: Design Guidelines vs Site Plan criteria.
6. Sec. 90-19.7 Applicability of PZB review
 - a. simple swap outs of materials
 - b. Copy changes for certain signs
 - c. Pools
 - d. Rooftop mechanical and screening
7. Fix Sec. 90-19.8 to include the requirements for applications
8. Sec 90-61 50% of front yard must be pervious
 - a. 30% is required to be landscaped
 - b. What is additional 20%?
9. Section 90-45 Setbacks. Average setback is applied differently in H30A and H30B than in H120
 - a. Average setbacks are limited to second floor in H30A and H30B
 - b. Average setbacks are applied to entire building in H120 which allows additional flexibility for more creativity in design
10. Sections 90-44 and 90-50.2. Stairway and railings for reaching rooftop decks and rooftop mechanical
11. Section 90-45.1. Lot Aggregation: Delete references to "gross density"
12. Address Accessory structures in Sec. 90-48.3 and Sec. 90-54 – size and extent of accessory structures like pool houses, sheds, and pools in proximity to sea walls
 - a. PZB has expressed frustration with inability to allow certain structures (like cabanas/bathrooms/outdoor kitchens) within 15 feet of seawall, but is uncomfortable granting maximum size of 500 sq ft so close. A potential proposal is to allow some portion of maximum allotment for accessory structures within a certain distance of the sea wall.
13. Sec. 90-56 Fences and Walls.

- a. indicates height is measured from grade “defined as the point of the ground immediately below the location of the fence or wall.”
 - i. On which side of the fence or wall? Makes a difference with new construction on a filled site.
 - b. Clarify extent of jurisdiction of Planning and Zoning Board regarding fences and gates
14. Inconsistency between Sec. 90-60 construction adjacent to bulkhead lines and Sec. 14-86 et seq.
15. Sec. 90-87(15) Synthetic turf
- a. Legalization period expired and owners were not able to meet current requirements because they could not provide minimum landscape (synthetic turf does not count towards landscape). This results in a many pending code enforcement cases.



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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.D

Date: January 10, 2023

From: Commissioner Nelly Velasquez

Subject: **Town Manager Resignation**

Suggested Action: – Provide residents with results of manager’s evaluation, discuss the Charter and the provisions related to members of the commission taking part in the removal of officers working in the administration of the town. Discuss the Charter provision that requires that Town official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

Provide truthful, accurate information regarding a pivotal issue, to the Commission and the residents of Surfside.

Background/Analysis: – This issue stems from actions taken by the Surfside mayor and apparent violations of our Charter prohibiting elected officials from removing Town officers and from knowingly furnishing false information. The mayor had told the Commission and the residents of Surfside that the manager had resigned because of some family issues. It is alleged that the town manager was fired and did not voluntarily resign. The mayor has maintained in mass emails to residents that the manager voluntarily resigned. The Commission needs to know the truth and the mayor needs to clearly articulate what exactly happened in the private meeting he had with the Town manager.

Note: This item should be put on the agenda at an early time to facilitate an expected large resident turnout.