



**Town of Surfside**  
**Special Town Commission Meeting**  
**MINUTES**  
**July 25, 2023**  
**5:00 PM**  
Commission Chambers

**1. Opening**

**1.A Call to Order**

Mayor Danzinger called the meeting to order at 5:05 p.m.

**1.B 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.

**1.C Pledge of Allegiance**

Captain Marciante provided the pledge of allegiance.

**2. Mayor, Commission and Staff Communication**

Mayor Danzinger reminded everyone regarding the decorum statement and Robert's Rules of Order and every speaker will have 3 minutes to speak. He stated that today's meeting will entail very sensitive materials and he understands that and he stated that he will enforce the decorum rules.

**2.A Incorporation of the Champlain Towers South Memorial onto the 8777 Collins Avenue Site Requiring Modification and Creation of a Special Exception.** - Hector Gomez, Town Manager

Town administration suggests consideration of this ordinance in order to facilitate the incorporation of the Champlain Towers South Memorial onto a portion of the 8777 Collins Avenue site. By doing so, a significant portion of the memorial would find its place on the very site where the Champlain Towers South once stood. This incorporation can be accomplished through the creation of a special exception that allows an adjustment to the setbacks.

Sufficient setbacks are provided on the south side of the site due to an existing public easement. Public pedestrian access easements provide the same light and air space between buildings as a vehicular street and achieve the same desired outcome. It is appropriate to treat them the same in terms of the abutting building setbacks. Staff finds that a public access easement of 10 feet or greater in width should be treated as a secondary frontage per the Town Code. Public access easements serve the same as a vehicular street in the sense that they allow for public space for transportation use.

In the rare case where a property has more than one secondary frontage and sufficient "light and air" is provided, Town administration finds it to be appropriate to provide a mechanism for greater flexibility to setbacks so that the Town Commission can determine the greatest benefit to the Town.

The result of this ordinance approval would be the ability for the Town Commission to adjust the setback requirements in cases where there is a significant benefit to the Town.

Mayor Danzinger gave a history of this item and what took place on June 24, 2021. He mentioned that some of the family members wanted to obtain the land for a memorial but they were unable to purchase the property and the property was sold. He further provided a summary and history of the sale of the property. He provided a visual picture of the current plan and the memorial proposal.

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

A motion was made by Vice Mayor Rose to move forward with the first reading ordinance as written and for purposes of discussion, seconded by Commissioner Landsman.

Commissioner Meischeid would like to second the motion but would like to add an additional text amendment to the ordinance.

Commissioner Velasquez stated that the motion was for approval and not discussion.

Mayor Danzinger stated that all motions include discussion.

Commissioner Landsman stated this is for first read an actual ordinance but as part of the process one can offer suggestions and alternatives.

Commissioner Meischeid would like to propose an alternate text to the ordinance. She stated that this is brought up from the second annual anniversary and the family expressed some concerns and she came up with some alternative language.

Commissioner Landsman stated they are here to discuss this item and come up with some decision that makes sense. This is to do the right thing for all participants and the family members. This is not being done behind closed doors and are doing this in the Sunshine.

Commissioner Velasquez believes this is a very premature meeting and these negotiations should have taken place first instead of having special meetings for developers. She does not agree with this meeting or proposal.

Vice Mayor Rose thanked the Mayor for getting involved and this is the first step. He stated the developer and owner of the property does not owe anything to the Town. He also believes that it is important to have this meeting as a separate meeting so they are not crunched or rushed. He stated that previous commissions have had 5 pm meetings. He stated that if the public does not trust this commission they will have the Town Attorney to clarify everything and what the Code states.

Mayor Danzinger reiterated what he said before. This meeting is not creating any actionable items. They cannot have these conversations without having this meeting. He stated that his has been an ongoing discussion and they do have a commitment but cannot have anything on paper without having this meeting.

Commissioner Meischeid passed out to the commission her alternative text language and stated the title is the same as what is before them tonight. She explained the reason again why this came about. She provided an explanation of the language, and this will allow the developer to rise and redistribute the light and the air.

Mayor Danzinger stated this only creates a mechanism to have the next conversations.

Commissioner Landsman stated that he did study the original 2A and was with the Town Manager when Commissioner Meischeid provided her text amendment. He stated this is somewhat compressed to make decisions on that text amendment without time to review it. He might have alternative to the alternative that might be able to come to a happy medium which will not disadvantage the developer and still have the memorial. He stated the intent is not to do the change to the code only for this property, but it is because of the change Miami Beach did when they purchased the building next to the old Champlain Tower South site.

Town Manager Gomez stated what they are providing here today is a mechanism to be able to make a decision if there is a benefit to the Town. He spoke regarding setbacks as a whole.

Commissioner Velasquez asked who prepared this presentation.

Mayor Danzinger stated he prepared it.

Commissioner Velasquez asked who is the person in charge of negotiating any proffers with the developer.

Mayor Danzinger stated it is the Town Manager.

Commissioner Velasquez stated that the Town Manager should be negotiating with the developer before this meeting.

Mayor Danzinger stated that she did not listen to what he just said. He stated that the Town Manager has been meeting with the developer. He stated that the discussion is if you want a memorial and if this Commission wants to put the memorial on the land and explained the creation of an ordinance to have the discussion in an official manner.

Commissioner Velasquez asked if this ordinance is to create the special exemption and then another ordinance to create the location of the memorial on their property.

Town Attorney Recio clarified that this ordinance is creating two separate exemptions and there will not be a separate ordinance for the memorial. He stated there is no need to create another ordinance for the memorial and explained how that would be done.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Andrea Langesfeld spoke regarding the developers making profit off the death of the 98 people. She asked regarding the amount of land they will be given for the memorial.

Eliana Salzhauer stated that it was her commission that put aside all of 88th street for the memorial and this commission is the one that is working backwards. She spoke against the item.

Martin Langesfeld stated they are working backwards, and they are confused with what is being presented and it makes it clear they are not involved with any of the families for the memorial. He spoke against the language of this ordinance.

David Rodan spoke regarding the loss of his family members and spoke against the item.

Joshua Epstein spoke against the ordinance.

Charles Burkett acknowledged what the Mayor has said and started directing his comments directly to Commissioner Landsman.

Gerardo Vildostegui spoke against the ordinance and nothing should be built on this property.

Paul Langesfeld spoke against the ordinance.

Debrah Cimadevilla spoke against the ordinance and what just happened with Mr. Burkett. She stated she sent out emails to the Commission and never received a response back from the Mayor and Vice Mayor.

Ben Jacobson spoke in favor of the item and provided explanation of the proposal.

Chana Wasserman stated that she is confused and this is unclear. She stated that whatever part they can get on the land she will agree to.

Shnelly Ainsworth is not very clear on this and would like a space for the memorial on the site.

Mayor Danzinger provided clarification to Ms. Langesfeld using the visual of the presentation.

Mayor Danzinger reiterated the misinformation that Ms. Salzhauer continues to give and explained the proof with the prior ordinance, and it was this commission that honored the victims and the memorial and not her commission.

Mayor Danzinger, on multiple occasions, asked Mr. Burkett to stop directing his comments to Commissioner Landsman and to direct them to the Chair.

Mr. Burkett continued to direct his comments to Commissioner Landsman and not to the Chair.

Mayor Danzinger asked Captain Marciante to escort Mr. Burkett out of the Commission.

Mr. Burkett was removed from the Commission chambers.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger explained again what went forward and it was by the request of the family members. He stated that they have spoken to many family members, and many have a difference of opinion. He stated the idea here is to get a foothold for the memorial on the land. He reiterated that they are not determining anything here as far as square footage or setbacks because they cannot have this conversation without this discussion. He stated that if they do not shift the boundaries and compensate the developers, they will not get anything for the memorial and the developer will still build their building.

Commissioner Landsman thanked the Mayor and everyone that has shared their input. He stated that he hopes they will be able to have additional discussion and he knows this is very difficult. He stated it is how we go forward how to memorialize the victims. This is to give them a tool to go further in discussing how this building gets built. He stated there is math in every direction and the different analyzes of square footage and allowance of easement for the memorial. He stated this is the first step to allow them to have a mechanism to speak to the owner of the property. He stated this changes the definition of secondary frontage. He suggested taking it away on 88th Street in order to have the memorial on the actual property but not to take advantage giving the developer something for nothing. This is to come to common grounds. His change is taking 2A and adding lines 86-89 and the building can be vertically built.

Mayor Danzinger stated it is not in good practice to place restrictive language to an ordinance that ties your hands and you have to come back to change it again. He stated that the language should be less restrictive and that is why you write the ordinance in a general way to add to the code. He spoke regarding what they are giving and this does not give them anything.

Commissioner Landsman stated that is not enough to simply say trust us. He would rather have some language that has some strings attached so when they leave here tonight the public will know they will not be taken advantage of.

Town Attorney Recio stated what Commissioner Landsman is proposing and provided his suggestion.

Vice Mayor Rose asked if they are talking about setback or square footage.

Commissioner Landsman stated they do not want anyone to think that this developer is building a bigger building by this ordinance.

Commissioner Meischeid does not understand what he is saying but that was the preface of her proposal to the amendment of the ordinance. She stated that she did do her calculations to come up with the proposed language. She does not agree with putting language together for secondary frontage.

Commissioner Velasquez stated the current plan's atrium is much narrower than the memorial proposal and spoke regarding how that relates to money which is a more valuable apartment. She stated you cannot focus on square footage.

Town Attorney Recio stated there is 28-foot space in the version that goes straight up which is from the memorial proposal and then it shifts to 25 feet and then 20 feet on level 7.

Commissioner Velasquez stated you see there is a difference and that is valuable space. She stated this is not just the memorial but what is best for Surfside as a whole including the flooding issue and undergrounding.

Mayor Danzinger clarified that the developers have not asked for anything and the square footage on the property was a request from the family. This was placing a memorial on the land.

Vice Mayor Rose thanked all the family members and his parents lived there and his parents left 4 days before the collapse and his children would sleep there every weekend. He thanked all the families for being here today. He spoke regarding the political stunt the former mayor (Burkett) pulled. He spoke regarding the history of the text amendment, the numbers being proposed by Commissioner Meischeid and it is incorrect. He stated the developer owes nothing to any of us and they can build the current plan and it meets code. He said what this ordinance does is give the Town a mechanism to shift the building to allow the developer to give them access to the land. He stated that if it is facing South, it is facing Miami Beach. He spoke regarding what the former mayor sent out regarding gifting the developer certain square footage and there is misinformation and asked the Town Attorney to provide the history of the previous code and secondary frontage and what the set back is.

Town Attorney Recio gave the history of the text amendment that was adopted in 2021 and stated how they got to that.

Vice Mayor Rose stated one thing he brought up was that the developer came out with a plan that met the 10 feet.

Town Attorney Recio stated that he is correct he would have concerns to apply it to that application.

Vice Mayor Rose asked Commissioner Meischeid if her numbers is taking into account the 10% setback.

Commissioner Meischeid does not agree with the 10 feet and there is a chart that

said 10%.

Vice Mayor Rose stated that Commissioner Meisheid' numbers are on 10%.

Commissioner Velasquez spoke regarding what municode states.

Town Attorney Recio stated this was discussed before and 90-48.5 and read what it states. He further provided an explanation of that section in code and municode.

Town Attorney Recio stated if you are doing secondary frontage then the building goes up, you can concentrate less on the square footage and concentrate on the setback.

Commissioner Meisheid said they don't have to give secondary frontage but find a mechanism and maybe allow the developer to go straight up without secondary frontage.

Vice Mayor Rose stated you are reducing the building 3,700 square feet.

Commissioner Landsman stated they are not requiring an ordinance with all these proffers and spoke regarding the recommended changes provided by Commissioner Meisheid.

Mayor Danzinger is in agreement with Commissioner Landsman.

Vice Mayor Rose stated if the point of all this is to allow 10 feet which is a mechanism shifting the building 10 feet and that will allow them to approve it with a revised site plan.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading as written but on line 85 it would say as part of the special exception approval, the commission shall require a corresponding increase in the setback of the secondary frontage opposite the side where the setback is reduced, seconded by Commissioner Landsman.

Commissioner Landsman withdrew his second.

A motion was made by Vice Mayor Rose to to approve the ordinance on first reading as written but on line 85 it would say it would say as part of the special exception approval, the commission shall require a corresponding increase in the setback of the secondary frontage opposite the side where the setback is reduced, seconded by Mayor Danzinger. The motion failed with a 2-3 vote with Commissioner Meisheid, Commissioner Landsman and Commissioner Velasquez voting in opposition.

[Ordinance Amending Sec. 90-37 and 90-48 -Modifying H120 Setbacks and Secondary Frontage - First Reading 7-17-23.docx](#)

### **3. Adjournment**

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 7:21 p.m., seconded by Commissioner

Velasquez. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Shlomo Danzinger, Mayor

Attest:

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Sandra N. McCready, MPA, MMC  
Town Clerk