



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the April 26, 2011 Special Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:06 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Kenneth Bernstein (**arrived at 7:55 p.m.**), Councilmember Judy Lusskin, Councilmember Amy Isackson-Rojas, Councilmember Bernard Einstein

Staff Present: Town Manager Alexander Diaz, Interim Town Clerk Lissette Perez, Police Chief James N. Skinner, Finance Director Maria D. Camacho, Building Official Dan Neida, Town Labor Attorney Brett Schneider

C. PLEDGE ALLEGIANCE

The Mayor asked the Chief of Police to lead the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Mayor Singer presented Chief Skinner with a certificate from Miami-Dade College

Recognition of Officer of the Quarter (1st Quarter) – postponed until next month's meeting

Recognition of Employee of the Quarter (1st Quarter) – postponed until next month's meeting

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

Youth Leadership Group – Dina Nicolella, 522 North Parkway, discussed the beach clean up and that the children as seeing a tremendous trend of people throwing bottle caps into the sand. She invited the Town and Town Council to the next beach clean up. Also spoke on Totes-4-Hope, purple bags that will go to homeless shelters.

Mayor took this opportunity to congratulate the winner of the Mayor-for-a-Day competition, Audrey Hollo, and that she would be spending several days with the Mayor and Town Manager and get to know the inner-workings of the Office of the Mayor.

G. GOOD AND WELFARE

Dina Nicolella, 522 North Parkway

Asked the Town Attorney, who has jurisdiction for speed around the park? The Chief responded that all speed limits, with the exception of state highways, are set by Miami-Dade County's Public Works Department traffic division. Mrs. Nicolella inquired as to whether or not something could be installed around the parks to force drivers to slow down. She asked that all of the code enforcements for foliage be enforced. The Town Manager advised her that a letter was being drafted and forwarded to her addressing everything.

Rick Glaser, 323 Golden Beach Drive

Also commented on the speed and people not driving the speed limit on Golden Beach Drive, and asked the Council to address that.

Jerome Hollo, 668 North Island Drive

Thanked the Mayor and Town Council for selecting his daughter Audrey for Mayor for a Day. He spoke on the canals and the depth of them becoming more and more shallow, and because it's so shallow DERM is requiring docks to be pushed further and further away from the bulkhead lines of lots. This is making the usable areas of the canal to be smaller and smaller, where soon many of the homes will not be able to use their boats because the water is becoming so shallow. Also suggested the Town looking at allowing residents to bring their dogs out to the beach, and allowing them to play in the water, with some limitations on a trial basis.

H. MAYOR'S REPORT

Mayor commented on the stop sign enforcement and the need for it, especially with the Summer coming. He stated that he is familiar with the issues on the canal and that the water level in the intercoastal is a lot lower as well. He mentioned that the Mayoral Forum will be held this Thursday, amongst the neighborhood Town's (i.e. Aventura, Golden Beach, Sunny Isles, Indian Creek, and Bay Harbor) to ask questions of the 12 candidates running for Miami-Dade County Mayor at the Turnberry Jewish Center beginning at 7 p.m. He urged residents to attend. He also thanked the Recreation Committee for the pot luck dinner, even though the weather was bad. On May 8th, Mother's Day, the Town will be hosting the ribbon-cutting ceremony at Singer Park, and the Mayor encouraged residents to attend. He also mentioned that Summer is here and kids are going to be out, so people need to be extra careful and vigilant. The beach has two new vending machines: one with water and soft drinks and the other for snacks, he reminded residents not to leave their trash on the beach and clean-up after themselves.

Also, 20 additional beach chairs and additional umbrellas were ordered to prepare the town for the summer months.

I. COUNCIL COMMENTS

Councilmember Rojas

Spoke on the speed in the parks and stated that she wouldn't be opposed to lowering the speed limit in the park areas. She spoke on the dredging issue and the Town Manager informed her that next April 1st the Town would be applying for the grant application for a dredging program. The Councilwoman commented on allowing dogs on the beach, stating that if enough people were interested and if the animals were there during the hours when the beach attendants were working, then she didn't oppose to letting them use it. She also spoke on Singer Park and how amazing it looks.

