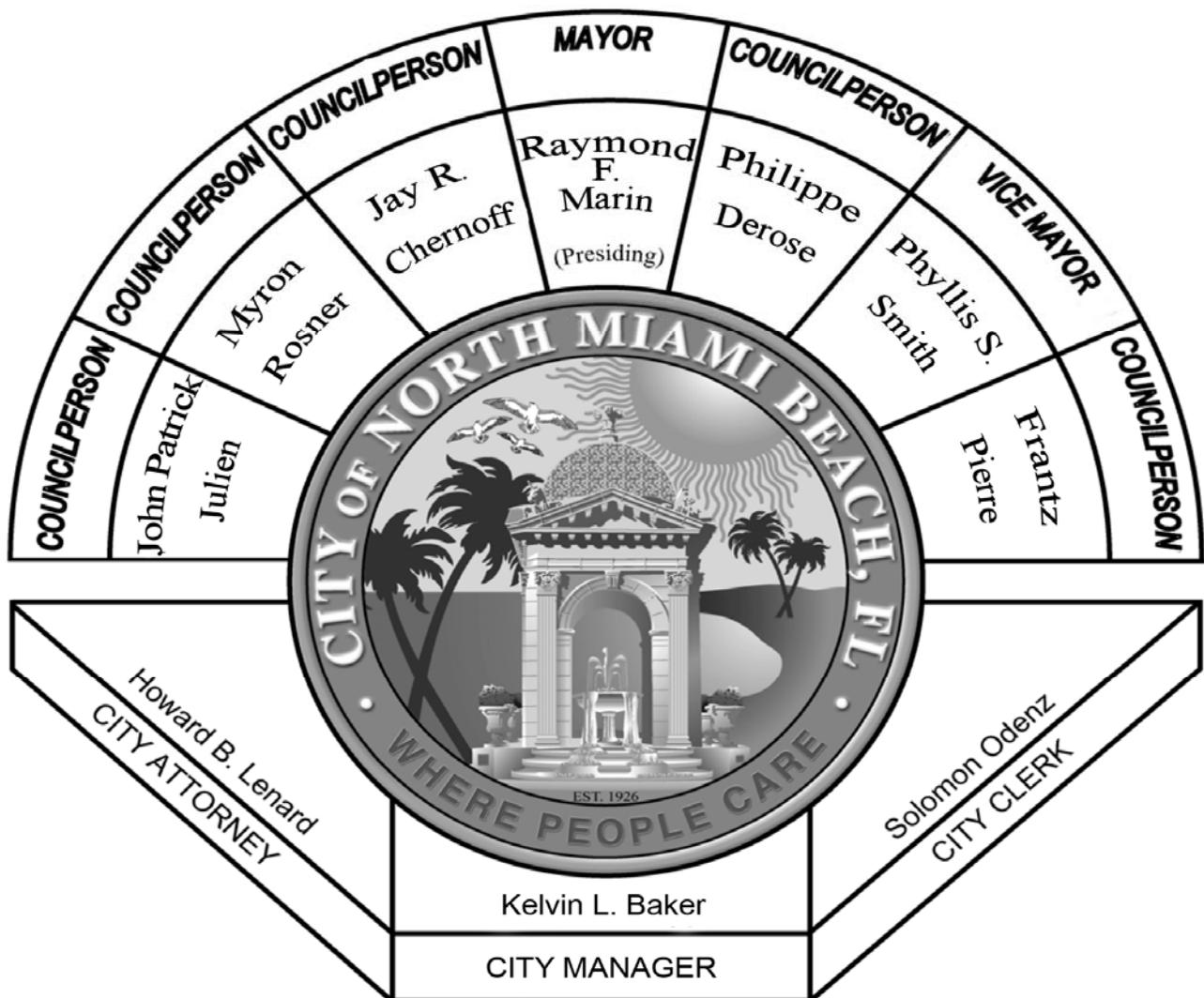


*Welcome
To A Meeting of the
City of North Miami Beach City Council
Your City Officials*



AGENDA

**REGULAR MEETING OF THE CITY COUNCIL
CITY OF NORTH MIAMI BEACH, FLORIDA**

DATE and TIME: TUESDAY, DECEMBER 16, 2008, 7:30 PM

LOCATION: CITY HALL, 17011 NE 19th AVENUE
2ND FLOOR, COUNCIL CHAMBERS

NEXT CITY COUNCIL MEETING: TUESDAY, JANUARY 6, 2009

AGENDA ITEMS

1. **ROLL CALL OF THE CITY OFFICIALS:**

2. **INVOCATION:**

REVEREND CANON RONALD N. FOX,
ST. BERNARD DeCLAIRVAUX EPISCOPAL CHURCH

3. **SALUTE TO THE AMERICAN FLAG.**

4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA:**

5. **APPOINTMENTS/PRESENTATIONS:**

A. **APPOINTMENTS:**

1. APPOINTMENT OF VICE MAYOR – COUNCILMAN PHILIPPE DEROSE.
2. ANDREW HIRSCH – ECONOMIC DEVELOPMENT COMMISSION.
3. RANDIE SHANE – ECONOMIC DEVELOPMENT COMMISSION.

B. **PRESENTATIONS:**

1. PRESENTATION BY JOSHUA WILLIAMS OF JOSHUA’S HEART FOUNDATION.
2. PRESENTATION BY MAYOR RAYMOND F. MARIN TO OFFICER LUIS GORDO AS THE OUTSTANDING OFFICER OF THE MONTH OF AUGUST 2008.
3. PRESENTATION BY MAYOR RAYMOND F. MARIN TO OFFICER DANIEL MARTI AS THE OUTSTANDING OFFICER OF THE MONTH OF SEPTEMBER 2008.
4. PRESENTATION BY MAYOR RAYMOND F. MARIN TO OFFICER DETECTIVE REYNERI HERNANDEZ OF THE MONTH AWARD OF OCTOBER 2008.
5. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY CHIEF RAPHAEL P. HERNANDEZ TO FRANCISCO CASTELLANOS AS THE EMPLOYEE OF THE MONTH OF SEPTEMBER 2008.
6. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY CHIEF RAPHAEL P. HERNANDEZ TO GHOLDYA PIERRE-LOUIS AS THE EMPLOYEE OF THE MONTH OF OCTOBER 2008.

6. **APPROVAL OF MINUTES:**

DECEMBER 2, 2008

7. **CITY MANAGER'S REPORT:**
KELVIN L. BAKER

- A. REQUEST APPROVAL FOR A FISCAL YEAR 2008 BUDGET AMENDMENT FOR THE ON-BEHALF FIRE PENSION CONTRIBUTION IN THE AMOUNT OF \$213,825.

AGENDA ITEMS

7. CITY MANAGER'S REPORT - CONTINUED:

B. VICTORY POOL SLIDE STATUS REPORT.

**8. CITY ATTORNEY'S REPORT:
HOWARD B. LENARD**

9. SCHEDULED CITIZENS APPEARANCE:

TO ALL CITIZENS APPEARING UNDER SCHEDULED APPEARANCES:

THE COUNCIL HAS A RULE WHICH DOES NOT ALLOW DISCUSSION ON ANY MATTER WHICH IS BROUGHT UP UNDER CITIZENS APPEARANCES UNLESS IT IS AN EMERGENCY. WE ARE, HOWEVER, VERY HAPPY TO LISTEN TO YOU. THE REASON FOR THIS IS THAT THE COUNCIL MUST HAVE STAFF INPUT AND PRIOR KNOWLEDGE AS TO FACTS AND FIGURES SO THAT THEY CAN INTELLIGENTLY DISCUSS A MATTER. THE COUNCIL MAY WISH TO ASK QUESTIONS REGARDING THIS MATTER BUT WILL NOT BE REQUIRED TO DO SO. AT THE NEXT OR SUBSEQUENT COUNCIL MEETING YOU MAY, IF YOU SO DESIRE, HAVE ONE OF THE COUNCILPERSONS INTRODUCE YOUR MATTER AS HIS OR HER RECOMMENDATION. WE WISH TO THANK YOU FOR TAKING THE TIME TO BRING THIS MATTER TO OUR ATTENTION.

SPEAKING BEFORE THE CITY COUNCIL:

THERE IS A THREE (3) MINUTE TIME LIMIT FOR SPEAKERS/CITIZENS PARTICIPATION AT ALL PUBLIC HEARINGS AS WELL AS SCHEDULED/UNSCHEDULED CITIZENS APPEARANCE(S). YOUR COOPERATION IS APPRECIATED IN OBSERVING THE THREE (3) MINUTE TIME LIMIT POLICY.

IF YOU HAVE A MATTER YOU WOULD LIKE TO DISCUSS WHICH REQUIRES MORE THAN THREE (3) MINUTES, PLEASE FEEL FREE TO ARRANGE A MEETING OR AN APPOINTMENT WITH THE APPROPRIATE ADMINISTRATIVE OR ELECTED OFFICIAL.

NOTE: IN THE COUNCIL CHAMBERS, CITIZEN PARTICIPANTS ARE ASKED TO COME FORWARD TO THE PODIUM, GIVE YOUR NAME AND ADDRESS, NAME AND ADDRESS OF THE ORGANIZATION YOU ARE REPRESENTING, IF ANY, AND SPEAK ONLY ON THE SUBJECT FOR DISCUSSION.

THANKING YOU VERY MUCH, IN ADVANCE, FOR YOUR COOPERATION.

PLEDGE OF CIVILITY

A RESOLUTION WAS ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH RECOGNIZING THE IMPORTANCE OF CIVILITY, DECENCY AND RESPECTFUL BEHAVIOR IN PROMOTING CITIZEN PARTICIPATION IN A DEMOCRATIC GOVERNMENT. THE CITY OF NORTH MIAMI BEACH CALLS UPON ALL RESIDENTS, EMPLOYEES, AND ELECTED OFFICIALS TO EXERCISE CIVILITY TOWARD EACH OTHER. (RESOLUTION NO. R2007-57, 11/06/07)

A. BERT KEHREN
3302 N.E. 171 STREET
NORTH MIAMI BEACH, FL.

RE: POLITICS.

AGENDA ITEMS

9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:

B. MURIEL KEMP
1479 N.E. 178 STREET
NORTH MIAMI BEACH, FL.

RE: WHY NOT??

C. RICHARD RIESS
23 N.W. 169 STREET
NORTH MIAMI BEACH, FL.

RE: ELECTED SERVANTS OR CAREER POLITICIANS?

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. BUSINESS TAX RECEIPT MATTERS: CITY CLERK

A. HOLIDAY CHARITIES & PROMOTIONS, INC.
199 N.E. 167 STREET
900 N.E. 167 STREET
13885 BISCAYNE BOULEVARD
NORTH MIAMI BEACH, FL.

ROBERT GOLER, PRESIDENT

RE: REQUEST APPROVAL OF BUSINESS TAX RECEIPTS FOR THE SALE OF FIREWORKS AT: 199 N.E. 167 STREET, 900 N.E. 167 STREET AND 13885 BISCAYNE BOULEVARD FROM DECEMBER 23, 2008 THROUGH DECEMBER 31, 2008 FROM 10:00 A.M. TO 10:00 P.M. - 20% OF PROCEEDS TO STOP HUNGER, INC. (SUBJECT TO APPROVAL BY THE MIAMI-DADE COUNTY FIRE DEPT. AND PROHIBITED FROM CONDUCTING ANY SALE(S) WITHOUT PRIOR FIRE DEPT. APPROVAL AS ABOVE-DESCRIBED).

B. EBONY & IVORY ENTERTAINMENT, LLC
d/b/a DIAMOND'S CABARET
337 N.W. 170 STREET
NORTH MIAMI BEACH, FL.

ROBERT DRAPER, MANAGING MEMBER
NORMAN POWELL, ATTORNEY

RE: REQUEST APPROVAL OF A BUSINESS TAX RECEIPT FOR EXTENSION OF HOURS -4:00 A.M. TO 6:00 A.M. (INITIAL APPROVAL – 6 MONTHS)

AGENDA ITEMS

13A. ADMINISTRATION OF TESTIMONY OATH **(CITY CLERK)**

RECENT FLORIDA SUPREME COURT RULINGS REGARDING MUNICIPAL ZONING MATTERS REQUIRE ALL CITIZENS WHO WILL BE PRESENT BEFORE THE LEGISLATIVE BODY OR CITY COUNCIL TO FOLLOW THE RULE OF TESTIMONY OATH (CITY CLERK TO ADMINISTER OATH).

13B. LEGISLATION:

RESOLUTIONS (SERIATIM NO. R2008-59):

RESOLUTION NO. R2008-55

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AMENDMENTS TO THE FLORIDA STATUTES TO INCREASE MORTGAGE HOLDERS' RESPONSIBILITY FOR DELINQUENT CONDOMINIUM, CO-OPERATIVE, AND HOMEOWNER ASSOCIATIONS FEES, REGULAR ASSESSMENTS AND SPECIAL ASSESSMENTS ON UNITS IN FORECLOSURE AND ON FORECLOSED UNITS.

RESOLUTION NO. R2008-56

A POLICY RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ALERTING ALL FINANCIAL INSTITUTIONS, BANKS, AND OTHER MORTGAGE HOLDERS OF FORECLOSED PROPERTIES WITHIN NORTH MIAMI BEACH, FLORIDA, TO THE CONTINUING RESPONSIBILITY OF MAINTAINING THOSE PROPERTIES TO FULL COMMERCIAL OR RESIDENTIAL COMPLIANCE.

RESOLUTION NO. R2008-57

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENCOURAGING PRESIDENT-ELECT BARACK OBAMA AND THE U.S. CONGRESS TO STRUCTURE THEIR PROPOSED PUBLIC WORKS RECOVERY PROGRAM SO THAT MUNICIPALITIES ARE DIRECT RECIPIENTS OF FUNDS TO BE EXPENDED ON INFRASTRUCTURE WITHIN THEIR RESPECTIVE JURISDICTIONS.

ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2008-24):

ORDINANCE NO. 2008-23

AN ORDINANCE AMENDING CHAPTER 14 BUILDING AND HOUSING MODIFYING RESIDENTIAL RENTAL PERMITS AND INSPECTIONS; AMENDING CHAPTER 24 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; MODIFYING THE FORMAT FOR LISTING USES IN BUSINESS DISTRICTS; CLARIFYING FULFORD CITY CENTER (FCC) ZONING DISTRICT REGULATIONS; MODIFYING PARKING AREA REQUIREMENTS AND REGULATIONS; RELOCATING BEAUTIFICATION IMPACT FEE PROVISIONS AND INCREASING THE FEE; MODIFYING SIGN CODE PROVISIONS; MODIFYING TEXT OF THE LAND DEVELOPMENT FEE SCHEDULE; CLARIFYING AND UPDATING BUILDING HEIGHT PROVISIONS IN ALL ZONING DISTRICTS; MODIFYING HEIGHT EXCEPTIONS AS TO PARAPET WALLS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

AGENDA ITEMS

13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2008-21

AN ORDINANCE OF THE MAYOR & COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING SECTION 24-172(G)(7) OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY ENTITLED CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN, TO INCORPORATE THE USE OF DIGITAL SECURITY CAMERAS AS A FACTOR IN THE ANALYSIS OF AND RECOMMENDATIONS FOR ALL PROPOSED DEVELOPMENT SUBJECT TO SITE PLAN REVIEW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

ORDINANCE NO. 2008-22

AN ORDINANCE AMENDING CHAPTER 24 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; MODIFYING LANDSCAPE REQUIREMENTS FOR TALLER BUILDINGS; MODIFYING SITE PLAN REVIEW STANDARDS AND PUBLIC NOTICE PROCEEDINGS; MODIFYING SUBDIVISION PLAT REVIEW STANDARDS; CREATING SECTION 24-181 URBAN DESIGN PLAN, TO INCORPORATE RECOMMENDATIONS OF THE GLATTING JACKSON REPORT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

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RESOLUTION NO. R2008-58

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, NAMING AND APPOINTING HOWARD B. LENARD CITY ATTORNEY EMERITUS AND NAMING THE CITY'S LAW OFFICES FOR THE CITY ATTORNEY.

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14. UNSCHEDULED CITIZENS APPEARANCES:

15. CITY COUNCIL COMMITTEE REPORTS:

16. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)

17. ADJOURNMENT:

18. NEXT CITY COUNCIL MEETING:

TUESDAY, JANUARY 6, 2009