



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the May 21, 2019
Regular Town Council Meeting called for 7:00 p.m.

A. MEETING CALLED TO ORDER

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

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Kenneth Bernstein, Councilmember Jaime Mendal, Councilmember Judy Lusskin, *Councilmember Bernard Einstein (arrived during Presentations/Town Proclamations)*

Staff Present: Town Manager Alexander Diaz, Town Attorney Steve Helfman, Town Clerk Lissette Perez, Finance Director Maria D. Camacho, Police Chief Rudy Herbello, Building Director Linda Epperson, Police Lt. Yovany Diaz, Resident Services Director Michael Glidden

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

PROCLAMATION PRESENTED TO ALETHA PLAYER OF FPL – proclamation tabled until the individuals arrived.

90TH ANNIVERSARY CAKE CUTTING – took place after good and welfare

SWEARING-IN OF PART-TIME OFFICER DANIEL LARREA – *** Mayor Singer swore in Officer Larea first.

**** Councilmember Einstein arrived after the swearing-in of Officer Larrea ****

E. MOTION TO SET THE AGENDA

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

F. GOOD AND WELFARE

Madison Berndt, 274 South Island Drive

Spoke on the violent events that occurred during Mother's Day weekend and the lack of information provided to residents to advise them of the dangerous situation that was

taking place in Sunny Isles. Also, expressed the need for the Town of Golden Beach to have social media accounts to be able to provide residents with information.

Barbara Shaheen, 416 Golden Beach Drive

Spoke on the attorney bills to Kluger, Kaplan, et. al that the Town owes for litigating a case against her. Stated that the Town Manager came to her when he started working here, met with her and stated that the Town was going to pay for it because it was the right thing to do since they forced her to remove her seawall to begin with. It has cost her almost \$700,000 to save her home. Upset about it and thinks the residents should be informed and they should be upset about it.

Town Manager stated what the purpose was behind the cake cutting ceremony taking place today. Stated it is to celebrate our 90th anniversary as an incorporated municipality. Also made residents aware that Friday May 24, 2019 is the official anniversary date and we will be celebrating with a cheese and wine social at the beach pavilion beginning at 7:00PM.

G. MAYOR'S REPORT

Congratulated the resident services department for the success on the 90th anniversary street fair – everyone had a great time. Stated that due to the heat, the next event will be starting a little later in the day. Stated that this year Memorial Day would be celebrated on Friday night. Commented on Mrs. Berndt's comments regarding social media. There are pros and cons to it, the Manager and he have had numerous conversations about it, and the Manager would address it during his comments.

H. COUNCIL COMMENTS

Councilmember Einstein

Congratulated the Town on putting together such a wonderful event and thanked the staff for their hard work.

Councilmember Mendal

Echoed the councilmember's sentiments. Congratulated Michael on putting on such a great event. Over the last several years, the Town has come a long way.

Vice Mayor Bernstein

Also stated that the events the Town is putting on have all been great. Only concern is the timing of these events. A lot to say about the civic center, but that will be addressed later. One thing that he discussed with the Town Manager are the transformers throughout Town and how unsightly they are and maybe landscaping them.

Councilmember Lusskin

Stated that a few residents have spoken to her about dogs being walked without a leash and maybe something can be placed in the newsletter regarding this. Inquired about the scholarship that was being offered by the police department and if anyone signed up for it. She was pleasantly surprised and glad that the Town had the police skybox there, there were police officers located at every corner of the event and it was spotless from beginning to end. Got incredible amount of feedback on how great it was. Congratulated the staff on putting the event together so well.

I. TOWN MANAGER REPORT

Thanked Miami Dade County parks and recreation, Miami-Dade fire rescue, and the City of Miami for their partnership in working on this event. There are still 27 more events left this year for the residents to participate in. He always likes to set the record straight when the record is not correct, the issue of social media has come up repeatedly throughout the years and this administration has been somewhat reluctant to participate in social media for many reasons. Two Sundays ago, there was a shooting in Sunny Isles and almost immediately we began receiving text messages from our residents asking why we do not have a social media account to let the community know what's going on. On a weekend, we have a total count of four staff members on duty, that is including lifeguard and police. We do not have a social media staff member here to keep on top of these things. He monitored Sunny Isles and printed out all of their posts during the event. Nothing was reported while the event was going on. Sunny Isles did not post anything until two hours after it had taken place. Even with numerous dedicated staff members, such as the City of Sunny Isles who has 42 employees working on a weekend, still they could not get it right – what makes you think the small Town of Golden Beach with the limited staff we have can? We will be creating social media accounts for the Town of Golden Beach, and we have already taken possession of all of our accounts, but our social media accounts will not provide emergency information, they will be to post pictures of our events. When there is an emergency situation, we will disseminate that information via the Codered system. Fair warning to the developer community as your going through your design review process, if the administration asks you for additional or new criteria it is because we are in the process of changing our code. Also stated that it is prom season and if a resident wants to host prom pictures for their son or daughter, they will need to take out a special events permit, if a large amount such as 200 of their child's closest friends are coming over to take their pictures.

Resident Madison Berndt inquired as to whether or not Sunny Isles employs the Codered system

Town Manager stated that he does not know if Sunny Isles uses the Codered system.

Vice Mayor Bernstein told Ms. Berndt to call him to discuss her concerns

**** At this point in time the Mayor recognized the special invited guests beginning with Dr. Martin Karp with the Miami-Dade County School Board. ****

**** He also presented Aletha Player with her proclamation for 45 years of service to the Town through her work at FPL. ****

**** Also presented Diana Rodriguez on behalf of Mayor Carlos Jimenez from Miami-Dade County with a proclamation. ****

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

None

L. ORDINANCES - FIRST READING

None

M. QUASI JUDICIAL RESOLUTIONS

- 1. A Resolution of the Town Council Approving A Variance Request for 120 South Island Drive.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 120 SOUTH ISLAND DRIVE, GOLDEN BEACH, FLORIDA 33160 1). TO PERMIT AN EXISTING SEAWALL TO REMAIN AS-BUILT ENCROACHING 2'-11" INTO THE ADJOINING GRAND CANAL WATERWAY WHEN THE CODE REQUIRES THE SEAWALL TO BE BUILT INSIDE THE PROPERTY LINES. 2. TO PERMIT VARYING ELEVATIONS IN THE SEAWALL HEIGHT FROM 4.69' TO 4.94' NAVD WHEN THE CODE REQUIRES A MAXIMUM HEIGHT OF 4.425' NAVD. 3. TO PERMIT THE DECK OF THE DOCK TO BE AT VARYING ELEVATIONS FROM 4.69' TO 4.94' NAVD WHEN THE CODE ALLOWS FOR A MAXIMUM HEIGHT OF 3.425 NAVD.

Exhibit: Agenda Report No. 1
Resolution No. 2610.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2610.19

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

On roll call, the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

Town Manager spoke on the item, stating that they are requesting three variances. One relates to where the seawall is, which is beyond the property line. Two, the height of the elevation of the cap, which exceeds our new code. Three, to allow the deck to remain parallel with the top of the seawall cap, which our code does not allow.

Nicholas Apathy, 224 Palermo Avenue, spoke on behalf of the applicant. Stated the main permit was issued in 2017 after the fact Golden Beach stated that in order to control Stormwater, a retention and drainage system needed to be put in at the property. In order to prevent this runoff we need to install a drainage system above the proposed height, and that is based on the soil condition. They gave an engineering report that says based on what the soil conditions are it would be nearly impossible without that elevation to put in this drainage system to prevent the Stormwater from running off the property. Not allowing this variance would deprive the applicant of rights commonly allowed to other residents in the Town. They do not believe that there is any detriment to the public by allowing this variance; it is actually beneficial because it will prevent the stormwater from running off into the canal.

Kirk Lofgren, Ocean Consulting, 340 Minorca Avenue stated it might be helpful to describe the three components of the project and we can divide the variances into those three. The seawall is in very good condition at this point. Because of the soil condition, the civil engineer is here to talk about what they need to be doing in order to retain the soil and the stormwater. They are proposing a seawall cap over pour. It is a two-foot cap on top of the existing seawall, at this point we are not recommending ripping out the seawall because it is in good condition. Just trying to do some sort of over pour to elevate it to take it to an elevation of 6.5, which is 6 inches higher, then what the code allows. In terms of where the property line is located, from that stand point of where the property line is they are one foot five inches from the edge of their wet face and the seawall cap extends an additional one foot six inches beyond that, so a total of two feet eleven inches beyond that property line. They are not unique in what they are proposing, immediately to the south of them at 124 South Island about two years ago, they were allowed to repair their seawall, extending it further in the water then they are, and elevate their seawall cap two feet above the specific height their going to, their dock is also elevated.

Town Manager stated that the town has 7-8 properties with seawalls that have been erected past the property line, which is an encroachment and taking of public lands that they are not paying taxes for. So what the administration and the BRAB is asking is that the seawall be removed whether or not it is in good condition and be put back to the property line and a new cap be poured under the new code. The new code says you are not allowed to have a deck over your seawall if you want to have a dock you will have to step down to your dock to get on your boat. What the council did not want when they enacted the five-foot and six-foot cap is to create viewing platforms in people's rear yards. What this applicant is asking for is that the seawall remain outside of the property line, that their cap be higher then what your new code allows, and that the deck be at the same level as the cap pipe, which you no longer wanted in your community. Granting this variance goes completely opposite to what the council enacted less than six months ago.

Mr. Lofgren stated that what they are trying to show here is that it is not unusual for the council to approve a repair to the seawall that does extend beyond the property. Not proposing a brand new seawall, just proposing a repair and there is precedence for that in that rule.

Vice Mayor Bernstein 56:35 inquired as to why they need a variance for this?

Town manager we determined that based on the scope of the work and in the other two cases he can not recall off hand, but on this particular property they ripped everything out and your code says when you rip everything out you should come into conformance.

Mr. Lofgren stated that this condition was not required when the permit was originally pulled for the home. Now the house is effectively built, the finishes still have to be done but the pool deck is already built in the back. You are talking about a significant hardship, and the marine contractor is here to justify what he is saying, they would have to actually have to tear out some of the pool deck that is there. This is all after the fact because there was not a condition that was built into the building permit process for the new home.

Town Manager stated when the applicant came in for permitting, that is when they caught the issues with the home. We may have caught when the house was in for design review, we do not pay particular attention to detail until that segment of work comes into permitting, and so at permitting is when we said we have objections to that. We would argue that if you bring a crane and do some sheet metal drives in front of the pool deck you do not have to mess with the pool deck. Stated you may have one contractor who says this will affect my property and another can say use a different means and method, means and methods is not what we dictate.

Mayor Singer asked if they left it the way it is, they do not have to put a cap and raise it, so why are they even touching it.

Mr. Lofgren stated that if he does not touch the seawall it remains nonconforming. What he is trying to push back on is if he is allowed to leave the seawall the way it is because it was not caught during the building permit process, theoretically he could put a retaining wall on the backside of that cap and elevate it so he can capture the stormwater as they are required to do by the Town.

Town Manager stated that the Town would be willing to withdraw its position on where the seawall is located if they are willing to withdraw the height of the cap and the height of the deck

Mayor Singer stated he understands the hardship of redoing the seawall and does not want to burden a new homeowner with that. At the same time that does not give you the ability to raise it and level it, he does have an issue with that.

Councilmember Mendal asked if he has any images of the neighbor to the north of them that he was referring to earlier.

Mr. Lofgren showed images and stated that they did an over pour.

Town Manager confirmed to the Mayor and Council that the cap is allowed to go over and the administration is not opposed to it. What the neighbors to the north and south have has no factor to this application. Whatever rights they received through the old code to enjoy, they will be corrected eventually when those homes go through changes.

Councilmember Mendal stated that he agrees with that to a certain extent, because we want the homes to look contiguous.

Mr. Lofgren stated under the new code those projects were approved that way.

Vice Mayor Bernstein asked if the Town was previously permitting this and if it was previously permitted under the code, why was it changed.

Town Manager stated that the property to the north was not permitted under the change of the code in 2018. In 2018, we asked for the seawall cap to be raised and we need to make sure that we are all speaking in the same language. We have no objection to them raising the seawall up to six feet. This council stated very decisively that it did not want to create a six-foot viewing platform. What they are seeing now is infinity edge pools all the way to the seawall cap and the council did not want that. The council wanted a pool deck, some grass area, a seawall and then a step down to you dock.

Mayor Singer asked the Town Manager to remind him what the negatives of a viewing platform was.

Town Manager stated many of the community members came out because they did not want people to have party platforms where they can have gatherings or worse be able to look into someone else's pool

Councilmember Einstein stated that they passed the new code so that BRAB does not feel like everything they said came to the Council and they reversed it, so the BRAB community starts to wonder why they even go to the meetings if the council is going to reverse the decision either way.

Resident Beth Geduld, 126 Golden Beach Drive & BRAB member, stated that she has a problem with this code. She took a hard look at it and it did not make sense to her because you cannot even tell that they are encroaching. She was the one on the board that was for the applicant and the rest of the community was against it. She cannot believe that we would be so strict to force a new homeowner to remove a beautiful \$100,000 seawall. As it relates to platforms, residents can have gatherings and parties on pool decks either way so it does not necessarily have to be a platform.

Mr. Apathy stated that the homeowner is not opposed for that to be assessed against his taxes.

Mr. Lofgren stated that what they were discussing with Alex is that they know that they need a retaining wall. What they are asking to do is allow them to do that right on the edge of the seawall cap so it does not extend beyond the property line as a compromise.

Town Manager stated that they are in favor of allowing them to put in that retaining wall behind the seawall, so long as we agree to the cap and we agree to the deck.

Mr. Lofgren asked that if he puts the retaining wall behind the seawall cap and not touch the seawall cap he could they go as high as they want.

Town Manager stated that that was correct. The Town does not have a retaining wall cap; it has a seawall height cap, so that retaining wall can go as high as they want.

Mayor Singer stated that he is proposing for them to not knock down the seawall, to leave it where it is. At the same time the cap cannot be raised but the retaining wall can go up to whatever they want.

Mr. Lofgren clarified that the seawall theoretically can be raised up to six-feet but cannot go past the property line

Raul Wainer, P.E., Tsur Consulting, 21011 NE 32 Avenue, Engineer on the property. Agrees with the Town Manager's recommendation to place the retaining wall behind the seawall cap. Stated that the six-feet is less than what the army corps of engineers is recommending.

Town Manager stated that the six-foot mark is what the Town feels comfortable with.

Mr. Wainer stated that the retaining wall would be six and a half feet high.

Town Manager stated that you are going to put in a retaining wall that can extend past six-feet where the deck is allowed but you will not be allowed to put a cap that is higher than the six-feet.

Mr. Lofgren stated that in terms of the deck itself that is coming over. Are they saying it is limited to plus six or plus five. Because if it's a six plus then it's a six inch standard step versus a plus five where they would have to build steps down to get to the dock. They would like to level the dock and deck, which they think, is consistent.

Town Manager stated you are allowed to dock outside of your seawall at your boat deck at five-feet and the wall at six-feet so you can step down. We no longer allow after the 2018 a parallel dock to your cap, period end of story.

Councilmember Einstein asked what the dimensions of the step down area is

Mayor Singer answered that it is pretty much the length of the property minus the set back

Mayor Singer proposed that they get to keep the seawall, but keep the cap at max six-feet, oppose the dock, and be required to do the retaining wall for the run off of the stormwater.

Mr. Lofgren, asked about the steps on the dock. He needs help on how he can transition from a six-foot seawall to a five-foot dock if he is not allowed to go above five-foot deck. A twelve-inch transition is not a comfortable step and does not meet the code anyway.

Town Manager stated he could have a couple of steps

Mr. Lofgren asked what the dimensions could be and where can he put them

Town Manager asked that the council to give the administration the authority to negotiate the terms with the applicant to accomplish the steps appropriately.

Councilmember Mendal asked if there are current guidelines

Town Manger stated no because those transitions are part of the Florida building code as it relates to steps.

Councilmember Einstein asked for clarification

Vice Mayor Bernstein also asked for clarification.

Town Manager stated that the variance has three components: one allowing the seawall to remain where it is; two, allowing for the sea wall cap to be installed at no more than six feet or whatever the NAGVD equivalent is; and three, allowing the dock to be put on no more than five feet or its equivalent in NAGVD. Allowing the administration to come up with a reasonable and acceptable transition between the seawall cap and seawall deck, the applicant on his own can put in a retaining wall and deal with whatever consequences come with that retaining wall so long as the retaining wall meets our current code.

A motion to approve the amended resolution was made by Councilmember Einstein, seconded by Mayor Singer.

On roll call, the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

2. A Resolution of the Town Council Approving A Variance Request for 587 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 587 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE USABLE AREA OF THE ROOF TOP TERRACE SIDE SETBACKS TO BE SET AT A MINIMUM OF 7'-6" INSTEAD OF THE CODE'S CURRENT 10' ROOF TOP SIDE SETBACK REQUIRMENT.

Exhibit: Agenda Report No. 2
Resolution No. 2611.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2611.19

A motion to approve was made by Councilmember Luskin, seconded by Councilmember Mendal.

On roll call, the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Luskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

Town Manager stated that this variance relates to the rooftop setback requirements and nothing else. The administration will be bringing to you a code change asking for a greater setback as it relates to rooftop areas on undersized lots. Because this applicant is currently in the process of building this home, they have asked for a variance consistent with what the administration is going to ask you in the coming months. They are asking that instead of having a ten-foot setback for the area that is enjoyable on the roof that they go to a 7.5-foot setback similar to what they have on the ground level. Currently for undersized lots we allow a 7.5-foot setback on the ground, we did not apply that to the roof. What the applicant is asking for the administration is in favor of approving. In the interest of time, if his explanation of the request is satisfactory the applicant does not have to speak. Stated that there are letters of opposition to be read into the record.

Councilmember Einstein spoke on the item and wanted to go back in time and be sensitive to when they first did this and the residents who objected it.

Town Manager stated that the applicant has a court reporter and would like the council to speak one at a time and be mindful of that

Mayor Singer stated that the standard lot on Ocean is a 100-foot lot.

Councilmember Einstein asked if that means on a 75-foot lot they can also have a 7.5-foot setback.

Town Manager stated yes that is correct, and your height is capped at 27.5-feet not 30-feet. On any undersized lot in zones 1, 2, and 3 your side yard setback is 7.5 and your elevation height cap is at 27.5. The only zone that allows rooftop terraces is zone 1. In the other zones as it currently reads today you are allowed to have a rooftop terrace so long as you have a 10-foot setback on the sides.

Town Clerk read a letter into the record for residents Chris & Carolyn Gilson, 601 Ocean Boulevard.

Councilmember Mendal asked if there are any actually objections to the variance.

Town Manager stated yes, there is and they are in the audience

Attorney W. Tucker Gibbs spoke on behalf of his client, who owns 599 Ocean Drive, who objects to the approval of this variance. Referenced Michael Miller's report that specifically deals with each one of these and has stated that this is not a hardship. This is a self-created hardship. The applicant sought an approval and did not ask for the variance in 2017 when it was requested and got four other zoning variances. The Town's professional planner has found that the applicant did not meet all of the criteria required for a hardship. For those reasons, this variance should be denied. The Town's planner also said that the Town is giving a bonus to undersized lots. The law says if it is not a hardship, you cannot give the variance.

Mr. Kobi Karp, Architect, 2915 Biscayne Boulevard, who is the architect on the project stated that they are not changing the setbacks on the house. The setbacks on the house stay exactly where they are. The setback that he is seeking is on the rooftop only. Right now it is 7.5-feet from the north and 7.5-feet from the south, his desire is to make it 5- feet from the south and 5-feet north

Vice Mayor Bernstein stated that he was very confused.

Town Manager stated that our planners are required to respond to the criteria's set forth by your code and it cannot deviate from what those criteria's are. When we sit around the table and talk about the practicality and applicability of the code it does not make since. So even though there is no "hardship" as it relates to the criteria set forth from your code a 15-foot wide useable space on the roof becomes almost unusable so then you should have never enacted your code. The administration failed the residents by enacting a new set of rules without applying them as they relate to lot size so that its consistent and practical. That is why he has instructed the Town attorney to draft something that complies with that. When asked why go through the variance process if the code will be changing, it is because the ordinance process takes long and this house is in the process of begin built and they are on the final stage as it relates to the roof. Stated that they can hold off on construction until the code is enacted, but the administration feels that it is not practical.

Councilmember Einstein stated that when they had enacted the code the Town created this uproar about rooftop terraces.

Town Manager stated that in zones 2 and 3 you allow rooftop terraces as long as they are not on the roof. Also in zones, 2 and 3 there is no setback requirement.

Councilmember Einstein stated that they were speculating at the time that these would be 100-foot lots, which they would be in the rear of the homes; they were going to have an existing 10-foot setback, plus another 10-foot setback on the sidewall. Vice versa for the neighbors giving them a total of 40-feet separating the two in all likely hood. Now you have a situation where we are saying to him you only have 7.5-foot on his and so does his neighbor, then you are getting really close.

Town Manager stated that in zone 1, the rooftop terrace issue was decided when Councilmember Einstein was off the council. We just enacted it after Councilmember Mendal came on the board.

Mr. Karp spoke on the property stating they got the support of the adjacent neighbor and he believes that that neighbor to the north is conforming. Stated that if you look closely at the plans you will see that the house sticks out to the ocean a little further. What they did on the roof deck is they brought the rooftop deck a little bit closer to the east so, they are further away from the neighbor.

Attorney Gibbs stated that the manager made a comment that the Town planner cannot deviate from the code, and stated that the Council cannot either that is what the law says.

Mrs. Geduld, stated that she was shocked about this because she thought that it had to be a mistake. Stated she understands the problem that the neighbors are having, they have an older house and the new owners have a newer house so the elevation is higher. They are going to put much nicer landscaping, they are not an eyesore, and they are enhancing the beauty of Golden Beach. Being in the interior design business, 5-feet is not going to make a difference with the noise. It just does not make any sense and that is why she approved it on the BRAB.

Town Attorney stated that the manager can say what he wants, the planner can say what he wants, but the decision as to whether there is a hardship lies with the council and is to be made by the council.

Councilmember Einstein asked what is the address of this property and the property adjacent to it

Mayor Singer stated it is 587 Ocean and the property adjacent is 599.

Councilmember Einstein asked if what Kobi Karp stated earlier is that the adjacent property has no objections and consented to it.

Town Manager stated that on the original variances that were previously granted on the property there was a letter of no objection. However, as it relates to this application there is an objection from 599 to this variance. Mr. Karp cannot confuse the matter today because this is a quasi-judicial purpose. So Mr. Karp is incorrect there is an objection from 599, they object to this variance. Today the current legal representative from that property challenges whether or not the objection letter from a few years ago is even valid or signed by them.

Town Clerk read a letter into the record from Sandra Levy, 577 Ocean Boulevard.

Councilmember Lusskin stated that both the house to the south and north of this property object to the variance

Town manager stated that that is correct.

Resident Andrew Rabin, 587 Ocean Blvd. stated that the first letter from the house to the north of the property that was read was talking about other issues not related. At the end of their statement, they were asked specifically if they have any objections to this variance and they said no we want you to have it.

Councilmember Lusskin questioned if what he means is that the residents from the first objection letter said something different at the BRAB then in the letter that was submitted

Town Attorney stated no, what he is saying is that the objection is related to the cabana and not the rooftop setback issue.

Councilmember Mendal stated that either way he thinks this property does need the variance and either way the Town will be changing the code so he is for it.

N. CONSENT AGENDA

- 3. Official Minutes of the April 16, 2019 Local Planning Agency Hearing.**
- 4. Official Minutes of the April 16, 2019 Regular Town Council Meeting.**
- 5. A Resolution of the Town Council Authorizing the Use of LETF Monies to Make a \$5,000 Contribution to Teach for America.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND (LETF) MONIES TO MAKE A \$5,000 CONTRIBUTION TO TEACH FOR AMERICA (TFA); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2612.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2612.19

- 6. A Resolution of the Town Council Authorizing the Payment of \$5,000.00 to the Alonzo and Tracy Mourning PTSA.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING THE PAYMENT OF \$5,000 TO THE ALONZO AND TRACY MOURNING PTSA; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2613.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2613.19

7. A Resolution of the Town Council Authorizing the Surplus of Two Police Vehicles from the Town's Fleet.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE DONATION OF TWO SURPLUS POLICE VEHICLES FROM THE TOWN'S VEHICLE FLEET; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2614.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2614.19

8. A Resolution of the Town Council Authorizing the Surplus of Vehicles from the Town of Golden Beach Police Department.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE SURPLUS OF A POLARIS 900 RANGER, POLARIS ACE SP900 AND FORD EXPLORER FROM THE GOLDEN BEACH POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2615.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2615.19

9. A Resolution of the Town Council Authorizing the Disposal of Surplus Equipment.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE DISPOSAL OF SURPLUS PERSONAL PROPERTY SHOWN ON EXHIBIT "A" PURSUANT TO ARTICLE VIII, PERSONAL PROPERTY, OF THE CODE OF ORDINANCES OF THE TOWN OF GOLDEN BEACH, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2616.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2616.19

10. A Resolution of the Town Council Authorizing the Town to Become a Member of the American Flood Coalition.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, PROVIDING FOR THE TOWN TO BECOME A MEMBER OF THE AMERICAN FLOOD COALITION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
Resolution No. 2617.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2617.19

Consensus vote 4 Ayes, 0 Nays. Items N3 & N10 pass.

*** Councilmember Mendal stepped out during the vote.***

O. TOWN RESOLUTIONS

None

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Judy Lusskin:
None Requested

Councilmember Jaime Mendal:
None Requested

Councilmember Bernard Einstein:
None Requested

Town Manager Alexander Diaz:
• Roads & Streets
• Civic Center

*** **Town Manager** withdrew his two discussion items from the agenda. ***

Briefly stated that he is waiting to get feedback and will hopefully bring to you at the June or the August meeting a design package to go out to bid. The Mayor and he have spoken to three different banks to secure some funding options, that does not mean that

is who they will go with. There has been some rewarding changes that have been added to the design criteria.

Mayor Singer thanked the council for their feedback, stated he went over it with them Town Manager and everyone had great suggestions and he believes they will be beneficial to the new Town hall.

Town Manager requested to move the June meeting to June 17, 2019 at 6:30pm

Q. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Mayor Singer seconded by Vice Mayor Bernstein.

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Lissette Perez

Lissette Perez
Town Clerk