



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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**Official Agenda for the September 27, 2021  
Final Budget Hearing & Special Town Council Meeting called for 6:00 P.M.**

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**Zoom Room Meeting ID: 856 4675 1307 Password: 336660**

**For Dial In Only: Call 929.205.6099 Meeting ID: 856 4675 1307**

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. MONDAY, SEPTEMBER 27, 2021.

**A. MEETING CALLED TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. ADOPTION OF PROPOSED COMBINED MILLAGE AND PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021/2022 (TIME CERTAIN ITEM)**

- 1. A Resolution of the Town Council Adopting the Final Millage Rate for the Fiscal Year Commencing October 1, 2021 through September 30, 2022.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE PROPOSED MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); SETTING A DATE FOR A FINAL PUBLIC HEARING TO ADOPT THE MILLAGE RATE; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Resolution No. 2767.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2767.21

**2. A Resolution of the Town Council Adopting the Final Budgets for the Fiscal Year Commencing October 1, 2021 through September 30, 2022.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE TENTATIVE BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Resolution No. 2768.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2768.21

**E. PRESENTATIONS / TOWN PROCLAMATIONS**

NONE

**F. MOTION TO SET THE AGENDA**

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

**G. GOOD AND WELFARE**

**H. MAYOR'S REPORT**

**I. CORONAVIRUS UPDATE**

**J. COUNCIL COMMENTS**

**K. TOWN MANAGER REPORT**

**L. TOWN ATTORNEY REPORT**

**M. ORDINANCES – SECOND READING**

**3. An Ordinance of the Town Council Amending Division 3, Article 3, Chapter 2, Building Regulation Advisory Board and Chapter 50, Design Review Procedures**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING DIVISION 3, ARTICLE 3, CHAPTER 2, BUILDING REGULATION ADVISORY BOARD AND CHAPTER 50, SECTION 50-2 DESIGN REVIEW

PROCEDURES, TO AMEND BOARD PROCEDURES AND PROVIDE FOR DESIGN REVIEW OF NEW CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Resolution No. 596.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 596.21

**4. An Ordinance of the Town Council Amending the Town's Land Development Regulations, Chapter 66, To Clarify the Definition of a Single-Family Residential Dwelling.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING THE TOWN'S LAND DEVELOPMENT REGULATIONS, CHAPTER 66, ARTICLE III, DISTRICT REGULATIONS, SECTION 66-67 ZONING DISTRICTS, TO CLARIFY THE DEFINITION OF A SINGLE-FAMILY RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 597.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 597.21

**5. An Ordinance of the Town Council Amending Chapter 24, "Personnel," Article I, "Retirement," Division 1 "General Employees."**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 24, "PERSONNEL," ARTICLE II, "RETIREMENT," DIVISION 1 "GENERAL EMPLOYEES" BY AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN AT SECTION 24-31 "DEFINITIONS," SECTION 24-32 "MEMBERSHIP," SECTION 24-33 "BENEFIT AMOUNTS AND ELIGIBILITY," AND SECTION 24-36 "ADMINISTRATION"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Ordinance No. 598.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 598.21

## **N. ORDINANCES - FIRST READING**

None

## **O. QUASI JUDICIAL RESOLUTIONS**

### **6. A Resolution of the Town Council Approving A Variance Request for 399 Ocean Boulevard for the First Floor Finished Elevation.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE FIRST FLOOR FINISHED ELEVATION TO BE AT 23' NGVD, WITH A BUILDING HEIGHT NOT TO EXCEED 50.5' NGVD, INSTEAD OF THE STARTING ELEVATION OF 20.02' AS STIPULATED IN THE CODE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2769.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2769.21

### **7. A Resolution of the Town Council Approving A Variance Request for 399 Ocean Boulevard for the Side Setback of the Main House.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT A 7.5' SIDE YARD SETBACK AT THE NORTH SIDE PROPERTY LINE OF THE PROPOSED MAIN RESIDENCE STRUCTURE AND FOR THE SECOND STORY TO NOT STEP IN ONE FOOT FOR EVERY 18' OF HEIGHT FOR ONE QUARTER OF THE BUILDING, WHEN THE CODE REQUIRES A 10' SIDE SETBACK AND REQUIRES AN INCREASE TO THE SIDE SETBACKS ALONG TWO-THIRDS OF THE LENGTH OF THE SECOND STORY BY ONE FOOT (1:1) OF BUILDING HEIGHT ABOVE THE FIRST 18'.

**Exhibit:** Agenda Report No. 7

Resolution No. 2770.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2770.21

**8. A Resolution of the Town Council Approving A Variance Request for 399 Ocean Boulevard for the Side Setback of the Guest House.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT A GARAGE/GUEST HOUSE STRUCTURE TO HAVE A 7.5' SIDE YARD SETBACK AT THE NORTH SIDE PROPERTY LINE AND TO NOT REQUIRE AN INCREASE OF THE SIDEWALLS TO SETBACK ON THE SECOND STORY TO STEP IN ALONG TWO-THIRDS OF THE BUILDING BY ONE FOOT FOR EACH ONE FOOT (1:1) OF BUILDING HEIGHT ABOVE THE 18 FEET, WHEN THE CODE REQUIRES A 10' SIDE SETBACK ON THE FIRST FLOOR AND REQUIRES AN INCREASE TO THE SIDE WALLS TO SETBACK ALONG TWO-THIRDS OF THE LENGTH OF THE SECOND STORY AN ADDITIONAL ONE FOOT FOR EACH ONE FOOT (1:1) OF TOTAL BUILDING HEIGHT ABOVE THE FIRST 18'.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2771.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2771.21

**9. A Resolution of the Town Council Approving A Variance Request for 399 Ocean Boulevard for the Wall at the Property Line.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE WALL ALONG THE NORTH SIDE PROPERTY LINE TO BE AT 11' IN HEIGHT FROM THE FINISHED SITE GRADE, TERMINATING AT THE EASTERN EDGE OF THE LOT ALONG THE NORTH SIDE PROPERTY LINE, INSTEAD OF THE STEP DOWN WALL HEIGHTS OF 6', 4' AND 2' REQUIRED BY THE CODE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2772.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2772.21

**10. A Resolution of the Town Council Approving A Variance Request for 399 Ocean Boulevard for the Balconies.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE BALCONIES ON THE EAST FAÇADE TO ENCROACH MORE THAN 4' INTO THE REAR YARD SETBACK AT 11.0' FROM GRADE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 2773.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2773.21

**P. TOWN MAJOR PROJECTS UPDATE**

- Civic Center Complex Masterplan
- Center Island Pump Station
- Fiber Project

**Q. CONSENT AGENDA**

**11. Official Minutes of the August, 31, 2021 Special Town Council Meeting**

**12. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the City of North Miami Police Department.**

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

**Exhibit:** Agenda Report No. 12  
Resolution No. 2774.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2774.21

**13. A Resolution of the Town Council Authorizing the Replacement of the Town's Current Back-Up Server with Three Year Maintenance Agreement.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE PROPOSAL FROM INTERNATIONAL DATA CONSULTANTS ("IDC") FOR A NEW SERVER BACK-UP AND THREE YEAR MAINTENANCE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 13  
Resolution No. 2775.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2775.21

**R. TOWN RESOLUTIONS**

**14. A Resolution of the Town Council Awarding Employee Bonuses.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AWARDED EMPLOYEE BONUSES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 14  
Resolution No. 2776.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2776.21

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

Mayor Glenn Singer:  
None Requested

Vice Mayor Judy Lusskin:  
None Requested

Councilmember Bernard Einstein:  
None Requested

Councilmember Jaime Mendal:  
None Requested

Councilmember Kenneth Bernstein:

None Requested

Town Manager Alexander Diaz  
None Requested

**T. ADJOURNMENT:**

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**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

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## MEMORANDUM

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**Date:** September 27, 2021

Item Number:

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

1 & 2

**From:** Alexander Diaz,  
Town Manager

**Subject:** Resolution No. 2767.21 & Resolution 2768.21 – Adopting Final  
Combined Millage and Final Operating Budget for Fiscal Year  
2021-2022

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### Recommendation:

It is recommended that the Town Council adopt the Final Combined Millage and Final Operating Budget as provided by the companion Resolutions that follow.

### Background:

Last year due to the restrictions placed on the Town as part of the COVID-19 global pandemic, we provided a Budget Summary Guide to each home. At the First Budget hearing, we summarized the Town's finances and went over the major highlights found in the proposed budget. Our residents, resounding embraced our new approach in providing greater transparency about the Towns Operating and Capital Budget.

This year, building upon the success of last year's budget process we once again provided to each or our homes a Budget Guide, delivered to each home on Friday, September 3, 2021.

At the September 13, 2021 First Budget Hearing, I provided a review of the proposed Budget and Millage that was approved unanimously. Since that meeting, nothing has changed from the proposed budget and millage.

I strongly encourage interested parties to please read the **Proposed Budget Message Pages 25 through 30 of the Proposed Operating and Capital Fiscal Year 2021-2022 book**. The link to the 2021-2022 Annual Budget is found on the main page of the Town's website. [www.goldenbeach.us](http://www.goldenbeach.us)

**Fiscal Impact:**

**The 2021-2022 Fiscal Year Budget is comprised of the following:**

Revenues and Expenditures totals by funds:

General Fund	\$11,606,342.00
Law Enforcement Trust Fund	\$207,147.00
Debt Service Fund	\$899,382.00
Capital Improvement Fund	\$6,237,446.00
Stormwater Utility Fund	\$468,552.00

**Total All Funds**                      **\$19,418,869.00**

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2767.21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on August 4<sup>th</sup>, 2021, the Town transmitted to the Property Appraiser its "Proposed Millage Rate" for the fiscal year commencing October 1, 2021 and further scheduled the public hearing required by Section 200.065 of the Florida Statutes to be held on September 13, 2021 at 6:00 p.m.; and

**WHEREAS**, the Property Appraiser has properly noticed the public hearing scheduled for September 13, 2021 at 6:00 p.m. at One Golden Beach Drive, Golden Beach, Florida, as required by Chapter 200 of the Florida Statutes; and

**WHEREAS**, said public hearing, as required by Section 200.065(2)(c), of Florida Statutes was held by the Town Council on September 13, 2021, commencing at 6:00 p.m., as previously noticed and the public and all interested parties having had the opportunity to address their comments to the Town Council, and the Town Council having considered the comments of the public regarding the proposed millage rate and having complied with the "TRIM" requirements of the Florida Statutes.

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

**Section 1.** That the proposed millage rate for the Town of Golden Beach for the fiscal year commencing October 1, 2021 through September 30, 2022, be and is hereby fixed at the rate of 8.1363 mills which is \$ 8.1363 dollars per \$1,000.00 of assessed property value within the Town of Golden Beach.

**Section 2.** That the rolled-back rate is 7.6344 and the proposed millage rate is 8.1363 mills which is 6.5742 % over the rolled-back rate.

**Section 3.** That the voted debt service millage for the fiscal year will be .2637 mills.

**Section 4.** That the final public hearing to adopt a final millage rate and budgets for the fiscal year was held at One Golden Beach Drive, Golden Beach, Florida, on Monday, September 27, 2021 at 6:00 p.m.

**Section 5.** That the Town Clerk was directed to advertise said public hearing as required by law.

**Section 6.** That this resolution shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Jaime Mendal	_____
Councilmember Kenneth Bernstein	_____

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach, Florida, this 27<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
MAYOR GLENN SINGER

ATTEST:

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2768.21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Manager presented to the Town Council a “Final Operating and Capital Budget” for the 2021/2022 fiscal year commencing October 1, 2021 and ending September 30, 2022 for approval by the Town Council; and

**WHEREAS**, on September 13, 2021 the Town Council held a public hearing concerning the adoption of the tentative budget for the 2021/2022 fiscal year, as duly noticed; and

**WHEREAS**, on September 27, 2021, the Town Council held a duly noticed final public hearing on the adoption of the final budget for the 2021/2022 fiscal year at the Council Chambers of Town Hall located at One Golden Beach Drive, Golden Beach, Florida 33160.

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

**Section 1.** That each of the above stated recitals is hereby adopted and confirmed. Upon final adoption of the proposed millage rate, which is hereby ratified, the attached tentative budgets of the Town of Golden Beach for the fiscal year commencing October 1, 2021 are hereby approved and adopted.

**Section 2.** That the Final Budget as presented by the Town Manager on September 13, 2021 to the Mayor and Town Council for the 2021/2022 fiscal year commencing October 1, 2021 and ending September 30, 2022 is hereby approved and adopted.

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

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

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Jaime Mendal	_____
Councilmember Kenneth Bernstein	_____

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach, Florida, this 27<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
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

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## MEMORANDUM

---

**Date:** September 27, 2021

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

Item Number:

3

**Subject: Ordinance No. 596.21 – Revising the Town of Golden Beach –  
Building Regulation Advisory Board Design Review  
Procedures and Chapter 50 Building and Building  
Regulations, Sect 50-2 Design Procedures**

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### **Recommendation:**

It is recommended that the Town Council adopt the attached Ordinance No. 596.21 as presented.

### **Background:**

Town Council has studied the current Code provisions of the Town and found that certain modifications are necessary and desirable to provide appropriate review of design for all new construction to ensure compatibility and cohesiveness in residential architectural design while preserving the Town's historic and neighborhood character, providing for new development that responds to the existing context of the built environment and open spaces

Amending Division 3, "Building Regulation Advisory Board", of Article III, "Boards, Committees, Commissions", of the Town Code of Ordinances, by modifying the duties of the Town's Building Regulation Advisory Board.

Amending Chapter 50 – Buildings and Building Regulations, Section 50-2 Design review procedures. To Amend Board procedures and provide for Design Review of New Construction.

### **Fiscal Impact:**

None

1 TOWN OF GOLDEN BEACH, FLORIDA

2  
3 ORDINANCE NO. 596.21

4  
5 AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,  
6 FLORIDA, AMENDING THE TOWN'S CODE OF  
7 ORDINANCES BY AMENDING DIVISION 3, ARTICLE 3,  
8 CHAPTER 2, BUILDING REGULATION ADVISORY  
9 BOARD AND CHAPTER 50, SECTION 50-2 DESIGN  
10 REVIEW PROCEDURES, TO AMEND BOARD  
11 PROCEDURES AND PROVIDE FOR DESIGN REVIEW OF  
12 NEW CONSTRUCTION; PROVIDING FOR SEVERABILITY;  
13 PROVIDING FOR CODIFICATION; PROVIDING FOR  
14 CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.  
15

16 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,  
17 Florida Statutes, provide municipalities the authority to exercise any power for municipal  
18 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such  
19 authority; and

20 **WHEREAS**, the Town Council of the Town of Golden Beach ("Town Council") finds  
21 it periodically necessary to amend its Code of Ordinances and Land Development Code  
22 ("Code") in order to update regulations and procedures to maintain consistency with state  
23 law and to implement municipal goals and objectives; and

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

26 **WHEREAS**, the Town Council has studied the current Code provisions of the Town  
27 and found that certain modifications are necessary and desirable to provide appropriate  
28 review of design for all new construction to ensure compatibility and cohesiveness in  
29 residential architectural design while preserving the Town's historic and neighborhood  
30 character, providing for new development that responds to the existing context of the built  
31 environment and open spaces; and



32           **WHEREAS**, the Town Council wishes to establish a design review procedure and to  
33 vest the existing Building Regulation Advisory Board with authority for design review of new  
34 construction; and

35           **WHEREAS**, in order to ensure the Building Regulation Advisory Board has the  
36 necessary expertise to address design review and provide applicants with adequate  
37 process, the Town Council finds it necessary to clarify its composition, amend its  
38 procedures, and set forth criteria for evaluation of design review applications; and

39           **WHEREAS**, the Town Council held duly advertised public meetings to consider the  
40 proposed modifications to the Town’s Land Development Regulations.

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

43           **Section 1. Recitals.** That the recitals set forth above are hereby adopted and  
44 confirmed.

45           **Section 2. Amending Code.** That the Code of Ordinances of the Town of  
46 Golden Beach, Florida is hereby amended by revising Division 3, “Building Regulation  
47 Advisory Board,” Article 3, Chapter 2, Sections 2-76 through 2-82 and Chapter 50  
48 “Buildings and Building Regulations,” Section 50-2 “Design review procedures”, which  
49 sections shall read as follows:<sup>1</sup>

50  
51 **DIVISION 3. - BUILDING REGULATION ADVISORY BOARD**

52  
53 **Sec. 2-76. - Creation, composition and qualifications.**

54  
55           (a) There is hereby created and established the Town of Golden Beach Building  
56 Regulation Advisory Board (the "Board") consisting of up to five members and

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<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~. Additions added between first and second reading are shown in double underline.

57 two alternates who shall be appointed by resolution of the Town Council, and  
58 shall hold office at the pleasure and will of the Town Council. Members of the  
59 Board shall serve without compensation and shall not be reimbursed for travel,  
60 mileage, or per diem expenses.

61  
62 (b) Each member of the Board shall be a qualified elector of the Town of Golden  
63 Beach who has continuously resided within the Town for the six-month period  
64 immediately prior to the appointment, and shall not be an employee of the  
65 Town. Any member who ceases to reside within the Town limits during his or  
66 her term of office shall be deemed to have resigned as of the date of his or her  
67 change of residence from the Town. In the event of the resignation or removal  
68 of any member of the Board, the Town Council shall appoint by resolution a  
69 person to fill the vacancy on such Board for the unexpired portion of the term  
70 of the member vacating such office. ~~In appointing~~ At least three of the members  
71 ~~of the Board, or alternates must be one the following guidelines shall be~~  
72 ~~considered:~~

73 ~~(1) Expressed interest and/or experience in construction, building, design,~~  
74 ~~development, and/or architecture projects, programs and activities.~~

75 ~~(2) Evidence of a commitment to serve and act in the best interests of the citizens~~  
76 ~~of Golden Beach.~~

77 (1) Florida-licensed general contractor or a construction management professional  
78 with at least three years of professional experience as a construction project  
79 manager, construction superintendent or construction estimator;

80 (2) Florida licensed PE or a civil, mechanical, electrical, chemical or environmental  
81 engineer with a baccalaureate degree in engineering and three years of  
82 professional experience;

83 (3) Certified planner (AICP) or a planning professional with a graduate degree in  
84 planning from a program accredited by the Planning Accreditation Board with  
85 at least three years of professional planning experience or a bachelor's degree  
86 in planning from a program, accredited by the Planning Accreditation Board  
87 (PAB) with at least three years of professional planning experience;

88 (4) Florida-licensed landscape architect with at least three years of professional  
89 experience;

90 (5) Registered interior designer with at least three years of professional  
91 experience;

92 (6) Florida-licensed attorney with at least three years of professional experience;

93 (7) Florida-licensed architect; or

94 (8) Real estate developer with three years of professional experience, as either the  
95 principal or executive.

96

97

98 (c) In the event that a member of the Board shall be absent from a duly-called  
99 meeting of the Board for three consecutive meetings, or in the event that a  
100 member has three unexcused absences in a calendar year, such member shall  
101 be subject to removal as a member of the Board by vote of two-thirds of the  
102 remaining members of the Board.

103 (d) The Town Manager or designee shall serve as an ex-officio (non-voting)  
104 member of the Board and provide necessary staff support for the Board.

105 Sec. 2-77. - Term of office.

106  
107 Board members shall serve for a term of one year and may be re-appointed.  
108

109 ~~Sec. 2-78. - Advisory capacity. Reserved.~~

110  
111 ~~The powers and duties of the Board shall be solely of an advisory nature to the~~  
112 ~~Town Council.~~  
113

114 Sec. 2-79. - Jurisdiction and duties.

115  
116 Action of the Board shall be in the form of a written recommendation of advice to  
117 the Town Council, or as an approval, approval with conditions, or denial of a  
118 design review application. The following matters shall be within the advisory  
119 jurisdiction of the Board:  
120

121 ~~(1) Review plans for all new residences, exterior alterations of existing structures~~  
122 ~~and any additional structures on the premises of existing residences.~~

123 (1) Recommend to the Town Council the granting or denial of requests for variance  
124 from the literal enforcement of the zoning regulations pursuant to section 66-  
125 41 of this Code.

126 (2) Recommend to the Town Council ~~interpretation regarding apparent conflicts or~~  
127 ~~inconsistencies in on~~ the zoning provisions in chapter 66 of this Code adoption  
128 of proposed amendments to the land development regulations.

129 (3) The Board shall perform design review of (1) new construction; and (2) any  
130 renovation, addition, or change to an exterior façade, any portion of which is  
131 visible from public or private property, in accordance with Section 50-2.

132 (4) Other duties expressly assigned to the Board by the Town Council by  
133 resolution.

134  
135 Sec. 2-80. - Rules of procedure.  
136

137 (a) *Generally.* The Board shall utilize Robert's Rules of Order for the rules of  
138 procedure for the conduct of meetings of the Board.

139 (b) *Chairperson and vice-chairperson;* election; term. During the first meeting of  
140 the Board, the members shall elect one of its members to act as Chairman

141 and may elect a Vice-Chairman, both of whom shall serve only one term in  
142 that capacity within any two-year period.

143 (c) *Quorum.* At least two of all five members of the Board must be present at a  
144 meeting for a quorum to exist to transact business of the Board, ~~except when~~  
145 ~~considering variance applications in which event a majority of the members~~  
146 ~~must be present.~~ Official action shall be taken by the Board only upon the  
147 concurring vote of a majority of the members present at an official meeting of  
148 the Board.

149 (d) *Recording of meetings; minutes.* Each meeting of the Board shall be  
150 electronically recorded. Minutes of each Board meeting shall be kept and  
151 prepared by the Town Clerk or Town Manager's designee.

152 (e) *Quasi-judicial Hearing.* Design review applications shall be considered at a  
153 duly noticed, quasi-judicial public hearing. The applicant shall be entitled to  
154 present the application after staff presents its recommendation and any  
155 interested member of the public may comment. The Board shall consider all  
156 relevant evidence presented, and shall base its decision on substantial  
157 competent evidence. The Board may recommend approval, recommend  
158 approval with conditions, deny, or defer an application for consideration at a  
159 future meeting.

160 (f) *Appeal.* The decision of the Board on a design review application may be  
161 appealed to the Town Council by written request filed with the Town Clerk no  
162 more than fifteen (15) days after the decision.

163  
164 Sec. 2-81. - Notice to neighboring property owners.  
165

166 (a) Prior to a hearing before the Board, the applicant and owners of property within  
167 the corporate limits of the Town of Golden Beach, who are within 300 feet in  
168 each direction of any parcel wherein a request for a variance is being made  
169 concerning that parcel, shall be notified by certified mail, return receipt  
170 requested, and regular mail, ten days prior to the time that such request shall  
171 be considered by the Board.

172 (b) The notice shall set forth the legal description and street address of the property  
173 for which the request is being made, the time and place when the request will  
174 be considered and the nature of the request.

175  
176 Sec. 2-82. - Fees for hearings.  
177

178 The Town Council shall set by resolution a fee to be paid by any applicant  
179 seeking or requesting a hearing before the Board. The fee shall be paid at the time the  
180 application for a hearing is filed. The application shall not be considered complete or  
181 properly filed until the fee has been paid.  
182

183 Secs. 2-83-2-90. - Reserved.

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**Chapter 50 - BUILDINGS AND BUILDING REGULATIONS**

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Sec. 50-2. - Design review procedures.

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~~The applicant shall have up to 18 months, or such lesser time as may be specified by the Building Regulation Advisory Board, from the date of the board meeting at which the design review approval was granted, to obtain a full building permit.~~

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~~If the applicant fails to obtain a full building permit within 18 months, or such lesser time as may be specified by the board, of the date of the meeting at which design approval was granted, and/or the construction does not commence and proceed in accordance with the said permit and the requirements of the applicable Florida Building Code, then all related Council, Building Regulation Advisory Board and staff approvals will be deemed null and void.~~

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~~The applicant will be required to re-submit to the Building Regulation Advisory Board for their approval under the Building and Development Regulations and Site Development Standards then in effect.~~

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(a) Purpose. The purpose of this section is to promote compatibility and cohesiveness in residential architectural design while preserving the Town's historic architectural and neighborhood character, providing for new development that responds to the existing context of the built environment and open spaces. The Building Regulation Advisory Board (the "Board") shall review and evaluate applications as to whether the design of new development and/or improvements within the Town are compatible with existing development, are of cohesive architectural character, provide sufficient buffering of uses from public property and rights-of-way and adjacent properties, and are consistent with any supplemental criteria approved by the Town Council by resolution and kept on file with the Town Clerk.

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(b) Applicability. All (1) new construction; and (2) any exterior renovation, addition, or change to an exterior façade (including, without limitation, change of façade materials, any portion of which is visible from public or private property, shall obtain approval from the Building Advisory Board prior to applying for a building permit.

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Once a completed application for a Design approval is received and all applicable fees are paid, the Town Manager or his designee shall schedule the application for consideration of the Board on the next regularly scheduled meeting.

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226

(c) Criteria. In reviewing the application, the Building Regulation Advisory Board shall consider the following:

- 227 a. The exterior building components and external architectural features shall  
228 have attractive and cohesive architectural character.
- 229 b. The orientation, appearance and design of external architectural features of  
230 new and existing buildings and structures, and/or additions or modifications  
231 to existing buildings and structures, shall indicate sensitivity to and shall be  
232 compatible with the streetscape and adjacent property, enhance the  
233 appearance of surrounding properties, and create or maintain important  
234 view corridor(s).
- 235 c. Landscaping and paving materials shall ensure a cohesive relationship with  
236 and enhancement of the overall site plan design.
- 237 d. Buffering materials shall ensure that headlights of vehicles, noise, light, and  
238 mechanical equipment are adequately shielded from public view, adjacent  
239 properties and sidewalks.
- 240 e. Colors shall be subtle and harmonious with the landscaping and nearby  
241 buildings and structures. Bright or brilliant colors may be used for accent  
242 only.
- 243 f. All rooftops of buildings with flat roof decks shall be designed to minimize  
244 negative appearances by screening mechanical equipment and utility  
245 hardware, and by minimizing the ponding of stormwater through use of  
246 drains and scuppers. Rooftops shall be designed to allow for the continued  
247 maintenance of the roof surface in an attractive manner.
- 248 g. Mechanical equipment and utility hardware on roofs, ground or buildings  
249 shall be screened from view of any adjacent property or public view with  
250 materials harmonious with the building, or shall be located so as not to be  
251 visible from streets, waterways, and adjoining properties. Screening shall  
252 be of such material and color so that it matches or blends with the existing  
253 roof or portion above the top floor where it is installed.
- 254 h. The choice of materials and their usage shall be conducive to regular  
255 maintenance and durability.

257 (d) Board decision. The Board shall base its decision on substantial competent  
258 evidence and may approve, approve with conditions, deny, or defer an application  
259 for further consideration at a future hearing of the Board.

261 Building Permit. The applicant shall have up to 18 months from the date of the  
262 Approval is issued by the Building Regulation Advisory Board, or such lesser time  
263 as may be specified by the Board, to obtain a full building permit.

265 Any permit issued shall meet the conditions of the approval, if any. If the applicant  
266 fails to obtain a full building permit within 18 months of the date of the issuance of  
267 the approval by the Building Regulation Advisory Board, or such lesser time as  
268 may be specified by the Board, and/or the construction does not commence and  
269 proceed in accordance with said permit and the requirements of the applicable

270 Florida Building Code, then all related Council, Board and staff approvals will be  
271 deemed null and void.

272  
273 (e) The applicant will be required to re-submit to the Board for approval of the design,  
274 and/or for other applicable approvals, under the codes and supplemental design  
275 criteria then in effect.

276  
277 (f) Appeal. The decision of the Board may be appealed to the Town Council by written  
278 request filed with the Town Clerk no more than fifteen (15) days after the decision.

279

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282

283 **Section 3. Severability.** That the provisions of this Ordinance are declared to

284 be severable and if any section, sentence, clause or phrase of this Ordinance shall for

285 any reason be held to be invalid or unconstitutional, such decision shall not affect the

286 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but

287 they shall remain in effect, it being the legislative intent that this Ordinance shall stand

288 notwithstanding the invalidity of any part.

289

290 **Section 4. Codification.** That it is the intent of the Town Council that the

291 provisions of this ordinance shall become and be made a part of the Town's Code of

292 Ordinances, and that the sections of this Ordinance may be renumbered or relettered,

293 and the word "ordinance" may be changed to "section," "article," "regulation," or such

294 other appropriate word or phrase in order to accomplish such intentions.

295

296 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or

297 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

298

299 **Section 6. Effective Date.** That this Ordinance shall be in full force and take

300 effect immediately upon its passage and adoption.

301

302

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

301	Mayor Glenn Singer	<u>Aye</u>
302	Vice Mayor Judy Lusskin	<u>Aye</u>
303	Councilmember Bernard Einstein	<u>Aye</u>
304	Councilmember Jaime Mendal	<u>Aye</u>
305	Councilmember Kenneth Bernstein	<u>Aye</u>
306		

307 **PASSED AND ADOPTED** on first reading this 15<sup>th</sup> day of June, 2021

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

310	Mayor Glenn Singer	_____
311	Vice Mayor Judy Lusskin	_____
312	Councilmember Bernard Einstein	_____
313	Councilmember Jaime Mendal	_____
314	Councilmember Kenneth Bernstein	_____
315		

316 **PASSED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_ 2021.

317  
318  
319 \_\_\_\_\_  
320 MAYOR GLENN SINGER

321 ATTEST:  
322  
323  
324 \_\_\_\_\_  
325 LISSETTE PEREZ  
326 TOWN CLERK

327  
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329  
330 APPROVED AS TO FORM  
331 AND LEGAL SUFFICIENCY:  
332  
333  
334 \_\_\_\_\_  
335 STEPHEN J. HELFMAN  
336 TOWN ATTORNEY





# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** September 27, 2021  
**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

Item Number:

4

**Subject:** Ordinance No. 597.21 – Amending the Town’s Land  
Development Regulation to Clarify the Definition of a Single-  
Family Residential Dwelling

---

### **Recommendation:**

It is recommended that the Town Council adopt the attached Ordinance No. 597.21 as presented.

### **Background:**

This Ordinance will provide for additional enforceable provisions to ensure that homes in Town are being used for the purposes provided within the Ordinance.

We anticipate that this Ordinance will assist our efforts to limit the type of activities homes in Town are being used for (i.e. commercial parties, hosted events for other purposes, etc.).

### **Fiscal Impact:**

None

1 TOWN OF GOLDEN BEACH, FLORIDA

2  
3 ORDINANCE NO. 597.21

4  
5 AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,  
6 FLORIDA, AMENDING THE TOWN'S CODE OF  
7 ORDINANCES BY AMENDING THE TOWN'S LAND  
8 DEVELOPMENT REGULATIONS, CHAPTER 66, ARTICLE  
9 III, DISTRICT REGULATIONS, SECTION 66-67 ZONING  
10 DISTRICTS, TO CLARIFY THE DEFINITION OF A SINGLE-  
11 FAMILY RESIDENTIAL DWELLINGS; PROVIDING FOR  
12 SEVERABILITY; PROVIDING FOR CODIFICATION;  
13 PROVIDING FOR CONFLICTS; AND PROVIDING AN  
14 EFFECTIVE DATE.

15  
16 **WHEREAS**, the Town Council of the Town of Golden Beach ("Town Council")  
17 periodically studies land development trends and issues, and amends the Town's Land  
18 Development Regulations in order to update its regulations; and

19 **WHEREAS**, Chapter 66, Article III, District Regulations, Section 66-67, Zoning  
20 Districts, of the Town of Golden Beach's Land Development Regulations requires updating  
21 to clarify the definition of Single Family Residential Dwellings to insure compliance with the  
22 provisions of the Town Charter and applicable laws; and

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

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

27 **Section 1. Recitals.** That the recitals set forth above are hereby adopted and  
28 confirmed.

29 **Section 2. Amending Code.** That the Code of Ordinances of the Town of  
30 Golden Beach, Florida is hereby amended by revising Chapter 66, Article III, District

31 Regulations, Section 66-67(b)(1), Zoning Districts, of the Town of Golden Beach's Land  
32 Development Regulations, which sections shall read as follows:<sup>1</sup>

33 Sec. 66-67. - Zoning districts.

34 \*\*\*

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

37 (1) Single-Family Residential Dwellings. All property within the SF district shall be  
38 used for the principal purpose of single-family residential dwellings at all times  
39 occupied as a single household by the same an individual family. only.

40 \*\*\*

41 **Section 3. Severability.** That the provisions of this Ordinance are declared to  
42 be severable and if any section, sentence, clause or phrase of this Ordinance shall for  
43 any reason be held to be invalid or unconstitutional, such decision shall not affect the  
44 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but  
45 they shall remain in effect, it being the legislative intent that this Ordinance shall stand  
46 notwithstanding the invalidity of any part.

47 **Section 4. Codification.** That it is the intent of the Town Council that the  
48 provisions of this ordinance shall become and be made a part of the Town's Code of  
49 Ordinances, and that the sections of this Ordinance may be renumbered or relettered,  
50 and the word "ordinance" may be changed to "section," "article," "regulation," or such  
51 other appropriate word or phrase in order to accomplish such intentions.

52 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or  
53 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

---

<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~. Additions added between first and second reading are shown in double underline.

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

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

58 Mayor Glenn Singer Aye  
59 Vice Mayor Judy Lusskin Aye  
60 Councilmember Bernard Einstein Aye  
61 Councilmember Jaime Mendal Aye  
62 Councilmember Kenneth Bernstein Aye  
63

64 **PASSED AND ADOPTED** on first reading this 15<sup>th</sup> day of June, 2021

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

67 Mayor Glenn Singer \_\_\_\_\_  
68 Vice Mayor Judy Lusskin \_\_\_\_\_  
69 Councilmember Bernard Einstein \_\_\_\_\_  
70 Councilmember Jaime Mendal \_\_\_\_\_  
71 Councilmember Kenneth Bernstein \_\_\_\_\_  
72

73 **PASSED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_ 2021.

74  
75 \_\_\_\_\_  
76 MAYOR GLENN SINGER

77 ATTEST:  
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79 \_\_\_\_\_  
80 LISSETTE PEREZ  
81 TOWN CLERK  
82  
83

84 APPROVED AS TO FORM  
85 AND LEGAL SUFFICIENCY:  
86  
87 \_\_\_\_\_  
88 STEPHEN J. HELFMAN  
89 TOWN ATTORNEY



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

---

**Date:** September 27, 2021

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

Item Number:

5

**From:** Alexander Diaz,   
Town Manager

**Subject:** Ordinance No. 598.21 – Amending Code, Chapter 24, Section 24- Amending Chapter 24, “Personnel,” Article I, “Retirement,” Division 1 “General Employees” By Amending The Town of Golden Beach Employees Pension Plan at Section 24-31 “Definitions,” Section 24-32 “Membership,” Section 24-33 “Benefit Amounts and Eligibility,” and Section 24-36 “Administration.”

---

### **Recommendation:**

It is recommended that the Town Council adopt the attached Ordinance No. 598.21 as presented.

### **Background:**

The Town maintains a retirement benefit plan for its employees, which is known as the Town of Golden Beach Employees Pension Plan (the “Plan”), and which is codified in Chapter 24 of the Town’s Code of Ordinances. The Town Council and its employees desire to modify the Plan by changing the method of calculating average monthly earnings from the highest five of the last ten years of service to the highest three of the last ten years of service.

In addition, for general employees, the multiplier used to the calculate the normal monthly retirement benefit is being proposed to prospectively change from 2.25% to 2.5%, with the timing of such increase based on employees’ vesting and length of service.

Further, as a result of the Town Council’s negotiation with the Town Manager, the multiplier used to the calculate his normal monthly retirement benefit is prospectively changing from 3% to 6% upon the completion of 15 and 16 years of service with the Town (or 5 and 6 years as a member of the Plan).

Finally, at the recommendation of the Plan's Board and its legal counsel, various scrivener's errors and outdated provisions have been corrected and clarified, respectively.

This Ordinance amends the Code to effectuate the various proposed changes to the Plan.

**Fiscal Impact:**

Though an actuarial impact statement had been produced relative to some of the changes, an updated actuarial impact statement will be provided between first and final reading by the Fund's actuary.

**TOWN OF GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 598.21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 24, "PERSONNEL," ARTICLE II, "RETIREMENT," DIVISION 1 "GENERAL EMPLOYEES" BY AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN AT SECTION 24-31 "DEFINITIONS," SECTION 24-32 "MEMBERSHIP," SECTION 24-33 "BENEFIT AMOUNTS AND ELIGIBILITY," AND SECTION 24-36 "ADMINISTRATION"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Golden Beach, Florida ("Town Council") has established the Town of Golden Beach Employees' Pension Plan (the "Plan") for members of the Plan as defined in Section 24-31 of the Town's Code of Ordinances ("Members"); and

**WHEREAS**, the Town Council desires to change the method of calculating average monthly earnings for all of the Members; and

**WHEREAS**, the Town Council desires to prospectively increase the multiplier used in calculating the normal monthly retirement benefit for general employees, with the timing of such increase based on vesting and employment status; and

**WHEREAS**, consistent with the Town Council's negotiation with the Town Manager regarding amending his employment agreement, the multiplier used in calculating the normal monthly retirement benefit for the Town Manager will be prospectively increased, with the timing of such increase based on years of service as town manager; and

**WHEREAS**, the Town Council desires to correct non-substantive scrivener's errors throughout the Plan and clarify the applicability of outdated provisions; and

**WHEREAS**, to accomplish the pension reform goals of changing the method of calculating average monthly earnings and increasing the multiplier, as well as correcting scrivener's errors and clarifying the status of outdated provisions, it is necessary to adopt an ordinance amending the Plan as set forth in Chapter 24, Article II of the Town Manager's Code of Ordinances; and

**WHEREAS**, the Town Council finds that adopting this Ordinance is in the best interest of the Town of Golden Beach, Florida (the "Town").

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, HEREBY ORDAINS AS FOLLOWS:<sup>1</sup>**

**Section 1. Recitals Adopted.** Each of the above recitals is hereby adopted and incorporated as if fully set forth in this Section.

**Section 2. Code Amended.** That Section 24-31 "Definitions" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby amended to read as follows:

Sec. 24-31. - Definitions.

As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

\*\*\*

*Average Monthly Earnings* means ~~one-sixteenth~~ one-sixtieth (1/60) one thirty-sixth of Earnings of a Member during the three years of employment, within the last ten years of employment, which is greater than the total during any other three years during said ten-year period. However, any member of the Plan who was eligible to retire and who retired prior to October 1, 2021 [Insert Second Reading Date], had his or her retirement benefits calculated on the basis of five years of employment and one-sixtieth of Earnings, within the last ten years of employment, which is greater than the total during any other five years during said ten-year period; provided that if a Member was ~~shall have been~~

---

<sup>1</sup>Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strike through~~. Changes between first and second reading are indicated with highlight.



employed for fewer than five years, such average was ~~shall be~~ taken over the period of actual employment.

\*\*\*

*Earnings* means a Member's total cash compensation, which includes annual lump sum wage payments, from the Town exclusive of any lump sum payments for unused sick or vacation time, allowances for education, food or uniforms, and any other extraordinary compensation.

\*\*\*

**Section 3. Code Amended.** That Section 24-32 "Membership" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby amended to read as follows:

\*\*\*

- (f) Election of increased benefits and employee contributions. Each member of the plan as of the date this section becomes effective shall, within 60 days following such effective date, make a written election either to continue no member contributions to the plan or to begin contributing three and one-half percent of earnings to the plan in the case of general employee members or three and three-tenths percent of earnings in the case of police officer members. Each such member who elects not to contribute shall be subject to a lower benefit accrual rate, as provided in Section 24-33(a)(1). Each such member who elects to begin contributing at the rates provided above shall be subject to a higher benefit accrual rate, as provided in Section 24-33(a)(1). The aforementioned contribution amounts have since been modified pursuant to Section 24-35(a).

**Section 4. Code Amended.** That Section 24-33 "Benefit amounts and eligibility" of Division 1 "General Employees" of Article II "Retirement" of the Town Code is hereby amended to read as follows:

(a) Normal Retirement Benefit.

- (1) Amount. Each Member who retires on or after his or her Normal Retirement Date shall be eligible to receive his or her normal retirement benefit commencing on his or her actual retirement date.
  - a. The monthly normal retirement benefit for each member who does not contribute to the plan shall be an amount equal to two percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.

- b. The monthly normal retirement benefit for each general employee member who is vested as of ~~October 1, 2021~~ ~~[Insert Second Reading Date]~~ and contributes to the plan shall be an amount equal to two and one-quarter percent (2.25%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service rendered prior to ~~October 1, 2021~~ ~~[Insert Second Reading Date]~~. For Credited Service rendered on and after ~~October 1, 2021~~ ~~[Insert Second Reading Date]~~, the monthly benefit shall be an amount equal to two and one half percent (2.5%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- c. The monthly normal retirement benefit for each general employee member who is not vested as of ~~October 1, 2021~~ ~~[Insert Second Reading Date]~~ and contributes to the plan shall be an amount equal to two and one-quarter percent (2.25%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service for the first ten years of Credited Service. For Credited Service rendered after the first ten years, the monthly benefit shall be an amount equal to two and one half percent (2.5%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- d. The monthly normal retirement benefit for each general employee member hired after ~~October 1, 2021~~ ~~[Insert Second Reading Date]~~ shall be an amount equal to two and one-quarter percent (2.25%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service for the first ten years of Credited Service. For Credited Service rendered after the first ten years, the monthly benefit shall be an amount equal to two and one half percent (2.5%) of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- ~~e. e-~~ The monthly normal retirement benefit for each police officer member and the Town Manager member who contributes to the plan and retires after September 30, 2003, shall be an amount equal to 2¾-percent of his or her Average Monthly Earnings multiplied by the length of his or her Credited Service.
- ~~f. d-~~ Effective October 1, 2006 the monthly normal retirement benefit for each Police Officer Member and the Town Manager Member, who contributes to the Plan and retires, shall be an amount equal to three percent of Average Monthly Earnings multiplied by the length of Credited Service rendered on or after October 1, 2006. The aforementioned multiplier for the Town Manager Member has since been modified in accordance with Section 24-33(a)(1)(g) below.
- ~~g. e-~~ Effective upon joining the Plan, which requires at least ten preceding years of service, the monthly normal retirement benefit for a Town Manager Member who contributes to the Plan shall be an amount equal to a percent

of Average Monthly Earnings based on the length of eligible Credited Service as follows:

Completed Years of Credited Service After Becoming a Plan Member	Normal Retirement Benefit as a Percentage of Average Monthly Earnings:
0 - 2	15% x Credited Service (formula used in calculating first two years only). The calculation of subsequent service years will be based on different benefits formulas as detailed below.
3 - 4 After 2	3% x Credited Service (formula used in calculating third and fourth year only) in excess of 2 years
5 - 6	6% x Credited Service (formula used in calculating fifth and sixth year only)
After 7	3% x Credited Service (formula used in calculating the seventh year and each year thereafter)

\*\*\*

**Section 5. Code Amended.** That Section 24-36 “Administration” of Article II “Retirement” of Division 1 “General Employees” of Article II “Retirement” of the Town Code is hereby amended to read as follows

Sec. 24-36. - Administration.

\*\*\*

(c) The elective Trustees shall be elected in the following manner, to wit: By vote of all actively employed Police Officer General Employee Members and the Town Manager Member at meetings to be held at places designated by the Board, of which meetings all qualified Members entitled to vote shall be notified in Person or by written notice of ten (10) ~~often~~ days in advance of said meeting. The Police Officer and General Employee receiving the highest number of votes shall be declared elected and shall take office immediately upon commencement of the terra of office for which elected or as soon thereafter as he shall qualify therefore. An election shall be held not more than 30 and not less than ten days prior to the commencement of the terms for which Trustees are to be elected. The Board shall establish and administer the election procedure for each election. The Board of Trustees shall meet, organize, and elect one of their members as Chairman, one member as Vice Chairman, and one member as Secretary within ten days after all the Trustees are elected and duly qualified.

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**Section 6. Repealer.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 8. Codification.** That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the Code of the Town of Golden Beach; that the sections of this Ordinance may be re-numbered and/or re-lettered to accomplish such intentions; and that the word, "Ordinance," shall be changed to "Section" or such other appropriate word.

**Section 9. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

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

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

**PASSED AND ADOPTED** on first reading this 31<sup>st</sup> day of August, 2021.

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

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Jaime Mendal	_____
Councilmember Kenneth Bernstein	_____

**PASSED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
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

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## MEMORANDUM

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**Date:** September 27, 2021

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

Item Number:

6

**Subject:** Resolution No. 2769.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (1<sup>st</sup> Floor Finished Elevation and Bldg Height – Zone One)

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### **Recommendation:**

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2769.21.

### **Background and History:**

Variance request from Town Code 66-69.1 - Zone One; (d) (1) (a) (c): Lowest Habitable Floor Height. Main Residence and Building Height:

(a). Primary residential structures built on lots with a street Frontage at least 50 feet in width but less than 100 feet in width shall not exceed 27.5 feet in height

(c) The height measurement for main residences shall be measured from the lowest habitable Living Area which is a maximum of two feet above the FDEP lowest structural member (18.2 feet NGVD). This height measurement shall include all portions of the main residence east of the 60-foot front Setback line or Coastal Construction Control Line (CCCL), whichever is more westerly. .

The applicant's request is to allow the lowest habitable floor living area to start at 24' NGVD with a building height not to exceed 50.5' NGVD.

The Building Regulation Advisory Board met September 14, 2021 and recommended approval of the variance request, the motion passed 4 – 0.

### **Attachments:**

- Resolution
- Michael Miller Planning Critique
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

**Financial Impact:** None

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2769.21**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE FIRST FLOOR FINISHED ELEVATION TO BE AT 23' NGVD, WITH A BUILDING HEIGHT NOT TO EXCEED 50.5' NGVD, INSTEAD OF THE STARTING ELEVATION OF 20.02' AS STIPULATED IN THE CODE.**

**WHEREAS**, the applicants, Barry E. Somerstein, Trs, (“the applicant”), filed a Petition for Variances/exceptions, from Section 66-69.1 – Zone One (Ocean Front Properties) – (d) Building Height – (1) Main Residence. d. The height measurement for main residences shall be measured from the lowest habitable Living Area, which is a maximum of two feet above the FDEP lowest structural member (18.2' NGVD). The height measurement shall include all portions of the main residence east of the 60-foot front Setback line or Coastal Construction Control Line (CCCL), whichever is more westerly, and;

**WHEREAS**, the applicant’s request is to allow the first floor finished elevation of the main house to be at 23.0' NGVD with a building height not to exceed 50.5' NGVD, and;

**WHEREAS**, these variances and exceptions are for the property at 399 Ocean Boulevard, Golden Beach, FL. 33160 (GB Section B, Lot 1, Block B, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-002-0370 (the “Property”) and,

**WHEREAS**, the Town's Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended approval of the first floor finished elevation to be at 23.0" with a building height not to exceed 50.5', for approval by the Town Council; and,

**WHEREAS**, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Town Council having considered the evidence presented, finds that the Petition of Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

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

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

**Section 2. Approval.** The Petition for Variance to permit the requested variances/exception is hereby granted.

**Section 3. Conditions.** The Petition for Exception/Variance as granted is subject to the following conditions:

- (1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and the construction shall be completed substantially in accordance with those certain plan pages labeled Ground Floor, First Floor, Second Floor, Roof Plan, entitled SAOTA, design, undated, and the Sketch of Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, dated



2/22/2021, for the property located at the 399 Ocean Boulevard, Golden Beach, FL. 33160.

**Section 4. Implementation.** That the Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

**Sponsored by Administration.**

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

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this \_\_\_\_\_ day \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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STEPHEN J. HELFMAN  
TOWN ATTORNEY



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** September 27, 2021  
**To:** Honorable Mayor Glenn Singer &  
Town Council Members  
**From:** Alexander Diaz,  
Town Manager

Item Number:

7

**Subject:** Resolution No. 2770.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (Main House - Side Yard Bldg. Setbacks and 2<sup>nd</sup> Floor Step In)

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### Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2770.21.

### Background and History:

Variance request from Town Code Section 66.69-1- Zone One (Oceanfront properties). 1 - Main Residence (h) Side yard Setbacks. (a) and (b)

- (a) For lots or any combination of lots with 75 feet or more of Frontage, no portion of any building shall be closer than ten feet from each side lot line
- (b) All residences designed as two-story structures shall be required to increase the side Setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet.

The applicant's request is to allow a 7.5' side yard setback at the North side of the property instead of the 10' outlined in the code and to allow the upper floors along the North side of the property of the structure to not increase the side Setbacks along one quarter of the length of the structure, instead of two-thirds of the length of the structure by one foot for each one foot of building height above the first 18'.

The Building Regulation Advisory Board met September 14, 2021 and recommended approval of the variance request, the motion failed 4 – 0

### Attachments:

- Resolution
- Michael Miller Planning Critique
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

**Financial Impact:** None

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2770.21**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT A 7.5' SIDE YARD SETBACK AT THE NORTH SIDE PROPERTY LINE OF THE PROPOSED MAIN RESIDENCE STRUCTURE AND FOR THE SECOND STORY TO NOT STEP IN ONE FOOT FOR EVERY 18' OF HEIGHT FOR ONE QUARTER OF THE BUILDING, WHEN THE CODE REQUIRES A 10' SIDE SETBACK AND REQUIRES AN INCREASE TO THE SIDE SETBACKS ALONG TWO-THIRDS OF THE LENGTH OF THE SECOND STORY BY ONE FOOT (1:1) OF BUILDING HEIGHT ABOVE THE FIRST 18'.**

**WHEREAS**, the applicants, Barry E. Somerstein Trs, (“the applicant”), filed a Petition for Variances/exceptions, from Section 66-69.1 – Zone One (Ocean Front Properties) – (h) Side Yard Setbacks (1) Main Residence. (b) For lots or any combination of lots with 75 feet or more of Frontage, no portion of any building shall be closer than ten feet from each side lot line, (c) All residences designed as two-story structures shall be required to increase the side Setbacks along two-thirds of the length of the second story by one foot for each one foot (1:1) of building height above the first 18 feet, and

**WHEREAS**, the applicant’s request is to allow the North side setbacks of the main house to be at 7.5’ and for the second-story to not step in one foot for every 18’ of height for only one quarter of the Building, and;

**WHEREAS**, these variances and exceptions are for the property at 399 Ocean Boulevard, Golden Beach, FL. 33160 (GB Section B, Lot 1, Block B, as recorded in PB 9-

52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-002-0370 (the “Property”) and,

**WHEREAS**, the Town’s Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended denial to allow the North side setbacks of house to be at 5’ and for the second-story to not step in one foot for every 18’ of height for one quarter of the Building, and; for approval by the Town Council; and,

**WHEREAS**, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Town Council having considered the evidence presented, finds that the Petition of Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

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

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

**Section 2. Approval.** The Petition for Variance to permit the requested variances/exception is hereby granted.

**Section 3. Conditions.** The Petition for Exception/Variance as granted is subject to the following conditions:

- (1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and the construction shall be completed substantially in accordance with those certain plan pages entitled Ground Floor, First Floor, Second

Floor and Roof Plan, labeled SAOTA design, undated, and the Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, Surveyor, (5269) dated 2/22/2021, for the property located at 399, Ocean Boulevard, Golden Beach, FL. 33160

**Section 4. Implementation.** That the Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

**Sponsored by Administration.**

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

- Mayor Glenn Singer \_\_\_\_\_
- Vice Mayor Judy Lusskin \_\_\_\_\_
- Councilmember Kenneth Bernstein \_\_\_\_\_
- Councilmember Jaime Mendal \_\_\_\_\_
- Councilmember Bernard Einstein \_\_\_\_\_

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this \_\_\_\_\_ day \_\_\_\_\_, 2021

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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STEPHEN J. HELFMAN  
TOWN ATTORNEY



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** September 27, 2021  
**To:** Honorable Mayor Glenn Singer &  
Town Council Members  
**From:** Alexander Diaz,  
Town Manager *Alex B*  
**Subject:** **Resolution No. 2771.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (Garage/Guest House - Side Yard Setbacks and 2<sup>nd</sup> Floor Step In)**

Item Number:

8

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### Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2771.21.

### Background and History:

Variance request from Town Code Section 66.69-1- Zone One (Oceanfront properties). 1 - Main Residence (h) Side yard Setbacks. (a) and (2)

- (a) For lots or any combination of lots with 75 feet or more of Frontage, no portion of any building shall be closer than ten feet from each side lot line
- (2) Garage/Guest Accommodations. A garage structure may be built separate from the main house, in which event it shall be set back a minimum ten feet from any Side Property Line. If such a structure is constructed with a second story, the side walls shall be set back along two-thirds of the length of the second story an additional one foot for each one foot (1:1) of total building height above the first 18 feet.

The applicant's request is to allow a 7.5' side yard setback at the North side of the property instead of the 10' outlined in the code and to allow the upper floors along the North side of the property of the structure to not increase the setback for the side walls along two-thirds of the length of the second story an additional one foot for each one foot (1:1) of total building height above the first 18 feet.

The Building Regulation Advisory Board met September 14, 2021 and recommended approval of the variance request, the motion failed 4 – 0

### Attachments:

- Resolution
- Michael Miller Planning Critique
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

**Financial Impact:** None



**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2771.21**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT A GARAGE/GUEST HOUSE STRUCTURE TO HAVE A 7.5' SIDE YARD SETBACK AT THE NORTH SIDE PROPERTY LINE AND TO NOT REQUIRE AN INCREASE OF THE SIDEWALLS TO SETBACK ON THE SECOND STORY TO STEP IN ALONG TWO-THIRDS OF THE BUILDING BY ONE FOOT FOR EACH ONE FOOT (1:1) OF BUILDING HEIGHT ABOVE THE 18 FEET, WHEN THE CODE REQUIRES A 10' SIDE SETBACK ON THE FIRST FLOOR AND REQUIRES AN INCREASE TO THE SIDE WALLS TO SETBACK ALONG TWO-THIRDS OF THE LENGTH OF THE SECOND STORY AN ADDITIONAL ONE FOOT FOR EACH ONE FOOT (1:1) OF TOTAL BUILDING HEIGHT ABOVE THE FIRST 18'.**

**WHEREAS**, the applicants, Barry E. Somerstein Trs, (“the applicant”), filed a Petition for Variances/exceptions, from Section 66-69.1 – Zone One (Ocean Front Properties) – (h) Side Yard Setbacks (b) For lots or any combination of lots with 75 feet or more of Frontage, no portion of any building shall be closer than ten feet from each side lot line, (2) Garage/Guest Accommodations. A garage structure may be built separate from the main house, in which event it shall be set back a minimum ten feet from any Side Property Line. If such a structure is constructed with a second story, the sidewalls shall be set back along two-thirds of the length of the second story an additional one foot for each one-foot (1:1) of total building height above the first 18 feet. and;

**WHEREAS**, the applicant's request is to allow the North side setbacks of the Garage/Guest House structure to be at 7.5' and for the sidewalls of the second-story to not step in one foot for every 18' of height for two-thirds of the length of the second story an additional one foot for each one foot (1:1) of the total building height above the first 18 feet, and,

**WHEREAS**, these variances and exceptions are for the property at 399 Ocean Boulevard, Golden Beach, FL. 33160 (GB Section B, Lot 1, Block B, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-002-0370 (the "Property") and,

**WHEREAS**, the Town's Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended denial to allow the North side setbacks of house to be at 5' and for the sidewalls of the second-story to not step in one foot for every 18' of height for two-thirds of the length of the second story an additional one foot for each one foot (1:1) total building height above the first 18 feet, and for approval by the Town Council.

**WHEREAS**, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Town Council having considered the evidence presented, finds that the Petition of Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

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

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

**Section 2. Approval.** The Petition for Variance to permit the requested variances/exception is hereby granted.

**Section 3. Conditions.** The Petition for Exception/Variance as granted is subject to the following conditions:

(1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and the construction shall be completed substantially in accordance with those certain plan pages entitled Ground Floor, First Floor, Second Floor and Roof Plan, labeled SAOTA, undated, and the Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, Surveyor, (5269) dated 2/22/2021, for the property located at 399, Ocean Boulevard, Golden Beach, FL. 33160

**Section 4. Implementation.** That the Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

**Sponsored by Administration.**

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

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,  
Florida, this 27<sup>th</sup> day September, 2021

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
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

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## MEMORANDUM

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**Date:** September 27, 2021  
**To:** Honorable Mayor Glenn Singer &  
Town Council Members  
**From:** Alexander Diaz,  
Town Manager

Item Number:

9

**Subject:** Resolution No. 2772.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (Wall Height – North Side –Zone One)

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### Recommendation:

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2772.21.

### Background and History:

Variance request from Town Code Section 66-186 (a). - Height restrictions.

- (a) In Zone One no wall or fence between estates or lots shall be constructed or altered to exceed in height the following: Parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall or fence higher than two feet may be erected on the east (Ocean Front) property line. No wall or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line.

The applicant's request is to allow the wall along the North side property line to be at 11' from finished site grade. Terminating with the eastern edge of the lot at the North property line.

The Building Regulation Advisory Board met September 14, 2021 and recommended approval of the variance request, the motion failed 4 – 0.

### Attachments:

- Resolution
- Michael Miller Planning Critique
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

**Financial Impact:** None

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2772.21**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE WALL ALONG THE NORTH SIDE PROPERTY LINE TO BE AT 11' IN HEIGHT FROM THE FINISHED SITE GRADE, TERMINATING AT THE EASTERN EDGE OF THE LOT ALONG THE NORTH SIDE PROPERTY LINE, INSTEAD OF THE STEP DOWN WALL HEIGHTS OF 6', 4' AND 2' REQUIRED BY THE CODE.**

**WHEREAS**, the applicants, Barry E. Somerstein, Trs, (“the applicant”), filed a Petition for Variances/exceptions, from Town Code Section 66-186 (a). - Height restrictions. In Zone One no wall or fence between estates or lots shall be constructed or altered to exceed in height the following: Parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall or fence higher than two feet may be erected on the east (Ocean Front) property line. No wall or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line. And,

**WHEREAS**, the applicant’s request is to allow the wall along the North side Property line to be at 11’ in height from the finished site grade, terminating at the Eastern edge of the Lot, and

**WHEREAS**, these variances and exceptions are for the property at 399 Ocean Boulevard, Golden Beach, FL. 33160 (GB Section B, Lot 1, Block B, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-002-0370 (the “Property”) and,

**WHEREAS**, the Town's Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended denial of the wall to be at 11' NGVD, measured from site grade, in height along the North side property line, for approval by the Town Council; and,

**WHEREAS**, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Town Council having considered the evidence presented, finds that the Petition of Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

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

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

**Section 2. Approval.** The Petition for Variance to permit the requested variances/exception is hereby granted.

**Section 3. Conditions.** The Petition for Exception/Variance as granted is subject to the following conditions:

- (1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and the construction shall be completed substantially in accordance with those certain plan pages entitled Ground Floor, First Floor, Second Floor and Roof Plan – SAOTA, Designers, undated and the Sketch of Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, Surveyor, (5269), dated 2/22/2021, for the property located at 399, Ocean Boulevard, Golden Beach, FL. 33160

**Section 4. Implementation.** That the Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

**Sponsored by Administration.**

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

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 27<sup>th</sup> day September, 2021.

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
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

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## MEMORANDUM

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**Date:** September 27, 2021  
**To:** Honorable Mayor Glenn Singer &  
Town Council Members  
**From:** Alexander Diaz,  
Town Manager *Alex B*

Item Number:

10

**Subject:** Resolution No. 2773.21 – Variance Request for 399 Ocean Blvd, Golden Beach, FL 33160 (Balcony Setbacks – Rear Yard – Zone One)

---

**Recommendation:**

It is recommended that the Town Council allow the applicant the opportunity to seek approval of the variance request presented in Resolution No. 2773.21.

**Background and History:**

Variance request from Town Code Section 66-69.1 (g) (1) and 66-141 – Projections (b)

(g) Rear yard Setbacks. No portion of any house shall be placed closer to the east "rear" lot line abutting the Atlantic Ocean than behind a line drawn between the corners of the nearest existing residences parallel to the beach. Notwithstanding the foregoing, stairs and/or balconies may be located closer to the east "rear" lot line than behind a line drawn between the corners of the nearest adjacent residences parallel to the beach, subject to the following restriction

(b) Balconies and rooftops designed to support habitable activities consistent with section 66-261, and stairs leading to balconies or such rooftops shall not extend into side Setbacks and shall not extend more than four feet into rear or front yard Setback areas.

The applicant's request is to allow for the balconies on the east façade of the house to encroach more than 4' into the rear yard setback at 11'

The Building Regulation Advisory Board met September 14, 2021 and recommended approval of the variance request, the motion failed 4 – 0.

**Attachments:**

- Resolution
- Michael Miller Planning Critique
- Notice of Hearing
- Building Regulation Advisory Board Application
- Copy of resident notification listing
- Summary minutes

**Financial Impact:** None

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2773.21**

**A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 399 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE BALCONIES ON THE EAST FAÇADE TO ENCROACH MORE THAN 4' INTO THE REAR YARD SETBACK AT 11.0' FROM GRADE.**

**WHEREAS**, the applicants, Barry E. Somerstein, Trs, (“the applicant”), filed a Petition for Variances/exceptions, from Section 66-262 (b)(1) Balconies; (b) Balconies are permitted in Zones One, Two and Three subject to the following criteria: (1) Balconies located on the front or rear of the façade of a building may not extend more than four feet into the yard beyond the respective setback, And from Town Code Section 66-141 Projections; (b) Balconies and rooftops designed to support habitable activities consistent with section 66-261, and stairs leading to balconies or such rooftops shall not extend into side Setbacks and shall not extend more than four feet into the rear or front yard Setback areas.

**WHEREAS**, the applicant’s request is to allow the balconies on the east façade of the house to encroach at 11.0’, and

**WHEREAS**, these variances and exceptions are for the property at 399 Ocean Boulevard, Golden Beach, FL. 33160 (GB Section B, Lot 1, Block B., Lot 1, as recorded in PB 9-52, of the Public Records of Miami-Dade County, (Folio No. 19-1235-002-0370 (the “Property”) and,

**WHEREAS**, the Town’s Building Regulation Advisory Board held an advertised public hearing on the Petition for Variance/Exception and recommended denial to allow

the balconies on the east façade of the house to encroach at 11.0', and for approval by the Town Council; and,

**WHEREAS**, a public hearing of the Town Council was advertised and held, as required by law, and all interested parties were given an opportunity to be heard; and

**WHEREAS**, the Town Council having considered the evidence presented, finds that the Petition of Variance meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

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

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

**Section 2. Approval.** The Petition for Variance to permit the requested variances/exception is hereby granted.

**Section 3. Conditions.** The Petition for Exception/Variance as granted is subject to the following conditions:

(1) Applicant shall record a certified copy of this Resolution in the public records of Miami-Dade County; and the construction shall be completed substantially in accordance with those certain plans labeled, Ground Floor, First Floor, Second Floor and Roof Plan, entitled SAOTA design, undated, the Sketch of Boundary Survey, prepared by McLaughlin Engineering Company, Jerald A. McLaughlin, Surveyor (5269, for the property located at 399, Ocean Boulevard, Golden Beach, FL. 33160

**Section 4. Implementation.** That the Building and Zoning Director is hereby directed to make the necessary notations upon the maps and records of the

Town of Golden Beach Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution. A copy of this Resolution shall be attached to the building permit application documents.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

**Sponsored by Administration.**

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

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 27<sup>th</sup> day September, 2021.

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
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


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## MEMORANDUM

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**Date:** September 27, 2021

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Lissette Perez,   
Town Clerk

**Subject:** **Town Council Minutes**

Item Number:

11

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### Recommendation:

It is recommended that the Town Council adopt the following attached minutes of the August 31, 2021 Special Town Council Meeting.



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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Official Minutes for the August 31, 2021  
Special Town Council Meeting called for 6:00 P.M.

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**Zoom Room Meeting ID: 885 1593 3885 Password: 179035**

**For Dial In Only: Call 929.205.6099 Meeting ID: 885 1593 3885**

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, AUGUST 31, 2021.

## A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 6:10 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. PRESENTATIONS / TOWN PROCLAMATIONS

ABRAHAM MENDAL – TOWN FLAG AWARD

## E. MOTION TO SET THE AGENDA

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

**Town Manager** requested to add item #14 to the agenda.

\*\*\*Consensus vote 3 Ayes, 0 Nays\*\*\*

## F. GOOD AND WELFARE

None

## **G. MAYOR'S REPORT**

Expressed his condolences for the victims of the Surfside Chaplain Towers Collapse. Commended Chief Herbello and his staff for the assistance they provided. Reminded residents that school is back in session, and to be mindful of the children walking in Town, and please drive the speed limit. COVID is still among us. Changed the policy for Town Hall, now everyone is required to wear a mask and we take everyone's temperature when they enter Town Hall. Hopes everyone gets vaccinated. Know that it is a heated debate. He does not look at it as a political event; look at it as a medical event. The science shows that if you get vaccinated your chances of getting deathly sick are reduced. Urged residents to attend the event tomorrow where they could get tested or vaccinated. Urged all residents and employees to get vaccinated. During the Summer the Town Attorney, Manager and he worked on the Hotwire contract. Hats off to the Town Attorney for all of his hard work on the contract. Really exciting time for the Town of Golden Beach. On the budget and the real estate taxes side, this is going to be the eighth consecutive year that we have no change to the millage rate. Hats off to the Town Manager, Finance Director and the Department Directors for keeping costs down. To keep the millage rate consistent is a real feather in our cap. We are working on a five-year budget forecast on both the revenue and budget side to make sure that not only this year we can afford an 8.4 millage rate, but in the future we can continue to maintain it. Town Hall is moving forward and moving in the right direction. Had a very productive meeting with Gerrits Construction. Hopefully, will be in the new Town Hall within the next 24 months. Over the summer, the Town Manager held a workshop on sustainability. In attendance were the town's engineers and most of the town's vendors that do this type of work for the town. This is planning for sea rise and climate change. We are one of the only cities having these types of meetings and dealing with these issues.

## **H. CORONAVIRUS UPDATE**

**Town Manager** stated that the Town will host a COVID vaccine event tomorrow where we are offering all three vaccines. The event is open to all of the residents, employees and the public. Now we have instituted bi-weekly testing of all of our employees. Three of our vaccinated employees tested positive for covid over the summer. Continue following CDC guidelines. We no longer get reports from the state on how many of our residents are positive.

## **I. COUNCIL COMMENTS**

**Vice Mayor Lusskin** stated that her sentiments were with the Town of Surfside and the victims of the collapse. Thanked the Carpenter family for doing a charity concert. There's so much construction in Town it is quite difficult parking and navigating through the streets in town, asked if the police can look into that. Also, asked if residents are still allowed to shoot iguanas with an air gun. Asked Town Manager for an update on how the food trucks did this summer. Still feels that we need a safety wall at Massini. It is a very, very important wall to have there for safety and for Golden Beach.

**Councilmember Mendal** to the Vice Mayor's Massini wall request, asked if we can ask the county for help with that?

**Town Manager** stated yes. We asked the county commissioner for \$500,000 they gave us \$5,000 towards our efforts.

**Councilmember Mendal** expressed condolences for the victims of the surfside tragedy, proud of the way we helped.

**Councilman Einstein**

Also expressed condolences for the victims of the surfside tragedy. Monumental that we brought the covid vaccine to Town. Important for people to get vaccinated for medical safety reasons, and for your children and your parents.

**Councilmember Bernstein**

No comment

**J. TOWN MANAGER REPORT**

Stated that this past summer he really took the time to think about what occurred at the last council meeting in terms of his interaction with the Council and his thoughts. Wanted to tell the Council that he has a deep admiration for the work that they do and he gets passionate about that. Wanted to acknowledge the police staff for the heroic efforts they put forth to assist the victims of the surfside tragedy. Thanked the police staff for their dedication and their efforts and to the town staff who picked up their efforts while he was away assisting them. We were there until the last truck with debris left. This was a wet summer which caused some of our projects to be delayed. Did an evaluation of all of our FPL equipment and did get a slew of FPL items serviced. Our Finance Department did receive the distinguished budget award again for the 11<sup>th</sup> consecutive year. King tides will be in town September 9<sup>th</sup>-11<sup>th</sup> and October 5<sup>th</sup>-11<sup>th</sup>. If you are a home owner that typically gets water in their home during king tide events make sure you reach out to our Public Works department to assist you with those issues.

**Vice Mayor Lusskin** asked about the temporary pumps for the king tide events.

**Town Manager** stated that he is negotiating now with Southeast Engineering to see if they can provide us those portable pumps like they did in the past. Also mentioned that the food truck events were very successful. Did submit requests for temporary pumps from the state of Florida. Unfortunately, we did not make it into this year's budget, we did resubmit those request for the 2022 budget.

**K. TOWN ATTORNEY REPORT**

None

**L. ORDINANCES – SECOND READING**

None

**M. ORDINANCES - FIRST READING**

- 1. An Ordinance of the Town Council Amending Chapter 24, "Personnel," Article I, "Retirement," Division 1 "General Employees."**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER



24, "PERSONNEL," ARTICLE II, "RETIREMENT," DIVISION 1 "GENERAL EMPLOYEES" BY AMENDING THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN AT SECTION 24-31 "DEFINITIONS," SECTION 24-32 "MEMBERSHIP," SECTION 24-33 "BENEFIT AMOUNTS AND ELIGIBILITY," AND SECTION 24-36 "ADMINISTRATION"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 598.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 598.21

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

On roll call, the following vote ensued:

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

The motion passed.

**Mayor Singer** stated that we have not made any changes to the employee pension plan in over 20 years and this would benefit our long-term employees.

**Town Manager** stated that over the last 22 years the general employees pension plan has not been revisited to make sure that the Town is competitive. In addition, the general employees came to the Mayor and Manager and made some requests concerning the general employee's pension plan. Most of our employees have been with the Town going on 14 years or longer. We want to make sure that we stay competitive with the global market. Item #1 changes the years of calculation for average salary earnings. Changing it from the average highest five of the last ten years to the highest three of the last ten years and that will become the average salary earnings for pension determination. Item #2 changes the multiplier for the general employees which is currently at 2.25% which it has been at for the last 20+ years. What this item says is that after ten years of service, the multiplier changes from 2.25% to 2.50% for all existing employees on a moving forward basis. It is a very conservative increase. Item #3, should you approve the Town Manager's contract for employment, it changes the Managers multiplier in year fifteen and sixteen of the Managers employment with the Town. Item #4, is updating scribblers errors that were found by the pension board. There is a scribblers error tonight on the item that we need to change under 24-31 it is no longer 160 it becomes 136, we will update that for second reading.

**Vice Mayor Luskin** stated that most of our employees have been with us a very long time and haven't given them considerable increases throughout the years. We know who picks up our garbage. Stated she likes the loyalty of them being here. They all seem to be descent people and is in favor of the increase after 20 years.

**Councilmember Mendal** stated that he is generally in favor of everything that's in place here. One subject that he is not a fan of is that pensions creates an unfunded liability in the future, he is always an advocate of paying more in salary rather than going down that route. However, he would like to see increases in salary, specifically for the Public Works department.

**Councilmember Einstein** stated his concern is with abuses to the system. Specifically with people making overtime and taking advantage of the system. Would like the Town Manager to discuss this on the record to make sure that no one tries to gain the system.

**Town Manager** stated that there are two ways to ensure that there is no abuse as it relates to inflating someone's earnings in their last couple years so they can gain the system. The state statutes currently allow for a 10% cap on overtime. We do not have to worry about that at Golden Beach because our overtime budget is \$30,000 a year. Even if that state statute were not there, we would not have the resources to pay overtime. In addition, our off duties are currently not pensionable. If hypothetically our public works staff were to need overtime it would be storm related, and if there is a storm event than they have rightfully earned that time.

**Mayor Singer** stated that plus we always watch overtime.

**Town Manager** stated that the other thing that gets cities into trouble is the fact that they compound merit increases and cola's year after year. Here in Golden Beach we have been very reluctant to allow merit increases, most of the increases have been due to job classifications that have changed. We do give out bonuses, and those bonuses do not super inflate an employee's earning's.

## **N. QUASI JUDICIAL RESOLUTIONS**

### **2. A Resolution of the Town Council Approving a Variance Request for 185 Ocean Boulevard To Permit the Rear Yard Elevations to Vary.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 185 OCEAN BOULEVARD. GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE REAR YARD ELEVATIONS AROUND THE POOL AREA TO BE AT VARYING ELEVATIONS OF 11.0' N.G.V.D. TO 12' N.G.V.D. WHEN THE TOWN'S CODE ALLOWS A MAXIMUM ELEVATION OF 11' N.G.V.D.

**Exhibit:** Agenda Report No. 2  
Resolution No. 2751.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2751.21

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

On roll call, the following vote ensued:

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

The motion passed.

**3. A Resolution of the Town Council Approving a Variance Request for 185 Ocean Boulevard to Not Increase the Side Setbacks Along Two-Thirds of the Second Story.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 185 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE UPPER SECTION OF THE PROPOSED STRUCTURE TO NOT INCREASE THE SIDE SETBACKS ALONG TWO-THIRDS OF THE SECOND STORY BY ONE FOOT FOR EACH ONE FOOT (1:1) OF BUILDING HEIGHT ABOVE THE 18 FEET, WHEN THE CODE REQUIRES A 10' SIDE SETBACK AND REQUIRES AN INCREASE TO THE SIDE SETBACKS ALONG TWO-THIRDS OF THE LENGTH OF THE SECOND STORY BY ONE FOOT (1:1) OF BUILDING HEIGHT ABOVE THE FIRST 18'.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2752.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2752.21

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** spoke on both of the items. Stated this is a fifty-foot lot we are asking that you allow them to use the underbelly of the home by adjusting the elevations like you have done consistently on lots on Ocean Boulevard. We are still working on our code to allow this without variances and we have been working with the attorneys to come up with a recommendation to just set the elevations on Ocean unique to their geography. Item #2 is the step-in requirements. Because of the depth of this lot, the 18:1 ratio becomes very restrictive. We have granted this variance to three other applicants. He asks that the Council treat this request as they have other fifty-foot lots. Asks that they vote in favor of both items. Stated that several councilmembers asked if this could be addressed as a code change and admin will work with the town's attorneys to do so.

**Councilmember Mendal** asked if they are doing anything to increase the setback on the second floor.

**Town Manager** said no.

**Town Manager** commended Linda Epperson who is watching from home. This summer Linda Epperson has met with more applicants and more designers of construction companies. We are seeing more crazy requests of the Town; there is a renaissance of Golden Beach development. Will be working with the Town Attorney more aggressively to make ordinance changes. However, Linda has gone above and beyond with working with residents that are demanding in their requests.

## **O. TOWN MAJOR PROJECTS UPDATE**

- Civic Center Complex Masterplan
- Center Island Pump Station
- Fiber Project

**Town Manager** spoke on all of the projects. We had a lot of rain this summer which caused some delays. We cannot do pile driving, installation of wet wells, etc. if it is wet. We have been able to advance the project a little bit but there has been some significant rain delays. We meet bi-weekly with our construction teams to make sure we are meeting the needs of the project. The Civic Center test piles have been tested and the report is due to him this week, once those reports come in we will be able to start to place all 150+ piles that will go into the site. In the meantime, we have been working on the Civic Center civil plans, installing all the drains and drain fields and making the connection to pump station #1. Pump station number 1 is going to have some work done to it. The most difficult part this summer has been securing materials for our projects we have not been able to find pipes, junction boxes for our stormwater projects, for our repairs and maintenance projects, etc. Bear with us as the global markets continue to realign themselves. As a result of the Surfside collapse we had an owner initiated change order to the Civic Center complex. We will be increasing the Civic Center contract at a future council meeting by an additional \$45,000, that is concrete enhancement that we are making to the design of the Civic Center. Bus shelters have commenced their installation, they will be going up hopefully by the end of this month. We finalized the contract with Hotwire. Thanked Steve Helfman and his firm for all of their hard work during the summer to put together the hotwire contract. Will be the first community in the nation that offers direct fiber to all of the homes with an in-home managed Wi-Fi system that guarantees minimum speeds of 1 gig up 1 gig down. We

still believe that we will be able to deliver all of our projects on time and under an agreed to budget. We are driving some change orders to try to get some enhancements to our projects. We will be bringing you some change orders in the coming months.

## **P. CONSENT AGENDA**

- 4. Official Minutes of the June 15, 2021 Regular Town Council Zoom Virtual Meeting**
- 5. A Resolution of the Town Council Authorizing the Sale of Surplus Vehicles from the Town's Police and Public Works Fleets.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE SALE OF TWO SURPLUS POLICE VEHICLE AND ONE JOHN DEERE BACKHOE FROM THE TOWN'S VEHICLE/EQUIPMENT FLEET; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2753.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2753.21

- 6. A Resolution of the Town Council Authorizing the Purchase of a Backhoe for the Town's Public Works Fleet.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND EQUIPPING OF A BACKHOE OR EQUIPMENT SIMILAR TO ONE AND THE USE OF GENERAL FUNDS TO PURCHASE AND EQUIP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2754.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2754.21

- 7. A Resolution of the Town Council Accepting the American Rescue Plan Act Funds.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE AMERICAN RESCUE PLAN ACT CORONAVIRUS LOCAL FISCAL RECOVERY FUND AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANGAGEMENT;

PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2755.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2755.21

**8. A Resolution of the Town Council Accepting the Renewal Agreement for Short Term/Long Term Disability Insurance and Life Insurance.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE BENEFIT PROPOSAL FOR SHORT TERM/LONG TERM DISABILITY INSURANCE, LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE SUBMITTED BY MUTUAL OF OMAHA INSURANCE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2756.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2756.21

**9. A Resolution of the Town Council Approving the Renewal Agreements for Dental and Vision Coverage.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, RENEWING THE AGREEMENTS FOR A DENTAL INSURANCE AND A VISION INSURANCE PLAN FOR THE BENEFIT OF THE TOWN OF GOLDEN BEACH EMPLOYEES AND ELIGIBLE DEPENDENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2757.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2757.21

**10. A Resolution of the Town Council Approving a Proposal for Builder's Risk Insurance for the New Civic Center Complex.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE PURCHASE OF BUILDERS RISK INSURANCE FROM THE FLORIDA LEAGUE OF CITIES; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 2758.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2758.21

Consensus vote \_\_5\_\_ Ayes, \_\_\_ Nays. Items P4 – P10 pass.

## Q. TOWN RESOLUTIONS

### 11. A Resolution of the Town Council Ratifying the Maximum Proposed Millage Rate for Fiscal Year 2021-2022.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RATIFYING THE MAXIMUM PROPOSED MILLAGE RATE FOR F/Y 2021-2022 THAT WAS TRANSMITTED TO THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 2759.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2759.21

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** spoke on the item. These past 12 years the Mayor and Council have been forward thinking and future focused on where we want to be. This year we are manipulating the millage rate so we can make best use of the way we distribute the

millage rate. We are going to keep our millage rate at a combined 8.4 mills. We will be going through our debt service reserves so that we can allocate the dollars to our general fund. We were anticipating a \$50-million increase to our assessed values. It did not come in. Thinks that the 2023 budget will realize those increases. We did amend our capital plan we added \$7-million worth of additional scope and work to our capital plan, we did not put off any projects or cut off any services as part of the upcoming budget. We eliminated five positions out of next years budget, so we can take those salary savings and distribute them to what we want to do with our employees and what we want to do in terms of our capital investments. The budget does have an additional \$1.2 million that we were able to secure from Miami-Dade Water and Sewer this past summer for a new Golden Beach Drive. In setting this millage rate, you will see at you September meeting that we have put together a very responsible and aggressive budget on your behalf while maintaining our millage rate. The Mayor wanted to make sure we have a plan moving forward, can we afford the level of service that we provide on a moving forward basis for the next four years. We do have 7 million dollars in new capital spending that we would like the Council to consider. Because of the covid pandemic, we will be sending to the homes an abridged version of the budget book. The 8.4 mills is appropriate to meet our spending goals and priorities for the fiscal year 2021-2022. Ask that you support setting the millage rate at 8.4 mills.

**Councilmember Mendal** stated that eventually he would like to see this start going down.

**Town Manager** stated that they agree with that. Mayor and him are both committed to whenever possible, making some reductions. We know that our goals with our capital spending are aggressive. We have delivered to date \$53-million to this community on its behalf to improve its infrastructure. That does mean however, diversifying our revenue streams. Potential revenue stream in terms of recapturing our enterprise fund.

## **12. A Resolution of the Town Council Modifying the Town's Existing Code Concerning First Floor Finished Elevations and Seawalls.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO MODIFY THE TOWN'S EXISTING CODES RELATIVE TO 1. INCREASING THE FIRST FLOOR FINISHED ELEVATIONS IN ZONES 2 AND 3 TO 9.5' NAVD 88. 2. REQUIRE THAT ALL SEAWALLS MODIFICATION TO BE CONSTRUCTED AT ONE STANDARD SEAWALL HEIGHT OF 4.425 NAVD 88, AND 3. THAT ALL SEAWALLS WITH A CONSTRUCTION LIFE AGE OF 15 YEARS OR MORE TO BE CERTIFIED BY AN ENGINEER AS TO ITS' CONDITION AND TO REQUIRE REPAIRS TO BE MADE.

**Exhibit:** Agenda Report No. 12  
Resolution No. 2760.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2760.21



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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** stated that this past summer we held a series of symposiums with the Town's engineers to make sure that we are being future focused and forward thinking in how we look at climate change. Tonight is the first of a series of resolutions that we will bring to you over the course of the next 18-months so that you can give us your feedback, so that the attorney can draft an ordinance that has your complete input. We are asking the Council to no longer have a base flood elevation. We will be changing all of our code to no longer read NGVD but instead to NAVD-88 readings. Moving forward all of our homes in zones 2 and 3 will have a new base flood elevation of 9.5 NAVD. Why are we bringing this to you today? We project that within the course of the next 12 months we will see at east 13 new homes being proposed and 33 substantial remodels being brought forward for your consideration. If we wait to bring this item forward the bulk of our new renaissance will miss out on this benefit. Why a 9.5 NAVD? We anticipate that our partners at the state and global levels will be proposing to change their elevations, so we have forecasted and we are taking a responsible approach to changing our elevations. We are the first community in South Florida that requires that you inspect your seawalls and bring your seawall cap to a minimum of 3.425 or a maximum of 4.425. We are now seeing seawall caps in Town that are not leveled. What we want to do is require that all homes moving forward be set at the maximum, which will be our new minimum 4.425 NAVD. We are asking the Council to require all homes on a moving forward basis, to certify their seawall and should you have repairs needed to your seawall that you make those improvements to your home. This summer alone we lost three seawalls that slipped away because they were not being maintained by the homeowners and we did not require an inspection of the seawall and repairs to be made. We want to require all homes to inspect their seawalls and make the necessary repairs. Ask that you favorably support this item.

**Mayor Singer** stated that we are fighting sea rise and climate change and we need to be proactive. Raising the first floor elevation is a simple fix and it's a start. To have a standard seawall height at 6 feet is doing everyone justice. It's imperative that we get the seawalls to the proper level. Regarding seawall inspection, it's not cost prohibitive. But thinks every 15 years a home should get updated regarding seawalls.

**Vice Mayor Lusskin** inquired about item #2 to confirm that the new term is equivalent to 6 feet. Asked if it is possible to have two companies available to all the residents so that we are sure everything is the same.

**Town Manager** stated that Councilmember Einstein this afternoon challenged the Administration to come up with ways to enforce the maintenance of the seawalls, and to set a list of criteria that will trigger mandatory repairs. The goal is that between now and

first reading we would bring to you enforcement action items and implementation language in terms of what thresholds would need to be met before we would trigger a mandatory repair and/or replacement.

**Council Member Mendal** asked how this would actually be implemented.

**Town Manager** stated that he would hope the Council would say that any wall that was constructed forty years ago they need to do an inspection and do repairs. We tier it in by 30, 25, 20, etc. years so that we do not hit everyone at once. Also thought about the Town providing a seawall report for all of our residents initially, to provide everyone with a cursory review of their seawalls and do that as a way to enhance what we have done for our residents.

**Councilmember Mendal** asked if the current seawalls are going to be grandfathered in.

**Town Manager** stated that we had a lot of homes change hands this summer and a lot of them are currently in the permitting process and we have been letting them know that we are going to require the 4.425 NAVD and strongly encourage them to go to the new height. Goal is that everyone that is in review go to the new height.

**Councilmember Mendal** stated that his concern is more for the certification process.

**Town Manager** stated that we need to have a matrix. You'll find that we have 24 walls in Town that are no where near the minimums. Those homes we need to address and it makes no sense for them to build to the old minimum if they are going to require to put a new cap they should go to the new height.

**Councilmember Mendal** asked if the people in the permitting process, how are we going to make them aware.

**Town Manager** stated that we've been slowly letting everyone know that this is coming.

**Councilmember Mendal** stated that we have to keep in mind that if we're raising all properties, we have to figure out a way to make sure that we have no issues with flooding in the middle of the road.

**Town Manager** stated that one of the things we are looking at is allowing garages to be below base. We are looking at that and will be hiring a couple consultants to help us design that for our residents.

**Councilmember Einstein** thanked the Administration for being proactive on this. Need to take a real close look at the impact and be prepared for it. Asked how the Town is going to look at these homes with 15 years or older seawalls. Wants to be sensitive to this issue because of the impact it will have on the residents.

**Town Manager** stated we do not want to be punitive if someone put in a wall 15 years ago and their cap is at the old new and there wall doesn't have repair issues we may give that person a pass. But if that wall has structural cracks or the battering piles have slipped and they will make substantial repairs to the wall we may say, this is the time to pour the additional foot on your cap. There needs to be a threshold of how much work is going to be needed before we trigger a cap increase. Stated that Linda and he will be

working with the attorney to circulate what they believe the matrix should be to get your feedback outside this public setting and then we will bring this item forward.

**Mayor Singer** stated that we could do something similar like rating bridges. Anything above a rating they would have to replace the seawall within a certain period.

**Town Manager** cautioned everyone that they are pioneers in this so bear with us as we try to come up with something that is fair and reasonable to our residents.

**Councilmember Einstein** asked if you live in the water and your seawall is raised do you get an insurance discount for that?

**Town Manager** stated he is not aware of that.

**13. A Resolution of the Town Council Approving a Second Amendment to the Town's Manager's Employment Agreement.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE TOWN MANAGER'S EMPLOYMENT AGREEMENT ATTACHED AS EXHIBIT "A" TO THIS RESOLUTION; AND PROVODING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 13  
Resolution No. 2761.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2761.21

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

On roll call, the following vote ensued:

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

The motion passed.

**Mayor Singer** spoke on the item. Town Manager has been with the Town since March of 2007. He has done a tremendous amount for the Town. He is an integral part of increasing our home values in excess of a billion dollars. He's leveraged a \$14.5 -million GO bond. Executed over \$52-million in capital improvements. Kept our millage rate the same for years. He is a 365 days a year manager. The Town Manager's dedication to the Town is indescribable. Does he have weaknesses? Yes, we all do. Does he get a little angry and short-tempered sometimes, yes. However, he is a tremendous asset to the Town. Town Manager and I, prior to the beginning of the summer, I said why don't

we start coming up with your employment agreement during the summer. Asked for his wish list and they would go from there. His objective was to tie the Town Manager for at least the next five years, because we need him and he's a tremendous asset to the Town and that's exactly what this contract does. Hopefully we can extend it another five years after that.

**Vice Mayor Luskin** stated that she whole-heartedly agrees with the Mayor. He has grown over the last 14 years and made Golden Beach better and thinks it is well deserved.

**Councilmember Mendal** echoing what the Mayor and Vice Mayor have said. It is well deserved. You dedicate a lot to the Town which we all appreciate. However, we need more. I think this shows your commitment to the Town as well as the Town's commitment to you. The only thing he would change is that we change the annual review process to semi-annual reviews, splitting the bonus up in two. Thinks that gives the Manager more consistent feedback. Maybe that is not the way, but wants a way to provide the Manager with feedback on a regular basis.

**Mayor Singer** stated that the Town Clerk send out the managers reviews and only gives them one week to review it. Thinks she should send them now and give them two weeks to do the reviews. Believes they are always rushed, and thinks individual Councilmembers need to meet with the Town Manager and go over the review with him. This way he understands where you stand. Everyone needs to do the reviews and take it seriously and schedule an appointment to meet. This way if someone is not happy with what's going on it doesn't fester till the end of the year.

**Vice Mayor Luskin** stated she wanted to point out that there has never been a time that any of them can not go up to him at any time of the year and get whatever you needed form him regardless.

**Councilmember Einstein** stated that then you need to look at some of the intangibles, like 15 years of service. The other hats that the Town Manager wears that people may not be aware of. Like, we don't need to get outside professionals to do some of the things that he's able to do that would cost the Town a great deal of money to accomplish those items. Also, the monies he's been able to lobby for the Town. If there is a formula or an algorithm that we can look at. Our community, our home values, our lifestyle overall has gone up as a result of this. As the Mayor has said a lot of people don't get to see behind the scenes when we're preparing for a hurricane and the Town Manager is with the workers. There is a reason why they have the dedication that they do during times like hurricanes when others will run home to their families.

**Town Manager** took a point of personal privilege. Stated every time we go through this it is a humbling experience for him. Thanked the Council for their leadership. He considers Golden Beach his home and family. He will continue to put Golden Beach at the forefront of everything he does. Do not think because they negotiated a five-year contract that he will now become lazy or complacent. Thanked the Council for their support.

#### **14. A Resolution of the Town Council Opposing the County Code Amendment Prohibiting Municipalities from Requiring Permits for Work on Certain Rights-of-Way and Easements.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, OPPOSING THE COUNTY CODE AMENDMENT PROHIBITING MUNICIPALITIES FROM REQUIRING PERMITS FOR WORK ON CERTAIN RIGHTS-OF-WAY AND EASEMENTS LOCATED WITHIN MUNICIPALITIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR INSTRUCTIONS TO TOWN CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 14  
Resolution No. 2762.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2762.21

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

On roll call, the following vote ensued:

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

The motion passed.

**Town Manager** spoke on the item. Feel that it is an infringement on local rights. We shouldn't allow the county to come in and issue permits in our right-of-ways, we know best what should go in our right a ways. In fact, because of that local control is how we were able to get the \$1.2 million from the county this year for our Golden Beach project. If they took that control away from us, we would have no leverage. Asks that you approve this favorably tonight and direct the clerk, should it pass to courier it to the county, so the county knows our position before they vote on it tomorrow.

## **R. DISCUSSION & DIRECTION TO TOWN MANAGER**

Mayor Glenn Singer:

- Should the Town explore charging higher health insurance premiums for unvaccinated members

**Mayor Singer** stated that this came up because when we got our health insurance renewals, we received a 30% increase, and this doesn't even take into effect the coronavirus. Thinks that if there is a way to keep the premiums down and protect the employees. There are certain companies that are making it mandatory that their officers and employees be vaccinated. In fact, Pinellas County is making it mandatory that their officers get vaccinated. Not a political issue for him, it is a financial issue. Have a fiduciary responsible to the Town. Not saying that if you get the vaccine, you are not going to get covid. The medical facts show that if you get the vaccine, the likelihood of

serious illness are decreased. Thinks that everyone should get vaccinated that is his personal opinion. If people don't get vaccinated, they get sick and end up in the hospital, hospital stays are very expensive and our insurance premiums are going to go through the roof.

**Vice Mayor Luskin** asked if the 30% increase – is that due to covid usage.

**Town Manager** stated no – it was because we had two members that had significant increases in their healthcare needs and that's what raised up our premiums. We do not know how covid is going to drive up our costs because now it is being covered by Medicaid. The concern is once that federal aid goes away what's going to be that impact. We don't know the answer to that.

**Vice Mayor Luskin** stated she's conflicted about this and doesn't feel comfortable with it.

**Mayor Singer** stated that we charge someone that's not vaccinated a set amount per month to incentivize them to get vaccinated.

**Town Manager** stated that the reality is that when you have an aging population in the workforce, costs are going to go up.

**Vice Mayor Luskin** stated that she just can't get around this. Doesn't know why. A little creeped out by it.

**Councilmember Mendal** asked if we know what percentage of employees are vaccinated?

**Town Manager** stated that we have a low vaccination rate amongst our employees. I would say that less than 15% of our employees are vaccinated. Also, stated the three cases we had this summer were among our vaccinated employees. Believes the vaccinated individuals do not take the necessary precautions to keep from getting sick.

**Councilmember Mendal** asked if there are any employees who need certain accommodations because they don't want to be around people who are not vaccinated?

**Town Manager** stated no. we have very good habits among our employees in terms of wearing masks.

**Councilmember Mendal** stated that he's also a little bit conflicted. Maybe if we see what happens with Medicaid and Medicare. Maybe at that the point is where we have to put something in place.

**Councilmember Einstein** asked if any cities have done this yet?

**Town Manager** stated that New York City requires you to either be vaccinated or submit to weekly testing. And we are subjecting all our employees to bi-weekly testing.

**Councilmember Einstein** stated that he feels that employees should pay more on their insurance to incentivize them to get vaccinated. Not totally clear as to the hornets nest

that it may invoke. If it could subject us to litigation, I would like to know some of the ramifications.

**Officer David Carrazana**, President of the Golden Beach Police FOP Lodge spoke on some of the members concerns. If they are mandated, they are concerned about some of our members who are against the vaccine due to religious reasons or other reasons. Concerned that if some of the members get sick, will that be considered a worker's comp issue. Currently the Chicago police department, Boston police department, and NYPD have lawsuits against their cities. The FOP is also torn between what's right, how do we protect our members and the legalities behind it. Our biggest concern with our members, is not just for our members, but how does it impact our members abilities to do their jobs. Our members have been on the front line of this pandemic and out on the street, we've had low ratio of our individuals getting sick. Believes the vaccine is like living behind a gated community it is a false sense of security. Stated he is vaccinated, but not all of our members feel that way. To subject them to something they maybe against for various reasons does not think it's fair.

**Mayor Singer** asked him why did he get vaccinated.

**Officer David Carrazana** stated he was torn about it, because he had covid and still had antibodies, but it was convenient and he got the Johnson and Johnson one shot. Another reason he was hesitant was because it didn't get FDA approval, it just did now.

**Mayor Singer** stated that all he's doing is bringing the conversation forward.

**Officer David Carrazana** stated that they believe it's an inalienable, individual right to choose whether they want to protect themselves under a certain matter. Thinks it should be a personal decision by the individual.

**Mayor Singer** stated he will consider what he said, and he respects his feelings as well as the officers feelings. He would never make it mandatory to be vaccinated but he wants to make it appealing to get vaccinated.

**Councilmember Mendal** asked if there has been any officer that needed accommodations because they were worried about getting covid.

**Officer David Carrazana** stated he has not personally felt that, believes everyone knows that this is their job and knows the dangers behind their job and they have accepted those dangers.

Vice Mayor Judy Lusskin:  
None Requested

Councilmember Bernard Einstein:  
None Requested

Councilmember Jaime Mendal:  
None Requested

Councilmember Kenneth Bernstein:  
None Requested

Town Manager Alexander Diaz  
None Requested

**S. ADJOURNMENT:**

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

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:41 p.m.

Respectfully submitted,

*Lissette Perez*  
Lissette Perez  
Town Clerk





# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** September 27, 2021

Item Number:

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

12

**From:** Alexander Diaz,  
Town Manager

**Subject:** Resolution No. 2774.21 - Approving a Mutual Aid Agreement  
with the North Miami Police Department

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**Recommendation:**

It is recommended that the Town Council adopt the attached Resolution No. 2774.21 as presented.

**Background:**

The Town of Golden Beach has entered into a number of mutual aid agreements which enable the Police Department to receive assistance from other agencies and to aid those agencies when they request it. This agreement provides for the Police Department to request assistance from and to provide assistance to the North Miami Police Department.

The Town Manager, in consultation with the Mayor, recommends the Town Council approve the new agreement.

**Fiscal Impact:**

There is no cost to the Town to participate.

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2774.21**

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

**WHEREAS**, the Town Council of the Town of Golden Beach, Florida (the “Town”) wishes to enter into a Mutual Aid Agreement (the “Agreement”) with the City of North Miami Police Department, Florida, attached to this Resolution as Exhibit “A” between the Town and the City of North Miami, described and outlined in the attached Agenda Item Report; and

**WHEREAS**, the Town Council believes that it is in the best interest to enter into the Agreement.

**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. Agreement Approved.** That the Agreement is hereby approved in substantially the form attached hereto as Exhibit “A,” subject to approval by the Town Attorney as to form and legal sufficiency.

**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 become effective immediately upon approval of the Town Council.

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 Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,  
Florida, this 27<sup>th</sup> day of September, 2021.

ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY

MUTUAL AID AGREEMENT  
Between the City of North Miami  
and the Town of Golden Beach

WHEREAS, it is the responsibility of the governments of the City of North Miami, Florida and the Town of Golden Beach, Florida to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment of facilities of the participating municipal police departments; and

WHEREAS, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating Miami-Dade County municipalities; and

WHEREAS, the participating Miami-Dade County municipalities have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a mutual aid agreement;

NOW, THEREFORE, BE IT KNOWN that the Town of Golden Beach, subdivision of the State of Florida, and the undersigned representatives, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. **Short title:** Mutual Aid Agreement
  
2. **Description:** Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.
  
3. **Definitions:**
  - a) **Joint declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the joint declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement.

Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.

b) Agency or participating law enforcement agency: Either the City of North Miami Police Department or the Town of Golden Beach Police Department.

c) Agency head: Either the Chief of the City of North Miami Police Department, or the Chief's designees; and the Chief of Police of the Town of Golden Beach Police Department, or the Chief's designees.

d) Participating municipal police department: The police department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.

e) Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

**4. Operations:**

a) In the event that a party to this Agreement is in need of assistance as specified in the applicable joint declaration, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.

b) Each party to this Agreement agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.

c) The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

**5. Powers, Privileges, Immunities, and Costs:**

a) All employees of the participating municipal police department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

b) The political subdivision having financial responsibility for the law enforcement agency providing services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.

c) The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of the rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.

d) All exemption from ordinance and rules, and all pension, insurance, relief, disability, workers' compensation salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorially under the provisions of the Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.

**6. Indemnification:**

The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.

**7. Forfeitures:**

It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

**8. Conflicts:**

Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23 Florida Statutes.

**9. Effective Date and Duration:**

This Agreement shall be in effect from date of signing, through and including **December 3, 2025**. Under no circumstances may this Agreement be renewed, amended or extended except in writing.

**10. Cancellation:**

This Agreement may be canceled by either party upon sixty-(60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED TO AND ACKNOWLEDGED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
City Manager,  
City of North Miami, Florida

\_\_\_\_\_  
Town Mayor,  
Town of Golden Beach, Florida

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk,  
City of North Miami, Florida

\_\_\_\_\_  
Town Clerk,  
Town of Golden Beach, Florida

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
City Attorney,  
City of North Miami, Florida

\_\_\_\_\_  
Town Attorney,  
Town of Golden Beach, Florida



JOINT DECLARATION OF THE CHIEF OF THE  
CITY OF NORTH MIAMI POLICE DEPARTMENT  
AND THE CHIEF OF THE TOWN OF GOLDEN BEACH POLICE  
DEPARTMENT PURSUANT TO MUTUAL AID AGREEMENT

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when:

- participating in law enforcement activities that are pre-planned and approved by each respective agency head, or
- Appropriately dispatched in response to a request for assistance from the other law enforcement agency.
- spontaneous response where assistance or aid is apparent (see #9 below)

In compliance with, and under the authority of, the Mutual Aid Agreement, heretofore entered into by the City of North Miami and the Town of Golden Beach, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time, as needs dictate by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations, crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.

9. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners. Traffic stops near municipal boundaries, request for back-up assistance and no local unit is available or nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
10. Enemy attack.
11. Transportation of evidence requiring security.
12. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
13. Security and escort duties for dignitaries.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
16. Joint training in areas of mutual need.

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
 Larry Juriga Jr., Chief  
 North Miami Police Department

\_\_\_\_\_  
 Rudy Herbello, Chief  
 Golden Beach Police Department

ATTEST:

ATTEST:

\_\_\_\_\_  
 Vanessa Joseph, City Clerk

\_\_\_\_\_  
 Lissette Perez, Town Clerk

**JOINT DECLARATION AMENDMENT UNDER  
CITY OF NORTH MIAMI POLICE DEPARTMENT AND THE TOWN OF  
GOLDEN BEACH POLICE DEPARTMENT'S  
MUTUAL AID AGREEMENT**

This Agreement amends the Joint Declaration under the Mutual Aid Agreement of the City of North Miami and the Town of Golden Beach, to include and permit concurrent **marine patrol** related jurisdiction between agencies on the waters, waterways, canals, channels, rivers, lakes, streams, and any and all other bodies of waters, including the Intracoastal Waterway (1CW) that fall within either jurisdiction at this or any future time during the term of this Mutual Aid Agreement.

It will be agreed between both Chiefs of Police of the **City of North Miami** and the **Town of Golden Beach** to the following conditions of concurrent marine patrol related jurisdiction:

1. Both agencies will be permitted to patrol jurisdictional waters of either jurisdiction, and to take enforcement actions as deemed appropriate under city, state, and federal laws, rules, and regulations, and to write boating law violation citations, make arrests, and to attend court on behalf of the other agency.
2. Both agencies agree that any and all incidents, which require an initial (preliminary) police offense incident report (OIR), will be completed by the agency making the initial contact. Any follow-up investigations that are required are to be completed by the jurisdiction the incident occurred regardless of which agency completed the original offense incident report.
3. If an arrest is made by one agency that is operating in the jurisdictional waters of the other agency, and that arrest results in asset forfeiture proceedings, both agencies agree to a 50-50 share of the final asset distribution following the payment of all expenses relating to the prosecution of the civil case. The jurisdiction of civil forfeiture action shall be filed by seizing agency.
4. Both agencies have the right to set their own days and hours for marine patrol and agree to provide assistance and aid to the other agency under the spirit of Mutual Aid Agreement.

This Amendment shall become effective upon the signing of both Chiefs of Police and shall remain in effect until either the current Mutual Aid Agreement and Joint

Declaration expires or either agency gives written notice to the other agency to rescind this Amendment.

I accept the terms and conditions of the aforementioned Amendment to the current Mutual Aid Agreement and Joint Declaration between the **City of North Miami Beach Police Department** and the **Town of Golden Beach Police Department**.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Theresa G. Therilus, City Manager  
City of North Miami Beach, Florida

\_\_\_\_\_  
Mayor Glenn H. Singer  
Town of Golden Beach, Florida

\_\_\_\_\_  
Larry Juriga Jr.  
Chief of Police  
City of North Miami, Florida

\_\_\_\_\_  
Rudy Herbello  
Chief of Police  
Town of Golden Beach, Florida



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** September 27, 2021

Item Number:

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

13

**From:** Alexander Diaz,  
Town Manager

**Subject:** **Resolution No. 2775.21- Approving the Replacement of the  
Town's Current Backup Server And A Three-Year Maintenance  
Agreement.**

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### **Recommendation:**

It is recommended that the Town Council adopt the attached Resolution No. 2396.15 as presented.

### **Background:**

The Town's current back-up server is outdated, out of space and out of service warranty. We recommend replacing the server with the purchase of a new back-up server with increase storage capacity and a three-year maintenance agreement.

The three-year maintenance agreement causes the purchase to exceed my spending authority and requires your approval.

### **Fiscal Impact:**

\$32,844.90 from the General Fund.

**Attachments:** Invoice

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2775.21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE PROPOSAL FROM INTERNATIONAL DATA CONSULTANTS ("IDC") FOR A NEW SERVER BACK-UP AND THREE YEAR MAINTENANCE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Golden Beach (the "Town") wishes to replace its obsolete server back-up; and

**WHEREAS**, the purchase of a new server back-up and three year maintenance agreement exceeds the Town Manager's spending authority; and

**WHEREAS**, the Town has limited qualified personnel to maintain and repair the IT equipment; and

**WHEREAS**, the Town Council believes it is in the best interest to approve the proposal, attached hereto as Exhibit "A."

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

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

**Section 2. Approval of Agreement.** The Town Council hereby authorizes and approves the Proposal in substantially the form attached hereto as Exhibit "A".

**Section 3. Implementation.** The Town Manager is authorized to execute the Agreement and directed to take all steps reasonably necessary to implement the Proposal and this Resolution.

**Section 4. Effective Date.** This Resolution shall be effective immediately upon 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 Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____
Councilmember Bernard Einstein	_____
Councilmember Jaime Mendal	_____

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach,  
Florida this 27<sup>th</sup> day of September, 20121.

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MAYOR GLENN SINGER

ATTEST:

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LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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STEPHEN J. HELFMAN  
TOWN ATTORNEY



13302 SW 128th Street  
 Miami, Florida 33186  
 Ph: 305-253-7677  
 Fax:305-256-4133

# Invoice

DATE	INVOICE NO.
9/7/2021	15973

<b>BILL TO</b>
Town of Golden Beach 1 Golden Beach Drive Golden Beach, Florida 33160

<b>SHIP TO</b>
Town of Golden Beach Alexander Diaz 1 Golden Beach Drive Golden Beach, Florida 33160

P.O. NO.	TERMS	DUE DATE
	Net Receipt	9/7/2021

DESCRIPTION	QTY	RATE	AMOUNT
Barracuda Backup Server 690	1	8,770.00	8,770.00
Barracuda Backup Server 690 Energize Updates - 3 Year	1	4,940.00	4,940.00
Barracuda Backup Server 690 Instant Replacement - 3 Year	1	5,890.00	5,890.00
Barracuda Backup Server 690 Unlimited Cloud Storage - 3 Year	1	13,180.00	13,180.00
Domestic Shipping (ground)	1	64.90	64.90
*Upgrade unit; replaces the model 490 unit, BAR-BS-858038.			
*Pricing reflects trade-in credit for the aforementioned unit.			

We appreciate your business. Thank you.	<b>Total</b>	\$32,844.90
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$32,844.90





# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** September 27, 2021

Item Number:

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

14

**From:** Alexander Diaz,  
Town Manager

**Subject:** **Resolution No. 2776.21 – Authorizing the Mayor to Award a one-time bonus to the Employees of the Town of Golden Beach**

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### **Recommendation:**

It is recommended that the Town Council adopt the attached Resolution No. 2776.21 as presented.

### **Background:**

This resolution allows for the annual bonus for our employees. As you are aware, I did away with merit increases for our employees in 2008. Since that time, we recognize the efforts of our employees by giving annual bonuses.

This year in addition to what would be the normal consideration given to our employees, we have taken into account our employees additional efforts during the Covid-19 pandemic.

As a reminder, bonuses are a one-time occurrence.

### **Fiscal Impact:**

An amount not to exceed \$84,900.00 transferred in part from the contingency fund (or Departmental Funds if needed) and applied to specific Department Funds accordingly.

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2776.21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AWARDED EMPLOYEE BONUSES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Golden Beach, Florida (the "Town") adopted an Operating Budget for the 2021-2021 Fiscal Year; and

**WHEREAS**, the Town Manager has recommended awarding one-time bonus as described in the September 27, 2021 Memorandum attached to this Resolution as Exhibit "A" for all employees, including the Town Manager for their performance during the 2020-2021 Fiscal Year; and

**WHEREAS**, this year due to the Covid-19 Pandemic additional Bonus consideration was given to employees; and

**WHEREAS**, the Town Council finds that the proposed bonuses are 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.** That each of the above-stated recitals is hereby adopted and confirmed.

**Section 2.** The 2020-2021 Fiscal Year Operating Budget is hereby amended as reflected on Exhibit "A" to this Resolution and the funds are appropriated for the purposes therein.

**Section 3.** That the Mayor is authorized to take any and all action, which is necessary to implement this Resolution.

**Section 4.** This Resolution shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing resolution was offered by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Jaime Mendal	_____
Councilmember Kenneth Bernstein	_____

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach,  
Florida, this 27<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
MAYOR GLENN SINGER

ATTEST:

\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY

## FY 2021 BONUS EMPLOYEE LIST

### 001-512-110

Last, First Name	Date Hired	Years Of Service	FY 2021 BONUS
Diaz, Alexander	5/1/2007	14 Years, 5 Months, 14 Days	\$ 40,000.00

### 001-512-113100

Last, First Name	Date Hired	Years Of Service	
Perez, Lissette	6/4/2007	14 Years, 3 Months, 6 Days	\$ 2,500.00

### 001-512-125100

Last, First Name	Date Hired	Years Of Service	
Abu Jarour, Sallam	11/21/2016	4 Years, 9 Months, 20 Days	\$ 500.00

### 001-513-110

Last, First Name	Date Hired	Years Of Service	
Camacho, Maria	12/22/2003	17 Years, 8 Months, 19 Days	\$ 2,000.00

### 001-513-121

Last, First Name	Date Hired	Years Of Service	
Gooden, Ingrid	11/16/2019	1 Year, 9 Months, 25 Days	\$ 500.00

### 001-521-110

Last, First Name	Date Hired	Years Of Service	
Herbello, Rodolfo	1/6/2011	10 Years, 8 Months, 4 Days	\$ 2,500.00

### 001-521-113

Last, First Name	Date Hired	Years Of Service	
Perez, Leila	8/28/2006	15 Years, 13 Days	\$ 1,000.00
Diaz, Yovany	12/1/2008	12 Years, 9 Months, 9 Days	\$ 1,000.00

### 001-521-120

Last, First Name	Date Hired	Years Of Service	
Staiger, Sheila	4/16/2002	19 Years, 4 Months, 25 Days	\$ 500.00

### 001-521-121

Last, First Name	Date Hired	Years Of Service	
Avila, Daniel	7/22/2008	13 Years, 1 Month, 19 Days	\$ 700.00
Bautista, Joseph	4/30/2013	8 Years, 4 Months, 11 Days	\$ 700.00
Soca, Julio	11/10/2014	6 Years, 10 Months	\$ 700.00

### 001-521-125

Last, First Name	Date Hired	Years Of Service	
Carrasco, Edsel	8/5/2002	19 Years, 1 Month, 5 Days	\$ 500.00
Camacho, James	3/8/2004	17 Years, 6 Months, 2 Days	\$ 500.00
Rosenberg, Dan	5/4/2003	18 Years, 4 Months, 6 Days	\$ 500.00
Vila, Pedro	12/18/2007	13 Years, 8 Months, 23 Days	\$ 500.00
Carrazana, David	5/16/2012	9 Years, 3 Months, 25 Days	\$ 500.00
Dooling, Gary	11/10/2014	6 Years, 10 Months	\$ 500.00
Diaz, Miguel	4/25/2016	5 Years, 4 Months, 16 Days	\$ 500.00
Guzman, David	2/2/2017	4 Years, 7 Months, 8 Days	\$ 500.00
Larrea, Daniel	5/3/2019	2 Years, 4 Months, 7 Days	\$ 500.00
Arguelles, Jose	8/6/2019	2 Years, 1 Month, 4 Days	\$ 500.00
Rivera, Aires	3/9/2020	1 Year, 6 Months, 1 Day	\$ 500.00
Weiner, Robin	8/17/1998	23 Years, 24 Days	\$ 500.00

### 001-521-125100

Last, First Name	Date Hired	Years Of Service	
Benedict, Todd	11/1/2009	11 Years, 10 Months, 9 Days	\$ 500.00
Knight, Robert	12/1/2011	9 Years, 9 Months, 9 Days	\$ 500.00
Fernandez, Elizabeth	9/16/2015	5 Years, 11 Months, 25 Days	\$ 500.00
Perez, Robert	12/14/2015	5 Years, 8 Months, 27 Days	\$ 500.00
Balasino, Carlos	11/11/2016	4 Years, 9 Months, 30 Days	\$ 500.00
Perez, Veronica	11/6/2020	10 Months, 4 Days	\$ 500.00

**001-521-130**

Last, First Name	Date Hired	Years Of Service		
Jackson, Brandon	5/6/2013	8 Years, 4 Months, 4 Days	\$	500.00
Garfias, Juan	8/4/2014	7 Years, 1 Month, 6 Days	\$	500.00
Garcia, Niles	5/3/2017	4 Years, 4 Months, 7 Days		
Toussaint, Karen	2/10/2020	1 Year, 7 Months	\$	500.00

**001-524-120**

Last, First Name	Date Hired	Years Of Service		
Epperson, Linda	11/16/1998	22 Years, 9 Months, 25 Days	\$	3,500.00
Diaz, Monica	9/27/2016	4 Years, 11 Months, 14 Days	\$	500.00
Voltaire, Maikersie	2/10/2020	1 Year, 7 Months	\$	500.00

**001-539-110**

Last, First Name	Date Hired	Years Of Service		
McKoy, Kirk	6/11/1999	22 Years, 2 Months, 30 Days	\$	2,000.00

**001-539-112**

Last, First Name	Date Hired	Years Of Service		
Garcia Torres, Nohuberto	10/1/2017	3 Years, 11 Months, 9 Days	\$	1,000.00

**001-539-120**

Last, First Name	Date Hired	Years Of Service		
Phillips, Brian	4/7/2004	17 Years, 5 Months, 3 Days	\$	700.00
Scott, Joe	9/24/2005	15 Years, 11 Months, 17 Days	\$	700.00
Lucien, Johnny	10/31/2006	14 Years, 10 Months, 10 Days	\$	700.00
Velasquez, Lourdes	4/1/2009	12 Years, 5 Months, 9 Days	\$	700.00
Perez Morales, Armando	11/10/2014	6 Years, 10 Months	\$	700.00
Cardoza, Derek	4/27/2015	6 Years, 4 Months, 14 Days	\$	700.00
Ruddison, Lloyd	10/22/2016	4 Years, 10 Months, 19 Days	\$	700.00
Jackson, Keniel	8/5/2019	2 Years, 1 Month, 5 Days	\$	700.00
Scott, Jerome	4/4/1994	27 Years, 5 Months, 6 Days	\$	700.00

**001-541-112**

Last, First Name	Date Hired	Years Of Service		
Jones, Ken	12/22/2003	17 Years, 8 Months, 19 Days	\$	1,000.00

**001-572-120**

Last, First Name	Date Hired	Years Of Service		
Fialkowski, John	9/1/1999	22 Years, 9 Days	\$	500.00

**001-572-125100**

Last, First Name	Date Hired	Years Of Service		
Camacho, Dylan	7/18/2011	10 Years, 1 Month, 23 Days	\$	500.00
Mundle, Reynaldo	8/15/2015	6 Years, 26 Days	\$	500.00
McKoy, Gabriella	12/2/2017	3 Years, 9 Months, 8 Days		
Martinez, Isaiah	7/17/2020	1 Year, 1 Month, 24 Days		

**001-572-136**

Last, First Name	Date Hired	Years Of Service		
Taylor, Joseph	2/27/2009	12 Years, 6 Months, 14 Days	\$	-
Turnipseed, William	9/19/2012	8 Years, 11 Months, 22 Days	\$	500.00

**001-574-110**

Last, First Name	Date Hired	Years Of Service		
Glidden, Michael	1/20/2012	9 Years, 7 Months, 21 Days	\$	2,000.00

**001-574-120**

Last, First Name	Date Hired	Years Of Service		
Talley, Marie	3/12/2007	14 Years, 5 Months, 29 Days	\$	500.00
Krepp, Jisel	9/26/2018	2 Years, 11 Months, 15 Days	\$	500.00

**120-521-125**

Last, First Name	Date Hired	Years Of Service		
Suarez, Oscar	3/17/2009	12 Years, 5 Months, 24 Days	\$	500.00

**330-519-120**

Last, First Name	Date Hired	Years Of Service		
Rovira-Topacioglu, Lissett	1/4/2021	8 Months, 6 Days	\$	1,500.00

\$ 84,900.00  
**Proposed**