



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19 Avenue
North Miami Beach, FL 33162
Wednesday, January 2, 2013
7:30 PM

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

City Manager Roslyn B. Weisblum
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 - TBD**
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**
 - 5.1 **Recognition of National Human Trafficking Awareness Month (Mayor George Vallejo)**
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 - None

8. CONSENT AGENDA

8.1 Budget Hearing #1 Meeting Minutes of September 4, 2012 (City Clerk Pamela L. Latimore)

8.2 Regular Meeting Minutes of December 4, 2012 (City Clerk, Pamela L. Latimore)

8.3 Meeting Minutes of December 10, 2012 Special Meeting (City Clerk Pamela L. Latimore)

9. CITY MANAGER'S REPORT

10. CITY ATTORNEY'S REPORT

10.1 Litigation List

11. MAYOR'S DISCUSSION

11.1 NMB Youth Athletic Club (Sun Devils Football Team) and NMB Little League Baseball

12. MISCELLANEOUS ITEMS - None

13. WAIVER OF FEE - None

14. BUSINESS TAX RECEIPTS - None

15. DISCUSSION ITEMS - None

16. LEGISLATION

16.1 Ordinance No. 2012-35 - First Reading by Title Only (City Attorney Darcee S. Siegel)

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-44, ENTITLED "CHARTER REVIEW BOARD" BY CHANGING THE NAME OF THE BOARD, THE TERMS AND METHOD OF APPOINTMENTS TO THE COMMITTEE, AND CHANGING THE COMPOSITION OF THE BOARD TO BE CONSISTENT WITH THE CITY'S CHARTER SECTIONS 119-121; DELETING THE ANNUAL REPORT REQUIREMENT; AND CREATING A QUORUM REQUIREMENT; 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.

16.2 Ordinance No. 2012-36 - First Reading by Title Only (City Attorney Darcee S. Siegel)

AN ORDINANCE AMENDING CHAPTER XXIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "ZONING AND LAND

DEVELOPMENT CODE" BY AMENDING SECTION 24-147.2, ENTITLED "TEMPORARY SIGNS ALLOWED"; 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.

16.3 Ordinance No. 2013-1 - First Reading by Title Only (City Attorney Darcee S. Siegel)

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-54 ENTITLED "PARKS AND BEAUTIFICATION COMMISSION" BY MODIFYING THE NUMBER OF MEMBERS OF THE COMMISSION (2-54.1), AMENDING THE TERMS BY DELETING THE PROCESS FOR THE INITIAL COMMISSION APPOINTEES (2-54.2), AND CREATING QUORUM CRITERIA (2-54.6); 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. 2012-33 - Second Reading, as amended (City Attorney Darcee S. Siegel)

AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; ELIMINATING THE DEFERRED RETIREMENT OPTION PROGRAM (DROP); ELIMINATING THE BUY-BACK PROVISION; REDUCING THE MULTIPLIER; AMENDING THE COST OF LIVING ADJUSTMENT; AMENDING TERMINATION OF EMPLOYMENT AND VESTING; AMENDING THE NORMAL RETIREMENT DATE; AMENDING THE EARLY RETIREMENT CALCULATION; AMENDING THE COMPOSITION OF THE PLAN RETIREMENT COMMITTEE; AND CHANGING THE DEFINITION OF SALARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

16.5 Ordinance No. 2012-34 - Second and Final Reading (City Planner Christopher Heid)

AN ORDINANCE AMENDING SECTION 24-22 AND ARTICLE VIII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA CREATING STANDARDS FOR EXTERIOR PAINT COLORS FOR COMMERCIAL ZONING DISTRICTS (B-1, B-2, B-3, B-4, B-5, AND FCC) BY ADDING DEFINITIONS FOR LIGHT REFLECTANCE VALUE, PAINT BASE, AND PAINT TRIM; CREATING SECTION 24-79 PAINT COLORS UNDER ARTICLE VIII, SUPPLEMENTAL REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

16.6 Ordinance No. 2012-37- Second and Final Reading (City Attorney Darcee S. Siegel)

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 2002-30, WHICH ESTABLISHED THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; BY AMENDING SECTION 6 CONCERNING AMENDMENTS TO THE PLAN AND TRUST; PROVIDING FOR

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

17. CITY COUNCIL REPORTS

18. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, January 15, 2013

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: Wednesday, January 2, 2013

RE: Budget Hearing #1 Meeting Minutes of September 4, 2012 (City Clerk Pamela L. Latimore)

BACKGROUND: N/A

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Pamela L. Latimore, City Clerk

ATTACHMENTS:

[Budget Hearing #1 Meeting Minutes of September 4, 2012](#)



CITY OF NORTH MIAMI BEACH

City Council Meeting
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Vice Mayor Frantz Pierre
Councilman Philippe Derosé
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilwoman Beth E. Spiegel
Councilwoman Phyllis S. Smith

City Manager Lyndon L. Bonner
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

1ST BUDGET MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:08 p.m. Present were Mayor George Vallejo, Vice Mayor Frantz Pierre and Council Members Philippe Derosé, Barbara Kramer, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Lyndon L. Bonner, City Attorney Darcee S. Siegel, and City Clerk Pamela L. Latimore.

2. PUBLIC COMMENT -

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1. Richard Riess, 23 N.W. 169th Street, North Miami Beach, FL

Councilwoman Martell asked City Manager Bonner for clarification on the budget line item for pension costs for various departments. She thought it important for the residents and general public to know how the figures were calculated.

3. LEGISLATION

3.1 Ordinance No. 2012-19 – First Reading by Title Only

AN ORDINANCE FIXING THE MILLAGE RATE FOR AD VALOREM TAXES ON REAL AND PERSONAL PROPERTY IN THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF THE ANNUAL BUDGET FOR THE CITY OF NORTH MIAMI BEACH FOR THE 2013 FISCAL YEAR COMMENCING OCTOBER 1, 2012, AND FIXING THE MILLAGE RATES FOR DEBT SERVICE ON REFUNDED GENERAL OBLIGATION BONDS, SERIES 2011 AND SERIES 2012.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to introduce Ordinance No. 2012-19.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to adopt Ordinance No. 2012-19 on First Reading, By Title Only.

Public Comment was opened on Ordinance No. 2012-19.

1. Richard Riess, 23 N.W. 169th Street, North Miami Beach, FL - spoke on decreasing the millage rate.

Public comment closed.

Councilwoman Smith requested that Finance Director Janette Smith explain why the language in the ordinance suggested a slight increase in the millage rate. Finance Director Smith gave me a brief overview of how millage rates are calculated.

Assistant City Manager Mac Serda explained the City's position as it relates to this year's millage rate.

Mayor Vallejo also gave a brief explanation of his understanding of changes to the millage rate.

Councilman Derose asked if the increases in property value would be applied to every single home in the city. Finance Director responded that it's a total of every single property, commercial as well as residential; some of the properties went up in assessed value while others did not.

Vote: In a roll call vote, Mayor Vallejo, Vice Mayor Pierre, Councilwoman Kramer, Councilwoman Smith, and Councilwoman Spiegel all voted in favor of the motion. Councilwoman Martell was absent from the dais. **(Motion carried 6-0).**

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to introduce Resolution No. R2012-70.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to adopt Resolution No. R2012-70.

3.2 Resolution No. R2012-70

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2013 BUDGET OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment was opened on Resolution No. R2012-70.

1. Richard Riess, 23 N.W. 169th Street, North Miami Beach, FL

Public comment closed.

MOTION by Councilwoman Smith, seconded by Councilman Derose, to adopt Resolution No. R2012-70 as amended, reflecting the following in Section 4: Council would be apprised if there is any adjustments made by Miami-Dade County to their contribution that affects the Community Redevelopment Agency budget.

Councilwoman Spiegel expressed concerns, stating that she wasn't comfortable with the Community Redevelopment Coordinator making changes to the budget without it going to a vote by the Community Redevelopment Agency commissioners.

Councilwoman Smith concurred and explained that that is why she asked that language be included to prevent changes from being made to the Community Redevelopment Agency's budget without Council's approval.

Finance Director Janette Smith stated that it is the prerogative of the Council if it wishes to strike the provision of Section 4 of the resolution.

MOTION by Councilwoman Smith, seconded by Councilman Derose, to adopt Resolution No. R2012-70 as amended, reflecting the following change to Section 4: "will have to be presented to the Community Redevelopment Agency Commissioners and the City Council prior to any changes being made." By consensus, all voted in favor of the motion. **(Motion carried 7-0).**

Councilwoman Martell asked that it be noted for the record that had she not stepped away from the dais, she would have voted in favor of Ordinance No. 2012-19.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to introduce Ordinance No. 2012-21 on First Reading by Title Only.

3.3 Ordinance No. 2012-21 – First Reading by Title Only

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, EXTENDING UNTIL FISCAL YEAR 2014 ORDINANCE NO. 2011-15, WHICH FROZE AND/OR POSTPONED UNTIL 2013 THE IMPLEMENTATION OF ORDINANCE NO. 2007-8, WHICH INCREASED WATER AND SEWER RATE FEES AND CHARGES, WHICH AUTHORIZED AN AUTOMATIC RATE INCREASE FOR FIVE FISCAL YEARS BEGINNING IN 2007 AND ENDING IN 2012, AND WHICH IMPLEMENTED A PSC ANNUAL INFLATION ADJUSTMENT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

MOTION by Councilwoman Smith, seconded by Councilwoman Martell, to adopt Ordinance No. 2012-21 on First Reading, By Title Only. In a roll call vote, Mayor Vallejo, Vice Mayor Pierre, Councilwoman Kramer, Councilwoman Martell, Councilwoman Smith, and Councilwoman Spiegel all voted in favor of the motion. **(Motion carried 7-0).**

City Attorney Darcee S. Siegel gave a detailed overview of Ordinance No. 2012-21.

Public Comment was opened on Ordinance No. 2012-21.

1. Mubarak Kazan, 15564 N.E. 12th Avenue, North Miami Beach, FL
2. Richard Riess, 23 N.W. 169th Street, North Miami Beach, FL

Public comment closed.

Mayor Vallejo asked for the record to be corrected as to whether monies from the budget had been set aside to fund the reserves.

City Manager Bonner stated that previous years' statements report that there was negative balance of \$4,000,000 in the Construction Reserves. He informed Council that this year they are at a positive of \$7,000,000 in Construction Reserves. City Manager Bonner added that it was an overwhelming turnaround and that all the contingencies are being built and the reserves are being met on the enterprise side of the water and sewer business.

Councilwoman Spiegel asked staff if they were able to direct Mr. Kazan to a page or section of the budget where this information could be reviewed.

Councilwoman Spiegel asked Mr. Kazan to please review page 91 under the Water Operational Fund, wherein he will find \$1,000,000 being transferred to Reserves and another \$450,000 transferred from the Sewer Operational Fund on page 23.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to introduce Ordinance No. 2012-20 on First Reading, By Title Only.

3.4 Ordinance No. 2012-20 – First Reading by Title Only

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR FISCAL YEAR 2013 COMMENCING ON OCTOBER 1, 2012.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to adopt Ordinance No. 2012-20 on First Reading By Title Only. In a roll call vote, Mayor Vallejo, Vice Mayor Pierre, Councilwoman Kramer, Councilwoman Martell, Councilwoman Smith, and Councilwoman Spiegel all voted in favor of the motion. **(Motion carried 7-0).**

Public Comment was opened on Ordinance No. 2012-20.

1. Mary Hilton, 1950 N.E. 157th Terrace, North Miami Beach, FL - spoke on the 500 fund and the withdrawals and additions made into and out of it.

Finance Director Smith stated that the Sewer and Stormwater were previously paying the Water Fund for the services of the Customer Service department. She added that this year they have separated it out of the Water Fund into its own account, but the sources of funding are the same except this year Solid Waste is contributing. Finance Director Smith explained that Customer Service is an internal service, net zero; the money comes from the Enterprise Funds to pay for the Customer Service department because the Customer Service Department services the Enterprise Funds.

Public comment closed.

Councilwoman Martell noted that the Customer Service Fund had previously been in the Finance Department. Assistant City Manager Weisblum clarified that it indeed had been under the Finance Department some years back and then transferred to the Water Fund for a couple of years. She added that although it is an internal service, it is managed by the GSA, which is overseen by Assistant City Manager Mac Serda.

19. ADJOURNMENT

There being no further business to come before the City Council, the budget hearing was adjourned at 7:48 p.m.

ATTEST:

(S E A L)

Pamela L. Latimore
City Clerk



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: Wednesday, January 2, 2013

RE: Regular Meeting Minutes of December 4, 2012 (City Clerk, Pamela L. Latimore)

BACKGROUND: N/A

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Pamela L. Latimore, City Clerk

ATTACHMENTS:

[Meeting Minutes of December 4, 2012](#)



CITY OF NORTH MIAMI BEACH
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Councilwoman Phyllis S. Smith
Councilwoman Beth E. Spiegel

City Manager Roslyn Weisblum
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:38 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Barbara Kramer and Council Members Philippe Derosé, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore. **Absent** Councilwoman Martell.

2. INVOCATION - The Invocation was given by Councilman Frantz Pierre.

3. PLEDGE OF ALLEGIANCE was lead by Mayor and Council.

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

Withdrawal of Item 8.2 Resolution 2012-92 from the Consent Agenda for Discussion by Councilwoman Spiegel.

5. PRESENTATIONS/DISCUSSIONS

5.1 Proclamation Presentation to Valente Brothers ~~WITHDRAWN~~ (to be presented at the December 18, 2012 City Council Meeting).

6. PUBLIC COMMENT

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

1. Roland Veilleux 13730 Highland Drive, North Miami Beach, FL
2. Charles Loeb-16800 N.E. 15th Avenue, North Miami Beach, FL
3. Richard Riess- 23 N.W. 169th Street, North Miami Beach, FL

Public Comment Closed.

7. APPOINTMENTS

7.1 Board Appointments (City Clerk Pamela L. Latimore)

Public Utilities Commission

There were no appointments to the Public Utilities Commission. Appointment openings Councilman Derose and Councilwoman Smith.

Charter Review Committee

MOTION by Councilman Derose, seconded by Councilwoman Smith, to appoint Pradel Vilme. To the Charter Review Committee **(Passed 6-0, Councilwoman Martell absent)**.

Vice Mayor Kramer asked for clarification of residency requirements to serve on the Charter Review Committee. City Attorney Siegel stated that she would research the matter and render an opinion.

Councilwoman Spiegel asked that the Committee be charged with addressing the matter of the time frame for publishing and distributing the Council Meeting agenda.

8. CONSENT AGENDA

8.1 Resolution No. R2012-91

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING A \$4,954.00 FEDERAL AWARD FOR THE DOMESTIC VIOLENCE PROJECT.

8.2 Resolution No. R2012-92 (WITHDRAWN from the Consent Agenda for discussion by Councilwoman Spiegel)

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 BANK OF AMERICA MERRILL LYNCH, THE FIRST-RANKED FIRM, TO SERVE AS THE SENIOR MANAGING UNDERWRITER AND RBC CAPITAL MARKETS, LLC, RAYMOND JAMES MORGAN KEEGAN, AND MORGAN STANLEY & CO, LLC, AS THE SECOND, THE THIRD AND THE FOURTH-RANKED FIRMS RESPECTIVELY AS CO-MANAGING UNDERWRITERS FOR THE CITY OF NORTH MIAMI BEACH

MOTION by Councilman Derose, seconded by Councilwoman Smith, to approve the Consent Agenda. **(Passed 6-0, Councilwoman Martell absent)**

9. CITY MANAGER'S REPORT

City Manager Weisblum introduced Marion Mathis of BMG Money. Ms. Mathis gave a presentation on a Work Loan Program that may be offered to employees.

10. CITY ATTORNEY'S REPORT

City Attorney Siegel reported that the Political Sign Bond Ordinance will be on the December 18, 2012 meeting agenda, Sponsored by Vice Mayor Kramer. It will go before the Planning and Zoning Board on December 10, 2012. City Attorney Siegel also stated that the Commercial Paint Color Ordinance will go before Planning and Zoning on December 10, 2012 and if there is enough time the Ordinance will come before the Council on December 18, 2012. City Attorney Siegel announced the addition of Dotie Joseph to her staff as Assistant City Attorney. Ms. Joseph is a Yale undergrad and graduate of Georgetown Law School, she will be sworn in at the December 18, 2012.

11. MAYOR'S DISCUSSION

Mayor Vallejo announced that the meeting date of January 1, 2013 was a holiday. City Attorney Siegel stated that the Charter stated that the date of the meeting would automatically roll over to the following Wednesday, January 2, 2013. There was a consensus from Council that there would be a quorum for that meeting.

12. MISCELLANEOUS ITEMS - None

13. WAIVER OF FEE – None

14. BUSINESS TAX RECEIPTS – None

15. DISCUSSION – None

16. LEGISLATION

8.2 Resolution No. R2012-92 (Pulled from Consent Agenda)

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 BANK OF AMERICA MERRILL LYNCH, THE FIRST-RANKED FIRM, TO SERVE AS THE SENIOR MANAGING UNDERWRITER AND RBC CAPITAL MARKETS, LLC, RAYMOND JAMES MORGAN KEEGAN, AND MORGAN STANLEY & CO, LLC, AS THE SECOND, THE THIRD AND THE FOURTH-RANKED FIRMS RESPECTIVELY AS CO-MANAGING UNDERWRITERS FOR THE CITY OF NORTH MIAMI BEACH.

MOTION by Councilman Derosé, seconded by Vice Mayor Kramer, to adopt Resolution No. R2012-92 **(Passed 6-0, Councilwoman Martell absent).**

Brian O'Connor, Chief Procurement Officer and Ed Stall, Financial Advisor gave a brief explanation of the item.

16.1 Resolution No. R2012-88

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING CERTAIN FINDINGS; DESIGNATING PROPERTY LOCATED AT 15780 WEST DIXIE HIGHWAY, NORTH MIAMI BEACH, FLORIDA 33162 (FOLIO NOS. 07-2216-041-0010, 07-2216-041-0020, AND 07-2216-041-0030), TO BE REDEVELOPED AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(b), FLORIDA STATUTES, FOR

REHABILITATION AND REDEVELOPMENT FOR THE PURPOSES OF SECTIONS 376.77 - 376.85, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

Mayor Vallejo opened the meeting up for Public Hearing on item. 16.1

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

1. Harry Pennington - 1981 N.E. 158th Street, North Miami Beach, FL
2. Anthony Defillipo - 1458 N.E. 177th Street, North Miami Beach FL
3. Mary Hilton - 1950 N.E. 157th Terrace, North Miami Beach, FL
4. Richard Reiss - 23 N.W. 169th Street, North Miami Beach FL
5. Mary Ramirez - 1860 N.E. 157th Terrace, North Miami Beach, FL
6. Maria Pereyra - 15797 N.E. 19th Place, North Miami Beach FL

Mayor Vallejo closed the Public hearing.

MOTION by Councilman Derose, seconded by Councilman Pierre, to approve Resolution No. R2012-88 **(Passed 6-0, Councilwoman Martell absent).**

Direction to staff: Monitor the compliance of the developer and set up meetings with residents to hear their concerns.

16.2 Resolution No. R2012-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPLEMENTING RESOLUTION NO. R2002-34 ADOPTED ON JULY 16, 2002, AS AMENDED AND SUPPLEMENTED; AUTHORIZING THE REFUNDING OF THE CITY'S PROMISSORY NOTE SECURING A LOAN FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF NORTH MIAMI BEACH, FLORIDA WATER REVENUE REFUNDING BONDS, SERIES 2012 IN ORDER TO REFUND SUCH NOTE, MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; AUTHORIZING A NEGOTIATED SALE OF SAID BONDS; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER FOR THE AUTHORIZATION, EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT WITH RESPECT THERETO, AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT WITH RESPECT THERETO; APPROVING THE FORM OF AN ESCROW DEPOSIT AGREEMENT; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AMENDING RESOLUTION NO. R2002-34 IN CERTAIN RESPECTS; AUTHORIZING MUNICIPAL BOND INSURANCE FOR ALL OR A PORTION OF THE BONDS; AUTHORIZING A RESERVE FUND INSURANCE POLICY; AND PROVIDING AN EFFECTIVE DATE.

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Resolution No.R2012-90.

MOTION by Councilwoman Smith, seconded by Councilwoman Kramer, to table Resolution No. R2012-90 to the Special Meeting of December 10, 2012. **(Passed 6-0, Councilwoman Martell absent).**

City Attorney Siegel asked for a Motion to approve the sale of Municipal Bonds.

MOTION by Councilwoman Spiegel, seconded by Councilwoman Smith, to authorize staff, the City's Financial Advisor and Underwriting team to print the post preliminary Official Statement relating to the 2012 Bonds, thereby allowing the city to market the series 2012 Bonds without delay in order to take advantage of the current historically low interest rate environment (**Passed 6-0, Councilwoman Martell absent**).

16.3 Resolution No. R2012-93

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AMENDMENT TO THE CONTRACT WITH AMERICAN TRAFFIC SOLUTIONS, INC. (ATS) FOR A TRAFFIC SAFETY PROGRAM DATED OCTOBER 30, 2008.

Mayor Vallejo opened the Public Hearing

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

1. Marilyn Baumohl - 18635 N.E. 20th Court, North Miami Beach FL
2. Greg Parks, American Traffic Solutions - 3350 S.W. 27th Avenue, Miami FL
3. Marc Buoniconti - 10 Edgewater Drive. Coral Gables, FL
4. Charles Loeb - 16800 N.E. 15th Avenue, #112, Miami, FL

Mayor Vallejo closed the Public Hearing

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Resolution No. R2012-93 (**Passed 5-1 – Councilman Derose-No, Councilwoman Martell absent**).

Mayor Vallejo recognized the presence of Marc Buoniconti at the meeting.

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

16.4 Ordinance No. 2012-33 – First Reading by Title Only

AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; ELIMINATION OF THE DEFERRED RETIREMENT OPTION PROGRAM (DROP); ELIMINATION OF THE BUY-BACK PROVISION; REDUCING THE MULTIPLIER; AMENDING THE COST OF LIVING ADJUSTMENT; AMENDING TERMINATION OF EMPLOYMENT AND VESTING; AMENDING THE NORMAL RETIREMENT DATE; AMENDING THE EARLY RETIREMENT CALCULATION; AMENDING THE COMPOSITION OF THE PLAN RETIREMENT COMMITTEE; AMENDING THE SIXTY PERCENT APPROVAL REQUIREMENT TO AMEND THE PLAN; AND CHANGING THE DEFINITION OF SALARY; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OF HERewith; PROVIDING FOR THE CODIFICATION OF THE ORDINANCE.

MOTION by Councilman Derose, seconded by Councilman Pierre, to adopt Ordinance No. 2012-33, as amended. **(Passed 5-1, Councilwoman Smith-No, Councilwoman Martell absent).**

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

Public Hearing was opened and closed with no speakers.

City Attorney Siegel stated that the Ordinance as it relates to the Charter Review Committee is in conflict with the Charter.

MOTION by Councilman Derose, seconded by Councilwoman Smith, to vacate the appointment of Vilme Pradel to the Charter Review Committee. **(Passed 6-0, Councilwoman Martell absent).**

17. CITY COUNCIL REPORTS

Councilman Derose – No report.

Vice Mayor Kramer- wished everyone a Happy Hanukah and reminded everyone that December 7th was Pearl Harbor Day. She announced that a lot of research was going into the Cities War Memorial (the Gun Mount) and once completed an RFP will be done. She thanked Councilman Derose and the rest of her colleagues for their support. Councilwoman Kramer wished her husband Larry Kramer and her friend Anthony DeFillipo a Happy Birthday.

Councilman Pierre thanked City Manager Weisblum for her efforts to bring support to the employees; he thanked the City Attorney for her assistance and working with the City Manager. He thanked the City Attorney for filling the vacancy in her office. Councilman Pierre announced that in January or February, in conjunction with Congresswoman Frederica Wilson, the City will sponsor a workshop to assist persons with Foreclosure matters. Councilman Pierre expressed his gratitude to Military Veterans, he thanked Mayor Vallejo for his invite on the USS Philippine Sea, and he will be working with the City Attorney to draft a resolution to assist the Veterans of North Miami Beach when they return home. Councilman Pierre wished everyone celebrating the holidays a wonderful and safe celebration.

Councilwoman Smith asked City Manager Weisblum to place an announcement of a Toy Drive in the City of North Miami Beach. Councilwoman Smith asked residents and employees if they would like to bring an unwrapped toy for a deserving boy or girl. The toys may be placed in a bin that will be located in City Hall. Councilwoman Smith announced that on December 12, 2012, from 3:00-5:00 p.m., the participants in the Highland Village after school program will present their Holiday program. The community center is located at 13621 N.E. 21st Avenue. The Highland Village community will also have a garage sale this Saturday. Tables are five dollars and you can call Leisure Services for an application. The sale is from 9:00-1:00 and all proceeds will benefit the community center. Councilwoman Smith congratulated Chief Gomer, and wished everyone a Happy Hanukah, a Merry Christmas, and a Happy Kwanzaa. She asked that all be diligent in their holiday activities.

Councilwoman Spiegel- announced that on Wednesday, December 10, 2012 there will be a Planning and Zoning Board meeting at 6:00 p.m., the Commission on the Status of Women will be meeting at 7:00 p.m., and there will be a Special Council Meeting at 5:00 p.m. She stated that volunteers were still need to serve on the Commission on the Status of Women, if anyone wanted to do so they could contact the City Clerk Pamela Latimore and or the Council office for an application. Councilwoman Spiegel announced that recycling bins

should be out on Wednesday, December 26th. She announced that Highland Village will have a garage sale; the proceeds go to help some of the neediest in the community. Councilwoman Spiegel took a moment to thank all those who volunteer and serve the community. She wished all a Happy Hanukah and a Happy Holiday.

Councilwoman Smith announced that on Friday, December 14th at 11:00 they will be having the Senior Christmas Luncheon and on Saturday, December 15th the City will sponsor Snowfest at the Gwen Margolis Amphitheatre. She encouraged all to attend.

Mayor Vallejo recognized City of North Miami City Clerk, Michael Etienne, visiting with us.

Mayor Vallejo announced Snowfest on December 15th at 5:00 p.m. He wished everyone a Happy Hanukah. Mayor Vallejo asked that if you go out to dinner at Duffy's on December 11th from 2:00-9:00 .p.m and tell them you are there to support Alonzo and Tracy Mourning High School, the restaurant will donate 20% of the bill to the school. Mayor Vallejo announced a Special Meeting on December 10, 2012 and the Regular Council Meeting on December 18, 2012.

18. NEXT REGULAR CITY COUNCIL MEETING

Monday, December 10, 2012 (Special Meeting)
Tuesday, December 18, 2012

19. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:59 p.m.

ATTEST:

(S E A L)

Pamela L. Latimore
City Clerk



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
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MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Pamela L. Latimore, City Clerk
DATE: Wednesday, January 2, 2013

RE: Meeting Minutes of December 10, 2012 Special Meeting (City Clerk Pamela L. Latimore)

BACKGROUND: N/A

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Pamela L. Latimore, City Clerk

ATTACHMENTS:

[Meeting Minutes of December 10, 2012, Special Meeting Minutes](#)



CITY OF NORTH MIAMI BEACH
Special City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, December 10, 2012
7:30 PM

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

City Manager Roslyn Weisblum
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

SPECIAL MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 5:18 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Barbara Kramer and Council Members Philippe Derosé, Marlen Martell, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also present were City Manager Roslyn Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. LEGISLATION

2.1 Ordinance No. 2012-32 – Second and Final Reading

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$65,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF OBLIGATIONS OF THE CITY TO REFINANCE CERTAIN DEBT PREVIOUSLY INCURRED FOR THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS TO THE CITY'S WATER UTILITY SYSTEM AND TO PAY COSTS AND EXPENSES OF ISSUING SUCH OBLIGATIONS; PROVIDING FOR A PLEDGE OF CERTAIN WATER UTILITY REVENUES AND OTHER FUNDS AS FURTHER PROVIDED HEREIN TO PAY THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE OBLIGATIONS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

1. Richard Riess – 23 N.W.169th Street, North Miami Beach, FL
2. Charles Loeb - 16800 N.E. 15th Avenue, #112, Miami, FL

MOTION by Councilman Derosé, seconded by Councilman Pierre, to adopt Ordinance No. 2012-32 (**PASSED 7-0**).

ROLL CALL VOTE: Kramer - Yes, Martell - Yes, Pierre - Yes, Smith - Yes, Spiegel - Yes, Derosé - Yes, Vallejo - Yes.

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

2.2 Resolution No. R2012-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPLEMENTING RESOLUTION NO. R2002-34 ADOPTED ON JULY 16, 2002, AS AMENDED AND SUPPLEMENTED; AUTHORIZING THE REFUNDING OF THE CITY'S PROMISSORY NOTE SECURING A LOAN FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF NORTH MIAMI BEACH, FLORIDA WATER REVENUE REFUNDING BONDS, SERIES 2012 IN ORDER TO REFUND SUCH NOTE, MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; AUTHORIZING A NEGOTIATED SALE OF SAID BONDS; DELEGATING CERTAIN AUTHORITY TO THE CITY MANAGER FOR THE AUTHORIZATION, EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT WITH RESPECT THERETO, AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT WITH RESPECT THERETO; APPROVING THE FORM OF AN ESCROW DEPOSIT AGREEMENT; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AMENDING RESOLUTION NO. R2002-34 IN CERTAIN RESPECTS; AUTHORIZING MUNICIPAL BOND INSURANCE FOR ALL OR A PORTION OF THE BONDS; AUTHORIZING A RESERVE FUND INSURANCE POLICY; AND PROVIDING AN EFFECTIVE DATE.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to adopt **Resolution No. R2012-90 (Passed 7-0)**

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

1. Richard Riess - 23 N.W.169th Street, North Miami Beach, FL

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

3. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, December 18, 2012

4. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 5:31 p.m.

ATTEST:

(S E A L)

Pamela L. Latimore
City Clerk



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MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: Wednesday, January 2, 2013

RE: Litigation List

BACKGROUND: As of January 2, 2013

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: January 2, 2013

LITIGATION LIST

I. Civil Rights:

* Raymond Hayden v. CNMB, et al.

II. Personal Injury:

III. Other Litigation:

IV. Forfeitures:

Garcia/Figueroa/King/Sirmons/Garcia

DEFAULT ENTERED

V. Mortgage Foreclosures:

* Bayview Loan Services v. CNMB (Monsalve)

* Federal National Mortgage v. CNMB (Sahonero)

* Home Equity Mortgage Corp. v. CNMB (Marcellus)

* JP Morgan Chase v. CNMB (Bolufer)

OneWest Bank v. CNMB (Rodriguez, A.)

DISMISSED/SETTLED

* PHH Mortgage Corp v. CNMB (Diaz Alejo)

* Wells Fargo v. CNMB (Chavez)

VI. Bankruptcies:

* International City Building, Inc.

Hadad, Amos

DISCHARGED



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www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
DATE: Wednesday, January 2, 2013

RE: Ordinance No. 2012-35 - First Reading by Title Only (City Attorney Darcee S. Siegel)

BACKGROUND: Charter review committees provide a more efficient government by conducting a comprehensive study of any and all phases of city government and proposing amendments or revisions to the City Charter.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

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

ATTACHMENTS:

[Ordinance No. 2012-35](#)

ORDINANCE NO. 2012-35

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-44, ENTITLED "CHARTER REVIEW BOARD" BY CHANGING THE NAME OF THE BOARD, THE TERMS AND METHOD OF APPOINTMENTS TO THE COMMITTEE, AND CHANGING THE COMPOSITION OF THE BOARD TO BE CONSISTENT WITH THE CITY'S CHARTER SECTIONS 119-121; DELETING THE ANNUAL REPORT REQUIREMENT; AND CREATING A QUORUM REQUIREMENT; 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, charter review committees provide a more efficient government by conducting a comprehensive study of any and all phases of city government and proposing amendments or revisions to the City Charter; and

WHEREAS, the City of North Miami Beach's electorate overwhelmingly approved Resolution No. R2009-12, §2 at the City election on May 5, 2009; and

WHEREAS, that Charter provision requires that Charter Review Committee ("Committee") members be residents of the City of North Miami Beach and that the Committee meet no less than once every ten (10) years; and

WHEREAS, while the City's Code established a Charter Review Board with minimum criteria, the City's Charter is silent in that regard; and

ORDINANCE NO. 2012-35

WHEREAS, in order to be consistent with other City boards, commissions and/or committees, it is important to provide the method of appointing Charter Review Committee members and assigning the duties and expectations of this important Committee; and

WHEREAS, the Mayor and City Council recognize the need for clarity and continuity between the City Code and City Charter, thus mandating an amendment to the City Code.

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 2-44 of Chapter II of the Code of Ordinances of the City of North Miami Beach entitled "Charter Review Board" is hereby amended as follows:

Section 22-4 CHARTER REVIEW BOARD COMMITTEE

2-44.1 Established.

There is hereby created and established a Charter Review ~~Board~~ Committee, which ~~Board~~ Committee shall consist of seven (7) appointed members ~~appointed by the Mayor and City Council~~. Each of the seven (7) councilpersons shall appoint one (1) member to the Charter Review Committee and the appointment shall be approved by the Mayor and City Council. Each member of the Charter Review Committee shall sit as one particular councilperson's appointee. All members of the Committee shall be residents of the City of North Miami Beach. All terms shall commence on ~~June 1~~ November 15 and all appointments shall be for two (2) year terms, ~~except for appointments to fill unexpired terms, which appointments shall be for the remainder of the unexpired term. or until final approval of the Committee's recommendations by the City Council, whichever occurs first.~~ The members of the Committee shall elect a chairperson and a vice-chairperson from its members. A Charter Review Committee shall be appointed no less than once every ten (10) years (1957 Code §2-77; Ord. No. 79-20 §3 (G), 9-4-79).

2-44.2 Duties.

The ~~Board~~ Committee shall make a study of such portions of the City Charter as shall be brought to its attention by the Council, the City Manager, or the City Attorney as being ambiguous, unclear or not in the best interests of efficient economical operation of the City, and shall make recommendations for revisions of or amendments to the Charter as may appear necessary to assure the people of North Miami Beach that the Charter will be responsive to their interests. (1957 Code §2-77; Ord. No. 79-20 §3(G), 9-4-79)

~~2-44.3 Annual Report to the City Council.~~ Quorum.

~~The Board~~ Committee shall report at least once each year to the City Council on the subject of the City Charter. (1957 Code §2-77; Ord. No. 79-20 §3(G), 9-4-79)

A quorum in order to hold a meeting and make any recommendations to the City Council shall consist of four (4) members.

2-44.4 Compensation; Secretarial Service.

The ~~Board~~ Committee shall serve without compensation, but the City Manager shall make available to it such secretarial services as may be budgeted for that purpose and essential to the performance of its functions. (1957 Code Ord. No. 79-20 §3(G), 9-4-79)

2-44.5 Interpretation.

Nothing in this section shall be construed as interfering with the right of the people to initiate Charter changes as provided in the Home Rule Charter, and nothing in this section shall be construed as requiring mandatory adoption by the Council of recommendations of the Charter Review ~~Board~~ Committee. (1957 Code §2-77; Ord. No. 79-20 §3(G), 9-4-79)

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 January, 2013.**

APPROVED AND ADOPTED on second reading this ___ day of _____, 2013.

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

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~striketrough~~.



City of North Miami Beach
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305-947-7581
www.citynmb.com

MEMORANDUM

 Print

TO: Mayor and City Council
FROM: Councilwoman Barbara Kramer
DATE: Wednesday, January 2, 2013

RE: Ordinance No. 2012-36 - First Reading by Title Only (City Attorney Darcee S. Siegel)

BACKGROUND: The Code of Ordinances of the City of North Miami Beach, Florida, regulates all signage allowed in the City to promote the health, safety and welfare of its citizens and residents.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

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

ATTACHMENTS:

- [Ordinance No. 2012-36](#)
- [Minutes](#)

ORDINANCE NO. 2012-36

AN ORDINANCE AMENDING CHAPTER XXIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "ZONING AND LAND DEVELOPMENT CODE" BY AMENDING SECTION 24-147.2, ENTITLED "TEMPORARY SIGNS ALLOWED"; 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, the Code of Ordinances of the City of North Miami Beach, Florida, regulates all signage allowed in the City to promote the health, safety and welfare of its citizens and residents; and

WHEREAS, temporary signs advertising a candidate for public office or a political campaign, measure or issue scheduled for an election, i.e. political signs, are subject to limited regulation; and

WHEREAS, the City of North Miami Beach recognizes the First Amendment rights of those wishing to express their views on certain issues and candidates; and

WHEREAS, political signs are afforded a higher level of constitutional protection than other temporary signs arising from First Amendment considerations; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach desire to better conform the City's regulations of political signage with the currently applicable body of law regarding these constitutional protections, while maintaining all necessary and allowable regulations providing for the health, safety and welfare of the citizens and residents of the City; and

WHEREAS, courts have recognized the right of jurisdictions to enact reasonable time, place and manner restrictions related to signs while not restricting the First Amendment rights of

groups and individuals wishing to express their views by placing political or campaign signs in their yards, *City of Ladue v. Gilleo*, 512 U.S. 43, 114 S. Ct. 2038 (1994); and

WHEREAS, the Mayor and City Council of North Miami Beach believe that the manner of erection, location and maintenance of signs affects the public health, safety, morals and welfare of the citizens of North Miami Beach; and

WHEREAS, the Mayor and City Council of North Miami Beach recognize that the safety of motorists, cyclists, pedestrians, and other users of public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers; and

WHEREAS, the City of North Miami Beach wants to promote public safety by avoiding visual clutter, reducing conflicts between and among signs, and requiring removal of signs in a timely manner; and

WHEREAS, this item was originally heard and unanimously recommended by the City's Planning & Zoning Board by a vote of 6-0 on December 10, 2012; and

WHEREAS, at the City Council meeting of December 18, 2012, the Mayor and City Council tabled this Ordinance and directed, in the best interest of North Miami Beach citizens and potential candidates, that amendments be made and brought back for first reading; 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 2. Section 24-147.2 of the Code of Ordinances of the City of North Miami Beach entitled "Temporary Signs Allowed" is hereby amended as follows:

Sec. 24-147.2 Temporary Signs Allowed

(D) *Political Signs.*

(1) Temporary signs advertising a candidate for public office, or a political campaign, measure or issue scheduled for an election are only permitted subject to the following ~~restrictions~~ requirements:

(a) *Standards.* ~~No sign, poster, banner or placard of any type shall be permitted in the City of North Miami Beach advertising any political campaign, issue or candidate for public office with the following exceptions:~~

1. *Residential Zoning Districts.* ~~Temporary Ppolitical Ssigns of a size shall not to exceed six hundred sixteen (616) square inches per sign may be displayed on any residential property. Furthermore, signs shall only be displayed with the consent of the owner or tenant. No more than one (1) sign per candidate per residential property shall be allowed, unless the property is on a corner, then the property may have up to two (2) signs per candidate. Double-sided signs shall be considered as one (1) sign. No sign shall exceed three (3) feet from the ground. The maximum height to the top of the sign, including posts, other sign membranes or appendages shall not be more than three (3) feet above the ground in residential areas.~~

2. *Nonresidential Districts.* Temporary political signs displayed in any nonresidential area shall not exceed sixteen (16) square feet per sign. A candidate for public office may display signs of a size not to exceed sixteen (16) square feet per sign on nonresidential private property with the consent of the owner or tenant. No more than one (1) sign per candidate per nonresidential private property shall be allowed, unless the property is on a corner. Corner properties may have up to two (2) signs per candidate. No more than twenty-five (25) such signs of any size exceeding six hundred sixteen (616) square inches per sign foot signs per candidate shall be allowed in nonresidential areas citywide, including signs placed on nonresidential private property, bus benches, bus shelters or street furniture. Double-sided signs shall be considered as one (1) sign. No sign shall exceed six (6) feet from the ground. The maximum height to the top of the sign, including posts, other sign membranes or appendages shall not be more than six (6) feet above the ground in commercial areas.

3. *Placement on Utility Poles, Trees, Fences, Buildings, or in Public Right-of-Way.* No sign, poster, banner or placard of any type shall be affixed, painted, tacked, or nailed to any utility poles, trees, fences, or structures buildings, or otherwise displayed, placed or located on any state, County or City rights-of-way and/or median strips within the City limits.

4. *Signs on Vehicles.* Bumper strips or stickers affixed to vehicles shall be safely and securely attached.

5. *Prohibited Signs.* Except for pole signs, which are permitted as provided in this section, all signs prohibited by Section 24-143 of the Code of Ordinances of the City of North Miami Beach remain prohibited for all purposes.

6. *Illumination Prohibited.* Signs or sign posts shall not be illuminated or constructed of a reflective material and shall not contain any signs, streamers, movable items, fluttering, spinning, totaling or similar attention attractors or advertising devices.

(b) *Location of Signs.* No sign shall be placed within five (5) feet from the property line, and no sign shall block corner visibility or be located in a required sight visibility triangle. All signs shall be placed and erected in a safe and appropriate manner. No temporary political sign shall be placed upon any unimproved lot without the written consent of the property owner filed with the City Clerk prior to posting of the sign.

~~(b)~~(c) *Procedures.*

1. *Removal of Illegal and/or Improper Political Signs.* ~~Any signs found to be in violation of the above subsections shall be removed immediately and without discretion by the City Manager and/or designee.~~ Political campaign signs not posted in accordance with these regulations shall be subject to removal by the candidate, the property owner or the City. If the City removes the sign, the City shall deduct the cost and expense of removal from the posted cash bond.

2. *Bond.* Every candidate for public office, except those who qualify to run by the alternative method, who wishes to display signs on real property located in the City of North Miami Beach must post a cash bond or a performance bond in the amount of two hundred fifty (\$250.00) dollars with the City of North Miami Beach before posting any such sign in the City. Failure to post a bond shall result in a citation being issued for fifty (\$50.00) per day against the candidate. This requirement is not applicable to signs and bumper stickers affixed to or located in or on automobiles.

3. *Date of Installation.* No political sign shall be displayed, erected or installed prior to the ~~February~~ March 1 immediately preceding any election which is the subject matter of such sign.

4. *Date of Removal.* Each and every sign posted by said candidate or his supporters must be removed within ten (10) days from the day of the election in which said candidate's victory or defeat is actually determined.

5. *Responsibility for Removal.* For purposes of this chapter, each political candidate is responsible for each sign advertising his or her candidacy, regardless of who posted the sign or whether the sign is posted with authorization from the political candidate. The person or persons posting a political candidate's campaign sign shall be regarded as an agent of said candidate.

6. *Forfeiture of Bond.* Any violation of this section will result in the forfeiture of the bond posted, regardless of the number or size of signs remaining. Said forfeiture shall be automatic, without notice, on the eleventh day following the election in which the political candidate's victory or defeat is actually and finally determined for that election.

Additionally, each candidate shall be liable to the City for the actual cost of sign removals.

(2) *Violation; Penalty.* For signs on commercial property only.

(a) The person(s) to be charged with violation of Section 24-147.2(D) shall be the candidate(s) whose name(s) appears and is advertised on the prohibited sign, poster, banner or placard or the campaign treasurer and sponsors of any other type of political campaign or issue which campaign or issue appears and is advertised on the prohibited sign, poster, banner or placard. Notice shall be given to the person(s) described herein of violation of Section 24-147.2(D). After notice is given, unless access to the sign is restricted, compliance must be achieved within forty-eight (48) hours. If compliance is not achieved within forty-eight (48) hours, a civil citation may be issued by a Code Enforcement Officer pursuant to Section 14-8.22 of this Code.

(b) In addition to the bond forfeiture specified in Section 24-147(D)(b)(6) above, violation of any of the provisions of Section 24-147.2(D) shall be punishable by a fine of

fifty dollars (\$50.00) per violation. Each prohibited sign shall constitute a separate offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(c) Any and all outstanding fines for violating this section assessed against a candidate must be satisfied prior to his or her qualification to run in any future city election. (Ord. No. 2005-2, 3/15/05; Ord. No. 2009-15 § 2, 7/21/09)

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 January, 2013.**

APPROVED AND ADOPTED on second reading this ___ day of _____, 2013.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Councilwoman Barbara Kramer
Mayor and City Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~striketrough~~.



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING

MONDAY, DECEMBER 10, 2012

ATTENDEES

Members - Chairman Evan Piper

Julian Kreisberg

Joseph Litowich

Anthony DeFillipo

Michael Mosher

Hector Marrero

Saul Smukler – Absent

Staff - Shari Kamali, Director of Public Services

Christopher Heid, City Planner

Darcee Siegel, City Attorney

Steven Williams, Board Recorder

◆ ◆
CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Piper called the meeting to order at 6:06 p.m. The Pledge of Allegiance was recited and roll was called.

◆ ◆
MINUTES

A motion was made by Vice Chairman Julian Kreisberg, seconded by Hector Marrero, to approve the minutes of the September 10, 2012 meeting. In a voice vote, the motion passed unanimously.

A motion was made by Vice Chairman Julian Kreisberg, seconded by Joseph Litowich, to approve the minutes of the November 19, 2012 minutes. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

The Chairman recognized that City Councilmember Beth Spiegel was present at tonight's meeting.

OLD BUSINESS

Mr. Heid provided the following status report:

1. Item 12-535 Brownfield Designation
15780 West Dixie Highway
Approved by the City Council at the meeting of December 4, 2012

Mr. DeFillipo noted that no nets or other containment measures have been placed on the digging that has already been done on this site, or on its surrounding trees. He asked if this would be corrected in the future. Mr. Heid recalled that an email had stated screening and fencing material would be placed around the site.

Ms. Siegel advised that a meeting would be held from 5:30-7:30 p.m. on Tuesday, December 11, 2012, at City Hall, which will provide an opportunity for members of the public to speak with the principals involved in the Brownfield project, in light of issues that arose at the most recent City Council meeting in relation to the site.

NEW BUSINESS

Item 12-531: Jackson North Medical Center: 160 NW 170 Street – Site Plan Modification (Helipad Relocation and Expansion)

Mr. Heid stated that the existing zoning of this property is CF, Community Facility, with an existing land use of Medical Campus. The future land use designation is Public and Quasi-Public. The Applicant, Jackson North Medical Center, is requesting site plan modification in order to relocate and expand an existing helipad on a hospital and medical campus.

Sandy Sears, representing the Applicant, explained that Jackson Health System has submitted an application to the State of Florida to become a Level 2 Trauma Center. She noted that the former Parkway Regional Medical Center had had this designation for some years before it was discontinued. The existing helipad at Jackson North Medical Center does not provide a safe approach to landing due to a flyover conflict. The re-siting and expansion of this helipad would bring convenient and high-quality trauma services to the community, along with jobs and other economic benefits.

Mr. DeFillipo observed that the proposed expansion would bring the helipad 500 ft. closer to a parking area, buildings, and the surrounding residential neighborhood. He asked if studies had been done to consider the effect of sound and vibrations from the helipad on these nearby structures.

Edward Lewis, architect for the Applicant, replied that sound and vibration studies are being prepared as part of the application process for both the Florida Department of Transportation (FDOT) and the Agency for Health Care Administration (AHCA). Adequate decibel and vibration levels are established by these agencies as criteria to be met by the application.

Mr. DeFillipo pointed out that the helipad will be approximately 270 ft. from houses on the east side of the corridor. Mr. Lewis said the flight pattern would cross the interstate highway and property owned by the Applicant, but would not cross over the nearby residential area.

Mr. Litowich asked how far the new structure would be from the existing helipad. Mr. Lewis estimated the new helipad would be 120 ft. to 150 ft. to the east of the current structure, which will be closer to the reconfigured trauma area within the Medical Center.

Mr. Litowich requested clarification that the existing helipad can no longer be used due to its proximity to a flyover. Ms. Sears replied that the existing helipad is used periodically for lighter-weight transport helicopters. The helicopters used by emergency services are of greater size and weight. It cannot be regularly used due to the existence of the flyover.

Mr. Litowich asked if the expanded helipad would be closer to the homes that border the hospital facility. Ms. Sears confirmed this.

Chairman Piper requested confirmation that the flight path for the expanded helipad would not cross any residential areas. Mr. Lewis said the path would be from the east and from the north, with the preferred direction of northeast, which would “at some point” cross a residential neighborhood. The preferred departure path would also be to the east or northeast.

Ms. Sears added that the Federal Aviation Administration (FAA) has conducted a site survey with regard to approaches and landings. She noted that the anticipated volume of landings would be an average of one per day, primarily serving lesser traumas. More severe traumas would continue to go to another trauma center. The initiative is intended to help develop a trauma system within Jackson Health System.

Mr. Lewis clarified that from the north, the path traveled by helicopters would cross the interstate, as well as property owned by the Applicant; from the east, it would cross over a residential neighborhood. This path would apply to both approaches and departures.

Mr. Litowich asked what the direction of approach had been for the existing helipad. It was clarified that this would likely be the same as the direction proposed for the new helipad, as the direction is determined by the prevailing wind pattern. Mr. DeFillipo added that the primary difference between the existing and proposed helipads would be the physical size of the helicopters it could accommodate, as well as the flyover.

Mr. Litowich requested clarification that any displaced parking would be addressed on land owned by the Applicant. Mr. Lewis confirmed this. Mr. Litowich asked if the adjoining homes would be affected by this move in any way. Mr. Lewis stated that the new parking would be on the Applicant’s property, although it would not be on a fenced area, but would be surrounded by landscaping instead.

Mr. DeFillipo asked if there has been any consideration to widening the existing helipad. Chairman Piper advised that the flyover issue would still affect the approach of helicopters.

Chairman Piper opened the floor to public comment.

Keith Roberts, private citizen, stated that his residence is very close to the existing helipad. He asserted that helicopters accessing the helipad often circle before landing, and pointed out that there had been no discussion of nighttime landings, which would adversely affect nearby residents trying to sleep at night. He also cited issues with the lights used by the helicopters at night, as well as lighting associated with the nearby parking lot, both of which come in through the windows of nearby houses. He advised that there are also problems associated with nitrogen and hydrogen gas use, which he felt had contributed to the original reason for closing the existing helipad.

Bennie Ross, private citizen, said while he had no argument with the development of a trauma center at Jackson North Medical Center, he had never intended to “live next to an airport” when he purchased his property. He pointed out that property values in the area would decline, and the nearby houses would be affected by dust and noise, which would disturb the peace of the neighborhood.

Henry Axson, private citizen, advised that the reconfiguration of the helipad would put him and other neighbors into close proximity with the site. He estimated that he lives 250 ft. from the proposed helipad. He asked the Board to consider the effect of the move on neighboring properties.

Leesa Andraschko, private citizen, asked why no plan or rendering of the proposed site was available. She stated that her residence is 10 ft. from the hospital wall, which would place it very close to the proposed helipad, and stated that the site is already loud and brightly lit at night, particularly if news crews and traffic also accessed the area. She noted that in the event of an emergency, it would not be possible to always predict the direction in which helicopters arrived or departed, as they would have to do so in whatever direction was best at the time. She asked that a rendering of the site plan be shown on a large screen.

Jiali Lei, private citizen, said her house was next to the wall surrounding the hospital property. She said she agreed with other citizens’ statements regarding danger and noise related to the site, and urged the Board members to consider the children in the neighborhood who would be affected by the proposed modification.

Richard Rees, private citizen, stated that in addition to oxygen and nitrogen supplying the heliport, there is also a natural gas feed in the area, which would contribute to greater danger in the event of a crash. He added that the flight plan used by helicopters accessing the site does not always bring aircraft from the north or the east, as they sometimes come over his house; in addition, he advised that the aircraft come in very low, and circle before landing.

Mr. Rees continued that the light helicopters accessing the site are extremely loud, and pointed out that the location of three hospitals within a five-mile area, including Jackson North Medical Center; contribute to "heavy-duty traffic" that comes onto the site many times during a day.

Mary Hilton, representing the North Miami Beach Civic Association, stated that she has worked with the airline industry for several years and could not imagine the FAA approving the existing or proposed locations for the helipad. She suggested that the Board ask to hear from an FAA representative before approving the plan, as she felt it could otherwise constitute a serious liability to both the Applicant and the City.

Donatus Osugi, private citizen, said he lives directly to the north of the proposed site. He asserted that an increase in aircraft traffic would bring a great deal of noise and dust to the area, and objected to the impact the proposed site would have on his family and neighbors.

Mubarak Kazan, private citizen, commented that the large turnout for tonight's meeting showed that residents have a great deal of interest in the proposal. He said the noise created by helicopters accessing the site is very disturbing, and advised that aircraft traffic to the hospital would occur during all hours, as the hospital is very busy. He concluded that noise travels from the site throughout the area, and that the City could open itself to lawsuits from affected residents. He felt the Board should look further into the frequency in which aircraft are expected to come and go from the site.

Thaddeus Rucker, private citizen, stated that the relocated helipad would not be any closer to the Medical Center's emergency room than its current location. He advised that the Applicant had not answered a question from Mr. DeFillipo regarding why the Applicant did not simply expand or widen the existing helipad. He asked why the helipad location must be moved if it continues to use the same entry and exit path, and concluded that the gas tanks at the site would create greater danger for houses located next to the site in addition to the increased noise from aircraft.

David Clark, also representing the Applicant, clarified that the preferred flight approach and takeoff, prior to the creation of the HOV lane on I-95 and the power lines parallel to the highway, would be from the west and into the east, respectively. He stated that this would mean the helicopter needed to circle over the residential area before landing. Because of the HOV lanes and power lines, there are now limitations on how aircraft can approach and take off. Mr. Clark said after a series of discussions with the FAA and Miami-Dade Life Flight Services, the Applicant has made a commitment to change its primary flight plan to allow for landings and takeoffs from the north rather than the west. The eastward approach is a secondary plan, as required by the FAA; it will not be the primary option used by aircraft.

Bill McKeon, Director of Operations at Jackson North Medical Center, said the current helipad was not expanded due to the size of incoming aircraft. While expansion was the Applicant's first option, he explained that the aircraft used by Miami-Dade Life Flight Services are too large for the existing pad and cannot land due to the flyover and power lines.

Mr. Lewis stated that there are over 300 ft. between the edge of the landing pad and the residences of the neighborhood.

As there were no other members of the public wishing to speak on the Item, public comment was closed at this time.

Mr. Heid advised that while the helipad would ideally remain in its current location, relocation of the helipad is required due to issues such as the HOV lane and power lines as well as other concerns. He stated that while Staff has heard and discussed the concerns of neighboring residents, the City favorably recommends the Application, with the six conditions as indicated in the Staff Report. The Board will in turn make a recommendation on the Application, which will be sent on to the City Council. Public notice, including signs and newspaper ads, will be placed for that meeting as well.

Chairman Piper asked if the Applicant accepted all the conditions as stated in the Staff Report. Ms. Sears said these conditions have not yet been reviewed.

Mr. Heid added that members of the public may review the plans for the site and/or speak to City Staff about them at the City offices. He briefly reviewed the conditions accompanying Staff's recommendation of the site, noting that most of these conditions are considered standard and are not specific to the site or the Application. Ms. Sears said the Applicant would accept these conditions and has already incorporated many of them into the plan.

Mr. Mosher asked if the FAA sets standards for noise, as well as the proximity of aircraft to residential areas. Mr. Clark said the FAA has specific decibel requirements, as does the State; a noise study would determine whether or not noise generated by the site is within acceptable levels. He confirmed that the FAA has seen the plans for the site as recently as the previous week, when an FAA consultant watched the job site and measured flight approaches and takeoffs to the proposed new location. Mr. Clark clarified that the consultant sent by the FAA was an independent entity: the application has not yet been approved by the FAA at this point, and the FAA has not directly been on-site.

Mr. Heid said before final City Council approval could be given for the project, the FAA must give its approval of the site. State and AHCA approval are also required.

Chairman Piper asked if the City's permitting process includes fail-safes that ensure all required governmental and regulatory agencies must approve the project before City approval is given. Mr. Heid said everything to ensure the safety and operability of the Application must be approved before it is sent on to the City Council.

Vice Chairman Kreisberg commented that regardless of decisions made by the Board or the City Council, it seemed that the FAA would have the ultimate veto of the project if it is not constructed to FAA standards: the City may not override any of this agency's regulations. He

stated that while he sympathized with the residents who would be affected by the project, the Application was not for a commercial enterprise, but would be in the service of lifesaving medical treatment that was not likely to occur on a regular basis. He reiterated that the Board’s recommendation would go to the elected officials who serve on the City Council, and noted that there are also “perks” to living in close proximity to a hospital, just as there are inconveniences. He concluded that he did not believe the Application would negatively affect the residents’ property values.

Chairman Piper asked if there are any legal ramifications based on the existence of the current helipad. Ms. Siegel said there are no legal issues associated with this, as the Applicant has the right to apply for a helipad; just because they already have a helipad that they can no longer use does not create liability or entitle them to a new helipad.

Mr. Litowich asked when the hospital was built. Mr. McKeon estimated that the original facility was built in 1959 or 1960. Mr. Litowich requested a show of hands of how many residents have lived in their homes since before the original hospital was built, and stated that only two to three individuals raised their hands. He then asked when the original helipad was built. Chairman Piper recalled that it was built in the late 1970s.

Mr. Litowich recalled that the Application would only move the helipad 120 ft.-150 ft., with an additional 60 ft. estimated “from wall to wall.” He agreed with Vice Chairman Kreisberg that trauma patients also have rights to faster treatment, and reiterated that the hospital and helipad both predated many of the residents present at the meeting.

Mr. DeFillipo said he had visited the site and measured a distance of 500 ft. from the wall to the old helipad; the proposed location of the new helipad measured 271 ft. from the wall. He stated that the thrust of a helicopter, as well as the lighting, would be too close to the homes on the other side of the wall and would have an impact on the community.

A motion to approve Item 12-531 was made by Vice Chairman Kreisberg and seconded by Joseph Litowich. In a roll call vote, the motion failed with a vote of 3-3.

Chairman Evan Piper	NO
Joseph Litowich	YES
Anthony DeFillipo	NO
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	ABSENT
Michael Mosher	NO

Mr. Heid said the Item would go on to City Council, with a notation of the Board’s tie vote. He reiterated that public notice would go out prior to City Council review of the Item.

◆ ◆
Item 12-534: LDR Text Amendment – Commercial Paint Colors

Mr. Heid stated that this Amendment to the City’s Zoning Code would establish a paint color ordinance, which would result in allowable or non-allowable colors. This would be based upon the light reflective value of the paint, or the amount of light reflected back from a particular color: for example, black would have zero reflective value, while bright colors would have values of up to 100. This method, which is used by other cities throughout the country, was selected in order to remove personal opinion as a determining factor for the colors to be allowed.

The recommendation is for colors with a light reflective value of 35 or higher. Any color could be used for trim, such as doors, windows, and decorative elements constituting up to 20% of the building. He showed a chart designating some of the colors that could be used for buildings, as well as colors that could be used for trim only. Mr. Heid advised that this Amendment would apply to commercial buildings only, and would not affect colors on single-family homes, duplexes, or other non-commercial buildings. He explained that some City Council members are concerned with some of the colors used along the City’s commercial corridor, as these individuals feel they could be damaging to this commercial area and are not used with the general goodwill of the City in mind, but are used as attention-getting devices.

He recalled that this Item has been presented in the past; however, it has been further liberalized since the last time it was presented to the Board, with a lesser requirement of light reflective value. Mr. Heid advised that it is not the colors themselves that would be allowed or disallowed, but the intensity of these colors: for example, shades of black and red would be allowed if they are shades within the acceptable range.

Vice Chair Kreisberg asked if this Item was related to environmental concerns. Mr. Heid said it was more accurately described as an issue of aesthetics, although some lighter colors may also be more environmentally friendly with regard to the heat they may or may not absorb. He concluded that Staff considers the proposed Amendment to be reasonable, and the City favorably recommends the Item.

He added that a similar Item had been denied by the City Council upon first reading on May 10, 2010.

A motion to approve Item 12-534 was made by Anthony DeFillipo and seconded by Hector Marrero. In a roll call vote, the motion to approve passed with a vote of 6-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Anthony DeFillipo	YES
Hector Marrero	YES
Julian Kreisberg	YES

Saul Smukler	ABSENT
Michael Mosher	YES

◆ ◆
Item 12-536: LDR Text Amendment – Political Signs

Mr. Heid said this Item was also a proposed Amendment to the Zoning Code, which would clarify and enhance some definitions as they appear in existing Code. Ms. Siegel added that during the last election cycle, there had been some creativity regarding the placement of signs on and above fences, sticks, and other structures. The Amendment would clarify, for example, that signs can be no higher than a specific number of feet off the ground. It would also address the illumination of signs, placement of signs in or on bus shelters, and would allow the practice of giving a citation to the candidate him- or herself if a property owner did not respond to notice. The Amendment would not apply to signage in unincorporated areas.

Mr. DeFillipo asked if signs would be allowed on concrete columns, such as those beneath an underpass. Ms. Siegel said they cannot be affixed to electrical poles; in the event of signs beneath a bridge, the Highway Department would have jurisdiction over their placement. The City may pick up signs located in medians or swales and contact the candidate to retrieve them.

She continued that there cannot be more than 25 signs or 16x6 sq. ft. in signs' size, not including small signs. While individual homeowners have the right to place each candidate's signs on their property as a freedom of speech issue, the staggering of elections may limit their placement, and only one sign per candidate is allowed. Signs must be removed within 10 calendar days of the date of the election.

A motion to approve Item 12-536 was made by Mr. Mosher and seconded by Mr. DeFillipo. In a roll call vote, the motion passed 6-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Anthony DeFillipo	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	ABSENT
Michael Mosher	YES

◆ ◆
Next Meeting

Mr. Heid stated that the next Board meeting would be held on Monday, January 14, 2013.

◆ ◆
Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:49 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: Councilman Philippe Derosé
DATE: Wednesday, January 2, 2013

RE: Ordinance No. 2013-1 - First Reading by Title Only (City Attorney Darcee S. Siegel)

BACKGROUND: The Parks and Recreation Commission was established as an advisory commission charged with making recommendations and suggestions to the City Council in matters relating to City parks and City beautification. Over the years, the Parks and Beautification Commission has found it increasingly more difficult to meet its objectives due to the large membership requirement of the Commission.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

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

ATTACHMENTS:

 [Ordinance No. 2013-1](#)

ORDINANCE NO. 2013-1

AN ORDINANCE AMENDING CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED "STRUCTURE OF CITY GOVERNMENT"; AMENDING SECTION 2-54 ENTITLED "PARKS AND BEAUTIFICATION COMMISSION" BY MODIFYING THE NUMBER OF MEMBERS OF THE COMMISSION (2-54.1), AMENDING THE TERMS BY DELETING THE PROCESS FOR THE INITIAL COMMISSION APPOINTEES (2-54.2), AND CREATING QUORUM CRITERIA (2-54.6); 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, the Parks and Recreation Commission ("Commission") was established as an advisory commission charged with making recommendations and suggestions to the City Council in matters relating to City parks and City beautification; and

WHEREAS, the Mayor and City Council believe that a park system which provides maximum use and benefits has everlasting effects on the citizens of the City of North Miami Beach; and

WHEREAS, the general beautification of all areas throughout North Miami Beach allows for a safer and more aesthetically pleasing atmosphere; and

WHEREAS, over the years, the Parks and Beautification Commission has found it increasingly more difficult to meet its objectives due to the large membership requirement of the Commission; and

ORDINANCE NO. 2013-1

WHEREAS, for the past few years, it has become difficult to elicit steady membership and commitment from the volunteers to achieve a productive Parks and Beautification Commission; and

WHEREAS, in order to meet the goals and responsibilities of the Parks and Beautification Commission of enhancing parks and beauty throughout the City, the Mayor and City Council believe that by decreasing the number of members and changing the frequency of the meetings and the quorum of the Commission, more Commission business can be conducted.

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 2-54.01 of the Code of Ordinances of the City of North Miami Beach entitled "Created; ~~Membership~~Appointment of Members" is hereby amended as follows:

There is hereby established and created a Parks and Beautification Commission of the City, which Commission shall consist of ~~fifteen~~ (15) seven (7) members and two (2) alternates appointed by the City Council.

Section 3. Section 2-54.2 of the Code of Ordinances of the City of North Miami Beach entitled "Terms" is hereby amended as follows:

Appointments shall be for a term of two (2) years, ~~except as otherwise provided herein.~~ All appointments shall begin on November 15. Vacancies in the Commission occurring otherwise than by expiration of terms shall be filled by the City Council for the unexpired term. Eight (8) members shall be appointed in every even-numbered year beginning in 1980, which members shall serve from June 1 of that year for a period of two (2) years. Eight (8) members shall be appointed in 1980 to serve from June 1, 1980 for a period of one (1) year. Thereafter, all appointments shall be for two (2) years.

Section 4. Section 2-54.6 of the Code of Ordinances of the City of North Miami Beach shall be entitled "Quorum Criteria" and be created as follows:

A quorum shall consist of a majority of active appointed members, but not less than four (4) of the duly-appointed members of the Commission. The necessary vote for the passage of any motion or for the adoption of any reports by the Commission shall be a majority vote of those present and qualified to vote.

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 ___ **day of January, 2013.**

APPROVED AND ADOPTED on second reading this ___ day of _____, 2013.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

Sponsored by: Mayor and City Council
Councilman Philippe Derosé

DARCEE S. SIEGEL
CITY ATTORNEY

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

ORDINANCE NO. 2013-1



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: Darcee S. Siegel, City Attorney
DATE: Wednesday, January 2, 2013

RE: Ordinance No. 2012-33 - Second Reading, as amended (City Attorney Darcee S. Siegel)

BACKGROUND: The City of North Miami Beach ("City") has established and maintains Retirement Plans for all eligible employees of the City. The Mayor and Council wish to amend the Retirement Plan and Trust for the General Management Employees of the City. It has been determined by the Plan Actuary that this amendment will have no detrimental financial impact on the City's Plan.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

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

ATTACHMENTS:

- ❑ [Ordinance No. 2012-33](#)
- ❑ [Impact Statement](#)

ORDINANCE NO. 2012-33

AN ORDINANCE ENACTING AMENDMENTS TO THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ADOPTION AGREEMENT, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; ELIMINATING THE DEFERRED RETIREMENT OPTION PROGRAM (DROP); ELIMINATING THE BUY-BACK PROVISION; REDUCING THE MULTIPLIER; AMENDING THE COST OF LIVING ADJUSTMENT; AMENDING TERMINATION OF EMPLOYMENT AND VESTING; AMENDING THE NORMAL RETIREMENT DATE; AMENDING THE EARLY RETIREMENT CALCULATION; AMENDING THE COMPOSITION OF THE PLAN RETIREMENT COMMITTEE; AND CHANGING THE DEFINITION OF SALARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach has established and maintains retirement plans for all eligible employees of the City; and

WHEREAS, due to the continuing decline of the economy, maintaining and sustaining the current pension benefits has become an insurmountable task; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach wish to amend the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach, in order to continue a viable pension for its management employees; and

WHEREAS, it has been determined by the Plan Actuary that this amendment will have no detrimental financial impact on the City's plan.

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 D, "Salary" of the Retirement Plan and Trust for the General

ORDINANCE NO. 2012-33

Management Employees of the City of North Miami Beach Adoption Agreement shall be amended as follows:

Compensation earned by General Management Employees on or before January 31, 2013 shall mean the total cash remuneration paid to a plan participant for services rendered, including allowances and annuities, but shall exclude lump sum payments of accrued annual and sick leave.

For compensation earned by General Management Employees, on or after February 1, 2013, annual compensation shall exclude commissions, overtime pay, bonuses and any other forms of additional compensation earned in addition to base salary.

SECTION 3. Section E, “Credited Service” of the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach Adoption Agreement shall be amended as follows:

E. CREDITED SERVICE:

E1) Total number of years and fractional parts of years of service is measured from date of employment.

~~E2) Purchase of Credited Service~~

~~Participants of the plan shall have the option to purchase up to four (4) years of credited service or an actuarially equivalent higher multiplier at full actuarial cost. Participants who wish to receive credit for this service will be required to make a contribution for such service, including any administrative cost associated with the purchase so that there is no change in the City’s contribution rate. Such amount shall be established by a methodology and subject to payment options determined by the Retirement Committee and approved by the Plan actuary.~~

SECTION 4. Section G, “Benefit Amounts and Eligibility” of the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach Adoption Agreement shall be amended pursuant to the following:

G. BENEFIT AMOUNTS AND ELIGIBILITY: *(Section 6)*

G1) Normal Retirement Date *(Section 6.01):*

~~A member's normal retirement date shall be the first day of the month coincident with, or next following attainment of a combined age and service totaling seventy-five (75), but not earlier than age fifty-five (55), or the attainment of age sixty-two (62) with six (6) years of service, but in no instance prior to July 1, 2003.~~

- a) The normal retirement date for a General Management Employee who was born in the years 1938 -1954 shall be the first day of the month coincident with, or next following the attainment of age sixty-six (66), with at least four (4) years of service.
- b) The normal retirement date for a General Management Employee who was born any year after 1954 shall be the first day of the month coincident with, or next following the attainment of age sixty-seven (67), with at least four (4) years of service.
- c) General Management Employees participating in the plan as of January 31, 2013, or who were born prior to 1938 will remain eligible to retire the first day of the month coincident with, or next following attainment of a combined age and service totaling seventy-five (75), but not earlier than age fifty-five (55), or the attainment of age sixty-two (62) with at least six (6) years of service and will obtain their accrued benefits earned through January 31, 2013 at such time. Benefit accruals earned on or after February 1, 2013 will be paid at the new normal retirement date in accordance with paragraphs Section 6.01(a) or (b) above, unless the member opts for Section 6.01(d) below.
- d) General Management Employees who were members of the Plan on January 31, 2013 may receive their benefits accrued through January 31, 2013, upon retirement on the first day of any month following retirement upon attaining a combined age and service totaling seventy-five (75), but not earlier than age fifty-five (55), or the attainment of age sixty-two (62) with at least six (6) years of credited service. General Management Employees who were participating in the Plan as of January 31, 2013 may receive their benefits accrued on or after January 31, 2013 upon retirement on the first day of any month following retirement in accordance with Section 6.01(a) or (b) above.
- e) A General Management Employee will not be allowed to receive his or her benefit while he or she continues to be

employed with the City of North Miami Beach.

G2) Normal Retirement Benefit (Section 6.02):

For credited service earned on or before January 31, 2012 ~~the~~ monthly retirement benefit shall be equal to the number of years and fractional parts of years of credited service multiplied by 3% and multiplied by final monthly compensation.

For credited service earned on or after February 1, 2013, the monthly retirement benefit shall be equal to the number of years and fractional parts of years of credited service multiplied by 2% and multiplied by final monthly compensation.

G3) Early Retirement Date (Section 6.03):

For General Management Employees participating in the Plan as of January 31, 2013 or who were born prior to 1938, the early retirement date for service earned on or before January 31, 2013 shall be the first day of any month coincident with or next following the later of attainment of age fifty (50) and completion of ten (10) years of credited service. For all other General Management Employees and for General Management Employees participating in the Plan as of January 31, 2013 or born prior to 1938, the early retirement date for service earned on or after February 1, 2013 ~~A member may retire on his early retirement date which shall be the first day of any month coincident with or next following the later of the attainment of age fifty-five (505) and the completion of ten (10) years of credited service.~~

G4) Early Retirement Benefit (Section 6.04):

For those General Management Employees participating in the Plan as of January 31, 2013 or born prior to 1938, the amount of the accrued benefit paid for credited service earned on or before January 31, 2013 will be reduced by five (5%) for each year before their normal retirement date. For all other General Management Employees and for General Management Employees who were participating in the plan as of January 31, 2013 or born prior to 1938, for credited service earned on or after February 1, 2013 ~~the amount of the accrued benefit will be reduced to the actuarial equivalent, which will be equal to the actuarial equivalent of the accrued benefit payable at their normal retirement date in accordance with Section 6.01 (a) or (b). a five percent (5%) for each year before the normal retirement date, i.e., the attainment of a combined age & years of credited service totaling 75, with a minimum age of 55, and without imputing service beyond actual~~

~~termination date.~~ For this purpose, actuarial equivalence will be determined using the mortality and interest rate described in Exhibit B of the Florida Municipal Pension Trust Fund Defined Benefit Plan Document.

SECTION 5. Section J, “Termination of Employment and Vesting” of the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach Adoption Agreement shall be amended as follows:

If a member’s employment is terminated either voluntarily or involuntarily, the following benefits are payable:

- 1) If the member has less than ~~six (6)~~ four (4) years of credited service, upon termination the member shall be entitled to a refund of the money he or she has contributed plus three percent 3% interest, or the member may leave it deposited with the Fund.
- 2) If the member has four (4) years of credited service but less than six (6) years of credited service, upon termination the member shall be entitled to 50% of his/her accrued monthly retirement benefit, starting at the member’s otherwise normal or early retirement date, provided he or she does not elect to withdraw his or her contributions with three percent (3%) interest, and provided he or she survives to his normal or early retirement date.
- 2)3) If the member has six (6) or more years of credited service, upon termination the member shall be entitled to ~~their~~ his/her accrued monthly retirement benefit, starting at the member’s otherwise normal or early retirement date, provided he or she does not elect to withdraw his or her contributions with three percent (3%) interest, and provided he or she survives to his normal or early retirement date.
- 3)4) Any vested benefit hereunder is the legal asset of the employee plan participant. No portion of the vested principal or the income of the Defined Benefit Plan shall revert to the employer, or ever be used for or diverted to any purpose other than for the exclusive benefit of the Participating Employees and persons claiming under or through them, and the payment of reasonable expenses of the plan.

SECTION 6. Section L, “Cost of Living Adjustment” of the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach Adoption Agreement shall be amended pursuant to the following:

L. COST OF LIVING ADJUSTMENT:

Commencing October 1, 2003, and the first day of each October

ORDINANCE NO. 2012-33

thereafter, the monthly income payable hereunder to each participant or beneficiary who has been receiving benefits under any portion of this plan for one or more years, or to any such participant's or beneficiary's surviving beneficiary, for all years of credited service earned on or before December 31, 2012, shall be increased by two and one-quarter percent (2.25%).

For all years of credited service earned on or after February 1, 2013, effective October 1, 2013, and the first day of each October thereafter, any increase in the monthly income payable hereunder to each participant or beneficiary who begins receiving benefits under any portion of this plan for one or more years, or to any such participant's or beneficiary's surviving beneficiary, shall be decided on an *ad hoc* basis by the City Council, which is vested with the authority to decide whether or not a Cost of Living Adjustment will be awarded for that particular fiscal year and each year thereafter.

SECTION 7. Section M, "Deferred Retirement Option Program" of the Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach Adoption Agreement shall be deleted in its entirety and Ordinance No. 2006-25 is repealed in its entirety:

M. DEFERRED RETIREMENT OPTION PROGRAM:

~~In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Retirement Plan & Trust for the Management Employees of the City of North Miami Beach may elect to participate, deferring receipt of retirement benefits while continuing employment with the City of North Miami Beach. The deferred monthly benefits shall accrue in the Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits.~~

~~(a) *Eligibility of member to participate in the DROP*~~

~~All active members are eligible to elect participation in the DROP provided that:~~

~~Election to participate is made anytime following the date on which the member first reaches normal retirement eligibility. The member shall advise the Board of Trustees of the Retirement Plan & Trust for the Management Employees of the City of North Miami Beach (the Retirement Committee) in writing of the date on which the DROP shall begin.~~

~~(b) Participation in the DROP~~

- ~~1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months immediately following the date on which the member first elects to participate as provided in subparagraph (a).~~
- ~~2. Upon deciding to participate in the DROP, the member shall submit, on forms:~~
 - ~~a. A written election to participate in the DROP;~~
 - ~~b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph (b)1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph (b)1.~~
 - ~~c. A properly completed DROP application for service retirement as provided in this section; and~~
 - ~~d. Any other information required.~~
- ~~3. The DROP participant shall be a retiree under the Retirement Plan & Trust for the Management Employees of the City Of North Miami Beach. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs.~~

~~(c) Benefits payable under the DROP~~

- ~~1. Effective with the date of DROP participation, the member's initial normal monthly retirement benefit, including creditable service, optional form of payment, and average final compensation, and the effective date of retirement shall be fixed. The beneficiary shall be the beneficiary eligible to receive any DROP benefits payable if the DROP participant dies prior to the completion of the period of DROP participation. In the event a joint annuitant predeceases the member, the member may name a~~

~~beneficiary to receive accumulated DROP benefits payable. Retirement benefits, including COLA adjustments, shall accrue monthly in the Trust Fund. Interest, as adjusted by the Florida League, shall accrue at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death.~~

~~2. The effective date of DROP participation and the effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in the DROP, provided such date is properly established, with the written confirmation of the employer.~~

~~3. Retirement benefits and interest thereon shall continue to accrue in the DROP until the established termination date of the DROP or until the participant terminates employment or dies prior to such date. Although individual DROP accounts shall not be established, a separate accounting of each participant's accrued benefits under the DROP shall be calculated and provided to participants as of September 30 of each year.~~

~~4. At the conclusion of the participant's DROP, the TRUST shall distribute the participant's total accumulated DROP benefits, subject to the following provisions:~~

~~a. — The terminated DROP participant or, if deceased, such participant's named beneficiary, shall elect on forms to receive payment of the DROP benefits in accordance with one of the options listed below. For a participant or beneficiary who fails to elect a method of payment within 60 days of termination of the DROP, the Retirement Plan & Trust for the Management Employees of the City of North Miami Beach will pay a lump sum as provided in sub-sub-subparagraph (I).~~

~~(I) Lump sum — All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.~~

~~(II) Direct rollover — All accrued DROP benefits, plus interest, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an~~

~~individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code.~~

~~(III) Partial lump sum — A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.~~

~~b. — The form of payment selected by the DROP participant or surviving beneficiary complies with the minimum distribution requirements of the Internal Revenue Code.~~

~~e. — A DROP participant who fails to terminate employment shall be deemed not to have retired, and the DROP election shall be null and void. Retirement Plan & Trust for the Management Employees of the City Of North Miami Beach membership shall be reestablished retroactively to the date of the commencement of the DROP provided the employee makes the required employee contribution to the fund for the period of time they were participating in the DROP in a lump sum payment.~~

~~5. The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders and federal income tax levies.~~

~~6. DROP participants shall not be eligible for disability retirement benefits.~~

~~(d) *Death benefits under the DROP*~~

~~1. Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP.~~

~~2. The normal retirement benefit accrued to the DROP during the month of a participant's death shall be the final monthly benefit credited for such DROP participant.~~

~~3. Eligibility to participate in the DROP terminates upon death of the participant. If the participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, Retirement Plan & Trust for the Management Employees of the City Of North Miami Beach benefits shall be paid in accordance with regular retirement benefit provisions.~~

~~4. A DROP participants' survivors shall not be eligible to receive Retirement Plan & Trust for the Management Employees of the City Of North Miami Beach active member death benefits.~~

~~(e) Forfeiture of retirement benefits~~

~~Nothing in this section shall be construed to remove DROP participants from the scope of s. 8(d), Art. II of the State Constitution, s. [112.3173](#). DROP participants who commit a specified felony offense while employed will be subject to forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.~~

SECTION 8. Section 6, of Ordinance No. 2002-30 of the City of North Miami Beach, Florida, Code of Ordinances is hereby amended as follows :

Section 6. The City Council of the City of North Miami Beach shall have the power to amend said Plan and Trust at such time or times as considered in the best interest of the Agency and its management employees, ~~upon approval of sixty percent (60%) of the active plan participants, and the recommendation of t.~~ The Plan Retirement Committee which shall consist of the City Manager or his or her designee, a City Council Member, an Active Member of the Plan and Trust, a Retiree Member of the Plan and Trust, the Director of Finance and the City Attorney. Both the Active Member of the Plan and the Retiree Member of the Plan and Trust shall be chosen by the other three board members. The Plan Retirement Committee may make recommendations to the City Council concerning any amendment or proposed amendment to the Plan, or their designees, who shall all be plan participants, and two plan retirees chosen by the other three board members.

SECTION 9. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been

ORDINANCE NO. 2012-33

enacted without the invalid provision.

SECTION 10. It is the intention of the City Council of the City of North Miami Beach that the provisions of this ordinance shall become and be made a part of the Adoption Agreement, Administered by the Florida League of Cities and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 11. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. This ordinance shall take effect immediately upon its passage and adoption.

APPROVED BY TITLE ONLY on first reading this **4th** day of **December, 2012.**

APPROVED, as amended, on second reading, this ____ day of **January, 2013.**

APPROVED AND ADOPTED on third and final reading this ____ day of _____, **2013.**

ATTEST:

PAMELA LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor & Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strike through~~.

RETIREMENT PLAN FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH

IMPACT STATEMENT FOR ORDINANCE 2012-33

PART ONE: CERTIFICATION OF THE PLAN ADMINISTRATOR

I have enclosed a copy of Ordinance 2012-33 of the City of North Miami Beach, which ordinance makes the following changes to the Retirement Plan for the General Management Employees of the City of North Miami Beach as of February 1, 2013:

- (1) *The benefit formula multiplier that applies to service earned on and after February 1, 2013 has been reduced from 3.00% to 2.00%;*
- (2) *The normal retirement age with respect to benefits earned on and after February 1, 2013 has been delayed until the participant's social security retirement age (age 66 with respect to participants born during the years 1938 through 1954 or age 67 with respect to participants born after 1954) for participants born after 1937;*
- (3) *The early retirement age with respect to benefits earned on and after February 1, 2013 has been delayed until age 55 with at least 10 years of service;*
- (4) *The early retirement reduction with respect to benefits earned on and after February 1, 2013 has been changed from 5% per year prior to normal retirement age to an actuarially determined reduction;*
- (5) *The vesting schedule has been changed from full vesting after six years of service to 50% vesting after four years of service and full vesting after six years of service;*
- (6) *Plan compensation on and after February 1, 2013 includes only base salary;*
- (7) *Participants may no longer purchase prior service or a higher benefit formula multiplier;*
- (8) *The Deferred Retirement Option Plan (DROP) has been eliminated; and*
- (9) *The automatic annual cost-of-living adjustment (COLA) has been eliminated with respect to benefits earned on and after February 1, 2013. Instead, with respect to benefits earned on and after February 1, 2013, the City Council may adopt an ad hoc COLA from time to time.*

The plan's enrolled actuary, Charles T. Carr of Southern Actuarial Services Company, Inc., was provided with a copy of the proposed ordinance. In addition, the described plan change meets the requirements of Part VII, Chapter 112, Florida Statutes, and Section 14, Article X of the State Constitution.

Ms. Darcee S. Siegel, Chair, Board of Trustees



PART TWO: CERTIFICATION OF THE ENROLLED ACTUARY

Chapter 112 requires disclosure of the effect of changes in assumptions, methods, and plan provisions on certain liabilities. I have determined the impact of Ordinance 2012-33 based on the results of the October 1, 2012 actuarial valuation. The ordinance decreased the annual contribution required from the City by **17.58%** of payroll for the 2012/13 plan year. As of October 1, 2012, the decrease in annual cost is \$327,022.

The following table sets forth the required disclosures in connection with the plan changes which have been described above:



Retirement Plan for the General Management Employees of the City of North Miami Beach
 Impact Statement for Ordinance 2012-33 (continued)

	As of October 1, 2012 (Old Plan Provisions)	As of October 1, 2012 (New Plan Provisions)
Present value of future expected benefit payments:		
for active participants		
<i>retirement benefits</i>	\$ 8,699,252	\$ 5,853,325
<i>termination benefits</i>	13,312	9,543
<i>disability benefits</i>	95,614	90,843
<i>death benefits</i>	77,868	122,997
<i>return of contributions</i>	53,894	51,673
<i>sub-total</i>	<u>\$ 8,939,940</u>	<u>\$ 6,128,381</u>
for terminated participants	\$ 1,834,805	\$ 1,834,805
for retired participants and beneficiaries		
<i>retired (other than disab.) & benef.</i>	\$ 11,748,731	\$ 11,748,731
<i>disabled retirees</i>	0	0
<i>sub-total</i>	<u>\$ 11,748,731</u>	<u>\$ 11,748,731</u>
total	<u>\$ 22,523,476</u>	<u>\$ 19,711,917</u>
Entry age normal accrued liability:		
for active participants		
<i>retirement benefits</i>	\$ 5,247,562	\$ 4,009,325
<i>termination benefits</i>	8,410	7,025
<i>disability benefits</i>	61,898	59,224
<i>death benefits</i>	48,549	72,024
<i>return of contributions</i>	39,674	38,209
<i>sub-total</i>	<u>\$ 5,406,093</u>	<u>\$ 4,185,807</u>
for terminated participants	\$ 1,834,805	\$ 1,834,805
for retired participants and beneficiaries		
<i>retired (other than disab.) & benef.</i>	\$ 11,748,731	\$ 11,748,731
<i>disabled retirees</i>	0	0
<i>sub-total</i>	<u>\$ 11,748,731</u>	<u>\$ 11,748,731</u>
total	<u>\$ 18,989,629</u>	<u>\$ 17,769,343</u>
Actuarial value of assets	(14,615,897)	(14,615,897)
Unfunded accrued liability	<u>\$ 4,373,732</u>	<u>\$ 3,153,446</u>
Actuarial present value of accrued benefits	\$ 17,361,830	\$ 17,361,830
Present value of active participants':		
Future salaries	\$ 14,680,517	\$ 14,680,517
Future contributions	\$ 1,174,443	\$ 1,174,443
Present value of future contributions from the employer (excluding future expenses)	\$ 6,733,136	\$ 3,921,577
Expected annual compensation (FY 2013)	\$ 1,860,605	\$ 1,860,605
Minimum required contribution (FY 2013):		
Annual normal cost (incl. expenses)	\$ 239,711	\$ 38,034
Amortization payment	478,474	365,262
Interest adjustment	27,672	15,539
Total	<u>\$ 745,857</u>	<u>\$ 418,835</u>
(% of payroll)	40.09%	22.51%



Retirement Plan for the General Management Employees of the City of North Miami Beach
Impact Statement for Ordinance 2012-33 (continued)

This actuarial valuation and/or cost determination was prepared and completed by me or under my direct supervision and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate and, in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the plan and/or paid from the plan's assets for which liabilities or current costs have not been established or otherwise taken into account in the valuation. All known events or trends which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.

Respectfully submitted,

Charles T. Carr

Charles T. Carr, A.S.A.
Consulting Actuary
Enrolled Actuary No. 11-04927

12/28/12

Date signed





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 of Public Services

DATE: Wednesday, January 2, 2013

RE: Ordinance No. 2012-34 - Second and Final Reading (City Planner Christopher Heid)

BACKGROUND: The City of North Miami Beach recognizes a pattern of unsightly exterior paint colors being used and maintained in commercial zoning districts. The City wishes objectively to control exterior paint colors in commercial zoning districts.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

CONTACT PERSON(S): Shari Kamali, Director of Public Services
Chris Heid, City Planner

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [Minutes](#)
- ❑ [Ordinance No. 2012-34](#)



CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: ROSLYN WEISBLUM, CITY MANAGER

DATE: DECEMBER 18, 2012

**RE: ORDINANCE NO. 2012-34; EXTERIOR COMMERCIAL PAINT
COLORS**

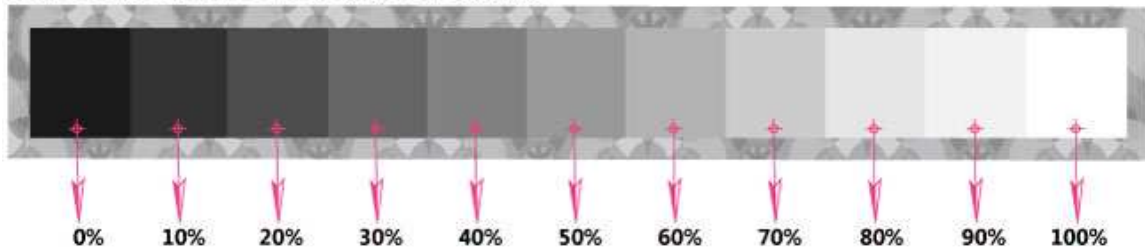
Staff is recommending the addition of regulations for exterior paint colors in commercial zoning districts, applicable to the B-1, B-2, B-3, B-4, B-5, and FCC Zoning Districts. Although commercial properties are required to obtain a permit to paint their exteriors, currently the Land Development Regulations do not address the selection of paint colors. The intention is to create objective regulations for the base color of commercial properties. Trim colors would not be regulated.

The proposed paint requirements are based on light reflectance value (LRV). The light reflectance value is a measure of the proportion of useful light reflected by a color. This is generally measured in daylight conditions. The range of values for LRV is from 0% (the darkest) to 100% (the lightest). The lighter the color, the higher the LRV will be. White and very bright yellows have the highest LRV's, while bright blues on the other hand have comparatively low LRV's.

The use of a LRV methodology for exterior paint requirements has numerous advantages, the first being that it eliminates the subjectivity of reviewing numerous colors on a color chart. The review of the color would be completely objective. The proposed color has a LRV assigned by the paint manufacturer, which would be compared to the color requirement regulations. If it meets the LRV requirements it would be allowed. Paint colors that do not meet the LRV requirements would be denied. In addition, most major paint manufacturers and paint retailers can readily identify the LRV of any paint color chip or the comparison can be readily done with existing color palettes. A byproduct of using lighter

shades of colors is that the higher the reflective value of a color, the greater the energy efficiency for cooling costs.

LRV Scale (not the same as grayscale) © LORI SAWAYA



◆-----◆

The standards proposed are as follows for all commercial zoning districts:

- Allowable Base Colors: Solid color of LRV of 35 or greater
- Allowable Trim Color: any solid color
- Base: Any single surface area constituting 20% or more of the total surface area.
- Trim: Any single color surface area constituting less than 20% of total surface area.
 - Trim includes, but is not limited to, fascia, window frames, doorframes, doors, and eaves etc.

◆-----◆

History

- This item previously received a favorable recommendation from the Planning & Zoning Board on May 10, 2010 and was denied on first reading by the City Council on June 1, 2010.
- This item was heard by the Planning & Zoning Board at the meeting of Monday, December 10, 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, DECEMBER 10, 2012

ATTENDEES

Members - Chairman Evan Piper
Julian Kreisberg
Joseph Litowich
Anthony DeFillipo
Michael Mosher
Hector Marrero
Saul Smukler – Absent

Staff - Shari Kamali, Director of Public Services
Christopher Heid, City Planner
Darcee Siegel, City Attorney
Steven Williams, Board Recorder

◆ ◆
CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Piper called the meeting to order at 6:06 p.m. The Pledge of Allegiance was recited and roll was called.

◆ ◆
MINUTES

A motion was made by Vice Chairman Julian Kreisberg, seconded by Hector Marrero, to approve the minutes of the September 10, 2012 meeting. In a voice vote, the motion passed unanimously.

A motion was made by Vice Chairman Julian Kreisberg, seconded by Joseph Litowich, to approve the minutes of the November 19, 2012 minutes. In a voice vote, the motion passed unanimously.

Chairman Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

The Chairman recognized that City Councilmember Beth Spiegel was present at tonight's meeting.

OLD BUSINESS

Mr. Heid provided the following status report:

1. Item 12-535 Brownfield Designation
15780 West Dixie Highway
Approved by the City Council at the meeting of December 4, 2012

Mr. DeFillipo noted that no nets or other containment measures have been placed on the digging that has already been done on this site, or on its surrounding trees. He asked if this would be corrected in the future. Mr. Heid recalled that an email had stated screening and fencing material would be placed around the site.

Ms. Siegel advised that a meeting would be held from 5:30-7:30 p.m. on Tuesday, December 11, 2012, at City Hall, which will provide an opportunity for members of the public to speak with the principals involved in the Brownfield project, in light of issues that arose at the most recent City Council meeting in relation to the site.

NEW BUSINESS

Item 12-531: Jackson North Medical Center: 160 NW 170 Street – Site Plan Modification (Helipad Relocation and Expansion)

Mr. Heid stated that the existing zoning of this property is CF, Community Facility, with an existing land use of Medical Campus. The future land use designation is Public and Quasi-Public. The Applicant, Jackson North Medical Center, is requesting site plan modification in order to relocate and expand an existing helipad on a hospital and medical campus.

Sandy Sears, representing the Applicant, explained that Jackson Health System has submitted an application to the State of Florida to become a Level 2 Trauma Center. She noted that the former Parkway Regional Medical Center had had this designation for some years before it was discontinued. The existing helipad at Jackson North Medical Center does not provide a safe approach to landing due to a flyover conflict. The re-siting and expansion of this helipad would bring convenient and high-quality trauma services to the community, along with jobs and other economic benefits.

Mr. DeFillipo observed that the proposed expansion would bring the helipad 500 ft. closer to a parking area, buildings, and the surrounding residential neighborhood. He asked if studies had been done to consider the effect of sound and vibrations from the helipad on these nearby structures.

Edward Lewis, architect for the Applicant, replied that sound and vibration studies are being prepared as part of the application process for both the Florida Department of Transportation (FDOT) and the Agency for Health Care Administration (AHCA). Adequate decibel and vibration levels are established by these agencies as criteria to be met by the application.

Mr. DeFillipo pointed out that the helipad will be approximately 270 ft. from houses on the east side of the corridor. Mr. Lewis said the flight pattern would cross the interstate highway and property owned by the Applicant, but would not cross over the nearby residential area.

Mr. Litowich asked how far the new structure would be from the existing helipad. Mr. Lewis estimated the new helipad would be 120 ft. to 150 ft. to the east of the current structure, which will be closer to the reconfigured trauma area within the Medical Center.

Mr. Litowich requested clarification that the existing helipad can no longer be used due to its proximity to a flyover. Ms. Sears replied that the existing helipad is used periodically for lighter-weight transport helicopters. The helicopters used by emergency services are of greater size and weight. It cannot be regularly used due to the existence of the flyover.

Mr. Litowich asked if the expanded helipad would be closer to the homes that border the hospital facility. Ms. Sears confirmed this.

Chairman Piper requested confirmation that the flight path for the expanded helipad would not cross any residential areas. Mr. Lewis said the path would be from the east and from the north, with the preferred direction of northeast, which would “at some point” cross a residential neighborhood. The preferred departure path would also be to the east or northeast.

Ms. Sears added that the Federal Aviation Administration (FAA) has conducted a site survey with regard to approaches and landings. She noted that the anticipated volume of landings would be an average of one per day, primarily serving lesser traumas. More severe traumas would continue to go to another trauma center. The initiative is intended to help develop a trauma system within Jackson Health System.

Mr. Lewis clarified that from the north, the path traveled by helicopters would cross the interstate, as well as property owned by the Applicant; from the east, it would cross over a residential neighborhood. This path would apply to both approaches and departures.

Mr. Litowich asked what the direction of approach had been for the existing helipad. It was clarified that this would likely be the same as the direction proposed for the new helipad, as the direction is determined by the prevailing wind pattern. Mr. DeFillipo added that the primary difference between the existing and proposed helipads would be the physical size of the helicopters it could accommodate, as well as the flyover.

Mr. Litowich requested clarification that any displaced parking would be addressed on land owned by the Applicant. Mr. Lewis confirmed this. Mr. Litowich asked if the adjoining homes would be affected by this move in any way. Mr. Lewis stated that the new parking would be on the Applicant’s property, although it would not be on a fenced area, but would be surrounded by landscaping instead.

Mr. DeFillipo asked if there has been any consideration to widening the existing helipad. Chairman Piper advised that the flyover issue would still affect the approach of helicopters.

Chairman Piper opened the floor to public comment.

Keith Roberts, private citizen, stated that his residence is very close to the existing helipad. He asserted that helicopters accessing the helipad often circle before landing, and pointed out that there had been no discussion of nighttime landings, which would adversely affect nearby residents trying to sleep at night. He also cited issues with the lights used by the helicopters at night, as well as lighting associated with the nearby parking lot, both of which come in through the windows of nearby houses. He advised that there are also problems associated with nitrogen and hydrogen gas use, which he felt had contributed to the original reason for closing the existing helipad.

Bennie Ross, private citizen, said while he had no argument with the development of a trauma center at Jackson North Medical Center, he had never intended to “live next to an airport” when he purchased his property. He pointed out that property values in the area would decline, and the nearby houses would be affected by dust and noise, which would disturb the peace of the neighborhood.

Henry Axson, private citizen, advised that the reconfiguration of the helipad would put him and other neighbors into close proximity with the site. He estimated that he lives 250 ft. from the proposed helipad. He asked the Board to consider the effect of the move on neighboring properties.

Leesa Andraschko, private citizen, asked why no plan or rendering of the proposed site was available. She stated that her residence is 10 ft. from the hospital wall, which would place it very close to the proposed helipad, and stated that the site is already loud and brightly lit at night, particularly if news crews and traffic also accessed the area. She noted that in the event of an emergency, it would not be possible to always predict the direction in which helicopters arrived or departed, as they would have to do so in whatever direction was best at the time. She asked that a rendering of the site plan be shown on a large screen.

Jiali Lei, private citizen, said her house was next to the wall surrounding the hospital property. She said she agreed with other citizens’ statements regarding danger and noise related to the site, and urged the Board members to consider the children in the neighborhood who would be affected by the proposed modification.

Richard Rees, private citizen, stated that in addition to oxygen and nitrogen supplying the heliport, there is also a natural gas feed in the area, which would contribute to greater danger in the event of a crash. He added that the flight plan used by helicopters accessing the site does not always bring aircraft from the north or the east, as they sometimes come over his house; in addition, he advised that the aircraft come in very low, and circle before landing.

Mr. Rees continued that the light helicopters accessing the site are extremely loud, and pointed out that the location of three hospitals within a five-mile area, including Jackson North Medical Center; contribute to “heavy-duty traffic” that comes onto the site many times during a day.

Mary Hilton, representing the North Miami Beach Civic Association, stated that she has worked with the airline industry for several years and could not imagine the FAA approving the existing or proposed locations for the helipad. She suggested that the Board ask to hear from an FAA representative before approving the plan, as she felt it could otherwise constitute a serious liability to both the Applicant and the City.

Donatus Osugi, private citizen, said he lives directly to the north of the proposed site. He asserted that an increase in aircraft traffic would bring a great deal of noise and dust to the area, and objected to the impact the proposed site would have on his family and neighbors.

Mubarak Kazan, private citizen, commented that the large turnout for tonight’s meeting showed that residents have a great deal of interest in the proposal. He said the noise created by helicopters accessing the site is very disturbing, and advised that aircraft traffic to the hospital would occur during all hours, as the hospital is very busy. He concluded that noise travels from the site throughout the area, and that the City could open itself to lawsuits from affected residents. He felt the Board should look further into the frequency in which aircraft are expected to come and go from the site.

Thaddeus Rucker, private citizen, stated that the relocated helipad would not be any closer to the Medical Center’s emergency room than its current location. He advised that the Applicant had not answered a question from Mr. DeFillipo regarding why the Applicant did not simply expand or widen the existing helipad. He asked why the helipad location must be moved if it continues to use the same entry and exit path, and concluded that the gas tanks at the site would create greater danger for houses located next to the site in addition to the increased noise from aircraft.

David Clark, also representing the Applicant, clarified that the preferred flight approach and takeoff, prior to the creation of the HOV lane on I-95 and the power lines parallel to the highway, would be from the west and into the east, respectively. He stated that this would mean the helicopter needed to circle over the residential area before landing. Because of the HOV lanes and power lines, there are now limitations on how aircraft can approach and take off. Mr. Clark said after a series of discussions with the FAA and Miami-Dade Life Flight Services, the Applicant has made a commitment to change its primary flight plan to allow for landings and takeoffs from the north rather than the west. The eastward approach is a secondary plan, as required by the FAA; it will not be the primary option used by aircraft.

Bill McKeon, Director of Operations at Jackson North Medical Center, said the current helipad was not expanded due to the size of incoming aircraft. While expansion was the Applicant’s first option, he explained that the aircraft used by Miami-Dade Life Flight Services are too large for the existing pad and cannot land due to the flyover and power lines.

Mr. Lewis stated that there are over 300 ft. between the edge of the landing pad and the residences of the neighborhood.

As there were no other members of the public wishing to speak on the Item, public comment was closed at this time.

Mr. Heid advised that while the helipad would ideally remain in its current location, relocation of the helipad is required due to issues such as the HOV lane and power lines as well as other concerns. He stated that while Staff has heard and discussed the concerns of neighboring residents, the City favorably recommends the Application, with the six conditions as indicated in the Staff Report. The Board will in turn make a recommendation on the Application, which will be sent on to the City Council. Public notice, including signs and newspaper ads, will be placed for that meeting as well.

Chairman Piper asked if the Applicant accepted all the conditions as stated in the Staff Report. Ms. Sears said these conditions have not yet been reviewed.

Mr. Heid added that members of the public may review the plans for the site and/or speak to City Staff about them at the City offices. He briefly reviewed the conditions accompanying Staff's recommendation of the site, noting that most of these conditions are considered standard and are not specific to the site or the Application. Ms. Sears said the Applicant would accept these conditions and has already incorporated many of them into the plan.

Mr. Mosher asked if the FAA sets standards for noise, as well as the proximity of aircraft to residential areas. Mr. Clark said the FAA has specific decibel requirements, as does the State; a noise study would determine whether or not noise generated by the site is within acceptable levels. He confirmed that the FAA has seen the plans for the site as recently as the previous week, when an FAA consultant watched the job site and measured flight approaches and takeoffs to the proposed new location. Mr. Clark clarified that the consultant sent by the FAA was an independent entity: the application has not yet been approved by the FAA at this point, and the FAA has not directly been on-site.

Mr. Heid said before final City Council approval could be given for the project, the FAA must give its approval of the site. State and AHCA approval are also required.

Chairman Piper asked if the City's permitting process includes fail-safes that ensure all required governmental and regulatory agencies must approve the project before City approval is given. Mr. Heid said everything to ensure the safety and operability of the Application must be approved before it is sent on to the City Council.

Vice Chairman Kreisberg commented that regardless of decisions made by the Board or the City Council, it seemed that the FAA would have the ultimate veto of the project if it is not constructed to FAA standards: the City may not override any of this agency's regulations. He

stated that while he sympathized with the residents who would be affected by the project, the Application was not for a commercial enterprise, but would be in the service of lifesaving medical treatment that was not likely to occur on a regular basis. He reiterated that the Board’s recommendation would go to the elected officials who serve on the City Council, and noted that there are also “perks” to living in close proximity to a hospital, just as there are inconveniences. He concluded that he did not believe the Application would negatively affect the residents’ property values.

Chairman Piper asked if there are any legal ramifications based on the existence of the current helipad. Ms. Siegel said there are no legal issues associated with this, as the Applicant has the right to apply for a helipad; just because they already have a helipad that they can no longer use does not create liability or entitle them to a new helipad.

Mr. Litowich asked when the hospital was built. Mr. McKeon estimated that the original facility was built in 1959 or 1960. Mr. Litowich requested a show of hands of how many residents have lived in their homes since before the original hospital was built, and stated that only two to three individuals raised their hands. He then asked when the original helipad was built. Chairman Piper recalled that it was built in the late 1970s.

