



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Agenda for the September 28, 2010
Final Budget Hearing & Special Town Council Meeting called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:04 pm

B. ROLL CALL

Councilmembers Present: Mayor Glenn Singer, Vice Mayor Bernard Einstein, Councilmember Judy Lusskin, Councilmember Kenneth Bernstein, Councilmember Amy Rojas

Staff Present: Town Manager Alexander Diaz, Interim Town Clerk Lissette Perez, Finance Director Maria D. Camacho, Police Chief Jim Skinner, Town Attorney Steve Helfman, Support Service Clerk Cynthia Garcia

C. PLEDGE ALLEGIANCE

The Mayor asked the Town's youth in presence to lead the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

E. MOTION TO SET THE AGENDA

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

The Mayor requested that the presentation by Zakarin PR regarding the December 4th Oceana event be postponed until the October meeting.

Vice Mayor Einstein asked for item #P10 to be pulled from the consent agenda.

The Town Manager provided a substitute resolution for items #7 and 11.

The Item pertaining to the lots on A1A lots was pulled as a discussion item.

Consensus vote was 5 Ayes and 0 Nays. The Motion passed.

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee – None

Beautification Committee – Beth Geduld in attendance, there was nothing to report.

Comprehensive Planning Board - None

Recreation Committee – Councilmember Lusskin spoke briefly on the Halloween Event

Security/Public Safety Committee – None

Golden Beach Youth Leadership Group – Carla Nicolella and Julianna Birmingham spoke on the recent beach clean-up and what a great turn-out was had and all of the assistance that was provided by the Town. They thanked the Town for their assistance and invited the Council to the next beach clean-up in October. Dina Nicolella also spoke on behalf of the Golden Beach Youth Leadership Group and the amount of debris and recyclables that were picked up off of the beach during the beach clean-up. She asked to see if the Town could facilitate the process of recycling the items that are being picked up off of the beach. She asked about community service hours and whether or not she was authorized to sign off on the children's community service requirements. She also asked about the possibility of the group having a greater presence in the Town's website. She also commented on how beautiful North Park has turned out and thanked the Town for it.

G. GOOD AND WELFARE

Matthew Kay, 504 North Parkway – Variance Request Objection – he was asked to make his comments when that item was discussed.

H. MAYOR'S REPORT

Spoke on the budget, commending the Town Manager and his staff for doing a great job on putting together a balanced budget. Unlike other neighboring municipalities, the Town is not decreasing services or wages or increasing taxes. He spoke on North Park and the great condition it is in, and that the Town is close to completing it.

I. COUNCIL COMMENTS

Vice Mayor Einstein

He invited everyone to go over to North Island, to see the finished product of the CIP, and how great it looks. He also spoke on North Park and how wonderfully it has turned out. He commended the administration on the budget, and commended the Town Manager on his year-end progress report. He spoke on the continued heightened police presence in Town. He also mentioned the first hump on Golden Beach Drive being too high and the Town Manager agreed that it is too big and that it will be addressed. He spoke on Navona Avenue and the pumps in North Park.

Councilmember Bernstein

Spoke on his absence during the last meeting, and apologized for not being able to be at the meeting in person due to a prior engagement. He commented on North Park and his concerns about the level of the park, but through discussions with the Town Manager his concerns have been addressed. He also commented on the Town's budget and how great it is that the Town did not raise the millage rate.

Councilmember Lusskin

Spoke about two residents: Lenny Tuckle and Beny Rub who were both featured in the newspaper, and how nice it is to see neighbors in the newspaper.

She commended the staff and all that they've done. She also commended the Town Manager on his year-end progress report and the detailed nature of it.

Councilmember Rojas

Was feeling a little under the weather so she only asked for an update on the gutters on the north end of Town during the CIP report.

J. TOWN MANAGER REPORT

Spoke on his end of the year progress report that was sent to the Council member's homes yesterday, that is a comprehensive detailed report of what the Town does day in and day out. He commended the staff for the phenomenal job they all do on a daily basis. He reminded residents that there are a lot of potholes and construction equipment around Town and for residents to be weary of these elements with the expected onset of rain this evening.

He mentioned that North Park is almost ready and that the Town will be holding its Halloween event at North Park and the gazebo should be up and running by that time.

He spoke on the Town's recycling program, and that the Town now has a combined program where recyclables do not need to be separated.

The Town's budget is available online on the Town's website.

He spoke on the Town's tax bills and millage and the fact that the Town has an excel spreadsheet on the Town's website that residents can download and use to know exactly what their taxes will be for Golden Beach.

He mentioned that the taxes for homesteaded homes in Golden Beach did go up, and that he would speak on that when the budget item came up. He mentioned that the town does plan to close the fiscal year on a positive note with a \$550,000 roll over amount.

K. TOWN ATTORNEY REPORT

None

Q. ADOPTION OF FINAL MILLAGE AND FINAL BUDGET FOR FISCAL YEAR 2010/2011 (TIME CERTAIN ITEM)

12. A Resolution of the Town Council Adopting the Final Millage Rate for Fiscal Year 2010/2011

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, 2010 THROUGH SEPTEMBER 30, 2011 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12
Resolution No. 2127.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2127.10

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

The Town Manager gave a brief report on the millage rate, and how the Town has kept it at a combined into an 8.50 mills for its third year in a row. This year, the Town will be operating with less money than it did in 2005/2006. The Town has achieving this budget by saving 550,000 in this year's budget and caring it over to fiscal year 2010/2011 to have a balanced budget. The Town will have over \$7.2-million in operating reserves (130% of the Town's operating budget) due to the staff cutting costs, foregoing pay raises, and saving wherever possible. The Town Manager strongly encouraged the council to support the balanced budget. The millage rate also authorizes \$912,000 to go towards the debt service. This budget also reduces the debt service that the Town is already paying. The only areas that the Administration made it a point not to touch or reduced in the budget are the items that deal with the quality of life of the residents (i.e. the recreation budget and the youth events budget)

The combined millage rate for fiscal year 2010/2011 will be set at 7.0140 mills and the roll back rate will be 7.6766. The voted millage rate for the fiscal year will be 1.486 mills.

On roll call the following vote ensued:

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

The motion passed 5-0.

13. A Resolution of the Town Council Adopting the Final Budget for Fiscal Year 2010/2011

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGET FOR ALL TOWN FUNDS FOR THE 2010/2011 FISCAL YEAR COMMENCING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 13
Resolution No. 2128.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2128.10

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Rojas.

The Town Manager read into record the two changes to the budget from the previous budget hearing. An Allocation was made to the A1A budget of \$100,000 out of the CIP reserves. The second allocation was for Fund 420 of \$250,000 out of the fund reserves that were previously approved by the Town Council in previous years, but the Administration needs the Council's authorization to spend it.

On roll call the following vote ensued:

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

The motion passed 5-0.

L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE

The Town's goal is to deliver the street scapes portion of the project by December 2010. Once Verona Avenue is delivered, the Town will look to fix the punch list items such as valley gutters for slopes, water systems failing, curbs or gutters being crashed into, etc. for another 12 months. If you want to see a final product, North Island is as final as its going to get. As it relates to valley gutters and curbs, they're in but repairs will come during the punch list portion. Center Island is coming along pretty smoothly, and is almost complete. On South Island the Town is ahead of schedule. The Town is working with FPL to determine whether they are going to pull wires or outsource it. The final decision came in last week. FPL and FPL crews will be here all of next month performing conduit installation. In the next four months, a letter will be sent out to the residents concerning the power conversion and the timeframe residents have to convert their system. If residents do not convert their systems, the Town will do it for them and their properties will be lienied against for the Town to recoup the money. There will not be a permitting fee, but residents will have to go in and pull a permit to make sure that his/her individual electrician is doing the job correctly and the Town will inspect all of the conversions. And that will be the final leg of the conversion.

The Town will have two systems in place: the above ground utilities and the below ground utilities co-existing. The Town has to get everyone off of the above ground poles within six months of the final transformer being energized. The Town is going above and beyond for this system, absorbing part of the cost when initially it didn't have to.

Resident Dr. Matthew Kay asked if the Town would take care of all of this for the residents as long as the residents wrote out a check for the conversion. The Town Manager said that they would look into that for residents and send out a letter explaining what the residents options will be.

Resident Mr. Oded Meltzer asked what the cost would be and the Town Manager said that it depends on several factors, but it can range anywhere from \$1000 to \$6000 depending on what each individual home needs.

Resident Mrs. Beth Geduld asked if the phone trees could be done if the power is going to be turned off to the homes, so that residents can turn on their generators.

Councilmember Lusskin mentioned Singer Park (formerly Rock Park) and the transformers and the Town Manager stated that it has its own design plans.

M. ORDINANCES – SECOND READING

1. An Ordinance of the Town of Golden Beach, Florida Amending Article IV “Dangerous Intersection Safety” of Chapter 38 “Traffic and Vehicles” of the Town of Golden Beach Code or Ordinances

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA AMENDING ARTICLE IV “DANGEROUS INTERSECTION SAFETY” OF CHAPTER 38 “TRAFFIC AND VEHICLES” OF THE TOWN OF GOLDEN BEACH CODE OF ORDINANCES; PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2010.

Exhibit: Agenda Report No. 1
Ordinance No. 542.10

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 542.10
A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Bernstein.

The Town Manager stated that this item was approved almost two years ago by the Town Council, but because Florida Law changed the Town needed to change it as well to become compliant with the law. This is not a new ordinance it is a conforming ordinance to the Town's existing one.

Vice Mayor Einstein commented that the revenue split that the Town was getting from the state is minimal. He also mentioned the perceived need for this and whether or not the Town has a dangerous spot or a lot of accidents and whether or not this would prevent accidents in the future. He also mentioned that its been shown in studies that law enforcement officials can get more tickets by shrinking the time span of the yellow lights, by which they cause more accidents.

Mayor Singer asked of the Town Attorney if someone doesn't pay the ticket received generated from the red light enforcement, what kind of a ticket does the offender receive? The Town Manager stated that it is a uniform traffic citation.

The Town Manager mentioned that the way the system will be implemented will be the north and south directional lanes, not the turn lanes. All the vehicles that come through town will be recorded with a video log and a tag reader. This agreement has never been viewed as a means to enhance revenue but a means to record the people that travel through Town. The way the agreement reads with American Traffic Solutions is that there is an administrative flat fee dependant on the size of the road and percentage of traffic that travels through it.

Councilmember Luskin commented on how this system works and that a driver cannot get points on a red light enforcement.

Councilmember Rojas mentioned that this is a small town and that the town has a reputation for being a strong police community, and that she didn't think that the town needs it.

The Vice Mayor asked if the Town would still be able to install cameras in that area, even if they didn't move forward with this item.

Resident Beth Geduld stated that she thinks it's a terrible idea. Doesn't think the revenue is going to make a difference and the town has a great police force as it is.

Resident Bob Smoley mentioned that recent studies are showing that there is a significant increase in accidents because of these traffic cameras. He also spoke on the consequence of not paying the ticket, and that although today it is not a moving violation, don't be surprised if tomorrow some legislature modifies the consequences of ignoring this.

On roll call the following vote ensued:

Mayor Singer	<u>Nay</u>
Vice Mayor Einstein	<u>Nay</u>
Councilmember Bernstein	<u>Nay</u>
Councilmember Luskin	<u>Nay</u>
Councilmember Rojas	<u>Nay</u>

The motion does not pass 0-5

N. ORDINANCES - FIRST READING

None

O. QUASI JUDICIAL RESOLUTIONS

Everyone that would be testifying on the matters under quasi-judicial resolutions was sworn in by the Interim Town Clerk.

2. A Resolution of the Town Council Authorizing and Approving a Variance Request for the Property Located at 349 Center Island Drive to Permit the Use of Metal Roof Panels.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF GOLDEN BEACH, FLORIDA, AUTHORIZING
APPROVING A VARIANCE REQUEST FOR THE

PROPERTY LOCATED AT 349 CENTER ISLAND DRIVE,
GOLDEN BEACH, FL 33160 TO PERMIT THE USE OF
METAL ROOF PANELS, WHERE A ROOF SHALL BE CLAY,
CEMENT OR CERAMIC TILE, PROVIDING FOR
CONDITIONS; PROVIDING FOR IMPLEMENTATION;
PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2118.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2118.10

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Rojas.

The Mayor asked Building Official Dan Neida to comment and give his opinion on the requested variance.

Resident Fred Chouinard commented on his reasoning behind not approving this request during the BRAB meeting, stating that he doesn't think it belongs in Golden Beach and that the physical materials should be brought before the Board.

Building Official Neida stated that the house would have a combination of tile and metal. It fully meets the building code and is stronger than the barrel roof, and that the owner is doing it purely for aesthetic purposes.

Councilmember Rojas commented that her knowledge of metal roofs are stronger than barrel roof's and are common now, unlike when the code was written on this, and in keeping with the times why is this not be revised. Mr. Neida commented that he is currently making revisions to several items in the Town's code.

Resident Bob Smoley spoke on the owner's issues with the house that were presented during the BRAB meeting, since the owner was not present at the Council meeting.

Resident Beth Geduld mentioned that the Building Official should provide photos for comparison.

Resident Michael Addicott commented on the attractiveness and modernness of these roofs and that he feels it should be approved.

Resident Fred Chouinard mentioned that allowing this would make the community look like a Key West community

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On roll call the following vote ensued:

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

The motion passed 5-0.

3. A Resolution of the Town Council Authorizing and Approving a Variance Request for the Property Located at 155 Golden Beach Drive, to Permit the Use of Vinyl Composition Fencing Material.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 155 GOLDEN BEACH DRIVE, GOLDEN BEACH, FL 33160, TO PERMIT THE USE OF VINYL COMPOSITION FENCING MATERIAL, WHERE WALLS & FENCES OF PLYWOOD, COMPOSITION MATERIALS, SIMULATED WOOD, OR SHEET METAL ARE PROHIBITED; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2119.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2119.10
A motion to approve was made by Councilmember Rojas, seconded by Vice Mayor Einstein.

Building Official Dan Neida commented on this item and his reasoning for allowing for the variance request.

The homeowner, Resident Michael Addicott, spoke on his request. The composition of the product being used is new, improved, durable, long-lasting, and modern.

Resident Fred Chouinard mentioned that the product being requested to be used is cheap and doesn't look good and he doesn't think it belongs on the side of the house or anywhere in Golden Beach.

On roll call the following vote ensued:

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

The motion passed 5-0.

Mayor Singer excluded himself from the meeting at this point in time, because the variance request is for his home.

4. A Resolution of the Town Council Authorizing and Approving a Variance Request for the Property Located at 552 North Island Drive, to Permit Installation of a 20,000 lb. boat lift.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 552 NORTH ISLAND DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT INSTALLATION OF A 20,000LB BOAT LIFT WITH TWO SUPPORT PILES INTO AN OUTSIDE WATERWAY, WHERE ANY STRUCTURE SHALL BE INSTALLED WITHIN THE TRIANGLE FORMED BY CONNECTING POINT THAT FORM A TRIANGLE WHERE THE WATERFRONT PROPERTY LINE IS THE BASE OF THE TRIANGLE AND THE TRIANGLE SIDES EXTEND TOWARD THE WATERWAY AT A 45 DEGREE ANGEL UNTIL THE LINES INTERSECT ON THE WATERWAY SIDE OF THE LOT, BUT NEVER TO EXCEED 25 FEET INTO THE WATERWAY FROM EACH OF THE LOT PROPERTY LINES. PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE;

Exhibit: Agenda Report No. 4
Resolution No. 2120.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2120.10

A motion to approve was made by Councilmember Rojas, seconded by Councilmember Lusskin.

Building Official Dan Neida briefly spoke on this request. The BRAB voted 4-0 in favor of the variance. Only one resident objected verbally, that was Dr. Kay.

Resident Lisa Stein spoke on the variance request on behalf of Mayor Singer. She submitted photos for the record showing the view from where the dock would be positioned in relation to the Kay's residence.

Dr. Matthew Kay spoke against the building of the dock stating that it would obstruct his view from his house, and read a letter he had drafted into the record. He also stated that he had contacted each of the Councilmembers to discuss his concerns, discussing his concerns with all of them except for Vice Mayor Einstein.

Attorney Steve Helfman spoke for the record that its important that the owner of the property be privy to and understand what was said at these conversations and the record should be clear as to what was said at the ex-parte communications Dr. Kay had with Councilmembers Bernstein, Lusskin and Rojas because the Council is sitting in a quasi-judicial capacity, almost like a judge. He requested that the councilmembers simply disclose what was said to them by the Kays at these meetings.

Councilmember Bernstein spoke on his conversations with Dr. Kay. Dr. Kay called him while he was in Palm Beach and he encouraged Dr. Kay to work it out with the Mayor. Dr. Kay told him that when he purchased his home he had an unobstructed view and since then the dock was built. He also spoke that he felt intimidated because he was opposing an item brought forth by the Mayor. He showed Councilman Bernstein a 5-6 page letter that he hadn't finished writing and he stated that he thought the letter sounded very angry and that he should focus on the issue and that from the letter it seemed like he wanted the dock to be removed all together. He asked the Councilman what was the hardship and he said that he didn't know on first glance of it. Bernstein told him to specify that he's not opposing the boat lift, but the extension. Bernstein also told him that he should be happy with the restrictions because other boats could block it more.

Councilmember Lusskin spoke on her conversations with Jennifer Kay. She saw her on Saturday at the beach clean-up where Mrs. Kay was speaking with several residents about how upset she was. Lusskin went back to her house to have a look at the situation. She stressed that she was not expounding her personal opinions on this, she was just having a look at the situation. She also saw a letter, similar to the one that has been entered into the record. They also had a petition with a few signatures on it that is not present now. The Kays mentioned that they felt intimidated by the staff and particularly by the BRAB and that this would take away from the enjoyment of the house they have. She recommended that they call the Mayor to try to work it out.

Councilmember Rojas mentioned that everything that both Councilmembers had mentioned are basically the same things that she discussed with Mrs. Kay. She spoke with Mrs. Kay on Sunday and she took her boat out with her husband to see what was being spoken about. They spoke on hardship, and she stated that if you are going to be a boater you need your boat out of the water otherwise it'll be ruined.

Dr. Kay afterwards went ahead and read a letter that he wanted submitted into the official record requesting to deny the variance as presently proposed.

Mrs. Kay spoke on the petition mentioned by Councilmember Lusskin and their desire to leave the petition out of the record, even though they received signatures from several of her neighbors. They are just requesting for something to be done to infringe less on her property.

Charlie Wilson of Southeast Marine spoke on behalf of the applicant, since he is expecting to install the boatlift at the applicants home. It is a beamless lift where you won't see anything other than the boat. He has gone to the Army Corpse of Engineers and to DERM and there is no place else to put the boatlift for the protection of the boat and for the safety of other boaters.

Resident Bob Smoley also spoke since he served as Chair of the BRAB meeting since Mr. Hollo was absent that evening. Dr. Kay participated via cell phone on the BRAB meeting. He stated that they were allowed to speak, nobody bad-mouthed them or intimidated them in any way. He stated that the Kays continued to speak about things that have nothing to do with the application – issues pertaining to the dock from ten years ago. He also stated that the pictures presented by the Kays are virtually useless because they can be altered on a camera because a telephoto lens used. Councilmember Rojas stated that it was an irrelevant comment.

Vice Mayor Einstein interjected that in all his time sitting on the Council all boat items were always approved.

Attorney Helfman stated that there is specific criteria that needs to be gone through and the staff has gone through that criteria with the requesting party.

Resident Oded Meltzer spoke on the issue as well. He stated that Golden Beach is a residential town not a commercial boating area. It is not a national park and if someone wants to have a view, you might not get 100% of it but that's ok.

Dr. Kay spoke again about the statements made by Mr. Smoley and the fact that they are erroneous. He asked the Council what is the hardship to require the variance and what are the rules governing a boatlift?

Councilmember Bernstein spoke on the fact that they are going to have a better view now. He also asked the attorney who people could speak to when situations like this come up when residents feel they can't talk to the Mayor and Council or the Town Manager.

Attorney Helfman stated that what he wanted was for the process to be fair, legal and ethical and that everyone's rights weren't violated and the integrity of the process was upheld. He stated that people are going to have to learn to get along and neighbors are going to have to deal with neighbors. He also stated that if the Kays felt as if they were being treated unfairly it needs to be addressed and they can come to Attorney Helfman and speak with him or speak directly with the Town Manager.

On roll call the following vote ensued:

Mayor Singer	<u>N/A</u>
Vice Mayor Einstein	<u>Aye</u>
Councilmember Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Rojas	<u>Aye</u>

The motion passed 4-0.

At this point in time the meeting took a brief recess. Councilmember Rojas left and Building Official Dan Neida left as well.

P. CONSENT AGENDA

5. Minutes of September 14, 2010 Special Town Council Meeting & First Budget Hearing.
6. **A Resolution of the Town Council Approving Amendment #3 to the 2009-2010 Fiscal Year Operating Budget**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #3 TO THE 2009-2010 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Resolution No. 2121.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2121.10

7. 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 AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2122.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2122.10

8. A Resolution of the Town Council Authorizing the Use of the Funds from the Town's Law Enforcement Trust Fund to Fund Expenditures for Organized Crime Task Force Officers.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF THE FUNDS FROM THE TOWN'S LAW ENFORCEMENT TRUST FUND TO FUND EXPENDITURES FOR ORGANIZED CRIME TASK FORCE OFFICERS, CERTAIN RESOURCES, AND EQUIPMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2123.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2123.10

9. A Resolution of the Town Council Recognizing October 23rd through October 31st as National Red Ribbon Week

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RECOGNIZING OCTOBER 23RD AS NATIONAL RED RIBBON WEEK; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2124.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2124.10

A Motion to approve Items P5 through P9 on the Consent Agenda was made by Councilmember Bernstein, seconded by Councilmember Lusskin.

Items #10 and 11 were pulled and moved to Town Resolutions.

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

Q. TOWN RESOLUTIONS

10. A Resolution of the Town Council Authorizing and Approving a Change Order to the Contract between the Town of Golden Beach and Metro Equipment Services

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A CHANGE ORDER TO THE CONTRACT BETWEEN THE TOWN OF GOLDEN BEACH AND METRO EQUIPMENT SERVICES, INC.; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE;

Exhibit: Agenda Report No. 10
Resolution No. 2125.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2125.10

A Motion to approve made by Councilmember Lusskin seconded by Councilmember Bernstein

The Town Manager spoke on this item. Town originally thought the price would be affordable. This is a temporary fix to get us to a long term solution. Vice Mayor Einstein mentioned that there is probably an alternative or another process that might last a longer period of time although costing more money.

The Town Manager mentioned that there is another product that's being tested in China but it costs a considerable amount more.

The Mayor stated that A1A needs to be resurfaced, but the Town cannot afford it at this time.

The Vice Mayor stated he has strong feelings against this, stating that it would be as if we painted the road and in 11 months it would need to be fixed again.

The Mayor stated that it's a short-term fix but it will enhance the project aesthetically and will be in the best interest of the Town.

Vice Mayor Einstein questioned how the Mayor could know that it will last longer than six months.

The Town Manager interjected that asphalt doesn't stay that color for an extended period of time, it will eventually wear out. And currently what the Town has looks like a very poor road, but even if it fades in six months the Town will still have a darker product than what it has today.

The Mayor and Town Manager mentioned that they are going to try to get the West Lot and the beach pavilion included as well.

On roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
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Vice Mayor Bernard Einstein	<u>Aye</u>
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Councilmember Kenneth Bernstein	<u>Aye</u>
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Councilmember Judy Lusskin	<u>Aye</u>
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Councilmember Amy Rojas	<u>N/A</u>
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The motion passed 4-0.

11. A Resolution of the Town Council Authorizing the Issuance by the Issuer of \$779,562.52 Capital Improvement Refunding Revenue Note, Series 2010 for the Purpose of Refunding the Outstanding Town of Golden Beach Capital Improvement Revenue Note, Series 2009

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING THE ISSUANCE BY THE ISSUER OF \$779,562.52 CAPITAL IMPROVEMENT REFUNDING REVENUE NOTE, SERIES 2010 FOR THE PURPOSE OF REFUNDING THE OUTSTANDING TOWN OF GOLDEN BEACH, FLORIDA CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2009; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL AND INTEREST ON SUCH NOTE WITH A COVENANT TO BUDGET AND APPROPRIATE NON-AD VALOREM REVENUES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH NOTE; FINDING THE NECESSITY FOR A NEGOTIATED SALE OF THE NOTE AND APPROVING THE SALE OF SAID NOTE TO NORTHERN TRUST BANK; APPOINTING A REGISTRAR; PROVIDING FOR OTHER RELATED MATTERS;

PROVIDING CERTAIN OTHER AGREEMENTS AND COVENANTS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTE; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11
Resolution No. 2126.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2126.10

A Motion to approve was made by Councilmember Lusskin seconded by Councilmember Bernstein.

The Town Manager commented on this item, stating that the loan originally was 2.75% and the Town Manager and the Mayor went back to Northern Trust to negotiate the loan and convince them to honor the 2% interest for two more years, bringing the note balance significantly.

On roll call the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Einstein	<u>Aye</u>
Councilmember Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Rojas	<u>N/A</u>

The motion passed 4-0.

12. A Resolution of the Town Council Adopting the Final Millage Rate for Fiscal Year 2010/2011

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, 2010 THROUGH SEPTEMBER 30, 2011 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12
Resolution No. 2127.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2127.10

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

On roll call the following vote ensued:

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

The motion passed 5-0.

13. A Resolution of the Town Council Adopting the Final Budget for Fiscal Year 2010/2011

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGET FOR ALL TOWN FUNDS FOR THE 2010/2011 FISCAL YEAR COMMENCING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 13
Resolution No. 2128.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2128.10

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Rojas.

On roll call the following vote ensued:

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

The motion passed 5-0.

14. A Resolution of the Town Council Approving an Agreement between American Traffic Solutions, Inc. and the Town of Golden Beach for the Administration of A Traffic Camera Safety Program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN AMERICAN TRAFFIC

SOLUTIONS, INC., AND THE TOWN OF GOLDEN BEACH FOR THE ADMINISTRATION OF THE TRAFFIC CAMERA SAFETY PROGRAM; PROVIDING FOR AN EXCEPTION TO COMPETITIVE BIDDING, PROVIDING FOR APPROVAL, PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 14
Resolution No. 2129.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2129.10

******Item #14 was removed from the agenda because the Ordinance pertaining to it was voted down.******

15. 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 AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 15
Resolution No. 2130.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2130.10

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

Vice Mayor Einstein requested Administration
Councilmember Lusskin requested Public Works
Councilmember Rojas was assigned Police since she wasn't in attendance.
Councilmember Bernstein requested Building and Zoning
Mayor Singer requested Finance Department

On roll call the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Einstein	<u>Aye</u>

Councilmember Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Rojas	<u>N/A</u>

The motion passed 4-0.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:

* Committee Assignments

Mayor stated that committee assignments wouldn't be made until February following the elections.

Vice Mayor Bernard Einstein:

None Requested

Councilmember Judy Lusskin:

None Requested

Councilmember Amy Rojas:

None Requested

Councilmember Kenneth Bernstein:

None Requested

Town Manager Alexander Diaz

* Presentation by Amy Zakarin from Zakarin PR regarding the Oceana December 4th Event* was pulled until the October meeting.

* Town Manager reminded the Council that he would not be in attendance for the October meeting.

S. ADJOURNMENT:

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

Consensus vote 4 Ayes 0 Nays.

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Lissette Perez

Lissette Perez
Interim Town Clerk