



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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**Official Minutes for the September 18, 2013  
First Budget Hearing & 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 7:04 p.m.

### B. ROLL CALL

**Councilmember's Present:** Mayor Glenn Singer, Vice Mayor Judy Lusskin, Councilmember Judy Lusskin, Councilmember Kenneth Bernstein, Councilmember Einstein

**Councilmember's Not Present:** Councilmember Amy Isackson-Rojas

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

### C. PLEDGE ALLEGIANCE

Police Chief led the Pledge of Allegiance

\*\*At this time Mayor Singer skipped down to Items K7-K8, because those are both time certain items.\*\*

### D. PRESENTATIONS / TOWN PROCLAMATIONS

None

### E. MOTION TO SET THE AGENDA

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

**Town Manager** asked that Items G – J be moved to the September 25<sup>th</sup> meeting.

Consensus vote 4 Ayes 0 Nays. Items G – J were moved.

### F. GOOD AND WELFARE

**G. MAYOR'S REPORT**

**H. COUNCIL COMMENTS**

**I. TOWN MANAGER REPORT**

**J. TOWN ATTORNEY REPORT**

**K. FISCAL YEAR 2013-2014 BUDGET HEARING REPORT**

**7. A Resolution of the Town Council Adopting the Proposed Millage Rate for the Fiscal Year Commencing October 1, 2013 through September 30, 2014**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE PROPOSED MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); SETTING A DATE FOR A FINAL PUBLIC HEARING TO ADOPT THE MILLAGE RATE; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2320.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2320.13

Town Attorney read into the record the millage rate and asked Mayor Singer to table this item and discuss the budget item first. The reason the agenda lists the items in this order is because state law requires that the millage rate be listed first.

\*\*\*Once the item was tabled, Mayor moved on to hear Item K8 before re-opening Item K7 for a vote.\*\*\*

A motion to table the item was made by Vice Mayor Lusskin, seconded by Councilmber Einstein.

On roll call, the following vote ensued:

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

The motion tabled.

The Mayor and Council now held the public hearing for Item K8.  
After holding the public hearing for Item K8, the Mayor and Council removed Item K7 from the table and voted on the item.

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

On roll call, the following vote ensued:

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

The motion passed.

\*\*\* **Town Attorney** advised that the tentative millage is now set and there will be a second hearing on September 25<sup>th</sup> to adopt the final millage rate. Now he asked the Mayor and Town Council to vote on Item K8.

**8. A Resolution of the Town Council Adopting the Tentative Budgets for the Fiscal Year Commencing October 1, 2013 through September 30, 2014**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE TENTATIVE BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2321.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2321.13

**Town Attorney** stated that this is the first public hearing of the proposed budget; the second hearing will be on September 25<sup>th</sup>. After the Council's discussion, this item will be open to public discussion.

**Town Manager** made a presentation of the proposed budget to the Town Council, going through the revenues, expenditures and all of the line items per department and fund.

\*\*\*Once the presentation and public hearing was over, the Town Attorney advised the Mayor that now the Council would need to vote on the millage rate and remove it from the table.

A motion to remove Item K7 from the table was made by Vice Mayor Lusskin seconded by Councilmember Einstein.

On roll call, the following vote ensued:

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

The item was removed from the table.

\*\*\*At this point in time a roll call vote was held on Item K7.

\*\*\*After voting on Item K7, the Mayor and Town Council voted on adopting the tentative budget.

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

On roll call, the following vote ensued:

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

The motion passed.

\*\*\* Mayor Singer called for a brief recess from the Council meeting in order to open up the Local Planning Agency Hearing called for 7 p.m., with the time actually being 8:35 p.m.

\*\*\* Mayor Singer reopened the meeting at 8:39 p.m., and went back to hear items D – J.\*\*\*

## **L. ORDINANCES – SECOND READING**

### **1. An Ordinance of the Town Council Amending Chapter 66, Zoning; Article III, District Regulations.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,  
FLORIDA, AMENDING CHAPTER 66, ZONING; ARTICLE

III, DISTRICT REGULATIONS, TO CLARIFY PERMITTED AND PROHIBITED USES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 556.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 556.13

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

On roll call, the following vote ensued:

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

The motion to defer the item to the October 15<sup>th</sup>, 2013 meeting passed.

**Town Attorney** stated that this is the same ordinance the Council just heard as the Local Planning Agency. This ordinance clarifies that within the single-family district properties can be used for single-family dwelling purposes and customary recreational activities. Homes cannot be used for business activities, or other commercial activities, and in particular no person may use a property as a venue for an event where a fee is charged for entry where compensation is given to the property owner.

**Councilmember Bernstein** mentioned that the Town had discussed looking at putting some language in about charitable functions.

**Town Attorney** stated that it is addressed in the ordinance.

**Councilmember Bernstein** stated that when the attorney explains it, it sounds great, but when he reads it, it reads different. Stated that there is a lot of ambiguity in the language of the ordinance. He asked if the item could be deferred to the next meeting, and give Steve the opportunity to work on the language of the item.

**Town Attorney** stated that the item could be deferred without the need to advertise it again.

**Town Council** agreed to request to defer the item to the October 15, 2013 meeting.

**Fred chouinard 401 Ocean Blvd.**, asked if movies are included in this. The **Town Attorney** advised that movies are not included in this.

**Matt Kay, 504 North Parkway**, mentioned if renting out a home is allowed? **Town Manager** advised that the Town's transient living ordinance is different from what is being proposed by this ordinance. Homes in Town cannot be rented out as a hotel.

**2. An Ordinance of the Town Council Amending the Town of Golden Beach Employees Pension Plan.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN (THE "PLAN") CODIFIED IN DIVISION 1 "GENERAL EMPLOYEES" OF ARTICLE II "RETIREMENT" OF CHAPTER 24 "PERSONNEL" IN THE TOWN'S MUNICIPAL CODE OF ORDINANCES TO CHANGE THE DEFINITION OF "FULL-TIME EMPLOYMENT" TO AT LEAST 40 HOURS PER WEEK AND AT LEAST SIX MONTHS PER YEAR; BY AMENDING SECTION 24-31 "DEFINITIONS" OF ARTICLE II "RETIREMENT"; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Ordinance No. 557.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 557.13

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

On roll call, the following vote ensued:

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

The motion passed.

## M. ORDINANCES - FIRST READING

None

## N. QUASI JUDICIAL RESOLUTIONS

### 3. A Resolution of the Town Council Approving a Variance Request for 434 Golden Beach Drive.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 434 GOLDEN BEACH DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE DOCK TO EXTEND OUT INTO THE WATERWAY AT 7.5' WHERE 6' IS REQUIRED BY THE TOWNS CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2317.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2317.13

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

On roll call, the following vote ensued:

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

The motion passed.

**Building Official Dan Nieda** gave a brief synopsis of the item. He found that only two of the seven conditions meet the hardship standard. The Building Regulation Advisory Board concurred with the determination, not giving the application an affirmative vote. No objections are on file.

**Mr. Kirk Lofgren**, consultant on the project, spoke on behalf of the applicant.

**Fred Chouinard** commented that the BRAB voted against this. He also stated that if the Town Council wanted to violate their building code, he didn't care. His concern was that the Building Official did not read them into the record.

**Town Attorney** stated that as long as the seven conditions are included in the Council documents, it doesn't matter how they are included in the meeting. It is not legally required that they are announced at the meetings.

**Councilmember Bernstein** stated that maybe the Council should consider moving forward to meet with the BRAB and give them direction pertaining to the code.

**Town Attorney** stated that the town has a set of standards in code for granting a variance that the board has decided to follow rigidly. The Council cannot tell the BRAB to interpret the code differently. If the Council wants to apply a different set of standards for variances, then the code should be changed.

**Fred Chouinard** stated that the seven criteria should be read into the record and people should hear them. He also stated that the Town was being deceitful by not reading them.

**Mayor Singer** asked the Building Official to read the seven criteria into the record, which he did.

**4. A Resolution of the Town Council Approving a Variance Request for 508 North Parkway.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 508 NORTH PARKWAY., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A 31% PERVIOUS AREA WHERE 35% IS REQUIRED BY THE TOWNS CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2318.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2318.13

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

On roll call, the following vote ensued:

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

The motion passed.

**Building Official Dan Nieda** read into the record the seven conditions required for a variance request. He stated that he reviewed the criteria and does not feel that it meets the hardship standard. BRAB also voted against approval of the variance. There is one formal objection on file by Mr. Matthew Kay.

**Leor Benshumel**, the owner showed the Council a video of the type of material he plans to use for his wooden deck.

**Town Manager** advised that the Town's code is silent as it relates to deck work where the water can permeate through it to get to the grass.

**Mayor** stated that he went out and saw the space and it does not protrude onto the water, or go into the neighbor's yard, so he was uncertain as to why a variance was being heard in the first place.

**Town Manager** stated that there will be some run-off. The Town's code however, does not allow any run-off into someone's property. The Town's code requires that whatever water runs off a person's property stays on that person's property.

**Town Attorney** spoke on the definition of pervious and impervious. The site will meet the retain water requirements. What the Council is really dealing with here is an issue of aesthetics as a practical matter, but Council still needs to deal with the criteria.

**Matthew Kay, 504 North Parkway.** He stated that the house is a gross monstrosity, sitting next to his home. Aesthetics are horrendous at this property to begin with and it does not meet the seven criteria for a hardship. Doesn't understand why the Council would permit this to exceed the amount that is already allowed by the Town's code.

**Jennifer Kay, 504 North Parkway.** Feels like she has moved into a zero lot line community. The house if it had some land would be gorgeous. Said that it is not fair to her and her family.

**Mr. Kay** stated that the photos he submitted show that one of the issues are the green space.

**Councilmember Bernstein** asked Mr. Kay if there is anything that his neighbor could do to alleviate the situation. He stated that the main complaint he heard was that there is a lack of green space.

**Mr. Kay** stated that there is no lush landscaping.

**Town Manager** stated that the Council could make that a condition of the variance.

**Vice Mayor Lusskin** asked that the appropriate buffer should be required as a condition of the variance.

**Town Attorney** stated that the Town could impose a condition on the variance that the landscaping be planted, which is already included in the variance. But the question is, the level of coverage and the opaqueness be there. The only way to accomplish that is to have them come back with a planting plan, beyond what they already had planned, deferring the resolution.

**Mayor Singer** stated that he was not for deferring the variance; he wanted it to move forward.

## **O. CONSENT AGENDA**

### **5. Minutes of the August 20, 2013 Regular Town Council Meeting.**

### **6. A Resolution of the Town Council Approving Settlement of Administrative Action by Former Police Officer Angel Ortiz.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING SETTLEMENT OF ADMINISTRATIVE ACTION BROUGHT BY FORMER POLICE OFFICER ANGEL ORTIZ.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2319.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2319.13

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

Consensus vote 4 Ayes 0 Nays. Items O5-O6 pass.

## **P. TOWN RESOLUTIONS**

### **7. A Resolution of the Town Council Adopting the Proposed Millage Rate for the Fiscal Year Commencing October 1, 2013 through September 30, 2014.**

### **8. A Resolution of the Town Council Adopting the Tentative Budgets for the Fiscal Year Commencing October 1, 2013 through September 30, 2014.**

### **9. A Resolution of the Town Council Reauthorizing the Town's Schedule of Building Permit and Processing Fees.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, REAUTHORIZING THE TOWN'S SCHEDULE OF BUILDING PERMIT AND PROCESSING FEES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2322.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2322.13

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** stated that this was discussed at the last meeting.

**10. A Resolution of the Town Council Increasing the Stormwater Utility Fees.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, INCREASING THE STORMWATER UTILITY FEES EFFECTIVE AS OF SEPTEMBER 18, 2013; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 2323.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2323.13

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

On roll call, the following vote ensued:

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

The motion passed.

**11. A Resolution of the Town Council Authorizing the Agreement between the City of Sunny Isles and the Town to Continue Utilizing the Sungard/OSSI Computer System.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN THE CITY OF SUNNY ISLES' INFORMATION TECHNOLOGY DEPARTMENT AND THE TOWN TO CONTINUE UTILIZING SUNGARD/OSSI COMPUTER SYSTEM AND INFORMATION TECHNOLOGY SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 2324.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2324.13

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** stated that this is a 5-year agreement with the Sunny Isles Beach IT department to manage the Town's IT system as it relates to the police department.

**12. A Resolution of the Town Council Approving Amendment #4 to the 2012-2013 Fiscal Year Operating Budget.**

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

**#4 TO THE 2012-2013 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Exhibit:** Agenda Report No. 12  
Resolution No. 2325.13

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2325.13

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

On roll call, the following vote ensued:

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

The motion passed.

**Mayor Singer** stepped out during the reading of this item.

**Town manager** explained that this is the item for the bonuses for the general employees and for the Town Manager per his contract.

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

Mayor Glenn Singer:  
None Requested

Vice Mayor Judy Lusskin:  
None Requested

Councilmember Amy Isackson-Rojas:  
None Requested

Councilmember Kenneth Bernstein:  
None Requested

Councilmember Bernard Einstein:  
None Requested

Town Manager Alexander Diaz  
None Requested

**R. ADJOURNMENT:**

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

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

*Lissette Perez*

Lissette Perez  
Town Clerk