



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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**Official Minutes for the September 18, 2007  
Regular Town Council Meeting called for 7:30 P.M.**

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- A. MEETING CALLED TO ORDER:** 7:35pm
- B. ROLL CALL:** Councilwoman Rojas-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, Vice Mayor Bernstein-Aye. Councilman Einstein entered and was present at 7:45pm

Staff Attendance: Town Manager Diaz, Town Attorney Steve Helfman, Linda Epperson for Town Clerk Sewell, Finance Director Maria Camacho, Police Chief James Skinner, Building Official Dan Nieda.

- C. PLEDGE ALLEGIANCE:** Chief Skinner led the pledge allegiance to the flag.

**D. PRESENTATIONS / TOWN PROCLAMATIONS**

Recognition of Town Employee of the Month Gene Scott, Public Works

Mayor Singer congratulated Gene Scott and presented him with his award for Employee of the Month.

Recognition of Town Officer of the Month Acting Sergeant Cathy Deeds

Mayor Singer congratulated Acting Sergeant Cathy Deeds and presented her with her award for Police Officer of the Month.

Introduction of Joe Barasoain, as the new Police Administrative Captain. Joe will also serve as the Parks and Recreation, Manager

Mayor Singer welcomed Captain Joe Barasoain aboard.

Town Manager Diaz extended an invitation to all to come to the Swearing in Ceremony for Captain Barasoain on October 1, 2007.

**E. MOTION TO SET THE AGENDA**

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT  
AGENDA/ AND CHANGES TO AGENDA

**F. TOWN BOARD/COMMITTEE REPORTS**

Beach Committee - None

Beautification Committee - None  
Comprehensive Planning Board - None  
Recreation Committee - None  
Security/Public Safety Committee - None

Mayor Singer asked for participation from the community to serve on the various committees that the Town has to offer. Each resident can contribute their unique expertise for a better community.

Mr. Robert Smoley of 390 Golden Beach Drive inquired on the Security/Public Safety Committee. Mayor Singer explained the makeup and responsibility of the committee.

**G. GOOD AND WELFARE None**

**H. MAYOR'S REPORT**

Mayor Singer welcomed back everyone from their summer vacations, and hoped that it was a good summer for all. He spoke about the Capital Improvement Project, and those issues which the plan is intended to cover; underground utilities, completion of the storm water project, sidewalks, traffic calming devices, A1A landscaping up lighting, and a security system for the both the beach access areas, and the entrances leading into the Town. The Mayor stated that the security cameras would track people walking on the beach at night that have entered from outside the Town's limits making the beach a safer place for those who live on the Ocean.

**I. COUNCIL COMMENTS**

Vice Mayor Bernstein stated that all neighbors and friends should be educated on the plan. 125 Cafeteria Insurance Plan. He also inquired if a Sleep out/Bonfire on the Beach would be feasible, it is something everyone could enjoy, and would it be possible to include the Beach as part of the WiFi capabilities.

Councilwoman Lusskin commented about the open house on Tuesday. Condolences were offered to Julie Friedman on the passing of her grandmother, a speedy recovery and get-well wishes to Commissioner Sally Haymen.

Councilmen Einstein thanked Mayor Singer on his hard work with the Capital Improvement Project; we will see a better town. He thanked administration for their support of our Town Clerk Elizabeth Sewell in her time of need. He commented on the improvements that will be made within the Town: overlays for sidewalks, and the improvement of lighting. Town Manager Diaz commented that there would be new up lighting in the medians, but no updating of the street lighting has been included. Town Manager Diaz was asked to confirm with the engineer, C3TS, if this was correct.

Councilwoman Rojas commented to be careful with outlining specific details within the marketing strategy, certain items may change, and the Town is currently at a preliminary stage for the design.

Mayor Singer stated that was a good point.

**J. TOWN MANAGER REPORT**

Town Manager Diaz informed the public that he and the Mayor would be holding informational meetings at Town Hall, once a week, to elaborate on the Capital Improvement Plan, to educate our residents, and to answer any questions, concerns, or issues that they might have.

Manager Diaz gave the dates for the informational meetings, starting with the 1<sup>st</sup> week in October at 7:00pm, and each week thereafter. Residents will be receiving informational brochures elaborating on the design and project details. A DVD will be made that will include representatives from Florida Power & Light, speaking on the pros and cons of placing utilities underground.

Mayor Singer stated that this is a once in a life time chance, and we need to get the residents involve, the project will be a three year commitment.

Town Manager Diaz thanked the Public Works employees and Director Riley Crews for their support in attending the meeting.

**K. TOWN ATTORNEY REPORT - None**

Mayor Singer adjourned the Regular Town Council Meeting at 8:25pm to hear the meeting of the Local Planning Agency.

The Regular Town Council Meeting reconvened at 8:50pm.

**L. ORDINANCES – SECOND READING**

**1. An Ordinance Amending the Town Code as it Relates to Commercial Fishing (Ordinance No. 525.07)**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION 22-80 "COMMERCIAL FISHING ON BEACHES PROHIBITED" OF ARTICLE III "RULES AND REGULATIONS" OF CHAPTER 22 "PARKS AND RECREATION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN TOWN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 525.07

**Sponsor:** Town Administration

**Recommendation:** Motion to adopt Ordinance No. 525.07

Linda Epperson read the language of the ordinance into the record

Mayor Singer opened the meeting to the public. There were no speakers on this item.

Councilwoman Lusskin made a motion to approve Ordinance 525.07; Councilmen Einstein seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, Vice Mayor Bernstein-Aye. Motion passed 5 – 0

**2. An Ordinance Amending the Town Code as it relates to Parking Awnings (Ordinance No. 526.07)**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66 "ZONING", ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 66-204 "PARKING AWNINGS" TO PROHIBIT PARKING AWNINGS WITHIN THE TOWN'S SINGLE FAMILY RESIDENTIAL DISTRICT, PROVIDING FOR CONTINUATION OF CERTAIN NON-CONFORMING PARKING AWNINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Ordinance No. 526.07

**Sponsor:** Town Administration

**Recommendation:** Motion to adopt Ordinance No. 526.07

Linda Epperson read the language of the ordinance into the record

Mayor Singer opened the meeting to the public. There were no speakers on this item.

Councilwoman Lusskin made a motion to approve Ordinance 526.07; Councilwoman Rojas second the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, Vice Mayor Bernstein-Aye. Motion passed 5 – 0

**3. An Ordinance Amending the Town Code as it relates to Gazebo (Ordinance No. 527.07)**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66 "ZONING", ARTICLE I "IN GENERAL" TO ADD A DEFINITION FOR "GAZEBO"; AMENDING ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 11 "ACCESSORY BUILDINGS", SECTION 66-251 TO ALLOW DETACHED GAZEBO STRUCTURES IN ZONES TWO AND THREE AND TO PROVIDE FOR SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR

CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Ordinance No. 527.07  
**Sponsor:** Town Administration  
**Recommendation:** Motion to adopt Ordinance No. 527.07

Linda Epperson read the language of the ordinance into the record.

Building Official Nieda spoke on this item.

Mayor Singer opened the meeting to the public. There were no public speakers on this item.

Councilwoman Rojas made a motion to approve Ordinance 527.07; Councilmen Einstein seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, and Vice Mayor Bernstein-Aye.  
Motion passed 5 – 0

**4. An Ordinance Amending the Town Code as it relates to Paint Colors/Permits Process (Ordinance No. 528.07)**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 58 "DEVELOPMENT STANDARDS", ARTICLE II "DESIGN STANDARDS", TO CREATE SECTION 58-37 "PAINT COLORS/PERMIT", TO PROVIDE AN APPROVAL AND PERMIT PROCESS FOR PAINTING OF STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Ordinance No. 528.07  
**Sponsor:** Town Administration  
**Recommendation:** Motion to adopt Ordinance No. 528.07

Linda Epperson read the language of the ordinance into record.

Building Official Nieda spoke on this item.

Mayor Singer opened the meeting to the public. There were no public speakers on this item.

Councilwoman Rojas made a motion to approve Ordinance 527.07; Councilwoman Lusskin seconded the motion, and the following vote ensued: Councilwoman Rojas-Nay, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, and Vice Mayor Bernstein-Aye.  
Motion passed 4 – 1

Town Manager Diaz requested to hear Agenda Item 8, Resolution 1867.07, Approving Specified Colors, to be heard out of order.

**5. An Ordinance Amending the Town Code as it relates to Garage Conversion (Ordinance No. 529.07)**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66 "ZONING", ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 8 "GARAGES", SECTION 66-201 "REQUIRED" TO MODIFY THE MINIMUM NUMBER OF REQUIRED GARAGES; AMENDING SECTION 66-205 "CONVERSION" TO ALLOW GARAGE CONVERSION FOR CERTAIN HOMES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Ordinance No. 529.07

**Sponsor:** Town Administration

**Recommendation:** Motion to adopt Ordinance No. 529.07

Linda Epperson read the language of the ordinance into the record

Building Official Nieda clarified the reason for correcting the Ordinance, as it existed. Currently the code reads that every new home must have a one-car garage, but contradicts itself and states that a garage can be converted to living space.

Fred Chouinard of 407 Ocean Blvd., and Robert Smoley of 390 Golden Beach Drive., spoke in support of the item.

Vice Mayor Bernstein asked for clarification on existing homes within Town and the ability for smaller residences that have a need to convert their garage due to changes in their life style should be allowed.

Town Attorney Helfman suggested putting a two-year limitation on conversions, with a stipulation that no garage can be converted beyond the two years, and only if a one car garage still exists on the property.

Vice Mayor Bernstein did not feel that the caveat was appropriate.

Council discussed the matter further and decided not place the two-year limit on converting a garage; they stated that if a resident needed to convert their garage they could do so under a variance format.

Councilwoman Lusskin made a motion to approve Ordinance 529.07; Vice Mayor Bernstein seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, Vice Mayor Bernstein-Aye.  
Motion passed 5 – 0

**M. ORDINANCES - FIRST READING**

**N. QUASI JUDICIAL RESOLUTIONS**

**O. CONSENT AGENDA**

Minutes of August 21st, 2007 Regular Town Council Meeting

Town Manager Diaz requested the minutes for August 21, 2007 be tabled to next month's meeting.

**P. TOWN RESOLUTIONS**

**6. A Resolution of the Town Council Resolution Adopting a Tentative Millage Rate of 8.5 mills for the 2007/2008 Fiscal Year**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL MILLAGE RATE FOR THE 2007/2008 FISCAL YEAR COMMENCING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 1862.07

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1859.07

Linda Epperson read the language of the resolution into the record.

Town Manager Diaz explained the separation of the millage rate and the appropriation of 1.41 mills for the Capital Improvement Project, and 7.09 mills for the operating budget. Council asked if the \$64,000 State funds would be forfeit since the Town did not go to the rollback rate. Town Attorney Helfman informed the Council that the funds in question would not be lost, that the Town is within the guidelines set by the State.

Councilwoman Lusskin made a motion to approve Resolution 1862.07; Vice Mayor Bernstein seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, Vice Mayor Bernstein-Aye. Motion passed 5 – 0

**7. A Resolution of the Town Council Adopting a Proposed Budget for the 2007/2008 Fiscal Year**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGET FOR ALL TOWN FUNDS FOR THE 2007/2008 FISCAL YEAR COMMENCING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 1863.07  
**Sponsor:** Town Administration  
**Recommendation:** Motion to Approve Resolution No. 1863.07

Linda Epperson read the language of the resolution into the record.

Town Manager Diaz advised Council of a change to the budget, appropriating \$100,000.00 for bathroom renovations at Town Hall. Mayor Singer asked if there were proposals for the cost stipulated and the Town Manager stated no. Mayor Singer stated he would not approve the increase in the budget funds and instructed the Town Manager to reduce the appropriate account by the \$100,000.00. The Vice Mayor Bernstein discussed the issue with the Town Manager, and Council agreed that the funds should be removed from the account and left in the fund balance for future use.

Councilwoman Lusskin made a motion to approve Resolution 1863.07; reducing account 519925 from \$470,000 to \$370,000, Vice Mayor Bernstein seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, Vice Mayor Bernstein-Aye.  
Motion passed 5 – 0

**8. A Resolution of the Town Council Approving Specified Colors for Structures as called for in Ordinance No. 528.07**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING SPECIFIED PAINT COLORS FOR STRUCTURES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 1867.07  
**Sponsor:** Town Administration  
**Recommendation:** Motion to Approve Resolution No. 1867.07

This item was heard out of order after Ordinance 528.07.

Linda Epperson read the language of the resolution into the record.

Building Official Nieda discussed the process of color selection by use of a manufactures color wheel. Mr. Nieda would make the decision on color acceptance. Mr. Nieda clarified that any manufactures color wheel would be acceptable, colors are not limited to the Benjamin Moore wheel. Mr. Nieda stated that this system of color selection is used in Bal Harbour and works well. The Council asked if the color selection would be limited, Mr. Nieda said the colors would not be limited, but within reason, and should compliment the house's design.



Councilwoman Lusskin made a motion to approve Resolution 1867.07, Councilmen Einstein seconded the motion, and the following vote ensued: Councilwoman Rojas-Nay, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, and Vice Mayor Bernstein-Aye.  
Motion passed 4 – 1

**9. A Resolution of the Town Council Accepting a Proposal for Employee Health, Dental, and Vision Insurance Coverage for the 2007/2008 Fiscal Year.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING A PROPOSAL FOR THE PROVISION OF A COMPREHENSIVE HEALTH INSURANCE PLAN, INCLUDING A VISION PROVISION AND A DENTAL PLAN, FOR THE BENEFIT OF THE TOWN OF GOLDEN BEACH EMPLOYEES AND ELIGIBLE DEPENDENTS; PROVIDING FOR CONDITION OF AWARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 1868.07

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1868.07

Councilmen Einstein stepped out of Council Chambers.

Town Manager Diaz thanked staff for their hard work in analyzing the employee insurance package proposals.

Linda Epperson read the language of the resolution into the record.

Vice Mayor Bernstein asked if the Town participated in a Cafeteria Plan, and asked Town Manager Diaz to check on the Town's participation.

Councilwoman Rojas made a motion to approve Resolution 1868.07, the Councilwoman Lusskin seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, and Vice Mayor Bernstein-Aye.

Motion passed 4 – 0 (Councilmen Einstein absent from vote)

**10. A Resolution of the Town Council Accepting a Proposal for Employee Short Term/Long Term Disability, and Life and Accidental Death and Dismemberment Insurance Coverage for the 2007/2008 Fiscal Year.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE BENEFIT PROPOSAL FOR SHORT TERM/LONG TERM

DISABILITY INSURANCE, LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE SUBMITTED BY MUTUAL OF OMAHA; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 1869.07

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1869.07

Linda Epperson read the language of the resolution into the record.

Councilwoman Lusskin made a motion to approve Resolution 1869.07, Councilwoman Rojas seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, and Vice Mayor Bernstein-Aye.  
Motion passed 5 – 0

**11. A Resolution of the Town Council Awarding the Closed- Circuit Television (CCTV) System Project**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AWARDED CLOSED – CIRCUIT TELEVISION (CCTV) SYSTEM PROJECT (BID NO. 2006-06) (THE "PROJECT") TO NAVARRO TECHNICAL SERVICES, INC. ("NAVARRO"); APPROVING AGREEMENT FOR INSTALLATION AND DESIGN SERVICES FOR THE PROJECT BETWEEN THE TOWN AND NAVARRO; PROVIDING FOR IMPLEMENTATION OF AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 1870.07

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1870.07

Linda Epperson read the language of the resolution into the record.

Councilwoman Lusskin made a motion to approve Resolution 1869.07, Councilwoman Rojas seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, and Vice Mayor Bernstein-Aye.  
Motion passed 5 – 0

**12. A Resolution of the Town Council Awarding the Restoration and Improvement of the Beach Pavilion Project**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AWARDDING THE RESTORATION AND IMPROVEMENT OF THE BEACH PAVILION PROJECT (ITB 06015) (THE "PROJECT") TO BEJAR CONSTRUCTION, INC. ("BEJAR"); APPROVING AGREEMENT FOR THE RESTORATION AND IMPROVEMENT PROJECT BETWEEN THE TOWN AND BEJAR; PROVIDING FOR IMPLEMENTATION OF AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 12  
Resolution No. 1871.07  
**Sponsor:** Town Administration  
**Recommendation:** Motion to Approve Resolution No. 1871.07

Linda Epperson read the language of the resolution into the record.

Councilwoman Rojas made a motion to approve Resolution 1870.07, Councilwoman Lusskin seconded the motion, and the following vote ensued: Councilwoman Rojas-Aye, Councilmen Einstein-Aye, Mayor Singer-Aye, Councilwoman Lusskin-Aye, and Vice Mayor Bernstein-Aye.

Motion passed 5 – 0

**Q. DISCUSSION & DIRECTION TO TOWN MANAGER**

Mayor Glenn Singer:  
None Requested

Vice Mayor Ken Bernstein:  
None Requested

Councilmember Ben Einstein:  
None Requested

Councilmember Judy Lusskin:  
None Requested

Councilmember Amy Rojas:  
Code Related to Work Performed on Saturdays  
Landscaping Discussion

Councilwoman Rojas discussed the issue of no construction and landscaping work on Saturdays. She stated that some residents like to do their own repairs and landscaping, and they are prohibited by the Ordinance. Town Manager Diaz stated that the intention is to keep commercial vehicles out of Town on the weekends. The item was not discussed further and would be set on a future agenda.

**R. ADJOURNMENT: 10:15pm**

*Linda Epperson  
Deputy Town Clerk  
on behalf of Town Clerk Sewell*