



CITY OF NORTH MIAMI BEACH

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

Tuesday, July 3, 2012
7:30 PM

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

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

REGULAR MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:42 pm. Present at the meeting were Mayor George Vallejo, Vice Mayor Frantz Pierre, and Council Members Philippe Derosé, Barbara Kramer, Marlen Martell, and Beth E. Spiegel. Also present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore. Councilwoman Phyllis S. Smith was absent.

2. **INVOCATION** given by Rabbi David Lehrfield, Young Israel of Greater Miami.

3. **PLEDGE OF ALLEGIANCE** lead by Mayor and Council.

4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA** – **Withdraw Item 16.2** from Agenda. **Additions, Item 15.1** Request to appear before Council by Mr. Stanley Price representing 17093 Biscayne Boulevard, LLC and **Item 15.2** for Discussion only - Draft Resolution.

5. **PRESENTATIONS/DISCUSSIONS** - There were no presentations or proclamations.

6. PUBLIC COMMENT

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

1. Jackie Suskin- 1921 N.E. 188th Street, North Miami Beach FL
2. Chuck Cook-1980 N.E. 175th Street, North Miami Beach, FL
3. Debra Hayden- 16415 N.E. 32nd Ave., North Miami Beach, FL

4. Charles Loeb-16800 N.E. 15th Ave., Miami FL
5. Livingston Richie- City Employee – 17011 N.E. 19th Avenue, North Miami Beach, FL
6. Richard Reiss- 23 N.W. 169th Street, North Miami Beach, FL
7. Margie Love- 1579 N.E. 169th Street, North Miami Beach, FL
8. Mubarak Kazan- 15564 N.E. 12th Avenue, North Miami Beach, FL
9. Myron Rosner- 1121 N.E. 178th Terrace, North Miami Beach, FL

7. **APPOINTMENTS** There were no appointments made by Mayor and Council.

8. **CONSENT AGENDA** -There were no items for the Consent Agenda.

9. **CITY MANAGER'S REPORT**

City Manager Bonner explained to Mayor and Council that a Budget was being delivered to them. The City Manager asked Mayor and Council to review the Budget and be prepared for budget workshops. The City Manager also asked that Mayor and Council make note of the dates scheduled for Budget Workshops.

City Manager Bonner introduced his son and his wife and stated his plans for the July 4th holiday. He then asked for a confirmation for the time and place for the Agenda Review Meeting.

Mayor Vallejo asked for a consensus for the Agenda Review; all agreed on July 12, 2012 at 9:00 a.m. to be held on the 4th floor.

10. **CITY ATTORNEY'S REPORT**

10.1 Charter officers contract review continued to August 7, 2012 to allow for full Council participation

City Attorney Siegel asked for a motion and a vote to move the discussion on the Charter Officers contracts to the August 7, 2012 Council Meeting to allow for full council participation.

Councilwoman Spiegel asked if all three employees were in agreement with extending the item. City Attorney Siegel, City Clerk Latimore, and City Manager Bonner all agreed.

MOTION by Councilman Derose, seconded by Vice Mayor Pierre, to move discussion on Charter Officers Contracts to July 3, 2012. **(Passed 6-0 - Councilwoman Smith Absent)**

10.2 **Litigation List**

City Attorney Siegel reported that SMG Entertainment, doing business as Swinging Richards, has filed a lawsuit. City Attorney Siegel asked Mayor and Council for a vote to extend the date from July 16, 2012 until August 25, 2012 for the Adult Entertainment Clubs to come into compliance with the city's code. City Attorney Siegel stated that she was drafting an amendment to the code and would present it to Mayor and Council for first reading at the August 7, 2012 Council Meeting.

MOTION by Councilman Derose, seconded by Councilwoman Martell, to direct the City Manager to extend the date, from July 16, to August 25, 2012, for the Adult Entertainment Clubs to come into compliance with Ordinance. **(Passed 6-0 - Councilwoman Smith Absent)**

11. MAYOR'S DISCUSSION – None

12. MISCELLANEOUS ITEMS – None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS – None

15. DISCUSSION ITEMS

15.1 Request to appear before Mayor and Council by Mr. Stanley Price on behalf of 17093 Biscayne Boulevard. North Miami, LLC. **(WITHDRAWN by Applicant.)**

15.2 Discussion on draft Resolution for Marina Grande by Councilwoman Martell **(ADDITION)**

Councilwoman Martell explained that the Resolution presented at the Agenda Review has been changed. Councilwoman Martell stated that she met with the City Attorney and had a new resolution drafted that she will have advertised for presentation at the next City Council meeting. She would not be calling for a vote this evening, but wanted to make Mayor and Council aware of the Resolution that she is bringing forth at the next meeting.

A discussion was had and a consensus to move the item to August 7, 2012 was made.

16. LEGISLATION

16.1 Resolution No. 2012-52

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO TRANSFER AN AMOUNT OF \$150,000.00 FROM THE UNEMPLOYMENT INSURANCE ACCOUNT IN THE HUMAN RESOURCES DEPARTMENT INTO THE PROFESSIONAL SERVICES ACCOUNT IN THE LEGISLATIVE NON-DEPARTMENTAL DIVISION FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011.

MOTION by Councilman Derose, seconded by Councilwoman Spiegel, to adopt **Resolution No. R2012-52. (Passed 6-0) (Councilwoman Smith absent)**

Mayor Vallejo opened Resolution No. R2012-52 for public comment. Seeing no speakers on the item, public comment was closed.

City Manager Bonner gave a brief explanation of the item.

16.2 Resolution No. 2012-53

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA RECOGNIZING THE SITE PLAN APPROVED UNDER RESOLUTION 2006-24 AND PUD ZONING APPROVED UNDER ORDINANCE 2006-8 ARE VALID AND IN FULL FORCE AND EFFECT; RECOGNIZING THE DETERMINATIONS OF THE CITY MANAGER AND CHIEF BUILDING OFFICIAL THAT BUILDING MASTER PERMITS BM05-627 AND BM05-628 ISSUED PURSUANT TO RESOLUTION 2006-24 ARE VALID AND ACTIVE. **(WITHDRAWN moved to August 7, 2012) (Discussion in 15.2)**

16.3 Ordinance No. 2012-11 -First Reading by Title Only

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER 24, ARTICLE 15 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "OTHER DEVELOPMENT REVIEW PROCEDURES" BY EXTENDING THE EXPIRATION DATE FOR SITE PLAN REVIEW; ADDING AN EXPIRATION DATE FOR CONDITIONAL USE APPROVALS; EXTENDING THE EXPIRATION TIME FOR VARIANCES 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 Councilwoman Spiegel, seconded by Councilwoman Kramer, to amend Ordinance No. 2012-11 Section 24-172(h)(1) to read Master Building Permit shall be applied for within six (6) months of site Plan approval. **(Failed 1-5 - Councilwoman Spiegel-Yes; Councilwoman Smith absent)**

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt Ordinance No. 2012-11 on First Reading By Title Only **(Passed 5-1 - Councilwoman Spiegel - No; Councilwoman Smith absent)**

Chris Heid City Planner gave brief explanation of Ordinance.

Mayor Vallejo opened public comment for Ordinance No. 2012-11. Seeing no speakers, public comment was closed.

ROLL CALL VOTE: Derose Yes, Kramer Yes, Martell Yes, Smith Absent, Spiegel No, Pierre Yes, Vallejo Yes.

16.4 Ordinance No. 2012-12 – First Reading by Title Only

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, AMENDING CHAPTER 24, ARTICLE V, SECTION 24-52, ENTITLED "B-2 GENERAL BUSINESS DISTRICT" BY

MODIFYING THE LIST OF PERMITTED AND CONDITIONALLY PERMITTED USES; 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 Councilwoman Spiegel, seconded by Councilwoman Martell, to amend language to **Ordinance No. 2012-12** to include added uses: (cc) to Modeling and Talent Agencies, (ee) Movie and IMAX Theaters, (mm) to Movie and Sounds Studios by. **(Passed 5-0 - Councilwoman Smith absent, Councilwoman Martell absent for vote).**

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt **Ordinance No 2012-12** on First Reading. **(Passed 6-0 - Councilwoman Smith Absent)**

Chris Heid City Planner gave a brief explanation of Ordinance.

Mayor Vallejo opened public comment for Ordinance No. 2012-12. Seeing no speakers, public comment was closed.

ROLL CALL VOTE: Derose **Yes**, Kramer **Yes**, Martell **Yes**, Smith **Absent**, Spiegel **Yes**, Pierre **Yes**, Vallejo **Yes**. **(Councilwoman Smith Absent)**

16.5 Ordinance No. 2012-13 -First Reading by Title Only

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, SECTION 24-41 (D)(9)(m), ENTITLED "RS-1 RESIDENTIAL SINGLE-FAMILY DISTRICT" BY DECREASING THE HEIGHT OF WALLS AND FENCES IN THE FRONT YARD AND INCREASING THE HEIGHT OF WALLS AND FENCES IN THE REAR, CORNER SIDE, AND INTERIOR SIDE YARD; AMENDING CHAPTER 24, SECTION 24-47 (D) (9) (e), ENTITLED "RM-19 RESIDENTIAL LOW-RISE MULTI-FAMILY (MEDIUM DENSITY) DISTRICT" BY INCREASING THE HEIGHT OF WALLS AND FENCES IN THE FRONT, REAR, CORNER SIDE, AND INTERIOR SIDE YARD; AMENDING CHAPTER 24, SECTION 24-80 (C) (3) OF THE CITY'S CODE OF ORDINANCES, ENTITLED "FENCES, WALLS AND HEDGES" BY INCREASING THE ALLOWABLE HEIGHT OF WALLS AND FENCES IN THE FRONT AND CORNER SIDE YARD OF MULTI-FAMILY ZONED PROPERTIES; 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 Mayor Vallejo, seconded by Councilwoman Martell, to amend **Ordinance 2012-13** to allow hedge height in the six (6) foot zone to go to eight (8) feet. **(Passed 6-0 - Councilwoman Smith absent)**

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to approve **Ordinance 2012-13** on First Reading by Title Only (**Passed 6-0 - Councilwoman Smith Absent**)

Chris Heid City Planner gave a brief explanation of the Ordinance.

Mayor Vallejo opened public comment for Ordinance No. 2012-13. The following person(s) made comments on the record:

Public Comment:

1. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL
2. Muriel Kemp – 1479 N.E. 178th Street, North Miami Beach, FL
3. Richard Riess – 23 N.W. 169th Street, North Miami Beach, FL
4. Deborah Hayden - 16415 N.E. 32nd Avenue, North Miami Beach, FL
5. Marilyn Baumoehl – 18635 N.E. 20th Court, North Miami Beach, FL
6. Myron Rosner - 1121 N.E. 178th Terrace, North Miami Beach, FL

ROLLCALL VOTE: Derose **Yes**, Kramer **Yes**, Martell **Yes**, Smith **Absent**, Spiegel **Yes**, Pierre **Yes**, Vallejo **Yes**.

17. CITY COUNCIL REPORTS

Councilman Derose wished everyone a Happy Fourth of July. He encouraged everyone to be safe and not to drink and drive. He wished all a goodnight.

Councilwoman Kramer wished everyone a Happy Fourth of July. She announced that the Multi-Cultural Board would be meeting on Monday at 7:00 p.m. at the McDonald Center. She wished everyone a good evening.

Councilwoman Martell wished her brother a Happy Birthday, she also wished everyone a Happy Fourth of July. She reminded the kids to keep up their summer reading. Thank you very much for joining us.

Councilwoman Spiegel announced that the Planning and Zoning Board would be meeting on Monday at 6:00 p.m. in the Council Chambers. She reminded residents to put out their recycling bins next Wednesday morning. She asked that everyone give thanks and remember those who are serving this country; celebrate our independence in what is the greatest country in the world. Happy Fourth of July.

Councilwoman Martell took a minute to wish Assistant City Manager Mac Serda a Happy Birthday.

Vice Mayor Pierre wished everyone a Happy Fourth of July; he emphasized that safety always comes first. He reminded everyone that the Library was open and students need to remember to read their books. He asked that everyone be safe.

Mayor Vallejo wished everyone a Happy Fourth of July, Happy Birthday America, the greatest country in the

world as Councilwoman Spiegel said. He implored everyone to celebrate what that means, which is freedom and liberty; the most important blessing that we have ever received in this world. Happy Birthday Mac! He also wanted to wish his mother a very Happy 75th Birthday.

18. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, July 17, 2012

19. ADJOURNMENT

There being no further business coming before Council the meeting was adjourned at 9:49 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk