



**MARCH 1, 2011**  
**REGULAR MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE #465)*

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

The meeting was called to order at 7:32 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Barbara Kramer, and Council Members Philippe Derosé, McKenzie Fleurimond, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were Acting City Manager Roslyn Weisblum, Assistant City Manager Mac Serda, City Attorney Darcee S. Siegel and Interim City Clerk Joanne M. Callahan.

**2. INVOCATION**

Reverend Dr. Greg Mansfield, St. Bernard de Clairvaux

**3. PLEDGE OF ALLEGIANCE**

Mayor Rosner led the Pledge of Allegiance.

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

Interim City Clerk Callahan reported the following two (2) additions to Item 5. Presentations/Discussions: 5.2 Presentation/Discussion – Presented By Laura Kallus, PanZOu Project and 5.3 Presentation – Raabia Liladrie, Chairperson of the Commission on the Status of Women.

**Motion** made by Councilwoman Spiegel, seconded by Councilman Pierre, to defer “Mayor’s Discussion” to the end of “City Council Reports.” In a roll call vote, all voted in favor of the motion. (**Motion carried 7-0**).

**5. PRESENTATIONS/DISCUSSIONS**

- 5.1 Plaque Presentation to Bucky Singer, in Recognition of His Work with the Special Olympics - Presented by Mayor Myron Rosner**
- 5.2 Presentation/Discussion – Presented By Laura Kallus, PanZOu Project**
- 5.3 Presentation – Raabia Liladrie, Chairperson of the Commission on the Status of Women**

## 6. APPOINTMENTS

### 6.1 Swearing In of Pamela L. Latimore, CMC, City Clerk - By Honorable Judge Alicia L. Latimore, 9th Judicial Circuit Court of Florida

## 7. CONSENT AGENDA

**Motion** made by Councilman Derose, seconded by Councilwoman Spiegel, to approve the Consent Agenda. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

### 7.2 Resolution No. R2011-14

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING THE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS BY AND BETWEEN THE CITY OF NORTH MIAMI BEACH AND JACKSON LAND DEVELOPMENT, LLC RELATIVE TO CERTAIN ACTS INVESTIGATED BY THE MIAMI-DADE COUNTY STATE ATTORNEY; AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL PURPOSES.

**Motion** made by Councilwoman Smith, seconded by Councilman Pierre, to pull Item 7.1 Resolution R2011-11 from the Consent Agenda. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

On behalf of the Council, Councilwoman Spiegel publicly acknowledged and recognized all involved in Resolution No. R2011 -14. Vice Mayor Kramer read an excerpt from a cnn.com article "Why It's Easy to See No Evil, Speak No Truth at Work?"

## 8. CITY MANAGER'S REPORT

Acting City Manager Weisblum thanked everyone for their support during her hard time. She welcomed City Clerk Latimore and announced that the accounts payable register of checks were now online and will be posted on a monthly basis. Acting City Manager Weisblum noted that the Business Tax Receipt Division of the City Clerk's Office had been moved to Community Development with expanded hours from 8:30 am to 5:00 p.m.

## 9. CITY ATTORNEY'S REPORT

### 9.1 Litigation List - *No Discussion*

Per Councilwoman Smith's request, City Attorney Siegel reported that a "Whistle Blower" policy was in process of being created and that information about how to report whistleblower information to the City was posted on the website. She welcomed City Clerk Latimore. City Attorney Siegel noted that \$550,000 was received by the City, which was the start of the repayment of the 2.3 million dollars that was stolen by Former Employee Marty King. She further noted that an ordinance would hopefully be presented on April 5<sup>th</sup> regarding pill mills and announced the following items for the March 15<sup>th</sup> Council Meeting: 1) a site plan approval and variance for a fountain; and 2) a conditional use for a residential detox center.

## 10. MAYOR'S DISCUSSION

Mayor Rosner noted that at the previous Council Meeting, a Council Member had asked the City Attorney to look into whether or not he had overstepped his grounds with his self-promoting comments during election time under "Mayor's Discussion." He then read the excerpt from the Council Meeting and informed the Council that an answer of the Assistant General Counsel, Florida Department of State, was "no violation from the Florida Election Code was apparent from the transcription....."

## 11. PUBLIC COMMENT

Interim City Clerk Callahan read the rules for Public Comment. Mayor Rosner read the Pledge of Civility.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, expressed thoughts to Acting City Weisblum for her loss.

Charles Loeb, 16800 NE 15 Avenue #112, North Miami Beach, FL, welcomed City Clerk Latimore, welcomed back Acting City Manager Weisblum, and thanked Councilwoman Kramer for her help personally. He provided an overview of his recent meeting with State Representative John Patrick Julien and public transportation.

Tory Sullivan, 551 NE 53 Street, Miami, FL, business owner who spoke positively about his business neighbor.

Rolland Veilleux, 13730 Highland Drive, North Miami Beach, FL, spoke about how to make people happy.

Marilyn Baumoechl, 18635 NE 20 Court, North Miami Beach, FL, spoke about receiving campaign literature that was terribly improper.

Brian Rook, 1971 NE 188 Street, Miami, FL, spoke about a campaign sign being posted on his property without permission and mailbox stuffing from Mayor Rosner.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL, spoke about a Meet and Greet for the candidates on Thursday, March 10<sup>th</sup> 7:00 – 9:00 p.m. at the McDonald Center. She also spoke about Mayor Rosner's bus bench signs and a letter to the City regarding a possible violation of the code.

Gail Dixon-Johnson, 8203 S Palm Drive #111, Pembroke Pines, FL, thanked Chief Hernandez and his Staff for their participation in Domestic Violence Forum and thanked Leisure Services for the Black History Month events.

Richard Riess, President of the NMB Civic Association, 23 NW 169 Street, North Miami Beach, FL, spoke about Washington Park, about willful blindness, and about Marty King's embezzlement.

Marlen Martell, 17374 S Glades Drive, North Miami Beach, FL, spoke about her positive experience with the Police Department, the Evolution of Dance program, Miami-Dade County Tax Exemption services, and the Commission on the Status of Women.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, expressed condolences to Acting City Manager Weisblum and welcomed City Clerk Latimore. He provided an overview of the Town Hall Meeting and spoke about the budget and actions relating to City finances.

## 12. MISCELLANEOUS ITEMS – *None*

13. **WAIVER OF FEE** – *None*

14. **BUSINESS TAX RECEIPTS** – *None*

15. **LEGISLATION**

**Motion** made by Councilman Derose seconded by Councilman Fleurimond, to introduce Ordinance No. 2011-4 on First Reading, By Title Only. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

15.1 **Ordinance No. 2011-4 (First Reading, By Title Only)**

AN ORDINANCE REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 1558 NE 162nd STREET FROM A CLASSIFICATION OF RO, RESIDENTIAL OFFICE DISTRICT TO A CLASSIFICATION OF B-2, GENERAL BUSINESS DISTRICT, AND DIRECTING THE DIRECTOR OF THE PUBLIC SERVICES DEPARTMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion** made by Councilman Derose seconded by Councilman Fleurimond, to adopt Ordinance No. 2011-4 on First Reading, By Title Only.

Director of Public Services Shari Kamali provided an overview of the ordinance. Attorney Michael Snyder, 4000 Hollywood Blvd, Suite 455 South, representing the applicant, was present to answer questions.

**Vote:** All voted in favor of the motion with the exception of Councilwoman Spiegel who voted in the negative. (**Motion carried 6-1**).

Councilwoman Smith expressed concern for the cost of redoing the tennis courts versus redoing the entire tennis complex in the near future and the timeline.

**Motion** made by Councilwoman Smith, seconded by Councilman Derose, to introduce Resolution No. R2011-11. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

7.1 **Resolution No. R2011-11**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FAST-DRY COURTS, INC. FOR THE TENNIS CENTER CLAY COURTS REGRADING BID NO. 2010-22.

Acting City Manager reported that the company will be re-grading the clay courts and when the tennis courts were redone, they will be expanded, but the remaining courts will still be used.

**Motion** made by Councilwoman Smith, seconded by Councilman Derose, to adopt Resolution No. R2011-11. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

## **16. CITY COUNCIL REPORTS**

**Vice Mayor Kramer** welcomed back Acting City Manager Weisblum and welcomed City Clerk Latimore. She made reference to the cnn.com article she spoke about at the beginning of the meeting.

**Councilwoman Spiegel** welcomed back Acting City Manager Weisblum and welcomed City Clerk Latimore. She spoke about Shmira, a Jewish citizen patrol group, featured on the 11 o'clock news, local10.com, working with the North Miami Beach Police Department. Councilwoman Spiegel reminded everyone that early voting had started for the upcoming recall election for Miami-Dade County. She spoke of the recent Commission on the Status of Women informational session that took place over the weekend and gave a friendly reminder about recycling.

**Councilwoman Smith** welcomed back Acting City Manager Weisblum and welcomed City Clerk Latimore. She spoke about her attendance at the Friends of the Library event recognizing Langston Hughes for Black History Month and announced a scholarship that was advertised in the news for Jewish youth for college. Councilwoman Smith spoke about Major Kathy Katerman's selling her pastries at the Town Hall Meeting as a fundraiser for women with cancer. Councilwoman Smith also spoke about Ron Book's daughter, abused by her housekeeper, walks every year to raise funds for survivors. Councilwoman Smith noted that a television program at 10 p.m. tonight was on OWN - Oprah Winfrey's Network (OWN).

**Councilman Fleurimond** spoke about residents' feedback in Washington Park and Uleta regarding the Council Members outreach in the community. He encouraged residents' attendance at the Council Meetings. He thanked everyone who voted today in the Senate District 33 General Election. Councilman Fleurimond welcomed City Clerk Latimore and welcomed back Acting City Manager Weisblum. He spoke about his attendance at the Seniors Luncheon and at the Commission on the Status of Women informational session. Councilman Fleurimond thanked the City Attorney's Office, Police Department and City Manager's Office regarding the Marty King case. He thanked the women on the Council for their efforts and recognizing them for Women's Month.

**Councilman Derose** welcomed back Acting City Manager Weisblum and welcomed City Clerk Latimore. He thanked Staff for their wonderful presentations at the recent Town Hall Meeting. He reported that at the last Beautification Committee Meeting, the members expressed that they wanted the Council to revisit the ordinance on signage and were recommending a reduction of the three (3) months to maybe two (2) months or six (6) weeks before the time. It also recommended that the bus bench signs should be included limit of 25 signs. Also discussed, was instead of using the 2' x 4' for signs, use the stick in the ground.

**Councilman Pierre** welcomed back Acting City Manager Weisblum and welcomed City Clerk Latimore. He spoke about recognizing women for Women's Month, his wife and all mothers in North Miami Beach. Councilman Pierre reminded everyone that the Library was open, including Sundays. He spoke about his goal to make efficient use of the City's tax dollars and urged the City Staff to get every cent, if possible, returned to the City regarding Marty King.

## **17. NEXT REGULAR CITY COUNCIL MEETING – Tuesday, March 15, 2011**

18. **ADJOURNMENT** - There being no further business to come before the City Council, the meeting was adjourned at 9:10 p.m. on a motion made by Councilman Derosé and seconded by Councilman Pierre. By consensus, all voted in favor. (**Motion carried 7-0**).

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk