



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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Official Minutes for the October 19, 2021  
Regular Town Council Meeting called for 6:00 P.M.

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**Zoom Room Meeting ID: 817 8126 1583 Password: 982056**

**For Dial In Only: Call 929.205.6099 Meeting ID: 817 8126 1583**

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 [SABUJAROUR@GOLDENBEACH.US](mailto:SABUJAROUR@GOLDENBEACH.US) BY 2:00 P.M. TUESDAY, OCTOBER 19, 2021.

**A. MEETING CALLED TO ORDER** called the meeting to order at 6:00 p.m.

**B. ROLL CALL**

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

**Staff Present:** Town Manager Alexander Diaz, Town Attorney Steve Helfman, Police Chief Rudy Herbello, Building Director Linda Epperson

**C. PLEDGE OF ALLEGIANCE**

Chief Herbello led the Pledge of Allegiance

**D. PRESENTATIONS / TOWN PROCLAMATIONS**

COUNCILMEMBERS ANNUAL COMPENSATION

**E. MOTION TO SET THE AGENDA**

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

**F. GOOD AND WELFARE**

**Acting Town Clerk Linda Epperson**, read into the record an email from Tania Murciano at 405 Center Island.

**Astrid Friedlander 484 North Parkway** wants to address the increased demand for the tennis courts. Her understanding is the new Civic Center only has two tennis courts and one pickle ball court. Does not think this will address the high demand they have in Town. Believes this is a good time to reconsider the plans as this is a concern for many families in Golden Beach.

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

Two housekeeping items. As everyone knows the 31<sup>st</sup> is Halloween he urges all the Town residents to attend. We are trying to keep it to residents only and if you will have guests, his understanding is that they will close The Strand at 4:00 p.m. so please have all you guests in Town before then. We will have as much COVID protocols as we can. The second item is the Hotwire kickoff event on Thursday the 28<sup>th</sup>, it is a short event and after the event Hotwire will set up stands and have demonstrations and explanations of the other services they will provide the residents.

## **H. CORONAVIRUS UPDATE**

**Town Manager** stated that we are still continuing to test our employees every 10 or so days. We have not had any positive tests in the last couple tests we have done. Vaccines are now available on a concierge service to our residents. We provide that service to your home. The state, county, and Department of Health stopped sharing information about the trends. We remind the residents if they need hand sanitizers, gloves, or masks to call Town Hall. Our vendor who provides our COVID PCR testing is now local, any residents that will be traveling we can arrange for them to be tested and receive the results within the same day. We are the only city in Dade county that offers concierge vaccinations and PCR testing, we should be very proud of that.

## **I. COUNCIL COMMENTS**

**Councilmember Bernstein** wished the Mayor a happy belated birthday. He has noticed many FPL lights on the street are out. He is looking forward to the Halloween event. He remembers fourteen years ago his kids would not want to come to Golden Beach during Halloween and would go to other places. Wanted to say what an incredible job Council and staff have done to make this become a premier event.

**Councilmember Mendal** thanked the police department for gift. Asked the Town Manager to comment on Mrs. Murciano's complaint.

**Vice Mayor Lusskin** spoke about the early construction in Town. Knows we are anxious to start and finish projects but there are a couple of residents that have felt the impact. Believes a 6:30 am or 7:00 am start time is too early.

**Councilmember Einstein** in terms of the pickle ball courts knows many people who enjoy the courts who do not live here. It is very hard to monitor it, thinks we have to take a close look at it in the future.

## **J. TOWN MANAGER REPORT**

Congratulated all cities in the state of Florida, we are celebrating Florida city week this week October 18-24<sup>th</sup> you can visit our website for more information. Halloween will be from 5:00 p.m. through 8:00 p.m. there will be an adult beer garden. It is closed to nonresidents by that he means if you have family or friends visiting you they are more than welcome to join you at the park. We are closing our streets at 4:00 p.m. at Ocean Boulevard and asking non-residents to either walk-in we never turn anyone away but we will try to make it uncomfortable to try to get into Golden Beach. Pets are welcome on a leash. On Thursday the 28<sup>th</sup> we are having the groundbreaking ceremony for Hotwire from 11:00 a.m. to 1:00 p.m. Residents are invited to attend. From 4:00 p.m. to 7:00 p.m. on the same day, it is our hotwire launch open house. Town staff and Hotwire staff will be operating booths in South Park answering any and all Hotwire questions you

may have. It is also the time for you to set up your appointments to have your house evaluated for your Hotwire buildout. Encourages all residents to join us. If you are unable to join us on that day, we will also have a Hotwire booth at the Halloween, if you are unable to join that as well you can email us at [Goldenbeach@hotwire.com](mailto:Goldenbeach@hotwire.com) for your invitation to schedule an evaluation of your home. As it relates to construction noise, we are sensitive to the needs of our community but we are also very cognoscenti of what is going on around the world as it relates to labor shortages and supply demand. Everything has come to a halt so projects are taking longer than most. Supply chain issues are affecting both the Center Island pump station and the Civic Center. We have not been able to deliver the Center Island pump station because we are still waiting for electrical panel boxes to be delivered which were ordered 20 months ago. In the interim we have had to place an emergency pump at the Center Island Location to keep the area from flooding and damaging the electrical pumps and conduits that are in ten ground because the pumps have not been able to go live. Unfortunately, we have been very distortive to one of the neighbors, we are working to move that pump as a far away from that neighbor as possible. However, we cannot take the pump away from there it has to be there to keep that area dry until we deliver the pump system. Because if the pump system become submerged or damaged because we are not taking preventive maintenance on protecting the pumps than we void all of our warranties. Understand its frustrating and he is as upset about the delays as our residents but we cannot control supply chain issues. Same thing with the Civic Center, when the contract was agreed to part of that agreement was that we were going to allow the developer extended hours to perform construction. In Golden Beach, we allow you to arrive to your construction site early and start at 8:00 a.m. We allow construction to begin at 7:00 a.m. Understands that is early but in order for us to try to keep the projects moving forward we needed to give additional hours. We have asked the contractor to allow staff to arrive at 7:00 a.m. and try to keep the noise of heavy machinery at bay until 8:00 a.m. so they can at least start getting the site ready. We also allow work on Saturdays and we feel that that is an important decision to keep our projects moving forwards and stay ahead of any potential delays as a result of labor shortages or material delays that may occur. Not trying to be disrespectful, but we need to be able to allow these noises to occur because we have to keep our projects moving forward. Asks the affected residents to bear with us while we try to deliver these projects.

**Councilmember Bernstein** asked if we can turn it off at night

**Town Manager** stated high tides fluctuate late at night and early morning there are tides that come in and will damage the equipment.

**Town Manager** continued his report. Good news as it relates to parks. As part of our original design of our Civic Center project, it called for a clay court, two hard courts, no pickle ball court, and a basketball court. The Mayor and he as part of this year's budget which the Council has adopted said that we feel that we should not just hodge podge Tweddle park and try to squeeze things in that do not make sense. We put together a design for a new Tweddle Park. Leaving the Civic Center where it is and going out to bid for a new park project. We have always been limited because of the pump station; we submitted a grant application asking is our project eligible for the grant. Yesterday we were one of thirty-five cities that have been given permission apply for the grant to move the pump station number 1 in Tweddle Park. If we get the resources to move that pump we will have more green space to look at. The decision on how many tennis courts or pickle ball courts we want will wait. Those decisions will be made by this

council and community later as we go through a redesign of Tweddle Park. We are aware of your concerns right now we have a very limited footprint. The council and administration is doing everything possible to create a bigger footprint to allow for more amenities. The bad news is the pickle ball will go away as early as November 1<sup>st</sup>. Under no circumstances should this Council entertain the notation of creating temporary courts, that is throwing away money. One of our tennis courts will also be going away at the first of the year; we will be left with only one court. When that occurs we will make that a resident only with a key fob and security code to get into the gate. As it relates to road work, in Golden Beach typically we have a five year moratorium whenever we place asphalt. When you have to make a curb cut, we ask you to mill and resurface a 50 ft. yard section in both lanes. The home on the north did that work without the Town's permission. It is punitive to make them put in a 50 ft. section double lane which could be a couple thousand dollars knowing that we will be ripping out Golden Beach Drive in the second quarter of the upcoming year.

