



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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Official Minutes for the September 8, 2020  
Special Town Council Zoom Virtual Meeting called for 6:00 P.M.

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**Zoom Room Meeting ID: 833 0224 3656 Password: 694192**

**For Dial In Only: Call 929.205.6099 Meeting ID: 833 0224 3656**

THE PUBLIC MAY PARTICIPATE AT GOOD AND WELFARE; PLEASE HOLD ALL QUESTIONS AND COMMENTS UNTIL THEN! THE PUBLIC IS ENCOURAGED TO SUBMIT ALL COMMENTS VIA EMAIL TO [LPEREZ@GOLDENBEACH.US](mailto:LPEREZ@GOLDENBEACH.US) BY 2:00 P.M. TUESDAY, SEPTEMBER 8, 2020.

### A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 6:12 p.m.

### B. ROLL CALL

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

**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, Resident Services Director Michael Glidden, Public Works Director Kirk McKoy, Facilities Maintenance Director Ken Jones

### C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

### D. MOTION TO SET THE AGENDA

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

**Town Manager** stated there are several corrections and errors, none are substantial in nature, we will indicate what they are as we get to each item.

### E. GOOD AND WELFARE

None

## **F. MAYOR'S REPORT**

Will do most of his report at the next meeting. Reminded residents we are back to school, urging all residents to careful while driving around. We were successful over the summer with two COVID-19 testing. This Thursday we will be doing another test for the residents, council, and staff. Commended the Finance Director, Town Clerk, and Town Manager on a great job putting the budget together, budget looks professional.

## **G. CORONAVIRUS UPDATE**

The Town Manager reminded residents that we are still under the COVID-19 declaration the Mayor issued. All construction sites are still required to have the proper PPE. At the beach, only guests accompanied by residents are allowed to enjoy the beach. Our latest COVID count has gone from 30 to 39 cases and we are testing this Thursday. The Town continues to work from the offices through appointments only. Each home will be getting a second round of PPE delivered to them sometime next week.

## **H. COUNCIL COMMENTS**

**Councilmember Mendal** asked if the hours that they extended for construction until 7 p.m. due to COVID are over?

**Town Manager** stated the weekends and hours have all been scaled back. They all ended in August.

**Councilmember Lusskin** stated that she has been receiving calls from residents that the COVID numbers according to what is coming from the Department of Health is 118. She is guessing that they are lumping 33160 together.

**Town Manager** shook his head yes.

**Councilmember Lusskin** stated that the Town has been so well taken care of during COVID. Reminded residents if they have a lot of trees that are close to your homes and have grown over the last 10-12 years, you may want to call Town Hall because she thinks that could be dangerous. Thanked the staff for the budget it looks great.

## **I. TOWN MANAGER REPORT**

None

## **J. TOWN ATTORNEY REPORT**

None

## **K. ORDINANCES – SECOND READING**

- 1. An Ordinance of the Town Council Amending the Town's Code to Amend Chapter 52, "Landscaping" to Implement the Mandatory Year-Round Landscape Conservations Measures Rule**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,  
FLORIDA, AMENDING THE TOWN'S CODE OF

ORDINANCES BY ADDING SECTION 52-17 TO A NEW ARTICLE II "YEAR-ROUND LANDSCAPING IRRIGATION RESTRICTIONS" WITHIN CHAPTER 52, "LANDSCAPING" TO IMPLEMENT THE MANDATORY YEAR-ROUND LANDSCAPE CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY, PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 592.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 592.20

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 Bernard Einstein	<u>Aye</u>
Councilmember Judy Luskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

**Town Attorney** stated what we are doing here is simply bringing our code into compliance with the county code which applies to us. Many of these things we already have incorporated into our landscaping ordinances. This was required by the South Florida Water Management District, it really doesn't change much of what we are already doing.

**Vice Mayor Einstein** mentioned an error in the writing of the ordinance.

**Town Attorney** stated that is correct, they will fix it.

**L. ORDINANCES - FIRST READING**

**2. An Ordinance of the Town Council Amending the Town’s Comprehensive Plan to Provide for Development and Use of Public Facilities Within Lands Designated Recreation and Open Space.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT AND RECREATION AND OPEN SPACE ELEMENT OF THE TOWN’S COMPREHENSIVE PLAN TO PROVIDE FOR DEVELOPMENT AND USE OF PUBLIC FACILITIES WITHIN LANDS DESIGNATED RECREATION AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Ordinance No. 593.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 593.20

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** stated the next two ordinances are both what you codified through the Local Planning Agency. This gives us authority for the Civic Center Complex by providing for zoning and the compound amendment. The same explanation is for both items in the interest of time. Unless the Council would like further detail, he recommends passage.

**3. An Ordinance of the Town Council Amending the Town’s Code To Revise Chapter 6, “Zoning,” By Creating a New Section 66-9 “Public Uses of Facilities.”**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCES TO REVISE CHAPTER 66, “ZONING,” BY CREATING A NEW SECTION 66-9 “PUBLIC USES AND

FACILITIES”, PROVIDING FOR CODIFICATION;  
PROVIDING FOR CONFLICTS; AND PROVIDING AN  
EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Ordinance No. 594.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 594.20

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

On roll call, the following vote ensued:

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

The motion passed.

**Mayor Singer** stated this provides for the zoning changes

## **M. QUASI JUDICIAL RESOLUTIONS**

### **4. A Resolution of the Town Council Approving A Variance Request for 365 Ocean Boulevard to Permit the First Floor Elevation And the Finished Grade of the Lot.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 365 OCEAN BLVD., GOLDEN BEACH, FLORIDA 33160 1). TO PERMIT THE FIRST FLOOR FINISHED ELEVATION TO BE AT 23’ NGVD, WITH A BUILDING HEIGHT NOT TO EXCEED 51’ NGVD, INSTEAD OF THE STARTING ELEVATION OF 20.02’ AS REQUIRED BY THE CODE. 2). TO PERMIT THE FINISHED GRADE OF THE LOT TO BE AT 11.30’ NGVD INSTEAD OF THE 11.00’ NGVD STATED IN THE CODE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2689.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2689.20

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

On roll call, the following vote ensued:

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

The motion passed.

*\*\*Town Clerk swore-in everyone speaking on this item*

**Town Manager** stated this variance is two requests. This is consistent with what we have done for all ocean front residents as it relates to first floor and envelope to be able to get usable space underneath the building. In this case their base is 20.02 and they are asking to go to 23 which is consistent with the other 5 variance requests that you have granted for this particular issue. The envelope will be at 51 feet, 1 foot higher than the 50 we allow on Ocean. We recommend approval of the first part of this variance. The second part of this variance, the grading on the property, can only be 11 feet/degree. They are asking to go to 11.3 the .3 we find to be insignificant. We recommend approving as well. Mr. Hollo of the BRAB is on the call. The BRAB voted to pass this variance 3-0.

**Councilmember Mendal** asked the Town Manager since we are seeing this and granted this variance several times already, does it make sense to start changing this code for ocean residents.

**Town Manager** stated no, we do not want to do that because we negotiate with each applicant on how much they are willing to sacrifice as it relates to the envelope and it is not consistent across the board. We have explored that option but because we are only doing this on the east side of Ocean, we think that it is better for us to do it case by case and lot by lot.

**5. A Resolution of the Town Council Approving A Variance Request for 365 Ocean Boulevard to Permit An Increase in the Size of the Elevator Override.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 365 OCEAN BLVD., GOLDEN BEACH, FLORIDA 33160 TO PERMIT AN INCREASE IN THE SIZE OF THE ELEVATOR OVERRIDE TO 134.95 SQUARE FEET INSTEAD OF THE 110 SQUARE FEET STATED IN THE CODE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2690.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2690.20

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

On roll call, the following vote ensued:

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

The motion failed.

**Town Manger** stated we are not recommending in favor of this variance. This council went through the painstaking process of determining what size an elevator override should be, and you amended your code to provide for what you felt is the maximum amount of space that an elevator would be needed dot access the amenities with a wheel chair of motorized size and one attendant to be able to facilitate an emergency should one arise. We believe the size of this elevator is more than adequate to meet the needs of a person going in it. It may not carry the entire family but the person in the wheel chair with an attendant should perfectly fit. We do not recommend in favor of passing this variance.

**Robert Moehring 420 Lincoln Road, Suite 506 Miami Beach**, this particular elevator is a residential elevator, but it is commercial grade. Stated unfortunately, this property owner was in an accident and has avdisability and has several mobility devices that he uses in the home. This request is based on trying to give the owner the quality of life that he used to have before the accident and be able to not be the only person using the elevator while the rest of the family takes the stairs.

**Mayor Singer** asked how many additional square feet are being asked for

**Mr. Moehring** stated it is 25 square feet, basically 5 by 5.

**Councilmember Bernstein** stated when he spoke to the manager; he believed that there was enough space in the elevator for three people,

**Town Manager** stated people say that they have bigger wheelchairs with more fancy stuff. Our code should be allowed to provide for a wheelchair and assistant and typically there is enough space for three people. If we start to change our code because the applicant wants bigger and better or more accessibility in their eyes. The Council needs to make a determination of what is a reasonable request to allow someone who is wheelchair bound to be able to access the roof. Asked Mr.Hollo if the board voted against it because they had to or because they felt this will just be continuing to push the envelope.

**MR. Jerry Hollo, 668 North Island Drive**, stated they did not meet the seven criteria's as a hardship requiring a variance. They determined that that is an adequate size for an

elevator and vestibule and we just did not think that there is a hardship requiring a bigger one.

**Town Manager** stated this is not a commercial property, we feel that an elevator in a residential area should serve a very limited purpose. That very limited purpose is to provide reasonable access for someone that is wheelchair bound to be able to access a specific area. Making it comfortable for all of their invited guests should not be the purpose of making this bigger.

**Councilmember Mendal** asked if the elevator itself is going to be any bigger or if it is just the waiting area outside

## **N. CONSENT AGENDA**

### **6. Official Minutes of the August 18, 2020 Special Town Council Zoom Virtual Meeting.**

### **7. A Resolution of the Town Council Approving a Mutual Aid Agreement with the City of Bay Harbor Islands.**

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

**Exhibit:** Agenda Report No. 7  
Resolution No. 2691.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2691.20

### **8. A Resolution of the Town Council Authorizing the Expenditure of Up To \$35,000.00 for Individual Promotional and Premium Purchases.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF UP TO \$35,000 FOR INDIVIDUAL PROMOTIONAL AND PREMIUM PURCHASES; PROVIDING FOR AUTHORIZATION AND AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2692.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2692.20



**9. A Resolution of the Town Council Adopting the Miami-Dade County Local Mitigation Strategy 2020.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE MIAMI-DADE COUNTY LOCAL MITIGATION STRATEGY 2020, AS AMENDED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2693.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2693.20

Consensus vote 5 Ayes, 0 Nays. Items N6 – N9 pass.

**O. TOWN RESOLUTIONS**

**10. A Resolution of the Town Council Reauthorizing the Town’s Schedule of Building Permit and Processing Fees, and Establishing Town Fees.**

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

**Exhibit:** Agenda Report No. 10  
Resolution No. 2694.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2694.20

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

On roll call, the following vote ensued:

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

The motion passed.

**Mayor Singer** stated there are no changes from the prior year. He is recommending changing the processing fee from .0075 to .01. He and the Town Manager have had numerous conversations. For example, on a \$3-million house it would increase the processing fee up to about \$7,000. All permits need a processing fee. Our cost for the building department has increased substantially over the years. The building department is not here to make a profit, basically these fees are here to cover the expenditures for the building department.

**Town Manager** stated we support that increase, after doing a quick comparison to our neighboring cities like Bal Harbour for processing fees, only this still has us cheaper than Bal Harbour.

**Councilmember Mendal** stated he understands this might be the financially prudent route. Would like to see a comparison for our neighboring cities for all of their fees. Would like to move this item to the next meeting to be able to look over some numbers.

**Town Manager** stated because the budget is based on your fee schedule, if the Council would like to reconsider this item at the second meeting, he would recommend going that route. He would hate to adopt a budget that does not have at least a minimum for the fee schedule for the building department. He directed the Building Director to put together a report for a \$3-million house; we will compare Indian Creek, Bay Harbour, and Bal Harbour.

**Councilmember Mendal** asked if right now they are voting on the fee schedule without the increase

**Town Manager** stated no, he believes what the Mayor is recommending is that we make a motion to amend the fee schedule to increase to .01, and if you want to reconsider we can do so at the next meeting.

**Councilmember Lusskin** asked why we would pass something now that has the potential of being rescinded as opposed to waiting for the next meeting.

**Town Manager** stated it would be disingenuous on the council's part to let the community think that the fee is going to be at .0075 when the intent is to move it to .01. You should vote on the higher rate and then reconsider it if that is what you wish to do.

**Councilmember Mendal** stated to a certain point, because he has a bit of trouble voting for something that he cannot tell you if he is for or against right now.

**Mayor Singer** stated what he is going to do is take a vote to amend it, if Councilmember Mendal is against it than vote against it and make a motion at the next meeting to reconsider it.

**Town Manager** stated a member of the council who votes against an item cannot make a motion for reconsideration.

**Councilmember Mendal** stated he understands that another councilmember would have to make the motion for reconsideration

**Mayor Singer** stated that he too will pull the item back if the fees come back unreasonable.

**11. A Resolution of the Town Council Ratifying the Collective Bargaining Agreement between the Town and the Florida State Lodge, Fraternal Order of Police.**

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

**Exhibit:** Agenda Report No. 11  
Resolution No. 2695.20

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2695.20

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** stated that there are a couple of scribbler's errors, no substantial changes at all. What we tried to achieve is a two-year contract giving the uncertainty of COVID-19 and where we will sit in 2023 a two-year contract is what is in our best interest. What this contract does it keeps every one of our employees within their step, and allows them to go to their next step. Anyone who is at their cap out rate gets a 3% increase in year number one and a 2% increase in year number two. This contract does call for a life insurance increase. Right now, we

provide our officers one time their annual salary's if they are killed in the line of duty. It also calls for a funeral benefit. Outstanding issues on this contract are pension issues. The pension, both for our general employees and police officers, needs a lot of housekeeping that we would like to look at. All the employees are looking for pension reform in the coming year. This contract does provide for a writer to allow us next year to talk about pension related changes. This contract was ratified 14-1 by the members of the FOP.

**Mayor Singer** stated he appreciates the unions input with this contract, great job to the Town Manager and union representative on negotiating this contract. Everything in here is well deserved of our police department. He cannot thank them enough for everything they do.

**P. DISCUSSION & DIRECTION TO TOWN MANAGER**

Mayor Glenn Singer:  
None Requested

Vice Mayor Bernard Einstein:  
None Requested

Councilmember Judy Lusskin:  
None Requested

Councilmember Jaime Mendal:  
None Requested

Councilmember Kenneth Bernstein:  
None Requested

Town Manager Alexander Diaz  
None Requested

**Q. ADJOURNMENT:**

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A motion to adjourn the Council Meeting was made by Mayor Singer seconded by Councilmember Lusskin

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 7:02 p.m.

Respectfully submitted,

*Lissette Perez*  
Lissette Perez  
Town Clerk