



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the November 15, 2011 Regular Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:08 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Kenneth Bernstein (showed up at 7:25 p.m.), Councilmember Judy Lusskin, Councilmember Bernard Einstein

Councilmember's Not Present: Councilmember Amy Isackson-Rojas

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

C. PLEDGE ALLEGIANCE

Police Chief Lead the Pledge of Allegiance

D. ADOPTION OF FINAL MILLAGE AND FINAL BUDGET FOR FISCAL YEAR 2011/2012 (TIME CERTAIN ITEM)

- 1. A Resolution of the Town Council Adopting the Final Millage Rate for the Fiscal Year Commencing October 1, 2011 through September 30, 2012**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 2210.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2210.11

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

The motion passed.

The Town Manager explained that the issue was with the advertising of the Town's budget in the Miami Herald. It was missing the word "increase" in it, because the millage rate is higher than the roll back rate for fiscal year 2011/2012.

2. A Resolution of the Town Council Adopting the Final Budget for the Fiscal Year Commencing October 1, 2011 through September 30, 2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGET FOR ALL TOWN FUNDS FOR THE 2011/2012 FISCAL YEAR COMMENCING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2211.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2211.11

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>Absent</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>

Councilmember Isackson-Rojas Absent

The motion passed.

D. PRESENTATIONS / TOWN PROCLAMATIONS

None

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
Comprehensive Planning Board – None
Recreation Committee – None
Security/Public Safety Committee –None

Youth Leadership Group – Resident Dina Nicolella, 522 North Parkway,
thanked all of the children who participated in the Town's Veteran's Day Event.

G. GOOD AND WELFARE

Joelle Kheel, 407 Golden Beach Drive

Asked if anything can be done about the cats roaming wild around Town?

Also asked about the movie night program and whether that would be reinstated this year?

Dina Nicolella, 522 North Parkway

Thanked the Town for a great Halloween event and thanked the Town for how beautiful South Park turned out. Asked about why the flowers are not in North Park, because the flowers in South Park area beautiful.

Spoke about the light that has been out on A1A near the Strand Avenue sign and asked if the Administration could take a look at it.

Approached with a petition regarding opening up the South Gate and asked if there was going to be a full-time guard there? The Mayor advised that that is not true and there will not be a guard stationed there.

Rick Glaser, 323 Golden Beach Drive

Stated that keeping the South Gate closed will help the crime rate in Town stay down.

H. MAYOR'S REPORT

Thanked Councilwoman Lusskin and the Recreation Committee for the Veteran's Day event. He stated that the Halloween event was great, and thanked the staff and the Recreation Committee for a job well done.

Last week Chief De Lucca held an all-day team building and motivational event for the Town's officers, and he wanted to commend the Chief for putting it together. He reminded residents that the Town Attorney would speak on the issue with the South Gate during his report.

Took a moment to wish everyone a happy and healthy thanksgiving, and thanked everyone for participating in the community events.

I. COUNCIL COMMENTS

Councilwoman Lusskin

Stated that the city of Sunny Isles Beach is looking towards having cooperative programs with the Town. She asked about the health of the grass in north parkway, because sometimes it looks a bit sickly.

Mentioned that she too has gotten several phone calls about the cats in Town and that the Town is trying to do what they can to curb their presence.

Councilman Einstein

Spoke on issues he has been having with his alarm at his house and how responsive the police were when this was going on.

He commented on the street sweeper and asked the Town Manager what the feedback was about it.

Resident Fred Chouinard, 407 Ocean Boulevard, commented on the Councilman's remarks regarding his home alarm and Navarro security.

Vice Mayor Bernstein

Asked if the Town is contracted with Navarro, can't the town work out a discounted rate for people to go straight through them instead of through the police?

The Town Manager advised that the Town will look into all the different options and see what is available to them.

Complimented the Town on how well the CIP has impacted the Town in alleviating its flooding issues. Also commented on how great the Town's recent events have been.

J. TOWN MANAGER REPORT

Announced that the fixit.com campaign was launched. If residents see anything wrong in Town they can email fixit@goldenbeach.us or call 305-788-6262, both of which are checked daily and forwarded to the appropriate persons to fix any issues residents may see around Town. Thanked employee Michael Glidden and contracted Town event planner, Carol Larson for putting together the Halloween event. The Town has rescheduled the South Park re-opening due to the inclement weather, the date is to come. Town plans to move movie nights in to South Park after the re-opening. Thanked Linda Epperson for securing additional funding for the Town, collecting a code violation today of \$150,000.

(Paul Abbott joined him at this point to go over the CIP report.) Town Manager announced that the Administration hopes to bring the award for the CCTV program at the December meeting. The Town did receive the five proposals for the lighting program, and hopes to bring a recommendation to the Council at the December meeting as well. Due to scheduling conflicts and some staffing issues in Town, the paving project will begin on Sunday night, December 4, unless there is a weather issue.

Paul Abbott mentioned that just yesterday FPL began delivering all of the equipment for the installation of the phase 2 electrical. CIP team committed to being done with all of Phase 1 and Phase 2 by the end of the year. Mr. Abbott advised that there are just two homes left to finish on the North end, but the team is essentially done with Phase 1.

The Town Manager took a moment to personally thank Mr. Pinkahsov for letting the Town use his empty lot to store equipment.

Town Manager also advised that the Town finished all of the installation of the signs in the parks, and the bronze plaques arrived this week. The temporary redesign of Tweddle Park has commenced, and hope to deliver it by winter break.

The Town Manager promised that if the project doesn't begin on December 4th, the Town will wait until after the holidays to start it.

Manager Diaz presented the Council with their dollars for their year of service and presented the mayor with his plaque for singer park.

K. TOWN ATTORNEY REPORT

Mr. Helfman stated that the town's attorneys have finalized their work and research on the south end of town gate issue. Final conclusion, which will be put in writing, is that there is no real prohibition on eliminating the gate that is there, but to do that is going to require a modification of the easement agreements with the adjoining property owner because it would conflict with the easements that are in place right now. At a minimum, the Town would end up having to negotiate a new easement agreement with the development to the south. The vacation of the road just to the east of Town Hall would have to be addressed as well as a number of other things. It will be complicated and run into some expense, but it is not impossible to do.

L. ORDINANCES – SECOND READING

3. 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. 3
 Ordinance No. 543.11

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 543.11

A motion to approve was made by Councilmember Einstein 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>Absent</u>

The motion passed.

Town Manager re-iterated that this ordinance conflicts with the Town's Code of Ordinances, and needs to be eliminated.

4. 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. 4
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 Absent

The motion passed.

The Town Manager stated that this is a clean-up item, to make the ordinance consistent as it relates to the police pension.

Resident Heady Glaser, 323 Golden Beach Drive just commented for a moment on the South Gate issue, asking how it would be presented and what the discussion would consist of? Mayor Singer stated that a tremendous amount of research would be done before the Council would move forward with any action. He informed that the Town Attorney would first present to the Council a report on what it would take to open the gate, then an open discussion would be had with the Council and the public, and then the decision-making process would begin.

5. 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. 5
 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>Absent</u>

The motion passed.
The Town Manager advised that this ordinance allows the Town to charge a fee for dumpster containers in Town.

6. 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. 6
Ordinance No. 546.11

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 546.11

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

The motion passed.
The Town Manager advised that this ordinance allows for additional materials to be used when constructing a seawall.

7. 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. 7
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
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>Absent</u>

The motion passed.

Town Manager advised that this ordinance eliminates the satellite dish fee.

**8. 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. 8
Ordinance No. 549.11

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 549.11

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

The motion passed.

9. 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. 9
Ordinance No. 550.11

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 550.11

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

The motion passed.

Town Manager advised that this ordinance for red light cameras is illegal because it was never changed to comply with Florida Law. The Town voted against the original ordinance to begin with.

10. An Ordinance of the Town Council Amending Chapter 66, Zoning, Specifically by Amending Article I, Entitled “In General,” Article III, Entitled “District Regulations,” and Article IV, Entitled “Supplementary District Regulations.”

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, ZONING, SPECIFICALLY BY AMENDING ARTICLE I, ENTITLED “IN GENERAL,” ARTICLE III, ENTITLED “DISTRICT REGULATIONS,” AND ARTICLE IV, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” TO EFFECTUATE CLEAN-UP AND UPDATE OF LAND DEVELOPMENT REGULATIONS TO ADDRESS DEVELOPMENT CONCERNS IDENTIFIED BY THE BUILDING OFFICIAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
Ordinance No. 551.11

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 551.11

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>Absent</u>

The motion passed.

The Town Manager thanked the Town Attorney for working on this ordinance on the Town's behalf. The Vice Mayor stated that this ordinance imposes unnecessary setbacks to residents. The Town Manager clarified that this isn't what the ordinance is stating. Building Official Dan Neida stated that the intent of the ordinance is to provide a means to have a recreational facility. It is simply guidance for people who wish to build a recreational facility on his or her property, that was previously silent in the code. But, the Vice Mayor stated, regardless of what the intent of the ordinance is, that is not the way it reads.

The Town Attorney and Town Manager recommended that Article 4, Section 66-93 of the ordinance not be adopted. Mr. Neida stated that the ordinance be adopted excluding the setbacks section.

Made a motion to amend the ordinance to remove article 4 section 66-93.

A motion to amend was made by Councilmember Einstein, seconded by Councilmember Lusskin.

Consensus vote 4 Ayes 0 Nays. The motion passed.

The other amendment proposed to the ordinance was to section 66 letter G, to add the words zone 1 and 2.

A motion to amend was made by Councilmember Einstein, seconded by Councilmember Lusskin.

Consensus vote 4 ayes 0 nays. The motion passed.

Resident Fred Chouinard, 407 Ocean Boulevard, asked a question regarding zone 1 and 2. He asked if the setback on the property line from the side is 10 feet, can people still build a tennis court on their property? That part of the ordinance isn't be changed the Mayor said, leaving it irrelevant.

11. An Ordinance of the Town Council Amending Chapter 50, Buildings and Building Regulations, Specifically by Adding Section 50-2.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 50, BUILDINGS AND BUILDING REGULATIONS, SPECIFICALLY BY ADDING SECTION 50-2, TO PROVIDE APPROPRIATE TIME LINES FOR DESIGN APPROVALS OBTAINED FROM THE BUILDING REGULATION ADVISORY BOARD. PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11
Ordinance No. 552.11

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 552.11

A motion to approve was made by Councilmember Einstein 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>Absent</u>

The motion passed.

12. An Ordinance of the Town Council Amending Chapter 46, Waterways, Specifically by Adding Section 46-55 and 46-87.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 46, WATERWAYS, SPECIFICALLY BY ADDING SECTION 46-55 and 46-87, TO PROVIDE APPROPRIATE SETBACKS FOR PRIVATE RESIDENTIAL VESSELS DOCKING AT PRIVATE FACILITIES INCLUDING FLOATING DOCKS AND OTHER STRUCTURES THAT MAY BE INSTALLED; AND PROVIDING FOR A NEW BASE FOR THE D-5 TRIANGLE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

Exhibit: Agenda Report No. 12
Ordinance No. 553.11

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 553.11

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>Absent</u>

The motion passed.

The Town Manager stated that this item provides for guidelines as it relates to tethering/mooring items in the waterway and it changes the way the Town currently constructs the D5 triangle and provides new regulations for setbacks. Town currently uses property line as the baseline, and the challenge with using the seawall as the baseline instead of the property is that it may render some of the properties unusable for mooring purposes. The Town Attorney stated that the general law is that the property line is at the bulkhead line and everything seaward of that line is submerged state-owned lands.

The Administration proposed an amendment to the ordinance that defines 25 feet from the existing face of the bulkhead; amending section 46-55(1), after the word waterway, to include the words "from the seawall or the face of the bulkhead". A motion to amend was made by Councilmember Lusskin, seconded by Councilmember Einstein.

Consensus vote 4 ayes 0 nays. The motion passed.

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

13. Minutes of the September 13, 2011 First Budget Hearing & Special Town Council Meeting

14. Minutes of the September 27, 2011 Final Budget Hearing

15. Minutes of the September 27, 2011 Special Town Council Meeting

16. A Resolution of the Town Council Authorizing the Application for and Acceptance of Federal Byrne Grant Funds

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF FEDERAL BYRNE GRANT FUNDS TOWARDS THE PURCHASE OF COMPUTERS AND A SOFTWARE PROGRAM TO PROVIDE FCIC/NCIC SERVICE, PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 16
Resolution No. 2212.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2212.11

17. A Resolution of the Town Council Approving a Mediated Settlement and Mutual Release between the Town and Tetra Tech, Inc.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MEDIATED

SETTLEMENT AND MUTUAL RELEASE BETWEEN THE TOWN AND TETRA TECH, INC., (F/K/A WILLIAMS HATFIELD AND STONER) AND RLI INSURANCE COMPANY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 17
Resolution No. 2213.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2213.11

Consensus vote was 4 Ayes and 0 Nays. The motion passed.

P. TOWN RESOLUTIONS

None

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:
None Requested

Town Manager Alexander Diaz
None Requested

S. ADJOURNMENT:

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

Consensus vote 4 Ayes 0 Nays. The motion passed.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lisette Perez

Lisette Perez
Interim Town Clerk