



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Minutes for the November 19, 2019
Regular Town Council Meeting called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:10 p.m.

B. ROLL CALL

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

Councilmember's Not Present: Councilmember Jaime Mendal

Staff Present: Town Manager Alexander Diaz, Town Attorney Lori Smith-Lalla (in for Steve Helfman), Town Clerk Lissette Perez, Finance Director Maria D. Camacho, Police Chief Rudy Herbello

**** At this time Mayor Singer adjourned the Regular Town Council Meeting and opened the Local Planning Agency Meeting. ****

**** Mayor Singer reopened the meeting at 7:13 p.m.****

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

RECOGNITION OF TOWN'S 5K COMMITTEE

**** Deferred to the January 2020 council meeting****

E. MOTION TO SET THE AGENDA

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

Town Manager added Item #11 to the agenda, adding it to the consent agenda.

Consensus vote 4 Ayes, 0 Nays

F. GOOD AND WELFARE

Resident Alene Fishbein, 256 Golden Beach Drive

Water issues in Town are the worse she has ever seen. Should not be an individual homeowner's problem. It is a problem of the entire town. We are a Town, we are a

group of people and we must take care of this Town. The past two days has had water in her driveway, never has she had this before.

Resident Ernesto Cohen, 254 Golden Beach Drive

The issue is not the seawall, the problem that we have is the water that comes from under the soil. When you keep your land low, the water that is coming from below it comes up. The issue is what do I do. Do I bring a lawsuit against the Town to get done what needs to be done. Asked if the water is coming from below but your calculations are for water that is coming from above, than the Town needs to explain to his engineers what they need to do.

Town Clerk read a letters into the record from the following residents:

Vivian Norman, 132 South Island Drive

Sari T. Addicott, 155 Golden Beach Drive

Gabriel Eilenberg, 195 Golden Beach Drive

G. MAYOR'S REPORT

Thinks we do need to add new cans to dispose of dog feces. Clarified that there is no bond on the New Town Hall project, it is a loan. Congratulated Michael Glidden and the staff for a successful Halloween event. Had a great response to the pre-bid meeting on November 15th. Twenty-nine firms were in attendance. Responses from the firms are due January 17th. Moreover, on January 29th and 30th, the oral presentations from these firms will be given and the selection committee will go listen, discuss the bids, and then come up with a rating service. A big concern is the beach erosion. This year it seems extraordinarily high. The Town Manager and I have visited some of the properties and we are trying to come up with some options to fix it. Appreciates everyone's patience with the street paving project, thinks the Town looks very nice now. Thanked Councilwoman Lusskin for a beautiful Veteran's Day event. In addition, thanked her for her work on the tea party. Heard we had a great turnout. Wished everyone happy, healthy holidays and a happy new year.

H. COUNCIL COMMENTS

Councilmember Einstein

In terms of doing Capital improvements there are a lot of things that everyone on the Council and in Town would like to do but the only way we can get money and fund things is either get loans, get grants or raise your taxes. The main thing he hears from people is "please don't raise my taxes". We are very sensitive to that and it takes a lot of creative things by the Mayor and the Town Manager to getting these things accomplished. When we go through these things, I would like for people to understand that we would love to fix all of these problems, but that is millions of dollars of money to fix these things and we have accomplished so much. That is what I want you to be aware of.

Councilmember Lusskin

The paving is great, you do not realize how bad the streets were until you repave. We in general keep the Town really clean and try to respond to all of the residents needs and we do a pretty good job. Thanked Lee Benayoun for all of her help with the tea party

and Destiny for all of her help with the party and the great job she did. Thanked Michael Glidden and Carol Larson for helping with the Veterans Day event. Stated she heard the 5K run was great. Asked for an update on the A1A corridor study.

Vice Mayor Bernstein

Asked Town Manager to address certain resident concerns with the loan. Thinks the rising water with the ocean and the canals is the biggest issue in Golden Beach right now. Really thinks that we need to meet with someone from the State and figure out what possible ways we have to shore up the ocean. Congratulated Councilwoman Lusskin on having a great Veteran's Day event. In terms of Halloween, thinks that the Halloween party we have put together is one of the best parties around and it is great for the community. Only one complaint, on the traffic side of things nobody was able to get in and thinks that maybe next year we can open up the north end or maybe let people drive in up to a certain point.

