



CITY OF NORTH MIAMI BEACH
Rescheduled City Council Meeting Minutes
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Wednesday, November 7, 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

RESCHEDULED MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:38 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 – Reverend Dr. Marta Burke, Fulford United Methodist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Mayor and Council.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA – A request to add 5.3 Proclamation Presentation. Request to withdraw 5.2.

5. PRESENTATIONS/DISCUSSIONS

5.1 Proclamation Presentation Recognizing November 15, 2012 as Homeless Awareness Day (Vice Mayor Barbara Kramer) - Hilda Fernandez, Dept. Director of the Miami-Dade Trust accepted the Proclamation from Vice Mayor Kramer.

5.2 Proclamation Recognizing the week of November 11 - 17 as Elevator Escalator Safety Awareness Week (Mayor George Vallejo) **Withdrawn**

5.3 Proclamation Presentation Recognizing Leonard Sperrazza (Councilwoman Phyllis Smith) Councilwoman Smith made this presentation in honor of Leonard Sperrazza in his absence it will be delivered to him by Members of the North Miami Beach Police Department.

6. PUBLIC COMMENT – City Clerk Latimore read the statement for Public Comment.

To All Citizens Appearing Under Public Comment

The Council has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation? We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

Speaking Before the City Council

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

Pledge of Civility

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution No. R2007-57, 11/06/07 and R2011-22, 4/26/11)

The following person(s) made comments on the record:

1. Charles R. Loeb - 16800 N.E. 15th Avenue, Miami, FL.
2. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL
3. Richard Reiss - 23 N.W. 169th Street, North Miami Beach, FL

7. APPOINTMENTS

7.1 Swearing In of City Manager Roslyn B. Weisblum (City Clerk Pamela L. Latimore)

City Manager Weisblum was sworn in by City Clerk Latimore. City Manager Weisblum joined by members of her family made a brief statement.

7.2 Multi-Cultural Committee (Vice Mayor Barbara Kramer)

MOTION by Vice Mayor Kramer, seconded by Councilman Pierre, to appoint Andrzes Maslanka to the **Multi-Cultural Committee. (Passed 7-0)**

7.3 Board Appointments (Pamela L. Latimore)

MOTION by Councilwoman Spiegel, seconded by Councilman Derosé, to appoint Peter Roland (Vallejo), Ketley Joachin (Derosé), Barry Moses (Kramer), Dr. Barry Schugar (Spiegel), Larry Thompson (Martell), and Eduardo St. Hillare (Smith) to the **Code Enforcement Board. (Passed 7-0)**

MOTION by Councilwoman Spiegel, seconded by Councilman Derosé, to appoint Saul Smukler (Vallejo), Joseph Litowich (Derosé), Evan Piper (Kramer), Hector Marrero (Spiegel), Anthony Defillipo (Martell), and Julian Kriesberg (Smith) to the **Planning & Zoning Board. (Passed 7-0)**

Councilwoman Spiegel asked that since certain volunteers have been vetted by the City due to their standing terms on other Boards and Committees that they included in the vote.

MOTION by Councilwoman Spiegel, seconded by Councilman Pierre, to appoint Chuck Asarnow (Vallejo), Mary Hilton (Kramer), Charles Cook (Spiegel), Michael Casey (Martell), and Carlos Azevado (Pierre) to the **Public Utilities Commission. (Passed 7-0)**

8. CONSENT AGENDA

8.1 Meeting Minutes of June 5, 2012 (City Clerk Pamela L. Latimore)

8.2 Resolution No. R2012-79

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 CONTROL COMMUNICATIONS, INC. FOR THE TWO-WAY RADIO SYSTEM NARROWBANDING AND UPGRADE.

MOTION by Councilman Derosé, seconded by Vice Mayor Kramer, to approve the **Consent Agenda. (Passed 7-0)**

9. CITY MANAGER'S REPORT

City Manager Weisblum announced that Interim Chief Larry Gomer has accepted the position of Police Chief. He will be sworn in on November 20, 2012. She announced that Public Information Officer Mark Perkins is now working in the Mayor and Council Office. City Manager Weisblum announced that since the library has extended hours the usage has continued to increase.

10. CITY ATTORNEY'S REPORT

City Attorney Siegel reported that a new lawsuit has been filed against the City and it will be handled in house.

10.1 Litigation List (As of 11/7/12)

11. MAYOR'S DISCUSSION - None

12. MISCELLANEOUS ITEMS - None

- 13. **WAIVER OF FEE** – None
- 14. **BUSINESS TAX RECEIPTS** – None
- 15. **DISCUSSION** - *None*
- 16. **LEGISLATION**

16.1 Resolution No. R2012-75

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 57,600 SQUARE FOOT MULTI-PURPOSE SPORTS FIELD AND RELATED PARKING AND FENCING ON A TWO (2) ACRE PARCEL OF LAND, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: (LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A") A/K/A 16601 N.E. 15th Avenue, North Miami Beach, Florida (P&Z Item No. 12-530 of August 20, 2012)

Jennings Disclosure- Members of Council spoke to staff on the matter and/or participated in a workshop. Councilman Derose does not recall.

City Clerk Latimore swore in person(s) speaking on this item.

Paulette Murphy gave a brief presentation of the item.

There was a discussion by Mayor and Council with Staff on this item.

Mayor Vallejo opened the Public Hearing, the following persons made comments on the record:

- 1. Charles Loeb - 16800 N.E. 15th Avenue, North Miami Beach, FL
- 2. Barry Sharpe - 1060 East 33rd Street, Hialeah, FL
- 3. Brent Carreway - 1530 N.E. 159th Street, North Miami Beach, FL
- 4. Wilber Maceo - 1540 N.E. 165th Street, North Miami Beach, FL
- 5. Brian Sharpe - 1060 East 33rd Street, Hialeah, FL
- 6. Richard Riess - 23 N.W. 169th Street, North Miami Beach, FL
- 7. Anthony Defillipo - 1458 N.E. 177th Street, North Miami Beach, FL
- 8. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL

MOTION by Councilman Derose, seconded by Vice Mayor Kramer, to adopt **Resolution No. R2012-75** with 9 conditions. (**Adopted 6-1**) Councilwoman Smith Voted No.

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

16.2 Resolution No. R2012-87

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING A TRAVEL POLICY TO PROVIDE GENERAL AND SPECIFIC POLICIES REGARDING THE ALLOWABILITY OF EXPENDITURES AND TO PROVIDE PROCEDURES FOR PAYMENT THEREOF.

MOTION by Councilman Derose, seconded by Vice Mayor Kramer, to adopt **Resolution No. R2012-87. (Adopted 5-2)** Councilman Pierre voted No, Councilwoman Spiegel voted No.

Finance Director Janette Smith gave a brief explanation of the item.

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

1. Mubarak Kazan - 15564 N.E. 12th Avenue, North Miami Beach, FL
2. Anthony Defillipo - 1458 N.E. 177th Street, North Miami Beach, FL

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

MOTION by Councilman Derose, seconded by Vice Mayor Kramer, to adopt **Resolution No. R2012-87. (Adopted 5-2)** Councilman Pierre voted No, Councilwoman Spiegel voted No.

16.3 Ordinance No. 2012-25 – Second and Final Reading (City Attorney Darcee S. Siegel)

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.

Mayor Vallejo opened the Public Hearing. 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, Miami, FL

Public Hearing Closed. This item was returned to Mayor and Council for discussion.

MOTION by Councilwoman Spiegel to **Table** item. Lack of second. **MOTION died.**

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt **Ordinance No. 2012-25. (Passed 7-0)**

ROLL CALL VOTE: Martell Yes, Pierre Yes, Smith Yes, Spiegel Yes, Derose Yes, Kramer Yes, Vallejo Yes. (Councilwoman Spiegel changed vote to Yes to unify vote).

16.4 Ordinance No. 2012-26 – Second and Final Reading (City Attorney Darcee S. Siegel)

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.

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

Mayor Vallejo opened Public Hearing, seeing none Public Hearing Closed.

The item was returned to Mayor and Council for discussion.

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

16.5 Ordinance No. 2012-30 Second and Final Reading (City Attorney Darcee S. Siegel)

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.

MOTION by Councilman Derose, seconded by Vice Mayor Kramer, to adopt **Ordinance No. 2012-30 (Adopted 6-1)** Councilwoman Spiegel voted No.

City Attorney gave a brief explanation of the item.

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

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

Mayor Vallejo closed the Public Hearing. This item was returned to Mayor and Council for discussion.

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

17. CITY COUNCIL REPORTS

Councilman Derose congratulated President Barak Obama on his re-election and running of a successful campaign. Councilman Derose stated that he hoped for Democrats and Republicans to be able to come together to better the greatest Country in the world.

Vice Mayor Kramer stated that she was glad that Councilwoman Smith was contacted on the departure of Lenny Sperrazza, she thanked him for all he did for this Country and this City. Vice Mayor Kramer

congratulated City Manager Weisblum on her swearing in and becoming the City Manager. She announced that the Homeless Trust would be recognizing Homeless Awareness Day on November 15th 2012. She stated that the "Sock on a String" campaign was going well and if anyone had socks to drop off they could do so in several City facilities or contact her for pick-up. Vice Mayor Kramer announced the Friday Night Cultural Cinema movie will be a League of Their Own, there will not be a meeting on Monday due to it being Veteran's Day. The next Multi-Cultural meeting will be November 15th. Please contact her if anyone wants to join.

Councilwoman Martell wished her husband, Vice Mayor Kramer, Commissioner Salley Heyman, and Councilman Derose an early Happy Birthday. She wished Lenny all the best and stated that he will be missed. Councilwoman Martell thanked the Civil Service Board for all their hard work. She encouraged all Citizens to join a Board and volunteer for the city. Councilwoman Martell expressed how proud she was of the many voters who came out to vote.

Councilman Pierre expressed congratulations to City Manager Weisblum and Chief Gomer. He reminded everyone that the library hours have been extended and he is glad to see that the community is taking advantage of it. Councilman Pierre invited the community to come out and show some support for our Veteran's at the City's Veterans Day Celebration on Monday at 10:00 a.m. at the Amphitheater.

Councilwoman Smith congratulated our New City Manager and Police Chief, she stated that Chief Gomer had a big job ahead of him and full support of the Council. She expressed that she hoped Jules Littman was recovering well at home. She wished all who were celebrating Birthday's a Happy Birthday. Councilwoman Smith stated that she attended the City's Halloween event and there was a lot of entertainment and fun for the admission of \$5.00. She thanked the staff and volunteers for all their hard work. She wished Lenny a safe journey and she was looking forward to hearing from him once he got settled. She expressed her gratitude for all he did for the City. Councilwoman Smith expressed the importance of voting and how it was amazing to see everyone who stood in line for hours to vote. She stated that there should be standing room only at the Veterans Day Celebration. She announced the Senior Luncheon is on Friday and the Senior trip to Gulfstream Park on November 29th from 10:00 a.m. to 3:30 p.m.

Councilwoman Spiegel announced that the Planning and Zoning board meeting is cancelled due to Veterans Day. She wishes to thank all the citizens who volunteer and sit on the board. She also wishes to thank all of the person(s) who were out working at the polls on yesterday for the Election. She urged everyone to go back and remember their Civics lesson. She thanks the Citizens of the State of Florida for keeping the three branches of government independent, and she wants to remind the State Legislators that the three branches should remain independent. She is in awe of this Country and she is so proud of it. Next Wednesday is recycling get your bins out.

Mayor Vallejo thanked his colleagues for the earlier vote on the Mishcon Park item. This shows that we are moving in the right direction. He wished Vice Mayor Kramer and Commissioner Sally Heyman a Happy Birthday. The Mayor announced that he and Councilwoman Smith were going to be Principals today at Sabal Palm Elementary and Greynolds Park Elementary. He congratulated Chief Gomer on becoming the Chief. He announced that the current crime report shows crime is down in the City of North Miami Beach. He congratulated President Obama on his re-election. He stated that our thoughts are with our neighbors in the Northeast after Hurricane Sandy. He will be attending an event later this evening where they will be collecting supplies.

18. NEXT REGULAR CITY COUNCIL MEETING –

Tuesday, November 20, 2012

19. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:06 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk