



**Town of Surfside
Special Town Commission Meeting
MINUTES
January 10, 2023
5:30 PM
Commission Chambers**

1. Opening

1.A Call to Order

Mayor Danzinger called the meeting to order at 5:31 p.m.

1.B Roll Call of Members

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

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

Also Present: Acting Town Manager Hector Gomez and Town Attorney Tony Recio.

1.C Pledge of Allegiance

Acting Chief Healy provided the pledge of allegiance.

2. Mayor, Commission and Staff Communication

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

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.

Mayor Danzinger introduced the item. He stated that this item is to adjust the Acting Town Manager's salary for duties being performed.

A motion was made by Vice Mayor Rose to discuss the salary adjustment, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

Mayor Danzinger stated that the Acting Town Manager's salary is lower than the what the prior Town Manager was making.

A motion was made by Commissioner Landsman to increase the Acting Town Manager's salary to \$185,000 back dating it to the date he was appointed Acting Town Manager, seconded by Commissioner Meisheid.

Commissioner Meisheid stated that he is currently doing the job of 3 individuals, Assistant Town Manager, Public Works Director and Town Manager.

Commissioner Velasquez stated that she is fine with that increase and would like to not fill the Assistant Town Manager and does not think they need an Assistant Town Manager and if you have an efficient Town Manager and you have directors for all departments there is no need for an Assistant Town Manager.

Commissioner Landsman stated that the only thing that is being discussed is the compensation of the Acting Town Manager and agrees to have a discussion of the organization at another time.

Mayor Danzinger stated that the item is for his adjustment of salary and the hiring and firing of employees is up to the Acting Town Manager and if he decides he needs help it is up to him.

Commissioner Velasquez stated that the Commission does have the right to eliminate positions.

Acting Town Manager Gomez thanked everyone for the opportunity and the faith in the position they have in him. He stated that he does not intend as an Acting Town Manager to fill the Assistant Town Manager position until they have a permanent Town Manager. He stated that they have a great team and will make sure the residents are taken care of.

Vice Mayor Rose would like for the increase to be back dated to the date that he was appointed and would like to have the pay match the salary being discussed for a new Town Manager and is comfortable to go with that number for the Acting Town Manager in the interim.

Commissioner Landsman in response as the motion maker stated that the discussion and what they will pay the individual will be addressed later. He stated that he is fine with back dating it if the system allows it.

Town Attorney Recio stated that it can be retroactive.

Mayor Danzinger stated that he has been doing 3 rolls and would not like to lock it into an amount of \$185,000 and discuss later during the other item when they discuss the item of salary for the recruitment of a Town Manager.

Commissioner Velasquez agrees with keeping the rate of what the previous Town Manager was making. She stated that they should allow people to come and see what salary they are willing to accept.

Commissioner Landsman stated that it is part of human resources and understands the potential of another compensation and separate topic of discussion. He stated

that they are dealing with one issue which is how to compensate our Acting Town Manager. He stated that typically you do not include the range of salary in the State of Florida. He stated that he believes that at the 7:00 p.m. meeting they will discuss the procedure of the hiring of a new Town Manager and you could include a range.

The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose that the prorated salary of the Town Manager discussed at the second meeting should be in the same range for the Acting Town Manager, seconded by Mayor Danzinger.

Commissioner Landsman understands the motivation and believes they are getting ahead of themselves, and this effort is to appropriately pay him during the time he is acting. He does not feel comfortable putting a range and predict what they will pay that person at this time. He believes the effort of \$185,000 is good for today.

Mayor Danzinger stated that \$185,000 is the bare minimum and we have someone that is doing 3 jobs which is different from what the previous Town Manager did and should require a salary medium that they are looking to pay.

Commissioner Velasquez stated that if the previous Town Manager would have not left you would have had a higher salary to give the Acting Town Manager instead of going in and asking the previous Town Manager to leave. She stated that once you go out to look for a Town Manager you can then come back. She stated that she would not even put a salary range to be placed on the advertisement.

The motion died with a 2-3 vote with Commissioner Velasquez, Commissioner Meisheid and Commissioner Landsman voting in opposition.

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

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.

Mayor Danzinger introduced the item.

Mayor Danzinger opened the floor to public comment.

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

The following individuals from the public spoke:

Gabriela Saenz from the Lotus House stated that this unfairly penalizes those individuals that are affected.

Stephen Schnably spoke against the item and how it would affect those that are forced to live on the streets.

Gerardo Vildostegui spoke against the item and sheer cruelty of this item.

Eliana Salzhauer spoke against the item.

Joanna Katz stated that it would be embarrassing to do something immoral, and they

should think about this.

Mandyf Davedorf she stated that it is a safety issue, and she has been attacked and harassed by some of them and scarring children. She is in favor of this item.

Ben Jacobson spoke regarding what is happening in other states and the streets are not a toilet or go to sleep. He spoke in favor of this item. He stated that there are shelters out there.

Mayor Danzinger closed public comments.

Commissioner Landsman stated that this topic regardless of what you call it is very challenging and has been debated and discussed by larger authorities and municipalities. He understands it is in an issue in other states. He stated it is tough to balance public safety and the people that do not have a place to live that are on the streets. He spoke regarding conversations he has had with the police chief, and they have limited staff and action that could be taken. He would like to see discussion with other options that will keep the residents and children safe. He is open to have further discussion even a workshop. He stated that there has to be a happy medium.

Commissioner Meischeid stated that these are additions that will help keep the residents safe and would like to ask the Town Attorney if these prohibitions are legal.

Mayor Danzinger stated that there is no ordinance to be voted on and they are just discussing what other municipalities have used.

Commissioner Meischeid stated that they could look into the 1% homeless trust and contribute to help.

Mayor Danzinger stated that nobody has mentioned the word homeless, and they are talking about procedures to keep the Town safe.

Commissioner Velasquez agrees to have regulations, and this is not targeting certain demographics. She does not agree with everything like bathing in the street ends and that might be able to be tweaked. She stated that they should not be urinating in public. She stated this is not targeting one type of individual and nobody should be sleeping on the beach.

Vice Mayor Rose stated this is a directly affecting the health and welfare of the Town and he is comfortable with having our attorney's to look at this and moving this forward.

Mayor Danzinger stated that the word homeless is not being used and they are not being targeted. They are looking at targeting people that are not following the laws and the well being of the Town. He stated that the Pottinger Case involving the City of Miami was overturned in 2019. He spoke regarding the individuals urinating, masturbating and doing other things in public and that is why they need regulations. He spoke regarding a woman that was severally beaten and almost raped in Bal Harbour.

A motion was made by Commissioner Meischeid to direct the Town Attorney to come back with an Ordinance on first reading, seconded by Vice Mayor Rose.

Commissioner Landsman suggested for the Town Attorneys to have conversations and find a middle ground that will work and not be perceived as harsh to provide our public safety officers the tools.

Commissioner Velasquez would like to add that cleaning your clothes to remove the sand to not bring home clothes with sand would be up to the discretion of the police.

The motion carried with a 5-0 vote.

2.C Zoning Ambiguities - Vice Mayor Jeffrey Rose

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

Vice Mayor Rose introduced the item. He spoke regarding the discussion that this Commission would not be rewriting the zoning code and they would work with what they have and fix the zoning ambiguities. He stated these would be items to bring to the Commission with the changes to the inconsistencies in the code and gave examples.

A motion was made with Vice Mayor Rose to have a joint special meeting with the Planning and Zoning Board to start addressing the zoning ambiguities in the code, seconded by Commissioner Meischeid.

Commissioner Landsman suggested doing a joint meeting with the Planning and Zoning Board to discuss this and have the Planning and Zoning Board opinions be included.

Mayor Danzinger asked if they are going back since it was already budgeted for.

Commissioner Landsman stated that the public might not show up, but this is part of the steps and should get input from the Planning and Zoning Board.

Commissioner Velasquez suggested the same thing and the Planning and Zoning Board is a very important part and this is part of being transparent and offering the residents the tools needed.

Mayor Danzinger opened public comments.

The following individuals from the public spoke:

George Kousoulas agrees with this item.

Eliana Salzhauer agrees with Commissioner Landsman's comments.

Allison Fleek stated that there is too much infighting. She stated that the zoning code is very confusing and if you make it as simple as it can be the residents will accommodate.

Mayor Danzinger closed public comment.

Mayor Danzinger asked the Town Attorney to clarify the zoning ambiguities.

Town Attorney Recio spoke regarding the list that was compiled and the input of the previous Planning and Zoning Board as well as the current Board along with the changes that were made in the last year. He stated that there were some simple changes that could be fixed.

Vice Mayor Rose spoke regarding the comments made by a previous elected official attacking the employees of the Town and this list was done by the Town Attorney, Town Planner and the previous Commission. He stated that this is not policy stuff but the ambiguities and inconsistencies and would love to have a joint meeting. He stated that they are trying to remove those issues from the code because it is unfair to the residents.

Commissioner Velasquez would like for the Town Attorney to explain each one of them to see what they are.

Vice Mayor Rose stated that they are not voting on anything right now it is just to start the work on the ambiguities.

Commissioner Meischeid stated that there are several ambiguities, and they should be taken care of.

Mayor Danzinger would like to say that our land use attorney, Tony Recio, is one of the best in the State. He would like to have a joint meeting with Planning and Zoning Board to start reviewing these items.

Commissioner Landsman stated that some are policies and not only ambiguities and the joint meeting would help.

Further discussion took place among the Commission regarding the joint special meeting, policies and zoning ambiguities to be discussed.

The motion carried with a 5-0 vote.

[Zoning Code Ambiguities Exhibit A.docx](#)

2.D Town Manager Resignation - Commissioner Nelly Velasquez

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.

A motion was made by Vice Mayor Rose to defer this item to be heard under "Mayor, Commission and Staff Communications" item 9C at the 7:00 p.m. meeting, seconded by Commissioner Meischeid. The motion carried with a 4-1 vote with Commissioner

Velasquez voting in opposition.

3. Adjournment

A motion was made by Vice Mayor Rose to adjourn the meeting at 6:46 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this _____ day of _____, 2023.

Shlomo Danzinger, Mayor

Attest:

Sandra N. McCreedy, MPA, MMC
Town Clerk