



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the February 28, 2017
Special Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:00 p.m.

B. ROLL CALL

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

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Police Chief Rudy Herbello, Finance Director Maria Camacho, Town Planner Michael Miller

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

SWEARING-IN OF NEW PART-TIME OFFICER – David Guzman

*** *postponed until the officer's family was able to arrive* ***

**** The Police Chief made a special presentation to the Town Manager from the U.S. Army Special Operations Command. ****

E. MOTION TO SET THE AGENDA

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

F. GOOD AND WELFARE

Tony Rojas, 600 Golden Beach Drive

Congratulated Mr. Mendal for winning the election and thanked Councilmember Einstein for his service to the Town for the last 18 years. Spoke on the Council's health insurance and the issue that has been brought regarding the payment of their health insurance – feels that it is deserved and it is wrong to bring that matter to issue.

Jaime Mendal, 387 Golden Beach Drive

Introduced himself. Thanked Councilman Einstein for his 18 years of service to the Town. Congratulated Councilwoman Lusskin for her win. Looking forward to working

with the Council and getting to work on the issues that have been brought before him by the residents.

G. MAYOR'S REPORT

Thanked Councilman Einstein for his 18 years of service on the Council and his service to the Town.

Spoke on the election and the high voter turnout the Town had. The Town has several projects that it is looking to complete in the next 12 months – the beach pavilion, the lighting project, the gatehouse, and the canal maintenance. Stated that he would like the Town of Golden Beach to have its own flag. Wants to encourage residents to submit their ideas for a Town flag and submit it to the Town and the Council will decide which design wins. Requested that something be put in the newsletter to that effect.

H. COUNCIL COMMENTS

Councilman Einstein

Thanked the Mayor and Mr. Rojas for their kind words. Spoke on the many accomplishments the Town has achieved during his 18-year tenure on Council.

Councilwoman Rojas

Thanked Councilman Einstein for his service to the Town, and the knowledge he has bestowed on her. It was a privilege to have sat next to him for all these years.

Vice Mayor Bernstein

Congratulated and welcomed Mr. Mendal to the Council. Expressed his gratitude and appreciation to Councilman Einstein for his 18 years of service to the Town.

Spoke briefly on the beach renovations.

Councilwoman Lusskin

Win was bittersweet because with the excitement of her winning is also the sadness of no longer working with Councilmember Einstein. Welcomed Councilmember Mendal, looking forward to working with him.

**** At this point Mayor Singer swore-in Officer David Guzman ***

I. TOWN MANAGER REPORT

Thanked Councilman Einstein for his service to the Town and his guidance and service to him and the staff at Golden Beach. Mentioned that the Town will have an event to recognize Councilman Einstein for his 18 years of service some time in April or May to coincide with the Town's potluck event.

Met with Councilmember-Elect Mendal last week to go over the Town's list of capital projects and projects going forward, and he will be having staff meetings tomorrow to go over day-to-day operations. Holding the police gatehouse project, because the Administration feels that there could be a greater savings if both the gatehouse and pavilion projects are combined. Hoping that at the April meeting a contract will be awarded for both the renovations of the police gatehouse and the pavilion restrooms.

Simultaneously working on the Town's street lighting project and reaching out to FP&L to possibly be a partner with the Town to re-do the lights. Canal maintenance project moving forward. Report will be brought before the council at the March meeting.

Now have a price tag for Center Island flooding project – somewhere in the ball park of half-a-million dollars. Administration trying to acquire state revolving fund dollars to fund

that project. In addition, working with the Town's engineers and planners to bring before the Council updates on the Town's code to make sure that there are no inconsistencies in it.

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

None

L. ORDINANCES - FIRST READING

None

M. QUASI JUDICIAL RESOLUTIONS

None

N. CONSENT AGENDA

1. Official Minutes of the November 15th, 2016 Regular Town Council Meeting

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

Consensus vote 5 Ayes 0 Nays. Item N1 passed.

O. TOWN RESOLUTIONS

2. A Resolution of the Town Council Certifying the Result of the February 21, 2017 Town Election.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE TOWN CLERK'S CERTIFICATION OF THE RESULTS OF THE FEBRUARY 21, 2017 TOWN ELECTION FOR MAYOR AND TWO TOWN COUNCILMEMBERS, DESIGNATING THE VICE MAYOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2483.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2483.17

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

The motion passed.

