



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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### Official Minutes for the May 19, 2009 Regular Town Council Meeting called for 7:30 P.M.

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#### A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:36PM.

#### B. ROLL CALL

The Town Clerk called roll:

**Councilmember Present:** Mayor Singer, Vice Mayor Lusskin, Councilmember Bernstein, Councilmember Einstein, Councilmember Rojas

Staff Present: Town Manager – Alexander Diaz, Town Attorney – Stephen Helfman, Police Chief – James Skinner, Finance Director – Maria Camacho, Executive Assistant to the Town Manager – Lissette Perez, and Town Clerk – Elizabeth Sewell.

#### C. PLEDGE ALLEGIANCE

The Town Council led the Pledge of Allegiance

#### D. PRESENTATIONS / TOWN PROCLAMATIONS

##### *Recognition of Town Employee of the Month for April 2009*

Mayor Singer acknowledged Giordano Arostegui as the Employee of the Month for April 2009.

##### *Recognition of Town Officer of the Month for April 2009*

Mayor Singer acknowledged Officer Dan Rosenberg as the Officer of the Month for April 2009.

##### *Special Recognition for the 80<sup>th</sup> Anniversary Planning Committee Members*

Mayor Singer presented Certificates of Appreciation to the following committee members; Linda Kropp, Vice Mayor Lusskin, Dina Nicollela and Annette Willis.

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

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

None

## **F. TOWN BOARD/COMMITTEE REPORTS**

Beach Committee – There was no report for the month of May.

Beautification Committee – There was no report for the month of May.

Comprehensive Planning Board – There was no report for the month of May.

Recreation Committee – Vice Mayor Lusskin announced the Memorial Day Event on Monday, May 25, 2009 at 5:00 PM at the Beach Pavilion.

Security/Public Safety Committee – There was no report for the month of May.

## **G. GOOD AND WELFARE**

Dr. Norman Gaylis – 179 Ocean Boulevard spoke in reference to the beach erosion.

June Krogoll – 422 Golden Beach Drive spoke in reference to making the beach a no smoking beach.

Oded Meltzer – 122 Golden Beach Drive spoke in reference to the Town applying for some of the stimulus funds from the Federal Government to assist with the Town's Bridge Replacement Project and other projects in the Town.

The City of Sunny Isles Beach sent a Proclamation congratulating the Town of Golden Beach on its 80<sup>th</sup> Anniversary.

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

- **80<sup>th</sup> Anniversary Planning Committee**  
Mayor Singer commended the Planning Committee Members for the phenomenal job they did coordinating the events for the Town's 80<sup>th</sup> Anniversary Celebration. Especially the Beach and Recreation committees.

- **A1A Capital Improvement Project**  
 Mayor Singer stated that the A1A Project construction would begin this week. This project consists of a sidewalk on the west side of Ocean Boulevard, renovating the medians on A1A to include up lighting and street lighting.
- **Federal Stimulus Funds**  
 Mayor Singer stated that the Town Manager, the Finance Director and he have been applying for every possible grant funding that has been available. He also stated that the Town has a great Lobbyist and the Town has done well receiving funding. He explained that the Town has not only applied for State funding but also Federal funding. He stated that the Town is very close to receiving State funding for the Town's Bridge Replacement Project and some Federal assistance for other projects.
- **Capital Improvement Project Update**  
 The project is progressing, the Town Manager meets with the Capital Improvement Program Team weekly and up to this point, the project is moving along smoothly.
- **No Smoking on the Beach**  
 Mayor Singer stated that is a great idea and he is recommending that this issue be placed on next month's Town Council Meeting agenda for discussion.
- **Beach Erosion**  
 He stated that it would be a good idea to hire some one to analyze the problem but he is recommending that the erosion of the beach be evaluated after the summer.
- **Use of Beach Pavilion**  
 He explained that the Rules and Regulations for the use of the Beach Pavilion would be discussed at this Council Meeting.
- **Summer**  
 Mayor Singer wished everyone a safe and happy summer. He asked parents to speak with their children about safety during the summer months due to big trucks traveling on Golden Beach Drive as the construction of the Capital Improvement Project continues. He also urged the residents to drive safely and to be cognizant that the summer is approaching and there will be a lot more children on the streets, especially in the evenings because the streets are not well lit. He stated that it is very difficult to see the children with dark shirts on bicycles.
- **Visitors at the Beach**  
 Mayor Singer stated that he has observed residents' guests using the beach facilities such as the lounge chair and there are only a few chairs left for the use of the Town's residents. He stated that this matter might be addressed by

limiting the number of guests residents could invite at one time to the beach. He suggested that guests should not be at the beach without the resident.

## **I. COUNCIL COMMENTS**

### **Councilmember Einstein**

- **80<sup>th</sup> Anniversary Celebration**

Councilmember Einstein commended the 80<sup>th</sup> Anniversary Planning Committee and the staff for the great events that were planned and enjoyed by the Town's residents.

- **Beach Facilities**

Councilmember Einstein stated that he was in agreement with Mayor Singer in reference to the use of the beach facilities by guests that are not residents of the Town.

### **Councilmember Rojas**

- **Capital Improvement Project**

Councilmember Rojas stated that the Capital Improvement Project Team has been very considerate of the residents regarding the connection of the new water service to the homes. The Capital Improvement Project Team has been advising the residents when the water would be off and for how long. She stated that all of the residents should be treated the same way and she had heard concerns that some driveways are going to be blacktop and others are not.

- **Recycling Containers**

Councilmember Rojas asked if the Town had made any progress in getting recycling containers for the residents who need them and in public places so that they can be utilized.

- **No Smoking Beach**

Councilmember Rojas is in agreement with making the beach a no smoking beach and asked if it can be a part of a resolution or if it has to be in the form of an ordinance. She asked if it could be incorporated in the current Rules and Regulations for the use of the beach facilities that was currently on the agenda for discussion and possible adoption.

### **Councilmember Bernstein**

- **The Town's 80<sup>th</sup> Anniversary Celebration**

Councilmember Bernstein commended the staff and everyone that participated in coordinating the events for the 80<sup>th</sup> Anniversary.

- **Mailboxes**

He stated that several residents expressed concerns in reference to changing the mailboxes in the Town.

- **Beach Pavilion Rules and Regulations**

Councilmember Bernstein stated that before adopting the proposed rules and regulations for the use of the beach pavilion and facilities there should be a workshop for input from the residents before making dramatic changes to the current rules and regulations. He also suggested putting a notice in the Town's monthly newsletter.

**Vice Mayor Luskin**

- **Sunny Isles Beach Community School**

Vice Mayor Luskin announced that the School is having its end of the year ceremony on May 27, 2009. She encouraged all of the Town Council members to attend.

- **Beach Committee**

Vice Mayor Luskin stated that the Beach Committee is an important committee. She commended Mr. Steve Birmingham and Mrs. June Krogoll for all of their support and constructive input in reference to the Beach Pavilion and facilities.

**J. TOWN MANAGER REPORT**

- **Beach Erosion**

The Town Manager reported that the Town has had two meetings, one with Miami-Dade County Department of Environmental Resources Management who oversees the beach and coastal waterways and the second meeting with the Florida Department of Environmental Protection with coastal control section as it relates to beach erosion. He stated that the experts in beach erosion have explained that it is a natural occurrence, and not much could be done to control the loss of beach. The Town is looking into a long-term plan for beach renourishment but it is not an easy fix even if the funding is identified because of the lack of authority that the Town has as we are outside of the Army Corp of Engineering Beach Renourishment District. He explained that from a permitting perspective it would take years of legwork and planning. He also stated that there are two upcoming beach renourishment projects by the City of Hallandale Beach and the City of Sunny Isles Beach and due to the tidal movements and currents; the Town of Golden Beach will receive some sand from both of these projects. Therefore, he suggested re-evaluating the Town's beach erosion after the summer. He assured the residents that the Town would monitor and work with the appropriate agencies and jurisdiction to resolve the matter.

- **Miami-Dade Fire Rescue Department**

The Town Manager stated that Chief Steven Trammell of the Miami-Dade Fire Rescue Department participated in the Town's 80<sup>th</sup> Anniversary Celebration. He reported that the Town has had five meetings with the Miami-Dade Fire Rescue Department in reference to the potential building of a fire station in the Town. The meetings have been successful, and he is going to bring to the

Council some preliminary site designs and costs at either the June or August council meeting.

- **80<sup>th</sup> Anniversary Celebration**

The Town Manager thanked the 80<sup>th</sup> Anniversary Planning Committee for their direction and commended the staff for all of their hard work in making the events successful.

- **Stimulus Funding**

The Town Manager reported that he and the Mayor had considerable meetings with both state and regional leaders. They have applied for stimulus funding and have received two different allocations of stimulus funds. He explained that most of the funds were sent through Miami-Dade County and the Miami-Dade Metropolitan Planning Organization and Miami-Dade County has taken the approach that they are going to allocate those stimulus funds based on population. As a result, of that formula based on the number of the Town of Golden Beach residents the funds for the Town becomes smaller. Based on this information he and the Mayor has decided not to apply for the funds that are by the allocation formula but they have applied for discretionary funds. Last week the Town was notified, by the Florida Department of Transportation that it has met the qualifications for stimulus funds for the Bridge Replacement Project.

- **Bridge Replacement Project Update**

The Town Manager reported that the Town has design plans ready for the bridges, and is one permit away from receiving final permitting for the bridges to be ready for construction.

- **Beach Pavilion Facilities**

The Town Manager stated that the Beach Pavilion bathrooms would be closed one at a time starting this week to redo the tiles in the shower areas to correct the standing water issues. Over the weekend, the Town erected five (5) new buoys in the water and is in the process of installing the guide rope for the elderly in the water.

- **A1A Street Lighting**

The Town Manager stated that the Town would be replacing the lighting on Ocean Boulevard. He reported that Miami-Dade County would be donating thirty (30) decorative streetlights to the Town to replace the streetlights on Ocean Boulevard. This would be a part of the A1A Capital Improvement Project. He thanked Miami-Dade County and specifically the Director of Public Works and Commissioner Sally Heyman.

## K. TOWN ATTORNEY REPORT

None

## L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE

- **A1A Capital Improvement Project**

The Town Manager stated that the Town received the final permits from Florida Department of Transportation last week. The west parking lot is closed to all residents and is being used as the staging area for the duration of the A1A Capital Improvement Project. The Town has taken delivery of the Florida Power and Light conduit this week. The construction work will begin on May 26, 2009 and there will be lane closures. His commitment to the residents is that the lanes would be closed from 8:30 a.m. until 4:00 p.m. to minimize the obstruction of traffic flow on A1A. The conduit installation will commence from the south moving north. The conduit will be installed underneath the sidewalk. In the median, the work would consist of the installation of additional Medjools, new sod and shrubbery, electrical irrigation system throughout A1A and uplighting for all of the trees.

- **Golden Beach Drive Project**

The Town Manager reported that the Water Main System has been installed up to a little north of Verona and the Parkway. The new water service connections have been completed up to Navona. The Town has taken delivery of the Florida Power and Light Company conduits for Golden Beach Drive. He has made the administrative decision to install the street lights on Golden Beach Drive in conduits. He stated that the cost is minimal, and can be covered by the project's contingency funds.

The Town Manager stated that currently the Stormwater Management System is being installed north of Navona. The goal is to complete the installation from Navona to Massini Avenue within the next three to four weeks, take delivery of that section first and then progress south of Navona Avenue. The Capital Improvement Project is on track and within the project's budget. He explained that the Town submitted to FEMA in 2005 a grant for the Stormwater Management System, and that grant was denied in 2006. He was informed that there was funding still available at FEMA from the 2005 Hurricane. Therefore, the Town Manager with the agreement of the Mayor submitted to a letter to FEMA asking them to repeal the original rejection. FEMA agreed and has now authorized the Town to submit for reimbursement for a portion of the Town's Stormwater project. This is additional revenues that the Town was not expecting for the installation of the Stormwater Management System. The Town has available approximately 4 million dollars in possible reimbursement. FEMA has agreed to fund the project in two phases. The first phase of funding would cover all of the Town's Architectural and Engineering costs and Phase two would cover the construction costs. As a result, the Town will delay the installation of the Stormwater Management System south of Novana so that the

Town's sequencing can fall in line with the receipt of the grant funding. He also stated that Southeastern Engineering Contractors would be receiving a stop order as it relates to the Stormwater Project installation for a small delay in order for FEMA to make the funding available to the Town for this project.

## **M. ORDINANCES – SECOND READING**

None

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

### **1. An Ordinance Creating Section 58-38 Entitled “Mailboxes”**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, CREATING SECTION 58-38 ENTITLED “MAILBOXES” OF THE TOWN CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR THE DESIGN AND PLACEMENT OF RESIDENTIAL MAILBOXES; AMENDING SECTION 2-211 ENTITLED “VIOLATIONS AND PENALTIES” TO INCLUDE A PENALTY FOR VIOLATION OF MAILBOX REGULATIONS; 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. 536.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 536.09

The Town Manager explained that with the construction of the Capital Improvement Project that it would be the best opportunity for the Town to create a unified mailbox system. This system will not limit creativity because residents would be able to select from three or four mailbox designs. The Town will be responsible for the purchase and installation of the initial mailbox and the residents will be responsible for the maintenance and replacement of any mailboxes that may be needed in the future. This Ordinance allows for penalties for residents that do not comply and for enforcement of the fines.

A Motion to adopt Ordinance No. 536.09 on first reading by Councilmember Bernstein, seconded by Vice Mayor Lusskin.



**Roll call vote was as follows:**

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

**2. An Ordinance Amending Section 22-6 Entitled “Use of Beach Pavilion/the Loggia and Town Beach Facilities”**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 22-6 OF THE TOWN CODE OF ORDINANCES ENTITLED “USE OF BEACH PAVILION/THE LOGGIA’ AND TOWN BEACH FACILITIES” REGARDING ADOPTION OF RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION; 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. 537.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 537.09

The Town Manager explained that in the past few months it has come to the attention of the Administration that the rules and regulations governing the use of the Town’s Beach Pavilion need to be enhanced to protect the future use of this facility and the residents of Golden Beach. He also explained that by enacting rules and regulations by Resolution rather than an Ordinance allows for greater flexibility by the Administration to introduce new rules as needed and adjust fees for the use of the Town’s Beach Pavilion as needed. This Ordinance modifies the Town’s current Ordinance allowing for the adopting of Rules and Regulations by Resolution.

A Motion to adopt Ordinance No. 537.09 on first reading by Vice Mayor Lusskin, seconded by Councilmember Rojas.

**Roll call vote was as follows:**

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

**O. QUASI JUDICIAL RESOLUTIONS**

None

**P. CONSENT AGENDA**

3. Minutes of April 21, 2009 Regular Town Council Meeting.
4. **A Resolution of the Town Approving a New Agreement with David T. Caserta Government Relations, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A NEW AGREEMENT WITH DAVID T. CASERTA GOVERNMENT RELATIONS, INC. FOR CONSULTING SERVICES FOR THE PERIOD BEGINNING OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2010; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 1999.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 1999.09

5. **A Resolution of the Town Approving an Interlocal Agreement with Miami-Dade Transit Agency for Federal Funding for the Town Installation of Bus Shelter.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE MIAMI-DADE TRANSIT AGENCY FOR FEDERAL FUNDING PASS-THROUGH ARRANGEMENTS IN CONNECTION WITH THE TOWN'S INSTALLATION OF BUS SHELTERS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2000.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2000.09

A Motion to approve Items No. P 3 through P5 on the Consent Agenda by Councilmember Bernstein, seconded by Councilmember Einstein. Consensus vote was 5 Ayes 0 Nays. The Motion carried.

## **Q. TOWN RESOLUTIONS**

### **6. A Resolution of the Town Council Approving Work Order for Professional Services for Construction Administration of A1A Improvements Between the Town of Golden Beach and C3TS**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING WORK ORDER FOR PROFESSIONAL SERVICES FOR CONSTRUCTION ADMINISTRATION OF A1A / OCEAN BOULEVARD IMPROVEMENTS BETWEEN THE TOWN AND CORZO, CASTELLA, CARBALLO, THOMPSON, SALMAN, P.A.; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2001.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2001.09

The Town Manager explained that this Work Order was to provided professional services for construction administration of the A1A Capital Improvement Project and the Installation of sidewalk on the west side of Ocean Boulevard. As a part of the Town's Joint Partnership Agreement with the Florida Department of Transportation, the Town is responsible for construction and inspection services related to the installation of the new sidewalk along the west side of Ocean Boulevard. The Florida Department of Transportation has reviewed and accepted the terms of this agreement and will be reimbursing the Town for associated expenses.

A Motion to approve Resolution No. 2001.09 by Councilmember Rojas, seconded by Councilmember Einstein.

#### **Roll call vote was as follows:**

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

The Motion carried.

### **7. A Resolution of the Town Council Authorizing Commencement of Formal Process to Adopt Special Assessment for Water Main Improvements.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING COMMENCEMENT OF FORMAL PROCESS TO ADOPT SPECIAL ASSESSMENT

FOR WATER MAIN IMPROVEMENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2002.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2002.09

The Town Manager explained that with the implementation of the Town's Capital Improvement Plan, improvements were needed to certain water mains comprising the Town's potable water system. The total cost of the project required to replace and repair the water main is Two Million Two Hundred and Fifty Thousand Eight Hundred and Sixty Dollars (\$2,250,860.00). Of that total cost, One Million Five Hundred Thousand (\$1,500,000.00) will be funded using borrowed funds and repaid through the proceeds of a special assessment on all buildable parcels of real property located within the Town. It is currently estimated that a charge of Twenty Eight dollars (\$28.00) monthly for a period of 20 years will be imposed on each buildable lot located within the Town. The process by which a special assessment may be created is governed by Chapter 170 of the Florida Statutes and consists generally of the following steps: (1) Prepare Assessment Plat and Plans and Specifications, (2) Hold Public Hearing on Special Assessment, (3) Adopt Resolution Approving Special Assessment, (4) Publish Resolution, (5) Prepare Preliminary Assessment Roll, (6) Notice and Hold Hearing on Preliminary Assessment Roll, (7) Prepare Final Assessment Roll and (8) Construct Improvements and Collect Special Assessments. In addition, to the requirements set forth in Chapter 170 of the Florida Statutes, Section 9.02 of the Town's Charter also requires a public hearing prior to the levy of a special assessment to be held prior to the adoption of this Resolution. This Resolution meets the requirements of the Town Charter and authorizes commencement of the formal process required under Chapter 170 of the Florida Statutes to levy the special assessment. This Town Council action is being taken to ensure that the General Fund will be reimbursed for costs associated with the installation of the Water Main System. If for any reason the Town can identify alternative funding for this project, it will pursue them before the final adoption of the special assessment.

A Motion to approve Resolution No. 2002.09 by Councilmember Bernstein, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

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

The Motion carried.

**8. A Resolution of the Town Council Adopting Rules and Regulation for use of the Beach Pavilion.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2003.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2003.09

The Town Attorney explained that the attached Rules and Regulations for the use of the Beach Pavilion and Beach Facilities were the Town's existing rules that were presented to the Council and the public for initial discussion and comments. Mayor Singer and the Council discussed and commented on each item. After discussion and amendment of the rules and regulations for the use of the Beach Pavilion and Beach Facilities, the Council agreed to table this item and bring it back with amendments to the next Council Meeting.

A Motion to approve Resolution No. 2003.09 for discussion by Vice Mayor Lusskin, seconded by Councilmember Rojas.

A Motion to table to the next Council Meeting Resolution No. 2003.09 by Mayor Singer, seconded by Vice Mayor Lusskin. Consensus vote 5 Ayes 0 Nays. The Motion carried.

**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 to adjourn the Council Meeting by Mayor Singer, seconded by Councilmember Einstein. Consensus vote 5 Ayes 0 Nays.

The meeting was adjourned at 10:31 PM.

Respectfully submitted,

*Elizabeth Sewell*

Elizabeth Sewell, CMC  
Town Clerk