

**APRIL 20, 2010 MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE #439)*

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

The meeting was called to order at 7:33 P.M. Present at the meeting were Mayor Myron Rosner, Vice Mayor Phyllis S. Smith, and Council Members Beth E. Spiegel, Philippe Derose, Barbara Kramer, Frantz Pierre, and John Patrick Julien. Also present were City Manager Kelvin L. Baker, City Attorney Darcee S. Siegel, and City Clerk Susan A. Owens. Mayor Myron Rosner joined the meeting at 7:44 P.M.

**2. INVOCATION**

The invocation was given by Reverend Marta Burke, Fulford United Methodist Church.

**3. PLEDGE OF ALLEGIANCE**

Vice Mayor Smith led the City Council in the Pledge of Allegiance.

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

City Clerk Owens announced that Item #14.1 will be heard after Item #14.5, and that Items #5.5, #6.1, #6.2, and #6.3 will all be deferred.

**5. PRESENTATIONS**

- 5.1** Presentation of March 2010 C.A.R.E. Suggestion Award by Vice Mayor Phyllis S. Smith and City Manager Kelvin L. Baker, to Judy Genao, Police Department.

Presentation was made by Vice Mayor Smith and City Manager Baker.

- 5.2** Discussion regarding recent criminal activity in Eastern Shores.

Councilman Julien asked Mr. Bert Kehren, Eastern Shores resident, to speak to the City Council in regards to the recent criminal activity in Eastern Shores.

Mr. Kehren stated that he had witnessed, on more than one occasion, security guards reading, staring at their computer and even sleeping in the guard booth. Mr. Kehren said that fear of reprisal or retaliation from the Police has kept residents quiet about the issue. Mr. Kehren stated that he had begun a log noting time, date, and incidents. It was Mr. Kehren's belief that the Eastern Shores community is being ripped-off by the Police Department. He then proposed the following solutions: 1) Replace the security guards at the gate with a professional guard company who will cut costs in half and have a real deterrent effect; we can use the savings to upgrade the gate. 2) Authorize the City Manager to retain an outside consultant to address this issue.

Mayor Rosner joined the meeting at 7:44 P.M., at which time Vice Mayor Smith passed the gavel to the Mayor.

After much discussion, the City Manager was directed to retain an independent security consultant to analyze what security issues there may be City-wide and what opportunities are available to improve the system. City Manager Baker was further directed to report back to the Council on the consultant's findings during one of his City Manager's Reports.

Mayor Rosner stated that the issue with the guard gate is something that needs to be addressed immediately. Chief Rafael P. Hernandez said the Police Department will address this issue immediately and take the appropriate action.

### **5.3 Discussion regarding the March 16, 2010 Multi-Cultural Committee Report**

Councilwoman Spiegel stated that she brought this item forward because she is not in agreement with the Multi-Cultural Committee's recommendations and, in her opinion, it is not the City's responsibility to recognize religions. It was discussed among the Council that the Multi-Cultural Committee was tasked with a specific purpose, to come back with a recommendation on holiday decorations. The Council also raised concerns about separation of church and state, and the feasibility of conducting the program outlined in the Multi-Cultural Committee's report. Mayor Rosner asked that further conversation on this item be reserved until the Beautification Committee has given their report (Item #5.4).

### **5.4 Presentation by the Beautification Committee Regarding Holiday Lights.**

Bruce Lamberto, Chairman of the Beautification Committee, reported that the Committee had identified possible locations and a plan for displaying holiday decorations. In trying to keep the budget at \$20,000 for the holiday decorations, the Committee's recommendation is to start at the City Center/19<sup>th</sup> Avenue area and progress from there later on. After much discussion, the Council directed the City Manager to include decorations in the upcoming budget and that he come back at a Pre-Council meeting in June or July to present his recommendations.

### **5.3 Discussion regarding the March 16, 2010 Multi-Cultural Committee Report (CONTINUED)**

Mayor Myron Rosner read aloud the purpose of the Multi-Cultural Committee, which is to focus on culture and not on religion. City Attorney Siegel also confirmed that the purpose of the Multi-Cultural Committee is clearly about culture and not religion.

### **5.5 Discussion regarding 2010 Holiday Lighting- Item deferred. (See Page 1)**

## **6. CONSENT AGENDA- All items were deferred. (See Page 1)**

### **6.1 April 6, 2010 Meeting Minutes**

### **6.2 Resolution No. R2010-28**

### **6.3 Resolution No. R2010-29**

## **7. CITY MANAGER'S REPORT – Kelvin L. Baker**

### **7.1 Update on Weed & Seed Program by Michael Nozell, Executive Director**

Mr. Michael Nozell was not able to make the meeting, so the item was deferred.

## 7.2 Miscellaneous Updates

**Building Inspections.** City Manager Baker stated that about a year ago it was brought to the Council's attention that the City had two building personnel who did not have the proper credentials to perform inspections and review plans. Since then, 80% of the properties which required re-inspection have been re-inspected, and the overwhelming majority of those buildings were found to be in compliance. We have not been able to re-inspect the remaining 20% because we have not been granted approval to access the property. We made a presentation to the Miami-Dade County Board of Rules and Appeals and asked if they would allow us to comply, since we had such good results and so we do not have to put any additional burdens on our homeowners. We were not granted approval, and we were instructed to make one final effort to speak to the homeowners. And, if the homeowners do not grant us access to their property, they would be brought before the Code Enforcement Board. For the most part, we have exhausted our efforts in doing the re-inspections. One of the challenges in this process is that the homeowner has to call their contractor and have them come back out, which can create additional expenses. If the homeowner is billed by the contractor, the City will reimburse the homeowner for those expenses. The majority of contractors are not charging the homeowner if they need to come back out. Letters have been issued to the remaining homeowners, and we are hoping that they will allow us to do the re-inspections.

**Census.** Mr. Baker reported that the City received a 61% response rate in the 2000 Census; and, so far this, the City has had a 64% response rate. The final deadline is July 31<sup>st</sup>, and we are shooting for a response rate of 90%. The following are the percentages of responses received from the following communities:

- Eastern Shores – 63%
- Highland Village – 58%
- Sunray East – 58%
- Sunray West – 68%
- Windward/Pickwick – 61%
- Uleta – 65%
- Oak Grove – 61%
- Allen Park/Fleeman Heights – 64%
- Washington Park – 64%
- Skylake – 75%

**City Message Board Dedication.** Mr. Baker wanted to remind everyone that on April 30<sup>th</sup> the City is hosting their dedication to the city message boards in a parade format where the local high school marching bands will be performing down 19<sup>th</sup> Avenue. The streets will be blocked off for the students and attendees.

Councilman Pierre asked Mr. Baker to report on the results of the Aris Eugene case.

Mayor Rosner read aloud a letter from Sergeant Gary Kogan, Criminal Investigations, North Miami Beach Police Department. The letter stated that on March 19<sup>th</sup>, 2010 Aris Eugene was sentenced in Federal Court. He was given three months of house confinement and five years of federal probation. He pled and was convicted of grand fraud. He is to repay the Department of Justice \$64,000.00. The City computer, along with various paperwork, will be returned in the near future. Mayor Rosner stated that it was his understanding that they investigated all avenues to determine if there was anyone that was working in conjunction with Aris Eugene. Mayor Rosner said that it was also his understanding that, in this case, this individual had too much authorization to release checks by himself; and, that the City Manager is working

on a system with the new auditors and the accounting department.

## 8. CITY ATTORNEY'S REPORT – Darcee S. Siegel

**Donations.** City Attorney Siegel addressed the question that Councilman Julien had at the last meeting regarding donations. As far as property is concerned, and in particular the unclaimed/abandoned bicycles that were to be donated to Haiti, she stated that it would be proper under 705.101(6) Florida Statute. This states that the City may donate unclaimed property to a charitable organization. Furthermore, 705.103 Florida Statute states that the City may donate abandoned property as well to a charitable organization. As far as cash is concerned, her research indicated that giving City money to other countries would not serve a valid municipal purpose or function as defined by Florida Law and the Florida Supreme Court; therefore, cash donations would not be a proper expenditure on behalf of the City.

Mayor Rosner asked why the Council had deferred the bicycle donation resolution.

Councilman Julien said that deferral was requested because they had difficulties in getting in touch with Contact for Haiti. After further discussion, it was agreed that the resolution should be brought forth and, instead of naming an organization at this time, amend it to generically read that the bicycles will be donated to a charitable organization and that the City Manager would determine which organization could most quickly get the bicycles to the proper channels in Haiti.

**Motion** made by Councilman Julien, seconded by Vice Mayor Smith, to bring back Resolution R2010-28. In a voice vote, all voted in favor. (**Motion carried 7-0**)

**Motion** made by Councilman Julien, seconded by Councilwoman Spiegel, to introduce Resolution R2010-28. In a voice vote, all voted in favor. (**Motion carried 7-0**)

### 6.2 Resolution No. R2010-28

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER, PURSUANT TO STATE LAW, TO DONATE ABANDONED AND UNCLAIMED BICYCLES TO CONTACT HAITI, A CHARITABLE ORGANIZATION.

**Motion** made by Councilman Derose, seconded by Councilman Julien, to adopt Resolution R2010-28.

**Motion** made by Councilwoman Spiegel, seconded by Councilman Derose, to amend Resolution R2010-28, by removing the references to “Contact for Haiti” and delegating the City Manager to select the most efficient way to get the bicycles to Haiti. In a voice vote, all voted in favor. (**Motion carried 7-0**)

**Motion** made by Vice Mayor Smith, seconded by Councilman Julien, to approve Resolution R2010-28, as amended. In a voice vote, all voted in favor. (**Motion carried 7-0**)

## 9. MAYOR'S DISCUSSION

The Mayor announced that he, several of the other Council Members, the City Manager, and the City Attorney will be going to Dade Days in Tallahassee to look for dollars for our City.

## 10. PUBLIC COMMENT

The following individuals appeared before the City Council to express their opinions and concerns:

**Charles Loeb**, 16800 NE 15 Avenue, #112, North Miami Beach, FL, spoke regarding Council compensation and candidate filing fees.

**Alison Robie**, 2131 NE 179 Street, North Miami Beach, FL, spoke regarding Resolution R2010-29, public record requests, and the Mayor's re-appointment to the Miami-Dade County Board of Rules and Appeals.

**Bert Kerhen**, 3302 NE 171 Street, North Miami Beach, FL, spoke regarding the separation of church and state, holiday decorations, and the FBI investigation.

**Fortuna Smuckler**, 3207 NE 168 Street, North Miami Beach, FL, spoke regarding the Eastern Shores Crime Watch Meeting, holiday decorations and recognition, and the Eastern Shores crime presentation by Bert Kehren.

**Frederick Finn**, 12933 Clifton Drive, Boca Raton, FL, spoke regarding Action Fight League Gym.

**Mubarak Kazan**, 15564 NE 12 AVE, North Miami Beach, FL, spoke regarding corruption and theft.

**Ketley Joachim**, 210 NE 170 Street, North Miami Beach, FL, spoke regarding Council compensation.

**Norman Edwards**, 1640 NE 175 Street, North Miami Beach, FL, spoke regarding Police Department hotspots and enforcement.

**Mike Pons**, President of North Miami Beach Police Officer Association, Local 6005, spoke regarding the Eastern Shores guard gate situation.

**Robert Taylor**, 1951 NE 157 Terrace, North Miami Beach, FL, spoke regarding Arbor Day, the city signboard, and city employees.

**Richard Riess**, 23 NW 169 Street, North Miami Beach, FL, spoke regarding neighborhood crime, intimidation, and honesty.

## 11. MISCELLANEOUS ITEMS – *None*

## 12. WAIVER OF FEE – *None*

## 13. BUSINESS TAX RECEIPTS – *None*

## 14. LEGISLATION

**14.1** Resolution No. R2010-25- Item taken out of order and will be considered after Item #14.5 (See Page 1)

**Motion** made by Councilman Julien, seconded by Councilman Derose, to introduce Ordinance No. 2010-7 on first reading, by title only. In a voice vote, all voted in favor. (**Motion carried 7-0**)

**14.2** Ordinance No. 2010-7 (First Reading, by Title Only)

AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED BUSINESS TAX RECEIPTS AND REGULATIONS, AND IN PARTICULAR SECTION 12-1.10 (TRANSFER OF BUSINESS TAX RECEIPTS); SECTION 12-1.14 (COMPLIANCE WITH ZONING, BUILDING AND FIRE REGULATIONS); SECTION 12-1.15 (PAYMENT OF FEES

PREREQUISITE TO ENGAGING IN BUSINESS); SECTION 12-1.18 (COLLECTION OF COST FEES); SECTION 12-1.21 (OUTDOOR SALES BY MERCHANTS); SECTION 12-2.2 (PERMITTED DAYS AND HOURS OF SALE - SUNDAY RESTRICTIONS; HOTELS AND NIGHTCLUBS); 12-10.9 (ISSUANCE AND DURATION OF BUSINESS TAX RECEIPTS); SECTION 12-12.6 (NONPAYMENT OF BUSINESS TAX; SEIZURE; CHARGES; REDEMPTION; SALE; PROCEEDS) AND 12-31 (SCHEDULE OF FEES FOR BUSINESS TAX RECEIPTS) BY PROVIDING FOR AN INCREASE IN FEES IN ACCORDANCE WITH FLORIDA STATUTES; 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 Julien, seconded by Councilman Derose, to adopt Ordinance No. 2010-7, on first reading, by title only.

City Attorney Siegel announced that the following three amendments are being requested:

1. Section 12-1.14- the word “Zoning” should be stricken from the title
2. Section 12-1.18- the amount of the Cost Collection Fee should read “\$250.00”, not “up to \$250.00”
3. Section 12-2.2(3)- “and Chief of Police” should be stricken from the approval process

**Motion** made by Councilman Julien, seconded by Councilman Derose, to adopt Ordinance No. 2010-7 as amended above, on first reading, by title only.

The following individuals expressed their opinions and concerns:

**Allison Robie**, 2131 NE 179 Street, North Miami Beach

**Mubarak Kazan**, 15564 NE 12 Avenue, North Miami Beach, FL

**Motion** was made by Councilwoman Spiegel to table Ordinance No. 2010-7. Motion died for lack of a second. (**Motion failed**)

**Motion** made by Vice Mayor Smith, seconded by Councilman Derose, to further amend Ordinance No. 2010-7 as follows:

1. Section 12-2.2(f)- the words “and Council” should be added to the approval process for gala event designations.

In a voice vote, with Councilwoman Spiegel dissenting, all voted in favor. (**Motion carried 6-1**)

**Motion** made by Councilman Julien, seconded by Vice Mayor Smith, to adopt Ordinance No. 2010-7, as amended, on first reading, by title only. In a roll call vote, with Councilwoman Spiegel and Councilman Pierre dissenting, all voted in favor. (**Motion carried 5-2**)

**Motion** made by Councilman Julien, seconded by Councilman Derose, to introduce Ordinance No. 2010-8 on first reading, by title only.

#### **14.3 Ordinance No. 2010-8 (First Reading, by Title Only)**

AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED LOCAL BUSINESS TAX RECEIPT AND REGULATIONS AND IN PARTICULAR SECTIONS 12-1.3 ENTITLED APPLICATION: INFORMATION REQUIRED; 12-10.5 ENTITLED APPLICATION

(SOLICITATION FOR CHARITIES); AND 12-10.8 ENTITLED APPLICATION; INFORMATION (BUSINESS TAX RECEIPT TO PROMOTE FAIRS, BAZAARS, ETC., OR CONDUCT RUMMAGE SALE-REQUIRED); INCREASING THE APPLICATION PROCESSING FEE AND THE ANNUAL ADMINISTRATIVE PROCESSING FEE; AMENDING THE PERSONAL INFORMATION REQUESTED ON BUSINESS TAX RECEIPT APPLICATIONS; 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 Julien, seconded by Councilman Derosé, to adopt Ordinance No. 2010-8, on first reading, by title only.

City Attorney Siegel announced that the following four amendments are being requested:

1. 12-1.3(c.)- remove this subsection in its entirety and change subsection d. to c., and e. to d.
2. 12-10.5(e.)- remove “for the day(s) of event”
3. 12-10.8(f.)- remove “for the day(s) of event”
4. 12-10.8(~~pk.~~)- remove “and whether such person is a qualified elector of the City”

**Motion** made by Vice Mayor Smith, seconded by Councilman Julien, to adopt Ordinance No. 2010-8, as amended, on first reading, by title only.

The following individual expressed his opinions and concerns:

**Mubarak Kazan**, 15564 NE 12 Avenue, North Miami Beach, FL

**Motion** made by Councilwoman Spiegel, seconded by Councilman Julien, to further amend Ordinance No. 2010-8 as follows:

1. Section 12-10.8(~~x.s.~~)- to increase the allowable percentage of costs spent in order to raise funds to 25%

In a voice vote, with Mayor Rosner, Vice Mayor Smith, and Councilman Pierre dissenting, all voted in favor. (**Motion carried 4-3**)

**Motion** made by Councilman Julien, seconded by Vice Mayor Smith, to approve Ordinance No. 2010-8, as amended, on first reading, by title only. In a roll call vote, all voted in favor. (**Motion carried 7-0**)

**Motion** made by Councilman Julien, seconded by Vice Mayor Smith, to introduce Ordinance No. 2010-9 on first reading, by title only.

#### **14.4 Ordinance No. 2010-9 (First Reading, by Title Only)**

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED BUILDING AND HOUSING, AND IN PARTICULAR SECTIONS 14-8.13 (CODE ENFORCEMENT BOARD; ORGANIZATION); 14-8.15 (CONDUCT OF HEARING); 14-8.16 (POWERS OF THE CODE ENFORCEMENT BOARD); 14-8.17 ADMINISTRATIVE FINES; COSTS OF REPAIRS; LIENS); AND 14-8.19 (APPEALS) BY GIVING SPECIAL MAGISTRATE(S) THE SAME STATUS AS A CODE ENFORCEMENT BOARD PURSUANT TO FLORIDA STATUTE CHAPTER 162; PROVIDING FOR AN ADMINISTRATIVE CHARGE BY SPECIAL MAGISTRATE(S) TO COVER THE CITY'S COSTS OF THE PROCEEDING; PROVIDING FOR THE REPEAL OF

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

**Motion** made by Councilman Julien, seconded by Vice Mayor Smith, to adopt Ordinance No. 2010-9 on first reading, by title only.

City Attorney Siegel announced that the following six amendments are being requested:

1. 14-8-13(b.)- scrivener's error, "two (w2)" should read "two (2)"
2. 24-8.14(d.)-(2.)- scrivener's error, "Delivery a copy" should read "Deliver a copy"
3. 24-18.4(d.)-(3.)- scrivener's error, the word "or" at the end of the section should be stricken
4. 14-8.15(c.)- scrivener's error, "Board and Special Magistrate" should read "Board and/or Special Magistrate"
5. 14-8.15(e.)- scrivener's error, the word "line" should read "lien"
6. 14-8.15(e.)- scrivener's error, the word "find" should read "fine"

**Motion** made by Councilman Julien, seconded by Vice Mayor Smith, to adopt Ordinance No. 2010-9, as amended, on first reading, by title only.

The following individual expressed his opinions and concerns:

**Mubarak Kazan**, 15564 NE 12 Avenue, North Miami Beach, FL

Motion was called to question. In a roll call vote, all voted in favor. (**Motion carried 7-0**)

**Motion** made by Councilman Julien, seconded by Councilman Derose, to introduce Ordinance No. 2010-4 on second and final reading.

#### **14.5 Ordinance No. 2010-4 (Second and Final Reading)**

AN ORDINANCE REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 1590 N.E. 162 STREET; FROM A CLASSIFICATION OF RO, RESIDENTIAL OFFICE DISTRICT TO A CLASSIFICATION OF B-2, GENERAL BUSINESS ZONING DISTRICT, AND DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT 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.

*JENNINGS DISCLAIMER(S) –*

Mayor Rosner, Councilman Julien, Councilwoman Kramer, and Councilman Pierre all disclosed that they had spoken with the applicant's registered lobbyist, Michael J. Snyder on this subject.

**Motion** made by Councilman Julien, seconded by Vice Mayor Smith, to adopt Ordinance No. 2010-4 on second and final reading.

Councilman Julien temporarily left the meeting at 11:17 P.M.

The following individuals provided testimony to the City Council:

**Michael Snyder**, Registered Lobbyist for G & G Holistics, 4000 Hollywood Boulevard, Suite 455 S, Hollywood, FL 33026

**Sheila Pennance**, 1590 160 Street, North Miami Beach, FL

**Mubarak Kazan**, 15564 NE 12 Avenue, North Miami Beach, FL

**Alison Robie**, 2131 NE 179 Street, North Miami Beach, FL

Motion was called to question. In a roll call vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

**Motion** made by Councilman Derose, seconded by Vice Mayor Smith, to introduce Resolution No. R2010-25.

**14.1** Resolution No. R2010-25 (This item was taken out of order, See Page 1)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING REZONING AND CONDITIONAL USE APPROVAL, IN ORDER TO CONTINUE TO OPERATE A DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING REZONING FROM RO, RESIDENTIAL OFFICE DISTRICT, TO B-2, GENERAL BUSINESS ZONING DISTRICT, IN ACCORDANCE WITH SECTION 24-174 OF THE CITY'S LAND DEVELOPMENT REGULATIONS, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL, IN ACCORDANCE WITH SECTION 24-52 (C)(6) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, CONTINGENT UPON THE REZONING OF THE PROPERTY, AS PROPOSED, IN ORDER TO CONTINUE TO OPERATE A DRUG AND ALCOHOL REHABILITATION SERVICE ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 8-11, BLOCK 97, FULFORD BY THE SEA, SECTION "H", PLAT BOOK 14, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

A/K/A

1590 N.E. 162 Street

North Miami Beach, Florida

(P&Z Item No. 10-470 of March 15, 2010)

*JENNINGS DISCLAIMER(S) –*

Mayor Rosner, Councilman Julien, Councilwoman Kramer, and Councilman Pierre all disclosed that they had spoken with the applicant's registered lobbyist, Michael J. Snyder on this subject.

**Motion** made by Councilman Derose, seconded by Councilwoman Spiegel, to approve Resolution No. R2010-25.

The following individual provided testimony to the City Council:

**Mubarak Kazan**, 15564 NE 12 Avenue, North Miami Beach, FL

Motion was called to question. In a roll call vote, with Councilman Julien absent, all voted in favor. **(Motion carried 6-0-1)**

**Motion** made by Vice Mayor Smith, seconded by Councilman Derose, to introduce Ordinance No. 2010-5 on second and final reading.

**14.6** Ordinance No. 2010-5 (Second and Final Reading)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CLARIFYING THE HOURS OF SALE OF ALCOHOLIC BEVERAGES FOR PACKAGE STORES ON SATURDAYS; CLARIFYING THE HOURS OF SALE OF ALCOHOLIC BEVERAGES FOR VENDORS OPERATING STORES PRIMARILY FOR THE SALE OF PRODUCTS OTHER THAN ALCOHOLIC BEVERAGES; ADDING WINE TO THE LIST OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD BY VENDORS OPERATING STORES PRIMARILY FOR THE SALE OF PRODUCTS OTHER THAN ALCOHOLIC BEVERAGES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

Councilman Julien re-joined the meeting at 11:41 P.M.

**Motion** made by Councilman Derose, seconded by Vice Mayor Smith, to adopt Ordinance No. 2010-5 on second and final reading.

The following individual provided testimony to the City Council:

**Mubarak Kazan**, 15564 NE 12 Avenue, North Miami Beach, FL

Motion was called to question. In a roll call vote, all voted in favor. **(Motion carried 7-0)**

**Motion** made by Councilman Derose, seconded by Councilman Julien, to introduce Ordinance No. 2010-6, on second and final reading.

**14.7** Ordinance No. 2010-6 (Second and Final Reading)

AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED LOCAL BUSINESS TAX RECEIPT AND REGULATIONS; DELETING SECTION 12-1.20(7)(d) ENTITLED OCCUPATIONAL USE OF RESIDENCE; AMENDING CHAPTER XXIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED ZONING & LAND DEVELOPMENT; DELETING SECTION 24-47(D)(9)(j) ENTITLED RM-19 RESIDENTIAL LOW-RISE MULTIFAMILY (MEDIUM DENSITY DISTRICT) TO ALLOW OCCUPATIONAL USES OF RESIDENCES IN THE RS-1 AND RM-19 ZONING DISTRICTS (EASTERN SHORES); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

**Motion** made by Councilman Derose, seconded by Councilman Julien, to adopt Ordinance No. 2010-6, on second and final reading. In a roll call vote, all voted in favor. (**Motion carried 7-0**)

## 15. CITY COUNCIL COMMITTEE REPORTS

### VICE MAYOR SMITH

*Dade Days.* I want to mention that the Manager asked me a few weeks ago if I would join them in Tallahassee. So, for those people who think I talk an awful lot, hopefully it will work in our benefit. And, I will come back with lots of good news for you. But, due to that fact, I will be missing several of my meetings and they will be covered for me, but focus group will be postponed until next month because I am the one that runs that.

*Arbor Day.* I want to say to our former Council Member Robert Taylor what an outstanding job he did. It goes to show that volunteers, people at home, I had said this when I had gone to a national meeting two and a half years ago, that we as good neighbors should adopt a park, and thank you for stepping up to the plate Mr. Taylor and making that happen. I hope more of our residents will see that they have time on their hands and would help to make our City look even that much better.

*Haitian Nurses Award Ceremony.* The Mayor had asked me if I would go to the Haitian Nurses Award Ceremony last weekend and give them the proclamation from the City, as he was unable to attend. That's again when people came up and said that I was the honorary Haitian. But, I just want to reiterate one thing I said there, and I mean it from the bottom of my heart. Not only do we want to thank every nurse and doctor that went to Haiti, and are still going to Haiti, to help these poor people, but for the people who took two shifts and three shifts, and the families dug in and watched the children so that the other people could go. I thank them from the bottom of my heart.

*Senior's Lunch.* I also want to remind everybody one last time that the seniors on May 7<sup>th</sup> is having a free lunch for awareness of senior abuse. Whether it be financial, emotional, or even physical. And, that is for seniors in North Miami Beach. It is going to be a gala celebration of seniors, and I hope everybody can come and attend.

### COUNCILWOMAN SPIEGEL

*Housing Crisis Forum.* For those of you who are still watching, Attorney General Bill McCollum and Florida's Interagency Mortgage Task Force is having a Community Forum on the housing crisis, who to trust and where to turn. It is open to the public, there is no cost to it. It is Saturday, May 8<sup>th</sup>, from 10:00 A.M. – 4:00 P.M. at the Miami-Dade College Wolfson Campus. You can contact Council's office, the City Manager's office, I am sure you received the same release, but it is something that may actually help you and there is no cost, so I would urge you, if you need that kind of help to go. They will have HUD certified counselors, volunteer lawyers, banks and will help you if they possibly can.

*Holiday Lights.* I too love holiday lights. I believe in God and religion. I just really wanted the City to stay out of the religion business, so I am hopeful that we are going to see lots of holiday spirit and goodwill in this City.

*Taylor Park.* I too want to congratulate Robert Taylor. I have actually been going by Taylor Park and watching its transformation and it is amazing.

**North Miami Beach Police Department.** I want to congratulate the North Miami Beach Police Officer's Association. I think that Officer Mike Pons coming in here, stepping up to the plate is a wonderful show of leadership and I urge our residents to go out and talk to Mike, or whoever they feel comfortable with if they are having a problem with the Police. Unfortunately on my street in 2008, my door was almost pounded in at 2:00 A.M. or so. About six weeks ago there was another emergency on my street and by the time it ended there were five different police cars there and officers were dealing with it. And they were compassionate, they had the situation under control, and while they were not interested particularly in talking to the neighbors, they did answer my one question, which was whether there was anything I could do to help my neighbor. So, there are good and bad, and kudos to Mike Pons. I think it was great of him to step up on behalf of the North Miami Beach Police Officers.

**Dade Days.** To my fellow colleagues, City Manager and City Attorney, travel safely. Bring us back lots of money. And my special, pet peeve, project, lots of money for going green please.

### **COUNCILMAN JULIEN**

**Changing Election Dates.** In light of the fact that we are all looking for a way to save some money, I would like to see if perhaps there is a way, and I am not sure if we are going to be able to make it by this August or not. I am not even sure if I am going to get the support of my colleagues, but to see if perhaps we could go to referendum and get on the ballot to see if we could change our election dates from May and switch it to be in line with what the County is doing, to go August and then November for any possible run-offs. I think the savings far outweigh any of the negatives that might be involved in it. If nothing else, let us at least have a serious debate and a serious discussion about it. Whatever it is, \$80,000, that we spend on an election, if we could do it in August and then November for any possible run-offs that would save our taxpayers a tremendous amount of money.

### **COUNCILMAN DEROSE**

**Arbor Day.** I want to seize this moment to thank the citizens, all our staff, and all my colleagues for participating in Arbor Day yesterday. It was a very nice event. Despite all the rain we had a very nice crop. I was very happy to see so many people. Also, I want to give a special thanks to former Councilman Bob Taylor. Mr. Taylor did a great job by keeping the park very clean and I will thank him for his commitment and dedication. We owe him a great deal of respect and gratitude for his work. If you drive by, you pass by, you see his park. Compared to a few months ago and now, it is a big, big, big difference and I am very proud of him. Thanks, Mr. Taylor.

**Motion** made by Councilman Pierre, seconded by Councilman Derosé to extend the meeting past midnight. In a voice vote, all voted in favor. (**Motion carried 7-0**)

### **COUNCILWOMAN KRAMER**

**Echoing Previous Council Reports.** Being the fifth person to speak, everyone takes wind out of my sails. Councilwoman Spiegel already talked about the housing crisis, great minds think alike. Councilman Derosé spoke about Arbor Day, which was really a beautiful, rainy, cold, but we showed up and really it was wonderful to see what former Councilman Taylor has done with the park that is named after him. He has done a great job and the geese were out and the ducks were out and thank you for the stump that you gave me, so nobody trips over the stumps that were in the park, now they are all taken up and I have one to remember him by.

## **COUNCILMAN PIERRE**

***Eastern Shores Crime Watch.*** I will be missing the function on Thursday at Eastern Shores for Crime Watch. This is something that I encourage everyone to participate in. It is going to be at Eden Isles Condo on Thursday at 7:00 P.M. Unfortunately, I am going to miss that because I am going to make the trip to Tallahassee as well.

***Census.*** I will be back in time to continue my Census work. This weekend I have in mind Highland Village and Eastern Shores, which are the two neighborhoods I have yet to visit on Census work.

***Women's Health Event.*** The library also has a function on Saturday, April 24<sup>th</sup>, from 1:15 P.M. – 2:45 P.M. for everybody, but mostly for women, how to prevent breast problems and other items related to women.

## **MAYOR ROSNER**

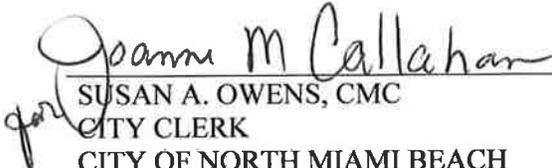
***Mr. Taylor.*** At this time, you know, Bob Taylor's name has been mentioned so many times it feels like Taylor Day. If he is on a roll, let us move him to another park.

16. **NEXT REGULAR CITY COUNCIL MEETING** – Mayor Rosner announced that the next Regular City Council meeting will be Tuesday, May 4, 2010.
17. **ADJOURNMENT** – There being no further business to come before the City Council of the City of North Miami Beach, the Regular Meeting of the City Council of the City of North Miami Beach was adjourned on April 20, 2010 at 12:01 A.M. on a motion by Councilman Pierre and seconded by Councilman Derose. In a voice vote, all voted in favor. (**Motion carried 7-0**)

**CERTIFICATION**

I, SUSAN A. OWENS, CITY CLERK OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES, PAGES ONE (1) THROUGH PAGE THIRTEEN (13) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS RECORDED AT THE REGULAR CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE 20<sup>TH</sup> DAY OF APRIL, 2010.

(S E A L)

  
SUSAN A. OWENS, CMC  
CITY CLERK  
CITY OF NORTH MIAMI BEACH