**Mayor Singer** stated he has yet to see patch work done in Town

**Town Manager** stated we have not had patchwork throughout Town

#### **K. TOWN ATTORNEY REPORT**

\*\* Requested an executive session for the purpose of discussing the status of the Shaheen litigation.

#### **L. ORDINANCES – SECOND READING**

None

#### **M. ORDINANCES - FIRST READING**

None

#### **N. QUASI JUDICIAL RESOLUTIONS**

##### **1. A Resolution of the Town Council Approving a Variance Request for 330 South Parkway To Permit A Dock.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 330 SOUTH PARKWAY, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A DOCK TO ENCROACH OUTSIDE THE D-5 TRIANGLE, WHEN TOWN CODE SECTION 46-87 REQUIRES THE DOCK TO BE WITHIN THE TRIANGLE.

**Exhibit:** Agenda Report No. 1  
Resolution No. 2777.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2777.21

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

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.

**Town Manager** stated we are no longer taking the services of Michael Miller and Associates. In the interim Dario Gonzales, Linda Epperson, and he will be working on all of the planning. This applicant requested that we allow them to install the dock back into the same location when the new seawall is installed. The applicant feels that the new restriction of adding additional 5 ft. into the D-5 triangle will create a hardship.

**Councilmember Bernstein** stated he would like to see where this dock protrudes out on the D-5 triangle.

**Kirk Lofgren, KRK Ocean Consultants, spoke on behalf of the applicant** stated three points. First off, this is an existing dock they are proposing to rebuild in the same footprint. Secondly, they believe when this dock was built it was conforming back to the original Town code when the Towns triangle was the same as the county triangle. The code has since changed and moved in 5 ft. His last point is that when you move that D-5 triangle 5 ft. in from the Town code it cuts our 25 ft long dock into a 10 ft. long dock, which makes it difficult to park a vessel on. Asking to rebuild a dock on a very narrow lot where we are encroaching on the Towns D-5 triangle but does not exceed where it currently exists and was conforming in the original Town code.

**Councilmember Bernstein** stated we addressed this years ago. First thing he asked is if the neighbor approved which would make it less of an issue. The neighbor was notified but no response. What he likes about this application is that unlike other applications the dock was centered in the middle of the property line.

**Mayor Singer** stated what they are doing is replacing the dock in the same location.

**Councilmember Bernstein** stated but it would not be approved under our current code.

**Mayor Singer** asked how long is the dock

**Mr. Lofgren** stated it is 25 ft. long so if you cut off the two 7 ft. sections they will have a 10-11 ft. dock which is very difficult to park a vessel on. This is a unique dock.

**Councilmember Mendal** asked if there would be a lift.

**Mr. Lofgren** responded no there will not be.

**Councilmember Mendal** stated as long as the Town has enforcement capabilities, he is comfortable with it

**2. A Resolution of the Town Council Approving a Variance Request for 125 Ocean Boulevard to Permit the First Floor Finished Elevation.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 125 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE FIRST FLOOR FINISHED ELEVATION TO BE AT 23.6' NGVD, WITH A BUILDING HEIGHT NOT TO EXCEED 50'.10" NGVD, INSTEAD OF THE STARTING ELEVATION OF 20.02' AS STIPULATED IN THE CODE.

**Exhibit:** Agenda Report No. 2  
Resolution No. 2778.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2778.21

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

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** stated the applicant is asking for a higher starting point. The maximum we have ever given is 24' NGVD. Council has directed staff that when they go higher on the elevation you come lower on the envelope.

**Mayor Singer** stated the problem he has is they are trying to be consistent. He thought the Administration would mandate that if we went to 50.4' they would have to lower the envelope.

**Town Manager** stated there have been applicants who have asked for higher first floor finished grade to lower the envelope size so that the maximum height does not exceed 51.6 on a 100 ft. lot and 50.6 on a 75 ft. lot.

**Resident Stephanie Halfen** stated she does not want to cause an issue in town if they would like for her to lower it 4 inches she will be glad to do it.

**Mayor Singer** stated he thinks for consistency reasons if she does that there would be no problem.

**Town Manager** stated we would always like to support our resident's requests however, in the interest of being fair to all applicants we still need to address that he's asking to start at 23.6 which is 6 inches higher on her first floor.

**Resident Stephanie Halfen** stated she believes it does not matter what you start at as long as you do not exceed the above maximum height.

**Town Manager** stated we agree. What we want to do is give ranges. Therefore, if they wanted to have more head room underneath the house, but not go higher than the max elevation. Our code should be permissive of that. It should allow applicants and designers to divide their space.

**Mayor Singer** stated that his understanding is that we will approve the 23.6 and they are willing to lower the height restriction to 50.06 from 50.10. Stated he is fine with that.

**Councilmember Mendal** asked if we are going to change this eventually so we do not get these kind of variances.

**Town Manager** stated that Zone 1's elevation is effected by sand, so we will try to draft a code that gives us a range so we do not have to continue to bring these to Council.

**3. A Resolution of the Town Council Approving a Variance Request for 255 Ocean Boulevard to Permit the First Floor Finished Elevation.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 255 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE FIRST FLOOR FINISHED ELEVATION TO BE AT 24.6' NGVD, WITH A BUILDING HEIGHT NOT TO EXCEED 51.6' NGVD, INSTEAD OF THE STARTING ELEVATION OF 20.02' AS STIPULATED IN THE CODE.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2779.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2779.21

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

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** stated that on a 100 ft. lot this applicant is asking to go to 24.6. Although, he said on the 75 ft. lot this does not matter, they are asking to go 6 higher than what the Council has granted at 699 Ocean next to a commercial building. The elevations of the adjacent properties are not at that elevation. Staff recommends that the applicant be allowed to go to 23.6 with a max height of 51.6.

**Mrs. Halfen** stated the reason they did that while maintaining the maximum height of the building is to try to be higher once you go inside the house and further back.

**Town Manager** asked why do you need to go 1.6 more than what they have given to all other 100 ft. lots what is the hardship.

**Mrs. Halfen** stated they are just trying to get the house to start a little bit higher from the street on that floor. Because most of them when you see them they are completely flushed. Because of everything that is going on with water elevation, they wanted to start it a little bit higher.

**Mayor Singer** asked if the maximum height the applicant is asking for is 51.6 on a 100 ft. lot

**Town Manager** stated what is allowed in Golden Beach for a 100 ft. lot is 20.2 plus 30 which equals 50.2. The maximum the Council has granted by variances on a 100 ft. lot is 23.6 and 51.6. This applicant is asking to go to 24.6 and 51.6.

**Mayor Singer** asked if from the street on a 100 ft. lot can you tell. He is more concerned about the height versus where it starts.

**Mrs. Halfen** stated from the street you would not even see it because there is a guesthouse in front, which has a completely different height.

**Mayor Singer** stated to be proactive on sea rise and climate change you want to raise the starting point.

**Town Manager** stated until you are the house to the south or north and the person is standing in their living room looking at my window because they are 4 ft. lower than that house.

**Councilmember Bernstein** asked if we want to look into changing our code.

**Town Manager** stated we are looking into it.

#### **4. A Resolution of the Town Council Approving a Variance Request for 255 Ocean Boulevard to Permit the Rear Yard Elevation.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 255 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT THE REAR YARD TO BE AT AN ELEVATION



OF 13.0' N.G.V.D. WHEN THE TOWN'S CODE ALLOWS FOR A MAXIMUM ELEVATION OF 11' N.G.V.D.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2780.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2780.21

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

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.

**Town Manager** stated we recommend approval of this because of the conditions of the site grading cannot be achieved at 11 NGVD so the applicants request for 13.0 NGVD is not unreasonable.

**5. A Resolution of the Town Council Approving a Variance Request for 577 Ocean Boulevard to Permit the First Floor Finished Elevation.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 577 OCEAN BLVD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT THE FIRST FLOOR FINISHED ELEVATION TO BE AT 21.5' NGVD, WITH A BUILDING HEIGHT NOT TO EXCEED 50'2" NGVD, INSTEAD OF THE STARTING FFE ELEVATION OF 20'2" AS STIPULATED IN THE CODE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2781.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2781.21

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

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.

**Town Manager** stated this is also quite the unique situation this is 150 ft. lot. They are not going to the maximum 51.6 they are asking to go to 21.6 and they will keep their maximum at 50.2.

**Councilmember Mendal** stated so they just want 1.3 above the 20.2.

**Carli Koshal, with Bercow Radell Fernandez Larkin & Tapanes Attorneys on behalf of 577 Ocean Blvd** stated they are not planning on modifying the maximum height they are in agreement that the 50.2 is acceptable. Given the conversation about raising the lower elevation, would the Town Council be amenable to granting the beginning of the first floor elevation at 22 ft. and shorting the overall height of the structure rather than the request at 21.5 ft.

**Town Manager** stated in being fair to the client, this particular property can go to 51.6 in height and you are at 50.2 and your starting could be at 23. You may want to table this variance request and have you go back to your client knowing what has been granted for these size lots. The Administration and Council may be favorable to give you 23 and a height of 51.6. You are giving up a lot here on a 150 ft. lot

**Councilmember Mendal** stated instead of making them come back can we just say up to.

**Town Manager** stated if the Council wants that, there is no problem. We will make the Administrative changes to allow for a maximum first floor elevation of 23 and max height of 51.6, and will negotiate with the client.

**Mayor Singer** asked the Manager to read the amended variance.

**Town Manager** stated it will be a variance that allows the applicant to seek a first floor finished elevation of no more than 23 feet NGVD and a maximum 51.6 feet NGVD for the property located at 577 Ocean Boulevard.

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

- Civic Center Complex Masterplan

**Town Manager** stated the Civic Center is moving along. All the pilings are in and they are ready to start the framing for the columns to get to the first floor. It is our goal to have the first floor framed and poured by the end of the year. There are some construction delays as it relates to materials. We are working with the contractor to get those materials delivered as soon as possible.

- Center Island Pump Station

**Town Manager** stated that he went over that in his Managers' report.

- Fiber Project

**Town Manager** stated that the fiber project will be launching next Thursday with the ground breaking ceremony. We have taken delivery of all the conduits and all the permits have been approved for the installation.

- Discussion on Building and Zoning Code Issues

**Town Manager** stated he would like to talk about one subject matter and the rest we will handle administratively with the attorney. As you know we have asked that the first floor finished elevations in Town be converted to 9.5 NAVD. Wants to put it into the record tonight that we are changing our position of 9.5 NAVD and allow on North Island be given and extra .5. But the rest of town proposing a first floor finished elevation off 9 NAVD. The question he has tonight is that we will be bringing a lot of changes to our zoning code. Asking the council to continue to allow the administration and the BARB board to make decision as it relates to things that don't affect quality of life and where are code is ambiguous or silent. As it relates to decisions that affect quality of life how does the council want us to talk about these issues.

**Councilmember Bernstein** asked why doesn't the Administration make a list of them and circle it around, the Council will talk with the Manager before the actual meeting.

**Town Manager** stated the issue is there is many pending applications and the Council meets once a month. Should we have the BRAB make these decisions or bring them to you. Timing is an issue. We have application that are sitting waiting for guidance in terms of whether or not we want to start allowing these things to be done. Believes there are things that affect the quality of life, are we going to allow pools on balconies? That needs to be a council decisions we do not want to say flat out no. Because new \$50 million homes are asking for spas on balconies but our code does not allow it. Do we want to change our code to allow it? Is that a feature you want as a community?

**Mayor Singer** thinks we should let the BRAB and town administration handle it and if they are torn than it comes to council.

**Town Attorney** stated we need to have a set of regulations so people understand what is allowed and what is not.

**Town Manager** stated we do not disagree with that but we have applications pending 33 of them that we need to start getting answers to them.

**Councilmember Einstein** asked if the BRAB comes in as an advisor.

**Town Manager** stated they approve design

**Councilmember Einstein** asked if it is somewhere in their minutes that they approve the design.

**Town Manager** stated yes, all plans and home designs in Golden Beach get approved by the BRAB.

**Councilmember Einstein** asked if the Town Manager and the BRAB doesn't like something he is assuming that the applicant will go for a variance

**Town Manager** stated but there is no hardship for the variance

**Councilmember Mendal** asked if they are talking about things that the code is silent on or things that people are challenging the code on.

**Mayor Singer** stated silent.

**Councilmember Mendal** stated that he agrees with Councilmember Bernstein for Administration to create a list

**Town Attorney** stated it is hard to create a list. You cannot think of all of the things that an architect can come up with. You have to deal with structure and uses. Uses such as accessory uses and spas. Those type of things may go to quality of life. Than your dealing with structures, if it is within the setbacks and it happens to just be an architectural component to the house but it's not higher than any height restrictions, he doesn't know why it needs any approval at all. He thinks the Council has given the BRAB a lot more authority in the last revision to the code. They have design discretion he thinks something like this falls within that design discretion.

**Town Manager** stated we will take the Town Attorney's very liberal interpretation and apply it moving forward and we welcome that legal coverage he is providing to make those decisions.

## **P. CONSENT AGENDA**

- 6. Official Minutes of the September 13, 2021 First Budget Hearing**
- 7. A Resolution of the Town Council Approving the Donation of \$2,500 to the JAFCO Annual Chanukah Miracles Luncheon.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING THE DONATION OF \$2,500.00 TO THE JEWISH ADOPTION AND FAMILY CARE OPTIONS (JAFCO) 6<sup>th</sup> ANNUAL CHANUKAH MIRACLES LUNCHEON EVENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2782.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2782.21

- 8. A Resolution of the Town Council Authorizing the Disposal of Surplus Personal Property.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE DISPOSAL OF SURPLUS PERSONAL PROPERTY SHOWN ON EXHIBIT "A" PURSUANT TO ARTICLE VIII, PERSONAL

PROPERTY, OF THE CODE OF ORDINANCES OF THE TOWN OF GOLDEN BEACH, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8  
Resolution No. 2783.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2783.21

**9. A Resolution of the Town Council Authorizing the Sale of Two Surplus Vehicles from the Town's Fleet.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE SALE OF ONE POLARIS SPORTSMAN 570 AND ONE JOHNSON/MADVAC CN200 STREET SWEEPER FROM THE TOWN'S VEHICLE/EQUIPMENT FLEET; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9  
Resolution No. 2784.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2784.21

**10. A Resolution of the Town Council Authorizing the Purchase of Firearms and Equipment for the Police Department.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND (LETF) MONIES FOR THE PURCHASE OF THIRTY FIREARMS, RMRS, NIGHT SIGHTS AND HOLSTERS FOR THE TOWN'S POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10  
Resolution No. 2785.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2785.21

**11. A Resolution of the Town Council Authorizing the Sole Source Purchase of a Street Sweeper.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF

GOLDEN BEACH, FLORIDA, AUTHORIZING THE SOLE SOURCE PURCHASE OF A MULTIHOG MODEL CV350 COMPACT SWEEPER MODEL MX120 FOR \$129,282.00; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11  
Resolution No. 2786.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2786.21

Consensus vote 5 Ayes, 0 Nays. Items P6 – P11 pass.

#### **Q. TOWN RESOLUTIONS**

None

#### **R. 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

**Mayor Singer** stated since the council meetings are going longer he has no problem starting them at 6:00 p.m.

\*\*\* Council Agreed\*\*\*

#### **S. ADJOURNMENT:**

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

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

*Lissette Perez*  
Lissette Perez  
Town Clerk