



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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Official Minutes for the March 22, 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 7:21 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, Police Chief James N. Skinner, Finance Director Maria D. Camacho, Town Attorney Steve Helfman

### C. PLEDGE ALLEGIANCE

The Mayor asked the Chief of Police to lead the Pledge of Allegiance

### D. PRESENTATIONS / TOWN PROCLAMATIONS

- Presentation by Robert Meyers from the Miami-Dade Commission on Ethics and Public Trust – Mr. Meyers provided an informational handout that was submitted into the public record. He spoke at length about Florida's Sunshine Law, Florida's Public Records Act and the County's Ethics Code.

### E. MOTION TO SET THE AGENDA

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

The Vice Mayor made a motion to add North Parkway to the discussion items. Councilmember Einstein seconded it. Concensus vote 5 Ayes 0 Nays.

The Town Manager mentioned that there is a new Resolution No. 2162.10 on the dais, to replace the previous one. The Town Manager requested to move his discussion items to come after the quasi judicial resolutions. The motion to move the Town Manager's discussion items was made by Councilmember Einstein, seconded by Councilmember Isackson-Rojas seconded it. Concensus vote 5 Ayes 0 Nays.

### F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee - None  
Beautification Committee - None  
Comprehensive Planning Board - None  
Recreation Committee - Alene Fishbein spoke on the Committee setting the date for the potluck dinner, (April 17<sup>th</sup>) which is a Sunday, as well as her birthday, at the beach pavilion beginning at 5 p.m.  
Security/Public Safety Committee – Lydia Eskenazi advised that there was nothing to report this week.  
Youth Leadership Group - None

## **G. GOOD AND WELFARE**

### **Allison & Jillian Samowitz, 250 South Island Drive**

Thanked the Town for their support and dedication during the Proseed2Green E-vent. Between the E-vent and the St. Patrick's Day event, 52 families have been given bags and information on recycling and waste removal around Town. The Golden Beach Youth Leadership Group collected \$132.75 to go towards Proseed2Green, during the E-vent. The sisters gave a brief account of everything they collected at the event that was donated to various charities. They asked the Town Council to please ban the use of Styrofoam products from Town sanctioned events.

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

In 2008 the Town Council voted to pass a \$5,000 per home water bill assessment for residents to replace the 80 year-old water system in Town. However he's pleased to announced that due to the Town's control over the CIP expenses, the Town is cancelling this assessment to the residents. Instead the Town is going to absorb the expense with the CIP funds. About two weeks ago, the Mayor along with Vice Mayor Bernstein and the Town Manager flew to Washington D.C. to meet with a number of representatives to request funds for the Town's Bridge Replacement Projects. It was a very productive trip. The Town discovered that it is going to receiving \$4.2-million in federal funding for the replacement of the bridges. Town is planning to go out to bid within the next few months and commence on the projects by the end of the year. He also thanked Allison and Jillian Samowitz for everything they did to get the Proseed2Green event together, and he asked residents to really try to recycle and try to become a little more green.

## **I. COUNCIL COMMENTS**

### **Vice Mayor Bernstein**

While campaigning, the Vice Mayor stated that he got to speak to a lot of residents and they voiced their concerns on a number of issues which he voiced at this point in time. Entrance gate next to the security gate was originally intended to have flowers above it on the trellises, and that was never looked into. Someone brought up the idea that since we have the transponders that work for the beach and the entrance, can't those be placed on the north and south ends of Town for the north and south gates to be used. There were some issues about people using the parks that aren't residents and nothing has happened to address this, and whether or not a fee would be charged for non-residents to use the parks. There was a question about the lighting poles and if the Town will have the ability to hang decorations on them like is being done in Bay Harbour Islands. Is there any prohibition on beach lights, with a concern for the beach turtles? Congratulated the Samowitz sisters on putting together a great event, however the field at North Park is in horrible shape; it is dangerous and there are holes in the middle of

the field. Thinks its time to look into the artificial turf or grass that was brought up some time ago, and finishing that project. Commented on the dredging in the water, and how he agrees with Councilwoman Isackson-Rojas that it is a great idea to address it now, and that the same thing has happened to his boat. Somebody brought up the idea that since we're a beach community, why don't we do something fun on the beach like a sleep-over on the beach for the children or maybe having a campfire out there.

#### **Councilmember Einstein**

Commented on the weather and how gorgeous its been and how nice the Town is shaping up along with it. He went to the beach and commented on how much use the kayak racks are getting from the residents and from an aesthetic standpoint perhaps it could be tweaked up for little to no money. The Councilman also attended the Proseed2Green event, and it was an excellent event. He thanked the Mayor and Vice Mayor for flying up to Washington D.C. Thanked the Town and his fellow council-people and all of his neighbors for the tremendous outpouring of support with the passing of his mother.

#### **Councilmember Lusskin**

Extended her condolences on behalf of the Town for the passing of Councilmember Einstein's mother. She commented that next month's Council meeting is the first night of Passover, so that meeting may have to be rescheduled. She asked the Town Manager or Paul Abbott to answer her question regarding how long the Town needs to leave the green stanchions supporting the trees on A1A and Golden Beach Drive. A few residents complained to her that they pick up their kids at the end of the day at the West lot and their may be people that are not Golden Beach residents that are using it, causing a bit of problem for parking. Thanked Sherry Goldstein and the Golden Beach Youth leadership group for their help with the Proseed2Green Event. She also commented on Singer Park, how beautiful it is, and how she would still like a pre-cast wall behind Singer Park on the wall against Massini Avenue.

#### **Councilmember Rojas**

Commented on the Saint Patrick's Day event and what a lovely event it was, with great food although Styrofoam cups were used. Was informed that she would be getting her recycling bin for the first time in four years. She commented on the bridges and the fact that the timing for this is good. The Councilwoman submitted pictures of the back of her house for the record, stating that she thinks it would be a good time to extend the dredging in the back of the homes in the canal because the dredging is horrible.

The Town Manager commented that the Town has had meetings with both the Florida Inland Navigational District (FIND) and Miami-Dade Public Works who is responsible for canal maintenance. The Town will look at it more aggressively now that the bridge projects are underway, but he commented that its not just a matter of maintenance but also a matter of permitting, since that is Biscayne Bay. Stated that he would ask for another meeting with Public Works and with FIND for more information.

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

Thanked the residents and the members of the Council for joining the Town the evening of the inauguration. The Town was fortunate enough to have Judge Brown from Miami-Dade County officiate over the ceremony. He thanked the staff, Micheal and Reniel in particular, for their assistance with the Saint Patty's Day event. The Town is taking off the table the \$1.7-million water loan, which is a savings on average of \$5,000 to

residents. The FDOT money is great news for the community, hopefully starting the project in September. He thanked all of those that went out and saw the police annex building. The Town is maximizing its space as well as securing the police department's evidence, sergeants have their own workspace and the Lieutenant has his own workspace as well. Landscaping at the beach pavilion will be enhanced beginning this month, particularly making the faucets automated to conserve water. Tweddle park's restrooms will also be receiving some minor enhancements. The Town is on track to collect \$800-thousand in code enforcement violations by the end of the fiscal year. Thanked staff for their continued hard work

He also addressed some of the Council comments, beginning with Councilwoman Lusskin's questions about the stanchions supporting the trees. The Town is leaving them on because we want to finish the project and go through a good wethering period with them before taking them out, and it still looks new. He mentioned that he has been getting a lot of emails from residents about a heightened amount of sap in the north part of Golden Beach Drive. The Town is looking to find an arborist to address the sapping of the coconut trees on the north part of Golden Beach Drive. Paul Abbott mentioned that the reason for the sap droppings is because of the harsh winter the Town experienced. Around Singer Park, on the back side, there is a decorative fence similar to those at the pump stations. At North Park there will be a decorative gate with landscaping. All of the groundcover is designed to be shade tolerant. On the solid wall in Singer Park, there is going to be creeping jasmine, which he suggested that Vice Mayor Bernstein might want to discuss it with the Beautification Committee for the arches in the entry-way to Town. Turtle lighting goes into effect March 30<sup>th</sup>, however none of the Town's street lights or the beach pavilion's lights will affect the turtle nesting season

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

- Discussion of Ordinance Regarding Smoking on the beach
- Discussion of regulations on skateboarding throughout Town

At the last meeting these two issues were brought up. Pertaining to the first issue regarding smoking, there is not much that we can do as a government because it has been pre-empted by the State. Pertaining to the second issue, Steve Helfman asked the Council what they wanted to do regarding the skateboarding around Town, they stated that they did not want to move forward on anything with it.

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

***\*\*This came after the Town Manager's Report, prior to the Town Attorney's Report***

- Powerpoint Presentation on Florida Power & Light Service Conversions by Paul Abbott

Town Manager interjected that the Town hopes to finish South Island and South of Verona on time, by the end of April or early May. Manager may put in the final lift of asphalt before the FP&L poles come down, which will not affect the equipment being used by FP&L. The balance of the project is doing very well, everything else is pretty much complete. A pipe burst at the south pump station, and will be fixed within the next few days. Also, during meetings with FP&L, it was found that the FP&L designs for Phase I had some glitches and those are

being replaced and paid for by FP&L, without delaying that portion of the project for the Town any further.

**Paul Abbott**

He first apologized for the crew workers that have been throwing their lunch waste at the work sites, a new crew was called in to expedite the project, they will be addressed and dealt with.

FP&L has made significant progress with the few design issues they had. All of the main wiring is in, and the town expects to start introducing these scenarios very soon. There are four different scenarios with the homes in Golden Beach Drive. Homes on the west side of Golden Beach Drive, the parkways and the islands, who are currently underground, will have minimal to no changes and no responsibility on the owner. The 2<sup>nd</sup> scenario is homes with existing underground services on the east side, where a conduit needs to be changed, costs will be between \$500-700. The 3<sup>rd</sup> scenario where an existing overhead system, a new underground conduit needs to be put in place, costs between \$850-1200. The 4<sup>th</sup> scenario, which is the most complex and most difficult, is where there is an outdated entry service and a new service will have to be put in place, costs are somewhere near \$2000. A letter will be sent out to all of the residents by the middle of next week identifying the scenarios and explaining the costs and an option. The Town is offering to coordinate and provide this service to the residents, which will facilitate a much smoother conversion. The Town will work directly with FP&L on the residents behalf. If a resident decides not to use the Town's service, they must comply and take care of it on their own.

The Town Manager stressed that when the Town went out and told the residents that they would be responsible for converting their meters, the process was always convert your meter and provide the conduit to the right away line. Over the last year, Paul Abbott has been working with Public Works to put the conduit from the right away line to the meter cam. The Town has incurred that cost and done the work for the residents. The goal tonight and with sending the letters out is that the residents allow the Town to do all of the work and then right a check for services rendered.

Paul stated that the Town has received bids from 4 different contractors, vetting them out to bring list to 3. All permit fees will be waived, if the work is done through the Town. The Town Manager stated that the 3 firms that will be selected, will be enterprise firms from FP&L, in the hopes to convince FP&L to allow the Town to do the connect and the disconnect without having FP&L crews here, which may delay when that work gets done. Paul stated that in the letter there is a deadline to respond, and if residents don't respond within that timeframe the Town will take the next step and go ahead and do the work. The Town Manager interjected stating that this is the most critical part of the project. The Town has 180 days from the date the last transformer is set and energized to complete the conversion, but the Town could not give a completion date at this time. . Paul also pleaded with the residents to please not speed through the construction zone. Mr. Oded Meltzer spoke about the mulch that has been spread throughout town and whether or not it is natural mulch or if it has been

painted. Paul stated that it has been stained but it is a natural product and a non-arsenic product.

Councilmember Einstein thanked Paul and the Town Manager for the presentation.

#### **M. ORDINANCES – SECOND READING**

None

#### **N. ORDINANCES - FIRST READING**

None

#### **O. QUASI JUDICIAL RESOLUTIONS**

None

#### **Town Manager's Presentation**

\*Town Manager's discussion items were moved up to this point, regarding street lighting throughout Town by Steve Bailey, from Bailey Engineering. The Manager met with seven different engineering companies before selecting Mr. Bailey's company, which is a subcontract of Craig A. Smith & Associates. He asked Mr. Bailey to discuss what the Town can expect the next few months as the Town receives new lighting fixtures. The Town will go through a selection process, with two options: either an FP&L program or a Town purchased decision – both of which will be discussed at a later date. Mr. Bailey's company will take a look at the Town's existing lighting conditions in Town and improve the dark spots and control median lighting to the residents homes as well. The Town Manager interjected stating that once the Town meets with FP&L, if the Town agrees to a light fixture it likes, this will make the installation process a lot easier because FP&L will handle all aspects of the light fixtures. He also mentioned that the Council allocated a budget for this project already and the project is fully funded.

Councilmember Einstein commented on the positioning of the lights west of the sidewalk. The Town Manager stated that the Town will have a series of workshops where direction will be given to the Town on how to act.

The Manager also discussed the RFP process for the CCTV cameras throughout the Town. There will be an RFP released within the next two weeks describing specifically what the Town is looking for. Councilmember Einstein asked if the residents will have access to the cameras and the Town Manager stated that that will be a policy decision that the Council will have to make.

#### **P. CONSENT AGENDA**

- 1. Minutes of the February 22, 2011 Special Town Council Meeting**
- 2. A Resolution of the Town Council Establishing a Personnel Appeals Board.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ESTABLISHING A PERSONNEL APPEALS BOARD, PURSUANT TO SECTION 3.04 OF THE TOWN OF GOLDEN BEACH CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Resolution No. 2160.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2160.11

**3. A Resolution of the Town Council Appointing Members to the Beach Advisory Committee**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH, BEACH ADVISORY COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2161.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2161.11

**4. A Resolution of the Town Council Appointing Members to the Beautification Advisory Committee**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH, BEAUTIFICATION ADVISORY COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2162.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2162.11

**5. A Resolution of the Town Council Appointing Members to the Comprehensive Planning Board**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH, COMPREHENSIVE PLANNING BOARD; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2163.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2163.11

**6. A Resolution of the Town Council Appointing Members to the Recreation Advisory Committee**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH RECREATION ADVISORY COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2164.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2164.11

**7. A Resolution of the Town Council Appointing Members to the Security and Public Safety Advisory Committee**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH SECURITY AND PUBLIC SAFETY ADVISORY COMMITTEE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2165.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2165.11

**8. A Resolution of the Town Council Appointing Members to the Building Regulation Advisory Board**



A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH BUILDING REGULATION ADVISORY BOARD; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2166.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2166.11

**9. A Resolution of the Town Council Ratifying the Re-Appointment of Rafael Suarez-Rivas, Esq. as Special Magistrate**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RATIFYING THE RE-APPOINTMENT OF RAFAEL SUAREZ-RIVAS, ESQ. AS SPECIAL MAGISTRATE; AUTHORIZING MAYOR TO ENTER INTO AGREEMENT ON BEHALF OF THE TOWN WITH MR. SUAREZ-RIVAS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2167.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2167.11

**10. A Resolution of the Town Council Approving an Agreement between the Town and Bellsouth Telecommunications, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN AND BELLSOUTH TELECOMMUNICATIONS, INC. IN CONNECTION WITH THE CONVERSION OF CERTAIN OVERHEAD FACILITIES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AUTHORIZING THE TOWN TO EXPEND BUDGET COSTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 2168.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2168.11

A motion to approve was made by Councilmember Lusskin seconded by Councilmember Einstein.

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

**Q. TOWN RESOLUTIONS**

**11. A Resolution of the Town Council Assigning Each Councilmember the Duty to Inquire into the Operation of a Particular Area of Governmental Responsibility.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ASSIGNING EACH COUNCILMEMBER THE DUTY TO INQUIRE INTO THE OPERATION OF A PARTICULAR AREA OF GOVERNMENTAL RESPONSIBILITY; PROVIDING FOR CONFLICT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 2169.11

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2169.11

A motion to approve was made by Councilmember Lusskin 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 passed.

Councilmember Lusskin took the Finance Department  
Councilmember Isackson-Rojas took the Building & Zoning Department  
Mayor Singer took the Administration Department  
Vice Mayor Bernstein took the Public Works Department  
Councilmember Einstein took the Police Department

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

Mayor Glenn Singer:  
None Requested

Vice Mayor Kenneth Bernstein:

Conditions of North Park was addressed during his council comments, however the Mayor revisited it at this point stating that the Town Manager and him will look at different options to improve the park and try to salvage that area, the problem is that going with synthetic materials would be very costly, resodding would be much cheaper. Councilmember Einstein mentioned how South Park is going to be like Versailles and North Park was being neglected. The whole Council concurred that its time to fix it. The Town Manager recommended that he work with Southeastern Engineering, Inc. to persuade them to bare the brunt of the costs and relay the sod with the consultation of Vice Mayor Bernstein, to have the park ready and usable before the Summer.

Councilmember Bernard Einstein:

None Requested

Councilmember Judy Lusskin:

None Requested

Councilmember Amy Rojas:

None Requested

Town Manager Alexander Diaz

\*RFP for the installation of CCTV cameras throughout Town

\*Bailey Engineering Contract for Town Street Lighting

The Town Manager recommended that the April 19<sup>th</sup> Regular Town Council Meeting be moved to April 26<sup>th</sup>. The Town Manager reminded the Council that this will be a relatively long meeting because of all of the Building and Zoning ordinance changes that will be presented, one of which is a 13-page change.

A motion to approve was made by Councilmember Isackson-Rojas, seconded by Vice Mayor Bernstein.

Consensus vote was 5 Ayes 0 Nays. The 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 9:24 p.m.

Respectfully submitted,

*Lissette Perez*

Lissette Perez

Interim Town Clerk