



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
October 10, 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 6:06 p.m.

**1B. Roll Call of Members**

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeffrey 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**

Members of the Young Marines provided the pledge of allegiance.

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

Mayor Danzinger welcomed everyone here today and will save his remarks for Community Notes.

Commissioner Landsman requested a moment of silence for the terrible terrorist attacks in Israel and for all those that were killed and those that have to deal with future trauma. He stated that the Town of Surfside supports Israel. He also stated the following statement into the record: "I stand with Israel! My thoughts and prayers go out to all Israelis affected by the terrorist attack on Saturday. Surfside stands with Israel! On a more local level, I want to thank all of our Town Staff and employees for their hard work and dedication to the Town of Surfside. Special thanks to: Town Manager, Hector Gomez, Town Attorneys, Lillian Arango and Tony Recio, Town Clerks, Sandra McCready and Evelyn Herbello, Town Planner Judith Frankel, Police Chief John Healy. Every day you all go above and beyond to support and enable our town and our residents to move forward and prosper".

Commissioner Meischeid hopes for peace abroad and at home and they are tasked tonight with items before us and they live by the decisions they make. She spoke regarding how quickly the meeting of September 27, 2023 finished and their deliberation and preempted motion to end the debate. She stated they did not have time to cross-examine Damac representatives. She spoke about the discussion that took place regarding that project during the September 27, 2023 meeting.

Commissioner Velasquez thanked everyone for being here tonight and she does stand for Israel and the violence that happened is unacceptable and there are ways to negotiate without acts of terrorists. She thanked Commissioner Meischeid for mentioning last commission meeting and they did not have time to cross examine regarding the project and they were not allowed to ask questions. She spoke regarding the location of the loading dock for the project.

Vice Mayor Rose thanked everyone and his thoughts and prayers to the people in Israel as well as those in Surfside that have connection in Israel. He thanked Commissioner Landsman for his comments made and thanking Town Staff. He thanked Town Manager Gomez, Public Works Director, Assistant Director and staff for the work they have been doing cleaning the beach and the lighting path as well as the projects around Town and all is done inhouse by our Public Works Department and the money they are saving the Town.

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

A motion was made by Vice Mayor Rose to move item 9A (Formal Complaints regarding Commissioner Nelly Velasquez) to be heard before item 3 (Consent Agenda), seconded by Commissioner Landsman. The motion carried with a 3-2 vote with Commissioner Velasquez and Commissioner Meischeid voting in opposition.

Town Manager Gomez spoke regarding a walk on item for the purchase of police vehicles and due to some changes that took place they have to do some adjustment to the previously approved resolution. He would like to add it to Section 5 (Resolution and Proclamations).

A motion was made by Vice Mayor Rose to walk on a resolution as new item 5B (Resolution Approving and Authorizing the Purchase of Five (5) 2023 Police Vehicles), seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Mayor Danzinger would like to move item 1F (Community Notes) at the end of items 1 (Opening), add a resolution in support of Israel after item 1F (Community Notes) to be the new 1K (Resolution in Support of Israel) and add an item (Item 1J) (Coastal Corridor Liaison) to appoint a liaison for the coastal corridor.

A motion was made by Vice Mayor Rose to move item 1F (Community Notes) at the end of items 1 (Opening), add a resolution in support of Israel after item 1F (Community Notes) to be the new 1K (Resolution in Support of Israel) and add an item (Item 1J) (Coastal Corridor Liaison) to appoint a liaison for the coastal corridor, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

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

Heard after item 1G (Red Ribbon Week Proclamation).

Mayor Danzinger spoke regarding the different upcoming events in Town. He recognized Town staff anniversaries and congratulated staff. He spoke regarding the rules of decorum and reminded all the public and those on the dais.

Police Chief Healy spoke to the Commission and the residents and stated he will be retiring effective October 13, 2023. He stated that things change in life and spoke regarding his health issues and for that reason he chose to retire. He stated it was his decision and Town Manager Gomez asked him to take some time and think about it and he has decided that he will be retiring. He will not be leaving this Town and nobody has been pushing him to leave which has been going around and that is not correct. This is a decision that he and his wife have decided to take in order to take care of himself. He thanked the Town Manager for being a great mentor.

Mayor Danzinger thanked Chief Healy for his service.

Town Manager Gomez thanked Chief Healy for putting all his heart and soul into this. He stated that Friday, October 13th will be his last day and he has asked Assistant Chief Marciante to be Interim Chief and he has the utmost trust in the department.

Mayor Danzinger echoed some of the words of the commission and spoke regarding the horrible terrorist attack in Israel. He said a prayer to defend the people of Israel in Hebrew.

**1G. Red Ribbon Week Proclamation - Mayor Shlomo Danzinger**

For the commission to approve the Red Ribbon Week Proclamation as presented.

New Item 1F.

Mayor Danzinger introduced the item and read the proclamation into the record and presented it to the Young Marines and recognizing those that have lost their lives by keeping the drugs off our streets like Kiki Camarana.

A representative from the Young Marines spoke regarding the Kiki Camarana Memorial and thanked him for protecting the country from the incoming of drugs and he has died for that cause.

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

[Red Ribbon Week Request - Oct 2023.pdf](#)

[Red Ribbon Week - Oct 2023.pdf](#)

**1H. National Community Planning Proclamation - Shlomo Danzinger, Mayor**

For the Commission to approve the National Community Planning Proclamation as

presented.

New Item 1G.

Mayor Danzinger introduced the item and thanked our Town Planner and Planning and Zoning Board. He read the proclamation into the record and presented it to Town Planner Judith Frankel and members of the Planning and Zoning Board.

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

[National Community Planning Month Request - Oct 2023.pdf](#)

[National Community Planning Month - Oct 2023.pdf](#)

### **1K) Resolution in Support of Israel**

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

Mayor Danzinger introduced the item.

A motion was made by Commissioner Landsman to approve the resolution, seconded by Vice Mayor Rose.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman thanked Mayor Danzinger for bringing this forward and the Town of Surfside stands hand in hand with the brothers and sisters in Israel.

The motion carried with a 5-0 vote.

### **1J.) Coastal Corridor Liaison**

New Item 1H.

Mayor Danzinger introduced former Mayor Daniel Dietch. He stated Daniel Dietch founded this initiative and they are seeking to have him represent the Town at these meetings.

Town Manager Gomez gave a quick brief of the item and the level of direction being requested.

Former Mayor Dietch spoke regarding this initiative and the importance of this project.

Mayor Danzinger spoke regarding the initiative he spoke about at his last trip to Tallahassee.

Mayor Danzinger passed the gavel and made a motion.

A motion was made by Mayor Danzinger to appoint Daniel Dietch as the Town Liaison/Representative to this Committee, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

Commissioner Velasquez asked if this is like a PACE program which is a loan taken out on their house based on the repairs being done.

Mr. Dietch stated correct and explained it provides another option to those that would not qualify for a loan and it is a home equity and that would carry with the sale of the property.

Commissioner Velasquez asked where these meetings would take place and is there a cost to the Town for being a liaison.

Mr. Dietch stated that Bal Harbour usually has the meetings and this one will be hosted by the Village of Biscayne Park. He stated there is no cost.

## 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.***

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

Tricia Fowley spoke regarding item 3I (Authorization to Execute Project Agreement with Kimley-Horn and Associates, Inc. and Expend Funds for Design and Engineering Services for the Town's Utilities Undergrounding Project).

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger addressed the comments made by the public speaker.

Town Manager Gomez introduced the item and spoke regarding area 3 and how you go into Biscaya and explained the process.

Mayor Danzinger wanted to thank Jose Feliz, IT and Town Manager Gomez on item 3F (Approval of Lease Agreement with Dell Financial Services for Town Operating Desktops,

Laptops & Monitors) for doing their due diligence and saving the Town over \$24,000 on this item alone by going back to the table and renegotiating a better contract. This shows how Town staff continues to look for areas to save our Town money.

Vice Mayor Rose wanted to thank their grant writer Kristina Brown. He stated if they look at the amount of grant funding they are receiving and it is the best decision they have made is to hire her.

Mayor Danzinger stated Kristina has brought a lot of money to the Town and thanked Town Manager Gomez for bringing her on board.

Town Manager Gomez stated that her title is Grants and Procurement Coordinator and she does both for the Town.

Commissioner Velasquez asked regarding item 3G (Ratification of Deductive Change Orders and Authorization to Expend for Additive Change Orders Pertaining to 96 Street Park Construction) and she sees there is a savings from the contract with Lunacon but then this is transposed to the Town purchasing these items themselves and it is a bit confusing to the residents. She stated that it is mentioned that there is a savings by the Town purchasing these and would like for the Town Manager to explain.

Town Manager Gomez provided the explanation. He stated that in their contract they have a certain provision that allows them to do direct purchases as an owner and owner direct purchases. This allows them to buy directly from the manufacturer and not through a contractor. He provided an explanation and how larger purchases will represent savings since they are tax exempt.

Commissioner Velasquez asked regarding item 3H (Supplemental Fees for Architectural and Engineering Services Related to the Tennis Community Center Project) and the increase in square footage and what occurred that caused this and it would probably double the price. She also asked how much space it would occupy of the park. She asked if there was community outreach to see if the residents wanted it.

Town Manager Gomez addressed the comment made and explained as it went through different public and commission engagement it became more like a recreation center and not only a tennis center and it increased the size of the project. There are some fixed fees that did not increase but supplemental fees did increase. He addressed the comments regarding the amount of space it would occupy of the park and it will have a cantilever component and it does have some design limits and the first floor will be bigger. He stated the site plan is on the website.

Mayor Danzinger stated it was an initiative that was brought to the commission at the

budget workshops and public hearing.

Town Manager Gomez stated the Parks and Recreation Committee did participate in this process and there was outreach to the public and it was discussed at the Commission Meeting. He stated it was on the website, a survey was sent out and it was advertised and there was input by residents.

Mayor Danzinger stated that there was public outreach through the Parks and Recreation Committee.

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

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

Approved on consent.

[September 12, 2023 Special Town Commission Meeting Minutes-First Budget Hearing.pdf](#)

[September 12, 2023 Regular Town Commission Meeting Minutes.pdf](#)

[September 27, 2023 Final Budget Hearing-Special Commission Meeting Minutes.pdf](#)

[September 27, 2023 Special Town Commission Meeting-Quasi Judicial Hearing Meeting Minutes.pdf](#)

**3B. Board and Committee Minutes** - Sandra N. McCreedy, Town Clerk

Approved on consent.

[August 7, 2023 Tourist Board Meeting Minutes.pdf](#)

[August 21, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)

**3C. Approval and Acceptance of a State-funded Grant Agreement between the State of Florida Department of Commerce and the Town of Surfside for the Downtown Alleyway Surfside Project** - Hector Gomez, Town Manager

Town Administration recommends approval of the attached resolution.

Approved on consent.

[Resolution Approving Grant from FDOC Downtown Alleyway Surfside Project Exhibit A - Agreement with the FDOC.pdf](#)

**3D. FY 2024 Budget Amendment Resolution No. 1** - Hector Gomez, Town Manager

Town Administration recommends approval of Budget Amendment Resolution Number 1

Approved on consent.

[Resolution Approving Budget Amendment No. 1 for FY 2024 Attachment A - FY2024 Budget Amendment No. 1](#)

**3E. Resolution authorizing Mutual Aid Agreement between the City of Sweetwater Police Department and the Town of Surfside Police Department. - Hector Gomez, Town Manager**

Town Administration recommends approval of the Resolution authorizing the Mutual Aid Agreement between the City of Sweetwater and the Town of Surfside Police Department.

Approved on consent.

[Resolution Approving Mutual Aid Agreement - City of Sweetwater](#)

[Exhibit A - Mutual Aid Agreement - Surfside](#)

**3F. Approval of Lease Agreement with Dell Financial Services for Town Operating Desktops, Laptops & Monitors - Hector Gomez, Town Manager**

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

Approved on consent.

[Reso Approving Lease of Computer Equipment with Dell](#)

[Exhibit A - Dell Financial Services LLC Lease Term Agreement \(Laptops, Desktops & Peripheral Equipment\)](#)

[Exhibit B - State of Florida Dell Original Participating Addendum](#)

[Exhibit B - State of FL Contract Amendment No. 1 thru No. 6](#)

**3G. Ratification of Deductive Change Orders and Authorization to Expend for Additive Change Orders Pertaining to 96 Street Park Construction - Hector Gomez, Town Manager**

The Town Administration is seeking a ratification of deductive change orders (Change Order # 01 and Change Order # 02) to date pertaining to 96th Street Park construction with Lunacon Construction. Furthermore, the Town Administration is seeking authorization to expend and not to exceed an amount of \$272,829.50 towards additive change orders (Change Order # 03 and Change Order # 04) for the 96th Street Park construction. Between all change orders a total of 31 additional days were added due to design changes and weather delays. Additionally, the Town administration is requesting \$150,000 in contingency allowance in order to mitigate future change orders that may be affiliated with construction and design services.

Approved on consent.

[Resolution Approving Four Change Orders to Lunacon Construction Contract](#)

[Exhibit A - Change Order # 01 \(Executed\)](#)

[Exhibit B - Change Order # 02 \(Executed\)](#)

[Exhibit C - Change Order #3](#)

[Exhibit D - Change Order #4](#)



**3H. Supplemental Fees for Architectural and Engineering Services Related to the Tennis Community Center Project - Hector Gomez, Town Manager**

Town Administration is requesting Town Commission approval of The Corradino Group, Inc. proposal dated September 5, 2023, (**Attachment A - The Corradino Group Proposal 09/5/2023**) for supplemental services related to the Tennis Community Center project in the amount of \$147,400 in order to cover additional architectural and engineering services that resulted from the approval of schematic phase design provided to the Town Commission during the July 2023 General Town Commission meeting. The approval would be an amendment to the existing contract.

Approved on consent.

[Resolution Approving Additional Service Revision w Corradino for Tennis Center Building Impr Project](#)

[Exhibit A - First Amendment Project Agreement with Corradino Group Inc for Tennis Center Building Improvements Project](#)

[Exhibit B - The Corradino Group Proposal 09/5/2023](#)

[Exhibit C - Fee Breakdown](#)

**3I. Authorization to Execute Project Agreement with Kimley-Horn and Associates, Inc. and Expend Funds for Design and Engineering Services for the Town's Utilities Undergrounding Project - Hector Gomez, Town Manager**

Town Administration recommends that the Town Commission authorize the Town Manager to execute a Project Agreement with Kimley-Horn and Associates, Inc. for scope of work as outlined in Kimley-Horn and Associates, Inc. proposal dated August 18, 2023, and expend up to \$2,431,400 for scope of work outlined.

Approved on consent.

[Resolution Approving Project Agreement with Kimley Horn for Design Engineering Services - Utilities Undergrounding Project.pdf](#)

[Attachment A - Kimley Horn Design Services Proposal.pdf](#)

[Attachment B - Project Agreement-Design and Engineering for Utilities Undergrounding Project](#)

**4. Ordinances**

**Second Reading**

**4A1. Pension Ordinance Extending DROP Participation for Non-Union Members from 60 to 72 Months to be Consistent with FOP Benefits - Hector Gomez, Town Manager**

The Town Administration recommends approval of the proposed Ordinance.

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

Town Manager Gomez introduced the item he stated it increased the DROP from 5

years to 6 years.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Commissioner Meischeid says it is fine going from 5 to 6 years at no cost to the town.

Vice Mayor Rose stated it is nice that the employees would like to stay an additional year.

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.

[Pension Ordinance - DROP Extension Non-Union.docx](#)

[Attachment A- Actuarial Impact Statement.pdf](#)

**4A2. Ordinance Amending Section 90-41 Regulated Uses - Arcades - Hector Gomez, Town Manager**

Town Administration finds that decoupling typical arcade games from liquor establishments is appropriate. This alteration to the Code may contribute to the Town's unique cultural, retail, and dining experiences, and may compliment a variety of uses that are vital to the Town's residents, economy, and tourism industry. The Planning and Zoning Board, at their September meeting, recommended approval of this ordinance.

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

Town Manager Gomez introduced the item. He deferred it to the Town Attorney since there was something that was caught from first reading to second reading.

Town Attorney Arango stated there are no changes from first to second reading.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

Eliana Salzhauer stated there should be prohibition in selling alcohol in this type of venue.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman stated he is shaking his head because one public speaker said you need to have children and adults separate. He does not understand why parents could not be with their children. This is to separate alcohol from arcade gaming because that is how the code is written correctly now. He stated this is an effort to bring a business to Town and have our children be able to attend.

Commissioner Meischeid has reservations on the liquor license and believes since it is not a restaurant or hotel it will be very difficult to get the license.

Commissioner Velasquez stated she is concerned with this as well. She spoke regarding people possibly having a drink while the children are playing. She stated that someone can put two storefronts to be able to then apply for the liquor license. She stated it is being presented to them as an arcade business by a 13 year old boy that approached Commissioner Landsman.

Mayor Danzinger spoke about politics and misinformation. He stated that the Town code currently requires alcohol in arcades. What Commissioner Landsman is bringing forward is that they can have an arcade game store without serving alcohol. He stated that if you change the Town code you will make Flannigan's an illegal structure and the Town wants to keep Flannigan's.

Vice Mayor Rose thanked Commissioner Landsman for bringing this forward and he supports not serving alcohol in this arcade and supports Flannigan's.

A motion was made by Commissioner Landsman to approve the ordinance on second reading, seconded by Vice Mayor Rose. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

[Ordinance Amending Section 90-41 Regulated Uses - Arcades](#)

**4A3. Business District Setbacks and Lot Standards to Preserve the Integrity of the SD-B40 District** - Hector Gomez, Town Manager

The Town Administration aims to protect the neighborhood serving small business and commercial character of the Town's historic SD-B40 district and ensure any residential uses in the district, enabled through the State of Florida's "Live Local Act" are appropriately developed. Therefore, the Town Administration recommends adoption of the proposed ordinance. The Planning and Zoning Board, at their September meeting recommended approval of the ordinance with the exemption language stricken at first reading. The Board would prefer for the Town Commission to have the ability to approve a desired use.

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

Town Manager Gomez introduced the item.

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

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer

Tricia Fowley

George Kousoulas

Mayor Danzinger closed the floor to public comments.

Town Attorney Recio stated that what this commission did was to vote to take the special exemption out and to limit to provide for a maximum lot area and a maximum lot width and imposes a setback above 40 feet in height. He continued providing an explanation of the ordinance.

Commissioner Meischeid spoke regarding the special conception component and the live local and will support this ordinance as is.

Commissioner Velasquez stated that is great to hear that Commissioner Landsman supports this as is and she also supports this ordinance as is without the exception.

Vice Mayor Rose stated he is not in support of 18 stories but is fine with the special exception in the event they have a project in front of them that can benefit from the special exception. He does have a modification and said he was in support of lot aggregation and property aggregation as long as it is under the SDB-40 height limit. He spoke regarding the height limit and possible businesses and his modifications to the motion.

Town Attorney Recio stated that it would be a slight modification without the special exception and it would be something like the following: after line 84, the new line 85 and line 86, it would be "this limitation shall not apply to projects that meets the height, setback and uses allowed in SDB-40 as set forth in the code".

Vice Mayor Rose reiterated what that means and spoke regarding the lot aggregation which would allow a Flannigan's or Grove.

Commissioner Meischeid maintains her original second of approving this ordinance without any modifications.

Town Clerk McCready stated that the original motion fails since Commissioner Meischeid did not second the amendments made.

A motion was made by Vice Mayor Rose to approve the ordinance with the following amendment: Line 85-Limitations should not apply to a project that meets the height, setback and uses allowed in SD-B40 set forth in the Town Code, seconded by Mayor Danzinger.

Mayor Danzinger asked Town Attorney Recio regarding the special exemption was specifically for lot aggregation and stated what they are doing is stopping lot aggregation and gave examples like Flannigan's and the Grove market and unfortunately without the exemption it would not allow the aggregation of lots. He spoke regarding the side effects as well.

Commissioner Landsman asked for a refresher of what the motion on the table is.

Town Clerk McCready stated the motion that is on the table.

Commissioner Meischeid thought they could have discussion and would like this ordinance to be approved without modifications.

Commissioner Velasquez stated they are agreeing with Commissioner Landsman as there will be a new commission in a couple of months and allow that commission to decide this.

Commissioner Landsman asked Town Attorney Recio that this proposed change will allow aggregation and if a project commits to no more than 40 feet then they will not be subjected to the setbacks as we have in the 120 district.

Town Attorney Recio stated that is already in the ordinance they have before them and what this will allow is aggregation specifically as long as the project meets with the height which is 40 feet, the setbacks for the SDB-40 and the uses in SDB-40, which are all the businesses.

Commissioner Landsman asked if the live local act does supersede Town Code and therefore how do they prevent that particular development from going to 120 feet.

Town Attorney Recio stated that the setback provisions (lines 73-76) will require that they meet the H120 setbacks and line 79 in the chart that will continue to comply to anything over 40 feet under this scenario.

Further discussion took place regarding the live local and code.

Vice Mayor Rose addressed the comment made by Commissioner Meischeid and reiterated the specifics and the protection this ordinance provides and the aggregation of lots. He stated this protects us from live local and protects the downtown.

Mayor Danzinger reiterated the ordinance and what the Town code allows.

Commissioner Velasquez asked if the Town has ever been sued for any changes in the zoning code.

Town Attorney Arango stated since she has been here she is not aware of the Town ever being sued over changes to the zoning code and that could probably be due to good legislation and good lawyering.

The motion carried with a 3-2 vote with Commissioner Meischeid and Commissioner Velasquez voting in opposition.

[Ordinance To Preserve SD-B40 Neighborhood - Second Reading Version.DOCX](#)

## **First Reading**

### **4B1. Creation of New Capital Improvement Projects Chapter within the Town Code**

- Hector Gomez, Town Manager

The Town Administration recommends adoption of the proposed ordinance which creates a new Capital Improvement Projects Chapter within the Town Code.

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

Town Manager Gomez introduced the item.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer does not understand the need for this.

George Kousoulas spoke in support of the ordinance and explained what this department does.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger explained what this item entails and this position will bring someone inhouse to manage the projects and will save the Town money.

Commissioner Landsman stated this is a brilliant idea and they need someone that will take control inhouse and it will save us money.

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

Commissioner Meisheid stated she does believe it is a great idea and this is exactly what they need and have it inhouse.

Commissioner Velasquez supports this and thanked the Town Manager for being proactive.

Vice Mayor Rose stated he fully supports this and with all the projects underway, it is needed.

The motion carried with a 5-0 vote.

[Ordinance Creating Capital Improvement Projects Department](#)

**4B2. Update to Water Shortage Regulations Section of the Town Code to be Consistent with Miami-Dade County and South Florida Water Management District** - Hector Gomez, Town Manager

Town Administration recommends approval of the proposed ordinance to be consistent with Miami-Dade County Code and in compliance with South Florida Water Management District (SFWMD) based on their letter dated July 20, 2023. Refer to **Attachment A** - *South Florida Water Management District Letter dated July 20, 2023*.

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

Town Manager Gomez introduced the item and what the South Florida Water District stated in their letter and what the Town has to do to be in compliance and explained what that was and the requirements the Town has to abide by.

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 first reading, seconded by Commissioner Meischeid.

Mayor Danzinger explained why this item is coming forward and it is because the County is requiring it and spoke regarding the different violations and fees. He asked for the motion maker to amend and modify the violation provisions. He stated that the first violation should be a warning and any subsequent violation should be a \$25.00 fine.

Town Manager Gomez asked if they have any recommendations.

Mayor Danzinger reiterated his recommendation that along with the fee there should be educational materials.

Commissioner Landsman is fine with the amendment.

Commissioner Meischeid stated she does not have a problem with the warning but believes \$25.00 is a bit low and does not believe the individuals will really pay attention.

Mayor Danzinger continued explaining the stringent fines by the County.

Commissioner Meischeid agrees with the amendment.

Further discussion took place among the commission regarding the violations, fees and amendments to the ordinance.

A motion was made by Commissioner Landsman to approve the ordinance on first reading with the amendment that the first violation will be a warning, \$25.00 fee for second violation and subsequent violations and take out the word "prison", seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

[Ordinance Amending Section 78-100 Adopting Enforcement of MDC 32-8.2](#)

[TAv2.DOCX](#)

[Attachment A - SFWMD Letter dated July 20 2023](#)

[Attachment B - Sec. 32.8.2 - Permanent year round landscape irrigation restrictions](#)

**4B3. Ordinance Amending Citizen Presentation Rules** - Hector Gomez, Town Manager

Consider the proposed ordinance on second reading.

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

Town Manager Gomez introduced the item.

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

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

George Kousoulas stated he does not believe this ordinance needs to happen and the system has not been abused.

Eliana Salzhauer spoke against this ordinance.

Trisha Fowley spoke against this ordinance.

Mandyf Davonpour spoke in support of this ordinance.

Mayor Danzinger closed the floor to public comments.

Vice Mayor Rose would like to make a modification. He stated that he spoke with the Town Attorney and possible language modification to this ordinance that the Town Attorney made which was needing written approval from 3 or more of the members of the commission and cleaning up lines between lines 45 and 51 and asked for the Town Attorney to explain it.

Town Attorney Recio stated that after looking at the ordinance and discussing it with the Vice Mayor he stated they can tighten the language up and the concept at the time was to say that if 3 or more members of the commission would sponsor it then it would get on the agenda and then the citizen can make the presentation as long as it gets 3 sponsors and explained that the citizen would have to go to 3 of the commissioners to obtain sponsorship. He stated this would entail tightening the language in lines 47-49 which would state "additional citizen presentation by the same citizen in the same calendar year would require written sponsorship by 3 or more members of the town commission by the agenda deadline to place the citizen on the citizens presentation portion of the agenda" and that would be the end of the inquiry and the citizen would be on the agenda no questions asked.

Commissioner Velasquez asked if they are stating that 3 commissioners, but the only way to go to the commissioner is on the dais and the person would have to come back twice. She stated that they have always said that they could not get commission approval outside these meetings so how would that take place without violating sunshine and other laws that would pertain to these situations.

Town Attorney Recio provided an example like when she put Mr. Burkett on the agenda, he obtained sponsorship from her and Commissioner Velasquez sent an email to the Town Clerk requesting his presentation to be placed on the commission agenda. He stated the same thing would happen, the only difference is that Mr. Burkett would now have to email all 5 of the commissioners to obtain sponsorship of at least 3 of the commissioner to place his presentation on the agenda. It is the same thing he did with Commissioner Velasquez, he would have to do with two more commissioners. The Commissioners do not have to check with each other because that would be a violation.

Commissioner Velasquez asked if people could actually do that and go ask the commissioners individually and get back and get approval.



Town Attorney Arango stated it is the same process she did with Mr. Burkett, the only difference is he would have to get sponsorship by 2 more commissioners.

Commissioner Velasquez continued stating she has a hard time understanding getting two more commissioners approval without going to a meeting.

Town Attorney Recio stated that is not what they are saying at all. He stated that what they are saying is the same way she sponsored Mr. Burkett's citizen presentation and placed it on the agenda, that is the same way it will continue to be done with the difference that the individual wanting to do a presentation must obtain not only 1 but 3 total commissioners to agree and sponsor their presentation to be placed on the agenda. This is if that citizen is requesting an additional presentation in the same calendar year. If the clerk receives 3 separate requests to add the individual on the agenda, then it can be done.

Vice Mayor Rose stated he is fine with that language and wanted to know if Commissioner Landsman being the seconder of the motion is fine with the amended language.

Commissioner Landsman stated he is fine with the amendment made.

Commissioner Meischeid stated this would violate the freedom of speech of residents and puts other complicated additives and it is clearly a violation of freedom of speech and does not agree with this ordinance.

Commissioner Landsman stated if they would be trying to do away with the good and welfare section of their agenda, then she would have a point in violating the freedom of speech but that is not what they are doing with this ordinance. He stated that anyone that comes to the meetings can speak under good and welfare and explained the process. He stated the citizen's presentation is something different and could be violated and abused during campaign season and explained how that could happen.

Vice Mayor Rose stated he agrees with Commissioner Landsman and he pointed out some great points and they are here to fix the ambiguities and loopholes in the code and this is one of them. He stated that their citizen's presentation had no rules for this and agrees with what Commissioner Landsman stated and they are not here to campaign and use this loophole for that. This still protects residents free speech.

Commissioner Velasquez stated this is unbelievable and to try and suppress free speech is wrong and the only time this happened was one presentation that Mr. Burkett did which was how the former Town Manager was fired and then the second one was regarding a question that they still have not received an answer about. She stated that in March there will be a new commission and they will turn over all this disgusting violation of freedom of speech. She does not support this ordinance.

Mayor Danzinger asked our Town Attorney that a comment was made that this would be a violation of free speech and he wanted the Town Attorney to clarify that misstatement and would something like this violate freedom of speech.

Town Attorney Arango stated that these public meetings are limited public forums meaning that you do not get to speak unlimited on anything you want, as long as you want and there is free speech provided here, every item has public discussion and public comment and there is also the good and welfare section like Commissioner Landsman indicated that you can talk about any topic you would like that is not on the agenda, so no this does not violate the first amendment free speech.

Mayor Danzinger thanked the Town Attorney and addressed some of the comments made here and the system is broken and we saw this happen. They are creating a system and they are not removing citizen presentation but some have turned it into a political platform and they abused it and this is some people ruining it for everyone. We want to get back to Town business and if there is something they have to say that is valid they can get 3 commissioners to support it.

The motion carried with a 3-2 vote with Commissioner Meischeid and Commissioner Velasquez voting in opposition.

Commissioner Meischeid left the dais and meeting at 9:33 p.m.

[Ordinance Amending Sec. 2-206 Re Citizens Presentations](#)

**4B4. Amending Sec. 14-28. - Issuance of Building Permits and Amending Sec. 62-1. - Garage Sales to Simplify Town Permitting Requirements for Non-Essential Permits - Hector Gomez, Town Manager**

Town administration recommends adopting the proposed Code change of Section 14-28 and Section 62-1.

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

Town Manager Gomez introduced the item.

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

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

Eliana Salzhauer spoke in support of the ordinance but to make sure they are not starving the building department because these fees is what sustains the building department.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman stated this is going in the right direction and agrees with this ordinance. He stated that \$500 or higher projects makes more sense and it will help residents. He agrees being more liberal with garage sales.

Commissioner Velasquez thinks this is a good way to help residents to not have to

get permits for everything especially when it is something minor.

Vice Mayor Rose asked the Building Official if they have enough funds and if the \$500 is the right amount or should it be higher.

Building Official McGuinness addressed the comment made and thanked them for streamlining the permits especially the garage sales but they need to at least email them with their intent. He does have a issue with the \$500 and it should be the highest they can go without obtaining a permit and explained the reasoning. Also, only allow this for single family and not commercial. He stated that the Building Department funds are healthy.

Commissioner Velasquez asked regarding the \$3 million dollars going into the general fund from the permit fees.

Town Manager Gomez addressed the comments made by Commissioner Velasquez and the information she is stating is incorrect and explained the correct information. He stated that comments like that is not appreciated because they still do not know how much that building will be built at.

Mayor Danzinger thanked Town Manager Gomez for standing up for himself and town staff. He further stated that to make things like small repairs for the residents more accessible and expand on compliance in town. He would like to add that certain roof repairs that are nonstructural in nature specific to leak repairs up to a certain square footage to ensure that nobody is doing their roof entirely.

Town Manager Gomez stated he would like to consult with the Building Official.

Building Official McGuinness stated that his recommendation is to protect the structure and believes a figure for single family homes is 100 square feet and possibly placing fascia as well.

Town Manager Gomez suggested letting them evaluate and bring it back with the information for second reading.

Mayor Danzinger stated that he would recommend that.

Vice Mayor Rose stated he is good with 100 square feet and 100 linear feet for the fascia.

Commissioner Landsman is fine with the amendment.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading with the amendment that roof repairs for non-structural (leaks) 100 square feet and specifics to be determined by the Town Manager Gomez, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

[Ordinance Amending Section 14-28 and 62-1 Relating to Low Value Building Permits and Garage Sales](#)

**4B5. Amending Chapter 72 of the Town Code to Address Utilities Lines  
Undergrounding for Future Communication Improvements** - Hector Gomez,  
Town Manager

Town administration is recommending the Town Code be amended to incorporate new definitions in Chapter 72 in order to further differentiate communication lines. Additionally, Town administration is recommending Town Code changes in order to make it requirement for communication provider to underground all future communication lines within the Town boundaries.

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

Town Manager Gomez introduced the item and it is a component to the utilities undergrounding. This will start being enforced with their communication companies.

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

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger stated this project has been going on for so long and this is a very important component to this project and without this item and you underground it, a utility company can come at a later time and install poles and this will not allow the utility companies to do so.

Commissioner Velasquez totally supports this item and thank you for being proactive.

The motion carried with a 4-0 vote.

[Ordinance Amending Ch. 72 Telecommunications Right-of-Way Ordinance for Undergrounding](#)

**5. Resolutions and Proclamations**

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

Mayor Danzinger opened the floor to public comments for all items under item 5 (Resolutions and Proclamations).

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

**5A. Town Legislative Priorities for Florida Legislative Session - Hector Gomez, Town Manager**

Town Administration recommends the Town Commission review, discussion and approval of legislative priorities to be submitted to Town lobbyist for the upcoming legislative session. Previous submittal list is provided in order to track previously submitted priorities and supplement discussion.

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

Town Manager Gomez introduced the item and provided the legislative priorities list.

A motion was made by Commissioner Landsman to approve the resolution, seconded by Mayor Danzinger.

Mayor Danzinger stated they reviewed this list last year and many of these items have been on this list for many years. He has been fortunate to see how this actually works in Tallahassee and he has worked with some of the lobbyist in Tallahassee on these items and it is always good to put a face to the item. He stated that State Representatives can only bring 7 bills forward and they represent other municipalities. He explained the process and the amount of work that goes into passing a bill. He stated his fear is you overloading the list. His recommendation is to pick the top ones that will make it easier for the bills to get passed by giving directive to the lobbyist.

Commissioner Landsman stated that one thing that may be put on there is the reversal of live local.

Mayor Danzinger stated he was up there last month and explained the background of the live local and what is taking place in Tallahassee and he is working on a possible exemption for smaller municipalities. He suggested turning this from a wish list to an actual objective list of what could go through.

Further discussion took place among the commission regarding the different legislative priorities and those that other municipalities are affected as well.

Commissioner Velasquez stated she does not know how a lot of these got here and many should be taken off. She suggested adding more funding for town wide flooding project.

Mayor Danzinger stated number 6 technically takes care of that but possibly rewording to specify it down to our project that is coming forward.

Vice Mayor Rose suggested removing the language of funding for raising homes and other initiatives and leave the last part of it.

Mayor Danzinger also suggested removing the language on number 6 "designed to mitigate sea level rise" because that will not happen and possibly reword it to say "designed to mitigate flooding".

Vice Mayor Rose suggested rewording/reworking the numbers but he does not want to get rid of the Tourist Resort Tax Protection since they are one of the few municipalities that still have it. He went over some other priorities and spoke regarding them.

Town Manager Gomez addressed some of the comments made by the commissioners and gave them an explanation of the priorities.

Vice Mayor Rose asked if they should reorder them.

Town Manager Gomez explained what he is looking for tonight is having a resolution to submit with the appropriations and suggested making a list with just appropriations.

Mayor Danzinger stated that time is of the essence. He suggested going item by item and coming up with a list.

The commission as a whole went over each item, provided their suggestions and agreed on the following: Remove item 4; remove item 5; item 6 reword to focus on infrastructure projects that are geared towards mitigation and will feed the narrative of the application to get some money for storm water; item 7 is out; item 8 stays because it is very important; item 9 is out; item 10 is not a Town of Surfside initiative so it is out; item 11 is out; item 12 some can be grants and it is not an appropriation or something that the state funds and the Mayor will ask again when he is in Tallahassee so for now remove it; item 13 stays on; item 14 this is not a Town of Surfside and the Mayor stated he has something in bill draft and they can see if it will go through so since it is not something the Town of Surfside should ask for, they will leave it on but there is no guarantee.

The motion was amended with the new list of priorities (Remove item 4; remove item 5; item 6 reword to focus on infrastructure projects that are geared towards mitigation and will feed the narrative of the application to get some money for storm water; item 7 is out; item 8 stays because it is very important; item 9 is out; item 10 is not a Town of Surfside initiative so it is out; item 11 is out; item 12 some can be grants and it is not an appropriation or something that the state funds and the Mayor will ask again when he is in Tallahassee so for now remove it; item 13 stays on; item 14 this is not a Town of Surfside and the Mayor stated he has something in bill draft and they can see if it will go through so since it is not something the Town of Surfside should ask for, they will leave it on but there is no guarantee.). Commissioner Landsman and Mayor Danzinger accept the amendment.

The motion carried with a 4-0 vote.

[Resolution Approving Legislative Priorities 2024](#)

[Attachment A - Legislative priorities FY2024](#)

## **5B.) Amending Resolution No. 2023-2962 to Approve and Authorize the Purchase of Five (5) 2023 Ford Interceptor Utility Vehicles**

Town Clerk McCready read the title of the resolution into the record and advised the

Commission that the resolution was placed on the dais for everyone.

Town Manager Gomez introduced the item and apologized for bringing this as a walk on and stated the difficulty in finding and ordering these vehicles. He explained what took place and the process.

A motion was made by Commissioner Landsman to approve the resolution, seconded by Vice Mayor Rose.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger stated it is pretty straight forward and there is a savings.

The motion carried with a 4-0 vote.

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

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer stated it is shameful that they are having this meeting because of what happened in Israel.

George Kousoulas spoke regarding the lighting of a home in the Town and the delay on the ordinance that would address this issue.

Mandyf Davopour stated her rights are not taken away and she attended the rally and was still able to attend the meeting. She spoke regarding repainting the business district. She spoke about possibly having canopy trees in the residential area like Bal Harbour. She also spoke about former elected officials taking the meetings sidetracked and not allowing business to be handled.

Tricia Fowley spoke regarding the CTS monument and the building that will be built. She also spoke regarding people slipping on the business area and they need to be power washed and it is dirty.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger stated at the last meeting there was a commissioner that spoke for almost 13 minutes straight and the Town Code allows the commission to respond and gives everyone 3 minutes to respond that way they are not here all night. He just wants to get a consensus from the commission if they should be timing the responses. This was something he had stopped doing but he feels that since last meeting that was abused and he would like to keep this meeting moving forward.

Consensus was reached to keep the Commission responses to 3 minutes.

Commissioner Landsman responded to Ms. Salzhauer's comments and most of what she says all the time is that the sky is falling and that is why it is hard to pay attention to what she says. He personally attended two events in the last 24 hours to support our loved ones and friends and family of Israel. He stated that she cannot say that they are offering empty words and it is shameful of what she said and she should use her words carefully. He responded to Mr. Kousoulas' comments and the ordinance should be coming before the commission in November. He addressed the comments regarding the downtown streets more secure and more trees. He addressed the comments made by Ms. Fowley and there has been many mischaracterizations.

Commissioner Meischeid responded to a comment made regarding residents using the police gym and maybe they can look into that. She responded regarding the outdoor lighting and it came in June and it was supposed to have been on the August agenda and they did not get to that one and approved it in September and it is not in October and she is surprised and believes it is a very simple request. She spoke regarding the downtown area and how slippery the sidewalks get. She also addressed the comments made regarding 88th street and the memorial.

Commissioner Velasquez spoke regarding the gym and believes it is great idea for residents to be able to use it as well. She spoke regarding the residential lighting and was also surprised that it was not in the October agenda. She spoke regarding more trees and beautifying the streets. She addressed the comments made regarding 88th street and the memorial.

Vice Mayor Rose responded to Commissioner Meischeid's comments and he does support the lighting ordinance and stated it should be on both one and two story homes. He spoke regarding the live local act comments. He stated that he supports Ms. Salzhauer's comments and she should leave the meeting and go to the rally. He responded to the comments made by Mr. Kousoulas on the lighting ordinance and stated that there was no Planning and Zoning Board Meeting in October and therefore the ordinance would still have to come back to the Commission after the Planning and Zoning Board has it on their agenda. He addressed the comments made by Ms. Davepour as it relates to the downtown sidewalks and they will be redoing downtown and the homeless is an issue. He spoke regarding decorum and all they are trying to do is that decorum is being adhered to by residents and commissioners. He stated the Mayor has shown a lot of leniency. He stated more trees is always good. He thanked Commissioner Landsman to relocate the loading dock on Collins Avenue and nobody here wants more than what zoning allows.

Mayor Danzinger stated that access to the gym by residents is not practical and the



Commission has approved a project to have a gym for residents that will be coming forward soon. He address the comments made regarding the lighting ordinance and there is a process and respect that process. He takes offense of a comment made by a speaker who referred to the Town as a "sausage factory". He stated that is offensive in so many levels. He spoke regarding the downtown improvement project. He spoke regarding the shade trees and they will explore it with the walkability study. He addressed the comments made regarding the homeless issue in Town and the legislation that was passed. He spoke regarding the CTS construction.

A motion was made by Vice Mayor Rose to take a 5 minute recess at 8:42 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

The meeting resumed at 8:57 p.m. with all members of the commission present.

## **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. He stated that on October 24, 2023 will be the last concrete pour at the 96th Street Park and there will be a topping off party once that is done and it will be scheduled sometime in November.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Commissioner Velasquez asked regarding the Abbott Avenue drainage project.

Town Manager Gomez provided an update on the Abbott Avenue drainage project and it is in an expedited process.

Vice Mayor Rose asked regarding the town wide traffic study. He asked regarding the Collins Avenue water main design and permitting and if the revenue bond ballot question if that would cover this type of program.

Town Manager Gomez stated there will be resident input in November and by December the recommendations. He addressed the comment made regarding Collins Avenue water main design and permitting and a ballot question like that would assist in this type of project.

Commissioner Velasquez asked why they have to wait to become an emergency to then go and ask to place the question on a ballot. She stated that what is on the ballot it is for emergency and/or infrastructure project.

A motion was made by Vice Mayor Rose to approve the Town Manager's Report,

seconded by Commissioner Landsman. The motion carried with a 4-0 vote.  
[2023-10 October Town Manager's Report.pdf](#)

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

Town Attorney Arango provided her Town Attorney's Report and update on the litigation cases. She stated they removed the Shannon Gallagher appeal from the report and the Victor May appeal and those items have been concluded. She stated the Town prevailed in the Solimar case but it has been appealed and that appeal appears on page 363 and Solimar's deadline to file a brief is November 8th and the Town will then file their answer to the brief.

Mayor Danzinger stated if Solimar is successful it would open up the door to any other condominium to file something similar. He thanked the Town Attorneys for their work.

Commissioner Velasquez asked regarding an email that was sent yesterday.

Town Attorney Arango spoke regarding the email she sent regarding the cases being handled by FMIT and what they handle and the case update is on the report she sent yesterday. She stated Commissioner Velasquez asked regarding the Barry Cohen case and the Town has submitted for summary judgement but the Court has not ruled yet.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Vice Mayor Rose to approve the Town Attorney's Report, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

[October 2023 Town Attorney Report](#)

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

### **9. Mayor, Commission and Staff Communications**

#### **9A. Formal Complaints regarding Commissioner Nelly Velasquez - Hector Gomez, Town Manager**

Town Administration is seeking direction from the Town Commission at the October 10, 2023, Town Commission Meeting to address the complaints filed. This includes specifically the authority to engage and perform an independent investigation and authority to expend funds for the same.

This item was moved up and heard before item 3 (Consent Agenda).

Town Manager Gomez introduced the item and stated there were two memos that were circulated to the Commission and the information in both of those memos is

exempt from public records. He stated they are seeking three things. He spoke regarding the Town's policy and handbook and requesting direction and approval from the Commission to move forward with a third party independent agency to conduct an investigation into both complaints against Commissioner Velasquez and authorization to expend the funds not to exceed \$15,000. He stated they are following the policy as per the employee handbook.

Mayor Danzinger reminded everyone in the public and the Commission that the information provided in the complaints is exempt from public records as per Florida Statutes 119.071 (2)(g). He asked they to refrain from stating any names in the complaint and doing so is an ethical violation. He asked anyone from the public from doing the same.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas stated that the one thing interesting in this process, he understands it is written in the code that way, but precisely that the commission would not have everything in front of them when making a decision on this item. He stated the third party will investigate and rule on this issue. You have two pieces of evidence, a complaint and at the moment testimony by another commissioner, a he said she said and a video. He stated the video could be exempt and believes that without that video can you really weight in on this and should it move forward. He stated that he would suggest that the Town proceed without the commission action and if they do act to see the video.

Mayor Danzinger closed the floor to public comment.

Commissioner Landsman asked input from the Town Attorney and asked for some guardrails to the investigation and procedurally how this information comes back. He stated it is very important to discuss this since there were two complaints against one of the elected officials and it must be taken seriously and get to the facts. He spoke regarding using a third party to investigate and allocate funds and this team will look at the evidence and come back with recommendations as to the next steps. He asked the Town Attorney if there is anything they need to do to set up a scope.

Town Attorney Arango stated that this is the process that is required as it is stated in the procedure employee manual and the commission is doing just that, following the manual. She also stated that they do need to provide some direction as to the scope of services to be provided by the third party investigator. She stated it could be for the third party investigator to determine if there was some sort of violation of town policy, law or Florida law.

Commissioner Meischeid stated she feels that this has to stop and the atmosphere up here is corrosive and the conduct abusive. Commissioner Velasquez can be loud, she can be quick to express herself but far too long she has been demarginalized and derided by my colleagues. A Vice Mayor who sits with his back to her, who smirks at every comment she makes, the camera sees this behavior month after month. A Mayor whose actions inflame the situation sometimes even goading her to the inevitable reaction. The remaining Commissioner is a gentleman up here by all

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too often is passive and silent when action is required. Many have noticed this acrimony spreading in my direction. The pattern is clear if you are not on board with the Mayor's agenda you become a target and your voice is silenced. There will always be opposing views to issues, there will always be personalities but neither is an excuse for the attacks up here. Responsibility falls plainly on the mayor, a mayor who silences debate, a mayor who is abusive to commissioners with different views, a mayor who is quick to have the police remove our residents. Tonight we are asked to weigh in on an incident from September 27th. We have a complaint filed by a staff member, we have a contemporize account from the Commissioner. The evidence that would tell us more, the video of the encounter, is being withheld from us. Under these circumstances this matter should be dismissed. We certainly can not give it any direction. Unfortunately, three of us will likely vote to proceed because it has been clear for months their objective is to silence the commissioner. I will have nothing to do with this. Produce the tape to the commission first. Thank you.

Commissioner Velasquez stated the following: Thank you very much Commissioner Meisheid, I echo your words as they are completely true. There is a lot of noise surrounding this issue and yes it is political. This is just to parade me here for political purposes. It is very simple, the facts are the facts and the truth is the truth and I am not afraid of either. Fact Number 1. As soon as I returned to the dais that night I told the entire story and in detail, while I was still very upset. Fact Number 2. Our Town Clerks are very afraid to interrupt, are not, are never afraid to interrupt the commission with information that they believe is important related to the conversation that is underway. Fact Number 3. Both Town Clerks remained completely silent not only while I was going into detail about what had just occurred but at but for the entire meeting and never once objected to the word I was that I was that I just spoke. Fact Number 4. Two days later a written complaint was filed against me which is creative which creates a series of fabrications. Fact Number 5. There is a video camera in the hallway where this incident took place. The camera footage is very is the very best evidence to show the world exactly what happened followed my contemporaneous statement at the meeting. The Town Manager has told me he has the video, that he has reviewed the video, but has not and he will not release the video. He has also not provided the legal authority that he that he is relying on to withhold the video from those who wish to view it. I want the Town Manager to know now read it into the record the precise language he is relying on to deny our residents the ability to view the video which I believe will not only tell the whole story but vindict a series of events I described at the meeting immediately following the incident. I too want to see this video and this video should have been shown to us before we come here and like Mr. Kousoulas suggested it should have been each one individually show us the video so you are asking us here to make a determination on spending taxpayer dollars on political claims, because this is really political. I mean its really terrible the situation to come around and ask us to approve this. I also want to read Title 7 protects employees and job applications from employment discrimination based on race, color, religion, sex and national origin. Physical appearance, height, weight and/or degree of attractiveness is not a protective class. So I don't see where this discrimination is coming from. Cause I never discriminated anyone either here on this dais or in any part of this building. So I also feel that until I see this video, this should not be brought to the commission and this is something that should have been showed to us prior to parading this around like this. Thank you.

Vice Mayor Rose first wanted to apology to Town Staff for my colleagues comments because I unequivocally stand by you and support you guys as does most of this commission. If you made these complaints I trust you did it after contemplating a lot of thought and I support you bringing this forward and we are not the people here to decide this. It is going to be a third party investigation. If you want to make this political, I will go and make it political real simple for you. I would never be walking around campaigning handing out flyers but I will make this a little political since that is what two of my colleagues wanted to do. This employee handbook we are talking about it has come to my attention that this was added to the employee handbook about charter officers and elected officials being investigated potential complaints against them. He asked the Town Manager when that was added to the employee handbook.

Town Manager Gomez stated he does not want to get to the extent of this but it was added recently.

Vice Mayor Rose asked if it was under the last commission in 2020-2021.

Town Manager Gomez stated it was added in 2021.

Vice Mayor Rose asked if it was under former mayor Burkett. He stated he will state the facts since people up here want to play politics. He also asked under Mr. Burkett was there ever an investigation by an elected official or somebody that was in that position recently. In 2021 was it ever added because it was brought to his attention that we weren't there and there was an investigation after this happened. If you guys want to play politics we will play politics up here. This is not about politics this is about standing behind the employees, this is about doing what you did, which was the right action Mr. Town Manager in bringing this forward and I support you in the decisions you've made by doing this and I without a doubt I stand by our Town employees and without a doubt I think the commissioner would want to clear her name by an independent third party and nobody here that would have a bias against you. So for me I fully support this for that reason and this is not controversial and unfortunately it has been made controversial and anybody who would be against this, we know where you stand.

Mayor Danzinger stated that the commission input is required since there is a request for expenditure of funds and that comes before the commission. He stated that they are not the investigators or the judges on the case and it is not for them to discuss the details of the complaints. He stated there has been two formal complaints by Town staff through human resources and it goes through a process. He stated that per the Town's employee handbook and policy has created this process unfortunately since a couple of years ago which requires a third party investigation and it is not for them to investigate. That is why they do not see the video, they are not the judges and they are not involved in this at all. He stated these are serious allegations with discriminatory comments, hostile work environment and if they do not do what they are supposed to do through out town's policies and procedures we are subjecting ourselves to liability of a lawsuit. They are going to follow that process and allow the process to play out. He asked for the scope of the investigation, Commissioner Landsman if they could be specific, you are asking for

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the investigation if a violation of a town policies or laws and other applicable laws happened/occurred and a request for recommendations by this third party. He reiterated that they do not want to be the judges or deciding factors in this.

Commissioner Landsman stated he was the second and Vice Mayor Rose was the motion maker.

Vice Mayor Rose is fine with the conditions and that is what he is looking for.

Commissioner Landsman stated he is fine with the added conditions.

Commissioner Velasquez asked how much would it cost to do this investigation which is using taxpayer dollars.

Vice Mayor Rose stated probably less than a lawsuit.

Commissioner Velasquez stated this is taxpayer dollars and the residents would like to know how much money will be spent on this.

Town Manager Gomez stated previous investigation was \$12,000 and they feel comfortable not to exceed \$15,000.

Mayor Danzinger asked Town Attorney Arango if she could give them an estimate of what a lawsuit settlement would be if the Town did not pursue and follow the Town's policies and procedures when a couple of employees have filed complaints.

Town Attorney Arango stated there could be significant liability to the Town if we did not follow our own procedures and do some due diligence and be responsible and investigating a complaint.

Mayor Danzinger asked if it is safe to say it would far exceed \$12,000.

Town Attorney Arango stated she believes so.

A motion was made by Vice Mayor Rose to approve moving forward with a third party independent agency to conduct an investigation against Commissioner Velasquez as per Town policy, Florida laws and any applicable laws and provide to the Commission its recommendations and approval of expending funds not to exceed \$15,000, seconded by Commissioner Landsman. The motion carried with a 3-2 vote with Commissioner Velasquez and Commissioner Meischeid voting in opposition.

Mayor Danzinger reiterated that they are following town policies and procedures and it is very difficult for the Town Manager to handle this administratively when the commission is his boss.

**9B. Tourism Board Approved Collins Avenue Monument Sign for Town Commission Review and Approval - Hector Gomez, Town Manager**

The Administration is seeking direction on whether to move forward with a new

monument sign for Collins Avenue and 88th Street funded by the Tourist Board.

Town Manager Gomez introduced the item and the Tourist Board has recommended a new entrance sign and what proposals they are suggesting. He provided a presentation of the different sign options.

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

Mayor Danzinger, as the Tourist Board liaison, spoke regarding this project and what the Tourist Board suggested and their initiative to make the sign better.

Vice Mayor Rose spoke regarding the presentation and the first one is the one that the Tourist Board recommended. He is fine with number 1.

Mayor Danzinger is also with number 1.

Commissioner Velasquez stated she likes either or with the logo on the top or bottom corner.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Town Manager Gomez stated it is bigger than the one that is there currently.

A motion was made by Vice Mayor Rose to move forward with the Tourist Board recommendations, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

[Attachment A - Tourist Board Selection, Monument Sign](#)

[Attachment B - Monument Sign Proposal Plus Town Seal](#)

[Attachment C - Don Bell Updated Estimate](#)

[Attachment D - Additional Sign Designs](#)

[Attachment E - Estimate for Additional Designs](#)

**9C. Dune Resiliency Project Update - Hector Gomez, Town Manager**

Town Manager Gomez provided an update on the project and provided a presentation of the project, materials and equipment for enhancement.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Commissioner Velasquez asked regarding the diverter dunes and is that going to be a sitting area.

Town Manager Gomez stated that it would be roped off.

Mayor Danzinger stated they are made to maintain a certain form.

Commissioner Velasquez asked regarding a way to get to the beach.

Town Manager Gomez stated that ADA mats are in place and they do not have to add those diverted dunes everywhere. He provided a picture of the whole beach and continued with the presentation.

Further discussion took place among the Commission and Town Manager Gomez regarding the project and specifics.

A motion was made by Vice Mayor Rose to extend the meeting an additional 15 minutes at 10:58 pm., seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

Vice Mayor Rose stated he liked bench number 1.

Commissioner Velasquez also likes bench number 1.

Mayor Danzinger stated there is not much symmetry and he would like to see more consistency like Bal Harbour. He stated he likes the first bench as well and likes the solid concrete. He also spoke about people sleeping on the benches and if they can incorporate something more that is for sitting and discouraging people from sleeping and to keep it in mind when they do the design portion of this project.

Town Manager Gomez asked if they would like 4 benches.

The Commission as a whole agreed to have 4 benches.

[Attachment A - Presentation](#)

**9E. Village of Indian Creek Septic to Sewer Conversion Project** - Hector Gomez, Town Manager

Town Manager Gomez introduced the item.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Vice Mayor Rose asked when this would start and if it would impact the 91st Street project.



Town Manager Gomez stated they would have to incorporate it into our existing project. The goal is to work in conjunction and together so we only have to go down 91st Street once.

Mayor Danzinger stated they are seeking to approve construction permits so they can go ahead and submit the documentation. There are some things they have as part of the conversation. Number 1, fiscal compensation for the hardship that the residents will incur during the project; number 2 they should have to pay some form of impact fees associated with the hardship the town incurs; number 3 should be the two lots that are there and one of the fears is that the lots are Indian Creeks and they are subject to their own height restrictions and zoning and what he wants them to agree to is to ensure that they will commit to is abide by our zoning for those 2 lots.

Town Manager Gomez stated those two lots are the jurisdiction of the Village and they are bound by their zoning. He will discuss it with the Town Attorneys.

Mayor Danzinger stated to have the conversation with the Town Attorneys. He stated also dedication of police officers for traffic management within town.

Town Manager Gomez stated this is a project they are undergoing as a village and there is an opportunity of items to discuss between elected officials of our town and their village.

Mayor Danzinger asked how soon they will see the rest of the project coming forward.

Town Manager Gomez stated they did most of the work and some of the work that is already in the design aspect and he will provide a timeline to the commission.

A motion was made by Vice Mayor Rose to have the following: construction permits for this project, hardship-impact fees; commit those properties to abide by the Town of Surfside Code and dedication of police officers from their Department for mitigation of traffic, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

## 10. Adjournment

There being no further business to discuss before the commission, a motion was made by Commissioner Landsman to adjourn the meeting at 11:18 p.m.

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

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

Attest:

Minutes  
Regular Town Commission Meeting  
Tuesday, October 10, 2023

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Sandra N. McCready, MPA, MMC  
Town Clerk