



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, November 1, 2011

7:30 PM

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

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

2. INVOCATION – Rabbi Avrohom Anton, Samuel Scheck Hillel Community Day School

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

City Attorney Siegel made a request to defer Ordinance No. 2011-18 and Ordinance No. 2011-19. Ordinance No. 2011-18 to the November 15th meeting and Ordinance No. 2011-19 will be bought back at a later meeting, date uncertain.

5. PRESENTATIONS/DISCUSSIONS

Councilman Derose announced that Councilman Pierre was absent due to a death in his family. The Council expressed their condolences.

Councilwoman Spiegel asked if the City Clerk had completed the request of distributing Board Applications to the Council as requested at the last meeting.

City Clerk Latimore explained that due to a death in her family she had been out of the office all week but would have the information to council at the next scheduled meeting.

Council expressed their condolences.

6. APPOINTMENTS - *None*

7. CONSENT AGENDA

7.1 Resolution No. R2011-58

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING A \$6,309.00 FEDERAL AWARD FOR THE DOMESTIC VIOLENCE PROJECT.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to approve the Consent Agenda. (**Approved 6-0**)

8. CITY MANAGER'S REPORT

8.1 The City Manager's report was presented by Assistant City Manager Weisblum who reported on issues that concern the Eastern Shores Special Taxing District. She gave a brief overview as to how the funds from the special taxing district were handled per the contract. There is a surplus in the fund and there is a review to try and determine who the surplus belongs to. There will be a future report as to the findings of the review.

9. CITY ATTORNEY'S REPORT

9.1 City Attorney Siegel reported that she has been working diligently on the Seay Towing matter. She informed Council that she will be calling an Executive Session in December to discuss a possible settlement.

City Attorney Siegel reported that the Council should have received a proposal of HSB 635 on pensions from Representative John Julien. She stated that she was sending her comments to him and she will be giving him assistance as needed.

10. MAYOR'S DISCUSSION

Mayor Vallejo asked that items that are proposed before Council for a vote be dealt with more expeditiously. If workshops or meetings were needed then they should be scheduled, but he wanted to emphasize the need for speed.

11. PUBLIC COMMENT

City Clerk Latimore read the rules for public comment.

The following person (s) spoke:

1. Marilyn Baumohl, 18635 N.E. 20th Court, North Miami Beach, FL
2. Bert Kehren, 3302 N.E. 171st Street, North Miami Beach, FL

12. MISCELLANEOUS ITEMS – *None*

13. WAIVER OF FEE – *None*

14. **BUSINESS TAX RECEIPTS - None**

15. **LEGISLATION**

MOTION by Councilman Derose, seconded by Councilwoman Spiegel, to introduce Resolution No. R2011-57

15.1 Resolution No. R2011-57

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 TWO-STORY SINGLE-FAMILY HOUSE TOTALING 5,397 SQUARE FEET ON A 9,350 SQUARE FOOT (0.21 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 24-41(D)(5) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY FIVE FEET (5') SIX INCHES (6") THE MAXIMUM BUILDING HEIGHT OF THIRTY FEET (30'), WHERE BUILDING HEIGHT OF THIRTY-FIVE FEET (35') SIX INCHES (6") IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D)(7) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY 366 SQUARE FEET THE MAXIMUM ALLOWED LOT COVERAGE OF 3,740 SQUARE FEET (40%), WHERE LOT COVERAGE OF 4,106 SQUARE FEET (43.9%) IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 463 SQUARE FEET OF THE MINIMUM REQUIRED FRONT YARD PERVIOUS AREA OF 1,488 SQUARE FEET (70%), WHERE FRONT YARD PERVIOUS AREA OF 1,025 SQUARE FEET (48.2%) IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-41(D)(8) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 755 SQUARE FEET OF THE MINIMUM REQUIRED PERVIOUS LOT AREA OF 3,740 SQUARE FEET (40%), WHERE PERVIOUS LOT AREA OF 2,985 SQUARE FEET (31.9%) IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-85(A) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWO FEET (2') SIX INCHES (6") OF THE MINIMUM REQUIRED REAR POOL SETBACK OF SEVEN FEET (7') SIX INCHES (6"), WHERE REAR POOL SETBACK OF FIVE FEET (5') IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: Lot 15, Block 11, of "Eastern Shores 1st Addition" According to the Plat Thereof as Recorded in Plat Book 65 at Page 39 of the Public Records of Miami-Dade County, Florida

A/K/A
3301 N.E. 170 Street
North Miami Beach, Florida
(P&Z Item No. 11-510 of October 17, 2011).

Public Hearing Opened.

There were no disclosures by Council as to contact with the applicant as it pertains to this item.

City Clerk Latimore swore in the speakers. The following person(s) spoke on this item:

1. Bert Kehren, 18635 NE 20th Court, North Miami Beach, FL
2. Robert Taylor, 1951 N.E. 157th Terrace, NorthMiami Beach, FL
3. Ismael Gonzalez, 3301 N.E. 170th Street, North Miami Beach, FL (Property owner)

Public Hearing Closed. Back to Council for Discussion

MOTION by Councilman Derose, seconded by Vice Mayor Smith, to adopt Resolution No. R2011-57, with 9 conditions placed on the record by Community Development. (**Approved 6-0** Councilman Pierre was absent).

15.2 Ordinance No. 2011-18 (First Reading, by Title Only) WITHDRAWN

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 DELETING THE SUPER MAJORITY CITY COUNCIL APPROVAL REQUIREMENT; ADDING AN EXPIRATION DATE FOR CONDITIONAL USE APPROVALS; EXTENDING THE EXPIRATION TIME FOR VARIANCES; MODIFYING NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS TO CONFORM WITH FLORIDA STATE STATUTES; 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.

15.3 Ordinance No. 2011-19 (First Reading, by Title Only) WITHDRAWN

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING SECTION 1 OF THE COMPREHENSIVE PLAN ENTITLED "FUTURE LAND USE", BY DELETING POLICY 1.8.3 TO CHANGE THE CURRENT NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS TO CONFORM WITH FLORIDA STATE STATUTES AND RENUMBERING THE POLICIES TO BE CONSISTENT; AUTHORIZING THE TRANSMITTAL OF THIS AMENDMENT FOR REVIEW TO THE APPROPRIATE AGENCIES; 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 Smith, to introduce Ordinance No. 2011-16.

15.4 Ordinance No. 2011-16 (Second and Final Reading)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER 24 APPENDIX A OF THE CITY'S CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT FEE SCHEDULE"; CHANGING FEES ASSOCIATED WITH PROCESSING LAND DEVELOPMENT APPLICATIONS TO ENCOURAGE REDEVELOPMENT IN THE CITY; 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. The following person (s) spoke:

1. Ari Sklar, 20131 N.E. 21st Avenue, Miami, FL
2. Bert Kehren, 3302 N.E. 171st Street, North Miami Beach, FL

Public Hearing Closed. Item brought back to Council for discussion.

MOTION by Councilwoman Spiegel, seconded by Vice Mayor Smith, to approve Ordinance No. 2011-16, as amended (**Approved 6-0** Councilman Pierre was absent).

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

The following person(s) were recognized to speak before the Council on Public Comment.

1. Diane Hayhurst, 16490 N.E. 31st Avenue, North Miami Beach, FL
2. Bert Kehren, 3302 N.E. 171st Street, North Miami Beach, FL

16. CITY COUNCIL REPORTS

Councilman Derose sent his condolences to Councilman Pierre and his family and to the family of the City Clerk. He asked that we keep the families in prayer.

Councilwoman Kramer extended her condolences to Councilman Pierre and his wife on the passing of his mother; she also expressed her condolences to the City Clerk and her husband on the passing of his mother. Councilwoman Kramer stated that they are looking for volunteers for the Multi-Cultural Committee, if you would like to become a member you can come to the meetings and see what they are all about. The meetings are held on the 2nd Monday of the month and the next meeting will be November 14, 2011. She wished a Happy Eid al-Adha, a Feast of the Sacrifice it is a gathering of people for peace celebrated by persons of the Muslim faith. Councilwoman Kramer reminded everyone of Daylight Savings Time, and the city's Veteran's Day Ceremony at Challenger Park.

Councilwoman Martell thanked the Parks and Recreation staff for a wonderful job with Monster Mash. She congratulated Councilwoman Kramer, Evan Piper, and Yona Lunger on their appointment to the North Miami Beach Chamber of Commerce. Councilwoman Martell wished Councilwoman Kramer and her husband Steve a Happy Birthday. She sent congratulations to her son on the passing of his certified paramedic's exam, and to Vice Mayor Smith on the arrival of her grandson. She thanked the Police Department for their quick response to a neighborhood incident and for being out there. Councilwoman Martell sent her condolences to the Pierre family and to the family of the City Clerk.

Councilwoman Spiegel extended her condolences to the Pierre and Latimore family. Wishing them comfort in the memory of their loved one. She reminded everyone that tomorrow is recycling day. She announced that November 11th was Veterans Day Memorial and thanked all who served and their families. Councilwoman Spiegel announced that the Planning and Zoning (P&Z) meeting had been cancelled, she wished Councilwoman Kramer a Happy Birthday, congratulations to Grandma Smith and she acknowledged the presence of her brother in the audience.

Vice Mayor Smith extended condolences to the families of Councilman Pierre and City Clerk Latimore. She referenced the eating of a hardboiled egg in the Jewish faith that represented how life continues. Vice Mayor Smith said that she hopes that staff is listening and that the CRA has to straighten out. Vice Mayor Smith reminded everyone that tomorrow the West Dixie Highway Business Association will meet between 5:30-7:30 p.m. at the Spanish Monastery. She stated that she and Dr. Greenleaf were getting the business together to coordinate and help the city move forward. She welcomed her new grandson Prescott Bradley, and wished her husband a Happy 46th Wedding Anniversary.

Mayor Vallejo expressed condolences to Councilman Pierre and Ms. Latimore and their families on their loss. He thanked Leisure Services for a great event and said that they did a fantastic job with Monster Mash. Mayor Vallejo thanked his colleagues for passing the Ordinance on the reduction of fees. He feels this Ordinance will improve the business climate and assist the residents. He congratulated Councilwoman Smith on the new baby, wished Councilwoman Kramer and Steve a Happy Birthday. He also wished his son Antonio a Happy 9th Birthday.

Councilwoman Kramer wished Yona Lungar and Commissioner Sally Heyman a Happy Birthday. She also recognized that October was American Indian Month.

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, November 15, 2011

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:37 p.m.

ATTEST:

(S E A L)



Pamela L. Latimore
City Clerk