



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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**Official Minutes for the April 21, 2009  
Regular Town Council Meeting called for 7:30 P.M.**

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### **A. MEETING CALLED TO ORDER**

Mayor Singer called the meeting to order at 7:40 PM.

### **B. ROLL CALL**

The Town Clerk called roll:

**Councilmembers Present:** Mayor Singer, Vice Mayor Lusskin, Councilmember Bernstein, Councilmember Einstein and Councilmember Rojas.

Staff Present: Town Manager – Alexander Diaz, Town Attorney – Stephen Helfman, Police Chief – James Skinner, Finance Director – Maria Camacho, Building Official – Dan Neida, Executive Assistant to the Town Manager – Lissette Perez, and Town Clerk – Elizabeth Sewell.

### **C. PLEDGE ALLEGIANCE**

Chief Skinner led the Pledge of Allegiance

### **D. PRESENTATIONS / TOWN PROCLAMATIONS**

Recognition of Town Employee of the Month for March 2009

Mayor Singer acknowledged Brian Phillips as the Employee of the Month of March 2009.

Recognition of Town Officer of the Month for March 2009

Mayor Singer acknowledged Officer Omar Paez as the Officer of the Month of March 2009.

### **E. MOTION TO SET THE AGENDA**

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

None

## **F. TOWN BOARD/COMMITTEE REPORTS**

Beach Committee – No report for the month of March.

Beautification Committee – The Town Manager reported that the Beautification Committee met on Thursday, April 16, 2009. The purpose of the meeting was to review the plans for Ocean Boulevard. At the meeting, the committee members expressed concerns regarding the landscaping at the Beach Pavilion particularly in the parking lot area. The members suggested planting additional shrubbery in that area. The committee was in agreement with the Town Council in reference to redoing the bathroom floors at the Beach Pavilion. They also voted in favor of the entry features at the Strand that the Town Council had approved at a previous Town Council Meeting. The committee suggested that the Town Council consider uniform park benches and trash receptacles throughout the Town.

Comprehensive Planning Board – No report for the month of April.

Recreation Committee – No report for the month of April.

Security/Public Safety Committee – No report for the month of April.

## **G. GOOD AND WELFARE**

Sydell Herrick - 625 Ocean Boulevard spoke in reference to the beach erosion issues.

Dr. Stanley Feinman – 475 Ocean Boulevard sent a letter to be read into the record in reference to the A-1-A Project.

Attorney Scott Schlesinger – 201 Ocean Boulevard spoke in reference to the beach renourishment issues.

## **H. MAYOR'S REPORT**

- **Miami-Dade Days Tallahassee Trip**

Mayor Singer thanked Councilman Bernstein, Town Manager Alexander Diaz and the Town's Lobbyist, David Caserta for accompanying him to Tallahassee on April 1<sup>st</sup> and 2<sup>nd</sup>. He stated that they met with the Town's State Representatives and the Secretary of Transportation in reference to the Town's need for funding for the Bridge Replacement Project. The trip was very productive, and the individuals they met with listened to the Town's delegation. Mayor Singer explained that funding is very tight but the Town Manager and Lobbyist were very prepared. He is hoping that the Town would receive some State and Federal funding for this very important project.

- **Crime issues in the Town**

Mayor Singer stated that there have been some issue of crime in the Town and he is asking residents to be very careful, and look out for each other's neighbors. If anything looks suspicious, report it immediately to the Town's Police Department. He stated that there is a lot of activity in the Town with new construction, renovations of residences and the Capital Improvement Project. As a result, there are many individuals who are not residents of Golden Beach coming in and out of the Town. The cameras have been repaired at the Police Substation to take picture of the license plates of the cars coming and going out of the town.

- **Seawall Issues**

Mayor Singer reported that several letter were sent to residents in reference to the renovation of their seawalls. These residents have ninety (90) days before the Town takes action if the seawalls are not fixed.

- **Capital Improvement Project Update**

Mayor Singer stated that the Capital Improvement Project is progressing as planned. He was very pleased with the progress made and he commended the Town Manager, Mr. Paul Abbott and staff for their commitment to moving this project along.

- **Pet Registration**

He stated that a few months ago the Town set-up a Pet Registration Program. He urged residents to register their pets.

- **Beach Renourishment**

Mayor Singer stated that the Town would continue to monitor the erosion of the beach and to see what the options are for resolving this problem.

- **Annual Pot Luck Dinner**

Mayor Singer thanked and commended the Recreation Committee and the Town Staff for the great job they did. He stated that there was a phenomenal turn out of the residents at this event.

## **I. COUNCIL COMMENTS**

### **Councilmember Einstein**

- **Annual Pot Luck Dinner**

Councilmember Einstein commended the Recreation Committee and Staff for the success of the event.

- **Police Officers Attitude**

He stated that the transformer behind his residence went out on Saturday morning and he contacted Florida Power and Light Company and was informed that it would be approximately three (3) hours before it would be repaired. He then contacted the Town's Police Department and an officer responded immediately to his residence. The officer's was courteous, kind and very helpful. Councilmember Einstein was very appreciative to that Police Officer.

### **Councilmember Bernstein**

- **Miami-Dade Days in Tallahassee**

He commended the Town Manager, Alexander Diaz, for being well prepared for the meetings in Tallahassee in reference to finding funding for the Town's Bridge Replacement Project. He was very impressed with the presentation made by the Town Manager and the Town's Lobbyist, David Caserta.

- **Beach Pavilion Issues**

He reported that he was at the beach and observed the flooding in the bathrooms. He also noticed the garbage that individuals who use the beach leave behind. Even though the Beach Attendants are there and try to keep the beach clean, it is unbelievable the amount of garbage that is left behind. He suggested making people pay a fine when they leave their garbage without cleaning up after themselves.

- **Capital Improvement Project**

He commended the Capital Improvement Project Team and the construction workers for their performance on the project.

### **Vice Mayor Lusskin**

- **Capital Improvement Project Update**

Vice Mayor Lusskin highly commended the Capital Improvement Project Team and Southeastern Engineering for their performance and the competent effort that has been made to remediate any unexpected problems that may come up.

- **Dr. Feinman's Letter**

She is in agreement with the suggestions that Dr. Feinman made in his letter to the Mayor, Town Council and the Town Manager.

- **Annual Pot Luck Laua**

The event was a success and she thanked everyone that participated in making the event a success. She stated that many families were inquiring about the Town of Golden Beach Youth Leadership Group. She asked the families to keep an ear out because they are working on putting the group together.

- **Building Regulation Advisory Board Meetings**

She has attended several of the Building Regulation Advisory Board Meetings and there appears to be an issue with some of the Town's Code in reference to the construction of residences and the way the Town is interpreting these codes.

## **J. TOWN MANAGER REPORT**

- **Beach Renourishment**

The Town Manager thanked Attorney Scott Schlesinger for the information regarding Beach Renourishment in the Town of Golden Beach.

- **Capital Improvement Project Update**  
 He has received numerous telephone calls from residents in reference to security and access into the Town through the Capital Improvement Project. Therefore, he has made the administrative decision to have both the north and south gates open between the hours of 7:30 AM and 4:30 PM. An extra Police Officer has been added to the shift schedule to provide security coverage.
- **Crimes Issues**  
 The Town Manager reported that there have been five (5) crimes committed in the Town in 2009. That is less than the number of crimes that was committed the same time in 2008. Most of the crimes committed have been by known parties and careless acts of individuals. As a result, of these incidents the Town has added additional security. He stated that staff would post the Dos and Don'ts of Crime Prevention on the Town's Television Channel 35.
- **Bridge Replacement Project**  
 The Town Manager reported that Congresswoman Debbie Wasserman Schultz has submitted a spending request in next year spending bill for the Center Island Bridge, and Congressman Mario Diaz-Balart has submitted spending requests for both the Center Island and Novonna Avenue bridges. He stated that he would continue to aggressively pursue funding for this project.
- **Civic Center/Fire Station Satellite Report**  
 The Town Manager reported that the Town has continued to meet with Miami-Dade County in reference to building a potential Fire Station in the Town with a civic complex. He stated that the Mayor has authorized him to move forward with some exploratory work. He will bring back to the Town Council at the May Regular Town Council Meeting a status report.
- **The Town 80<sup>th</sup> Anniversary**  
 The Town Manager stated that the Town's 80<sup>th</sup> Anniversary will be next month and there will be a series of events. Mailers will be sent to residents about what the events will be.
- **Police Substation**  
 The Town Manager reported that he had received numerous telephone calls from residents in regards to the Police Substation staffing. He had put the staff on notice and he has asked the Chief of Police to prepare a Request for Proposal for this service.
- **Noise at the Beach Pavilion**  
 The Town Manager stated that over the past few months he had received some criticism in relationship to the noise at the Beach Pavilion. He reported that after the completion of the renovation of the Beach Pavilion there was a surge in request for the use of the facility. However, he administratively accepted the responsibility of limiting the number of events held at the Beach Pavilion to ease the stress of the use of the facility. He explained that he has tapered the number of request and have added additional limitations as to what type of activities can be held at the Beach Pavilion. He stated that staff has provided

the Beach Advisory Committee the Beach Pavilion Ordinance to make recommendations in reference to the limitations on amplified sound, the number of events and increasing the fees associated with the use of the facility. Once that committee makes their final recommendations he would bring it back to the Town Council for their consideration.

- **FEMA Reimbursement**

The Town Manager reported that the Town had received approximately \$35,000.00 in reimbursement for expense for Hurricane Wilma.

## **K. TOWN ATTORNEY REPORT**

None

## **L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE**

The Town Manager stated that the installation of the Water Main Distribution System is on schedule. The area north of the Strand to Massini Avenue has passed the pressure test, and in the next two to three weeks, the water service to those homes will be converted from the old to the new system. The Stormwater Management System project installation has begun, there are facilities in the ground, and the project is on track. However, there is an area of conflict at the Strand and Golden Beach Drive and he has to meet with the City of North Miami Beach to resolve the conflict. He also stated that the solution for this conflict may result in the Town going without water for a period of twelve to fourteen hours but everything to negate that possibility is being done. In reference to the Capital Improvement Program finances, the Town has spent to date \$2,808,809.43. The Town received a change order credit in the amount of \$508,000.00 for the crossings at the bridges from the Southeastern Engineering Contractors.

Paul Abbott reported that the Town will be receiving the conduits from Florida Power and Light Company this week so that the actual undergrounding of the Town's utilities overhead facilities will begin shortly. The widening of Golden Beach Drive from Massini Avenue to the Strand will begin within the next month. The final meeting with Florida Department of Transportation is schedule for this Friday.

The Town Manager explained that there have been numerous telephone calls from the resident on the east side of Ocean Boulevard asking if the Town had abandoned the security features of the east side of Ocean Boulevard. That project has not been abandoned, Mr. Abbott has been asked to meet with the providers for the Sunpass Camera Systems to see if the Town can negotiate a more competitive rate to install those cameras in the Town. He has removed the crosswalk and entry features from the Metro Equipment Services, Inc contract because the Town received \$23,000.00 of stimulus revenues that could not be used for a project that was previously awarded. This portion of the A-1-A Project would be put back out to bid. The Town Manager thanked Mrs. Linda Epperson for her hard work in assisting him in getting the stimulus funding.

Mr. Abbott reported that Teco Gas will be installing a new 6" main gas line from Palermo south to Terracina Avenue, and this will replace the old 4" and 8" gas main at their cost.

The Town Manager stated that he would be shutting down the West Lot on June 1. There will be no visitor parking available because this area will be used as the staging area for the A-1-A Capital Improvement Project.

#### **M. ORDINANCES – SECOND READING**

None

#### **N. ORDINANCES - FIRST READING**

None

#### **O. QUASI JUDICIAL RESOLUTIONS**

##### **1. Approval of a Variance Request for the Property at 540 Ocean Boulevard (RESOLUTION NO. 1978.09)**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW 177 SQUARE FEET IN TOTAL TO ENCROACH INTO THE FRONT SETBACK AT 31' 4", IN LIEU OF THE 40 FEET REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibits:** Agenda Report No. 1  
Resolution No. 1978.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Deny Resolution No. 1978.09

The Building Official, Dan Neida explained this Variance Request for the property located at 540 Ocean Boulevard, Golden Beach, Florida 33160. He stated that the applicant requested a variance to allow a 31' 4" front setback, in lieu of the 40 feet front setback requirement. The Building Regulation Advisory Board met on February 10, 2009 and the motion failed by a roll call vote of 5-0. The Board received no letters of opposition on this Variance Request. The Building Official stated that by granting this Variance Request it would provide safer access to the garage and residence.

The following individuals spoke on this Variance Request; the attorney for the Applicant, Michael Radell, spoke on behalf of the applicant and Mr. Fred Chouinard, Building Regulation Advisory Board Member.

A Motion to adopt Resolution No. 1978.09 by Vice Mayor Lusskin, seconded by Councilmember Rojas.

**Roll call vote was as follows:**

Mayor Singer - Aye; Councilmember Bernstein - Aye; Councilmember Einstein - Abstain; Councilmember Rojas - Aye; Vice Mayor Lusskin - Aye.

The Motion carried.

**2 . Approval of a Variance Request for the Property at 540 Ocean Boulevard (RESOLUTION NO. 1979.09)**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW AN ELEVATION OF 8.17' NGVD, IN LIEU OF THE 9' NGVD REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibits:** Agenda Report No. 2  
Resolution No. 1979.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1979.09

The Building Official, Dan Neida, explained that the variance petition seeks to allow construction of the first floor of the residence at finish floor elevation of 8.17' NGVD, which matches the existing first floor finish floor elevation to remain. Maintaining the existing first floor finish floor elevation work appropriately with existing site grading and the proposed new two-car garage. The variance petition seeking relief from required garage finish floor elevation of 9.0' NGVD per Code Section 66-101(3). The Building Regulation Advisory Board met on January 13, 2009 and recommended approval of the variance, the Motion passed with a Board vote 3-0. The Building Regulation Advisory Board received no letters of opposition on this item.

A Motion to adopt Resolution No. 1979.09 by Councilmember Rojas, seconded by Vice Mayor Lusskin.



**Roll call vote was as follows:**

Mayor Singer - Aye; Councilmember Bernstein - Aye; Councilmember Einstein - Abstain; Vice Mayor Lusskin - Aye; Councilmember Rojas - Aye.

The Motion carried.

**3. Approval of a Variance Request for the Property at 540 Ocean Boulevard (RESOLUTION NO. 1980.09)**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW A GARAGE FINISH FLOOR ELEVATION OF 7.33' NGVD, IN LIEU OF THE 9.58' NGVD REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibits:** Agenda Report No. 3  
Resolution No. 1980.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1980.09

The Building Official, Dan Neida, explained that the variance petition seeks to allow construction of the new two garages with finish floor elevation of 7.33' NGVD, which matches the existing garage finish floor elevation and maintaining the existing garage elevation works appropriately with existing site grading and the first floor elevation of the existing residence that is to remain. The variance petition seeking relief from required garage finish floor elevation of 9.0'NGVD per Code Section 66-101(b). The Building Regulation Advisory Board met on January 13, 2009 and recommended approval of the variance, the Motion passed with a Board vote 3-0. The Building Regulation Advisory Board received no letters of opposition on this item.

A Motion to adopt Resolution No. 1980.09 by Councilmember Rojas, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

Mayor Singer - Aye; Councilmember Bernstein - Aye; Councilmember Einstein - Abstain; Vice Mayor Lusskin - Aye; Councilmember Rojas - Aye.

The Motion carried.

## **P. CONSENT AGENDA**

4. Minutes of March 17, 2009 Regular Town Council Meeting.
5. **A Resolution of the Town Council Recognizing May 15<sup>th</sup> as Police Memorial Day.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RECOGNIZING MAY 15<sup>th</sup> AS POLICE MEMORIAL DAY AND MAY 10<sup>th</sup> THROUGH MAY 16<sup>th</sup> AS NATIONAL POLICE WEEK; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 1992.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1992.09

6. **A Resolution of the Town Council Accepting the General Purpose Financial Statement for Fiscal Year 2007-2008**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE GENERAL PURPOSE FINANCIAL STATEMENTS FOR FISCAL YEAR 2007/2008 ENDING SEPTEMBER 30, 2008 PREPARED BY KEEFE, MCCULLOUGH & CO., LLP; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 1993.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1993.09

7. **A Resolution of the Town Council Authorizing the Town Manager to Serve as Vice President of the Miami-Dade County City Managers Association.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO SERVE AS VICE PRESIDENT OF THE MIAMI-DADE COUNTY CITY MANAGERS ASSOCIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 1997.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1997.09

A Motion to approve Items No. P4 through P7 on the Consent Agenda by Vice Mayor Lusskin, seconded by Councilmember Rojas. The Consensus vote was 5 Ayes 0 Nays. The Motion carried.

## **Q. TOWN RESOLUTIONS**

### **8. A Resolution of the Town Council Approving a Drainage Easement Agreement Between the Town and Alex and Alla Shchegol.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A DRAINAGE EASEMENT AGREEMENT BETWEEN THE TOWN OF GOLDEN BEACH AND ALEX AND ALLA SHCHEGOL OVER CERTAIN PROPERTY LOCATED AT 680 GOLDEN BEACH DRIVE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 1994.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1994.09

The Town Manager explained that as part of the Town's Stormwater Master Plan we require an easement agreement for the installation of a gravity outfall at the North end of Golden Beach Drive. During the last eight (8) months, he and the Building Director, Mrs. Epperson have negotiated with the owners of 680 Golden Beach Drive to secure the proposed easement and access for installation of the outfall. This easement grants the town the right to install the outfall as required for the new Stormwater System while providing for certain conditions and accepting other liabilities in the event that there are future matters that derive as the result of the outfall pipe having been installed. This easement is typical to those granted throughout Town when other outfalls have been installed through private property. In the event issues may arise in the future, the Town will be responsible for mitigating those matters.

A Motion to approve Resolution No. 1994.09 by Vice Mayor Lusskin, seconded by Councilmember Rojas.

#### **Roll call vote was as follows:**

Mayor Singer - Aye; Councilmember Bernstein - Aye; Vice Mayor Lusskin -Aye; Councilmember Einstein - Absent; Councilmember Rojas - Aye.

**9. A Resolution of the Town Council Approving a Work Authorization Agreement for Design and Engineering Services for Re-Construction of Phase 1 of the Stormwater Management System Between the Town and Craig A. Smith & Associates.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING WORK AUTHORIZATION AGREEMENT FOR DESIGN AND ENGINEERING SERVICES FOR RE-CONSTRUCTION OF PHASE 1 OF THE STORMWATER MANAGEMENT SYSTEM BETWEEN THE TOWN AND CRAIG A. SMITH & ASSOCIATES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 1995.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1995.09

The Town Manager explained that when the Capital Improvement Plan was designed and approved, the Administration excluded Phase 1 of the Stormwater System from all discussions and design. This decision was made, in part, due to the ongoing litigation pertaining to the existing phase one project. In recent months, Administration has been working with the Town Attorney, Expert Engineering Firm and Craig A. Smith & Associates determine the responsible and appropriate course of action moving forward with the remediation and final resolution of the phase one program areas. It has been agreed that a final remediation/resolution plan needs to be designed and that said design be available as we begin our "discovery/field exploratory" phase of the litigation. In the coming weeks, the Town Attorney, expert witnesses and opposing council will be exploring in the ground field conditions of the area we believe have failed. Once we expose the failure, we have an obligation to remediate what has been exposed. In our efforts to remediate in a manner that provides for final resolution of the issue and a final design is required.

A Motion to approve Resolution No. 1995.09 by Councilmember Rojas, seconded by Councilmember Bernstein.

**Roll call vote was as follows:**

Mayor Singer - Aye; Councilmember Einstein - Aye; Councilmember Bernstein - Aye; Councilmember Rojas - Aye; Vice Mayor Lusskin - Aye.

**10. A Resolution of the Town Council Authorizing the Town Attorney to Incur up to \$110,000 in Cost in Connection with Investigation and Remedial Work for Ongoing Litigation**

**Between the Town and RLI Insurance Company and Williams Hatfield & Stoner, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING TOWN ATTORNEY TO INCUR UP TO \$110,000 IN COSTS IN CONNECTION WITH INVESTIGATION AND REMEDIAL WORK REGARDING ONGOING LITIGATION BETWEEN THE TOWN, AS PLAINTIFF, AND RLI INSURANCE CO. AND WILLIAMS HATFIELD & STONER, INC., AS DEFENDANTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE

**Exhibit:** Agenda Report No. 10  
Resolution No. 1996.09

**Sponsor:** Town Attorney

**Recommendation:** Motion to Approve Resolution No. 1996.09

The Town Attorney explained that this Resolution authorizes the Town Attorney to incur up to \$110,000. in costs in connection with the litigation vs. RLI Insurance Company and Williams Hatfield & Stoner, Inc. in reference to Phase One of the Stormwater Management System.

A Motion to approve Resolution No. 1996.09 by Councilmember Einstein, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

Mayor Singer – Aye; Councilmember Einstein - Aye; Councilmember Bernstein - Absent; Councilmember Rojas - Aye; Vice Mayor Lusskin - Aye.

**11. A Resolution of the Town Council Approving an Amendment to the Owner’s Representative Professional Services Agreement with Skyline Management Group, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT TO THE OWNER’S REPRESENTATIVE PROFESSIONAL SERVICES AGREEMENT WITH SKYLINE MANAGEMENT GROUP, INC.; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 1998.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1998.09

The Town Manager explained that when the Town entered into the Joint Participation Agreement with FDOT for the sidewalk installation on the west side of A-1-A. That project along with the conduit installation by Florida Power & Light Company was not a part of Skyline Management Group, Inc original contract. Therefore, the Mayor, Mr. Abbott and the Town Manager met to negotiate a fair price for the additional responsibility that Skyline Management would have to assume as the Town's Owner Representative. He stated that Skyline Management would be responsible for negotiating easements for the transformers for the FPL conduits on private property, and ensuring that project is FDOT compliant and coordinating with Miami-Dade County Street Lighting Department.

A Motion to approve Resolution No. 1998.09 by Vice Mayor Lusskin, seconded by Councilmember Rojas.

**Roll call vote was as follows:**

Mayor Singer - Aye; Councilmember Bernstein - Absent; Councilmember Einstein - Aye; Councilmember – Rojas - Aye; Vice Mayor Lusskin - Aye.

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

Mayor Glenn Singer:

\* Beach Pavilion Noise

Mayor Singer stated that there are residents complaining that there are too many parties at the Beach Pavilion, the parties are lasting longer and they are louder. He explained that according to the current guidelines that the Town has in reference to the use of the Beach Pavilion, residents are allowed to rent the Beach Pavilion until 10:00 PM during week day and on weekend up to 11:00 PM. He stated that he had met with the Town Manager in reference to this issue and one of the temporary solutions to this matter to mask some of the noise is to plant additional shrubs along the north and south ends of the Beach Pavilion.

Mr. Sheldon Schlesinger spoke in reference to the disturbance caused by the noise from parties that the Beach Pavilion. He explained that this is in conflict with the Town's Code of Ordinances. Therefore, he asked the Town Council to restrict the noise from the events at the Beach Pavilion.

The Mayor asked the Town Manager to provide the Town Council with copies of the current guidelines for events at the Beach Pavilion for their review, evaluation and discussion at the next town council meeting.

Vice Mayor Judy Lusskin:

\*Ocean Boulevard Residents Beach Renourishment Concerns

This item was discussed at Good and Welfare.

Councilmember Ben Einstein:  
None Requested

Councilmember Amy Rojas:  
None Requested

Councilmember Ken Bernstein:  
None Requested

Town Manager Alexander Diaz  
\*Entry Sign at the Strand  
\*Pavilion Showers

The Town Manager invited the Town Council to come to Town Hall to review the designs for the entry sign at the Strand.

**S. ADJOURNMENT:**

A Motion was made to adjourn the Council Meeting by Vice Mayor Lusskin, seconded by Councilmember Rojas. Consensus vote 5 Ayes 0 Nays.

The meeting was adjourned at 9:50 PM.

Respectfully submitted,

*Elizabeth Sewell*  
Elizabeth Sewell  
Town Clerk