Councilmember Einstein

Commented that Golden Beach is a very safe town and everyone is concerned for the safety of the residents. Spoke on the visibility of the police vehicles and the lack of visibility of them in Town; they should be seen at least once an hour. He commented on a "pet peeve" of his, the terrazzo floors at the beach pavilion and that it doesn't look aesthetically pleasing, and inquired as to whether or not the Town could do something about it. Town has made significant improvements and done some remarkable work.

Councilmember Lusskin

Agrees with lowering the speed limit and removing the foliage and trees in areas that could obstruct the view of a driver. She stated that the Town will do its part but parents need to do their part in educating their children. The Park at the end of the Strand looks great, she said. She mentioned that public works is doing a great job on weekends cleaning up any palm fronds or debris that are lying around. On her wishlist is erecting a wall along Massini Avenue.

J. TOWN MANAGER REPORT

Mentioned that the Town will look into enforcement of speed and signs and that Lt. Herbello would address the patrol division regarding this. By the end of next month, the Town will issue out new signage now that the CIP project is nearing the end, and add signage where it was previously lacking. Town believes that it is an obligation of the Miami-Dade County Public Works Department, and hoping that canal maintenance will be addressed with the replacement of both the Navona Avenue and Center Island Bridges. The South Island Bridge will be addressed as well. He spoke on bulk waste pick-up and the town's ordinance governing the town's bulk waste pick-up. Residents are allowed a 5-yard bulk waste pick-up per week.

K. TOWN ATTORNEY REPORT

Brett Schneider, sitting in for Steve Helfman. This is the 20th Anniversary of the law firm. In recognition of it, the firm is sponsoring an essay contest during the month of May, in each of the cities their law firm represents. The essay will be about how great the Town of Golden Beach is, and the winning essay will receive a \$1,000 grant. Schneider provided a memo to the Town Clerk regarding the rules pertaining to submission for the official record.

L. CAPITAL IMPROVEMENT & OTHER PROJECTS REPORT & UPDATE

The letters went out for the FPL hook-ups and a majority of the residents are choosing to have the Town to do the work for them, which is a really good thing. South Park is moving right along. The Town is re-sodding North Park, taking out the St. Augustine

grass and putting in the Bermuda Celebration. The Town Manager met with the lighting engineer, will have more information on that at the next meeting. The Town Manager also mentioned, that there is an agenda item in this meeting accepting a \$5.9-million grant from FDOT, that will allow the Town to replace both the Strand and North Island Bridges with no matching dollars from the Town.

M. BUILDING REGULATION ADVISORY BOARD PRESENTATION

- a. Code Revisions Recommendations presentation by Building Official Daniel Nieda, R.A. –see memos and attachments

The Town Manager interjected that items would come before the Council for first reading at the May meeting, so tonight would be an informal conversation on the seven out of the 22 items that the Council had a consensus on wanting to discuss further.

Dan spoke on item **#4, the General Construction Requirements** regarding limiting the surface area of a roof and addressing any rooftop mechanical equipment, limiting visibility of it. The BRAB's recommendation is to adopt the changes. Councilman Einstein had some concerns about the Town allowing rooftop terraces because of the privacy issues attached to that. He also stated that the Town is trying to get away from the complaint of the Town allowing massive structures to be built. Mr. Jerome Hollo BRAB Chairman, also interjected, explaining why the board recommends this.

The Town Manager advised that Dan and him would work on some recommendations and present them to the BRAB and then bring the final product before the Council for first reading at next month's meeting.

#8: Undersized lots. The Code allows for a home to be built in an undersized lot, provided that lot is vacant. The Board is trying to provide a vehicle to allow people to build a new home in an undersized lot, where you have an existing home that is going to be demolished. The BRAB rejected the staff's recommendations. Chairman Hollo stated that he would be supportive of the staff recommendations if there was some restrictive language. The Mayor asked Dan to draft it with the recommended changes and bring it back for first reading next month.

#10: Sight Obstruction at Intersections: Dan explained that this item pertains to corner lots, where property owners cannot obstruct their own sideline entering their driveway. Staff proposed to extend this item to interior lots as well as corner lots, but the BRAB rejected the staff's proposal. The Town Manager mentioned that there are several homes in town that exceed the 36 foot height requirement, and the Council agreed with the BRAB's recommendations. The Town Manager stated that this item would be removed from the list of revisions, however the staff may propose in the future to take that whole item out of the code.

#11: Side line restrictions between adjacent lots. Staff proposed to increase the side yard setbacks, for larger lots. Staff recommendations were rejected by the board because the BRAB didn't think it was fair to make the bigger lots lose more area to work on. (615 Ocean Blvd. was used as an example) Town Manager advised that the Staff would be withdrawing it's recommendation.

#12: Front and rear lot line restrictions – In Zone One. Dan explained that the staff is recommending taking the term “gate house” out of the item, and only allow for a garage or a guest house structure, not both and the second floor (if there is one) would have to be setback. Council asked staff to bring it back for first reading next month.

#13: Setback areas – Generally. Dan Nieda explained that Staff is recommending adopting a 10-foot setback for some properties that have equipment outside of their home, to minimize the noise burden to the adjacent homes. Council asked staff to bring it back for first reading next month when it will be further discussed.

#14: Height Restrictions. Dan Nieda explained that staff is recommending clarification or direction to be added to the code, which is silent towards that. Staff is proposing a five-foot height, as opposed to six feet, in addition staff is proposing a full picket fence, or a wall with masonry pilaster, which may be a foot higher than the fence, but not a solid masonry wall all the way around the property. Property should at least have some shrubbery adorning it. Town Manager suggested that the Administration bring the item back before the Council for first reading in the May meeting.

There were other items that individual council members wanted to discuss. Councilman Einstein brought up #16. The Town Manager advised that a staff recommendation would be drafted and applied to Zones 1 and 2, not 3 and 4. Councilman Einstein also asked about item #20 and item #9 – Dan explained that the Town is currently trying to conform to what the rules are since we currently aren't. The Mayor inquired on item #22, regarding the hurricane shutters and the amount of days that people are allowed to keep them closed asking to decrease that number. Dan explained that the maximum number of days allowable is in place to allow people who are out of Town sufficient time to come back home and remove them.

Vice Mayor Bernstein inquired about item #1 and the D5 triangle setback, and why it needs to be bigger for a larger lot. Dan advised that the staff is not proposing to change the D5 triangle, and how it's measured. The Town Manager explained that what's on the table is that within that setback, once it's established, the setback will be larger for larger lots. The Town Manager advised that the staff will keep item #1 as written and bring it back before the BRAB, and later make a recommendation to the Council.

The Town Manager reminded the Council that in addition to the 22 items being presented tonight, another 12 to 18 items have not been presented to the BRAB that will be presented to the Council at the May meeting.

N. ORDINANCES – SECOND READING

None

N. ORDINANCES - FIRST READING

None

O. QUASI JUDICIAL RESOLUTIONS

None

P. CONSENT AGENDA

- 1. Minutes of the March 22, 2011 Special Town Council Meeting**
- 2. A Resolution of the Town Council Recognizing May 15th as Peace Officers Memorial Day, and May 15th through May 21st as National Police Week.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RECOGNIZING MAY 15th AS PEACE OFFICERS MEMORIAL DAY, AND MAY 15th THROUGH MAY 21st AS NATIONAL POLICE WEEK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2170.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2170.11

- 3. A Resolution of the Town Council Authorizing the Town's Administration to Submit an Application for a Grant for Assistance for 2011 Under the Florida Inland Navigation District Waterways Assistance Program for the Cost of Construction of a Police Boat Dock**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE TOWN'S ADMINISTRATION TO SUBMIT AN APPLICATION FOR A GRANT FOR ASSISTANCE FOR 2011 UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR THE COST OF CONSTRUCTION OF A POLICE BOAT DOCK ON THE INTRACOASTAL WATERWAY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2171.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2171.11

4. A Resolution of the Town Council Authorizing the Use of the Funds from the Town's Law Enforcement Trust Fund to Fund an Expenditure for Additional Technology and Equipment for Use by Town Officers in Task Force Operations

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF THE FUNDS FROM THE TOWN'S LAW ENFORCEMENT TRUST FUND TO FUND AN EXPENDITURE FOR ADDITIONAL TECHNOLOGY AND EQUIPMENT FOR USE BY TOWN OFFICERS IN TASK FORCE OPERATIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2172.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2172.11

5. A Resolution of the Town Council Authorizing the Use of Monies from the Town's Law Enforcement Trust Fund to Fund an Expenditure of \$34,267.45 for the Implementation of a Police Annex and the Equipment for its Operation for the Patrol Function

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF MONIES FROM THE TOWN'S LAW ENFORCEMENT TRUST FUND TO FUND AN EXPENDITURE OF \$34,267.45 FOR THE IMPLEMENTATION OF A POLICE ANNEX AND THE EQUIPMENT FOR ITS OPERATION FOR THE PATROL FUNCTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2173.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2173.11

6. A Resolution of the Town Council Nominating the Town's Capital Improvement Project for the Florida League of Cities (FLC) "City Spirit" Award for 2011 and Nominating Prossed2Green for the Environmental Stewardship Award for 2011

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, NOMINATING THE TOWN'S CAPITAL IMPROVEMENT PROJECT FOR THE FLORIDA LEAGUE OF CITIES (FLC) "CITY SPIRIT" AWARD FOR 2011 AND NOMINATING PROSSED2GREEN FOR THE ENVIRONMENTAL STEWARDSHIP AWARD FOR 2011; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2174.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2174.11

A motion to approve was made by Councilmember Lusskin seconded by Councilmember Rojas.

Concensus vote was 5 Ayes and 0 Nays. The motion passed.

Q. TOWN RESOLUTIONS

7. A Resolution of the Town Council Authorizing and Approving a Local Agency Program Agreement (LAP) between the Town of Golden Beach and the Florida Department of Transportation

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A LOCAL AGENCY PROGRAM AGREEMENT (LAP) BETWEEN THE TOWN OF GOLDEN BEACH, FLORIDA AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2175.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2175.11

A motion to approve was made by Councilmember Lusskin seconded by Vice Mayor Bernstein.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>(stepped out during roll call vote)</u>
Councilmember Einstein	<u>Aye</u>

Councilmember Luskin Aye
Councilmember Isackson-Rojas Aye

The motion passed.

The Town Manager spoke on the \$5.9-million that FDOT will be giving the Town, however because these are federal funds, this money comes with strings attached to it that the Town has not had to deal with in the past. The Town has a zero local match for this program. The \$2-million that were originally set aside for the Strand Avenue Bridge will now be allocated to the Navona Avenue Bridge. It is the Town's goal to begin both bridges simultaneously. Because these are FDOT dollars, the Town is going to go out with an emergency RFP within the next 2 to 3 weeks for the Town to secure a CEI firm (for inspection services). The Town may have to call for an emergency council meeting to award a CEI contract. FDOT is requiring that the Town let this project before August of this year. The Town is going to require that the Navona Avenue Bridge adhere to the same requirements as the Center Island Bridge, in order to have one firm meet all the requirements to build both bridges.

8. A Resolution of the Town Council Approving Agreements between the Town and Florida Power & Light Company in Connection with the Conversion of Certain Overhead Electrical Distribution Facilities to Underground Facilities

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AGREEMENTS BETWEEN THE TOWN AND FLORIDA POWER & LIGHT COMPANY IN CONNECTION WITH THE CONVERSION OF CERTAIN OVERHEAD ELECTRICAL DISTRIBUTION FACILITIES TO UNDERGROUND FACILITIES; AUTHORIZING THE MAYOR AND TOWN MANAGER TO EXECUTE THE AGREEMENTS; PROVIDING FOR IMPLEMENTATION; AUTHORIZING THE TOWN TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2176.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2176.11

A motion to approve was made by Councilmember Luskin seconded by Councilmember Isackson-Rojas.

On roll call, the following vote ensued:
Mayor Singer Aye
Vice Mayor Bernstein Aye
Councilmember Einstein Aye
Councilmember Luskin Aye

Councilmember Isackson-Rojas Aye

The motion passed.

The Town Manager explained that this is the Town's fourth and final payment to FPL for undergrounding of utilities. The Town was able to save \$1.1-million on the FPL budget, funds that will be allocated towards the Town's CIP project.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Bernard Einstein:
None Requested

Councilmember Judy Luskin:
None Requested

Councilmember Amy Rojas:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Town Manager Alexander Diaz

Proposed a motion to move the May meeting from May 17th to May 25th at 6:30 p.m. Consensus vote 5 Ayes 0 Nays. The motion passed.

Proposed a motion to move the June meeting from June 21st to June 28th at 7 p.m. Consensus vote 5 Ayes 0 Nays. The motion passed.

S. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Councilmember Luskin, seconded by Councilmember Einstein.

Consensus vote 5 Ayes 0 Nays. Motion passed.

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Interim Town Clerk