



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Agenda for the October 15, 2013
Regular Town Council Meeting called for 7:00 P.M.**

- A. MEETING CALLED TO ORDER**
- B. ROLL CALL**
- C. 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

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee
Beautification Committee
Comprehensive Planning Board
Recreation Committee
Security/Public Safety Committee
Youth Leadership Committee

- G. GOOD AND WELFARE**
- H. MAYOR'S REPORT**
- I. COUNCIL COMMENTS**
- J. TOWN MANAGER REPORT**
- K. TOWN ATTORNEY REPORT**
- L. ORDINANCES – SECOND READING**

- 1. An Ordinance of the Town Council Amending Chapter 66, Zoning;
Article III, District Regulations.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,
FLORIDA, AMENDING CHAPTER 66, "ZONING"; ARTICLE I

“IN GENERAL” AND ARTICLE III “DISTRICT REGULATIONS”, TO PROVIDE FOR AMENDED DEFINITIONS, AND TO CLARIFY PERMITTED AND PROHIBITED USES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 556.13

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 556.13

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

2. **Minutes of the September 18th, 2013 First Budget Hearing & Special Town Council Meeting**
3. **Minutes of the September 18th, 2013 Local Planning Agency Hearing**
4. **A Resolution of the Town Council Authorizing the Use of LETF Monies to Provide for Law Enforcement Training.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND (“LETF”) MONIES TO PROVIDE FOR LAW ENFORCEMENT TRAINING, TRAVEL AND TRANSPORTATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2328.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2328.13

5. **A Resolution of the Town Council Authorizing the Renewal of the Amended and Restated Agreement with Waste Services of Florida, Inc.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A RENEWAL OF THE AMENDED AND RESTATED AGREEMENT WITH WASTE SERVICES OF FLORIDA, INC.; PROVIDING FOR RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2329.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2329.13

P. TOWN RESOLUTIONS

None

Q. WORKSHOP

Beach Pavilion & Beach Area
Renovations, Additions, and Improvements (Presented by Kathy O’Leary & Paul Abbott)

Beach Pavilion Rules & Regulations
(Presented by Town Manager Diaz)

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Judy Lusskin:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Town Manager Alexander Diaz
None Requested

S. ADJOURNMENT:

DECORUM:

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING.

RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 15, 2013

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Subject: Ordinance No. 556.13 – Amending Chapter 66, Zoning,
Specifically by Amending Article III, Entitled “District
Regulations.”

Item Number:

1

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 556.13 as presented.

Background:

This item is on second reading.

At your June 24, 2013 Special Town Council Meeting, you approved Ordinance 556.13 at first reading. This Ordinance will provide for additional enforceable provisions to ensure that homes in Town are being used for the purposes provided within the Ordinance.

At your September 18, 2013 Local Planning Agency Meeting, you met as the Local Planning Agency to consider this matter, and recommended adoption of this ordinance to the Town Council. We anticipate that this Ordinance will assist our efforts to limit the type of activities homes in Town are being used for (i.e. commercial parties, hosted events for other purposes, etc.).

Fiscal Impact:

None

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 556.13

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, “ZONING”; ARTICLE I “IN GENERAL” AND ARTICLE III “DISTRICT REGULATIONS”, TO PROVIDE FOR AMENDED DEFINITIONS, AND TO CLARIFY PERMITTED AND PROHIBITED USES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is incorporated as a residential community; and

WHEREAS, the Charter of the Town of Golden Beach at Section 1.02(c)(3) prohibits the Town Council from permitting any use of any land within the Town for any purpose other than for single family residential use; Town of Golden Beach governmental purposes; and social and athletic nonprofit clubs and organizations that are operated for the benefit and use of residents of the Town on public property designated for this purpose; and

WHEREAS, Chapter 66 of the Town Code of Ordinances, Zoning, Section 66-67 zones all parcels of land within the corporate limits of the Town as: (1) Single-Family Residential [SF]; (2) Governmental or community facilities [CF]; or (3) Social and athletic or public recreation [R-2]; and

WHEREAS, Chapter 66 of the Town Code of Ordinances, Zoning, Section 66-62 requires that all lots and parcels of land within the corporate limits of the Town shall be used in accordance with the zoning districts set forth in Section 66-67 and for no other purpose; and

WHEREAS, the Town desires to clarify the uses permitted and prohibited in the Single-Family Residential Zoning District; and

WHEREAS, the proposed amendments to Chapter 66 were reviewed by the Town Council on June 24, 2013 and direction was provided to the Town Manager and Building Official; and

WHEREAS, the Town Manager and Building Official has prepared the proposed text amendments; and

WHEREAS, the Town Council meeting as the Local Planning Agency considered this matter on September 18, 2013 and recommended adoption of this ordinance to the Town Council; and

WHEREAS, after careful consideration of this matter, the Town Council has determined that it is in the best interests of the Town to approve the text amendments to Chapter 66, Zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Amendment. Chapter 66 of the Town Code is amended by making modifications to Article I, in the following particulars:¹

ARTICLE I. IN GENERAL.

Sec. 66-1 – Definitions

* * *

Family shall mean 1 person or a group of 2 or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of persons

¹ Changes between first and second reading are indicated with highlight, with additions between first and second reading shown in double underline. Deletions between first and second reading are shown in ~~double strikethrough~~.

not more than 3 in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the state Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family.

* * *

Single-Family or Single-Family Residential Dwelling means a private residential structure used or designated to be used as a home or residence in which all living rooms are accessible to each other from within the building and in which the use and management of all sleeping quarters, all appliances for cooking, ventilating, heating or lighting are under one control, and which shall be occupied exclusively by one family ~~related by consanguinity, adoption, twyning or marriage.~~

* * *

Section 3. Amendment. Chapter 66 of the Town Code is amended by making modifications to Article III, in the following particulars:

ARTICLE III. DISTRICT REGULATIONS.

* * *

Sec. 66-67 - Zoning Districts

* * *

(b) Single-Family Residential District. Within the SF district, the following uses are permitted:

(i) Single-Family Residential Dwellings. All property within the SF district shall be used for the principal purpose of single-family residential dwellings occupied by individual families.

(ii) Accessory Uses. Additionally, a family may use an improved property for accessory social and recreational activities customarily associated with single family residential use within the Town, including swimming and boating.

(iii) Prohibited uses. Except as provided in Section 66-91 governing Residential Transient Use and Section 15-10 governing Filming, no business, professional or other commercial uses are permitted from or within any SF district. No person may use any property within the SF district as a venue for any event, party, other commercial or promotional activity where a fee is charged for entry or any type of compensation is directly or indirectly given to the property owner for the use of the property, nor may any person hold any third party promotional event (other than a traditional, daytime open house) at the property for the purpose of advertising or otherwise exposing the property for sale. This prohibition shall not limit the right of any homeowner to host a non-commercial fundraising event customarily conducted from single family dwellings within the Town, where no entry fee is charged and no compensation directly or indirectly is paid to the homeowner for the use of the property.

(b) (c) The Future Land Use/Transportation Map adopted by Ordinance 368-88, as amended, shall constitute the Land Use and Zoning Map of the Town until adoption of an official zoning map pursuant thereto.

Section 4. Implementation. The Town Clerk and Town Manager are hereby authorized to take any and all action necessary to implement this Ordinance and make it part of the Town Code including re-numbering or re-lettering the code references and ordering.

Section 5. Severability. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 6. Conflicts. To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Lusskin, seconded by Councilmember Rojas, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

PASSED AND ADOPTED on first reading this 24th day of June, 2013.

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED on second reading this 15th day of October, 2013.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY




TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 15, 2013

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Lissette Perez, 
Town Clerk

Subject: **Town Council Minutes**

Item Number:

2 & 3

Recommendation:

It is recommended that the Town Council adopt the attached minutes of the Town's September 18th, 2013 First Budget Hearing & Special Town Council Meeting, and the minutes of the Town's September 18th, 2013 Local Planning Agency Hearing.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Minutes for the September 18, 2013
First 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 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Judy Lusskin, Councilmember Judy Lusskin, Councilmember Kenneth Bernstein, Councilmember Einstein

Councilmember's Not Present: Councilmember Amy Isackson-Rojas

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Police Chief Don De Lucca, Finance Director Maria D. Camacho, Town Attorney Steve Helfman, Commander George Cadavid,

C. PLEDGE ALLEGIANCE

Police Chief led the Pledge of Allegiance

At this time Mayor Singer skipped down to Items K7-K8, because those are both time certain items.

D. PRESENTATIONS / TOWN PROCLAMATIONS

None

E. MOTION TO SET THE AGENDA

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

Town Manager asked that Items G – J be moved to the September 25th meeting.

Consensus vote 4 Ayes 0 Nays. Items G – J were moved.

F. GOOD AND WELFARE

G. MAYOR'S REPORT

H. COUNCIL COMMENTS

I. TOWN MANAGER REPORT

J. TOWN ATTORNEY REPORT

K. FISCAL YEAR 2013-2014 BUDGET HEARING REPORT

7. A Resolution of the Town Council Adopting the Proposed Millage Rate for the Fiscal Year Commencing October 1, 2013 through September 30, 2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE PROPOSED MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); SETTING A DATE FOR A FINAL PUBLIC HEARING TO ADOPT THE MILLAGE RATE; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2320.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2320.13

Town Attorney read into the record the millage rate and asked Mayor Singer to table this item and discuss the budget item first. The reason the agenda lists the items in this order is because state law requires that the millage rate be listed first.

Once the item was tabled, Mayor moved on to hear Item K8 before re-opening Item K7 for a vote.

A motion to table the item was made by Vice Mayor Lusskin, seconded by Councilmber Einstein.

On roll call, the following vote ensued:

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

The motion tabled.

The Mayor and Council now held the public hearing for Item K8. After holding the public hearing for Item K8, the Mayor and Council removed Item K7 from the table and voted on the item.

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

On roll call, the following vote ensued:

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

The motion passed.

*** **Town Attorney** advised that the tentative millage is now set and there will be a second hearing on September 25th to adopt the final millage rate. Now he asked the Mayor and Town Council to vote on Item K8.

8. A Resolution of the Town Council Adopting the Tentative Budgets for the Fiscal Year Commencing October 1, 2013 through September 30, 2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE TENTATIVE BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2321.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2321.13

Town Attorney stated that this is the first public hearing of the proposed budget; the second hearing will be on September 25th. After the Council's discussion, this item will be open to public discussion.

Town Manager made a presentation of the proposed budget to the Town Council, going through the revenues, expenditures and all of the line items per department and fund.

***Once the presentation and public hearing was over, the Town Attorney advised the Mayor that now the Council would need to vote on the millage rate and remove it from the table.

A motion to remove Item K7 from the table was made by Vice Mayor Lusskin seconded by Councilmember Einstein.

On roll call, the following vote ensued:

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

The item was removed from the table.

***At this point in time a roll call vote was held on Item K7.

***After voting on Item K7, the Mayor and Town Council voted on adopting the tentative budget.

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

On roll call, the following vote ensued:

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

The motion passed.

*** Mayor Singer called for a brief recess from the Council meeting in order to open up the Local Planning Agency Hearing called for 7 p.m., with the time actually being 8:35 p.m.

*** Mayor Singer reopened the meeting at 8:39 p.m., and went back to hear items D – J.***

L. ORDINANCES – SECOND READING

1. An Ordinance of the Town Council Amending Chapter 66, Zoning; Article III, District Regulations.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,
FLORIDA, AMENDING CHAPTER 66, ZONING; ARTICLE

III, DISTRICT REGULATIONS, TO CLARIFY PERMITTED AND PROHIBITED USES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 556.13

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 556.13

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

On roll call, the following vote ensued:

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

The motion passed.

Town Attorney stated that this is the same ordinance the Council just heard as the Local Planning Agency. This ordinance clarifies that within the single-family district properties can be used for single-family dwelling purposes and customary recreational activities. Homes cannot be used for business activities, or other commercial activities, and in particular no person may use a property as a venue for an event where a fee is charged for entry where compensation is given to the property owner.

Councilmember Bernstein mentioned that the Town had discussed looking at putting some language in about charitable functions.

Town Attorney stated that it is addressed in the ordinance.

Councilmember Bernstein stated that when the attorney explains it, it sounds great, but when he reads it, it reads different. Stated that there is a lot of ambiguity in the language of the ordinance. He asked if the item could be deferred to the next meeting, and give Steve the opportunity to work on the language of the item.

Town Attorney stated that the item could be deferred without the need to advertise it again.

Town Council agreed to request to defer the item to the October 15, 2013 meeting.

Fred chouinard 401 Ocean Blvd., asked if movies are included in this. The **Town Attorney** advised that movies are not included in this.

Matt Kay, 504 North Parkway, mentioned if renting out a home is allowed? **Town Manager** advised that the Town's transient living ordinance is different from what is being proposed by this ordinance. Homes in Town cannot be rented out as a hotel.

2. An Ordinance of the Town Council Amending the Town of Golden Beach Employees Pension Plan.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN (THE "PLAN") CODIFIED IN DIVISION 1 "GENERAL EMPLOYEES" OF ARTICLE II "RETIREMENT" OF CHAPTER 24 "PERSONNEL" IN THE TOWN'S MUNICIPAL CODE OF ORDINANCES TO CHANGE THE DEFINITION OF "FULL-TIME EMPLOYMENT" TO AT LEAST 40 HOURS PER WEEK AND AT LEAST SIX MONTHS PER YEAR; BY AMENDING SECTION 24-31 "DEFINITIONS" OF ARTICLE II "RETIREMENT"; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 557.13

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 557.13

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

On roll call, the following vote ensued:

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

The motion passed.

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

3. A Resolution of the Town Council Approving a Variance Request for 434 Golden Beach Drive.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 434 GOLDEN BEACH DR., GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE DOCK TO EXTEND OUT INTO THE WATERWAY AT 7.5' WHERE 6' IS REQUIRED BY THE TOWNS CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2317.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2317.13

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

On roll call, the following vote ensued:

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

The motion passed.

Building Official Dan Nieda gave a brief synopsis of the item. He found that only two of the seven conditions meet the hardship standard. The Building Regulation Advisory Board concurred with the determination, not giving the application an affirmative vote. No objections are on file.

Mr. Kirk Lofgren, consultant on the project, spoke on behalf of the applicant.

Fred Chouinard commented that the BRAB voted against this. He also stated that if the Town Council wanted to violate their building code, he didn't care. His concern was that the Building Official did not read them into the record.

Town Attorney stated that as long as the seven conditions are included in the Council documents, it doesn't matter how they are included in the meeting. It is not legally required that they are announced at the meetings.

Councilmember Bernstein stated that maybe the Council should consider moving forward to meet with the BRAB and give them direction pertaining to the code.

Town Attorney stated that the town has a set of standards in code for granting a variance that the board has decided to follow rigidly. The Council cannot tell the BRAB to interpret the code differently. If the Council wants to apply a different set of standards for variances, then the code should be changed.

Fred Chouinard stated that the seven criteria should be read into the record and people should hear them. He also stated that the Town was being deceitful by not reading them.

Mayor Singer asked the Building Official to read the seven criteria into the record, which he did.

4. A Resolution of the Town Council Approving a Variance Request for 508 North Parkway.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 508 NORTH PARKWAY., GOLDEN BEACH, FLORIDA 33160 TO PERMIT A 31% PERVIOUS AREA WHERE 35% IS REQUIRED BY THE TOWNS CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2318.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2318.13

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

On roll call, the following vote ensued:

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

The motion passed.

Building Official Dan Nieda read into the record the seven conditions required for a variance request. He stated that he reviewed the criteria and does not feel that it meets the hardship standard. BRAB also voted against approval of the variance. There is one formal objection on file by Mr. Matthew Kay.

Leor Benshumel, the owner showed the Council a video of the type of material he plans to use for his wooden deck.

Town Manager advised that the Town's code is silent as it relates to deck work where the water can permeate through it to get to the grass.

Mayor stated that he went out and saw the space and it does not protrude onto the water, or go into the neighbor's yard, so he was uncertain as to why a variance was being heard in the first place.

Town Manager stated that there will be some run-off. The Town's code however, does not allow any run-off into someone's property. The Town's code requires that whatever water runs off a person's property stays on that person's property.

Town Attorney spoke on the definition of pervious and impervious. The site will meet the retain water requirements. What the Council is really dealing with here is an issue of aesthetics as a practical matter, but Council still needs to deal with the criteria.

Matthew Kay, 504 North Parkway. He stated that the house is a gross monstrosity, sitting next to his home. Aesthetics are horrendous at this property to begin with and it does not meet the seven criteria for a hardship. Doesn't understand why the Council would permit this to exceed the amount that is already allowed by the Town's code.

Jennifer Kay, 504 North Parkway. Feels like she has moved into a zero lot line community. The house if it had some land would be gorgeous. Said that it is not fair to her and her family.

Mr. Kay stated that the photos he submitted show that one of the issues are the green space.

Councilmember Bernstein asked Mr. Kay if there is anything that his neighbor could do to alleviate the situation. He stated that the main complaint he heard was that there is a lack of green space.

Mr. Kay stated that there is no lush landscaping.

Town Manager stated that the Council could make that a condition of the variance.

Vice Mayor Luskin asked that the appropriate buffer should be required as a condition of the variance.

Town Attorney stated that the Town could impose a condition on the variance that the landscaping be planted, which is already included in the variance. But the question is, the level of coverage and the opaqueness be there. The only way to accomplish that is to have them come back with a planting plan, beyond what they already had planned, deferring the resolution.

Mayor Singer stated that he was not for deferring the variance; he wanted it to move forward.

O. CONSENT AGENDA

5. Minutes of the August 20, 2013 Regular Town Council Meeting.

6. A Resolution of the Town Council Approving Settlement of Administrative Action by Former Police Officer Angel Ortiz.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING SETTLEMENT OF ADMINISTRATIVE ACTION BROUGHT BY FORMER POLICE OFFICER ANGEL ORTIZ.

Exhibit: Agenda Report No. 6
Resolution No. 2319.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2319.13

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

Consensus vote 4 Ayes 0 Nays. Items O5-O6 pass.

P. TOWN RESOLUTIONS

7. A Resolution of the Town Council Adopting the Proposed Millage Rate for the Fiscal Year Commencing October 1, 2013 through September 30, 2014.

8. A Resolution of the Town Council Adopting the Tentative Budgets for the Fiscal Year Commencing October 1, 2013 through September 30, 2014.

9. A Resolution of the Town Council Reauthorizing the Town's Schedule of Building Permit and Processing Fees.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, REAUTHORIZING THE TOWN'S SCHEDULE OF BUILDING PERMIT AND PROCESSING FEES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2322.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2322.13

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that this was discussed at the last meeting.

10. A Resolution of the Town Council Increasing the Stormwater Utility Fees.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, INCREASING THE STORMWATER UTILITY FEES EFFECTIVE AS OF SEPTEMBER 18, 2013; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
Resolution No. 2323.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2323.13

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

On roll call, the following vote ensued:

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

The motion passed.

11. A Resolution of the Town Council Authorizing the Agreement between the City of Sunny Isles and the Town to Continue Utilizing the Sungard/OSSI Computer System.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN THE CITY OF SUNNY ISLES' INFORMATION TECHNOLOGY DEPARTMENT AND THE TOWN TO CONTINUE UTILIZING SUNGARD/OSSI COMPUTER SYSTEM AND INFORMATION TECHNOLOGY SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11
Resolution No. 2324.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2324.13

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that this is a 5-year agreement with the Sunny Isles Beach IT department to manage the Town's IT system as it relates to the police department.

12. A Resolution of the Town Council Approving Amendment #4 to the 2012-2013 Fiscal Year Operating Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT

#4 TO THE 2012-2013 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12
Resolution No. 2325.13

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2325.13

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

On roll call, the following vote ensued:

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

The motion passed.

Mayor Singer stepped out during the reading of this item.

Town manager explained that this is the item for the bonuses for the general employees and for the Town Manager per his contract.

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Judy Lusskin:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Town Manager Alexander Diaz
None Requested

R. ADJOURNMENT:

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

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Minutes for the September 18, 2013
Local Planning Agency Hearing called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 8:35 p.m.

B. ROLL CALL

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

Councilmember's Not Present: Councilmember Amy Isackson-Rojas

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Police Chief Donald W. De Lucca, Finance Director Maria D. Camacho, Police Commander George Cadavid, Town Attorney Steve Helfman

C. PLEDGE OF ALLEGIANCE

Chief of Police led the Pledge of Allegiance

D. ADOPTION OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

1. A Resolution of the Town Council Amending Chapter 66, Zoning

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, ZONING; ARTICLE III, DISTRICT REGULATIONS, TO CLARIFY PERMITTED AND PROHIBITED USES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 556.13

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 556.13

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

On roll call, the following vote ensued:

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

The motion passed.

Town Attorney spoke on this ordinance. The purpose of this ordinance is to clarify what are prohibited uses within the single-family residential district. In particular, this ordinance is directed at any persons who might want to consider using their home for business purposes, and really as a venue for parties for commercial purposes. The reason why the Council is having a Local Planning Agency meeting is to make sure that this ordinance is consistent with the Town's comprehensive plan. What the Council needs to do here is open up the item for any public comments. He also stated that what the Mayor and Council would be voting on during roll call is whether or not this ordinance is consistent with the Town's comprehensive plan. The actual vote on the passage of the item would take place during the special town council meeting.

E. ADJOURNMENT:

A motion to adjourn the Local Planning Agency Meeting was made by Vice Mayor Luskin, seconded by Councilmember Einstein.

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:39 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 15, 2013

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz, *Alex B*
Town Manager

Subject: **Resolution No. 2328.13- LETF ASSETS TO PROVIDE FOR LAW ENFORCEMENT TRAINING, TRAVEL AND TRANSPORTATION.**

Item Number: <hr/> 4 <hr/>

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2328.13 as presented.

Background:

To provide training of police personnel in areas necessary to perform their official law enforcement duties to include new case law, statutory requirements, policies and procedures and the costs associated with travel and transportation to perform or in support of law enforcement duties and activities. It is requested the Town authorize the expenditure of LETF monies in the amount of \$16,000.00 to provide training, travel and transportation for budget year 2013 / 2014.

Federally Seized Assets: At the discretion of the United States Attorney General under United States Statute: 18 U.S.C. Section 981 (e) (2), and 21 U.S.C. Section 881 (e) (1) (A) and (e) (3) (b), the Golden Beach Police Department may lawfully receive equitable shares of the federally seized funds at the conclusion of the legal proceedings. These shares are deposited in the Town's Law Enforcement Trust Fund account.

The U.S. Department of Justice publication titled "*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*" specifically provides that the equitably shared forfeited asset funds resulting from the participation of a local agency in investigations with Federal law enforcement agencies may be utilized by the participating local agency for law enforcement training, travel and transportation.

State Seized Assets: Under Florida State Statute (FSS) 932.7055, the Florida Contraband Forfeiture Act, the Golden Beach Police Department lawfully receives equitable share(s) of State seized funds at the conclusion of the legal proceedings involving the regional task force.

LETF Items
Agenda Item 2328.13
Page Two

The Town uses both the federally seized and the State seized funds to increase crime prevention efforts and to also enhance the quality of police services for Town residents without increasing the Town's budget. The attached items meet the requirements of the Federal and/or State Statute requirements and are requested to be funded.

Financial Impact:

This will not have a financial impact on the Town's budget.

Attachments: Agenda Item Resolution

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2328.13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND (“LETF”) MONIES TO PROVIDE FOR LAW ENFORCEMENT TRAINING, TRAVEL AND TRANSPORTATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires the approval of Law Enforcement Trust Fund (“LETF”) funds to provide training of police personnel in areas necessary to perform their official law enforcement duties to include new case law, statutory requirements, policies and procedures and the costs associated with travel and transportation to perform or in support of law enforcement duties and activities; and

WHEREAS, It is requested the Town authorize the expenditure of LETF funds in the amount of \$16,000.00 to provide training, travel and transportation for budget year 2013 / 2014; and

WHEREAS, the Town’s LETF account includes assets forfeited to the Town by authority of the Florida Contraband Forfeiture Act and by the Federal Asset Forfeiture Statutes; and

WHEREAS, the Town Council desires to utilize LETF funds to pay for the law enforcement training, travel and transportation; and

WHEREAS, the funds contained in the LETF are the result of seized assets from investigations by the Town’s Police Department and joint investigations with other law enforcement agencies – not from tax revenue; and

WHEREAS, the Chief of Police has recommended that the \$16,000.00 be taken from the Town's LETF for "**law enforcement training, travel and transportation**" specifically authorized by law; and

WHEREAS, the Chief of Police certifies that this expenditure complies with § 932.7055, Florida Statutes, and / or the Federal Seizure statutes in that the funds will be used for an appropriate law enforcement purpose; and

WHEREAS, the Chief of Police certifies that the Town's LETF is not being used as a normal source of revenue for the Town Police Department; and

WHEREAS, the Chief of Police certifies that the Town's LETF was not considered in the adoption and approval of the Police Department budget; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to proceed as indicated in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. The expenditure of authorized LETF funds. That the use of LETF funds for law enforcement training, travel and transportation is hereby authorized and approved.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing Resolution was offered by _____,
seconded by _____ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 15th day of October, 2013.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 15, 2013

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

A handwritten signature in blue ink that reads "Alex B" with a circled "B".

Subject: **Resolution No. 2329.13 Authorizing and Approving an Amended and Restated Agreement with Waste Services of Florida, Inc.**

Item Number:

5

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2329.13 as presented.

Background:

When the original contract was approved, there was language that allowed for a mutual extension. Given that we have had very little issues with the provider, we are extending the contract; as per the original terms.

Financial Impact:

The contract provides for an increase tied to the consumer price index.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2329.13

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A RENEWAL OF THE AMENDED AND RESTATED AGREEMENT WITH WASTE SERVICES OF FLORIDA, INC.; PROVIDING FOR RECITALS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Town of Golden Beach (the “Town”) has entered into that certain Amended and Restated Agreement with Waste Services of Florida, Inc., (“WSI”) dated June 28, 2011 pursuant to which WSI provides residential collection of recyclable materials (the “Amended and Restated Agreement”); and

WHEREAS, the Amended and Restated Agreement provides for a three (3) year renewal upon the mutual consent of the parties; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town to renew the Amended and Restated Agreement with WSI.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Authorization and Approval. The Town Council hereby authorizes and approves the renewal of the Amended and Restated Agreement with WSI.

Section 3. Implementation. The Town Mayor and Town Manager are hereby authorized to take any and all action necessary to implement this Resolution in accordance with its terms and conditions.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by _____, seconded by _____ and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 15th day of October, 2013.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

AMENDED AND RESTATED AGREEMENT

This Agreement (this "Agreement") is made and entered into this 29th day of ~~May~~ June, 2011, to be effective October 1, 2010, between **Waste Services of Florida, Inc.**, a Delaware corporation ("Contractor") and the **Town of Golden Beach, Florida** (the "Town"), a Florida Municipal Corporation.

WITNESSETH:

WHEREAS, Industrial Waste Services, Inc. d/b/a Community Recycling and the Town are parties to agreement entered into the 14th day of February, 1994 (the "Prior Agreement") pursuant to which Community Recycling provided residential collection of recyclable materials; and

WHEREAS, the Prior Agreement was assigned to Browning Ferris Industries of Florida Inc ("BFI"), with the consent of the Town effective January 9, 1996; and

WHEREAS, Contractor acquired certain assets of BFI including the Prior Agreement effective April 5, 2007; and

WHEREAS, the Town and the Contractor have agreed to renew the Prior Agreement for a term of 3 years effective October 1, 2010 on the terms and conditions hereafter provided and wish to amend and restate the Prior Agreement as herein provided.

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the parties hereto agrees as follows:

1. Definitions

"Accessible Location" shall mean with respect to each Residential Unit, a designated location at the curbside or along the side of such Residential Unit from and to which Contractor has unobstructed, safe access at the time of collection.

"Collection Day" shall mean Tuesday, provided that if Christmas or the Fourth of July falls on Tuesday, the Collection Day shall be Wednesday.

"Container" shall mean a 65 gallon plastic receptacle on wheels used to contain Recyclable Materials from Residential Units.

"Force Majeure" shall mean an act of God, epidemic, lightning, earthquake, fire, explosion, storm, hurricane, flood or similar occurrence, strike, an act of a public enemy, or blockage, insurrection, riot, civil disturbance or similar occurrence, which has had or may reasonably be expected to have a material adverse effect on the rights or obligations under this Agreement which by the exercise of due diligence such parties shall not have been able to avoid.

“Monthly Unit Price” shall mean \$ 4.74 per Residential Unit, which shall be adjusted annually commencing October 1, 2011 in accordance with the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics, as the Miami / Ft. Lauderdale Average.

“Recyclable Materials” shall be:

- (a) newspapers, including the normal percentage of rotogravure and colored sections (phone books, magazines, and any paper other than newspaper are not acceptable);
- (b) aluminum beverage cans, commingled with ferrous food containers (cans should be clean and dry);
- (c) high density polyethylene plastics (HDPE) commingled with polyethylene terephthalate plastics (PET) (beverage containers only; clean and dry with lids removed);
- (d) clear glass (beverage and food containers only; clean and dry with lids removed);
- (e) brown glass (beverage and food containers only; clean and dry with lids removed);
- (f) any other recyclable material agreed to by the Town Manager and Contractor;

and shall not include white office paper, aerosol cans, pharmaceutical glass containers, medical waste containers, pesticide containers for hazardous waste or hazardous waste.

“Replacement Cost” shall mean \$70.00 per Container replaced by Contractor pursuant to Section 4 hereof, which amount shall be adjusted annually, commencing October 1, 2011 by the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics, as the Miami/Ft. Lauderdale Average.

“Residential Unit” shall mean a single family dwelling unit located within the Town.

2. **Collection Services.** In consideration of the payments set forth in Section 3 hereof and the Town’s agreements set forth herein, Contractor shall at its own expense Purchase 377 Containers and place at each Residential Unit one Container, and during the term of this Agreement, collect once a week on each Collection Day from Containers located at an Accessible Location on the premises of each Residential Unit, Recyclable Materials that are properly segregated, packaged and placed in such Containers in accordance with Contractor’s instructions for preparation of Recyclable Materials. Any item that is not Recyclable Material shall be left in the Container with notification that the item was not acceptable. Contractor shall have the exclusive right to collect Recyclable Materials in the City during the term of this Agreement, as it may be renewed pursuant to Section 7 hereof.

3. **Payment of Services.** The Town agrees to pay Contractor on or before the 5th day or each month an amount equal to the Monthly Unit Price times the number of Residential Units in the Town as of the first day of such month. The Town shall notify Contractor of the issuance of

a permanent or temporary certificate of occupancy for any new Residential Units within ten days of such issuance or the inclusion of any new Residential Units within the Town. Set forth as Exhibit A hereto is a list of the actual addresses of all Residential Units in the Town as of the date hereof.

4. **Ownership and Replacement of Containers.** Contractor shall own the Containers, and in the event this Agreement is not renewed at the expiration of such initial term, may remove such Containers from the Residential Units. In the event a Container is damaged for reasons other than ordinary wear and tear during the first three (3) year term of this Agreement to such an extent that it is not usable as determined by Contractor, Contractor shall replace the Container and the Town shall pay to Contractor the Replacement Cost within 30 days of notification of such replacement.

5. **Transfer of Container Ownership.** In the event this Agreement is renewed for the subsequent period commencing on October 1, 2013, or terminated prior to September 31, 2013 by the Town Manager upon fifteen (15) days written notice pursuant to Section 7 hereof, Contractor shall transfer ownership of the Containers to the Town and execute any necessary instruments to affect such transfer of ownership; provided, however, that in the event the Town terminates this Agreement prior to September 31, 2013 upon fifteen (15) days written notice to Contractor in accordance with Section 7 hereof, the Town shall reimburse the Contractor for the cost of the Containers. Subsequent to the transfer of ownership of the Containers to the Town, the Contractor shall not be required to maintain the Containers or replace damaged Containers.

6. **Ownership of Recyclable Materials.** Contractor shall be the owner of all Recyclable Materials it collects from the Residential Units and may recycle, process, and sell the Recyclable Materials, in its discretion. Neither the Town nor the owners of the Residential Units shall be entitled to the proceeds of any sale by Contractor of processed or unprocessed Recyclable Materials. All title to and liability for any materials excluded from this Agreement shall remain with the generator of such materials.

7. **Term.** The term of this Agreement shall be for three (3) years, commencing October 1, 2010 and automatically be renewed for successive three (3) year periods upon mutual agreement of the parties hereto. If either party desires not to renew the Agreement, then said party shall provide to the other party written notice (Certified Mail), given at least fifty (50) days prior to the end of the initial term or any renewal term. Notwithstanding anything to the contrary contained herein, the Town Manager may in his or her sole discretion terminate this Agreement upon fifteen (15) days written notice to Contractor.

8. **Marketing.** If requested by Contractor, the Town shall deliver to Contractor for distribution to the residents of Residential Units a letter urging such residents to participate in the recycling program.

9. **Force Majeure.** Neither party hereto shall be liable for its failure to carry out its obligations under this Agreement (except payment obligations) during any period when such party is rendered unable, wholly or in part, by Force Majeure to carry out such obligations, but the obligations of the party relying on such Force Majeure shall be suspended only during the

continuance of any inability so caused and for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch.

10. **Indemnification.** Contractor shall indemnify, hold harmless and defend the Town, its officers, agents and employees against any and all claims, suits, actions, damages, liabilities, expenditures, or causes of actions, judgments, orders, decrees, attorney's fees, costs, expenses and liabilities incurred in and about any such claim, investigation or defense thereof which may be entered, incurred or assessed as a result of the foregoing caused by a willful or negligent act or omission of the Contractor. However, the Contractor shall not be liable for any and all claims, suits, actions, damages, liabilities, expenditures, or causes of actions, judgments, orders, decrees, attorney's fees, costs, expenses and liabilities incurred in and about any such claim, investigation or defense thereof which may be entered, incurred or assessed as a result of the foregoing caused by a willful or negligent act or omission of the Town. Said Contractor shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the Town, its officers, agents and employees as a result of any claim, suit or cause of action to the extent caused by a willful or negligent act or omission of the Contractor.

11. **Insurance Required.**

(a) Contractor must maintain throughout the entire term of this Agreement and any renewals thereof, the following insurance coverages:

(i) Commercial general liability in the amount of \$1,000,000 per occurrence for bodily injury and property damage. This policy must include coverage for contractual liability and specifically cover the indemnity agreement set forth in paragraph 10 above. The Town of Golden Beach must be named as an additional insured on this policy.

(ii) Automobile liability in the amount of \$1,000,000 per occurrence for bodily injury and property damage, covering all vehicles owned, leased or used by the Contractor within the limits of the Town. The Town must be named as an additional insured on this policy.

(iii) Workers compensation and employer's liability, as required by Florida State Statutes.

(b) All companies providing insurance shall be authorized to do business in the State of Florida and rated B+:VI or better by Best's Key Rating Guild, latest edition.

(c) No change or cancellation of this insurance shall be made without thirty (30) days written notice to the Town's Risk Manager.

12. **Notices.** All notices, demands, or other communications given hereunder shall be in writing and shall be deemed to have been duly given only upon hand delivery thereof or upon the first business day after mailing by United States registered or certified mail, return receipt requested, postage prepaid, address as follows:

TO THE TOWN: The Town of Golden Beach
 One Golden Beach Drive
 Golden Beach, Florida 33160
 Attention: The Town Manager

TO CONTRACTOR: Waste Services of Florida, Inc.
 3840 N. W. 37th Court
 Miami, Florida 33142
 Attention: Regional Vice President

or to such other address or such other person as any party shall designate, in writing, to the other for such purposes.

13. **Entire Agreement.** This Agreement sets forth all the promises, covenants, agreements, conditions and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions expressed or implied, oral or written, except as herein contained.

14. **Binding Effect; No Assignment.** This Agreement shall be binding upon the parties hereto, their heirs, administrators, successors and assigns. No party may assign or transfer its interests herein, or delegate its duties hereunder, without the written consent of the other party. The Town hereby consents to the assignment of the Agreement from BFI to Contractor effective from April 5, 2007.

15. **Amendment.** The parties hereby irrevocably agree that no attempted amendment, modification, termination, discharge or change of this Agreement shall be valid and effective, unless the parties shall unanimously agree in writing to such amendment.

16. **Gender and Use of Singular and Plural.** All pronouns shall be deemed to refer to the masculine, feminine, neuter, singular or plural, as the identity of the party or parties, or their personal representatives, successors, and assigns may require.

17. **Counterparts.** This Agreement and any amendments may be executed in one or more counterparts, each of which shall be deemed an original but all of which together will constitute one and the same instrument.

18. **Headings.** The article and section headings contained in this Agreement are inserted for convenience only and shall not affect in any way the meaning or interpretation of the Agreement.

19. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Florida and any proceeding arising between the parties in any manner pertaining or related to this Agreement shall, to the extent permitted by law, shall be proper exclusively in Miami-Dade County, Florida.

20. **Provisions Severable.** This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules, and regulations, of the jurisdiction in which the parties do business. If any provision of this Agreement, or the application thereof to any person or circumstance shall, for any reason or to any extent, is determined to be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but rather this Agreement shall be enforced to the greatest extent permitted by law.

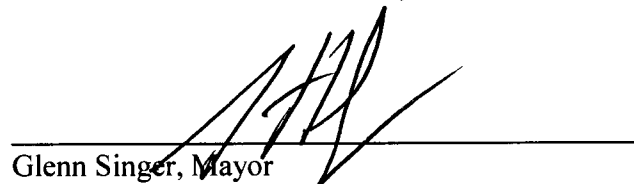
21. **Attorneys' Fees.** The prevailing party in any dispute between the parties arising out of the interpretation, application or enforcement of any provision hereof shall be entitled to recover all of its reasonable attorneys' fees and costs whether suit be filed or not, including without limitation costs and attorneys' fees related to or arising out of any trial or appellate proceedings.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the day and year first above written.

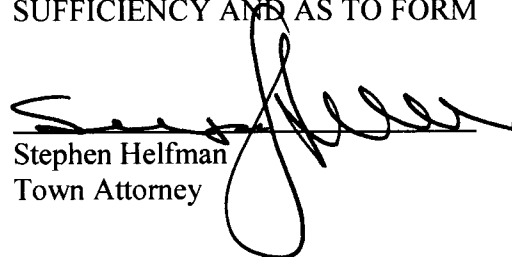
ATTEST:

TOWN OF GOLDEN BEACH, FLORIDA



Lissette Perez, Town Clerk


Glenn Singer, Mayor

APPROVED AS TO LEGAL
SUFFICIENCY AND AS TO FORM


Stephen Helfman
Town Attorney

WASTE SERVICES OF FLORIDA, INC.

By: 
William Hulligan, ~~President~~ President

WORKSHOP ITEMS

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2003.09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to section 22-6 of the Town of Golden Beach's (the "Town") Code of Ordinances, the Town's Beach Pavilion and Town beach facilities, including the restroom, outdoor showers and water, chickee huts and beach chairs (collectively, the "Beach Pavilion") are for the use and enjoyment of all Town residents; and

WHEREAS, the Town Council believes that reasonable rules and regulations are necessary to, among other things, extend the life of the Beach Pavilion and to ensure use of the Beach Pavilion is not a nuisance to surrounding properties; and

WHEREAS, the Town Council desires to adopt the attached Rules and Regulations for Use of the Beach Pavilion to govern use of the Beach Pavilion and the issuance of permits for the exclusive use of the Beach Pavilion; and

WHEREAS, it is the desire of the Town Council and in the best interest and welfare of the residents of the Town of Golden Beach that the attached Rules and Regulations for Use of the Beach Pavilion be adopted on behalf of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. Adoption of Rules and Regulations for Use of the Beach Pavilion. The Rules and Regulations for Use of the Beach Pavilion attached hereto as Exhibit "A" and effective June 23, 2009 are hereby adopted. The restrictions contained in the Rules and Regulations for Use of the Beach Pavilion shall be considered "Rules" as that term is defined in section 22-1 of the Town Code of Ordinances.

Section 3. Conflict. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. Severability. If any word, sentence, clause, phrase, or provision of this resolution, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this resolution shall not be affected thereby.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

[remainder of page intentionally left blank]

The Motion to adopt the foregoing Resolution was offered by Vice Mayor Lusskin, seconded by Councilmember Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Absent</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Absent</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 23rd day of June, 2009.

ATTEST:



MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

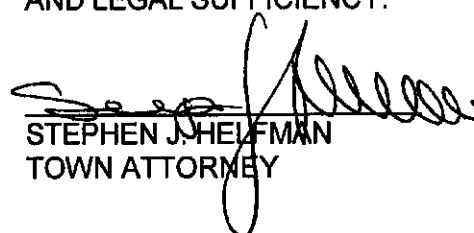

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

TOWN OF GOLDEN BEACH

RULES AND REGULATIONS FOR USE OF THE BEACH PAVILION

Effective Date: June 23, 2009

Use of the Beach Pavilion / The Loggia (referred to interchangeably herein) and the issuance of permits to residents for the exclusive use of the Beach Pavilion / The Loggia for any activity/event (referred to interchangeably herein) is subject to the following rules and regulations:

- (1) Only a resident of the Town can apply for a permit for exclusive use of the Beach Pavilion for a particular social and non-commercial event/activity on a date and time certain.
- (2) An application form provided by the Town must be completed by the Town resident applying for the permit and said form must be submitted to the Town along with a security deposit of \$500.00, which deposit shall be refundable less any amounts required to restore the Town's facilities to the condition existing at the commencement of the permitted activity.
- (3) Only completed applications will be processed. Processing will occur in the order completed applications are received by the Town, provided Town events shall take precedence over resident applications. No applications will be granted permitting the exclusive use of the Beach Pavilion on a national holiday and Sundays. At the discretion of the Town Manager, applications may be granted permitting the exclusive use of the Beach Pavilion one (1) Sunday per month maximum.
- (4) A \$50.00 fee must be submitted with each permit application which shall be used by the Town to purchase liability insurance with coverage of \$500,000.00 and to defray administrative and maintenance expenses of the Town incurred in the permitting process. The liability insurance shall insure the resident permit holder and the Town against liability for use of the Beach Pavilion, beach and beach facilities for the permitted activity.
- (5) No permit shall be issued for use of the Beach Pavilion for less than 20 no more than 60 persons, this is to be strictly enforced.
- (6) The permit holder must hire an off-duty police officer to be present if there are 30 or more persons at the Beach Pavilion for a permitted activity. The off-duty police officer shall be paid by the permit holder for the hours incurred which must be at least coextensive with the hours of the permitted activity.

(7) Any permitted activity which may include swimming, and at which there are 20 or more persons (whether all are swimming or not) must take place in the presence of the Town lifeguard during regular hours; except if the activity extends after 5:00 p.m. or takes place when there is no Town lifeguard on duty, in which case the permit holder must hire, at the permit holder's expense, an off-duty lifeguard to watch over the water activity.

(8) The permit holder is responsible for the permitted activity and the condition of the Loggia and facilities used by the persons attending the permitted activity and is required to ensure that their guests are to leave the Loggia and/or beach at the conclusion of the event as specified on the permit (three-hour limit daytime event, four-hour limit nighttime event).

(9) At the commencement and the conclusion of the permitted activity, there will be a checklist inspection of the Beach Loggia and the facilities (including restrooms, outside showers, water, chairs, lounges and chickee huts) conducted by the police, public service aide or maintenance person of the Town. The checklist will be one created by the Town and each completed checklist is to be maintained with the permit application as part of the Town records to help assess the use and condition of the facilities and the effectiveness of this program. Any costs incurred by the Town to clean or restore the Loggia, or the facilities to their condition as noted at the commencement of the permitted activity will be deducted from the security deposit. In the event that costs to clean and/or restore exceeds the security deposit, the permit holder shall reimburse the Town upon receipt of an itemized billing.

(10) Except for Town sponsored events, no noise or music shall be permitted past 9:00 p.m. Monday through Thursday and 10:00 p.m. on Friday and Saturday so as not to disturb the peace and quiet of any Town resident.

(11) No daytime event shall begin earlier than 10:00 a.m. nor later than 4:00 p.m.. No permit shall be issued for any daytime event exceeding three hours in duration. No events are permitted on Sundays, other than Town events which are allowed on Sundays.

(12) Other than daytime events, a permit may be issued for an activity to take place between the hours of 4:00 p.m. and 9:00 p.m. Monday through Thursday and between 4:00 p.m. and 11:00 p.m. on Friday and Saturday. All permit commencement times include setup time.

(13) Charcoal grills and fires are not allowed except at Town-sponsored events. The Town Manager may approve use of gas grilling, which approval must be in writing. Gas grilling must be done in a designated area and with a fire extinguisher available.

(14) No trampolines are allowed, including floating trampolines. Any activity involving extended use of the Town's water or water hose shall require \$50.00 to be withheld and not subject to refund from the security deposit of the permit holder; provided, however

that bounce houses will be allowed filled with air and self-contained walls if the bounce house does not interfere with other residents' peace and enjoyment of the beach.

(15) All use of the Town's Beach Loggia and beach facilities (including restrooms, outside showers, water, chairs, lounges and chickee huts) shall remain under the scrutiny, enforcement and discretion of the Town police, Town Manager and Town lifeguard. If any event or activity, whether by permit or otherwise, is, in the opinion of the Town police, Town Manager or Town lifeguard, creating or likely to create a risk to the health, safety or welfare of any person, or is damaging or is likely to damage Town property, or is unreasonably wasting or depleting Town resources, or is in material violation of the terms or conditions of the permit, then the event/ activity shall be forthwith terminated or prohibited.

(16) Every visitor (Section 22-1 of the Town Code of Ordinances defines non-resident and visitor) must obtain either a visitor pass or visitor parking pass from a Town police officer at the Strand Gate Guardhouse. Visitor passes and visitor parking passes shall be issued to the visitor only in the presence of the sponsoring Town resident, or in exceptional circumstances and in the police officer's discretion, based upon phone confirmation with the sponsoring resident. If a Town resident has not obtained a permit for an event/activity, but wishes to bring guests to the Town's beach facilities, then the Town resident may sponsor up to eight (8) visitors per Town resident household. Under special circumstances a resident can apply to the Town Manager for additional guest passes not to exceed one (1) day for a total of twelve (12) guest passes. Visitor passes and visitor parking passes are good only for the time period of the day of issuance, and for a permitted activity the pass shall not exceed the time period of the permitted activity. A copy of the visitor parking pass must be prominently visible on the inside dash of the visitor's vehicle. Each visitor must retain a copy of the visitor pass or visitor parking pass with him/her while at the Beach Loggia or while using the beach facilities of the Town. Except in unusual circumstances, the sponsoring Town resident is to attend the beach with said resident's visitors; violation of this provision may result in the Town limiting or denying said resident future visitor passes.

(17) Visitor parking passes shall contain or be accompanied by printed information regarding use of the Beach Pavilion and beach facilities.

(18) Visitors of residents may not park their vehicles in the east parking lot (nearest the Pavilion) except for those visitors with valid handicap parking decals; however, at least one handicap space at the east parking lot shall be reserved for resident handicap parking.

(19) Visitors with parking passes must park in the west Lot. If there is no space in the west lot then visitors may park at the home of their sponsoring resident.

(20) A means of identification will be issued by the Town by key ring or some other form of identification at no cost to the resident. Said identification will serve to assist the police to readily identify residents and visitors of residents of Golden Beach who are using the Golden Beach facilities. Visitors who are not accompanied by a Town

resident, or who do not have in their possession a valid visitor parking pass or resident identification will not be permitted to remain at the Beach Loggia or make use of the Town's facilities.

Rules and Regulations for Use of Beach Pavilion



TOWN OF GOLDEN BEACH

PERMIT APPLICATION FOR USE OF TOWN FACILITIES

Date of Event: _____ **Tweddle Park [] Beach [] North Park [] South Park []**

Describe Proposed Activity: _____

Name: _____

Address: _____

Phone: _____ **(Day)** _____ **(Evening)** _____ **(Cell)**

Email: _____ **(optional)**

HOLD HARMLESS AGREEMENT (PLEASE READ CAREFULLY)

1. I affirm that I am a resident of Golden Beach and I understand that I am liable for any damages to Town property which occurs as a result of the aforementioned activity. _____(Initial)
2. I understand that no event will be permitted later than 10:00 pm Monday through Thursday and 11:00 pm Saturday and Sunday. I also understand that no noise or music will be permitted later than 9:00 pm Monday through Thursday and 10:00 pm on Saturday and Sunday. _____(Initial)
3. I agree to abide by all Town ordinances and laws, including those which relate to noise, alcohol, conduct and cleanup. The entire or partial security deposit will be forfeited if the rules are not adhered to. _____(Initial)
4. I agree to hold the Town of Golden Beach harmless and indemnify the Town of Golden Beach, its council members, employees, and agents from any and all liability, damage, suit, claim, loss or expenses of any nature including reasonable attorney fees and court costs in the event any person is injured or makes any claim whatsoever against the Town as a result of the use thereof during the period of time I am permitted to use the Golden Beach facilities. _____(Initial)
5. I understand that all fees related to the processing of the permit must be submitted concurrently with the submission of this application. _____(Initial)
6. I understand that I am to hire an off-duty police officer if I expect 30-50 guests. I am required to hire two (2) off-duty police officers if I expect more than 50 guests. The maximum number of guests allowed at the Beach Pavilion is 60 people. The rate for an off-duty officer is \$40.00 per hour with a 4 hour minimum. If I am requesting the use of the Beach Pavilion, I understand I am required to hire an additional lifeguard if I have more than 20 guests and my guests will be swimming (**daytime parties only**). The rate for an additional lifeguard is \$25.00 per hour with a 4 hour minimum. _____(Initial)
7. All visitors must park in the West Parking Lot unless they have a valid handicap parking decal. Parking in the East Parking Lot is for residents only with Golden Beach decals. All others will be ticketed and/or towed. _____(Initial)
8. If I use a vendor to supply food and/or equipment, a copy of the vendor's certificate of liability insurance must be submitted with this application naming the Town of Golden Beach as the additional insured. _____(Initial)

9. I understand that the submission of this application does not grant a permit and that no authorization is granted unless specifically approved in writing by the Town Manager. In the absence of the Town Manager, permission may be granted by the Chief of Police. _____ (Initial)

Date of Event: _____ Time of Event: From _____ To _____

Number of Guests: _____

*Administrative Fee: \$50.00 Check# _____ Security Deposit: \$500.00 Check# _____

*Administrative fee will be used to defray the administrative and maintenance expenses of the Town incurred in the permitting process.

Describe any equipment, special structures, entertainment, etc. you plan to use (**Please note that the erection of a tent at the Beach or in any of our parks requires a Temporary Structure Permit that can be obtained at our Building Department**):

Signed: _____ Date: _____

(Applicant/Resident)

APPLICANTS MUST ADHERE TO ALL POLICIES OF THE TOWN OF GOLDEN BEACH AND ADMINISTRATIVE RULES FOR THE USE OF THE TOWN FACILITIES.

Date Reviewed: _____

Comment/Conditions: _____

Community Development Specialist

Date of Approval: _____

Town Manager

A violation of the terms and conditions for the use of these facilities may result in the automatic revocation of this permit.

Revised Rules and Regulations for the Use of Beach Pavilion

In recent months, Town Hall has received several complaints from residents who live near the Beach Pavilion in regards to the noise and activity that has been occurring at the Pavilion. During a Special Town Council Meeting on June 23, 2009, the following revisions were proposed and approved for the use of the Beach Pavilion (Loggia).

The fee for use of the Pavilion remains at \$50.00 to purchase liability insurance. However, the security deposit has increased from \$200.00 to \$500.00. This deposit shall be refundable less any amounts required to restore the Town's facilities to the condition existing at the commencement of the permitted activity.

No permits will be granted for use of the Beach Pavilion on a national holiday and Sundays. At the discretion of the Town Manager, permits may be granted for use of the Beach Pavilion one (1) Sunday per month maximum.

No permit shall be issued for use of the Beach Pavilion for less than 20 and no more than 60 persons. This is to be strictly enforced.

The permit holder is responsible for the permitted activity and the condition of the Loggia and facilities and is required to ensure that their guests are to leave the Loggia and/or beach at the conclusion of the event as specified on the permit **(three-hour limit daytime event, four-hour limit nighttime event)**.

Except for Town sponsored events, no noise or music shall be permitted past 9:00 p.m. Monday through Thursday and 10:00 p.m. on Friday and Saturday so as not to disturb the peace and quiet of any Town resident.

Daytime events shall begin at 10:00 a.m. and end no later than 4:00 p.m. No daytime event shall exceed three hours in duration. A permit may be issued for an activity to take place between the hours of 4:00 p.m. and 9:00 p.m. Monday through Thursday and between 4:00 p.m. and 11:00 p.m. on Friday and Saturday. No evening event shall exceed four hours in duration. All permit commencement times include setup time.

If a Town resident wishes to bring guests to the Town's beach facilities, then the Town resident may sponsor up to eight (8) visitors per resident household. Under special circumstances a resident can apply to the Town Manager for additional guest passes not to exceed a one (1) day total of twelve (12) guest passes. The sponsoring Town resident must attend the beach with said visitors. Violation of this provision may result in the Town limiting or denying said resident future visitor passes.