****Town Clerk read into the record Councilmember Mendal's report****

Councilmember Mendal put into record his strong support for Resolutions 2656.19 and 2657.19. As well as supporting the passage for both ordinances on the agenda tonight.

I. TOWN MANAGER REPORT

Spoke on the flooding in the streets. As it relates to Center Island, this Council already approved the design and the design for the pump station has already been done, we are waiting for funding. We are happy to report that on November 13, 2019 the state approved funding the Town's Center Island Pump Station Project. Center Island will get a brand new dual pump to take care of the flooding on Center Island by July of next year. On Verona and Golden Beach Drive we put in a work order there to fix the tidal flooding we are seeing there. Thanked the residents for their patience concerning the paving project and the fact that it took longer than expected. The beach erosion issue is not a simple issue. The second we start using public funds, we need to open up our beach to the public. We are the only city on the eastern seaboard that is not included in the army corps of engineer's beach re-nourishment project. This is because years ago the residents of this Town decided that they wanted to be excluded from that. We have hired the firm Olin Engineering to put together a shoreline stabilization project. Once we get the shoreline engineering report back we will make it available to our Ocean Boulevard residents for their feedback. We are also doing for the second time in the last twelve years a measurement of how much sand we have lost over the course of the last month. Very well aware of the issues, we do not just sit on our hands. We are trying to identify them, getting reports back takes time and finding solutions takes time. As it relates to canal maintenance, that project is fully funded at no additional increase to our residents. Canals are already being cleaned and that project is well underway and we will hopefully finish it by the second or third week in January. We have lowered your taxes three times. We have a lot of new projects coming up. We are not the only City that is having ground saturation. Seawalls are not holding water back, so you are seeing ground saturation. Asking our residents to work with us, but we are trying to do what we can to work with our residents. We do not have the resources to hire our own engineer's to deal with hydrology issues. We are partnering with Bal Harbor to share information on what we can do. Know that we are working hard to fix these problems for residents. No one issue or project takes priority over another. Thanked the staff for a great Halloween event, and thanked Councilmember Lusskin for a great Veterans Day event. Reminded everyone that we will not be meeting in the month of December, the month of December

we will be in recess. As it relates to the Civic Center project we had twenty-nine firms attend the pre-bid meeting, and we are hoping all twenty nine respond to our RFP due on January 17, 2020. A selection committee composed of residents will be listening to the presentation from the firms and making a recommendation to the Council of three firms they believe best meet our needs. Council will than have a workshop during the day on February 6 where they will meet and interview the three firms the committee has recommended. At the February meeting, the Council will select a firm to award the project. We are not asking the residents for one extra dollar from what you currently pay for these projects. The budget for the civic center project is 5.2 Million dollars of which 2-million dollars comes from forfeited assets, \$1.2 million comes from our current reserves, and the additional 2-million dollar note that the Council is approving tonight will be paid for through our existing budget. We have enough budget capacity in our budget to take on a 4-million dollar note. We are borrowing 4-million dollars, \$2-million of it will be paid back right away with forfeited assets money, leaving an outstanding balance of 2-million dollars. We have enough budget capacity in our current budget to take that debt service on without asking residents for any additional funds. We try to be very responsible with your budget.

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

1. An Ordinance of the Town Council Amending the Town’s Code Chapter 14, Section 14-86 Lawn Mowers and Power Tools.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCES TO REVISE CHAPTER 14, “ENVIRONMENT,” BY AMENDING SECTION 14-86, “LAWN MOWERS AND POWER TOOLS”, PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 590.19

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 590.19

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

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>Absent</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

Town Manager spoke on the item stating we adjusted the times; you can work from 8:00 A.M.-8:00 P.M. Monday-Friday and 10:00 A.M.-8:00 P.M. Saturday and Sunday. Reminded residents that this issue was brought to us by residents. When residents bring issues to us that they feel we should listen to, we bring it to the Council, the Council deliberates, and we have a public discussion.

Resident Jeff Sonn, 264 South Parkway asked for clarification as it relates to hand tools.

Town Manager stated this is for landscaping tools.

L. ORDINANCES - FIRST READING

2. An Ordinance of the Town Council Amending the Town's Code Chapter 46, Section 46-85 Height of Seawalls and Docks.

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, SEC. 46-85. HEIGHT OF SEAWALLS AND DOCKS AND EXTENSIONS OF DECKS OF DOCKS; TO ALLOW THE DECK OF A DOCK TO BE CONSTRUCTED AT THE A MINIMUM SEAWALL HEIGHT OF 3,425 NAVD-88 OR AT MAXIMUM SEAWALL HEIGHT OF 4,425 NAVD-88; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 591.19

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 591.19

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

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>Absent</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

Town Manager spoke on the item stating that this item fixes the step down requirement in the code for docks.

M. QUASI JUDICIAL RESOLUTIONS

None

N. CONSENT AGENDA

- 3. Official Minutes of the September 17, 2019 Local Planning Agency Hearing**
- 4. Official Minutes of the September 26, 2019 Final Budget Hearing and Special Town Council Meeting.**
- 5. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the Village of Miami Shores.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE VILLAGE OF MIAMI SHORES POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2654.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2654.19

- 6. A Resolution of the Town Council Approving the Agreement between the Office of the State Attorney and the Town.**

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

Exhibit: Agenda Report No. 6
Resolution No. 2655.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2655.19

11. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the City of Sunny Isles Beach.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE CITY OF SUNNY ISLES BEACH AND THE TOWN OF GOLDEN BEACH; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11
Resolution No. 2660.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2660.19

Consensus vote 4 Ayes, 0 Nays. Items N3-N6 and #11 pass.

O. TOWN RESOLUTIONS

7. A Resolution of the Town Council Authorizing the Issuance of Tax-Exempt Bonds or Notes for up to \$4,000,000.00 to Finance the Costs of A New Civic Center.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN TO ISSUE TAX-EXEMPT BONDS OR NOTES IN THE AMOUNT OF UP TO \$4,000,000 TO FINANCE THE COSTS OF CONSTRUCTION, INSTALLATION AND FURNISHING OF A NEW CIVIC CENTER WITHIN THE TOWN AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS OR NOTES TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2656.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2656.19

A motion to approve was made by Vice Mayor Bernstein, 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>Absent</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

Town Manager stated that the IRS requires this item.

8. A Resolution of the Town Council Authorizing the Issuance of a Capital Improvement Revenue Note Series 2019 to Finance the Costs of a New Civic Center.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF A CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2019, OF THE TOWN OF GOLDEN BEACH, FLORIDA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION, INSTALLATION AND FURNISHING OF A NEW CIVIC CENTER COMPLEX MASTERPLAN, AND PAYING COSTS OF ISSUANCE OF THE NOTE; AWARDING THE SALE OF THE NOTE TO CITY NATIONAL BANK OF FLORIDA; PROVIDING FOR SECURITY FOR THE NOTE; PROVIDING OTHER PROVISIONS RELATING TO THE NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2657.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2657.19

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

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>Absent</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

Town Manager reiterated that we are not taking on new debt. At the end of the day, we are taking on a \$2-million note that we are going to pay back with monies we already

have in your budget. Under a worse case scenario that we do take on the 4-million dollar note, which is not what we are doing, our debt service for that loan is \$222,000 a year. We have 263,000 dollars set aside for debt service requirements if needed. Because we are only going to take out \$2-million over the course of the term of the loan, our debt service is only 120,000 dollars a year, leaving us with 163,000 dollars in available money for other capital projects.

Mayor Singer gave a quick summary of the note. We are financing through City National Bank. The amount is 4-million dollars to construct a new Town Hall. It is a 20-year amortization. The first 30 months will be interest only. After the 30-month period, it goes to a 10 year fixed rate of 2.96, based on the formula by City National Bank. After the ten years, it becomes a floating rate that is adjusted twice a year based off the same formula.

Councilmember Einstein inquired about the 2.96 rate; stated that it is based on a tax-free bond.

Mayor Singer stated that that rate for the Town to receive is very impressive.

Town Manager stated that after the first ten years, if we do not like what is happening with the market we can just go to another bank and ask for a ten year fixed rate loan.

Beth Geduld, 126 Golden Beach Drive still feels that this property right here can be demolished and we can sell a portion to build a home and wouldn't rush to rebuild this property.

9. A Resolution of the Town Council Approving An Employment Agreement with Ingrid Gooden.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT FOR CONTRACT EMPLOYEE INGRID GOODEN TO PROVIDE ACCOUNTING SERVICES; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2658.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2658.19

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

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>Absent</u>

Councilmember Bernard Einstein Aye

The motion passed.

Town Manager stated Ms. Gooden has been working with the town for some time while Mrs. Castellon is on maternity leave and extended leave. She has worked with the Town for years.

10. A Resolution of the Town Council Appointing Members to the Civic Center Complex Masterplan Selection Committee.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; APPOINTING MEMBERS TO THE CIVIC CENTER COMPLEX MASTERPLAN SELECTION COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
 Resolution No. 2659.19

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2659.19

A motion to approve was made by Councilmember Luskin, 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 Luskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Absent</u>
Councilmember Bernard Einstein	<u>Aye</u>

The motion passed.

Town Manager asked to amend the item to read that should the Town Manager need to change the appointment of a member of the committee, so long as he has three members of the Council to in writing confirm another member, that change can be made.

Consensus vote for the Town Manager's requested amendment 4 Ayes, 0 Nays

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:

- Individual Properties Ground Saturation

Mayor Singer stated we are not the only community that has this problem. We are going to do whatever we can to stop the issue, but we do have some limitations.

Town Manager stated that there are 38 homes in Town that have received a warning letter inviting them to come talk to us. Those are the homes where we see the most saturation. We want to apply for the same study Bal Harbor did and we want to do our own ground saturation study. Stated that we want to work with everyone to come to a solution. However, what we need is for every house that we see ground water coming up and leaving your property needs to stop. We need to work with the 38 homes that we have identified and fix the saturation issues. Some of the older homes will probably need to bring in some fill. As we identify these issues on your property, we will work with you to find solutions to fix the issues on your property. Reminded residents this is not a government issue, personal property issues are the responsibility of the property owner. Common areas are the communities responsibility. We legally cannot take government money and spend it on your private property.

Mrs. Alene Fishbein stated that 30 years ago, when she owned 264 South Parkway, she had a flooded driveway.

Vice Mayor Bernstein asked if the older properties do not have the same requirements and some do not have a retaining wall, what good is putting the fill

Town Manager stated the responsible approach is that even though you are not redeveloping your property, it is time for you to put in a retaining wall, and maintain your elevation. Are we the Town going to go to a property owner and say that our code now requires a retaining wall, put it in? Now the question to the Council is how aggressive (how much money) do you want our residents to spend to resolve these issues.

Mayor Singer stated that we need to walk before we run. Let's see what other communities are doing.

Town Manager stated that in the 12 years that he has been our manager, we have never enforced the minimum lot elevation because it would be a considerable expense.

Mrs. Beth Geduld asked if there is a way to recycle any of the demolished properties to put down as soil

Mr. Cohan, 254 Golden Beach Drive stated that is not the problem, the problem is the Town not allowing residents to do what they need to do to fix their properties elevation.

Town Manager stated that the code requires permeability. The solution is a very costly solution. The Town is not ready to come up with a final non-expensive solution to address the issue.

Vice Mayor Bernstein asked for clarification.

Mr. Masciatti spoke on the issue as well.

**** Councilmember Einstein left at this time ****

Town Manager stated we are commissioning our own study, in the interim the 38 houses that we know we need to work with them on solving the issue, we will work with. We have a new Town Engineer, as it relates to water issues, he is a little bit difficult

because his obligation is to protect your Stormwater investment and sometimes that can burden our residents.

Mrs. Alene Fishbein reiterated that the Town needs to do something collectively to help with the situation of the flooding. We should spend the money now. Really, do not like to hear that certain people are cited for something that is not their problem.

Town Manager stated we will continue this discussion and bring back the reports to you in January. Reminded that the New Year's Party is December 31 and the theme is Havana nights.

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
None Requested

Q. ADJOURNMENT:

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

Consensus vote 3 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:51 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk