



**Town of Surfside  
Special Town Commission Meeting  
Quasi-Judicial Hearing  
MINUTES  
October 10, 2017  
5:30 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 5:35 P.M

**B. Roll Call of Members**

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Commissioner Paul and Commissioner Karukin. Vice Mayor Cohen and Commissioner Gielchinsky were absent.

**C. Pledge of Allegiance**

Police Chief Allen led the Pledge of Allegiance

**2. Quasi-Judicial Hearings**

**A. Beach Furniture Operator Permit Application Residence Inn by Marriott, 9200 Collins Avenue, Surfside, Fl – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA [*APPROVING/ APPROVING WITH CONDITIONS/DENYING*] A BEACH FURNITURE PERMIT APPLICATION PURSUANT TO SECTION 86-31 OF THE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch explained the quasi-judicial process and the duties of the Commission. Town Clerk Novoa confirmed that compliance with the advertising notice requirements has been met.

Town Clerk Sandra Novoa swore in everyone wishing to speak in favor or against the item.

Town Attorney Mehaffey asked the Town Commission if anyone had any ex-parte communications with the Applicant or any objector.

Mayor Dietch, Commissioner Karukin and Commissioner Paul all stated that they had communications with both residents and the applicant.

The Mayor and both Commission members present acknowledged that the application would be considered only upon the written record and evidence presented at the hearing and not on any opinions and arguments made or heard related to the prior legislative process in the enactment of the Beach Furniture Ordinance.

Town Manager Olmedillo presented the item and Town Attorney Mehaffey verified that the conditions have been legally recorded for the record and presented to the applicant.

Applicant representative Mr. Arthur Holman, General Manager for the Residence Inn by Marriott, spoke on the item.

Mayor Dietch opened the public hearing and the following members of the public spoke on their views regarding the approval of the application:

- Alex Mordvinster representing Jeffery Platt read a letter from Mr. Platt.
- Andrew Alloco
- Gilberto Garcia
- George Kousoulas
- Roch Dube
- Marianne Meisheid - Needed more than the allotted time to speak. Commissioner Paul made a motion to extend one minute. The motion received a second from Commissioner Karukin and all voted in favor.
- Tania Martino

No one else wishing to speak, Mayor Dietch closed the public hearing.

Commissioner Karukin made a motion for discussion purposes. Commissioner Paul seconded the motion. The motion carried 3-0. There was a lengthy discussion amongst the Commission, staff and the applicant.

Commissioner Gielchinsky arrived at 6:40 pm. Commissioner Gielchinsky explained that he had been observing the hearing to that point and had heard the testimony presented to that point. Town Attorney Mehaffey asked him if he had had any ex-parte communication with the applicant or anyone else. Commissioner Gielchinsky stated he had communications with members of the public but not with the Marriott.

Commissioner Gielchinsky acknowledged that the application would be considered only upon the written record and evidence presented at the hearing and not on any previous opinions otherwise expressed or on any opinions and arguments made or heard related to the prior legislative process in the enactment of the Beach Furniture Ordinance.

Mayor Dietch stated the conditions that he would like to see added to the list of recommended conditions:

Condition 4 – The Mayor would like to amend to state that the pre-set shall be limited to the first 10 pre-set chairs, then on-demand up to the limit stated on the Towns Policy.

Condition 7 – The Mayor would like to add wording related to storage not being available at times, based on the environmental condition of the beach.

Condition 14 – NEW – Mayor Dietch would like to add that the applicant makes sure that their Beach Chair Operator only crosses Collins Avenue through a designated crosswalk.

Condition 15 – NEW – Mayor Dietch would like to add that the applicant encourages and advises their guests to cross Collins Avenue through a designated crosswalk.

Mayor Dietch also would like to emphasize that this is not a concession approval but only a beach furniture approval. That there is no paddle board, surfboard and/or kayaks allowed. Town Attorney Mehaffey responded that these uses are currently not permitted under the Town's code.

Commissioner Karukin made a motion to approve as amended. The motion received a second from Commissioner Paul. The vote was 2-2 with Commissioner Karukin and Mayor Dietch in favor and Commissioner Paul and Commissioner Gielchinsky in opposition.

Per section 2-207(i), the status quo shall continue in effect and this item shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matter. Item will be scheduled for November 14, 2017 and re-noticed.

**B. Surf Club NW Building - Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9100 COLLINS AVENUE, SURFSIDE, FL, TO MODIFY THE DESIGN OF THE NORTHWEST BUILDING TO REDUCE RETAIL SPACE; REMOVE ALL RESIDENTIAL UNITS; ADD BACK-OF-HOUSE SPACE FOR THE HOTEL TO ADD OFFICE SPACE AND KITCHEN SPACE FOR THE RESTAURANT; INCREASE ON-SITE PARKING FROM 67 SPACES TO 161 SPACES; AND PERMIT MODIFICATION OF RELATED SITE IMPROVEMENTS; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

Town Clerk Novoa read the title of the resolution.

Town Clerk Novoa confirmed that compliance with the advertising notice requirements has been met.

Town Clerk Novoa swore in everyone wishing to speak in favor or against the item.

Town Attorney Mehaffey asked the Town Commission if anyone had any ex-parte communications.

Commissioner Gielchinsky had communications with the applicant.

Town Manager Olmedillo presented the item and read into the record several changes. Town Planner Sinatra presented additional information on the item. The applicant made their presentation to the Town Commission, including a change to not use Roundup, but a more environmentally friendly product.

The Mayor opened the public hearing. No one wishing to speak, the Mayor closed the public hearing.

Commissioner Karukin spoke about the possibility of the applicant allowing residents to park their cars in the garage during a declaration of emergency. He stated that this is an aspirational request and that he would like the attorneys to work on some language that works for both parties.

Mayor Dietch requested that the applicant work and coordinate with the Town to minimize lane closures.

Commissioner Paul asked about the possibility that the applicant was willing to indemnify the Town regarding any public hazard created by the operation of the tennis court.

Commissioner Karukin requested that the applicant ensure that the employees do not park in the residential district.

Commissioner Gielchinsky asked for clarification from the applicant regarding the concerns previously expressed.

The applicant indicated they were proffering to work with Town staff regarding parking during states of emergency and to indemnify the Town regarding the tennis court use.

Commissioner Gielchinsky made a motion to approve with the expressed conditions and friendly amendments. The motion received a second from Commissioner Karukin. The motion carried 4-0.

The Commission agreed to commence the regularly scheduled Commission Meeting at 7:45 p.m.

**3. Adjournment**

Commissioner Paul made a motion to adjourn the meeting. Commissioner Karukin seconded the motion and all were in favor.

The meeting adjourned at 7:36 p.m.

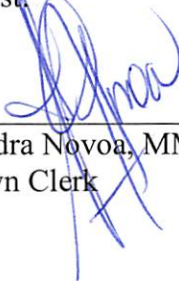
Respectfully submitted,

Accepted this 14<sup>th</sup> day of November, 2017



\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:



\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk