



**OCTOBER 19, 2010**  
**REGULAR MEETING MINUTES**  
*(CNMB-CC MINUTES TAPE #456)*

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

The meeting was called to order at 7:36 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 Rabbi Avrohom Anton, Samuel Scheck Hillel Community Day School.

**3. PLEDGE OF ALLEGIANCE**

Mayor Rosner led the Pledge of Allegiance.

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

Interim City Clerk Callahan announced the following change to the agenda: withdraw Item 15.1 (Resolution No. R2010-69) and defer Item 5.1 (Announcement of Seat 7 Vacancy – Mayor Rosner).

**5. PRESENTATIONS/DISCUSSIONS**

- 5.1** Community Update Presentation by heather Rohan, CEO of Aventura Hospital and Medical Center
- 5.2** August 2010 Employee of the Month Award to Marc Harris, Admin. Asst. III, Finance-Customer Service Division – Presented by Councilman Frantz Pierre and Councilman John Patrick Julien
- 5.3** Proclamation for Every Third Tuesday in October as Citizens Appreciation Day – Presented by Councilwoman Barbara Kramer
- 5.4** Honoring Councilman John Patrick Julien – Presented by Vice Mayor Beth E. Spiegel
- 5.5** Recognizing Councilman John Patrick Julien – Presented by Thomas K. Pinder, on behalf of the Multi-Cultural Committee
- 5.6** Proclamation to Beverly Hobson, Human Resources Director, October 19<sup>th</sup> as Beverly Hobson Day – Presented by Councilman John Patrick Julien

## 6. APPOINTMENTS - *None*

## 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**).

7.1 Meeting Minutes of August 17, 2010

7.2 Resolution No. R2010-70

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 IBIS TEK LLC, FOR THE PURCHASE OF BALLISTIC DOOR PANELS FOR FORD CROWN VICTORIA INTERCEPTOR POLICE CARS.

**Motion** made by Councilman Derose, seconded by Councilman Julien, 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 commended the Staff for their diligent work and thanked them for their support. She introduced the new Assistant City Manager/General Services Administrator Mac Serda and provided an overview of his responsibilities. Acting City Manager Weisblum also introduced Interim Finance Director Marcia Fennell who provided an overview of the municipal tax exempt bond series 2000B issued for neighborhood improvements throughout the City. City Manager Weisblum noted that a resolution will be presented on November 2<sup>nd</sup> for refunding the bond. She also reported that a physical inventory took place at the end of September with the results being less than a 1% variance between the inventory report and the physical inventory on hand. Acting City Manager Weisblum thanked Utilities Finance Manager Barbara Trinkka, Public Services Director Shari Kamali, James Cotton and the entire Staff for working so hard to make the inventory a success.

## 9. CITY ATTORNEY'S REPORT

9.1 Litigation List – *No Discussion*

City Attorney Siegel reported legislative items slated for the November 2<sup>nd</sup> City Council Meeting: 1) Agreement for Master Lift Station; 2) Agreement for Domestic Violence Grant; 3) Resolution for Citizen Appreciation Day; 4) Resolution for the Municipal Bond; 5) Amendment to Ordinance regarding fingerprinting for first time candidates; and 6) Resolution regarding saggy pants.

## 10. MAYOR'S DISCUSSION

Mayor Rosner thanked Councilman Julien for serving with him and requested that he return and give a "State of the State" from a North Miami Beach perspective.

## Advertising for City Manager & City Clerk

Councilwoman Kramer explained that Human Resources Director Hobson had distributed a file regarding the classifieds on both positions and that action was not taken because she was waiting for additional feedback. Councilwoman Smith noted that at a previous Council Conference meeting, guidelines were provided by the Council to move forward on the City Manager ad, but they did not have time for the City Clerk ad. She explained that there was a request on her desk if the City should contact the previous interested candidates, but felt that those interested candidates should apply and noted that time was of the essence. Councilwoman Spiegel noted that she had gotten back to Ms. Hobson regarding an error and was clear that it was to be placed on the City's website, with the Florida League of Cities and professional associations. Human Resources Director Beverly Hobson explained that the Council had ran out of time, she had provided a folder with changes to the ads, and emailed the Council noting that time was of the essence. She added that she did not have the authority to move forward and was waiting for feedback. Councilwoman Kramer suggested lowering the population to 55,000 and did not agree with including the CMC/MMC preferred. Councilman Julien noted that this meeting was not the place for this discussion because it was not advertised on the agenda. Councilman Derosé suggested changing the population from 55,000 to 45,000. By consensus, a workshop was scheduled for October 26<sup>th</sup> to discuss both ads.

### **11. PUBLIC COMMENT**

Acting 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 “Woe to the Children” – October 19, 2009.

Rhoda Lindon, 3642 NE 171 Street, #5050, North Miami Beach, FL – spoke on safety issues.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL – spoke on the selection of a new city manager.

Marise Hayden, 16415 NE 32 Avenue, North Miami Beach, FL – spoke on the Seat 7 Council vacancy.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL – spoke of the recent City newsletter, cone of silence, baggy pants, recommended disqualifying McKenzie Fleurimond, and the search for the city manager and city clerk.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL – thanked Councilwoman Kramer for recognizing the effort of the Public to make the City a better place. She spoke about the Charger Booster Club of the North Miami Beach Senior High School Band supporting the football team. She announced that there was a homecoming game at Florida International University North Bay Campus between Miami Senior High School and North Miami Beach Senior High School and encouraged support of this event for the players and band members. Special recognition to Greg Williams, John Deck, Mark Perkins, and Shari Kamali of Public Services, for the donation of bottled water.

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL – spoke on the Seat 7 Council vacancy.

Carmen Kienzle, 1653 NE 178 Street, North Miami Beach, FL – spoke on school boundaries.

Robert Taylor, 1951 NE 157 Terrace, North Miami Beach, FL – spoke on the Seat 7 Council vacancy, mayor's trophy, and recognized Councilman Julien.

Bruce Lamberto, 3420 NE 163 Street, North Miami Beach, FL – recommended slowing down on the search for a new city manager and spoke of NMB Resident and Soldier Edward Gonzalez, killed in Afghanistan.

Referring to charter requirements, City Attorney Siegel explained that the Council may appoint someone as acting city manager for three (3) months and then provisionally appoint someone as city manager for six (6) months.

**12. MISCELLANEOUS ITEMS – None**

**13. WAIVER OF FEE – None**

**14. BUSINESS TAX RECEIPTS – None**

**15. LEGISLATION**

**15.1 Resolution No. R2010-69 – *Withdrawn***

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL, IN ORDER TO RE-OCCUPY AN EXISTING 2,640 SQUARE FOOT NON-CONFORMING BUILDING AND CONSTRUCT A NEW 9,501 SQUARE FOOT ONE-STORY ADDITION ON A 31,326 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-54(D)(3) OF THE LAND DEVELOPMENT REGULATIONS TO WAIVE TEN (10) FEET OF THE MINIMUM REQUIRED INTERIOR (NORTH) SIDE YARD SETBACK OF FIFTEEN (15) FEET, WHERE INTERIOR SIDE YARD SETBACK OF FIVE (5) FEET IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: (LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A") A/K/A 15501 N.E. 21 Avenue, North Miami Beach, Florida (P&Z Item No. 09-458 of December 14, 2009)

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to introduce Ordinance No. 2010-21. By consensus, all voted in favor of the motion. (**Motion carried 7-0**).

**15.2 Ordinance No. 2010-21 (Second and Final Reading)**

AN ORDINANCE AMENDING CHAPTER III OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED PURCHASING AND IN PARTICULAR SECTIONS 3-3.11c. AND 3-3.11d. TO INCREASE FROM TEN YEARS TO TWENTY YEARS THE CONTRACT TERM AND PERIOD FOR PAYMENTS FOR GUARANTEED ENERGY SAVINGS CONTRACTS; 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 Smith, to adopt Ordinance No. 2010-21 on Second and Final Reading. By consensus, all voted against the motion with the exception of Vice Mayor Spiegel and Councilman Julien. (**Motion failed 5-2**).

## **Public Comment**

Richard Reiss, 23 NW 169 Street, North Miami Beach, FL – spoke against Ordinance No. 2010-21.

Allison Robie, 2131 NE 179 Street, North Miami Beach, FL – spoke against Ordinance No. 2010-21.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL – spoke against Ordinance No. 2010-21.

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL – spoke against Ordinance No. 2010-21.

City Attorney Siegel noted that this ordinance was not related to a particular vendor, that it did not guarantee agreements to be automatically extended to twenty (20) years, but did give the Council the authority to go up to twenty (20) years in conformity and in accordance with state law. Acting City Manager noted that the Council could make the determination on the number of years for the extension of agreements and that no decisions had been made regarding Johnson Controls. City Attorney Siegel, Acting City Manager Weisblum and Chief Procurement Officer Brian O'Connor answered various questions posed by the Council.

