



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
August 8, 2023  
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 6:08 p.m.

**1B. Roll Call of Members**

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner 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**

Kasriel Gewirtz provided the pledge of allegiance.

**1D. Mayor and Commission Remark - Mayor Shlomo Danzinger**

Mayor Danzinger recognized State Representative Fabian Basabe welcomed everyone here and those watching at home. He addressed an incident that occurred in the last meeting, and he deeply regrets losing his composure and his words were never intended to hurt anyone or any specific group or nationality. He stated there are a lot of excited items and is looking forward to a very productive meeting.

Vice Mayor Rose thanked everyone here and those that attend all our events. He state he is also looking forward to a great meeting.

Commissioner Landsman welcomed all in the chambers and watching at home. He addressed the past meetings being tumultuous and democracy is the best form of government and is looking forward to a productive meeting tonight.

Commissioner Meisheid commented on an important issue which is the memorial

on 88th street and the resolution from the past commission which approved that memorial. She stated they need to work together with the community and developer and thanked Mayor Danzinger for his comments and for apologizing to Commissioner Velasquez.

Commissioner Velasquez thanked everyone and spoke regarding the memorial and what took place with the past commission. She stated that the Mayor made a comment to everyone but did not apologize directly to her but appreciates that he is accepting the fact that he made a mistake. She stated the comment was very hurtful and demeaning and hopes it will never happen again. She hopes they have a good meeting tonight.

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

Mayor Danzinger would like to move item 5A (Resolution Approving a Donation to the Holocaust Heroes Worldwide Organization from the Legislative "Grants/Aids" Fund Account) to be heard after item 3 (Consent Agenda).

A motion was made by Vice Mayor Rose to move item 5A (Resolution Approving a Donation to the Holocaust Heroes Worldwide Organization from the Legislative "Grants/Aids" Fund Account) to be heard before item 3 (Consent Agenda), seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

A motion was made by Commissioner Velasquez to walk on an item as the new item 5B (Censorship of Mayor Danzinger) to be heard after item 5A, seconded by Commissioner Meisheid. The motion failed with a 2-3 vote with Commissioner Landsman, Vice Mayor Rose and Mayor Danzinger voting in opposition.

#### **1F. Community Notes - Mayor Shlomo Danzinger**

Mayor Danzinger provided an overview of the events that took place in Town. He also spoke regarding the opening of the new gymnasium.

Mayor Danzinger recognized the Town employees who celebrated an anniversary and acknowledged the Surfside employees.

#### **1G. Presentation of the FY 2022 Annual Comprehensive Financial Report (*Verbal*)**

- Hector Gomez, Town Manager

Town Manager Gomez introduced the item and this is required per charter.

Brandon Lopez, Marcum and Marcum, external auditors went over the external audit report.

#### **1H. Honorary Mayor Award - Shlomo Danzinger, Mayor**

To recognize the actions and compassion of one of our young residents by bestowing on him the prestigious title of Honorary Mayor.

Mayor Danzinger introduced the item and provided an analysis and background of Kasriel Gewirtz.

State Representative Fabian Basabe administered the oath to Kasriel Gewirtz as the Honorary Mayor for the Town of Surfside.

State Representative Basabe stated he was moved by the actions of Kasriel Gewirtz and recognized him with a proclamation from the State of Florida.

[Photo](#)

**11. Citizens Presentation by Charles W. Burkett - Sponsored by Commissioner Velasquez** - Commissioner Nelly Velasquez

Commissioner Velasquez introduced the item and requested for former mayor Charles Burkett to give his citizen's presentation.

Mr. Burkett stated he had submitted copies of the language of the rules and code and clips of the meeting and was told he would not be able to show it because he did not meet the deadline to submit the presentation. He encouraged anyone that would like to see it they could go to the the Town's website.

Commissioner Velasquez stated that she did receive it in time but it was her fault that she forgot to send it to Jose Feliz.

Mayor Danzinger stated that the rules are based on an ordinance that the Town has in place and if they want to not follow that rule they must bring it back as a ordinance and that ordinance will require two readings to bypass the rule.

Charles Burkett provided his verbal presentation as to when he was removed from the chambers and the mayor not allowing a speaker to continue speaking. He stated his presentation pertains to the rules for those that wish to speak and the mayor not allowing the speakers to continue speaking. He continued with his verbal presentation.

Mayor Danzinger opened the floor for public comments.

The following individuals from the public spoke:

George Kousoulas addressed the incident on July 25 with Mr. Burkett.

Eliana Salzhauer spoke regarding how this commission responds to certain individuals and spoke in favor of Mr. Burkett.

Gerardo Vildostegui spoke regarding the mayor using the decorum rules to silence the public.

Victoria Saife spoke in support of Commissioner Velasquez and was deeply insulted by the mayor's comments.

Debbie Cimadevilla thanked Mr. Burkett for his presentation and believes all should be respectful to each other.

Mandyf Davedpour stated that when ex-mayor Burkett and former Commissioner Salzhauer were up there all they did was attack. She stated that the Town and she is tired of the attacks. She is begging them to stop picking on everyone. She stated that former mayor Burkett is very rude and demeaning to everyone. She stated that Commissioner Velasquez doesn't even live here.

Ben Jacobson spoke regarding what the previous commission was, and it was embarrassing and a disgrace. He stated that during that commission the town did not work well, and this mayor is trying to keep decorum. He stated that there is only one commissioner that continues to disrupt the meeting. He stated that they cannot allow the decorum to break, and their goal is to break down this commission.

Daniel Siegel expressed his gratitude for being here. He stated the only reason he is here tonight is to show support to young Kasriel Gewirtz. He stated a lot of people's feelings are hurt and we all have one thing in common which is living in Surfside and asked for everyone to set aside their feelings and get along.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman thanked everyone that contributed and the public's words were heard.

Commissioner Meisheid thanked everyone for coming. She spoke regarding topic the of Section 7.05. She asked the Town Attorney if she had a comment on that section.

Town Attorney Arango stated she does not have a comment on Section 7.05 but she can read it into the record but does not hear a question being asked by the Commissioner.

Town Attorney Arango read Section 7.05 as per Commissioner Meisheid's request.

Mayor Danzinger stated the decorum statement sections are all printed as the first paragraph on the first page of the every agenda.

Commissioner Meisheid asked if according to Section 7.05 three commissioners could overrule the mayor's decision.

Town Attorney Arango stated yes, but the rule that was cited was Section 7.04 and that was the rule that was violated.

Commissioner Velasquez addressed the comments made by the public and supports Commissioner Meisheid and spoke about what took place on July 25th. She continued speaking regarding the point of inquiry and the dates of when she made that request. She stated that anything she says, she is always stopped.

Vice Mayor Rose stated that former mayor Burkett lied in his presentation and pointed out each of his lies. He read his prepared statement and reminded everyone that during the last commission while the commission was via zoom, he was the one muting the speakers that he did not want to hear about. He stated that for most people it is not an issue except for those that do not want to comply with the rules. He stated other municipalities and governing bodies have the same rules. He stated that one commissioner is constantly interrupting, and the comment made was out of frustration.

Mayor Danzinger addressed the comments made and what they are witnessing here

today is nothing short of doing this for meticulous political reasons. He read his prepared statement. He provided a powerpoint presentation with the Town Charter and rules. He stated he continues to repeat that at every meeting and people still do not want to follow the rules.

[Residents Speech Rights & Powers of the Town Commission related to speakers.docx](#)

## 2. Quasi-Judicial Hearings

## 3. Consent Agenda

***All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.***

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

### **3A. Approval of Minutes** - Sandra N. McCreedy, MPA, MMC, Town Clerk

Approved on consent.

[July 11, 2023 Special Town Commission Meeting Minutes.pdf](#)

[July 11, 2023 Regular Town Commission Meeting Minutes.pdf](#)

[July 25, 2023 Special Town Commission Meeting Minutes.pdf](#)

### **3B. Board and Committee Reports/Minutes** - Sandra N. McCreedy, MPA, MMC, Town Clerk

Approved on consent.

[June 5, 2023 Tourist Board Meeting Minutes](#)

[June 30, 2023 Police Pension 185 Meeting Minutes](#)

### **3C. Authorizing the Town Manager to Execute the Interlocal Agreement with Miami-Dade County in Order to Reestablish the Distribution Formula Currently Being Used to Distribute Local Option Fuel Tax Proceeds between the County and Town of Surfside for the 30-year Period Including January 1, 2024, through December 31, 2053** - Hector Gomez, Town Manager

Town administration recommends approval of this resolution.

Approved on consent.

[Resolution Approving ILA For Six-Cent Gas Tax](#)

[MDC Resolution Approving Amended and Restated ILA - Local Gas Tax](#)

[Exhibit A - Proposed Interlocal Agreement](#)

**3D. Commercial Recycling Material Lists & Commercial Recycling Rate Adjustment** - Hector Gomez, Town Manager

Town Administration recommends adopting proposed rates and materials list related to recycling.

Approved on consent.

[Attachment A - 2023 Solid Waste Rate Study](#)

[Resolution Adopting Commercial Recycling Rates FY 2024 to 2028 and Recyclable Materials List](#)

[Exhibit A - Proposed Recycling Rates Table](#)

[Exhibit B - Recyclable Materials List](#)

**3E. Authorization to Purchase a Stormwater Pump from Xylem Water Solutions USA Inc.** - Hector Gomez, Town Manager

Town administration is seeking Town Commission approval for a purchase of a stormwater pump with the purchase being made through Xylem Water Solutions USA Inc. in the amount of \$160,400.00 plus an additional \$10,000 contingency for delivery, crane, and installation.

Approved on consent.

[Resolution Approving Purchase of Stormwater Pump from Xylem](#)

[Exhibit A - "Xylem Water Solutions Pump Quote"](#)

**Second Reading**

**4A1 Pension Ordinance Implementing 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135** - Hector Gomez, Town Manager

Town administration is recommending approving pension ordinance changes for second reading as a result of 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135.

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

Town Manager Gomez provided an overview of the ordinance.

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

## First Reading

### **4B1. Smoke Shops as Conditional Use in SD-B40** - Hector Gomez, Town Manager

Town Administration recommends approval of the ordinance to grant the Town Commission the ability to review proposed "Smoke Shops" for compatibility with Town character as a conditional use in the SD-B40 district.

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

Town Manager Gomez provided an overview of the ordinance.

A motion was made by Commissioner Meisheid for purposes of discussion, seconded by Commissioner Velasquez.

Mayor Danzinger opened the floor to public comments.

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

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman introduced the item and stated that this is an effort for this commission to regulate any future vape shops.

Commissioner Meisheid is fine since they added the conditional use.

Commissioner Velasquez supports this and does not think that type of business is what they want in the town and limiting it to one and if that one goes out of business there should not be any more vape shops. She said right not marijuana is for medicinal purposes and at one point it will become recreational, and she would like to add that no marijuana products will be allowed to be sold in any vape shop in town.

Vice Mayor Rose thanked Commissioner Landsman for bringing this forward.

Mayor Danzinger thanked Commissioner Landsman for bringing this forward. He does believe in free market economy but if this is something that does not belong in Town then the market will decide. He believes that everyone is in agreement to not have these types of stores in Town. He addressed the marijuana statement, and everything here is up for commission approval and asked if marijuana falls under tobacco.

Town Attorney Recio addressed the comments made and stated what section it would fall under.

Mayor Danzinger went over the broad terminology in some areas of the ordinance.

He said Section C is more in line with what they discussed and a bit more focused on the character of the Town. He would keep Section C and modify it to focus on the character of the town to maintain the small town feel.

Commissioner Landsman addressed the comments made by the commission.

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

A motion was made by Commissioner Landsman to approve the ordinance on first reading as amended to include in line 82 to prevent any marijuana or marijuana derivative or substance allowed, as well as leaving the zoning in progress as stated in the ordinance, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

[Ordinance Amending 90-41 to Allow Smoke Shop in CU in SD-B40](#)

**4B2. Harding Avenue Front Yard Paving Allowance** - Hector Gomez, Town Manager

Town Administration recommends consideration of this ordinance to allow Harding Avenue homeowners in H30B district additional parking to encourage the beautification of their front yards.

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

Town Manager Gomez provided an overview of the ordinance.

Mayor Danzinger asked where the initiative came from.

Town Manager Gomez stated they received certain applications and people are investing in their properties but not their driveways.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer stated that it is hard to know who is bringing this item and everything is coming from the Town Manager and go back to the original format showing who is proposing the item and why. She spoke regarding the conversion and if it is retroactive.

Charles Burkett spoke against the item.

Gerardo Vildostegui spoke against the item.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger explained that the agenda is the Town Manager's agenda, and in all ordinances, it will have the Town Manager's name on it.

Town Planner Frankel explained the item in detail. She stated that this was brought up due to some situations that were brought up to her attention that exceed the 50%.

Commissioner Velasquez supports this item and people do have problems parking on Harding Avenue. She would like to suggest is that there be a buffer between the



two lots like a hedge, that way you beautify the lot.

Town Planner Frankel addressed the comments made by the Commission.

Mayor Danzinger spoke regarding the hedges and the visibility on Harding Avenue.

Commissioner Velasquez addressed the comments made and asked Town Attorney Recio to explain.

Town Attorney Recio stated that the visibility triangle has to be adhered to.

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

Commissioner Landsman spoke regarding the parking issue and pedestrian safety. He explained this allows for families that have 100% concrete, they can update and enhance their property and go from 100% to 70% and the pervious area does not change.

Commissioner Meischeid agrees with the hedge buffer.

Vice Mayor Rose supports this and would also like to see it in H30B and H30C as well.

Mayor Danzinger agrees to add it to the H30B and H30C.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading and to add the same requirements to H30B and H30C only on Harding Avenue, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

[Ordinance Amending 90-61 Harding Avenue Front Yard Paving Allowance](#)

#### **4B3. Carport Allowances in H30A and H30B - Hector Gomez, Town Manager**

Town Administration recommends the consideration of this ordinance to allow additional material types for carport canopies. It is recommended that the Town Planner have the ability to refer any design review of a carport to the Planning & Zoning Board for final review and approval in the case of uncertain compatibility.

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

Town Manager Gomez provided an overview of the ordinance.

Town Planner Frankel introduced the item.

Building Official McGuinness provided his recommendations on the item.

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

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke against the item.

George Kousoulas stated they need to fix a portion of the code.

Mayor Danzinger closed the floor to public comments.

Commissioner Velasquez agrees with the speaker and her concern is with the wood and be more specific.

Town Planner Frankel addressed the comments made.

Commissioner Landsman stated that he trusts his Town Planner and addressed the comments made.

Commissioner Meischeid also agrees with the percentages and would prefer 10% and rather have it open on four areas and 90% is fine with her but has a concern with the materials. She suggested adding no concrete or concrete blocks.

Vice Mayor Rose agrees with all the comments made.

Mayor Danzinger is not a fan for carports but is an essential thing for some of the residents. He asked regarding the percentage and if it was put it as a requirement for the structure.

Building Official McGuinness addressed the comments made as it pertains to the structure and how it relates to sustained wind and sail resistance. He recommends the 10% as well.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading with the amendment of 10% solid to 90% open and no concrete, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

[Ordinance Amending Sec. 90-58 Carport Canopies](#)

**4B4. Recycling Ordinances Changes due to Market Conditions** - Hector Gomez,  
Town Manager

Town administration is seeking to update Chapter 66 - Solid Waste of the Town Code to update commercial recycling rates and make any future changes applicable through resolution as well as update recycling materials list and make any future updates applicable through resolution. Additionally, Town is seeking to make recycling mandatory for commercial and mixed-use properties.

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

Town Manager Gomez provided an overview of the ordinance and what is taking place with recycling and the recycling program.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:  
Eliana Salzhauer

Mayor Danzinger closed the floor to public comments.

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

[Ordinance Amending Sec. 66-36 Recycling Attachment A - Recyclable Items](#)

## 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.***

### **5A. Resolution Approving a Donation to the Holocaust Heroes Worldwide organization from the Legislative "Grants/Aids" fund account - Shlomo Danzinger, Mayor**

For the commission to approve a resolution approving the expenditure of funds (amount TBD) from the Legislative's Grants and Aids fund as a donation towards the Holocaust Heroes Worldwide organization.

Item was moved to be heard before item 3A (Consent Agenda).

Moran Alfasi, Holocaust Heroes Worldwide Organization, provided a presentation of the item.

Jess Bryan, Holocaust Heroes Worldwide Organization, continued with a presentation of the item and the programs provided.

Deputy Town Clerk Herbello read the title of the resolution into the record.

Mayor Danzinger provided an overview of the item.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:  
Eliana Salzhauer stated that there are other Holocaust organizations

Mayor Danzinger closed the floor to public comments.

Vice Mayor Rose asked if they have requested funding from any other municipality.

Ms. Alfasi stated that Surfside is the first municipality they have come to.

Commissioner Velasquez asked if they have gone to any of the neighboring schools

and believes this is very important and if it could be something in our community center.

Ms. Alfasi addressed the comments made by Commissioner Velasquez.

Mayor Danzinger stated that they were approached to assist and addressed the comments made by the public speakers.

Commissioner Landsman spoke regarding the importance of education in this area for our children and adults.

Commissioner Meischeid would consider a lower amount of \$15,000 and if they did any research of the programs.

Mayor Danzinger stated the motion is for \$5,000 and not \$15,000. He stated that he researched other programs but cannot answer any other commissioners.

Commissioner Velasquez stated that Commissioner Meischeid was asking if he researched other programs. She asked if he has researched other organizations. She would also support a lower amount. She supports the \$5,000 and would like to see a program in our community center directed to our families and children to bring awareness of the holocaust.

Mayor Danzinger stated that he has researched other organizations.

A motion was made by Vice Mayor Rose to approve the resolution and a donation in the amount of \$5,000 to the Holocaust Heroes Worldwide organization and for them to hold an event at the Community Center and invite Bal Harbour and Bay Harbour neighbors to attend the event, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Holocaust Heroes Worldwide Not-For-Profit Organizations Form](#)

[Attachment A - Other Grants & Aid - 001-1000-511-83-00](#)

[Attachment B - HHW Organizational Case Statement - July 2023](#)

[Attachment C - HHW Services to other communities and organizations](#)

[Attachment D - HHW Sunbiz Status 7-10-23](#)

[Attachment E - HHW Florida Certificate of Standing](#)

[Resolution Approving Donation to Holocaust Heroes World Wide](#)

**5B. Approval of Cloud Services Agreement with Liftoff, LLC for Use and Subscription to Microsoft Office 365 - Hector Gomez, Town Manager**

Town Administration recommends approval of the resolution authorizing execution of the attached agreement and to expend required funds.

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

Town Manager Gomez provided an overview of the item. He stated they are being booted out from the current microsoft and they are trying to get the cloud base program because by the end of the year they will not be compatible with their

program. This will help them with security against the cyber world of hacking.

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 resolution as written, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Resolution Approving Purchase of Microsoft Office 365 Licenses from Liftoff v3.DOCX](#)

[Exhibit A - Liftoff Quote and Customer Terms for Cloud Services Agreement](#)

**5C. FY 2023 Budget Amendment Resolution No. 9 - Hector Gomez, Town Manager**

Town Administration recommends approval of Budget Amendment Resolution Number 9.

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

Town Manager Gomez provided an overview of the item.

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 resolution as written, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Resolution Approving Budget Amendment No. 9](#)

[Attachment A - FY2023 Budget Amendment No. 9](#)

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

***Public comments for subjects or items not on the agenda.***

Mayor Danzinger read the decorum rules into the record for Good and Welfare.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Charles Burkett

Eliana Salzhauer

Joshua Epstein

Gerardo Vildostegui

Pablo Langesfeld

Martin Weiner

Victor May  
David Karp  
George Kousoulas  
Andrea Langesfeld  
Debbie Cimadevilla  
Mandyf Davenport

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman responded to the comments made by the public speakers.

Commissioner Meischeid responded to comments made by the public speakers and the memorial on 88th Street.

Commissioner Velasquez responded to comments made by the public speakers. She asked if they could do a motion tonight to separate the ballot questions.

Town Attorney Arango stated that item as well as the request of two separate special meetings is not on the agenda and stated that Commissioner Velasquez would have to add it to the agenda.

Commissioner Landsman stated that it has to be clearly understood what the terms would be if that will help them be prepared for next week.

Vice Mayor Rose has no problem separating it.

Mayor Danzinger stated he has no problem separating it. He stated that it is not an ideal time to be discussing a charter question at the end of the night.

A motion was made by Commissioner Velasquez to add as a discussion item on this agenda to discuss the separation of the ballot questions as the new item 9G (Separation of Charter Ballot Questions), seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Vice Mayor Rose addressed the comments made by the public speakers.

Mayor Danzinger thanked the Town Attorneys especially how they come under fire from former elected officials and residents. They need to be treated with respect. He continued responding to the comments made by the public.

A motion was made by Vice Mayor Rose to take a recess at 9:21 p.m. and return at 9:30 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Meeting resumed at 9:34 p.m.

## **7. Town Manager and Town Attorney Reports**

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

Town Manager Gomez provided his Town Manager's Report.

Mayor Danzinger thanked Town Manager Gomez for his report.

Commissioner Landsman would like to have Allyn Kilsheimer back with an update on the CTS investigation.

Town Manager Gomez stated that the Commission passed a resolution for additional funding and explained what the resolution stated. He stated he has not received the grant/contract for the funding attained to continue with Mr. Kilsheimer. He stated that the other half of materials have not been released for Mr. Kilsheimer to review and due to that he is topped out at the current time. He is still working on the other items. He asked the Commission when they want him to come.

Mayor Danzinger stated that the last time he was here he stated he does not have anything to add since he still needs access to the other materials.

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

[2023 August Town Manager's Report](#)

### **7B. Town Attorney's Report**

Town Attorney Arango provided his Town Attorney's Report. She provided an update on the Shannon Gallagher appeal and explained the Court's findings and the rehearing request was also denied. She also stated that the Victor May Code Enforcement item was denied by the courts.

Mayor Danzinger asked how much the Town has expended on the Gallagher case.

Town Attorney Arango stated that as of now the Town has expended \$40,000 and that does not include what the developer has expended in attorney's fees.

A motion was made by Vice Mayor Rose at 10:59 p.m. to extend the meeting 30 minutes, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

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

[Town Attorney Report - August 2023.DOCX](#)

## **8. Unfinished Business and New Business**

## 9. Mayor, Commission and Staff Communications

Mayor Danzinger opened the floor to public comments on all Mayor, Commission and Staff Communications items (9A (Storefront Facade Improvement Grant Program), 9B (Amendment to Section 90-41 Regulated Uses of the Town Code), 9C (Collins Avenue Monument Sign), 9D (Review Chapter 70 of the Town Code as it Relates to the Resort Tax Board a.k.a. "Tourist Board"), 9E (Outdoor Lighting in Single-Family Residential Zone), 9F (Clarify the Correct Interpretation of Sections 90-45 and 90-48.5(2)) and 9G (Separation of Charter Ballot Questions).

The following individuals from the public spoke:

George Kousoulas

Eliana Salzhauer

Gerardo Vildostegui

Ben Jacobson

Mayor Danzinger closed the floor to public comments.

### 9A. Storefront Facade Improvement Grant Program - Commissioner Marianne Meisheid

Commissioner Meisheid introduced the item and spoke regarding the complaints of the storefronts on Harding Avenue. She stated there is no mechanism to get storefront owners to update their storefront facade. She suggested to move forward with this facade grant program.

A motion was made by Commissioner Meisheid for purposes of discussion, seconded by Commissioner Velasquez.

Commissioner Landsman provided his input and concerns. He commented that it should be the landlords to be responsible for the facade. If so, you have to see if they are interested in participating. He would like to see more research on this. He stated that the different owners might not collaborate together. He would like to see more behind it.

Commissioner Velasquez stated she likes the idea but does have other questions in terms of how to get everyone together and how to get the money and where it will be coming out of. She would also like to see more research.

Vice Mayor Rose likes the idea and would like to know where the money is coming from. His concern is giving multimillion dollar owners money to do this. He spoke regarding adding some sort of additional canopy to be consistent and would like more research. He would prefer more of a canopy to cover those walking.

Mayor Danzinger asked who would be funding this.

Commissioner Meisheid stated it could not come out of the Tourist Fund and would have to come out of the General Fund and it would be approximately \$30,000 to



start. She stated the storeowners would pay everything upfront and then apply for the grant.

Mayor Danzinger stated she mentioned she is still working on the design for this and that it is coming from the General Fund. He is concerned they are giving multimillion dollar wealthy owners the money to fix their storefront. He does not believe the taxpayers would be in agreement to pay for them to work on their facades. He would like to see more about the plan itself.

Commissioner Meisheid stated that there were some store owners at the DVAC meeting. She continued with the conversations with the store owners and having them update their facades.

Town Manager Gomez stated they engaged in some key take away on the item and possible benefits. He did state some aesthetic problems and stated they have never done this before and spoke regarding the funding source. He recommended a reimbursable grant. He spoke regarding eligibility.

Commissioner Velasquez asked why it cannot be used from the Tourist Fund.

Commissioner Meisheid stated they tried that avenue and since the owner's own the building, they could not use Tourist dollars.

A motion was made by Vice Mayor Rose at 11:28 p.m. to extend the meeting another 32 minutes until midnight, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Mayor Danzinger stated he is not in favor of paying someone to fix their storefronts and you are taking taxpayer money to invest fixing a multimillion dollar owner's property.

A motion was made by Commissioner Meisheid to move forward with a pilot program, seconded by Commissioner Velasquez. The motion died with a 2-3 vote with Commissioner Landsman, Vice Mayor Rose and Mayor Danzinger voting in opposition.

[Exhibit A - Storefront Facade Improvement Grant Program.pdf](#)

**9B. Amendment to Section 90-41 Regulated Uses of the Town Code -**

Commissioner Fred Landsman

For the Town Commission to discuss and provide directions to the Town Attorneys to draft an ordinance amending section 90-41 as it relates to coin-operated machines including amusement centers.

Commissioner Landsman introduced the item and had a young man approach him with an idea of opening this type of business and stated the issues with the code and restrictions.

Vice Mayor Rose suggested to have something similar to a Chuckee Cheese to give the children small prices like tickets.

Commissioner Landsman stated they do not want it to be like a Chuckee Cheese.

Commissioner Velasquez likes this and believes it is important to get the kids out from in front of the computers.

Mayor Danzinger also agrees with the Vice Mayor's comments. He would recommend changing it to possibly prizes not to over a certain amount.

A motion was made by Commissioner Landsman to move this item forward as a first reading ordinance to include the option and ability for the wages to be used for prizes up to \$50.00, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

**9C. Collins Avenue Monument Sign - Hector Gomez, Town Manager**

Town Manager Gomez introduced the item and advised that the Tourist Board deferred the item last night in order to discuss the item with a full board. He continued with an overview of the item and if they would like to look at the options or defer it until the Tourist Board has a full Board.

A motion was made by Vice Mayor Rose to defer the item until the Tourist Board is able to hear the item at their September meeting, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Attachment A - Don Bell Updated Surfside Deck.pdf](#)

[Attachment B - Collins Avenue Mock Ups](#)

[Attachment C - Monument Sign Don Bell Quote](#)

**9D. Review Chapter 70 of the Town Code as it Relates to the Resort Tax Board a.k.a. "Tourist Board" - Commissioner Marianne Meisheid**

Create new language in Chapter 70 that addresses the use of funds, board composition and commission oversight. Language is attached.

Commissioner Meisheid introduced the item and requested to create new language that addresses the use of funds. She stated that since 2015 the Resort Tax Fund has tripled as well as the promotional item cost. She referred to the graph in the agenda packet. She suggested to cut it from 34% to the 17%. She would like to add the remaining 17% to be dedicated to capital improvement projects that would be tourist related. She provided her provisions.

Mayor Danzinger stated he wishes she would have divided this because she is dealing with two separate items.

Commissioner Velasquez made her suggestions, and the most important part is the 34%.

A motion was made by Commissioner Meisheid to bring this item to a referendum to change the promotion from the 34% to 17% and use the remaining 17% for capital improvement projects, seconded by Commissioner Velasquez.

Commissioner Landsman asked what the motivating factor for this cut was and is it to take away less funding and authority from the Tourist Board. He asked if the drive was because they cut the contract with a previous vendor (Sara Liss).

Commissioner Meischeid stated it is because there is still a lot of money left over on promotional items that can be used for capital improvements.

Commissioner Landsman asked Town Attorneys if they reduce to 17% could they use the rest of the funds to enhance the Downtown.

Town Attorney Arango handed out the 1963 Act and in Section 6 it shows the limiting purposes for what the Resort Tax could be used for. She stated any funds they want to use it is specifically listed here and it has to be factually connected for tourist purposes.

Commissioner Velasquez stated the reason she supports this is because they can get creative to use the money to better the Town.

Vice Mayor Rose asked for clarification as to how they spend the money and asked if the money not used goes to reserves, could the Tourist Board use them when needed.

Town Manager Gomez addressed the question and how the reserves work and how it could be used.

Town Attorney Arango clarified the question and the money in reserves must be spent for the same things and is restrictive.

Vice Mayor Rose supports this for that reason.

Mayor Danzinger believes it is two separate items and explained those items and how they can be dealt with. He stated the Tourist Board can still pay for capital improvements and are not restricted and provided examples.

Further discussion took place among the Commission regarding this item and the additional funds in control of the Commission.

A motion was made by Vice Mayor Rose to extend the meeting for an additional 30 minutes. The motion failed for lack of a second.

A motion was made by Commissioner Velasquez to extend the meeting for 15 minutes until 12:15 a.m. (August 9, 2023), seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Mayor Danzinger voting in opposition.

Mayor Danzinger stated they are trying to tie the hands of the Tourist Board and remove their authority.

Commissioner Meischeid stated that is not the intent and it is just diverting it to improvements.

Mayor Danzinger stated they can still access the funding for capital improvement projects. He also stated that you are now making it into 5 ballot questions. He encouraged them to bring it to the Tourist Board.

Vice Mayor Rose spoke regarding what is stated on page 291. He asked there is one reserve account or two reserve account.

Town Manager Gomez stated it is one reserve account and cannot be used for anything else. It is earmarked for 34% of what was collected. He explained how it would work.

Vice Mayor Rose stated he was supportive but if you are having 6 or 7 ballot questions going to referendum it is too much.

Commissioner Meischeid asked if they could add this item to the special meeting on the ballot questions.

Commissioner Landsman believes they are trying to tackle this in a small amount of time and should not be addressed so late. His suggestion is to defer it or go to a super majority of the Tourist Board. He believes this needs to be fully vetted.

Commissioner Velasquez asked if they could bring it back on August 22 as one of the ballot questions and decide then if they leave it or put it.

Mayor Danzinger asked Town Attorney what the cost would be to bring this back.

Town Attorney Arango explained that the special meeting is bringing back a resolution with ballot questions with less than 75 words while meeting Miami Dade County Election Department's deadline date.

Mayor Danzinger explained that they went through arduous months of work with the Charter Review Board and now they want to bring things at the last minute.

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

[Resort Tax Board Discussion Proposed Language.docx](#)

**9E. Outdoor Lighting in Single-Family Residential Zone** - Commissioner Marianne Meischeid

Modify Section 90-62 Outdoor Lighting so that addresses the specific requirements of the single-family district. A sample is attached.

Deferred to the September meeting.

[Outdoor Lighting Proposed Language.docx](#)

**9F. Clarify the Correct Interpretation of Sections 90-45 and 90-48.5(2)** - Commissioner Nelly Velasquez

Specifically, a 200-foot lot equals a 20-foot setback, a 150-foot lot equals 150 feet, a 100-foot, 75-foot and 50-foot lots all equal 10 feet. The Wedding cake setback has been 10% since 2014. In the Fall of 2021, when the previous commission amended the inclined setback ordinance, it never intended to lessen the setback of the wedding cake. It intended for the setback to remain 10%.

Deferred to the September meeting.

### **9G.) Separation of Charter Ballot Questions**

Commissioner Velasquez would like to split the ballot questions of the term limits and run offs and separate it to two separate ballot questions.

Town Attorney Arango would like further clarification.

Discussion took place among the Commission as pertains to the way the question should be written. After a lengthy discussion the following motion was made.

A motion was made by Vice Mayor Rose to have alternating 4 year terms for Mayor and Commission and for the Mayor's race it would be 50% plus 1 to be elected as mayor if not a runoff will be required, seconded by Commissioner Landsman. The motion carried with 5-0 vote.

### **10. Adjournment**

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 12:15 a.m. (August 9, 2023), seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

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

\_\_\_\_\_  
Shlomo Danzinger, Mayor

Attest:

\_\_\_\_\_  
Sandra N. McCreedy, MPA, MMC Town Clerk