



**Town of Surfside
Regular Town Commission Meeting
MINUTES
May 14, 2024
7:00 PM**

Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

1. Opening

1A. Call to Order

Mayor Burkett called the meeting to order at 7:04 p.m.

1B. 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: Interim Town Attorney Mark Blumstein and Interim Town Manager Marisol Vargas.

1C. Pledge of Allegiance

Police Chief Doce led the pledge of allegiance.

1D. Mayor and Commission Remarks - Mayor Charles W. Burkett

Mayor Burkett asked the Commission to provide their Commission remarks.

Commissioner Vildostegui shared his gratitude to the Town's communications department regarding the publication of the Miami-Dade County's tree giveaway.

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

Interim Town Attorney Blumstein spoke regarding the addition of item 5E (Resolution Approving an Agreement with Lansight Technology, LLC) for the new IT services agreement.

A motion was made by Commissioner Vildostegui to approve the addition of item 5E (Resolution Approving an Agreement with Lansight Technology, LLC) to the agenda, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

1F. Community Notes - Mayor Charles W. Burkett

Vice Mayor Paul spoke regarding multiple Town events, the closure of Town Hall due to Memorial Day, High School Seniors higher education scholarships, and keeping dogs on their leash and picking up after them. She also spoke regarding Boards and Committee meetings, signing up for Town e-mails, and joining the Town during the month of June for pride month.

1G. Municipal Clerks Week - Mayor Charles W. Burkett

For the commission approve the resolution as submitted recognizing the work of municipal clerks and the vital role they play in government.

Mayor Burkett presented the Town Clerk's office with a proclamation, proclaiming the week of May 5-11 International Clerk's Week.

[Municipal Clerks Week 2024 Request Form](#)

[Proclamation Municipal Clerks Week 2024](#)

1H. Appointment of Boards and Committee Members - Sandra N. McCready, MMC, Town Clerk

For the Town Commission to fill the vacancies on various committees.

A motion was made by Commissioner Velasquez to appoint Cynthia Callaway to the Tourist Board, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

A motion was made by Commissioner Vildostegui to postpone the appointment of the Youth Council to the June meeting and have the Interim Town Manager to advertise the board vacancies, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Paul to appoint Phyllis Shamis and Valentine Whittaker to the Pension Board, seconded by Commissioner Velasquez.

Commissioner Vildostegui disagreed with the motion and suggested to appoint Gary Golding to the Pension Board and Phyllis Shamis to the Personnel Appeals Board.

Mayor Burkett stated how it is important to know the people the Commission is appointing to join a Board.

The motion carried with a 5-0 vote.

Vice Mayor Paul asked the Commission if they would be interested in reestablishing a Budget Committee since budget season is approaching.

Mayor Burkett and Commissioner Vildostegui expressed they are not against the idea.

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 Burkett made a suggestion to make a change to the Special Town Commission meeting minutes of April 9, 2024. He requested to change the word "thrilled" to "very excited" on page 46.

A motion was made by Commissioner Vildostegui to approve consent agenda with the amendment to the April 9, 2024 minutes as requested by Mayor Burkett, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

3A. Approval of Minutes - Sandra N. McCready, MMC, MPA, Town Clerk

Approved on consent as amended.

[March 26, 2024 Town Commission Workshop Meeting Minutes](#)

[April 2, 2024 Town Commission Workshop Meeting Minutes](#)

[April 9, 2024 Special Town Commission Meeting Minutes](#)

[April 9, 2024 Town Commission Meeting Minutes](#)

3B. Board and Committee Meeting Minutes - Sandra McCready, MMC., Town Clerk

Approved on consent.

[February 29, 2024 Planning and Zoning Board Meeting Minutes](#)

[March 4, 2024 Tourist Board Meeting Minutes](#)

3C. Certification of Surfside General Municipal Elections held March 19, 2024 - Sandra N. McCready, MMC, Town Clerk

Town Administration recommends adoption of the Resolution.

Approved on consent.

[Resolution Certifying Town General Elections](#)

[Certification Letter - Surfside General Municipal 03.19.24](#)

[Results Official EL45 03.29.24 -Surfside 03.19.24 Signed](#)

4. Ordinances

Second Reading

First Reading

4B1. Ordinance Amending Section 90-41 "Regulated Uses" by Providing Exemptions to Drug Stores - Mark Blumstein, Interim Town Attorney

For the Town Commission to adopt the ordinance on first reading.

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

Interim Town Attorney Blumstein introduced the item.

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

Commissioner Velasquez stated that she is not in favor of this ordinance because it includes medical marijuana that was not there previously in respects to drug stores. She stated that there is already CVS and Publix in place.

Interim Town Attorney Blumstein spoke how this item came about and explained that all this does is seek to amend a distance limitation. He stated how medical marijuana has already been approved by the Town code. He then stated that a request was made to seek to amend the code to allow a particular business and any other similar situated business to relocate to Town and operate within this restrictive zone of 850 feet door to door where there is an existing drug store. He explained that the way this would apply to this specific business is that they will be allowed to do business and operate a pharmacy in a location that they seek to use, they will be precluded to do so in accordance with our current code.

Commissioner Velasquez is not in agreement with this item and stated it should have been a discussion item first. She stated that this will bring more pharmacies all over Town and expressed her concerns with the medical marijuana portion of this item.

Vice Mayor Paul spoke regarding the context of the medical marijuana and the establishment of the 850ft during her previous term on the Commission. She agreed the item should have been a discussion item first. She spoke about Sheldon's years ago and how the table on page 104 has one section for drug stores, one for medical marijuana dispensary and another one for sundries.

Commissioner Velasquez had questions related to the amount of stores that would be allowed in Town and requested clarification related to the 850 feet requirement.

Interim Town Attorney Blumstein further explained that the 850 feet stays and provided a scenario to the Commission.

Commissioner Vildostegui shared Commissioner Velasquez concerns about the item being a discussion item instead of a first reading ordinance. He suggested some amendments to page 105 of the packet related to the use of the business for other purposes other than drug stores. He recommended the language to be amended to state that "... commercial purpose under Town Code other than the dispensing of prescription drugs, non-prescription drugs, medical devices, and sundries under section 30(c) and the whereas clause.

Mayor Burkett stated that this came about because the business owner contacted him. He referred the business owner to speak with the Interim Town Attorney. He understands Commissioner Velasquez's concerns and he is in agreement with bringing it back or offered to approve and work with the business owner to come.

Mayor Burkett opened the floor to public comments.

No one wishing to speak on the item, Mayor Burkett closed the floor to public comments.

After some discussion the motion carried 5-0 with the amendment suggested by Commissioner Vildostegui.

[90-41 Regulated Uses - Drug Stores](#)

4B2. Ordinance Amending the Resort Tax Powers and Duties and filing requirements. - Mark Blumstein, Interim Town Attorney

For the Town Commission to adopt ordinance in first reading.

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

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

Interim Town Attorney Blumstein introduced the item.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeff Rose spoke about the Form 1 state requirement and how it should be taken out. He spoke regarding the restriction of the Town's tourism tax.

Marianne Meisheid spoke regarding how she tried to change this ordinance during her time in the Commission due to the Tourist Board's overspending on promotion.

Mayor Burkett closed the floor to public comments.

Commissioner Vildostegui shared regarding how he would like to see this item as a discussion item. He spoke how he likes the general idea of the ordinance. He shared how he would like to do more research on this ordinance of what other municipalities do.

Commissioner Coto expressed how he likes the idea of this ordinance since other projects in the Town need funds. He stated how he would like to look more into the percentages of the fund as well as other legalities.

Interim Town Attorney Blumstein shared how he had looked at other municipalities regarding this item. He stated how the Commission will have the power to budget the tourist tax dollars consistent with the 1967 law that authorizes the use of it for this

purpose.

Mayor Burkett asked if this ordinance could be approved tonight and be modified later after more discussion.

Commissioner Coto expressed he is comfortable with the Interim Town Attorney's answer.

Vice Mayor Paul stated she is in agreement with the item. She stated when she was serving during previous Commissions, she had noticed overspending on promotions as well. She shared that if money is going to be spent promoting the Town, it needs to be backed up by keeping the Town clean. She asked if there is a way of tweaking the budget and keeping the 66% for the Community Center.

Interim Town Attorney Blumstein stated how what is being proposed today does not speak regarding what is being budgeted because the Commission will have the final say on how everything will be budgeted if the ordinance is accepted.

Mayor Burkett stated how he has some issues in mind that the Town has that he would like to see in the hands of the residents.

Commissioner Vildostegui shared how this item is a major change in policy and he is not comfortable with moving forward until further discussion.

Mayor Burkett stated how this item can be stopped in second reading but if by approving the ordinance, it might allow to move forward and add more details down the line.

Commissioner Velasquez thanked the Interim Town Attorney for bringing this issue forward. She stated how this item can allow to free up money for other projects in the Town to be completed. She stated how she supports this item and how she also supports any other add-ons that can be addressed in this ordinance.

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

[Ordinance Amending Powers and Duties Resort Tax Board](#)

5. Resolutions and Proclamations

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

5A. Approval of the Interim Town Manager Agreement - Mayor Charles W. Burkett

For the Town Commission to review and approve.

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

Vice Mayor Paul, Commissioner Vildostegui, and Commissioner Coto continued to thank Interim Town Manager Vargas for her service and the great job she has done in the Town.

Commissioner Velasquez continued to thank Interim Town Manager Vargas for her service to the Town and stated how she does not like the term 'termination' on the resolution due to it not being a termination, but how Ms. Vargas is going to return to her previous position in the Town. She expressed how the word 'termination' might affect Ms. Vargas negatively in the future.

Mayor Burkett continued to address Interim Town Manager Vargas and her positive work done in the Town as an Interim Town Manager.

Interim Town Manager Vargas continued to address the Commission and thank them for allowing her to serve.

A motion was made by Vice Mayor Paul to approve the resolution with the replacement of the word 'termination' with 'revert back' in the resolution, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

[Reso - Interim Town Manager](#)

[Marisol Vargas - Interim Town Manager Agreement](#)

5B. Approving a Resolution Creating a Community Relations Board -

Commissioner Gerardo Vildostegui

For the Town Commission to discuss and approve the attached resolution creating a Community Relations Board.

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

Commissioner Vildostegui introduced the item. He stated how he would like to have nine members for this Board, with five members being appointed by the Commission and the remaining four by the Board itself. He shared how he would like the Board to suggest what their tasks are, therefore, he wanted to leave the description of the Board as broadly as possible.

Commissioner Coto agreed with Commissioner Vildostegui and how this Board is a great idea.

Vice Mayor Paul stated how she agreed with Commissioner Vildostegui and how in the past other Boards had appointed certain members to attend other Board meetings and how this Board should also do so. She asked regarding the budget of the Board.

Commissioner Vildostegui shared how the Board can be given a budget to be able to do an event to work with as a kick-off.

Commissioner Velasquez stated how this is a great initiative to bring everyone in the

Town together.

Mayor Burkett thanked Commissioner Vildostegui for bringing this item to the Commission.

Commissioner Vildostegui asked if this item is approved tonight, can applications be received next meeting.

Town Clerk McCready stated how if the advertisement of the vacancies is shared during the Town's June gazette, applications might be received for the July Commission meeting.

Commissioner Velasquez asked if the Town could inform the residents to send their applications before the June Commission meeting.

Interim Town Attorney Blumstein proposed to the Commission striking in the resolution under appointments letter 'C', "ended at the 2026 Town election", and subsection 'F'.

A motion was made by Commissioner Vildostegui to approve the resolution with the changes outlined by the Interim Town Attorney, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

[Reso Comm Relations Board - ver3.docx](#)

5C. Approval of the Intergovernmental Agency Agreement with Miami-Dade County to Perform Traffic Engineering Functions - Mark Blumstein, Interim Town Attorney

For the Town Commission to review and approve.

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

Interim Town Attorney Blumstein spoke regarding the item, and he suggested to amend the first whereas clause to read as follows " WHEREAS, Miami-Dade County ("County") asserts jurisdiction of traffic control and traffic engineering services; and". He stated how this process might not see any progress until 2025.

A motion was made by Vice Mayor Paul to approve the resolution, seconded by Commissioner Velasquez.

Vice Mayor Paul spoke regarding the changes made in the resolution. She stated how the Commission added the traffic control portion in the resolution, but the County was not in favor of it.

Interim Town Attorney Blumstein stated how the County is not in favor at this time.

Commissioner Velasquez asked if more items can be added later on after the resolution is approved.

Interim Town Attorney Blumstein answered affirmatively.

The motion carried with a 5-0 vote.

[Reso - Intergovernmental Agency Agreement](#)

[Town of Surfside Intergovernmental Agreement - Traffic Engineering Functions](#)

[Exhibit A - Detail Sheets](#)

5D. Nurse Enhancement Initiative for School Year 2024-2025 - Mark Blumstein, Interim Town Attorney

Consider Approval of MOU to continue support for Nurse at RKBBHE

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

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

[Reso Approving MOU - Amend. No. 7 to MOU School Nurse Initiative 24-25](#)

[Nurse Enhancement Initiative Behavioral Health Services Summary Report and Expanded Services Update](#)

[Nurse Amend No. 7 Municipalities 24-25 \(Form Approved\)](#)

5E.) Resolution Approving an Agreement with Lansight Technology, LLC

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

Interim Town Attorney Blumstein continued to introduce the item. He stated how this item is being presented to the Commission due to the timeline given by the resignation of the Town's current IT company.

Lansight technology, LLC representative, Bismarck Canut, addressed the Commission and introduced the IT company and what their services are.

Commissioner Velasquez asked regarding how would the company prevent the loss of information and recordings from happening. She spoke regarding how information needs to be preserved for the purpose of public records.

Mr. Canut spoke regarding mobile device management and different solutions that can be implemented.

Commissioner Velasquez asked if the company had any knowledge regarding loss audio and videos being altered.

Mr. Canut spoke how they were not contacted for those services, however, they have contacts that can do that type of service.

Interim Town Attorney Blumstein stated how the services are separate from the forensic IT services the Commission had previously approved and how the search is being conducted separately. He stated how Mr. Canut will make sure the services being described by the Commission are being addressed.

Vice Mayor Paul asked the Interim Town Attorney regarding the forensic investigation.

Interim Town Attorney Blumstein stated how the forensic investigation is still being searched for, however, the IT services for the Town is a priority due to being time sensitive.

Commissioner Vildostegui stated how the forensic investigation is to make recommendations for best practices. He asked if the contract with Lansight Technology will allow for possible modifications to include those recommendations from the investigator.

Interim Town Attorney Blumstein stated how the contract can be amended at any time, but a cost might be associated.

Vice Mayor Paul asked regarding the IT company recommendations.

Mr. Canut shared how they have many IT recommendations, however, he stated how they might need more time to make a proper recommendation.

Commissioner Velasquez asked if the company will have a staff member on site.

Mr. Canut responded affirmingly. He also shared how the company has other staff members that are also available.

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

Mayor Burkett continued to thank the Interim Town Manager and Interim Town Attorney for their hard work regarding this item.

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

Public comments for subjects or items not on the agenda.

Mayor Burkett opened the floor to Good and Welfare with the following individuals from the public spoke:

Marianne Meischeid spoke about the Miami-Dade Condo Special Assessment Loan program and its benefits.

Jeffrey Platt spoke about the turtle season in the Town and urged all residents to pick up litter on the beach. He shared how the Town should talk to the State to get another beach renourishment. He proceeded to thank the Police Department's performance regarding a report he had requested.

Pablo Langesfeld proceeded to thank the Commissioners regarding the collapse anniversary event coming up. He stated how it has almost been three years since the collapse and there is no determination as to why the collapse happened.

Jeff Rose asked if he could speak on the 96th street project at this time or during the Town Manager's report.

Mayor Burkett closed the floor to public comments.

Commissioner Coto thanked residents Meisheid and Platt for their shared information.

Commissioner Velasquez agreed with Mr. Platt about renourishing the beach. She thanked Ms. Meisheid for her shared information.

Vice Mayor Paul thanked everyone for attending and for their comments. She stated that it is a good idea to publicize the loan program. She thanked Mr. Langesfeld for his comment and stated how the Commission is looking forward to commemorating the memories of those that were lost during the Champlain collapse.

Commissioner Vildostegui thanked resident Meisheid for informing him on the loan program. He continued to thank Mr. Platt for informing him about the turtle season and the beach nourishment. He stated how during every Commission meeting community notes he will try to remind residents regarding turtle season, he continued to speak on the beach renourishment. He expressed how grateful he is for Pablo and Martin Langesfeld for coming to the meeting. He also shared how this year the memorial event will be hosted on 88th street rather than Veteran's Park. He expressed how he is still trying to get the full block memorial. Commissioner Vildostegui shared how he agrees that the Champlain collapse investigation has taken too long and no answers have been heard.

Mayor Burkett thanked those who spoke during Good and Welfare and for keeping the Town informed. Mayor Burkett continued to address Pablo and Martin Langesfeld regarding the construction of the memorial and its name. He stated how he asked the Interim Town Attorney to speak to the Miami-Dade County Police Department regarding the investigation of the Champlain collapse and how he is surprised it is still under investigation and how he is looking forward to seeing the report once it is completed. He continued to share how the Town's investigator has not been allowed on the collapse site.

7. Town Manager and Town Attorney Reports

7A. Town Manager's Report - Marisol Vargas, Interim Town Manager

Interim Town Manager Vargas presented the Town Manager's report.

Ms. Vargas asked if anyone from the Commission had any questions regarding the Town Manager report. She continued to welcome representatives from Lunacon, Savino and Miller, and Coastal System since they are working on the 96th Street Park project.

Interim Town Attorney Blumstein stated how the primary presenter, Ricardo Escobar from 300 Engineering will be presenting via zoom.

Vice Mayor Paul asked regarding the artificial turf field on page 177 in the Town

Manager's report and if it could be removed. She also asked regarding how on page 182 it shows a picture of the Veteran's Park in the section for the Champlain Memorial and asked for it to be revised.

Mr. Escobar continued to give a presentation regarding the 96th Street Park Project.

Commissioner Coto asked regarding the estimate cost of the provisional railings.

Mr. Escobar stated how there are two options, and the estimate is about \$25,000-\$30,000 range.

Vice Mayor Paul asked regarding the change orders, change order number 3, and the design revisions.

Mr. Escobar stated how the project was led without going through the Building Department process, which led to changes.

Mayor Burkett asked what it meant that the project was not led through the Building Department process.

Mr. Escobar shared how they did not go through the Building Department prior to the bidding process.

Mayor Burkett asked to elaborate on how that happened.

Mr. Escobar stated he did not participate in that stage of the project.

Mayor Burkett asked Mr. Escobar why, in his opinion, did that happen.

Mr. Escobar stated that issue normally happens because the Town wanted to start the project. He stated how usually projects like these go through a permitting process first.

Kelly Hitzing from Savino and Miller introduced herself and shared how Mr. Escobar was not part of the project when it first started. She stated how they spoke with the Town's Building Department, but received incomplete comments. She expressed how there were many new comments received from the Town's Building Department once the contractor submitted the official drawings during construction that should have been made earlier.

Mayor Burkett expressed to Ms. Hitzing how, as a result of that, the project did not have the comments from the Town and went forward. He stated how the Town then gave the comments which created issues.

Ms. Hitzing shared how the bidding process was rushed towards the end and the contractors did not get too far with the County's permitting at that time.

Franklyn Torrealba from 300 Engineering stated how he thinks the Town wanted to finish the project ahead of schedule. He continued to explain the process of bidding, permitting, and receiving comments from building departments when doing these

kind of projects.

Mayor Burkett asked regarding the cost of the changes due to the rush.

Mr. Torrealba addressed Mr. Escobar and asked which change orders are due to not having the final permits before the job was bided.

Mr. Escobar stated how change order number 3 was due to the comments.

Mayor Burkett asked what the total was.

Mr. Escobar stated the total was \$201,975.65. He continued to explain the expenses from change order number 4.

A conversation was held regarding change order number 4.

Commissioner Velasquez stated how there were many changes to the design to what it was brought to the Commission in 2022. She stated how she recalls that permitting already had started for several things. She asked how there were many changes and how is the fence lower than approved. She asked how the Building Department is not aware of these permits. She continued to talk about how the stairs had also changed.

Barry Miller stated how a 4.75% increase from the start of the project to now is almost unheard of to have that little of an increase despite all the changes made. He stated how there was a rush by the previous Commission telling the design team they wanted the project to be done in one year. He stated how there are delays in projects that no one has control of, especially with permits from DERM and FPL. He stated how this project was an 18-month project and how the design has changed over the different Commissions.

Mayor Burkett asked if the design had changed.

Mr. Miller stated how the design has not changed. He continued to share how there were slight changes in the steps of the building, the direction of the building, and redirection of sidewalks.

Commissioner Velasquez stated how there were changes in some designs on the walls of the building and the fencing.

Ms. Hitzing stated how the prior presentation can be brought back and how it was decided to add the five foot fence and if needed they would add an additional 10 foot sports netting to prevents balls from going over the fence.

Commissioner Velasquez asked regarding the completion of the park.

Mayor Burkett stated how there was unrealistic expectations from the prior Commission regarding the completion of the project. He stated how this Commission is being aware of the initial 18-month timeline of the project and how there are mistakes that have to be fixed due to the rush.

Mr. Miller stated how many things can happen during these projects.

Vice Mayor Paul asked regarding if the sustainability component was a delay. She stated how the building was always supposed to be a LEED building.

Mr. Miller stated how the LEED silver is less complex than LEED gold. He shared that the previous building official wanted the building to be LEED gold. He expressed how it is not causing any type of delay.

Vice Mayor Paul asked how the location of the building got misaligned and why is the stairway non-compliant.

Emilio Criado from Lunacon Construction stated how the license and insured survey company that was hired gave inaccurate points, but that it does not create any structural issues. He stated how the design team is doing an excellent job by relocating certain areas of the project.

Commissioner Velasquez asked if the survey company will pay for the mistake they made.

Mr. Criado responded affirmatively.

Vice Mayor Paul asked regarding the non-compliance of the stairway.

Mr. Criado explained that the stairway is exactly as it shows but that there are some dimensions required by code that when the railing are installed, the dimensions are slightly off. He stated how the design team is proposing different railings. He added how the delay of the project is due to the re-prune of oak trees. He continued to talk on the process of the permits for the project.

A conversation regarding the change from a track elevator to a hydraulic elevator was conducted.

William Lane spoke regarding the elevator chosen. He stated how some space for the storage room was lost due to the pump for the hydraulic elevator.

Mr. Escobar stated how the traction elevator delivery time was over 13-15 months, which lead to choosing the hydraulic elevator and losing the extra space in the storage room. He stated how the Town had said that there was still enough storage room for what they were planning to use.

A conversation was held regarding the space of the storage room.

Mayor Burkett asked regarding a statement that was made about it being easier for the project to be done in one phase.

Mr. Miller stated how it is easier to do one standalone project. He stated how this project was complicated due to certain factors.

Mayor Burkett asked when was the decision made to phase the project.

Interim Town Attorney Blumstein asked Mr. Escobar if the phasing of the project was done in December of 2023.

Mr. Escobar responded affirmatively. He stated that the Town had told them there was a soccer program that was anticipated.

Mr. Miller said that those expectations were unrealistic due to several factors in the construction.

Mr. Criado added how the previous administration had left out a field that is extremely high maintenance and that cannot be worked on and how the company was paying rent for a fence.

Commissioner Velasquez stated how it is not fair for the company to have extra expenses to rush the project.

Interim Town Attorney Blumstein asked if the Commission would like the park to be delivered by September by installing temporary railings.

Mayor Burkett stated how there are issues with other components like the elevator. He stated how there could be a delay for a few months for the sake of the functionality of the building.

Patricia Bonilla from Lunacon stated how the elevator is waiting from FPL approval. She shared how the elevator has been sitting in the warehouse for some time.

Mayor Burkett stated how the construction should wait a few extra months in order to have the building done right.

Commissioner Coto stated how he would rather save money and do the construction right.

Commissioner Vildostegui asked regarding the third option of waiting for the permanent railing but not have access to the second floor. He stated he would like to hear more about the third option.

Mayor Burkett shared how what he had stated includes the third option.

Commissioner Velasquez asked Mr. Criado regarding the temporary fence.

Mr. Criado stated how the initial plan was to have the kids playing on the field while the construction was happening and, therefore, the construction has to pay rent on the fence. He stated how he would like to take it down and put caution tape since the use of the field is no longer happening.

Mayor Burkett stated how he is sorry for all these inconveniences.

Interim Town Attorney Blumstein spoke regarding the elevator.

Mayor Burkett asked if a provision can be made to open the building without a working elevator.

Mr. Lane stated that if they could obtain a TCO they could open the first floor and have the restrooms working, but not the community room until the railing issue is resolved.

A conversation was held regarding the elevator.

Mr. Lane stated he did not like the idea of a temporary stair.

Ms. Bonilla stated how the elevator was purchased at a lower cost, allowing for the remaining balance of the money to be used in permits.

Commissioner Velasquez asked regarding the purchase of the elevator.

Mr. Lane stated that traction elevators are in high demand and would take about a year and a half to receive.

Vice Mayor Paul asked regarding the separation of the fence with the three portions and asked if it would be taken down.

Ms. Bonilla clarified that due to the separation of the phases of the project, a portion of the park is completed and maintenance fees are being used for it. She asked if the Commission would like to turn it over and use it or pay to maintain it.

Ms. Hitzing stated how a meeting will be scheduled to figure out the best way to maintain the portion of the park.

Interim Town Attorney Blumstein asked for direction from the Commission if either they would like to keep the phase approach or not, remove the temporary fence, and wait for the west stairway railing intended and not use the second floor.

Mr. Criado stated how the railing will match the railing that is going around the perimeter on the second floor, a completed north stairwell, and a running elevator.

Mayor Burkett stated how the current railing is too narrow and how the design team needs to design a new railing. He asked if the railings have been purchased.

Mr. Lane stated that the railing that is being proposed to be made is the same railing, which is a time delay.

Interim Town Attorney Blumstein asked the Commission if they would like for the hydraulic elevator to be installed.

Mayor Burkett replied affirmatively.

A motion was made by Commissioner Coto to approve the Interim Town Manager's Report, seconded by Commissioner Velasquez.

Mayor Burkett opened the floor to public comments:

The following member of the public spoke:

Jeff Rose suggested to the Commission to do what they can do to open the park as soon as possible.

Mayor Burkett closed the floor to public comments:

The motion carried with a 5-0 vote.

[May Town Manager's Report](#)

7B. Town Attorney's Report - Mark Blumstein, Interim Town Attorney

Interim Town Attorney Blumstein presented the Town Attorney's Report.

A motion was made by Vice Mayor Paul to approve the Interim Town Attorney Report, seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote.

[Town Attorney Report - May 14 2024](#)

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

9A. CTS/KCE and Memorial Updates - Mark Blumstein, Interim Town Attorney

Provide direction as it pertains to Town contracts with KCE and with regard to Town Memorial.

Mayor Burkett introduced the item.

Interim Town Attorney Blumstein stated how this item is to get direction from the Commission. He spoke regarding the agreements from June 2021 with KCE and how they were fully executed and expired within one year, unless extended by the Town Manager, but there have been no extensions. He stated he spoke with the finance department regarding the services the Town paid to KCE and how over \$2.6 million had been paid. He stated how there are no other contracts with any other company regarding the Champlain South collapse investigation due to the materials of the collapse being under federal custody. He shared how the last time KCE was in front of the Commission was February of 2023 where the Commission was passing a resolution granting extra funding for purposes of the CTS investigation, which was subject to conditions. One of them being access to the site and materials. Since there has not been access to the site and materials for conducting the investigation, he recommended the Commission to make a motion to not fund any more services by KCE, its principals, subcontractors, or agents including but not limited to the scope set forth in the expired agreements between KCE and the Town, and for resolution 2023-2972 to be vacated and set aside.

A motion was made by Commissioner Velasquez to approve the recommendation to

not fund any more services by KCE, its principals, subcontractors, or agents including but not limited to the scope set forth in the expired agreements between KCE and the Town, and for resolution 2023-2972 to be vacated and set aside, seconded by Commissioner Coto.

Mayor Burkett opened the floor to public comments.

The following individual from the public spoke:

Martin Langesfeld shared how he had lost his sister and brother-in-law during the Champlain Collapse. He stated how private investigators have been blocked by NIST from conducting any investigation on the site and materials from the Champlain collapse. He stated how he visited the NIST headquarters in Maryland just to find out that they do not know why the collapse happened, but construction is still being allowed on the site. Mr. Langesfeld shared how rather than the Town cancelling the contracting services with their investigator, they should push for the federal government's appointed team to be transparent with their investigation and allow the Town to conduct its own investigation. Mr. Langesfeld was given additional time to speak and continued with his public comment.

Mayor Burkett addressed the comments made by Mr. Langesfeld and how the Town is in this together. He stated how he had asked for a phone call with the director of NIST but was asked to be on the phone call with several other people. He spoke regarding the blockade on the CTS site.

Mayor Burkett closed the floor to public comments.

Commissioner Vildostegui stated how he is not fully ready to terminate the contract with KCE and would like to have answers from them regarding this issue. He asked if the Town could get something from them in order to answer questions. He shared how the Town could lean on congressional representatives to push NIST to cooperate with the investigation.

Vice Mayor Paul stated how she supported this investigation from day one. She shared how the State Legislature is not working in favor of those who live in older buildings in order to have the land sold to developers and be redeveloped. She said how she does not agree with anything being built on the CTS site until the investigation is completed. She stated how she had comments regarding the contract and how she is ready to walk away from KCE. She stated how the contract with KCE has an environmental study due to the collapse, but she never received one. She mentioned in the termination section of the contract, it says that KCE needs to transfer to the Town any materials pertaining to the services done. However, they have not given anything significant to the Town regarding the collapse. She expressed how the State Legislature is making decisions that affect people who live in condos which ends up presenting hardships for them. She stated how she believed that the people from Champlain South were suffering from these hardships based on work that has to be done. She expressed how this Commission is trying to alleviate this for those who need repairs on their buildings.

Commissioner Coto stated how he agrees with Vice Mayor Paul regarding the

money that has been spent and no information has been given. He asked if the Town could hire another investigator.

Interim Town Attorney Blumstein stated how a new investigator will meet the same resistance from the entities that control the data of the collapse, unless there is political force that could help this case.

Commissioner Coto asked if the Commission could put extra force on other political influences that can help the investigation. He stated how he would like to terminate KCE's contract due to the amount of information the Town has gotten.

Interim Town Attorney Blumstein stated how he will come up with a resolution the Commission will favor and forward to other political channels.

Commissioner Coto expressed how the media channels should also be contacted regarding this resolution.

Commissioner Velasquez shared how she agreed with her colleagues. She stated how Mr. Kilsheimer has not fulfilled the promises he has made to the Town regarding the collapse investigation and how the Town has given him a large amount of money for the investigation. She expressed if Mr. Kilsheimer does not have access to the site, the investigation will not be done. She voiced how she would like to put pressure in political avenues to put pressure on NIST and get progress on the investigation.

Mayor Burkett stated how this is a political issue, not an investigator problem. He shared how the Interim Town Attorney had gotten an answer from the Miami-Dade Police Department regarding the investigation.

Interim Town Attorney Blumstein addressed the comments regarding the political pressure.

Mayor Burkett shared how Mr. Kilsheimer had shown up in the Town after the collapse and how he had done good deeds to give the Town an answer. However, he was not given the chance to perform his services. He stated how his services had gone for too long and no answers are given. He stated how he is in favor with terminating the contract. He communicated how Mr. Kilsheimer was not the problem, but those who blocked Surfside from the CTS site and materials.

Commissioner Vildostegui stated how he would like to get something from Mr. Kilsheimer and possibly work with him again if the political pressure on NIST is effective.

Mayor Burkett stated how it would be best for the Town to maintain a relationship with Mr. Kilsheimer.

Interim Town Attorney Blumstein stated how the motion is designed to button up the relationship, acknowledge that the contract is expired, and that no more funds are given. He shared that if a relationship were to be built in the future, he is confident that Mr. Kilsheimer will be willing to help.

The motion carried with a 5-0 vote.

[KCE Structural Engineers, P.C. Agreement](#)

[KCE Structural Engineers-Collapse of Champlain Towers South-Tasks 1 2 and 3 Addendum to Agreement for Infrastructure Monitoring Services between Schnabel Engineering LLC and KCE Structural Engineer, PC.](#)

9B. Discussion on Chapter 3 "Purchasing" related to the Town Manager's Expending Authority - Commissioner Nelly Velasquez

For the Town Commission to discuss amending the ordinance for the \$25,000 expenditures allowance to be used specifically for Public Works emergencies. The Town Commission should further discuss what should be the Town Manager's authority for any other expenditure of public funds.

Commissioner Velasquez stated how the purchasing power by the Town Manager has been abused. She shared how the \$25,000 spending budget was initially for public works purchases but got expanded to other expenses. She stated that this chapter should be revisited. She expressed how travel has been authorized without the discretion of the Commission as well as purchasing of items.

Commissioner Vildostegui stated how he is currently looking into the Town's travel policy.

Vice Mayor Paul stated how she was on the Commission that approved the travel policies and the Town Manager's expending authority and both were not an issue at that time. She stated how she would like to meet in the middle and settle on \$15,000.

Commissioner Velasquez shared how she is not interested in lowering the public works money, but to limit the amount of money that is spent on other items.

Mayor Burkett voiced how this is not a Town Manager problem but a person problem. He expressed how the Town's money is safe due to the Commission choosing the right person as Town Manager.

Commissioner Coto communicated how he agrees with Mayor Burkett.

Commissioner Vildostegui stated how it is important for the Commission to create good governance policies early on in their term in order to live under them. He shared how he will bring a resolution to change the travel policy, however, a less ethical Commission could change it.

Mayor Burkett asked if the Commission would be open to compromise to \$15,000.

Commissioner Velasquez said how she believes there has been abuse with this item in the past and this has nothing to do with the current Town Manager and how she is open to suggestions.

Mayor Burkett asked Commissioner Velasquez if she would like to combine

Commissioner Vildostegui's good governance resolution.

Commissioner Vildostegui stated how he is looking into bringing the travel policy next month.

Mayor Burkett asked if this could be incorporated.

Commissioner Vildostegui expressed he will speak with the Interim Town Attorney regarding this matter.

Vice Mayor Paul said how this item has been discussed before. She shared how the Commission should be more specific with what the Town Manager could do with Town money.

Commissioner Velasquez voiced how the money should be used for emergencies only.

Vice Mayor Paul communicated that the issue is not the amount but to tighten what it could be used for.

Mayor Burkett asked if the Commission would like to give direction to the Interim Town Manager and Interim Town Attorney. He asked if there was an ordinance regarding this issue.

Commissioner Velasquez shared how the ordinance speaks on other items the Town Manager can spend on.

Mayor Burkett expressed how those other items should be taken out except for the purchases for public works.

Interim Town Attorney Blumstein stated he will take the ordinance, add the changes, and bring it during next Commission meeting in first reading.

[Attachment "A" - Ordinance No. 2020-1708 Purchasing Code](#)

9C. Recognition of LGBT Pride Month in June - Commissioner Gerardo Vildostegui

At the June meeting, I will propose a formal resolution recognizing June as LGBT Pride Month. For now, I am asking my fellow Commissioners to vote to direct the Town Manager to organize a raising of the LGBT Pride Flag at the Community Center sometime on or around the first Friday of June (June 7), in accordance with past practice in 2023 and 2021. I also ask the Commission to authorize the Manager and staff to plan additional Pride Month events and activities, at their discretion.

Commissioner Vildostegui introduced the item. He asked for the Commission to have a flag raising event and have an LGBT event at the Town's staff discretion. He stated how the previous Town Manager had said that pride events could not be done in the Town due to it being controversial.

Vice Mayor Paul expressed how the Tourist Board is planning a pride event for the month of June. She stated how events are under the Town staff discretion.

Tourism and Communications Director Frank Trigueros stated how the Tourist Board has Sunday, June 9th as a pride beach theme Summer Sundays.

Vice Mayor Paul asked Commissioner Vildostegui if he wanted the flag raising event on June 7th.

Commissioner Vildostegui shared he has a conflict that day but that the event should be done early in the month.

A motion was made by Commissioner Vildostegui to authorize the flag raising on June 7th and to authorize the Town staff to plan activities at their discretion, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

9D. Discussion of Sec. 66-7 Ban on Gas-Powered Leaf-Blowers and of the Related Public-Education Campaign and "Warning Period" - Commissioner Gerardo Vildostegui

(1) The Commission should direct the Town Manager and the Communications staff to prepare an educational campaign regarding the specific threats to human health from gas-powered leaf blowers. The campaign should include printed materials such as a flyer or brochure, and it should, if possible, contain information in English, Spanish, and Creole. Communications staff should be encouraged to cooperate with their counterparts in nearby cities that have recently banned gas-powered leaf-blowers, such as Miami Beach and North Bay Village, to produce and distribute the materials.

(2) Furthermore, during the "warning period" that precedes enforcement of sec. 66-7 (i.e., Mar. 1 - Sept. 1, 2024), Code Enforcement should offer these printed materials to residents and to paid landscape workers whenever Code Enforcement issues a warning.

(3) Finally, the Commission should clearly announce its policy that the provisions of 66-7 should be widely and uniformly enforced beginning Sept. 1, 2024.

Commissioner Vildostegui introduced the item. He stated how gas-powered leaf blowers are banned, but the enforcement will not happen until September. He shared he would like to get a consensus from the Town Commission that they will enforce this section of the code. He believes that the noise pollution is terrible and that any person using one in any block, everyone on that block can hear the noise. He further spoke about the different health hazards of gas-powered leaf-blowers. He stated he would like the Town to create an expanded education campaign providing residents with the proper information. He further shared that he would like to enforce this starting September 2024.

Vice Mayor Paul spoke about the health hazards and the changes to the code in 2022. She expressed she is in favor with the education portion, but she is not in favor of the grace period and wait to enforce.

Commissioner Velasquez stated that she is in favor of electric leaf blowers because

this will help seniors to work in their backyards. She is not in favor of fully prohibiting leaf blowers.

Vice Mayor Paul shared that part of the reason gas leaf blowers were banned in 2014 was because drains were being clogged due to people not knowing how to use them properly. She stated she is in favor of banning gas leaf blowers.

A motion was made by Commissioner Vildostegui to extend the meeting by one hour at 10:58 p.m., seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Mayor Burkett opened the floor to public comments.

The following individual from the public spoke:

Jerold Brunnabend asked if the proposed fine is on the homeowner or the landscaping company. He asked if a gas-powered leaf blower was as bad as other gas-powered objects. He stated how many residents use landscaping companies and when they are not used, the leaves are not properly cleaned up, which causes the drains to clog.

Mayor Burkett closed the floor to public comments.

Commissioner Vildostegui stated how the way the code it is written, it makes the homeowners partly responsible.

A motion was made by Commissioner Vildostegui to direct the Interim Town Manager and Town staff to prepare an educational campaign involving health threats and offer this information to residents and landscaping workers until September 1st and to hear from the Commission if they want enforcement and add the proper use of leaf blowers, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

[Leaf Blower flyer](#)

9E. Ballot Question regarding Food & Beverage Tax (1 percent Homeless and Domestic Violence tax) - Vice Mayor Tina Paul

To consider allowing a ballot measure in the upcoming general election for Surfside voters to decide if they would like to participate in the countywide food & beverage penny tax program to combat homelessness and support victims of domestic violence by removing our exemption for the 1 percent tax or for the Town to continue providing a significant donation to the Miami-Dade County Homeless Trust on a yearly basis.

Vice Mayor Paul introduced the item. She stated how Miami-Dade County has been after the Town regarding the one percent tax. She provided some history and spoke about how the Homeless Trust asked her to put this question on the ballot. She believes that the Town should do their part and believes the best way is to provide a donation instead of taking it to the voters. She stated that nothing has been given to the Homeless Trust in the past four years.

Commissioner Coto would like to consider both options. He would like to give them a donation and place the question on the ballot.

Commissioner Vildostegui favors placing the item on the ballot. He stated that if Miami Beach and Bal Harbor are voting on this matter, it is a perfect time because the media will be involved and will provide information related to the Homeless Trust, and it will be a great opportunity to make a collective decision.

Commissioner Velasquez stated how she is not in favor of adding this item to the ballot and how it can hurt local businesses with all the inflation. She would like to see what exactly the Homeless Trust is doing, and possibly visiting the centers to see where the taxpayer dollars are being spent on. She stated that she would rather donate to organizations that will aid the youth in Town. She further stated that she is not okay with putting this on the ballot, but she would be in favor of giving \$10,000 to the Homeless Trust.

Vice Mayor Paul stated until you get to the root cause of homelessness, you cannot erase it. She believes that there should be a 1% tax on new development and luxury buildings because that is how people are being displaced from their homes.

Commissioner Velasquez stated how some individuals are homeless by choice because they don't want to be told what to do. She supports going to the County to charge the 1% to new developments, but she is not ok on charging the tourists.

Mayor Burkett opened the floor to public comments.

The following individual from the public spoke:

Jarold Brunnabend spoke and stated that this should be added to the ballot. He stated that as of June 1st, the State has lowered commercial lease tax on all retail uses in the State of Florida by 2.5% and if all the restaurants and retailers will benefit from that.

Mayor Burkett closed the floor to public comments.

Mayor Burkett stated how he is in favor of putting it on the ballot. He shared how homelessness is more complex than just giving someone a home. There are many homeless people that do not want to be placed in a structured place, which creates a challenge. He further spoke about some homeless people also have mental illness that need real services. Mayor Burkett believes this should go on the ballot and there should be an education campaign for their residents and see if there are other alternatives.

Commissioner Vildostegui stated how Surfside residents are already paying this tax because they dine off the island. He stated that he spoke with the Assistant Director, and she made a very convincing case and stated that they are pursuing the housing first approach where it has been successful in other cities. He further expressed that he was prepared to make a motion to place this on the ballot.

Interim Town Attorney Blumstein shared why the homeless tax is not currently

imposed in the Town of Surfside and the other municipalities because of the State Statute and Resort Tax exemption. He further provided the process that the Town Commission will have to take to place a question on the ballot. He further stated at this point we only have permission from the Miami-Dade County Supervisor of Election for one ballot question that was adopted by the previous Commission. He further spoke about the different percentages that is currently being collected through the Resort Tax and how the Town Commission can make the decision on how they spent those percentages.

Vice Mayor Paul stated that the Town Attorney clarified why Miami-Beach, Bal Harbor, and Surfside are exempt from this tax and it's because all those municipalities are tourist destinations and collect tourist tax. Whereas the other municipalities that pay the one percent don't collect tourist tax dollars

Mayor Burkett stated he is okay with putting the item on the ballot and he would like to bring some other questions forward for the Commission's consideration.

Commissioner Vildostegui spoke regarding the possibility of revising the question of borrowing for potential placement on the ballot.

A motion was made by Commissioner Vildostegui to direct Interim Town Attorney Blumstein to put the one percent on the November ballot, seconded by Vice Mayor Paul.

Town Clerk McCready explained that if the Commission had a total number of questions that they would like to place on the November ballot, she just needs that number. She stated that with the total number of questions, she will request permission from the Supervisor of Elections to add that total amount of ballot questions to the November ballot.

Mayor Burkett spoke about some possible questions that he would like to have added to the November election ballot regarding borrowing and not allowing tall buildings in the residential district.

The motion carried with a 4-1 vote, with Commissioner Velasquez voting in opposition.

Commissioner Velasquez spoke about the Point Lake ballot question that was adopted by the previous Commission.

Interim Town Attorney Blumstein read the ballot question.

Mayor Burkett stated that he is in favor of that question.

A motion was made by Vice Mayor Paul to direct the Town Clerk to request permission from the Miami-Dade County Supervisor of Elections to place five ballot questions on the November election ballot, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[Miami Dade County Resolution R-214-19](#)

[Statutes & Constitution View Statutes Online Sunshine](#)
[Which states have the highest and lowest rates of homelessness](#)
[Letter to Mayor Burkett-Surfside 01-13-21](#)

9F. Sustainability Initiatives for the Town to Implement. - Vice Mayor Tina Paul

For Surfside to continue to lead with Sustainable initiatives by eliminating single use plastics in Town facilities and Town sponsored events, implementation of a Composting program, encouragement of Edible Gardens, and to consider reestablishing the Sustainability and Resiliency Committee.

Vice Mayor Paul introduced the item. She spoke regarding how Surfside was leading with sustainability and resiliency for many years. She stated how she would like to see the Town get rid of single-use plastics from Town facilities and Town sponsored events. She suggested bringing back different sustainability practices and introducing new ones like a composting program and encourage edible gardens. She would like the Commission to consider re-establishing the Sustainability and Resiliency Committee.

A motion was made by Vice Mayor Paul for Town facilities and Town sponsored events to work on eliminating single use plastic (plastic bottles, plastic forks), seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote.

Commissioner Velasquez stated how she is not in favor of the Sustainability and Resiliency Committee as sea level rise will not stop because the Town has a Sustainability Committee.

Commissioner Vildostegui is very interested in sustainability issues and have been doing some research on what to proposed and when. He spoke about an agenda he has been working on related to sustainability and believes that a committee would assist the Town Commission. He further stated that they shouldn't be giving up on sea level rise because at this rate we will be in serious trouble in twenty-five years.

Commissioner Velasquez stated the reasons why she is not in favor of re-establishing the Sustainability and Resiliency Committee.

A motion was made by Vice Mayor Paul to re-establish the Sustainability and Resiliency Committee, seconded by Commissioner Vildostegui. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

[What is Ecotourism and Why It Matters in 2024](#)

9G. On-Street Parking - Mayor Charles W. Burkett

Have the commission provide direction on how to address parking, traffic flow and construction at the end of Biscaya Drive.

Mayor Burkett introduced the item. He shared how Biscaya Island has had some challenges with the on-street parking. People were unable to get to and from their homes due to people blocking the streets. He stated that traffic cannot be blocked, and the Town Code states something around the lines that no construction vehicles

are allowed to park on the road.

Vice Mayor Paul stated how residents were complaining and stating that for the last two years they were told that nothing could be done. She mentioned ordinance number 2022-1720 where there is a provision related to non-compliance and that all applicants are required to provide a parking plan to the Building Department. She is in favor of enforcement and following the town code.

Mayor Burkett stated that this item was just added to the agenda to let them know what was going on.

[Biscaya Island Illegal Parking](#)

[Section 14-28](#)

[FL Statute 316.008](#)

9H. Code of Ethics - Commissioner Nelly Velasquez

Commission consideration of amendments to Town Code of Ethics and/or seeking a Charter amendment regarding same.

Commissioner Velasquez introduced the item. She stated how two weeks ago the Commission had their ethics training that was provided by Mr. Arrojo. She stated how the Town has an ethics code that can be strengthened so that things that they considered unethical don't continue to occur. She spoke about elected officials that run a business in Town and most of their business is conducted in Surfside and if they are making decisions on the Town Code, they should recuse themselves. She stated how she would like this issue to be considered as a ballot question.

Commissioner Vildostegui expressed how if the Town Commission strengthens their Ethics Code, the Miami-Dade Commission on Ethics and Public Trust will enforce it.

Mayor Burkett asked Commissioner Velasquez if she has a direction that she wants to pursue in maybe asking the Interim Town Attorney in crafting some language to bring back to the Commission for their consideration.

Mayor Burkett opened the floor to public comments.

The following individual from the public spoke:

Jeff Rose shared how this issue could have unintended consequences as it may apply to some members of the current Commission.

Mayor Burkett addressed Mr. Rose regarding his comment and how the second portion of the equation which is "and vote on the issue". You can have a business in Town but you should not vote on an issue that will self-serve the elected official.

Mayor Burkett closed the floor to public comments.

Commissioner Velasquez stated how this item is to bring an ordinance and a ballot question.

ARTICLE VII. - Code of Ethics

10. Adjournment

There being no further business to discuss before the Commission, a motion was made by Commissioner Velasquez to adjourn the meeting at 11:54 p.m., seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Accepted this 18th day of June, 2024.



Charles W. Burkett, Mayor

Attest:



Sandra N. McCready, MMC, MPA
Town Clerk