Mr. Litowich recalled that the Application would only move the helipad 120 ft.-150 ft., with an additional 60 ft. estimated “from wall to wall.” He agreed with Vice Chairman Kreisberg that trauma patients also have rights to faster treatment, and reiterated that the hospital and helipad both predated many of the residents present at the meeting.

Mr. DeFillipo said he had visited the site and measured a distance of 500 ft. from the wall to the old helipad; the proposed location of the new helipad measured 271 ft. from the wall. He stated that the thrust of a helicopter, as well as the lighting, would be too close to the homes on the other side of the wall and would have an impact on the community.

A motion to approve Item 12-531 was made by Vice Chairman Kreisberg and seconded by Joseph Litowich. In a roll call vote, the motion failed with a vote of 3-3.

Chairman Evan Piper	NO
Joseph Litowich	YES
Anthony DeFillipo	NO
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	ABSENT
Michael Mosher	NO

Mr. Heid said the Item would go on to City Council, with a notation of the Board’s tie vote. He reiterated that public notice would go out prior to City Council review of the Item.

◆ ◆
Item 12-534: LDR Text Amendment – Commercial Paint Colors

Mr. Heid stated that this Amendment to the City’s Zoning Code would establish a paint color ordinance, which would result in allowable or non-allowable colors. This would be based upon the light reflective value of the paint, or the amount of light reflected back from a particular color: for example, black would have zero reflective value, while bright colors would have values of up to 100. This method, which is used by other cities throughout the country, was selected in order to remove personal opinion as a determining factor for the colors to be allowed.

The recommendation is for colors with a light reflective value of 35 or higher. Any color could be used for trim, such as doors, windows, and decorative elements constituting up to 20% of the building. He showed a chart designating some of the colors that could be used for buildings, as well as colors that could be used for trim only. Mr. Heid advised that this Amendment would apply to commercial buildings only, and would not affect colors on single-family homes, duplexes, or other non-commercial buildings. He explained that some City Council members are concerned with some of the colors used along the City’s commercial corridor, as these individuals feel they could be damaging to this commercial area and are not used with the general goodwill of the City in mind, but are used as attention-getting devices.

He recalled that this Item has been presented in the past; however, it has been further liberalized since the last time it was presented to the Board, with a lesser requirement of light reflective value. Mr. Heid advised that it is not the colors themselves that would be allowed or disallowed, but the intensity of these colors: for example, shades of black and red would be allowed if they are shades within the acceptable range.

Vice Chair Kreisberg asked if this Item was related to environmental concerns. Mr. Heid said it was more accurately described as an issue of aesthetics, although some lighter colors may also be more environmentally friendly with regard to the heat they may or may not absorb. He concluded that Staff considers the proposed Amendment to be reasonable, and the City favorably recommends the Item.

He added that a similar Item had been denied by the City Council upon first reading on May 10, 2010.

A motion to approve Item 12-534 was made by Anthony DeFillipo and seconded by Hector Marrero. In a roll call vote, the motion to approve passed with a vote of 6-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Anthony DeFillipo	YES
Hector Marrero	YES
Julian Kreisberg	YES

Saul Smukler	ABSENT
Michael Mosher	YES

◆ ◆
Item 12-536: LDR Text Amendment – Political Signs

Mr. Heid said this Item was also a proposed Amendment to the Zoning Code, which would clarify and enhance some definitions as they appear in existing Code. Ms. Siegel added that during the last election cycle, there had been some creativity regarding the placement of signs on and above fences, sticks, and other structures. The Amendment would clarify, for example, that signs can be no higher than a specific number of feet off the ground. It would also address the illumination of signs, placement of signs in or on bus shelters, and would allow the practice of giving a citation to the candidate him- or herself if a property owner did not respond to notice. The Amendment would not apply to signage in unincorporated areas.

Mr. DeFillipo asked if signs would be allowed on concrete columns, such as those beneath an underpass. Ms. Siegel said they cannot be affixed to electrical poles; in the event of signs beneath a bridge, the Highway Department would have jurisdiction over their placement. The City may pick up signs located in medians or swales and contact the candidate to retrieve them.

She continued that there cannot be more than 25 signs or 16x6 sq. ft. in signs' size, not including small signs. While individual homeowners have the right to place each candidate's signs on their property as a freedom of speech issue, the staggering of elections may limit their placement, and only one sign per candidate is allowed. Signs must be removed within 10 calendar days of the date of the election.

A motion to approve Item 12-536 was made by Mr. Mosher and seconded by Mr. DeFillipo. In a roll call vote, the motion passed 6-0.

Chairman Evan Piper	YES
Joseph Litowich	YES
Anthony DeFillipo	YES
Hector Marrero	YES
Julian Kreisberg	YES
Saul Smukler	ABSENT
Michael Mosher	YES

◆ ◆
Next Meeting

Mr. Heid stated that the next Board meeting would be held on Monday, January 14, 2013.

◆ ◆
Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:49 p.m.

ORDINANCE NO. 2012-34

AN ORDINANCE AMENDING SECTION 24-22 AND ARTICLE VIII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA CREATING STANDARDS FOR EXTERIOR PAINT COLORS FOR COMMERCIAL ZONING DISTRICTS (B-1, B-2, B-3, B-4, B-5, AND FCC) BY ADDING DEFINITIONS FOR LIGHT REFLECTANCE VALUE, PAINT BASE, AND PAINT TRIM; CREATING SECTION 24-79 PAINT COLORS UNDER ARTICLE VIII, SUPPLEMENTAL REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach recognizes a pattern of unsightly exterior paint colors being used and maintained in commercial zoning districts; and

WHEREAS, the City of North Miami Beach wishes objectively to control exterior paint colors in commercial zoning districts; and

WHEREAS, the creation of objective standards for exterior paint colors in commercial zoning districts will encourage responsible development within the City's commercial zoning districts; and

WHEREAS, this item was heard and unanimously recommended by the City's Planning and Zoning Board by a vote of 6-0 on December 10, 2012.

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 24-22 of the Land Development Regulations of the City of North Miami Beach is hereby amended as follows:

Sec. 24-22 Definitions

Light Reflectance Value (LRV): The total quantity of useable and visible light reflected by a surface in all directions and at all wavelengths when illuminated by a light source.

Paint, base: Any single color surface area constituting 20% or more of the total surface area.

Paint, Trim: any single color surface area constituting less than 20% of total surface area. Trim includes, but is not limited to, fascia, window frames, door frames, doors, and eaves.

Section 3. Article VIII, Supplemental Regulations, of the Land Development Regulations of the City of North Miami Beach is hereby amended as follows:

Sec. 24-73 - ~~24-7978~~ Reserved

ARTICLE VIII SUPPLEMENTAL REGULATIONS

Sec. 24-79 Paint Colors

(A) All buildings located in commercial Zoning Districts (B-1, B-2, B-3, B-4, B-5, and FCC) are required to obtain a permit to paint building exteriors. Allowable paint colors are as follows:

- (1) Base: Must have a light reflectance value (LRV) of 35 or greater.**
- (2) Trim: May be any solid color.**

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same 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 **18th day of December, 2012.**

APPROVED AND ADOPTED on second reading this ____ day of _____, 2013.

ATTEST:

PAMELA LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor and 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: Darcee S. Siegel, City Attorney
DATE: Wednesday, January 2, 2013

RE: Ordinance No. 2012-37- Second and Final Reading (City Attorney Darcee S. Siegel)

BACKGROUND: The City of North Miami Beach has established and maintains a Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach. Section 6 of the Retirement Plan provides that the Plan may be amended by the City Council, subject to approval of 60 percent of the active participants of the Plan and the recommendation of the Plan Retirement Committee. The City has received a legal opinion that the requirement that any amendment to the Retirement Plan be approved by 60 percent of the active participants of the Plan and the recommendation of the Plan Retirement Committee is an improper and unconstitutional delegation of the City Council's legislative authority. The Mayor and City Council have determined that it is in the best interest of the City and its citizens to eliminate the unconstitutional provision in the Retirement Plan.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

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

ATTACHMENTS:

- [Legal Opinion](#)
- [Ordinance No. 2012-37](#)



REPLY TO: TALLAHASSEE

December 12, 2012

Ms. Darcee S. Siegel
City Attorney
City of North Miami Beach
City Hall, 4th floor
17011 N.E. 19 Avenue
North Miami Beach, FL 33162-3100

Re: Retirement Plan and Trust for the General Management Employees – Amendment Approval Process

Dear Ms. Siegel:

As requested, we have reviewed the process for approval of amendments contained in the City of North Miami Beach Retirement Plan for General Management Employees (“Management Plan”). The Management Plan is a defined benefit pension plan for general management employees of the City that was created by City ordinance in 2003. Section 6 of the Management Plan contains a procedure for amending the plan:

Section 6. The City Council of the City of North Miami Beach shall have the power to amend said Plan and Trust at such time or times as considered in the best interest of the Agency and its management employees, *upon approval of sixty percent (60%) of the active plan participants, and the recommendation of the Plan Retirement Committee* which shall consist of the City Manager, the Director of Finance and the City Attorney, or their designees, who shall all be plan participants, and two plan retirees chosen by the other three board members.

In our judgment, the requirement that any amendment to the Management Plan be approved by sixty percent of the active plan participants and be recommended by the plan retirement

See Things Differently

BRADENTON
101 Riverfront Boulevard
Suite 620
Bradenton, Florida 34205

p | 941-708-4040 • f | 941-708-4024

JACKSONVILLE
245 Riverside Avenue
Suite 150
Jacksonville, Florida 32202

p | 904-353-6410 • f | 904-353-7619

TALLAHASSEE
315 South Calhoun Street
Suite 830
Tallahassee, Florida 32301

p | 850-222-5702 • f | 850-224-9242

WEST PALM BEACH
515 North Flagler Drive
Suite 1500
West Palm Beach, Florida 33401

p | 561-640-0820 • f | 561-640-8202

committee is an improper and unconstitutional delegation of the City Council's legislative authority. In practical effect, the requirement that plan members and the retirement committee approve amendments to the plan gives the members and the board veto power over any changes to the plan. As more fully explained below, the power to amend the plan properly belongs to the City Council – the legislative body for the City of North Miami Beach – and any provision that limits or restricts the City Council's legislative power is unconstitutional, and should be removed. Simply put: the Management Retirement Plan was created by an ordinance adopted by the City Council, and may only be amended by an ordinance of the City Council.

A legislative body is not permitted to improperly delegate its authority to legislate to another governmental body or private person or entity. *Vodshalk v. City of Lincoln Park*, 95 So. 2d 9 (Fla. 1957); *Watson v. City of St. Petersburg*, 489 So. 2d 138 (Fla. 2d DCA 1986). Moreover, the Florida Constitution's separation of powers clause prohibits the unlawful delegation of constitutional powers. See Arts. II-III, Fla. Const. The legislature may not parcel out this constitutional duty. *Chiles v. Children A, B, C, D, E and F*, 589 So. 2d 260 (Fla. 1991). A city council is not permitted to delegate its legislative duties to another person. *County of Volusia v. City of Deltona*, 925 So. 2d 340 (Fla. 5th DCA 2006)(holding that the city was not permitted to delegate its legislative functions to a private property owner or administrative agency); See also *Amara v. Daytona Beach Shores*, 181 So. 2d 722 (Fla. 1st DCA 1966)(holding that an ordinance requiring permission from private property owners prior to the issuance of any license or permit was an unlawful delegation of legislative power). However, ordinances have been upheld when certain guidelines must be applied and there is no unbridled discretion. *St. Johns County v. Northeast Florida Builder's Association, Inc.*, 583 So. 2d 635 (Fla. 1991).

In our opinion Section 6 of the Management Plan is an unlawful delegation of the City's legislative power because it gives a group of non-elected City employees unbridled discretion to engage in legislative duties. In essence, 41% of the active participants of the Management Plan have effective veto power over any plan amendment adopted by the City Council, and the employees may exercise this veto power for any reason whatsoever. Likewise, the requirement that all plan amendments be recommended by the retirement committee – made up of three current and two retired plan members, grants veto authority over any amendment to the committee, with no guidelines or criteria for approval or disapproval of amendments. Employees who are active participants of the Management Plan, and the members of the retirement committee, have unbridled discretion on when, how and whether to amend the plan. As such, the amendment approval requirement in the Management Retirement Plan is distinguishable from cases such as *St. Johns County v. Northeast Florida Builder's Association, Inc.*, which have allowed limited delegation of legislative authority.

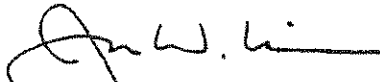
Based on the foregoing cases, the requirement in the Management Retirement Plan that plan amendments be approved by sixty percent of active plan participants and recommended by the retirement committee is an unconstitutional and improper delegation of the City Council's legislative powers. For this reason, we recommend that the amendment approval process in

Ms. Darcee S. Siegel
December 12, 2012
Page 3

Section 6 of the plan be amended to remove the plan participant and retirement committee approval provisions.

If you have questions concerning any of the matters discussed in this letter, please call.

Sincerely,



James W. Linn

JWL/es

ORDINANCE NO. 2012-37

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 2002-30, WHICH ESTABLISHED THE RETIREMENT PLAN AND TRUST FOR THE GENERAL MANAGEMENT EMPLOYEES OF THE CITY, ADMINISTERED BY THE FLORIDA LEAGUE OF CITIES; BY AMENDING SECTION 6 CONCERNING AMENDMENTS TO THE PLAN AND TRUST; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach has established and maintains a Retirement Plan and Trust for the General Management Employees of the City of North Miami Beach; and

WHEREAS, Section 6 of the Retirement Plan provides that the Plan may be amended by the City Council, subject to approval of 60 percent of the active participants of the Plan and the recommendation of the Plan Retirement Committee; and

WHEREAS, the City has received a legal opinion that the requirement that any amendment to the Retirement Plan be approved by 60 percent of the active participants of the Plan and the recommendation of the Plan Retirement Committee is an improper and unconstitutional delegation of the City Council's legislative authority; and

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the City and its citizens to eliminate the unconstitutional provision in the Retirement Plan.

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 6, of Ordinance No. 2002-30 of the City of North Miami Beach,

ORDINANCE NO. 2012-37

Florida, Code of Ordinances is hereby amended as follows :

Section 6. The City Council of the City of North Miami Beach shall have the power to amend said Plan and Trust at such time or times as considered in the best interest of the Agency and its management employees, ~~upon approval of sixty percent (60%) of the active plan participants, and the recommendation of the~~ The Plan Retirement Committee which shall consist of the City Manager the Director of Finance and the City Attorney, or their designees, who shall all be plan participants, and two plan retirees chosen by the other three board members, may make recommendations to the City Council concerning any amendment or proposed amendment to the Plan.

SECTION 3. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

SECTION 4. It is the intention of the City Council of the City of North Miami Beach that the provisions of this ordinance shall become and be made a part of the Adoption Agreement, Administered by the Florida League of Cities and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

APPROVED BY TITLE ONLY on first reading this 18th day of December, 2012.

APPROVED AND ADOPTED on second reading this ____ day of _____,
2013.

ATTEST:

PAMELA LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor & Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.