



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the March 17, 2009
Regular Town Council Meeting called for 7:30 P.M.

A. MEETING CALLED TO ORDER

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

B. ROLL CALL

The Town Clerk called roll:

Councilmembers Present: Vice Mayor Lusskin, Councilmember Bernstein and Councilmember Rojas.

Councilmembers Absent: Mayor Singer and Councilmember Einstein.

Staff Present: Town Manager – Alexander Diaz, Town Attorney – Stephen Helfman, Police Chief – James Skinner, Building Official – Dan Neida and Town Clerk – Elizabeth Sewell.

C. PLEDGE ALLEGIANCE

Chief Skinner led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Proclamation to the South Florida Water Management District

Vice Mayor Lusskin presented Mr. Ed Hernandez, the District Liaison for the South Florida Water Management District with a Proclamation declaring the month of April “Water Conservation Month”, on behalf of the South Florida Water Management District.

Mr. Hernandez thanked the Vice Mayor and the Town Council for the Proclamation and commended the Town for its support of the South Florida Water Management District’s Water Conservation measures.

Recognition of Town Employee of the Month for February 2009

Vice Mayor Lusskin acknowledge Mr. Riley Crews as the Employee of the Month for the month of February 2009.

Recognition of Town Officer of the Month for February 2009

Vice Mayor Lusskin acknowledged Detective Jon Anterio as the Officer of the Month for the month of February 2009.

Recognition of Finalists for the 2009 LEO Awards

Vice Mayor Lusskin recognized the following personnel of the Town's Police Department that were nominated as Finalists for the 2009 LEO Awards:

- Sergeant Leo Santinello
- Acting Sergeant Leila Miles
- Officer Lyndean Peters

E. MOTION TO SET THE AGENDA

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

The Town Manager recommended deferral of Quasi Judicial Resolutions - Items # O 2, 3 and 4. A Motion was made by Councilmember Rojas to defer the above stated items, seconded by Councilmember Bernstein. Consensus vote 3 Ayes 0 Nays. The Motion carried.

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee – The Town Manager presented the committee report. He reported that this month's Beach Committee Meeting was held at the Beach Pavilion during the daytime. The committee made a variety of recommendations on how to improve the aesthetic quality of the beach. This included umbrellas for the picnic tables, the removal of the rust on the bathroom doors and water fountains, the Town has received a guarantee from the contractors that the bathroom floors will be repitched and the showers will be reinstalled, that work will commence about April 13, 2009. At the next Council Meeting he will be bringing a proposal to increase the deposit for the use of the facilities for parties and events that may force people to take better care of the Pavilion, to make the beach a smoke free beach, prohibit the use of glass on the beach for any activities because of safety issues, requested to add a second kayak stand and provide a little more maintenance to keep the keystone clean.

Beautification Committee – No report for the month of March 2009.

Comprehensive Planning Board – The Town Manager stated that the Town has received from the State Department of Community Affairs their comments for the Comprehensive Plan submittal. There are a couple of issues that have to be addressed. Staff is working with the Town Planner, Michael Miller, to address those issues. The Town Manager anticipates having a Comprehensive Planning Board meeting in the month of May, and then bringing the plan back to the

council for discussion and approval after the Comprehensive Planning Board Meeting.

Recreation Committee – Ms. Szabo sent a report to be read into the record of all upcoming Recreation Committee events.

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

G. GOOD AND WELFARE

Sydell Herrick – 625 Ocean Boulevard, spoke in reference to the Film Ordinance.

Sherry Fox - 401 Ocean Boulevard, spoke in reference to intolerance with the opposition to the Film Ordinance.

Joelle Kheel - 407 Golden Beach Drive, commended the Town Council and administration for setting up the Capital Improvement Project Hotline and the prompt and professional manner that the CIP Team is handling issues and concerns.

Phyllis Samowitz – 250 South Island Drive, complaints regarding Police Officer's attitude.

Terry Polaner - 250 South Island Drive, spoke in reference to her daughter's complaints regarding the Police Department.

H. MAYOR'S REPORT

None

I. COUNCIL COMMENTS

Vice Mayor Lusskin

- **Capital Improvement Project Update**

Vice Mayor Lusskin stated that the Capital Improvement Project was progressing very well. She commended the Capital Improvement Program Team and contractors highly for their professionalism and responsiveness to the residents. She asked the residents to be patient with the construction of the Capital Improvement Project.

- **Area of Responsibility**

Vice Mayor Lusskin stated her area of responsibility is the Building Department for the next six months. She attended the month of March Building Regulation Advisory Board meeting. She reported that the board members do great work and they pay attention to the smallest of details on the Variance Requests. She commended each board member and the staff for all their hard work.

- **American Flag**

Vice Mayor Lusskin explained that approximately six or seven months ago, when the Beach Pavilion Renovation Project was completed she had requested the installation of an American Flag at the Beach Pavilion, but the Beach Committee members did not want the flag installed there. She stated that she still feels that putting up an American Flag would be appropriate if not at the Beach Pavilion, maybe at the Police Substation. She asked the Town Manager to look into putting up a flag at the Police Substation.

- **Resident's Complaints**

Vice Mayor stated that it is no secret that she is a great supporter of the Town's Police Department, but in the past few weeks she had received a number of telephone calls from residents that have had no issues with police intervention in the past. However, they have spoken to her about a little bit of an attitude with Police Officers from the Town's Police Department. These residents have lived in the Town for a long time for as much as fifteen years or more, so they have a history with the Police Department.

Councilmember Rojas

- **Police Department Issues**

Councilmember Rojas stated that in reference to resident's complaints regarding the Town's Police Department, it is difficult for Administration to police each Police Officer, therefore, in a situation such as Mrs. Samowitz's it would be best to make a formal complaint regarding the Police Officer to the Chief of Police and Administration and the situation would be handled quickly.

- **Party at Beach Pavilion**

Councilmember Rojas stated that she was made aware of a vandalism incident that occurred at a party at the Beach Pavilion, which was caught on surveillance cameras at the Pavilion. As a result, she is completely in favor of increasing the security deposit fee for parties and events at the Towns' facilities. She also suggested charging a non-refundable clean-up fee for these events. She stated that her area of governmental responsibility for the next six months is the Public Works Department, and in speaking with the Director of Public Works, she was informed that Public Works employees have to spend a considerable amount of time to clean-up after an event or party. Therefore, she thought it would be a good idea to charge a non-refundable clean-up fee.

Councilmember Bernstein

- **Capital Improvement Project Update**

Councilmember Bernstein commended Mr. Abbott, the Capital Improvement Program Team and the contractors for the way the project is being constructed and how the workers clean-up daily after the work for that day is done. He stated that as the project moves to the south side of the Strand he would like to see some of the staging for the project moved to South Parkway. He stated that the space that was allowed for recreational activities in North Parkway is not working.

- **Police Department Issues**
Councilmember Bernstein stated that in all of his experiences with the Police Officers, they have always been friendly, looking out for the children in the community, and they work together. Therefore, he thinks that if the residents have concerns it should be brought to the attention of the Chief of Police. However, he has not seen any examples of the incident that was brought to this Council Meeting. He recommends investigating this incident.
- **Film Industry Ordinance**
Councilmember Bernstein stated that with the amendments made to the Ordinance on first reading is taking some steps towards meeting in the middle on this issue.
- **Florida East Coast Coalition**
Councilmember Bernstein reported that Commissioner Sally Heyman, the Broward County Mayor and the Palm Beach County Mayor has joined in a Florida East Coast Coalition to implement a light rail system along the FEC Railroad to help with improving the growing traffic in coming years.
- **Clean-up Fee**
He is in agreement with the Town charging a non-refundable clean-up fee for the use of the Town's facilities for parties and events.
- **Recreation Committee**
Councilmember Bernstein suggested that there are many children in the community and he would like to see the Recreation Committee put together a Little League or Soccer League so that the children would get to know each other, since the children in the community attend various schools.

J. TOWN MANAGER REPORT

- **Stop Sign Enforcement**
The Town Manager explained that at the last Council Meeting the Council and residents expressed their concerns regarding stop signs and stop sign enforcement in the Town. As a result, Administration has started a stop sign running courtesy reminder. Residents will receive notices in the mail advising that the Town's Police Officers will be pulling drivers that do not observe the Town's stop signs and giving them a courtesy warning.
- **Residents' Complaint**
The Town Manager stated that in reference to the Samowitz's issue, this is the first time he has heard of this matter. This incident occurred about a month ago and it was not brought to his attention before today. He strongly encourages any resident that has an issue with a particular Police Officer to contact him directly about those issues and he would direct the residents through the process of how to file a formal complaint. Administration takes community policing very seriously and he should be contacted immediately should such an incident occur.

- **Capital Improvement Plan Update**
There is a possibility that he would be closing the West Parking Lot to be used as a staging area for the A-1-A portion of the Capital Improvement Project.
- **Pet Registration Drive**
The Town has launched a Pet Registration Drive. There is an insert flyer in this month's town newsletter encouraging all residents to register their pets so that if they are missing the Town's staff can assist residents with identifying and returning their missing pets back to the owners.
- **Fire Sub-Station**
The Town's Administration has met with Fire Department at the Operations and Administrative level. The Town is in the first stages of negotiations in reference to possibly bringing a Fire Sub-Station into the Town. At the meetings, it was determined whether the Fire Department's and the Town's needs go hand in hand. There is a financial commitment made by the County to the Town if the Town wants to pursue having a Fire Sub-Station. He plans to bring to the Council at the May Town Council Meeting a full report of the feasibility of creating a Civic Center and Fire Sub-Station.
- **Town Operational Cost Savings**
The Town Manager reported that at the September Town Council Meeting he had announced to the Council that in the 2007-2008 Fiscal Year Operating Budget that he anticipated having at least \$1.1 Million Dollar savings in operational cost to the Town. He stated that the audit for 2007-2008 Fiscal Year Operating Budget has identified a savings of \$1,677,000.00, which has already been appropriated in part to the Bridge Replacement Fund.

K. TOWN ATTORNEY REPORT

None

L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE

- **Water Distribution System**
The Town Manager stated that the installation of the water distribution system is installed from the northern end of Golden Beach Drive to the Strand. The Stormwater project started this week.
- **A-1-A Project**
The Town has issued a Limited Notice to Proceed to Metro Equipment Services, Inc. in relations to the A-1-A project. It is his intention to close half of the West Parking Lot as a staging area for the A-1-A project. It is the intention of the Capital Improvement Plan Team to have the A-1-A project completed within an eighteen (18) month period from the commencement of the project.

Mr. Abbott stated that a letter was sent to the residents on Ocean Boulevard on the west side in reference to white stakes along the west side of Ocean Boulevard that denotes where the sidewalk is, this is not the right-of-way, the right-of-way will be staked out by the contractor. There are areas where there will be substantial changes. He encouraged the residents to look at where the white stakes are, and if they have any questions please contact him at the Capital Improvement Project Hotline telephone number.

The Town Manager stated that the Town is still aggressively moving forward with the security features of the Capital Improvement Project along Ocean Boulevard. He has been working with the Capital Improvement Project Design Team to see how to incorporate the security cameras on A-1-A.

M. ORDINANCES – SECOND READING

1. An Ordinance Reenacting with Modifications Chapter 15 “Film Industry”

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY REENACTING, WITH CERTAIN MODIFICATIONS, CHAPTER 15 “FILM INDUSTRY” PROVIDING FOR DEFINITIONS, REQUIREMENTS AND REGULATIONS FOR THE PRODUCTION OF FILMS IN THE TOWN OF GOLDEN BEACH; PROVIDING FOR PERMIT APPLICATIONS AND RULES OF CONDUCT; PROVIDING FOR APPROVAL CRITERIA, LIMITATIONS, FEES AND APPEAL PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibits: Agenda Report 1
Ordinance No. 535.09

Sponsor: Town Administration

Recommendation: Motion to approve Ordinance No. 535.09

The Town Manager explained that this Ordinance on second reading call for a couple of changes; limited continuous filming to two weeks, with authority being granted to the Manager for extension or reductions as needed on a case-by-case basis, removal of the sunset provision, but added language that requires a yearly report on filming activity, reduce filming to a total of 40 days per year, per property and sets a floor for fees at the current permit fees, but allows the Town Council to increase fees through the resolution process.

Councilmember Rojas stated that with the changes made this was a good compromise.

Councilmember Bernstein stated that he was agreeable with the changes made. However, he had one concern, if someone has a job where they could film for more than two weeks he would regret having to prevent that. He also stated that he did not like the subjective nature of the Ordinance to allow the Manager to make the decision to go beyond two weeks. He would agree if that is what everyone wants. He would agreeable to extending the continuous filming a little bit further.

The Town Manager explained that he had extensive discussions with the Mayor in reference to Ordinance and it was felt that if decisions had to be made that if the Mayor or Council was responsible it could become a political issue but the Town Manager's position was a little more neutral for making those decisions. The Town Manager stated that in all of the years of filming most of the continuous filming was a most four days.

Vice Mayor Lusskin stated that the sunset provision is not necessary if the ordinance is handled in the right way. She is in agreement with the annual report and if any issues or concerns arise, it can be handled by the Town Manager. She also stated that if issues with this ordinance comes before her again is such a ways that the residents impacted by the filming in their home could not enjoy living in a peaceful way she would be first to put it back on the agenda and vote against the film ordinance. No money is worth the residents' health and peaceful life.

Ms. Christina LaBuzetta who is the President and Owner of Location Resources stated that her organization does filming in the Town. She is in favor of balance, because first of all this is a place where people live. Most of the people in the industry count it a privilege to be able to film in this beautiful city, and it is a major enhancement to the industry in Miami because the look that people want when they come to Miami could only be gotten in Golden Beach. She stated that Miami-Dade County needs the filming industry here because it is an economic engine in Miami.

Mrs. Alene Fishbein spoke in opposition to this Ordinance.

Mrs. Sydell Herrick stated that there is a need to increase the film permit fees.

A Motion to adopt Ordinance No. 535.09 on second reading by Councilmember Bernstein, seconded by Councilmember Rojas.

Roll call vote was as follows:

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

The Motion carried.

N. ORDINANCES - FIRST READING

None

O. QUASI JUDICIAL RESOLUTIONS

2. Approval of a Variance Request for the Property at 540 Ocean Boulevard (RESOLUTION NO. 1978.09)

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW 177 SQUARE FEET IN TOTAL TO ENCROACH INTO THE FRONT SETBACK AT 31' 4", IN LIEU OF THE 40 FEET REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibits: Agenda Report No. 2
Resolution No. 1978.09

Sponsor: Town Administration

Recommendation: Motion to Deny Resolution No. 1978.09

This Resolution was deferred to the next Council Meeting by request of the applicant.

3. Approval of a Variance Request for the Property at 540 Ocean Boulevard (RESOLUTION NO. 1979.09)

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW AN ELEVATION OF 8.17' NGVD, IN LIEU OF THE 9.58' NGVD REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibits: Agenda Report No. 3
Resolution No. 1979.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1979.09

This Resolution was deferred to the next Town Council Meeting by request of the applicant

4. Approval of a Variance Request for the Property at 540 Ocean Boulevard (RESOLUTION NO. 1980.09)

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 540 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW A GARAGE FINISH FLOOR ELEVATION OF 7.33' NGVD, IN LIEU OF THE 9.0' NGVD REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibits: Agenda Report No. 4
Resolution No. 1980.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1980.09

This Resolution was deferred to the next Town Council Meeting by request of the applicant.

P. CONSENT AGENDA

5. Minutes of February 25, 2009 Special Town Council Meeting.

6. A Resolution of the Town Council Approving a Mutual Aid Agreement Between the Town of Golden Beach and the City of Hallandale Beach.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE CITY OF HALLANDALE BEACH; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 1987.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1987.09

7. A Resolution of the Town Council Approving Amendment #2 to the 2008-2009 Fiscal Year Operating Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #2 TO THE 2008-2009 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 1988.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1988.09

8. A Resolution of the Town Council Authorizing Forfeited Assets to Purchase a Radio Repeater System for the Town's Police Department and a Lease Agreement with Ocean Reserve for Location of Radio Repeater System.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF FORFEITED ASSETS FOR THE PURCHASE OF A RADIO REPEATER SYSTEM TO ENHANCE THE TOWN POLICE DEPARTMENT'S 2-WAY 450 MHZ MUNICIPAL RADIO SYSTEM; APPROVING A COMMUNICATIONS EQUIPMENT AND SPACE AGREEMENT WITH OCEAN RESERVE CONDOMINIUM ASSOCIATION, INC. FOR THE LOCATION OF THIS RADIO REPEATER SYSTEM ON TOP OF 19370 COLLINS AVENUE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 1989.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1989.09

9. A Resolution of the Town Council Authorizing the Town's Police Department to Submit an Application for a State Grant for the Construction of a Police Boat Dock.

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

MANAGER TO SUBMIT AN APPLICATION FOR A STATE GRANT FOR THE COST OF CONSTRUCTION OF A POLICE BOAT DOCK ON THE INTRACOASTAL WATERWAY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 1990.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1990.09

10. A Resolution of the Town Council Authorizing the Town's Police Department to Submit an Application for a Federal "COPS" Hiring Recovery Program

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO SUBMIT AN APPLICATION FOR A FEDERAL "COPS HIRING RECOVERY PROGRAM" (CHRP) GRANT FOR THE SALARY AND BENEFITS COSTS OF ENTRY LEVEL POLICE OFFICERS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
Resolution No. 1991.09

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1991.09

A Motion to approve Items No. P 5 through P 10 on the Consent Agenda by Councilmember Rojas, seconded by Councilmember Bernstein. Consensus vote was 3 Ayes 0 Nays. The Motion carried.

Q. TOWN RESOLUTIONS

None

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
None Requested

S. ADJOURNMENT:

A Motion was made to adjourn the Council Meeting by Vice Mayor Lusskin, seconded by Councilmember Rojas. Consensus vote 3 Ayes 0 Nays.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Elizabeth Sewell

Elizabeth Sewell
Town Clerk