



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, October 2, 2012
7:30 PM

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

City Manager Roslyn Weisblum
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 7:45 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Barbara Kramer and Council Members Philippe Derose, Marlen Martell, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION – The invocation was delivered by Reverend Dr. Ronald N. Fox

3. PLEDGE OF ALLEGIANCE- The pledge of allegiance was lead by Mayor and Council.

Mayor Vallejo took a moment to recognized Former City Councilman John Kurzman, Former City Councilman, State Representative John Patrick Julien, and City of Miami Beach Commissioner Ed Tobin.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

The item previously advertised relating to Mishcon Park was pulled from the agenda. Councilwoman Spiegel requested the minutes be pulled from the Consent Agenda for discussion.

5. PRESENTATIONS/DISCUSSIONS

5.1 Legislative Pre-Session Update by Representative John Patrick Julien

5.2 Proclamation Presentation to North Miami Beach Police Department Detective Craig Catlin (Councilwoman Beth E. Spiegel)

Joining Councilwoman Spiegel for this presentation was Miami Beach Commissioner Ed Tobin.

6. PUBLIC COMMENT

City Clerk Latimore read the statement for Public Comment into the record. The following person(s) made comments on the record:

1. Charles Loeb - 16800 N.E. 15th Avenue, North Miami Beach, FL
2. Catherine Christofis - 1058-64, North Miami Beach, FL
3. Sheila Robinson - 1070-1068 NMB Boulevard, North Miami Beach, FL
4. Volney Nerette - 16120 N.E. 19th Terrace, North Miami Beach, FL
5. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL
6. John Kurzman - 15499 West Dixie Highway, North Miami Beach, FL
7. Anthony DeFillipo - 1458 N.E. 177th Street, North Miami Beach, FL

7. APPOINTMENTS – None

8. CONSENT AGENDA

8.1 May 15, 2012 Regular City Council Meeting Minutes- Pulled For Discussion.

9. CITY MANAGER'S REPORT

City Manager Weisblum reported to Mayor and Council a report of goals and initiatives that she and staff would like to accomplish in the upcoming 6 months.

10. CITY ATTORNEY'S REPORT

City Attorney Siegel reported to Council that in order to make a smooth transition into the make-up of our Public Utilities Commission, Code Enforcement Board, and Planning and Zoning Board, all members of Council should begin looking for person(s) to appoint to these Boards. A list of current members was handed out to Mayor and Council.

10.1 Litigation List (As of 10/2/12)

11. MAYOR'S DISCUSSION - None

12. MISCELLANEOUS ITEMS - None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS – None

15. DISCUSSION

15.1 Charter Employee Contract – City Manager

Council had a brief discussion on the salary and benefits of the City Manager's contract.

MOTION by Councilman Derose, and seconded by Vice Mayor Kramer, to approve the City Manager's Contract, as amended. **(Passed 7-0)**

Item 8.1 May 15, 2012 Regular City Council Meeting Minutes (Pulled from Consent Agenda, Page 2)

Councilwoman Spiegel asked for a clarification from City Clerk Latimore as to how the responses to the Jennings disclosure were made. City Clerk Latimore stated the correction would be made and the response would be properly recorded. Councilwoman Spiegel also noted that a portion of the minutes relating to the discussion headed by Councilman Pierre relating to a vote of confidence for City Manager Bonner was left out. City Clerk Latimore stated that the comments will be added to the minutes.

MOTION by Councilwoman Smith, seconded by Councilwoman Spiegel, to table the May 15, 2012 Regular City Council Meeting Minutes to the next Council Meeting for the corrections. **(Passed 7-0)**

Councilwoman Smith and Councilman Pierre pointed out that corrections are needed on the Board member list. Under the Code Enforcement Board and Public Utilities Commission there needs to be an indication as to who appointed whom. Mayor Vallejo suggests that Council get with staff to clear up the inaccuracies on the list.

16. LEGISLATION

16.1 Resolution No. R2012-76

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 16,600 SQUARE FOOT TWO-STORY BUILDING THAT HAS LOST ITS LEGAL NON-CONFORMING STATUS, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-48.2(C)(6) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH FOR THE OPERATION OF A NIGHT CLUB AND BANQUET HALL ON A 31,998 SQUARE FOOT (0.73 ACRE) 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 24-58.3(D) AND SECTION 24-58.3(H)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO ALLOW ON-SITE PARKING TO REMAIN IN FRONT OF THE BUILDING AND ADJACENT TO A PRIMARY STREET (NE 164 STREET), AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-58.3(F) AND SECTION 24-58.4(A)(2) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY FIFTY (50) FEET THE MAXIMUM ALLOWED FRONT YARD SETBACK OF ZERO (0) FEET, WHERE EXISTING FRONT YARD SETBACK OF FIFTY (50) 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 24.58.3(I) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO ALLOW VEHICULAR ACCESS TO REMAIN ON NE 164 STREET, AS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-58.4(D) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THREE (3) FEET THREE (3) INCHES OF THE MINIMUM REQUIRED FIRST

FLOOR CEILING HEIGHT OF TWELVE (12) FEET, WHERE EXISTING FIRST FLOOR CEILING HEIGHT OF EIGHT (8) FEET NINE (9) INCHES IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM 24-58.4(F) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE FIVE (5) PERCENT (7' 6") OF THE MINIMUM REQUIRED BUILDING FRONTAGE OF EIGHTY-FIVE (85) PERCENT (127' 6"), WHERE EXISTING BUILDING FRONTAGE OF EIGHTY (80) PERCENT (120') IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24.58.4(G) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 45.6% (442.8 SQUARE FEET) OF THE MINIMUM REQUIRED GROUND FLOOR WINDOW AREA OF SIXTY-SIX (66) PERCENT (671.8 SQUARE FEET), WHERE GROUND FLOOR WINDOW AREA OF TWO HUNDRED TWENTY-NINE (229) SQUARE 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 24.58.4(I) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWENTY-EIGHT (28) PERCENT (590.5 SQUARE FEET) OF THE MINIMUM REQUIRED WINDOW AREA ABOVE THE GROUND FLOOR OF THIRTY-THREE (33) PERCENT (707 SQUARE FEET), WHERE EXISTING WINDOW AREA OF FIVE (5) PERCENT (116.5 SQUARE FEET) IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

Tract A, Marx subdivision, According to the Plat Thereof, Recorded in Plat Book 91, Page 20, of the Public Records of Miami-Dade County, Florida,

A/K/A
2255 N.E. 164 Street
North Miami Beach, Florida
(P&Z Item No. 12-529 of September 10, 2012).

JENNINGS DISCLOSURE: Derose - No, Kramer - No, Martell - No, Pierre - No, Smith - No, Spiegel - No, Vallejo - Yes.

Public Hearing opened by Mayor Vallejo, City Clerk Latimore swore in those speaking on the item:

1. John Kurzman - 15499 West Dixie Highway. North Miami Beach, FL - **FOR**
2. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL - **AGAINST**

Public Hearing closed. The item returned back to Mayor and Council for discussion.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to adopt **Resolution No. R2012-76** as amended with conditions (**Adopted 7-0**)

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

16.2 Ordinance No. 2012-25 First Reading by Title Only

AN ORDINANCE AMENDING SECTION 8-2 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "AD VALOREM TAXATION: ADDITIONAL HOMESTEAD EXEMPTION FOR QUALIFYING SENIOR CITIZENS" TO BE APPLIED TO MILLAGE RATES LEVIED BY MIAMI-DADE COUNTY; INCREASING THE HOMESTEAD EXEMPTION FOR QUALIFYING SENIOR CITIZENS BY \$25,000.00 FROM \$25,000.00 TO UP TO \$50,000.00; 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.

Public Hearing opened by Mayor Vallejo. The following persons made comments on the record:

1. John Kurzman - 15499 West Dixie Highway, North Miami Beach, FL
2. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL
3. Ringo Cayard -1699 N.E. 163rd Street, North Miami Beach, FL

Public Hearing Closed. The item returned back to Mayor and Council for discussion.

MOTION by Councilman Derose, and seconded by Councilwoman Smith, to adopt **Ordinance No. 2012-25** on First Reading by Title Only (**Adopted** 7-0).

Councilman Derose gave a brief explanation of this item.

16.3 Ordinance No. 2012-26 First Reading by Title Only

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-49 ENTITLED "ECONOMIC DEVELOPMENT COMMISSION"; MODIFYING THE NUMBER OF MEMBERS OF THE COMMISSION (2-49.1), THE QUORUM OF THE COMMISSION (2-49.3), AND THE SCHEDULE OF THE COMMISSION'S REGULAR MEETINGS (2-49.5); 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.

Public Hearing opened by Mayor Vallejo. The following person(s) made comments on the record:

1. Anthony Defillipo - 1458 N.E. 177th Street, North Miami Beach, FL

Public Hearing Closed. The item returned back to Mayor and Council for discussion.

MOTION by Councilman Derose, seconded by Councilwoman Martell, to adopt **Ordinance No. 2012-26** on First Reading by Title Only. (**Adopted** 6-1, Councilwoman Smith voted No.)

16.4 Ordinance No. 2012-27 First Reading by Title Only

AN ORDINANCE AMENDING CHAPTER XIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "BUILDING AND HOUSING" AND

AMENDING SECTION 14-8.13 ENTITLED "CODE ENFORCEMENT BOARD; ORGANIZATION; SPECIAL MAGISTRATES" BY ESTABLISHING A NEW CODE ENFORCEMENT BOARD; BY PROVIDING FOR EACH COUNCIL MEMBER TO APPOINT A MEMBER TO THE BOARD; BY PROVIDING FINANCIAL DISCLOSURE OF ITS MEMBERS; 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.

Mayor Vallejo opened the Public Hearing, seeing none the Public Hearing was closed.
The item returned back to Mayor and Council for discussion.

MOTION by Councilman Derose, and seconded by Vice Mayor Kramer, to adopt **Ordinance No 2012-27** on First Reading by Title Only, as amended. (**Adopted 7-0**)

A brief explanation of the item was given by City Attorney Siegel.

16.5 Ordinance No. 2012-28 First Reading by Title Only

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT" AND AMENDING SECTION 2-67 ENTITLED "PLANNING AND ZONING BOARD", BY ESTABLISHING A NEW PLANNING AND ZONING BOARD; BY CREATING QUALIFICATIONS OF MEMBERS; REQUIRING FINANCIAL DISCLOSURE OF BOARD MEMBERS; BY PROVIDING FOR EACH COUNCILMEMBER TO APPOINT A MEMBER TO THE BOARD; BY DELETING THE COMPENSATION PROVISION; BY CHANGING THE TIME AND FREQUENCY OF THE BOARD MEETINGS; BY PROVIDING FOR POSTING OF NOTICE OF MEETINGS ON THE CITY'S WEBSITE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing opened by Mayor Vallejo. The following person(s) made comments on the record:

1. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL
2. Volney Nerette - 16120 N.E. 19th Terrace, North Miami Beach, FL

The item was returned to Mayor and Council for discussion.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to adopt **Ordinance No. 2012-28** on First Reading by Title Only. (**Adopted 7-0**)

A brief explanation of the item was made by City Attorney Siegel.

16.6 Ordinance No. 2012-29 First Reading by Title Only)

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF GOVERNMENT" AND AMENDING SECTION 2-55 ENTITLED "PUBLIC UTILITIES COMMISSION" BY ESTABLISHING A NEW PUBLIC UTILITIES COMMISSION; BY PROVIDING FOR EACH

COUNCIL MEMBER TO APPOINT A MEMBER TO THE COMMISSION; BY REQUIRING FINANCIAL DISCLOSURE OF COMMISSION MEMBERS; BY DEFINING A QUORUM OF THE COMMISSION; BY DESIGNATING THE CLERK OR HIS/HER DESIGNEE AS THE COMMISSION'S SECRETARY; AND BY CREATING A NEW SUB-SECTION ENTITLED "QUALIFICATION OF MEMBERS"; 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.

Public Hearing opened by Mayor Vallejo. Seeing none Public Hearing closed. The item returned to Mayor and Council for discussion.

MOTION by Councilman Derose, and seconded by Councilwoman Smith, to adopt **Ordinance No. 2012-29** on First Reading by Title Only. (**Passed** 7-0)

A brief explanation was given by City Attorney Siegel.

16.7 Ordinance No. 2012-30 First Reading by Title Only

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT"; MODIFYING SECTION 2-1 ENTITLED "CITY COUNCIL" BY AMENDING RESCHEDULED MEETINGS (2-1.1b) AND BY CREATING A VOTING ORDER FOR ALL VOTES TAKEN BY THE MAYOR AND CITY COUNCIL (2.1.1c); 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.

Public Hearing opened by Mayor Vallejo. The following person(s) made comments on the record:

1. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL
2. Charles Loeb - 16800 N.E. 15th Avenue, North Miami Beach, FL

The Public Hearing Closed.

MOTION by Mayor Vallejo, seconded by Councilman Pierre, to amend **Ordinance No. 2012-30** (**Adopted** 5-2, Councilwoman Smith voted No, Councilwoman Spiegel voted No)

MOTION by Councilman Derose, seconded by Councilwoman Martell to adopt **Ordinance No. 2012-30**, as amended on First Reading by Title Only. (**Adopted** 6-1, Councilwoman Spiegel voted No)

17. CITY COUNCIL REPORTS

Councilman Derose stated that he has observed that there is still trash and debris throughout the City from Tropical Storm Isaac. He asked the City Manager if there was a reason for the clean-up delay. Councilman Derose announced that he attended a meeting with Council General of Haiti, the President of Haiti is scheduling to come to the City of North Miami Beach and has requested a Waiver of Fee for the use of the McDonald Center and the Littman Theater.

There was a Discussion by Mayor and Council on the request. A decision to get further details on the event and bring it back to Council so that a discussion can be had on the exact costs the City will expend on In-Kind Services and consideration of fee waivers.

Councilwoman Martell read a statement that came from the National League of Cities in reference to visioning. She stated that she felt that the City of NMB was headed in that direction. She wished Former Councilman David Templer and her father a Happy Birthday. Councilwoman Martell announced that October was Breast Cancer Awareness Month, in Honor of her aunt who was diagnosed and passed away at an early age from breast cancer; Three Chicks Pizza located in Coral Springs, FL. will be donating 20 percent of each bill to Breast Cancer Awareness on October 21, 2012. She urged everyone to get tested early.

Councilman Pierre Congratulated City Manager Weisblum on her first meeting. He wished Councilwoman Martell a Happy Birthday and everyone who was having a Birthday in October. Councilman Pierre invited everyone to come out and participate in Saturday's Walk against Domestic Violence. He encouraged everyone to speak out against violence everywhere.

Councilwoman Smith - asked that everyone come out and support the Walk against Domestic Violence, she stated that there will be music, a rally a great time for an unbelievable cause. The walk will be at the amphitheater behind the library, registration starts at 7am and the walk starts at 9am. She welcomed City Manager Weisblum and wished Councilwoman Martell a happy birthday. Councilwoman Smith reminded everyone that October was breast Cancer Awareness Month as she is reminded by a many of personal friends who were affected. She prays that this disease will be eradicated with all our support. She announced that in two weeks she will be welcoming her new grand nephew.

Councilwoman Spiegel announced that October 15th at 7:00 p.m. the Commission on the Status of Women would be meeting. On Saturday October 6th the Domestic Violence Awareness Walk will be held. The theme is "Standing together against Domestic Violence". Councilwoman Spiegel stated that there was no reason for Domestic Violence and if there was anyone who was a victim they should call the police, get to a safe space, and seek an injunction. She asked Chief Gomer to reach out Former Councilman Templer. Councilwoman Spiegel announced that October was Breast Cancer Awareness Month and if someone did not have health insurance they should seek out an agency or hospital that is providing mammograms at a minimum cost. She wished a Happy Simchat to those who are celebrating. She reminded everyone that recycling was on Wednesday and to get their cans out. She announced the 35th anniversary of graduating from Law School.

Vice Mayor Kramer stated ditto on all the previous comments. She wished Councilwoman Martell a Happy Birthday. She announced that the Multi-Cultural meeting has been changed to October 15th and anyone wishing to join a great committee should come out on October 15th.

Mayor Vallejo announced that there will be a Pension Workshop on October 3, 2012 and Senator Ron Silver is sponsoring a Voter Outreach at Moe's and he is buying the bagels. Mayor Vallejo announced that on October 8th, Anthony's Coal Fire Pizza will donate 20 percent of every purchase to the Mystic Force Foundation to fight Childhood Cancer. He wished Councilwoman Martell a Happy Birthday. Mayor Vallejo announced the next meeting and called for an adjournment.

18. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, October 16, 2012

19. ADJOURNMENT

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

ATTEST:

(SEAL)



Pamela L. Latimore
City Clerk