



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

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

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 BY 2:00 P.M. MONDAY, SEPTEMBER 27, 2021.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 6:04 p.m.

B. ROLL CALL

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

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

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the 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

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>Aye</u>

The motion passed.

Mayor Singer read into the record that the proposed millage rate for the fiscal year commencing October 1, 2021, through September 30, 2022 is fixed at 8.1363 mills which is 8.1363 dollars per 1000 of asses property value in the town of golden beach. The roll back is 7.6344 and the proposed millage rate is 8.1363 mills which is 6.574% over the roll back rate. Voted debt service millage for the fiscal year will be .2637 mills.

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

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>Aye</u>

The motion passed.

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

NONE

H. MAYOR'S REPORT

All the town projects are moving and progressing as expected. This Friday is breast cancer awareness month begins. Congratulated the Town Manager on completing his 10-month police academy. He has had the opportunity to present the Town Manager, Dylan Camacho, and Lay Rivacoba with their badges at the ceremony. Covid has not gone away, encourages everyone to follow covid protocols.

I. CORONAVIRUS UPDATE

Town Manager stated that we require all employees get tested every two weeks. We don't have any new updates on the numbers because the state stopped sending those.

J. COUNCIL COMMENTS

Vice Mayor Lusskin

Offered her condolences to Marie Talley on the passing of her son. Stated that the manager does a great job with the staff and public works is always out there picking up and cleaning. Kudos to the police department they seem to be everywhere they are needed at the time. Anytime there is an incident they are there. Has been getting a lot of phone calls in regards to reservations of the pickle ball and tennis courts. Congratulated the Town Manager on his completion of the police academy.

Councilmember Mendal

Congratulated the Town Manger on his completion of the police academy. Thanked all town staff who put the budget together. Kudos to Linda Epperson he knows we have had a ton of construction this year and knows her job has not been easy.

Councilmember Bernstein

Echoed Councilmember Mendal's accolades of Linda Epperson and what a fine job she does. Congratulated the Town Manager on his completion of the police academy. Gave his condolences to Ms. Talley and her family.

Councilmember Einstein

Congratulated the Council and staff on the approved budget.

K. TOWN MANAGER REPORT

Thanked the council on the unanimous vote on the budget. Stated that we worked hard over the summer to provide you with a one-year budget and a five year forecast. He is extremely dependent on Linda. She is the backbone of the building department. This past year we began our online and express permitting for minor projects quite a few residents gave us positive feedback of getting us to the goal councilmember Mendal's goal of being completely online. Thanked the Council for allowing him the last ten months to be a part of the police academy. Next Saturday will be presenting at the City Manager's academy his findings. Nothing has changed. He is still your Town Manager, only difference is that now I have another certification under my belt. The mayor and he continues to ask the contractor to push out the day they close the pickle and east tennis court. As you know in this past budget you already approved a new project which is a new masterplan for our Tweddle park. Our current contract provides for certain amenities be brought into that project. we are proposing as part of that site plan is to get rid of the pumpstation and give us a clean canvas from which we can add additional amenities. The day is coming sooner than later where we will close our pickle ball court, so prepare mentally for that closure. As it relates to Halloween we will have a full carnival in North Park. Halloween falls on a Sunday, so we are apt to have more people join us. We're going to be issuing a one-day time certain closure of the guardhouse, so only those individuals who are already in town as guests by 4:30 p.m. can go in via car to the park.

The event is a boxed meal event. Not going to be providing those general seating areas where we have 150 people under a tent eating together. We have added an adult element, which is that beer and wine will be provided. If you're going to invite your friends and family to join you here, they need to be here by 4:30 p.m. the event starts promptly at 5:00 p.m. and it's over by 8:00 p.m.

Vice Mayor Lusskin asked what made the administration decide to offer beer and wine at the party.

Town Manager stated that councilmember Bernstein during the last Halloween recap said that we should offer adult amenities.

Councilmember Einstein asked if the number of guests a person can have is being regulated.

Town Manager stated that we have never had a limit on that.

Councilmember Einstein asked if people are going to be allowed to park in the streets.

Town Manager stated that they must be coming to someone's house and park at that person's house. Will not allow street parking this year.

L. TOWN ATTORNEY REPORT

NONE

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

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

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. It gives the BRAB more input as it relates to design standards. It is not a full design review committee, similar to the city of Coral Gables it is a hybrid. Nothing has changed from the first reading.

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

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>Aye</u>

The motion passed.

Mayor Singer spoke on the item. Asked the town attorney to adopt something that would prohibit an organization from coming into Golden Beach from purchasing a nice home and selling one/eighths portion of it.

Town Manager stated a couple councilmember's expressed a concern of pulling the item. After meeting with the mayor and attorney it seems the goals the mayor set forth with this item are achieved. This makes it abundantly clear for those who are looking at fractional ownership that it would not be permitted under this code. The reason this item at the meeting is that the mayor decided it was still important for us to take action tonight at this meeting, there was no changes from the first reading.

Councilmember Bernstein spoke on the item didn't see any changes on it. Echoing the same comments they made at the last meeting that Steve was going to modify it to make it a little stronger and it hasn't been changed.

Town Attorney spoke on the item stating that it goes to the actual use of the property, not the ownership. Family is a very broad definition, but it doesn't mean an entirely separate family from yours. I think that this is right on point from what you're trying to limit.

Councilmember Bernstein thought that the whole council had agreed to get a little stronger on the item and refine the language. This is not what we talked about last meeting, thought that we were going to work on the language.

Mayor Singer asked if this achieves the goal of prohibiting a company like Picasso coming and buying a property and splitting it up throughout the year.

Attorney Helfman stated this does achieve the goal and not just to a company if a group of people want to buy a house together, they are not going to be able to split the occupancy.

Councilmember Einstein asked if two couples get together and say they want to purchase a home, this ordinance will not allow it.

Attorney Helfman stated that this is what the ordinance says.

Mayor Singer stated that since he has been here, 17 years we have not had that type of situation. Want to be proactive instead of reactive.

Town Manager stated two points. One that they can instruct staff to issue and Administrative Order after signage of this ordinance to put language in towards this regarding lien searches as part of the lien request. Two, if you would allow him to work with the Town Attorney and Councilman Bernstein to work on comprehensive code review to not delay action on this tonight but make it even better moving forward.

Town Attorney stated that this item in his opinion is very strict, but that's what he thinks you need to do to accomplish what the council wants.

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

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

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 Aye

The motion passed.

Town Manager spoke on the item. Stated that all this does is enhances the employees' benefits. Stated we did get the certified financial impact that we submitted to the state. the impact was 2% which was a lot less than we budgeted and it only brings us back to 27% of payroll which is still under last years required contribution of 29%. We did send it to the state and the state found no objection with these changes nor to the impact on the actuarial equivalent.

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

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>Aye</u>

The motion passed.

Town Manager stated that the administration did have communications throughout the summer with the applicant to come up with some of these accommodations so we have had previous discussion outside this discussion.

Mr. Ariel Friedman, 399 Ocean Boulevard owner of the property spoke on why they are asking for what they are asking for. Very fortunate that during the diligence process the town gave us some time. Everything is about reducing noise and increasing privacy. In the past the previous owner had permission from the town to install the highest wall, so this is not a new thing. Hoping not to have to call Alex once every few months.

Town Manager stated on a moving forward basis they are allowing the applicant to request the variances giving some basic site and floor plans without full renderings and without the building they still have to go back to the BARB for approval. This is just to determine whether or not the variances will be granted.

Town Manager asked if he could speak on all five of the variances even though they have not yet been put into the record.

Attorney Tucker Gibbs, representing Mr. Joel Newman, 355 Ocean Boulevard, agreed that that would be fine.

Town Manager stated that all five requests are on the north side only. Although the applicant does not meet the hardship requirement by the code, we feel as an administration that there are four lots in town that are unique, but we do not have a unique property clause in the code. Looking to create other exception mechanisms to bring these items to you outside of the variance process so we don't stifle creativity and design.

Mr. Tucker Gibbs, stated that his Client urges the council to follow the BRAB recommendation to allow the first variance request and not variance requests 2-5. It does not need four of those five variances. Each of the four variances are being requested because of design choices of the applicant and not because of necessity. All this was known when the applicant purchased the property. In law one cannot come to the nuisance and then take legal action to stop or mitigate that nuisance.

Councilmember Mendal asked what is the justification of accepting this variance but not the other four?

Mr. Gibbs stated at that meeting this request seemed to be the most important.

Town Manager stated that our code is a standard code, it does not provide for creativity, nuances and site-specific requests. On unique sites, reverse lots pie shapes, lots near speed tables, lots near or parks, when there's a request made of them, we try to find a win-win that has no impact on the neighbors. The immediate neighbors around this lot have not objected to this request. The house six lots down is objecting to this. We work with all of our property owners and try to facilitate reasonable requests for them to enjoy their properties and without setting precedence for other homeowners to come in. Do not want to use the word hardship, it's unique. So, what we did this summer in working with this lot owner we talked about areas that we felt that the town could support through this variance mechanism.

Town Attorney stated there is two recommendations that come forward to council on a variance. One is a very typical one from staff on whether it should be approved or not. The other is from the BRAB that is how you end up with the positions.

Councilmember Bernstein stated that the problem he's having right now is the same one that he always has. All he's saying is that we have all these BRAB members, and we have this system set up and we come back with a vote not necessarily understanding if they have an objection to this or not. Is there something that we can do to modify our code so that we have a better understanding of what the BRAB is thinking.

Town Manager stated that to this point we are working on code revisions so that BRAB members aren't forced to vote no on something because of how the code reads. I can tell you that these requests, you're right, board members do feel frustrated because council votes against them, but in most cases, they aren't voting no because they don't agree with it, they're voting no because it simply doesn't meet the hardship requirements.

Councilmember Bernstein is there something that when they are reading it they can have a better understanding of where they are at. Usually, we get reports.

Mayor Singer stated Golden Beach does not want a cookie cutter we have made exceptions because every lot is different.

Town Attorney stated their recommendations can be transmitted to you and the level of detailed in the recommendation can be enhanced so you have a better understanding of their thought process was. It is out of order and awkward to have them here arguing a positions. They as a board make a decision and it's passed on to you.

Councilmember Bernstein asked if there is reports that we can put with these recommendations.

Town Attorney asked the Town Manager if the BRAB keeps minutes.

Town Manager stated yes, they accompany the item. It was in a separate email called "backup".

Councilmember Bernstein apologized he did not see the email.

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

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>Nay</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

Mr. Gibbs spoke on this variance – the claimed hardship is that it is next to the public beach club. That is self-inflicted as the applicant knew that when he purchased the property. No evidence that has been presented showing that this variance is necessary to build a single-family home on this property. Also conflicts with the variance requiring the higher wall. It just does not make any sense.

Town Manager stated that we granted this same variance request for 699 Ocean Boulevard. Asking to create barriers on the north side.

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

Mr. Gibbs stated it is basically the same issue. The claimed hardship is self-created. No evidence that has been presented showing that this variance is necessary to build a single-family home on this property. It doesn't meet 3 of the 7 standards of hardships and it has to meet all 7.

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>Nay</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

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

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>Nay</u>

Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

Mr. Gibbs stated that this is a self-created issue. Do not understand how any of this makes any sense. Brings everything closer to the noise. No evidence presented by the applicant that the variance is needed to build a code compliant house.

Town Manager stated that this request is similar to the variance you granted to the property to the north. Recommend favorable approval.

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

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>Nay</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

Mr. Gibbs stated that this is self-created. They knew the limitations when they bought the property. No evidence of a legal hardship, no evidence of legal use of the variance and the view of the lifeguard stand is not a legal hardship, this does not meet variance requirements in your code. And in all of this, people talk about variances like this that have been granted that are similar, those variances have no bearing.

Town Manager stated that this variance request has nothing to do with the lifeguard stand and everything to do with the men's restroom that it is at the lot line there.

Councilmember Einstein stated that the Council needs to address this matter because the Administration has brought up to us that in terms of other properties that are unique. We have stripped the BRAB of their powers. Why have a BRAB if we are going to vote against them. Dealing with this on a case-by-case basis opens the town up to an arbitrary and capricious treatment of the town's properties. Thinks we need to have a meeting and deal with it and discuss it.

P. TOWN MAJOR PROJECTS UPDATE

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

Town Manager spoke on the projects. Civic Center work has started. There is a change order that they will be bringing to council at the October meeting. Hotwire contract has been signed. Looking at an official kickoff event on October 28th. Looking for delivery of at least something by the end of the year because due to rain delays we've been pushed back on several projects.

Councilmember Bernstein asked about the time frame with Hotwire

Town Manager stated their goal is to have a few homes on before the end of the year

Councilmember Bernstein asked when are we expecting the whole project to be completed.

Town Manager stated second quarter of next year.

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

Consensus vote 5 Ayes, 0 Nays. Items Q11 pass.

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, AWARDING 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

A motion to approve was made by Councilmember Bernstein, 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>Aye</u>

The motion passed.

Mayor Singer spoke on the item. Have not given merit increases, we stick to the bonuses – thinks they are more than fair and well deserved.

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

Town Manager reminded council that the next meeting is scheduled for October 19th, 2021, at 7 p.m.

T. ADJOURNMENT:

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

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk