



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the February 21, 2012 Regular Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:04 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Kenneth Bernstein, Councilmember Judy Lusskin, Councilmember Amy Isackson-Rojas, Councilmember Bernard Einstein

Staff Present: Town Manager Alexander Diaz, Interim Town Clerk Lissette Perez, Police Commander George CaDavid, Finance Director Maria D. Camacho, Town Attorney Steve Helfman

C. PLEDGE ALLEGIANCE

Town Manager led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Employee of the Year 2011 – George Larkins & Giordano Arostegui

Officer of the Year 2011 - Officer Javier Diaz

Swearing-In of Reserve Officer Robert Knight

E. MOTION TO SET THE AGENDA

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

Mayor requested to move item #4 from consent to town resolutions.
Consensus vote 4 Ayes 0 Nays. The motion passes.

Motion to reconsider setting the Agenda because the Mayor had closed out this section before allowing the Administration an opportunity to make any changes.

A motion to reconsider was made by Councilmember Einstein, seconded by Councilmember Luskin.

Consensus vote 4 Ayes 0 Nays. The motion passes.

The Town Manager advised that Item #6, Resolution 2225.12 is not the one that was previously submitted. The official resolution is the one that was distributed that evening and placed on the dais.

Mayor Singer requested a roll call to set the agenda with the requested changes.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Luskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

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 – None

G. GOOD AND WELFARE

Joelle Kheel, 407 Golden Beach Drive

Thanked the Town for the lovely Valentine's Day event.

Dr. Beny Rub, 698 North Island Drive

Thanked the Town's police department for helping his son after getting into an accident. He also spoke about the Sunny Isles K-8 Trust Fund and everything it has done to improve the school and the well being of the students. He publicly asked for the Town's involvement in helping public education.

H. MAYOR'S REPORT

Spoke on employee Riley Crews being admitted to the hospital. He is doing much better and on his way home. Also commented on the Valentine's Day party on commended the Recreation Committee and the Town staff for putting on such a lovely event.

I. COUNCIL COMMENTS

Councilman Einstein

Inquired about the asphalt on Golden Beach Drive. The Town Manager advised that he would give full details during his report.

Vice Mayor Bernstein

Spoke on the Valentine's Day party and other events the Town has, and how nice they are. Also mentioned that even though the information was circulated, several people didn't know about the Valentine's Day party until the last minute.

Councilwoman Rojas

None

Councilwoman Lusskin

Asked about the whitefly situation in Town; since they are back she wanted to know what the Town intends to do to get rid of them. She spoke on the cohesiveness of the staff and how well the Town's holiday event at Bongo's Restaurant turned out. Also spoke about the issue with the bicyclists crossing at The Strand, and how that continues to be a dangerous situation in Town. She recommended that maybe a sign be posted for the residents advising them not to pull up so far so that the bicyclists can be seen. The Town Manager advised that signs will be posted and the hedges have been cut back as far as possible, to create a better line of sight for drivers.

J. TOWN MANAGER REPORT

Town Manager thanked Michael Glidden for putting together the Valentine's Day event and most of the events in Town. He remarked on the heightened activity that is being seen throughout Town, saying that it is due to increased code enforcement.

He welcomed new employee Eric Garcia to the team and said good-bye to Reniel Diaz who will be leaving after this week. Eric will be replacing Reniel handling all of the code enforcement functions, as well as improving communications, marketing and media in Golden Beach.

Streetlighting Project – the Mayor and Town Manager have rejected all of the streetlighting proposals and cancelled the streetlighting project. At the March meeting the new approach to streetlighting in Golden Beach will be brought before the Council in a comprehensive report. The Town met last week with FP&L, and FP&L is very excited to come in to Town and help improve the current lighting situation in Town.

Mayor interjected that the main reason why the Town rejected all of the streetlighting proposals was because the lowest bid was twice the amount of the Town's budget for the streetlights.

Today the selection committee for CEI services met and ranked the CEI firms. The highest ranked firm will meet with the Mayor and Town Manager this week, and attempt to negotiate a fee for CEI services for award at the March meeting.

The Pre-Bid meeting for the bridges replacement project was held last week. 14 firms came. The RFP closes on March 6th.

Tonight the Town will hold a presentation on the CCTV program.

CIP Update – The Town Manager brought Paul Abbott up to discuss the asphalt aspect of the project. The Town Manager explained how some patches are part of the bid process and part of acceptance.

Councilmember Einstein interjected to comment on the patches.

The Town Manager advised that if patchwork is not done, this will eventually create potholes around Town.

Paul Abbott stated that thermal striping will begin tomorrow, and once the striping is down, this will help with the patching.

The Town Manager advised that he met with the AT&T area manager last week, and he committed to aggressively remove their poles in Town by the end of March. The Town is also ahead of schedule as it relates to FP&L.

Councilmember Einstein asked about the brick pavers and the remnants of tar on them.

Paul Abbott responded that that is the Town's biggest issue right now; that there is still asphalt on curbs and gutters and there is asphalt and marking on brick pavers.

The Town Manager also spoke on the fact that the Town wants to require that a new fee/bond be issued when someone comes in with new construction and they have trucks leaking oil. Town still needs to discuss this possibility with the Town's attorneys to find out about the legality of this.

K. TOWN ATTORNEY REPORT

None

L. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

1. Resolution of the Town Council Approving a Variance Request for the property located at 195 Ocean Boulevard to Permit the Legalization of Two Structures built Without Permits

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 195 OCEAN BLVD., GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE LEGALIZATION OF TWO STRUCTURES BUILT WITHOUT PERMITS WHICH ENCROACH INTO THE NORTH PROPERTY LINE AT A 0' SIDE SETBACK, AND AN ADDITIONAL STRUCTURE BUILT INTO THE SOUTH SIDE PROPERTY WHICH ENCROACHES AT 9'5" SETBACK, WHERE AT 10' SIDE SETBACK IS REQUIRED BY THE TOWN'S CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 2214.12

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2214.12

Town Attorney swore-in everyone who would speak on the subject.

Mayor advised that at the last Council meeting the Mayor and Town Manager were instructed to come to a resolution with the resident. The reason it is being brought back is to have a discussion with the Council about the proposed resolution with the resident to impose a \$20,000 fine and not forcing the resident to knock down the additions to the residence.

Town Attorney spoke that if the Council wants to reconsider the conditions of the approval, the proper way to bring it back is through a motion of reconsideration.

Mayor Singer made a motion to reconsider.

A motion to reconsider was made by Vice Mayor Bernstein, seconded by Councilmember Luskin.

Consensus vote 5 Ayes 0 Nays

Town Attorney stated that the subject to the passage of a revised resolution, the resident is willing to pay a stipulated fine of \$27,000 to settle the zoning violations that are now outstanding. There will be no further appeals to the settlement of those fines, meaning that a covenant will not be necessary. The only issue to consider is the removal of the structure, where the Town Attorney suggested that Mr. Price come and speak on behalf of the resident at this time.

Town Manager advised that the fine does not satisfy the building permits that are required.

Town Attorney suggested that if the Council decides to issue an amended resolution, it should have a requirement that the property owner apply for the necessary building permits and that the application for the building permit be made within a reasonable period of time.

Vice Mayor Bernstein advised that his biggest concern is that there were extremely extenuating circumstances here and he wants to make sure that this does not set a precedence.

Town Attorney advised that the issue of legal precedent should not be something that the Council should be concerned with.

Mr. Stanley Price, 1415 Brickell Avenue, Miami, FL. He stated that the resident met with the Mayor within the 14 days specified. Mr. Price forwarded a letter agreement to the Town Attorney stating that it is specifically understood that the resident needs to abide by and get all of the necessary permits. Resident agreed to pay the \$20,000 fine, within a prescribed period of time, subject to the resident getting approval. The resident agrees to not make any appeal. Resident believes that the proffer is fair and final. He also commented on the fact that the immediate neighbors do not have an issue with the structures that have been in place since 1999.

Fred Chouinard, 407 Ocean Boulevard stated that the BRAB is wasting their time because the Council is constantly over-ruling the decisions of the board.

Mayor Singer advised that the board is definitely not wasting their time and the Council values and appreciates the boards advisement.

Oded Meltzer, 122 Golden Beach Drive, echoed Fred's remarks. BRAB feels very strongly that the town's code is a bible here and you cannot go around it. All they are trying to do is stick to the book and follow the rules.

Mayor Singer reminded the public that the BRAB had a 3-1 vote on this issue.

Town Attorney spoke from his own experience that the fact that the Council has previously granted variances, multiple variances from the Town's code, does not bind the Town from granting variances in the future. Government will not be bound by the fact that it previously granted variances. Each one is going to be looked upon and the issues ultimately come down to whether or not in that particular instance the variance is justified.

Councilmember Einstein spoke on the issue and his experiences serving on the Council when issues like this have come up in the past.

Councilmember Lusskin stated that this is a quasi-judicial decision and every resident has the opportunity to make an appeal to the Council.

Mayor Singer suggested that the Town enforce the fine and remove the covenant enforcing them to take down the additions from the variance.

Town Manager Diaz interjected advising that the Town is monitoring code enforcement much closer now and training individuals properly in code enforcement so that something like this doesn't happen again.

Mayor Singer stated that it would not happen today with all of the code enforcement the town is engaging in.

Vice Mayor Bernstein spoke on the Council's support of the BRAB, and the time and effort they put forth in their roles, and that he truly believes that these structures weren't built intentionally and once anything was noticed it was immediately attempted to be remedied.

Fred Chouinard that the owner hasn't paid taxes on these structures, and that police officers don't want to be code enforcement officers.

Mayor Singer reiterated his recommendation that the variance be amended to delete the portion where the resident has to demolish the addition to the house.

Town Attorney stated that the Town now has a clean slate because the motion of reconsideration basically vacated the prior action. The vote here would be to grant and approve the variances that have been requested subject to whatever reasonable conditions the Council wants to impose. The Council can grant the variances, accept the proffered covenant and impose a time limitation on the requirement for a permit.

Councilmember Einstein made a motion to accept the proffered agreement, move approval of the variance subject to the condition that a building permit be obtained for the structures in violation within 60 days and acceptance of the proffered agreement as adopted; seconded by Vice Mayor Bernstein.

Town Attorney reiterated for the record, that approval of the variance is subject to the condition that a building permit be obtained within 60 days for each of the structures that are in violation and the Council is accepting the proffered commitment and agreement

to pay a fine of 20,000 in full settlement of the outstanding zoning violations, and that that payment be made within 30 days of this approval.

Mr. Stanley Price also requested that the Town Manager be authorized to sign the agreement on a form acceptable to the Town Attorney. The Council agreed.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

O. CONSENT AGENDA

- 2. Minutes of the January 24, 2012 Special Town Council Meeting**
- 3. A Resolution of the Town Council Authorizing the Sale of Two Surplus Police Vehicles from the Town's Vehicle Fleet**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE SALE OF FOUR SURPLUS POLICE VEHICLES FROM THE TOWN'S VEHICLE FLEET; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2222.12

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2222.12

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

Consensus vote was 5 Ayes and 0 Nays. Items O2 – O3 pass.

P. TOWN RESOLUTIONS

- 4. A Resolution of the Town Council Authorizing and Approving the Payment of \$5,000.00 to the Sunny Isles Beach Trust Foundation.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING THE PAYMENT OF \$5,000.00 TO THE SUNNY

ISLES BEACH TRUST FOUNDATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2223.12

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2223.12

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

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Absent</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

The Town Manager advised that the Town was making a one-time only initial donation to the trust to establish their endowment. The trust has a board, and one of the conditions that the Town did place is that a Golden Beach resident shall always serve on their board. They give out scholarships and promote higher education in the Town's community. The Town is not placing any strings on the money, the trust members shall set the conditions on how the money is used. The Manager also thanked Councilmember Lusskin and Dr. Beny Rub for their work with the City of Sunny Isles Beach to help establish. The scholarship application is available on the Town's website for eligible students to apply for. Town Manager also reiterated that the Town's \$5,000 contribution has nothing to do with a private residents contribution.

5. A Resolution of the Town Council Authorizing an Approving the Proposal of Iron Sky, Inc. for a CCTV System and Wireless Data Network.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING THE PROPOSAL OF IRON SKY, INC. FOR AN INTEGRATED CCTV SECURITY CAMERA SYSTEM AND WIRELESS DATA NETWORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Resolution No. 2224.12

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2224.12

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

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

The Town Manager introduced the team that is working on the closed-circuit television project beginning with Tony Utset who improved the Town's RFP, Scott Friggard co-founder of Iron Sky, Cliff Golden also from Iron Sky, Paul Abbott the Town's Owner's Representative. Interim Town Clerk Lissette Perez, Police Chief Don De Lucca, and former Police Chief Jim Skinner all served on the committee as well.

The Town chose Iron Sky from all of the respondents, and once they were chosen the firm took their proposal and met with the Town to see how they could maximize what they were proposing. Iron Sky worked with the Town on two resubmittals of their original proposal.

The Town is going to pay for this program in its entirety through Law Enforcement dollars. Another item on the agenda will authorize a loan from Northern Trust, and the Town will pay back that loan as it receives forfeited assets, it will not be paid for with tax dollars.

Tony Utset, security consultant, spoke first, advising that when he first received the RFP he noticed that it was dated because technology is constantly changing. He also spoke at length about the process of getting towards a company to award the project to and also about the revision and adjustment of criteria of the RFP.

The Town Manager interjected to thank Tony for assisting the Town with the bid process and advised the Town that Tony is also working on how the Town is going to convert the transponder system and the conversion of the visitor access stand at the guardhouse.

Scott Frigaard spoke on Iron Sky, where the company stems from and the closed-circuit television system they will be offering the town. Iron Sky strictly works with municipal governments.

The Town Manager stated that every single license plate that travels through A1A will have a picture taken of it, and ran through a database to determine if it is wanted or stolen, with 90% accuracy rate. As an added service, if a resident's vehicle is added to the database, any unlawful movement or use of it will be monitored by the Town should a resident be on vacation or away from their vehicle. Members of the Town Council will be given a login to monitor the cameras.

Cameras will be placed in public spaces only. The cameras will have no audio, strictly video. Cameras will not be allowed to film resident's private spaces and homes, they will be preset for public spaces only.

Vice Mayor Bernstein spoke on privacy concerns and being able to zoom in on people's faces, and just requested that the settings be placed further back so as to not be able to zoom in so close on people's faces.

Town Manager stated that this is a passive system; at no point will the Town have someone monitoring the cameras or actively looking at the terminals to see what's going on. If an alert occurs, someone has broken one of the preset parameters, then the officer would have the right to go in and see what's going on.

Mr. Frigaard also advised that Iron Sky tracks every mouse click that every user makes on the system, leaving an audit trail.

Town Manager went over, broadly, all of the locations the cameras will be monitoring throughout Town. He thanked both Iron Sky and Tony for their hard work, and Iron Sky has agreed (as part of this contract price) to provide the Town with the WI-FI at all of the parks without the Town incurring any further costs. A savings of almost \$10,000 that Iron Sky has agreed to absorb the costs of. They also agreed to refurbish the existing cameras and switch the analog to digital for those cameras. Tony Utset and Paul Abbott will be managing this project. FP&L has agreed to allow the Town to use their streetlight circuit to energize these cameras, which is an additional savings to the Town.

Councilmember Einstein asked a number of questions about the company and the interface they use, and their credibility considering that they are a very young company.

Paul Abbott stated that all of Iron Sky's references were checked and not one negative comment was made about them.

6. A Resolution of the Town Council Authorizing the Issuance of a \$500,000 Grant Anticipation Note for the Purpose of Funding Equipment.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING THE ISSUANCE BY THE ISSUER OF NOT EXCEEDING \$500,000 GRANT ANTICIPATION NOTE, SERIES 2012A FOR THE PURPOSE OF FUNDING EQUIPMENT; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL AND INTEREST ON SUCH NOTE WITH PLEDGED REVENUES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH NOTE; FINDING THE NECESSITY FOR A NEGOTIATED SALE OF THE NOTE AND APPROVING THE SALE OF SAID NOTE TO NORTHERN TRUST BANK; APPOINTING A REGISTRAR; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING CERTAIN OTHER AGREEMENTS AND COVENANTS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTE; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Resolution No. 2225.12

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2225.12

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

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager advised that this resolution authorizes a \$500,000 line of credit that the Town is taking out to purchase the CCTV equipment and the debt service on the line of credit is being guaranteed by the Law Enforcement Trust Fund seizure that the Town is anticipating payment on. The 1 year loan requires that as soon as the Town gets the DEA money, the Town must pay it back. There will be a 2% max interest rate on the loan.

The Council discussed the current prime rate and what that currently is, which is 3.25%.

Town Manager mentioned that the Administration will be bringing the Council a similar loan for \$1.5 million as a line of credit to fund the bridges at the next Council Meeting.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Judy Lusskin:
None Requested

Councilmember Amy Rojas:
None Requested

Councilmember Bernard Einstein:
None Requested

Town Manager Alexander Diaz

*Possible Construction of Unisex Bathrooms at both North and South Parks

Town Manager made a brief presentation on a possible unisex/handicap accessible restroom at each of the parks, inquiring if the Council would be interested in something like that. The proposed bathrooms are designed to be eco-friendly, ultra green, using recycled products for construction, and all on a septic tank. The exact same design and fixture as the one's the Town currently has in Tweddle Park.

Paul Abbott interjected that if the Town bids this out, he is confident it will come back at the \$20,000 proposed number.

Mayor Singer stated that he would like to wait because the Town has so many other projects going on right now.

Town Manager reminded the council members that the March meeting has been moved to the 27th, and inquired if the Council will be available to have a special meeting on either March 6th or March 13th to award CEI Services. Councilmembers stated that March 6th wouldn't be good for them.

Commencing at the adjournment of this meeting Councilmember Amy Isackson-Rojas will assume the designation of Vice Mayor, and Vice Mayor Kenneth Bernstein will assume the designation of Councilmember.

We would like to thank Vice Mayor Bernstein for his year of service.

S. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Mayor Singer, seconded by Councilmember Lusskin.

Consensus vote 5 Ayes 0 Nays. Motion passed.

The meeting adjourned at 9:36 p.m.

Respectfully submitted,

Lissette Perez

Lissette Perez
Interim Town Clerk