



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Special Town Council Meeting April 17th, 2018 called for 6:15 p.m.
For the purposes of setting an Executive Session**

Executive Session immediately following the Special Town Council Meeting

**Official Agenda for the April 17, 2018
Regular Town Council Meeting called for 7:00 p.m.
Or Immediately Following the Executive Session**

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. PRESENTATIONS / TOWN PROCLAMATIONS

REPRESENTATIVE JOSEPH GELLER – LEGISLATIVE UPDATE
PROCLAMATION FOR HOLOCAUST REMEMBRANCE DAY
PROMOTION AND SWEARING-IN OF OFFICER DANNY AVILA
RECOGNITION OF OFFICER OF THE QUARTER

E. MOTION TO SET THE AGENDA

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

F. GOOD AND WELFARE

G. MAYOR'S REPORT

H. COUNCIL COMMENTS

I. TOWN MANAGER REPORT

J. TOWN ATTORNEY REPORT

K. ORDINANCES – SECOND READING

None

L. ORDINANCES - FIRST READING

1. An Ordinance of the Town Council Amending the Town's Code To Revise Chapter 66, "Zoning."

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 66, "ZONING," BY AMENDING THE TITLE OF DIVISION 11 "ACCESSORY BUILDINGS: AND BY AMENDING SECTION 66-251 RELATED TO GAZEBOs, CABANAS AND PERGOLAS, AMENDING SECTION 66-1 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 579.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 579.18

2. An Ordinance of the Town Council Amending the Town's Code Related to Swimming Pools, Hot Tubs, Spas, and Swimming Pool Decks.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO SWIMMING POOLS, HOT TUBS, SPAS AND SWIMMING POOL DECKs; AMENDING SECTION 66-1 OF THE ZONING CODE RELATED TO DEFINITIONS; AMENDING THE TITLE OF ARTICLE IV, DIVISION 10 OF THE ZONING CODE TO INCLUDE HOT TUBS AND SPAS; AMENDING SECTION 66-236 OF THE CODE RELATED TO SAFETY BARRIERS; AMENDING SECTION 66-237 OF THE CODE RELATED TO SETBACKS AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 580.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 580.18

3. An Ordinance of the Town Council Amending the Town's Code as it Relates to Seawalls.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE IV OF CHAPTER 46 ENTITLED WATERWAYS TO REQUIRE ADDITIONAL

CONSTRUCTION SURVEYS AND CERTIFICATION OF SEAWALLS AS THEY ARE CONSTRUCTED AND INCREASING MINIMUM AND MAXIMUM SEAWALL HEIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Ordinance No. 581.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 581.18

4. An Ordinance of the Town Council Amending the Town's Code Creating Regulations for Outdoor Lighting.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING DIVISION 4, DESIGN STANDARDS, OF CHAPTER 66, ZONING, TO CREATE REGULATIONS FOR OUTDOOR LIGHTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Ordinance No. 582.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 582.18

M. QUASI JUDICIAL RESOLUTIONS

None

N. CONSENT AGENDA

5. Official Minutes of the February 20, 2018 Regular Town Council Meeting
6. Official Minutes of the March 13, 2018 Special Town Council Meeting
7. A Resolution of the Town Council Authorizing the Purchase of Four Chevrolet Tahoe's.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND EQUIPPING OF FOUR CHEVROLET TAHOE POLICE PACKAGE VEHICLES AND THE USE OF GENERAL FUNDS

TO PURCHASE AND EQUIP THE VEHICLES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2554.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2554.18

8. A Resolution of the Town Council Authorizing A Memorandum of Understanding between the Town and the FOP.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA ("TOWN"), AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE; AUTHORIZING THE TOWN MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE TOWN; PROVIDING FOR IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2555.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2555.18

O. TOWN RESOLUTIONS

None

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Jaime Mendal:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Judy Lusskin:

None Requested

Town Manager Alexander Diaz:
None Requested

Q. 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: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

1

Subject: Ordinance No. 579.18 – Amending Code, Chapter 66, “Zoning”
Division 11, “Accessory Buildings”

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 579.18 as presented.

Background:

This item amends Ordinance 571.16 to correct zoning use in Zones 2 and 3, by eliminating the use of cabanas in those zones. This item also adds definitions for structures (i.e. cabanas, gazebos, and pergolas) and their uses.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 579.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 66, "ZONING," BY AMENDING THE TITLE OF DIVISION 11 "ACCESSORY BUILDINGS: AND BY AMENDING SECTION 66-251 RELATED TO GAZEBOS, CABANAS AND PERGOLAS, AMENDING SECTION 66-1 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Council periodically studies land development trends and
2 issues and amends the Town's Land Development Regulations accordingly; and

3 **WHEREAS**, the Town Council has studied the current Code provisions of the Town
4 and found that certain modifications are necessary and desirable to further regulate
5 activities and uses of Gazebos, Cabanas, and Pergolas, and

6 **WHEREAS**, a public meeting was held before the Local Planning Agency (LPA) of
7 the Town to review the proposed modifications to the Town's Land Development
8 Regulations; and

9 **WHEREAS**, the Town Council held duly advertised public meetings to consider the
10 proposed modifications to the Town's Land Development Regulations.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF GOLDEN**
12 **BEACH, FLORIDA:**

13 **Section 1. Recitals Adopted.** That the preceding "Whereas" clauses are
14 ratified and incorporated as a record of the legislative intent of this Ordinance.

15 **Section 2. Code Amended.** That the Town of Golden Beach Code is hereby
16 amended to modify Division 11. "Accessory Buildings," of Article IV, "Supplemental District
17 Regulations," of Chapter 66, "Zoning" as follows¹:

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

18 **CHAPTER 66 ZONING**

19 * * *

20 **ARTICLE I. - IN GENERAL**

21 * * *

22 **Sec. 66-1. - Definitions.**

23 The following words, terms and phrases, when used in this chapter, shall have the
24 meanings ascribed to them in this section, except where the context clearly indicates a
25 different meaning:

26 * * *

27 Cabana means an accessory structure with a roof and walls and without cooking
28 facilities. A cabana may be air-conditioned and contain a bathroom, but shall not be
29 designed or used as a solarium.

30 * * *

31 Gazebo means an accessory structure with four open sides containing not more
32 than 150 square feet of roofed area. A Gazebo may include a bar, outdoor cooking
33 facility, electrical outlets, lighting and sound amplification systems, all located within
34 walls up to 42 inches high along two sides.

35 * * *

36 Pergola means an accessory structure, open on all sides, with colonnades or pillars
37 supporting an open roof of girders and cross rafters.

38 * * *

39 **ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

40 * * *

41 **DIVISION 11. ACCESSORY BUILDINGS**

42 * * *

43 **Sec. 66-251. - Cabanas/Gazebos/Pergolas.**

44 (a) In Zones One, Two and Three, one, and only one, cabana, gazebo or pergola or
45 similar structure separate from the main house structure may be permitted to be
46 erected and only within the rear yard. The covered roofed area of such structure,
47 whether covered with roofing, trellis or open rafters, shall not exceed two percent
48 of the net lot area up to a maximum of 500 square feet.

(b) In Zones Two and Three, ~~one, and only~~ one, pergola or gazebo separate from the main house structure may be permitted to be erected and only within the rear yard. The roofed area of such structure shall not exceed two percent of the lot area up to a maximum of 500 square feet. Cabanas are not permitted.

(c) Within Zone One, no part thereof shall be east of a line joining the corners of the nearest existing similar structures nor shall any part be within 50 feet of the Mean High Water Line. ~~Such structure may be built to the lot lines. Side line and east lot line clearance is not required. Setbacks for such structures are not required on the side lot line.~~

(de) In Zone Two the structure must be placed at least ten feet from the side lot line and ten feet from the rear lot line.

(ed) In Zone Three the structure must be placed at least ten feet from the side lot line and 15 feet from the rear lot line.

(fe) No structure permitted under this section shall exceed one story or a height of 15 feet above BFE.

(gf) Structures, other than Pergolas, under this section must contain matching roof slopes and detailing similar to the principal structure;

(hg) The roof of the structure shall not be used as a solarium or for any similar purposes.

* * *

Sec. 66-252. - Accessory buildings, boathouses, etc.

a) ~~No auxiliary structure~~, out building or enclosed boathouse is permitted to be built within any lot in Zones Two and Three on the waterside of lots on the east coast waterways and channels tributary thereto.

(b) Boat slips within the area described in subsection (a) of this section may be constructed on lots with water Frontage of 100 feet and over, providing such slips are built with walls of like Construction as the seawalls. Enclosures around and over such slips are not permitted. Size of such slips may not be larger than 15 feet wide by 35 feet deep (length).

(c) Docks may be constructed, but no canopy over them shall be erected.

* * *

Section 3. Code Amended. That is any section, paragraph, sentence or word

of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4. Codification. That it is the intention of the Town Council of Golden

Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and

be made a part of the Town of Golden Beach Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Repealer. That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on second reading this ___ day of _____, 2018.

ATTEST:

MAYOR GLENN SINGER

122 _____
123 LISSETTE PEREZ
124 TOWN CLERK
125
126
127 APPROVED AS TO FORM
128 AND LEGAL SUFFICIENCY:
129
130
131 _____
132 STEPHEN J. HELFMAN
133 TOWN ATTORNEY
134



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

2

Subject: Ordinance No. 580.18 – Amending Code, Section 66-1; Article IV, Division 10; Section 66-236; and Section 66-237 Related to Swimming Pools, Hot Tubs, Spas and Swimming Pool Decks.

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 580.18 as presented.

Background:

I agree to the recommendation found in the attached staff report.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 580.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING SECTION 66-1 OF THE ZONING CODE RELATED TO DEFINITIONS; AMENDING THE TITLE OF ARTICLE IV, DIVISION 10 OF THE ZONING CODE TO INCLUDE HOT TUBS AND SPAS; AMENDING SECTION 66-236 OF THE CODE RELATED TO SAFETY BARRIERS FOR POOLS, HOT TUBS AND SPAS; AMENDING SECTION 66-237 OF THE CODE RELATED TO SETBACKS FOR POOLS, HOT TUBS, SPAS AND POOL DECKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council periodically studies land development trends and issues and amends the Town's Land Development Regulations accordingly; and

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to further regulate the design and location of swimming pools, hot tubs, spas and related decking; and

WHEREAS, a public meeting was held before the Local Planning Agency (LPA) of the Town to review the proposed modifications to the Town's Land Development Regulations; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Land Development Regulations.

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

Section 1. Recitals Adopted. That the preceding “Whereas” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. Code Amended. That the Town of Golden Beach Code is hereby amended to modify Section 66-1, the title of Article IV - Division 10, Section 66-236 and Section 66-237 to address the design and location of swimming pools, hot tubs, spas and related decking in the Town, as more fully set forth in the attached Exhibit “A”, and by reference made a part hereof.

Section 3. Code Amended. That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4. Codification. That it is the intention of the Town Council of Golden Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 5. Repealer. That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on second reading this ____ day of _____, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

The Town of Golden Beach, Florida Code of Ordinances is hereby amended as follows:

CHAPTER 66

ZONING ARTICLE I. IN GENERAL

Sec. 66-1. – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hot Tub or Spa. A large tub or small pool, typically designed for more than one person and often heated, water-filled enclosure, permanently constructed below the level of the surrounding land or above-surface, designed, used and maintained for hydrotherapy, relaxation or pleasure.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming.

Swimming Pool Deck. A landscaped and/or surfaced area surrounding a swimming pool, hot tub or spa at grade level. A Swimming Pool Deck can have multiple levels.

Terrace. A landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a principal building at or within three feet of finished grade not covered by a permanent roof.

Adopted: 1989 / Revised 1995 / Revised 1997 / Revised 1998 / Revised 2007 / Revised 2011 / Proposed Amendment 2017

* * *

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 10. SWIMMING POOLS, HOT TUBS AND SPAS

Sec. 66-236. - Safety barrier required.

Any swimming pool, Hot Tub or Spa constructed in the Town shall be protected by a safety barrier approved by the Building Official.

Adopted: 1989 / Proposed Amendment 2017

Sec. 66-237. - Setback areas.


- (a) In Zones One, Two and Three, no screened-in or enclosed structures will be permitted in Setback areas, except for cabanas in Zone One in accordance with section 66-251.
- (b) Swimming Pools, Hot Tubs and Spas may be built in rear or side Setback areas providing they are not less than ten feet from waterways or property lines. No Swimming Pool, Hot Tub or Spa shall be placed in a front or street-side (corner lot) Setback area.
- (c) In-ground Swimming Pools, Hot Tubs and Spas shall not exceed two (2) feet above a grade level Swimming Pool Deck, patio, or Terrace.
- (d) Swimming Pool equipment must comply with the requirements for setbacks and quantity listed in subsection 66-140.
- (e) The construction of any Swimming Pool, Hot Tub, Spa or Swimming Pool Deck shall be subject to approval by the Building Regulation Advisory Board. Plans showing the location of the aforementioned new or replacement facilities shall be provided to the building department prior to the issuance of a permit. A sample of the decking material will be required when submitting an application.
- (f) No portion of a Swimming Pool Deck shall be placed closer than five (5) feet to a side or rear lot line. No portion of a Swimming Pool Deck shall be placed in the front yard Setback area.

Adopted: 1989 / Proposed Amendment 2017

* * *

**TOWN OF GOLDEN BEACH
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Alex Diaz – Town Manager
Linda Epperson – Bldg. and Zoning Department Director
Town of Golden Beach

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: January 17, 2018

Subject: Town of Golden Beach
Land Development Code Update
Setbacks – Swimming Pools / Pool Decks / Hot Tubs / Spas
MMPA Acct. No. 04-0101-0003

ISSUE / BACKGROUND

The Town's existing Zoning Code (Sec. 66-237) has very limited regulations governing the placement of swimming pools (10 feet from any property line / waterways). The Code is silent as to any regulations for related uses including swimming pool decks, hot tubs and spas. This has caused confusion and conflict between Town staff reviewers, designers, contractors and land owners. As part of the Town's ongoing Code updating MMPA was requested to study this issue and suggest possible Code modifications.

ANALYSIS

The Town Code does currently contain definitions for these common accessory uses. MMPA researched several sources for common definitions and suggests the Town adopt them (Sec. 66-1).

Section 66-236 requires a safety barrier for only swimming pools – not hot tubs or spas. Often these are part of or near a pool and can become a safety issue for children.

Section 66-237 addresses screen enclosures and swimming pools. Screen enclosures must adhere to normal Zone One / Two / Three setback requirements. Subsection (b) restricts pools from being constructed less than 10-feet from waterways or property lines. This would include "front" yards and secondary "front" yards on corner lots. MMPA believes the policy of the Town has been to restrict pools in any "front" yard area adjoining a roadway (appearance / privacy). The Code is silent as to Hot Tubs and Spas. Finally, there are no regulations governing swimming pool decks. During our single-family home permit reviews some designs propose patios / terraces / decks / swimming pool

**Town of Golden Beach
Land Development Regulations
Swimming Pools / Hot Tubs / Spas / Decks
January 17, 2018
Page 2**

decks right up to the side / rear property lines. Since the Florida Building Code and local codes require drainage from the site to be kept onsite and typically the side / rear lot lines are sloped to capture / drain storm waters to onsite storage areas with overflow to the streets have a hard surface at a property line is bad. This is particularly true along seawalls where storm waters carrying chlorine from swimming pools / fertilizer / chemicals can flow into the waterways (canals), which is prohibited by the Federal EPA NPDES permit. Commonly a strip of landscaping along the seawall and drainage pipes are installed to capture / treat the runoff. The suggested setback dimensions are similar / the same as other high quality communities such as Bal Harbor Village and Bay harbor Islands.

RECOMMENDATION

MMPA suggests the Town Council consider the adoption of the proposed Ordinance.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

3

Subject: Ordinance No. 581.18 – Amending Code, Article IV of Chapter
46 As It Relates to Seawalls.

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 581.18 as presented.

Background:

I agree to the recommendation found in the attached staff report.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 581.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE IV OF CHAPTER 46 ENTITLED WATERWAYS TO REQUIRE ADDITIONAL CONSTRUCTION SURVEYS AND CERTIFICATION OF SEAWALLS AS THEY ARE CONSTRUCTED AND INCREASING MINIMUM AND MAXIMUM SEAWALL HEIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council periodically studies land development trends and issues and amends the Town's Land Development Regulations accordingly; and

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to update various requirements for Seawall construction; and

WHEREAS, a public meeting was held before the Local Planning Agency (LPA) of the Town to review the proposed modifications to the Town's Land Development Regulations; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Land Development Regulations.

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

Section 1. Recitals Adopted. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. Code Amended. That the Town of Golden Beach Code is hereby amended to modify Chapter 46 - Waterways of the Code of Ordinances as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3. Code Amended. That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4. Codification. That it is the intention of the Town Council of Golden Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Repealer. That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on second reading this __ day of ____, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

**The Town of Golden Beach, Florida Code of Ordinances
is hereby amended as follows:**

CHAPTER 46 WATERWAYS

ARTICLE IV. SEAWALLS AND DOCKS

Sec. 46-76. - Seawalls required.

Seawalls shall be required on all property adjacent to any waterfront, other than the Atlantic Ocean. It shall be unlawful for any Owner of property adjacent to any waterfront, other than the Atlantic Ocean, to fail to have a seawall or fail to maintain a seawall or bulkhead in accordance with the requirements and specifications of this article.

Sec. 46-77. - Building permit required for seawalls and docks.

No Person shall construct a dock or seawall without first applying for and obtaining a building permit from the Town and other applicable jurisdictions. The building permit fee and cash bond shall be established by resolution and posted in accordance with the approved plan and specifications.

Sec. 46-78. - Design, construction of seawalls.

All seawalls shall be designed and certified by a registered engineer proficient in structural design to prepare such plans and constructed by a licensed contractor in substantial accordance with the permit plans and specifications approved in advance by the Building Official.

Sec. 46-79. - Inspection.

(a) The seawall shall be built in substantial accordance with the approved plan and specifications and shall be subject to proper inspection by the Building Official-Inspector during its construction.

(1) As part of a building permit application to construct a new seawall or modify an existing seawall, two (2) copies of a physical lot survey (conducted within the last 6 months) shall be provided to the Town. The survey shall show spot elevations of the existing seawall at each edge of the lot and at 20-foot intervals along the seawall using the North American Vertical Datum of 1988 (NAVD-88) National Geodetic Vertical Datum (N.G.V.D.), the exact location of the existing or proposed seawall, the width of the seawall cap and any supporting structures, and the location of related structures (docks / pilings / rip-rap / etc.).

(2) Immediately after installation of the piles, an inspection and corresponding pile logs shall be submitted to Town, showing pile location and pile capacity. The pile

log shall be reviewed and approved by the Town's building department prior to erecting the seawall forms.

(3) Upon the completion of the installation of the seawall forms, two (2) updated surveys shall be provided to the Town showing the proposed location of the seawall and indicating conformance with approved plans. The surveys must be reviewed and approved by the Town's building department, prior to scheduling the required field inspection and before any concrete is poured.

(4) Upon completion of the seawall construction two (2) updated signed and sealed as-built surveys shall be submitted to Town. Surveys shall show the finished elevation of the seawall height above NAVD-88 N.G.V.D. at the same intervals set forth in subsection (1) above, indicating the location and thickness of the seawall and, the width and thickness of the seawall cap. A final inspection may then be scheduled with the building department.

Sec. 46-80. - Completion of construction, approval.

Seawalls, when completed and backfilled to grade, shall be plumb and the coping straight before final acceptance by the Town and release of the bond.

Sec. 46-81. - Extension of seawall into waterways.

No part of any seawall, including slabs may extend beyond any lot property line into any waterway in the Town. The piles and cap beam may encroach into the waterway, if approved by the agency having jurisdiction. If during the construction of a new seawall or renovation of an existing seawall it is found that portions of the existing seawall encroach into a public waterway adjoining a lot, those portions of the seawall encroachment shall be modified or removed, unless a variance is granted by the Town. See section 46-86 below for the definition of legal nonconformity, and requirements for modification, removal, and compliance with the new standards.

Sec. 46-82. - Use of concrete slab.

All seawalls shall be built of reinforced concrete, with a cap-beam and be supported on pilings. Repairs to existing seawalls may incorporate other methods of construction and materials such as precast panels, sheet metal pilings and batter piles so long as they are consistent with the original design and appearance of the existing seawall and the majority of seawalls existing within the Town. No other type of seawall construction, including rip-rap, shall be permitted.

Sec. 46-83. - Repair and replacement.

The Town Council finds that docks and seawalls, if deteriorated, broken, cracked or in a state of disrepair, are unsafe structures and shall be repaired or replaced after notice to repair is served on the Owner as provided in section 14-31.

Sec. 46-84. - General specifications for docks.

No dock shall be permitted to be constructed, repaired, or reconstructed within the limits of the Town which shall extend more than six feet outside the lot property line into an

inside (width of 100 feet or less) waterway nor more than ten feet outside the lot property line into an outside (width greater than 100 feet) waterway.

Sec. 46-85. Height of seawalls and docks and extensions of deck of dock.

No seawall and no deck of any dock shall exceed an elevation of five 3.425 feet above the North American Vertical Datum of 1988 (NAVD-88) National Geodetic Vertical Datum (N.G.V.D.). Dock decks shall not extend more than six feet behind the seawall and No cover shall be permitted to be erected in connection with any dock. The minimum elevation of the top of any seawall shall be four 3.425 feet above NAVD-88 (5 feet) the N.G.V.D. and the maximum elevation shall be 4.425 feet NAVD-88 (6 feet).

Sec. 46-86. - Application of article and nonconforming seawalls.

(a) All properties, except as provided for in subsection (b), shall comply with and be subject to the requirements of this article.

(b) Any legal nonconforming seawall (a seawall which conformed with applicable regulations when constructed) lawfully existing prior to the effective date of any ordinance rendering such structure nonconforming, may be maintained so long as it remains otherwise lawful, unless and until one of the following occurs:

- (1) Improvements, repair, or construction of a structure on the property upon which the nonconforming seawall exists, which in the opinion of the Building Official, the cost of said construction exceeds 50 percent of the assessed value of the structure for that year;
- (2) Demolition of the primary structure on the property upon which the nonconforming seawall exists;
- (3) In the opinion of the Building Official, the Owner intends to materially alter the seawall structure;
- (4) The Building Official makes a determination that the modification or alteration of the nonconforming seawall is necessary to protect the health, safety and welfare of the Town residents.

(5) Transfer of the property by any means.

a. Prior to transfer of Title Ownership of any property and within 60 days prior to the scheduled closing date, the current owner must document the current condition of the existing seawall and provide such documentation to the Town and prospective purchaser.

1. A report shall be made by a registered engineer proficient in design engineering, providing scientific and engineering evidence that the seawall is in good condition with adequate penetration and toe protection to avoid settlement, toe failure, or loss of material from beneath or behind the seawall.
2. A cover letter to the report, signed and sealed by the engineer, shall be provided and contain engineering certifications as to 1. The overall seawall condition, 2. The determination of the likely remaining design life, 3. Any recommendations for the repairs currently needed for the

seawall and for a long term repair basis, and 4. The current height of the elevation of the top of the seawall cap which such measurement shall be made in accordance with NAVD-88 guidelines.

3. Such report shall be accompanied by an affidavit of the prospective purchaser acknowledging receipt of a copy of the report, the existing conditions and that all deficiencies in the report must be corrected and a building permit to correct said deficiencies filed within 180 days following the closing date of the sale.

b. Any deficiencies noted in the report shall be corrected and a building permit application submitted within a 180 day period following the scheduled closing on the property to remedy the deficiencies, this includes raising the seawall cap if it is not in accordance to NAVD-88 requirements.

Sec. 46-87. - Proximity of lot lines.

(a) No part of any dock or any other structure shall be placed nearer than ten feet to a line formed by the projection of the sidelines of the lot.

(b) No portion of a dock, boat lift, hydro-hoist or any other method of elevation, mooring piles, boat davits, dolphin piles or any other structure, and no portion of a boat elevated above the water moored at a dock or seawall, shall protrude into the waterway, unless it is within the triangle formed by connecting the points indicated below, that form a triangle where the waterfront property line is the base of the triangle and the triangle sides extend towards the waterway at a 45 degree angle until the lines intersect on the waterway side of the lot, but never to exceed 25 feet into the waterway from each of the lot property line. Neither elevated boats nor docks shall encroach in any instance within the side setback area. The base of the triangle shall be determined as follows:

(1) The base of the D5 triangle for all lots is set back five feet inside each of the side property lines.

(2) When the lot line is curved, the base shall be measured at the straight line, forming the chord, connecting the two side property lines (or the two side setback lines) at the point where they cross the sea wall. The side setback shall be determined based upon the length of the chord as provided in this subsection, above.

(c) The keel of a raised vessel shall be no higher than the cap of the seawall and never higher than four feet above mean sea level.

(d) No dock, lift, mooring piles or moored boat shall be permitted on vacant lots. Permits for such construction will be issued after a building permit for a single-family home has been issued, but the final inspection will be performed at the same time that the single family home final inspection is given.


(e) Legal nonconforming dock structures—If more than 50 percent of the value of the dock structure, lift, dolphin pile or other structure referenced in this section, is spent to repair or renovate such dock structures, then the dock structures must conform with the provisions of this section. The fair market value shall be determined by a State certified real estate appraiser or the Building Official. Dock structures that were not legally permitted when

installed shall not be improved unless they conform to this section. If an existing residence that has a dock is demolished, the dock can remain in place with the following provisions:

- (1) That a new residence will be constructed and completed within two years from completion of the demolition; and
- (2) A Bond in an amount equal to 120 percent of the estimated cost of the dock demolition is filed with the Town's building and zoning department; and
- (3) As part of the demolition permit documents, the Owners of Record shall file an affidavit with the Town's building and zoning department, authorizing the Town to use the Bond funds to demolish the dock if a residence is not completed on the lot after the expiration of the two years' time limit.

**TOWN OF GOLDEN BEACH
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Alex Diaz – Town Manager
 Linda Epperson – Bldg. and Zoning Department Director
 Town of Golden Beach

From: Michael J. Miller, AICP 
 Consultant Town Planner

Date: April 12th, 2018

Subject: Town of Golden Beach
 Land Development Code Update
 Seawall Regulations
 MMPA Acct. No. 04-0101-0003

ISSUE / BACKGROUND

The Town Council / Administration have been striving to improve the Town appearance and the development standards of the Town. The Town has adopted several Code amendments over the past several years. One of the remaining Code sections to be analyzed is the Town regulations for seawalls. In particular there are two (2) areas of concern; height and the monitoring of construction to ensure the seawall improvements meet Code requirements and the approved building permit plans.

While uniformity in appearance of the height of seawalls and docks is important for maintaining community appearance standards set by Golden Beach, sea level rise is a reality and the Town's existing standards for seawall height should be examined periodically. Additionally, the Town Code contains regulations on the review process and construction of seawalls; however, we have found several instances where a seawall has been constructed outside of the property line (into adjoining public waterways), so some consideration on additional regulations of the construction process are recommended.

ANALYSIS

Seawall Height

Codes have different ways to measure how high a seawall can be built which is important to note because this can cause confusion when looking at various municipal regulations. Below are the definitions of the different terms used.

- *Mean Sea Level (MSL)*: the average height of the sea for all stages of the tide.
- *National Geodetic Vertical Datum (NGVD)*: as corrected in 1929, is a fixed vertical control used as a reference for establishing various elevations within the floodplain. NGVD does not take into account local changes in sea levels; therefore, it should not be confused with MSL.
- *North American Vertical Datum (NAVD)*: Established in 1988, a fixed reference for elevations determined by localized geodetic leveling.

In our research we have found Codes that set the height is three (3) different ways, one city has only a reference to Mean Sea Level (Bay Harbor Islands), while others refer to NGVD and NAVD. NGVD is the older vertical datum (1929) and in general, there is an average difference of 1.51' between the vertical datum with the more recent NAVD 88 being the higher. In the Town of Golden Beach, the conversion between NAVD and NGVD is 1.575' (NAVD = NGVD minus 1.575').

Below is a summary of other municipalities in the tri-county area with seawall regulations. Besides differing vertical datum that are used, every community has different wave conditions, sea levels and elevations.

Municipality	Seawall Height		
Bay Harbor Islands	5.50' above MSL, 6' on Biscayne Bay (Code does not state NGVD or NAVD) – Maximum, no minimum. Original seawall heights (1950s) were 3.5 – 4.0+/- MSL.		
Deerfield Beach	Grade of property		
Fort Lauderdale	Property's FEMA Flood Insurance Rate Map Location	Minimum Allowable Seawall Elevation	Maximum Allowable Seawall or Dock Elevation
	In a floodplain with a base flood elevation greater than or equal to 5.0' NAVD (6.51' NGVD)	3.9' NAVD (5.41' NGVD)	Base flood elevation of the property
	In a floodplain with a base flood elevation equal to 4.0' NAVD (5.51' NGVD)	3.9' NAVD (5.41' NGVD)	5' NAVD (6.51' NGVD)

Municipality	Seawall Height		
Fort Lauderdale cont.	In an X zone, not in a floodplain	3.9' NAVD (5.41' NGVD)	Meet the definition of grade
Golden Beach	5' NGVD (3.425' NAVD) – Minimum 4' NGVD (2.425' NAVD)		
Hollywood	Grade of property- Maximum, no minimum		
Lighthouse Point	4.0' NAVD (5.5' NGVD) – Both minimum and maximum		
Miami	5' NGVD (3.49' NAVD) north of Rickenbacker Causeway, 6' NGVD (4.49' NAVD) south of Rickenbacker Causeway – Both minimum and maximum		
Pompano Beach	5'10" NAVD (7.34' NGVD) – Maximum, no minimum		

In summary, the municipal regulations for seawalls found that have been updated within the last decade require higher minimum and allow higher maximum seawall heights. Jurisdictions that have more turbulent wave action are the ones that have the highest maximum height allowances.

We have contacted the Miami-Dade County Department of Environmental Resources Management (DERM) who licenses and permits all work within waterways in the county for their opinion on the height of seawalls. DERM stated that they do not have a position on seawall heights; in their reviews they would be concerned about runoff impacts to adjacent properties and could require side yard retaining walls be built, as well as environmental issues.

Implications of Changing Seawall Heights

- Irregular (saw-tooth) appearance along waterways with differing heights. The Code has both a minimum and maximum seawall heights now so while uniformity is desirable the Code as it stands does not produce uniformity.
- Unless written to exempt existing seawalls, any seawall that does not comply with the new heights would be considered a nonconforming seawall. The existing Code has provisions that allows them to be maintained and requirements for when conformance is required. Perhaps this should be re-examined and tightened up to get older seawalls improved.
- Because most of the land elevations of the Town west of Golden Beach Drive are quite low, seawall heights could be higher than the lot, causing flooding issues. Storm-water and swimming pool water (chlorine) are prohibited to overflowing into the waterways via the NPDES Federal permit. Often a landscape strip and drainage containment system are required / installed adjoining the seawall.

Construction Process

The Town's existing regulations for the construction of seawalls cover permitting, bonding, design, and inspection requirements. However as stated previously, MMPA has reviewed many building permits for seawalls in the Town and found that seawalls that were constructed with valid permits were in some instances not built as approved, and some encroach into the adjacent public waterways. Surveys before, during, and after construction showing the location and height of seawalls are needed, as well as certification from the designer that the seawall has been constructed in conformance with the approved plans.

RECOMMENDATIONS

Based on the above, MMPA recommends the following:

1. Consider increasing the minimum and maximum seawall height by one (1) foot; 3.425 feet and 4.425 feet NAVD (five (5) and six (6) feet NGVD) respectively. This appears to be what other waterfront communities are doing.
2. Amend the Town Code to require surveys showing both the height and location of seawalls, before construction, after seawall forms are set, after construction; and certification by a certified registered engineer that the seawall has been constructed in conformance with the approved plans.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

4

Subject: Ordinance No. 582.18 – Amending Code, Division 4 Creating
Regulations for Outdoor Lighting.

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 582.18 as presented.

Background:

I agree to the recommendation found in the attached staff report.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 582.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING DIVISION 4, DESIGN STANDARDS, OF CHAPTER 66, ZONING, TO CREATE REGULATIONS FOR OUTDOOR LIGHTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council periodically studies land development trends and issues and amends the Town's Land Development Regulations accordingly; and

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to regulate outdoor lighting in the community; and

WHEREAS, a public meeting was held before the Local Planning Agency (LPA) of the Town to review the proposed modifications to the Town's Land Development Regulations; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Land Development Regulations.

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

Section 1. Recitals Adopted. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. Code Amended. That the Town of Golden Beach Code is hereby amended to modify Division 4 (Design Standards) adding Section 66-142 Outdoor Site Lighting Requirements, of Chapter 66 (Zoning) to provide for regulations for outdoor lighting in the Town, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3. Code Amended. That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4. Codification. That it is the intention of the Town Council of Golden Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Repealer. That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

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 Jaime Mendal

Councilmember Amy Isackson-Rojas _____
Councilmember Kenneth Bernstein _____
Councilmember Judy Luskin _____

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

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 Jaime Mendal _____
Councilmember Amy Isackson-Rojas _____
Councilmember Kenneth Bernstein _____
Councilmember Judy Luskin _____

PASSED AND ADOPTED on second reading this ____ day of _____, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

The Town of Golden Beach, Florida Code of Ordinances
is hereby amended as follows:

CHAPTER 66

ZONING

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 4. DESIGN STANDARDS

* * *

Sec. 66-142- Outdoor Site Lighting Requirements.

(a) Purpose and intent. The purpose and intent of this section is to ensure that outdoor lighting positively enhances the visual impact of a building or structure, a property and the Town as a whole, while limiting negative lighting impacts on adjacent properties and providing security for persons and land. Outdoor lighting should accentuate key architectural elements of the building and highlight or otherwise emphasize landscape features.

(b) Applicability. It is the express intent that these regulations shall apply to all existing and future residential land in the Town and to all structures on residential properties. Existing properties shall be brought into compliance with the requirements of this section no later than August 1, 2018.

(c) Definitions. The following definitions apply to this Section.

Glare. Intense or blinding light, or the sensation produced by a brightness within the visual field that is sufficiently greater than the intensity of light to which human eyes are accustomed or adapted, thereby causing annoyance, discomfort, visual impairment, or loss or reduction of visibility.

Hot Spot. An area of very high illumination above normal foot-candle levels, typically found in an area underneath a luminaire, making normal foot-candle levels appear relatively dark.

Light Pollution. Any adverse effect of manmade light, often used to denote a brightness of the night sky, commonly known as urban sky glow.

Lumen. A quantitative unit measuring the amount of light emitted by a lamp or luminaire.

Obtrusive Light. Light which causes annoyance, discomfort, visual impairment, or loss or reduction of visibility.

Security Lighting. Lighting necessary for security or emergency purposes which shall be the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure and to illuminate exterior walkways.

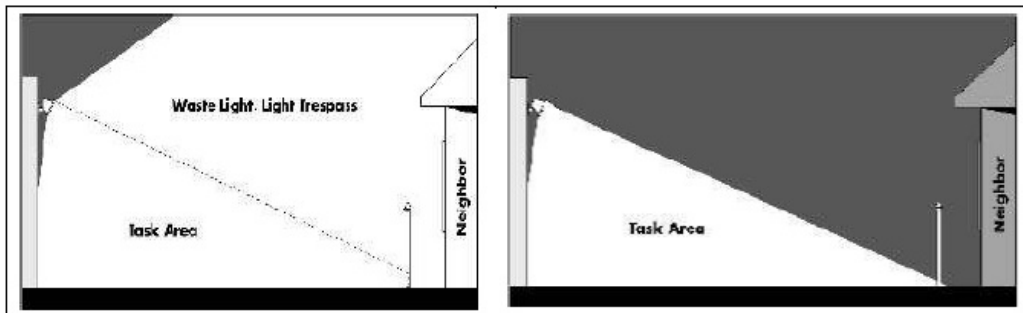
(d) Design. Outdoor lighting shall be designed, operated, and installed to provide safe, convenient and efficient lighting, and to avoid the creation of hot spots, glare, obtrusive light, light pollution, light trespass, and visual nuisance.

(e) Illumination Direction and Shielding.

(1) Upwardly-directed lighting used to illuminate all or part of a structure or building facade shall use low-wattage architectural or decorative lighting so that direct light emissions are contained by the structure or facade and not visible above the building roof line.

(2) Light fixtures used to illuminate flags, landscaping, statues, or other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that does not extend beyond the illuminated object and shall not be obtrusive or cause glare.

(3) Any light source or lamp that emits more than 900 lumens shall be concealed or shielded with full cut-off style fixture with an angle not exceeding 90 degrees to minimize glare and unnecessary light diffusion onto adjacent properties and streets. No light source or lamp may produce more than 1,800 lumens. (See Figure 66-142(e) Shielding of light source to avoid light diffusion onto adjacent property below.)



Noncompliant – Light diffusion onto adjacent property

Compliant – No light diffusion onto adjacent property

Figure 66-142(e) Shielding of light source to avoid light diffusion onto adjacent property

(f) Security lighting installations. All security lighting installations shall include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.

(g) Flickering or Flashing Lights. No flickering or flashing exterior lights shall be allowed except for temporary decorative seasonal lighting during the period of time that colored lighting is permitted.

(h) Maximum Illumination. Maximum illumination shall not exceed 1.0 foot-candles, measured 5 feet above ground level at a property line.

(i) Right-of-Way. No private lighting may be installed in the Town's swale or right-of way.

(j) *Color Lighting.* Colored lights are prohibited except during the period of time from the Friday before the last full week in November until the second Sunday in January (holidays).

(k) *Landscape Lighting.* All landscape lighting designs shall be reviewed and approved by the Town's Landscape Architect.

(Cross-reference Article III Sec. 58 for lighting regulations for marine turtle protection.)

**TOWN OF GOLDEN BEACH
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Alex Diaz – Town Manager
Linda Epperson – Bldg. and Zoning Department Director
Town of Golden Beach

From: Michael J. Miller, AICP
Consultant Town Planner

Date: February 12th, 2018

Subject: Town of Golden Beach
Land Development Code Update
Proposed Outdoor Lighting Regulations for Homes
MMPA Acct. No. 04-0101-0003

ISSUE / BACKGROUND

The Town's existing Code of Ordinances (Chapter 58, Article III entitled Lighting Regulations for Marine Turtle Protection) contains regulations governing beachfront lighting for sea turtle protection. That Code section is essentially the Florida Department of Environmental Protection's recommended model lighting Ordinance. The Code is silent as to any regulations for outdoor lighting throughout the rest of the Town (homesites / public lands). The Town administration has commented that they observed excessive / objectional lighting on several building facades and landscape features. As part of the Town's ongoing LDR Code updating, MMPA was requested to study this issue and suggest possible Code modifications.

ANALYSIS

The Town Code does not currently contain regulations for outdoor lighting other than for beachfront lighting to protect sea turtles. MMPA researched several sources for outdoor lighting regulations that are applicable to single-family homes and subdivisions, and has prepared a draft Ordinance that we feel would be appropriate for this community. As requested the proposed Ordinance is suggested to be retro-active / applicable to all residential properties and any accessory structures on them. It provides regulations for direction and shielding of outdoor lighting; maximum light source lumens, restrictions on security lighting, prohibitions, and maximum illumination levels on a property.

RECOMMENDATION

MMPA suggests the Town consider the adoption of the proposed Ordinance.




TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Lissette Perez, 
Town Clerk

Subject: Town Council Minutes

Item Number:

5 & 6

Recommendation:

It is recommended that the Town Council adopt the attached minutes of the February 20th, 2018 Regular Town Council Meeting and March 13th, 2018 Special Town Council Meeting.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the February 20, 2018 Regular Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

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

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Judy Lusskin, Councilmember Jaime Mendal, Councilmember Amy Isackson-Rojas, *Councilmember Kenneth Bernstein (arrived during the Local Planning Agency Meeting)*

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

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

**** Mayor Singer adjourned the meeting at 7:05 p.m., opening up the Local Planning Agency meeting at that time ****

**** Mayor Singer reopened the regular council meeting at 7:08 p.m. after the adjournment of the Local Planning Agency meeting ****

D. PRESENTATIONS / TOWN PROCLAMATIONS

RESIDENT SURVEY RESULTS PRESENTATION – RESIDENT SERVICES DIRECTOR MICHAEL GLIDDEN

Town Manager gave some background and information on the creation of Michael Glidden's department, his promotion, and the resident surveys in general. Also stated that the results are available online and at Town Hall.

Michael Glidden spoke on the department and what the duties are that fall under it. Stated that there was a robust response to the survey. Major issues – addressing flooding throughout Town, concerns about landscaping, installing speed tables particularly around parks, concerns about safety support for a new community center. Some support for a Miami-Dade fire rescue outpost. Food trucks were supported but costs is an issue for some respondents. Residents asking for a way to pay for the food. Taxes and spending were also an issue brought up.

Vice Mayor Lusskin asked if they have any idea on how many responses came directly from beach residents.

Town Manager asked for Michael to give some background on the tracking system.

Michael Glidden stated that the tracking system is still being rolled out.

Town Manager stated that Michael's department is working on a welcome home guide and kit to be rolled out in the next quarter.

E. MOTION TO SET THE AGENDA

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

Mayor Singer requested to move Item #4 from consent to discussion at the end.

Councilmember Mendal asked that they add an item for discussion and direction to the Town Manager – a review of Resolution 1460.02

Town Manager stated that some items have blanks because the determinations will be made tonight. Final items will be published with an updated agenda online.

Consensus vote, 5 Ayes, 0 Nays.

F. GOOD AND WELFARE

Sari Addicott, 155 Golden Beach Drive

Spoke on the item requesting the re-enactment of the ban on assault weapons.

Feels that we need to move our congressional delegates to take action.

In response to last week's mass shooting, the students of Marjory Stoneman High School have been on the news night and day asking for our help.

We have to do something. Stated that to contend that gun laws do not work defies years of research that they do.

A study found that states with more restrictive gun laws have lower rates of gun violence.

Do not let our elected officials pass the buck on this, and keep our kids safe.

Overwhelming that we as a country aren't doing better.

*** Certain residents who requested to speak during Good and Welfare were running late, and would be allowed to speak upon their arrival. ***

G. MAYOR'S REPORT

Thoughts a prayers with the families in Parkland for the lives of the 17 victims whose lives were taken too soon. Agrees with Mrs. Addicott. League of Cities putting something together now. Need to eliminate the threat of these occurrences happening in our schools. Town Manager, Councilmember Mendal and him went up to Tallahassee a few weeks ago to try to obtain monies to fund the Center Island Pump Station. Was a good trip and very productive.

Had a great response to the public safety meeting in early February. Safety a big concern for him and Town is trying to be proactive. Projects are moving along even though it seems like they are delayed. Both the guardhouse and beach pavilion are both still on track to meet their scheduled completion dates at the end of March. Visited other cities with the Town Manager last week to gain some knowledge on how their cities are

designed and run to get ideas for the Town's plans for the new civic center. Reviewed the hurricane report that the Town Manager put together. Discussed some changes that are going to be made to the plan to prepare for next hurricane season.

H. COUNCIL COMMENTS

Councilmember Bernstein

No comments

Councilmember Mendal

Gave praise to the Mayor and the Town Manager for the work they did during Dade Days. Stated that he has received some calls and complaints about speeding within Golden Beach. Stated that he would like the resident guidebooks to be available to all residents on the Town's website. Feels that the website needs to be revamped and made into more of a user-friendly website. Very excited about the new town hall.

Councilmember Rojas

Knows that the event at the beach where dogs were allowed had both positive and negative comments. She was there with her dog and she felt that it was a very controlled event. Nothing got out of hand. Feels that the people appreciated it and doesn't see why this isn't something that can be done occasionally. Thanked Public Works for helping her with a leak in her home. Same thing with Police who helped her when her boat fell off the lift when she was home alone. Very appreciative of the services that the Town provides the residents.

Vice Mayor Lusskin

Asked if when a house is being demolished, if the neighbors can be sent a notice of when a home is going to be demolished.

Town Manager stated that they can let residents know that a home is coming down, but can't tell them exactly when because they do not have control over contractor's schedules.

Asked if the Town is up to date and has a sufficient number of AED's around. Also getting an increased number of calls on an increase in water bills this quarter and last quarter. Stated that the newsletter this time around was very informative and ambitious in setting the calendar for the whole year.

Mayor Singer now called on Daniel Block to make his presentation from Good & Welfare

Daniel Block, 240 South Island Drive, Vice President GBYLG

Stated that he feels the Town should start a community garden. Will enable the Golden Beach Youth Leadership Group (GBYLG) to get to know each other better and will allow them to be more responsible. Will promote community involvement. Can donate the food to people in need. Stated that he can run it, but would promote activism with all of the members. Many cities in South Florida already have community gardens.

I. TOWN MANAGER REPORT

Thanked Chief Herbello, Lt. Diaz and Sergeant Perez for the work with the public safety meeting. Reminded residents to lock their doors and notify police when they are going out of Town for an extended period of time and it's important to call 9-1-1 in an emergency before calling the substation. Reminded residents if they have an alarm at their home, to have the alarm company call the substation first. Stated that the gates in Town are now closed between the hours of 10 p.m. and 6 a.m. There are no plans currently nor in the foreseeable future for anything to be built at the Strand boat dock. Looking at enhancing the Town's safety measures at the beach. Shoreline will be closed from 10 p.m. to 6 a.m. Did travel to Tallahassee, hoping to be able to acquire some funding for the Town's Center Island flooding issues. Gatehouse project was delayed because of the rotting of the roof that was not factored into the timeframe of the completion of the project. The project is progressing. Once a month Town Hall will be opened on extended hours. Tonight was the first night of that.

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

1. An Ordinance of the Town Council Amending the Town's Code Related to Rooftop Activities.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 66, "ZONING," BY AMENDING THE TITLE OF DIVISION 11 "ACCESSORY BUILDINGS: AND BY AMENDING SECTION 66-261 RELATED TO ROOFTOP ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 577.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 577.18

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager spoke on the item stating that language was added allowing a water feature that needs to be approved by the Building Regulatory Advisory Board (BRAB).

Councilmember Mendal asked if an applicant could come before the Council for a variance request if the water feature is denied.

Town Manager stated that the applicant could.

Attorney Helfman stated that the ordinance would be amended to read that an appeal of the BRAB decision may be appealed to the Council.

2. An Ordinance of the Town Council Amending the Town's Code Related to Community Design Standards.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO COMMUNITY DESIGN STANDARDS; AMENDING SECTION 66-137 OF THE ZONING CODE RELATED TO ACCEPTABLE PAINT COLORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 578.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 578.18

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager spoke on the item stating that the ordinance calls for an application without fee to be filled out when a home is painted and that residents stay within the confines of the Towns color wheel.

L. ORDINANCES - FIRST READING

None

M. QUASI JUDICIAL RESOLUTIONS

None

*** Mr. Richard Lasry arrived at this time and spoke on his Good & Welfare topic ***

Richard Lasry, 525 Ocean Boulevard

Would like to discuss with the Town creating more events for the growing community.

Would like to see more events and more gatherings.

Would like to see more events created that cater to the different age groups.

Feels that social events bring people together.

If he can be of assistance, would love to be.

N. CONSENT AGENDA

3. Official Minutes of the January 23rd, 2018 Special Town Council Meeting

Consensus vote 5 Ayes, 0 Nays. Item N3 passes.

O. TOWN RESOLUTIONS

4. A Resolution of the Town Council Approving Enhancements to the Town's Parks.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE TOWN MANAGER'S RECOMMENDATIONS PERTAINING TO THE TOWN'S PARKS; PROVIDING FOR AUTHORIZATION FOR THE TOWN MANAGER TO IMPLEMENT THE PROGRAM IN THE MANNER DESCRIBED; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2544.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2544.18

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 Bernstein	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>
Councilmember Jaime Mendal	<u>Nay</u>

The motion passed.

Town Manager spoke on the item and the various design elements.

Requested direction from the Council to move forward and with which amenities will they be moving forward with.

Mayor Singer requested that they speak on the elements one by one starting with the Tweddle Park Tot Lot.

Town Manager began by speaking on the shade structures. Recommending that the Town go with a traditional square shade structure over the existing play field and put the older shade on top of it.

Mayor Singer stated that they needed to make a decision on this because they need shade in Tweddle Park.

Mayor Singer stated that his vote is for the less expensive option.

Councilmember Mendal stated that he agrees with using the less expensive option.

Vice Mayor Lusskin stated that it looks good and doesn't see a reason not to use the less expensive option.

Councilmember Rojas agreed.

Councilmember Bernstein stated that his only concern is to keep the colors chosen in Town should be consistent. Also agrees with going with the less expensive option.

Town Manager stated that they are proposing a blue awning at the park with authority to spend up to \$53,000.

Town Manager next spoke on the equipment being proposed in Tweddle Park.

Mayor Singer stated that this is money that has already been allocated in the Town's playground budget.

Town Manager stated that they can add all the amenities the Town wants, but the residents and caregivers need to be more responsible for their children. The Administration recorded a caregiver leaving a small child left unattended in the dog park while dogs were playing there.

Town Manager now spoke on the North Park recommendations. There are two options. One is a mini-tot lot like Tweddle Park fenced off and secure. Residents in the parkway are adamantly against it being in the back-west corner because it is a little more hazardous. Cannot use the northeast corner. Can provide a mini-tot lot fenced in or an amenity like a swing set in the southeast corner of North Park. Administration is proposing providing an amenity like a swing set, not enclosed.

Town Clerk read letters into the record from Dina Nicoella, Dr. Matthew Kay, and Tatiana Peisach Morgenstern.

Resident Tatiana Peisach Morgenstern, 685 Golden Beach Drive, spoke on the need for kid friendly amenities requested in the north end of town. Would love to add something small to take advantage of this beautiful field. Loves Tweddle Park and will continue to go there, is just asking for something in the middle. Values the concerns of the people that live there, but they do not own the park.

Resident Dr. Rolando Garcia, 526 North Parkway, their kids grew up climbing trees and messing around and they did not need a feature to have fun. Nobody says anything about putting a swing set in their back yard. To take an area that has been a beautiful part of his life and part of everyone's lives there in North Parkway and to change it for the convenience of a few, doesn't think it's a good idea. Already increasing the footprint of Tweddle Park and adding features, to create a new potential area for kids to get injured and hurt is also a concern of his. The concerns regarding safety are significant. Feels that there are so many great concerns for what he thinks is not a tremendous advantage. Really would ask the Councilmembers to consider these concerns.

Resident Ana Garcia, 526 North Parkway, first thanked the Council for everything that they do for the Town. Believes that adding the swing set in North Park would further increase the traffic concerns in that area. Strongly feels that adding additional equipment for little children would not be in the best interest of the Town in terms of safety.

Councilmember Rojas stated that she's consistently been opposed to a tot lot in the north end of Town, especially in Singer Park. Singer Park is considered a more tranquil park and its small. Makes no sense to her. In terms of North Park, they are a small town and they have a designated park for that use. Would be opposed to tot lots in either of those locations.

Councilmember Bernstein, stated that he was in Mrs. Peisach's similar position ten years ago when his children were small. That park was designed a long time ago as the active park. Explored these options years ago, but at the end of the day, would love to do this but safety is a major issue. It is a real safety issue. If we made a little tiny area for a swing set that is not protected or fenced in, we're contributing to another area where someone could get hurt. If this is the intent of the city to keep it as an active park, it is very difficult to keep the two complimentary uses.

Vice Mayor Lusskin stated that her biggest concern was safety. If it has no fencing, there is no way that she would vote for it. There is nothing to stop them from running right out of the field into the street and that is a huge risk. My gut feeling is that it's a risk and afraid to take that risk. North Parkway and Singer Park are the wrong places to have a tot lot. Sometimes doesn't see teenagers playing out there, she sees adults playing out there. To mix that small toddler group with what is out there is scary.

Councilmember Mendal stated that it is an active park. This does not interfere with the playing field. As far as the fencing goes, a fence costs \$5000 max. The safety issue for him is on the cars that are speeding. They should not be speeding and they should not fault the kids for this. To say that now they're going to get an influx of people that are going to want to take their kids to a tot lot for one swing set, doesn't imagine that that is going to happen. And the point that Mrs. Peisach brought up about having to walk all

the way to Tweddle Park which is 1.3 miles away when we could add something that could give them an area to play. Already have young kids there every day, just having a swing set for them there isn't really going to affect anything. Having trouble understanding the thinking of the rest of the Council. Stated that the demographics of the Town are changing and the residents are younger and also need to cater to them.

Mayor Singer stated that he does feel that the park should be kept an active park. Stated that he drives through the Town about ten times a day and there is a speeding issue especially the UPS and Fedex trucks. That is a concern. God forbid a child steps out into the street. Stated that he is not against adding a tire swing to the tree at Singer Park. Stated that the Town has to have parks for everybody – kids, teens, and adults. Singer Park is a great park to just go out and catch up on emails or do just what you want to do and not have anyone bother you. The Town is not that big, to say that it is an inconvenience to walk down to Tweddle Park, is not really an inconvenience. Trying to make Tweddle Park the designated toddler area so that it is appealing to all of the little kids. Stated that he is not against adding a tire swing in Singer Park, but anything beyond that, he sees everyone's point and he would be opposed to it.

Town Manager stated that they would need to take a straw vote on what they want to take out or put in.

Town Manager asked if the Council would like to provide an amenity at Singer Park.

Consensus vote 1 Ayes, 4 Nays

Town Manager asked if the Council would like an amenity at the southeast corner of North Park.

Consensus vote 1 Ayes, 4 Nays

Town Manager asked if the council wants to enhance Tweddle Park

Consensus vote 4 Ayes, 1 Nays

Town Manager stated the elements he proposed to enhance Tweddle Park.

Consensus vote 4 Ayes, 1 Nays

5. A Resolution of the Town Council Authorizing A Proposal from Bejar Construction, Inc. for Renovation of the Town's Beach Pavilion.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A PROPOSAL FROM BEJAR CONSTRUCTION, INC. FOR RENOVATION OF THE TOWN'S BEACH PAVILION; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2545.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2545.18

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that this is a new project that will be added to the capital improvements program and that currently we have the beach pavilion bathrooms under renovation. That project did not take in to account any work at the beach pavilion. This item allows the Town to make improvements to the beach pavilion that were not part of the original contract. He stated that the reason we are not going to competitive bid is because the original contractor is willing to lower his overhead from 20% to 15% which we think is very bearable. In addition to that, they have already done the on-site preparation for demolishing and all the staging area.

This project consists of:

1. Removing the existing terrazzo floor and replacing it with the tile that each of the Councilmember's inspected themselves and approved. If there is a structural slab needed on the bottom there's an allocation in the proposed budget for structural slab repair.
2. Removal of all of the columns and reinstallation of all the new columns. Due to its age, all the rebar within the columns and need to be reinforced
3. Entire building to be sand blasted and shell blasted to bring it back down to the original concrete block – re-stuccoed and resealed.
4. It removes all of the current hurricane straps from the roof and replaces them with new stainless-steel straps.
5. Electric work
6. Landscaping

Town Manager stated that he is asking the Council to approve this item, and giving him the authority to spend up to an additional \$160,000 to the beach pavilion and the beach pavilion site enhancements.

Councilmember Mendal asked what was absolutely necessary within this framework and is there anything that is purely cosmetic.

Town Manager stated that for safety issues the columns need to be addressed. Also the hurricane straps on the roof are really rotted out and have a lot of rust on them. It would be irresponsible to not address the concaving of the trusses. As it relates to the floor, there are cracks that people could trip on. The landscaping they can pass on, but feels that it would be irresponsible on the part of the Town Council. As well as looking to modernize the lights with LED lights.

Councilmember Mendal stated that he asks because he is really interested in getting the civic center project rolling, but if the pavilion is causing safety issues than he understands.

Mayor Singer stated that it is a safety issue but also that the beach pavilion is the Town's number one used amenity.

Town Manager stated that now that the park budget has decreased, we can make a transfer out of the recreational account into the Capital Program at the next meeting to increase funding for civic center design.

Town Manager publicly thanked the resident that donated the tiles for the pavilion work, who asked to remain anonymous.

Vice Mayor Luskin asked how long the project would take.

Town Manager stated that he would have that information for her at the March meeting.

6. A Resolution of the Town Council Authorizing a Proposal from Bejar Construction, Inc. for Improvements to the Town's Entry Feature.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A PROPOSAL FROM BEJAR CONSTRUCTION, INC. FOR REPAIRS AND IMPROVEMENTS TO THE TOWN'S ENTRY FEATURE; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2546.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2546.18

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

On roll call, the following vote ensued:
Mayor Singer

Aye

Vice Mayor Luskin	<u>Aye</u>
Councilmember Bernstein	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>

The motion passed.

Town Manager stated that they are proposing a new project added to the Capital Program. The project will consist of the redesign of the four corners of The Strand, the West side, and the East side. He proposed two options. As part of this project budget we are doing the East side that is in your rendering also they are going to rip out all the pavers and install new ones. Landscaping and lights will be talked about when they have decided on a design. Town Manager stated that what they will be voting on is the two renderings that have been presented with what they can do on the west side of the strand.

Option A removes and replaces the existing fountain basins with \$60,000 of landscaping, also reminded the residents that they are asking for 6 new medjools that cost \$9,000 each to replace the existing fountain basins. The existing fountain walls will be squared off for privacy but still have a curve in them. This plan calls for one new fountain and some jets in front of the guardhouse where the command post is currently parked. The equipment for the fountain has an approximate cost of \$80,000. Option B calls for the fountains to remain where they are today. Keep the existing fountains but we square them off and make them look a little bit more modern, it calls for a \$20,000 allocation for landscaping. Calls for a planting bed in front of the substation. The price difference between the two plans is about \$108,000, option B being the least expensive of the two.

Mayor Singer stated that both options are attractive, but the entrance to Golden Beach is the focal point of the Town. It may sound like a lot of money to be spending on beautification but, a few things you have to remember. One is that the last time the Town did the guardhouse was 15 years ago. Two, this will last hopefully another 20 to 25 years. When everyone enters Golden Beach the first thing they are going to see is the guardhouse, so you want a wow aspect to it. Now the average home on the inside of Town is way beyond \$5-million, so the entrance needs to be indicative of the homes that are here. To be pennywise on something like this would not be wise.

Vice Mayor Luskin stated that she feels that Option A is the prettier one. The other thing is that at a previous meeting they discussed whether to plant coconut trees or medjools, and feels that the Town made the right decision planting the medjools.

Mayor Singer stated that there were many residents at that time that were adamantly against planting them and now that they are there, they are happy with them.

Vice Mayor Luskin stated that she is leaning towards option A.

Councilmember Mendal stated that he respectfully disagrees and feels that both options are wow factors and that \$108,000 is something we can allocate to be put towards a new civic center.

Councilmember Rojas stated that she agrees with Councilmember Mendal that the money could be allocated towards something else. Also that we can put a water feature there in the future if we have the money. She is for option B and the guard house with the arches in itself will be a wow factor.

Councilmember Bernstein stated that he agrees with the Mayor that the entrance feature should be an impactful feature; also, that it helps with property value and is for option A. Even though the West side is not up for discussion, he does not like the look of just having a bunch of stucco rectangular plates in the front as the main entrance. Especially does not like the neon sign they are looking at. More important is to not put in the neon sign and to add to the trellises.

Mayor Singer stated that he agrees with Councilmember Bernstein that the neon sign would cheapen it.

Vice Mayor Lusskin asked if the side fountains are that visible.

Mayor Singer stated yes, they are 100%

Mayor Singer stated that they will roll call on A or B.

Roll Call vote was as follows:

Mayor Singer	Option A
Vice Mayor Lusskin	Option A
Councilmember Bernstein	Option A
Councilmember Rojas	Option B
Councilmember Mendal	Option B

Town Manager stated that with option A they are eliminating the fountains on the north and south sides and replacing them with landscaping, no water on the North and South and creating a single fountain in the median in between the North and South area that will have lighting and adding water to the center. Construction budget will be an amount not to exceed \$168,000 for construction of the fountain and demolition of the current fountains, \$40,000 for the pavers, increasing landscaping to \$80,000, lighting at \$10,000, and a contingency of \$25,000. Project amount for \$323,000 for the new CIP project titled the Strand Entrance.

Mayor Singer stated that this money is coming from the amount that was allocated for additional projects.

Town Manager stated that this design puts the Town over what they had allocated. They can cut down on the landscaping from \$80,000 to \$40,000 but it will not be the same design, because the medjools are \$9,000 a piece, so for 6 medjools puts it at almost \$60,000.

Councilmember Rojas asked wouldn't it be cheaper to leave the fountains on the sides instead of landscaping?

Town Manager stated yes it would be.

Councilmember Rojas asked about the water feature in front of the guardhouse and how the humidity affects it.

Town Manger stated that the Town had three fountain companies come out and give pricing, the \$80,000 for the center fountain on the median is a true hard number and its similar to the one in Bal Harbor. It is low enough so the wind is not an issue and its designed right.

Mayor Singer stated that he wants to keep the side fountains, which would eliminate some of the medjools, and asked what that cost would be.

Town Manager asked to table the item to give him an opportunity to crunch numbers.

Consensus vote to table the item 5 Ayes, 0 Nays

**** **Mayor Singer** reopened the item after the discussion and direction to Town Manager portion of the agenda. ****

Town Manger stated that they do not have enough money to fund option A or option B. His recommendation is to fund Option B, but leave adding the fountain later within the same project timeframe once they have identified funds. Short by \$40,000 to fund Option B.

Mayor Singer stated that by what the Town Manager is saying, he can live with Option B. Recommending that the Council go with Option B, and leave the fountain in the middle to be done later.

Town Manager stated that his recommendation is Option B at \$59,000 for Bejar Construction, \$40,000 for pavers, \$25,000 in landscaping, \$10,000 in lighting, and a \$25,000 contingency for a total budget of \$159,000. Doesn't mean that they cannot bring the center fountain before them later on.

Town Manager stated that by March he'll know where they are for the center fountain. Will also be bringing the timeline for this project to them in March.

7. A Resolution of the Town Council Supporting the Reenactment of the Federal Assault Weapons Ban.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, SUPPORTING THE REENACTMENT OF THE FEDERAL ASSAULT WEAPONS BAN; DEMANDING THAT THE FLORIDA LEGISLATURE AND GOVERNOR TO ENACT ITS OWN BAN ON ASSAULT WEAPONS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
 Resolution No. 2547.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2547.18

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

On roll call, the following vote ensued:

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

The motion passed.

Mayor Singer asked if everyone agrees to include that the minimum age to purchase a gun or ammunition be 21.

8. A Resolution of the Town Council Approving Amendment #1 to the 2017-2018 Operating Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #1 TO THE 2017-2018 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2548.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2548.18

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

On roll call, the following vote ensued:

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

The motion passed.

Town manager stated that they believe they are going to get money back from the state from FEMA. Asking to fully fund the beach pavilion projects, the gatehouse, the

street lighting project. Asking to move money out of the debt service fund and into the CIP fund, reduce the recreation budget by \$40,000, transfer that it into the 330 fund and allocate \$160,000 to the Beach Pavilion and \$159,000 for the Strand Entrance. There is contingency money in all of those funds and believe that there will be money left for everything else the Council would like to do.

Vice Mayor Lusskin asked if anything suffers from recreation.

Town Manager stated no, because they did not approve the parks.

9. A Resolution of the Town Council Approving the Establishment of a Retirement Health Savings Plan for the Employees of the Town.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, ESTABLISHING A RETIREMENT HEALTH SAVINGS PROGRAM FOR EMPLOYEES TO ASSIST WITH MEDICAL EXPENSES UPON RETIREMENT; AUTHORIZING MATCH FUNDING AND THE USE OF LEAVE BENEFITS; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO OFFER A RETIREMENT HEALTH SAVINGS PROGRAM; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Exhibit: Agenda Report No. 4
Resolution No. 2543.18

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2543.18

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that through the CBA they authorized that the Police Town employees can participate in a retirement health savings plan. This item does not talk about the program. All this item does is allow us to utilize our existing vendor the International City Mangers Association Retirement Cooperation (ICMA-RC) to serve as the agent to administer the new program. Currently our police officers can contribute any amount they want into a retirement health savings program, the Town is obligated to match it dollar for dollar up to \$500 dollars to participating members in the police

program. This is something the general employees will receive as well. What you are approving today is allowing the police employees to participate in the program and allowing ICMA-RC to be the agent that administrates the Retirement Health Saving Program.

Vice Mayor Lusskin asked if other cities offer this.

Town Manager stated they offer different forms of benefits. This program allows employees to set aside funds for post-retirement benefits.

Mayor Singer asked if the employee were to use the money after retirement would the Town have any liability.

Town Manager stated that no the Town would not

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Judy Lusskin:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Jaime Mendal:
Requested for the repeal of the resolution stating that only the Manager, Mayor and Councilmembers with the consent of other members could add an item to the agenda. Stated that he feels that it is a waste of time and resources.

Town Manager stated that the point of this item is to keep members from arbitrarily adding items to the agenda. So the Council isn't constantly receiving new items this resolution requires a majority of the remaining Councilmembers to say that they would like the item added. The Manager stated that the way that this has been done in the past is if a member comes to me and says I have an item I would like to discuss, I then shop for it by calling the other members and saying that there is an item that a member wants to be added to the agenda and are you in favor of it. If no other two members add their name to that topic matter, the item still gets added as a discussion item for up or down consideration so that we can bring a resolution at a future meeting. If we were to take away that threshold, we would be legislating to a single member. Past Councils were advocates that used the agenda to push for their personal agendas or political agendas. The Manager stated that he would strongly advise this Council to keep the existing structure as it is, it allows for the Administration not to be at the beck and call of a single member, it requires the Administration to try to get deliberation before an item comes to the Council. Also, stated that Councilmember Mendal is correct it requires more time and doesn't allow it to be a speedy item but, if it

is a hot topic item than it would have two other Councilmembers say yes let's add an item, and that's how for the last 11 years that he has been the Town Manager it has been done.

Councilmember Mendal stated that he respectfully disagrees with the Town Manager he believes that it concentrates too much power in the Town Manager's hands; this has nothing to do with the current Town Manager. We have the sunshine law in the state of Florida which in order to get a consent it has to go to a meeting, considering we have one meeting a month if that does not play into our hands it concentrates all the power to the Administration. For example, the tax item that he brought up at the October 2017 meeting. Because he could not bring it up as a resolution he had to wait one month for November, then in November once it was approved, it went to the Administration that had to draft a letter that was signed February 1, 2018 on an issue that was debated in October, November and signed into legislation at the end of December. It takes away time, resources and our ability to govern effectively.

Mayor Singer asked what does Bal Harbor and Key Biscayne do?

Town Attorney stated that the issue is individual Council people placing action items on an agenda, and do you want everyone putting on their own legislation or do you want to put it forth as a discussion item. If there is a consensus, we can bring back the item for discussion.

Mayor Singer stated that it is also a financial issue because if they start doing that, the Town Attorney would have to start drawing up the resolutions.

Town Attorney stated that he believes you need to have some control on what action items are placed on the agenda. Also, stated that currently you have the Manager as the middle person gauging whether other members are in favor of it and then calls him up and asks him to draw up a resolution.

Mayor Singer stated that Councilmember Mendal does bring up a good point regarding the timing of it.

Councilmember Mendal stated that if he does want to address a certain issue that someone brings up to him, he wants to be able to address it not have to go through hoops to maybe get it in two months later.

Town Manager stated that the reason Councilmember Mendal's item might have taken longer is because there was not enough support in a non-public way from the Councilmembers. Once it was brought up and Councilmember Mendal was persuasive the Council decided that they understood the matter a little bit better and they decided that it was in the best interest of their position to support the item, we then drafted it and brought it back at the next meeting. The process works.

Councilmember Mendal stated how only the Mayor can bring up an item and the rest of the Council can't do that. He sees an imbalance there.

Town Manager stated that that is not true, and that the Council had no choice in that item. Also, that we are one of two cities in the entire state of Florida where the Mayor and Manager share the executive power as it relates to policy. Both of them have to agree, if one of them does not then the Council gets involved. As well as the hiring and firing of staff. The previous Council had no choice because they couldn't diminish his Charter capacity.

Vice Mayor Lusskin stated that if you read the Charter as it exists now it states that one or more Councilmember can put something on an agenda.

Town Manager stated that the Charter does not talk about the agenda anywhere.

Town Attorney stated that it could be the code of ordinances that she is referring to.

Town Manager stated that that section of the code of ordinances refers to the section of the agenda where changes or deletions are requested.

Town Attorney stated though that you just can't add a resolution there because under the law a resolution or ordinance must be presented in writing, so one of the reasons you can't just add it at that meeting is because you don't have the legislation in front of you.

Councilmember Mendal stated that his issue is the time it takes for things to move forward.

Town Attorney Helfman stated that that is not unusual.

Town Attorney Helfman stated that if it is an item of urgency you can call a special meeting.

Councilmember Mendal agreed to speak to Steve about the item and he's not satisfied he will bring it back again after he has spoken to Steve.

Town Manager Alexander Diaz:
None Requested

Town Manager asked that the March meeting be moved because it is the week of his birthday and he will not be in the country.

Council agreed to move the meeting to March 27th at 7 p.m.

Q. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Councilmember Mendal, seconded by Vice Mayor Lusskin.
Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 10:05 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 March 13, 2018
Special Town Council Meeting called for 7:00 P.M.**

[MINUTES TO FOLLOW]



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

7

Subject: Resolution No. 2554.18 – Authorizing the Purchase of Four Chevrolet Tahoe's Police Package Vehicles

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2554.18 as presented.

Background and History:

The Town of Golden Beach Police Department is requesting the purchase of four Chevrolet Tahoe's fully equipped with emergency equipment. These vehicles will be instrumental for our daily police patrols and Public Safety. The Chief of Police is requesting the approval of the Town of Golden Beach Council in order to proceed with the request for said purchase.

The purchase will be made through the Florida Sheriffs Association offers statewide purchasing contracts on a variety of vehicles, equipment and services that are available to all eligible agencies.

Financial Impact:

Four Chevrolet Tahoe's Police Package Vehicles is \$174,844.00.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2554.18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND EQUIPPING OF FOUR CHEVROLET TAHOE PPV POLICE VEHICLES AND THE USE OF GENERAL FUNDS TO PURCHASE AND EQUIP THE VEHICLES ; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires to purchase Four Chevrolet Tahoe Police Package Vehicles in order to continue to provide service to the police patrol unit and police protection to the residents of Golden Beach; and

WHEREAS, the costs to the Town to purchase and equip Four Chevrolet Tahoe's is projected to be \$174,844.00, includes: four vehicles – with a purchase costs of \$33,211.00 each; emergency equipment - purchase and installation for each vehicle cost not to exceed \$10,500.00; and

WHEREAS, the Town Council desires to utilize General funds to pay for the vehicles for Police Patrol; and

WHEREAS, the purchase will be made through the Florida Sheriffs Association which offers statewide purchasing contracts on a variety of vehicles, equipment and services that are available to all eligible agencies,

WHEREAS, the Chief of Police has recommended that the \$174,844.00 cost be taken from the Town's General Fund; 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. Authorization of Approval. The approval and execution of the purchase agreement of four Chevrolet Tahoe Vehicles, as described and outlined in the Agenda Item Report attached and incorporated herein, 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.

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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 13th day of April, 2018.

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: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

8

Subject: Resolution No. 2555.18 – Authorizing A Memorandum of
Understanding between the Town and the Fraternal Order of
Police

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2555.18 as presented.

Background:

In late 2007, I created a new program within our Police Department to assist in regional operations and created a new opportunity for the Town.

In negotiating the Collective Bargaining Agreement, both parties agreed to re-visit the compensation for Police Officers assigned to “detached” units.

We have agreed that Police Officers assigned to detached units be compensated at a rate of 5% above their salary. This is consistent to how we currently compensate employees who are working “out-of-class”.

Fiscal Impact:

We currently have three (3) Police Officers assigned to our detached units; the cost to implement this agreement is approximately \$8,500.00 per contract year.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2555.18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA (“TOWN”), AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE; AUTHORIZING THE TOWN MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE TOWN; PROVIDING FOR IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach (“Town”) desires to ratify a Memorandum of Understanding between the Town and the Florida State Lodge, Fraternal Order of Police (“Police Union”) (a copy of the memorandum of understanding is attached hereto as Exhibit “A”); and

WHEREAS, the Town Council finds that ratification of the Memorandum of Understanding is in the best interest 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 “Whereas” clauses are true and correct and are incorporated herein by this reference.

Section 2. Memorandum of Understanding Ratification. Ratification of the Memorandum of Understanding between the Town and the Police Union, in the form attached hereto as Exhibit “A,” is hereby authorized and approved.

Section 3. Execution. The Town Mayor is hereby authorized to execute the Agreement on behalf of the Town.

Section 4. Implementation. That the Town Mayor and Town Manager are

authorized to take any and all action which is necessary to implement this Resolution and the Memorandum of Understanding.

Section 5. Effective Date. That This Resolution shall become effective immediately upon its passage and adoption.

Sponsored by 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 Jaime Mendal	_____
Councilmember Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 17th day of April, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE TOWN OF GOLDEN BEACH, FLORIDA AND THE FLORIDA STATE LODGE,
FRATERNAL ORDER OF POLICE INC.**

This Memorandum of Understanding is entered this 3rd day of April, 2018 by and between the Town of Golden Beach, Florida ("Town") and the Florida State Lodge, Fraternal Order of Police Inc. ("Union"). The Town and the Union are collectively referred to as the "Parties."

WHEREAS, the Parties entered into a Collective Bargaining Agreement for the period of October 1, 2017 to September 30, 2020 ("CBA"), which sets forth the terms and conditions of employment of the Town's police officers and sergeants;

WHEREAS, Article 12 Number 1. Effective October 1, 2017 police officer and sergeant salaries will be increased in accordance with the salary Schedule attached to this Agreement as addendum A.

WHEREAS, The Town agrees to increase base pay to five percent (5%) more to Members who are assigned and detached to a unit outside of the Town.

NOW, THEREFORE, the Parties agree as follows:

1. The above recitals are true and correct and incorporated herein by reference.
2. Article 12 Number 1 is amended as follows:¹

Effective October 1, 2017 police officer and sergeant salaries will be increased in accordance with the salary Schedule attached to this Agreement as addendum A. Members who are assigned to a detached unit working outside the town shall receive an addition five percent (5%) base pay increase, retro back to October 1, 2017. However, moving forward and upon ratification of this MOU the detached members shall continue to receive the five percent (5%) base pay increase as well as the overtime rates shall be bumped up by five percent (5%).

3. The Parties agree that this Memorandum of Understanding represents the Parties' entire agreement and it cannot be amended or modified without the express consent of the Parties.
4. The Parties have had the opportunity to consult with legal counsel of their choosing.
5. The Parties signify their agreement with this Memorandum of Understanding by affixing their signatures below.

¹ Proposed additions to the CBA are indicated by underline.

**FLORIDA STATE LODGE,
FRATENRAL ORDER OF POLICE INC.**

**TOWN OF GOLDEN BEACH, a municipal
corporation of the state of Florida**

By: _____
John Puleo
F.O.P. Staff Representative

By: _____
Glenn Singer
Mayor

Dated: _____

Dated: _____

Approved as to the form and legal sufficiency

Approved: _____

By: *Geo* GEORGE FHACHIGIAN
Alan Diamond
F.O.P. General Counsel
FOR

Alexander Diaz
Town Manager

WITNESSED

Approved as to the form and legal sufficiency

By: _____
Dave Carrazana,
F.O.P. Lodge 119 President

By: _____
Special Labor Counsel