



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19 Avenue
North Miami Beach, FL 33162
Tuesday, August 7, 2012
7:30 PM

Mayor George Vallejo
Vice Mayor Frantz Pierre
Councilman Philippe Derose
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

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

AGENDA

1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION** - Reverend Dr. Marta Burke, Fulford United Methodist Church
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**
 - 5.1 **Certificate of Recognition presentation to the North Miami Beach High School JROTC Unit (Mayor George Vallejo)**
 - 5.2 **Quarterly Financial Analysis - 3rd Quarter of Fiscal Year 2012 (Finance Director Janette Smith)**
6. **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 Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

7. APPOINTMENTS

7.1 Redevelopment Advisory Board (Councilwoman Beth E. Spiegel)

Jarret Gross

8. CONSENT AGENDA

8.1 March 20, 2012 Regular Meeting Minutes (City Clerk Pamela L. Latimore)

8.2 April 17, 2012 Regular Meeting Minutes (City Clerk Pamela L. Latimore)

8.3 Resolution No. R2012-59 (Public Services Director Shari Kamali)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE 2012 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, TO PROVIDE TREES THROUGHOUT MARTIN LUTHER KING PARK.

8.4 Resolution No. R2012-60 (Chief Procurement Officer Brian O'Connor)

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 ODYSSEY MANUFACTURING COMPANY FOR SODIUM HYPOCHLORITE.

8.5 Resolution No. R2012-61 (City Attorney Darcee S. Siegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SEEKING FUNDS FROM THE STATE OF FLORIDA'S DEPARTMENT OF ENVIRONMENTAL PROTECTION TO REMEDIATE GROUND CONTAMINATION AND CLEAN UP EFFORTS AT THE CITY'S TAYLOR PARK.

9. CITY MANAGER'S REPORT

9.1 Administrative Investigation Complaint #IA0510.12

9.2 North Miami Beach Amateur Athletic Union (AAU) Basketball Team

9.3 Forfeiture (LETF) Appropriation Request

10. CITY ATTORNEY'S REPORT

10.1 Litigation List (City Attorney Darcee S. Siegel)

As of August 7, 2012.

11. MAYOR'S DISCUSSION

12. MISCELLANEOUS ITEMS - *None*

13. WAIVER OF FEE - *None*

14. BUSINESS TAX RECEIPTS - *None*

15. DISCUSSION ITEMS

15.1 Cancellation of December 18, 2012 Council Meeting

15.2 Review of Charter Employees' Contracts

16. LEGISLATION

16.1 Resolution No. R2012-28 (Public Services Director Shari Kamali)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH WASTE PRO OF FLORIDA, INC, THE FIRST-RANKED FIRM, FOR WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES FOR THE CITY OF NORTH MIAMI BEACH.

16.2 Resolution No. R2012-58 (City Attorney Darcee S. Siegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACKNOWLEDGING A CRITICAL PATH SCHEDULE FOR THE DEVELOPMENT KNOWN AS MARINA GRANDE LOCATED AT 17201 BISCAYNE BOULEVARD, NORTH MIAMI BEACH, FLORIDA.

16.3 Ordinance No. 2012-15 - First Reading by Title Only (City Attorney Darcee S. Siegel)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DESIGNATING THE OFFICIAL MUNICIPAL SEAL AND ADOPTING THE PROVISIONS OF SECTION 165.043 OF THE FLORIDA 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.

16.4 Ordinance No. 2012-16 - First Reading by Title Only (City Attorney Darcee S. Siegel)

AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS" BY AMENDING SECTION 12-2.12 ENTITLED "NUDITY; SEXUAL CONDUCT PROHIBITED"; AND AMENDING CHAPTER XIII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "ADULT ENTERTAINMENT CODE" BY AMENDING SECTIONS 13-43 AND 13-49(D) ENTITLED "PROSCRIPTIONS WHERE ALCOHOLIC BEVERAGES ARE SOLD, DISPENSED OR PERMITTED AND WHERE FOOD OR BEVERAGES ARE SOLD OR DISPENSED" AND "ENGAGED IN PROHIBITED ACTIVITY", RESPECTIVELY, BY PROVIDING FOR THE CONTINUATION AND EXEMPTION OF ESTABLISHMENTS EXISTING ON OR BEFORE JULY 1, 2012; PROVIDING FOR THE REPEAL OF ALL

ORDINANCES OR PARTS OR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

16.5 Ordinance No. 2012-17 - First Reading by Title Only (City Attorney Darcee S. Siegel)

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE II, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "ALCOHOLIC BEVERAGES" BY AMENDING SECTION 12-2.2, SUBSECTION c.1-5, TO REQUIRE A TWELVE-MONTH WAITING PERIOD AFTER THE DENIAL OF A 4:00 A.M. TO 6:00 A.M. EXTENDED LICENSE PRIOR TO A SUBSEQUENT APPLICATION FOR THE EXTENDED LICENSE; 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

16.6 Ordinance No. 2012-11 - Second and Final Reading (City Planner Christopher Heid)

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.

16.7 Ordinance No. 2012-12 - Second and Final Reading (City Planner Christopher Heid)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, 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.

16.8 Ordinance No. 2012-13 - Second and Final Reading (City Planner Christopher Heid)

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.

17. CITY COUNCIL REPORTS

18. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, August 21, 2012

19. ADJOURNMENT



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
DATE: Tuesday, August 7, 2012

RE: Redevelopment Advisory Board (Councilwoman Beth E. Spiegel)

BACKGROUND: None.
RECOMMENDATION: Approval.
FISCAL IMPACT: None.
CONTACT PERSON(S): Pamela L. Latimore, City Clerk

ATTACHMENTS:

[Application - Jarret L. Gross](#)



City of North Miami Beach, Florida

APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION

CHAPTER 2, SECTION 2-32.1 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH PROVIDES "RESIDENCY REQUIREMENT: MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS SHALL BE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. SHOULD ANY BOARD, COMMITTEE OR COMMISSION MEMBER MOVE OUTSIDE THE CITY LIMITS DURING THE TERM OF HIS/HER APPOINTMENT, HE/SHE SHALL AUTOMATICALLY BE REMOVED FROM THE POSITION HE/SHE HOLDS." MEMBERS ARE ALSO SUBJECT TO CHAPTER 2, SECTION 2-32.4.

I HEREBY FILE AN APPLICATION FOR APPOINTMENT TO THE FOLLOWING BOARD, COMMISSION OR COMMITTEE:

RAB

(PLEASE PRINT CLEARLY)

1. NAME: Barret L Gross
2. HOME ADDRESS: 3447 NE 168th St.
CITY: North Miami Bch STATE: FL ZIP: 33166
3. BUSINESS NAME: PDG Builders
BUSINESS ADDRESS: 1557 NE 168th St.
CITY: NMB STATE: FL ZIP: 33162
4. HOME PHONE: 305-948-3210 BUSINESS PHONE: 305-935-6600
CELL PHONE: 305-528-3210 FAX: 305-956-5551
EMAIL ADDRESS: lg@pdgbuilders.com
5. DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?
YES: NO:
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES: NO:
7. HIGHEST LEVEL OF EDUCATION: (Youth Advisory Board Applicants: Please indicate current grade level as well as the name and telephone number of the school you are currently attending.)
College

RECEIVED
FEB 28 PM 12:28
CMB CITY CLERK'S OFFICE

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO (If yes, please state the name of the employee and the department in which he/she works: _____)

9. EMPLOYMENT HISTORY (Please include employer, position, years served):

PRESENT STATUS: Self Employed for 15 years
20____ to 20____
19____ to 19____
19____ to 19____

10. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? (If yes, please describe: NO)

11. IF NOT SELECTED FOR THE BOARD/COMMITTEE/COMMISSION INDICATED ABOVE, PLEASE LIST ANY ADDITIONAL BOARDS/COMMITTEE/COMMISSIONS FOR WHICH YOU WOULD LIKE YOUR APPLICATION SUBMITTED (Please rank in order of preference):

(1) _____ (2) _____
(3) _____ (4) _____

12. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT WOULD BEST QUALIFY YOU FOR AN APPOINTMENT TO THE BOARD/COMMITTEE/COMMISSION YOU HAVE SELECTED:

General Contractor - Real Estate Developer

13. IF YOU ARE APPLYING FOR A BOARD/COMMITTEE/COMMISSION THAT HAS SPECIFIC REQUIREMENTS, PLEASE DETAIL HOW YOUR BACKGROUND AND/OR EXPERIENCE MEETS THE REQUIRED CRITERIA:

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATED 2/27/12 APPLICANT'S SIGNATURE: 

LIAISON: _____ APPOINTMENT DATE: _____



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North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
DATE: Tuesday, August 7, 2012

RE: March 20, 2012 Regular Meeting Minutes (City Clerk Pamela L. Latimore)

BACKGROUND: None.
RECOMMENDATION: Approval.
FISCAL IMPACT: None.
CONTACT PERSON(S): Pamela L. Latimore, City Clerk

ATTACHMENTS:

[Meeting Minutes of March 20, 2012](#)



CITY OF NORTH MIAMI BEACH
City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, March 20, 2011
7:30 PM

Mayor George Vallejo
Vice Mayor Beth E. Spiegel
Councilman Philippe Derosé
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
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 7:40 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel and Council Members Philippe Derosé, Barbara Kramer, Marlen Martell, Frantz Pierre, and Phyllis S. Smith. Also, present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION – City Manager Lyndon L. Bonner

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Additions: Appointments (**Item 7.4** and **7.5**)

Withdrawals: **Item 15.8** Ordinance No. 2012-6 (Second and Final Reading) to be brought back at another date.

Requests: **Item 15.7** Ordinance No. 2012-3 (Second and Final Reading) be moved to the top of Legislation.

5. PRESENTATIONS/DISCUSSIONS

5.1 Recognition of the Miami Beach Civil Air Patrol (Mayor George Vallejo)

Captain Linus Osorio

Paul Novack

Civil Air Patrol Website: www.mbcscap.com

www.gocivilairpatrol.com

5.2 Representative John Patrick Julien - Post Legislative Session Report.

- House Bill 0547 – Provides for termination Of Community Redevelopment Agencies (CRA) by the Board of County Commissioners of certain counties.
- The repeal of a provision that was tucked away in another bill that say that code enforcement liens must be sent return receipt requested.
- They were able to stop the repeal of the local business tax receipt that would have created a negative fiscal impact on our local governments. This is a temporary reprieve; it will be back in 2013.
- Things to look out for:

House Bill 0809 – Communication Service Tax

House Bill 0411 – Municipal Water and Sewer Utilities; prohibits certain municipalities from imposing certain surcharges on consumers outside their boundaries for provision of water or sewer utility services.

6. PUBLIC COMMENT

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

1. Charles R. Loeb, 16800 NE 15 Avenue, North Miami Beach, FL
2. Volney Nerette, 16121 NE 19 Place, North Miami Beach, FL
3. Norman W. Edwards, 1640 NE 175 Street, North Miami Beach, FL
4. Actions For A Better Future, 1733 NE 162 Street, North Miami Beach, FL
5. Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL
6. Ketley Joachim, 210 NE 170 Street, North Miami Beach, FL
7. Richard Riess, 23 NW 169 Street, North Miami Beach, FL

7. APPOINTMENTS

7.1 Code Enforcement Board (Mayor George E. Vallejo)

Anthony DeFillipo

Motion by Mayor Vallejo, seconded by Councilwoman Kramer, to appoint Anthony DeFillipo to the Code Enforcement Board. (**Approved** 7-0)

7.2 Code Enforcement Board (Councilman Philippe Derose)

Ketley Joachim

Motion by Councilman Derose, seconded by Councilwoman Kramer, to appoint Ketley Joachim to the Code Enforcement Board. (**Approved** 7-0)

7.3 Multi-Cultural Committee (Councilwoman Barbara Kramer)

Angel Burley

Motion by Councilwoman Kramer, seconded by Councilman Derose, to appoint Angel Burley to the Multi-Cultural Committee. (**Approved 7-0**)

7.4 Commission on the Status of Women (Vice Mayor Spiegel)

Cynthia Klein

Motion by Vice Mayor Spiegel, seconded by Councilwoman Smith, to appoint Cynthia Klein to the Commission on the Status of Women. (**Approved 7-0**)

7.5 Code Enforcement Board (Councilwoman Phyllis S. Smith)

Edouard St. Hilaire (Ex-Officio to Regular Member)

Motion by Councilwoman Smith, seconded by Councilman Pierre; to appoint Edouard St. Hilaire to the Code Enforcement Board. (**Approved 7-0**)

8. CONSENT AGENDA

8.1 SEPTEMBER 6, 2011 BUDGET #1 MEETING MINUTES (City Clerk Pamela L. Latimore)

8.2 SEPTEMBER 6, 2011 REGULAR MEETING MINUTES (City Clerk Pamela L. Latimore)

8.3 SEPTEMBER 20, 2011 BUDGET #2 MEETING MINUTES (City Clerk Pamela L. Latimore)

8.4 SEPTEMBER 20, 2011 REGULAR MEETING MINUTES (City Clerk Pamela L. Latimore)

8.5 OCTOBER 4, 2011 REGULAR MEETING MINUTES (City Clerk Pamela L. Latimore)

8.6 **Resolution No. R2012-27** (Chief Procurement Officer Brian K. O'Connor)

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 C & I CONSTRUCTION AND DESIGN, INC. FOR THE PALM LAND STATION UPGRADES.

Motion by Councilman Derose, seconded by Councilman Pierre, to approve the Consent Agenda. (**Approved 7-0**)

9. CITY MANAGER'S REPORT

City Manager Bonner requested the approval of a transfer of \$8,500 from Council's Contingency Fund for the set up of Public Staff.

Motion by Councilwoman Smith, seconded by Councilwoman Kramer, to approve the expenditure of \$8,500 from Council's Contingency fund for the set up of Public Staff. (**Approved 6-1**)

Councilman Derose requested that the contract for Public Staff be reviewed by the City Attorney.

Councilwoman Smith also requested the price be locked in for the term of the contract.

Mayor Vallejo asked the City Manager for an update on the Mavericks High School situation. City Manager Bonner reported that he received a proposed agreement from the Attorney for Mavericks High School. There is some

additional language that needs to be added. With some input from Interim Police Chief Gomer, we would like to define "Call Out" provision and add a few other things to the agreement.

Councilwoman Smith suggests that a formal letter be sent to Miami Dade Police Department requesting that they document if Mavericks High School students are involved in any incidents.

Mayor Vallejo inquired about the situation regarding the change in use or parking at the former Marina Grand site. City Manager Bonner reported that parking activity was observed at the site, not in relation to the PUD or Permits that were issued for the site. The use is income producing which was not approved by Council. He is working with Planning & Zoning and the City Attorney to send them a letter of warning. He wants to make sure that any use on the property (commercial parking) is in compliance with the PUD and permits that the developer has.

Vice Mayor Spiegel requested a comprehensive report from Administration and the Legal Dept. on the special PUD that was granted for Marina Grande, the impact of the State statutes, and the effect of no apparent progress at the site.

Councilwoman Smith stated that if there is a violation, no matter who is involved, a violation notification should be sent out immediately.

10. CITY ATTORNEY'S REPORT

9.1 Litigation List

City Attorney Siegel reported that she is working with the Zoning Department to clean up the zoning codes. At the April 9th meeting of Planning and Zoning Board there will be three (3) separate ordinances that will be going before the board and ultimately to Council the first week of May that involve modifying the code for fence heights, updating business tax uses, and side set-backs. She has also reviewed the process and criteria for appointments to the various boards and has drafted a proposed ordinance that was presented to the Public Utilities Commission at their March 14th meeting for discussion. The same will be done for Planning and Zoning at their April 9th meeting, as well as, Code Enforcement at their April 12th meeting. She hasn't worked out how to approach the unique situation of the Civil Service Board with seven (7) seats, five (5) Council appointed seats and two (2) employee elected seats.

11. MAYOR'S DISCUSSION

There needs to be better cooperation between Administration and the Legal Department, especially on issues of outside legal representation. The City Manager needs to involve the City Attorney in the hiring of outside legal counsel. He also emphasized that everyone needs to be on top of their game. There are some very big issues that we will be dealing with, like the labor agreements, pension reform, and the sanitation RFP, as well as, other pieces of business that need to be attended. If we are going to accomplish the things that the residents had elected us to do, we can't keep moving things forward to another meeting.

12. MISCELLANEOUS ITEMS – None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS – None

15. LEGISLATION

15.7 Ordinance No. 2012-3 (Second and Final Reading) (Finance Director Janette Smith)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,000,000 IN AGGREGATE PRINCIPAL AMOUNT

OF OBLIGATIONS OF THE CITY TO REFINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; PROVIDING FOR A PLEDGE OF AD VALOREM REVENUES WITHOUT LIMIT ON ALL TAXABLE PROPERTY IN THE CITY TO PAY THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE OBLIGATIONS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE ACCEPTANCE OF JPMORGAN CHASE BANK, N.A.'S PROPOSAL; AUTHORIZING THE SALE OF THE SERIES 2012 BOND ON A NEGOTIATED BASIS TO JPMORGAN CHASE BANK, N.A.; AUTHORIZING THE ISSUER TO ACT AS REGISTRAR, PAYING AGENT AND AUTHENTICATING AGENT WITH RESPECT TO THE SERIES 2012 BOND; MAKING CERTAIN FINDINGS, REPRESENTATIONS AND COVENANTS WITH RESPECT THERETO; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE.

MOTION by Councilman Derosé, seconded by Councilwoman Smith, to approve Ordinance No. 2012-3. (**Approved 7-0**)

Public Comment open and comments were made by the following:

1. Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL

15.1 Resolution No. R2012-25 (City Planner Christopher Heid)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING AN AFTER-THE-FACT VARIANCE FROM SECTION 24-84(A)(2) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY NINETEEN FEET (19') THE MAXIMUM PERMITTED DOCK EXTENSION OF EIGHT FEET (8'), WHERE DOCK EXTENSION OF TWENTY SEVEN FEET (27') IS EXISTING, ON PROPERTY LEGALLY DESCRIBED AS: LOT 65, BLOCK 9, OF SKY LAKE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGE 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. A/K/A 2091 NE 191 Drive North Miami Beach, Florida (P&Z Item No. 11-516 of February 13, 2012).

Public Comment: None

City Clerk Latimore posed the question to council: Has anyone spoken to a lobbyist, the owner, or representatives in regards to this matter?

Councilman Derosé – **No**, Councilwoman Kramer – **No**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **No**

ROLL CALL: Councilman Derosé – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Approved 7-0**)

15.2 Resolution No. R2012-26 (City Planner Christopher Heid)

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 2 BUILDING, 4 UNIT, 2 STORY DUPLEX TOWNHOUSE DEVELOPMENT TOTALING 9,440 SQUARE FEET ON A 14,081 SQUARE FOOT PARCEL OF LAND; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES

OF THE CITY OF NORTH MIAMI BEACH TO WAIVE NINE FEET (9') OF THE MINIMUM REQUIRED TWENTY-FIVE FEET (25') REAR YARD SETBACK, WHERE REAR YARD SETBACK OF SIXTEEN FEET (16') IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE FOURTEEN FEET (14') SIX INCHES (6") OF THE MINIMUM REQUIRED TWENTY FEET (20') INTERIOR SIDE YARD SETBACK, WHERE INTERIOR SIDE YARD SETBACK OF FIVE FEET (5') 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 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TEN FEET (10') OF THE MINIMUM REQUIRED TWENTY-FIVE FOOT (25') CORNER SIDE YARD SETBACK, WHERE CORNER SIDE YARD SETBACK OF FIFTEEN FEET (15') IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE TWENTY FEET (20') OF THE MINIMUM REQUIRED THIRTY FOOT (30') DISTANCE BETWEEN STRUCTURES, WHERE A DISTANCE OF TEN FEET (10') BETWEEN STRUCTURES IS PROPOSED; AND A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-47(D)(6) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, TO EXCEED BY EIGHT PERCENT (8%) (1,126 SQUARE FEET) THE MAXIMUM PERMITTED LOT COVERAGE OF TWENTY-FIVE PERCENT (25%) (3,520 SQUARE FEET), WHERE LOT COVERAGE OF THIRTY-THREE PERCENT (33%) IS PROPOSED ON PROPERTY LEGALLY DESCRIBED AS: LOT 38, BLOCK 18, OF EASTERN SHORES 2ND ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGE 43, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA A/K/A 16605 NE 35 Avenue North Miami Beach, Florida (P&Z Item No. 11-513 of February 13, 2012).

Public Comment open and comments were made by the following:

1. Magdalena Ammirah, 3665 NE 167 Street, North Miami Beach, FL - **Against**
2. Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL – **Against**
3. Bernie Maribona, NE 35th Avenue, LLC, Managing Partner, 3320 NE 164 Street, North Miami Beach, FL
4. Luis LaRosa, Architect, 6500 Alpine RD, Miami Lakes, FL

City Clerk Latimore posed the question to council: Has anyone spoken to a lobbyist, the owner, or representatives in regards to this matter?

Councilman Derose – **No**, Councilwoman Kramer – **No**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **No**

MOTION by Councilwoman Smith, seconded by Councilman Derose, to adopt Resolution No. 2012-26. **(Approved 7-0)**

ROLL CALL: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** **(Approved 7-0)**

15.3 Ordinance No. R2012-5 (First Reading by Title Only) (City Planner Christopher Heid)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, SECTION 24-147.1(G) (5) (a) & (b) OF THE CITY'S CODE OF ORDINANCES, ENTITLED "PERMANENT SIGNS ALLOWED" BY INCREASING THE ALLOWABLE AMOUNT OF COMMERCIAL WINDOW SIGNAGE FROM 10% TO 25%; 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 Kramer, to adopt Ordinance No. 2012-5. (**Approved** 7-0)

Public Comment open and comments were made by the following:

1. Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL – **Against**

MOTION by Councilwoman Smith, seconded by Councilman Derose, to amend Section 24-147.1 (G)(5) (b) of Ordinance No. 2012-5, leave in the strikethrough sections, “No more than one-half (1/2) of the total window sign area permitted shall consist of illuminated signs.” and remove “Window signs may be illuminated.” (**Approved** 7-0)

ROLL CALL: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Adopt** as amended 7-0)

15.4 Ordinance No. 2012-7 (First Reading by Title Only) (Code Compliance Manager Eric Wardle)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER XIV SECTION 14-8.22(C) OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "ENFORCEMENT OF MUNICIPAL CODES OR ORDINANCES" BY PROVIDING FOR AN APPEAL HEARING PROCESS AND BY PROVIDING A SCHEDULE OF CIVIL PENALTIES FOR CODE ENFORCEMENT CITATIONS; 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.

Public Comment: None

MOTION by Councilwoman Smith, seconded by Councilman Pierre, to amend Ordinance No. 2012-7 to add that the citation must be remedied in 48 hours.

ROLL CALL: Councilman Derose – **No**, Councilwoman Kramer – **No**, Councilwoman Martell – **No**, Councilman Pierre – **No**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **No**, Mayor Vallejo – **No** (**Failed as amended** 1-6)

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to adopt Ordinance No. 2012-7.

ROLL CALL: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **No**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Adopted** – First Reading by title only 6-1)

15.5 Ordinance No. 2012-8 (First Reading by Title Only) (City Planner Christopher Heid)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING A FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, FUTURE LAND USE MAP 1.22, RE-DESIGNATING THE FUTURE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT 17400 WEST DIXIE HIGHWAY FROM RESIDENTIAL HIGH DENSITY TO BUSINESS; DIRECTING THE DIRECTOR OF PUBLIC SERVICES TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; 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 Comment open and comments were made by the following:

2. Norman Edwards, 1640 NE 175 Street, North Miami Beach, FL, **Against**
3. Joe Davis, 2173 NE 173 Street, North Miami Beach, FL, **Against**
4. Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL, **Against**
5. Alan Macke, 17071 West Dixie Highway, North Miami Beach, FL, **For**
6. Jodie Siegel, Law Offices of Doumar Allsworth Laystrom, Voigt, Wachs, Adair, & Bosack, LLP, 1177 SE 3 Avenue, Ft. Lauderdale, FL

City Attorney Siegel requested that the Ordinance be amended to include the legal description of the property and read the description into record.

City Clerk Latimore posed the question to council: Has anyone spoken to a lobbyist, the owner, or representatives in regards to this matter?

Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes**

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Ordinance No. 2012-8.

ROLL CALL: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Approved** – First Reading as amended 7-0)

15.6 Ordinance No. 2012-9 (First Reading by Title Only) (City Planner Christopher Heid)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 17400 WEST DIXIE HIGHWAY FROM A CLASSIFICATION OF RM-23, RESIDENTIAL MID-RISE MULTIFAMILY (HIGH DENSITY) DISTRICT AND CF, COMMUNITY FACILITY DISTRICT, TO A CLASSIFICATION OF B-2, GENERAL BUSINESS DISTRICT, AND DIRECTING THE DIRECTOR OF THE PUBLIC SERVICES DEPARTMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; 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 Councilman Derose, seconded by Councilwoman Kramer, to adopt Ordinance No. 2012-9. (**Approved 7-0**)

Public Comment: None

ROLL CALL: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Approved** – First Reading 7-0)

15.8 Ordinance No. 2012-6 (Second and Final Reading) (City Attorney Darcee S. Siegel)
WITHDRAWN (See Item 4)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 2, PARAGRAPH 9, OF ORDINANCE 2006-6 LOWERING THE INTEREST RATE ON EACH MEMBER'S DROP ACCOUNT FROM 6.5% COMPOUNDED MONTHLY TO 3% COMPOUNDED MONTHLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

16. CITY COUNCIL REPORTS

Councilman Derose – None

Councilwoman Kramer has a couple of reminders, Multi-Cultural Committee's movie night on April 13, 2012, will be showing "School Ties", in the Silver Auditorium at 7:00 p.m. Jazzapalooza is on Saturday evening April 21, 2012 please call the Leisure Services Dept. 305-787-6005 to pick up your free tickets maximum of four (4) tickets per person. The Multi-Cultural Committee is working on a historical tour of North Miami Beach on Saturday, April 28, 2012. She will have more information at the next Council Meeting. Councilwoman Kramer also congratulated the Police Dept. for their investigation into the Identity Theft problem that has affected residents and employees of the City. Their investigation was featured on the front page of the CNN website.

Councilwoman Martell would like to congratulate Commissioner Sally Hayman for receiving the Florida Woman of Achievement Award. She would like to remind everyone to come out and participate in Get Fit NMB; walks are every Monday and Thursday starting at the City of North Miami Beach Library at 7:00 p.m.

Councilman Pierre spoke about the success of the annual Teen Spring Clean Up and he is looking forward to the next project. He also wanted to thank City Manager Bonner for coming out and participating in the project. In closing, Councilman Pierre reminded everyone that the Library is open for them to use.

Councilwoman Smith opened by thanking the Police Department for their hard work. She also wanted to extend her congratulations to Commissioner Sally Haymen being a recipient of the Florida Woman of Achievement Award.

Vice Mayor Spiegel that the Commission on the Status of Women (COSW) is having a Health Fair on Saturday, March 31, 2012 from 10:00 a.m. to 1:00 p.m. at the McDonald Center. The Youth Symposium will also be on Saturday, March 31, 2012 from 9:00 a.m. to 1:00 p.m. at the McDonald Center.

Mayor Vallejo – None

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, April 3, 2012

18. ADJOURNMENT

There being no further business to come before the City Council the meeting was adjourned at 11:43 p.m.



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
DATE: Tuesday, August 7, 2012

RE: April 17, 2012 Regular Meeting Minutes (City Clerk Pamela L. Latimore)

BACKGROUND: None.
RECOMMENDATION: Approval.
FISCAL IMPACT: None.
CONTACT PERSON(S): Pamela L. Latimore, City Clerk

ATTACHMENTS:

☐ [Meeting Minutes of April 17, 2012](#)



CITY OF NORTH MIAMI BEACH

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

Tuesday, April 17, 2011

7:30 PM

Mayor George Vallejo
Vice Mayor Beth E. Spiegel
Councilman Philippe Derosé
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
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 7:47 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Beth E. Spiegel and Council Members Philippe Derosé, Barbara Kramer, Marlen Martell, Frantz Pierre, and Phyllis S. Smith. Also, present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION – Reverend A.D. Lenoir, Westview Baptist Church

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Resolution R2012-33 (Item 8.5) and R2012-34 (Item 8.6) are withdrawn from the Consent Agenda and added to Legislation as Item 15.1 and 15.2.

5. PRESENTATIONS/DISCUSSIONS – None

6. PUBLIC COMMENT

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

1. Charles Loeb, 16800 NE 15 Avenue, North Miami Beach, FL
2. Volney Nerette, 16121 NE 19 Place, North Miami Beach, FL
3. Marilyn Baumohl, 18635 NE 20 Court, North Miami Beach, FL
4. Muriel Kemp, 1479 NE 178 Street, North Miami Beach, FL
5. Janice Coakley, PO Box 600951, North Miami Beach, FL
6. Action for Better Future, 1733 NE 162 Street, North Miami Beach, FL

7. Mubarak Kazan, 15564 NE 12 Avenue, North Miami Beach, FL
8. Leo Marks,
9. Alice Broden, 3819 NE 170 Street, North Miami Beach, FL

7. **APPOINTMENTS** - None

8. **CONSENT AGENDA**

8.1 **Resolution No. R2012-29** (Public Services Director Shari Kamali)

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 PIPELINE PLUMBING SERVICES OF BROWARD, INC.

8.2 **Resolution No. R2012-30** (Vice Mayor Beth E. Spiegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENCOURAGING GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE TO REVISIT AND RE-EVALUATE THE STAND YOUR GROUND LAW IN THE AFTERMATH OF THE TRAYVON MARTIN SHOOTING.

8.3 **Resolution No. R2012-31** (Vice Mayor Beth E. Spiegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AND URGING THE PASSAGE OF THE DEVELOPMENT RELIEF AND EDUCATION FOR ALIEN MINORS (DREAM) ACT.

8.4 **Resolution No. R2012-32** (Councilwoman Phyllis S. Smith)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING AND ENCOURAGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION BANNING THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS WITHIN THE STATE OF FLORIDA.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve the Consent Agenda.
(Approved 7-0)

9. **CITY MANAGER'S REPORT**

9.1 **Revolving Taxable Ad Valorem Note, Series 2011**

City Manger Bonner explains that this is a line of credit that the City has in the amount of \$2,000,000. The City pays \$15,000 per year in unused line fees. He believes the City no longer requires the safety net that this line of credit provides. The City has sufficient liquid assets to meet any of its obligations even during times of slow cash receipts. His recommendation is that the line of credit should not be renewed; unless Council decides otherwise.

Councilwoman Smith expressed concern that there may not be sufficient insurance coverage if there was a hurricane or something of that nature.

Vice Mayor Spiegel said that she was not comfortable with idea of City not having access to a line of credit in an emergency situation.

Council recommends that the line of credit be reduced to \$1,000,000 with the \$7,500 per year fee.

9.2 Use of City Properties for Cell Towers

City Manager Bonner inquired if Council would have any objections to the use of City parks as the site for telecommunications cellular towers. This suggestion came about when we were looking into other potential sources of revenue for the City. There were two (2) offers, the one for Uleta and other for Washington Park. As of today the offer for Uleta was withdrawn. He would like to know if he is heading in the right direction by pursuing this and would Council approve of this type of use of City property. Council will get to approve the site plan of any offer that comes through and to see what it will look like beforehand.

Mayor Vallejo gave his approval. He views this as an opportunity for free money to the City that will help the budget.

Councilwoman Martell suggests that some of the proceeds from the towers should be used in the communities where they are being placed to fund some of the services that were cut or decreased in those areas.

Vice Mayor Spiegel inquired as to the terms of the contract for a project like this. Chief Procurement Officer Brian O'Conner explained that the one they've been in contact with tentatively have twenty (20) year agreements and go in terms of five (5) years with a renewal period. Revenue starts from about \$26,000 - \$27,000 per year. The designs we are seeking are more concealed and look like flag poles rather than the lattice type towers, like the one we currently have on property.

9.3 Eden Isles Town Hall Meeting Update

City Manager Bonner deferred to Council to comment on the Eden Isles Town Hall Meeting.

9.4 Monthly Financial Update

City Manager Bonner stated that as of last Tuesday all major revenues and expenditures are right on track. This is just a brief overview to the quarterly report that will be presented by the Finance Director Janette Smith on May 1, 2012 which will be more comprehensive and in debt analysis of our finances. There were also some non budgeted expenditures that need to be addressed this year. There are some FEMA grants that we will be able to close out this year.

10. CITY ATTORNEY'S REPORT

9.1 Litigation List

City Attorney Siegel reported to Council that she received a payment in the amount of \$75,000 as a part of the settlement between the City and Jackson Land Development LLC, formerly W Jackson & Sons, in reference to the Marty King incident. Thus far the City has received \$1,125,506.60 in payments. There is a balance of \$575,000.00 still owed to the City to be paid in installments on May 1st of each year for the next 5 years. In reference to the Redevelopment Advisory Board (RAB), those members are selected by each Council person. The Ordinance was updated a few years ago to reflect the change.

11. MAYOR'S DISCUSSION - None

12. MISCELLANEOUS ITEMS - None

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

15.1 **Resolution No. R2012-33** (Public Services Director Shari Kamali)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A SIX (6)-MONTH EXTENSION OF TIME TO OBTAIN THE NECESSARY BUILDING PERMITS REQUIRED UNDER RESOLUTION 2011-19, FOR THE PROPERTY LOCATED AT 1051 NORTH MIAMI BEACH BOULEVARD, NORTH MIAMI BEACH, FLORIDA.

MOTION: by Councilman Derose, seconded by Councilwoman Kramer, to adopt Resolution No. 2012-33. (**Adopted** 7-0)

Public Comment:

- 1. Mubarak Kazan, 15564 NE 12 Avenue, North Miami, Beach, FL – **For**

Vote: In Favor – 7 Opposed – 0 (**Approved**)

15.2 **Resolution No. R2012-34** (Public Services Director Shari Kamali)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A SIX (6)-MONTH EXTENSION OF TIME TO OBTAIN THE NECESSARY BUILDING PERMITS REQUIRED UNDER RESOLUTION 2011-20, FOR THE PROPERTY LOCATED AT 1055 MIAMI GARDENS DRIVE, NORTH MIAMI BEACH, FLORIDA.

Public Comment: None

MOTION: by Councilman Derose, seconded by Councilwoman Martell, to adopt Resolution No. 2012-34. (**Adopted** 7-0)

Vote: In Favor – 7 Opposed – 0 (**Approved**)

15.3 **Ordinance No. 2012-5** – Second and Final Reading (City Planner Christopher Heid)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER 24, SECTION 24-147.1(G) (5) (a) & (b) OF THE CITY'S CODE OF ORDINANCES, ENTITLED "PERMANENT SIGNS ALLOWED" BY INCREASING THE ALLOWABLE AMOUNT OF COMMERCIAL WINDOW SIGNAGE FROM 10% TO 25%; 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 Comment open and comments were made by the following:

- 1. Mubarak Kazan, 15564 NE 12 Avenue, North Miami, Beach, FL

MOTION: by Councilman Derose, seconded by Councilman Pierre, to adopt Ordinance No. 2012-5 on the Second and Final Reading. (**Adopted 7-0**)

ROLL CALL VOTE: Councilman Derose – **Yes**, Councilwoman Kramer – **Yes**, Councilwoman Martell – **Yes**, Councilman Pierre – **Yes**, Councilwoman Smith – **Yes**, Vice Mayor Spiegel – **Yes**, Mayor Vallejo – **Yes** (**Approved 7-0**)

16. CITY COUNCIL REPORTS

Councilman Derose would like to encourage the residents to come out to the Annual Arbor Day Celebration at Littman Park on April 18, 2012 at 10:00 am. The City will also be giving away trees at the event. He asks the City Manager to look into finding a way to move the Gun Mount restoration project along whether through the CRA or Capital Improvement budget.

Councilwoman Kramer reminds everyone about the upcoming Jazzapalooza concert on April 21, 2012 with the University of Miami Frost Concert Jazz Band. The event is free, the doors open at about 6:00 pm, and there will be light refreshments. The following Saturday April 28, 2012 will the North Miami Beach Magical History Tour will be leaving the City library at 10:00 am and returning at about 1:00 pm. Make reservations with Leisure Services Department at 305-948-2957, there are 40 seats available for the event.

Councilwoman Martell advises the residents the Advisory Board for Disabled Individuals is looking into a public / private partnership to help us to provide some services to our residents. She would like to thank Mr. Glen Finney and Mr. Tom Carney for their assistance in researching such partnerships for the City. She asks the residents to get involved in giving back to their community by participating in the various boards at the City. Let's Get Fit NMB will be ending on April 30, 2012 and some residents have requested to keep it going. We may continue but on a different day and/or location she will keep you posted.

Councilman Pierre stated that with the support of the Library Manger Susan Sandness they have put together a series of books for interesting reading to promote cultural awareness.

Councilwoman Smith wants to remind everyone that tomorrow, April 18, 2012 at 9:00 am, there will be a meeting Senior Citizens Advisory Board. On April 21, 2012, the Winn Dixie at the Intracoastal Mall will be having a "Taste of Spring" event from 4:00 pm - 7:00 pm with food samplings, prize giveaways, and music. We will be doing a Citizens Academy again in the fall it will be in conjunction with the County at FIU.

Vice Mayor Spiegel would like to thank the Director of Leisure Service, Paulette Murphy, and the staff for their work at the Youth Symposium.

Mayor Vallejo in relation to the upcoming Arbor Day Celebration there will be information on the City website from the Tree City U.S.A. bulletin. He also wanted to remind everyone that Sunday, April 22, 2012 at 10:00 am the Oleta River State Park will be hosting the "Walk for a Cure" by Mystic Force Foundation to raise funds to find a cure for childhood cancer.

17. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, May 1, 2012

18. ADJOURNMENT

There being no further business to come before the City Council, Meeting was adjourned at 9:32 p.m.



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Shari Kamali, Director, Public Services
DATE: Tuesday, August 7, 2012

RE: Resolution No. R2012-59 (Public Services Director Shari Kamali)

BACKGROUND: The City of North Miami Beach has been awarded a grant in the amount of \$9,172.00 for tree planting through Martin Luther King Park, located in the City's Washington Park neighborhood, with the City's matching contribution of \$10,042.70 for in-kind services comprising of personnel costs and equipment costs.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT: \$10,042.70 in-kind services.

CONTACT PERSON(S): Shari Kamali, Public Services Director
Carlos Rivero, City Forester

ATTACHMENTS:

- ❑ [Resolution No. R2012-59](#)
- ❑ [2012 Grant Program Applicatin](#)

RESOLUTION NO. R2012-59

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE 2012 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, TO PROVIDE TREES THROUGHOUT MARTIN LUTHER KING PARK.

WHEREAS, trees are an important part of our community and provide both health and aesthetic benefits that enhance the quality of life for our citizens and residents; and

WHEREAS, the City of North Miami Beach has applied for and has been awarded funds through the 2012 National Urban and Community Forestry Grant Program to plant shade trees throughout Martin Luther King Park located in the City's Washington Park neighborhood; and

WHEREAS, the planting of shade trees throughout Martin Luther King Park will not only give it definition, but will also create an urban oasis along the north edge of the neighborhood; and

WHEREAS, since the Washington Park neighborhood is comprised of a large lower income population with residents who rely on walking throughout the neighborhood, and who primarily use public transportation, the need for shade is of greater priority than other locations in the City; and

WHEREAS, the City of North Miami Beach has been awarded a grant in the amount of \$9,172.00 for tree planting throughout Martin Luther King Park with the City's matching contribution of \$10,042.70 for in-kind services comprising of personnel costs and equipment costs; and

RESOLUTION R2012-59

WHEREAS, in order to actually receive the grant funds for this Program, the City of North Miami Beach is required to enter into a Memorandum of Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry; and

WHEREAS, the Mayor and City Council acknowledge that a tree-lined neighborhood within Washington Park will truly make a difference to the heart of that community where both children and adults come regularly.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby support the planting of shade trees in the Martin Luther King Park located in the City's Washington Park neighborhood.

Section 3. The City Manager is hereby authorized to execute the 2012 National Urban and Community Forestry Grant Memorandum of Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry, in a form acceptable to the City Attorney.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of August, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

Sponsored by: Mayor & Council

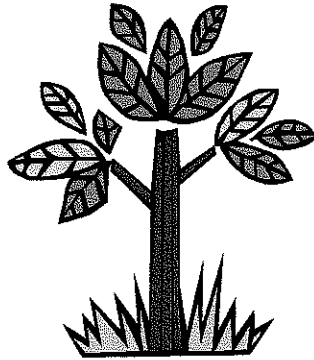
GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

RESOLUTION R2012-59

**2012
NATIONAL URBAN AND COMMUNITY FORESTRY
GRANT PROGRAM
APPLICATION**



CITY OF NORTH MIAMI BEACH

**MARTIN LUTHER KING PARK
WASHINGTON PARK NEIGHBORHOOD**

Prepared by:

Department of Public Services
17050 NE 19th Avenue
North Miami Beach, FL 33162

Shari Kamali

Director of Public Services

Carlos M. Rivero

City Forester

Councilperson Philippe Derosé

Beautification Committee Liaison

George Vallejo

Mayor

Councilperson Barbara Kramer

Councilperson Marlen Martell

Councilperson Frantz Pierre

Councilperson Phyllis S. Smith

Councilperson Beth E. Spiegel

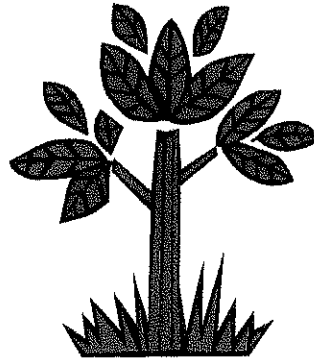
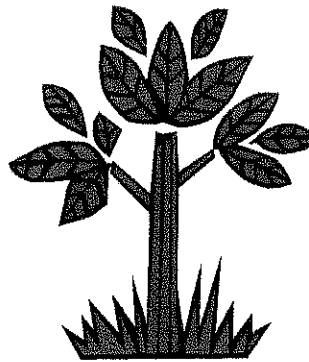


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SECTION I

**GRANT CHECKLIST
FORM PUR 1001/1000
ATTACHMENT B
ATTACHMENT C
ATTACHMENT P**

CHECKLIST

- CMR 1. The entire Request for Proposal (RFP) has been read.
- CMR 2. Page 1 of the RFP Form **PUR 1001/1000**, Instructions to Respondents and General Contract Conditions is completed and signed. Provide a complete address for the Proposer in the space provided (include street address or post office box, city, zip code and telephone number.) Please note: ALL FUTURE CORRESPONDENCE AND CHECKS WILL BE SENT TO THE CONTACT PERSON AND ADDRESS LISTED ON YOUR PROPOSAL.
- CMR 3. Conflict of Interest Statement (**Attachment B**) is completed and signed.
- CMR 4. Certifications Regarding Lobbying; Debarment; Suspension and Other Responsibility Matters for Expenditure of Federal Funds (**Attachment C**) is completed and signed.
- CMR 5. Urban and Community Forestry Proposal form (**Attachment D**) is completed and signed. Please note: ALL FUTURE CORRESPONDENCE WILL BE SENT TO THE CONTACT PERSON LISTED ON YOUR PROPOSAL.
- CMR 6. Detailed itemized budget summary (**Attachment E**) is completed.
- CMR 7. In all instances where a local government's jurisdiction is impacted by the grant project, a resolution (by the local government) indicating support for the project must be submitted with the Grant Proposal Packet (**Attachment H**).
- CMR 8. For Demonstration or Site Specific Projects, this resolution (**Attachment H**) must also state that they will execute a Maintenance Memorandum of Agreement with the Department of Agriculture.
- CMR 9. For Demonstration or Site Specific Projects along roadways, a map must be included showing both the U.S. Highway and S.R. (State Road) numbers separated by a slash (/), if both exist. If only one exists, please circle either "U.S." or "S.R." to indicate which numbers you are giving. At least three photos of the site should also be included.
- CMR 10. In conformance with Section 481.329(7), Florida Statutes, "Persons who perform landscape architectural services not for compensation, or in their capacity as employees of municipal or county governments, shall not be required to be licensed...." This means that if the required design is completed by an unpaid volunteer or an employee of municipal or county government, a Florida registered architect does not have to sign and seal the drawings.
- CMR 11. One (1) original with blue ink signature and five (5) copies of the proposal package have been submitted.
- CMR 12. **Applicant has registered current Federal Employer Identification Number (FEID) and mailing address in MyFloridaMarketplace.com. Applicant must also complete the Division of Financial Services required Substitute Form W-9. See Attachment M for instructions.**
- CMR 13. Drug-Free Workplace Program (**Attachment P**) must be signed.



ADAM H. PUTNAM
COMMISSIONER

Submit Bids to:

Florida Department of Agriculture and Consumer Services
407 South Calhoun Street - Mayo Building, Room SB-8
Tallahassee, FL 32399-0800

Telephone: (850) 617-7181

Page 1 of <u>67</u> Pages	BIDS NO. RFP/FFS-11/12-24
AGENCY MAILING DATE: January 31, 2012	WILL BE OPENED MARCH 30, 2012 @ 2:00 P.M. and may not be withdrawn within 90 days after such date and time NOTICE OF INTENDED AWARD POSTING WILL BE ON OR ABOUT May 25, 2012
BID TITLE: 2012 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT PROGRAM	

VENDOR NAME City of North Miami Beach	AUTHORIZED SIGNATURE (MANUAL)
VENDOR MAILING ADDRESS 17050 NE 19 Avenue	
CITY - STATE - ZIP North Miami Beach, FL 33162	AUTHORIZED SIGNATURE (TYPED) TITLE Carlos M. Rivero, City Forester
TELEPHONE: (305) 948-2980	

I certify that this Proposal is made without prior understanding, agreement, or connection with any corporation firm, or person submitting a proposal for the same materials, supplies or equipment, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of this Proposal and certify that I am authorized to sign this Proposal for the Proposer and that the Proposer is in compliance with all requirements of the Request for Proposal including but not limited to, certification requirements. In submitting a Proposal to an agency for the State of Florida, the Proposer offers and agrees that if the Proposal is accepted, the Proposer will convey, sell, assign or transfer to the State of Florida all rights, title and interest in and to all causes of action it may now or hereafter acquire under the Anti-trust laws of the United States and the State of Florida for price fixing relating to the particular commodities or services purchased or acquired by the State of Florida. At the State's discretion, such assignment shall be made and become effective at the time the purchasing agency tenders final payment to the Proposer.

GENERAL INSTRUCTIONS TO RESPONDENTS

- Definitions.** The definitions found in s. 60A-1.001, F.A.C. shall apply to this agreement. The following additional terms are also defined:
 - "Buyer" means the entity that has released the solicitation. The "Buyer" may also be the "Customer" as defined in the PUR 1000 if that entity meets the definition of both terms.
 - "Procurement Officer" means the Buyer's contracting personnel, as identified in the Introductory Materials.
 - "Respondent" means the entity that submits materials to the Buyer in accordance with these Instructions.
 - "Response" means the material submitted by the respondent in answering the solicitation.
 - "Timeline" means the list of critical dates and actions included in the Introductory Materials.
- General Instructions.** Potential respondents to the solicitation are encouraged to carefully review all the materials contained herein and prepare responses accordingly.
- ~~3. Electronic Submission of Responses.~~ Respondents are required to submit responses electronically. For this purpose, all references herein to signatures, signing requirements, or other required acknowledgments hereby include electronic signature by means of clicking the "Submit Response" button (or other similar symbol or process) attached to or logically associated with the response created by the respondent within MyFloridaMarketPlace. The respondent agrees that the action of electronically submitting its response constitutes:
 - an electronic signature on the response, generally,
 - an electronic signature on any form or section specifically calling for a signature, and
 - an affirmative agreement to any statement contained in the solicitation that requires a definite confirmation or acknowledgement.
- Terms and Conditions.** All responses are subject to the terms of the following sections of this solicitation, which, in case of conflict, shall have the order of precedence listed:
 - Technical Specifications,
 - Special Conditions and Instructions,
 - Instructions to Respondents (PUR 1001),
 - General Conditions (PUR 1000), and
 - Introductory Materials.

The Buyer objects to and shall not consider any additional terms or conditions submitted by a respondent, including any appearing in documents attached as part of a respondent's response. In submitting its response, a respondent agrees that any additional terms or conditions, whether submitted intentionally or inadvertently, shall have no force or effect. Failure to comply with terms and conditions, including those specifying information that must be submitted with a response, shall be grounds for rejecting a response.
- ~~5. Questions.~~ Respondents shall address all questions regarding this solicitation to the Procurement Officer. Questions must be submitted via the Q&A Board within MyFloridaMarketPlace and must be RECEIVED NO LATER THAN the time and date reflected on the Timeline. Questions shall be answered in accordance with the Timeline. All questions submitted shall be published and answered in a manner that all respondents will be able to view. Respondents shall not contact any other employee of the Buyer or the State for information with respect to this solicitation. Each respondent is responsible for monitoring the MyFloridaMarketPlace site for new or changing information. The Buyer shall not be bound by any verbal information or by any written information that is not contained within the solicitation documents or formally noticed and issued by the Buyer's contracting personnel. Questions to the Procurement Officer or to

ATTACHMENT B

**STATE OF FLORIDA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

CONFLICT OF INTEREST STATEMENT

I, Carlos M. Rivero, as authorized representative of The City of North Miami Beach certify that no member of this firm nor any person having interest in this firm has been awarded a contract by the Department of Agriculture and Consumer Services on a non-competitive basis to:

- (1) develop this Invitation to Bid (ITB) or Request for Proposal (RFP);
- (2) perform a feasibility study concerning the scope of work contained in this ITB/RFP;
- (3) develop a program similar to what is contained in this ITB/RFP.



Authorized Representative

March 19, 2012

Date

ATTACHMENT C



ADAM H. PUTNAM
COMMISSIONER

Department of Agriculture and Consumer Services
Division of Administration

**CERTIFICATION REGARDING LOBBYING:
DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS
FOR EXPENDITURE OF FEDERAL FUNDS**

LOBBYING

As required by 7 CFR Part 3018, for persons entering into a contract, grant or cooperative agreement over \$100,000 involving the expenditure of Federal funds, the undersigned certifies for itself and its principals that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Carlos M. Rivero, City Forester

RFP/FFS-11/12-24

PRINTED NAME/TITLE OF REPRESENTATIVE

CONTRACT/PURCHASE ORDER NUMBER

SIGNATURE OF REPRESENTATIVE/DATE

DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

As required by 7 CFR Part 3017, for persons entering into a contract, grant or cooperative agreement over \$25,000 involving the expenditure of Federal funds, the undersigned certifies for itself and its principals that:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a Government entity (Federal, State or local) with commission of any offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State or local) terminated for cause or default; and

Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Carlos M. Rivero, City Forester

RFP/FFS-11/12-24

PRINTED NAME/TITLE OF REPRESENTATIVE

CONTRACT/PURCHASE ORDER NUMBER

SIGNATURE OF REPRESENTATIVE/DATE

ATTACHMENT P



ADAM H. PUTNAM
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Bureau of General Services

DRUGFREE WORKPLACE PROGRAM – BIDDER CERTIFICATION

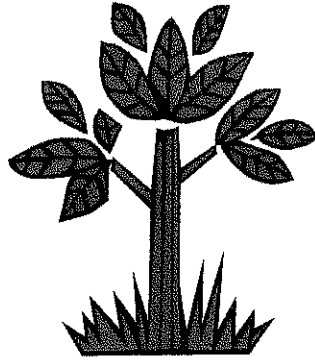
IDENTICAL TIE BIDS – Preference shall be given to businesses with drug-free workplace programs Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

A handwritten signature in black ink, appearing to read "A. J. ...", written over a horizontal line.

VENDOR'S SIGNATURE



**SECTION II
ATTACHMENT D
ATTACHMENT E
LETTERS OF SUPPORT**

ATTACHMENT D

FLORIDA URBAN AND COMMUNITY FORESTRY GRANT PROPOSAL FORM 2012

GENERAL INSTRUCTIONS: Please complete all items pertaining to the Category Grant for which you are applying. The proposal packet must not exceed thirty (30) one sided pages, including attachments. All attachments must be 8 1/2" X 11", except any attached sketches, plans and maps which must be no larger than 2' X 3' and folded into 8 1/2" X 11". Six (6) copies (one copy with original signatures and five copies) of the proposal packet including the proposal form, the project description and all attachments must be received no later than 2:00 p.m., March 30, 2012, at:

Department of Agriculture and Consumer Services
Purchasing Office - U&CF - 2012 PROPOSAL
407 S. Calhoun Street
Mayo Building - Room SB-8
Tallahassee, FL 32399-0800
Telephone (850) 617-7181

If you have any questions, please see ATTACHMENT O, "Florida Forest Service District/Center Contacts"

PROPOSER INFORMATION (Please Print or Type)

Project Title: Martin Luther King Park Cleanup and Tree Planting

Proposer Name: The City of North Miami Beach

Name and Title of Contact Person: Carlos M. Rivero, City Forester

Address: 17050 NE 19 Avenue, North Miami Beach, FL

Zip: 33162

Phone: (305) 948-2980

FEID Number 59-6000389

US Congressional District Number: 17

Is your organization a Non-profit corporation pursuant to Chapter 617, Florida Statutes?

Yes X No

If the applicant is a city or county government, does your urban forestry program have the following:

Professional Staff, in-house or contracted. List qualifications such as ISA certification, forestry degree, etc Carlos Rivero - Landscape Architect

Citizen Tree Advisory Board or Tree Advocacy Group. Describe: City Beautification Commt.

Urban Tree Inventory or Management Plan, how current?: 2012 / on-going

Tree Ordinance covering either public or private lands, describe: Chapter XXIV, Article XI

As the duly authorized representative of the Proposer named above, I hereby certify that all parts of the proposal and required grant information have been read and understood and that all information submitted herein is true and correct.

Authorized Executive Officer: Carlos M. Rivero

Title: City Forester

Signature: [Handwritten Signature]

Date: March 19, 2012

PROJECT DESCRIPTION
(ATTACHMENT D)

2012 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT PROGRAM

Community Description: The City of North Miami Beach is an inner-ring suburb that, unlike other neighboring communities such as Aventura and Sunny Isles Beach, has been able to retain a close connection with the ground. With a housing stock mostly composed of single-family residences, pedestrian traffic is still an important component of the daily life of our residents. For this reason, our urban forest is much more functional than the aesthetically oriented plantings that other high-rise communities implement. Another element that augments the need for shade in this neighborhood is its low-income population, who rely on walking and public transportation to get around. The Washington Park Neighborhood is a low income community. The most recent Census statistics from this neighborhood are:

Number of Housing Units: 231
Residents per Housing Unit: 2.70
Median Household Income: \$28,962.00
Ownership vs. Renters: 66% owner-occupied, 34% tenant-occupied

Historically, residents of this neighborhood have been reticent about requesting neighborhood improvements, and more vocal areas would get funding; however this is slowly changing. Over the last five years the City has installed sidewalks and planted palms throughout this neighborhood, and several residents have jumped on the neighborhood improvement "bandwagon" as they see their community change for the better. Active parks including baseball, basketball, a swimming pool, activity center and a tot lot make this neighborhood rich in resident activities, and a passive park would be a great addition to these features.

Previous Awards: The City of North Miami Beach was awarded \$9,756.00 through the 2010 U&CF Gants Program. Installed in the summer of 2010, this planting has made a major difference in the Highland Village Neighborhood, also a low-income community.

Project Goals and Objectives: The planting of shade trees throughout Martin Luther King Park will not only give it definition but will create an urban oasis along the north edge of this neighborhood. As the attached pictures demonstrate, while this neighborhood has a lot of active park facilities, the area in question is in desperate need of shade and attractiveness. Additionally, this planting will be a great demonstration of CPTED strategies such as Natural Surveillance and Territorial Reinforcement. (For more information on Crime Prevention Through Environmental Design (CPTED) go to: <http://www.mesaaz.gov/police/literature/pdf/CPTEDLong.pdf>)

Project Description
(Attachment D)
Page 2 of 2

Demonstrated Need: As we have all seen, budget cuts over the last four years have mainly affected non-essential services. Unfortunately, tree plantings are many times equated to aesthetics and therefore deemed non-essential. We believe that tree plantings do a lot more than just improve the aesthetics of a community and therefore request your assistance in moving forward with this project.

Species Description: All proposed trees are either native or naturalized to South Florida, including Oak, Mahogany, Lysiloma, Gumbo Limbo and Tabebuia. Their placement has been designed with vehicular and pedestrian safety in mind, while paying close attention to utilities, both above and underground. The plans and specifications have been prepared by the City Forester to insure the highest quality of materials and workmanship. Installation will be done by a professional landscape contractor, and the city's Beautification crew will perform regular maintenance.

Cost Effectiveness: All trees will be purchased through an existing "Purchase of Trees" bid that contains strict specifications, including a three-month establishment period of hand-watering and a one-year guarantee. The vendor was chosen as the lowest qualified bidder, which ensures the best available price to the city. Matching funds will be provided through the participation of both the City Forester and the Beautification Superintendent and crews, who will see the project from conception to completion and beyond into its maintenance.

Tree City USA Certification: The City of North Miami Beach has been a Tree City USA since 1988 and through these 24 years has won the Growth Award on several occasions, including 2010. The City Forester participated in the development and is credited as a reviewer for the National Arbor Day Foundation's *Urban & Community Forestry, a Practical Guide to Sustainability* by James R. Fazio. In addition, North Miami Beach has won several awards for Urban Forestry programs and for site-specific projects through the Florida Urban Forestry Council and other organizations.

Project Oversight: The entire project has been designed and will be managed by Carlos M. Rivero, a dedicated professional with degrees in Landscape Architecture and Urban Planning with concentration on Environmental Planning. Mr. Rivero has overseen the growth and maintenance of our urban forest for the past twenty years and is always striving to educate the residents about the importance of trees in the urban environment.

**ATTACHMENT E
BUDGET**

Activity: Martin Luther King Park Tree Planting

Specific Description: Cleaning up and planting trees throughout Martin Luther King Park

SUMMARY OF COSTS

(A 50/50 match on behalf of the Proposer is required)

	REQUESTED GRANT \$ I	LOCAL MATCH \$ II
Contractual costs	<u>\$4,600.00</u>	
Personnel costs		<u>\$8,895.20</u>
Travel costs		
Equipment costs		<u>\$1,147.50</u>
Supplies costs		
Operating costs		
Tree costs	<u>\$4,572.00</u>	
Overhead costs		
Total Requested Grant (I)	<u>\$9,172.00</u>	
Total Matching Costs (II)		<u>\$10,042.70</u>
Total Program Costs (III)	<u>\$19,214.70</u>	
	Add columns I and II for total III (100%)	
<u>48</u>	% Grant request	<u>52</u> % Local match

A BUDGET, DETAILING ALL COSTS IDENTIFIED ABOVE MUST BE ATTACHED.

PROJECT LOCATION INFORMATION (Please print or type - Complete where applicable)

County Miami-Dade

Describe the Specific Location of the Project: North boundary of the Washington Park Neighborhood
Between NE 14 & 16 Avenues and between NE 154 and 155 Terrace.

Who has responsibility for overseeing Project implementation (name and title):
Carlos M. Rivero, City Forester

Who has maintenance responsibility for the Project after completion:
The Beautification Division of the Public Services Department

Is the Land Ownership Public or Private?: Public / City owned

Name of Landowner: The City of North Miami Beach

Project Title: Martin Luther King Park Cleanup and Tree Planting

Applicant Name: Carlos M. Rivero for the City of North Miami beach

Email Address: carlos.rivero@citynmb.com

**ATTACHMENT E (CONTINUED)
BUDGET**

Please note: All proposals must include a detailed itemized budget summary which lists all anticipated expenditures and explains all project costs. Proposals for site specific demonstration tree planting projects must list the quantity, species, and approximate size (container size, or caliper and height) of trees to be planted.

IMPORTANT: THIS FORM MUST BE USED. PROPOSERS NOT USING THIS FORM WILL BE RULED INELIGIBLE

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
<u>Contractual</u> (Description)				
TREE PLANTINGS	46	\$100.00	\$4,600.00	
<u>Personnel</u> (List titles or positions)				
CITY FORESTER	1	(120 hours @ \$30.20 / hr.)		\$3,624.00
BEAUTIFICATION SUPERINTENDENT	1	(80 hours @ \$26.14 / hr.)		\$2,091.20
5 BEAUTIFICATION STAFF	5	(200 hours @ \$15.90 / hr.)		\$3,180.00
<u>Travel</u>				

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
<p>Equipment (List items)</p> <p>FRONTLOADER</p>	<p>1</p>	<p>(5 days @ \$229.50 / day)</p>		<p>\$1,147.50</p>
<p>Supplies (List items)</p>				

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
<u>Operating Costs</u> (List)				
<u>Trees</u> (List species and size)				
Bursera simarouba (Gumbo Limbo) 8'-10'	9	\$83.00	\$747.00	
Lysiloma sabicu (Wild Tamarind) 8'-10'	9	\$127.00	\$1,143.00	
Quercus virginiana (Live Oak) 8'-10'	9	\$83.00	\$747.00	
Sietenia mahogarty (Mahogany) 8'-10'	9	\$85.00	\$765.00	
Tabebuia caraiba (Yellow Tab) 8'-10'	10	\$117.00	\$1,170.00	
Total			\$9,172.00	\$10,042.70

* Grant dollars may not be used to purchase food as supplies.

George and Deborah Gabriel
1426 NE 154 Street
Washington Park
NMB, FL 33162

March 19, 2012

Florida Department of Agriculture
And Consumer Services
407 South Calhoun Street
Mayo Building, Room SB-8
Tallahassee, FL 32399-0800

RE: RFP/FFS-11/12-24. 2012 National and Community Forestry Grant Program.
Letter of Support.

Dear Sirs/Madams:

As long time residents of Washington Park and community activists, we wish to offer our support for this grant. This park along the north edge of our neighborhood is underutilized and the planting of trees would make it not only useful but beautiful and inviting.

Sincerely,

A handwritten signature in black ink, appearing to be 'George and Deborah Gabriel', written over a horizontal line.

George and Deborah Gabriel
Residents since 1975



City of North Miami Beach, Florida

COUNCILMAN PHILIPPE DEROSE

March 19, 2012

Florida Department of Agriculture
And Consumer Services
407 South Calhoun Street
Mayo Building, Room SB-8
Tallahassee, FL 32399-0800

RE: RFP/FFS-11/12-24. 2012 National and Community Forestry Grant Program.
Letter of Support.

Dear Sirs/Madams:

As Councilman and Beautification Liaison for the City of North Miami Beach, I wholeheartedly agree with the intentions of this grant and offer my support. As a built-out city, planting opportunities throughout North Miami Beach are not always ideal and our Forester's creativeness allows us to continue adding to the urban canopy, which provides an immense variety of benefits to our residents and the environment. If you should have any questions that I may be able to answer, you can reach me at 305-948-2986.

Sincerely,


Councilman Philippe Derosé



Florida House of Representatives
Representative John Patrick Julien
District 104

DISTRICT OFFICE:

633 NE 167th Street
Suite 600
Miami, FL 33189
Phone: (305) 650-0022
Fax: (305) 650-0024

CAPITOL OFFICE:

1401 The Capitol
402 South Monroe Street
Tallahassee, FL 32399
Phone: (850) 488-7088

COMMITTEES:

Criminal Justice
RANKING MEMBER

Community & Military
Affairs Subcommittee

Finance & Tax Committee

House Redistricting
Subcommittee

Insurance & Banking
Subcommittee

Judiciary Committee

STAFF:

Jennifer Laurent
Legislative Assistant

Marie S. Fabre
District Secretary

March 19, 2012

Florida Department of Agriculture
And Consumer Services
407 South Calhoun Street
Mayo Building, Room SB-8
Tallahassee, FL 32399-0800

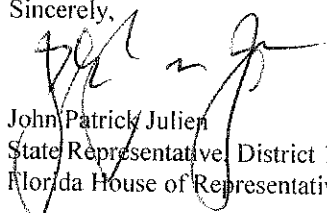
RE: RFP/FFS-11/12-24. 2012 National and Community Forestry Grant Program.
Letter of Support.

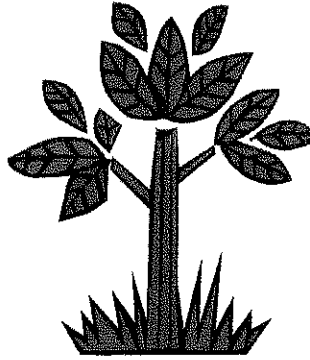
To Whom It May Concern:

As a member of the Florida House of Representatives it gives me great pleasure to offer my support for this worthy project in my hometown of North Miami Beach.

I am very proud of the way in which North Miami Beach constantly seeks to protect and enhance the urban canopy, and this project is a great example of that.

Sincerely,


John Patrick Julien
State Representative, District 104
Florida House of Representative



SECTION III

**LOCATION MAP
PLANTING PLAN AND DETAILS
AREA PHOTOGRAPHS**



AS CAN BE SEEN IN THESE PICTURES, MARTIN LUTHER KING PARK IS A LINEAR GREEN SPACE ALONG THE REAR SIDE OF ALL ADJACENT HOMES SHOWING OVERGROWTH CONDITIONS ALONG THE FENCELINES. THIS IS A NON-SPACE THAT COULD BE CONVERTED INTO A USABLE, SHADY PASSIVE PARK.





THE WASHINGTON PARK NEIGHBORHOOD HAS EXCELLENT ACTIVE PARKS WITHIN ITS BOUNDARIES AND PALM-LINED STREETS THAT MAXIMIZE THE NARROW RIGHTS-OF-WAY IN ORDER TO ACCOMMODATE THE RIGHT TREE IN THE RIGHT PLACE.





City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Lyndon L. Bonner, City Manager
DATE: Tuesday, August 7, 2012

RE: Resolution No. R2012-60 (Chief Procurement Officer Brian O'Connor)

BACKGROUND: The Norwood-Oeffler Water Treatment plant uses sodium hypochlorite in the water treatment process.

The City of North Miami Beach, acting as the lead agency, issued this solicitation on behalf of the Southeast Florida Governmental Purchasing Cooperative (Cooperative). The Cooperative is comprised of procurement professionals in 49 governmental agencies in Miami-Dade, Broward and Palm Beach counties. Its purpose is to provide cost savings and cost avoidances to member agencies by utilizing the buying power of combined requirements for common basic items or services.

Notices were electronically mailed to 532 potential, local and national vendors via Demand Star. Additionally, all local and registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email. Advertisements were placed in the Daily Business Review on June 25, 2012. Signs and Bid Notices were posted in the City Hall Lobby under Public Notices. The Bid (available for download) and a brief description were posted on the City's website.

Two vendors (Allied Universal Corp. and Odyssey Manufacturing Company) submitted bids. The Cooperative shall realize an estimated yearly savings of \$63,085 and the City shall realize an estimated yearly savings of \$13,500 as a result of this solicitation.

RECOMMENDATION: It is the evaluation committee's recommendation that the Bid be awarded as follows:

Odyssey Manufacturing Company
1484 Massaro Boulevard
Tampa, Florida 33619
Primary Vendor for Items 1 and 2

Allied Universal Corporation
3901 NW 115 Avenue
Miami, Florida 33178
Back-up and Secondary Vendor for Items 1 and 2

FISCAL IMPACT:

Expenditure: On an as needed basis within the established budget for the Norwood Water Treatment Plant
Account No: 410904-533620

CONTACT PERSON(S):

Shari Kamali, Director of Public Services Department
Brian K. O'Connor, Chief Procurement Officer

ATTACHMENTS:

- ❑ [Bid Tally](#)
- ❑ [2012-15 Agreement with Odyssey Manufacturing Company](#)
- ❑ [2012-15 Agreement Allied Universal Corp](#)
- ❑ [Resolution No. R2012-60](#)

Bid Tally
2012-15 Sodium Hypochlorite

Item No.	Description	Unit	Estimated Annual Usage	Allied Universal, Inc.		Odyssey Manufacturing	
				Unit Price	Total Price	Unit Price	Total Price
1	Sodium Hypochlorite - Tanker Load	Gallon	2,336,470	\$0.678	\$1,584,126.66	\$0.655	\$1,530,387.85
2	Sodium Hypochlorite less than Tanker Load	Gallon	275,650	\$0.78	\$215,007.00	\$0.725	\$199,846.25
Total Items 1 and 2					\$1,799,133.66		\$1,730,234.10

The City of North Miami Beach has not checked the bids/proposals for errors or made determinations that any bids/proposals meet requirements. The City makes no claim that the prices listed above are anything other than prices entered and read aloud at the public opening. All bids/proposals will be reviewed by an evaluation committee at a publicly scheduled meeting before being submitted to the City of North Miami Beach City Council for approval (if required).

AGREEMENT No. 2012-15.1
BETWEEN THE CITY OF NORTH MIAMI BEACH AND
ODYSSEY MANUFACTURING COMPANY

THIS AGREEMENT is made and entered into as of this ____ day of _____, **2012** by and between **Odyssey Manufacturing Company**, a corporation organized and existing under the laws of the **State of Delaware**, having its principal office at **1484 Massaro Boulevard, Tampa, Florida, 33619** (hereinafter referred to as the "Contractor"), and the City of North Miami Beach, a political subdivision of the State of Florida, having its principal office at 17011 NE 19th Avenue, North Miami Beach, Florida 33162 (hereinafter referred to as the "City"),

WITNESSETH:

WHEREAS, the Contractor has offered to provide the materials and/or services and to be bound by the Plans and the terms and conditions of the **Invitation to Bid (ITB) No. 2012-15**, which includes the General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, the Contractor has submitted a written proposal dated **July 13, 2012**, hereinafter referred to as the "Contractor's Proposal", the terms of which are incorporated herein by reference as if fully set forth herein; and

WHEREAS, the City desires to procure from the Contractor such items for the City, in accordance with the terms and conditions of this Agreement.

WHEREAS, the City designated Odyssey Manufacturing Company as the approved primary vendor for Items 1 and 2; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The Contractor agrees to provide the materials and/or services pursuant to and to be bound by the Plans and the terms and conditions of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda and the terms of which are incorporated herein by reference as if fully set forth herein and attached hereto as Exhibit "A", and the Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

2. The CITY agrees to abide by and to be bound by the terms of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and by the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

3. Contractor shall deliver materials and/or provide services in accordance with the terms of the Invitation to

Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

4. The City agrees to make payment in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

5. This Agreement and attachments hereto constitute the entire agreement between the parties hereto, and its provisions shall not be amended, except in writing, after formal approval by both parties.

6. This Agreement will commence on _____ and expire on _____ unless Contractor is otherwise notified by the City. Any extension to this Agreement shall be in writing. The City Manager is authorized to extend or terminate this Agreement on behalf of the City.

7. In addition to any other contractual indemnification provisions in Exhibit A or Exhibit B in favor of the City, Contractor hereby agrees to indemnify and hold the City harmless from any and all claims, suits, actions, damages, causes of action, and attorney's fees, arising from any personal injury, loss of life, or damage to person or property sustained by reason of or as a result of the products or materials used or supplied in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on this _____ day of _____, 2012.

ODYSSEY MANUFACTURING COMPANY

CITY OF NORTH MIAMI BEACH

By: _____
(Signature)

By: _____
Lyndon L. Bonner, City Manager

Name: _____
(Print)

Date: _____

Title: _____

Attest: _____
Pamela L. Latimore, City Clerk

Date: _____

Approved as to form
and legal sufficiency

Attest: _____
Corporate Seal/Notary Public

Darcee S. Siegel, City Attorney

Corporate Seal/Notary Seal

AGREEMENT No. 2012-15.2
BETWEEN THE CITY OF NORTH MIAMI BEACH AND
ALLIED UNIVERSAL CORPORATION

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2012 by and between **Allied Universal Corporation**, a corporation organized and existing under the laws of the **State of Florida**, having its principal office at **3901 Northwest 115 Avenue, Miami, Florida, 33178**, (hereinafter referred to as the "Contractor"), and the City of North Miami Beach, a political subdivision of the State of Florida, having its principal office at 17011 NE 19th Avenue, North Miami Beach, Florida 33162 (hereinafter referred to as the "City"),

WITNESSETH:

WHEREAS, the Contractor has offered to provide the materials and/or services and to be bound by the Plans and the terms and conditions of the **Invitation to Bid (ITB) No. 2012-15**, which includes the General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A", and the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, the Contractor has submitted a written proposal dated **July 13, 2012**, hereinafter referred to as the "Contractor's Proposal", the terms of which are incorporated herein by reference as if fully set forth herein; and

WHEREAS, the City desires to procure from the Contractor such items for the City, in accordance with the terms and conditions of this Agreement.

WHEREAS, the City designated Allied Universal Corporation as the back-up and secondary vendor for Items 1 and 2; and

WHEREAS, only in situations when the primary vendor cannot deliver the sodium hypochlorite as required by the City shall the City purchase the sodium hypochlorite from Allied Universal Corporation, the back-up and secondary vendor;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The Contractor agrees to provide the materials and/or services pursuant to and to be bound by the Plans and the terms and conditions of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda and the terms of which are incorporated herein by reference as if fully set forth herein and attached hereto as Exhibit "A", and the Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".
2. The CITY agrees to abide by and to be bound by the terms of the Invitation to Bid, which includes General Terms and Conditions of Invitations for Bids, Specifications, Bid Forms, and associated addenda attached hereto

and incorporated herein as Exhibit "A", and by the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

3. Contractor shall deliver materials and/or provide services in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

4. The City agrees to make payment in accordance with the terms of the Invitation to Bid, Bid Forms and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B".

5. This Agreement and attachments hereto constitute the entire agreement between the parties hereto, and its provisions shall not be amended, except in writing, after formal approval by both parties.

6. This Agreement will commence on _____ and expire on _____ unless Contractor is otherwise notified by the City. Any extension to this Agreement shall be in writing. The City Manager is authorized to extend or terminate this Agreement on behalf of the City.

7. In addition to any other contractual indemnification provisions in Exhibit A or Exhibit B in favor of the City, Contractor hereby agrees to indemnify and hold the City harmless from any and all claims, suits, actions, damages, causes of action, and attorney's fees, arising from any personal injury, loss of life, or damage to person or property sustained by reason of or as a result of the products or materials used or supplied in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on this _____ day of _____, 2012.

ALLIED UNIVERSAL CORPORATION

CITY OF NORTH MIAMI BEACH

By: _____
(Signature)

By: _____
Lyndon L. Bonner, City Manager

Name: _____
(Print)

Date: _____

Title: _____

Attest: _____
Pamela L. Latimore, City Clerk

Date: _____

Approved as to form
and legal sufficiency

Attest: _____
Corporate Seal/Notary Public

Darcee S. Siegel, City Attorney

RESOLUTION NO. R2012-60

**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 ODYSSEY MANUFACTURING
COMPANY, AS THE PRIMARY VENDOR, AND ALLIED
UNIVERSAL CORPORATION, AS BACK-UP AND THE
SECONDARY VENDOR, FOR SODIUM HYPOCHLORITE**

WHEREAS, the City of North Miami Beach issued an Invitation to Bid (ITB) No. 2012-15 to purchase sodium hypochlorite; and

WHEREAS, the agreement will be a three year unit price agreement, with two one year renewal options, that will be funded by a budgeted account for the Norwood-Oeffler Water Treatment Plant; and

WHEREAS, only in situations where the primary vendor cannot deliver the sodium hypochlorite as required by the City, staff may purchase the sodium hypochlorite from the back-up/secondary vendor; and

WHEREAS, bid notices were electronically mailed to 532 potential local and national vendors, advertised in the Daily Business Review, and posted on DemandStar by Onvia, on the City's website, and in the lobby of City Hall; and

WHEREAS, two companies responded to the Invitation to Bid by the published deadline; and

WHEREAS, an Evaluation Committee was convened to rank the responses to Bid No. 2012-15; and

WHEREAS, the Evaluation Committee recommended that Bid No. 2012-15 be awarded to the lowest responsive and responsible bidder, Odyssey Manufacturing Company, as the primary vendor, and to Allied Universal Corporation, the second lowest responsive and responsible bidder, as a back-up and secondary vendor to the primary vendor; and

RESOLUTION R2012-60

WHEREAS, based on the response to Bid No. 2012-15, the City Council of North Miami Beach authorizes the City Manager to execute an agreement between the City of North Miami Beach and Odyssey Manufacturing Company, as the primary vendor, and Allied Universal Corporation as a back-up and secondary vendor, for the purchase of sodium hypochlorite under a unit price agreement;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach hereby award Bid No. 2012-15 to Odyssey Manufacturing Company as the primary vendor for Items 1 and 2 and Allied Universal Corporation as a back-up and secondary vendor for Items 1 and 2. The expenditure of the bid items will be established within the budgetary amount for each fiscal year.

Section 3. The Mayor and Council of the City of North Miami Beach, Florida, hereby authorize and direct the City Manager and the City Clerk to execute an agreement, in a form acceptable to the City Attorney, between the City and Odyssey Manufacturing Company as the primary vendor and Allied Universal Corporation as a back-up and secondary vendor, attached hereto as Exhibit "A" and incorporated herein by reference.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of **August, 2012**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

RESOLUTION R2012-60

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and Council

RESOLUTION R2012-60



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Councilwoman Beth Spiegel
DATE: Tuesday, August 7, 2012

RE: Resolution No. R2012-61 (City Attorney Darcee S. Siegel)

BACKGROUND: The City of North Miami Beach is without the necessary funds to fully remediate the ground contamination of Taylor Park. The City is seeking help from available governmental resources to clean up Taylor Park, to remediate the contamination at Taylor Park, and to re-open this valuable recreational park and green space area.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

CONTACT PERSON(S): Councilwoman Beth Spiegel
Darcee S. Siegel, City Attorney

ATTACHMENTS:

- ▣ [Resolution No. R2012-61](#)

RESOLUTION NO. R2012-61

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
SEEKING FUNDS FROM THE STATE OF FLORIDA'S
DEPARTMENT OF ENVIRONMENTAL PROTECTION TO
REMEDiate GROUND CONTAMINATION AND CLEAN
UP EFFORTS AT THE CITY'S TAYLOR PARK.**

WHEREAS, on May 26, 1953 Taylor Park, was given to the City of North Miami Beach by Miami-Dade County and;

WHEREAS, unbeknownst to the City, Taylor Park was either contaminated from the beginning or became such over the years as a result of uses prior to North Miami Beach owning the property; and

WHEREAS, as a result of the contamination, in order to protect the safety and well-being of North Miami Beach and other Florida residents using the park, Taylor Park has been closed and Taylor Park can no longer be used or enjoyed until the land is properly cleaned; and

WHEREAS, for many years, Taylor Park represented a significant recreational facility within the City of North Miami Beach, which included ball fields, parks and open green space; and

WHEREAS, for many years Taylor Park provided a wonderful outdoor facility to the families and residents of the City of North Miami Beach, to participate in and view Little League games, to partake in afterschool activities, and to spend many weekends enjoying the Florida sunshine; and

WHEREAS, Taylor Park further provided fields for adults and children alike to use, a daycare facility for children of working parents, a nature trail for residents around the Aqua Bowl lake, and an open green space for all residents of the North Dade area to use and enjoy; and

RESOLUTION R2012-61

WHEREAS, as a result of the ground contamination, Taylor Park has been closed, and the residents have been deprived of the Park, have been unable to access the recreational facilities and to participate in activities at Taylor Park, and have been unable to use this substantial portion of green space in the City of North Miami Beach; and

WHEREAS, the City of North Miami Beach is landlocked and has no green space on the waterways of South Florida, and without Taylor Park, a substantial portion of the green space of North Miami Beach is unavailable to the residents of the City of North Miami Beach; and

WHEREAS, the City of North Miami Beach is without the necessary funds to fully remediate the ground contamination of Taylor Park; and

WHEREAS, the City of North Miami Beach is seeking help from available governmental resources to clean up Taylor Park, to remediate the contamination at Taylor Park, and to re-open this valuable recreational park and green space area; and

WHEREAS, in order to provide the quality of life that all the residents of North Dade including those in the City of North Miami Beach deserve, the Mayor and City Council request funds from the State of Florida, to remediate the ground contamination and assist in the clean-up efforts at Taylor Park, so residents can have full access to and use of Taylor Park.

WHEREAS, NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby urge the State of Florida's Department of Environmental Protection to provide funds to remediate the ground contamination and assist in clean-up efforts of Taylor Park.

RESOLUTION R2012-61

Section 3. The City Clerk is hereby directed and authorized to send a copy of this resolution to the Florida Department of Environmental Protection, Governor Rick Scott, our Florida State Representatives, and all other appropriate persons or agencies, and to Ron Book, the City's registered lobbyist.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of _____, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilwoman Beth E. Spiegel
Mayor and Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Lyndon L. Bonner, City Manager
DATE: Tuesday, August 7, 2012

RE: Administrative Investigation Complaint #IA0510.12

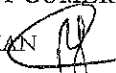
BACKGROUND: N/A
RECOMMENDATION: N/A
FISCAL IMPACT: N/A
CONTACT PERSON(S): Lyndon L. Bonner, City Manager

ATTACHMENTS:

- ❑ [Administrative Investigation Complaint #IA0510.12](#)

City of North Miami Beach
POLICE DEPARTMENT

MEMORANDUM

DATE: JULY 2, 2012
TO: INTERIM CHIEF LARRY GOMER
FROM: SGT. RICHARD SILBERMAN 
RE: COMPLAINT INVESTIGATION

I have completed the administrative investigation regarding the allegations made by Councilman Pierre against Public Works Director Shari Kamali under Complaint #IA0510.12. Due to the decision of Councilman Pierre to not pursue the matter, I was unable to conduct a thorough investigation for lack of a formal complaint and claimed evidence / witnesses. Therefore I am submitting the limited investigative findings and a recommendation to carry this matter as UNFOUNDED.

I am submitting the case file for your review.

If you concur with the investigation findings, please initial the investigation summary memo, sign below and return the file to me.

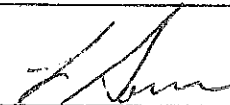
If you have any questions, please contact me.

FOR USE BY OFFICE OF THE CHIEF OF POLICE

I HAVE READ THE FOREGOING REPORT AND:

CONCUR WITH THE FINDINGS DO NOT CONCUR WITH THE FINDINGS

Comments:

 #57


Chief of Police

7/17/2012

Date

City of North Miami Beach
POLICE DEPARTMENT

MEMORANDUM

TO: INTERIM CHIEF LARRY GOMER
VIA: DIRECT
FROM: SGT. RICHARD SILBERMAN 
DATE: JULY 2, 2012
RE: SANITATION BID COMMITTEE CONFLICT ALLEGATION BY COUNCILMAN PIERRE

An investigation was requested by the City Manger due to potential allegations made during a City of North Miami Beach workshop meeting on May 1, 2012, regarding the Sanitation Department and its possible outsourcing. During the workshop, Councilman Frantz Pierre made the following comment:

"On a "sidebar" I have a question for the Madam Attorney": You heard every single member of the panel say that they have no prior contacts with the company. Now my question for you...assuming that everything was done perfectly there were no contact or they disclosed their contact and we find out that one or several members had personal ties with companies...how does that tie into this?"

After a brief explanation by the City Attorney, and discussion of procedures by Mr. Bonner and Mr. O'Connor, Councilman Pierre stated he had no further questions.

I reviewed the recorded meeting, and again along with Interim Chief Gomer, and determined that Councilman Pierre's comments appeared to be hypothetical and did not make any specific allegation against any particular individual. Therefore, this matter did not constitute any specific allegation that someone committed a violation of city policy, ordinance or state statute. This matter was then discussed between Interim Chief Gomer and City Manager Bonner, and it was explained that if Councilman Pierre had any specific grievance or allegation of wrongdoing against any city employee, that Mr. Pierre needed to come forward and provide a sworn statement as to his allegations.

During the City Council Meeting on May 15, 2012, Councilman Pierre again brought up the matter of the Sanitation bid, and stated the following (1:27:07):

"I can put on record that, I got at least two credible witnesses that can tell me, that the original vice-president of the winning bid company, has extensive conversation with Ms. Shari Kamali."

Mr. Bert Kehren had called and spoke to Interim Chief Gomer and mentioned the matter. Mr. Kehren was interviewed in addition to others as summarized below:

Bert Kehren

On Tuesday, May 29th, 2012 I met with Mr. Bert Kehren, a City of NMB resident, who had earlier contacted Interim Chief Gomer, regarding information that had come to his attention regarding this matter. Mr. Kehren stated that he was told by another resident, Mary Hilton, that she had information alleging that money had improperly changed hands in the matter of the Sanitation outsourcing bid with the City. Mr. Kehren advised that this information had stemmed from a meeting between Kamali, Waste Pro representative(s), and others. Kehren stated that he was not present, but he felt compelled to bring the matter to the City's attention in the event that it was factual. He stated that when he insisted that Ms. Hilton bring her allegations to the City's attention, she began to backtrack a bit on her statements to Kehren.

Bruce Lamberto

On Thursday, June 14th, 2012, I met with Mr. Bruce Lamberto outside of his place of employment (City of Miami Beach City Hall). Mr. Lamberto stated that he had a conversation with Councilman Pierre several weeks ago, in which Pierre commented on some vague allegations regarding Ms. Kamali and the Sanitation bid process. Lamberto stated that Pierre's allegations alluded to Kamali possibly allowing a vendor to change his bid after the bid was opened.

Mr. Lamberto stated that he has not had recent conversations with either Mary Hilton or Richard Riess. Most of what was provided by Mr. Lamberto was information heard at the recent council meetings. Mr. Lamberto stated that he spoke with Pierre and suggested that he apologize to Kamali for his comments about her in a public meeting. Lamberto stated that at the last council meeting of 6/5/2012, Pierre apologized if Kamali's feelings were hurt, however he stood by his comments.

Mary Hilton

On Friday, June 8th, 2012, I spoke with Ms. Mary Hilton via telephone. Ms. Hilton stated that there had been a meeting at her residence a couple of months ago, in which Councilwoman Kramer, Mr. Richard Riess and Waste Pro representative Russell Mackie were in attendance. Ms. Hilton stated that she had no personal knowledge of Ms. Kamali having met with Waste Pro or having any improper contact with them regarding the Sanitation outsourcing bid. Ms. Hilton stated that

she had no knowledge of any financial transactions between Mackie and Kamali. Ms. Hilton suggested I speak with Mr. Riess for information he may be able to provide.

Barbara Kramer

On Tuesday, June 12, 2012, I met with Councilwoman Kramer at her office. Mrs. Kramer confirmed that she had arranged a meeting to discuss the upcoming Sanitation outsourcing workshop, at the request of Mr. Mackie. Kramer stated that the purpose for the meeting request was to be able to provide information about the company and to answer any questions anyone may have prior to the upcoming workshop. Kramer stated that Mackie had mentioned that he had met Ms. Kamali along with the outsourcing committee maybe 7 months to approximately 1 year ago, however Kamali had stated that she did not recall having met Mackie.

Kramer stated that she is not aware of any improper contact between Kamali and Mackie, nor is she aware of any "money changing hands" as mentioned by Mr. Kehren.

Mac Serda

Mr. Serda was interviewed in his office on 6/14/2012. Mr. Serda stated that he sits on the Sanitation outsourcing bid committee. Serda stated that the committee has met with representatives from the various bidders on several occasions, as they are present at workshop and other committee meetings as they are public. Serda stated that initially, prior to the bid being put out publicly, he personally made some inquiries from a sanitation company, (Waste Management he believes) in order to better educate himself on the scope of the business and other factors which would provide useful knowledge in preparing bid specifications. Serda stated that it would not be improper for committee members to reach out to conduct research if needed prior to a bid being put out.

Serda stated that there has been no improper contact by any member of the committee with any of the bidding vendors to his knowledge, nor has he heard of any improprieties or bribery on the part of any committee member. Serda stated that he was not aware of any violation of the imposed "cone of silence" put into place at the start of the bidding process.

Russell Mackie

Mr. Mackie was interviewed on 6/13/2012 at 95 NW 167 ST (Dunkin Donuts). Mr. Mackie is a regional Vice-President for Waste Pro's Southeast Florida region. Mr.

Mackie stated that Waste Pro is one of the largest privately owned sanitation service providers in the Southeast. Mackie stated that the company stays abreast of what goes on in local governments as potential for new opportunities. Mackie stated that his company became aware of the stated financial hardships facing the city of North Miami Beach, and a request was made to meet with the Director of Public Works for the city of NMB, Ms. Shari Kamali. Mackie stated that an appointment was made and he along with Mr. Tim Bowers (also from Waste Pro) met with Ms. Kamali approximately one year ago. Mackie stated that this was basically a "sales call" to introduce themselves and their company to Ms. Kamali, and to express their interest in proposing their company's services to the City of NMB as a possible cost cutting alternative to the current in-house sanitation services. Mackie stated that this meeting was at their request, not Kamali's. Mackie stated that they were the only three at this meeting in Kamali's office.

Mackie stated that at this meeting, they discussed the Waste Pro company, their services, other client cities and services provided to them. Mackie stated that they explained to Kamali that several of the municipal customers are on a contract, which can be piggybacked. Mackie stated that Kamali was asked if NMB would be interested in their services, and that Kamali explained that this was not a decision for her to make.

Mackie stated that to his knowledge, Waste Pro was not aware of the City's Bid prior to publication. Mackie stated that once the bid was put out, Waste Pro answered the RFP and submitted the bid per procedures. Mackie stated that they observed the Cone of Silence, in as far as any discussions with anyone regarding the bid, with the exception of any questions that may have arisen which would have been directed to the City's procurement officer.

Mackie stated that once the bid selection was announced by the City Manager, there were apparent complaints about the process by competing vendors. Mackie stated that he had requested to meet with city officials via their hired lobbyist, Mr. Ron Book, who set up a meeting with Councilwoman Barbara Kramer. Mackie stated that Kramer requested the meeting be held at the residence of one of the city's community activists, Ms. Mary Hilton. Mackie stated that aside from Hilton, Kramer and Mr. Richard Riess were in attendance. He stated that the meeting lasted maybe one hour. Mackie stated that he basically answered questions about Waste Pro, services and their experiences with other cities who contracted with them for sanitation / waste management services. Mackie stated that there were no unusual matters discussed at this meeting.

Mackie stated that to his knowledge, at no time during this entire process was anything done improperly, by himself or any of his colleagues, to include any type of money or goods being provided for any favorable consideration or otherwise during the bid process

Mr. Mackie provided me with copies of email correspondence between his company and Ms. Kamali (see attached).

Mr. Richard Riess

I met with Mr. Riess on Monday, June 19th, 2012 at the NMBPD station (IA Office). Mr. Riess stated that he did not have any first hand information or personal knowledge of any improper meetings or other conduct by Ms. Kamali regarding the Sanitation bid. Mr. Riess did relay that at some point during the Sanitation Workshop meeting, he had overheard a conversation between Mr. Mackie and someone else outside of the Council Chambers, commenting that he was concerned that Ms. Kamali did not mention that he had met with her some time ago prior to the bid. According to Riess, Mackie expressed concern because of Bonner's comments of "firing people" for undisclosed conflicts.

Comments extracted from Sanitation Workshop meeting on 6/1/2012

Councilwoman Smith: "I just wanted to ask Councilman Pierre one question, ... he alluded that perhaps one of the five panels or people that were on the panel could have had a vested interest in one of the ...do you, that was the question you had asked, and so I wondered if you had any substance behind that before we..."

Councilman Pierre: "this is something I wan to discuss with our City Attorney before I make further revelations."

Bonner: Is there a notion that there is a conflict of interest on my panel?"

Smith: "We're going to find out. He just said he's going to talk to the City Attorney before he discloses...I'd just like to have him disclose it..."

Bonner: "Now...I don't want to cast disreputation...these people worked hard for your Council, I want to make certain that you know, that I have no suspect that this has occurred, if I did, people would get fired over this. You know how strongly I feel. These people's integrity is on the line. Say something on it now, I want to know now... It's only fair."

Extract from Councilman Pierre's comments at the 6/5/2012 Council Meeting:

"I want to touch briefly on a comment that a resident made earlier tonight (referring to Mr. Kehren). And I need to let the City know that, that was unilateral and erroneous view from that resident. Once again, when the time is right, the

Council and the City will know the truth. And I'm willing to meet with that resident because I got information that will blow his mind.

Having said that, I just want to address a comment that was made last council meeting, from the dais, and repeated by that same resident. I do value all of our employees. I love them. I've seen them in action. I see how hard they work. Just because somebody forgot to make a statement on record, I was trying to clarify the record. But, that was not an "attack." An attack is when you say something that you can document, but I stand corrected. I got "irrefutable evidence" that there were discussions, there were contact between Ms. Kamali and the individual. I got credible witnesses and I stand by it. That was not an attack. That was maybe an omission on her part. And that was not an attack. And since Ms. Kamali is here in the audience, if she feels that way, I would like to openly apologize.

The intention was not to hurt her feelings, not to accuse her of anything; simply she didn't disclose on record that she had contact. While I do know, I do have documents, evidence that she did have contact. That was not an attack, that was not an accusation, but maybe that was an oversight. Please, Ms. Kamali, if I hurt your feelings, please accept my apology. And for the rest of the Council, I got more information that I will disclose at a later date. I got information that will blow your mind."

Extract from City Council Meeting on 6/15/2012:

Councilwoman Beth Spiegel: "I would like to know, because you reminded me of something about, that you said something, Councilman Pierre, "Have we resolved the issue at the last meeting where there was your innuendo that there had been an ethical conflict...has that been resolved?"

Councilman Frantz Pierre: "Uh that, I was going to address at the end, but I can put on record that I got at least two credible witnesses who can tell me that the regional Vice-President of the winning bid company has extensive conversation with Miss Shari Kamali."

City Manager Lyndon Bonner: "I've got to address that. I'm gonna say this, 'So What'? Quite frankly, that's exactly what they're supposed to do. You're saying that something was inappropriate in those discussions? I think that all councilpersons have talked to lobbyists, or some of them along the way, but to imply that something was inappropriate there, that is what I take exception to.

SHARI KAMALI

On July 10, 2012, Ms. Kamali responded to a request to provide a voluntary, sworn statement regarding this matter.

Ms. Kamali stated that she is the Director of Public Services for the City of North Miami Beach and has been employed in this capacity for the last two and a half years.

Ms. Kamali stated that on or about August 1st of 2011, during a budget meeting, current Mayor Vallejo requested from the City Manager to look into the potential for savings if the City were to outsource the sanitation department. The City Manager, then tasked Ms. Kamali to look into the process. Kamali stated that she researched and assisted in writing the RFP for the process, and was ultimately selected to be a reviewer on the selection committee for the received bids.

Kamali stated that the entire process was under the direction of the City's Procurement Officer, Brian O'Connor, who worked under the direction of the City Council in determining the process to follow (RFP, Reverse Bid, Bid, etc.). Kamali stated that initially, when helping write the RFP, she recalled contacting Waste Management, WSI and one other, both ultimately vendors which submitted bids for the RFP. Kamali stated that she did not recall meeting with Waste Pro until it was brought to her attention that they had met sometime in August of 2011. Kamali stated that she located a "While You Were Out" phone message receipt from August 2011, in which she was contacted by someone from Waste Pro.

Kamali stated that she cannot recall the meeting with them, and in the course of her position, she meets regularly with many companies and representatives of various industries. Kamali stated that at a recent workshop, regarding the sanitation outsourcing, she did not recognize Russell Mackie who was in attendance. Kamali stated that if they met sometime in August of 2011, she did not recall it, nor did she recall any of the brief emails from either Russell Mackie or Tim Bowers from Waste Pro, in which they asked for a clarification and also provided Kamali with a copy of their contract with the City of Miramar.

Kamali stated that did not have any further contact with Waste Pro to her knowledge, and had no contact with any of the vendors once the Request for Proposal was advertised, nor during the "cone of silence" window.

Kamali was read excerpts from the allegations made by Councilman Pierre regarding possible misconduct during the process, and Kamali stated that after the first innuendo / allegation that someone may have violated a policy, she approached the City Manager and requested that the matter be investigated. Kamali stated that she had no indication that Pierre was alluding to her. Kamali stated that she has no idea why Pierre would be making these allegations against

her. Kamali stands firm that she has done everything above board and took great offense to Councilman Pierre's comments. Kamali stated that she does not know why Councilman Pierre would be singling her out in his accusations, other than possibly the mistaken belief that the Customer Service department falls under her, and his recent issues with an incident involving a City water meter reader.

Conclusion

A decision to look into the possible outsourcing of the city's sanitation department as a potential cost savings measure was made sometime around August of 2011. The task was assigned by the City Manager to the Director of Public Services, under the guidance of the city's Procurement Department. Ms. Kamali along with members of her staff conducted research and contacted sanitation service providers, some, if not all, companies that subsequently provided bids. This research was to educate themselves so as to be able to provide knowledgeable information in the RFP process. The contacting of vendors, even potential vendors, is not considered inappropriate as long as it does not coincide with the "cone of silence" period during the bid process.

In furtherance of this investigation, a memorandum was submitted to Councilman Pierre on Friday, June 22 requesting he call the Internal Affairs Unit to schedule an appointment for the purpose of establishing his specific allegations and provide any and all evidence and witnesses, which he claimed to have regarding this matter. Councilman Pierre stated he had this information during public comment during workshop and council meetings.

Councilman Pierre called this investigator on Friday, June 29th, 2012 in response to a follow-up call, and advised that he no longer wished to pursue this matter. It was explained to him that this investigation was initiated based on his publicly made allegations, to which he stated that he had previously spoken to the Mayor and City Attorney and informed them that he would not be pursuing this matter further. Pierre stated that this matter "would only end up being found as inconclusive."

Contacts between Waste Pro and Ms. Kamali occurred on the following dates:

- 08/22/2011 Phone message from Tim Bower to Kamali
- 08/23/2011 Email from Tim Bower to Kamali (Thanking Kamali for agreeing to meet with them to discuss solid waste collection program and future needs). Gave a list of questions to help them put together a proposal.

INTEROFFICE MEMORANDUM

- 08/25/2011 Email from Tim Bower to Kamali (thanking Kamali for meeting with them "today" and that they look forward to providing a proposal asap. Asked a couple of questions. See emails).
- 08/30/2011 Email from Tim Bowers to Kamali (asking the cost of monthly billing charge for Single Family Residential trash and bulk collection).
- 09/7/2011 Phone message from Tim Bower to Kamali
- 09/12/2011 Phone message from Tim Bower to Kamali (re: someone requested a copy of a contract. He is willing to drop it off if needed).
- 09/13/2011 Email from Tim Bower to Kamali (advising that he tried to email a document but it was too large to go through and offered to drop off a hard copy).
- 09/13/2011 Email from Tim Bower to Kamali (attaching a copy of Miramar contract).
- 09/13/2011 Failed email from Tim Bower to Kamali (attempting to send large document file).

Due to Councilman Pierre's decision to not provide a formal allegation and not bring forth any claimed evidence or witnesses, this investigation cannot proceed further. Conversations with other concerned and/or involved parties failed to reveal any information or evidence to indicate any improper actions taken by Ms. Kamali.

This matter is hereby deemed unfounded at this time.

A handwritten signature in black ink, appearing to be "S. Hill" with a flourish at the end.



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Lyndon L. Bonner, City Manager
DATE: Tuesday, August 7, 2012

RE: North Miami Beach Amateur Athletic Union (AAU) Basketball Team

BACKGROUND: N/A

RECOMMENDATION: N/A

FISCAL IMPACT:

CONTACT PERSON(S): Lyndon L. Bonner, City Manager
Paulette Murphy, Director of Leisure Services

ATTACHMENTS:

[North Miami Beach Amateur Athletic Union \(AAU\) Basketball Team](#)



The North Miami Beach AAU (Amateur Athletic Union) Basketball Team was created about 5 years ago for NMB children who have a great love of basketball, a desire to enhance their skills, and an aspiration to play on a high school and/or college level.

It is a team that picks up where the City's Traveling Basketball Program has traditionally ended, by giving youth ages 14-18 the experience of competing on a higher level in statewide competitions; providing an opportunity to be exposed to college recruiters; and keeping them in a positive environment while helping to build character, self discipline, and confidence. We teach our team that nothing comes without hard work, and each player is required to be a good student, a dedicated player and must participate in fundraising activities.

This season to date, we have competed in both AAU and USSSA (United States Specialty Sports Association) tournaments and we are proud to say that the kids have done an excellent job, winning four-1st place championship trophies and two-2nd place trophies; with our most recent in the USSSA National Tournament in Suwanee, Georgia on July 12- 15 where we placed 2nd in the Division 1- 10th grade National Championship game.

This accomplishment qualified the team to advance to the USSSA Tournament of Champions in Kansas City, KS which will be held on August 10-12, 2012. 1st & 2nd place teams in 8 regions nationwide will compete in this tournament. All tournament fees have been covered by USSSA but we have to raise the money for airfare, hotel accommodations, and for transportation in Kansas City. The total cost of the trip will be approximately \$5,400.



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MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Lyndon L. Bonner, City Manager
DATE: Tuesday, August 7, 2012

RE: Forfeiture (LETf) Appropriation Request

BACKGROUND: The asset forfeiture program is a process to deprive the criminals from the proceeds of their crime, and offset any investigative expenses of law enforcement.

The police department is requesting appropriation approval of \$5,000.00 from the State/Local LETf.

RECOMMENDATION: It is respectfully requested that the funding request be approved for the expenditure described in the attached document.

FISCAL IMPACT: This request will not affect the City's General Fund, but will reduce the available balance in the corresponding LETf.

CONTACT PERSON(S): Mac Serda, Assistant City Manager

ATTACHMENTS:

- ❑ [Forfeiture \(LETf\) Appropriation Request - August 2012](#)

CITY OF NORTH MIAMI BEACH, FLORIDA

INTER-OFFICE MEMORANDUM

TO: Lyndon Bonner
City Manager

DATE: July 26, 2012

SUBJECT: Use of LETF Funds

FROM: Larry Gomer
Interim Chief of Police

REFERENCES:

ENCLOSURES:

I respectfully request that you place on the agenda for the next City Council meeting the attached appropriation request totaling **\$5,000.00** for expenditure from the State/Local Law Enforcement Trust Account (Fund 173).

As Chief of Police, I certify that the item requested below is in compliance with applicable Federal Guidelines and Florida Statute Chapter 932.7055, subsection 4, regarding the disposition of lien, seized, and forfeited property.

If you have any questions concerning this request, please contact Interim Chief Larry Gomer at extension 2911 or Captain Kevin Prescott at extension 2528.

cc: Kevin Prescott Administrative Police Captain
Betty Kennedy, Police Finance

Federal (Justice) LETF (Fund 172):

The above requested amount will be used for the following law enforcement related purpose(s) :

No Requests

Federal LETF Status Report (as of 7/26/2012) :

Surplus Carryover - 10/1/11 \$ 3,894,626.43

FY 2012 to Date:

Revenues	464,307.77
Current Year Council Appropriations	(2,431,799.00)
Prior Year Council Appropriations)	0.00
Unencumbered Prior Year Approvals	337,931.79
Total of this request	0.00

Balance Available for Expenditure \$ 2,265,066.99

Federal (Treasury) LETF (Fund 177):

The above requested amount will be used for the following law enforcement related purpose(s):

No Requests

Federal (Treasury) Status Report (as of 7/26/2012):

Surplus Carryover - 10/01/11 \$ 752,340.78

FY 2012 to Date:

Revenues	55,579.59
Current Year Council Appropriations	0.00
Prior Year Council Appropriations)	0.00
Unencumbered Prior Year Approvals	0.00
Total of this request	0.00

Balance Available for Expenditure \$ 807,920.37



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MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: Tuesday, August 7, 2012

RE: Litigation List (City Attorney Darcee S. Siegel)

BACKGROUND: Litigation List.

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Darcee S. Siegel, City Attorney

ATTACHMENTS:

▣ [Litigation List](#)

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: August 7, 2012

LITIGATION LIST

I. Civil Rights: (6)

Charles, Islande v. CNMB, Nelson Reyes
Wrongful Death

Grizzle, R. and Wilson, D. v. CNMB, Mayor George Vallejo,
Jason Williams (Aventura) and Christian Lystad (NMB)
Civil Rights Violation/False Arrest **MAYOR HAS BEEN REMOVED
FROM THE CASE.**

Joseph, Johnny v. CNMB and City of Aventura
Civil Rights Violation/False Arrest

Madura, Maryla v. CNMB, Antonio Marciante and Tony Sanchez, individually
Civil Rights Violation/False Arrest **PARTIAL SUMMARY JUDGMENT/
PARTIAL DISMISSAL/
JURY VERDICT/
JUDGMENT GRANTED IN FAVOR OF
CITY AND POLICE OFFICERS
DEFENDANTS.
PLAINTIFF HAS FILED A NOTICE
OF APPEAL.**

Smith, T. v. CNMB, Nelson Reyes (NMB), Luis Soto (NMB),
Nelson Camacho (NMB), and Castronovo Cosimo (Aventura)
Civil Rights Violation

Young, Chondria v. CNMB
Employment and Racial Discrimination

II. Personal Injury: (7)

Donato, Karen v. CNMB
Personal Injury

Garcia, Ramona v. CNMB
Personal Injury

Kassie v. CNMB
Vehicle Accident

Ordonez Rotavista v. CNMB
Vehicle Accident

Rathjens, Margaret v. CNMB
Slip & Fall/Personal Injury

Ruiz, Adriel v. CNMB
Personal Injury

Thomas v. CNMB
Personal Injury

**CITY INDEMNIFIED AND
HELD HARMLESS**

III. Other Litigation: (17)

American Pinnacle v. Susan Owens
Writ of Mandamus/Public Records

American Pinnacle v. City of North Miami Beach
Water Fees

Asset Acceptance LLC v. Pierre and CNMB
Writ of Garnishment

CACV of Colorado v. Lubin and CNMB
Writ of Garnishment

Citifinancial Services, Inc. v. Gordo and CNMB
Writ of Garnishment

Equable Ascent Financial v. Darden and CNMB
Writ of Garnishment

Fernandez v. CNMB
Employment Discrimination

Hellinger v. CNMB
Bid Dispute/Breach of Contract

**CITY INDEMNIFIED AND
HELD HARMLESS**

Perry v. CNMB
Class Action

Leme v. CNMB and American Traffic Solutions, LLC
Ordinance No. 2007-13 "Dangerous Intersection Safety Act"
Class Action for Civil Damages

Progressive American Insurance/Weinblatt v. CNMB
Property Damage

Rosner/Zabel v. CNMB
Appeal of Code Enforcement Board Order

SMG Entertainment Inc. v. CNMB
Constitutional Violation

* Symonette, Marin and McPhatter v. CNMB
Police Misconduct/Wrongful Search & Seizure

Thomas v. CNMB
Writ of Garnishment

Weinberg, Bill v. CNMB
Water Fees

* Wirth v. CNMB
Writ of Replevin

IV. Forfeitures: (23)

CNMB v. Alvarado/Paul
Forfeiture

	<u>CNMB v. Bullard/Taylor/Paez</u> Forfeiture	PARTIALLY SETTLED
	<u>CNMB v. Central Auto Service/Fourreau/Guthrie</u> Forfeiture	PARTIALLY DEFAULTED
*	<u>CNMB v. Cruz/Martinez/Polanco</u> Forfeiture	
	<u>CNMB v. Espinal</u> Forfeiture	
	<u>CNMB v. Fast Lane Auto/Rene/Rene/Walker</u> Forfeiture	
	<u>CNMB v. Garcia, J/Figueroa/King/Sirmons/Garcia, H</u> Forfeiture	
	<u>CNMB v. Garcia-Flores/Nieves</u> Forfeiture	
	<u>CNMB v. Georges</u> Forfeiture	
	<u>CNMB v. Gomez</u> Forfeiture	
	<u>CNMB v. Hawkins/Caldwell</u> Forfeiture	SETTLED
	<u>CNMB v. Hunter/Hunter</u> Forfeiture	
	<u>CNMB v. Jean/Joseph/Guthrie/Central Auto Sales</u> Forfeiture	
	<u>CNMB v. McCray/Sims/Nealy</u> Forfeiture	PARTIALLY SETTLED
*	<u>CNMB v. Montes-Ramirez</u> Forfeiture	
	<u>CNMB v. Osmann/Osmann</u> Forfeiture	SETTLED

CNMB v. Perez/Sosa
Forfeiture

CNMB v. Philidor, A.
Forfeiture

CNMB v. Rodriguez/Harris/Dunston
Forfeiture

CNMB v. Silva
Forfeiture

SETTLED

* CNMB v. Torres-Sena/Vargas-Luna/Jumenez
Forfeiture

CNMB v. Unknown Individual (\$587,310.00 in US Currency)
Forfeiture

CNMB v. Vargas/Sevilla
Forfeiture

V. Mortgage Foreclosures: (207)

Ajami Carpet Company v. (McCullough, et al.)
Mortgage Foreclosure

American Airlines Federal Credit Union v. CNMB (Henriquez)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Garcia, et al.)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (George)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Gomez, et al)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Hernandez)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Martinez, et al)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Perez, et al.)
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Rodriguez, M., et al.)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Alberto, et al.)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Bonet, et al.)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Berger, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Jacobi et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Morales, et al)
Mortgage Foreclosure

BAC Home Loans. CNMB (Piedrahita, L. et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Prado, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Sigler)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Temirao, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Torain, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Torres, et al)
Mortgage Foreclosure

BAC Home Loans v. CNMB (Zephir, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Alvarez, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Betancourt, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Failer, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Failer, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Feliu)
Mortgage Foreclosure

Bank of America v. CNMB (Gonzalez, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Hernandez, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Jean-Pierre, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Miller, et al.)
Mortgage Foreclosure

Bank of America v. CNMB (Pasmanter, et al)
Mortgage Foreclosure

Bank of America v. CNMB (Peck, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Blaustein, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Clancy, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Fiallo, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Lauriston et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Le)
Mortgage Foreclosure

Bank of New York v. CNMB (Mellian, et al)
Mortgage Foreclosure

Bank of New York v. CNMB (Pierre/Calixte, et al)
Mortgage Foreclosure

* Bank of New York v. CNMB (Pissinis, et al.)
Mortgage Foreclosure

Bank of New York v. CNMB (Valdes et al)
Mortgage Foreclosure

* Bank United v. CNMB (Debe, et al.)
Mortgage Foreclosure

Baron, Marylin S., et al v. CNMB (Campbell, et al)
Mortgage Foreclosure

Beach Club Villas Condominium v. CNMB (Letizia)
Mortgage Foreclosure

Beachwalk Properties, LLC v. CNMB (Oceanic Development, et al)
Mortgage Foreclosure

Bayview Loan v. CNMB (Thomas)
Mortgage Foreclosure

Beal Bank v. CNMB (Ramos, et al.)
Mortgage Foreclosure

Bejarano, Antonio v. CNMB (Lightsey, et al.)
Quiet Title

Chase Home Finance LLC v. CNMB (Cohen, et al)
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Marc, et al)
Mortgage Foreclosure

Chase Home Finance, LLC v. CNMB (Panunzio, et al)
Mortgage Foreclosure

Chase Home Finance, LLC. V. CNMB (Rene et al)
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Santiago et al)
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Anglade, et al)
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Austin)
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Boakye, et al)
Mortgage Foreclosure

Citifinancial Equity Services, Inc. v. CNMB (Morales)
Mortgage Foreclosure

Citimortgage v. CNMB (Bilgoray)
Mortgage Foreclosure

Citimortgage v. CNMB (La Fond, et al.)
Mortgage Foreclosure

Citimortgage v. CNMB (Garces), et al.)
Mortgage Foreclosure

Citimortgage v. CNMB (Hernandez, et al.)
Mortgage Foreclosure

Citimortgage v. CNMB (Pena et al)
Mortgage Foreclosure

Citimortgage v. CNMB (Rudnick et al)
Mortgage Foreclosure

Citimortgage v. CNMB (Rivaroli, et al)
Mortgage Foreclosure

City of Miami Gardens v. CNMB (Beckford, et al)
Action to Quiet Title

Cong Vo v. CNMB (Perroti, Miranda)
Action to Quiet Title

Consumers Alliance Corp. v. CNMB (Haronda Realty)
Action to Quiet Title

Credit Based Asset Servicing v. CNMB (Rojas, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Bennette, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Castaneda)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Daniels)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Evans, et al.)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (James, et al.)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Jimenez, L., et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Jonace, et al.)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Lobo, et al.)
Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Marks-Williams)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Martinez, et al.)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (McCullough)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Nascimento)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Phillips)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Rodriguez)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sanchez)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Saint-Jean, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Voltaire, et al)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Zaso, et al.)
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Bennette, et al)
Mortgage Foreclosure

Doured, LLC v. CNMB (Steele, et al)
Quiet Title

DYC, LLC v. CNMB (Macala, LLC, et al)
Mortgage Foreclosure

Eastern Shores White House Association v. CNMB (Donoso)
Mortgage Foreclosure

Eastern Shores White House Association v. CNMB (Grimany)
Mortgage Foreclosure

Emmer, Bradford, Trustee v. CNMB (Weston, et al.)
Mortgage Foreclosure

Fanny Mae v. CNMB (Van Wyk, et al.)
Mortgage Foreclosure

* Federal National v. CNMB (Arceneaux, et al)
Mortgage Foreclosure

Federal National v. CNMB (Fernandez, et al.)
Mortgage Foreclosure

Federal National v. CNMB (Ledesma, et al.)
Mortgage Foreclosure

FirstBank Puerto Rico v. CNMB (Perez, et al.)
Mortgage Foreclosure

Flagstar Bank v. CNMB (Celiny, et al.)
Mortgage Foreclosure

Flagstar Bank v. CNMB (Cox, et al)
Mortgage Foreclosure

Flagstar Bank v. CNMB (Pena)
Mortgage Foreclosure

Flagstar Bank v. CNMB (Starlight Investments)
Mortgage Foreclosure

Flagstar Bank v. CNMB (Haronda Realty)
Mortgage Foreclosure

Floridian Arms, Inc. v CNMB (Merino)
Mortgage Foreclosure

Fiserv ISS & Co., vs. CNMB (Estime)
Mortgage Foreclosure

FNBN I, LLC v. CNMB (Gomez, et al)
Mortgage Foreclosure

GGH48, LLC v. CNMB (Louis, et al)
Mortgage Foreclosure

GGH48, LLC v. CNMB (Levy, et al)
Mortgage Foreclosure

Global Trust v. CNMB (Roth)
Mortgage Foreclosure

Golden Beach (Town of) v. CNMB (Goodman, et al)
Mortgage Foreclosure

Great Florida Bank v. CNMB (Miranda, et al)
Mortgage Foreclosure

Great Florida Bank v. CNMB (Miranda, et al)
Mortgage Foreclosure

Green Tree Servicing, LLC v. CNMB (Jesurum, et al)
Mortgage Foreclosure

HSBC Bank v. CNMB (Jones-Clark, et al.)
Mortgage Foreclosure

HSBC Bank v. CNMB (Miller, et al.)
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Seepersad)
Mortgage Foreclosure

HSBC Bank v. CNMB (Vidal, et al)
Mortgage Foreclosure

HSBC Bank v. CNMB (Ward, et al)
Mortgage Foreclosure

HSBC Bank v. CNMB (Williams, et al)
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hernandez, et al)
Mortgage Foreclosure

James B. Nutter & Co v. CNMB (Drayton Davis, et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Arroyo, et al.)
Mortgage Foreclosure

JP Morgan v. CNMB (Caceres, et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Carlos)
Mortgage Foreclosure

JP Morgan v. CNMB (Garcia, Ramon et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Garcia)
Mortgage Foreclosure

JP Morgan v. CNMB (Lopez, et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Monsalve, et al.)
Mortgage Foreclosure

JP Morgan v. CNMB (Perez, et al)
Mortgage Foreclosure

* JP Morgan v. CNMB (Quang Do, et al)
Mortgage Foreclosure

JP Morgan v. CNMB (Rodriguez, et al)
Mortgage Foreclosure

CLOSED

JP Morgan v. CNMB (Villanustre)
Mortgage Foreclosure

Juelle, Perla v. CNMB (Rodriguez, et al.)
Mortgage Foreclosure

Kondaur Capital Corp v. CNMB (Rodarte, et al)
Mortgage Foreclosure

Lago Mar Ventures v. CNMB (Oliver)
Mortgage Foreclosure

Metro Bank v. CNMB (Macala, LLC)
Mortgage Foreclosure

Miami-Dade County v. CNMB (Morrobel)
Mortgage Foreclosure

* Midfirst Bank v. CNMB (Wolosz, et al.)
Mortgage Foreclosure

Mortgage Investment Group v. CNMB (Deliford, et al)
Mortgage Foreclosure

CITY DISMISSED

Nationstar Mortgage, LLC v. CNMB (Gonzalez et al)
Mortgage Foreclosure

Navy Federal Credit Union v. CNMB (D'Onofrio)
Mortgage Foreclosure

New York Community Bank v CNMB (Lazerson)
Mortgage Foreclosure

- * Ocean Bank v. CNMB (Perez, et al)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Allen, Deceased, et al.)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Gutierrez)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Howard, et al.)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Lopez)
Mortgage Foreclosure
- OneWest Bank v. CNMB (McCullough)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Rodriguez, et al)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Rodriguez, A. et al)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Ward, et al.)
Mortgage Foreclosure
- OneWest Bank v. CNMB (Wright, et al)
Mortgage Foreclosure
- Owen Federal Bank v. CNMB (Bain)
Mortgage Foreclosure
- Pennymac Corp v. CNMB (Iglesias)
Mortgage Foreclosure
- PHH Mortgage v. CNMB (Martinez, et al)
Mortgage Foreclosure
- PNC Mortgage v. CNMB (Ordonez/Child, et al.)
Mortgage Foreclosure
- RMS Residential v. CNMB (Heredia)
Mortgage Foreclosure

**CLOSED/PROPERTY FORECLOSED/
OWNED BY BANK**

- * Roth v. CNMB (Miller, et al)
Mortgage Foreclosure

- Shoreland Estates Condominium v. CNMB (Zalezhnew, et al.)
Condominium Association Lien foreclosure

- SunTrust Mortgage v. CNMB (Del Pilar, et al.)
Mortgage Foreclosure

- SunTrust Mortgage v. CNMB (Garcia, et al.)
Mortgage Foreclosure **CLOSED/PROPERTY FORECLOSED/
OWNED BY BANK**

- SunTrust Mortgage v. CNMB (Solomon, et al.)
Mortgage Foreclosure

- TBOM Mortgage Holding, LLC v. CNMB (Robiou, et al.)
Mortgage Foreclosure

- The Bank of New York Mellon v. CNMB (Jones, et al.)
Mortgage Foreclosure

- The Bank of New York Mellon v. CNMB (Riderelli, et al)
Mortgage Foreclosure

- Three Seasons Association v. CNMB (Cleary, et al.)
Mortgage Foreclosure

- Transatlantic Bank v. CNMB (and/or Expressway Corp., et al.)
Mortgage Foreclosure

- Transouth Mortgage Corp v. CNMB (Mozell)
Mortgage Foreclosure

- * Trust Real Estate v. CNMB (Hegedus, et al.)
Mortgage Foreclosure

- U.S. Bank N.A. v. CNMB (Gonzalez, et al)
Mortgage Foreclosure

- U.S. Bank N.A. v. CNMB (Gonzalez, J., et al.)
Mortgage Foreclosure

- U.S. Bank NA v. CNMB (Jean-Louis)
Mortgage Foreclosure **DISMISSED**

U.S. Bank NA v. CNMB (Joseph, et al.)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Marin)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Martinez)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Mathieu, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Mendez)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Miller, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Otero)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Morcillo)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Robinson, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rodriguez, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rodriguez, Maria A., et al).
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rosenberg)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rubi), et al.
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Serrano, et al)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Suarez, et al.)
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Torres, et al.)
Mortgage Foreclosure

U.S. Century Bank v. CNMB (Martinez, et al.)
Mortgage Foreclosure

Vericrest Financial, Inc. v. CNMB (Palmer/ Webb Estate)
Mortgage Foreclosure

Wachovia Bank v. CNMB (Martinez)
Mortgage Foreclosure

Wachovia Bank v. CNMB (Rodriguez, D)
Mortgage Foreclosure

**CLOSED/PROPERTY FORECLOSED/
OWNED BY BANK**

Washington Mutual Bank, F.A. v. CNMB, Sandra T. Porter, et al
Mortgage Foreclosure

Wells Fargo Bank N.A. v. CNMB (Amador)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Campos, et al.)
Mortgage Foreclosure

Wells Fargo Bank N.A. v. CNMB (Clozeille)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Fil-Aimee)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Frye)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Garcia)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Gonzalez)
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Hernandez, et al
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Lopez, et al)

Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Marcaisse, et al)
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mendez, et al)
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Parish, et al.)
Mortgage Foreclosure

Wells Fargo v. CNMB (Roberts)
Mortgage Foreclosure

Wells Fargo v. CNMB (Robinson, et al.)
Mortgage Foreclosure

**CLOSED/FORECLOSED/
OWNED BY BANK**

Wells Fargo Bank, N.A. v. CNMB (Zamora, et al.)
Mortgage Foreclosure

Woodside Apartments Assoc. v. CNMB (Mizrahi)
Mortgage Foreclosure

VOLUNTARY DISMISSAL

VI. Bankruptcies:

17315 Collins Avenue, LLC, dba Sole on the Ocean, dba Alba Mare

Adeleke, Mary M.

American LaFrance LLC

American Home Mortgage Holdings

Barros, Carlos D (Fogovivo North Miami)

Blockbuster

Cadet, Jean & Marie

Carcamo, Ana Maritza

Carl's Furniture, Inc.

Casa Bonita Garden, LLC
Contract Research Solutions, Inc. (dba Allied Research)
Cimax USA, LLC
Curbelo, Federico
Drummond, Errol
Filene's Basement, Inc.
Greater Miami Neighborhoods, Inc.
Henaio, Luz Stella
Idowu, Linda Eneas
Innovida Group
Jennifer Convertibles
Kazi Foods of Florida, Inc.
K&S Foods LLC
Lauriston, Charles
Office 2020, LLC
* Pardo, Peter
Phelan, Michael
Ravazzani, Robert
Residential Capital, LLC
Rife, Joseph Alan
Russel Harold
Sandy Segall
Siahaya, Jermias
South Pointe Family and Children Center
Saint-Fart, Lucner & Bernice
United Retail Group, Inc.
Vartec Telecom, Inc.
Vitro America

***New Cases**



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council

FROM:

DATE: Tuesday, August 7, 2012

RE: Review of Charter Employees' Contracts

BACKGROUND:

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S):

ATTACHMENTS:

- ❑ [City Attorney Darcee S. Siegel - Contract](#)
- ❑ [City Manager Lyndon L. Bonner - Contract](#)
- ❑ [City Manager Lyndon L. Bonner - Contract \(October 2011 to September 2012\)](#)
- ❑ [City Manager Lyndon L. Bonner - Proposed Contract 2012](#)
- ❑ [City Clerk Pamela L. Latimore - Contract](#)

CONDITIONS OF EMPLOYMENT

Employer: *City of North Miami Beach*

Employee: *Darcee S. Siegel, Esquire*

Position: *City Attorney*

Effective Date: *October 1, 2011 - September 30, 2012*

**Renewal/
Expiration Date:** *This contract shall be reviewed and renewed by the Mayor and Council at a Council meeting in July 2012.*

Duties: *Employee shall perform the duties and exercise the powers as provided by State law, the City Charter and City Code, and to perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.*

Salary: *Employee's compensation shall be \$3,615 per week or \$188,000.00 yearly equivalent and includes motor vehicle allowance, expense allowance, and cellular phone allowance.
Employee may be entitled to receive a cost of living increase annually. Employee's salary and/or benefits may be enhanced at the City Council's discretion. Employee may also receive an annual discretionary performance bonus in the maximum amount of ten percent (10%) of Employee's current salary.*

Leave: *Employee shall be entitled to the following:*
Annual Leave: 20 days/160 hours (formerly 30 days/240 hours)
Sick Leave: 10 days/80 hours (formerly 28 days/224 hours)
Floating Holiday: 2 days/16 hours per year
Birthday: 1 day/8 hours per year

Pension Eligibility: *Employee shall continue his/her participation in a City of North Miami Beach's Pension Plan. Employee's mandatory employee contribution is 8% and is subject to change as determined by the City.*



City



Siegel

Health Insurance: *City shall provide Employee with health benefits that are consistent with the benefits that are provided to the City's senior management. Upon separation of employment with the City, Employee's health insurance shall be continued in accordance with Resolutions No. 98-53, 2008-51 and Ordinances No. 2000-10 and 2002-30 as amended from time to time.*

Dental Insurance: *City shall provide Employee with dental benefits that are consistent with the benefits that are provided to the City's senior management. Upon separation of employment with the City, Employee's dental insurance shall be continued in accordance with Resolutions No. 98-53, 2008-51 and Ordinances No. 2000-10 and 2002-30 as amended from time to time.*

Disability: *Employee shall be provided long and short term disability at no cost to employee.*

Life Insurance: *City shall provide Employee with life insurance in an amount that is twice Employee's annual salary. For this purpose salary shall be capped at \$200,000.00. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue. Employee's insurance shall be portable so that if the Employee elects, the policy may be converted.*

Severance: *Employee may be terminated from employment with or without cause at anytime. If Employee is terminated without cause, the City agrees to pay Employee a lump sum cash payment equal to twenty (20) weeks salary pursuant to Florida State Statutes Chapter 112. Employee shall not be entitled to any severance if terminated for cause pursuant to the City Charter and laws of North Miami Beach and the laws of the State of Florida.*



City



Siegel

**Professional
Development:**

City shall pay Employee's reasonable dues, subscriptions and travel expenses along with subsistence expenses for continuing education, membership and participation in professional associations and organizations.

City of North Miami Beach, Florida

Employee:

By: 
GEORGE VALLEJO, Mayor


DARCEE S. SIEGEL, Esquire

**PURSUANT TO motion adopted unanimously
on July 19, 2011**

ATTEST:


PAMELA L. LATIMORE, City Clerk

CONDITIONS OF EMPLOYMENT

Employer: City of North Miami Beach

Employee: Lyndon L. Bonner

Position: City Manager

Effective Date: March 29, 2011

Term of Agreement: The City Manager serves at the pleasure of the City Council and nothing herein shall be taken to imply or suggest a guaranteed tenure. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time from his position with Employer provided that Employee shall provide the City Council written notice at least thirty (30) calendar days prior to the date his resignation takes effect, unless otherwise waived by the City Council.

The City Manager agrees to remain in the exclusive employ of the City Council, while employed by the City of North Miami Beach, Florida. The term "employed", however, shall not be construed to exclude occasional teaching, writing, speaking or consulting. Said activities are expressly allowed provided that in no case is any activity allowed which would present a conflict of interest with the City Manager's employment with the City of North Miami Beach. If monies are received by the City Manager related to such services, such money or property shall be paid over to or delivered to the City of North Miami Beach, unless otherwise provided by the City Council.

Renewal/
Expiration Date: Pursuant to the City Charter, the City Manager shall be appointed by the City Council provisionally for the first six (6) months. As such, this contract shall be reviewed by the Mayor and Council at a Council Meeting in September, 2011.

Duties: Employee shall perform the duties and exercise the powers as provided by State law, the City Charter and City Code, and perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.

Salary: Employee's salary shall be \$3,076.92 per week or \$160,000.00 yearly equivalent. Employee may be entitled to receive a cost of living increase annually at the City Council's discretion. Employee's salary and/or benefits may be enhanced at the City Council's discretion. Employee may

also receive an annual discretionary performance bonus in the maximum amount of ten percent (10%) of Employee's current salary.

Leave: Employee shall be entitled to the following:

Annual Leave: 20 days/160 hours
Sick Leave: 10 days/80 hours
Floating Holiday: 2 days/16 hours per year
Birthday: 1 day/8 hours per year

Pension Eligibility: Due to upcoming pension reform, the City Manager will be placed in the existing Management Pension Plan upon employment, but voluntarily agrees to transfer to a new tier of the City's Management Employee Plan upon creation and enactment of that new tier.

Health Insurance: City shall provide Employee with health benefits that are consistent with the benefits that are provided to the City's senior management.

Dental Insurance: City shall provide Employee with dental benefits that are consistent with the benefits that are provided to the City's senior management.

Disability Insurance: Employee shall be provided long and short term disability at no cost to Employee.

Life Insurance: City shall provide Employee with life insurance in an amount that is twice the Employee's annual salary not to exceed \$200,00.00. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue.

Note: Currently, the City of North Miami Beach does not have a policy that allows employees a benefit allowance equal to the City's costs to provide health insurance, dental insurance, disability insurance and life insurance. However, if such an option does become available, then the City Manager will be eligible to participate in that option at his election.

Severance: Employee may be terminated from employment with or without cause at any time. If Employee is terminated from employment without cause, the City agrees to pay Employee a lump sum cash payment equal to six (6) months' salary. Employee shall not be entitled to any severance if terminated for cause pursuant to the City Charter or laws of North Miami Beach or the laws of the State of Florida. Employee shall not be entitled to any severance if he resigns voluntarily.

Relocation Expenses: The City Manager agrees to establish residency within the corporate limits

of Miami-Dade County within sixty (60) days of employment and to maintain residence within Miami-Dade County through the term of this Agreement. The City agrees to pay the City Manager a flat sum of Six Thousand Five Hundred Dollars (\$6,500.00) to reimburse the City Manager for the cost associated with relocation to Miami-Dade County, Florida. This money may be spent at the City Manager's discretion, but is generally expected to cover the cost of temporary lodging, travel related to locating housing, transporting vehicles, and moving or replacing furniture/appliances.

Automobile
Allowance:

Employee shall be provided a motor vehicle allowance of \$500.00 per month. Said car allowance is intended to reimburse the City Manager for travel less than 150 miles from North Miami Beach City Hall. The City Manager's business travel by vehicle more than 150 miles from City Hall shall be reimbursed at the per mile rate equal to the IRS allowable rate then in effect.

Cell Phone/
Data Plan and
Communication
Connectivity
Coverage:

Employee shall be provided cellular phone, data plan and communication connectivity coverage at the City's expense. The maximum monthly amount paid for such coverage shall not exceed \$170.00 per month.

Hours of Work:

While the Manager is normally expected to be at City Hall during working hours, it is recognized that the City Manager must devote a great deal of time outside normal office hours to the business of Employer and in recognition of that fact, the City Manager's hours may be flexible within reasonable bounds.

Professional
Development:

Employer agrees, subject to the annual budget approved by the City Council, to pay the professional dues, subscriptions, travel and subsistence expenses of the City Manager for reasonable professional participation and travel, meetings and occasions adequate to continue his professional development which will benefit the City.

Said participation on City time shall be at the City Council's discretion to include, but not be limited to, the International City/County Management Association, and other such national, regional, state and local governmental groups and committees thereof of which Employee is a member, or participation in which is beneficial to Employer, as well as associated short courses, institutes and seminars.

Code of Ethics:

In as much as the City Manager is an active full member and Credentialed Manager of International City/County Managers Association (ICMA), the "Code of Ethics" promulgated by ICMA is incorporated herein, and by this reference made a part hereof. Said "Code of Ethics" shall furnish the principles to govern the City Manager's conduct and actions as North Miami Beach Manager.

General Expenses:

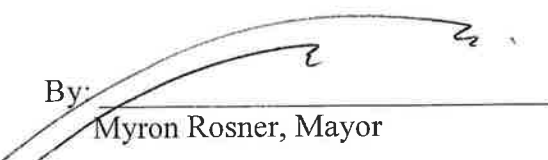
Employer recognizes that certain expenses of a non-personal and job-affiliated nature are incurred by the City Manager, including participation in civic and other local organizations, and the City hereby agrees to reimburse or pay said reasonable expenses.

Employer shall bear the full cost of any fidelity or other bonds required of the City Manager under any law or ordinance.

CITY OF NORTH MIAMI BEACH,
FLORIDA:

EMPLOYEE:

By:


Myron Rosner, Mayor

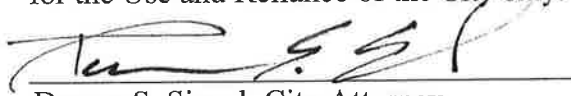

Lyndon L. Bonner

PURSUANT TO motion adopted on
March 29, 2011

ATTEST:


Pamela L. Latimore, City Clerk CMC

Approved as to Form and Legal Sufficiency
for the Use and Reliance of the City only:


Darcee S. Siegel, City Attorney



CONDITION OF EMPLOYMENT

EMPLOYER: City of North Miami Beach, Florida
EMPLOYEE: Lyndon L. Bonner
POSITION: City Manager
EFFECTIVE DATE: October 1, 2011 - September 30, 2012

Renewal/Expiration Date

This contract shall be considered for review and renewal by the Mayor and Council at a Council meeting in July 2012.

Term of Agreement

The Term of this contract shall be for one year. The City Manager serves at the pleasure of the City Council and nothing herein shall be taken to imply or suggest a guaranteed tenure. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time from his position with Employer provided that Employee shall provide the City Council written notice at least thirty (30) calendar days prior to the date his resignation takes effect, unless otherwise waived by the City Council.

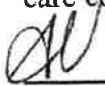
The City Manager agrees to remain in the exclusive employ of the City Council, while employed by the City of North Miami Beach. The term "employed", however, shall not be construed to exclude occasional teaching, writing, speaking or consulting. Said activities are expressly allowed provided that in no case is any activity allowed which would present a conflict of interest with the City Manager's employment with the City of North Miami Beach.

Duties

Employee shall perform the duties and exercise the powers as provided by State law, the City Charter and City Code, and perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.

Salary

Employee's salary shall be \$3,178.46 per week or \$165,280.00 annually, which includes health care coverage.



City



Bonner

Leave

Employee shall be entitled to the following:

Annual Leave: 20 days/160 hours
Sick Leave: 10 days/80 hours
Floating Holiday: 2 days/16 hours per year
Birthday: 1 day/8 hours per year

In consideration of the City Manager giving thirty (30) days notice to the Mayor and Council of any resignation, the City Manager shall be entitled to an additional 10 days/80 hours of annual leave and an additional 5 days/40 hours of sick leave, both of which shall vest immediately upon the effective date of this Agreement.

Pension Eligibility

The City Manager is currently placed in the existing General Management Pension Plan, and has agreed to voluntarily transfer out of the General Management Pension Plan in accordance with the requirements of the Plan documents. Upon successfully transferring out of the General Management Pension Plan, the City Manager agrees to roll over to a 401(a) account his employee contributions to the General Management Pension Plan since March 29, 2011 and the City agrees to contribute to a 401(a) plan the City's Normal Cost based on salary earned by Employee since March 29, 2011. The Employee agrees to specifically exclude any payments attributed to the Management Pension's future pension liabilities. The Employee, in consideration of the above, agrees to waive any claim whatsoever to the existing or future City of North Miami Beach Management Pension Plan.


Health Insurance

In lieu of the Single Coverage Health Insurance Plan the Employee currently receives, the City agrees it will add to the Employee's base pay the actual cost to the City for the Single coverage the City currently pays on behalf of the Employee.


The Employee will be responsible to maintain his own health insurance and hereby expressly waives future Claims to the City's Health Insurance Plans.

Dental Insurance

No longer applicable to the Employee.



City



Bonner

Disability Insurance

Employee shall be provided long and short term disability at no cost to Employee.

Life Insurance

City shall provide Employee with life insurance in an amount that is twice the Employee's annual salary not to exceed \$200,000.00. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue.

Severance

Employee may be terminated from employment with or without cause at any time. If Employee is terminated from employment without cause, the City agrees to pay Employee a lump sum cash payment equal to 20 weeks' salary. Employee shall not be entitled to any severance if terminated for cause.

Automobile Allowance

Employee shall be provided a motor vehicle allowance of \$500.00 per month. Said car allowance is intended to reimburse the City Manager for travel less than 150 miles from North Miami Beach City Hall. The City Manager's business travel by vehicle more than 150 miles from City Hall shall be reimbursed at the per mile rate equal to the IRS allowable rate then in effect.

Cell Phone/Data Plan and Communication Connectivity Coverage


Employee shall be provided cellular phone, data plan and communication connectivity coverage at the City's expense. The maximum monthly amount paid for such coverage shall not exceed \$170.00 a month.

Hours of Work

While the Manager is normally expected to be at City Hall during working hours, it is recognized that the City Manager must devote a great deal of time outside normal office hours to the business of Employer and in recognition of that fact, the City Manager's hours may be flexible within reasonable bounds.



City



Bonner

Professional Development

Employer agrees, subject to the annual budget approved by the City Council, to pay the professional dues, subscriptions, travel and subsistence expenses of the City Manager for reasonable professional participation and travel, meetings and occasions adequate to continue his professional development which will benefit the City.

Said participation to include, but not be limited to, the International City/County Management Association, and other such national, regional, state and local governmental groups and committees thereof of which Employee is a member, or participation in which is beneficial to Employer, as well as associated short courses, institutes and seminars.

General Expenses


Employer recognizes that certain expenses of a non-personal and job-affiliated nature are incurred by the City Manager, including participation in civic and other local organizations, and the City hereby agrees to reimburse or pay said reasonable expenses. Employer shall bear the full cost of any fidelity or other bonds required of the City Manager under any law or ordinance.

**CITY OF NORTH MIAMI BEACH,
FLORIDA:**

By: _____

George Vallejo, Mayor

EMPLOYEE:

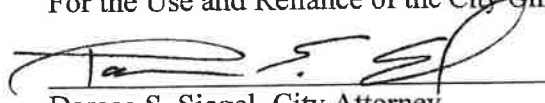

Lyndon L. Bonner, City Manager


Pursuant to Motion adopted at the
September 20, 2011 Council Meeting.

ATTEST:


Pamela L. Latimore, City Clerk

Approved as to Form and Legal Sufficiency
For the Use and Reliance of the City Only:


Darcee S. Siegel, City Attorney


City


Bonner

CONDITIONS OF EMPLOYMENT

Employer: City of North Miami Beach

Employee: Lyndon L. Bonner

Position: City Manager

Effective Date: October 1, 2012

Term of Agreement:

The Term of this contract shall be for one year. The City Manager serves at the pleasure of the City Council and nothing herein shall be taken to imply or suggest a guaranteed tenure. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time from his position with Employer provided that Employee shall provide the City Council written notice at least thirty (30) calendar days prior to the date his resignation takes effect, unless otherwise waived by the City Council.

The City Manager agrees to remain in the exclusive employ of the City Council, while employed by the City of North Miami Beach, Florida. The term "employed", however, shall not be construed to exclude occasional teaching, writing, speaking or consulting. Said activities are expressly allowed provided that in no case is any activity allowed which would present a conflict of interest with the City Manager's employment with the City of North Miami Beach.

Renewal/Expiration Date:

This contract shall be considered for renewal or termination by the Mayor and Council at a Council Meeting before September annually. Upon mutual consent this agreement can modified at any time.

Duties:

Employee shall perform the duties and exercise the powers as provided by State law, the City Charter and City Code, and perform such other legally permissible and proper duties and functions as assigned by the City Council from time to time.

Salary:

Employee's salary shall be \$3,178.46 per week or \$165,280.00 annually.

Leave:

Employee shall be vested with the following leave upon execution of this agreement:

Annual Leave: 20 days/160 hours
Sick Leave: 10 days/80 hours
Floating Holiday: 2 days/16 hours per year
Birthday: 1 day/8 hours per year

The Employee hereby, voluntarily agrees to adjust this leave in accordance with any adjustments that are applied to the Management Pension Membership.

Pension Eligibility:

The City agrees it will contribute any past and future pension benefits due to the employee to an Individual Retirement Plan selected by the Employee. The City's initial distribution will equal all Employee Contributions and Normal Cost earned by the employee since his March 29, 2011 and will be made by the City on October 1, 2012 or as soon thereafter when the Plan's documents and transfer instruction are delivered to the City.

The distribution amount to the Employee's Retirement Plan is to be calculated based upon the Employee's Contribution and the Normal Pension Cost ONLY. The Employee agrees to specifically exclude any payments attributed to the Management Pension's future pension liabilities. The Employee, in consideration of the above agrees to waive any claim what so ever to the existing or future City of North Miami Beach Management Pension Plan.

Health Insurance:

In lieu of the Single Coverage Health Insurance Plan the Employee currently receives, the City agrees it will add to the Employee's base pay the actual cost to the City for the Single HMO coverage the City currently pays on behalf of the Employee.

The Employee will be responsible to maintain his own with health insurance and hereby expressly waives future Claims to the City Health Insurance Plans.

Dental Insurance:

No longer applicable to the Employee.

Disability Insurance:

Employee shall be provided long and short term disability at no cost to Employee, at the same terms and rates as the other Management Employees.

Life Insurance:

City shall provide Employee with life insurance in an amount that is twice the Employee's annual salary not to exceed \$200,000.00. At separation, City's obligation to continue to pay for Employee's life insurance shall discontinue.

Severance:

Employee may be terminated from employment with or without cause at any time. If Employee is terminated from employment without cause, expiration of this agreement or resignation by the Employee with written notice at least thirty (30) calendar days prior to the date his resignation takes effect, the City agrees to pay the Employee within 10 days of the date of resignation a lump sum cash payment equal to 20 weeks salary.

Employee shall not be entitled to any severance if terminated for cause pursuant to the City Charter or conviction of a felony offence.

Automobile Allowance:

Employee shall be provided a motor vehicle allowance of \$500.00 per month. Said car allowance is intended to reimburse the City Manager for travel less than 150 miles from North Miami Beach City Hall. The City Manager's business travel by vehicle more than 150 miles from City Hall shall be reimbursed at the per mile rate equal to the IRS allowable rate then in effect.

Cell Phone/Data Plan and Communication Connectivity Coverage:

Employee shall be provided cellular phone, data plan and communication connectivity coverage at the City's expense. The maximum monthly amount paid for such coverage shall not exceed \$170.00 per month.

Hours of Work:

While the Manager is normally expected to be at City Hall during working hours, it is recognized that the City Manager must devote a great deal of time outside normal office hours to the business of Employer and in recognition of that fact, the City Manager's hours may be flexible within reasonable bounds.

Professional Development:

Employer agrees, subject to the annual budget approved by the City Council, to pay the professional dues, subscriptions, travel and subsistence expenses of the City Manager for reasonable professional participation and travel, meetings and occasions adequate to continue his professional development which will benefit the City.

Said participation to include, but not be limited to, the International City/County Management Association, and other such national, regional, state and local governmental groups and committees thereof of which Employee is a member, or participation in which is beneficial to Employer, as well as associated short courses, institutes and seminars.

General Expenses:

Employer recognizes that certain expenses of a non-personal and job-affiliated nature are incurred by the City Manager, including participation in civic and other local organizations, and the City hereby agrees to reimburse or pay said reasonable expenses. Employer shall bear the full cost of any fidelity or other bonds required of the City Manager under any law or ordinance.

CITY OF NORTH MIAMI BEACH,
FLORIDA:

EMPLOYEE:

By: _____
George Vallejo, Mayor

Lyndon L. Bonner, City Manager

PURSUANT TO motion adopted on
August 7, 2012

ATTEST:

Approved as to Form and Legal Sufficiency
for the Use and Reliance of the City only:

Pamela L. Latimore, City Clerk CMC

Darcee S. Siegel, City Attorney



CITY OF NORTH MIAMI BEACH

February 14, 2011

Mrs. Pamela Luckie-Lattimore
3221 N. W. 212th Street
Miami Gardens, Florida 33056

Dear Mrs. Luckie-Lattimore:

It is my pleasure to offer you the position of City Clerk at the City of North Miami Beach. The offered position is full-time beginning on Monday, February 14, 2011, at a pay rate of \$1,442.31 weekly, which is equivalent to \$75,000.00 on an annual basis, and subject to deductions for taxes and other withholdings as required by law or the policies of the City. You will be paid weekly. The position will report to the Mayor and Council.

The position offered is an unclassified position. Accordingly your employment is at-will, and may be ended at any time by either you or the City.

You will be eligible for the following benefits:

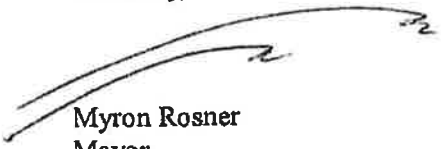
- **Health Insurance** City pays \$756.39 of the premium that the employee chooses plus an additional 20% of the remainder of that premium. The remaining amount shall be paid by the employee.
- **Life insurance** two times your annual salary with a maximum of \$200,000
- **Short Term disability** City paid for thirteen (13) weeks (after 30 day waiting period).
- **Annual Leave** 20 days
- **Sick Leave** 10 days
- **Floating Holidays** 2 days
- **Birthday** 1 day
- **Cell phone allowance** \$50.00 monthly
- **Severance pay:** three (3) months
(Benefit applies if terminated after one (1) year of employment)
- **11 national holidays**
- **Pension:** Due to upcoming pension reform, you will be placed in the existing Management Pension Plan upon employment but, you voluntarily agree to transfer to a new tier of the City Management Employee Plan upon creation and enactment of that new tier.

The City of North Miami Beach is required by federal law to verify the identity and work authorization of all new employees. Accordingly, this offer is contingent upon such verification. Please bring with you your social security card on your first day of employment for payroll purposes.

Mrs. Luckie-Lattimore
February 14, 2011
Page 2

You may indicate acceptance of this position by signing below and returning a signed copy of this letter to us. Please feel free to call me if you have any questions. Welcome to the City of North Miami Beach. We are delighted to have you join the City and we look forward to working with you.

Sincerely,



Myron Rosner
Mayor

c: Barbara Kramer, Vice Mayor
Philippe DeRose, Councilman
McKenzie Fleurimond, Councilman
Frantz Pierre, Councilman
Phyllis Smith, Councilwoman
Beth Spiegel, Councilwoman
Roslyn Weisblum, Acting City Manager
Darcee Siegel, City Attorney
Beverly Hobson, Human Resources Director

I acknowledge receipt of this letter and I accept the position offered.

Signature Date *March 1, 2011*



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Lyndon L. Bonner, City Manager
DATE: Tuesday, August 7, 2012

RE: Resolution No. R2012-28 (Public Services Director Shari Kamali)

BACKGROUND: The City of North Miami Beach issued RFP (request for proposal) No. 2012-04 for the purpose of seeking a contractor to perform solid waste collections and disposal services for all residential, multifamily and commercial locations within the City. Collection services shall include automated collection of residential garbage carts, automated collection of residential recycling carts, residential bulk trash collections, multi-family and commercial garbage and recycling commodities.

RECOMMENDATION: It is the Evaluation Committee's recommendation that the City Council authorize the City Manager or his designee, to enter into negotiations with the top ranked firm, Waste Pro of Florida, Inc, with regards to the above-mentioned RFP.

Under the direction of the City Manager the Evaluation Committee re-convened on Wednesday April 18th, 2012 to further examine the data submitted. After further review of the data the Evaluation Committee re-affirmed its recommendation.

Upon successful negotiations, the City Manager or his designee will then submit the agreement to the City Attorney's office for approval and placement on the next available City Council agenda for final approval.

PROPOSED VENDOR:

1st Rank:
Waste Pro of Florida, Inc
4701 NW 35TH Ave
Miami, FL 33142

Notices were mailed electronically to 1,464 potential local and national vendors via DemandStar. All local and registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email.

Advertisements were placed in the Daily Business Review. Signs and Bid Notices were posted in the City Hall Lobby under Public Notices. The Bid is available for download and a brief description were posted on the City's website.

FISCAL IMPACT:

Potential savings: \$ 3,000,000 million per year.

CONTACT PERSON(S):

Shari Kamali, Director of Public Services
Brian K. O'Connor, Chief Procurement Officer

ATTACHMENTS:

- ❑ [Ranking sheet](#)
- ❑ [Administrative Review](#)
- ❑ [Committee Recommendation](#)
- ❑ [Cost Benefit - Current v Contract](#)
- ❑ [Resolution No. R2012-28](#)

Review Committee Meeting April 2, 2012 at 2:00pm

Proposers		WSI					WastePro					WM					Choice				
Ranking Criteria		Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5
1	Scope of Services Proposed	10	5	12	10	10	12	15	15	15	13	15	10	15	13	14	11	13	12	10	12
	Possible Points - 15																				
2	Ability to prove bidder qualifications and competency	15	15	15	12	19	17	15	20	20	19	17	15	20	20	19	17	15	15	15	19
	Possible Points - 20																				
3	Equipment availablitiy and capability	12	15	15	10	18	14	15	15	10	18	15	15	15	10	18	13	15	15	10	18
	Possible Points - 15																				
4	Financial Capability	15	15	20	15	20	15	15	20	15	20	15	15	20	15	20	15	15	20	15	20
	Possible Points - 20																				
5	Pricing	25	22	20	20	18	30	25	30	25	26	20	20	20	18	20	24	22	22	20	25
	Possible Points - 30																				

TOTAL POINTS	77	72	82	67	85	88	85	100	85	96	82	75	90	76	91	80	80	84	70	94
	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5

AVERAGE OF TOTAL POINTS	76.6	90.8	82.8	81.6
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Reviewer No.	Name
1	Janette Smith
2	Shari Kamali
3	Mac Serda
4	Roslyn Weisblum
5	Jeff Ann

ADMINISTRATIVE REVIEW

REQUEST FOR PROPOSAL 2012-04

SOLID WASTE COLLECTION SERVICES AND RECYCLING

VENDOR NAME	WSI Waste Services of Florida, Inc	WastePro Waste Pro of Florida, Inc	WM Waste Management Inc of Florida	Choice Environmental Choice Environmental Services of Broward, Inc
Sunbiz*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BBB**	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
EPLS***	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
City required forms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5% Bid Bond	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Business tax receipt	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

*FL Department of State Division of Corporations

**Better Business Bureau

***Excluded Parties List System

	WSI	WastePro	WM	Choice Environmental
BID BOND	\$1,430,350.00	\$1,344,750.00	\$1,650,000.00	\$1,450,000.00
PROPOSAL	\$28,607,000.00	\$26,895,000.00	\$33,000,000.00	\$29,000,000.00
YEARLY	\$5,721,400.00	\$5,379,000.00	\$6,600,000.00	\$5,800,000.00



MEMORANDUM



To: Procurement Management Division

From: The Evaluation Committee

Re: Recommendation of Award

SOLICITATION: RFP 2012-04 SOLID WASTE COLLECTION SERVICES AND RECYCLING

MEETING DATE: _____

The below signed Evaluation Committee, having reviewed the above referenced responses, make our recommendation as follows:

Negotiate contract with
Rank 1: Waste Pro

it is successful

By checking the box "Yes" below, I am agreeing with the Committee's decision.

Reviewer 1 *Janette Smith* Yes No *J.S.*
 Initial

Reviewer 2 *Ahriani Ramali* Yes No *AR*
 Initial

Reviewer 3 *Mac Senda* Yes No *MS*
 Initial

Reviewer 4 *Roslyn Williams* Yes No *RW*
 Initial

Reviewer 5 *Todd Ann* Yes No *TA*
 Initial

City of North Miami Beach
Sanitation Department
Current versus Potential Costs of Services

Account Description	Current Budget	Potential Budget	Change
Revenues			
Fees for services	\$8,767,000	\$8,767,000	\$ -
Lease proceeds	788,425	-	(788,425)
Franchise fees	-	896,500	896,500
Total revenues	<u>9,555,425</u>	<u>9,663,500</u>	<u>108,075</u>
Expenses			
Salary & related benefits	2,912,421	481,498	(2,430,923)
Unemployment compensation	14,000	286,000	272,000
Operating expenses			
Contractor fee	-	5,379,000	5,379,000
Billing services	264,123	264,123	-
Audit fees	10,000	10,000	-
Bank charges	4,800	4,800	-
Cashier contribution	34,238	34,238	-
Postage	13,506	13,506	-
Tipping fees	2,867,951	10,000	(2,857,951)
Contractual services	17,618	15,000	(2,618)
Repairs and maintenance	341,100	18,000	(323,100)
Fuel and lubricants	269,700	15,000	(254,700)
Other operating supplies	356,477	29,400	(327,077)
Capital outlay	788,425	-	(788,425)
Non-operating expenses			
Capital leases	381,630	-	(381,630)
Revenue reserves	250,000	-	(250,000)
Contribution to general fund	877,000	-	(877,000)
Worker's compensation	152,436	26,625	(125,811)
Total expenses	<u>9,555,425</u>	<u>6,587,190</u>	<u>(2,968,235)</u>
Net increase in net assets	<u>\$ -</u>	<u>\$3,076,310</u>	<u>\$3,076,310</u>
One time proceeds on sales of assets:			
Containers	\$ -	\$ 592,405	\$ 592,405
less lease on recycle bins	-	(321,600)	(321,600)
Vehicles	-	645,950	645,950
less lease on vehicles	-	(236,466)	(236,466)
Total proceeds on sales of assets	<u>\$ -</u>	<u>\$ 680,289</u>	<u>\$ 680,289</u>

RESOLUTION NO. R2012-28

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH WASTE PRO OF FLORIDA, INC., THE FIRST-RANKED FIRM, FOR WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES FOR THE CITY OF NORTH MIAMI BEACH.

WHEREAS, the City of North Miami Beach issued Request for Proposals ("RFP") No. 2012-04 for the purpose of selecting a qualified firm to perform solid waste collection, disposal, and recycling services for all residential and commercial locations within the City of North Miami Beach; and

WHEREAS, Request for Proposals Notices were electronically mailed to 1,464 potential local and national vendors, as well as advertised in the Daily Business Review on February 1, 2012, and posted on DemandStar by Onvia, the City's website, and in the lobby of City Hall; and

WHEREAS, a total of four companies responded to the City's RFP No. 2012-04 by the published deadline; and

WHEREAS, the Evaluation Committee, composed of employee representatives, reviewed and evaluated the proposals and ranked Waste Pro of Florida, Inc. as the first-ranked provider to perform the requested services for the City of North Miami Beach; and

WHEREAS, based on the responses to RFP No. 2012-04, the City Council of North Miami Beach authorizes the City Manager to negotiate an agreement between the City of North Miami Beach and first-ranked Waste Pro of Florida, Inc., in a form acceptable to the City Attorney, for waste collection, disposal, and recycling services.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The City Manager is hereby authorized to negotiate an agreement with Waste Pro of Florida, Inc., as the first-ranked firm, in a form acceptable to the City Attorney, for waste collection, disposal, and recycling services.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ____ day of **August, 2012**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Councilwoman Marlen Martell
DATE: Tuesday, August 7, 2012

RE: Resolution No. R2012-58 (City Attorney Darcee S. Siegel)

BACKGROUND:

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Councilwoman Marlen Martell
Darcee S. Siegel, City Attorney

ATTACHMENTS:

- [Resolution No. R2012-58](#)
- [Exhibit A](#)

RESOLUTION NO. R2012-58

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ACKNOWLEDGING A CRITICAL PATH SCHEDULE FOR
THE DEVELOPMENT KNOWN AS MARINA GRANDE
LOCATED AT 17201 BISCAYNE BOULEVARD, NORTH
MIAMI BEACH, FLORIDA.**

WHEREAS, The City of North Miami Beach ("NMB") pursuant to NMB's Land Development Regulations ("LDR") (§24-60, *et seq.*) approved and adopted on July 11, 2006 the Planning Unit Development Zoning "PUD" and Site Plan for the development of Marina Grande, to wit:

(i) "PUD" - Ordinance No. 2006-8, July 11, 2006 - Rezoning the Property to "PUD" Zoning and from the B-3 Intensive Business Zoning District.

(ii) "Site Plan" - Resolution No. R2006-24, July 11, 2006 - Site Plan Approval to construct a 468 unit residential condominium (the "Project"), consisting of two (2) 24-story buildings and a marina and related facilities.

WHEREAS, on May 31, 2012, at a City workshop, the developers by and through their authorized agents and representatives clarified their present and future intentions regarding the Marina Grande project; and

WHEREAS, at said workshop, the developers by and through their authorized agents and representatives indicated their intention of moving forward expeditiously with the project as approved by the City Council in 2006; and

WHEREAS, the developers have submitted to the City Manager a Critical Path Schedule, a copy of which is attached hereto as Exhibit "A" to this Resolution, providing a

RESOLUTION R2012-58

specific schedule of events with regard to the Marina Grande project through the end of 2012;
and

WHEREAS, based on the representations of Marina Grande's developers and the critical path schedule submitted to the City, the Mayor and City Council believe that it is appropriate to acknowledge that the Critical Path Schedule (Exhibit "A") reflects the intentions of the Marina Grande developers.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby acknowledge that the Critical Path Schedule for the development known as Marina Grande located at 17201 Biscayne Boulevard, North Miami Beach, Florida, attached hereto as Exhibit "A" and incorporated herein by reference, reflects the developer's intentions for 2012.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of August, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Councilwoman Marlen Martell
Mayor & Council

RESOLUTION R2012-58

CRITICAL PATH
Marina Grande

	June	July	Aug	Sept	Oct	Nov	Dec	Jan
CNMB Confirmation	█							
Tree Clearing & Grubbing	█	█						
Review Project Plans Arch, MEP, Struct, Etc	█	█						
Review Construction Costs by Trade	█	█						
Sales Center Architectural & MEP	█	█						
Sales Center Interior Design	█	█						
Sales Center Landscape & Parking Design	█	█						
Select Cabinets, Appliances, Plumbing		█						
Select Lobby and Common Finishes & Render		█	█					
Permit Sales Center Construction		█	█					
Negotiate Constr of Sales Center		█	█					
Negotiate Constr of Landscape and Parking		█	█					
Construct Scale Project Model		█	█	█				
Sales Center Construction		█	█	█	█			
Sales Center Interior Finishing		█	█	█	█			
Project Rendering (Art Associates)		█	█	█	█			
Marina Preliminary Design		█	█	█	█			
Marina Construction Design & Permit		█	█	█	█	█		
Marina Demolition		█	█	█	█	█		
Condominium Documents Legal Draft		█	█	█	█			
HUD Document Legal Draft		█	█	█	█			
Survey Condominium Documents		█	█	█	█			
3rd Party Estimate Common Area Expenses		█	█	█	█			
Register Condominium Docs with State		█	█	█	█	█		
Register HUD Docs		█	█	█	█	█		
Sales & Marketing Planning		█	█	█	█	█		
Engage Creative Firm		█	█	█	█	█		
Marketing Materials Production		█	█	█	█	█		
Create Website		█	█	█	█	█		
Create Reservation Contracts		█	█	█	█	█		
Create Sales Pricing Matrix		█	█	█	█	█		
Create Sales Contracts		█	█	█	█	█		
Interview 3rd Party Sales Brokerage		█	█	█	█	█		
Interview & Engage Sales Admin & Reception		█	█	█	█	█		
Interview & Engage Sales Agents		█	█	█	█	█		
Interview & Engage Public Relations Firm		█	█	█	█	█		
Preliminary Local & Foreign Broker Meetings		█	█	█	█	█		
Friends and Family Reservations		█	█	█	█	█		
Hard Contracts & Reserv Conversion Begin		█	█	█	█	█		
Broker Preview Breakfasts		█	█	█	█	█		
Soft Opening		█	█	█	█	█		
Media, Emarketing, Print and Billboards Begin		█	█	█	█	█		
Grand Opening Party		█	█	█	█	█		



City of North Miami Beach
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www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: Tuesday, August 7, 2012

RE: Ordinance No. 2012-15 - First Reading by Title Only (City Attorney Darcee S. Siegel)

BACKGROUND: None.
RECOMMENDATION: Approval.
FISCAL IMPACT: None.
CONTACT PERSON(S): Darcee S. Siegel, City Attorney

ATTACHMENTS:

- [Ordinance 2012-15](#)
- [City Seal](#)

ORDINANCE NO. 2012-15

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DESIGNATING THE OFFICIAL MUNICIPAL SEAL AND ADOPTING THE PROVISIONS OF SECTION 165.043 OF THE FLORIDA 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.

WHEREAS, on June 20, 2000, for the new millennium and to honor the 21st Century, the Mayor and City Council of the City of North Miami Beach passed Resolution R2000-26 adopting a new city seal (a copy of such is attached hereto as Exhibit "A"); and

WHEREAS, it has come to the City's attention that a business in North Miami Beach has been using the City's Seal in its advertising without the express approval of the City; and

WHEREAS, pursuant to Section 165.043, the manufacturing, use, display or other employment of any facsimile or reproduction of a city seal, except by City officials or employees in the performance of their official duties, without the express approval of the governing body is a second degree misdemeanor; and

WHEREAS, by designating the City's seal as its official seal and adopting the provisions of Section 165.043, Florida Statutes, the City will prohibit the misuse of the City's seal, adhere to truth in advertising, and not mislead businesses or citizens throughout the State; and

WHEREAS, the Mayor and City Council recognize the importance and embrace the transparency of only allowing City officials and City employees, in the performance of their official duties, to use the city seal.

ORDINANCE NO. 2012-15

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Article VIII, Section 2-73, of the Code of Ordinances of the City of North Miami Beach, shall be created as follows:

Article VIII City Seal

Section 2-73. Use of Official City Seal Prohibited.

A. It shall be unlawful for any person or company to manufacture, use, or display any facsimile or reproduction of the City seal, except by City officials or employees in the performance of their official duties, without the express approval of the City Council.

B. Penalty. Any violation of manufacturing, using or displaying the City seal as outlined in Section A shall be punishable as provided in Sections 775.082 or 775.083 of Florida Statutes and shall be a second degree misdemeanor.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this ____ day of August, 2012.

APPROVED AND ADOPTED on second reading this ____ day of _____, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and City Council



"EXHIBIT A"



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Mayor George Vallejo
DATE: Tuesday, August 7, 2012

RE: Ordinance No. 2012-16 - First Reading by Title Only (City Attorney Darcee S. Siegel)

BACKGROUND:

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

CONTACT PERSON(S): Mayor George Vallejo
Darcee S. Siegel, City Attorney

ATTACHMENTS:

[Ordinance 2012-16 \(First Reading by Title Only\)](#)

ORDINANCE NO. 2012-16

AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "LOCAL BUSINESS TAX RECEIPTS AND REGULATIONS" BY AMENDING SECTION 12-2.12 ENTITLED "NUDITY; SEXUAL CONDUCT PROHIBITED"; AND AMENDING CHAPTER XIII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "ADULT ENTERTAINMENT CODE" BY AMENDING SECTIONS 13-43 AND 13-49(D) ENTITLED "PROSCRIPTIONS WHERE ALCOHOLIC BEVERAGES ARE SOLD, DISPENSED OR PERMITTED AND WHERE FOOD OR BEVERAGES ARE SOLD OR DISPENSED" AND "ENGAGED IN PROHIBITED ACTIVITY", RESPECTIVELY, BY PROVIDING FOR THE CONTINUATION AND EXEMPTION OF ESTABLISHMENTS EXISTING ON OR BEFORE JULY 1, 2012; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has been brought to the attention of the Mayor and City Council of the City of North Miami Beach that the three adult entertainment establishments currently operating in the City have been doing so in violation of the City Code of Ordinances; and

WHEREAS, notwithstanding the foregoing, there is some uncertainty as to whether the two adult entertainment establishments operating in the B-2 zoning district were subject to the provisions and prohibitions found in the City Code; and

WHEREAS, while that uncertainty continues to exist and with the City's non-enforcement of some of the City Codes, the continuation of such, and exemption of the ban of the sale,

dispensement or permission of alcoholic beverages at existing licensed adult entertainment establishments as of July 1, 2012 is warranted; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach, have determined that the proposed amendment to the ordinance is in the best interest of the City, and does not adversely affect the health, safety and welfare of its residents.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Section 12-2.12 of Chapter XII of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

12-2.12 Nudity; Sexual Conduct Prohibited.

a. No person shall expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof in an establishment dealing in alcoholic beverages.

b. No female person shall expose to public view any portion of her breasts below the top of the areola or any simulation thereof in an establishment dealing in alcoholic beverages.

c. No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or simulation thereof within the establishment dealing in alcoholic beverages.

d. No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to expose to public view any portion of her breasts below the top of the areola or any simulation thereof within the establishment dealing in alcoholic beverages.

e. No person shall engage in and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act which is prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus or genitals or the simulation thereof within an establishment dealing in alcoholic beverages.

f. No person shall cause and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or the projection of film, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus, or genitals, or any simulation thereof within any establishment dealing in alcoholic beverages. (1957 Code § 4-18; Ord. No. 89-5 § 2, 8-15-89)

g. Any adult entertainment establishment in operation at a particular location on or before July 1, 2012, with a valid adult entertainment license issued by the City of North Miami Beach may sell, dispense or permit alcoholic beverages if the business has first obtained a valid alcoholic beverage and tobacco state license.

Section 3. Section 13-43 of Chapter XIII of the Code of Ordinances of the City of North Miami Beach, is hereby amended as follows:

13-43 Proscriptions where Alcoholic Beverages are Sold, Dispensed or Permitted and where Food or Beverages are Sold or Dispensed.

(a) The human genitals or pubic region, the areola of the female breast, and the cleavage of the human buttocks shall not be displayed or exposed on a licensed premises where alcoholic beverages are sold, dispensed or permitted. Any adult entertainment establishment in operation at a particular location on or before July 1, 2012, with a valid adult entertainment license issued by the City of North Miami Beach may sell, dispense or permit alcoholic beverages if the business has first obtained a valid alcoholic beverage and tobacco state license.

(b) It shall be unlawful for any employee to exhibit specified anatomical areas while selling or dispensing any form of food or beverage. ~~The provisions of this chapter are in addition to and not in place of the provisions of subsection 17-5.10 of the Code of Ordinances.~~ (Ord. No. 94-9 §2A-43, 4-5-94)

Section 4. Section 13-49 of Chapter XIII of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

13-49 Engaging in Prohibited Activity.

It shall be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this Code:

- a. To engage in a straddle dance with a person at the establishment.
- b. To contract or otherwise agree with a person to engage in a straddle dance with a person at the establishment;
- c. To engage in any specified sexual activity at the establishment.
- d. To, where the employee knows or should know that alcoholic beverages are sold, offered for sale, or consumed, display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast, or human male genitals in a discernibly turgid state, even if completely and opaquely covered. Any adult entertainment establishment in operation at a particular location on or before July 1, 2012, with a valid adult entertainment license issued by the City of North Miami Beach may sell, dispense or permit alcoholic beverages if the business has first obtained a valid alcoholic beverage and tobacco state license.
- e. To engage in the display or exposure of any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee;
- f. To engage in a private performance;

g. To, while engaged in the display or exposure of any specified anatomical area, intentionally touch any person at the adult entertainment establishment, excluding another employee; or

h. To touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the waist and above the knee of the person or to touch the clothed or unclothed breast of any female person.(Ord. No. 94-9 § 2A-49, 4-5-94)

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 7. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of the Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as codifier may deem fit.

APPROVED BY TITLE-ONLY on first reading this _____ **day of August, 2012.**

APPROVED AND ADOPTED on second reading this _____ **day of _____, 2012.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor George Vallejo
City Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Mayor George Vallejo
DATE: Tuesday, August 7, 2012

RE: Ordinance No. 2012-17 - First Reading by Title Only (City Attorney Darcee S. Siegel)

BACKGROUND:

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

CONTACT PERSON(S): Mayor George Vallejo
Darcee S. Siegel, City Attorney

ATTACHMENTS:

 [Ordinance No. 2012-17](#)

ORDINANCE NO. 2012-17

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE II, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "ALCOHOLIC BEVERAGES" BY AMENDING SECTION 12-2.2, SUBSECTION c.1-5, TO REQUIRE A TWELVE-MONTH WAITING PERIOD AFTER THE DENIAL OF A 4:00 A.M. TO 6:00 A.M. EXTENDED LICENSE PRIOR TO A SUBSEQUENT APPLICATION FOR THE EXTENDED LICENSE; 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.

WHEREAS, in order to operate a business in the City of North Miami Beach during the hours from 4:00 a.m. to 6:00 a.m., the business must obtain an extended license from the City Council; and

WHEREAS, all too often, businesses in the City applying for a 4:00 a.m. - 6:00 a.m. extended license are denied and repeatedly appear before the City Council until the Council ultimately approves the license; and

WHEREAS, without any changed circumstances, applicants continuously and repeatedly appear before City Council and request an extended license; and

WHEREAS, the Code of Ordinances already has an appeal process in place should an extended license be denied; and

WHEREAS, the Mayor and City Council believe that requiring a twelve-month waiting period after the denial of a 4:00 a.m. - 6:00 a.m. extended license prior to a subsequent application for the extended license will be consistent with other denial procedures outlined in the City Code.

NOW, THEREFORE,

ORDINANCE NO. 2012-17

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Section 12-2.2 c.1-5 of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Section 12-2.2 Permitted Days and Hours of Sale - Sunday Restrictions;
Hotels and Nightclubs.**

c.1. Upon application by a holder of a business tax receipt for a business tax receipt to further extend hours, and after an investigation and report by the Chief of Police to the City Council, the City Council shall have the authority, in its discretion, to further extend the hours of a distributor or vendor of alcoholic beverages from 4:00 a.m. to 6:00 a.m.

2. The issuance of the business tax receipt for the extension of hours from 2:00 a.m. to 4:00 a.m. shall be obtained prior to applying for a business tax receipt to extend hours from 4:00 a.m. to 6:00 a.m.

3. Upon the denial of an application for an extension of hours business tax receipt, a period of twelve (12) months must run prior to the filing of a subsequent application relating to the subject business.

24. Upon approval by the City Council for a 4:00 a.m. - 6:00 a.m. business tax receipt, the initial license shall be issued for a six (6) month period at a non-refundable fee of one-half the annual fee. The applicant shall not be entitled to the return of any application fee should the 4:00 a.m. - 6:00 a.m. business tax receipt be denied.

35. Thereafter, upon approval by the City Council, a business tax receipt for extended hours shall be issued for a non-refundable fee subject to annual review before the issuance of the yearly business tax receipt by the City Council and a satisfactory report from the Chief of Police, as follows:

Class A: One thousand fifty (\$1,050.00) dollars per year.

Class B: Three thousand one hundred fifty (\$3,150.00) dollars per year.

Class C: Six thousand three hundred (\$6,300.00) dollars per year.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this ___ day of August, 2012.

APPROVED AND ADOPTED on second reading this ___ day of _____, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor George Vallejo
City Council



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MEMORANDUM

 Print

TO: Mayor and City Council

FROM: Lyndon L. Bonner, City Manager

DATE: Tuesday, August 7, 2012

RE: Ordinance No. 2012-11 - Second and Final Reading (City Planner Christopher Heid)

BACKGROUND: Amendments to the Land Development Regulations pertaining to the expiration of development orders, variances, and conditional uses.

RECOMMENDATION: Approval.

FISCAL IMPACT: None.

CONTACT PERSON(S): Shari Kamali, Director of Public Services
Christopher Heid, City Planner

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - October 17, 2011](#)
- ❑ [Ordinance No. 2012-11](#)



CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: Lyndon L. Bonner, City Manager

DATE: Tuesday, July 3, 2012

**RE: ORDINANCE 2012-11 (PREVIOUSLY ORDINANCE NO. 2011-18):
DEVELOPMENT REVIEW PROCEDURES**

Staff is recommending several changes to Article 15, "Other Development Review Procedures", of the Land Development Regulations in an effort to make the public hearing process more business friendly.

Currently, ordinance changes that occur after an applicant has been granted approval for a development order and prior to permitting would nullify said approval. Staff feels that once an applicant has received the approval of the City Council their projects should not be impacted by subsequent legislation. It is recommended that this language be removed from the code.

Development orders for site plan review and variances presently expire six (6) months after approval by City Council if a master building permit is not obtained. This is very difficult, if not impossible for even a slightly complex project, as it may take more than six (6) months to complete the working drawings required for permitting, including electrical, plumbing, mechanical, and structural plans. In addition, multiple outside agencies must review and approve the working drawings once they are complete, including Miami-Dade County Department of Permitting, Environment, and Regulatory Affairs (DERM), Miami-Dade County Fire Rescue, Florida Department of Transportation, and the Florida Department of Health. Staff is recommending that development orders expire within one (1) year of approval if a master building permit is not applied for.

The code is silent on the expiration of conditional use approvals. Staff feels that conditional use approvals should have an expiration like any other development order. It is recommended that conditional use approvals expire within one (1) year of approval or one (1) year of the issuance of a certificate of occupancy.

◆-----◆

HISTORY

- Planning & Zoning Board - This item was heard by the Planning & Zoning Board at the meeting of Monday, October 17, 2011 and received a favorable recommendation with a vote of 6-0.
- City Council – This item (Ordinance 2011-18) was deferred on first reading at the City Council Meeting of November 1, 2011.



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, OCTOBER 17, 2011

Attendees:

Members -	Chairman Evan Piper	Staff -	Shari Kamali, Director of Public Services
	Jaime Eisen		Christopher Heid, City Planner
	Joseph Litowich		Darcee Siegel, City Attorney
	Julian Kreisberg		Steven Williams, Board Recorder
	Norman Edwards		
	Hector Marrero		

Call to Order:

The meeting was called to order at 6:04 PM by Chairman Piper. The pledge of allegiance was recited and the roll call was taken.

Minutes:

Chairman Piper asked the Board if there was any discussion on the minutes for the meeting of August 22, 2011. There was no discussion.

A motion to approve the minutes of September 12, 2011 was made by Julian Kreisberg and seconded by Hector Marrero. The motion passed by a vote of 6-0.

Chairman Piper administered the oath for the members of the public that wished to speak during the meeting, he also instructed them to sign in.

OLD BUSINESS:

City Planners Report

Mr. Heid explained that office complex (15801 Biscayne Boulevard), the warehouse (15501 NE 21 Avenue), the Single-Family House (3281 NE 170 Street) and the FPL utility easement have been approved by the City Council. The retail store (14200 Biscayne Boulevard) has yet to re-file for the City Council, and the ordinance amending the Land Development fee schedule was approved on first reading and will be going for second reading on November 1, 2011.

NEW BUSINESS:

Item # 11-510: Single-Family House; 3301 NE 170 Street – Site Plan Approval and Variances

Mr. Heid stated that the applicant, Ismael Gonzalez, is requesting site plan approval and variances for the construction of a two-story 5,397 square foot single-family house on a 9,350 square foot parcel of land located in the RS-1, Residential Single-Family Zoning District.

Chairman Piper requested the applicant to come forward and speak on behalf of the application. The project was represented by Ismael V. Gonzalez, property owner and Neal Aronson, architect.

Mr. Gonzalez stated that the home will be his permanent residence for him and his family and his current residence in Miami Lakes is for sale.

Mr. Heid stated that the request has a large amount of variances but they are minor. He pointed out that the height variance could be taken care of by lowering the pitch of the roof, but the steepness of the roof gives the house a lot class, and bringing the pool closer to the rear lot line does not really impact anyone. He also said that to do anything other than a two car back-out driveway is almost impossible with the pervious area requirements for the front yard. Almost every house we see is going to have that variance because people want a semi-circular driveway plus at least a two car back-out portion, or in this case, three cars. This is something that staff will be looking to modify in the future. He stated the house is slightly larger than allowed, as a result the overall pervious area is also down a bit, but not to any degree that staff finds uncomfortable. He said that all the requests are reasonable and it is beautifully done house that will be a great addition to the neighborhood. He said that staff recommends favorably with the 9 conditions as noted.

Mr. Kreisberg asked Mr. Heid if the footprint is a variance. Mr. Heid said that is correct. Mr. Kreisberg asked where the extra square footage is or is it de minimis. Mr. Heid stated that there are no setback variances; the house just fills the footprint more than is typically allowed. Mr. Kreisberg asked if there was a requirement that the lot to only have 40% coverage. Mr. Heid said yes, but the house does not violate the required setbacks. When you add the required setbacks to the property you are left with a buildable envelope. That envelope cannot be filled, because it is more than 40% of the lot, without a variance. This house is filling more of the buildable envelope than the code contemplates. Mr. Kreisberg asked what the size of the buildable envelope is. Mr. Heid said the on this lot the buildable envelope would be 4,140 square feet.

Mr. Kreisberg also asked if the gazebo was part of the variances. Mr. Heid said no, they are now allowed without variance. Mr. Kreisberg also asked if the project have pavers to and a drainage system to help with the drainage. Mr. Heid said yes, the pavers are not counted but they are included in the project. Mr. Heid also said that the project will include a complete fully engineered drainage system.

Mr. Edwards asked if there is any effort to change the requirement to retain the water runoff on the property. Mr. Heid said no, if anything they would want to be insistent that the water stay on the property because people use chemicals on their lawns and that run off can damage the canal system, it is typically polluted water.

Mr. Litowich asked if the height variance was only for the roof because it is 5 in 12 pitch. Mr. Aronson said that is correct. Mr. Litowich asked Mr. Heid if this was a similar variance to the previous house that the board reviewed. Mr. Heid said yes, it is a little steeper but it is supported by staff. Mr. Litowich asked how the house fits in with the neighborhood. Mr. Heid said that the previous house that was approved is right next to it, but it will be completely different than the older one-story ranches. It is compatible with the new wave of house that the board has been seeing for the past 10 years.

Mr. Litowich asked if there is any additional drainage to offset the lack of pervious area. Mr. Heid said that the project must retain all water runoff on the property. At the time of permit the drainage plans will be reviewed to make sure that the project respects that requirement.

Mr. Marrero stated that the survey does not coincide with the plans. Mr. Heid pointed out that there are two surveys in the packages, one of the old house that has since been demolished, and a current survey showing a vacant lot with the remnants of a driveway.

Mr. Kreisberg stated that he believes the property has the highest elevation in Eastern Shores. He asked if that was due to fill. Mr. Gonzalez stated that the previous house was at that height prior to him demolishing it.

Chairman Piper opened the floor for public comment. There was no one present that wished to speak on this item.

Public comment was closed.

Mr. Heid stated the house was attractive and will be a good addition to the neighborhood, staff recommends favorably with the 9 conditions noted.

Chairman Piper asked the applicant if they could accept the all the conditions. Mr. Gonzalez replied yes.

A motion to approve Item 11-510 was made by Julian Kreisberg. The motion was seconded by Jaime Eisen. The motion to approve item 11-510 passed with a vote of 6-0.

Chairman Even Piper	YES
Hector Marrero	YES
Joseph Litowich	YES
Julian Kreisberg	YES
Norman Edwards	YES
Jaime Eisen	YES

Chairman Piper acknowledged that Councilwoman Beth Spiegel was in the audience.

Item # 11-509: Land Use Amendments; 17400 West Dixie Highway – Future Land Use Map (FLUM) Amendment & Rezoning

Mr. Heid stated that this application is a request from Braha Dixie, LLC, for FLUM amendment and rezoning for an 188,179 square foot parcel of land at 17400 West Dixie Highway. The applicant is requesting a FLUM change from Residential High Density to Business, as well as a rezoning from both CF, Community Facility and RM-23, Residential Mid-Rise Multifamily (High Density) to B-2, General Business District.

Chairman Piper requested the applicant to come forward and speak on behalf of the application. The project was represented by Jodie Siegel, attorney, who gave a brief explanation of the request for FLUM amendment and rezoning.

Mr. Edwards stated that he pulled a copy of the Glatting Jackson report dated May 2007. He asked Attorney Jodie Siegel if she had a chance to look at the report prior to submitting her application. She replied she was not aware of the report. Mr. Heid pointed out that there is no project before the board tonight. Any project would have to come before the board to be approved. Attorney Jodie Siegel stated once it is determined what the project will be; it will come before the board at a separate hearing.

Mr. Edwards stated that the application includes a letter from Land Plan Engineering Group that proposes a mix-use development, Park View Business Center, which a 12 story business hotel, a 12 story extended stay hotel, a 6 story office building. Attorney Jodie Siegel stated that those are only preliminary ideas at this point, nothing is set in stone. The only request tonight is to change the FLUM and rezone the property. Mr. Heid added that the Board may not like the project once it is proposed, but the question tonight is do you think that it is appropriate to rezone the property to B-2.

Mr. Edwards asked where the nearest B-2 designation is. Mr. Heid said that the nearest designation is directly across the railroad tracks, east of the project on the west side of Biscayne Boulevard. Mr. Edwards asked Attorney Jodie Siegel if she has had a chance to look at the report that he passed out. Attorney Jodie Siegel stated that she can't just look at one page, she would need to read the entire report. She said that there is B-1 and B-3 around the property, which is compatible with B-2.

Mr. Edwards stated that he noticed that there no plans for traffic changes. Attorney Jodie Siegel stated that they will be studying traffic as they go through the process to determine what changes if any are needed. Mr. Edwards asked what impact the project would have on the neighboring property to the west, the Arbors apartment complex, as well as Grenyolds Park. Attorney Jodi Siegel stated that in the High Density Residential you can have building much higher, and she understands that the City's goal is to turn the area into a beatification corridor. They will have to find a nice way to mesh with the park and the surrounding area. Mr. Edwards stated to the north of the park is a residential building; he asked what the height of the building is. Attorney Jodie Siegel shat that she did not know. Mr. Edwards asked about the traffic, if it

would have difficulty at 172 and Biscayne. Attorney Jodie Siegel said that it is too early to try to predict as she does not know what the project will be. She said that the developer will be responsible to mitigate traffic caused by the development. Mr. Edwards asked how they envisioned traffic to get the site. Attorney Jodie Siegel stated that she believed that it would be an attraction the City and would have great views to the park and that would attract people to make it a destination for the City.

Mr. Edwards stated that he believed that this is in the nature of spot zoning and does not follow the Glatting Jackson Plan; the project is too high and abuts a park.

Chairman Piper asked how the Glatting Jackson Plan falls into our code. Mr. Heid stated that the B-2 Zoning on this type of corridor is in line with the Glatting Jackson Plan. When we have a project to review we can see if it follows the Plan and consider the impact on the park. Because we do not have a project in front of us we can't consider things like traffic, that's completely jumping the gun. What needs to be considered is the zoning appropriate. Half of the property is zoned CF, you could put uses such as a police station or hospital. These types of things would be permitted with CF zoning.

Mr. Kreisberg asked which portion of the property was zoned. Mr. Heid said the north portion, abutting the park is CF, and the south portion of the site is zoned multifamily. He added that he does not see a market for multifamily on West Dixie Highway across from railroad tracks. Mr. Kreisberg asked what the maximum height for the multifamily zoning is. Mr. Heid said right now under the RM-23 3 stories is allowed with a conditional use of an additional 3 stories, totaling 6 stories with conditional use. He added that when there are 2 vacant parcels together under joint ownership it behooves the city to create a single zoned tract of land. Mr. Kreisberg asked if all the lots were owned by the same owner. Attorney Jodie Siegel said yes.

Chairman Piper asked what types of uses are allowed under the B-2 Zoning. Mr. Heid said general office uses, retail and service establishments, typical retail stores. There are also uses that are conditional, but are controllable, such as animal hospitals. Chairman Piper asked if the potential hotel would be a conditional use. Mr. Heid said yes, a hotel is a conditional use in the B-2 Zoning District.

Chairman Piper said that by changing the zoning they would not need a variance to construct a strip shopping center, assuming that the uses are permitted. Mr. Heid said yes, but even if they were variance free the project would still come before this Board for site plan approval.

Mr. Edwards said that the Glatting Jackson report shows a transition to the highest parts, which are supposed to be in the area of the Lorenzo's, the Post Office, and the old Wine Dixie. We should try to follow the plan. We should plan according to the plan that was done for the City. Attorney Jodie Siegel stated that the Glatting Jackson Plan was done in 2007 and the economy as well as planning has changed.

Mr. Kreisberg stated that it is now 2011 and back in 2007 the City paid for the report to be done, but he does not think that we have to be tied to report that was done in the past. At this present time we have to decide if rezoning this parcel on West Dixie Highway is appropriate as business. He said that he does not think that the Board should be cross examining a project that has not been presented. He asked if there is a contemplation of what would happen if the property does not get rezoned. Attorney Jodie Siegel said that they would not be able to move forward with a project and the site would sit vacant.

Mr. Marrero said that he believes B-2 Zoning is appropriate for the site and he does not see it as being intrusive.

Mr. Litowich said that he is concerned with the letter that was submitted with the application. He said that the idea of have the site changed to B-2 would fit. But he thinks that if they come back with a project that is 12 stories they will run into some negative thoughts.

The City Attorney stated for the record that they can have up to 15 stories in the B-2 Zoning District. Mr. Litowich asked if a 12 story building would fit in. The City Attorney responded yes. Mr. Litowich said that it will fit the zoning, but will it fit in with the neighborhood. The City Attorney said that is a different story, if it is something that is permitted they would be entitled to have it.

Mr. Kreisberg asked if the hotel is a conditional use. Attorney Jodie Siegel said yes. Mr. Kreisberg said that they would be able to build a 15 story office building. The City Attorney said yes. She went on to say that it is the use not the size (of the building) that is conditional. She also stated that at this time the request for a rezoning, if this is changed to B-2 the developer would have the opportunity to build something up to 15 stories.

Chairman Piper asked if there is any use in the B-2 that would not be allowed to be 15 stories. Mr. Heid said no, only the use is conditional not the height of the building. Chairman Piper also asked what the maximum height is in the CF. Mr. Heid said the maximum height of 3 stories with a conditional use for additional stories.

Mr. Litowich asked if there was a height limitation for the B-1 Zoning District. Ms. Kamali said B-1 is 2 stories, B-2 is 15 stories, and B-3 is 15 stories. Mr. Litowich said that he is in favor of changing the property into a Business classification, he is not sure that it should be changed to a B-2 or B-3. Mr. Heid said that he would not recommend B-3 Zoning because it would bring uses that they would not want there.

Chairman Piper asked for clarification on the PUD (Planned Unit Development) that is located close to the site. The City Attorney stated that the PUD is the Marina Grande site. She said that the site may qualify for a PUD, a PUD zoning is site specific. Mr. Heid added that there are different categories of PUD, and the least restrictive has a maximum height of 18 stories. He also reminded the Board that the entire site currently has an underlying Future Land Use Map Category of Residential High Density, which the Comprehensive Plan allows to be 15 stories.

Chairman Piper asked if there was a project that was previously approved. Mr. Heid said that a project was previously approved, an office complex. Chairman Piper asked what the height of that project was. Mr. Heid said he believed it was 15 stories. Chairman Piper said that they did the rezoning and site plan approval at the same time. Mr. Heid said that is correct. He added that it is not being done that way because as a Planning and Zoning Board the quest needs to be, "is the zoning change being requested appropriate?" If so than you look at the project and the traffic and other project specific issues. Chairman Piper asked if that project was approved. Mr. Heid said yes, it received a favorable recommendation by this Board and was approved by the City Council.

Mr. Edwards asked if there was a lawsuit with that project, he asked the City Attorney what the nature of the lawsuit was. The City Attorney said that she did not have the particulars of the lawsuit, but she did know that it was dismissed. Mr. Edwards asked if the fees for the prior project were paid in full. The City Attorney said that she knows they were settled for a lesser amount, but a substantial portion of the fees were paid to the City.

Chairman Piper opened the floor for public comment. There was one person that wished to speak on this item; Robert Taylor.

Mr. Taylor stated that any changes made tonight are forever and the value of the property will skyrocket, the developer will get all the benefits. He said that there is B-2 on Biscayne Boulevard, but it is an 8 lane highway. He said that the park, Grynolds Park, is one of the most beautiful parks in the county which is used tremendously; you're going to put a 15 story building. He said that the Glatting Jackson plan was approved in 2007 but they had the foresight to look into the future. He said the project is not going to provide jobs. He said that the developer should bring a project before the Board and request variance.

Public comment was closed.

Attorney Jodie Siegel stated that the request tonight is for FLUM amendment and rezoning and a project will be brought before the Board at a later date for the consideration.

Chairman Piper asked for clarification as to why the rezoning is being done separately from the project. Mr. Heid said that it is not about the project it is about the zoning. If the zoning makes sense it should be rezoned, it should be looked at irrespective of a project, if it is not an appropriate zoning district than it should not be rezoned. Mr. Piper asked if the applicant could comeback with the rezoning and project as a package. Mr. Heid said yes, but the approval would have to be done very carefully; the site plan approval would have to be contingent on the rezoning, which would have to be contingent on the approval of the Comprehensive Plan amendment.

Chairman Piper asked if the applicant had any issues bringing the project back as one package. Attorney Jodie Siegel said that she does see an issue. It is very expensive to go through and entire site plan application and process, which would bring the project back at square one.

Ms. Kamali explained that the zoning the applicant wants for their project is B-2, which is not compatible with the existing Future Land Use category (Residential High Density). They must amend the Future Land Map and then do the rezoning.

Mr. Marrero said that there are members of the community and the Board that have a problem with giving you carte blanche; we need to come up with something right now to restrict it.

Chairman Piper asked if there is a way of it happening if they present it all together as opposed to the way it was presented today. Mr. Heid said that he believes the City Attorney has opined that it can be done; it would have to be worded carefully. The City Attorney said that she believes the problem with the previous project was that it was rezoned and the zoning was not compatible with the Comprehensive Plan; the Comprehensive Plan was never amended.

Mr. Kreisberg asked if the project can come before the Board and ask for a variance. Ms. Kamali said that is not possible, a B-2 use cannot be allowed on the parcel with a variance. Mr. Kreisberg said that the risk is that if it is rezoned the developer can do a lot of things or sale the property to someone else can do a lot of things.

Chairman Piper said that what he is hearing from Ms. Kamali is that if they brought the project through as a package it would not work. Ms. Kamali said that the Board cannot review a project that is not compatible with the zoning, must do the rezoning and the comp. plan amendment. Chairman Piper asked if it is doable (the project, rezoning, and Comprehensive Plan amendment as a package). The City Attorney said yes it can be done; it has been done in the past.

Attorney Jodie Siegel said that she can shed some light on the project; Hyatt has committed to do the hotels and this point they are not looking to go no higher than 7 stories. She said that she cannot make a commitment to exactly what they want, they would have to go through the plans with Hyatt, and it is their full intention to come back with a project. She said that tonight they are asking for the board to vote on the request for FLUM amendment and rezoning.

Chairman Piper asked if there is any way to put a ceiling on the request. Attorney Jodie Siegel said that the Board could look at the project when they come back and deny it. The City Attorney said that the Board could deny the project for the use (a hotel), but if the Board's concern is the height and possibly the density that would not be a correct statement. She said they would be entitled to build what's allowed under that classification.

Mr. Kreisberg asked how many things allowed in the B-2 would be reasonable for them to build at 12 or 15 stories, outside of an office building. The City Attorney went over the list of

permitted uses under the B-2 Zoning classification. Mr. Kreisberg said that of all the uses the only thing that could logically be high rise is an office.

Chairman Piper asked for staff's recommendation. Mr. Heid said that staff supports the amendments to the zoning and Future Land Use map. The future land use amendment would make the property consistent with the properties to the south and east and would not increase the allowable height or density for the property. The request for rezoning would not be in conflict with any surrounding zoning districts.

Chairman Piper asked how easy it would be to put a 15 story residential project on the site. Mr. Heid said that it would have to be rezoned but not a Future Land Use amendment.

Mr. Taylor (from the audience) said that there is no B-2 zoning on West Dixie Highway, it is all B-1. Mr. Heid said that there is B-2 and B-3 on West Dixie Highway. Then Mr. Taylor said that in this neighborhood there is no B-2, only on Biscayne Boulevard, and that this is spot zoning.

The City Attorney said that what is being presented to night is not spot zoning. Chairman Piper asked if spot zoning could be defined. The City Attorney said that it is when the zoning of a piece of property rezoned and it is not compatible with the neighboring or surrounding zoning districts. Mr. Heid added that it is like an island that has no relation to the surrounding properties.

Mr. Edwards said that the property is zoned residential mid-rise and Community Facility, and the B-2 zoning would allow buildings that are too high for that area.

Chairman Piper said that he is uncomfortable with the carte blanche request for rezoning. He feels that it would be more responsible for the Board to review these types of request with the project.

Chairman Piper asked the applicant if a B-1 would do anything for them. Attorney Jodie Siegel said no, because it only permits 2 stories. The City Attorney said that a request for B-1 zoning is not being requested and has not been advertised.

Chairman Piper asked if the Comprehensive Plan could be changed without a rezoning. Ms. Kamali said if the Comprehensive Plan is changed with a rezoning the applicant, or property owner, would have to request a rezoning for a compatible zoning designation at a future date.

Mr. Kreisberg acknowledged that City Manager Lyndon Bonner was in the audience.

Mr. Kreisberg asked if the Manager had any incite on the project. Mr. Bonner said that this project, a lot like what's happening on West Dixie Highway, is changing. He said that he did

meet with the applicants and talked about the project, he said that the intersection on 173 Street will have improvements that will be done with the Community Redevelopment Agency. He said that this project in combination with the Marina Grande and Wine Dixie projects will change the corridor.

Mr. Kreisberg asked the manager how he felt about the property becoming B-2. Mr. Bonner said that his perspective is further in the future and likes to think about what is going to happen in the next 50 years.

A motion to approve the request for rezoning, contingent upon the approval of the Future Land Use Map amendment was made by Julian Kreisberg. The motion was seconded by Hector Marrero. The motion failed by a vote of 5-1.

Chairman Even Piper	NO
Hector Marrero	NO
Joseph Litowich	NO
Julian Kreisberg	YES
Norman Edwards	NO
Jaime Eisen	NO

The applicant was asked if she would like to withdraw her request for the Future Land Use amendment, Attorney Jodie said that she would like to move forward with request. The City Attorney said that in order for the request for Future Land Use amendment to be heard before the City Council the Board would have to take action on the request, if there is no vote by the Planning and Zoning Board the request could be heard by the City Council.

A motion to deny the request for Future Land Use Map amendment was made by Julian Kreisberg. The motion was seconded by Hector Marrero. The motion to deny the request for a Future Land Use Map amendment passed by a vote of 6-0.

Chairman Even Piper	YES
Hector Marrero	YES
Joseph Litowich	YES
Julian Kreisberg	YES
Norman Edwards	YES
Jaime Eisen	YES

Item # 11-511: LDR Text Amendments – Development Review Procedures

Mr. Heid stated that language has been added to the code that makes getting development order difficult. Staff is recommending that the requirement of a super majority (5 votes) vote of the City Council for comprehensive plan amendments and development orders and a majority plus two votes (6 votes) for residential building heights above 15 stories be eliminated. Current requirements may deter applicants who wish to bring development projects forward as they may be reluctant to invest the time and money knowing that they need 5 or even 6 at City

Council. But more importantly, it is in direct conflict with the City Charter, which requires a majority vote of the City Council on items for their consideration, including development projects. Staff is recommending that these items require a simple majority of the vote of the Council.

Ordinance changes that occur after a project has been approved but before the project receives a permit nullifies the approval. It is recommended that that language be removed. Mr. Heid said that an applicant can spend hundreds of thousands of dollars on a project, have it approved, and within the year it takes to get a permit an ordinance change could nullify that approval.

There is a requirement that development orders for site plan review and variances presently expire six (6) months after approval by City Council if a master building permit is not obtained. Mr. Heid said that it is very difficult for complex projects to obtain permits within 6 months. Most projects don't start working on their structural drawing until they obtain their approvals. It is suggested that this be changed to allow up to one year to apply for a master building permit.

The code is silent on the expiration of conditional use; it is recommended that conditional use approvals expire within one (1) year of approval or one (1) year of the issuance of a certificate of occupancy.

Mr. Heid said staff is recommending the elimination of superfluous notice requirements for Comprehensive Plan amendments. Currently the code requires that Comprehensive Plan amendments that increase the height or density of property or a Future Land Use category be noticed and advertised according to regulations that are far more stringent than the Florida Statutes, requiring a nine month period between the date an applicant applies and final hearing before City Council. The process is unduly lengthy, burdensome to developers and unreasonably delays any development or redevelopment in the City. Mr. Heid said that the current State Statutes, which apply to all other cities in the state, are sufficient.

Mr. Kreisberg asked why this would pass the City Council when that voted on the changes. Mr. Heid said that there is different Council and Mayor and we are in different economic times.

Mr. Edwards asked if there was a settlement of a lawsuit with Bill Borkin required a super majority vote of the City Council for change to the Comprehensive Plan. The City Attorney said that the Charter cannot be amended by an ordinance. She said that staff is asking to clean up the code to be consistent with the charter. Mr. Edwards said that there is no requirement that it be removed from the code, it will not be enforceable. The City Attorney said that she would not recommend that language be in the code that is not enforceable and not consistent with the Charter.

Mr. Edwards asked how often a project has been impacted by a change in the City code. Mr. Heid said that he is not sure that it ever has, but would like to make sure that it doesn't. Mr.

Edwards said that if it never accrued it should not be a problem. Mr. Heid said if someone reviews our code and see this type of language they may decide to develop elsewhere. Mr. Edwards asked the City Attorney if the approval gave the applicant some type of right to continue with that approval. The City Attorney said that they would have a property right once they are issued a permit.

Mr. Edwards asked if sub-permits are part of a master permit. Mr. Heid said yes, the master permit is the entire package. He added that the Master permit must also be signed by outside agencies. Mr. Edwards asked if a master permit could be pulled without the sub-permits. Ms. Kamali said no, only the demolition permit. The City Attorney advised the Board that applicants can obtain a 6 month extension, and a subsequent extension by the City Council. Mr. Edwards asked why it is being changed to a year if they can come and get extensions. Mr. Litowich said that by changing the expiration time will cause a lot less confusion. Mr. Edwards said that the first 6 month extension is administered administratively. Mr. Heid said that sometimes the applicants let it fall through the cracks, and we are trying to protect their interest.

Mr. Edwards asked what the history of the notice requirements. Mr. Heid said that the language was adopted by an ordinance in 2008. Mr. Edwards said that there was a lot of building issues between 2005 and 2008 which put in place a process that was agreed upon to limit the ability of the Comprehensive Plan at any time. He said that he residents require a time for reflection. Mr. Heid said that staff is comfortable that State Statutes give reasonable time for reflection and would like the same level of coverage from the State Statute.

Chairman Piper opened the floor for public comment. There was no one present that wished to speak on this item.

Public comment was closed.

A motion to approve Item 11-511 was made by Jaime Eisen. The motion was seconded by Julian Kreisberg. The motion passed with a vote of 6-0.

Chairman Even Piper	YES
Hector Marrero	YES
Joseph Litowich	YES
Julian Kreisberg	YES
Norman Edwards	YES
Jaime Eisen	YES

Item # 11-512: Comprehensive Plan Text Amendment; Future Land Use Element – Policy 1.8.3

Mr. Heid said that this item is related to the 9 month period that was just recommended to be taken out of the Land Development Regulations. In order for the State Statutes to apply it must also be taken out of the Comprehensive Plan. This policy requires that notice of proposed text amendments be sent to individuals registered with the City Clerk, of which there is no record of, applicants wait at least 90 days from time of application before the item can be heard

before the Planning and Zoning Board, as well as 9 months from time of application before second reading at City Council.

Mr. Heid said these requirements are far more stringent than the notice and advertisement requirements contained in Florida State Statutes. Staff feels that the requirements in this policy are superfluous and make Comprehensive Plan amendments unduly lengthy, burdensome to developers, and unreasonably delay development and redevelopment in the City. It is recommended this policy be deleted and that the process and notice procedures for Comprehensive Plan amendments be done in accordance to Florida State Statutes. Mr. Heid added that this would be the companion to Item 11-511.

Mr. Kreisberg said that does not think that we should be guided by what happened in 2007 and he is in favor of the amendment.

Chairman Piper opened the floor for public comment. There was no one present that wished to speak on this item.

Public comment was closed.

A motion to approve Item 11-512 was made by Joseph Litowich. The motion was seconded by Julian Kreisberg. The motion passed with a vote of 5-1.

Chairman Even Piper	YES
Hector Marrero	YES
Joseph Litowich	YES
Julian Kreisberg	YES
Norman Edwards	NO
Jaime Eisen	YES

Mr. Heid advised the Board that there will most likely not be a Planning and Zoning Board meeting for the month of November.

The City Attorney advised the public that there is still a vacancy on the Planning and Zoning Board.

Adjournment - A motion to adjourn was made by Hector Marrero and seconded by Julian Kreisberg. The meeting was adjourned at 8:33 pm.

ORDINANCE NO. 2012-11

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.

WHEREAS, even though an applicant receives approval from the City Council for a development project, current City Code renders said approval void if it conflicts with any ordinance passed after the approval but prior to the issuance of a building permit for the project; and

WHEREAS, while applicants often expend many dollars in professional services and public hearing fees, the current City Code adversely affects those applicants who have already received City Council approval, but prior to obtaining a building permit, the Code is changed; and

WHEREAS, the Mayor and City Council believe that applicants have a right to rely on Council's approval and continue to do so even though a building permit has yet to be obtained; and

WHEREAS, while some applicants are able to obtain a building permit within six months as required by current City Code, others are experiencing delays in obtaining permits within that time period due to the backlog at various County departments; and

WHEREAS, while the current City Code provides for no expiration time-frame for projects granted conditional use approval, the City Council believes that such is warranted in order to put applicants on notice; and

WHEREAS, once applicants receive conditional use approval on a project, under current City Code that approval has no expiration time-frame; and

WHEREAS, the Mayor and City Council is desirous to establish a time-frame for a conditional use to be uniform and consistent with the time-frame for site plan review and approval of variances; and

WHEREAS, on October 17, 2011, the Planning and Zoning Board heard this item at a publicly advertised meeting where it was favorably approved by a vote of 6-0; and

WHEREAS, in order to assist, promote, and entice more development in North Miami Beach, the Mayor and City Council believe that the current Code giving applicants only six (6) months to obtain a building permit for development projects needs to be amended and should be extended to a one-year period.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Sec. 24-172 Site Plan Review of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-172 Site Plan Review

(H) *Final Site Plan Approval.* All applications for final site plan approval shall be submitted and reviewed in the following manner:

~~(5) *Ordinance change:* Any change of ordinance or regulatory control occurring after any site plan approval has been granted, but prior to the issuance of a building permit, shall render such approval void to the extent of conflict with such change of ordinance or regulatory control.~~

(Ord. No. 2008-22 § 3, 12/16/08)

(I) *Expiration.* The master building permit from the City must be ~~obtained~~ applied for within ~~six (6) months~~ one (1) year of site plan approval. All extension requests may be extended administratively for good cause for one six (6) month period by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City Council for good cause. (Ord. No. 2008-22 § 3, 12/16/08)

Section 3. Sec. 24-175 Conditional Uses of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-175 Conditional Uses

(C) *Expiration.* A Business Tax Receipt must be obtained within one (1) year of the issuance of a certificate of occupancy or within one (1) year of conditional use approval, whichever is longer. This may be extended administratively for good cause for one six (6) month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

Section 4. Sec. 24-176 Variances of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-176 Variance

(C) *Variance Review Standards.*

(4) A variance granted under the provisions of this Code shall automatically expire under the following conditions:

(a) If a permit has not been ~~issued~~ applied for within ~~six (6) months~~ one (1) year from the date of granting of a variance (or date of any final court order granting or modifying the variance), in accordance with the specific plans for which that variance was granted, or

(b) If a permit issued within the required time period shall expire or be revoked pursuant to the Florida Building Code, and if the time period for originally obtaining a permit has expired, the variance shall automatically expire. (Ord. No. 94-14, § 2, 6-21-94)

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 7. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part

of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this 3rd day of July, 2012.

APPROVED AND ADOPTED on second reading this __ day of _____, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor & City Council



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MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Lyndon L. Bonner, City Manager

DATE: Tuesday, August 7, 2012

RE: Ordinance No. 2012-12 - Second and Final Reading (City Planner Christopher Heid)

BACKGROUND: Amendments to the list of permitted uses in the B-2, General Business Zoning District.

RECOMMENDATION: Approval.

FISCAL IMPACT: None.

CONTACT PERSON(S): Shari Kamali, Director of Public Services
Christopher Heid, City Planner

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - April 9, 2012](#)
- ❑ [P&Z Minutes - June 11, 2012](#)
- ❑ [Ordinance 2012-12](#)



CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: Lyndon L. Bonner, City Manager

DATE: Tuesday, July 3, 2012

**RE: ORDINANCE NO. 2012-12: PROPOSED LAND DEVELOPMENT
REGULATIONS AMENDMENTS REGARDING THE B-2, GENERAL BUSINESS
ZONING DISTRICT**

Staff is recommending amendments to the Land Development Regulations (LDR) pertaining to the permitted and conditionally permitted uses in the B-2, General Business Zoning District. The LDR changes are as follows:

I. Deletions - Repetition

It is recommended that the following uses be deleted from the list of permitted uses in the B-2 Zoning District because they have recently been added as permitted uses in the B-1, Limited Business Zoning District, and are therefore automatically permitted in the B-2.

- 1) Health and Exercise Studios, Martial Arts Studios
- 2) Laundries/Self Service Coin Operated
- 3) Convenience Stores
- 4) Delicatessens

II. Deletions – Antiquated

It is recommended that the following uses be deleted, as they are antiquated and it is no longer necessary for them to be listed individually.

- 1) Dry Good Stores
- 2) Telegram Office
- 3) Trading Stamp Redemption Centers
- 4) Catalog Services

III. Conditional Uses Added As Permitted Uses

It is recommended that the following Conditional Uses be added to the list of Permitted Uses because they are no longer considered problematic and public hearing should not be a requirement for their operation.

- 1) Modeling Agencies
- 2) Pet Groomers
- 3) Recording Studios
- 4) Fast Food Restaurants (excluding drive thru)

IV. New Uses

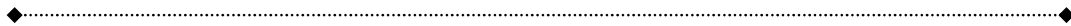
It is recommended that the following uses be added to the list of permitted uses. Staff feels that these uses are appropriate in the general Business Districts.

- 1) Museums
- 2) Vintage and Collectable Goods

V. Existing Uses – Modifications

Currently check cashing is a permitted use in the B-2 Zoning District, but they are not allowed to be located on Biscayne Boulevard, State Road 826, NE 164 Street or within 200 feet of any residential use or zone. This requirement makes it virtually impossible for a check cashing business to find suitable locations to open in this district.

Fast food restaurants are currently conditional in the B-2. It is proposed that fast food restaurants, excluding drive thru be permitted in the B-2 (see section III). It is recommended that fast food restaurants with drive remain a conditional in the B-2.



HISTORY

- This Item was heard by the Planning & Zoning Board at the meeting of Monday, April 9, 2012 and was tabled by a unanimous vote of 7-0.
- This Item was heard by the Planning & Zoning Board at the meeting of Monday, June 11, 2012 and received a favorable recommendation with a vote of 6-0.



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, APRIL 9, 2012

Attendees:

Members -	Chairman Evan Piper	Staff -	Shari Kamali, Director of Public Services
	Jaime Eisen		Christopher Heid, City Planner
	Saul Smukler		Darcee Siegel, City Attorney
	Julian Kreisberg		Steven Williams, Board Recorder
	Norman Edwards		
	Hector Marrero		
	Joseph Litowich		

Call to Order:

The meeting was called to order at 6:05 PM by Chairman Piper. The pledge of allegiance was recited and the roll call was taken.

Minutes:

Chairman Piper asked the Board if there was any discussion on the minutes for the meeting of Monday, February 13, 2012. There was no discussion.

A motion to approve the minutes of Monday, February 13, 2012 was made by Julian Kreisberg and seconded by Hector Marrero. The motion passed by a vote of 7-0.

Chairman Piper administered the oath for the members of the public that wished to speak during the meeting, he also instructed them to sign in.

OLD BUSINESS:

City Planners Report

Mr. Heid explained that Item 11-516 (After-the-Fact Dock: 2091 NE 191 Drive) and Item 11-513 (Townhouses: 16605 NE 35 Avenue) were approved by the City Council, Item 12-517 (LDR Text Amendments: Commercial Window Signs) has been approved on first reading and scheduled for second and final reading on April 17, 2012, and Items 11-511 (Development Review Procedures) and 11-512 (Comprehensive Plan Amendment: Policy 1.8.3) were deferred on first reading at City Council.

NEW BUSINESS:

Item # 12-518: Addition (Single-Family House); 1687 NE 174 Street – After-the-Fact Variance

Mr. Heid stated that the applicants, , Aurora A. Martins, Alvaro Azevedo, & Teresa Pacheco, request an after-the-fact variance for an existing addition to a single-family house at 1687 NE 174 Street, in the RS-

4, Residential Single-Family Zoning District. The request variance is from Section 24-44 (D) (3) to waive 2' the minimum required interior side yard setback of 5'. (Interior side yard setback of 3' existing.)

Chairman Piper requested the applicant to come forward and speak on behalf of the application. The project was represented by Carlos Azevedo.

Mr. Azevedo stated that his father (Alvaro Azevedo) was cited by Code Enforcement to have the addition removed. He said that the addition was there when they moved into the house and they enclosed the addition and added windows. He added the property owners are retired and have lived in the house for 22 years with the addition and it would be a financial burden for them to have the addition removed.

Mr. Litowich asked if the addition was being used as a family room. Mr. Heid stated that currently it is a family room. Mr. Heid went on to say that originally the room was a screen porch and the property owner has enclosed it with windows. He added that there is no evidence of permits for the original screen porch or the enclosure. Mr. Litowich also asked if the variance was for the side yard setback encroachment or increased lot coverage. Mr. Heid stated that the request is to waive 2 feet of the interior side yard setback.

Mr. Litowich asked the applicant if the room is currently being used as a family room and not an extra bedroom. Mr. Azevedo stated that the addition is the family room. Mr. Litowich asked how long the addition has been in existence. Mr. Azevedo said that his family purchased the house in 1988 and the addition was already there, and they added the windows. Mr. Litowich asked if any of the neighbors are present. Mr. Heid stated the neighbor that is adjacent to the addition has written a letter of support.

Chairman Piper asked if the Building Official has reviewed the addition. Mr. Heid said that the addition has been reviewed by the Building Department. He added that at first there was a concern that the setback did not meet the Florida Building Code, but it turns out that the Code only requires 6 feet between structures, which this addition does meet. Chairman Piper asked if there were other portions of the house that had the same setback issue. Mr. Heid advised the board that the rest of the house meets the setback requirements.

Mr. Litowich asked if the house would require a Class A fire rating because it is so close to the neighbor. Mr. Heid said that he did not know and it would be up to the Building Division.

Mr. Kreisberg asked how the addition was cited. Mr. Heid stated that the neighbor to the west pulled a permit and when the inspectors performed the inspection they noticed an issue with the shed on the subject property. The applicants corrected the violation with the shed. When the building inspectors inspected the property to verify that the violation with the shed had been corrected they noticed the addition. Mr. Kreisberg stated that he drove around the block and noticed other issues in the area. Mr. Heid stated that the block is not atypical. Mr. Kreisberg stated that the biggest issue is the addition and not the canopy or the sheds. Mr. Heid said that that is correct but the property should be looked at in its totality, like any other project that comes before the board. Mr. Heid pointed out the fact that there is a paver walkway between the addition and the fence that staff is requesting be moved as part of the approval.

Mr. Kreisberg asked what the property was cited for. Mr. Heid stated that the property was originally sited for an extension of the shed roof. Mr. Kreisberg asked if there were any fines. Mr. Azevedo stated

that there were no fines and they corrected the violation. Mr. Kreisberg asked if they have been cited for the setback encroachment. Mr. Heid stated that the code violation was for the shed and the building violation was for the construction of the addition without a permit. Mr. Kreisberg also asked who proposed who suggested that they get a variance. Mr. Heid stated that he did because they came to him with the issue of the structure and they only had two options; demolish the addition or get a variance to keep it.

Mr. Litowich asked which of the two sheds will be removed. Mr. Heid stated that the shed which is adjacent to the house. He added that it does not meet Florida Building Code. Mr. Litowich stated that the other shed only has a setback of 4 feet. He then asked if the requirement was 5 feet. Mr. Heid stated that the requirement is 5 feet, but the shed does have a permit and it was constructed in accordance with the permit plans.

Mr. Smukler stated that the plans are dated 2010, he asked if the plans are current and why they were done in 2010. Mr. Azevedo stated that they applied for a permit for the carport in 2010 and the plans are from that permit. He also stated that some modifications have been done as part of this application. Mr. Heid stated that the staff was able to determine that the survey was accurate with a site visit. Mr. Kreisberg asked what will be required for the permit. Mr. Heid stated that the survey that has been submitted will be sufficient.

Chairman Piper opened the floor for public comment. There no one present that wished to speak on this item.

Public comment was closed.

Chairman Piper asked for the City's recommendation. Mr. Heid stated that staff recommends favorably with the 5 conditions as listed in the staff report.

Chairman Piper asked the applicant if they could accept the all the conditions. Mr. Azevedo replied yes.

A motion to approve Item 12-518 was made by Joseph Litowich. The motion was seconded by Julian Kreisberg. The motion to approve item 12-518 passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-522: Yeshiva Tores Chaim; 1055 Miami Gardens Drive – Site Plan Modification

Mr. Heid stated that the project was originally recommended favorably by the Planning & Zoning Board on March 14, 2011 and approved by the City Council on April 26, 2011. The applicant is requesting a minor modification to the originally approved plans. The modifications are to the site plan, floor plan, and elevations, but no new variances have been created and the modifications are under the 500 square foot limitation.

Chairman Piper requested the applicant to come forward and speak on behalf of the application. The project was represented by Michael Hanlon, architect.

Mr. Hanlon stated that he modified the site plan because the program changed after the project was originally approved.

Chairman Piper asked for a simple explanation as to why the modification is needed. Mr. Hanlon stated that the programming for the project changed. Mr. Kreisberg asked what he meant by programming. Mr. Hanlon explained that the number of dorm rooms changed and a game room was added. Mr. Heid informed the Board that their packages included the originally approved plans and the proposed modifications.

Mr. Heid stated that he wanted the Board to be aware of the increase in student population; from 20 students originally approved to 28 students and a dorm counselor now being proposed. He added that other modifications include the addition of a game room and laundry facility and upgraded bathrooms. The dorm rooms have been reduced from 240 square feet to 84 square feet; from approximately 60 square foot per student to 21 square foot per person. He stated that the rooms are small but ultimately as long as it meets the Florida Building Code, the parents and students will have to decide if they are comfortable with the size of the rooms.

Chairman Piper asked if the footprint of the building has changed. Mr. Heid said that it has changed, but the proposed building does remain within the previously approved setbacks. Mr. Marrero asked if permits have been pulled for the changes. Mr. Heid stated that this is conceptual and nothing has been built. Chairman Piper asked if the square footage of the dorm rooms meets the applicable codes. Mr. Heid stated that the plans have been given to the building division and there were no comments.

Mr. Litowich asked why a 18 foot high parapet wall was needed. Mr. Hanlon stated that the parapet wall is needed to screen the rooftop equipment. Mr. Litowich stated that he believed that the previously approved plans showed the dorm attached to the existing building. Rabbi Askotzky stated that both proposals proposed the buildings to be separated. Mr. Hanlon added that the buildings will be connected by a covered walkway but not enclosed space. Mr. Heid stated that if the parapet was not proposed it would have been required as a condition of approval.

Mr. Kreisberg asked if a market study has been done to determine if students will be willing to live in 80 square foot space. Rabbi Askotzky stated that the students have class from 7:30 in the morning to 9 or 10:30 at night. The rooms are only used for sleeping and the game room will be used for other activities.

Mr. Edwards asked for the size of the main area of the room where the beds will be. Mr. Hanlon stated that it is about 14 feet by 7 feet. Mr. Edwards stated that the space is pretty small.

Mr. Smuckler stated that in his opinion the rooms are much too small. He also asked if egress requirements have been addressed. Mr. Heid stated that egress is reviewed by Miami-Dade Fire.

Mr. Heid stated that the rooms are small, but at some point that will be up to the students and parents. He added that the Rabbi makes a good point; the rooms are not designed for congregation. Mr. Heid

said that if the project was rental apartment or condominium it would be looked at differently because of the market.

Chairman Piper opened the floor for public comment. There was one person that wished to speak on this item; Robert Klein, President of the Royal Bahamian Condominium.

Mr. Klein stated that he was not opposed to the modification; although he believed that the original proposal looked better. He stated that his problem was that landscaping along the perimeter, buffering his community, had never been installed. He requested that the board require that the landscaping be installed prior to the construction of the building. He also recommended that a no u-turn sign be placed on Miami Gardens Drive because of the traffic from the school.

Public comment was closed.

Rabbi Askotzky stated that he has taken the comments into consideration and the landscaping has been designed by a Landscape Architect to address the issues. Chairman Piper asked if the landscaping from the original building was done and does it still exist. Rabbi Askotzky stated that he was not around at that time. Mr. Heid stated that originally the proposed property provided significant landscaping, but virtually none of the conditions that were attached to the approval were done. He added that almost all of the people involved with the original addition are no longer involved. Chairman Piper asked if it would be fair to say that all of the conditions will be completed prior to the issuance of a C.O. (certificate of occupancy) for the new addition. Mr. Heid stated yes, but the same was true 10 years ago.

Chairman Piper asked who makes the final decision of the C.O. Mr. Heid stated that the Building Department issues the certificates of occupancy. He added that back then when the first addition was built the certificates of occupancy were not signed by the Zoning Department, but now the Zoning Department must sign prior to its issuance. The certificate of occupancy will not be signed by Zoning until all the conditions of approval are completed. Chairman Piper asked Mr. Heid if it was fair to say that he will not sign off if the landscaping is not in place. Mr. Heid said yes. He then asked Mr. Heid if it was fair to say that if he does not sign a C.O. will not be issued. Mr. Heid stated yes. Mr. Heid added that he does not recommend the landscaping be installed at the beginning because it will be damaged during construction.

Mr. Kreisberg asked if the landscaping is only addressing the addition. Mr. Heid stated that the landscape plan is property wide. Mr. Kreisberg asked if landscaping could be done on other parts of the property that will not be affected by the construction. Mr. Heid said that it is possible, but it is cheaper and cleaner to do all the landscaping at one time. He advised the Board that they do have the ability to require that part of the landscaping be completed now through a condition. Rabbi Askotzky stated that they are also redoing the building on the east side and the parking lot; there is little space to play with that will not be affected by the construction.

Mr. Heid advised the Board that he would like to add language to condition number 6 for the revised landscape plan in pay special attention to the buffer between the two properties. He added that the new plan is much better than that previously approved but he would still like it to be looked at again.

Chairman Piper asked for the City's recommendation. Mr. Heid stated that staff recommends approval with the 11 conditions, including the modification to condition 6.

Chairman Piper asked the applicant if they could accept all the conditions. Mr. Hanlon replied yes.

A motion to approve Item 12-522 with the 11 conditions (as modified) listed in the staff report was made by Julian Kreisberg. The motion was seconded by Hector Marrero. The motion to approve item 12-522 passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-519: LDR Text Amendments – Fence Height

Mr. Heid gave a brief explanation of the proposed changes to the Land Development Regulations regarding fences, walls, and hedges. He stated that in the RS-1 current regulations limit fences, walls and hedges to 5 feet; however the rest of the city allows 6 foot in the rear yard and 4 in the front yard. He stated that people want 6 feet in the rear yard. The proposal is to increase the height of fences to 6 feet in the rear and reduce them to 4 feet in the front.

Mr. Smuckler asked about the height of fences and hedges around tennis courts. Mr. Heid stated that currently fences around tennis courts are permitted to a height of 10 feet with the permission of the abutting neighbor. He stated that staff is suggesting that the requirement of permission of the neighbor be removed from the code.

Mr. Heid stated that staff is recommending that vehicular and pedestrian gates be allowed to have an additional foot for decorative elements. He added that it is proposed that hedges be dropped from the fence section. He stated that it is not the height of the hedges, but the maintenance that is the problem. He said that they can be an attractive element to a house. Chairman Piper stated that it could be a safety issue because of the driveways. Mr. Heid stated that the hedges should stop at the property line.

Mr. Marrero stated that he believes that there should be a limit on hedges, and that the height should not be unlimited. Mr. Heid stated that it could be reverted back to the height of the fence. He suggested that the ordinance could be brought back.

Mr. Kreisberg asked about measuring from the crown of road. Mr. Heid stated that that is existing language. Mr. Kreisberg stated that measuring from the crown of road could be an issue because the new houses are built at a higher elevation. Mr. Heid said that staff will look at the issue.

Mr. Heid stated that staff is recommending that the fence height be increased to 6 foot in the front, side and rear yard of the multifamily zoning districts. He also added that an additional 1 foot would be allowed for decorative elements on vehicular and pedestrian gates. Mr. Edwards asked if staff considered allowing the decorative elements on the corners and not just limiting them to gates. Mr. Heid stated that staff would look into it.

A motion to table Item 12-519 was made by Hector Marrero. The motion was seconded by Julian Kreisberg. The motion passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-520: LDR Text Amendments – B-2 Zoning District

Mr. Heid explained that previously the FCC and B-1 zoning districts have been modified to make the districts more modern. He stated that the Land Development Regulations are a cumulative code. Uses that are allowed in the B-1 are automatically allowed in the B-2. Several uses are recommended for deletion because they are antiquated. There are some conditional uses that staff feels should not require special approval. He noted that pet shops and recording studio are required to be in sound proofed buildings.

Mr. Kreisberg asked if the pet shops would be allowed to sell dogs. Mr. Heid stated yes. Mr. Kreisberg stated that Hallandale beach recently passed an ordinance that banned the sale of dogs from puppy mills.

Chairman Piper asked about fast food restaurants. Mr. Heid stated that currently fast food restaurants are conditional and staff is recommending that they be permitted, but to keep fast food with drive-thru as conditional. He advised the board that a fast food restaurant is a restaurant that has an overhead menu, does not have waiter service, or uses disposable plates and utensils.

Mr. Heid stated that if the Board had any concerns with pet shops, pet shops could be conditional and groomers and supplies could be permitted. Chairman Piper asked why is there a concern with the sale of animals if they are in a air conditioned sound proofed building. Mr. Kreisberg that the issue is that the dogs and cats may come from puppy mills. Mr. Heid said that it is hard to regulate where a store gets there supplies.

A motion to table Item 12-520 was made by Julian Kreisberg. The motion was seconded by Jaime Eisen. The motion passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-521: LDR Text Amendments – Setback Exceptions

Mr. Heid explained that there is a provision in the Land Development Regulations that applies to properties in the RS-1, RS-2, and RS-3 which reduces the setbacks by 5 feet for all lots plotted before 1980 and are larger than 5,000 square feet in size. He stated that the exception is the rule, so it would potentially apply to all properties. He noted that in the RS-3 zoning district the interior side yard setback is 7.5 feet and a reduction of 5 feet would leave a 2.5 foot setback, which would violate the Florida Building Code.

Chairman Piper opened the floor for Board Discussion. There was no Board comment.

A motion to approve Item 12-521 was made by Julian Kreisberg. The motion was seconded by Hector Marrero. The motion passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

DISCUSSION:

Proposed changes to Section 2-67 Planning and Zoning Board

Ms. Siegel explained to the Board that the Mayor and Council want to update the City’s main boards. He stated that the new ordinance will add criteria for the board members such as requiring a professional degree that is relevant to the Board. She read a list of possible degrees that would be qualified for the Planning and Zoning Board. She stated that currently the board members are chosen on a rotation basis and the Council feels that individuals should be appointed by each council member due to the term limits. Each Council Member will have the authority over one seat. She stated that the appointments will be on a staggered basis. The new appointments will take place on November 15 as opposed to June 1. She stated that the section pertaining to failure to attend meetings was already amended and is simply being added to the section.

Mr. Heid asked if the Ordinance would come back to the Board. Ms. Siegel stated that it would not come back to the Board.

Chairman Piper asked if a legal degree would be appropriate to add to the list of professional degrees. Ms. Siegel stated that it could be added; she also noted that it does say professional degree.

Mr. Kreisberg asked why there are criteria when there are no criteria for the City Council. Ms. Siegel stated that her understanding is that these are technical boards and there is some expertise that is needed.

Chairman Piper stated that historically there have been members of the board that had the type of experience professionally or technically and their contribution has not been the same as people that

have a technical background. He asked if each of the Council already appoints one member. Ms. Siegel stated that they do, but if you were appointed by an individual that no longer sits in that position the Council felt that their hands were tied and they would have to wait for the 3 year term to make a new appointment.

Mr. Kreisberg asked if the language about the chairman attending the City Council meetings has always been in the code. Ms. Siegel stated that it has, she asked to board if they would like it to be changed. She advised the Board of their options to change the language. After the discussion the Board decided to have the language removed.

Chairman Piper asked about term limits for the Board. Ms. Siegel stated that she was not aware of any term limits. Chairman Piper asked how is it determined which Council Member gets which seats. Ms. Siegel stated that come November 15 seats 1, 3, 5, and 7 will make their appointments. She stated that she will have to amend the section that talks about the first board to clean the language up.

Mr. Kreisberg asked for a update on the project located at 17400 West Dixie Highway. Mr. Heid stated that it was approved at first reading by the City Council. He advised the Board that he will add it to the old business list to keep the Board updated.

Mr. Edwards stated that felt that it is important to have a broader mix other than construction professionals. He stated that the list of professional would limit the board to members with a bias towards development and construction. Ms. Spiegel stated that the board members are residents so they would hopefully use both hats. Chairman Piper pointed out that all the current board members meet the new requirements.

Mr. Kreisberg asked who will make the determination that an appointment is qualified. Ms. Spiegel stated that anyone wishing to be on the board would have to fill out a application that would go through that City Clerk and the Council.

Adjournment - A motion to adjourn was made by Julian Kreisberg and seconded by Jaime Eisen. The meeting was adjourned at 8:16 pm.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING

MONDAY, JUNE 11, 2012

Attendees:

Members - Chairman Evan Piper

Jaime Eisen

Saul Smukler

Julian Kreisberg

Norman Edwards

Joseph Litowich

Hector Marrero – ABSENT

Staff - Shari Kamali, Director of Public Services

Christopher Heid, City Planner

Maria Santovenia, Asst. City Attorney

Steven Williams, Board Recorder

Call to Order and Pledge of Allegiance:

Chair Piper called the meeting to order at 6:06 p.m. The Pledge of Allegiance was recited and roll was called. Mr. Hector Marrero was absent.

Minutes:

A motion made by Jaime Eisen, seconded by Joseph Litowich, to approve the minutes of the April 9, 2012 meeting. In a voice vote, the motion passed unanimously.

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

OLD BUSINESS

Mr. Heid advised that Item 12-517 (LDR Text Amendment: Commercial Window Signs) was favorably recommended by the Board and approved by City Council. Item 11-511 (LDR Text Amendment: Development Review Procedures) was also favorably recommended by the Board and will be presented to the City Council in July. Item 12-518 (After-the-Fact Variance: 1687 NE 174 Street) and Item 12-522 (Minor Site Plan Modification: 1055 Miami Gardens Drive) were favorably recommended by the Board and approved by City Council. Item 11-509 (FLUM and Rezoning: 17400 West Dixie Highway) was unfavorably recommended by the Board; however, City Council approved the Future Land Use Amendment change to Business, and the Rezoning was tabled until the June 19th meeting.

NEW BUSINESS

Item #12-527: Addition (Single-Family House): 2100 NE 180 Street – Site Plan Review and Variance

Mr. Heid stated that the existing zoning for this site is RS-4, Residential Single-Family Zoning District, with an existing land use of Single-Family House and future land use designation of Residential/Low-Density. The Applicant requests approval for the construction of a 208 sq. ft. addition to an existing house. The request is for variance from Section 24-44 (D) (3), for a 3 ft. 6 in. variance from the corner side yard setback of 15 ft. The change would result in a corner side yard setback of 11 ft. 6 in. Mr. Heid noted that approximately 10% of the addition would extend into the setback; the corner lot of the house is skewed, which means the addition could not be accommodated without a variance.

Larry Simon, representing the Applicants, explained that the house was constructed in the 1950s. Because the house was skewed when constructed, the addition of a family room would extend off one side and into the setback. He pointed out that while one corner extends into the setback, another corner is much farther away. The extension is not visible from the street and does not infringe upon any neighbors.

Mr. Heid added that the greater portion of the home is set back equal to or further than the required minimum setback. The section extending into the setback is approximately 8 ft. by 3 ft.

Mr. Kreisberg asked if the family room has been constructed at this time. Mr. Simon assured the Board that it has not.

Chair Piper asked if the City routinely approves scenarios such as this one, or if it is an isolated case. Mr. Heid replied that not many such requests have come before the Board; however, in the case of a house that is skewed on a lot, he noted that the corner yard setback is at least 100 ft. away from the nearest property. The yard is heavily landscaped so the extension would not be visible. Mr. Simon confirmed that the house and lot are unique.

Mr. Kreisberg commented that in many parts of the City, the side setback is 10 ft. Mr. Heid clarified that a corner side setback is always 15 ft.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City's recommendation. Mr. Heid stated that only a small portion of the room would extend into the setback, and making the room smaller would be awkward and less usable, the City recommends favorably, with the two conditions as listed in the Staff Report.

Chair Piper asked if the Applicant would accept the two conditions. Mr. Simon said they could.

A motion to approve Item 12-527 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-527 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆

Item #12-528: Gazebo (Single-Family House): 3323 NE 171 Street – Site Plan Review and Variance

Mr. Heid advised that the property is within an RS-1 Residential Single-Family Zoning District, with an existing land use of Single-Family House and future land use of Residential Low Density. The Applicant requests site plan approval and variance for the construction of a 193 sq. ft. gazebo. The request is for variance from Section 24-81 (A) (8), which allows a maximum of 15 x 49 sq. ft. for a gazebo of 144 sq. ft. He reminded the Board that gazebos were previously not permitted in a required yard setback, but have recently been made an allowable exception if they are 144 sq. ft. or less. The request would exceed this by 49 sq. ft.

Luis Larosa, representing the Applicant, stated he is the architect for the project. He explained that the gazebo meets the side and rear setback requirements for accessory use; however, it lies in front of a large family room, and has been slightly elongated so its glazing matches the width of the glazing in this room. If it were shortened, it would block the view from the room. He concluded that it is a light, attractive structure that does not affect waterway visibility. The neighbor to the east of the project has submitted a letter of no objection to the structure.

Mr. Heid referred the Board to the project’s plans, noting that the columns of the gazebo do not block the view from the family room when extended. He confirmed that the water view is maintained and the structure meets side and rear setback requirements, as well as building height. The materials and roof type are similar to those of the main residence. He concluded that the only concern was with regard to the affected property owner to the east, who is supportive of the gazebo.

Mr. Smukler asked how the 144 sq. ft. gazebo was adopted as an allowable exception. Mr. Heid said the Applicant has a good reason to want a slightly larger structure, as it is proportionate to the house.

Mr. Edwards noted that the Applicant’s neighbor to the south has also been shown the plans for the gazebo and did not object to the project. He asked if there was a letter from this

neighbor. Mr. Larosa said this was an error and referred to the neighbor to the east, who would be most affected by the project.

Mr. Kriesberg observed that the letter written on May 3, 2012 also states the gazebo is located in the southeast corner of the property. It was clarified that its actual location is the northeast corner, overlooking a canal.

Mr. Kriesberg asked if construction has begun and stopped on the addition. Mr. Larosa confirmed this, explaining that construction was halted so the Applicant could go through the appropriate channels for approval of the gazebo.

Mr. Litowich asked if the gazebo's proportions are calculated from outside column to outside column, not including the overhang. Mr. La Rosa confirmed this. Mr. Heid said the overhang is not typically included in size measurements of a structure.

Chair Piper asked if there were limitations on the size of an overhang. Mr. Heid said while there was no size limit, there is a limit on how far an overhang may encroach into a setback: this is limited to one-third of the required setback, or 3 ft., whichever is less. The gazebo in question has a 1 ft. overhang.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City's recommendation. Mr. Heid said the City recommends favorably, with the two conditions as listed in the Staff Report.

Chair Piper asked if the Applicant accepted the two conditions. Mr. LaRosa said they could.

A motion to approve Item 12-528 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-528 passed with a vote of 6-0.

Mr. Heid advised that the Board's approval is only a recommendation: if members of the public would like to speak on any Items presented at tonight's meeting, they should do so at the appropriate City Council meeting, which will be advertised in the newspaper. Signage will also be posted on the properties and within 500 ft. of the properties' boundaries.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-525: IHOP: 1101 North Miami Beach Boulevard – Site Plan Review and Variance

Mr. Heid stated that this property is located in a B-2 General Business Zoning District, with an existing land use of Restaurant and a future land use designation of Business. The Applicant requests site plan approval and variances for construction of a 575 sq. ft. canopy over an existing wooden deck. The variances would be from Section 24-81 (2), which would waive 4 ft. of the minimum required corner side yard setback of 15 ft. for a canopy; a second variance would be from Section 24-81 (2), which would waive 11 ft. of the minimum required rear yard setback of 15 ft. for canopies.

Andreas Poschl, representing the Applicant, explained that he is Director of Construction and Development for Sunshine Restaurant Partners. The IHOP restaurant in question was built 52 years ago. The intent is to construct a canopy over an existing deck, which was built 42 years ago, in order to create outside dining for the restaurant. The canopy would match the restaurant's blue roof.

Mr. Litowich asked if the canopy overhang would extend farther than the existing deck. Mr. Poschl said it would overhang the perimeter of the deck by 1 ft. on three sides. It will abut the gable end of the structure.

Mr. Kreisberg asked if diners typically eat outside at the restaurant. Mr. Poschl said this occurs at times during the winter months; however, during the summer this is very difficult. The addition of a canopy would be an attempt to accommodate outside dining on a year-round basis. The deck itself will be redone, landscaping will be added, and repairs will be made to the parking lot in order to update the building.

Mr. Edwards asked if all restaurants may establish outside dining, or if special approval is required. Mr. Heid replied that a building permit is necessary, and some restaurants are difficult to retrofit for this purpose; in this case, however, there would be no impact on the landscaping or parking.

Mr. Smukler asked if the 11 ft. setback already existed with the deck. Mr. Heid confirmed this, explaining that the variance request is for the canopy, not the deck. There is no required setback for a deck. Mr. Smukler asked if electricity will be required for the outdoor dining area. Mr. Poschl said permits will be pulled to include fans and lighting, both of which are allowed beneath a canopy.

Mr. Litowich asked if the canopy will be made of canvas. Mr. Poschl said it will be a fireproof canvas-like material, which is recommended over plastic or vinyl. There will be plastic side curtains to exclude rain as well.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City’s recommendation. Mr. Heid said the City recommends favorably, with the seven conditions as listed in the Staff Report.

Mr. Edwards asked if there could be a condition requiring the canopy to remain open on the sides except in the event of rain. Mr. Heid said this condition could be added, bringing the number of conditions to eight.

A motion to approve Item 12-525 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-525 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-526: Addition (Fire Station): 17050 NE 19 Avenue – Site Plan and Variance Re-approval

Mr. Heid stated that this is a City-owned property located in a CF Community Facility Zoning District, with an existing land use of Fire Rescue Station and Offices and a future land use of Public. The request is for approval to construct a 2324 sq. ft. one-storey addition to an existing two-storey Fire and Rescue Station. An existing 1002 sq. ft. one-storey portion of the building will be demolished to accommodate the proposed addition.

The variances requested are as follows: variance from Section 24-55 (B) (3), which would waive 4 ft. of the minimum required front yard setback of 30 ft., reducing it to 26 ft.; and variance from Section 24-55 (B) (3), to waive 11 ft. of the minimum required corner side yard setback of 25 ft., reducing this setback to 14 ft.

Mr. Heid pointed out that the Staff Report states this project was previously approved and favorably recommended by the Board and the City Council; however, the permit for the project has expired, which requires the Applicant to come back to the Board and regain approval. He concluded that Staff continues to support this project.

Mr. Heid explained that because the City is the property owner, the Applicant is Miami-Dade County Fire and Rescue. Angel Lamera, Facilities Division Manager for the project, was sworn in at this time. Mr. Lamera stated again that the project had been previously approved by the Board, but the permit had expired.

Mr. Smukler noted that p.5, Item 9 of the Staff Report discusses revising plans related to the curbing of the easternmost median. He requested clarification of this. Mr. Heid said this island is not currently curbed, and advised that these improvements are reflected in the building plans.

Mr. Kreisberg requested a brief description of the improvements to be made. Mr. Lamera said the north side of the building would be demolished and replaced with a new rescue side of the station. In addition, the entire station will be remodeled and repainted. Utilities will be segregated from the administration building, and will no longer be included under a single meter. This is expected to result in a slight decrease in the utility bill.

Mr. Heid stated that once the demolition is complete and the new addition has replaced it, there will be a new area of roughly 39 sq. ft.

Mr. Smukler noted that the corner side setback is 25 ft., on which the proposed addition will encroach by 11 ft. Mr. Heid confirmed this, advising that this will leave sufficient room for landscaping. It was also clarified that the building will always be owned by the City.

Mr. Edwards asked if the project would raise a legal question regarding unjust enrichment. Ms. Santovenia said she was not certain of the structure of the situation, so she could not answer this question. Mr. Lamera said once the funds have been spent to make the improvements, it would be even less likely that the Fire Station would leave the facility.

Mr. Edwards observed that the only issue would be if the City decided to take back the Fire Station. Chair Piper said it would be within the Board's purview to remind the City's Legal Department to ensure the contractual arrangement with Fire and Rescue does not have any unforeseen issues.

Ms. Santovenia asked if Mr. Edwards' question was whether there would be unjust enrichment to the City. Mr. Edwards confirmed this, and asked if the City would need to repay Fire and Rescue for these improvements if they took the property over from the tenant. Ms. Santovenia said leases are typically drafted so any improvements made by tenants will stay behind if the tenant leaves. Mr. Heid added that a permit would be necessary in order to physically remove any structures from the property, and as the property owner, the City would need to sign a permit allowing this removal.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City's recommendation. Mr. Heid said the City recommends favorably, with the ten conditions as listed in the Staff Report.

Chair Piper asked if the Applicant accepted the ten conditions. Mr. Lamela said they could. He also noted that the variance is limited to six months, and asked if it would be possible to extend

this time period to one year, as it was not certain the improvements could be made within this time frame.

Ms. Kamali said the City is in the process of changing the six month time frame, although the change had not yet gone before the City Council. She asked that the Applicant ensure the request is made to renew the variance before the first six months have passed.

Mr. Heid said if this was part of the Code, it would require a variance to waive this requirement, and such a variance has been neither requested nor advertised. He did not feel this would be possible. However, he noted that the requirement was for six months to pull a permit or one year to submit it. The City Administration is also willing to write a letter on behalf of the Applicant to extend the time frame for six months. He felt this would be sufficient until the Code is changed.

A motion to approve Item 12-526 was made by Julian Kreisberg and seconded by Norman Edwards. The motion to approve Item 12-526 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-519: Fence Height – LDR Text Amendment

Mr. Heid stated that this Item was originally brought before the Board in April 2012, but was tabled because it was thought to be confusing. Upon further review, Staff felt the original amendment was complicated and difficult to understand. Portions of the original amendment, including hedge height and some fence specifications, have been omitted from the current draft. Hedges may now be the same height as fences, as long as the hedge is maintained. The height proposed for a corner side yard was originally 4 ft.; it has now been raised to 6 ft., as there are often requests from homeowners to make this change.

He continued that fences may remain 4 ft. in the front of a property and 6 ft. in the rear, corner, and side yards, which is commonly requested in the City.

Chair Piper asked if Mr. Heid recalled any of the details of the discussion about fence height. Mr. Heid said there had been significant resistance from homeowners with regard to limiting the size of hedges. He also clarified that rear yard fences are the side fences between buildings rather than a fence on the rear of the property. The limitation of a solid fence to 3 ft. in height will not be changed.

Mr. Kreisberg asked how this would affect hedges that encroach on a setback. Mr. Heid said this would not be an issue on private property, as the depth of rights-of-way should ensure sufficient room. If the fence extends beyond the property line, however, it may be cited. If a hedge results in complaints from neighbors, it may also trigger a citation.

Mr. Heid added that pedestrian and vehicular gates may be 1 ft. higher than the fence to which they are attached. This would allow for a less uniform and more decorative appearance.

Mr. Kreisberg noted that the measurement from the minimum finished floor elevations had also been changed, which could affect fence height if a home is at a higher elevation on one side. Mr. Heid said this occurs on occasion if a house is elevated. He noted, however, that most individuals do not object to fencing or landscaping.

A motion to approve Item 12-519 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-519 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-520: B-2 (Modification of Use) LDR Text Amendments

Mr. Heid advised that the Board has seen these amendments for the B-2 General Business Zoning District before, and recalled that they had expressed concern that pet stores would become permitted uses. This suggestion has been left as a conditional use for the sale of live pets, and pet groomers and sale of pet supplies will be permitted uses.

Other changes include repetition of some uses that are also allowed in the B-1 District; because these are clearly permitted uses in B-1, they were removed from the B-2 listing. These include health and exercise studios, coin laundries, convenience stores, and delis. Antiquated uses, such as dry goods stores and telegram offices, were also removed from the B-2 amendments. Code includes a clause that may allow for these uses if they are sufficiently similar in nature to other uses.

He continued that while it may sound easier to classify a use as conditional in order to retain better control over it, making some uses conditional will effectively mean they will not be allowed, particularly in the case of small local businesses, as they are less well-funded and may

not be able to afford the approval process. The result in many cases is that these businesses will simply relocate. Therefore, the suggestion is that many of these uses become permitted uses.

Mr. Heid said fast food restaurants are defined as those restaurants in which customers order from an overhead board, at a counter, and take their items. He explained that this term could apply to a small coffee shop that serves pastries. Two additional uses, museums and vintage/collectible goods, were introduced as well.

Chair Piper asked if this would not qualify as a standard retail use. Mr. Heid replied that there are specific regulations prohibiting secondhand sales, which are restricted to the warehouse district. The amendment would address this issue and allow the use in B-2 districts. He also clarified that standard fast food restaurants with a drive-through window will remain a conditional use, as these require more control.

Restrictions are also decreased for check cashing businesses, as they are currently very restricted. Mr. Heid said this restriction places a burden on individuals who rely on this service. He pointed out that many other businesses, such as grocery and convenience stores, will cash checks, which created an inequality between businesses. Lifting the restrictions would allow the market to determine whether or not this is an appropriate use.

Mr. Kriesberg asked why delicatessens were removed from the amendment. Mr. Heid explained they are permitted in B-1 Districts, and were removed to lessen confusion. Because it is allowed in B-1, it is not necessary to allow it in B-2.

Mr. Kriesberg asked why tanning salons were non-conditional rather than conditional uses. Mr. Heid said there are several national companies that manage tanning salons, and felt this use would be lost if subjected to the process for a conditional use.

Chair Piper requested clarification of the language regarding check cashing facilities. Mr. Heid said language would be clarified to show that this is now a permitted use.

Mr. Litowich asked how the Code differentiates between vintage and collectible goods and vintage or secondhand clothing. Mr. Heid said the difference in this case is in the eye of the beholder, as there is no defined difference. He observed that it can be "difficult to legislate quality," and reiterated that it is hoped the market will take care of any issues. He noted that there is no logical way to enforce distinctions between these categories: they must either be accepted as a class or not.

Mr. Heid continued that secondhand sales are a permitted use in B-4 Districts, and advised that a judgment call could be made based upon several factors to determine whether or not these sales qualify as vintage or collectible. Consignment stores, for example, are included under vintage/collectible use.

Mr. Smukler asked if the requirement that check cashing businesses would prevent them from being less than 200 ft. from a residential area. Mr. Heid said it would be recommended that this requirement be stricken from the amendment; while it may be associated with “unsavory” elements, this was not always accurate. He pointed out that this restriction represented more of a moral stance than zoning equality.

Mr. Smukler asked if the restriction preventing these businesses from being established within 200 ft. of a residential area would have limited the potential locations open to them. Mr. Heid said they are not allowed in some locations at all. He added that this was preferable to attaching so many restrictions that a location became prohibitive.

Chair Piper noted that the owners of some shopping centers would not want these businesses to be part of the centers. He commented that any problems could be controlled by a police presence or “No Trespassing” signs. Mr. Heid said this was an example of the issue being market-driven: landlords who have the long-term interests of their properties at heart would not want to rent to low-end establishments.

Mr. Edwards asked if the language moving pet grooming to a permitted use should also contain the conditions that it must take place in an air-conditioned, soundproof building no less than 300 ft. from a residential area. Mr. Heid said this was a good point, but noted that businesses selling pet supplies but not offering grooming services would not need the air-conditioned and soundproofed requirements. He suggested that there may need to be a separate category for pet groomers, or additional language attached to discussion of this business.

Mr. Edwards asked if places of public assembly would remain a permitted use. Mr. Heid said this use is currently permitted and no change was suggested. Mr. Edwards asked if this category would include schools and churches. Mr. Heid said they would include churches, but not schools. Ms. Kamali said schools are allowed in CF and RM-23 districts, but not B-2.

Mr. Edwards asked why schools were not allowed within B-2 districts if churches were allowed. He suggested that smaller schools, such as schools without playgrounds or tutoring facilities, might be permissible in this district. Chair Piper pointed out that there are several requirements that accompany schools, such as traffic considerations, that could limit their placement. Mr. Heid added that B-2 districts allow retail uses, such as liquor stores and bars. If a school is allowed within this district, there must be a 1500 ft. radius from these facilities. While it is possible for these businesses to seek a variance, it can be expensive and difficult, and parents of schoolchildren may object to the location.

Mr. Litowich noted that some places of public assembly, such as churches and synagogues, may have schools attached to their facilities. Mr. Heid said while day care is allowed at these facilities in B-2 districts, elementary through high schools are not permitted in B-2. Vocational training is permitted within the district.

Mr. Edwards asked to know the height and density maximums of these residential multi-family or mixed-use uses within B-2 areas. Mr. Heid said these are conditional uses and must go through a hearing. Mr. Heid said B-2 districts are allowed to have multi-family residential in accordance with RM-23; the maximum height allowed is three stories or 35 ft., although the City Council may authorize up to six stories or 65 ft.

He noted that these would be conditional uses that must come before the Board for recommendations and the City Council for approval. They would also require a future land use map amendment to the Comprehensive Plan, as virtually all B-2 districts have future land use categories of Business and do not allow Residential. The mixed-use future land use category allows this mixed use of residential and business.

Mr. Smukler asked if the 1500 ft. radius around schools in which liquor cannot be sold could be extended to a restaurant that serves liquor after hours. Mr. Heid clarified that restaurants which serve alcohol are not included in this restriction, which is specific to bars, lounges, and packaged liquor stores. He noted that a business may request a variance to waive the 1500 ft. distance separation. Ms. Kamali noted that the State-required radius is only 500 ft., and also provides an avenue for variance within municipalities.

Mr. Smukler pointed out that there is a cost associated with conditional use, and proposed that the amendment could make these uses permitted in evenings and on weekends. Mr. Heid said while he did not see a mechanism for this, it could be considered further.

Chair Piper opened the floor for public comment.

Matthew Amster, representing the owner of the Intracoastal Mall, was sworn in at this time. He advised that the owner is supportive of the changes presented before the Board at today's meeting, and hoped the Board would recommend them favorably.

Mr. Kriesberg asked if Mr. Amster could provide specific examples of any part of the amendment that would make it easier for tenants to go into the Intracoastal Mall. Mr. Amster said the owner had wanted to rent to a dog grooming service, as well as a wine bar.

Mr. Heid said the proposed amendment is part of an ongoing program by which districts are to be made more liberal regarding their list of uses in order to be more competitive with neighboring municipalities. The lessened restrictions are seen as more business-friendly.

As there were no other members of the public wishing to speak on the Item, public comment was closed.

A motion to approve Item 12-520 was made by Julian Kreisberg. Mr. Kreisberg added that the motion was made with the understanding that Mr. Heid would amend some of the Item's language as discussed by the Board, specifically as it applied to pet groomers.

Mr. Litowich seconded the motion. The motion to approve Item 12-520 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Next Meeting: Monday, July 9, 2012

Mr. Edwards requested that a presentation on changes and legislative updates at the State level be made at the next meeting. Ms. Kamali said this could be done, although she noted it may be very short, as the State does not have any control over any changes that have been made in the City. She concluded that this responsibility has been given to the City versus the State.

◆-----◆
Adjournment

A motion to adjourn was made by Julian Kreisberg and seconded by Norman Edwards. The meeting was adjourned at 7:47 p.m.

ORDINANCE NO. 2012-12

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, 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.

WHEREAS, a review of the permitted uses in the Business Use (B-2) Zoning District of the City of North Miami Beach was performed by planning, development, and zoning staff; and

WHEREAS, on September 6, 2011, the Mayor and City Council approved Ordinance No. 2011-10 which added and deleted particular permitted uses and uses permitted conditionally in the B-1, Limited Business District of the City; and

WHEREAS, in an effort to update and modify the current Zoning Code, staff has made numerous recommendations to add uses not currently addressed in the Code, to delete certain uses listed in the B-2 Zoning District, which have been moved to other zoning districts, and to change some of the uses permitted conditionally to uses permitted; and

WHEREAS, the City Council, after review and discussion of staff's recommendations, have determined it is in the best interests of the residents, citizens and business community for the City of North Miami Beach to revise and amend certain B-2 Zoning District regulations, in order to better serve its residents and consumers; and

WHEREAS, this item was heard and discussed at a publicly advertised meeting where it was favorably recommended by the City's Planning & Zoning Board on Monday, June 11, 2012 by a vote of 6-0; and

WHEREAS, in order to adhere to the purpose and intent of the B-2 Zoning District, the Mayor and City Council wholeheartedly support the amendments in the B-2 Zoning District, as proposed.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Section 24-52, B-2 General Business District, of the Code of Ordinances of the City of North Miami Beach, is hereby amended as follows:

Sec. 24-52 B-2 General Business District

(A) *Purpose and Intent.* The purpose and intent of this district is to provide suitable sites for development of retail and service commercial uses of a general nature which serve the diverse consumer needs of the entire community.

(B) *Uses Permitted.*

(1) All office, retail and service uses permitted in the B-1 district.

(2) Additional retail and service establishments, limited to:

(a) Antique shops, collectibles and vintage;

(b) Apparel shops: men's, women's and children's;

(c) Automobile tag agencies;

(d) Bake shops; Provided that any such use shall have a gross floor area of not more than three thousand (3,000) square feet and shall include baking only for retail sales at the same location. (Ord. No. 2006-1 § 8, 2/21/2006)

(e) Bicycle sales, rental, service and repair;

(f) Blueprinting service;

(g) Business machine sales and service;

(h) Camera and photographic supply stores;

~~(i) Catalog services;~~

~~(j) Check Cashing/Cash Advance/Money Wire; providing such use shall not be located on Biscayne Boulevard, State Road 826 or Northeast 164 Street or within two hundred (200) feet of any residential use or zone;~~

~~(k) Convenience stores;~~

~~(k) (l)~~ Copying services;

~~(m)~~ Delicatessens;

~~(k) (n)~~ Department stores;

- ~~(m)(o)~~ Drapery stores;
- ~~(n)(p)~~ Driver's license (no road test);
- ~~(o)(q)~~ Driving school (classroom only);
- ~~(r) Dry goods stores;~~
- ~~(p)(s)~~ Fabric stores;
- ~~(q)(t)~~ Flooring and carpeting stores;
- ~~(r)(u)~~ Food stores: Super-markets and specialty markets;
- ~~(s)(v)~~ Furniture and home furnishing stores;
- ~~(t)(w)~~ Garden supply stores;
- ~~(u)(x)~~ Gift, novelty and souvenir shops;
- ~~(y) Health and exercise studios, martial arts studios;~~
- ~~(v)(z)~~ Home improvement centers;
- ~~(w)(aa)~~ Interior decorators;
- ~~(x)(bb)~~ Jewelry stores;
- ~~(cc) Laundries/Self Serve Coin Operated, provided that no such use be located on Biscayne Boulevard, State Road 826 or N.E. 164 Street or within two hundred (200) feet of residential use or zone;~~
- ~~(y)(dd)~~ Leather goods and luggage stores;
- ~~(aa)(ee)~~ Lighting fixture stores;
- ~~(bb)(ff)~~ Locksmiths;
- ~~(gg)~~ Messenger and delivery services;
- ~~(cc)~~ Modeling **and talent** Agency;
- ~~(dd)(hh)~~ Moped sales;
- ~~(ee)(ii)~~ ~~Motion picture~~ **Movie and I-Max** theaters;
- ~~(ff)~~ Museums;
- ~~(gg)(jj)~~ Music and record, video stores;
- ~~(hh)(kk)~~ Office supply stores;
- ~~(ii)(ll)~~ Optical stores;
- ~~(jj)(mm)~~ Paint and wallpaper stores;
- ~~(kk)~~ Pet supplies and pet groomers, provided that all activities relating to pet groomers are conducted entirely within an air conditioned, soundproofed building;
- ~~(ll)~~ Photography studios;
- ~~(mm)~~ Recording studios, **movie studios** and radio stations, provided that that any such use shall be located entirely within an air conditioned, soundproofed building;
- ~~(nn)(oo)~~ Restaurants, including fast food, excluding drive-thru (other than fast food), including outdoor dining;

- ~~(oo)(pp)~~ Sporting goods stores;
- ~~(pp)~~ Tanning salons;
- (qq) Television, radio and stereo sales and service;
- ~~(rr) Telegram Office;~~
- ~~(rr)(ss)~~ Toy stores;
- ~~(ss)(tt)~~ Trade schools for real estate, tax preparation and similar vocations;
- ~~(uu) Trading stamp redemption centers;~~
- (tt) Watch and clock repair shops;
- (uu) Variety stores.

- (3) Public parks and playgrounds.
- (4) Places of public assembly.
- (5) Public utilities.

(6) Other uses which are similar in nature to the uses permitted above but which are not specifically permitted in the B-3, B-4, or B-5 districts. (Ord. No. 99-1 § 2, 06/01/99)

(C) *Uses Permitted Conditionally.*

(1) Animal hospitals, veterinarians, kennels, and pet shops; ~~and dog groomers;~~ provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than three hundred (300) feet from any residential district.

(2) Automobile parts and accessories stores; provided that any such use shall sell new merchandise only and that it shall not provide any on-premises installation services.

(3) Barbeque Restaurants (Open Air).

(4) Bars, lounges and package liquor stores; provided that any such use shall not be located within one thousand five hundred (1,500) feet of any other bar, lounge or package liquor store.*

~~*Schools (elementary, middle or secondary) are covered by State Law § 562.45(2)(a) Florida Statute, with a five hundred (500) foot distance separation.~~

~~Maintaining a one thousand five hundred (1,500) foot distance requirement for places of public assembly (which includes churches and schools) would all but eliminate this as a viable use in this district.~~

(5) Bonding Companies (Bail).

(6) Drug/Alcohol Rehabilitation Service, including Residential Detoxification Service.

(7) Funeral homes; provided that any such use shall have a site area of not less than fifteen thousand (15,000) square feet, that it shall be located not less than three hundred (300) feet from any residential district, and that the front yard setback area shall be entirely landscaped.

(8) Hotels and motels; provided that any such use shall have a site area of not less than two (2) acres.

~~— (9) Modeling Agency.~~

~~(9)(10) Pain Management Clinic.~~

~~(10)(11) Parking garages; provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and that any such structure shall be well landscaped.~~

~~(11)(12) Psychiatric & Psychological services (Drug/Alcohol and Violent/Dangerous Behavior, Counseling or Treatment).~~

~~— (13) Recording studios; provided that any such use shall be located entirely within an air conditioned, sound-proofed building.~~

~~(12)(14) Residential Detoxification Services.~~

~~(13)(15) Residential, multifamily or mixed use: In conformance with the RM-23 provisions of Section 24-48 and conditioned upon compatible adjacent uses that will not adversely impact residential units.~~

~~(14)(16) Restaurants, fast food with drive-thru.~~

~~(15)(17) Service stations as defined in Article II; provided that any such use shall not have any outside display of merchandise, that there shall not be any rental, sale or storage of trucks, trailers, motorcycles or automobiles, that there shall be no major mechanical repairs or body work conducted on-premises, and that automobile washing be limited to washing by hand in one (1) bay only as an accessory use to gasoline sales.~~

~~(16)(18) Social Service Agencies.~~

~~— (19) Tanning Salons. (Ord. No. 99-1 § 2, 06/01/99; Ord. No. 2006-1 § 8, 9, 2/21/2006)~~

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this 3rd day of July, 2012.

APPROVED AND ADOPTED on second reading this ____ day of August, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor & City Council



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MEMORANDUM

 Print

TO: Mayor and City Council

FROM: Lyndon L. Bonner, City Manager

DATE: Tuesday, August 7, 2012

RE: Ordinance No. 2012-13 - Second and Final Reading (City Planner Christopher Heid)

BACKGROUND: Amendments to the Land Development Regulations pertaining to the allowable height of fences in multifamily and single-family zoning districts.

RECOMMENDATION: Approval.

FISCAL IMPACT: None.

CONTACT PERSON(S): Shari Kamali, Director of Public Services
Christopher Heid, City Planner

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - April 9, 2012](#)
- ❑ [P&Z Minutes - June 11, 2012](#)
- ❑ [Ordinance 2012-13](#)



CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: Lyndon L. Bonner, City Manager

DATE: Tuesday, July 3, 2012

**RE: ORDINANCE NO. 2012-13: PROPOSED LAND DEVELOPMENT
REGULATIONS AMENDMENTS REGARDING FENCE HEIGHTS**

Staff is recommending modifications to fence, wall, and hedge heights in all of the residential zoning Districts.

Currently all of the single-family and duplex zoning districts, with the exception of the RS-1, Residential Single-Family Zoning District, allow fences and walls to be constructed to a maximum height of 6' in the rear and interior side yards, and 4' in the front and corner side yards. It is recommended that fences and walls in the corner side yard be increased to a height of 6' as well.

In the RS-1 District, fences and walls are allowed to be constructed to a maximum height of 5' in all yards. It is recommended that the regulations for fences and walls in the RS-1 district be the same as the City's other single-family districts. This would decrease the height of fences and walls to in the front yard from 5' to 4', and increased in the rear, corner side, and interior side yards from 5' to 6'.

All of the City's multifamily zoning districts, with the exception of RM-19, Residential Low-Rise Multifamily Zoning District, allows fences and walls to be a maximum height of 4' in the front and corner side yards and 6' in the rear and interior side yards. In the RM-19 District fences and walls are limited to 5' in all yards. It is recommended that height of fences and walls in all multifamily districts, including the RM-19, be increased to 6'.

In both the RS-1 and RM-19 Districts, solid waterfront walls, fences, and hedges are limited to a height of 3'. Staff is recommending that this provision remain. In all zoning districts, residential and commercial, it is recommended that an additional 1' in height be allowed for decorative elements on pedestrian and vehicular gates. In addition, the height of hedges will be limited to the maximum height of fences and walls in its corresponding yard.

HISTORY

- This Item was heard by the Planning & Zoning Board at the meeting of Monday, April 9, 2012 and was tabled by a unanimous vote of 7-0.
- This Item was heard by the Planning & Zoning Board at the meeting of Monday, June 11, 2012 and received a favorable recommendation with a vote of 6-0.



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, APRIL 9, 2012

Attendees:

Members -	Chairman Evan Piper	Staff -	Shari Kamali, Director of Public Services
	Jaime Eisen		Christopher Heid, City Planner
	Saul Smukler		Darcee Siegel, City Attorney
	Julian Kreisberg		Steven Williams, Board Recorder
	Norman Edwards		
	Hector Marrero		
	Joseph Litowich		

Call to Order:

The meeting was called to order at 6:05 PM by Chairman Piper. The pledge of allegiance was recited and the roll call was taken.

Minutes:

Chairman Piper asked the Board if there was any discussion on the minutes for the meeting of Monday, February 13, 2012. There was no discussion.

A motion to approve the minutes of Monday, February 13, 2012 was made by Julian Kreisberg and seconded by Hector Marrero. The motion passed by a vote of 7-0.

Chairman Piper administered the oath for the members of the public that wished to speak during the meeting, he also instructed them to sign in.

OLD BUSINESS:

City Planners Report

Mr. Heid explained that Item 11-516 (After-the-Fact Dock: 2091 NE 191 Drive) and Item 11-513 (Townhouses: 16605 NE 35 Avenue) were approved by the City Council, Item 12-517 (LDR Text Amendments: Commercial Window Signs) has been approved on first reading and scheduled for second and final reading on April 17, 2012, and Items 11-511 (Development Review Procedures) and 11-512 (Comprehensive Plan Amendment: Policy 1.8.3) were deferred on first reading at City Council.

NEW BUSINESS:

Item # 12-518: Addition (Single-Family House); 1687 NE 174 Street – After-the-Fact Variance

Mr. Heid stated that the applicants, , Aurora A. Martins, Alvaro Azevedo, & Teresa Pacheco, request an after-the-fact variance for an existing addition to a single-family house at 1687 NE 174 Street, in the RS-

4, Residential Single-Family Zoning District. The request variance is from Section 24-44 (D) (3) to waive 2' the minimum required interior side yard setback of 5'. (Interior side yard setback of 3' existing.)

Chairman Piper requested the applicant to come forward and speak on behalf of the application. The project was represented by Carlos Azevedo.

Mr. Azevedo stated that his father (Alvaro Azevedo) was cited by Code Enforcement to have the addition removed. He said that the addition was there when they moved into the house and they enclosed the addition and added windows. He added the property owners are retired and have lived in the house for 22 years with the addition and it would be a financial burden for them to have the addition removed.

Mr. Litowich asked if the addition was being used as a family room. Mr. Heid stated that currently it is a family room. Mr. Heid went on to say that originally the room was a screen porch and the property owner has enclosed it with windows. He added that there is no evidence of permits for the original screen porch or the enclosure. Mr. Litowich also asked if the variance was for the side yard setback encroachment or increased lot coverage. Mr. Heid stated that the request is to waive 2 feet of the interior side yard setback.

Mr. Litowich asked the applicant if the room is currently being used as a family room and not an extra bedroom. Mr. Azevedo stated that the addition is the family room. Mr. Litowich asked how long the addition has been in existence. Mr. Azevedo said that his family purchased the house in 1988 and the addition was already there, and they added the windows. Mr. Litowich asked if any of the neighbors are present. Mr. Heid stated the neighbor that is adjacent to the addition has written a letter of support.

Chairman Piper asked if the Building Official has reviewed the addition. Mr. Heid said that the addition has been reviewed by the Building Department. He added that at first there was a concern that the setback did not meet the Florida Building Code, but it turns out that the Code only requires 6 feet between structures, which this addition does meet. Chairman Piper asked if there were other portions of the house that had the same setback issue. Mr. Heid advised the board that the rest of the house meets the setback requirements.

Mr. Litowich asked if the house would require a Class A fire rating because it is so close to the neighbor. Mr. Heid said that he did not know and it would be up to the Building Division.

Mr. Kreisberg asked how the addition was cited. Mr. Heid stated that the neighbor to the west pulled a permit and when the inspectors performed the inspection they noticed an issue with the shed on the subject property. The applicants corrected the violation with the shed. When the building inspectors inspected the property to verify that the violation with the shed had been corrected they noticed the addition. Mr. Kreisberg stated that he drove around the block and noticed other issues in the area. Mr. Heid stated that the block is not atypical. Mr. Kreisberg stated that the biggest issue is the addition and not the canopy or the sheds. Mr. Heid said that that is correct but the property should be looked at in its totality, like any other project that comes before the board. Mr. Heid pointed out the fact that there is a paver walkway between the addition and the fence that staff is requesting be moved as part of the approval.

Mr. Kreisberg asked what the property was cited for. Mr. Heid stated that the property was originally sited for an extension of the shed roof. Mr. Kreisberg asked if there were any fines. Mr. Azevedo stated

that there were no fines and they corrected the violation. Mr. Kreisberg asked if they have been cited for the setback encroachment. Mr. Heid stated that the code violation was for the shed and the building violation was for the construction of the addition without a permit. Mr. Kreisberg also asked who proposed who suggested that they get a variance. Mr. Heid stated that he did because they came to him with the issue of the structure and they only had two options; demolish the addition or get a variance to keep it.

Mr. Litowich asked which of the two sheds will be removed. Mr. Heid stated that the shed which is adjacent to the house. He added that it does not meet Florida Building Code. Mr. Litowich stated that the other shed only has a setback of 4 feet. He then asked if the requirement was 5 feet. Mr. Heid stated that the requirement is 5 feet, but the shed does have a permit and it was constructed in accordance with the permit plans.

Mr. Smukler stated that the plans are dated 2010, he asked if the plans are current and why they were done in 2010. Mr. Azevedo stated that they applied for a permit for the carport in 2010 and the plans are from that permit. He also stated that some modifications have been done as part of this application. Mr. Heid stated that the staff was able to determine that the survey was accurate with a site visit. Mr. Kreisberg asked what will be required for the permit. Mr. Heid stated that the survey that has been submitted will be sufficient.

Chairman Piper opened the floor for public comment. There no one present that wished to speak on this item.

Public comment was closed.

Chairman Piper asked for the City's recommendation. Mr. Heid stated that staff recommends favorably with the 5 conditions as listed in the staff report.

Chairman Piper asked the applicant if they could accept the all the conditions. Mr. Azevedo replied yes.

A motion to approve Item 12-518 was made by Joseph Litowich. The motion was seconded by Julian Kreisberg. The motion to approve item 12-518 passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-522: Yeshiva Tores Chaim; 1055 Miami Gardens Drive – Site Plan Modification

Mr. Heid stated that the project was originally recommended favorably by the Planning & Zoning Board on March 14, 2011 and approved by the City Council on April 26, 2011. The applicant is requesting a minor modification to the originally approved plans. The modifications are to the site plan, floor plan, and elevations, but no new variances have been created and the modifications are under the 500 square foot limitation.

Chairman Piper requested the applicant to come forward and speak on behalf of the application. The project was represented by Michael Hanlon, architect.

Mr. Hanlon stated that he modified the site plan because the program changed after the project was originally approved.

Chairman Piper asked for a simple explanation as to why the modification is needed. Mr. Hanlon stated that the programming for the project changed. Mr. Kreisberg asked what he meant by programming. Mr. Hanlon explained that the number of dorm rooms changed and a game room was added. Mr. Heid informed the Board that their packages included the originally approved plans and the proposed modifications.

Mr. Heid stated that he wanted the Board to be aware of the increase in student population; from 20 students originally approved to 28 students and a dorm counselor now being proposed. He added that other modifications include the addition of a game room and laundry facility and upgraded bathrooms. The dorm rooms have been reduced from 240 square feet to 84 square feet; from approximately 60 square foot per student to 21 square foot per person. He stated that the rooms are small but ultimately as long as it meets the Florida Building Code, the parents and students will have to decide if they are comfortable with the size of the rooms.

Chairman Piper asked if the footprint of the building has changed. Mr. Heid said that it has changed, but the proposed building does remain within the previously approved setbacks. Mr. Marrero asked if permits have been pulled for the changes. Mr. Heid stated that this is conceptual and nothing has been built. Chairman Piper asked if the square footage of the dorm rooms meets the applicable codes. Mr. Heid stated that the plans have been given to the building division and there were no comments.

Mr. Litowich asked why a 18 foot high parapet wall was needed. Mr. Hanlon stated that the parapet wall is needed to screen the rooftop equipment. Mr. Litowich stated that he believed that the previously approved plans showed the dorm attached to the existing building. Rabbi Askotzky stated that both proposals proposed the buildings to be separated. Mr. Hanlon added that the buildings will be connected by a covered walkway but not enclosed space. Mr. Heid stated that if the parapet was not proposed it would have been required as a condition of approval.

Mr. Kreisberg asked if a market study has been done to determine if students will be willing to live in 80 square foot space. Rabbi Askotzky stated that the students have class from 7:30 in the morning to 9 or 10:30 at night. The rooms are only used for sleeping and the game room will be used for other activities.

Mr. Edwards asked for the size of the main area of the room where the beds will be. Mr. Hanlon stated that it is about 14 feet by 7 feet. Mr. Edwards stated that the space is pretty small.

Mr. Smuckler stated that in his opinion the rooms are much too small. He also asked if egress requirements have been addressed. Mr. Heid stated that egress is reviewed by Miami-Dade Fire.

Mr. Heid stated that the rooms are small, but at some point that will be up to the students and parents. He added that the Rabbi makes a good point; the rooms are not designed for congregation. Mr. Heid

said that if the project was rental apartment or condominium it would be looked at differently because of the market.

Chairman Piper opened the floor for public comment. There was one person that wished to speak on this item; Robert Klein, President of the Royal Bahamian Condominium.

Mr. Klein stated that he was not opposed to the modification; although he believed that the original proposal looked better. He stated that his problem was that landscaping along the perimeter, buffering his community, had never been installed. He requested that the board require that the landscaping be installed prior to the construction of the building. He also recommended that a no u-turn sign be placed on Miami Gardens Drive because of the traffic from the school.

Public comment was closed.

Rabbi Askotzky stated that he has taken the comments into consideration and the landscaping has been designed by a Landscape Architect to address the issues. Chairman Piper asked if the landscaping from the original building was done and does it still exist. Rabbi Askotzky stated that he was not around at that time. Mr. Heid stated that originally the proposed property provided significant landscaping, but virtually none of the conditions that were attached to the approval were done. He added that almost all of the people involved with the original addition are no longer involved. Chairman Piper asked if it would be fair to say that all of the conditions will be completed prior to the issuance of a C.O. (certificate of occupancy) for the new addition. Mr. Heid stated yes, but the same was true 10 years ago.

Chairman Piper asked who makes the final decision of the C.O. Mr. Heid stated that the Building Department issues the certificates of occupancy. He added that back then when the first addition was built the certificates of occupancy were not signed by the Zoning Department, but now the Zoning Department must sign prior to its issuance. The certificate of occupancy will not be signed by Zoning until all the conditions of approval are completed. Chairman Piper asked Mr. Heid if it was fair to say that he will not sign off if the landscaping is not in place. Mr. Heid said yes. He then asked Mr. Heid if it was fair to say that if he does not sign a C.O. will not be issued. Mr. Heid stated yes. Mr. Heid added that he does not recommend the landscaping be installed at the beginning because it will be damaged during construction.

Mr. Kreisberg asked if the landscaping is only addressing the addition. Mr. Heid stated that the landscape plan is property wide. Mr. Kreisberg asked if landscaping could be done on other parts of the property that will not be affected by the construction. Mr. Heid said that it is possible, but it is cheaper and cleaner to do all the landscaping at one time. He advised the Board that they do have the ability to require that part of the landscaping be completed now through a condition. Rabbi Askotzky stated that they are also redoing the building on the east side and the parking lot; there is little space to play with that will not be affected by the construction.

Mr. Heid advised the Board that he would like to add language to condition number 6 for the revised landscape plan in pay special attention to the buffer between the two properties. He added that the new plan is much better than that previously approved but he would still like it to be looked at again.

Chairman Piper asked for the City's recommendation. Mr. Heid stated that staff recommends approval with the 11 conditions, including the modification to condition 6.

Chairman Piper asked the applicant if they could accept all the conditions. Mr. Hanlon replied yes.

A motion to approve Item 12-522 with the 11 conditions (as modified) listed in the staff report was made by Julian Kreisberg. The motion was seconded by Hector Marrero. The motion to approve item 12-522 passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-519: LDR Text Amendments – Fence Height

Mr. Heid gave a brief explanation of the proposed changes to the Land Development Regulations regarding fences, walls, and hedges. He stated that in the RS-1 current regulations limit fences, walls and hedges to 5 feet; however the rest of the city allows 6 foot in the rear yard and 4 in the front yard. He stated that people want 6 feet in the rear yard. The proposal is to increase the height of fences to 6 feet in the rear and reduce them to 4 feet in the front.

Mr. Smuckler asked about the height of fences and hedges around tennis courts. Mr. Heid stated that currently fences around tennis courts are permitted to a height of 10 feet with the permission of the abutting neighbor. He stated that staff is suggesting that the requirement of permission of the neighbor be removed from the code.

Mr. Heid stated that staff is recommending that vehicular and pedestrian gates be allowed to have an additional foot for decorative elements. He added that it is proposed that hedges be dropped from the fence section. He stated that it is not the height of the hedges, but the maintenance that is the problem. He said that they can be an attractive element to a house. Chairman Piper stated that it could be a safety issue because of the driveways. Mr. Heid stated that the hedges should stop at the property line.

Mr. Marrero stated that he believes that there should be a limit on hedges, and that the height should not be unlimited. Mr. Heid stated that it could be reverted back to the height of the fence. He suggested that the ordinance could be brought back.

Mr. Kreisberg asked about measuring from the crown of road. Mr. Heid stated that that is existing language. Mr. Kreisberg stated that measuring from the crown of road could be an issue because the new houses are built at a higher elevation. Mr. Heid said that staff will look at the issue.

Mr. Heid stated that staff is recommending that the fence height be increased to 6 foot in the front, side and rear yard of the multifamily zoning districts. He also added that an additional 1 foot would be allowed for decorative elements on vehicular and pedestrian gates. Mr. Edwards asked if staff considered allowing the decorative elements on the corners and not just limiting them to gates. Mr. Heid stated that staff would look into it.

A motion to table Item 12-519 was made by Hector Marrero. The motion was seconded by Julian Kreisberg. The motion passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-520: LDR Text Amendments – B-2 Zoning District

Mr. Heid explained that previously the FCC and B-1 zoning districts have been modified to make the districts more modern. He stated that the Land Development Regulations are a cumulative code. Uses that are allowed in the B-1 are automatically allowed in the B-2. Several uses are recommended for deletion because they are antiquated. There are some conditional uses that staff feels should not require special approval. He noted that pet shops and recording studio are required to be in sound proofed buildings.

Mr. Kreisberg asked if the pet shops would be allowed to sell dogs. Mr. Heid stated yes. Mr. Kreisberg stated that Hallandale beach recently passed an ordinance that banned the sale of dogs from puppy mills.

Chairman Piper asked about fast food restaurants. Mr. Heid stated that currently fast food restaurants are conditional and staff is recommending that they be permitted, but to keep fast food with drive-thru as conditional. He advised the board that a fast food restaurant is a restaurant that has an overhead menu, does not have waiter service, or uses disposable plates and utensils.

Mr. Heid stated that if the Board had any concerns with pet shops, pet shops could be conditional and groomers and supplies could be permitted. Chairman Piper asked why is there a concern with the sale of animals if they are in a air conditioned sound proofed building. Mr. Kreisberg that the issue is that the dogs and cats may come from puppy mills. Mr. Heid said that it is hard to regulate where a store gets there supplies.

A motion to table Item 12-520 was made by Julian Kreisberg. The motion was seconded by Jaime Eisen. The motion passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

Item # 12-521: LDR Text Amendments – Setback Exceptions

Mr. Heid explained that there is a provision in the Land Development Regulations that applies to properties in the RS-1, RS-2, and RS-3 which reduces the setbacks by 5 feet for all lots plotted before 1980 and are larger than 5,000 square feet in size. He stated that the exception is the rule, so it would potentially apply to all properties. He noted that in the RS-3 zoning district the interior side yard setback is 7.5 feet and a reduction of 5 feet would leave a 2.5 foot setback, which would violate the Florida Building Code.

Chairman Piper opened the floor for Board Discussion. There was no Board comment.

A motion to approve Item 12-521 was made by Julian Kreisberg. The motion was seconded by Hector Marrero. The motion passed with a vote of 7-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	YES
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

DISCUSSION:

Proposed changes to Section 2-67 Planning and Zoning Board

Ms. Siegel explained to the Board that the Mayor and Council want to update the City’s main boards. He stated that the new ordinance will add criteria for the board members such as requiring a professional degree that is relevant to the Board. She read a list of possible degrees that would be qualified for the Planning and Zoning Board. She stated that currently the board members are chosen on a rotation basis and the Council feels that individuals should be appointed by each council member due to the term limits. Each Council Member will have the authority over one seat. She stated that the appointments will be on a staggered basis. The new appointments will take place on November 15 as opposed to June 1. She stated that the section pertaining to failure to attend meetings was already amended and is simply being added to the section.

Mr. Heid asked if the Ordinance would come back to the Board. Ms. Siegel stated that it would not come back to the Board.

Chairman Piper asked if a legal degree would be appropriate to add to the list of professional degrees. Ms. Siegel stated that it could be added; she also noted that it does say professional degree.

Mr. Kreisberg asked why there are criteria when there are no criteria for the City Council. Ms. Siegel stated that her understanding is that these are technical boards and there is some expertise that is needed.

Chairman Piper stated that historically there have been members of the board that had the type of experience professionally or technically and their contribution has not been the same as people that

have a technical background. He asked if each of the Council already appoints one member. Ms. Siegel stated that they do, but if you were appointed by an individual that no longer sits in that position the Council felt that their hands were tied and they would have to wait for the 3 year term to make a new appointment.

Mr. Kreisberg asked if the language about the chairman attending the City Council meetings has always been in the code. Ms. Siegel stated that it has, she asked to board if they would like it to be changed. She advised the Board of their options to change the language. After the discussion the Board decided to have the language removed.

Chairman Piper asked about term limits for the Board. Ms. Siegel stated that she was not aware of any term limits. Chairman Piper asked how is it determined which Council Member gets which seats. Ms. Siegel stated that come November 15 seats 1, 3, 5, and 7 will make their appointments. She stated that she will have to amend the section that talks about the first board to clean the language up.

Mr. Kreisberg asked for a update on the project located at 17400 West Dixie Highway. Mr. Heid stated that it was approved at first reading by the City Council. He advised the Board that he will add it to the old business list to keep the Board updated.

Mr. Edwards stated that felt that it is important to have a broader mix other than construction professionals. He stated that the list of professional would limit the board to members with a bias towards development and construction. Ms. Spiegel stated that the board members are residents so they would hopefully use both hats. Chairman Piper pointed out that all the current board members meet the new requirements.

Mr. Kreisberg asked who will make the determination that an appointment is qualified. Ms. Spiegel stated that anyone wishing to be on the board would have to fill out a application that would go through that City Clerk and the Council.

Adjournment - A motion to adjourn was made by Julian Kreisberg and seconded by Jaime Eisen. The meeting was adjourned at 8:16 pm.



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING

MONDAY, JUNE 11, 2012

Attendees:

Members - Chairman Evan Piper

Jaime Eisen

Saul Smukler

Julian Kreisberg

Norman Edwards

Joseph Litowich

Hector Marrero – ABSENT

Staff - Shari Kamali, Director of Public Services

Christopher Heid, City Planner

Maria Santovenia, Asst. City Attorney

Steven Williams, Board Recorder

Call to Order and Pledge of Allegiance:

Chair Piper called the meeting to order at 6:06 p.m. The Pledge of Allegiance was recited and roll was called. Mr. Hector Marrero was absent.

Minutes:

A motion made by Jaime Eisen, seconded by Joseph Litowich, to approve the minutes of the April 9, 2012 meeting. In a voice vote, the motion passed unanimously.

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

OLD BUSINESS

Mr. Heid advised that Item 12-517 (LDR Text Amendment: Commercial Window Signs) was favorably recommended by the Board and approved by City Council. Item 11-511 (LDR Text Amendment: Development Review Procedures) was also favorably recommended by the Board and will be presented to the City Council in July. Item 12-518 (After-the-Fact Variance: 1687 NE 174 Street) and Item 12-522 (Minor Site Plan Modification: 1055 Miami Gardens Drive) were favorably recommended by the Board and approved by City Council. Item 11-509 (FLUM and Rezoning: 17400 West Dixie Highway) was unfavorably recommended by the Board; however, City Council approved the Future Land Use Amendment change to Business, and the Rezoning was tabled until the June 19th meeting.

NEW BUSINESS

Item #12-527: Addition (Single-Family House): 2100 NE 180 Street – Site Plan Review and Variance

Mr. Heid stated that the existing zoning for this site is RS-4, Residential Single-Family Zoning District, with an existing land use of Single-Family House and future land use designation of Residential/Low-Density. The Applicant requests approval for the construction of a 208 sq. ft. addition to an existing house. The request is for variance from Section 24-44 (D) (3), for a 3 ft. 6 in. variance from the corner side yard setback of 15 ft. The change would result in a corner side yard setback of 11 ft. 6 in. Mr. Heid noted that approximately 10% of the addition would extend into the setback; the corner lot of the house is skewed, which means the addition could not be accommodated without a variance.

Larry Simon, representing the Applicants, explained that the house was constructed in the 1950s. Because the house was skewed when constructed, the addition of a family room would extend off one side and into the setback. He pointed out that while one corner extends into the setback, another corner is much farther away. The extension is not visible from the street and does not infringe upon any neighbors.

Mr. Heid added that the greater portion of the home is set back equal to or further than the required minimum setback. The section extending into the setback is approximately 8 ft. by 3 ft.

Mr. Kreisberg asked if the family room has been constructed at this time. Mr. Simon assured the Board that it has not.

Chair Piper asked if the City routinely approves scenarios such as this one, or if it is an isolated case. Mr. Heid replied that not many such requests have come before the Board; however, in the case of a house that is skewed on a lot, he noted that the corner yard setback is at least 100 ft. away from the nearest property. The yard is heavily landscaped so the extension would not be visible. Mr. Simon confirmed that the house and lot are unique.

Mr. Kreisberg commented that in many parts of the City, the side setback is 10 ft. Mr. Heid clarified that a corner side setback is always 15 ft.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City's recommendation. Mr. Heid stated that only a small portion of the room would extend into the setback, and making the room smaller would be awkward and less usable, the City recommends favorably, with the two conditions as listed in the Staff Report.

Chair Piper asked if the Applicant would accept the two conditions. Mr. Simon said they could.

A motion to approve Item 12-527 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-527 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-528: Gazebo (Single-Family House): 3323 NE 171 Street – Site Plan Review and Variance

Mr. Heid advised that the property is within an RS-1 Residential Single-Family Zoning District, with an existing land use of Single-Family House and future land use of Residential Low Density. The Applicant requests site plan approval and variance for the construction of a 193 sq. ft. gazebo. The request is for variance from Section 24-81 (A) (8), which allows a maximum of 15 x 49 sq. ft. for a gazebo of 144 sq. ft. He reminded the Board that gazebos were previously not permitted in a required yard setback, but have recently been made an allowable exception if they are 144 sq. ft. or less. The request would exceed this by 49 sq. ft.

Luis Larosa, representing the Applicant, stated he is the architect for the project. He explained that the gazebo meets the side and rear setback requirements for accessory use; however, it lies in front of a large family room, and has been slightly elongated so its glazing matches the width of the glazing in this room. If it were shortened, it would block the view from the room. He concluded that it is a light, attractive structure that does not affect waterway visibility. The neighbor to the east of the project has submitted a letter of no objection to the structure.

Mr. Heid referred the Board to the project’s plans, noting that the columns of the gazebo do not block the view from the family room when extended. He confirmed that the water view is maintained and the structure meets side and rear setback requirements, as well as building height. The materials and roof type are similar to those of the main residence. He concluded that the only concern was with regard to the affected property owner to the east, who is supportive of the gazebo.

Mr. Smukler asked how the 144 sq. ft. gazebo was adopted as an allowable exception. Mr. Heid said the Applicant has a good reason to want a slightly larger structure, as it is proportionate to the house.

Mr. Edwards noted that the Applicant’s neighbor to the south has also been shown the plans for the gazebo and did not object to the project. He asked if there was a letter from this

neighbor. Mr. Larosa said this was an error and referred to the neighbor to the east, who would be most affected by the project.

Mr. Kriesberg observed that the letter written on May 3, 2012 also states the gazebo is located in the southeast corner of the property. It was clarified that its actual location is the northeast corner, overlooking a canal.

Mr. Kriesberg asked if construction has begun and stopped on the addition. Mr. Larosa confirmed this, explaining that construction was halted so the Applicant could go through the appropriate channels for approval of the gazebo.

Mr. Litowich asked if the gazebo's proportions are calculated from outside column to outside column, not including the overhang. Mr. La Rosa confirmed this. Mr. Heid said the overhang is not typically included in size measurements of a structure.

Chair Piper asked if there were limitations on the size of an overhang. Mr. Heid said while there was no size limit, there is a limit on how far an overhang may encroach into a setback: this is limited to one-third of the required setback, or 3 ft., whichever is less. The gazebo in question has a 1 ft. overhang.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City's recommendation. Mr. Heid said the City recommends favorably, with the two conditions as listed in the Staff Report.

Chair Piper asked if the Applicant accepted the two conditions. Mr. LaRosa said they could.

A motion to approve Item 12-528 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-528 passed with a vote of 6-0.

Mr. Heid advised that the Board's approval is only a recommendation: if members of the public would like to speak on any Items presented at tonight's meeting, they should do so at the appropriate City Council meeting, which will be advertised in the newspaper. Signage will also be posted on the properties and within 500 ft. of the properties' boundaries.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-525: IHOP: 1101 North Miami Beach Boulevard – Site Plan Review and Variance

Mr. Heid stated that this property is located in a B-2 General Business Zoning District, with an existing land use of Restaurant and a future land use designation of Business. The Applicant requests site plan approval and variances for construction of a 575 sq. ft. canopy over an existing wooden deck. The variances would be from Section 24-81 (2), which would waive 4 ft. of the minimum required corner side yard setback of 15 ft. for a canopy; a second variance would be from Section 24-81 (2), which would waive 11 ft. of the minimum required rear yard setback of 15 ft. for canopies.

Andreas Poschl, representing the Applicant, explained that he is Director of Construction and Development for Sunshine Restaurant Partners. The IHOP restaurant in question was built 52 years ago. The intent is to construct a canopy over an existing deck, which was built 42 years ago, in order to create outside dining for the restaurant. The canopy would match the restaurant's blue roof.

Mr. Litowich asked if the canopy overhang would extend farther than the existing deck. Mr. Poschl said it would overhang the perimeter of the deck by 1 ft. on three sides. It will abut the gable end of the structure.

Mr. Kreisberg asked if diners typically eat outside at the restaurant. Mr. Poschl said this occurs at times during the winter months; however, during the summer this is very difficult. The addition of a canopy would be an attempt to accommodate outside dining on a year-round basis. The deck itself will be redone, landscaping will be added, and repairs will be made to the parking lot in order to update the building.

Mr. Edwards asked if all restaurants may establish outside dining, or if special approval is required. Mr. Heid replied that a building permit is necessary, and some restaurants are difficult to retrofit for this purpose; in this case, however, there would be no impact on the landscaping or parking.

Mr. Smukler asked if the 11 ft. setback already existed with the deck. Mr. Heid confirmed this, explaining that the variance request is for the canopy, not the deck. There is no required setback for a deck. Mr. Smukler asked if electricity will be required for the outdoor dining area. Mr. Poschl said permits will be pulled to include fans and lighting, both of which are allowed beneath a canopy.

Mr. Litowich asked if the canopy will be made of canvas. Mr. Poschl said it will be a fireproof canvas-like material, which is recommended over plastic or vinyl. There will be plastic side curtains to exclude rain as well.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City’s recommendation. Mr. Heid said the City recommends favorably, with the seven conditions as listed in the Staff Report.

Mr. Edwards asked if there could be a condition requiring the canopy to remain open on the sides except in the event of rain. Mr. Heid said this condition could be added, bringing the number of conditions to eight.

A motion to approve Item 12-525 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-525 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆

Item #12-526: Addition (Fire Station): 17050 NE 19 Avenue – Site Plan and Variance Re-approval

Mr. Heid stated that this is a City-owned property located in a CF Community Facility Zoning District, with an existing land use of Fire Rescue Station and Offices and a future land use of Public. The request is for approval to construct a 2324 sq. ft. one-storey addition to an existing two-storey Fire and Rescue Station. An existing 1002 sq. ft. one-storey portion of the building will be demolished to accommodate the proposed addition.

The variances requested are as follows: variance from Section 24-55 (B) (3), which would waive 4 ft. of the minimum required front yard setback of 30 ft., reducing it to 26 ft.; and variance from Section 24-55 (B) (3), to waive 11 ft. of the minimum required corner side yard setback of 25 ft., reducing this setback to 14 ft.

Mr. Heid pointed out that the Staff Report states this project was previously approved and favorably recommended by the Board and the City Council; however, the permit for the project has expired, which requires the Applicant to come back to the Board and regain approval. He concluded that Staff continues to support this project.

Mr. Heid explained that because the City is the property owner, the Applicant is Miami-Dade County Fire and Rescue. Angel Lamera, Facilities Division Manager for the project, was sworn in at this time. Mr. Lamera stated again that the project had been previously approved by the Board, but the permit had expired.

Mr. Smukler noted that p.5, Item 9 of the Staff Report discusses revising plans related to the curbing of the easternmost median. He requested clarification of this. Mr. Heid said this island is not currently curbed, and advised that these improvements are reflected in the building plans.

Mr. Kreisberg requested a brief description of the improvements to be made. Mr. Lamera said the north side of the building would be demolished and replaced with a new rescue side of the station. In addition, the entire station will be remodeled and repainted. Utilities will be segregated from the administration building, and will no longer be included under a single meter. This is expected to result in a slight decrease in the utility bill.

Mr. Heid stated that once the demolition is complete and the new addition has replaced it, there will be a new area of roughly 39 sq. ft.

Mr. Smukler noted that the corner side setback is 25 ft., on which the proposed addition will encroach by 11 ft. Mr. Heid confirmed this, advising that this will leave sufficient room for landscaping. It was also clarified that the building will always be owned by the City.

Mr. Edwards asked if the project would raise a legal question regarding unjust enrichment. Ms. Santovenia said she was not certain of the structure of the situation, so she could not answer this question. Mr. Lamera said once the funds have been spent to make the improvements, it would be even less likely that the Fire Station would leave the facility.

Mr. Edwards observed that the only issue would be if the City decided to take back the Fire Station. Chair Piper said it would be within the Board's purview to remind the City's Legal Department to ensure the contractual arrangement with Fire and Rescue does not have any unforeseen issues.

Ms. Santovenia asked if Mr. Edwards' question was whether there would be unjust enrichment to the City. Mr. Edwards confirmed this, and asked if the City would need to repay Fire and Rescue for these improvements if they took the property over from the tenant. Ms. Santovenia said leases are typically drafted so any improvements made by tenants will stay behind if the tenant leaves. Mr. Heid added that a permit would be necessary in order to physically remove any structures from the property, and as the property owner, the City would need to sign a permit allowing this removal.

Chair Piper opened the floor for public comment. There were no members of the public present who wished to speak on the Item. Public comment was closed.

Chair Piper asked for the City's recommendation. Mr. Heid said the City recommends favorably, with the ten conditions as listed in the Staff Report.

Chair Piper asked if the Applicant accepted the ten conditions. Mr. Lamela said they could. He also noted that the variance is limited to six months, and asked if it would be possible to extend

this time period to one year, as it was not certain the improvements could be made within this time frame.

Ms. Kamali said the City is in the process of changing the six month time frame, although the change had not yet gone before the City Council. She asked that the Applicant ensure the request is made to renew the variance before the first six months have passed.

Mr. Heid said if this was part of the Code, it would require a variance to waive this requirement, and such a variance has been neither requested nor advertised. He did not feel this would be possible. However, he noted that the requirement was for six months to pull a permit or one year to submit it. The City Administration is also willing to write a letter on behalf of the Applicant to extend the time frame for six months. He felt this would be sufficient until the Code is changed.

A motion to approve Item 12-526 was made by Julian Kreisberg and seconded by Norman Edwards. The motion to approve Item 12-526 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-519: Fence Height – LDR Text Amendment

Mr. Heid stated that this Item was originally brought before the Board in April 2012, but was tabled because it was thought to be confusing. Upon further review, Staff felt the original amendment was complicated and difficult to understand. Portions of the original amendment, including hedge height and some fence specifications, have been omitted from the current draft. Hedges may now be the same height as fences, as long as the hedge is maintained. The height proposed for a corner side yard was originally 4 ft.; it has now been raised to 6 ft., as there are often requests from homeowners to make this change.

He continued that fences may remain 4 ft. in the front of a property and 6 ft. in the rear, corner, and side yards, which is commonly requested in the City.

Chair Piper asked if Mr. Heid recalled any of the details of the discussion about fence height. Mr. Heid said there had been significant resistance from homeowners with regard to limiting the size of hedges. He also clarified that rear yard fences are the side fences between buildings rather than a fence on the rear of the property. The limitation of a solid fence to 3 ft. in height will not be changed.

Mr. Kreisberg asked how this would affect hedges that encroach on a setback. Mr. Heid said this would not be an issue on private property, as the depth of rights-of-way should ensure sufficient room. If the fence extends beyond the property line, however, it may be cited. If a hedge results in complaints from neighbors, it may also trigger a citation.

Mr. Heid added that pedestrian and vehicular gates may be 1 ft. higher than the fence to which they are attached. This would allow for a less uniform and more decorative appearance.

Mr. Kreisberg noted that the measurement from the minimum finished floor elevations had also been changed, which could affect fence height if a home is at a higher elevation on one side. Mr. Heid said this occurs on occasion if a house is elevated. He noted, however, that most individuals do not object to fencing or landscaping.

A motion to approve Item 12-519 was made by Julian Kreisberg and seconded by Joseph Litowich. The motion to approve Item 12-519 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Item #12-520: B-2 (Modification of Use) LDR Text Amendments

Mr. Heid advised that the Board has seen these amendments for the B-2 General Business Zoning District before, and recalled that they had expressed concern that pet stores would become permitted uses. This suggestion has been left as a conditional use for the sale of live pets, and pet groomers and sale of pet supplies will be permitted uses.

Other changes include repetition of some uses that are also allowed in the B-1 District; because these are clearly permitted uses in B-1, they were removed from the B-2 listing. These include health and exercise studios, coin laundries, convenience stores, and delis. Antiquated uses, such as dry goods stores and telegram offices, were also removed from the B-2 amendments. Code includes a clause that may allow for these uses if they are sufficiently similar in nature to other uses.

He continued that while it may sound easier to classify a use as conditional in order to retain better control over it, making some uses conditional will effectively mean they will not be allowed, particularly in the case of small local businesses, as they are less well-funded and may

not be able to afford the approval process. The result in many cases is that these businesses will simply relocate. Therefore, the suggestion is that many of these uses become permitted uses.

Mr. Heid said fast food restaurants are defined as those restaurants in which customers order from an overhead board, at a counter, and take their items. He explained that this term could apply to a small coffee shop that serves pastries. Two additional uses, museums and vintage/collectible goods, were introduced as well.

Chair Piper asked if this would not qualify as a standard retail use. Mr. Heid replied that there are specific regulations prohibiting secondhand sales, which are restricted to the warehouse district. The amendment would address this issue and allow the use in B-2 districts. He also clarified that standard fast food restaurants with a drive-through window will remain a conditional use, as these require more control.

Restrictions are also decreased for check cashing businesses, as they are currently very restricted. Mr. Heid said this restriction places a burden on individuals who rely on this service. He pointed out that many other businesses, such as grocery and convenience stores, will cash checks, which created an inequality between businesses. Lifting the restrictions would allow the market to determine whether or not this is an appropriate use.

Mr. Kriesberg asked why delicatessens were removed from the amendment. Mr. Heid explained they are permitted in B-1 Districts, and were removed to lessen confusion. Because it is allowed in B-1, it is not necessary to allow it in B-2.

Mr. Kriesberg asked why tanning salons were non-conditional rather than conditional uses. Mr. Heid said there are several national companies that manage tanning salons, and felt this use would be lost if subjected to the process for a conditional use.

Chair Piper requested clarification of the language regarding check cashing facilities. Mr. Heid said language would be clarified to show that this is now a permitted use.

Mr. Litowich asked how the Code differentiates between vintage and collectible goods and vintage or secondhand clothing. Mr. Heid said the difference in this case is in the eye of the beholder, as there is no defined difference. He observed that it can be "difficult to legislate quality," and reiterated that it is hoped the market will take care of any issues. He noted that there is no logical way to enforce distinctions between these categories: they must either be accepted as a class or not.

Mr. Heid continued that secondhand sales are a permitted use in B-4 Districts, and advised that a judgment call could be made based upon several factors to determine whether or not these sales qualify as vintage or collectible. Consignment stores, for example, are included under vintage/collectible use.

Mr. Smukler asked if the requirement that check cashing businesses would prevent them from being less than 200 ft. from a residential area. Mr. Heid said it would be recommended that this requirement be stricken from the amendment; while it may be associated with “unsavory” elements, this was not always accurate. He pointed out that this restriction represented more of a moral stance than zoning equality.

Mr. Smukler asked if the restriction preventing these businesses from being established within 200 ft. of a residential area would have limited the potential locations open to them. Mr. Heid said they are not allowed in some locations at all. He added that this was preferable to attaching so many restrictions that a location became prohibitive.

Chair Piper noted that the owners of some shopping centers would not want these businesses to be part of the centers. He commented that any problems could be controlled by a police presence or “No Trespassing” signs. Mr. Heid said this was an example of the issue being market-driven: landlords who have the long-term interests of their properties at heart would not want to rent to low-end establishments.

Mr. Edwards asked if the language moving pet grooming to a permitted use should also contain the conditions that it must take place in an air-conditioned, soundproof building no less than 300 ft. from a residential area. Mr. Heid said this was a good point, but noted that businesses selling pet supplies but not offering grooming services would not need the air-conditioned and soundproofed requirements. He suggested that there may need to be a separate category for pet groomers, or additional language attached to discussion of this business.

Mr. Edwards asked if places of public assembly would remain a permitted use. Mr. Heid said this use is currently permitted and no change was suggested. Mr. Edwards asked if this category would include schools and churches. Mr. Heid said they would include churches, but not schools. Ms. Kamali said schools are allowed in CF and RM-23 districts, but not B-2.

Mr. Edwards asked why schools were not allowed within B-2 districts if churches were allowed. He suggested that smaller schools, such as schools without playgrounds or tutoring facilities, might be permissible in this district. Chair Piper pointed out that there are several requirements that accompany schools, such as traffic considerations, that could limit their placement. Mr. Heid added that B-2 districts allow retail uses, such as liquor stores and bars. If a school is allowed within this district, there must be a 1500 ft. radius from these facilities. While it is possible for these businesses to seek a variance, it can be expensive and difficult, and parents of schoolchildren may object to the location.

Mr. Litowich noted that some places of public assembly, such as churches and synagogues, may have schools attached to their facilities. Mr. Heid said while day care is allowed at these facilities in B-2 districts, elementary through high schools are not permitted in B-2. Vocational training is permitted within the district.

Mr. Edwards asked to know the height and density maximums of these residential multi-family or mixed-use uses within B-2 areas. Mr. Heid said these are conditional uses and must go through a hearing. Mr. Heid said B-2 districts are allowed to have multi-family residential in accordance with RM-23; the maximum height allowed is three stories or 35 ft., although the City Council may authorize up to six stories or 65 ft.

He noted that these would be conditional uses that must come before the Board for recommendations and the City Council for approval. They would also require a future land use map amendment to the Comprehensive Plan, as virtually all B-2 districts have future land use categories of Business and do not allow Residential. The mixed-use future land use category allows this mixed use of residential and business.

Mr. Smukler asked if the 1500 ft. radius around schools in which liquor cannot be sold could be extended to a restaurant that serves liquor after hours. Mr. Heid clarified that restaurants which serve alcohol are not included in this restriction, which is specific to bars, lounges, and packaged liquor stores. He noted that a business may request a variance to waive the 1500 ft. distance separation. Ms. Kamali noted that the State-required radius is only 500 ft., and also provides an avenue for variance within municipalities.

Mr. Smukler pointed out that there is a cost associated with conditional use, and proposed that the amendment could make these uses permitted in evenings and on weekends. Mr. Heid said while he did not see a mechanism for this, it could be considered further.

Chair Piper opened the floor for public comment.

Matthew Amster, representing the owner of the Intracoastal Mall, was sworn in at this time. He advised that the owner is supportive of the changes presented before the Board at today's meeting, and hoped the Board would recommend them favorably.

Mr. Kriesberg asked if Mr. Amster could provide specific examples of any part of the amendment that would make it easier for tenants to go into the Intracoastal Mall. Mr. Amster said the owner had wanted to rent to a dog grooming service, as well as a wine bar.

Mr. Heid said the proposed amendment is part of an ongoing program by which districts are to be made more liberal regarding their list of uses in order to be more competitive with neighboring municipalities. The lessened restrictions are seen as more business-friendly.

As there were no other members of the public wishing to speak on the Item, public comment was closed.

A motion to approve Item 12-520 was made by Julian Kreisberg. Mr. Kreisberg added that the motion was made with the understanding that Mr. Heid would amend some of the Item's language as discussed by the Board, specifically as it applied to pet groomers.

Mr. Litowich seconded the motion. The motion to approve Item 12-520 passed with a vote of 6-0.

Chairman Even Piper	YES
Joseph Litowich	YES
Jaime Eisen	YES
Hector Marrero	Absent
Julian Kreisberg	YES
Norman Edwards	YES
Saul Smukler	YES

◆-----◆
Next Meeting: Monday, July 9, 2012

Mr. Edwards requested that a presentation on changes and legislative updates at the State level be made at the next meeting. Ms. Kamali said this could be done, although she noted it may be very short, as the State does not have any control over any changes that have been made in the City. She concluded that this responsibility has been given to the City versus the State.

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Adjournment

A motion to adjourn was made by Julian Kreisberg and seconded by Norman Edwards. The meeting was adjourned at 7:47 p.m.

ORDINANCE NO. 2012-13

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.

WHEREAS, in order to create uniformity of the height of fences and walls in various zoning districts within the City, staff has reviewed and recommends modifying the heights of fences, walls and hedges in all of the residential zoning districts; and

WHEREAS, many citizens living and owning property in the RS-1 Residential Single-family Zoning District and the RM-19 Multi-family Zoning District desire more privacy on their property and have requested that the City amend its zoning code to reflect such; and

WHEREAS, the amendment to the fence, wall and hedge heights in all residential zoning districts will provide better security to the City's residents; and

WHEREAS, with modern construction and the placing of decorative and ornate structures on pedestrian and vehicular gates in all zoning districts, residential and commercial,

staff recommends that an additional one (1) foot increase be given to allow for such decorative elements; and

WHEREAS, the amendments and modifications to the fence, wall and hedge heights in all zoning districts was heard by the Planning and Zoning Board on Monday, June 11, 2012, and received a favorable recommendation with a vote of 6 to 0; and

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 1. Sec. 24-41 Residential Single-Family District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-41 RS-1 Residential Single-Family District

(D) *Site Development Standards.*

(m) Walls: No boundary wall or fence shall be constructed with a height of more than ~~five (5) feet~~ four (4) feet in the front yard or six (6) feet in the rear, interior side, and corner side yard, above the ground level of adjoining property and no boundary line hedge or shrubbery shall be permitted with a height of more than five (5) feet. Pedestrian and vehicular gates may be increased by one (1) additional foot for decorative features. Solid waterfront walls and fences of solid construction or solid waterfront hedges shall not be permitted in excess of three (3) feet in height. ~~Such walls or hedges, where partially open, will be permitted to a height of not more than five (5) feet.~~ The heights of elevation of any wall shall be measured from the ~~erown of the road~~ minimum finished floor elevation. Any questions as to such heights may be conclusively determined by a registered civil engineer, a registered land surveyor or an architect. Fences around tennis courts will be permitted to a height of ten (10) feet, ~~with the permission of the abutting neighbors.~~

Section 2. Sec. 24-47 Residential Low-Rise Multifamily (Medium Density) District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-47 RM-19 Residential Low-Rise Multifamily (Medium Density) District

(D) *Site Development Standards.*

(e) Walls: ~~No boundary wall shall be constructed with a height of more than five (5) feet above the ground level of adjoining property.~~ No fence or wall shall exceed six (6) feet in height. Pedestrian and vehicular gates may be increased by one (1) additional foot for decorative features. ~~Waterfront walls and fences of solid construction or solid waterfront hedges shall not be permitted in excess of three (3) feet in height. Such walls or hedges, where partially open, will be permitted to a height of not more than five (5) feet.~~ The heights of elevation of any wall shall be measured from the erown of the road minimum finish floor elevation. Any questions as to such heights may be conclusively determined by a registered civil

engineer, registered land surveyor or an architect. Fences around tennis courts will be permitted to a height of ten (10) feet, ~~with permission of the abutting neighbors.~~

Section 3. Sec. 24-80 Fences, Walls and Hedges of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-80 Fences, Walls and Hedges

(C) *General Requirements.*

(3) *Maximum height:*

~~(a) In all residential districts, no fence, wall or hedge shall exceed six (6) feet in height within required side and rear yards, or four (4) feet in height within a required front yard.~~

~~(b) Under all circumstances, in all residential districts the six (6) foot height of any fence, wall or hedge shall not begin prior to the front building line.~~

~~(a) RS-1 Zoning District: See Sec. 24-41 (D)(m).~~

~~(b) RS-2, RS-3, RS-4, RS-5, MH-1, RD, and RO Zoning Districts: no fence or wall shall exceed six (6) feet in height within a required rear, corner side, and interior side yard, or four (4) feet in height within a required front yard. Pedestrian and vehicular gates may be increased by one (1) additional foot for decorative features.~~

~~(c) RM-19 Zoning District: See Sec. 24-47 (D)(e).~~

~~(d) RM-23, RM-32, and FCC Zoning Districts: No fence or wall shall exceed six (6) feet in height. Pedestrian and vehicular gates may be increased by one (1) additional foot for decorative features.~~

~~(e) Under all circumstances, in all residential districts the six (6) foot height of any fence or wall, or hedge shall not begin prior to the front building line.~~

~~(e)(f) In all nonresidential districts, no fence, wall or hedge shall exceed six (6) feet in height, except as may be permitted or further restricted elsewhere in this section.~~

(4) Hedges:

(a) In all commercial and multifamily zoning districts no hedge shall exceed the allowable height of a fence or wall in its corresponding yard.

(b) In the RS-1, RS-2, RS-3, RS-4, RS-5, MH-1, RD, and RO zoning districts hedges shall be limited to four (4) feet in the required front yard and eight (8) feet in the required rear, interior side, and corner side yards.

(c) Under all circumstances, in the RS-1, RS-2, RS-3, RS-4, RS-5, MH-1, RD, and RO zoning districts, the eight (8) foot height of any hedge shall not begin prior to the front building line.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 6. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this 3rd day of July, 2012.

APPROVED AND ADOPTED on second reading this __ day of August, 2012.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor & City Council