



## **CITY OF NORTH MIAMI BEACH**

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162

**Tuesday, June 5, 2012**

**7:30 PM**

Mayor George Vallejo  
Vice Mayor Frantz Pierre  
Councilman Philippe Derose  
Councilwoman Barbara Kramer  
Councilwoman Marlen Martell  
Councilwoman Phyllis S. Smith  
Councilwoman Beth E. Spiegel

City Manager Lyndon L. Bonner  
City Attorney Darcee S. Siegel  
City Clerk Pamela L. Latimore, CMC

### **REGULAR MEETING MINUTES**

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

The meeting was called to order at 8:08 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Frantz Pierre and Council Members Philippe Derose, Barbara Kramer, Marlen Martell, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

#### **2. INVOCATION – Councilwoman Beth E. Spiegel**

#### **3. PLEDGE OF ALLEGIANCE**

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

**Addition of Item 5.1** Presentation of the Best Tasting Tap Water 2012 Award (added on the floor)

#### **5. PRESENTATIONS/DISCUSSIONS**

**5.1** Florida Section American Water Works Association, Region 7 - Best Tasting Tap Water 2012 Award (Councilwoman Smith)

#### **6. PUBLIC COMMENT**

City Clerk Latimore read the rules of Public Comment into record. The following person(s) spoke on the record:

1. Bert Kehren 3302 N.E. 171<sup>st</sup> Street, North Miami Beach, FL
2. Margie Love, 1579 N.E. 169<sup>th</sup> Street, North Miami Beach, FL
3. Richard Rand, PO Box 600124, North Miami Beach, FL
4. Dorothy Denoia, 1179 N.E. 181<sup>st</sup> Street, North Miami Beach, FL
5. Robert Taylor, 1951 N.E. 157<sup>th</sup> Terrace, North Miami Beach, FL

6. Andy McCall, 275 N.W. 2<sup>nd</sup> Street, Miami, FL
7. Charles R. Loeb, 16800 N.E. 15<sup>th</sup> Avenue, North Miami Beach, FL
8. Levingston Ritchie, 5901 N.W. 19<sup>th</sup> Street, Miami, FL
9. Anthony Defillipo, 1458 N.E. 177<sup>th</sup> Street, North Miami Beach, FL
10. Actions For A Better Future, Inc., 1733 N.E. 162<sup>nd</sup> Street, North Miami Beach, FL
11. Norman Edward, 1640 N.E. 175<sup>th</sup> Street, North Miami Beach, FL
12. Bruce Lamberto, 3420 N.E. 165<sup>th</sup> Street, North Miami Beach, FL
13. Hupert Rose, 415 N.W. 192<sup>nd</sup> Street, Miami, FL
14. Carmen Kienzle, 1653 N.E. 178<sup>th</sup> Street, North Miami Beach, FL
15. Mubarak Kazan, 15564 N.E. 12<sup>th</sup> Avenue, North Miami Beach, FL
16. Richard Reiss, 23 N.W. 169<sup>th</sup> Street, North Miami Beach, FL

7. **APPOINTMENTS** - *None*

8. **CONSENT AGENDA**

8.1 **February 7, 2012 Regular Meeting Minutes**

8.2 **Resolution No. R2012-45**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING \$11,364.00 FROM THE MIAMI-DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE TO BE USED FOR A COUNTY WIDE PRISONER PROCESSING PROJECT UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND AUTHORIZING THE CITY MANAGER TO USE THE FUNDS TO PARTICIPATE IN THAT COUNTYWIDE PRISONER PROCESSING PROJECT.

8.3 **Resolution No. R2012-46**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AN APPLICATION TO THE DEPARTMENT OF JUSTICE FOR A JUSTICE ASSISTANCE GRANT FOR FISCAL YEAR 2012, AND AUTHORIZING THE CITY MANAGER TO APPLY FOR THE GRANT.

8.4 **Resolution No. R2012-47**

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 ALEMANY BUILDING SOLUTIONS CORP., FOR THE INSTALLATION OF THE CITY HALL COMPLEX FIRE ALARM SYSTEM.

8.5 **Resolution No. R2012-48**

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 BULLET INCORPORATED FOR THE PURCHASE OF DUTY AMMUNITION.

**MOTION** by Councilman Derosé, seconded by Councilman Pierre, to approve the Consent Agenda.  
**(Approved 7-0)**

**9. CITY MANAGER'S REPORT**

**9.1 Florida League of Cities 86<sup>th</sup> Annual FLC Conference (Voting Delegate)**

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to appoint Mayor Vallejo as voting delegate to represent the City of North Miami Beach at the Florida League of Cities 86<sup>th</sup> Annual FLC Conference and Vice Mayor Pierre as an alternate. **(Approved 7-0)**

City Manager Bonner proposes amending the schedule for the Council Meetings in July due to the July 4<sup>th</sup> holiday. He proposes that the Council Meetings be held on July 10<sup>th</sup> and 24<sup>th</sup> and asked the council members to check their schedules to see if they can accommodate the proposed changes. Council will have their answer to amending the July meeting schedule at the next meeting.

**10. CITY ATTORNEY'S REPORT**

**10.1 Litigation List**

Based on the Sunshine Meeting earlier today there was a consensus to extend the deadline for the implementation/enforcement of the Adult Entertainment Code and Alcohol Ordinance. City Attorney Siegel asked Council for a motion to give a thirty (30) day extension to the parties involved; giving them time to come in and work something out with the City so they can come into compliance with the current codes.

**MOTION** by Councilman Derose, seconded by Councilwoman Martell, to approve a thirty day extension for adult entertainment establishments to come into compliance with the Adult Entertainment Code and Alcohol Ordinance. **(Approved 7-0)**

There will be an ordinance introduced by Councilwoman Kramer in regards to the contributions by Lobbyist and Vendors to Council's campaigns. In July Council will have the opportunity to at a Pre-Council to review the proposed ordinance.

**11. MAYOR'S DISCUSSION – None**

**12. MISCELLANEOUS ITEMS - None**

**13. WAIVER OF FEE – None**

**14. BUSINESS TAX RECEIPTS - None**

**15. DISCUSSION ITEMS - None**

**16. LEGISLATION**

**16.1 Ordinance No. 2012-4 – (Second and Final Reading)** Item came before Council previously on the following dates (First Reading 3/6/12 – Tabled) (First Reading 5/15/12)

AN ORDINANCE AMENDING THE POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROVIDING FOR COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; AMENDING ARTICLE VI, OPTIONAL FORMS OF RETIREMENT INCOME; 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.

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to adopt Ordinance No. 2012-4 on Second and Final Reading. (**Adopted 7-0**)

**Speaker:** Mr. Pedro Herrera from Sugarman and Susskind, Pension Attorney for Police and Fireman pension plan.

**Public Comment:**

1. Mubarak Kazan, 15564 NE 12<sup>th</sup> Avenue, North Miami, Beach, FL – Against

**ROLL CALL VOTE:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor Pierre – **Yes**, Mayor Vallejo – **Yes** (**Passed 7-0 on Second and Final Reading**)

**16.2 Ordinance No. 2012-6** – (Second and Final Reading) Item came before Council previously on the following dates (First Reading 3/6/12) (Second Reading 3/20/12 – Withdrawn) (First Reading 5/15/12)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 2, PARAGRAPH 9, OF ORDINANCE 2006-6 LOWERING THE INTEREST RATE ON EACH MEMBER'S DROP ACCOUNT FROM 6.5% COMPOUNDED MONTHLY TO 3% COMPOUNDED MONTHLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to adopt Ordinance No. 2012-6 on Second and Final Reading. (**Adopted 7-0**)

**Public Comment:** *None*

**ROLL CALL VOTE:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor Pierre – **Yes**, Mayor Vallejo – **Yes** (**Passed 7-0 on Second and Final Reading**)

**16.3 Ordinance No. 2012-8** – (Second and Final Reading)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING A FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, FUTURE LAND USE MAP 1.22, RE-DESIGNATING THE FUTURE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT 17400 WEST DIXIE HIGHWAY FROM RESIDENTIAL HIGH DENSITY TO BUSINESS; DIRECTING THE DIRECTOR OF PUBLIC SERVICES TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL FUTURE LAND USE 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 SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION** by Councilman Derose, seconded by Councilwoman Martell, to adopt Ordinance No. 2012-8 on Second and Final Reading. (**Adopted 7-1**)

**JENNINGS DISCLOSURE:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor Pierre – **Yes**, Mayor Vallejo – **Yes**

City Clerk Latimore stated that they received two (2) emails in **opposition** to the next two ordinances (Ordinance 2012-8 and 2012-9) from Sheila Fili and Charles Baron.

City Clerk Latimore swore in all the speakers on Ordinance 2012-8 & 2012-9

**Public Comment:**

1. Robert Taylor, 1951 N.E. 157<sup>th</sup> Terrace, North Miami Beach, FL – **For**
2. Jodie Siegel, 1177 S.E. 3<sup>rd</sup> Avenue, Fort Lauderdale, FL – **Attorney for the applicant**
3. Errol Alvey, 2375 N.E. 173<sup>rd</sup> Street, B113, North Miami Beach, FL – **Against**
4. Amy Werba, 2374 N.E. 183<sup>rd</sup> Terrace, North Miami Beach, FL – **Against**
5. Charles Baron, 17890 West Dixie Highway, #317, North Miami Beach FL – **Against**

Councilwoman Spiegel asked for a copy of the traffic impact study that was done on August 15, 2011 and revised on February 25, 2012.

**ROLL CALL VOTE:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **No**, Vice Mayor Pierre – **Yes**, Mayor Vallejo – **Yes** (**Passed 6-1 on Second and Final Reading**)

**16.4 Ordinance No. 2012-9 – Second and Final Reading**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 17400 WEST DIXIE HIGHWAY FROM A CLASSIFICATION OF RM-23, RESIDENTIAL MIDRISE MULTIFAMILY (HIGH DENSITY) DISTRICT AND CF, COMMUNITY FACILITY DISTRICT, TO A CLASSIFICATION OF B-2, GENERAL BUSINESS DISTRICT, AND DIRECTING THE DIRECTOR OF THE PUBLIC SERVICES DEPARTMENT 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; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION** by Councilman Derose, seconded by Councilman Pierre, to adopt Ordinance No. 2012-9 on Second and Final Reading.

**Public Comment:**

1. Errol Alvey, 2375 N.E. 173<sup>rd</sup> Street, North Miami Beach, FL – **Against**
2. Robert Taylor, 1951 N.E. 157<sup>th</sup> Terrace, North Miami Beach, FL – **Against**
3. Amy Werba, 2374 N.E. 183<sup>rd</sup> Terrace, North Miami Beach, FL - **Against**
4. Charles Baron, 1790 West Dixie Highway, #317, North Miami Beach, FL – **Against**
5. Charles Loeb, 16800 N.E. 15<sup>th</sup> Avenue, North Miami Beach, FL – **Against**

After Council discussion, Councilman Derose removed his motion and Councilman Pierre removed his seconded to adopt Ordinance No. 2012-9.

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to table Ordinance No. 2012-9 until the next Council Meeting on June 19, 2012.

**ROLL CALL VOTE:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **No**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor Pierre – **Yes**, Mayor Vallejo – **No** (**Motion to table Passed 5-2**)

**16.5 Ordinance No. 2012-10** - Second and Final Reading

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, ARTICLE V, ENTITLED "ZONING USE DISTRICTS", BY DELETING SUBSECTION (4) OF SECTIONS 24-41, 24-42, AND 24-43 OF THE CITY'S CODE OF ORDINANCES REGARDING EXCEPTIONS TO SETBACK REQUIREMENTS IN THE RS-1, RESIDENTIAL SINGLE-FAMILY DISTRICT, RS-2 RESIDENTIAL SINGLEFAMILY DISTRICT, AND THE RS-3 RESIDENTIAL SINGLE-FAMILY DISTRICT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION** by Councilman Derose, seconded by Councilwoman Martell, to adopt Ordinance No. 2012-10 on Second and Final Reading.

**Public Comment:** *None*

**ROLL CALL VOTE:** Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilwoman Smith – **Yes**, Councilwoman Spiegel – **Yes**, Vice Mayor Pierre – **Yes**, Mayor Vallejo – **Yes** (**Passed 7-0 on second and final reading**)

**17. CITY COUNCIL REPORTS**

**Councilman Derose** – Gave thanks to all the citizens that participated in the last Memorial Day Ceremony. He welcomed back home some of our troops that have served our country, and is grateful for their service. He thanked Commissioner Monestime for choosing our City to host the last day of Haitian Heritage Month. There were a lot of elected officials there, including the Miami-Dade County Mayor, the State Attorney's Office, Commissioner Edmonson, and most of our own Council members were there as well. Mayor Vallejo made the welcoming remarks.

**Councilwoman Kramer** – Wished Councilwoman Spiegel a Happy Birthday. Congratulations to her son Kevin who graduated from high school last night and expressed how proud she was of him.

**Councilwoman Martell** – Congratulated Councilwoman Kramer on her son's graduation. She wished Councilwoman Spiegel a Happy Birthday. Thank you to our staff, specifically the Public Services Department, for winning the Best Tasting Water. Councilwoman stated that it has been hard on a lot of the departments, but she would like to thank everyone in Leisure Services, Public Services, the City Manager's Office, and the City Attorney's Office. She loves everyone and thanked everyone for their hard work.

**Councilwoman Smith** – Wished Councilwoman Spiegel Happy Birthday and congratulated Councilwoman Kramer on her son's Graduation. The City Manager is working on the Re-Dedication of the Fire Station in Eastern Shores. The Fire Station will not cost the residents anything and it is a necessity. The memorial service that they all attended was something that we should do more often than once a year. Every year more people attend the Memorial Service and hoped that next year when we have the Memorial Services that everyone will join us before they go celebrate that day and take some time to be thankful for what others gave

up for our freedom. Councilwoman Smith stated that Bruce Lamberto who is the Chairperson of the Redevelopment Advisory Board, indicated that they have asked for the City Attorney to go to the county in reference to all the pollution we have on the West Dixie property. The Attorney did meet with the county and there are regulations in their Charter and/or Code. Councilwoman Smith stated that we need to follow up on this because maybe this is our answer to having a piece of property that is viable for some economic development in our City. To close, she wished everyone a safe summer and asks parents to teach the kids to swim this summer.

**Councilwoman Spiegel** – Stated that the Planning and Zoning meeting is on Monday at 6:00 p.m. She praised the staff for doing such a good job at the Memorial Day Service last week, and in closing, she encouraged everyone to check out the new City website and thanks to the I.T. Department for a job well done.

**Vice Mayor Pierre** – Wished Councilwoman Spiegel a Happy Birthday and congratulated Councilwoman Kramer’s son on his graduation. Congratulations to the residents and employees that have family that will be graduating. Councilman Pierre took the opportunity to respond to a comment made by a resident earlier tonight. He is also taking the opportunity to respond to a comment made on the dais at the last council meeting. He apologized to the Public Services Director Shari Kamali for the way his statement came across, it was not meant to be an attack. He wanted to clarify something that may have just been overlooked by Ms. Kamali and should be disclosed on record. To Council any information he has will be disclosed at a later time. School may be out, but the NMB Library will be open, take advantage of it.

**Mayor Vallejo** – Wished Councilwoman Spiegel a Happy Birthday. This coming Friday is the Multi-Cultural Committee’s Cultural Cinema Night at 7:00 p.m., featuring the movie Remember the Titans. Mayor Vallejo stated that he attended an event that was the first ever in Florida on Saturday called “Our Community Salutes”. It is a new series of events that are being done to recognize and honor graduating high school students that will be enlisting in the military. The Memorial Day Ceremony was fantastic. We have to remember that every day we are making new veterans because we are sending young men and women off every day. He extended an invitation to the recruiting command for them to bring the graduating students from North Miami Beach to our next Council Meeting so we can give them recognition. He hopes that they can see some of the students here at the June 19<sup>th</sup> meeting.

**18. NEXT REGULAR CITY COUNCIL MEETING**

Tuesday, June 19, 2012

**19. ADJOURNMENT**

There being no further business to come before the City Council, Meeting was adjourned at 11:15 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore  
City Clerk