

JUNE 15, 2010 MEETING MINUTES
(CNMB-CC MINUTES TAPE #443)

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:40 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Philippe Derose, and Council Members Beth E. Spiegel, Phyllis S. Smith, John Patrick Julien Barbara Kramer, and Frantz Pierre. Also present were City Manager Kelvin L. Baker, City Attorney Darcee S. Siegel, and City Clerk Susan A. Owens.

2. INVOCATION

The invocation was given by Dr. Greg Mansfield, St. Bernard DeClairvaux Episcopal Church.

Mayor Rosner then asked for a moment of silence for Kent Roeseman who recently passed away. He was a technician at the Norwood Water Treatment Plant and had worked for the City for twenty six years.

3. PLEDGE OF ALLEGIANCE

Senator Gwen Margolis led the City Council in the Pledge of Allegiance.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Item #14.1 will be taken out of order and heard after the Presentations. The Wheelchairs Tournament portion of Item #5.3 was deferred. Item #7.4 was pulled from the Consent Agenda.

5. PRESENTATIONS

- 5.1** Presentation of appreciation by North Miami Beach Police Chief Rafael P. Hernandez to Melissa Bibliowicz

Presentation was made by Police Chief Hernandez.

- 5.2** Presentation of appreciation by Mayor and Council to Leo Schwartzberg

Presentation was made by Mayor Rosner, Public Utilities Commissioner Charles Cook, and Public Services Assistant Director Karl Thompson.

5.3 Presentations of appreciation to Camp Kids (~~and Wheelchairs Tournament~~-*portion deferred, see item #4*)

Presentations were made by Mayor Rosner, Leisure Services Director Paulette Murphy, and Leisure Services Assistant Director Glenn Finney to Dr. Braithwaite and Police Chief Hernandez.

5.4 Presentation of the May 2010 Employee of the Month, by Councilman Frantz Pierre and City Manager Kelvin L. Baker to Ariel Valdes, Public Utilities

Presentation was made by Councilman Pierre and City Manager Baker.

At this time, City Clerk Owens announced that the nomination of Aaron Marbin as ex-officio member to the Youth Advisory Board (Item #6.5) has been withdrawn.

14.1 Holiday Charities & Promotions, Inc.
199 N.E. 167 Street
900 N.E. 167 Street
13885 Biscayne Boulevard
North Miami Beach, FL

Robert Goler, President

Applicant is requesting 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 June 28, 2010 through July 4, 2010 from 10:00 A.M. to 10 P.M. –with 20% of proceeds to STOP HUNGER, INC. (*Subject to final approval by the Miami-Dade County Fire Department*).

Motion made by Vice Mayor Derose, seconded by Councilman Julien, to approve issuance of a Business Tax Receipt for the sale of fireworks at the above referenced locations and hours. In a voice vote, all voted in favor. (**Motion carried 7-0**)

6. APPOINTMENTS

6.1 **Advisory Committee for Disabled Individuals** (*Mayor Myron Rosner*)

Audra Elizabeth Supraski

Motion made by Vice Mayor Derose, seconded by Councilwoman Smith, to appoint Audra Elizabeth Supraski to the Advisory Committee for Disabled Individuals. In a voice vote, all voted in favor. (**Motion carried 7-0**)

6.2 **Beautification Committee** (*Vice Mayor Philippe Derose*)

Carmen L. Bethel
Luna E. Franco
Hans Mardy

Sara Martinez
Ruby Villedrouin
Thelma Cowan (*Ex-Officio*)

Motion made by Vice Mayor Derose, seconded by Councilwoman Smith, to appoint the above referenced individuals to the Beautification Committee. In a voice vote, all voted in favor. (**Motion carried 7-0**)

6.3 Commission on the Status of Women (*Councilman John Patrick Julien*)

Andrise Bernard
Jill Broudy (*Ex-Officio*)
Muriel Kemp
Regina Maharlika
Mary Muniz-Pellicer
Luckencie Pierre
America T. Schroh (*Ex-Officio*)
Michelle Williamson

Motion made by Councilman Julien, seconded by Councilwoman Smith, to appoint the above referenced individuals to the Commission on the Status of Women. In a voice vote, all voted in favor. (**Motion carried 7-0**)

6.4 Recreation Committee (*Councilwoman Barbara Kramer*)

Monique Caliste
Alberto J. Hurtado (*Ex-Officio*)
Suze Diogene

Motion made by Councilwoman Kramer, seconded by Councilwoman Smith, to appoint the above referenced individuals to the Recreation Committee. In a voice vote, all voted in favor. (**Motion carried 7-0**)

6.5 Youth Advisory Board (*Councilman Frantz Pierre*)

Leigh Markowitz
Meghan Miller
Crystal Philippe-Auguste (*Ex-Officio*)
Alexandros Phylactou
Nicholas Phylactou
Joseph Toledo (*Ex-Officio*)
(~~Aaron Marbin~~ (*Ex-Officio*) nomination withdrawn, see page 2)

Motion made by Councilman Pierre, seconded by Councilwoman Smith, to appoint Leigh Markowitz, Meghan Miller, Crystal Philippe-Auguste (*Ex-Officio*), Alexandros Phylactou, Nicholas Phylactou, and Joseph Toledo (*Ex-Officio*) to the Youth Advisory Board. In a voice vote, all voted in favor. (**Motion carried 7-0**)

6.6 General Employees Retirement Board *(General Employees)*

Victor Espinal
Lori Helton

Motion made by Vice Mayor Derose, seconded by Councilwoman Smith, to appoint the above referenced individuals to the General Employees Retirement Board. In a voice vote, all voted in favor. **(Motion carried 7-0)**

6.7 Police Officers and Firefighters Retirement Board

Mohammed Asim *(Police/Fire Employees)*
Leonardo Socorro *(Police/Fire Employees)*
Linda Loizzo *(Board Appointment)*

Motion made by Councilman Julien, seconded by Councilwoman Smith, to appoint the above referenced individuals to the Police Officers and Firefighters Retirement Board. In a voice vote, all voted in favor. **(Motion carried 7-0)**

7. CONSENT AGENDA

Motion made by Vice Mayor Derose, seconded by Councilman Julien, to introduce the Consent Agenda as amended (Item #7.4 was pulled, see Item #4). In a voice vote, all voted in favor. **(Motion carried 7-0)**

7.1 May 4, 2010 Meeting Minutes

7.2 May 18, 2010 Meeting Minutes

7.3 Resolution No. R2010-42

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTING A GREEN BUILDING AND GREEN DEVELOPMENT POLICY; PROVIDING FOR GREEN BUILDING INCENTIVES; AND CREATING A GREEN BUILDING AWARD.

7.4 Resolution No. R2010-43 - Item was pulled from Consent Agenda. (See Item #4)

7.5 Resolution No. R2010-44

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AN APPLICATION FOR FY2010 DEPARTMENT OF JUSTICE/JUSTICE ASSISTANCE GRANT, AND AUTHORIZING THE CITY MANAGER TO APPLY FOR THE GRANT.

7.6 Resolution No. R2010-45

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 GOVERNOR CONSTRUCTION, INC. TO INSTALL A

PREFABRICATED WALL, A GATE, PERIMETER SIDEWALK, AN IRRIGATION SYSTEM, AND LANDSCAPE AROUND THE NORWOOD OEFFLER WATER TREATMENT PLANT.

7.7 Resolution No. R2010-46

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 FLORIDA ENGINEERING AND DEVELOPMENT CORP., FOR PHASE IV OF THE ROADWAY IMPROVEMENT PROJECT FOR HANFORD BOULEVARD LOCATED AT NE 18TH AVENUE BETWEEN NE 164TH STREET AND SOUTH GLADES DRIVE, IN THE CITY OF NORTH MIAMI BEACH.

7.8 Resolution No. R2010-47

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, AND PPO WITH THE FIRST RANKED FIRM, COVENTRY HEALTHCARE, AND IF UNABLE TO MEET THE CITY'S NEEDS AND REQUIREMENTS, THEN PROCEED TO NEGOTIATE WITH THE SECOND RANKED FIRM, AVMED HEALTH PLANS.

Motion made by Councilman Julien, seconded by Vice Mayor Derosé to approve the Consent Agenda as amended (Item #7.4 was pulled, see Item #4). In a voice vote, all voted in favor. (**Motion carried 7-0**)

8. CITY MANAGER'S REPORT – Kelvin L. Baker

Transit Hub. City Manager Baker reported that the Miami-Dade County Transit Authority is considering the construction of a transit hub at NE 164th/165th Streets and 15th Avenue. The City's proposal to move the hub to the east side of the City was rejected by the Transit Authority. A site plan is anticipated to be presented to the City Council sometime this year.

Census. City Manager Baker reported that Census efforts are winding down. There will be a special meeting on Thursday at 7:00 p.m. in the McDonald Center with all of the census partners to unveil a final plan to obtain 100% achievement.

Weed & Seed. City Manager Baker recognized the former Executive Director of the Washington Park Weed & Seed Program, Mr. Michael Nozell. Mr. Nozell thanked the City for their support of the program.

8.1 Comprehensive Annual Financial Report (CAFR)/Auditors' Report

City Manager Baker reported that this is the first time in the last three years that the City has submitted their Comprehensive Annual Financial Report on time. City Manager Baker applauded the Finance Department for their work.

A presentation summarizing the results of the Comprehensive Annual Financial Report was then given by representatives of the City's auditing firm, Mr. Tony Brunson and Mr. Kevin

Adderley. The auditors stated that the City was in compliance, had a healthy fund balance, and presented the following recommendations:

- Improve segregation of duties
- Upgrade accounting system
- Update Policies and Procedures Manual
- Consider lockbox system for Cash Receipts
- Enhance inventory procedures
- Book material journal entries prior to final trial balance
- Timely reconciliation of account balances

City Manager Baker reported that the City has already implemented some of these recommendations, and that it is working on the others.

Mayor Rosner directed the City Manager to schedule the City's census partners for an upcoming Council meeting so that the City could recognize their efforts and do a little something for them.

9. CITY ATTORNEY'S REPORT – Darcee S. Siegel

Charter School. City Attorney Siegel reported that her office has been working diligently to get an agreement or memorandum of understanding before the Council regarding the Charter School.

Forfeitures. City Attorney Siegel reported that there are three new forfeiture cases. The VIN unit and Police Department are working to rid the City of drugs and other ill will items.

LEED Certification. City Attorney Siegel reported that, at the request of Councilwoman Smith, a resolution will be prepared adding a condition for site plan approvals that encourages LEED certification.

10. MAYOR'S DISCUSSION

Health Care Reform Forum. Mayor Rosner announced that Senator Fredericka Wilson is having a forum on Federal Health Care Reform at the Glenn Margolis Community Center, 1590 NE 123 Street, North Miami, on Thursday, June 24, 2010 at 7:00 p.m. The forum is being held to discuss the changes made in the new health care reform law, time line of implementation of the law, short term measures taking place within the next couple of months, and long term benefits as they relate to expanded coverage and the economy.

Tennis Center. Mayor Rosner reported that Coach Desi Pierre at the Arthur Snyder Tennis Center advised him that the Tennis Center had been mentioned as a "Tennis Center on the Move," and was given high grades for wheelchair tennis, the NTRP, Junior Tournaments, and the USTA Junior Team Tennis League at the recent United States Professional Tennis Association Florida Division meeting; and, that the Coach and the Tennis Center were recognized as the District Professional of the Year. Mayor Rosner relayed the Coach's thanks to the City.

11. PUBLIC COMMENT

Charles Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL, spoke regarding the census, Snake Creek and the I-95 overpass, Dump the Pump Day, little league, school, and deceased soldier Marcus Preudhomme.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL, spoke regarding the Police Department, the budget, and City employees.

Margie Love, 1579 NE 169 Street, North Miami Beach, FL, spoke regarding the Police Department, home invasion incident, and putting together a North Miami Beach Residents and Victims of Violent Crime group to increase safety, quality of life, and police visibility.

Ketli Noel, 1585 NE 169 Street, North Miami Beach, FL, spoke regarding crime and police presence.

Nick Mirabal, 1560 NE 170 Street, North Miami Beach, FL, spoke regarding crime and reward signs.

Scott Nowek, 1595 NE 169 Street, North Miami Beach, FL spoke regarding crime, delinquents, signs, and police presence.

The City Council then discussed with Police Chief Hernandez how the citizens' concerns could be addressed. Councilwoman Spiegel suggested documenting incidents and possibly handling them as public nuisances, enforcing the Florida Statute which states that parents are responsible for the torts of their children, and having Public Services check to see if there is proper street lighting in the area. Councilwoman Smith asked that the Police Department's phone number be run a few times a day on the City's digital signboards. She reiterated the need for lighting, more police presence, and active neighborhood participation.

Rolland Veilleux, 13730 Highland Drive, North Miami Beach, FL, spoke regarding Highland Village.

Mary Ayres, 1301 NE 191 Street, Miami, FL, spoke regarding city employee health care coverage and providers.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke regarding crime, the Police Department, the budget, and employee and Council compensation.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL, spoke regarding the budget and reserves, foreclosures, and neighborhood decay.

Muriel Kemp, 1479 NE 178 Street, North Miami Beach, FL, spoke regarding school building plans, the bus hub, and the budget.

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL, spoke regarding the Police Department, crime, and board appointments.

12. MISCELLANEOUS ITEMS – *None*

13. WAIVER OF FEE – *None*

14. BUSINESS TAX RECEIPTS

14.1 Holiday Charities & Promotions, Inc.— Item was taken out of order. (See Page 2)

15. LEGISLATION

Motion made by Councilman Julien, seconded by Vice Mayor Derose, to introduce Ordinance No. 2010-12 (First Reading, By Title Only). By consensus, all voted in favor. **(Motion carried 7-0)**

15.1 Ordinance No. 2010-12 (First Reading, By Title Only)

AN ORDINANCE AMENDING SECTION 2-32.3 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CREATING AN EXCEPTION TO THIS SECTION FOR EX OFFICIO MEMBERS OF THE CITY OF NORTH MIAMI BEACH'S GENERAL EMPLOYEES' PENSION BOARD OF TRUSTEES AND POLICE OFFICERS' AND FIREFIGHTERS' PENSION BOARD OF TRUSTEES WHOSE MEMBERSHIP RIGHTS AND RESPONSIBILITIES ARE NOT LIMITED BY THIS SECTION; PROVIDING FOR SEVERABILITY; 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.

The following individuals came before the City Council:

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL

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

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL

Carmen, Kienzle, 1653 NE 178 Street, North Miami Beach, FL

Muriel Kemp, 1479 NE 178 Street, North Miami Beach, FL

Janice Coakley, 17011 NE 19 Avenue, North Miami Beach, FL

Motion made by Councilman Julien, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2010-12 (First Reading, By Title Only). In a roll call vote, all voted in favor. **(Motion carried 7-0)**

Motion made by Councilwoman Spiegel, seconded by Vice Mayor Derose, to introduce Resolution No. R2010-43. By consensus, all voted in favor. **(Motion carried 7-0)**

7.4 Resolution No. R2010-43 - Item had been pulled from Consent Agenda. (See Item #4)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH MIAMI-DADE COUNTY TO PROVIDE CURBSIDE COLLECTION OF RECYCLABLE MATERIALS FROM SINGLE FAMILY RESIDENCES WITHIN THE CITY.

The following individuals came before the City Council:

Charles Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL

Janice Coakley, 17011 NE 19 Avenue, North Miami Beach, FL

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL

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

Motion made by Vice Mayor Derose, seconded by Councilwoman Spiegel, to approve Resolution No. R2010-43.

Motion made by Councilman Pierre, seconded by Councilwoman Smith, to table Resolution No. R2010-43. In voice vote, Vice Mayor Derose, Councilwoman Smith, and Councilman Pierre voted yes; Councilwoman Spiegel, Councilman Julien, Councilwoman Kramer, and Mayor Rosner voted no. **(Motion failed 3-4)**

(Returning to previous motion) In a roll call vote, all voted in favor. **(Motion carried 7-0)**

16. CITY COUNCIL COMMITTEE REPORTS

VICE MAYOR DEROSE

Vice Mayor Derose expressed his condolences to the family of Mr. Kent Roeseman; encouraged citizens to return their census forms; and, reminded everyone to be safe in the summer sun, and to drink plenty of water.

COUNCILWOMAN SPIEGEL

Councilwoman Spiegel expressed her condolences to the family of Mr. Kent Roeseman; thanked the Police Chief for finding the funds to extend gym hours and to continue the camps; thanked the Council and City Manager Baker for supporting her going green efforts and further stated that she has faith that the residents will join in the City's recycling efforts and make the Council proud; wished her friends Judy and Irv a Happy 40th Anniversary; and wished everyone a Happy Fourth of July.

COUNCILWOMAN SMITH

Councilwoman Smith expressed concern about the Charter School being so close to a bus terminal, and asked the City Manager to look for at least two alternative places for it; encouraged everyone to participate in getting the Crime Watch Program up and running and further stated that it is a resident run program, but she will be assisting and looking into getting funds for the program; announced that the Economic Development Commission meeting has been cancelled; announced that the Senior Citizens Advisory Board meeting will be tomorrow at 9:00 a.m., and also in September; announced that there will be no Focus Group until September; expressed her condolences to the family of Mr. Kent Roeseman; wished everyone a Happy Fourth of July; and, reminded everyone to be careful around the water and especially keep an eye on children.

Councilwoman Smith read aloud from a letter she received from an elderly resident thanking the City Manager and Risk Management Director Ellen Snow for their help after she had been injured. She commended the City Manager and Ms. Snow and thanked the resident for bringing this to our

attention.

COUNCILMAN JULIEN

Councilman Julien expressed his condolences to the family of Mr. Kent Roeseman, and wished everyone a Happy Fourth of July.

COUNCILWOMAN KRAMER

Councilwoman Kramer expressed her condolences to the family of Mr. Kent Roeseman; announced that Miami-Dade County Public Schools is implementing a "START" Program which will make presentations to schoolchildren on how to deal with crisis situations, and further stated that she would like a presentation to be made at the City for students in schools that don't offer the program; requested that City Manager Baker bring back the "Now More Beautiful Award" campaign and suggested possibly adding some incentives and awards to it; and, wished everyone a Happy Fourth of July.

COUNCILMAN PIERRE

Councilman Pierre expressed his condolences to the family of Mr. Kent Roeseman; wished everyone a Happy Fourth of July; encouraged citizens to return their census forms; wished everyone a happy summer and reminded them to think safety first; and, thanked the Police Chief for supporting our summer programs.

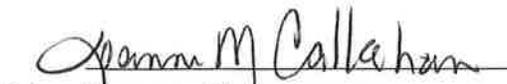
MAYOR ROSNER

Mayor Rosner wished everyone a Happy Fourth of July. He further stated that there will be a Festival of Unity, recognizing the partnership between Haiti and Israel, held on June 20th at 2:00 p.m. in the Gwen Margolis Amphitheater; the cost is going to be \$15.00 and all funds raised will go to the ongoing Haiti relief efforts.

17. **NEXT REGULAR CITY COUNCIL MEETING** - Mayor Rosner announced that the next regular City Council meeting will be Tuesday, July 6, 2010.
18. **ADJOURNMENT** - There being no further business to come before the City Council, the meeting was adjourned at 10:49 p.m. on a motion made by Vice Mayor Derose and seconded by Councilwoman Smith. By consensus, all voted in favor. (**Motion carried 7-0**)

ATTEST:

(S E A L)


for Susan A. Owens, CMC
City Clerk