



**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

**FEBRUARY 1, 2011**  
**REGULAR MEETING MINUTES**  
(CNMB-CC MINUTES TAPE #463)

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

The meeting was called to order at 7:32 p.m. Present at the meeting were Mayor Myron Rosner, Vice Mayor Barbara Kramer, and Council Members Philippe Derosé, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were Acting City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel and Interim City Clerk Joanne M. Callahan. Councilman McKenzie Fleurimond was absent.

**2. INVOCATION**

Rabbi Chaim Albert, Samuel Scheck Hillel Community Day School, led the invocation.

**3. PLEDGE OF ALLEGIANCE**

Mayor Rosner led the Pledge of Allegiance.

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

Interim City Clerk Callahan reported that the address listed for Item #14 was 1810 NW 153 Street.

**5. PRESENTATIONS/DISCUSSIONS**

**5.1 Certificate of Recognition to Mr. Randy Juste, NMB High School Student - Presented By Councilwoman Smith**

**6. APPOINTMENTS**

**6.1 Swearing In of Bart Armstrong, Asst. City Attorney - By Honorable Judge Lisa Walsh, Miami-Dade County Court**

**7. CONSENT AGENDA - None**

**8. CITY MANAGER'S REPORT**

Acting City Manager Weisblum welcomed Assistant City Attorney Armstrong. She then thanked the Public Services and Customer Services Staff for their recent presentation at the City of Miami Garden and provided a detailed overview of the other guests and various discussions. She announced a Town Hall Meeting on February 24<sup>th</sup> at the McDonald Center at 7:00 p.m. and noted

that the Public Services and Customer Service Staff would be presenting a mini-version of that presentation, in addition to the other departments. Acting City Manager Weisblum also announced that the City was in final negotiations with Slow Food Truck, which will be setting up a sidewalk café outside City Hall initially and then eventually operating the City's café. She added that it will also be providing food service to the theater for events and to other City facilities.

Acting City Manager Weisblum reported that on January 25<sup>th</sup> the Police Department received a site visit from representatives of the U.S. Department of Justice and the Office of Community Oriented Policing Services, out of Washington, D.C. The purpose of the visit was generated from the 1.6 million dollar federal grant for our Police Department to hire five (5) police officers with an emphasis on community oriented policing. She further reported that the representatives gave the department rave reviews. Police Chief Hernandez provided a detailed overview of the interview, the audit and the representatives' positive feedback. He noted that when the department received the stimulus grant close to a year ago, officers were hired for community oriented policing assigned to certain areas of the City.

## **9. CITY ATTORNEY'S REPORT**

### **9.1 Litigation List - *No Discussion***

City Attorney Siegel welcomed Assistant City Attorney Armstrong and spoke about his role with code enforcement.

She noted that the Planning and Zoning Board met in January regarding the following: 1) a site plan for a home in Eastern Shores; 2) a site plan for TD Bank; and 3) a site plan for an office building at 13890 Biscayne Blvd. City Attorney Siegel further noted that those items, along with a resolution designating election polling places; and the second readings on the early voting and the run-off election ordinances; and an ordinance regarding pill mills, would be coming before the Council on February 15<sup>th</sup>.

## **10. MAYOR'S DISCUSSION**

Mayor Rosner thanked Councilwoman Smith for volunteering as the liaison for a discussion group, starting up mid February, to improve City's building and zoning departments by making it friendlier to businesses and residents.

## **11. PUBLIC COMMENT**

Interim City Clerk Callahan read the rules for Public Comment.

Marlen Martell, 17374 S Glades Drive, North Miami Beach, FL, spoke about her employment with North Miami Beach, her educational background and election candidacy. She also addressed accusations from Mayor Rosner.

Volney Nerette, 16121 NE 19 Place, North Miami Beach, FL, spoke positively about Police Chief Hernandez and negatively about the recent raises given to employees.

Richard Riess, 23 NW 169 Street, North Miami Beach, FL, spoke about budget issues.

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke negatively about Police Chief Hernandez and the selective body searches prior to the meeting.

Bruce Lamberto, 3420 NE 165 Street, North Miami Beach, FL, spoke about the City Manager search and the lack of tackling issues.

**12. MISCELLANEOUS ITEMS - None**

**13. WAIVER OF FEE – None**

**14. BUSINESS TAX RECEIPTS**

**The Abriendo Puertas Governing Board of East Little Havana d/b/a Abriendo Puertas**  
1810 NE 153 Street, Suite #1 & 2, North Miami Beach, FL 33162

Interim City Clerk Callahan provided a brief overview. Dr. JC De LaTorre, chief financial officer, 3464 SW 113 Place, Miami, FL, was present to answer questions and provide an overview of their school.

**Motion** made by Councilman Derose, seconded by Councilwoman Smith, to approve a 90 day Business Tax Receipt (as per temporary Certificate of Occupancy issued by the Building Department and Miami-Dade Fire) for Abriendo Puertas Governing Board of East Little Havana d/b/a Abriendo Puertas. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

**15. LEGISLATION**

**Motion** made by Councilman Derose, seconded by Councilwoman Spiegel, to introduce Ordinance No. 2011-2 on First Reading, By Title Only. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

**15.1 Ordinance No. 2011-2 (First Reading, By Title Only)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RELATING TO MUNICIPAL ELECTIONS; CHANGING THE DATE FOR THE CITY OF NORTH MIAMI BEACH MUNICIPAL RUNOFF ELECTION NOW SCHEDULED FOR MAY 10, 2011 TO MAY 17, 2011 AND TO ADJUST THE TERMS OF OFFICE OF SITTING COUNCILPERSONS NECESSITATED BY SUCH CHANGE OF DATE, AS REQUESTED BY THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS AND AS AUTHORIZED BY FLORIDA STATUTES 166.021(4) AND 100.3605(2); 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 Pierre, to adopt Ordinance No. 2011-2 on First Reading, By Title Only. City Attorney Siegel provided an overview and history of the ordinance.

**Vote:** In a roll call vote, all voted in favor of the ordinance. **(Motion carried 6-0).**

**Motion** made by Councilman Derose, seconded by Councilwoman Spiegel, to introduce Ordinance No. 2011-3 on First Reading, By Title Only. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

## **15.2 Ordinance No. 2011-3 (First Reading, By Title Only)**

AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-14(b), OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR "EARLY VOTING" FOR MAYOR AND CITY COUNCIL ELECTIONS TO BE HELD IN MAY, 2011; DELETING SECTION 7-14(c); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion** made by Councilman Derose, seconded by Councilwoman Spiegel, to adopt Ordinance No. 2011-3 on First Reading, By Title Only.

**Motion** made by Councilwoman Smith, seconded by Councilman Derose, to amend the ordinance to four (4) days of early voting. By consensus, all voted in favor of the motion with the exception of Councilwoman Spiegel who voted in the negative. **(Motion carried 5-1).**

Councilwoman Smith wanted to make sure of the early voting schedule to be Saturday and Sunday from 2:00 p.m. to 6:00 p.m. and Monday through Friday from 10:00 a.m. to 6:00 p.m. Councilwoman Spiegel questioned that there was no Council discussion regarding the amendment. She stated she thought the Council was disenfranchising voters with the schedule and noted that the money for seven (7) days was already budgeted. Councilwoman Smith believed that less than ¼ of the residents voted early in the last election and that the schedule allowed everyone the opportunity to vote. Vice Mayor Kramer expressed that she was not in favor of the hours and suggested that Saturday and Sunday have earlier hours.

**Vote:** In a roll call vote, all voted in favor of the motion with the exception of Vice Mayor Kramer and Councilwoman Spiegel. **(Motion carried 4-2).**

**Motion** made by Councilman Derose, seconded by Vice Mayor Kramer, to introduce Ordinance No. 2011-1 on Second and Final Reading. By consensus, all voted in favor of the motion. **(Motion carried 6-0).**

## **15.3 Ordinance No. 2011-1 (Second and Final Reading)**

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 Councilwoman Smith, to adopt Ordinance No. 2011-1 on Second and Final Reading.

## **Public Comment**

Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, spoke about the applicant receiving favoritism and spoke against the ordinance.

Richard Riess, 23 NW 169 Street, North Miami Beach, FL, spoke against the ordinance and about the early voting ordinance.

Volney Nerette, 16121 NE 19 Place, North Miami Beach, FL, spoke about the early voting ordinance.

**Motion** made by Councilwoman Spiegel, seconded by Councilman Derose, to amend the ordinance to allow service involving care on a short-term, not to exceed ten (10) days, in-patient basis, and to withdraw from the physiological and emergent psychological events.

City Planner Chris Heid was present to answer numerous questions posed by the Council. City Attorney Siegel noted that this ordinance was a conditional permitted use, not automatic.

Mayor Rosner allowed additional Public Comment at this time.

## **Public Comment**

Lorenzo Hall, 1581 NE 151 Terrace, North Miami Beach, FL, spoke against the ordinance and for the safety of kids.

Mamie Willis, 1417 NE 151 Terrace, North Miami Beach, FL, spoke against the ordinance.

Gaston Siroit, 13795 NE 20 Place, North Miami Beach, FL, asked questions regarding the site plan approval process and business tax receipt approval process.

Sandra Douglas, 1523 NE 152 Street, North Miami Beach, FL, spoke about children's safety in the community.

Muriel Kemp, 1479 NW 178 Street, North Miami Beach, FL, urged the Council to do more research on the subject.

**Vote:** By consensus, all voted in favor of the amendment to the ordinance. **(Motion carried 6-0).**

**Vote:** In a roll call vote, all voted in favor of ordinance as amended with the exception of Vice Mayor Kramer and Mayor Rosner who voted in the negative. **(Motion carried 4-2).**

## **16. CITY COUNCIL REPORTS**

**Vice Mayor Kramer** welcomed Asst. City Attorney Armstrong and wished him good luck. As the liaison, she encouraged volunteers for the Recreation Committee. Vice Mayor Kramer also encouraged attendance at the Leisure Services' "Love-In" event on February 14<sup>th</sup> at 7:00 p.m. at the McDonald Center. As the liaison for the Greater North Miami Beach Chamber of Commerce, she encouraged involvement from community businesses and announced "Coffee with a Cop" at Roaster and Toasters on February 9<sup>th</sup>.

**Councilwoman Spiegel**, on behalf of the City and Council, extended sympathies to Congresswoman Ileana Ros-Lehtinen for her recent loss. She asked everyone to pray and wish for world peace because

of what was happening in Egypt. Go Steelers!

**Councilwoman Smith** welcomed Asst. City Attorney Armstrong. She again congratulated Randy Juste, NMB High School Student for his scholarship in science and his involvement in the “5000 Role Models of Excellence.” Councilwoman Smith spoke positively about the ordinance regarding the detox center. She reminded everyone about the Humane Society Walk for Animals on Saturday, February 19<sup>th</sup> at Bayfront Park. Charlie B – Happy 2<sup>nd</sup> Birthday!

**Councilman Derosé** expressed condolences to Employee Dale Greer for the loss of his mother and thoughts, prayers, and peace to the Egyptian citizens. He announced a change of date for the Beautification Committee from February 21<sup>st</sup> to Wednesday, February 23<sup>rd</sup>. He requested a status from the City Manager on the rebuilding of the Washington Park Resource Community Center. Acting City Manager Weisblum noted that the City had funds to do some small changes, but needed to look to state and federal funds for the major renovations. Councilwoman Smith noted that the former City Manager was working with the County on that project. Mayor Rosner provided a detailed overview of the project. Councilman Derosé wished everyone a Happy Valentine’s Day.

**Councilman Pierre** welcomed Asst. City Attorney Armstrong. He reminded everyone that recycling pick-up was February 9<sup>th</sup> and noted that the Library was open even on Sunday. Councilman Pierre wished everyone a Happy Valentine’s Day.

**Mayor Rosner** expressed get well wishes to Al Sturtz and said “Sweetheart, will you be my Valentine?”

**17. NEXT REGULAR CITY COUNCIL MEETING – Tuesday, February 15, 2011**

**18. ADJOURNMENT -** There being no further business to come before the City Council, the meeting was adjourned at 9:36 p.m. on a motion made by Councilman Derosé and seconded by Councilman Pierre. By consensus, all voted in favor. **(Motion carried 6-0).**

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk