



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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### Official Minutes for the June 24, 2013 Special 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 Judy Lusskin, Councilmember Amy Isackson-Rojas, Councilmember Judy Lusskin, Councilmember Kenneth Bernstein, Councilmember Einstein (showed up during the Mayor's report)

**Staff Present:** Town Manager Alexander Diaz, Town Clerk Lissette Perez, Police Commander Rudy Herbello, Finance Director Maria D. Camacho, Town Attorney Steve Helfman, Community Development Specialist Michael Glidden

#### C. PLEDGE ALLEGIANCE

Commander Herbello led the Pledge of Allegiance

#### D. PRESENTATIONS / TOWN PROCLAMATIONS

None

#### E. MOTION TO SET THE AGENDA

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

#### F. GOOD AND WELFARE

None

#### G. MAYOR'S REPORT

A few weeks ago the Town witnessed a storm of the century. We had a tremendous amount of rain in a short period of time. It was non-stop pouring rain from 1:15 p.m. to about 6 p.m., with a drizzle until about 9 p.m. The town flooded like never before. The good news is that within 45 minutes to an hour the flooding dissipated. Commended the

Police Department for the great work it performed ensuring the safety of the residents. Commended the Town Manager for helping residents and directing traffic in the middle of the storm. Also recognized Public Works for its clean-up efforts following the storm. Also mentioned that several of the beach residents have voiced concerns about parking when they host an event. The Town Manager and he met with Mayor Tobin to discuss these issues, looking at a few options. The third issue he addressed was that a resident called his house complaining about a party at the beach with an abundance of people there. When the Mayor drove over there, he saw that there were over 200 people there at the party and several bounce houses. The police officers documented everything and took pictures. The next day, Monday, the Mayor met with the Town Manager and pulled the permit which stated that the party was for 60 guests and just one bounce house. That is why on the agenda is a discussion item about the rules and regulations for having events at the beach pavilion. He came to find out that the party was not even for a resident, but instead for a resident's family member. The Town Manager and he have had several meetings and come up with some suggestions and recommendations to this issue. He also mentioned that two weeks ago a number of illegal immigrants washed up on Golden Beach's shores. Commended the Police Department on the tremendous job they did to control the situation. It was very well organized, and there were no incidents. All of the immigrants were apprehended. Also wished everyone a great summer, and looking forward to the rest of the year.

## **H. COUNCIL COMMENTS**

### **Councilmember Einstein**

Commended the Police Department and all of the staff involved with the recovery efforts following the big storm in Town. Extended his condolences to the family of resident Richard Ruben who suffered a massive stroke and passed away. Wished everyone a wonderful summer.

### **Councilmember Bernstein**

Commented on the wonderful job the Town did with the storm efforts. His first fear was did the Town's system fail, but it was remarkable to see all of the water gone the next morning. Stated that he met with the Town Manager regarding the beach, and that both of them were getting ready to meet with the beach committee to discuss several issues that have arisen over the last few months. Not sure what the right or wrong answers are. Before we design the beach, we need to figure out what the beach is for and with that we design it with those things in mind. Also commented on what a great job the Town did with the Memorial Day event. Thought that maybe in the future veterans in the area can be sought out ahead of time to come and speak to the residents. Has also heard a lot of complaints about the bikes and the fear residents have of hitting people on a bike. Asked if there is anything the Town can do to address the increased amount of mosquitoes in Town. Also stated that his cell phone reception is really bad at his house, and asked if the Town could look into requesting a booster from the cell phone carriers to improve the situation. The **Town Manager** advised that the Town would send a letter out requesting assistance from the carriers.

### **Councilmember Rojas**

Stated that a resident called her complaining about the iguanas in Town, and asked if the Town would be instituting the iguana removal program again. The **Town Manager**

stated that the Town would not be instituting the program again, but advised Councilwoman Rojas that the Town would give her the contact information to provide to that resident.

### **Vice Mayor Luskin**

Asked the Town Manager if he would address the power lines in Town during his CIP report, because they were supposed to have come down in April. Also spoke about the construction projects in Town on the north end of Golden Beach Drive and their deplorable state. Stated that it's becoming a growing problem that she has been complaining about for some time now. The residents feel that the Town is not paying attention to these issues because they are on the far north end of Town and most of the Town's employees head south to go to Town Hall. She requested that the Town look into this. She took a moment to thank Michael Glidden, Carol Larson and the rest of the group that put the Town events together. Also mentioned that on the west side of Golden Beach Drive, some resident landscaping is not being scaled back and perhaps those residents need to be reminded of their responsibilities when it comes to the swale area.

### **I. TOWN MANAGER REPORT**

Responded to the council comments beginning with Councilman Bernstein's comments concerning a bike lane stating that the Town will not have a designated bike lane. There will only be a sign advising motorists that the road will be shared with bicyclists. Also responded to Councilwoman Luskin's concerns about the construction sites at the north end of Town, stating that the Town Manager and Building Director do drive through the north end of Town and are cognizant of the issues that are going on. Stated that hopefully those sites on the north end of Town will be buttoned up by the end of this week. Commended Councilwoman Luskin for the work she performed on the Memorial Day event, and thanked Michael Glidden and Carol Larson for their work on the event. Also thanked Commander Herbello for his coordination efforts during the issue with the immigrants that washed up in Town. Advised residents that the with the super storm that went through Town one good thing did come from it. The Town discovered that a majority of the residents are not registered with the Town's codered emergency system. The town plans to begin a campaign to get more residents signed up on the system this summer.

#### **\*CIP Report & Update**

Last night the repaving of A1A commenced, the work will continue for next 60 days, the Manager asked residents to be patient and bear with the state during this time. In regards to the FPL poles in Town, he stated that he is disgusted with the work they have performed in removing the poles in Town. There is always an excuse from them every time the Town meets with their executive. The Town sent them a very nasty letter last week asking them to become organized. Absent him continuing to right nasty letters, it seems that they are just going to continue to move at their pace. Promised to update the Council on the situation with FPL via email by the end of the week.

Thanked the staff for the work they did during the storm and coordinating efforts for cleanup with day laborers, especially Riley Crews and Ken Jones for all of the hours of work they put in. On Thursday July 4<sup>th</sup>, the Town will be providing free hot dogs, chips

and soda at the beach pavilion for all residents and their invited guests. Also mentioned that after discussing staffing levels, the Mayor has advised and consented to closing Town Hall will be closed on July 5<sup>th</sup>, giving employees an extra day off this year. So Town Hall will be closed on July 4<sup>th</sup> and 5<sup>th</sup>. Also wanted to remind the Council that the next Town Council meeting is scheduled for August 20<sup>th</sup>. Also mentioned that the June 1<sup>st</sup> preliminary assessed values have come in for the Town, and there was a slight growth in the Town's assessed values this year. Town is hopeful that when the final numbers come in on July 1, that growth will still be there.

#### **J. TOWN ATTORNEY REPORT**

None

#### **K. ORDINANCES – SECOND READING**

None

#### **L. ORDINANCES - FIRST READING**

##### **1. An Ordinance of the Town Council Amending Chapter 66, Zoning; Article III, District Regulations.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, ZONING; ARTICLE III, DISTRICT REGULATIONS, TO CLARIFY PERMITTED AND PROHIBITED USES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 556.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 556.13

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Attorney:** stated that this ordinance clarifies that single-family residences should be used for single-family purposes. Instead of leaving it up to the imagination, because the Town's current code does not define what single-family is, the town has tried to specify what the use is. Within the single-family district, property shall be used for the principal purpose of dwelling occupied by individual families. Very broad definition, but the home has to be used as a dwelling, not for any other purpose. Residents can have all sorts of traditional activities at home (i.e. a wedding, a bar mitzvah, a birthday party, etc.). The prohibited uses include: not using a home for a business activity (with the exception of filming); not using a home as a venue for events, parties or other commercial or promotional activity where a fee is charged for entrance, or any type of compensation is directly or indirectly given to the property owner for use of the property; nor may any person hold any third party promotional event other than a traditional daytime open house at the property for the purpose of advertising or otherwise exposing the property for sale. This is the key to this ordinance. These things that are happening throughout the community that disturb neighborhoods. They bring a lot of traffic in and there's no real benefit to the community. This is the type of ordinances that different cities are adopting to try to control this activity.

**Vice Mayor Lusskin** commented that the ordinance states that fundraisers are ok, but many of these fundraisers charge admission to get in.

**Town Attorney** stated that if there is a charge at the door, it is not permitted. The distinction here is that with the single-family homes you are either a resident or a guest, you do not charge guests an admission to your home.

**Mayor Singer** stated that he thought that the purpose of this ordinance was to stop residents from renting out their homes and making a profit out of it.

**Councilmember Bernstein** stated that to him this is just an issue of semantics. He asked if the intention of the ordinance is to stop charitable fundraisers at people's homes? The **Town Attorney** stated that that is not the intention at all. What it is intended to do is to not allow people who own a property that's a great venue to use it to make money off of, because now that house has been turned into a business. What you do not want is people who are charging entry fees to get into their house and you do not want people who are profiting from these activities.

**Councilmember Einstein** gave the **Town Attorney** a few examples to see what is allowable and what is not permissible under this ordinance.

**Resident Fred Chouinard, 407 Ocean Boulevard**

Asked if the brother's that auctioned their house in Town, if that was legal under this ordinance?

**Town Manager** stated that there was no admission to attend that auction. A retainer had to be given if an individual wanted to bid, but anybody could have gone to witness the auction.

The **Town Attorney** stated that he thinks that that would have been a permitted activity.

**Mr. Chouinard** also asked that if there is a party and a resident rents his lot out for a fee is that allowed.

The **Town Attorney** responded that it is not a permitted activity under the zoning code.

**Town Manager** stated that there is a section of the code that deals specifically with vacant lots and parking on vacant lots. In addition, the town has in no way any means of knowing that a lot owner is charging a fee for people to park on a vacant lot. But vacant lots can be used for parking, and the code dictates how it can be used for parking.

**Town Attorney** stated that he was not aware of that.

**Mr. Chouinard** also inquired about 421 Ocean Boulevard, stating that he believes that more than one family will be living there. He asked if that is allowed.

The **Town Attorney** advised that the town's definition of a family is outdated and that would be addressed during second reading of the ordinance.

**Councilmember Bernstein** asked if the Town Attorney could specify what distinguishes what is allowed and not allowed for second reading.

**Town Attorney** stated that the Town is not trying to control who is being allowed into a person's house, but how the home is being used.

**Councilmember Bernstein** asked if the Town Attorney could expand upon what the customary activities of a single family home are for second reading as well.

## **M. QUASI JUDICIAL RESOLUTIONS**

None

## **N. CONSENT AGENDA**

- 2. Minutes of the May 21, 2013 Regular Town Council Meeting**
- 3. A Resolution of the Town Council Approving A Joint Project Agreement with the Florida Department of Transportation for Turf and Landscape Maintenance.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A JOINT PROJECT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR TURF AND LANDSCAPE MAINTENANCE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE MAYOR AND TOWN MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2302.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2302.13

- 4. A Resolution of the Town Council Approving Amendment #3 to the 2012-2013 Fiscal Year Operating Budget.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #3 TO THE 2012-2013 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2303.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2303.13

**5. A Resolution of the Town Council Authorizing and Approving the Payment of \$2,500.00 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 \$2,500.00 TO THE SUNNY ISLES BEACH TRUST FOUNDATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2304.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2304.13

Consensus vote 5 Ayes, 0 Nays. Items N2-N5.

**O. TOWN RESOLUTIONS**

None

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

Mayor Glenn Singer:  
None Requested

Vice Mayor Amy Isackson-Rojas:  
None Requested

Councilmember Judy Lusskin:  
None Requested

Councilmember Kenneth Bernstein:

**\*\* Beach Pavilion**

**Town Manager** stated that it seems like the rules that were enacted in 2009 may not have gone far enough, so the Mayor and Councilmember Bernstein both have some recommendations and the Town Manager wanted to get more input from the Council to bring before them a revised rules and regulations for the beach pavilion for discussion at the August meeting.

**Mayor Singer** stated that one of his recommendations is that every event at the beach pavilion should require a police officer, regardless of the amount of guests attending. His second suggestion is that every party be required to pay a fee to cover the public works employee who has to come after the party is over to clean up.

**Councilmember Bernstein** recommended that if someone is having a party with a bounce house or anything like that, Golden Beach residents should be able to use it.

**Town Manager** stated that the administration will work over the next 60 days on the rules and regulations of the beach pavilion to make it more attractive for the residents to use it. Both of those issues will be taken into consideration. He also stated that the Town has never issued a permit for more than 60 guests, except for Town events.

**Mayor Singer** stated that after this meeting if the Council thinks of suggestions, they should contact the Town Manager.

Councilmember Bernard Einstein:  
None Requested

Town Manager Alexander Diaz  
None Requested

**Q. ADJOURNMENT:**

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

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

*Lissette Perez*  
Lissette Perez  
Town Clerk