3. A Resolution of the Town Council Approving the Settlement Agreement with Former Town Police Officer Michelle Santinello.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT WITH FORMER TOWN POLICE OFFICER MICHELLE SANTINELLO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2484.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2484.17

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

The motion passed.

Town Manager spoke on this item and the disability the former employee is on due to the injury she suffered while on the job.

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:

- Dog Park and/or dog beach hours

Several people in the community do say that they utilize the dog park. In his opinion, the enlargement of the dog park and the added amenities the Town recently added, he thinks is sufficient for the size of the community in Golden Beach.

Another comment that was brought up was to have a time of day or on several days to let the dogs run free on the ocean. Thinks it is a great idea, but feels that it would be something that the families with children would not appreciate. Does not think it is feasible or fair for the residents of Golden Beach to open up the beach to the dogs. Also stated that it was suggested that the Town form a committee for the dogs. The Town already has a hard enough time getting people to attend the meetings of the committees they already have, does not think that adding a committee is the solution for the dogs.

Councilwoman Rojas – stated that the dog park is just not big enough for dogs to run around and get exercise. Thinks that the only location for a dog park is Tweddle Park because it is away from the homes. Feels that the area behind the volleyball court would be a good area.

Town Manager Diaz stated that that area is typically used for entertainment for children's birthday parties.

Mayor Singer stated that if size is an issue, then maybe it could be expanded out to the basketball courts.

Councilwoman Rojas – stated that she would not be oppose on a trial-basis, maybe once a month, to have the dogs on a leash on the beaches. Maybe during the week, when it is not peak beach usage and the attendant is there.

Councilwoman Lusskin inquired if this was only going to be done just at the pavilion area. **Town Manager** stated that it would have to be, because the rest of it is private party.

Councilmember Lusskin stated that she feels that it would have to be on a leash to keep control of the animals. Many of the residents on the beach are concerned with what this could mean for their backyards. Does not think that this responsibility could be given to the attendant on he beach. Also inquired if this would only be for Golden Beach residents or would it be open to the public at large. **Town Manager** stated that it would just be residents and their invited guests.

Councilman Einstein – asked if someone were coming from the north or the south and wanted to walk their dog on the beach right now could they?

Town Manager stated the beach has to be designated a dog area.

Councilman Einstein stated it has gotten abusive. On the ocean, how are you going to prevent the animal from defecating? Thinks that dogs are great, but this is a challenging subject.

Vice Mayor Bernstein stated that having a committee doesn't really accomplish much, but maybe this can be set up as a discussion for the public to participate it. Also likes the idea of reconfiguring the Town's current dog park to allow the animals more space to run.

Town Manager stated that this is the first time the administration is hearing about this and invited the residents to reach out to the staff if they have a concern about anything. Administration will look into it and if there is something that can be done to reconfigure the dog park, it will be done.

Mayor Singer stated that the Town Manager and him will look at the configuration of the dog park and see if it can be reconfigured and bring it before the public at the next council meeting. The topic of dogs on the beach hasn't been closed, will revisit it in the future if more recommendations are brought before council.

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:

- 50 foot lots on Ocean Boulevard

Stated that for many years the oceanfront community has enjoyed a lot of growth in the confines of the town. Town Planner Michael Miller did a survey and stated that there are 19 50 foot lots. Town's code is silent as it relates to the development of these undersized lots. Staff have met with the developers and given them principle guidelines of the Zone 3 redevelopment rules to Zone 1, to try and get the 50 foot lots redeveloped. Would like to go through some of the challenges the Administration is having to bring to the Building Regulatory Advisory Board some guidance when they meet to consider these 50 foot redevelopment projects that are being brought before them. Ultimately this will be brought before the Council in a colossal variance type of request for the Council's consideration and that the Town's attorneys will draft ordinances that affect to the 50 foot lots.

Over the course of the last few meetings, 3 variances have been requested granting 7.5 foot setbacks on 50 foot lots. The Administration has now accepted that guidance from the Council for 50 foot lots. Also require that the structure cannot go higher than 25 feet in high, based on the guidance from the Council.

In Zone 1, what the staff is finding is that due to new legislation regarding excavations the 50 foot lots are encountering an unusable space at the bottom of the home that cannot be used because it is not high enough, and it gives the impression that the house is on stilts. In talks with some members of the development community, councilmembers, and the Town's planners, all are in agreement that the area underneath the envelope should be allowed for non-habitable use. The challenge is that because the sand cannot be excavated and placed somewhere else, the Town is having a hard place determining where to put the sand. Need to discuss where the

bottom of the envelope should commence and how can the Town assist in trying to make that area a usable space.

Members of the development community have made the request to allow for a garage height to be at ten feet. Feel that would be irresponsible to neighbors on the north or south because it would increase the NGVD and would require excavations of some kind. Staff recommendations are to only allow a standard 8-foot garage, which is more than fair. Proposing that for whatever the difference is, they would have to excavate and figure out where to put the additional amount of sand and the Town would give them more envelope space. Third option is to allow them to go up however much they need but then take away from the envelope of the home.

**** *At this point in time Councilmember Einstein left the meeting* ****

Vice Mayor Bernstein stated that he was a little confused of the issue of houses looking like stilts and the four-foot gap.

Michael Miller spoke on Vice Mayor Bernstein's concerns, explaining the communities varying dune system that makes every lot different.

Mr. Samuel Ohev Zion, owns empty lot at 263 Ocean Boulevard. Asked if this is referencing 50-foot lots only? **Town Manager** stated that it only pertaining to 50 foot lots. Mr. Zion stated that when buying these lots, purchasers are very limited and thinks that the new solution would be beneficial.

Robert Morian, Architect – just wanted to bring to the attention that the Town also has a maximize height elevation for grade.

Town Manager said that the other item for discussion is the issue of elevation. Administration will bring before the council legislation consistent with how it has voted on variances for rule-making and will address these issues in the same manner that the Council has voted on them in previous variance requests.

Jerry Gavcovich for Kobe Karp Architects – working on 587 Ocean. Wanted to clarify that the reason why these properties are different from the ones on the west is state-mandated guidelines the properties need to conform to. State has already clarified the types of uses that are permitted for the space under the homes envelope.

Town Manager stated that the other aspect to this issue is the use of that area. Administration feels that that area should be able to have a gym, have the elevator come down to it, a restroom, a laundry room, equipment can be housed there, and a vehicle can be parked there. But this cannot be a kitchen or a bedroom or a living room or have habitable use.

Mayor Singer stated that maybe not allowing the bathroom in that space so that it is not converted into another bedroom.

Town Manger stated that he would have the Town Attorney's look into the state law related to that and get back to the Council.

Town Manager stated that the Administration is looking into changing the rule for a 50 foot lot and requiring it to have 1,100 square feet of green space separating the home from a detached garage instead of the current required 2,200 square feet. Also stated that if a resident wants to have a garage detached from the home, it must be enclosed on all sides and the setbacks still apply.

Town Manager stated that the overwhelming request from these residents and developers is that above the garage, the Town allow a guesthouse.

Michael Miller stated that they are suggesting to clean up the language in the code to refer to balconies as balconies and not terraces, and to define the terms correctly.

Town Manager stated that the Town currently has applications in for review that are going to go before the next BRAB with a jumbled variance request, so what we are trying to do is avoid too many changes so they don't have to change their plans. This is so that at the March meeting or a specially called for April meeting these items can go before the council.

Town Manager spoke on rooftop terraces and the issues that may arise from moving them from the center of the home, such as noise and nuisance complaints from neighboring homes.

Town Manager stated that the Administration is going to continue to allow the projects that are in the pipeline to move forward for consideration by the BRAB and the council over the next few meetings.

Town Manager stated that March 21st, 2017 will be the Swearing-In ceremony at 5 p.m. prior to the 7 p.m. meeting.

Town Attorney recommended that the meeting start at 6:30 p.m. instead of 7 p.m. Council agreed.

Q. ADJOURNMENT:

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

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk