



Town of Surfside
Special Town Commission Meeting
MINUTES
March 21, 2024
5:00 PM
Commission Chambers

1. Opening

1.A Call to Order

Mayor Burkett called the meeting to order at 5:03 p.m.

1.B Roll Call of Members

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

Present: Mayor Charles W. Burkett, Vice Mayor Tina Paul, Commissioner Ruben Coto, Commissioner Nelly Velasquez, and Commissioner Gerardo Vildostegui.

Also Present: Town Attorney Lilian Arango, Town Attorney Tony Recio, and Town Manager Hector Gomez.

1.C Pledge of Allegiance

Captain Matelis led the pledge of allegiance.

2. Mayor, Commission and Staff Communication

Vice Mayor Paul expressed how she wanted to reactivate the Memorial Committee, she asked if the former members of the Committee would like to return to serve. The Vice Mayor also added how she would like the inclusion of survivor Yady Santos as a Committee Member.

Town Clerk McCready reminded the Commission regarding the Special

Meeting. Vice Mayor Paul asked if the item could be added.

Mayor Burkett added how the Town Manager can be given direction.

Town Manager Gomez shared how a Special Meeting is a defined agenda, but if the Commission wished to add an item they could do so. He also shared how this item is

relevant to item 2B (Removal of All Existing Members of All Boards and Committees) of the agenda.

2.A Preclude the Publication, Distribution, Certification and/or Recording of Town Commission Resolution No. 2024-3268 Issued on March 19, 2024, and Request Deferral of Any Action by Miami-Dade County Plat Committee on Waiver of Plat Application D-25025 Pertaining to 9250 Bay Drive, Surfside, FL 33154 Pending Further Direction by Town Commission - Mayor Charles W. Burkett

Mayor Burkett introduced the item.

Town Clerk McCready read the item into record.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeff Rose shared how this item had passed and reviewed by the Town Attorney. He added how he would hate to see the Town go backwards and get into any lawsuits if this item were to be undone.

David Krieger stated he agreed with the Commission regarding this item.

Mark Blumstein congratulated the new Town Commission and shared how last night's Swearing-In Ceremony was touching. He shared how there were irregularities with the resolution of this item and issues with the Town's code that could lead to potential litigation.

A motion was made by Commissioner Velasquez to allow Mark Blumstein additional time to speak, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Jeffrey Platt shared how there are two different surveys of the property and for it to be resurveyed.

Ben Jacobson shared how he was concerned about government transparency.

Vice Mayor Paul asked Town Attorney Arango regarding the public comment Mr. Jacobson had shared. Vice Mayor Paul asked if the recording of the resolution could be precluded.

Town Attorney Arango specified that it is public record and, therefore, available to the public. Town Attorney Arango shared how the Commission is not unwinding the resolution.

Mayor Burkett shared how recording of a document is a legal process, not a transparency process.

Graham Penn, Berkow and Radell, representing the applicant shared how the application of his client to waive the plat met the requirements of the Town's zoning code. He stated how this item was not noticed to his client or himself and how it is a violation of his client's due process. Mr. Penn shared how this resolution will inform the County falsely that the town's previous approval is invalid.

Mayor Burkett asked Mr. Penn regarding his statement of the Town reporting to the County that the waiver plat of his client is invalid.

Mr. Penn said that he believed so due to the title of the item and how there could not be a deferral of the waiver plat.

Mayor Burkett asked Town Attorney Arango if this statement was true.

Town Attorney Arango stated how she does not work with the County's plat committee, but that she believed that if there is a request to differ an item, the County would entertain it.

Mr. Penn shared his concern that the Town will contact Miami-Dade County to defer the plat waiver, which he believes is an illegal action.

Eliana Salhauzer shared how she believed the deferral of the waiver of the plat and to further evaluate was an adequate decision.

Mayor Burkett closed the floor to public comment.

Commissioner Coto stated how there were discrepancies regarding the sizing of the plat and how specific zoning should be followed. He shared how he believed that this item should be deferred.

Commissioner Vildostegui asked the town attorney if this item were to pass, could Miami Dade not defer the consideration and take the application.

Town Attorney Arango expressed how she was not familiar with this topic, however, she shared how the deferral was up to the County, but that it was not recommended to unwind the approval of this topic during tonight's meeting.

Vice Mayor Paul shared how she supports the deferral.

Commissioner Velasquez expressed how she would like to defer this item until further notice.

Mayor Burkett expressed how the new Town Commission got elected to preserve the beauty of the Town from major constructions.

A motion was made by Vice Mayor Paul to approve the item, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

2.B Removal of All Existing Members of All Boards and Committees - Mayor Charles W. Burkett

Mayor Burkett introduced the item.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salhauzer shared how many residents are eager to serve on the Boards/Committees and how this is a major opportunity. She also asked the Town Commission to look at the applicant's requirements before appointing.

George Kousoulas shared how he supports this item and its redirection. He asked the Commission to use diligence when appointing members.

Jeff Rose stated how he agreed with Mr. Kousoulas. He expressed his concerns regarding the community events ran by the Tourist Board.

Mayor Burkett closed the floor to public comments.

Town Manager Gomez shared with the Commission how he had handed out a Town of Surfside Tourism and Communications Programmed Events for the 2024 year.

Vice Mayor Paul shared how she wanted to defer this item and start appointing new members during the April meeting. She expressed how the current events scheduled should continue until a new Tourist Board is appointed.

Mayor Burkett asked the Town Manager if Town staff could handle the Town events internally without a Tourist Board.

Town Manager Gomez expressed how this could be handled internally.

Mayor Burkett asked Town Manager Gomez to make sure the food is good quality.

Vice Mayor Paul encouraged residents to apply to all Boards/Committees.

A conversation was held among the Town Commission and Town Manager regarding the process of appointing the new Board/Committee Members.

Town Attorney Arango reminded the Commission about their town code "Section 2-4 Boards, Committees, and Sub Committees".

A motion was made by Commissioner Vildostegui to approve the item, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

2.C Release of Non-Disclosure Agreements and Non Disparagement Agreements with Previous Employees - Mayor Charles W. Burkett

Mayor Burkett introduced the item.

Mayor Burkett opened the floor to public comments.

Town Clerk McCready read the resolution into record.

The following individuals from the public spoke:

Eliana Salzhauer agreed with this item and said the public should know what is happening in Town Hall with Town employees.

George Kousoulas expressed how a lot has happened behind curtains and this item is a step to opening the curtains.

Jonathan Horn asked the Town Commission to explain this item and if there would be legal implications.

Town Attorney Arango expressed how an amendment to the agreements requires a mutual agreement between both parties.

A conversation between Mayor Burkett and Town Attorney Arango took place regarding this item.

Jarold Brunnabend asked the Town Commission if an employee decides to resign during their term, they will be willing to do the same.

Ben Jacobson expressed he does not agree with this item and believes issues with former employees should be left in the past.

Commissioner Coto shared that these types of agreements should not be made between government employees, and they should be released.

Fred Wallfish shared how he is not in favor of this item due to these agreements being part of the previous administration.

Jeffrey Platt shared how he believes there are employees that had been fired under the previous administration and the reasons need to be investigated.

Mayor Burkett closed the floor to public comments.

Vice Mayor Paul wanted to share that this item was created to be truthful with residents and for the sake of transparency.

Commissioner Velasquez expressed how this action was made with the previous Commission and that the current Commission has the authority to reverse it.

Commissioner Vildostegui shared that he supports this item and how this issue has to do with principle. He shared how the Town should not have agreed to have a non-disclosure and a non-disparagement agreement with former employees and how government should be transparent. He asked the Town Attorney to create an ordinance regarding this matter and if the Town could vote on not enforcing non-disclosure agreements.

The Town Attorney shared how there were a couple of agreements that had the non-disparagement language. The Town Attorney shared how she was not sure if they can be released from one party but not the other.

Commissioner Vildostegui asked if the Town Commission could vote on an instruction that stated the Town will not pursue any lawsuit against former Town employees in non-disparagement agreements.

The Town Attorney asked Commissioner Vildostegui if he meant for the Town to be released from the agreement or pursue an amendment to the contract with the other party.

Commissioner Velasquez asked if an ordinance would be made or a contract.

Town Attorney Arango answered that it should be addressed through the contract.

Commissioner Velasquez asked regarding future employees who would be dismissed.

The Town Attorney shared how this issue can be directed with the Town Manager.

Mayor Burkett expressed how there should be a document that would overwrite the previous agreements.

Commissioner Vildostegui shared how he will be bringing an ordinance for the next meeting regarding this matter. He also expressed how the Town is not interested in pursuing legal action against anyone.

Town Attorney Arango asked to clarify if the Commission wanted to waive the Town's right to enforce the agreement.

A conversation between Mayor Burkett and Town Attorney Arango took place where they agreed a resolution would be the best option to address this matter.

Vice Mayor Paul asked Mayor Burkett what would be the next steps in releasing the agreements.

Town Attorney Arango advised the Commission to send correspondence to the other parties.

A conversation among the Commission was conducted.

Mayor Burkett asked to make a motion to release all non-disclosure and non-disparagement agreements with previous employees and to send correspondence to former employees who have received these agreements in the last five (5) years.

A motion was made by Vice Mayor Paul to approve the item, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

2.D Stoppage of all Design and Construction of Sidewalk Projects within the Residential District - Mayor Charles W. Burkett

Mayor Burkett introduced the item.

Town Clerk McCready read the resolution into record.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeffrey Platt shared how this item was too limited.

Mayor Burkett shared how there is a new sidewalk between 95th and 96th street that was built without the opinion of the residents from that area. He expressed how he would like to stop construction of the project and speak with the residents and ask if they would like the sidewalk.

Eliana Salzhauer shared how the residents of the area were not consulted regarding the sidewalk.

Bella Krieger shared how she is in favor of more sidewalks in the Town.

Jeffrey Rose shared how there was a workshop regarding the sidewalk construction. He shared how he is in favor of the sidewalks.

A conversation between Mayor Burkett and Mr. Rose was conducted regarding if the residents were in agreement with the construction of the sidewalk.

George Kousoulas shared how the sidewalk that was built was placed before the workshop was done.

Mayor Burkett asked Town Manager Gomez if the sidewalk on 95th street was built before the Town workshop.

Town Manager Gomez confirmed the sidewalk had been built before the workshop.

Eliana Salzhauer shared how she attended the workshop.

Mayor Burkett shared how he will be reaching out to residents asking if they agreed with the sidewalk construction.

Fred Wallfish shared how this item is an issue of safety.

A conversation between Mayor Burkett and Mr. Wallfish took place regarding the item.

Mayor Burkett closed the floor to public comments.

Commissioner Velasquez asked Town Manager Gomez if there was a written notification for residents regarding the sidewalk construction.

Town Manager Gomez expressed how there was indeed written communications and residents were notified.

Mayor Burkett asked Public Works Director Stokes what the residents had told to him regarding the sidewalk project.

Public Works Director Stokes shared with the Commission how he had told the

residents the sidewalk was being done for kids to be able to cross the street.

Vice Mayor Paul asked Town Manager Gomez if the notification to the residents was done before the workshop.

Town Manager Gomez shared how the workshop was not related to the sidewalk project, but an after-action workshop for a traffic study.

Commissioner Vildostegui shared how he would prefer this item to be deferred to another meeting due to it being time sensitive. He expressed how 95th street needs to be improved, a complete design of the sidewalks to be proposed, and to pause construction of the sidewalks.

Vice Mayor Paul asked what the progress of the project was. She suggested for a resident workshop to take place.

Commissioner Coto agreed with Vice Mayor Paul, he expressed how feedback from residents needs to be given.

Town Manager Gomez expressed how Town staff do not feel comfortable to continue with construction until a strong direction from the new Commission is given.

Commissioner Velasquez agreed that the construction needs to be paused, as well as expressing to residents regarding the projects before any construction is given. She asked Town Manager Gomez if the traffic study has been completed.

Town Manager Gomez shared how the traffic study is completed but not the final report. He shared how the consultant said the final report would be done at the end of March.

Mayor Burkett expressed how he believed there were many pending sidewalk projects. He advised for signs to be out into the Town's streets advising kids are playing on the streets and to slow their vehicles down. He stated that the Town Commission is in agreement with stopping construction of sidewalks, finishing the traffic study, and spend more time on this item in a future meeting.

Commissioner Vildostegui suggested the motion to stop construction but to revisit the design of the sidewalks.

Town Manager Gomez reminded the commission the Town is going through a planning phase and how the new Commission could lead to a design phase if desired.

Commissioner Vildostegui suggested the motion to pause construction, review the traffic study, and bring this item back during the April meeting.

Vice Mayor Paul asked Town Manager Gomez since the traffic study is completed, what is the status of the design.

Town Manager Gomez expressed how the traffic study will highlight troubled areas in

the Town and where certain designs should be.

A conversation between Town Manager Gomez and Vice Mayor Paul continued regarding the specifics of this item.

Commissioner Velasquez asked how the sidewalks would affect the underground of the powerlines.

Mayor Burkett expressed how the commission will review the traffic studies and figure the "hot spots" for sidewalks.

Commissioner Velasquez asked Town Manager Gomez how the sidewalks will affect the 5 houses in the area.

Town Manager Gomez explained the process of the project that will be done on that street.

A motion was made by Commissioner Velasquez to approve the item, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

2.E Stoppage of all Design and Work Affiliated with the Tennis Center Project Located at 88th Street and Harding Avenue - Mayor Charles W. Burkett

Mayor Burkett introduced the item.

Town Clerk McCready read the resolution into the record.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeffrey Platt shared how this project is an attempt to upzone.

Reta Logan stated that this project has been vetted through the Parks and Recreation Committee.

Eliana Salzhauer stated that the Parks and Recreation Committee had never spoken about an item like this one in the ten years when she served on the Committee.

A motion was made by Vice Mayor Paul to allow Eliana Salzhauer additional time to speak, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

George Kousoulas shared how he is not in favor of this project.

A motion was made by Vice Mayor Paul to allow George Kousoulas additional time to speak, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Jeffrey Plat expressed how the design of the building is flawed.

Jeff Rose expressed how this project was unanimously approved by the prior Town

Commission and the Parks and Recreation Committee.

A motion was made by Commissioner Vildostegui to allow Jeff Rose additional time to speak, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Mayor Burkett expressed his concerns regarding the plans and designs of the building.

Retta Logan expressed how the design was advertised and presented during the Parks and Recreation Committee meeting. She expressed how she does not want to stop the project.

Marianne Meisheid shared how initially she was happy with the design of the project, however, her opinion changed due to changes in the design.

Eliana Salzhauer expressed how she is in favor of adding a second story to the Community Center.

Mayor Burkett asked Town Manager Gomez regarding the budget of the project.

Town Manager Gomez advised Mayor Burkett the Town had spent around \$250,000 to \$300,000.

George Kousoulas expressed his concerns regarding the process of the project.

Marisol Krasner shared how the hotel has been blocking the pathway of the beach. She also shared how there is a lot of traffic due to school activities.

Commissioner Velasquez expressed how she did not support the tennis center and how the priority should be controlling the Town's flooding.

William Burkett expressed how the construction of the building can add more traffic to the Town and/or cause accidents. He also expressed how the Community Center should be expanded.

Jeff Rose shared how the project is being funded with tourism funds and how this project is a 5-year project.

Mayor Burkett closed the floor to public comments.

Commissioner Vildostegui shared how this item should be moved to another meeting due to the magnitude of the discussion. He shared how many residents are excited about this project. He expressed how he agrees this Commission should have a recreation project and how he would like to see more designs. He also shared he is in favor of the drainage project.

Vice Mayor Paul shared how she was the liaison for the Parks and Recreation Committee for many years and this project was not discussed. She shared how this item is not on schedule and should be done after the 96th street park project is done. She expressed how other projects have more importance than the tennis building,

and the project should be deferred.

Commissioner Coto expressed how this project is rushed. He shared how he is in favor of pausing this project.

Commissioner Velasquez added that the money used in this project can be used to buy more land in the Town to build more parks. Commissioner Velasquez wants to make a motion to completely stop the project.

Mayor Burkett added how he is in agreement with his colleagues regarding this project.

Commissioner Vildostegui added how he is in favor of the memorial and the flooding project, however, he wanted to keep the discussion "alive" for the sake of the interest of the residents in this project.

Vice Mayor Paul shared how she would like for this project to be paused due to not being a priority. She shared how she is interested in the resident's opinion to add a second story to the community center.

Commissioner Velasquez expressed how she does not support this item and how the money should be focused on the memorial or buying more land.

Vice Mayor Paul expressed how she agrees to pause this project and to completely stop further spending on the project.

Vice Mayor Paul asked Town Manager Gomez if the Commission stops the funding of the project what would the outcome be.

Town Manager Gomez explained he would have to terminate the contract for the design services and how the Town would own to a certain degree some design efforts.

Vice Mayor Paul asked Town Manager Gomez how close to completion was the design of the building, how much the Town owes, and how much will the Town owe.

Town Manager Gomez shared that the budget for the project is \$500,000 for design alone, not for construction. All of the funding for this project had been used from the tourism budget.

A motion was made by Commissioner Velasquez to approve the item, seconded by Vice Mayor Paul. The motion carried with a 4-1 vote with Commissioner Vildostegui voting in opposition.

Vice Mayor Paul asked Mayor Burkett to conduct a workshop with residents to receive feedback regarding the agenda items for the April meeting.

3. Adjournment

There being no further business to discuss before the Commission, a motion was made by

Commissioner Velasquez to adjourn the meeting at 7:24 p.m., seconded by
Commissioner Coto. The motion carried with a 5-0 vote.

Accepted this 9th day of April, 2024.



Mayor Charles W. Burkett

Attest:



Sandra N. McCreedy, MMC
Town Clerk