



CITY OF NORTH MIAMI BEACH
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
City of North Miami Beach, FL 33162

OCTOBER 5, 2010
REGULAR MEETING MINUTES
(CNMB-CC MINUTES TAPE #455)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:40 p.m. Present were Mayor Myron Rosner, Vice Mayor Beth E. Spiegel and Council Members Philippe Derose, John Patrick Julien, Barbara Kramer, Frantz Pierre, and Phyllis S. Smith. Also present were Acting City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel, and Interim City Clerk Joanne M. Callahan.

2. INVOCATION

The invocation was given by Reverend Jonas Georges, All Nations Presbyterian Church.

3. PLEDGE OF ALLEGIANCE

Mayor Rosner led the Council in the Pledge of Allegiance.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Interim City Clerk Callahan announced the following addition to the agenda: Appointment - Item 6.1 – Civil Service Board – Charles M. Asarnow (Vice Mayor Spiegel).

5. PRESENTATIONS/DISCUSSIONS

- 5.1** Presentation to the North Miami Beach Police Department in Recognition of Investigative Work on Violent Gangs – Plaque Presented by Tony Mangione

6. APPOINTMENTS

- 6.1** Civil Service Board (Vice Mayor Spiegel)

- Charles M. Asarnow

Motion made by Vice Mayor Spiegel, seconded by Councilwoman Smith, to appoint Charles M. Asarnow to the Civil Service Board. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

7. CONSENT AGENDA

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

7.4 Resolution No. R2010-67

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AND ENDORSING THE SOUTH FLORIDA PARKS COALITION CHARTER AND THE PRINCIPLES ON WHICH IT STANDS.

7.5 Resolution No. R2010-68

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE CITY OF DORAL'S REQUEST FOR MIAMI-DADE COUNTY TO PROVIDE THE CITY OF DORAL ITS PRO RATA SHARE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS; AND CALLING FOR THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO PROVIDE SUCH FUNDING FROM THE EIGHTY PERCENT SHARE THAT CURRENTLY GOES TO THE COUNTY.

Motion made by Councilman Julien, seconded by Councilman Derosé, to adopt the Consent Agenda. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

8. CITY MANAGER'S REPORT

Acting City Manager Weisblum reported the following:

- a) 19th Avenue Gun Mount Restoration: gun to be restored; base to be painted; bronze plaques to be refurbished; and landscaping to be installed in lieu of the fountain in order to reduce maintenance and upkeep expenses. Councilwoman Smith suggested running the fountain once a week to utilize the water for irrigation and to keep the pipes from rotting.
- b) Thank you to the Public for its suggestions, specifically the idea of posting some of the awards and presentations on the electronic bulletin board.

9. CITY ATTORNEY'S REPORT

City Attorney Siegel reported the following legislative items slated for the October 19th City Council Meeting: 1) 15501 NW 21 Avenue Recycling Facility: previously defeated without prejudice; 2) Resolution regarding the agreement for ballistic door panels for the police vehicles. She added that Procurement was able to participate in a reverse open auction where competitors continue bidding to bring the price down; thus, saving a substantial amount of money.

9.1 Litigation List - *No Discussion*

Councilman Julien requested clarification regarding a litigation matter as listed on the Litigation List involving American Pinnacle vs. Former City Clerk Susan Owens. City Attorney Siegel explained that it was regarding a public records request involving water accounts, tenants vs. property owners and believe that the information supplied was not adequate. She further explained that the matter was filed three (3) months ago, the City responded and was awaiting the Court's response. City Attorney Siegel added that the City did provide the records and acted properly.

10. MAYOR'S DISCUSSION - *None*

Vice Mayor Spiegel announced that residential recycling was starting tomorrow and gave a brief overview of the details.

11. PUBLIC COMMENT

Interim City Clerk Callahan read the rules and procedures for Public Comment.

Charles R. Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL – spoke on the Homeland Security, article on Children’s Moment of Florida, article on “Helping the Homeless” meters and North Bay Village citizen budget meetings.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL – spoke of false code enforcement violations possibly involving the Mayor, the budget, and pension contributions.

Robert Taylor, 1951 NE 157 Terrace, North Miami Beach, FL – spoke on Seat 7 candidate interviews not being open to the Public and about transparency.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL – spoke on the 3rd Annual Domestic Violence Awareness Walk/Expo, selection of the new City Manager and Ordinance 2010-23.

Marise Hayden, 16415 NE 32 Avenue, North Miami Beach, FL – spoke on the missing manhole covers, accountability and the need for an experienced City Manager.

Yona Lunger, 695 NE 174 Street, North Miami Beach, FL – thanked the Acting City Manager for her quick response to an email in working with Chief Hernandez and the department in patrolling days and nights while attending synagogue during the High Holy Days and keeping the Public safe. He also recognized Sergeant Joey Assael, Officer Luis Gordo, Officer Sam Simon, and Officer Daniel Sotolongo for responding on September 26th with individuals collecting money in the street and nearly getting run over. Mr. Lunger noted that this Sunday was going to be 10/10/10 and encouraged everyone to be positive.

12. MISCELLANEOUS ITEMS – None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS – None

15. LEGISLATION

Motion made by Councilman Julien, seconded by Councilman Derosé, to introduce Ordinance No. 2010-23 on First Reading, By Title Only. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

15.1 Ordinance No. 2010-23 (First Reading, By Title Only)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XXIV OF THE CITY CODE OF ORDINANCES, ENTITLED ZONING AND LAND DEVELOPMENT, BY ADDING DEFINITIONS FOR ACCESSORY USE STRUCTURES TO SECTION 24-22 OF ARTICLE II DEFINITIONS, ENTITLED DEFINITIONS; ADDING ADDITIONAL ALLOWABLE SETBACK ENCROACHMENTS AND AMENDING REGULATIONS FOR CARPORTS AND MECHANICAL EQUIPMENT IN SECTION 24-81 OF ARTICLE VIII SUPPLEMENTAL REGULATIONS, ENTITLED SETBACK ENCROACHMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL

OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH;
PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

City Attorney Siegel noted that there were various scribes' errors and that corrected copies had been distributed to the Council and the Public. **Motion** made by Councilman Julien, seconded by Councilman Derose, to adopt Ordinance No. 2010-23 on First Reading, By Title Only.

City Planner Chris Heid provided a detailed overview of the amendments to Chapter XXIV Zoning and Land Development and answered extensive questions posed from the Council.

Motion made by Vice Mayor Spiegel, seconded by Councilwoman Kramer, to amend Ordinance No. 2010-23: 1) Section 24-81, (4) and (6) – include a specific cross reference to the section of the code dealing with Eastern Shores; 2) Section 24-81 - carports shall not exceed 400 sq feet; 3) Section 24-81, (1) – end the sentence after the word “roof”; and 4) Section 24-81 (11) – exterior staircases shall be in a design compatible with the principal structure. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

Motion made by Vice Mayor Spiegel, seconded by Councilman Julien, to adopt Ordinance No. 2010-23 as amended on First Reading, By Title Only. All voted in favor of the motion with the exception of Councilman Pierre voting in the negative. **(Motion carried 6-1).**

16. CITY COUNCIL COMMITTEE REPORTS

Vice Mayor Spiegel noted that the assumed rate of return on the police pensions was going to go down, and the City needs to be prepared in the future to accommodate that, which means higher contributions in order to meet the funding level. She recommended starting a pension workshop, and reminded everyone that residential recycling was starting tomorrow - call 311 for larger recycling bins. She announced Miami-Dade Commissioner Sally A. Heyman was hosting a mortgage foreclosure prevention workshop on October 7th from 6:00 p.m. to 9:00 p.m. at the McDonald Center. Vice Mayor Spiegel congratulated the Police Department and those from Safe Space for those who organized the 3rd Annual Domestic Violence Awareness Walk/Expo; six (6) council members walked.

Councilwoman Smith noted that there were almost 650 people who walked this year, 100 more than last year to prevent violence. Over \$10,000 was collected. She stated that AT&T would donate \$10,000 if the City collected 3,000 used telephones and encouraged everyone to drop them off at the Police Station or the Library. Councilwoman Smith spoke of attending an evening event hosted by PanZOu that included an inspirational speaker who laid on nails. She announced that they had a dinner for families to create the importance of eating with your children and together as a family. Councilwoman Smith encouraged everyone to go to www.refresheverything.com and vote until October 31st for PanZOu to get a \$50,000 grant through Pepsi Refresh – For more information, call (305) 796-3505 or (954) 956-2523. She congratulated the Police Department regarding the 3rd Annual Domestic Violence Awareness Walk/Expo. She encouraged those candidates who do not get selected for the council vacancy to stay involved.

Councilman Julien posed some rhetorical questions and “food for thought”: Is the City Manager responsible for pilfering? He spoke about outside sources having the control over situations and not performing and placing the blame solely on that person. Councilman Julien spoke to the candidates interviewing for the vacancy. He applauded the Acting City Manager for

accepting the position and for wanting to apply for the position. He added that this environment was not healthy. Councilman Julien thanked Director of Public Services Shari Kamali for her patience, peace of mind and assisting him in helping homeowners.

Councilman Derose said he participated in the 3rd Annual Domestic Violence Awareness Walk/Expo and thanked the North Miami Beach Police Department for sponsoring the event and local police department in Miami Dade County who participated.

Councilwoman Kramer thanked the Police Department and Safe Space for the 3rd Annual Domestic Violence Awareness Walk/Expo. She noted that you can drop off unwanted clothing at the Police Department. Councilwoman Kramer then thanked Director of Public Services Shari Kamali for the amazingly beautiful Chamber of Commerce sign.

Councilman Pierre reminded everyone that recycling was starting tomorrow and that Library hours had been extended.

Mayor Rosner thanked his daughter who spoke at 3rd Annual Domestic Violence Awareness Walk/Expo.

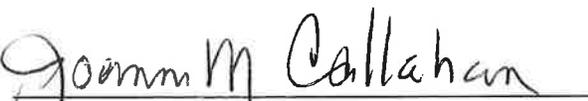
17. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, October 19, 2010

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:15 p.m. on a motion made by Councilman Derose and seconded by Councilman Julien. By consensus, all voted in favor. (**Motion carried 7-0**).

ATTEST:

(SEAL)



Joanne M. Callahan
Interim City Clerk