



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the January 19, 2016
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 Amy Isackson-Rojas, Councilmember Judy Luskin, Councilmember Bernard Einstein, *Councilmember Kenneth Bernstein (arrived during Item M: Ordinances – First Reading)*

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Chief of Police Rudy Herbello, Finance Director Maria D. Camacho, Building Official Dan Nieda

C. PLEDGE OF ALLEGIANCE

Assistant Chief of Police Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

- Swearing-In of Part-time Officer Robert Perez
- Mayor Singer also swore-in Asst. Police Chief Rudy Herbello as the Town's new Chief of Police.

E. MOTION TO SET THE AGENDA

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

Town Manager requested to add an ordinance for first reading related to designating Tweddle Park a park for exclusive use by the Town's residents and the Town's residents only.

Consensus vote 4 Ayes 0 Nays

F. GOOD AND WELFARE

Dr. Norman Gaylis, 179 Ocean Boulevard

Inquired about the issue that was brought before the Council regarding rentals of properties and what are the regulations in place with the Town. Thought that the last time this was brought to the Council's attention it was agreed that either neighbors on both sides of the property would be notified that a new renter was in place.

Also brought up the point that when a home is rented out on a regular basis it causes a lessened sense of security for the people living near that property. Asking for some sense of an agreement on how these renters should be dealt with.

His third point of inquiry is that although he was notified that a renter was moving in to the house next door, the renter was not identified by name, just identified as a renter.

Mayor Singer asked the Town Attorney to speak on what legal grounds the Town has and what the Town's responsibility is.

Town Attorney Helfman stated that the Town can do what it has already done, to restrict the amount of rentals that occur. If the owner provides the name of the tenant when the renter is registered, the neighbor can certainly ask for that name and is entitled to it.

Mayor Singer stated that he doesn't have the staff to send out new letters to all residents when someone rents out a house.

Dr. Gaylis stated that the Town needs to prioritize rentals and treat it as something that is important. Doesn't believe that it's fair to say that the Town does not have the staff because he sees so many other things going on.

Town Manager Diaz thanked Dr. Gaylis for recommending this to the Town last year, and although the Town's ordinance does not require the Town to do so, the Town does notify the residents if a renter has moved in. However, stated that he does have a problem letting people know who the renters are in Town, because all residents have the right to anonymity. If the resident makes a public records request requesting that information, the Town is required to do so but at the request of the residents.

Dr. Gaylis stated that the full-time permanent resident should have priority. Asked if the Town was stating that he did not have a right to know who it was that was living next door to him.

Councilmember Einstein stated that the Town was not stating that. The Town was stating that he could make a public records request for that information. The burden, unfortunately, falls on him.

Mayor Singer stated that he would meet with the Town Attorney and Town Manager to come up with some time procedure.

Town Manager Diaz stated that this came about last year when Dr. Gaylis showed concern about people coming and going in a certain home in Town, so the Town offered to send a letter to the neighbor to advise them when someone new would move in. And it is actually a good code enforcement tool for the Town to monitor persons who are breaking the ordinance. It is not required of the code, the Town did it as a way to be proactive. And sometimes people move in and out and the Town does not know about it.

G. MAYOR'S REPORT

Wished everyone a happy and healthy new year.

Spoke about the flooding issues in Town. The Town is looking at different options to address those concerns. All the cameras in Town are currently working. Town Manager has been working on the website with a third party vendor.

H. COUNCIL COMMENTS

Vice Mayor Rojas

Spoke on the issues that she has had with Atlantic Broadband as well as other residents of the Town. Urged residents to inform the Town if they are having problems with Atlantic Broadband because the more calls that come in the better.

Also inquired about whether the new transponders had come in.

Spoke about the recommendation for a retaining wall for a home that is under construction.

Town Manager stated that a new administrative order was issued very quickly after her request was made requiring all properties under construction to have a retaining wall.

Councilmember Einstein

Congratulated the new Chief of Police. Mentioned the water issues in Town.

Knows the Town is addressing it, but feels that after the Capital Improvement Project the Town undertook these issues should not be occurring. Even in support of the Town taking legal action should they need to. Also spoke about the light issues in Town and would like to see something done to address that.

Councilmember Lusskin

Stated that Mainguy has been doing a great job maintaining the landscaping in Town and the lighting on Golden Beach Drive has improved.

Brought up the Sunny Isles Beach Fund and the letter that Dr. Beny Rub would like to send out with her signature on it. Is hesitant to sign it; feels that maybe it should be signed by the whole Council.

I. TOWN MANAGER REPORT

Wished the residents and Council a happy new year. Thanked the Mayor for allowing the appointment of Chief Herbello to take place. Also stated that Acting Lieutenant Yovany Diaz was also promoted to the permanent rank of Lieutenant. Welcomed residents to look at the website and give the Administration some feedback on it. Working on making enhancements to the dog park and providing added shade and equipment there. Has commissioned Steve Smith's engineering firm to provide the Town with an updated plat some time this year. The lights issue in Town has been an ongoing issue that the Town has been trying to address. As it relates to the issues with Atlantic Broadband, the Town got them to come out and they found that the line that feeds from Sunny Isles Beach had been cut and that equipment had suffered some damage from water. Also working on having a meeting with AT&T to see if they can provide service in Town.

- Police Chief Appointment
- Film Permit Fees Report – had a very busy year last year.
- Canal Maintenance Report – Stated that the Town has had three different firms come in and offer to provide a solution. Had a meeting with the Department of Environmental Protection to see what the permitting requirements are. The Town has just issued two purchase orders to perform

testing in the canals. Once the Town has the surveys that it needs the application process for the permits is rather quick. The Town should have some maintenance of the canals completed by the end of the year. Also, reminded residents that it is crab season. Seems to be a larger concentration of traps around the Town's waterways. They are legitimate and permitted and it is a felony offense to tamper with the traps.

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

None

**** Councilmember Bernstein arrived at this time ****

M. ORDINANCES - FIRST READING

1. An Ordinance Amending Chapter 22, "Parks and Recreation."

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 22, "PARKS AND RECREATION," TO DESIGNATE JOHN TWEDDLE PARK FOR USE ONLY BY TOWN RESIDENTS AND THEIR GUESTS AND REVISE THE RULES AND REGULATIONS FOR PARKS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 568.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 568.16

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager Diaz stated that the reason the Town is asking for this ordinance to be considered is because it seems that there are pros using the courts for their own personal gain.

Attorney Helfman stated that generally a public park is open to the public at large, but to the extent that you can show that the park facilities that you have are limited in terms of the capacity to serve your own population. If you can establish that these facilities are in and of themselves actually not enough for our own residents, then you have the ability to preclude other people from using them. His firm did some research, and in going back on the comprehensive plan they found the information they needed to limit the use of Tweddle park to only residents of the Town and their guests, which is what this ordinance does. Tweddle Park is effectively a private park.

Town Manager stated that this is now a tool that the law enforcement officers can use when they are challenged by users of the facilities that aren't residents.

Vice Mayor Rojas asked what the public should do if they see someone using the facilities who isn't a resident.

Town Manager stated that they should contact the police and they will address it. Also stated that the ordinance applies to all of Tweddle Park, not just the tennis courts.

Councilmember Bernstein asked if the resident has to physically be there.

Town Attorney stated that they have to be an accompanied guest, with a resident.

N. QUASI JUDICIAL RESOLUTIONS

2. A Variance Request for 555 Ocean Boulevard to Permit a Deck.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 555 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A DECK AND SITE ELEVATION THROUGHOUT THE PROPERTY TO BE AN ELEVATION NOT TO EXCEED 15' N.G.V.D. WHEN THE TOWN'S CODE ALLOWS A MAXIMUM OF 11' N.G.V.D.

Exhibit: Agenda Report No. 2
Resolution No. 2437.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2437.16

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

On roll call, the following vote ensued:

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

The motion passed.

Building Official Dan Nieda spoke on the variance request and the conditions that were needed and met to require a variance. Seven conditions were found in the affirmative, supporting this as a favorable petition. To meet with the requirements of the code the applicant would need to depress their property which would cause flooding on the property. There are no objections on file to the application after advertising.

Councilmember Einstein inquired about the house next door to it, asking if those two houses were similarly built.

Mr. Shane Ames, Architect for the project explained that the deck next door is the same elevation. He stated that there is a naturally occurring dune in the area.

O. CONSENT AGENDA

3. Official Minutes of the November 17, 2015 Regular Town Council Meeting.
4. A Resolution of the Town Council Authorizing the Sale of Surplus Equipment.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE DISPOSAL OF SURPLUS PERSONAL PROPERTY SHOWN ON EXHIBIT "A" PURSUANT TO ARTICLE VIII, PERSONAL PROPERTY, OF THE CODE OF ORDINANCES OF THE TOWN OF GOLDEN BEACH, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2438.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2438.16

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

Consensus vote 5 Ayes 0 Nays. Items O3 – O4 pass.

Town Manager stated that through the Town's audit process the Town has discovered that it has thousands of assets on its assets list. The Town will be cleaning up its assets

list. What item #O4 does is dispose of equipment that has been given to staff or Council that no longer has value.

P. TOWN RESOLUTIONS

5. A Resolution of the Town Council Adopting a Schedule of Fees for Beach and Park Activities.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING A SCHEDULE OF FEES FOR BEACH AND PARK ACTIVITIES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2439.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2439.16

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that this item was tabled by the Council to revisit at a later date. What this does is codify the fees for use of certain Town facilities and equipment.

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Amy Isackson-Rojas:
None Requested

Councilmember Bernard Einstein:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Judy Lusskin:
None Requested

Town Manager Alexander Diaz

- Tweddle Park Tennis Court Discussion
- Discussion on Floating Docks

Town Manager stated that he would be closing Tweddle Park for 90 days starting some time next month to replace the fence and to resurface and re-install the courts.

Councilmember Bernstein asked if the Town could do it in the Summer instead of now.

Town Manager Diaz stated that if the Council wishes to postpone it, they would do so. Proposing to do it now because there is a cost savings for doing it now because the Summer time is the busiest time of the year for the court company.

Mayor Singer stated that he feels that the Town should just get it done.

Town Manager Diaz had Marine patrol do a survey of how many floating docks are in Town. What the Town is trying to do is require that the floating docks fall within the footprint of where a dock would be permitted. They are not doing that right now, residents are instead encroaching on setbacks. They are not pretty, but they are allowed in Town. The issue of compliance is another issue.

Mayor Singer asked what does Bal Harbour or other towns do about them?

Attorney Helfman stated that the Town can regulate the floating docks in Town.

Mayor Singer asked the Town Attorney to look at what other waterfront communities do.

Town Manager Diaz stated that the Valentine's Day Brunch will be taking place on Sunday, February 14th at the beach pavilion.

Councilmember Lusskin stated that maybe they could make it a get-to-know each other type of event.

Town Manager Diaz stated that it would be an event like that.

R. ADJOURNMENT:

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

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk