



**Town of Surfside
Special Town Commission Meeting
MINUTES**

**January 22, 2019
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:01 p.m.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief Yero led the Pledge of Allegiance.

2. Ordinances, Resolutions and Discussion Items

A. Beach Furniture Ordinance – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II. – “PUBLIC BEACHES” OF CHAPTER 86 “WATERWAYS” OF THE TOWN OF SURFSIDE CODE PERTAINING TO BEACH FURNITURE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the ordinance.

Vice Mayor Gielchinsky made a motion to approve. The motion received a second from Commissioner Cohen.

Town Manager Olmedillo presented the item and gave a brief background regarding the beach furniture ordinance.

Commissioner Karukin spoke and stated that he is not in agreement with private property being store on public property and there should be no overnight storage.

Commissioner Paul stated that the ordinance is too vague and it doesn't protect anyone. She asked to be allowed to show a PowerPoint presentation. Mayor Dietch opened the public hearing portion of the meeting. The following people spoke on the item:

Gorge Kousoulas – Vice Mayor Gielchinsky made a motion to extend 1 minute. The motion received a second from Commissioner Paul and all voted in favor.

Eduard Safdie

Jennifer Rotker – Commissioner Paul made a motion to extend 1 minute. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Commissioner Cohen voting in opposition.

Victor Cohen

Maggie McMonagle

Sasha Plutno

Raoul Cappell

John Shubin on behalf of the Four Seasons

Donald Lewin

Ben Aquario

Pablo Acosta on behalf of the Marriot Residence Inc.

Min Sanchez

Jeff Platt

Joshua Epstein – Commissioner Paul made a motion to extend 1 minute. Motion received a second from Commissioner Karukin and all voted in favor.

Ellen Abramson – Commissioner Paul made a motion to extend 1 minute. Motion received a second from Commissioner Karukin. Motion carried 4-0 with Commissioner Cohen absent from the dais.

Elianna Salzhauer – Commissioner Karukin made a motion to extend 1 minute. Motion received a second by Commissioner Paul. Motion carried 4-0 with Commissioner Cohen absent from the dais.

Marianne Meisheid

Silvia Coltrane

Manty Sabates

Clara Diaz-Leal

Dan Aren

Allan Yarkin – Commissioner Karukin made a motion to extend 1 minute. The motion received a second from Commissioner Paul and all voted in favor.

Diana Gonzalez

Mari Levenson

Tone Blevins spoke on behalf of Pamela O'Hagan

Edita Matic representing the Grand Beach Hotel Group

Carl Henderson

Charles Kesel

Oliver Sanchez

Cesar Izaurralde

Esther Hidary

David Epstein

Jonah Epstein
Fernanda J. Siqueira
Christine Mancuso
Bob McMonagle
Deborah Dawson

Mayor Dietch closed the public hearing portion of the meeting.

Vice Mayor Gielchinsky spoke on the item and in favor of the ordinance that is being presented to the Town Commission. He spoke about a Surfside book that had pictures from many years ago that had beach furniture in them.

Commissioner Paul spoke on the item and read a section of a letter from March 19, 2014 from the Florida Department of Environmental Protection that states "...As the lease holder, Miami Dade County requires storage of all personal property belonging to the upland property to be stored on private property when not in use. Without a lease, the authorities, responsibilities, and regulation of the beach lie with the State of Florida."

Commissioner Paul spoke about the traffic between the beach and the hotels.

Commissioner Karukin asked what ordinance would be in place should the proposed ordinance not be adopted. Town Manager Olmedillo responded that ordinance number 17-1662 adopted on June 13, 2017 is the latest ordinance that is codified related to beach furniture.

Commissioner Cohen stated that the problem is not the beach furniture but the lack of sand on our beach.

Mayor Dietch asked the Town Attorney if under a regulatory approach, can there be excluded zones for beach operators which is distinct and different from beach furniture. Town Attorney Arango stated that the Town could legislate and regulate beach furniture on the public beach within its corporate limits under valid and reasonable exercise of police powers. Powers are granted by the Florida Constitution to municipalities and by the Florida Statutes in Florida cases. However, the exercise of police powers must be reasonable and must protect the public health, safety and welfare. There must be a nexus or a rational connection between the regulation and the public promotion of public health, safety and regulation.

Mayor Dietch spoke about practical constraints related to beach renourishment and beach furniture.

Discussion ensued related to the transportation of beach furniture between public and private property.

Commissioner Paul spoke about protecting condominiums that are okay with the public but do not want commercial set up behind their building.

Commissioner Karukin posted a question related to public convenience. He stated that the expanded use of beach chairs is preventing public access. He stated that his priority is not to allow beach storage.

Commissioner Cohen stated that he walks on the beach and he sees Code Compliance at least 3 times a day. He believes that it is time to give the ordinance a try and to call the question.

Mayor Dietch asked the Town Clerk to call the question on the motion that was made earlier by Vice Mayor Gielchinsky and seconded by Commissioner Cohen to approve the ordinance.

The motion failed 2-3 with Commissioner Karukin, Commissioner Paul and Mayor Dietch voting in opposition.

Town Manager Olmedillo offered to send a notice on January 23, 2019 to all affected parties and inform them as to the ordinance that its currently in place. The ordinance will be enforced 30 days from January 23, 2019. The members of the Town Commission agreed with the Town Manager's suggestion.

3. Adjournment

There being no further business, Vice Mayor Gielchinsky made a motion to adjourn. The motion received a second from Commissioner Karukin and all voted in favor. The meeting adjourned at 10:03 pm.

Respectfully submitted,

Accepted this 12th day of February, 2019



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk