



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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### Official Agenda for the January 24, 2012 Regular Town Council Meeting called for 7:00 P.M.

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#### 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 Chief Don De Lucca, Finance Director Maria D. Camacho, Building Official Dan Nieda, Building Director Linda Epperson, Town Attorney Steve Helfman

#### C. PLEDGE ALLEGIANCE

Police Chief led the Pledge of Allegiance

#### D. PRESENTATIONS / TOWN PROCLAMATIONS

Employee of the Year 2011 – deferred to the February meeting

Officer of the Year 2011 – deferred to the February meeting

Presentations were made however to the employee and officer of the quarter.

Employee of the Quarter (4<sup>th</sup> Quarter) – Lissette Perez

Officer of the Quarter (4<sup>th</sup> Quarter) – Javier Diaz and Danny Avila

#### E. MOTION TO SET THE AGENDA

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

The Town Manager recommended that item P9 be moved to be set after the Town Attorney's report.

Consensus vote 5 Ayes 0 Nays.

## **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**

Spoke about the ferrel cats in Golden Beach and how much of an issue it has become for her. They are coming on to her property and she wanted to know if there is any place that they can be taken to because they are becoming quite a nuisance.

### **Oded Meltzer, 122 Golden Beach Drive**

Spoke on the tennis courts in Town and asked what the Town plans to do to resurface it? Inquired about the fence and whether or not the Town plans to replace it? Also asked if the lighting at the tennis courts could be enhanced, with increased wattage to provide for better lighting.

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

Spoke on the South Gate issue, stating that after speaking with the Town Attorney, the Town is looking to add it to the November 2012 ballot as a question for all of the residents to respond to. This will give the voters of Golden Beach a chance to vote and voice their opinion on the issue of keeping the gate open. If it is placed on the ballot, it will be stated as an exit only, not an entrance and exit into the Town.

Spoke briefly on all of the aesthetic enhancements done around Town recently: Tweddle Park, the dog park the Town just added as well as the improved and enhanced basketball courts, a volleyball court was added, tennis courts were improved, and the Town is looking to fix the fence.

He also spoke on the issue of cyclists being hit at the intersection of The Strand Avnue and A1A, and how the town is looking to increase pedestrian safety in that area.

He spoke on the New Year's Eve party and what a great success and great turn out the Town had.

The CIP project is about 90% complete. The Town just placed the final coat of asphalt on Golden Beach Drive, and the utilities are currently being connected to the residents homes. Tweddle park just went through a major renovation and the roof was removed from the pump house near the park.

The Town is about to embark on 3 major projects this year: the security camera project, the Town decorative street lighting project, and the rebuilding of the Center Island and North Island bridges.

Thanked the Council and staff for all of their hard work in getting these projects completed and thanked the police department for all of their hard work as well.

## **I. COUNCIL COMMENTS**

### **Councilwoman Isackson-Rojas**

Inquired about additional seating at Singer Park, the Town Manager advised that it's already been ordered. Thanked the Town for the building of the dog park and urged residents to obey the rules once posted at the park. Responded on the cat issue saying that there is no place that will take them, feed them, and house the. And she also mentioned that it's illegal to take the cats and dump them some where else.

### **Vice Mayor Bernstein**

He asked the Administration to follow up on the construction of a new Town Hall with a fire station on A1A. Commissioner Sally Heyman said to please let everyone in Golden Beach know that there is a new dog park in Haulover, and urged residents to come by. Ms. Aletha Player called from FP&L to make sure that the Town didn't have any more issues. Ms. Player expressed her interest to hear direct feedback from the Council on how everything is going with FP&L.

### **Councilwoman Lusskin**

Addressed the cat issue advising that she feels that if the residents stop feeding the cats, that may help alleviate the issue. Congratulated the Samowitz girls for being featured in Reader's Digest and all of the hard work they do with Proseed2Green. Spoke on how great the CIP project is turning out throughout town and how beautiful the Town looks. Spoke on Sunny Isles Beach and the families in Town that have been meeting with them as of late. Spoke on the empty homes and people not following through with the rental issues. Asked if the pavers could be added to the parkways? Commended the Administration for the planters that were placed out at The Strand. Spoke on the police department and the new attitude of the officers, as well as the greater presence of the officers in and around town.

### **Councilman Einstein**

Congratulated the Samowitz girls and spoke on how beautiful the Town looks with the added planters. Asked that the Town look to add some of the amenities that South Park has to North Park. Also commended the Administration on the new basketball court and the enhancements that have been made to all of the Town's open spaces.

## **J. TOWN MANAGER REPORT**

Thanked the Town Council for allowing staff to recess for the month of December. This allowed for the staff to catch up on some housekeeping issues. Publicly thanked Michael Glidden for putting together the New Year's Eve event. Pertaining to Tweddle Park he spoke on the enhancements and amenities that have been added there. He

stated that the tennis courts were just resurfaced this week, and the color of the surface was changed to help players. He said that the Town will look into enhancements to the lighting at the tennis courts, since it does get dark there at night. Stated that the dog park has been designated, and the fence should be up by next week to allow for use of the park.

#### **\*CIP Report**

Project at substantial completion. Town working with FP&L to get the South side of Town ready for all of the transformers to go live by March. Thanked Paul and Franklin for all of their work with getting the Town's FP&L project in place.

**Paul Abbott:** Stated that north of the Strand, FP&L and Atlantic Broadband are up and running, and the first conversations of AT&T service will be up in the next few weeks. As soon as AT&T is hot, the poles on the west side of Golden Beach Drive can come down. He stated that AT&T has been very meticulous with making sure that the conversion is as seamless as possible.

The Town Manager stated that the Town has received a commitment from FP&L, promising that they will be out of the Town by the end of the year. He reminded the community that although the Town will be completely underground, it is still fed from an over ground system which doesn't mean that the Town won't suffer outages, it'll just be easier and quicker to get back up when that happens.

The Town Manager stated that over the last five years the CIP scope of work has grown. The Town is now amending the CIP project adding the following projects to the CIP project:

#### **\*Navona Avenue & Strand Avenue Bridge Update**

Publicly thanked Attorneys Steve Helfman and Lilian Arango, and Ramon Castella from C3TS for working together to get the bid documents out for the issuance of the RFP for Navona Avenue & Strand Avenue bridge replacements. The Town will be issuing the RFP for bridge construction on Monday, there will be a pre-bid meeting on Feb. 10<sup>th</sup> and the award for bridge construction will be brought before the Council in March or a special meeting in early April. The Town has also issued the RFP for CEI services for construction engineering and inspection services. The Town is hoping to break ground on the bridges in June or July the latest and those projects will take approximately 18 months to construct. The Town will be commencing both of those projects simultaneously.

#### **\*CCTV Project Award Update**

In the evaluation phase of this project. At the end of last year the RFP was issued. The Town has been working with the lowest bidder to fine tune the response. A contract will be brought for award at the February Council Meeting. The lowest bidder is a company by the name of Iron Sky. (The Town Manager went into a brief description of the cameras the Town will be using and the interface, sample cameras were on display as well, brought in by Iron Sky for the residents and council to see firsthand what the security cameras will look like)

**\*Town Streetlighting Project**

This program went out to bid, however the Town Manager advised that the bids came back considerably higher than the Town expected, so the scope of this project is being revised and revisited.

He also mentioned that on February 10<sup>th</sup> the Town will issue the RFP for the Strand boat docks. The Town’s LETF funds as well as a grant from the Florida Inland Navigational District (FIND) will be used to fund the construction of that dock.

The Mayor has tasked the Town Manager with putting together a civic center master plan including a new town hall, which will be looked into in the coming months.

The Town Manager took a moment to acknowledge and thank Commander CaDavid for all of the hard work he has done in his first 90 days here in Town. Thanked the Chief too for all of his team-building exercises and all the work he has done to build camaraderie in the department.

The Town Manager advised that AT&T will offer AT&T U-verse once the town goes live with the AT&T connection of the residents.

**Resident Oded Meltzer** – asked how much will be recorded and for how long on the security cameras?

The Town Manager advised that the cameras hold 60 days worth of footage. Mr. Meltzer’s concerns are the constitutionality of having cameras that record everything in Town. The Town Manager stated that the Town would look into it.

**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

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

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 Attorney Steve Helfman swore-in everyone who spoke on the item.

Building Official Dan Nieda gave a brief presentation on the variance request.

Mr. Stanley Price representing John and Brenda McHugh, spoke on behalf of granting the variance request to the residents. The three structures are a tool shed, a room built to provide nursing and health for Mr. McHugh, and a garbage room on the north side. In 2010 the McHugh's commenced work on their property and they received a notice of violation from the Town. Some time in early 2011 they received another notice of violation relating to the three offending structures. The McHugh's hired a contractor and relied on the contractor to obtain the necessary permits, which was not done. Mr. Price was retained in early 2011, at which time a meeting was had with the Mayor and Town representatives. The McHugh's have obtained letters of support from their neighbors (the Schlessinger's and the McDaniel's), in addition they presented to the Council several instances when the Council has approved variance requests for setbacks (none of which for a zero setback). Mr. Price stated that when Mrs. McHugh was advised of the fines, she came to town hall and paid them off instead of appealing them, for a total of approximately \$22,000. [this was the total for only one of the fines]

**Resident Scott Schlessinger, 201 Ocean Blvd** spoke in favor of the variance request stating that it wasn't a disruption or impactful to his home at all.

The Mayor advised that it might not affect the Schlessinger's property, but if everyone was allowed to do that, Golden Beach would be a zero lot line community just like Golden Gate Estates.

The Town Manager spoke on the issue of the violations to the property. The variance today addresses a second violation that was issued to the property. In 2010, there was a violation that was issued to the property because the family removed windows, was doing work in the garage, did demolition, and did work in the front of the property – all without a permit. That violation totaled \$21,000, which were paid for by the McHugh's. The second violation was issued when the Town discovered that there was a second structure on the property that had been built without a permit. He advised that to date the second violation on the property has a running violation of \$67,500, that cannot be closed until a building permit is issued. Once the building permit is issued, the property owner can go through the Special Magistrate process to try to get a mitigated fine.

The resident's representative had no issues with any of the points the Town Manager made.

**Residents Oded Meltzer and Fred Chouinard** spoke on behalf of the building regulation advisory board's decision not to approve the variance.

Mr. Price requested that the item be deferred to the next council meeting so that he could draft a written agreement from his client stating that there would not be any further appeals. The Town Attorney agreed that this was a good idea to consider.

The Vice Mayor recommended that the Mayor and Town Manager come up with a reasonable fine for the resident to agree to pay, and if they agree to pay the fine, then they would be permitted to go ahead and keep the structure and be issued a building permit.

The Town Attorney advised that what the Council was suggesting is that the variance is approved contingent on an agreed upon covenant, delegating to the Town Manager and the Mayor the authority to negotiate the terms of that covenant. The covenant will impose a fine as well as the removal of portions of the structure upon the sale or transfer of the property. If an agreement is not reached in 20 days this issue will come back before the council at the next council meeting, with a stipulation that the portions of the structure will be removed upon the sale or transfer of the property.

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

On roll call, the following vote ensued:

Mayor Singer

Aye

Vice Mayor Bernstein Aye  
Councilmember Einstein Aye  
Councilmember Lusskin Aye  
Councilmember Isackson-Rojas Aye

The Motion to approve the Variance contingent on the agreed upon covenant passed.

## **O. CONSENT AGENDA**

- 2. Minutes of the October 18, 2011 Local Planning Agency Public Hearing**
- 3. Minutes of the October 18, 2011 Regular Town Council Meeting**
- 4. Minutes of the November 15, 2011 Regular Town Council Meeting**
- 5. A Resolution of the Town Council Authorizing the Purchase and Training of One (1) Police Canine (K-9).**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND TRAINING OF ONE (1) POLICE CANINE (K-9); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2215.12

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2215.12

- 6. A Resolution of the Town Council Authorizing the Sale of Four 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. 6  
Resolution No. 2216.12

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2216.12



**7. A Resolution of the Town Council Authorizing the Purchase and Equipping of a Marine Patrol Vehicle**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND EQUIPPING OF A MARINE PATROL VEHICLE AND THE USE OF LEFT MONIES TO PURCHASE AND EQUIP THE VEHICLE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2217.12

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2217.12

**8. A Resolution of the Town Council Awarding Supporting Adequate Homeland Security Funding**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, IN SUPPORT OF ADEQUATE HOMELAND SECURITY FUNDING AND TIER I DEPARTMENT OF HOMELAND SECURITY (DHS) DESIGNATION FOR THE MIAMI-FORT LAUDERDALE URBAN AREA SECURITY INITIATIVE (UASI); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2218.12

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2218.12

Consensus vote was 4 Ayes and 0 Nays. Items O2-O8 pass. (Vice Mayor Bernstein stepped out for a moment at this point and did not vote)

**P. TOWN RESOLUTIONS**

**9. A Resolution of the Town Council Authorizing the Participation in a Lease Agreement for Two Police Motorcycles**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE

PARTICIPATION IN A LEASE AGREEMENT FOR TWO POLICE MOTORCYCLES AND THE PURCHASE OF UNIFORMS AND EQUIPMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2219.12

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2219.12

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

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.

Chief De Lucca explained that this resolution allows for a motorcycle to be placed on both the day and the nights shifts. The focus of the motorcycles will be on traffic enforcement. They will increase revenues to the Town and increase visibility throughout the Town. This will also help to build moral amongst the officers and this will help with traffic control and speed control. Ace Armstrong, the General Manager of Peterson's Harley Davidson of Miami was in attendance

The Mayor spoke on the noise factor of the motorcycles and stated that after several demonstrations he feels that the noise is not going to be an issue in Town. The Town Manager advised that the primary function of these officers will be dedicated to Ocean Boulevard.

Chief De Lucca also advised that the officers will go through a full week of motor school before being put on the bikes.

Mayor reminded council and residents that it is a 2-year lease, so if the Town feels that it is not a good fit they cannot renew it.

**10. A Resolution of the Town Council Approving and Authorizing Evaluation and Negotiation of Construction Engineering and Inspection (CEI) Services**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AND AUTHORIZING EVALUATION AND INSPECTION (CEI) SERVICES FOR THE STRAND AVENUE AND NAVONA AVENUE BRIDGE REPLACEMENTS PURSUANT TO A REQUEST FOR PROPOSALS (RFP); AND PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 2220.12

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2220.12

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>Absent</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed. 3- 0 passes.

The Town Manager stated that the process calls for the Administration bring before the Council a selection of the most qualified firm. In order to expedite the process is allowing the Mayor and Town Manager to qualify a firm, negotiate the contract, and bring to the Council both the firm and the contract for final adoption at a later meeting.

**11. A Resolution of the Town Council Authorizing a Sole Source Purchase for HealthBeat Fitness Equipment from Rep Services, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE SOLE SOURCE PURCHASE OF HEALTHBEAT OUTDOOR FITNESS EQUIPMENT FROM REP SERVICES, INC. FOR NO MORE THAN \$30,000; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 2221.12

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2221.12

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

On roll call, the following vote ensued:

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

The motion passed.

The Town Manager advised that there was a scribblers error on the agenda but not on the item itself. Mayor advised that this resolution gives the Town the ability to purchase the fitness equipment for the parks.

**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

Advised that the Administration is requesting that the March 20<sup>th</sup> meeting be moved to March 27<sup>th</sup>. Also reminded the Council that he will be out of Town starting this Sunday until next Sunday, and Chief De Lucca will be Acting Town Manager in his absence.

**S. ADJOURNMENT:**

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

Consensus vote 5 Ayes 0 Nays. Motion passed.

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

*Lissette Perez*

Lissette Perez  
Interim Town Clerk