



**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 17, 2012**  
**7:30 PM**

Mayor George Vallejo  
Vice Mayor Frantz Pierre  
Councilman Philippe Derosé  
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 7:43 p.m. Present at the meeting were Vice Mayor Frantz Pierre, and Council Members Philippe Derosé, 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. Mayor George Vallejo absent.

**2. INVOCATION**

*Moment of Reflection* in honor of Robert Helton, son of Lori Helton, Assistant Director of Information Technology Department. Presented by Information Technology Manager Patrick Rosiak and City Manager Lyndon L. Bonner.

**3. PLEDGE OF ALLEGIANCE**

Presentation of Colors by North Miami Beach Senior High JROTC.

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

**Withdrawal** - Item 5.2 Proclamation to North Miami Beach Senior High School Principal Raymond L. Fontana

Item 16.5 will be moved to the top of Legislation on the agenda.

**5. PRESENTATIONS/DISCUSSIONS**

**5.1 Presentation of Certificate of Recognition to North Miami Beach Police Explorers**

Presentation made by Councilwoman Smith. Introduction of Explorers.

**5.2 Proclamation Presentation to North Miami Beach Senior High School Principal Raymond L. Fontana  
(Withdrawn)**

**6. PUBLIC COMMENT**

City Clerk Latimore read the Public Comment Statement into the record.

1. Judicial Candidate Yvonne Cuesta - Candidate for County Court Judge
2. Judge Don Cohen - County Court Judge
3. Charles R. Loeb - 16800 N.E. 15<sup>th</sup> Avenue, North Miami Beach, FL
4. Bert Kehren - 3302 N.E. 171<sup>st</sup> Street, North Miami Beach, FL
5. Marilyn Baumoehl - 18635 N.E. 20<sup>th</sup> Court, North Miami Beach, FL
6. Chuck Cook - 1980 N.E. 175<sup>th</sup> Street, North Miami Beach, FL
7. Michelet Paul - 46 N.E. 172<sup>nd</sup> Street, North Miami Beach, FL
8. Margie Love 1579 N.E. 169<sup>th</sup> Street, North Miami Beach, FL
9. Actions For A Better Future Inc. - 1733 N.E. 162<sup>nd</sup> Street, North Miami Beach, FL
10. Richard Riess - 23 N.W. 169<sup>th</sup> Street, North Miami Beach, FL
11. Mubarak Kazan - 15564 NE 12<sup>th</sup> Avenue, North Miami Beach, FL
12. Daniel Pierre - 15240 NE 10 Court, North Miami Beach FL
13. Myron Rosner - 1121 N.E. 178<sup>th</sup> Terrace, North Miami Beach, FL

Public Comment Closed

**7. APPOINTMENTS - None**

**8. CONSENT AGENDA**

**8.1 March 6, 2012 Regular Meeting Minutes (City Clerk Pamela L. Latimore)**

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to approve the consent agenda.  
(Passed 5-0; Councilwoman Kramer absent from dais, Mayor Vallejo absent)

**9. CITY MANAGER'S REPORT**

- City Manager Bonner presented a brief update to Council on the Annexation Process.
- City Manager Bonner read to Council a letter of achievement from the National Institute of Governmental Purchasing (NIGP) in reference to the Chapter President Brian O'Connor, Procurement Manager.
- City Manager Bonner informed Council that he will be contacting them for dates for an Executive Session.

Councilwoman Smith asked that the Sanitation Item be placed on the City Council Meeting Agenda for August 7, 2012.

City Manager Bonner stated that he would try to have the Executive Session scheduled on either August 7, 8, and 9<sup>th</sup>; he will be polling Council for a concrete date.

**10. CITY ATTORNEY'S REPORT**

**10.1 Litigation List (As of 7/17/12)**

City Attorney Siegel reported to Council that for the next meeting she has drafted and will be bringing forth an Ordinance for First Reading prohibiting the use of the City Seal by outside entities without the express permission of the City. It has come to the attention of the City that a local company has been using the City Seal on its advertisements.

City Attorney Siegel also reported to Council that during public comment a citizen made reference to a website that included the City of North Miami Beach in its web address. The City Attorney will be looking into any possible violation of this use; she wanted the Council and the Public to know that this organization was not affiliated with the City.

City Attorney Siegel reported that the mortgage foreclosures are beginning to move rapidly through the court system. The banks and the Courts seemingly were no longer delaying the process.

- City Clerk Latimore asked for a point of privilege. City Clerk Latimore reported that members from the Miami-Dade Supervisor of Elections Office would be available Thursday, August 19, 2012, from 10:30 p.m. to 12:30 p.m. to assist the public with voters registration, address updates, signature updates, and any other registration services that they may be in need of. The location will be right outside the City Clerk's Office.

**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**

**16.5 Ordinance No. 2012-14 – First Reading by Title Only**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CREATING AND ADOPTING AN ORDINANCE PROHIBITING CAMPAIGN CONTRIBUTIONS IN CITY ELECTIONS BY CITY VENDORS AND LOBBYISTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR A WAIVER OF THE PROHIBITION BY CITY COUNCIL; PROVIDING FOR PENALTIES; 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 Councilwoman Kramer, seconded by Councilman Derose, to amend Ordinance No. 2012-14 on First Reading by Title Only to include a definition of a relative, and to include a recipient of a grant from the City or the CRA, and the penalty for such.

**(Failed 3-3; Derose - Yes, Kramer - Yes, Martell - Yes, Pierre - No, Smith - No, Spiegel - No)** (Mayor

Vallejo absent)

**MOTION** by Councilwoman Martell, seconded by Councilman Derose, to adopt Ordinance No 2012-14 on First Reading by Title Only. **(Withdrawn)**

**MOTION** by Councilwoman Kramer, seconded by Councilman Derose, to Table Ordinance No 2012-14 on First Reading by Title Only. **(Failed 3-3; Derose - Yes, Kramer - Yes, Martell - Yes, Pierre - No, Smith - No, Spiegel - No)** (Mayor Vallejo absent)

**Ordinance Withdrawn by Sponsor Councilwoman Kramer.**

**Public Hearing Open-** The Following person(s) made comments on the record:

1. Bruce Lomberto - 3420 N.E. 165<sup>th</sup> Street, North Miami Beach, FL
2. Richard Riess – 23 N.W. 169<sup>th</sup> Street, North Miami Beach, FL

**Public Hearing Closed.** Item moved back to Council for discussion.

#### **16.1 Resolution No. 2012-54**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A ONE HUNDRED NINETY-THREE (193) SQUARE FOOT GAZEBO, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-81(A)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY FORTY-NINE (49) SQUARE FEET THE MAXIMUM ALLOWED FLOOR AREA FOR A GAZEBO OF ONE HUNDRED FORTY-FOUR (144) SQUARE FEET, WHERE GAZEBO FLOOR AREA OF ONE HUNDRED NINETY-THREE (193) SQUARE FEET IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Lot 14, Block 12, of Eastern Shores First Addition, According to the Plat Thereof, as Recorded in Plat Book 65, Page 39, of the Public Records of Miami-Dade County, Florida A/K/A 3323 N.E. 171 Street, North Miami Beach, Florida (P&Z Item No. 12-528 of June 11, 2012).

**MOTION** by Councilman Derose, seconded by Councilwoman Smith, to adopt **Resolution R2012-54.** **(Adopted 6-0** Mayor Vallejo absent)

**Jennings Disclosure:** Derose - **No**, Kramer - **No**, Martell - **No**, Smith - **No**, Spiegel - **No**, Pierre - **No** (Mayor Vallejo absent).

**ROLL CALL VOTE:** Derose - **Yes**, Kramer - **Yes**, Martell - **Yes**, Smith - **Yes**, Spiegel - **Yes**, Pierre - **Yes** (Mayor Vallejo absent).

City Clerk Latimore swore in all persons who were giving testimony on this item.

City Planner Chris Heid gave a brief Presentation on this item.

Lois Arosa - 6500 Cow Penn Road, Miami Lakes, FL., the architect for the project gave a brief presentation.

#### **16.2 Resolution No. 2012-55**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A TWO HUNDRED AND EIGHT (208) SQUARE FOOT ADDITION TO AN EXISTING SINGLE-FAMILY HOME, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-44(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THREE (3) FEET SIX (6) INCHES OF THE REQUIRED CORNER SIDE YARD SETBACK OF FIFTEEN (15) FEET, WHERE CORNER SIDE YARD SETBACK OF ELEVEN (11) FEET SIX (6) INCHES IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Lot 1, Block 159, of Fulford by the Sea, According to the Plat thereof, as Recorded in Plat Book 10, Page 29, of the Public Records of Miami-Dade County, FL. A/K/A 2100 N.E. 180 Street, North Miami Beach, Florida. (P&Z Item No. 12-527 of June 11, 2012).

**MOTION** by Councilwoman Smith, seconded by Councilwoman Kramer, to adopt **Resolution 2012-55. (Adopted 6-0 - Mayor Vallejo absent)**

**Jennings Disclosure:** There were no disclosures by Council of having spoken to applicant on this item. (Mayor Vallejo absent)

**ROLL CALL VOTE:** Derose - Yes, Kramer - Yes, Martell - Yes, Smith - Yes, Spiegel - Yes, Pierre - Yes (Mayor Vallejo absent).

City Planner Chris Heid gave a brief explanation of item.

Applicant Carlos Rivero, City of North Miami Beach City Forester, 2100 N.E. 180<sup>th</sup> Street, North Miami Beach FL.

### **16.3 Resolution No. 2012-56**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 575 SQUARE FOOT CANOPY OVER AN EXISTING WOOD DECK, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-81(2) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE FOUR (4) FEET OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK FOR A FIFTEEN (15) FEET CANOPY, WHERE CORNER SIDE YARD CANOPY SETBACK OF ELEVEN (11) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-81(2) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ELEVEN (11) FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK FOR A FIFTEEN (15) FEET CANOPY, WHERE YARD CANOPY SETBACK OF FOUR (4) FEET IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Lot 14 & 15 in Block 11, "Unit 1, Monticello Park", According to the Plat Thereof, as Recorded in Plat book 40, at Page 65, of the Public Records of Miami-Dade County, Florida. A/K/A 1101 North Miami Beach Boulevard, North Miami Beach, Florida (P&Z Item No. 12-525 of June 11, 2012).

**MOTION** by Councilwoman Smith, seconded by Councilman Derose, to adopt **Resolution 2012-56. (Adopted 6-0 - Mayor Vallejo absent)**

**Jennings Disclosure:** There were no disclosures by Council of having spoken to applicant on this item (Mayor Vallejo absent).

**ROLL CALL VOTE:** Derose - Yes, Kramer - Yes, Martell - Yes, Smith - Yes, Spiegel – Yes, Pierre – Yes (Mayor Vallejo absent).

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

Andy Portal, Director of Design and Construction for the Southeast Region International House of Pancakes, announced that the North Miami Beach IHOP was the oldest IHOP restaurant in the State of Florida and the second oldest in the United States.

#### **16.4 Resolution No. 2012-57**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 2,324 SQUARE FOOT ONE-STORY ADDITION TO AN EXISTING TWO-STORY FIRE RESCUE STATION, WHERE AN EXISTING 1,002 SQUARE FOOT ONE-STORY PORTION OF THE BUILDING WILL BE DEMOLISHED TO ACCOMMODATE THE PROPOSED ADDITION; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-55(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE FOUR (4) FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF THIRTY (30) FEET, WHERE FRONT YARD SETBACK OF TWENTY-SIX (26) FEET IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-55(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ELEVEN (11) FEET OF THE MINIMUM REQUIRED (NORTH) CORNER SIDE YARD SETBACK OF TWENTY-FIVE (25) FEET, WHERE (NORTH) CORNER SIDE YARD SETBACK OF FOURTEEN (14) FEET IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Lots 17 through 28, Lots A, B, C & D, and the 20 foot Alleys adjacent to said Lots, Block 41 as shown on the Plat of "Fulford by the Sea Section "D", According to the Plat Thereof, as Recorded in Plat Book 8 at Page 58, of the Public Records of Miami-Dade County, Florida. A/K/A 17050 N.E. 19th Avenue, North Miami Beach, Florida. (P&Z Item No. 12-526 of June 11, 2012).

**MOTION** by Councilwoman Smith, seconded by Councilwoman Kramer, to adopt Resolution 2012-57. (Adopted 6-0 - Mayor Vallejo absent).

**Jennings Disclosure:** Derose - Yes, Kramer - Yes, Martell - Yes, Smith - Yes, Spiegel - Yes, Pierre – Yes (Mayor Vallejo absent).

**ROLL CALL VOTE:** Derose - Yes, Kramer - Yes, Martell - Yes, Smith - Yes, Spiegel - Yes, Pierre – Yes (Mayor Vallejo absent).

#### **17. CITY COUNCIL REPORTS**

**Councilman Derose** expressed his sympathy to the Helton Family. He gave his appreciation to Acting Police Chief Larry Gomer for all his hard work on July 5<sup>th</sup> as he drove around making sure the community was safe.

**Councilwoman Kramer** expressed her heartfelt sympathy to the Helton Family. Congratulations and she is very excited as one of her colleagues just became a Grandmother (Councilwoman Martell). She announced that the Multi-Cultural Committee will be taking a break for the month of August.

**Councilwoman Martell** expressed condolences to the Drake Family of Washington Park, Norman  
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Edwards and his Family and to the Helton Family. She announced that the Economic Development Board will be meeting July 18, 2012 at 5:30 p.m. She wished Councilwoman Smith an early Happy Birthday. Councilwoman Martell sent congratulations to her son and his wife on the birth of their new baby.

**Councilwoman Smith** expressed her condolences to the Helton Family. She congratulated acting Chief Gomer on bringing a positive attitude to the police department. Councilwoman Smith stated that the city needed to move forward and there was a need for a vision. She thanked Judge Cohen and wished him luck.

**Councilwoman Spiegel** expressed condolences to Norman Edwards and to the Helton Family. She announced that an incredible house has come before the Planning and Zoning Board and will soon come before Council. Councilwoman Spiegel announced that next week was recycling and anyone needing a new bin should call 311.

**Vice Mayor Pierre** expressed condolences to the families on their loss. He expressed congratulations to Councilwoman Martell on the new grandbaby. Vice Mayor Pierre announced that summertime was family time and the library was open. He stated he loved all.

**18. NEXT REGULAR CITY COUNCIL MEETING**

Vice Mayor Pierre announced that the next regular meeting will be Tuesday, August 7, 2012.

City Manager Lyndon Bonner asked Council for a consensus on a time and place for the next agenda review. The next agenda review will be held Thursday, August 2, 2012 at 9:00 am.

**19. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 10:11 p.m.

ATTEST:

(S E A L)



**Pamela L. Latimore**  
City Clerk