



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

**JANUARY 18, 2011**  
**REGULAR MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE #462)*

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

The meeting was called to order at 7:38 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 Councilwoman Beth E. Spiegel. Also present were Acting City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel, and Interim City Clerk Joanne M. Callahan.

**2. INVOCATION**

Rabbi Avrohom Anton, Samuel Scheck Hillel Community Day School, led the invocation.

**3. PLEDGE OF ALLEGIANCE**

Mayor Rosner led the Pledge of Allegiance. He then requested that Item 5.1 be presented and received no objections.

**5.1 Plaque Presentation to Miami-Dade County Commissioner Jean Monestime,  
District 2 – Presented by Mayor Myron Rosner**

**5.2 Legislative Update – Presented by State Representative John Patrick Julien,  
District 104**

State Representative Julien provided an update on the following issues: Taxpayers' Bill of Rights (TABOR); Pension Reform; Budget Cuts and Shortfall; Merger of the Department of Environmental Protection, the Department of Transportation, and the Department of Community Affairs; Litigation Matter with Earth Justice vs. the Environmental Protection Agency Re: Enforcement of Clear Water Act Standards; Reapportionment and Redistricting; and Two (2) Executive Orders: Establishment of the Federal Office of Fiscal Accountability and Regulatory Reform and Requiring State Agencies to Use E-Verify for Employment. He answered questions from Council Members regarding immigration, vouchers for students and funding, the million dollar plus rule executive order and a bill regarding disability renewals.

**5.3 Presentation to Chief Rafael Hernandez – PanZOu Project – Presented by Laura  
Kallus, Executive Director - addition to agenda**

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

Interim City Clerk Callahan noted requests for removing Item 7.1 (December 7, 2010 Regular Meeting Minutes) and Item 7.3 (Resolution No. R2011-5) from the Consent Agenda. There were no objections.

**5. PRESENTATIONS/DISCUSSIONS – See also 3.**

**6. APPOINTMENTS - None**

**7. CONSENT AGENDA**

**7.2 Resolution No. R2011-3**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER REQUEST FOR ADDITIONAL WORK BY GOVERNOR CONSTRUCTION, INC., FOR THE PERIMETER WALL AND LANDSCAPING AT NORWOOD OEFFLER WATER TREATMENT PLANT BID NO. 2010-05.

**Motion** made by Councilman Derosé, seconded by Councilwoman Spiegel, to approve 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 introduced Andrew Fierman as the new finance director.

Oeffler Water Plant Assistant Director Jeff An spoke about the assessment of the fluoridation process in the City's water and the state and federal requirements.

**9. CITY ATTORNEY'S REPORT**

City Attorney Siegel noted that two (2) ordinances were being prepared for the February 1<sup>st</sup> meeting: early voting and run-off election. She also made note of a new Assistant City Attorney Bart Armstrong, who will be sworn in at the February 1<sup>st</sup> meeting.

**9.1 Litigation List**

City Attorney Siegel reported that she would be going to federal court for a case involving a dog bite from 2004. She noted that the mortgage foreclosures have been slowing down a bit and that Mr. Armstrong's first task was to work closely with code enforcement to clean up the City.

**10. MAYOR'S DISCUSSION – Waived**

**11. PUBLIC COMMENT**

Interim City Clerk Callahan read the rules for Public Comment.

Robert Taylor, 1951 NE 157 Terrace, North Miami Beach, FL, commended the City for responding so quickly to an issue on West Dixie Highway and commented that the Civility Rule has been abused and ignored.

Rolland Veilleux, 13730 Highland Drive, North Miami Beach, FL, (referring to newspaper articles) spoke in favor of the raises being taken back and the clerk selection process. He also complimented Councilwoman Kramer's good character for her actions on the Council and thanked Chief Hernandez for addressing a speeding issue.

Marilyn Baumohl, 18635 NE 20 Court, North Miami Beach, FL, expressed her disappointment in the Council postponing items in the Council Conference Meeting.

Chief Hernandez provided an update on Al Sturtz's condition and fundraising efforts.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, also spoke about the fundraising efforts for Al Sturtz and recognized those who have contributed.

Muriel Kemp, 1479 NE 178 Street, North Miami Beach, FL, spoke about the upcoming elections.

Brent Allen, 16950 N Bay Road, Sunny Isles Beach, FL, spoke about the chemicals being placed in the City's water and fluoridation process.

Sean Justus, 17107 N Bay Road, Sunny Isles Beach, FL, spoke about the 10 year anniversary of the 9-11 anniversary coming up and the request for another 9-11 investigation. He provided media materials for each of the Council Members.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL, spoke about the recent salary increases.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke about the following: the Mayor's holiday message on City benches, elected officials being searched, Julien's comments, and the increase in water bills.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL, spoke about Julien's comments, pension reform, city manager and city clerk searches and delays in decision making.

Richard Riess, NMB Civic Association, 23 NW 169 Street, North Miami Beach, FL, noted that Association Meetings were held the 3<sup>rd</sup> Thursday of each month at 7:00 pm at City Hall. He said that he agreed with Ms. Baumohl's comments about the Council. Mr. Riess spoke about the lack of truth relating to communication problems.

**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. 2011-1 on First Reading, By Title Only. By consensus, all voted in favor of the motion. (**Motion carried 7-0.**)

**15.1 Ordinance No. 2011-1 (First Reading, By Title Only)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 24-22 OF THE CITY'S CODE OF ORDINANCES, ENTITLED DEFINITIONS, BY DEFINING RESIDENTIAL DETOXIFICATION SERVICE; AMENDING ARTICLE V SECTION 24-52, ENTITLED B-2 GENERAL BUSINESS DISTRICT, AND SECTION 24-53, ENTITLED B-3 INTENSIVE BUSINESS DISTRICT, OF THE CITY'S CODE OF

ORDINANCES, BY ADDING RESIDENTIAL DETOXIFICATION SERVICE TO THE LIST OF CONDITIONALLY PERMITTED USES; 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. 2011-1 on First Reading, By Title Only.

City Attorney Siegel provided an overview of the ordinance. Councilwoman Spiegel asked that “transient” be included or a limited number of days with the use being 500 feet from a school. Following further discussion, Mayor Rosner requested City Attorney Siegel to look into if the Council could include it as a transient use and if the 500 feet was enough. City Attorney Siegel clarified that the annual renewal would come before the City in regards to the Business Tax Receipt. There was brief discussion about the “word” transient.

**Motion** made by Councilwoman Spiegel, seconded by Councilman Derose, moved to amend Section 24-22 provides that it is service that provides in transient care that is provided on an in-patient basis. By consensus, all voted in favor of the motion with the exception of Councilwoman Smith who voted in the negative. **(Motion carried 6-1).**

City Planner Chris Heid spoke about the word “transient” and limiting the number of days and recommended a defined period of time rather than short-term or transient. City Attorney Siegel recommended including a number of days certain, which would be clear to monitor and interpret. Councilman Fleurimond recommended fourteen (14) days. City Attorney Siegel made note that the Council could include any conditions in the site plan request.

**Motion** made by Councilman Fleurimond, seconded by Councilman Pierre, to reconsider the original motion. In a roll call vote, all voted in favor of the motion. **(Motion carried 7-0).**

**Motion** made by Councilman Fleurimond, seconded by Councilman Pierre, to adopt Ordinance No. 2011-1 on First Reading, By Title Only. By consensus, all voted in favor of the motion. **(Motion carried 7-0.)**

**Motion** made by Councilman Derose, seconded by Councilman Fleurimond, to introduce Ordinance No. 2011-29 on Second and Final Reading. By consensus, all voted in favor of the motion. **(Motion carried 7-0.)**

## **15.2 Ordinance 2010-29 (Second and Final Reading)**

AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 2-4 OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "CITY CLERK"; AMENDING SECTION 2-4.1 ENTITLED "DUTIES AND RESPONSIBILITIES; EXCLUSIONS"; DELETING BUSINESS TAX RECEIPTS; 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 Councilwoman Spiegel, to adopt Ordinance No. 2011-29 on Second and Final Reading.

City Attorney Siegel provided an overview of the Ordinances 2010-29 and 2010-30.

### **Public Comment**

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, questioned the duties of the Staff being moved to Community Development.

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

**Motion** made by Councilman Derose, seconded by Councilman Fleurimond, to introduce Ordinance No. 2011-30 on Second and Final Reading. By consensus, all voted in favor of the motion. **(Motion carried 7-0.)**

### **15.3 Ordinance 2010-30 Second and Final Reading**

AN ORDINANCE AMENDING CHAPTER XII, ARTICLE I, SECTION 12-1 OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "LOCAL BUSINESS TAX RECEIPT AND REGISTRATION OF BUSINESSES, OCCUPATIONS AND PROFESSIONS"; DELETING CITY CLERK AND INSERTING COMMUNITY DEVELOPMENT DIVISION OF THE PUBLIC SERVICES DEPARTMENT; 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. 2011-29 on Second and Final Reading.

### **Public Comment**

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, questioned the duties of the Staff being moved to Community Development and the duties of the Staff in the Clerk's Office.

Marilyn Baumohl, 18635 NE 20 Court, North Miami Beach, FL, spoke in favor of the ordinance.

Muriel Kemp, 1479 NE 178 Street, North Miami Beach, FL, spoke of a salary decrease once Business Tax Receipt (BTR) Division was moved.

Acting City Manager Weisblum provided an overview of the reorganization of BTR and the Clerk's Office. Councilman Fleurimond asked the Council to consider an adjustment in the new Clerk's salary due to the transfer of the BTR employees. Councilwoman Spiegel noted that she was not in favor of the ordinances, but was in favor of improving the efficiency in the department and that the Council had voted to amend ordinances on BTRs and backtracking.

**Vote:** In a roll call vote, all voted in favor of the motion with the exception of Councilwoman Spiegel who voted in the negative. **(Motion carried 6-1).**

### **7.1 December 7, 2010 Regular Meeting Minutes**

Motion made by Councilwoman Smith, seconded by Councilman Derose, to approve the December

7, 2010 Regular Meeting Minutes as corrected. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**Motion** made by Councilman Derose, seconded by Councilwoman Spiegel, to introduce Resolution No. R2011-5. By consensus, all voted in favor of the motion. **(Motion carried 7-0.)**

### **7.3 Resolution No. R2011-5**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING THE CITY'S POLICY OF REQUIRING ALL CITY MANAGEMENT EMPLOYEES HIRED AFTER JANUARY 1, 2011 VOLUNTARILY TO AGREE TO TRANSFER INTO A NEW TIER OF THE CITY MANAGEMENT EMPLOYEE PENSION PLAN UPON CREATION AND ENACTMENT OF THAT NEW TIER.

**Motion** made by Councilman Derose, seconded by Councilwoman Spiegel, to adopt Resolution No. R2011-5.

Councilwoman Smith noted she asked for this to be pulled because there was no vote on this issue and that she believed that pension reform was more than just creating a new tier. Vice Mayor Kramer explained that this resolution was for the purpose of new hires until the City goes through the pension reform process. City Attorney Siegel noted that the resolution did not create the new tier or spell out the options. She added that the direction for this resolution came from the Council. Councilwoman Smith said she would like to hear the tape and did not believe that the Council gave that direction. She said that if something happened, they could move around employees.

City Attorney Siegel noted that resolution showed that it was the Council's intention and policy and management employee hired after January 1, 2011 will automatically be placed in that tier. She added that hopefully the new tier will be brought forth on February 1<sup>st</sup> for consideration. Mayor Rosner said he believed that he was the one that directed the City Attorney to bring it forward. City Attorney Siegel believed that there was a consensus. Mayor Rosner said he believed that upstairs (at the council conference meeting) there was not a consensus. Councilwoman Spiegel noted that Mr. Klaussner recommended that this was the only way if the City was going to bring on the Assistant City Attorney and the Finance Director; otherwise, they would be included in the existing plan. Councilwoman Smith said she would be in favor of the resolution because the two (2) employees had already signed the agreements.

**Vote:** By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

## **16. CITY COUNCIL COMMITTEE REPORTS**

**Vice Mayor Kramer** provided a detailed overview of her experience with Detective Garcia in patrolling the streets of North Miami Beach. She spoke of her attendance at the Martin Luther King Jr. Day event "5000 Role Model Breakfast" along with the Council, Assistant City Manager and City Attorney.

**Councilwoman Spiegel** spoke of the tragedy in Tucson and extended her sympathy of those affected. She also spoke of the focus of constitutional roles and respect and courtesy to each other. She added that she looked forward to better times, better meetings and an election free of issues.

**Councilwoman Smith** recognized Stanley Goldberg, NMB's 1<sup>st</sup> & 3<sup>rd</sup> City Manager, attended the Council Conference meeting and offered his expertise with the Budget. She announced the following: Economic Development was not meeting on Wednesday, January 19<sup>th</sup>; CRA and Economic Development was participating in an Economic Commission Event on Thursday, January 27<sup>th</sup> from 2:30 p.m. – 9:00 p.m. with free networking, food, parking, seminars, etc. at 2305 NW 107 Avenue in Doral; Seniors Meeting on Wednesday, January 19<sup>th</sup> at 9:00 a.m. on the 4<sup>th</sup> Floor; Humane Society Walk for the Animals on Saturday, February 19<sup>th</sup> at Bayfront Park at 8:30 a.m. Councilman Smith spoke of her attendance at the Martin Luther King Jr. Day event "5000 Role Model Breakfast" with 75 scholarships being given. She suggested getting woman involved. She said she also attended a NMB 1 year anniversary prayer event for the disaster in Haiti and encouraged more advertising in advance. Councilwoman Smith said she wanted to plan a special event for Martin Luther King Jr. Day. She said she was determined to bring up the subject of hiring a permanent City Clerk.

**Councilman Fleurimond** spoke of his attendance at the Martin Luther King Jr. Day event "5000 Role Model Breakfast." He suggested a community service project for that special event for Martin Luther King Jr. Day as suggested by Councilwoman Smith. Councilman Fleurimond reminded everyone regarding the Primary Election in February and General Election in March for Senate District 33 and encouraged participation. He said that the City should move forward with a sense of urgency with Pension Reform. Councilman Fleurimond noted that he would be attending the Florida Pension Plan Trustees Association "School on Pensions" held in St. Augustine and will be absent for the next meeting. He spoke of a shooting near JFK and NMB police's response to the scene. He added that he had attended several services regarding the Haiti Earthquake and encouraged everyone to keep Haiti in their prayers.

**Councilman Derosé** encouraged everyone to keep Officer Al Sturtz in your prayers for a speedy recovery. He spoke of his attendance at the Martin Luther King Jr. Day event "5000 Role Model Breakfast" and encouraged the Council's participation in the parade for next year. Councilman Derosé thanked the citizens of Miami-Dade County regarding the organization of events for the remembering of the people of Haiti.

**Councilman Pierre** wished Officer Al Sturtz all the best and a speedy recovery and encouraged participation in the upcoming fundraising event for him. He explained that he was not at the last meeting because he was in Tallahassee with the Mayor meeting the new governor and cabinet. Councilman Pierre said that after speaking with the new Attorney General, he prepared a proposal regarding the prevention of juvenile delinquency prevention. He also attended the recent NACAA Annual Conference and had a chance to speak with expert coaches regarding programs that could be implemented in the City for alternatives to delinquency and will be writing a proposal consisting of a lifescape design. Councilman Pierre encouraged everyone to keep Haiti in their thoughts and prayers. He thanked those Staff and Council Members for attending the Martin Luther King Jr. Day event "5000 Role Model Breakfast."

**Mayor Rosner** spoke about his trip to Tallahassee and became a member of a committee that was trying to reduce the building and planning code process to assist the residents our of City. He also spoke of the Martin Luther King Jr. Day event "5000 Role Model Breakfast" and recommended the City's event be at a different time. He added a get well wish for Officer Al Sturtz.

**17. NEXT REGULAR CITY COUNCIL MEETING – Tuesday, February 1, 2011**

18. **ADJOURNMENT** - There being no further business to come before the City Council, the meeting was adjourned at 10:59 p.m.

ATTEST:

(S E A L)

  
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Pamela Latimore  
City Clerk