**Vote:** Councilwoman Smith, Councilman Derose, Councilwoman Kramer, Councilman Pierre and Mayor Rosner all voted against the motion, while Vice Mayor Spiegel and Councilman Julien voted in favor of the motion. **(Motion failed 5-2).**

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

### **15.3 Ordinance 2010-23 (Second and Final Reading)**

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.

**Motion** made by Councilman Julien, seconded by Councilman Derose, to adopt Ordinance No. 2010-21 on Second and Final Reading.

## **Public Comment**

Bert Kehren, 3302 NE 171 Street, North Miami Beach, FL – spoke for the ordinance.

Charles R. Loeb, 16800 NE 15 Avenue, #112, North Miami Beach, FL – spoke for the ordinance.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL – spoke for the ordinance.

Carmen Kienzle, 1653 NE 1<sup>7</sup>/<sub>8</sub> Street, North Miami Beach, FL – spoke about reasons for footage on setbacks.

City Planner Chris Heid provided a brief overview of the changes and answered various questions posed by the Council.

**Motion** made by Vice Mayor Spiegel, seconded by Councilman Derose, to amend Subsection 5 so that the mechanical equipment must be located at the minimum finished floor elevation for the structure to which they are associated and must be visually screened from ground view of surrounding and adjacent properties. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

**Motion** made by Councilwoman Smith to amend the ordinance so that a gazebo could be no taller than twelve feet (12'), especially with a five foot (5') setback. **(Due to a lack of a second, the motion died.)**

**Motion** made by Councilwoman Smith to amend the ordinance so that porte cochere “cannot be greater than 125% of the height of the structure to which is associated.” **(Due to a lack of a second, the motion died.)**

**Motion** made by Vice Mayor Spiegel, seconded by Councilman Julien, to adopt Ordinance 2010-23 as amended.

Mayor Rosner read a letter from November 9, 2009 written by City Planner Heid regarding carports. He spoke of a Community Development Action Plan distributed July 13<sup>th</sup> written by Public Services Director Kamali. He noted that the purpose of the plan was for modifications to the City’s Land Development regulations regarding accessory structures in our single family residence districts in order to bring all properties in compliance. Mayor Rosner spoke about thousands of code violations and referred to specific residences and photographs. He recommended that the code be evaluated and updated. Councilwoman Smith suggested tabling the ordinance, so that the Council could receive more detailed information and direct the Staff to move forward.

**Motion** made by Councilwoman Smith, seconded by Councilman Pierre, to table Ordinance 2010-23 for two (2) weeks. By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

Public Service Director Kamali spoke about the ordinance and the permitting process. Councilwoman Smith suggested a workshop about the amnesty program and what was needed to be put into place.

## **15. CITY COUNCIL COMMITTEE REPORTS**

**Vice Mayor Spiegel** reminded everyone about recycling day starting tomorrow and to call 311 for larger bins; encourage people to vote; invited everyone to the Monster Mash Bash on Sunday, October 31<sup>st</sup> from 6:00 p.m. to 10:00 p.m. at the Gwen Margolis Amphitheater. Happy Birthday Mom!

**Councilwoman Smith** noted that she invited someone from the American Cancer Society to speak about Breast Cancer Awareness Month, but she was unable to attend. She welcomed the new Assistant City Manager Mac Serda. Councilwoman Smith announced Economic  
October 19, 2010 Regular Meeting Minutes

Development was having a table at the Aventura Marketing Council who was hosting an economic workshop for employment at Christine Lee's on Wednesday, Nov. 3<sup>rd</sup> with a \$25 - \$30 per person dinner to follow. She wished John Patrick Julien the best of luck in Tallahassee and her husband a happy 44<sup>th</sup> wedding anniversary.

**Councilman Julien** spoke to Mubarak Kazan and spoke of the missing manholes and questioned who hired the auditors and wanted an independent source. He thanked all of the residents and noted that the door would always be open.

**Councilman Derose** wished John Patrick Julien the best of luck. He welcomed the new assistant city manager.

**Councilwoman Kramer** wished John Patrick Julien the best of luck. She welcomed the new assistant city manager.

**Councilman Pierre** thanked John Patrick Julien for his years of service. He welcomed the new assistant city manager.

**Mayor Rosner** spoke of his years working with John Patrick Julien and wished him the best.

**16. NEXT REGULAR CITY COUNCIL MEETING** - Tuesday, November 2, 2010

**17. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 11:03 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)

  
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Joanne M. Callahan  
Interim City Clerk