



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the October 25, 2016
Special Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:03 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Councilmember Judy Lusskin, Vice Mayor Kenneth Bernstein, Councilmember Amy Isackson-Rojas

Councilmember Not Present: Councilmember Bernard Einstein

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Finance Director Maria D. Camacho, Lt. Yovany Diaz

C. PLEDGE OF ALLEGIANCE

Lt. Diaz led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

RECOGNITION OF OFFICER OF THE THIRD QUARTER – Sergeant Leila Perez

E. MOTION TO SET THE AGENDA

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

Town Manager stated that Item #P6 was being added to the agenda.

Consensus vote 4 Ayes 0 Nays. Motion to add Item #P6 passed.

Town Manager also presented the Council with their annual \$1.00 payment for service on the Council.

F. GOOD AND WELFARE

None

G. MAYOR'S REPORT

Spoke on his attendance at the International Association of Chief of Police's Conference in San Diego, California along with the Town Manager, Police Chief and Police

Lieutenant – congratulating former Golden Beach Police Chief DeLucca on his ascendance to president of the association.

Making progress with the Town Manager on the bond refinancing – hoping to have something to present to the Council at the next council meeting.

Reminded residents of the upcoming Halloween event, encouraging all to attend.

H. COUNCIL COMMENTS

Vice Mayor Bernstein

Spoke on Zika and the flooding during high tide – feels that it needs to be addressed faster and on a bigger scale. Would like to get some kind of resolution to it.

Councilwoman Lusskin

Spoke on the hurricane shutter ordinance. Received several phone calls from residents concerned about leaving their shutters up while they are away.

Reminded everyone that there will be a Veteran's Day event at Golden Beach on Friday, November 11th.

Councilwoman Rojas

Thinks that a big contributor to the water/zika problem are the construction sites and pools that are full of water. Not really easily visible unless there is an inspection done once or twice a week.

**** **Mayor Singer** asked the Town Attorney to give a report on the water/zika issues in town prior to the Town Manager's report.

I. TOWN MANAGER REPORT

Spoke on the zika issues in Town. This year's king tide events were higher than usual, however the Town's pumps did work well. Even during the king tides, not even a drop of water came in through the Town's grates at Center Island – all of the flooding on Center Island came from ground water that was seeping up from the ground.

Advised that a few weeks ago he accepted Building Official Dan Nieda's resignation and appointed Dario Gonzalez as the Interim Building Official. All planning and zoning matters will now be addressed by the Town's planner, Michael Miller & Associates. Also tasked CAP Builders to take every single open permit and project in the community to review them for compliance, and to look at the TCO's and CO's that have been issued in the last 18 months for accuracy. Brought back Mr. Chuck Evers to perform building inspection duties. Asked the Town Attorney to look at the Town's code to see where it is silent and weak and to look at the Town's use of NGVD and change it to NAVD as it is the national standard. Publicly stated that Linda Epperson has done an exceptional job in keeping the building department together, thanked her for her service to the Town.

Reminded residents of the election next year, with qualifying the first week of January. And, reminded the residents that Town Hall will be closed the last week of the year.

J. TOWN ATTORNEY REPORT

Stated that there are a few different options for the Town concerning the standing water in Town. The Mayor did issue an executive order a few months back calling for the

Town to come onto the property and remove the water, if there is standing water on the property. That's a short-term resolution.

Long-term problems with in particular, Ms. Shaheen's property – the Town, in good faith, drafted an agreement with the property owner who agreed to bring the property to compliance in 90 days. The Town was told that the owner's daughter had become gravely ill and they were unable to attend to this issue. What the Town has done is be more aggressive, following up with all of the outstanding code violations – which include leaving standing water on the property. There are fines that have already accumulated, and additional fines that accumulate every day, in an amount of approximately \$300,000. We hope this will be enough of a push to get the property owner to do something. If that's not effective, Attorney stated that his recommendation will be to file an emergency action and have the court declare that it is an unsafe property and order that it be demolished or cleared and free of standing water.

K. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

1. An Ordinance of the Town Council Amending the “Land Development Regulations” to Address Landscaping and Drainage Requirements in Town.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND SUBPART B, “LAND DEVELOPMENT REGULATIONS” OF THE TOWN'S CODE OF ORDINANCES TO ADDRESS LANDSCAPING AND DRAINAGE REQUIREMENTS BY AMENDING CHAPTER 50 “BUILDINGS AND BUILDING REGULATIONS”; CREATING CHAPTER 52 “LANDSCAPING”; AMENDING CHAPTER 58 “DEVELOPMENT STANDARDS” AND CHAPTER 66 “ZONING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 571.16

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 571.16

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

On roll call, the following vote ensued:

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

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

The motion passed.

Town Attorney asked that the Mayor open up the item for public hearing, to give the public an opportunity to speak on the item first before bringing it back to Council for discussion. Stated that this ordinance works to put together a uniform guideline for the maintenance of landscaping in Town and in the swale areas. Wanted the Council to address two outstanding issues – the percentage of open space and permeable area on a lot and front yard hedges.

Mayor Singer opened the item up to the public, for public comments.

No public comments

Mayor Singer then opened the item up to the Council for discussion

1. The ability to place hedges along the frontage of properties. Asked what does the Council want to see as a maximum size in hedges.

Town Manager stated that there seems to be a great appreciation in allowing no restrictions on the sides of homes and the rear of Zone 2. There are some concerns that this might box up the homes in Town. Thinks that there should be a limit on the front hedge only, and leave the sides without limitations. Stated that now the Town allows a 4 foot hedge.

Vice Mayor Bernstein stated that he didn't feel that this is a problem.

Town Manager stated that the Town currently does not allow a hedge in excess of 4 feet. But Town has had requests for hedges to be planted at 15 and 20 feet and the Town has denied it.

Town Manager stated that staff recommends keep the front hedge height at 10 feet and allowing 20 feet on the sides of properties.

Council called for the hedges to be left at 10 feet in the front.

2. Percentage of permeable landscaped area by front and rear yards

Town Attorney stated that the question is whether the Town wants to have some balance so that someone doesn't pave the whole front of their house, and put all of the open space in the back of the home. This part of the code only applies to new houses or a substantial change to the property.

Town Manager stated that he felt Council should leave this section as the existing code allows it to be, and if changes are needed the item will be revisited.

Town Attorney recommended that it be revisited at second reading, and for it to be left in the meantime as it is in the code, at 35%.

Mayor Singer inquired about gazebos.

Town Attorney stated that gazebo's are now 2% of the net lot area, but no greater in any instance than 500 square feet. Almost everything that was there previously has been removed, and it sets the setbacks, which remain the same.

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

2. Official Minutes of the August 16th, 2016 Regular Town Council Meeting
3. Official Minutes of the September 6th, 2016 First Budget Hearing
4. A Resolution of the Town Council Approving the Waste Disposal Agreement with Wheelabrator South Broward, Inc.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A WASTE DISPOSAL AGREEMENT WITH WHEELABRATOR SOUTH BROWARD, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2466.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2466.16

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

Consensus vote 4 Ayes 0 Nays. Items O2 – O4 passed.

P. TOWN RESOLUTIONS

5. A Resolution of the Town Council Approving a Street Lighting Proposal for Professional Engineering Services from Stantec Consulting Services, Inc.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FROM STANTEC CONSULTING SERVICES,

INC. TO DESIGN THE UPGRADE OF THE TOWN'S EXISTING STREET LIGHTS; PROVIDING FOR A WAIVER OF BIDDING PROCEDURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2467.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2467.16

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager spoke on the item. Recently spoke to them to talk about the possibility of upgrading the Town's lighting. Stantec has all of the Town's as-built plans and designed the electrical grid for the community.

Councilwoman Rojas – asked how is the Town going to move forward with both things when the dredging is going to be so expensive.

Town Manager stated that the Town has reached out to the state to see if the state can provide some funding sources and maintenance assistance, since the waterway falls under their jurisdiction.

6. A Resolution of the Town Council Authorizing a Joint Project Agreement with FDOT for Turf and Landscape Maintenance.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A JOINT PROJECT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR TURF AND LANDSCAPE MAINTENANCE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE MAYOR AND TOWN MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE AGREEMENT; PROVING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Resolution No. 2468.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2468.16

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that this is an annual agreement the Town signs every year.

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Judy Lusskin:
None Requested

Town Manager Alexander Diaz:
Under-sized lots:

- Setbacks
- Heights in All Zones

Town Manager stated that the Building Advisory Board members feel that we should allow for the same rule on Ocean Boulevard with the setbacks, as is allowed in the interior of Town. All of the applicants requesting a variance are requesting a little bit of relief as it relates to the 25 foot height restriction and allow a 27 foot height instead. Wanted to get a gauge of how the Council feels about this to see if the code needs to be amended.

Vice Mayor Bernstein asked if this would cause an uproar with neighbors who are currently under the 20 foot setback rule.

Town Manager stated that this only applies to Zone 1, it is currently allowed in Zones 2 and 3. The only resident who objected was former Mayor Tobin who stated that if the Town is going to continue to allow this as variance, then allow it through a code change not have a variance every time this comes up.

Councilmember Rojas asked if the Town can require a wall on the sides to protect the privacy of the neighbors.

Town Manager stated that that is a good recommendation that in Zone 1 when a home is redeveloped a wall is required instead of a fence.

Town Manager stated that he is having the Interim Building Official look at the Town's step-in requirements and come back with some suggestions on Ocean Boulevard.

Town Manager – in all the cases that will be submitted, the Town will be steadfast on no encroachments.

R. ADJOURNMENT:

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

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:18 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk