



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the November 15, 2016 Regular Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

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

B. ROLL CALL

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

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman (via conference call), Finance Director Maria D. Camacho, Police Chief Rudy Herbello, Attorney Kathy Mcaffrey, Attorney Jeff DeCarlo

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

SWEARING-IN OF PART-TIME OFFICER CARLOS BALASINO

E. MOTION TO SET THE AGENDA

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

*** Mayor Singer requested to move Item #P10 to right after Item #M, Ordinances First Reading. Consensus vote 5 Ayes, 0 Nays.

**** Attorney Helfman asked to include an open and public hearing on the consistency of the landscape ordinance with the Town's comprehensive plan, before Item #K1

F. GOOD AND WELFARE

Sydell Herrick, 625 Ocean Blvd.

Feels that beach erosion in Town should be addressed, because it is an issue in the Town. Feels that sand should be brought in now and paid for by the residents of Golden Beach, so that the Town does not use its private beach status.

G. MAYOR'S REPORT

Congratulated the Town Manager on the Town's upgrading of its rating with Moody's. Congratulated Councilwoman Lusskin for her work with the Town's Veteran's Day event. Commended the Town's staff on its work on the Town's Halloween party. Stated that him and the Town Manager are aware of the beach erosion and working on a solution.

H. COUNCIL COMMENTS

Councilmember Lusskin

Mentioned that the walkers are back in Town.
The hedge on A1A in front of the basketball courts is dead.

Councilmember Einstein

Excited about the bond refinance

Councilmember Rojas

Inquired about the grass in North Park, and eventually replacing it

Vice Mayor Bernstein

Also stated that the Halloween event in Town was great and very well attended.

I. TOWN MANAGER REPORT

Will address the issues with the lawn at North Park.
Thanked the team that has been a part of the refinancing of the General Obligation Bond.
Will not be seal coating Golden Beach Drive before the new year, postponing it until the first quarter of the new year.
Made significant headway with 416 Golden Beach Drive. Town will be creating a huge berm in front of the property, and will see significant improvements.
Met with District Chief of Miami-Dade Fire Rescue Department and discussed the building of a town civic center.
Will have a December council meeting, subject to the call of the Mayor.

J. TOWN ATTORNEY REPORT

Expounded on the property at 416 Golden Beach Drive, stating that a formal lien has been imposed on the property.
Also, revised what he had stated about needing to hear the ordinance as a separate local planning agency item. Stated that during the vote, he would ask Council to make a separate finding that the ordinance is consistent with the Town's comprehensive plan.

**** **Town Manager** requested to add to the Town Manager's report that the Town is working on controlling the flooding situations in Town, particularly in Center Island.

K. ORDINANCES – SECOND 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 Luskin, seconded by Councilmember Einstein.

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>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that the staff is making a recommended change to the ordinance called for on page 22 to change the maximum front hedge height from 10 feet to 15 feet.

Town Attorney stated that there is a whereas clause on page 2 that needs the date of November 15, 2016 added to it.

Consensus vote 5 Ayes 0 Nays

Town Manager stated that this ordinance is a good start. Congratulated Steve, Kathy, Kathy and Linda Epperson in incorporating all of the Council’s concerns into the ordinance. This code does give the office of the Town Manager a lot more authority in determining compliance, which is taken very seriously.

Town Attorney asked that as part of the motion to approve the resolution, the Council incorporate the proposed whereas clause change and the hedge height changes recommended by the Town Manager and making a specific finding that this ordinance is consistent with the Town’s comprehensive plan.

M. ORDINANCES - FIRST READING

None

**** At this point, **Mayor Singer** requested Item #P10 be heard before moving on to Item #N2. ****

N. QUASI JUDICIAL RESOLUTIONS

2. A Variance Request for 495 Ocean Boulevard to Permit a Side Setback.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 495 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A SIDE SETBACK OF 7'-6" AT THE NORTH AND SOUTH SIDE PROPERTY LINES, WHERE 10' IS PERMITTED.

Exhibit: Agenda Report No. 2
Resolution No. 2469.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2469.16

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

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>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager gave some background on the state of the Building Department. Asked **Mr. Dario Gonzalez, Interim Building Official**, to go back and re-examine the work that Mr. Nieda had looked at. Both variances are the exact same request.

Vice Mayor Bernstein asked the Town Manager to elaborate on where the Town is at with this issue.

Town Manager stated that in theory the Council has been open to allowing 7.5-foot setbacks specifically on 50-foot lots on the ocean. These two variances are consistent with the discussion the Council had at its last meeting. Building Advisory Board members that were at that meeting, voted in favor of the 7'6" setback.

Interim Building Official Dario Gonzalez spoke – first thanking the Town Manager for bringing him back. Then explained the variance request from the applicant. Stated that anything encroaching within the 7'6" should be prohibited.

Mr. Shane Ames, Architect for the property – agreed that any other encroachments within the 7'6" should not be allowed.

Dr. Rob Popetti, 487 Ocean Blvd. – spoke against granting this variance. The variance will have a huge effect on himself and his family.

Councilman Einstein stated that it seems to him to be extremely challenging to build a house on a footprint that's a 30-foot lot.

Dr. Popetti stated that there is a reason why there is a code and a 10-foot setback, to protect the privacy and aesthetics of the neighbors.

Mayor Singer stated that a 50 foot lot is an abnormal size lot and it's difficult to build on that type of footprint.

Town Manager stated that what the Town wants to motivate is development, not developers. If he said developers that wasn't his intent, and must've mispoken. The Town is not pro developers.

Mrs. Alene Fishbein, 256 Golden Beach Drive – always been a strict constructionist of whatever laws exist. And if the Town's rules are that it's supposed to be a 10 foot setback, then leave it that way. Thinks that either the Town should change its rules, or leave it as it is.

Mr. Ames, stated that this is the personal residence of Mr. Sajenco. Not seeking a variance to raise the ground, it's keeping it as it is.

Mrs. Sydell Herrick, asked if this home has any encroachments any further on the setbacks.

Mr. Ames stated that there is a fireplace in the plans.

Town Manager said that it is consistent with the code, not encroaching any further on the setbacks.

Councilwoman Lusskin asked how close these two homes could be at their closest point.

Town Manager stated that the Town does not have measurements on hand regarding the variance that was requested in the past for 487 Ocean Boulevard, and unable to answer that question.

Dr. Popetti explained that another bedroom was built, but it does not encroach any further than the 5 foot setbacks his home already has.

Councilwoman Lusskin asked for clarification about this having to go back before the building advisory board.

Town Manager stated this will have to come back before the board for architecture and design elements.

Councilman Einstein stated that houses that have been demolished to build a new home in their place that had 7.5 foot setbacks to begin with, have in the past been granted that ability to keep that 7.5 foot setback to “encourage development” to take away a house that was somewhat of an eyesore to develop something else. Just a real challenging situation to build on a 30-foot length of house.

Councilwoman Rojas – stated that the Council will be more than likely changing the code to be consistent with what both of these home are requesting. Is in favor of this – with two conditions, prohibiting any further encroachments and thinks there should be concrete privacy walls built if they are not in existence from before. Thinks that if there were already 5-foot setbacks approved in the past, then it confirms that these are unique lots and they do need to have a little bit less of a setback.

Vice Mayor Bernstein – torn about this item. Thinks that the suggestions made about no further encroachments are a good idea and the recommendation to build a privacy wall is also good. Doesn’t want to stifle construction in Town.

Mayor Singer reiterated that the Town is in the process of changing the code. The 50 foot lot is a unique lot. Not pro-developers, but pro-development in Golden Beach for two reasons (aesthetics and the tax revenue brought in from these developments). This is a unique situation because this is a 50 foot lot and thinks that the homeowners are compromising by requesting a 7.5 foot setback instead of a 5 foot setback. Would rather have the home that is being built there instead of what is currently there, because it is an eyesore for the Town.

Councilman Einstein asked Mr. Popetti in terms of the wall, would that make it better.

Mr. Popetti stated that if he wanted to live within walls, then he would move to prison.

Mayor Singer reiterated that the Building Advisory Board approved this variance with a 3-0 vote.

3. A Variance Request for 587 Ocean Boulevard to Permit a Side Setback.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 587 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A SIDE SETBACK OF 7'-6" AT THE NORTH AND SOUTH SIDE PROPERTY LINES, WHERE 10' IS PERMITTED.

Exhibit: Agenda Report No. 3
Resolution No. 2470.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2470.16

A motion to approve was made by Councilmember Rojas, 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>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that this item is a little different from the previous item. This item came before the Building Advisory Board originally requesting a 5-foot setback, and it was voted down unanimously. The Building Advisory Board then voted on a 7.5 foot setback for this property and came back with a 3-0 vote in favor of it. Stated that he then met with the architect and offered the applicant the opportunity to bring before the council whichever one of the two requests they wanted to seek. Homeowners have been there since day one, are going to live in the Town, and have suffered through the staff changes.

Mayor Singer asked the Town Manager to explain the variance.

Town Manager stated that the variance request is similar to the one that was just approved, allowing them to build on a 50-foot lot with a 7.5-foot setback requirement. Originally requested a 50-foot lot with a 7.5-foot setback requirement. Originally requested a 5-foot setback.

Jeff Burkow, 200 South Biscayne Blvd.- Attorney representing the resident Stated that the residents did apply for the 5 foot setback, but after advisement, now requesting a 7'5" setback. When the current home is demolished and the new home is built the Town will see a significant increase in tax revenues.

Mayor Singer stated that if the Council doesn't have any issues with the setback, then they can take directly for a vote.

Councilmember Rojas requested further clarification on the encroachments.

Mr. Burkow stated that both neighbors support the application. If variance is approve, they will have 17.5 feet between structure on the north side and about 27.5 feet between the structures on the south side. Willing to put up privacy walls.

Town Manager stated that the appropriate motion is to vote in favor of the variance with the condition of the privacy wall and prohibiting any further encroachments.

**** **Town Manager** re-iterated that all zoning related matters will be reviewed by the Town's planner from here moving forward. ****

O. CONSENT AGENDA

- 4. Official Minutes of the September 20th, 2016 Special Town Council Meeting & Final Budget Hearing**
- 5. Official Minutes of the October 25, 2016 Special Town Council Meeting**
- 6. A Resolution of the Town Council Approving the Agreement with David T. Caserta Government Relations, Inc.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA RETROACTIVELY APPROVING AN AGREEMENT WITH DAVID T. CASERTA GOVERNMENT RELATIONS, INC. FOR CONSULTING SERVICES FOR THE PERIOD BEGINNING OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016 AND APPROVING A NEW AGREEMENT WITH DAVID T. CASERTA GOVERNMENT RELATIONS, INC. FOR CONSULTING SERVICES FOR THE PERIOD BEGINNING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2471.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2471.16

- 7. A Resolution of the Town Council Approving A Mutual Aid Agreement Between the Town and the City of Miami Beach.**

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

Exhibit: Agenda Report No. 7
Resolution No. 2472.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2472.16

8. A Resolution of the Town Council Approving the Agreement between the Office of the State Attorney and the Town.

A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING THE AGREEMENT BETWEEN THE OFFICE OF THE STATE ATTORNEY OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA AND THE TOWN OF GOLDEN BEACH; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2473.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2473.16

9. A Resolution of the Town Council Authorizing the Use of LETF Monies to Purchase Fully-Automatic “Cardiac Science” Defibrilators (AEDs).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF SEVEN FULLY-AUTOMATIC “CARDIAC SCIENCE” DEFIBRILATORS (AEDs) WITH THE USE OF THE LETF TO PURCHASE AND EQUIP POLICE OFFICERS AND ASSIGNED LOCATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2474.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2474.16

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

Consensus vote 5 Ayes 0 Nays. Items O4 – O9 passed.

P. TOWN RESOLUTIONS

10. A Resolution of the Town Council Authorizing the General Obligation Refunding Bond, Series 2016.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$14,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF TOWN OF GOLDEN

BEACH, FLORIDA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, TO REFUND AND DEFEASE THE TOWN'S GENERAL OBLIGATION BONDS, SERIES 2008 AND PAY COSTS OF ISSUANCE; PROVIDING THAT SUCH GENERAL OBLIGATION REFUNDING BONDS SHALL CONSTITUTE GENERAL OBLIGATIONS OF THE TOWN AND THAT THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWN SHALL BE IRREVOCABLY PLEDGED FOR THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SUCH GENERAL OBLIGATION REFUNDING BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING CERTAIN DETAILS OF THE BONDS; DELEGATING CERTAIN MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS TO THE MAYOR AND/OR TOWN MANAGER; AUTHORIZING THE NEGOTIATED SALE OF THE BONDS TO THE UNDERWRITERS; APPOINTING A PAYING AGENT AND A BOND REGISTRAR; APPOINTING AN ESCROW AGENT; APPROVING THE FORM AND EXECUTION OF A BOND PURCHASE AGREEMENT; APPROVING THE FORM AND EXECUTION OF AN ESCROW DEPOSIT AGREEMENT; PROVIDING FOR A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT; AUTHORIZING OBTAINING A BOND INSURANCE POLICY AND ANY NECESSARY COVENANTS WITH RESPECT THERETO; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM FOR THE BONDS; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWN TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
Resolution No. 2475.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2475.16

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 Aye
Councilmember Einstein Aye
Councilmember Amy Isackson-Rojas Aye

The motion passed.

Town Manager stated that the bonds were structured so the Town can see an immediate savings of \$1.1 to \$1.5-million to the Town. This allows the Town to look at other projects that need to be worked on in Town without the residents having to pay for anything.

Lourdes Abadin & Cristina Zeinali, with Estrada, Hinajosa the Town's financial planner – spoke on the state of the market and the state of the Town's rating upgrtade with Moody's.

Ms. Abadin stated that the market has dropped about 40 to 50 points, but thinking that the market will settle and re-adjust itself.

Town Manager stated that the Town has a very strong fiscal house.

Attorney Jeff Decarlo, with Weiss, Serota, Helfman spoke on the resolution stating that there are three parts to this resolution – first document is the escrow deposit agreement, the second is the purchase agreement, and the preliminary official statement which is the disclosure document the investors will receive.

Town Manager stated that they will continue to manage this town in the best interest of the residents. Any savings, is something that the Town should be very proud of.

Mr. Alfred Herrick asked if the new homes that are being built in Town paying back these bonds.

Town Manager stated that yes, all homes and lots in Town pay towards this.

Councilman Einstein asked if there are two bidders right now for the bond.

Ms. Abadin explained that there are two underwriters right now, they are in charge of selling the bonds. Whatever doesn't sell they have agreed to buy and take into the Town's inventory.

Councilman Einstein asked if he is a bond-holder is that a conflict of interest for him to vote on this item.

Town Attorney Helfman stated that there is not.

**** Following the vote, **Mayor Singer** returned back to item N2, and resumed the agenda in sequential order. ****

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:
• Presentation on Loggia Beach Park Renovations

Kristen Peacock, with the Tamara Peacock Company gave the presentation on the recommendation of enhancements to the beach pavilion.

Town Manager expounded on the features that they are looking to incorporate. No more showers on the insides of the men and women's bathrooms. All the showers will be outdoors, located near the women's bathroom. There will also be a play feature, like a giant checkerboard, for the Town's youth and young adults enjoyment.

Vice Mayor Bernstein suggested that the fire pit area have some lounge elements added to it for more seating. In addition, asked that a screen be placed in front of the vending machine.

Town Manager stated that some more elements will be added to the corner where the checkerboard will be at, to make it more of a child's play area.

Councilmember Rojas stated that she thinks the project is a great idea, but is concerned about the costs.

Town Manager stated that the Town has allocated money into the current budget for beach improvements.

Councilmember Lusskin asked about the interior design of the showers.

Town Manager stated that it will be a bi-level shower.

Town Manager stated that the December meeting has been cancelled subject to the call of the Mayor.

R. ADJOURNMENT:

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

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk