



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
AGENDA
September 12, 2017
6:00 p.m.**

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

1. Opening

- A. Call to Order
- B. Roll Call of Members
- C. Pledge of Allegiance

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker 's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.


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.

B. Public Comments

3. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE

COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsursidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Town of Surfside Commission Communication

Agenda Date: September 12, 2017

Subject: Beach Furniture Operator Permit Application
Residence Inn by Marriott, 9200 Collins Avenue, Surfside, FL

From: Guillermo Olmedillo, Town Manager

Table of Contents:

1. Summary of Applicant's Application
2. Beach Furniture Operator Permit Application
3. Certification Letter
3. Town Manager's Recommendation

1. Summary of Applicant's Application:

The Residence Inn by Marriott is a 175 unit hotel located on the west side of Collins Avenue. On August 14, 2017, the Residence Inn submitted to the Town a Beach Furniture Operator Permit Application together with the required permit application fee, insurance documentation, and Beach Furniture Operations Plan.

Their Beach Furniture Operations Plan provides information on the required plan components of set-up, storage, staffing, clean-up and evacuation.

The Residence Inn has provided the Town with a Certification Letter attesting to the mailing of a public notice as required by the Town's Beach Furniture Ordinance.

2. Beach Furniture Operator Permit Application:

See Exhibit "A" (attached).

3. Certification Letter:

See Exhibit "B" (attached)

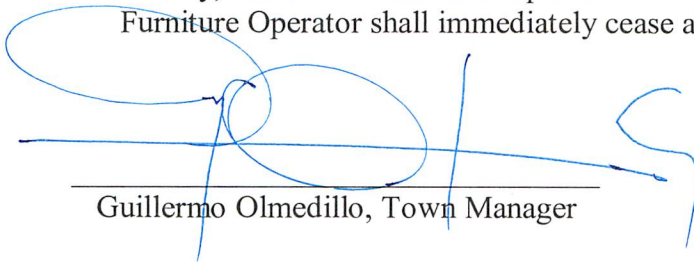
4. Town Manager's Recommendation:

The Town Manager recommends that the Beach Furniture Operator Permit Application of the Residence Inn by Marriott be approved with the following conditions:

The issuance and validity of this permit is subject to the following administrative policies and directives of the Town, and by accepting this permit, the Beach Furniture Operator agrees to comply with and abide by the terms and conditions set forth in this permit.

1. The Beach Furniture Operator shall promptly pay to the Town an annual local business tax as prescribed by the Town Code of Ordinances, Section 70-41, for Beach Furniture Operation.
2. The Beach Furniture Operator shall promptly comply with all sections of the Town's Beach Furniture Ordinance, Chapter 86 of the Town Code of Ordinances, as may be amended.
3. The Beach Furniture Operator shall promptly comply with all sections of the Town's Administrative Policy regarding beach furniture operations, as may be amended.
4. The Town hereby authorizes the Beach Furniture Operator to pre-set a maximum of ten (10) beach chairs and umbrellas on the public beach, and may add additional beach chairs in groups of ten (10) beach chairs at a time plus umbrellas on an "on-demand" basis throughout the day. Unoccupied, vacated beach chairs must be re-stacked, and may not be allowed to remain un-occupied, vacated on the beach.
5. During sea turtle nesting season (May 1st through October 31st), the Beach Furniture Operator may not pre-set any beach furniture items on the beach prior to 9:00 a.m. each day.
6. The Beach Furniture Operator shall maintain a six (6) foot wide safety corridor that runs north to south from the water edge to the dune on the beach for every continuous fifty (50) feet of beach furniture operation, and no beach furniture shall be allowed at any time in this safety corridor.

7. All beach furniture and storage equipment shall at all times of the day and night be kept and set no less that twelve (12) feet seaward of the edge of the vegetation dune.
8. Overnight storage of beach furniture items shall be limited to forty (40) beach chairs neatly organized and secured to the ground.
9. All beach furniture items belonging to the Beach Furniture Operator shall be clearly identified as to their ownership by a unique and distinguishable color, design, or marking.
10. The Beach Furniture Operator shall staff and maintain their beach furniture operation area as approved by the Town.
11. The Beach Furniture Operator shall inspect and clean the area of beach furniture operation every two hours of the day for trash, litter and debris, and shall dispose of same in appropriate trash receptacles.
12. Upon notification by the Town of a beach furniture evacuation order, the Beach Furniture Operator shall immediately begin beach furniture and storage container removal from the public beach, and shall complete such removal within a two (2) hour time period. All beach furniture items and storage containers shall be moved to an off-beach storage location.
13. The Beach Furniture Operator understands that this permit may be suspended or revoked for cause by the Town, including, but not limited to, operating in violation of this Permit, the Town's Beach Furniture Ordinance, the Town's Beach Furniture and Equipment Administrative Policy, and any applicable local, County, State or Federal law. Upon said notification from the Town, the Beach Furniture Operator shall immediately cease all beach furniture operation.



Guillermo Olmedillo, Town Manager



Town of Surfside

9293 Harding Avenue, Surfside, FL 33154
Phone: (305) 861-4863 Fax: (305) 861-1302

Beach Furniture Permit Application
(\$500.00 Application Fee must accompany this form)

Applicant/Organization/Business Owner (Corporate Name): HDP TLD Partners LLC
DIB/A Residence Inn by Marriott

Mailing Address: 9200 Collins Avenue

City: Surfside State: FL Zip Code: 33154

Daytime Phone: 305-514-3101 Daytime Fax: 305-514-3202

Name of Contact Person: Arthur Holman

E-mail Address: aholman@hoteleguities.com

Daytime Phone Number of Contact Person: 305-503-0980

Property Address of Beach Furniture: 9200 Collins Avenue, Surfside, FL

Terms and Conditions of the Approval

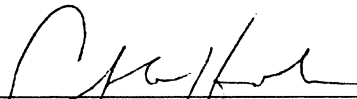
- 1) Beach furniture shall not inhibit reasonable access to the public beach, nor obstruct reasonable access on the beach for pedestrians and emergency vehicles, nor impact any native vegetation, nor affect sea turtle nesting areas or other wildlife.
- 2) A Beach Furniture Operator who provides beach furniture must obtain a permit from the Town of Surfside pursuant to the permit process described in Chapter 86 of the Town of Surfside (Attachment "A") and shall comply with the Town Manager's "Administrative Policy: Beach Furniture and Equipment" (Attachment "B").

3) All permit applications shall include:

- A. An application fee of \$500.00; and
- B. A Beach Furniture Operations Plan, including specifications on setup, storage, staffing and clean-up, and an evacuation plan in the event of a natural disaster such as a tropical storm or a hurricane, including a storage area during the natural disaster; and
- C. Compliance with indemnification and insurance requirements pursuant to Chapter 86 of the Town of Surfside Code.

4) A hotel Beach Furniture Operator must procure a Local Business Tax Receipt and comply with Section 70-41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County, the State of Florida, or federal entities.

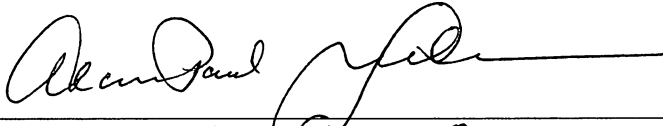
5) By signing this Beach Furniture Permit Application, I affirm that I have read the above Terms and Conditions of Approval, Chapter 86 of the Town of Surfside Code (Attachment "A") and shall comply with the Town Manager's "Administrative Policy: Beach Furniture and Equipment" (Attachment "B"), and agree to follow and abide by same.



 Signature of Applicant for the
 Organization/Business Owner

 8/17/17
 Date

Sworn to and subscribed before me this 14 day of AUGUST, 2017,
 by ARTHUR HOLMANS, who is personally known to me or who produced the
 following identification: _____



 Notary Public, State of FLORIDA

(Seal below)



For Office Use Only:

Approval: Yes No With Conditions
 Comments:

By: _____
 Guillermo Olmedillo, Town Manager

_____ Date

BEACH FURNITURE OPERATION PLAN

SETUP:

An organized pre-placement of hotel-owned beach furniture, not to exceed 40 chairs and not to exceed 20 umbrellas, shall be completed once the Florida Fish & Wildlife Conservation Commission has completed its monitoring of turtle nesting activity, and shall not occur before sunrise, whichever occurs first.

Beach furniture will not be placed directly in front of a lifeguard tower or within 10 feet of the perimeter of the lifeguard tower, or obstruct lifeguard or emergency personnel's view of the beach or ocean.

Beach furniture will not be placed in the area immediately adjacent to or directly seaward of the street end so as not to obstruct emergency vehicles or emergency personnel. Beach staff will use reasonable efforts to preset chairs to the north and to the south of the 9200 street end, so as to deploy in a manner to cause no obstruction to the general public's use of the beach.

Beach furniture shall be set at no less than 12 feet seaward of the edge of the vegetation line of the dune.

It is estimated that beach furniture shall be preset no later than 10:00am, and preset beach furniture will be placed in as relatively consistent manner as possible from day to day, subject to the general public's occupation of the beach. Beach furniture, not to exceed 40 chairs, will be preset seven days a week, weather permitting, until approximately no later than sunset. Additional chairs will be placed on a demand-only basis.

STORAGE:

The overnight placement of furniture on the beach will consist of stacked chairs, secured with a locked cable to prohibit the removal of chairs by unauthorized parties. Chairs left overnight will be stacked east of the dune and neatly organized.

STAFFING:

An adequate number of hotel staff, approximately one to four individuals, shall be present during the setup, use, and take down periods. Staffing levels will fluctuate throughout the day depending on break periods, weather conditions, and hotel guest demand.

Staff will be identified by hotel uniforms, and they will occupy an area within the approved beach furniture area to stage their administrative materials, towels, water, cleaning supplies, etc.

CLEAN-UP:

Staff will make reasonable efforts to remain vigilant in keeping the beach furniture area free of trash during the setup, use, and take down periods. Trash will either be placed in the existing Town of Surfside beach waste receptacles or removed from the beach and disposed of with the

Residence

Inn®

Marriott.

Miami Beach - Surfside

hotel's waste service. When necessary, trash, and/or towels and other supplies, will be removed throughout the day to maintain an orderly and welcoming appearance.

All beach furniture and supplies, other than chairs, will be removed by hotel staff at the end of operating hours, and approximately no later than sunset.

EVACUATION PLAN:

In the event of a declared state of emergency, hotel beach staff will relocate the beach furniture to within the premises of the hotel's parking garage facility. Additional hotel staff, under safe conditions, will be dispatched to assist in the relocation of the beach furniture. Staff will remove all beach furniture using carts with casters and/or other chair moving equipment.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/21/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Harden and Associates 01 Riverside Avenue, Suite 1000 Jacksonville FL 32202		CONTACT NAME: PHONE (A/C No, Ext): 904-548-2280 FAX (A/C, No): 904-446-4211 E-MAIL ADDRESS: abarnes@hardenininsight.com	
INSURED Hotel Development Partners, LLC (see attached schedule for full list) 25 Concourse Parkway, Ste. 2075 Atlanta GA 30328		INSURER(S) AFFORDING COVERAGE INSURER A: Ace Property & Casualty Ins Co INSURER B: Associated Industries Ins Co INSURER C: Lloyds, London INSURER D: INSURER E: INSURER F:	
HDP-PAR-01		NAIC # 23140	

COVERAGES CERTIFICATE NUMBER: 1914715263 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR TR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY	Y		AES104584600 UTS2541630.17	4/11/2017 4/11/2017	4/11/2018 4/11/2018	EACH OCCURRENCE	\$1,000,000
X	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$Excluded
	GEN'L AGGREGATE LIMIT APPLIES PER POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC						PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
							Terr Liability	\$1MM Occ/2MM Agg
	AUTOMOBILE LIABILITY			AES104584600	4/11/2017	4/11/2018	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	ANY AUTO						BODILY INJURY (Per person)	\$
	ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
X	HIRED AUTOS		X				PROPERTY DAMAGE (Per accident)	\$
	SCHEDULED AUTOS							\$
	NON-OWNED AUTOS							\$
	UMBRELLA LIAB		X	G28950640	4/11/2017	4/11/2018	EACH OCCURRENCE	\$25,000,000
X	EXCESS LIAB						AGGREGATE	\$25,000,000
	CLAIMS-MADE							\$
	DED <input checked="" type="checkbox"/> RETENTION \$10,000							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHR
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E L EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E L DISEASE - EA EMPLOYEE	\$
							E L DISEASE - POLICY LIMIT	\$
	Liquor Liability			AES104584600	4/11/2017	4/11/2018	Liquor Liability-Occ	1,000,000
	Garage Keepers						Liquor Liability-Agg	2,000,000
							Garage Keepers	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Garage Keepers deductible is \$5,000 each auto/per occurrence
Certificate Holder is an Additional Insured with regards to General Liability where required by written contract with the Named Insured.

CERTIFICATE HOLDER

Town of Surfside
9293 Harding Ave
Surfside FL 33154

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jessica Hoff

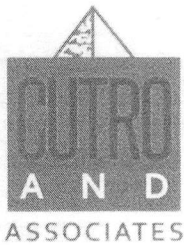


Exhibit "B"

CERTIFICATION LETTER

Town of Surfside

Date: August 30, 2017

Applicant: HDP TDL Partners, LLC dba Residence Inn by Marriott

Legal Description: Lots Lot 1 thru 6 and Lots 20 thru 24 Block 4 of Altos Del Mar No. 5 Plat Book 8 Page 92 of the Public Records of Miami-Dade County, Florida.

Address or General Location: 9200 Collins Avenue

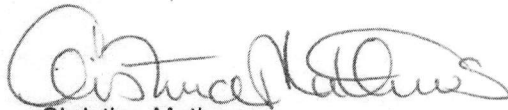
Type of Application: Beach Furniture Operator Permit Application

This letter certifies that the attached list of property owners was prepared using the latest tax folio rolls supplied by the Miami-Dade County Property Appraisers Office as of August 17, 2017. This list includes all properties within 300 feet from each property line of the subject site in compliance with the Town of Surfside notification regulations.

This letter also certifies that the attached notification was sent to the persons on the list of property owners. The notice was mailed August 29, 2017.


Finally, this letter certifies that the site was posted with one sign that meets the Town of Surfside notification regulations. The sign was posted August 30, 2017.

Thank You,

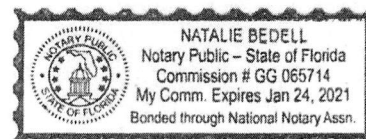


Christina Mathews

Sworn and subscribed before me this 30th day of August, 2017. She is personally known to me.



Signature of Notary



1025 Yale Drive
Hollywood, Florida 33021
954-920-2205
Email: cutroplanning@yahoo.com

RESOLUTION NO. 17 - _____

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.

WHEREAS, Section 86-31 of the Town of Surfside Code of Ordinances provides for Beach Furniture Permits; and

WHEREAS, a Beach Permit Furniture Operator Application (the “Application”), together with the required permit application fee, insurance documentation, and Beach Furniture Operations Plan, has been submitted by Residence Inn by Marriott, located at 9200 Collins Avenue, Surfside, FL; and

WHEREAS, beach furniture permit applications for hotels located on the west side of Collins Avenue must be approved by the Town Commission; and

WHEREAS, the Town Commission has reviewed the Application and the proposed Beach Furniture Operations Plan and finds that the proposal, as presented or conditioned herein, [*does/does not*] adequately comply with the requirements of the Town’s Administrative Policy and with the requirements of the Town Code; and

WHEREAS, it is in the best interest of the Town to [*approve/approve with conditions/deny*] the Beach Permit Furniture Operator Application presented by Residence Inn by Marriott.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval and Authorization. The Town Commission hereby [*approves/approves with conditions/denies*] the Beach Furniture Operator Permit Application and Beach Furniture Operations Plan submitted on August 14, 2017 by Residence Inn by Marriott, located at 9200 Collins Avenue, Surfside, FL and [*authorizes/denies*] the issuance of the Beach Furniture Permit as provided in the attached Exhibit 1.

Section 3. Conditions. The approval granted herein is subject to the conditions provided below.

1. The Beach Furniture Operator shall promptly pay to the Town an annual local business tax as prescribed by the Town Code of Ordinances, Section 70-41, for Beach Furniture Operation.
2. The Beach Furniture Operator shall promptly comply with all sections of the Town's Beach Furniture Ordinance, Chapter 86 of the Town Code of Ordinances, as may be amended.
3. The Beach Furniture Operator shall promptly comply with all sections of the Town's Administrative Policy regarding beach furniture operations, as may be amended.
4. The Town hereby authorizes the Beach Furniture Operator to pre-set a maximum of ten (10) beach chairs and umbrellas on the public beach, and may add additional beach chairs in groups of ten (10) beach chairs at a time plus umbrellas on an "on-demand" basis throughout the day. Unoccupied, vacated beach chairs must be re-stacked, and may not be allowed to remain un-occupied, vacated on the beach.
5. During sea turtle nesting season (May 1st through October 31st), the Beach Furniture Operator may not pre-set any beach furniture items on the beach prior to 9:00 a.m. each day.
6. The Beach Furniture Operator shall maintain a six (6) foot wide safety corridor that runs north to south from the water edge to the dune on the beach for every continuous fifty (50) feet of beach furniture operation, and no beach furniture shall be allowed at any time in this safety corridor.
7. All beach furniture and storage equipment shall at all times of the day and night be kept and set no less that twelve (12) feet seaward of the edge of the vegetation dune.
8. Overnight storage of beach furniture items shall be limited to forty (40) beach chairs neatly organized and secured to the ground.
9. All beach furniture items belonging to the Beach Furniture Operator shall be clearly identified as to their ownership by a unique and distinguishable color, design, or marking.
10. The Beach Furniture Operator shall staff and maintain their beach furniture operation area as approved by the Town.
11. The Beach Furniture Operator shall inspect and clean the area of beach furniture operation every two hours of the day for trash, litter and debris, and shall dispose of same in appropriate trash receptacles.
12. Upon notification by the Town of a beach furniture evacuation order, the Beach

Furniture Operator shall immediately begin beach furniture and storage container removal from the public beach, and shall complete such removal within a two (2) hour time period. All beach furniture items and storage containers shall be moved to an off-beach storage location.

- 13. The Beach Furniture Operator understands that this permit may be suspended or revoked for cause by the Town, including, but not limited, to operating in violation of this Permit, the Town’s Beach Furniture Ordinance, the Town’s Beach Furniture and Equipment Administrative Policy, and any applicable local, County, State or Federal law. Upon said notification from the Town, the Beach Furniture Operator shall immediately cease all beach furniture operation.

Section 4. Violation of Conditions. Failure to adhere to the conditions imposed herein or to requirements of the Town’s Administrative Policy on Beach Furniture and Equipment, as may be amended from time to time, shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

Section 5. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 12th day of September, 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



Town of Surfside - Code Compliance Division
9293 Harding Avenue, Surfside, FL 33154
Phone: (305) 861-4863 Fax: (305) 861-1302

Proposed Beach Furniture Operator Permit

The Town of Surfside, Florida, hereby issues to HDP TLD Partners LLC D/B/A Residence Inn by Marriott, doing business at 9200 Collins Avenue, Surfside, Florida, this permit to place beach furniture on the public beach within the Town.

The issuance and validity of this permit is subject to the following administrative policies and directives of the Town, and by accepting this permit, the Beach Furniture Operator agrees to comply with and abide by the terms and conditions set forth in this permit.

1. The Beach Furniture Operator shall promptly pay to the Town an annual local business tax as prescribed by the Town Code of Ordinances, Section 70-41, for Beach Furniture Operation.
2. The Beach Furniture Operator shall promptly comply with all sections of the Town's Beach Furniture Ordinance, Chapter 86 of the Town Code of Ordinances, as may be amended.
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7. All beach furniture and storage equipment shall at all times of the day and night be kept and set no less that twelve (12) feet seaward of the edge of the vegetation dune.
8. Overnight storage of beach furniture items shall be limited to forty (40) beach chairs neatly organized and secured to the ground.
9. All beach furniture items belonging to the Beach Furniture Operator shall be clearly identified as to their ownership by a unique and distinguishable color, design, or marking.
10. The Beach Furniture Operator shall staff and maintain their beach furniture operation area as approved by the Town.
11. The Beach Furniture Operator shall inspect and clean the area of beach furniture operation every two hours of the day for trash, litter and debris, and shall dispose of same in appropriate trash receptacles.
12. Upon notification by the Town of a beach furniture evacuation order, the Beach Furniture Operator shall immediately begin beach furniture and storage container removal from the public beach, and shall complete such removal within a two (2) hour time period. All beach furniture items and storage containers shall be moved to an off-beach storage location.
13. The Beach Furniture Operator understands that this permit may be suspended or revoked for cause by the Town, including, but not limited to, operating in violation of this Permit, the Town's Beach Furniture Ordinance, the Town's Beach Furniture and Equipment Administrative Policy, and any applicable local, County, State or Federal law. Upon said notification from the Town, the Beach Furniture Operator shall immediately cease all beach furniture operation.

Guillermo Olmedillo, Town Manager

Date