



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the March 18, 2014
Regular Town Council Meeting called for 7:10 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:15 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Councilmember Judy Lusskin, Councilmember Amy Isackson-Rojas, Councilmember Kenneth Bernstein

Councilmember's Not Present: Vice Mayor Bernard Einstein

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Police Chief Don De Lucca, Finance Director Maria D. Camacho, Town Attorney Steve Helfman

C. PLEDGE OF ALLEGIANCE

Chief de Lucca led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Swearing-In of new Part-Time Officer Matthew Davis

E. MOTION TO SET THE AGENDA

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

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee – None

Beautification Committee – None

Building Regulation Advisory Board – None

Comprehensive Planning Board – None

Recreation Committee – None

Security/Public Safety Committee – None

Youth Leadership Committee – Mayor Singer presented the officers of the youth leadership group with certificates. Resident Dina Nicoletta spoke about the beach clean-up and how great the event turned out, stating that the group members learned a lot and they really came together as a group.

G. GOOD AND WELFARE

June Krogoll, 422 Golden Beach Drive

Stated that absolutely nothing was done with any of the proposals or suggestions that she worked on last month. But tonight the Town Manager brought her back to his office to show her the chairs that are being considered and that is really exciting. The next day after the meeting she went up to the beach, Paul Abbott was there measuring for the artificial grass for the beach which she thinks is absolutely appalling that we are considering artificial grass for the beach. Nothing has been done as far as she can see, regarding placing no smoking signs at the beach. Thinks that the rules and regulations for the use of the beach pavilion need to be overhauled, the cost of renting it are too low. The kids' parties at the beach pavilion are really getting to be a problem with the noise level, feels that kids parties should be at the park.

Alene Fishbein, 256 Golden Beach Drive

Sad to say that to her knowledge there have been no committee meetings, so the residents have no input into the functions the Town has. Feels that the Town Manager and staff should not be planning these events by themselves. Would like the Administration to start using the residents.

H. MAYOR'S REPORT

Most of the time the Town does not even have a quorum for these committees, but if the Town is doing a poor job of communication he will address it. Regarding the beach, the Town Manager has been working on it. Agrees with Mrs. Krogoll about the noise at the pavilion with the parties. Two weeks ago there was a party on Saturday and Sunday, it was an oversight by the Town staff that will not happen again. In fact, there is only one party a month allowed on Sundays, for religious purposes. The Town's staff has also been advised that smoking is prohibited at the beach pavilion. Also, April 5th, Saturday, from 8:30 a.m. to 5 p.m. the Town is offering a boat safety course provided by the coast guard. And this Thursday at 10:30 a.m., the Town is having a naturalization ceremony at the beach pavilion.

I. COUNCIL COMMENTS

Councilmember Bernstein

Spoke on the issues with the beach pavilion, stating that he is working with Town Manager to put together a package to present to the Council and the residents on what should be done with the beach pavilion. Agrees that the rules and regulations should be reevaluated.

Councilmember Lusskin

Commented that the back of Singer Park has got huge holes at the base

Councilmember Rojas

When the Town did the revision of the rules of the beach pavilion kids' parties were discussed, thinks that after the beach is finished the Council should reconvene and revise the rules.

Mayor Singer responded to Councilmember Rojas stating that that is the plan.

J. TOWN MANAGER REPORT

Thanked the Council for acknowledging his birthday. Apologized for what happened at the beach two weeks ago, it was completely the Administration's fault.

The Administration did order no smoking signs, and the staff has been instructed to work with residents regarding the rules of the beach. The beach is for the enjoyment of all of the residents and it is important to be respectful of everyone out there. This is the Town's 85th anniversary is this year. The Town has put together a number of events to commemorate the 85th Anniversary the week of May 18th, more information will follow in the coming month.

K. TOWN ATTORNEY REPORT

None

L. ORDINANCES – SECOND READING

1. An Ordinance of the Town Council Granting to Peoples Gas System A Franchise Agreement

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND PERMITTED ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE TOWN OF GOLDEN BEACH, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR ORDINANCE.

Exhibit: Agenda Report No. 1
Ordinance No. 558.14

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 558.14

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

On roll call, the following vote ensued:

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

The motion passed.

2. An Ordinance of the Town Council Amending the Regulations Limiting the Height of Residential Structures

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, "ZONING"; ARTICLE III "DISTRICT REGULATIONS", TO AMEND REGULATIONS LIMITING THE HEIGHT OF RESIDENTIAL STRUCTURES; AMENDING ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 11 "ACCESSORY BUILDINGS", TO PROHIBIT ROOFTOP TERRACES AND ELEVATORS PROVIDING ROOFTOP ACCESS FOR RESIDENTIAL STRUCTURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 559.14

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 559.14

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

The motion passed.

Town Attorney stated that although Building Official Dan Nieda was not there, he did leave some comments regarding this ordinance. There are two components to this ordinance. With the height component, they are already set in the code, this ordinance has a provision that allows residents to exceed the height limit only for functional chimneys. What Building Official Nieda is suggesting is that there be one additional exception for flat roofs. He is suggesting that for flat roofs there be a permitted height encroachment up to 12 inches for the installation of insulation and roof membranes for roof materials, otherwise it will require people to reduce the heights of their homes by a foot in order to accommodate for insulation and the roof membrane. He is suggesting the Council allow a parapet on a flat roof, not for design purposes, simply to cover the roof membrane and insulation that lies along the top of the roof. The second part of this ordinance would limit roof top terraces to just Zone 1. Each of the limitations that were discussed at the last meeting were included.

Councilmember Rojas asked about whether the ordinance addresses the issue of multiple roofs. **Town Attorney** stated that if there are multiple roofs at a home, this is intended to cover each of the levels, not just the top roof.

Councilmember Lusskin asked about the railing on the roof top terrace – is it around the whole edge of the roof or the 1,000 square feet. **Town Attorney** advised that it would be surrounding the 1,000 square feet terraced area.

Councilmember Bernstein asked a question about the parapet, asking if the Town Attorney could clarify the language concerning it.

Town Attorney stated that that section applies to those rooftop terraces that have already been permitted and are being built today.

Councilmember Lusskin asked about the legal non-conformings – if there's a 100 foot lot, can they have a parapet that's 30 feet plus?

Town Attorney stated that whatever has been permitted and is under construction, can be built. Around that rooftop area they can have either a safety wall/parapet of 42 inches around the rooftop terrace area, not the whole roof.

Mrs. Fishbein suggested that when the Council is talking about flat roofs and regular roofs that they have an easel board and draw it for people to visualize better. Her opinion is that she sees absolutely no reason for having a rooftop terrace.

Danny Soragon, Architect – his question is that he has a client that purchased 3 lots on Ocean Boulevard, with the intention to build a rooftop terrace to look at the ocean. He asked if that is a true hardship, since he purchased it prior to this proposed change in the code. And if so, would he be allowed to request a variance. **Attorney Helfman** stated that that would not constitute a hardship based on the hardship standard. More importantly, you cannot get a variance for this provision in the code, because this is not a use provision.

Albert Angel, 484 North Parkway – asked if a home's rooftop terrace was already approved if they can move forward with it. **Mayor Singer** advised that they could. Also stated that he thinks to prohibit the rooftop garden and that form of architecture is a crime.

Harvey Samowitz, 422 South Island – stated that one of the unique characteristics of Golden Beach is that it is a single-family town where you don't have high-rises. With continuing to go higher and higher with height limits, it is taking away from the essence and identity of the town.

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

3. **Official Minutes of the February 4th, 2014 Zoning Workshop**
4. **A Resolution of the Town Council Approving the Agreement for Contract Police Officer David Carrazana.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE AGREEMENT FOR CONTRACT POLICE OFFICER WITH DAVID CARRAZANA; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2342.14

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2342.14

Motion to approve was made by Councilmember Rojas, seconded by Councilmember Lusskin.

Consensus vote 4 Ayes 0 Nays. Items O3-O6 pass.

P. TOWN RESOLUTIONS

None

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Judy Lusskin:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Town Manager Alexander Diaz
None Requested

*** **Town Manager** stated that for the April 15th Town Council Meeting there are at least 6 building advisory items that are coming before them, so they should anticipate it being a lengthy meeting.

Council asked to move the meeting to Wednesday, April 23rd at 6 p.m.

Consensus vote 4 Ayes 0 Nays.

R. ADJOURNMENT:

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

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk