



## **TOWN OF GOLDEN BEACH**

One Golden Beach Drive  
Golden Beach, FL 33160

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### **Official Minutes for the June 28, 2011 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 7:11 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, Interim Police Chief Rodolfo Herbello, Building Official Dan Nieda, Town Attorney Steve Helfman

#### **C. PLEDGE ALLEGIANCE**

The Mayor lead the Pledge of Allegiance

#### **D. PRESENTATIONS / TOWN PROCLAMATIONS**

Swearing-In of New Officers – Mayor Singer swore in Officers William Lopez, Alex Avila, and Yunier Matos Salvat.

Recognition of Officer of the Quarter (1<sup>st</sup> Quarter) – Javier Diaz

Recognition of Employee of the Quarter (1<sup>st</sup> Quarter) – Kirk McKoy

Proclamation Presentation to resident Dina Nicolella

#### **E. MOTION TO SET THE AGENDA**

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

In the Consent agenda, item #10 numbered incorrectly as item #1

#### **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**

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

Read a petition that she put together and had a number of residents sign concerning keeping the South Gate open.

### **Sherry Sturner, 100 Golden Beach Drive**

In favor of keeping the South Gate open.

### **Rick Glaser, 323 Golden Beach Drive**

Thinks it's a mistake to keep the South Gate open. If the Town leaves the South Gate open, then residents on the north end will want that gate to remain open as well. Also stated that it would be difficult to keep the Town secure with the gates open.

### **Dina Nicolella, 522 North Parkway**

Thanked the Town on the positioning of police vehicles on the road to help control the speeding throughout Town. She asked if there might be a night that the Golden Beach Youth Leadership Group could offer free tutoring for an hour in the Council Chambers. As far as the gate is concerned, she stated that she seeks more closure in the Town.

Resident letters from the following individuals were read into the record pertaining to the South Gate remaining open after the culmination of the CIP:

Monica Sasson, 136 Golden Beach Drive  
Jennifer and Neil Leff, 48 Terracina Avenue  
Michelle Headley, 198 Ocean Boulevard  
Deborah Lekach, 137 Golden Beach Drive  
Laure and Jaime Lederman, 191 Golden Beach Drive

### **Richard Nicolella, 522 North Parkway**

Stated that he agreed with Mr. Glaser about having both gates either open or closed.

### **Joe Iglesias, 138 South Island Drive**

Stated that he was against the gate remaining open and compromising the safety of the town's children and the community.

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

Commented on the Memorial Day Event and thanked Councilwoman Lusskin and the Recreation Committee for putting that event together.

Mentioned that he felt that having tutoring available for the children is a great idea, even if it is just once a month.

Search for the Police Chief going very well – the Town has been inundated with applications. The goal is to have a new police chief by October 1<sup>st</sup>, 2011.

Suggested that the Town Council go through the draft audit that was provided in their agenda packets. The draft audit is also available on the website for the general public to view.

Stated that the Council will look into exactly what it can and can't do with the South Gate. Mayor stated that he would instruct the Town Attorney to look into it, but it would have to be reinstated as a public road for the residents to be able to use it. But on the security side, he feels that he would be opening up pandora's box by leaving the gate open. As for the north side, the gate cannot be kept open because that street is a one-lane street. And does the Town really want to open up Golden Beach to two or possibly three entrances and exits, where there is a possibility that people can come and go as they please.

## **I. COUNCIL COMMENTS**

### **Councilwoman Rojas**

Stated that she received phone calls from residents who have voiced concerns about cars parking in the beach pavilion parking without the proper identification or parking decals. Recommended to the Administration that the Town provide better follow-up, whether that be through the police department or by using the beach attendants. She also spoke on an article in the paper about three local beaches that allow dogs on the beach, perhaps this is something that the Town should explore on a trial basis. She asked when the proposal for the green space on the south end of town would be presented. The Town Manager explained that there would just be remedial restoration of the park, until the Town knows where its stands financially with all of its restorative projects.

### **Councilman Einstein**

Asked about the mailboxes and the replacement of the stainless steel screws. The Town Manager advised that the Town received the replacement screws and crews are going around to replace as needed. Also mentioned that the traffic control device in North Park also has a considerable amount of rust on it, the Town Manager advised that he would take a look at it. He also spoke on the security of the Town and the security at the front gate needing to be revisited for its lack of security. Also spoke on the South Gate and stated that the Town needed to first look at the legal aspect and what the Town can legally do with the gate.

### **Councilwoman Lusskin**

Commented on the pungent odor at the lift station and asked Town Manager to look at it a little more often. Spoke on the whitefly infestation article in the newsletter and for residents to follow the instructions on dealing with the whiteflies. Also mentioned the residents water bills and how high they have been lately. The Town Manager mentioned that the Town has not imposed a surcharge for water to the residents, but the City of North Miami Beach did have a rate increase, but that was publicized in the bill. She mentioned that Singer Park is getting a lot of use from the residents and is being very well maintained. She also had the opportunity two weeks ago to meet with the Vice Mayor of Sunny Isles, regarding cooperative programs with the Town of Golden Beach.

### **Vice Mayor Bernstein**

Stated that he thinks that there should be a workshop concerning the south gate and addressing the security concerns. Also stated that maybe the discussion items could be moved to the beginning of the agenda instead of the end since there were several people in attendance who were interested in discussing them. Regarding the police applications, he feels that the remaining applications should be screened in a different manner and perhaps a professional consultant should be hired. The Town Manager

stated that that would be money badly spent by the Town. He also spoke on the guardhouse, stating that stopping people at the Strand Avenue entrance gate to Town will cause a stacking issue with cars piling up.

#### **J. TOWN MANAGER REPORT**

Spoke on the Police Chief hiring process and how the Town tried to keep it open to receive input from the Council, since that it is a criticism the Administration has received in the past. Stated that the Mayor and him are scrutinizing all of the applicants and ensuring the highest qualified candidates are being considered. South Park is moving along strongly. Town will commence renovations at Tweddle Park and the beach pavilion during the summer months. The North Park sod and play field are being redone. He commended Police Chief Herbello for executing the boat race event without any incidents or problems for the Town. He also reminded the Council that there will not be a meeting in July. The Council will reconvene in August.

#### **K. TOWN ATTORNEY REPORT**

None

#### **L. CAPITAL IMPROVEMENT & OTHER PROJECTS REPORT & UPDATE**

**Paul Abbott:** Yesterday, the contractor requested a statement of substantial completion for South Island, meaning that it is at a point of a completion where it is beneficial for the owner. Expect to have the total CIP project substantial completion for the end of the first week of July. The only significant item of work left to do is the final piece of storm drain out on Terracina which precipitated the closing of the South Gate. South Park will be done the 2<sup>nd</sup> week of July. The most significant thing going on right now is the FPL conversion. 20 homes on the Westside of Golden Beach Drive from Massini to the Strand are now on the permanent underground service. **Councilwoman Rojas** commented on her home being one of the ones that was converted and the fact that the work was executed very efficiently and expeditiously. The Town is now in the final stages of preparing for the eastside FPL conversion, plan to start at the north end of Massini and work south. Mayor asked about the traffic calming devices, and whether they are higher on the south side. Paul stated that they are not, it just seems that way due to asphalt settling.

**Town Manager Diaz:** Added that Southeast Engineering has been able to complete the Phase I (area south of Massini) work, four months under schedule and under budget. The Town has asked FPL to do the A1A work ahead of schedule, setting all but four transformers, allowing the town to remove the poles on the east side of town ahead of schedule. The public works team has been digging the trenches from the pole boxes to the homes, and Town is also ahead of schedule in that respect. **Councilwoman Lusskin** mentioned that some of the FPL poles in Town are leaning very far out. The Town Manager assured her that they have been inspected, and can hold out until they are removed.

**Oded Meltzer, 122 GBD** mentioned that after Sunday's rains the South end of town was flooded more than it has ever been flooded. Paul Abbott responded that the Town is days away from having the lift station on the south end of town operational, which resolve all of the south end of Town's flooding issues.

**a. Street light discussion/selection**

Meetings were held with the Beautification Committee, and the Beautification unanimously voted on having one set of lights throughout Town and that the Council considers having the lights already on the south bridge are the lighting fixtures implemented throughout Town. The Town Manager asked the Council to give feedback and direction, as to the accessories the light fixtures come with (i.e. crown or no crown, gold top or black top, lens or no lens, etc.). The Town Manager didn't want to get into the discussion on the poles the town would choose today, because the light fixtures that are chosen will be the deciding factor as to what poles can be used depending on the Town's budget. Of the light fixtures that were presented, the Type D light is the most commonplace throughout South Florida – however it was not received favorably by the members of the committee, because they wanted something a little more unique, elegant, and uniform for Golden Beach. Six of the lights are currently in Town, on the bridges. Without the diffuser lens on the bottom, you get better lumens and less energy is used. Type A, B, and C are pretty much all the same.

The other light, the one that is already on the south bridge, is more expensive and unique and is a very elegant light. If the Town would like to add the crowns later on, the Town can. However, the Town Manager requested verbal direction from the Mayor and Council for the Town to move forward with the lighting. The Town Manager reminded the Council that if they decide to go with this light, concrete poles may be out of the question because of the higher costs associated with this light.

**Alice Meltzer, 122 Golden Beach Drive**, mentioned that she has seen street lights with a cylinder attached to where the Town can make announcements on it.

The Town Council in a unanimous decision decided that the lights that are currently on the bridges are the ones that they want to move forward with, without the crown with the open bottom, and authorized the Administration to move forward with going out to bid for it in the coming months. The Town will bid it with and without the crown to see the difference in price points.

**M. ORDINANCES – SECOND READING**

None

**N. ORDINANCES - FIRST READING**

**1. An Ordinance of the Town of Golden Beach Amending Section 2-79 “Jurisdiction and Duties” of Chapter 2 “Administration” of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 2-79 “JURISDICTION AND DUTIES” OF CHAPTER 2 “ADMINISTRATION” OF THE TOWN OF GOLDEN BEACH CODE OF ORDINANCES, BY REMOVING THE REQUIREMENT THAT THE BUILDING REGULATION ADVISORY BOARD REVIEW AND RECOMMEND TO THE TOWN COUNCIL

THE APPROVAL OR DENIAL OF APPLICATIONS FOR PLATS OR WAIVERS OF PLATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 543.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 543.11

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

This is part of Town's recodification of the code of ordinances. The law reads that the issuing of waiver of plats lies with the Town Manager's office, the ordinance doesn't reflect that. This is only for individual property owners not for town property. The Town Manager advised that all of the first reading items have a mandatory public hearing and discussion at the second reading.

The motion passed 5-0.

**2. An Ordinance of the Town of Golden Beach Amending Chapter 24 "Personnel" Article II "Retirement" of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA AMENDING CHAPTER 24 "PERSONNEL" ARTICLE II "RETIREMENT OF THE TOWN CODE TO RESOLVE THE CONFLICT IN THE CODE CONCERNING MEMBER CONTRIBUTIONS BY AMENDING SECTION 24-35 "CONTRIBUTIONS" TO CONFORM WITH SECTION 24-32 "MEMBERSHIP"; 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. 544.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 544.11

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

On roll call, the following vote ensued:

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

There's a conflict in the code that doesn't reflect the change that was made a couple of years ago in the police pension contribution to 3.3% for their multiplier. It was codified in one section, but not the other. This ordinance resolves that conflict.

The motion passed.

**3. An Ordinance of the Town of Golden Beach Amending Section 26-35 "Illegal Disposal of Garbage" of Chapter 26 "Solid Waste" of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 26-35 "ILLEGAL DISPOSAL OF GARBAGE" OF CHAPTER 26 "SOLID WASTE" OF THE TOWN OF GOLDEN BEACH CODE OF ORDINANCES, TO INCLUDE A PERMIT APPLICATION AND FEE REQUIREMENT FOR CONSTRUCTION DEBRIS TRASH DUMPSTERS OR TRASH ROLL OFF CONTAINERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Ordinance No. 545.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 545.11

A motion to approve was made by Vice Mayor Bernstein 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 Administration is asking that there be a Code to govern roll-off containers to charge an additional fee that will be voted on by resolution at budget every year.

The motion passed.

**4. An Ordinance of the Town of Golden Beach Amending Article IV “Seawalls and Docks” of Chapter 46 “Waterways” of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA AMENDING ARTICLE IV “SEAWALLS AND DOCKS” OF CHAPTER 46 “WATERWAYS” BY REVISING SECTION 46-82. “USE OF CONCRETE SLAB” TO INCLUDE CERTAIN OTHER MATERIALS AND METHODS OF CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Ordinance No. 546.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 546.11

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>

Allowing for seawall materials to allow for other products to be used then what the Town’s current code allows.

The motion passed.

**5. An Ordinance of the Town of Golden Beach Amending Article IV “Supplementary District Regulations” of Division 5. “Solar Collectors and Satellite Dish Antennas” of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA AMENDING ARTICLE IV “SUPPLEMENTARY DISTRICT REGULATIONS” OF DIVISION 5. “SOLAR COLLECTORS AND SATELLITE DISH ANTENNAS” BY REVISING SECTION 66-159. “PERMIT”(b) BY REMOVING CERTAIN LANGUAGE ESTABLISHING AN ANNUAL PERMIT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING



FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Ordinance No. 547.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 547.11

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

On roll call, the following vote ensued:

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

The item removes any fees regarding satellites or antennas that were previously in the code.

The motion passed.

**6. An Ordinance of the Town of Golden Beach Amending Chapter 46, Waterways of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 46, WATERWAYS, SPECIFICALLY BY AMENDING SECTION 46-87, TO PROVIDE APPROPRIATE SETBACKS FOR PRIVATE RESIDENTIAL DOCKING FACILITIES INCLUDING VESSELS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Ordinance No. 548.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 548.11

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

**Vice Mayor Bernstein** stated that he still wanted the section of the item pertaining to the D5 triangle stricken that he asked to be stricken at the workshop, where it was discussed that it would be taken out. He stated that persons with bigger lots were being penalized unfairly.

**Building Official Dan Nieda** stated that the intent of this ordinance is to keep oversized vessels from protruding outside of the D5 triangle and to keep additional recreational vehicles within the setback area.

The Vice Mayor disagreed, stating that this doesn't accomplish that because bigger lots are being penalized by being forced to have a bigger setback. The setback should be uniform, regardless of size of lot.

**Oded Meltzer, 122 Golden Beach Drive** commented that an ordinance should be drafted combining this issue with the L-shape dock issue, to resolve both issues together.

**Town Attorney Helfman** explained that the ordinance deals with two issues: (1) how long is the dock along the property line, and (2) the D5 triangle.

**Mr. Neida** stated that two issues were being confused. The Ordinance does not address the length of the sides of a dock, it is only trying to contain the recreational vehicles a resident might have to their D5 triangle.

**Mr. Helfman** stated that the typical lots in Town should be shown graphically for second reading and there a choice should be made.

On roll call, the following vote ensued:

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

The motion did not pass.

Vice Mayor Bernstein made a motion to amend the item so that all lots have a 5-foot setback, eliminating some of the language in the ordinance as well, seconded by Councilmember Einstein.

The Mayor asked the Town Manager to provide visuals for this item on second reading. Councilmember Einstein asked for the percentage of 50 foot lot homes this affects versus 100 foot lot homes being affected.

**Mr. Neida** stated that the Town is not trying to change the Code, because this is not currently in the code. The Administration is asking to add this language to the Code because it is silent concerning this.

**Mr. Helfman** advised that this section might not be needed in the first place.

On roll call, the following vote ensued:

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

The motion did not pass.

Mayor Singer made a motion that the item be tabled and the Council come back with visuals, inviting the Building Regulation Advisory Board back to discuss it in detail on first reading, 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 did not pass and the item was tabled.

The Town Manager stated for clarification, that all the items that are being brought before the Council were work-shopped with the Building Regulation Advisory Board before coming before Council. He also stated that the items weren't being lumped together, each item will be voted on and discussed separately, but they will be brought before the Council on the same date.

**7. An Ordinance of the Town of Golden Beach Amending Chapter 50, Buildings and Building Regulations of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 50, BUILDINGS AND BUILDING REGULATIONS, CHAPTER 54, CONCURRENCY MANAGEMENT, CHAPTER 58 DEVELOPMENT STANDARDS, CHAPTER 66, ZONING, AND APPENDIX A, FRANCHISES, SPECIFICALLY ARTICLE IV, "COMMUNITY ANTENNA TELEVISION SYSTEM (CATV)," TO CORRECT REFERENCES TO THE APPROPRIATE BUILDING CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Ordinance No. 549.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 549.11

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.

Attorney Helfman spoke on this item, stating that it is a clean-up item to make the Town's code conform to the Florida Building Code.

**8. An Ordinance of the Town of Golden Beach Repealing Ordinance No. 533.08 of the Town Code.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, REPEALING ORDINANCE NO. 533.08, WHICH ADOPTED ARTICLE IV "DANGEROUS INTERSECTION SAFETY" OF CHAPTER 38 "TRAFFIC AND VEHICLES;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Ordinance No. 550.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 550.11

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.

**O. QUASI JUDICIAL RESOLUTIONS**

**9. A Resolution of the Town of Golden Beach Authorizing and Approving a Variance Request for the Property Located at 142 South Island Drive, to Permit the Use of a Single Ply Roofing Membrane.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 142 SOUTH ISLAND DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE USE OF A SINGLE PLY ROOFING MEMBRANE, WHERE ALL EXTERIOR COVERINGS OF ALL ROOFS IN THE TOWN SHALL EITHER BE CLAY, CEMENT OR CERAMIC TILE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE;

**Exhibit:** Agenda Report No. 9  
Ordinance No. 2178.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 2178.11

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

The motion passed.

**Building Official Dan Neida** spoke on the item – the house was approved with a barrel tile roof, the owner didn't like that appearance and retained a new architect of record that changed the material being used. The applicant came after the fact before the Building Regulation Advisory Board and his roof was rejected. Mr. Neida read the seven criteria for hardship that need to be met for the variance to be approved.

**Mr. Meltzer** spoke on the BRAB's decision to reject the petition. The owner changed the materials and none of the seven criteria for hardship were met by the resident.

**Attorney Danny Tatliff**, spoke on behalf of the home owner, stating that he hopes the resolution is approved.

**Mr. Neida** explained that the resident came with plans for a barrel tile roof and during construction they came forward with plans to make a different roof. Mr. Neida rejected the revised plans and the homeowner went ahead and installed it anyway.

**Mayor Singer** inquired if the Council rejects the variance what would be the resident's option. To which **Mr. Neida** advised that they would have to install a tile roof over a single-ply roof which may not be technically feasible.

**Dr. Joe Iglesias, 138 South Island Drive** commented that he was in favor of the solid poured concrete roof.

**Mayor Singer** stated that the problem is not the aesthetic value of the home, but the residents blatant disregard for the variance process.

**Charles Benson, the architect**, commented that they went in for permitting and somewhere in the middle the design changed.

**Mr. Tatliff** made the recommendation that perhaps the owner could contribute funds to enhance the community, because the owner can't go back now and change the roof.

**Mr. Neida** clarified that the issue is the finish of the roof, the structure was approved but the material used on the finish of it wasn't.

**Town Attorney Helfman** interjected to explain what other municipalities similar to Golden Beach have done to deal with a situation like this, after the Mayor asked him, stating that there would be some enforcement action from the municipality.

**Vice Mayor Bernstein** recommended sending it back to the BRAB for a recommendation from them.

**Yanky Enrusse, 150 Camden Drive, Bal Harbour, FL 33154 the Owner's Representative**, spoke on behalf of the owner who was not in attendance stating that the roof is not finished, but the owner would like the roof to be finished without the tile roof finish.

**Mayor Singer** stated that there needs to be some sanctions or additional penalties for the owner circumventing the building code.

**Mr. Neida** stated that even if the roof is approved, the owner will still have to pay a fine. Mayor Singer stated that his opinion was that the Town Council pass the variance request and allow the Mayor, Town Manager, Mr. Neida, and Attorney Helfman work to remedy this.

## **P. CONSENT AGENDA**

### **10. Minutes of the May 25, 2011 Special Town Council Meeting**

#### **11. A Resolution of the Town Council Authorizing and Approving an Amended and Restated Agreement with Waste Services of Florida, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING AN AMENDED AND RESTATED AGREEMENT WITH WASTE SERVICES OF FLORIDA, INC. FOR RESIDENTIAL COLLECTION OF RECYCLABLE MATERIALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 2179.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2179.11

#### **12. A Resolution of the Town Council Authorizing the Purchase of One (1) New Pick-Up Truck for the Public Works Department.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) NEW PICK-UP TRUCK FOR THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 12  
Resolution No. 2180.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2180.11

**13. A Resolution of the Town Council Authorizing the Sale of a Surplus 2001 Ford F-150 Pick-Up Truck from the Town's Vehicle Fleet and Equipment.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE SALE OF A SURPLUS 2001 FORD F-150 PICK-UP TRUCK, FROM THE TOWN'S VEHICLE FLEET AND EQUIPMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 13  
Resolution No. 2181.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2181.11

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

**Q. TOWN RESOLUTIONS**

**14. A Resolution of the Town Council Accepting the General Purpose Financial Statements and the Single Audit for Fiscal Year 2009/2010 ending September 30, 2010.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE GENERAL PURPOSE FINANCIAL STATEMENTS AND THE SINGLE AUDIT FOR FISCAL YEAR 2009/2010 ENDING SEPTEMBER 30, 2010 PREPARED BY KEEFE, MCCULLOUGH & CO., LLP; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 14  
Resolution No. 2182.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2182.11

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

The Town Manager advised that what the Council was accepting today is the financial statements and the single audit, but the Management letter will have some revisions on it. The Town Manager advised that the highlights of the financials are: the Town had an operating savings of \$903,000 last year. The General Fund Balance total is \$8.2-million of which \$7-million is available at the end of fiscal year 2009-2010. In the findings, unlike every single year where there have been significant deficiencies, this year there were no financial deficiencies. The Management letter is still not ready for final adoption, that will come at later date where a more in-depth discussion and presentation will be made.

**15. A Resolution of the Town Council Establishing the Maximum Proposed Millage Rate for FY 2011-2012.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ESTABLISHING MAXIMUM PROPOSED MILLAGE RATE FOR FY 2011-2012; DIRECTING TOWN MAYOR AND TOWN MANAGER TO TRANSMIT PROPOSED MILLAGE TO PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 15  
Resolution No. 2183.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2183.11

A motion to approve was made by Vice Mayor Bernstein 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 stated that the tentative millage is being set high just like last year, but will still be budgeted to the combined rate of 8.59 mills. The Town's budget in theory is \$665,000 in the red as it relates to revenue. The budget needs to either be cut or



money needs to be borrowed against the Town's general fund reserves to balance the budget.

## **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:  
\*South Gate

Alice Meltzer stated that she believes that every car in the police department should have the means to open the gate in the case of an emergency.

Dr. Penny Iglesias, commented that the gate being left open poses a significant security risk and she believes there should be more security at the front gate.

The Mayor instructed the Town Attorney to find out what the Town can and cannot do legally, and then discuss the issue of the gate staying open or not.

Mr. Meltzer advised that the Town should have a workshop on the issue.

Attorney Helfman stated that there is an ordinance in place that requires it to be closed, but he will look at what the process will entail to try to change that.

Town Manager Alexander Diaz  
\*Food Trucks in Golden Beach

The Town will be holding a food truck round-up one Sunday a month at the beach pavilion's east lot beginning in July on a trial basis.

Vice Mayor Bernstein mentioned on another note that the Town may want to install more canoe slips at the beach. The Town Manager mentioned that they're becoming a storage facility for residents and the Town may want to look into requiring permits and charging a fee for the use of them.

The Town Manager recommended that the August meeting be moved from August 16<sup>th</sup> to August 23<sup>rd</sup> at 6:30 p.m.

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

Consensus vote   5   Ayes   0   Nays. Motion passed.

## **S. ADJOURNMENT:**

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

Consensus vote 5 Ayes 0 Nays. Motion passed.

The meeting adjourned at 11:01 p.m.

Respectfully submitted,

*Lissette Perez*

Lissette Perez  
Interim Town Clerk