

TOWN OF GOLDEN BEACH

One Golden Beach Drive Golden Beach, FL 33160

Official Minutes for the June 23, 2009 Special Town Council Meeting called for 7:30 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:35 PM.

B. ROLL CALL

The Town Clerk called roll:

Councilmembers Present: Mayor Singer, Vice Mayor Lusskin, Councilmember Rojas.

Councilmembers Absent: Councilmember Bernstein, Councilmember Einstein

Staff Present: Town Manager – Alexander Diaz, Town Attorney – Stephen Helfman, Police Chief – James Skinner, Finance Director – Maria Camacho, Building Official – Daniel Nieda, Executive Assistant to the Town Manager – Lissette Perez, 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 May 2009 Mayor Singer acknowledged Kirk McKoy as the Employee of the Month for the month of May 2009.

Recognition of Town Officer of the Month for May 2009

Mayor Singer acknowledged Sergeant Leo Santinello as the Office of the Month for the month of May 2009.

Certificate of Appreciation Sunny Isles K-Kids Community School Mayor Singer presented the K-Kids Club of the Sunny Isles Beach K-8 Community School with a Certificate of Appreciation. Jonathan Rub, one of the club members, spoke on behalf of the club.

Special Presentation by Sally Alayon, Principal of New High School Sally Alayon, the Principal of the Alonso Tracy Mourning Senior High School Biscayne Bay Campus, made a brief presentation to the Town Council and the public in reference to the programs that the school has to offer the high school aged children in this community.

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 May.

Beautification Committee – No report for the month of May.

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

Recreation Committee – No report for the month of May.

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

G. GOOD AND WELFARE

Dr. Stanley Feinman - 475 Ocean Boulevard, sent a letter to be read into the record in reference to the decorative light poles donated to the Town by Miami-Dade County.

H. MAYOR'S REPORT

Summer Holiday Safety

Mayor Singer reiterated that due to the construction of the Capital Improvement Project he is advising anyone driving through the Town to be extra careful especially at night because it is extra dark.

Miami-Dade County Street Lights Donation

Mayor Singer thanked Miami-Dade County for the donation of thirty decorative streetlights for Ocean Boulevard. He commended the Town Manager for locating and requesting the streetlights from Miami-Dade County for the Town.

Capital Improvement Project Update

Mayor Singer stated that the project is moving forward and is becoming messier daily. He explained that the stormy weather is not helping but the contractor is working very hard to keep the project clean. Therefore, he asked the residents to be patient

Stormwater Project Phase I

Mayor Singer explained that the excavation in front of Town Hall is due to litigation with Phase I of the Stormwater Management System.

Beach Pavilion Rules and Regulations

Mayor Singer encouraged the Town's residents to adhere to the rules and regulations that would be adopted by the Town Council at this meeting. He explained that the rules and regulations would be helpful in maintaining and keeping the Beach Pavilion pristine especially after the great investment in the renovation project.

Operating Budget

Mayor Singer stated that he and the Town Manager is working on the next fiscal year operating budget, and he would have more information over the next two months to present to the Town Council and the residents.

I. COUNCIL COMMENTS

Councilmember Rojas

Capital Improvement Project Update

Councilmember Rojas stated that she is aware that the project is a slow process and the Capital Improvement Team and the contractors are working as quickly as they possibly can to move the project along. She expressed a few concerns regarding the project. She stated that Golden Beach Drive from Navona to Massini Avenue is under water and this area does not flood. The area is flooded because it is not draining as it is blocked. She asked staff to work to get the water out of this area because it is a health and safety issue.

Code Red Message

Councilmember Rojas commended staff for sending out a Code Red message alerting residents that Ocean Boulevard was shut down from one end to the other, however, it would have been more helpful if the message was sent out earlier. It would have prevented residents from being stuck in traffic.

Florida Power and Light Company

Councilmember Rojas stated that there have been very frequent and strong power surges in the past few months. She asked staff if it was possible to work with Florida Power and Light Company to resolve this matter.

Vice Mayor Lusskin

Golden Beach Drive Flooding

Vice Mayor Lusskin stated that she was in agreement with Councilmember Rojas in reference to the flooding on Golden Beach Drive from Navona to Massini Avenue. She stated that she had spoken with Commissioner Sally Heyman and Commissioner Heyman offered to assist the Town with expediting any permits with DERM that the Town may need in order to resolve the flooding.

Dump Trucks

Vice Mayor Lusskin stated that the dump trucks that are delivering materials for the Capital Improvement Project construction are speeding through the Town and she is asking staff to monitor this issue.

Signs

Vice Mayor Lusskin asked staff to put up signs when areas are block-off for guests visiting in those areas.

Beach Erosion

Vice Mayor Lusskin stated that she had received a few telephone calls from residents that reside on the east side of Ocean Boulevard in reference to the beach erosion. The residents stated that the City of Sunny Isles Beach had started their beach renourishment project and the residents of Golden Beach have already seen improvement on the beach.

J. TOWN MANAGER REPORT

Golden Beach Drive Flooding

The Town Manager stated that flooding north of Navona is extremely unbearable. He explained that because the Town is between two clean bodies of water and the construction activity is being done, the existing Stormwater Management System has to be plugged so that the run-off does not discharge into those two clean bodies of water. He stated that the Town had received two warnings from DERM for elicit discharge into those two clean bodies of water. He stated that staff at times has tried to do what they can to alleviate some of the standing water, but the nature of the business calls for system to be sealed so that there is not an adverse effect on the ecology of the area. The contractors are working in an expedited manner; they are a few feet of pipe away and a couple inspections from achieving their goal.

Mosquito Concern

The Town Manager stated that he has asked Clarke Mosquito to come out as frequently as they can to provide the Town with exterminating service. He has also asked the Public Works staff to work with the Capital Improvement Project contractors to remove any standing water in any of the basins that are above ground waiting to be installed. He stated that he asked staff to look into a way

to add treatment in the areas where there is standing water to ensure that mosquito growth does not become an issue in those areas.

Florida Power and Light Company

The Town Manager reported that he had a meeting with representatives of Florida Power and Light Company in reference to the recent power outages in the Town and they are researching what is the source of this problem.

Construction Zones

The Town Manager stated that the Town has been declared as a construction zone, and whenever there are areas where there is yellow tape or orange cones residents are encouraged to stay out of those areas. It is against Florida Law to be inside of a construction zone. For the safety of the Town's residents, he is asking them to stay away from those areas.

Issues In Town

The Town Manager reminded the residents that for an up to the minute update of what is going on in the Town they could go to the Town's web site at www.goldenbeach.us/messageboard. He also encouraged all of the residents that if they have issues to call Town Hall and speak to the staff at (305) 932-0744. The staff will be helpful in informing the residents about what is going on in the Town.

The Town Manager thanked the residents on Terracina Avenue for their patience. He explained that there have been pumps running twenty-four hours a day for the past five days and the pumps will be running for another week and a half to do the exploration digging in front of Town Hall.

The Town Manager reported that he has engaged some firms for proposal to get some ideas about what can be done with North and South Parks. He would be bringing a proposal to the Council later in the year with recommendations on how to improve the Town's Park System.

The Town Manager thanked the Town's staff for their dedicated efforts. It is not easy working with the Capital Improvement Project going on in the Town.

The Town Manager stated that staff is looking at installing emergency phones at the Beach Pavilion and Tweddle Park and hopes to have recommendations for the Council at the council meeting in September.

The Town Manager stated that he works at the direction of the Mayor and Council. Therefore, whenever he identifies projects such as the decorative streetlights donated to the Town by Miami-Dade County, it is at their direction that he goes out and looks for these services to help the Town. He thanked Esther Callis of Miami-Dade County Public Works Department for the donation to the Town.

K. TOWN ATTORNEY REPORT

None

L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE

Paul Abbott reported that the Water Main Replacement project along Golden Beach Drive has been installed from Massini Avenue to a little north of South Parkway. Once the water line is put into service that allows for the preparation of the installation of the 2" conduit for the street lighting along the east and west side of Golden Beach Drive. That project is already to the Strand, and once that is done, they will mill the road to widen and create a passable lane north of Navona. Then they can finish the framing for the curbs and sidewalks, while they install the eight or nine conduits that go along the west side of Golden Beach Drive for the undergrounding of the overhead utilities.

The Town Manager reported that in the next few weeks pilings would be installed in Rock Park to support the FPL switch cabinets. In anticipation of the Florida Power and Light main distribution connection, the North Gate and Rock Park will be closed and not accessible to the traveling public for an extended period of time while the installation of the transmission lines to the switch cabinets is being completed.

The Town Manager stated that the Town has a Class II Permit, which allows the Town to discharge water into the Intracoastal but the water has to be clear. He explained that there has been two periods where the Town's sediment basins have not been able to produce a steady flow of pure water. He also explained that if DERM comes and sees any indication of sediment going into the Intracoastal Waterway, they issue a warning asking to cease all activity that day to allow for enough time for the water to settle and clear before activity can be continued. It is at the discretion of the contractor and the inspectors as to when the dewatering process can continue.

The Town Manager stated that there would be a link on the Town's website for residents to find out information pertaining to the Capital Improvement Projects.

Paul Abbott reported that the A1A Capital Improvement Project is moving along. In the area north of the Strand, Medjool Palm trees have been planted. It has been decided that the transformers be placed abutting the right-of-way. The Capital Improvement Project Team has spoken with the landscaper to plant shrubbery to hide the transformers.

The Town Manager reported that there has been one major step towards the Town's commitment to install security cameras on the ocean and on Ocean Boulevard. They have been able to install the conduit to allow for the installation of the cameras.

M. ORDINANCES - SECOND READING

1. An Ordinance Creating Section 58-38 Entitled "Mailboxes"

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, CREATING SECTION 58-38 ENTITLED "MAILBOXES" OF THE TOWN CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR THE DESIGN AND PLACEMENT OF RESIDENTIAL MAILBOXES: AMENDING SECTION 2-211 ENTITLED "VIOLATIONS AND PENALTIES" TO INCLUDE A PENALTY FOR VIOLATION MAILBOX REGULATIONS; PROVIDING OF FOR SEVERABILITY: PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1

Ordinance No. 536.09

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 536.09

Mayor Singer explained the Ordinance adopts new mailbox standards for Zone 2. It requires uniform mailboxes along the west side of Ocean Boulevard where the new sidewalk is being installed and along Golden Beach Drive as part of the Town's Capital Improvement Project.

A Motion to adopt Ordinance No. 536.09 on second reading by Vice Mayor Lusskin, seconded by Councilmember Rojas.

Roll call vote was as follows:

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

The motion carried

2. An Ordinance Amending Section 22-6 Entitled "Use of Beach Pavilion/the Loggia and Town Beach Facilities"

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 22-6 OF THE TOWN CODE OF ORDINANCES ENTITLED "USE OF BEACH PAVILION/THE LOGGIA' AND TOWN BEACH FACILITIES" REGARDING ADOPTION OF RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE

CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Ordinance No. 537.09

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 537.09

Mayor Singer stated that the Town Council adopted this Ordinance on first reading the May 19, 2009 Regular Town Council Meeting.

A Motion to adopt Ordinance No. 537.09 on second reading by Councilmember Rojas, seconded by Vice Mayor Lusskin.

Roll call vote was as follows:

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

The motion carried.

N. ORDINANCES - FIRST READING

None

O. QUASI JUDICIAL RESOLUTIONS

3. Approval of a Variance Request for the Property at 101 Ocean Boulevard (RESOLUTION NO. 2004.09)

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 101 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW A WALL HEIGHT OF 8 FEET ALONG THE SOUTH PROPERTY LINES, IN LIEU OF THE 6, 4, and 2 FEET REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Resolution No. 2004.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2004.09

The Building Official, Daniel Nieda, explained the variance request to allow for a wall height of 8' along the south property line in lieu of the 6, 4 and 2 feet required by the Town Code of Ordinances. The Building Regulation Advisory Board met on June 9, 2009 and recommended approval of the variance. The motion passed with the Board voting unanimously in favor of the variance request. There were no letters of opposition in reference to this request. Keith Chambers of KAC Design Group, Inc. spoke on behalf of the applicant Bradley Meier.

A Motion to approve Resolution No. 2004.09 by Vice Mayor Lusskin, seconded, by Councilmember Rojas.

Roll call vote was as follows:

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

The Motion carried.

4. Approval of a Variance Request for the Property at 101 Ocean Boulevard (RESOLUTION NO. 2005.09)

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 101 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW AN ELEVATION OF 11.5 FEET TO 13.7 FEET N.G.V.D. IN LIEU OF THE 11 FEET N.G.V.D. REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Resolution No. 2005.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2005.09

The Building Official, Daniel Nieda, explained the variance request. The applicant requested a variance to allow a grade elevation of 11.5 feet to 13.7 feet N.G.V.D. in lieu of the 11.0 feet N.G.V.D. required by the Town Code of Ordinances. The Building Regulation Advisory Board met on June 9, 2009 and recommended approval of the variance. The motion passed with the Board unanimously voting in favor of the variance request. The Board did not receive

any letters of opposition. Keith Chambers of KAC Design Group, Inc. spoke on behalf of the applicant Bradley Meier.

A Motion to approve Resolution No. 2005.09 by Vice Mayor Lusskin, seconded by Councilmember Rojas.

Roll call vote was as follows:

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

The Motion carried.

P. CONSENT AGENDA

- 5. Minutes of May19, 2009 Regular Town Council Meeting.
- 6. A Resolution of the Town Authorizing the Purchase of four new Police Patrol Vehicles and Emergency Vehicle Equipment and one new Pickup Truck for the Public Works Department.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF FOUR (4) NEW ADDITIONAL POLICE PATROL VEHICLES AND RELATED EMERGENCY VEHICLE EQUIPMENT FOR THE GOLDEN BEACH POLICE DEPARTMENT AND ONE (1) NEW PICKUP TRUCK FOR THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Resolution No. 2006.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2006.09

7. A Resolution of the Town Authorizing the Purchase of one All Terrain Vehicle for the Police Department.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) ALL TERRAIN VEHICLE FOR THE GOLDEN BEACH POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Resolution No. 20007.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2007.09

A Motion to approve Items No. P5 through P7 on the Consent Agenda by Vice Mayor Lusskin, seconded by Councilmember Rojas. Consensus vote was <u>3</u> Ayes <u>0</u> Nays. The Motion carried.

Q. TOWN RESOLUTIONS

8. A Resolution of the Town Council Authorizing the Acceptance of Grant Funds from the Federal Emergency Management Agency (FEMA)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8

Resolution No. 20008.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2008.09

The Town Manager explained that after Hurricane Charley, the Town submitted a grant application to FEMA for funds made available through the Hazardous Mitigation Grant Program. At that time, the Town's grant application was denied due to a lack of matching funds. He stated that a few months ago, he became aware of available funding through the Hazardous Mitigation Grant Program and he has been working with State and Federal officials to have the denial reversed and have the Town's original request reinstated. This pass month he has been able to have FEMA retract their original denial and allow the Town to have its application reinstated. In addition, he was able to increase the Town's original submittal from approximately \$4 million dollars to \$8.9 million dollars. He stated that the Town should recover about 75% of the \$8.9. If the final review is approved, the Town will need to have an agreement executed before funds can begin to be reimbursed. This Resolution provides for he and the Mayor to accept the funds should they be awarded.

A Motion to approve Resolution No. 2008.09 by Vice Mayor Lusskin, seconded by Councilmember Rojas.

Roll call vote was as follows:

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

The Motion carried.

9. A Resolution of the Town Council Declaring The Town's Intent to enter into an Agreement with Miami-Dade County for the Development and Joint use of a Governmental Facility.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA DECLARING ITS INTENT TO ENTER INTO AN AGREEMENT WITH MIAMI-DADE COUNTY FOR THE DEVELOPMENT AND JOINT USE OF A GOVERNMENTAL FACILITY ON TOWN PROPERTY TO CONTINUE TO PROVIDE MIAMI-DADE COUNTY FIRE RESCUE SERVICE AND ADMINISTRATIVE FACILITIES FOR THE TOWN OF GOLDEN BEACH; AUTHORIZING THE NEGOTIATION OF AN AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9

Resolution No. 20009.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2009.09

The Town Manager explained that this Resolution grants him and the Mayor the authority officially to engage Miami-Dade County Fire Department in negotiating the potential of constructing a facility on the Town's lots on A1A that could serve both, the Fire Department needs and the Town Hall administrative, Police and Public Works needs.

Mayor Singer stated that the purpose that he purchased the lots on A1A was to move Town Hall from Golden Beach Drive to A1A, which would alleviate about 70% of the traffic on Golden Beach Drive.

A Motion to approve Resolution No. 2009.09 by Councilmember Rojas, seconded by Vice Mayor Lusskin.

Roll call vote was as follows:

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

The Motion carried.

10. A Resolution of the Town Council Adopting Rules and Regulation for use of the Beach Pavilion.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10

Resolution No. 2003.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2003.09

Mayor Singer explained that these were the rules and regulations for the Beach Pavilion that was discussed at the May 19, 2009 Regular Town Council Meeting. The rules and regulations were amended to include, at the discretion of the Town Manager one (1) Sunday per month maximum a permit may be granted.

A Motion to approve Resolution No. 2003.09 as amended by Vice Mayor Lusskin, seconded by Councilmember Rojas.

Roll call vote was as follows:

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

The Motion carried.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer: None Requested

Vice Mayor Judy Lusskin: None Requested Councilmember Ben Einstein:

None Requested

Councilmember Amy Rojas:

None Requested

Councilmember Ken Bernstein:

None Requested

Town Manager Alexander Diaz

* Time Line for Fiscal Year Budget 2009-2010

July 28, 2009 @ 6:30 PM Workshop on Proposed Budget

July 28, 2009 @ 7:00 PM Special Town Council Meeting to adopt the

Proposed Millage.

August 18, 2009 @ 7:30 PM

or August 25, 2009

Final Proposed Budget Presented at

Regular Town Council Meeting

September 15, 2009 @ 7:30 PM Budget Hearing to adopt the Proposed

Millage & Tentative Budget

(All Members Required to Attend)

September 29, 2009 @ 7:30 PM Special Town Council Meeting and

adoption of Final Millage & Final Budget (All Members Required to Attend)

S. ADJOURNMENT:

A Motion to adjourn the Council Meeting by Vice Mayor Lusskin, seconded by Councilmember Rojas. Consensus vote <u>3</u> Ayes <u>0</u> Nays.

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Elizabeth Sewell

Elizabeth Sewell, CMC Town Clerk