



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Minutes for the November 19, 2013
Regular Town Council Meeting called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:04 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Judy Lusskin, Councilmember Amy Isackson-Rojas, Councilmember Bernard Einstein, *Councilmember Kenneth Bernstein (arrived during Good and Welfare)*

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Police Chief Don De Lucca, Assistant Police Chief George Cadavid, Finance Director Maria D. Camacho, *Town Attorney Steve Helfman (arrived during the Consent Agenda)*

C. PLEDGE OF ALLEGIANCE

Chief of Police led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Recognition of Officer of the Quarter – Eddy Lopez

*** Town Manager presented the Council with their year of service commemorative items; thanked Marie Talley for her assistance with acquiring these.

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 – None

Beautification Committee – None

Building Regulation Advisory Board – Town Clerk read a memo into the record from Chairman Jerome Hollo

Comprehensive Planning Board – None

Recreation Committee – None
Security/Public Safety Committee – None
Youth Leadership Committee – None

*** before beginning this section the **Town Manager** mentioned that the rules of Good and Welfare limit presentations to two minutes. He suggested that the Council take into consideration either having the Clerk only read two minutes of letters when they are submitted to the Clerk to be read into the record. Also asked the Council if they want to continue to allow residents to send letters to be read into the record, when they cannot attend a meeting.

G. GOOD AND WELFARE

Charlene Koonin, 668 Golden Beach Drive

Spoke about the rooftop terraces and elevator overrides. Requested that the Councilmembers seriously consider all of what the Building Advisory Board has recommended. Feels that having access to rooftops will seriously impact the way of life here in Golden Beach. Asked that a moratorium be placed on rooftop terraces and elevators until the Council has had an opportunity to reevaluate this code.

Tony Rojas, 600 Golden Beach Drive also spoke on the rooftop terraces. Stating that if homes are allowed to have these rooftop terraces, people's privacy will be invaded. Asked the Mayor and Council to consider not allowing these.

Dina Nicolella, 522 North Parkway sent a letter for the Clerk to read into the record.

Neil Leff, 48 Terracina Avenue sent a letter for the Clerk to read into the record.

*** **Councilmember Bernstein** arrived at this point in time. ****

Harriet White, 654 Golden Beach Drive stated that she supports Charlene Koonin in her disagreement with the installation of rooftop terraces. Thinks it will be noise and privacy issue, and should be considered for any homes that haven't been permitted yet.

H. MAYOR'S REPORT

Asked for Neil Leff's issues to be placed on the next council meeting under a discussion item for him. Also mentioned that on a positive note, the entrance to Golden Beach looks great. Commended the Town staff on the bridges. Center island bridge is completed. North island bridge is almost at completion. Spoke on a party that took place on Ocean Boulevard that caused a lot of noise and disturbed a number of residents. Has already met with the Police Chief about the permitting and noise issues. The parking issue, the Town Manager and him have been working on coming up with solutions to that issue. Rooftop terraces will be addressed at the end of the Council meeting, and he would state his comments on that issue at that time. Wished everyone a Happy Thanksgiving and happy and healthy holidays.

I. COUNCIL COMMENTS

Councilmember Rojas

Commented on the party that took place on the beach. It seems to her that the consequences do not seem to matter to the people having the parties, they rather just

pay the fine. **Town Manager** stated, to set the record clear, it was a resident that owns the house that threw the party so even the provisions of the ordinance would not apply.

Councilmember Bernstein

Thought the Halloween party was a complete success. Town looks great and he's just happy to be on the Council.

Councilmember Einstein

Thanked all of the people who came to voice their opinions about the rooftop terraces and elevators, and the Council welcomes their comments. Commended the staff and Council for all of the things the Town has accomplished.

**** Town Attorney Steve Helfman arrived at this point in time. ****

Vice Mayor Lusskin

Mentioned that when she walked to the Halloween party, she noticed that there are a number of residents who keep their homes looking great, and there are a number of homes that are not abandoned that are not being maintained. Asked if the Town is going to put anything in place regarding how a resident maintains their home, because some homes are not being maintained? Thanked the Town Manager for addressing the issue with the pink trees on Ocean Boulevard and fixing the ones that were not working. Also requested that the Police Chief address the direction the cars park on the sides of Golden Beach Drive so that they face the direction of traffic.

J. TOWN MANAGER REPORT

In response to Mr. Leff's letter – stated that he did have a report that he was going to present to Councilmember Einstein that will just be tabled until the January meeting. Commended the staff for the Halloween event and commended Vice Mayor Lusskin for putting together such a great Veteran's Day event. The issue with the party on A1A, it was a resident's event. The Town tries not to have events that impact the residents and will be more cognizant of that moving forward. Making significant headway as it relates to finishing the bridges. The Town received an excess of 6.5-million dollars worth of free money that the Town will not have to pay back. The Town recently had its FEMA inspection, passing with flying colors. Addressed the new gate arm system the Mayor directed the staff to acquire, once the bridges are complete. At the January meeting an item will be brought before the Council regarding a replacement of the transponder system with a new gate arm system at the entrance of Town. Reminded residents that there will not be a meeting in December, the next meeting will be the third Tuesday in January. Congratulated Chief De Lucca for winning his election to 4th Vice President of the International Association of Chiefs of Police.

Mayor Singer also interjected to congratulate the Chief of Police on winning the election and all the hard work he put into it.

Chief De Lucca thanked everyone for their support.

Town Manager mentioned that Linda Epperson is the employee of the quarter for the third quarter.

K. TOWN ATTORNEY REPORT

None

L. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

1. **Minutes of the September 25th, 2013 Final Budget Hearing & Special Town Council Meeting**
2. **Minutes of the October 15th, 2013 Regular Town Council Meeting**
3. **A Resolution of the Town Council Approving a Contract with Miami-Dade County for a Records Improvement Project.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF GOLDEN BEACH FOR A RECORDS IMPROVEMENT PROJECT; AUTHORIZING AND DIRECTING THE TOWN MAYOR TO EXECUTE SAID CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2331.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2331.13

4. **A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the City of Miami**

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 MIAMI; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No.
Resolution No. 2332.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2332.13

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

Consensus vote 5 Ayes 0 Nays. Items O1-O4 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:
** Review of Ordinance allowing elevator overrides and rooftop terraces **

Town Manager elaborated on the issue stating that many residents and architects have begun to allow the elevators to go up to the roof itself, and have begun to use the roof for additional space. BRAB is struggling with whether or not the roofs are going to be allowed to be used as terraces. The Town's code is silent on this. There are several areas of the Town's code where issues are silent, such as artificial turf. The objective tonight is to get a dialogue going as to whether or not the members of the Council feel that the roofs should be used for auxiliary purposes. The members of the BRAB have their set of opinions and recommendations. Currently what's allowed on the roof are generators and mechanical structures, and elevator overrides are required to be placed in a specific area of the roof. Traditionally the homes in Golden Beach prior to 2007-2008 were very Mediterranean, peaked roof design. After 2007-2008 it seems that the homes that are being designed in this particular community, are more modern, flat design. With those types of restrictions, how can you maximize the property? The matter came to a boiling point, he thinks, when there was an architect present at the BRAB meeting that presented a sink, built-in Jacuzzi, spa, picnic tables, and chairs as part of the design of the rooftop terrace. Stated that he thinks there was a concern from residents as to what would be allowed in this community. The BRAB denied all of those elements, but the Town's code does not provide guidance as to whether it is legal or permissible. What he would like is for some guidance from the Council for something to be put together for the January meeting.

Councilmember Einstein asked when did elevator overrides become something that would be allowed in homes.

Town Manager stated that the code is silent as to what you can have on the roof. In 2011 when the Council did its revision of ordinances, elevator overrides became something that was allowed and rooftop terraces were allowed as long as no more than 50% of the rooftop is used.

Councilmember Rojas stated that the BRAB felt that from 2011 to now the use of rooftop terraces and elevator overrides has gotten out of hand and is has become too extreme, and it reached a boiling point with this last home made a variance request for a number of items. In addition to finding that the code doesn't cover what's allowed and what's not, the BRAB also raised issues about noise and safety with things like hurricanes. Those items were also discussed, and she feels that they are all significant items. Plus at the last council meeting, Vice Mayor Lusskin also expressed that several residents had approached her stating that they did not want homes built next to them with these structures. Personally feels that now is the time the Council needs to address this, and personally feels that it is too much.

Mayor Singer asked Councilmember Rojas what is the negative to having an elevator override?

Councilmember Rojas said that the BRAB mentioned that allowing them would encourage the additional uses.

Councilmember Einstein stated that personally he is not in favor of them at all.

Town Manager stated that the code allows for an elevator override at the center of the home. The reason they were required to be at the center of the home is to keep it out of the sight of the neighbors.

Councilmember Einstein stated that they end up being eyesores to the neighbors and to everyone else. Asked if the Town could have a moratorium on this issue.

Town Manager stated that there are already about 5 homes with elevator overrides. And about 5 more that will come before the BRAB in December and January for rooftop terraces and permissible use. What the BRAB did in the particular case that brought this issue to the Council's attention is that they approved the use of the rooftop, but limited the amount of scope that can be allowed on the roof. They allowed the elevator override and rooftop terraces, while eliminating all the other items that were requested because the code allows for an occasional/passive use of a rooftop terrace. The code does say that 50% of the rooftop terrace is allowed. There are a whole slew of issues that arise regarding safety concerns with rooftop terraces.

Mayor Singer stated that this is something that the Council really needs to think about or possibly have a workshop on before requesting that the attorney draft something.

Town Manager stated that the one thing that there seems to be overwhelming support for from the Council is issuing some sort of moratorium on this issue in the meantime. He requested to defer to the Town Attorney how to properly set a moratorium on something before it can be addressed for a vote by the Council.

Town Attorney stated that he thinks that the idea of studying what is appropriate is the right approach. The question is, can you put a moratorium in place while going through that study process? The answer is yes. It can't be indefinite and you have to have a purpose. I would say that 180 in which to evaluate, study and come back with recommendations.

Mayor Singer stated that he feels that the Council needs the BRAB and Building Official Dan Nieda present in the discussion.

Town Attorney stated that the Council also needs some architectural/design input. Here's the issue – if the Council is not meeting in December and it is going to begin a study process in January, with a number of applicants in the pipeline. There are two ways to effectuate a moratorium: (1) start the process immediately and give notice to people that are in the pipeline that the rules may change. That they are not vested and that they are not protected. And the Town can do that now, which is sort of a zoning in process notice to tell people that the Council has decided to go forward with a study process and to amend the code to make people aware that whatever they do they may be going at their own risk. That I think you should do right away; and (2) the Council should adopt a formal moratorium, but that can't be done until the next meeting, and it takes two readings of an ordinance to adopt a moratorium. The right way to do this is to put people on notice that there is a zoning on progress process that has been initiated tonight with this board, and that whoever proceeds forward proceeds at their own risk. That the rules might change on them by the time they get to a permit.

Councilmember Bernstein stated that if the use of rooftop terraces will be allowed, the Town needs to consider the use of it by person's with handicaps.

Mayor Singer made a motion to put everyone on notice that the Town is looking at different options on how to address this issue.

Town Manager asked that Mayor Singer also include in his motion that there be a workshop held noticing the Council, BRAB and parties of interest. He stated that the Town could try to coordinate that for late January or early February.

Councilmember Bernstein asked why not schedule the workshop in December.

Mayor Singer asked that the meeting be held in the first or second weeks of January.

Town Manager advised that that would not be enough time for the staff to coordinate the meeting.

Town Attorney stated that he would prepare an appropriate notice that will be posted at the building department, on the Town's website and a specific notice for those people who have already filed an application or are in a design process. He will also look at other communities similar to Golden Beach's for guidance.

A motion to place a moratorium on all homes requesting to build rooftop terraces and elevator overrides was made by **Mayor Singer**, seconded by **Councilmember Rojas**.

Mayor Singer reiterated the stipulations of the motion, reminding residents that all homes that already have permits are exempt.

Councilmember Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Town Manager Alexander Diaz
None Requested

R. ADJOURNMENT:

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

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk