



CITY OF NORTH MIAMI BEACH

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

Mayor George Vallejo
Vice Mayor Marlen Martell
Councilman Philippe Derose
Councilwoman Barbara Kramer
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** - Reverend Dr. Marta Burke, Fulford United Methodist Church
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS** - *None*
6. **PUBLIC COMMENT**

To All Citizens Appearing Under Public Comment

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

Speaking Before the City Council

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

very much, in advance, for your cooperation.

Pledge of Civility

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

7. APPOINTMENTS

7.1 Swearing In of Human Resources Director Rose Amberson (City Clerk Pamela L. Latimore)

8. CONSENT AGENDA

8.1 Regular Meeting Minutes of February 19, 2013 (City Clerk Pamela L. Latimore)

8.2 Resolution No. R2013-16 (City Attorney Darcee S. Siegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA AND THE TOWN OF TABARRE, HAITI.

8.3 Resolution No. R2013-17 (City Attorney Darcee S. Siegel)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA AND THE TOWN OF LA CHAPELLE, HAITI.

8.4 Resolution No. R2013-18 (Chief Procurement Officer Brian K. O'Connor)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE MIAMI-DADE COUNTY PROPERTY APPRAISER, THE MIAMI-DADE COUNTY TAX COLLECTOR AND THE CITY OF NORTH MIAMI BEACH.

8.5 Resolution No. R2013-19 (Chief of Police Larry Gomer)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY FOR THE CITY OF NORTH MIAMI BEACH'S POLICE DEPARTMENT TO UTILIZE THE COUNTY'S POLICE RADIO SYSTEM FOR VOICE RADIO COMMUNICATIONS.

9. CITY MANAGER'S REPORT

9.1 Gun Mount Presentation (Chief Procurement Officer Brian K. O'Connor)

10. CITY ATTORNEY'S REPORT

10.1 Litigation List (City Attorney Darcee S. Siegel)

As of March 19, 2013.

11. MAYOR'S DISCUSSION

12. MISCELLANEOUS ITEMS - *None*

13. WAIVER OF FEE - *None*

14. BUSINESS TAX RECEIPTS - *None*

15. DISCUSSION ITEMS

15.1 **City Manager Contract Review (City Manager Roslyn B. Weisblum)**

16. LEGISLATION

16.1 **Resolution No. R2013-12 (City Planner Christopher Heid)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, VACATING AND ABANDONING THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF NORTH MIAMI BEACH, FLORIDA: LENGTHY LEGAL DESCRIPTION (See Attached Exhibit 1) (P&Z Item No. 12-523 of February 11, 2013) AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT-CLAIM DEED AND ANY OTHER RELEVANT RELATED DOCUMENTS TO EFFECT THE TRANSFER OF SAID PROPERTY.

16.2 **Resolution No. R2013-15 (City Planner Christopher Heid)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN MODIFICATION APPROVAL IN ORDER TO RELOCATE AND EXPAND AN EXISTING HELIPAD ON A HOSPITAL AND MEDICAL CAMPUS, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS: (LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A") A/K/A 160 N.W. 170th Street, North Miami Beach, Florida (P&Z Item No. 12-531 of December 10, 2012)

16.3 **Ordinance No. 2013-5 (previously Ordinance No. 2012-31) - First Reading by Title Only (City Attorney Darcee S. Siegel)**

AN ORDINANCE AMENDING THE GENERAL EMPLOYEES' RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE II, DEFINITIONS, PROVIDING FOR THE MOST CURRENT MORTALITY TABLE AND MODEL FOR MEASURING CONTINGENCIES; 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.

17. CITY COUNCIL REPORTS

18. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, April 2, 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: Tuesday, March 19, 2013

RE: Regular Meeting Minutes of February 19, 2013 (City Clerk Pamela L. Latimore)

BACKGROUND: N/A

RECOMMENDATION:

FISCAL IMPACT:

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

ATTACHMENTS:

[Regular Meeting Minutes of February 19, 2013](#)



CITY OF NORTH MIAMI BEACH

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

Mayor George Vallejo
Vice Mayor Marlen Martell
Councilman Philippe Derosé
Councilwoman Barbara Kramer
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

REGULAR MEETING MINUTES

1. ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:50 p.m. Present at the meeting were Mayor George Vallejo, Vice Mayor Marlen Martell, and Council Members Philippe Derosé, Barbara Kramer, Frantz Pierre, Phyllis S. Smith, and Beth E. Spiegel. Also, present were City Manager Roslyn B. Weisblum, City Attorney Darcee S. Siegel and City Clerk Pamela L. Latimore.

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

4.1 Request by Councilman Derosé to pull item 8.6 from the Consent Agenda for Discussion. (See item 15)

4.2 Request made on the floor by Councilwoman Spiegel to pull item 8.1 and 8.2 from the Consent Agenda for Discussion. (See item 15)

5. PRESENTATIONS/DISCUSSIONS

5.1 Honoring of North Miami Beach Sr. High School Student, Caleb Legis, on his admittance to the U.S. Naval Academy – Presented by the Mayor and City Council

6. PUBLIC COMMENT

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

Charles Loeb – 16800 NE 15th Avenue, North Miami Beach, FL

7. **APPOINTMENTS** – *None*

8. **CONSENT AGENDA**

8.1 **Regular Meeting Minutes of September 20, 2012** – Pulled for **Discussion**, see item 15

8.2 **Regular Meeting Minutes of January 15, 2013** – Pulled for **Discussion**, see item 15

8.3 **Resolution No. R2013-8**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY'S AGREEMENT WITH CONTROL COMMUNICATIONS, INC. FOR THE TWO-WAY RADIO NARROWBANDING AND UPGRADE PROJECT FOR THE PUBLIC SERVICES DEPARTMENT; INCREASING THE MONETARY AMOUNT OF THE AGREEMENT BY \$14,288.50 FOR A TOTAL AGREEMENT AMOUNT OF \$114,541.50; PROVIDING EQUIPMENT OPTIONS AND SERVICES; AND PROVIDING TRADE-IN PROMOTION AND CREDITS.

8.4 **Resolution No. R2013-9**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CITYWORKS CONSTRUCTION, LLC, FOR THE MISHCON MULTI-PURPOSE BALLFIELD PROJECT.

8.5 **Resolution No. R2013-10**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY'S AGREEMENT WITH SUPERIOR LANDSCAPING & LAWN SERVICE, INC. FOR CITYWIDE LANDSCAPE AND LAWN MAINTENANCE BY ADDING SILVERMAN PARK TO THE SCOPE OF SERVICES; AND INCREASING THE MONETARY AMOUNT OF THE AGREEMENT BY \$14,074.00 FOR A TOTAL AGREEMENT AMOUNT OF \$269,743.00.

8.6 **Resolution No. R2013-11** – Pulled for **Discussion**, see item 15

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

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

9. **CITY MANAGER'S REPORT**

9.1 Forfeiture (LETF) Appropriation Request (Chief of Police Larry Gomer)

The Police Department is requesting \$650,000 appropriation approval from the State/Local Federal (Justice) Trust Fund, \$75,000 from the Federal (Treasury) Trust Fund and \$1,224,000 from the State/Local Trust Fund.

City Manager Weisblum stated that she has submitted a copy of an email, from Matthew Cohen with the US Department of Justice, to the council members on the dais. He gave the approval for the use of LETF funds for overtime.

Chief of Police Larry Gomer spoke on the item.

Mayor and Council discussed the item.

Councilwoman Spiegel directed staff to notify Council as soon as they get a response from the Department of Justice in regards to using the LETF to pay for pension.

MOTION by Councilman Derose, seconded by Councilwoman Kramer, to approve the appropriation of \$650,000 from LETF. (**Approved** 7-0)

10. CITY ATTORNEY'S REPORT

City Attorney Siegel stated that starting in March we will be starting unsafe structure hearings. It was something that was done in the past but due to budget constraints it was discontinued. She brought to their attentions that there has been a lot of action on the foreclosures on the Litigation List; a lot of the cases are being re-negotiated, taken over by banks or sold. Our response to the appeal on Braha Dixie is due at the end of next month. She also stated that she has received a request from G5ive, LLC, d/b/a G5ive, to reduce the number of off-duty officers. She has asked Police Chief Gomer and his staff to take a look at what has occurred at the club in the past year to see if there is any way we can change the requirement that was put on them.

10.1 Litigation List

As of February 19, 2013

- 11. MAYOR'S DISCUSSION**
- 12. MISCELLANEOUS ITEMS – None**
- 13. WAIVER OF FEE – None**
- 14. BUSINESS TAX RECEIPTS – None**
- 15. DISCUSSION**

8.1 Regular Meeting Minutes of September 20, 2012 (Moved from **Consent Agenda** see item 4.2)

MOTION by Councilman Derose, seconded by Vice Mayor Martell, to approve the **Regular Meeting Minutes of September 20, 2012**.

Councilwoman Spiegel stated that on Resolution No. R2012-72 it needs to be state who introduced the motion, to amend and the motion is incorrect.

MOTION by Councilman Derose, seconded by Vice Mayor Martell, to approve the **Regular Meeting Minutes of September 20, 2012**, as amended. (**Approved 7-0**)

8.2 Regular Meeting Minutes of January 15, 2013 (Moved from **Consent Agenda** see item 4.2)

MOTION by Councilman Derose, seconded by Vice Mayor Martell, to approve the **Regular Meeting Minutes of January 15, 2013**.

Councilwoman Spiegel pointed out that the in the Roll Call of City Officials the wrong City Manager is listed.

MOTION by Councilman Derose, seconded by Vice Mayor Martell, to approve the **Regular Meeting Minutes of January 15, 2013**, as amended. (**Approved 7-0**)

8.6 Resolution No. R2013-11 (Moved from **Consent Agenda** see item 4.1)

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

MOTION by Councilman Derose, seconded by Vice Mayor Martell to approve **Resolution No. R2013-11**.

Captain Kevin Prescott gave a brief overview of the item.

Mayor Vallejo opened the item for public comment.

1. Bruce Lamberto – 3420 NE 165th Street, North Miami Beach, FL
2. Marilyn Baumohl – 18635 NE 20th Court, North Miami Beach, FL
3. Volney Nerette – 16121 NE 19th Place, North Miami Beach, FL
4. Muriel Kemp – 1479 NE 178th Street, North Miami Beach, FL
5. Jaime Miller – 2130 NE 171st Street, North Miami Beach, FL

Public comment closed.

Mayor and Council discussed the item. Councilwoman Spiegel expressed concern regarding the deferred payment.

Frank Karp representing, American Traffic Solutions, Inc. - 2350 SW 27th Avenue, Miami, FL, spoke before Council.

MOTION by Councilman Derose, seconded by Vice Mayor Martell, to approve **Resolution No. R2013-11** authorizing the City Manager to execute an amendment to the agreement with American Traffic Solutions, Inc. (**Approved** 5-2, Derose – **No**, Spiegel - **No**)

16. LEGISLATION

16.1 Ordinance No. 2013-3 First Reading, By Title Only

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RELATING TO MUNICIPAL ELECTIONS; CHANGING THE DATE FOR THE CITY OF NORTH MIAMI BEACH MUNICIPAL RUNOFF ELECTION NOW SCHEDULED FOR MAY 14, 2013 TO MAY 21, 2013 AND TO ADJUST THE TERMS OF OFFICE OF SITTING COUNCILPERSONS NECESSITATED BY SUCH CHANGE OF DATE, AS REQUESTED BY THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS AND AS AUTHORIZED BY FLORIDA STATUTES 166.021(4) AND 100.3605(2); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Councilman Derose, seconded by Councilwoman Smith to adopt **Ordinance No. 2013-3** First Reading, By Title Only.

City Attorney Siegel gave a brief explanation of the item.

Mayor Vallejo opened the item for public comment: *None*

Public comment closed.

ROLL CALL VOTE: Derose - **Yes**, Kramer - **Yes**, Martell - **Yes**, Pierre – **No**, Smith - **Yes**, Spiegel - **Yes**, Vallejo – **Yes** (**Passed** 7 – 0)

16.2 Ordinance No. 2013-4 First Reading, By Title Only

AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-14(b), OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR "EARLY VOTING" FOR MAYOR AND CITY COUNCIL ELECTIONS TO BE HELD IN MAY, 2013; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Councilman Derose, seconded by Councilwoman Smith to adopt **Ordinance No. 2013-4** First Reading, By Title Only.

City Attorney Siegel gave a brief explanation of the item.

Mayor Vallejo opened the item for public comment: *None*

Public comment closed.

ROLL CALL VOTE: Derosé - **Yes**, Kramer - **Yes**, Martell – **N/A**, Pierre – **No**, Smith - **Yes**, Spiegel - **Yes**, Vallejo – **Yes** (**Passed** 6 – 0, Vice Mayor Martell not present at vote)

17. CITY COUNCIL REPORTS

Councilman Derosé – *None*

Councilwoman Kramer thanked the Leisure Services Department for their assistance in making ART & Design NMB a success. ART & Design NMB will be on the third Friday of each month.

Vice Mayor Martell will be in Highland Village on Saturday, February 23, 2013. She invites the residents to come out to discuss any issues they may have. “Soul Train”, a presentation by the children that participate in our camps for Black History Month on Friday, February 22, 2013 at the YES Center. The African American Musical Icons will be on Tuesday, February 26, 2013 at 7 pm at Highland Village and African Pride Thursday, February 28, 2013 at 7 pm at Washington Park.

Councilman Pierre – *None*

Councilwoman Smith wanted to remind everyone of the importance of educating our children on Black History Month. She also stressed the importance of resident participation in the various boards and committee in the City.

Councilwoman Spiegel reminded the community to put their recycling out for pick up the following day. She wished Happy to Purim those who celebrate the holiday.

Mayor Vallejo – *None*

18. NEXT REGULAR CITY COUNCIL MEETING

Tuesday, March 5, 2013

19. ADJOURNMENT

There being no further business to come before the City Council, Meeting was adjourned at 9:26 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: Darcee S. Siegel, City Attorney
DATE: Tuesday, March 19, 2013

RE: Resolution No. R2013-16 (City Attorney Darcee S. Siegel)

BACKGROUND: The Town of Tabarre in Haiti is a growing dynamic town and rapidly becoming the headquarters of many ministry offices. The Mayor and City Council of the City of North Miami Beach ("City") recognize the special relationship that citizens of this City and area have with the Town of Tabarre, Haiti. The Mayor and City Council desire to honor and create a special relationship between the City of North Miami Beach, Florida and the Town of Tabarre, Haiti.

RECOMMENDATION: Approval.

FISCAL IMPACT:

CONTACT PERSON(S): Councilman Philippe Derosé

ATTACHMENTS:

 [Resolution No. R2013-16](#)

RESOLUTION NO. R2013-16

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ESTABLISHING A SISTER CITY RELATIONSHIP
BETWEEN THE CITY OF NORTH MIAMI BEACH,
FLORIDA AND THE TOWN OF TABARRE, HAITI.**

WHEREAS, the City of North Miami Beach, Florida is recognized as a city of diverse and rich cultural heritage; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach recognize the special relationship that citizens of this City and area have with the Town of Tabarre, Haiti; and

WHEREAS, the small Town of Tabarre is a municipality located in the Port-au-Prince Arrondissement, in the Ouest Department of Haiti; and

WHEREAS, even though the January 2010 earthquake ravaged the region badly, the Embassy of the United States, which houses all of the U.S. government agencies in the Republic of Haiti, was constructed recently in Tabarre; and

WHEREAS, Tabarre is a growing dynamic town and rapidly becoming the headquarters of many ministry offices; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach desire to honor and create a special relationship between the City of North Miami Beach, Florida and the Town of Tabarre, Haiti.

NOW, THEREFORE,

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

RESOLUTION R2013-16

Section 1. The Mayor and Council of the City of North Miami Beach hereby establish an information sharing and/or cultural exchange sister city relationship between the City of North Miami Beach, Florida and the Town of Tabarre, Haiti, as a gesture of friendship and in keeping with the City's policies vis-à-vis other heretofore established sister cities.

Section 2. The City Clerk of the City of North Miami Beach is hereby directed to send copies of this Resolution to the Town of Tabarre, Haiti, and to all other persons as directed by the Mayor and Council.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ____ **day of March, 2013.**

ATTEST:

PAM,ELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilman Philippe Derose
Mayor & 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: Tuesday, March 19, 2013

RE: Resolution No. R2013-17 (City Attorney Darcee S. Siegel)

BACKGROUND: The Mayor and City Council of the City of North Miami Beach ("City") recognize the special relationship that citizens of this City and area have with the Town of La Chapelle, Haiti. On January 12, 2010, the Town of La Chapelle was severely destroyed by the devastating earthquake. The Mayor and City Council desire to honor this resilient town and their residents by creating a special relationship between the City of North Miami Beach, Florida and the Town of La Chapelle, Haiti.

RECOMMENDATION: Approval.

FISCAL IMPACT:

CONTACT PERSON(S): Councilman Philippe Derosé

ATTACHMENTS:

[Resolution No. R2013-17](#)

RESOLUTION NO. R2013-17

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ESTABLISHING A SISTER CITY RELATIONSHIP
BETWEEN THE CITY OF NORTH MIAMI BEACH,
FLORIDA AND THE TOWN OF LA CHAPELLE, HAITI.**

WHEREAS, the City of North Miami Beach, Florida is recognized as a city of diverse and rich cultural heritage; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach recognize the special relationship that citizens of this City and area have with the Town of La Chapelle, Haiti; and

WHEREAS, the Town of La Chapelle, located sixty (60) miles outside of Port-au-Prince, is a municipality in the Saint-Marc Arrondissement, in the Artibonite Department of Haiti; and

WHEREAS, on January 12, 2010, the Town of La Chapelle was severely destroyed by the devastating earthquake; and

WHEREAS, the people of La Chapelle are strong, accustomed to tragedy, and have an innate ability to rebound and rebuild; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach desire to honor this resilient town and their residents by creating a special relationship between the City of North Miami Beach, Florida, and the Town of La Chapelle, Haiti.

NOW, THEREFORE,

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

RESOLUTION R2013-17

Section 1. The Mayor and Council of the City of North Miami Beach hereby establish an information sharing and/or cultural exchange sister city relationship between the City of North Miami Beach, Florida and the Town of La Chapelle, Haiti, as a gesture of friendship and in keeping with the City's policies vis-à-vis other heretofore established sister cities.

Section 2. The City Clerk of the City of North Miami Beach is hereby directed to send copies of this Resolution to the Town of La Chapelle, Haiti, and to all other persons as directed by the Mayor and Council.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this _____ **day of March, 2013.**

ATTEST:

PAM,ELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilman Philippe Derose
Mayor & 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: Roslyn B. Weisblum, City Manager
DATE: Tuesday, March 19, 2013

RE: Resolution No. R2013-18 (Chief Procurement Officer Brian K. O'Connor)

BACKGROUND: The City of North Miami Beach City Council on November 20, 2012 approved Resolution R2012-86 which provided for the notice of intent to enter into an agreement with Miami-Dade County Property Appraiser and Miami-Dade Tax Collector for the collection of the City of North Miami Beach's Sanitation and Stormwater on the County tax bill. The City has provided proper notice pursuant to Section 197.3632(3), F.S. to the Miami-Dade County Property Appraiser, Miami-Dade County Property Tax Collector, and the Florida Department of Revenue in accordance with Section 197.3632(2), F.S..

The City has negotiated the attached interlocal agreement to provide for the reimbursement of necessary administrative costs incurred by the constitutional officers in performing their duties pursuant to Section 197.3632, F.S.; and will provide for reimbursement of all necessary administrative costs incurred by the constitutional officers, including those costs related to personnel, forms, supplies, data processing, computer equipment, postage, and programming in accordance with Section 192.091(2)(b), F.S.. The City is statutorily limited to reimbursement of actual costs, not to exceed 2% of the assessments collected and remitted.

RECOMMENDATION: Staff is recommending approval of this resolution to allow the City Manager to execute an Intergovernmental Cooperative Agreement with Miami-Dade County Property Appraiser and Miami-Dade County Tax Collector for the billing and collection of the City's Sanitation and

Stormwater Special Assessment.

FISCAL IMPACT:

This method of collection will have a positive fiscal impact by placing these service fees on the County tax bill, any delinquency would be paid through the tax certificate sale process.

CONTACT PERSON(S):

Roslyn B. Weisblum, City Manager
Brian K. O'Connor, Chief Procurement Officer

ATTACHMENTS:

- ▣ [Resolution No. R2013-18](#)
- ▣ [Agreement](#)

RESOLUTION NO. R2013-18

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE MIAMI-DADE COUNTY PROPERTY APPRAISER, THE MIAMI-DADE COUNTY TAX COLLECTOR AND THE CITY OF NORTH MIAMI BEACH.

WHEREAS, the City of North Miami Beach, Florida (the "City") desires to provide a uniform method of collection of fees for solid waste, disposal services and for stormwater services and facility; and

WHEREAS, to accomplish that goal, the City of North Miami Beach City Council on November 20, 2012 approved Resolution R2012-86 which provided for the notice of intent to enter into an agreement with Miami-Dade County Property Appraiser and the Miami-Dade Tax Collector for the collection of the City of North Miami Beach's Sanitation and Stormwater fees on the County tax bill; and

WHEREAS, the City has provided proper notice to the Miami-Dade County Property Appraiser, the Miami-Dade County Property tax Collector, and the Florida Department of Revenue of its intent to create a uniform method of collection; and

WHEREAS, in accordance with Section 197.3636(2), Florida Statutes, the City, the Miami-Dade County Property Appraiser and the Miami-Dade County Tax Collector have negotiated an interlocal agreement to provide for the reimbursement of necessary administrative costs related to personnel, forms, supplies, data processing, computer equipment, postage, and programming incurred to fulfill the terms of the Agreement; and

WHEREAS, this Agreement will provide the terms and conditions under which the County Property Appraiser and the Tax Collector will assist the City in the billing and collection of the special assessment; and

WHEREAS, pursuant to Section 192.091(2)(b) Florida Statutes the City is statutorily limited to reimbursement of actual costs, not to exceed 2% of the assessments collected and remitted.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach

Section 1. The foregoing recitals are true and correct and are hereby incorporated herein by reference.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida hereby authorize and direct the City Manager to execute an agreement in a form acceptable to the City Attorney, between the Miami-Dade County Property Appraiser, the Miami-Dade County Tax Collector and the City of North Miami Beach, attached hereto as Exhibit "A" and incorporated herein by reference.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ **day of March, 2013.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

Sponsored by: Mayor & Council

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

**INTERGOVERNMENTAL COOPERATION AGREEMENT
BY AND AMONG
MIAMI-DADE COUNTY PROPERTY APPRAISER
AND
MIAMI –DADE COUNTY TAX COLLECTOR
AND
CITY OF NORTH MIAMI BEACH**

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____, 2013, by and among Miami-Dade County Office of the Property Appraiser (hereinafter referred to as (“Property Appraiser”), Florida, Miami-Dade County on behalf of the Tax Collector (hereinafter referred to as “Tax Collector”), Florida, and the City of North Miami Beach, Florida (hereinafter referred to as “City”).

WITNESSETH:

WHEREAS, the City intends to adopt non-ad valorem assessments or special assessments for the cost of providing solid waste collection and disposal services and stormwater services and facilities to properties within the incorporated area of the City of North Miami Beach; and

WHEREAS, the City intends to utilize the uniform method of collection, as outlined in Sections 197.3632 and 197.3635, Florida Statutes, for collecting the above-referenced non-ad valorem special assessments for the aforementioned services; and

WHEREAS, the City has requested that the Property Appraiser include its adopted non-ad valorem assessments for the cost of providing solid waste collection and disposal services and stormwater services and facilities to properties within the incorporated area of the City on the Notice of Proposed Property Taxes as specified in Section 200.069, Florida Statutes (“TRIM Notice”); and

WHEREAS, the City has requested that the Tax Collector include its adopted non-ad valorem assessments for the cost of providing solid waste collection and disposal services and stormwater services and facilities to properties within the incorporated area of the City on the Combined Notice of Ad Valorem and Non-Ad Valorem Assessments provided for in Section 197.3635, Florida Statutes; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the City, the Property Appraiser, and the Tax Collector must enter into a written agreement evidencing the Property Appraiser's and the Tax Collector's agreement to place the City's herein specified non-ad valorem assessments on the TRIM Notice and tax bill; and

WHEREAS, the City represents that it has duly complied with the Notice provisions and adopted Resolution No. R2012-86, in compliance with the required resolutions set forth in Section 197.3632 Florida Statutes, so as to entitle the City to utilize the non-ad valorem method of collection, and the Tax Collector and Property Appraiser have relied on these representations, and

NOW, THEREFORE, for good and valuable consideration and intending to be legally bound hereby, the City, the Property Appraiser, the Tax Collector agree as follows:

1. The City, Property Appraiser, and Tax Collector shall abide by all statutes, rules and regulations pertaining to the levy and collection of non-ad valorem assessments, including the provisions of sections 197.3632, 197,3635, Florida Statutes, as amended, and any applicable rules duly promulgated by the Department of Revenue.
2. The Property Appraiser agrees to place the City's non-ad valorem assessments for the cost of providing solid waste collection and disposal

services and stormwater services and facilities to properties within the incorporated area of the City of North Miami Beach on the Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments prepared in accordance with Section 200.069, Florida Statutes.

3. The Tax Collector agrees to the City's request to place its adopted non-ad valorem assessments for the cost of providing solid waste collection and disposal services and stormwater services and facilities to properties within the incorporated area of the City of North Miami Beach on the Combined Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes.
4. The City agrees that all certified assessment rolls will be maintained and transmitted to the Property Appraiser and the Tax Collector on compatible electronic medium as defined in Section 197.3632(1), Florida Statutes.
5. The City agrees that, in consideration for services herein agreed to be performed by the Tax Collector, the Tax Collector shall be entitled to retain, in the Tax Collector's sole discretion, the actual costs of collection not to exceed two percent (2%) on the amount of special assessments collected and remitted.
6. **Duration of this Agreement.** This Agreement shall take effect upon signing and shall extend to the collection of special assessments for each fiscal year thereafter until canceled by any Party pursuant to Section 9 herein.
7. **Severability of the Provisions in this Agreement.** The provisions in this Agreement, except for Section 4, are intended to be severable. If any

provision of this Agreement shall be held to be invalid or unenforceable in whole or in part, such provision shall be ineffective to the extent of such invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.

8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
9. **Amendments or Modifications of this Agreement.** It is anticipated by the parties that the terms and conditions of this Agreement will be periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all parties to this Agreement.
10. **Terms and Cancellation.** The Term of this Agreement shall commence upon the date first above written and shall run through the end of the calendar year and shall automatically be renewed thereafter, for successive terms, not to exceed one year each. Any party may cancel this Agreement at the end of the term upon written notice to the other parties prior to the end of the term.
11. **Intent to be Legally Bound.** By signing this Agreement, the Parties hereto confirm and state that they have carefully read this Agreement, that they know the contents hereof, that they fully expect to carry out each and every provision, and that they intend to be legally bound by the rights and obligations set forth herein.
12. **Indemnification and Hold Harmless** The City shall indemnify and hold harmless, to the extent permitted by Florida law and without waiving its right of sovereign immunity, the Property Appraiser, Tax Collector and

their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Property Appraiser, Tax Collector or their respective officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the negligent or intentional acts or omissions of the City or its employees, agents, servants, partners principals, or subcontractors arising out of, relating to, or resulting from the performance of the Agreement. The City shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the Property Appraiser or Tax Collector where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon.

13. **Headings.** The headings for each paragraph in this Agreement are for the purposes of reference only and shall not limit or otherwise affect the meaning of any provision.
14. **Complete Agreement.** This document shall represent the complete agreement of the Parties.

IN WITNESS WHEREOF, the Parties hereto execute this Agreement, and they affirm that they have the power to do so on behalf of the City, the Tax Collector, and the Property Appraiser.

(S E A L)

CITY OF NORTH MIAMI BEACH,
FLORIDA

A municipal corporation of the
State of Florida

ATTEST:

By: _____
Date

By: _____
Date

(name and title)

(name and title)

MIAMI-DADE COUNTY, FLORIDA
OFFICE OF THE PROPERTY APPRAISER

By: _____
Carlos Lopez-Cantera Date
Property Appraiser

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Harvey Ruvin
County Clerk

By: _____
Carlos A. Gimenez Date
Mayor

Approved as to legal sufficiency for Miami-Dade County and the Office of the Property Appraiser:

By: _____
Assistant County Attorney



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: Roslyn B. Weisblum, City Manager
DATE: Tuesday, March 19, 2013

RE: Resolution No. R2013-19 (Chief of Police Larry Gomer)

BACKGROUND: Prior to 2001, Miami-Dade County provided radio services for the City's Police Department with ticket surcharges covering the cost to be on the County's radio system with the City paying \$549,139.00 for the initial purchase of radio hardware. Due to safety concerns for the citizens and police officers of the City and overcrowding on the County's system, the City Council in 2001 authorized the Police Department to join forces with the City of Aventura's Police Department to create and construct a joint radio communication system in Aventura. While the joint system has been mutually beneficial, the system is nearing the end of its functionality and needs to be replaced at a cost to the City of approximately \$3,000,000.00. Due to such cost, City staff held a meeting with the County's Police Department, where an agreement was reached for the City to rejoin the County's Police Radio System. The anticipated cost to rejoin the County's system will be \$450,000.00. By joining the County's police communication system, the City will have complete access to the County's new state of the art Police Communication Center that houses their "Dispatch and 911 Call-Taking Operation".

RECOMMENDATION: Approval.
FISCAL IMPACT:
CONTACT PERSON(S): Chief Larry Gomer

ATTACHMENTS:

- ❑ [Resolution No. R2013-19](#)
- ❑ [Memorandum of Understanding](#)

RESOLUTION NO. R2013-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY FOR THE CITY OF NORTH MIAMI BEACH'S POLICE DEPARTMENT TO UTILIZE THE COUNTY'S POLICE RADIO SYSTEM FOR VOICE RADIO COMMUNICATIONS.

WHEREAS, certain communication services performed by the County's Information Technology Department are available to the City of North Miami Beach ("CITY") at no additional cost pursuant to the City's Police Department contribution through the ticket surcharge, as authorized by Section 318.21(9), Florida Statutes, and an existing Interlocal Agreement with Miami-Dade County ("COUNTY"); and

WHEREAS, prior to 2001, the County provided radio services for the City's Police Department with ticket surcharges covering the cost to be on the County's radio system with the City paying \$549,139.00 for the initial purchase of radio hardware; and

WHEREAS, due to safety concerns for the citizens and police officers of the City and overcrowding on the County's system, the City Council in 2001 authorized the Police Department to join forces with the City of Aventura's Police Department to create and construct a joint radio communication system in Aventura; and

WHEREAS, while the joint system has been mutually beneficial, the system is nearing the end of its functionality and needs to be replaced at a cost to the City of approximately Three Million Dollars (\$3,000,000.00); and

RESOLUTION R2013-19

WHEREAS, due to such cost, City staff held a meeting with the County's Police Department where an agreement was reached for the City to rejoin the County's Police Radio System; and

WHEREAS, instead of expending approximately Three Million Dollars to replace the joint police radio system with antenna, the anticipated cost to rejoin the County's system will be \$450,000.00; and

WHEREAS, by rejoining the County's police communication system, the City will have complete access to the County's new state of the art Police Communication Center that houses their "dispatch and 911 call-taking operation"; and

WHEREAS, the Mayor and City Council recognize that by rejoining the County's police radio system, the City will experience greater radio coverage throughout Miami-Dade County and into Broward County, and will provide better communication for our citizens and officers on the street.

NOW, THEREFORE,

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby authorize the City Manager to execute a Memorandum of Understanding with Miami-Dade County for the City to utilize the County's police radio system for voice radio communications, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3. APPROVED AND ADOPTED by the City of North Miami Beach City

Council at the regular meeting assembled 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 Council

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF NORTH MIAMI BEACH
AND
MIAMI-DADE COUNTY**

This agreement is made this _____ day of _____, 20___, between the City of North Miami Beach by and through its department, the North Miami Beach Police Department (hereinafter "NMBPD"), and Miami-Dade County by and through its department, the Miami Dade Police Department (hereinafter "MDPD").

WHEREAS Miami-Dade County ("County"), through the Information Technology Department (ITD) formally establishes a Memorandum of Understanding (MOU) with the NMBPD allowing it to utilize the County 700/800 MHz and the replacement P25 radio system for voice radio communications. The County imposes certain protocols, procedures, and obligations upon jurisdictions hereby authorized to use County-licensed radio channels held by ITD on behalf of the County, and the parties hereto agree to the following:

As per the existing interlocal agreement, NMBPD's contribution through the Ticket Surcharge as per Florida Statutes 318.21(9), will receive certain communications services performed by ITD at no additional cost to NMBPD. As part of the intergovernmental radio communication program ITD will:

- Provide 24/7 response to radio infrastructure related emergencies.
- Restore services to infrastructure including equipment, environmental systems, towers, antennas, county-wide microwave system, and operating system software.
- Provide maintenance, troubleshooting, repairing, upgrading, replacing, and servicing all infrastructure hardware and software applications.
- Perform preventive system maintenance and administration per vendor's recommendations.
- Provide back-up communication services in the event of an emergency.
- Create and coordinate communications talk groups.
- Monitor systems for capacity and performance issues.
- Manage all applicable FCC licenses authorized to the County.
- Prepare Bids and RFP documents for the procurement of goods and services.
- Prepare and maintain all system documentation.
- Evaluate new technology for possible cost reduction or service enhancements.
- Set and maintain standards of "Approved Equipment" that access County radio systems.
- Identify and correct private carrier RF related interferences affecting public safety systems.

ITD Services provided at additional costs:

- Maintenance & support of NMBPD backhaul microwave link used to connect Dispatch consoles to the network.
- NMBPD Dispatch Consoles maintenance & repairs.
- Purchase of new radio equipment including software-licensing requirements by manufacturers for software installed in the field subscriber equipment including but not limited to portable radios, mobile radios, control stations, and dispatch consoles.
- Radio repair
- Installation services
- Drive-in repair service.

To accomplish the objectives of this MOU, the use of the County Public Safety 700/800 MHz radio system is subject to the following guidelines:

- 1) Use shall be limited solely to communications relating to matters of law enforcement.
- 2) NMBPD will be authorized five talk groups to be used exclusively by the agency.
- 3) Maestro consoles will be allowed for the agency talk groups. MDPD will work in cooperation with NMBPD to ensure that all available Maestro options are considered. The cost of the consoles and connection to the County radio system for this equipment would be paid for by NMBPD. If the equipment is available as part of the rebanding process for NMBPD or a no cost option is available to MDPD, there will be no equipment charge to NMBPD.
- 4) BOLOs or active emergencies, which need to be broadcasted across shared talk groups, will require the approval of the approved active dispatcher via an intercom connection. If the talk groups are patched, each agency may request the release of the patch and the other will honor it. Each agency agrees to have a mutual training session to discuss usage and standards, prior to the deployment of shared talk groups.
- 5) NMBPD agrees to take responsibility for all County-owned equipment by ensuring that the necessary measures are taken to safeguard the equipment from loss, theft, or damage.
- 6) NMBPD agrees that use of the 700 MHz system is only for special and emergency events as authorized by MDPD and ITD. Prioritized use of the 700 MHz System is as follows:
 - Emergency or urgent operation involving imminent danger to life or property.
 - Disaster or extreme emergency operation requiring extensive interoperability and inter-agency communications.
 - Pre-planned Special events.
 - Joint training exercises.
 - Inter-agency communications.
 - Catastrophic failure of the County's 800 MHz system.
 - Communications with agencies not on MDC System.
- 7) During the annual Miami-Dade County Radio Inventory, a physical inspection of any County-loaned assets may be necessary and such inspections will be allowed by NMBPD.
- 8) For the safety of law enforcement personnel, NMBPD will be responsible for maintaining a current account of all personnel who are assigned and possess a radio that operates on the County 700/800 MHz Public Safety Radio System and to forward that information within 24 hours or as reasonably as possible to the Miami-Dade County Information Technology Department, Radio Shop at 305-596-8900 for proper aliasing of the radio. NMBPD will also provide a 24/7 contact point for the MDPD Shift Commander in the event that there is an emergency declared on the radio. All verbal communications shall be confirmed in writing.

- 9) In the event that a radio programmed with the 700/800 MHz personality is lost, stolen, or missing, the MDPD Shift Commander shall be notified immediately at (305) 596-8176 outside of normal working hours and (305) 596-8900 during normal working hours. ITD Radio System management personnel will disable the affected radio.
- 10) NMBPD will be responsible for all programming, maintenance, and/or repairs to any radio equipment owned by NMBPD. All private contractors hired to perform the services described above, will be required to sign an agreement not to disclose the MDPD radio personalities.
 - NMBPD agrees to contract with either ITD or a Harris factory authorized or certified vendor to repair, maintain, and program subscriber radios, control stations, dispatch consoles, or other terminal devices that connect to the County 700/800 MHz systems. NMBPD can exercise an option to have all radio repairs completed by the ITD Radio Shop at mutually agreed to terms.
- 11) NMBPD agrees that encryption keys remain under the management of law enforcement and will not be shared with private contractors without prior consent from the County.
- 12) NMBPD agrees to use the Personality Lock feature on all LMR subscriber radios connecting to the County Public Safety Radio System to prevent unauthorized users from programming radios or accessing the system.
- 13) NMBPD agrees not to sublet their service to any individual, agency, or organization without prior written consent from ITD Radio Communications.
- 14) Private calls shall not be allowed under any circumstances.
- 15) The County shall be advised within 24 hours when new radios are added or deleted by NMBPD. Radio personalities must be approved by MDPD/ITD before being loaded into any radio. ITD Radio Management personnel will develop the initial radio personality.
- 16) NMBPD agrees to follow proper FCC and County radio protocols at all times.
- 17) Approval of additional radio unit activation shall include but not be limited to the outcome of grade of service (GOS) studies, which shall be performed by the County's Radio Communications Division of ITD. The GOS is a way of assuring that the additional devices will not adversely affect current communications on the County system.
- 18) At the County's sole discretion, improper use of radio that is discovered as affecting system performance or in an unauthorized manner may result in the suspension of subscriber radio or console. NMBPD management will be notified immediately upon discovery of improper radio use.
- 19) NMBPD shall not perform two-way radio interconnecting or connecting subscriber radios to other radio systems, telephone systems, cellular systems or any other communication system without prior written approval by Miami-Dade County.
- 20) The use of P25 radios including non-Harris radios requires prior approval from the County. Currently, the following radio types are authorized for use on the County system.
 - Harris P5100 800 MHz

- Harris P5400 800 MHz
- Harris P7100 800 MHz
- Harris M7100 800 MHz
- Harris P7200 700/800 MHz
- Harris P7300 700/800 MHz
- Harris M7200 700/800 MHz
- Harris M7300 700/800 MHz
- Harris Unity Multi-Band

- 21) MDPD will allot working space within the Integrated Command Facility Building for NMBPD to establish a remote backup site for their operations, in the event of an emergency or other situation that renders their site inoperable. The cost of connecting to any NMBPD specific application would be funded by NMBPD.
- 22) This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable by law or otherwise by any third party against the Parties, the United States, the State of Florida, Miami-Dade County, or the officers, employees, agents, or other associated personnel thereof.
- 23) To the extent permitted by law and as limited by §768.28, Florida Statutes, each party shall assume the liability arising from acts taken by its personnel pursuant to this MOU. In no event shall a party be liable for acts, omissions, or conduct of the officers, employees or agents of the other participating party of this MOU and neither party intends a waiver of sovereign immunity or the limits provided by §768.28, Florida Statutes.
- 24) This MOU shall be effective from the date specified in the opening paragraph until terminated at any time by either Party upon a 90-day advanced written notice to the other party. This MOU may be modified at any time by the mutual written consent of the Parties.

City of North Miami Beach:

Roselyn Weisblum, Mayor

Date: _____

Miami-Dade County:

Carlos A. Gimenez, Mayor

Date: _____

Historical Perspective

- Prior to 2001 Miami-Dade County provided radio services for the North Miami Beach Police Department.
- Ticket surcharges covered our cost to be on the Miami-Dade Radio system with the only exception was the initial purchase of radio hardware for each officer/vehicle. Radio hardware costs amounted to \$549,139.
- 1998-2000 - Due to safety concerns with overcrowding on the Miami-Dade System, North Miami Beach Police Department explored the option of building its own 800 MHz Police Radio System.
- August of 2000 – we obtained approval from our then council to construct our own 800 MHz Radio System at a cost to NMB of \$866,427. Our existing radio hardware was compatible with the new system which kept the cost fixed at \$866,427.
- The system was constructed and completed by a February 10, 2001 date.
- We have operated on this system since its inception. However, the system is nearing the end of its functionality and needs to be replaced with a new P25 System.
- November 2010, a new P25 Digital Multi-site radio proposal was presented to NMBPD.
- Initial costs for replacing our legacy system with a P25 system ran in the area of 2.6-3.1 million dollars. (This is what NMB is responsible for).
- In 2012, a meeting was held with Miami-Dade Police Department to discuss the possibility of rejoining the Miami-Dade Radio System.
- A series of meetings were held between NMBPD and MDPD. We were able to work out an agreement for us to rejoin the Miami-Dade Radio System. The existing Ticket Surcharge would still cover our use of the system. The only expense would be for our ability to connect to their radio infrastructure. We anticipate our cost to run approximate \$450,000
- In addition, Miami-Dade Police have constructed a state of art Police Communication Center that houses their dispatch and 911 call-taking. They have offered a backup dispatch and call taker position to NMBPD in the event of a man-made or natural disaster should occur that regards us to relocate our dispatch functions.
- By rejoining the Miami-Dade Radio System, we can expect a cost savings to the city of between 2.1-2.6 million dollars. We will have greater radio coverage throughout Miami-Dade County and into Broward County. There will be seamless interoperability between NMBPD and MDPD for our officers on the street.



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: Roslyn B. Weisblum, City Manager

DATE: Tuesday, March 19, 2013

RE: Gun Mount Presentation (Chief Procurement Officer Brian O'Connor)

BACKGROUND: N/A

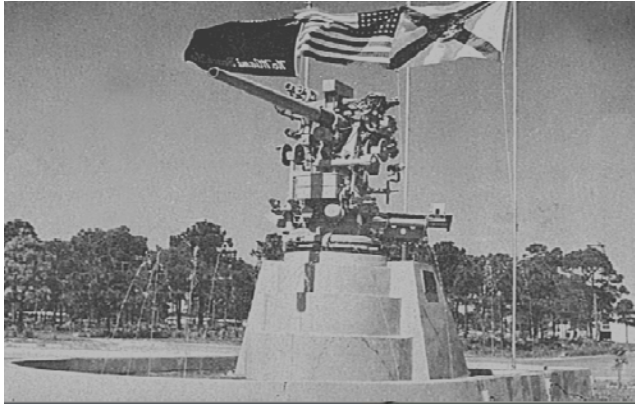
RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Brian K. O'Connor, Chief Procurement Officer
Roslyn B. Weisblum, City Manager

ATTACHMENTS:

 [Gun Mount Options](#)



19th Ave Military Gun Mount



Background

Memorial Gun Mount and Fountain

The 19th Avenue Memorial Gun Mount & Fountain was dedicated on July 4, 1955 as a gift to the City by the North Miami Beach Junior Chamber of Commerce and through the efforts of Councilman Emanuel G. Arnold in memory of those who served God and country.

The fountain, located in the median at the intersection of NE 19th Avenue and NE 167th Street, has not been operational for many years. The harsh Florida sun, weather and salt from the nearby ocean have faded, corroded and rusted the monument over time.

The historic World War II naval gun stands approximately 15 feet high and sits atop of a concrete pedestal; the fountain base is shaped in the form of a naval boat. The City has solicited contractors on various occasions to renovate this fountain; however lack of funding has been a continual issue in completing this renovation.

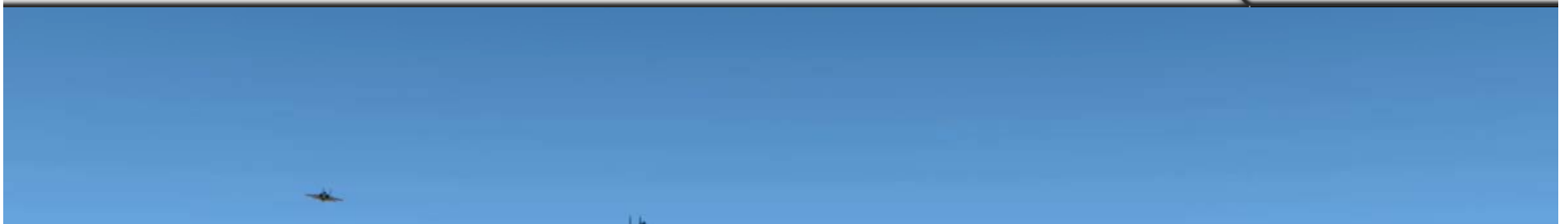
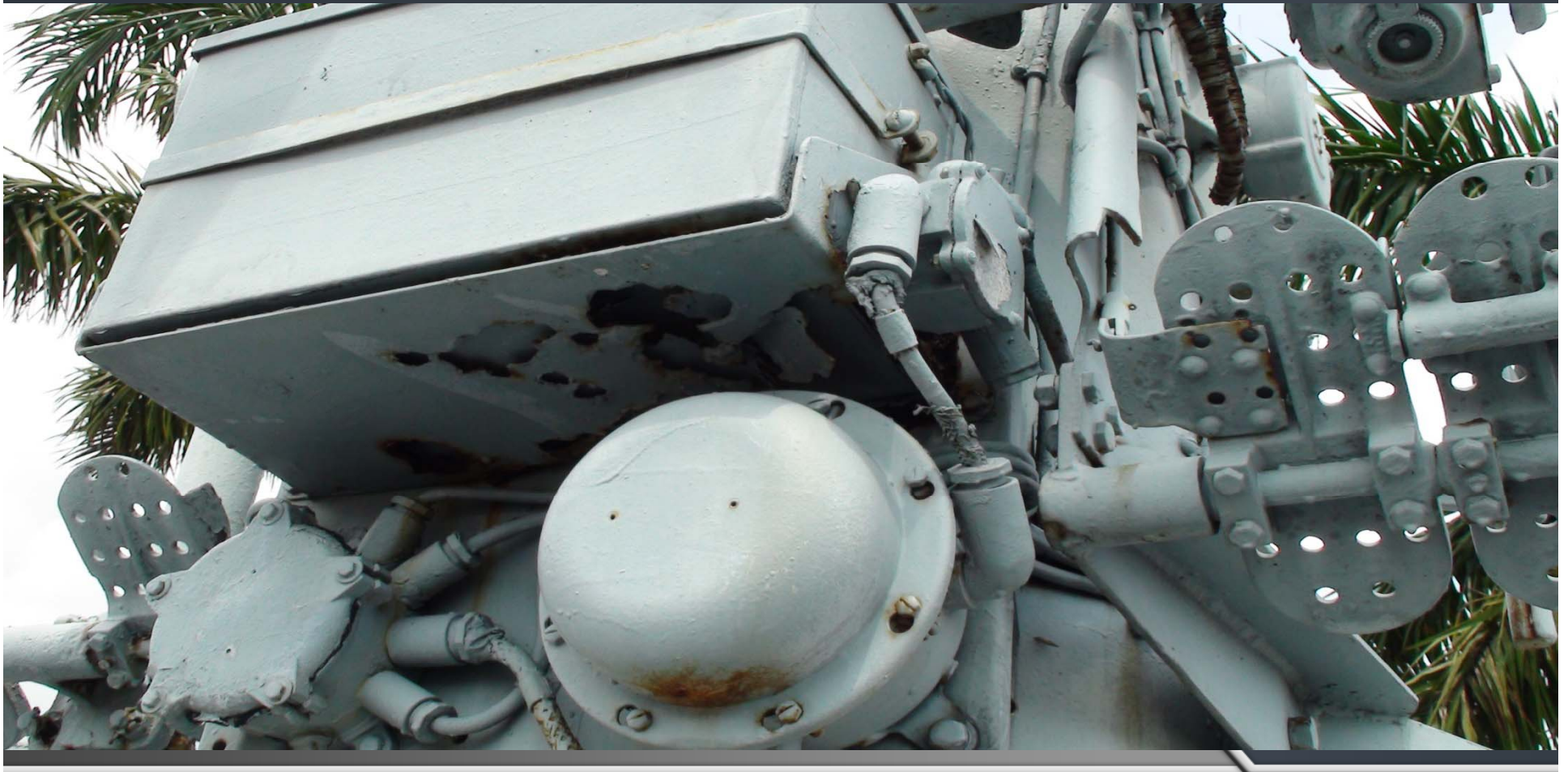
Current Condition



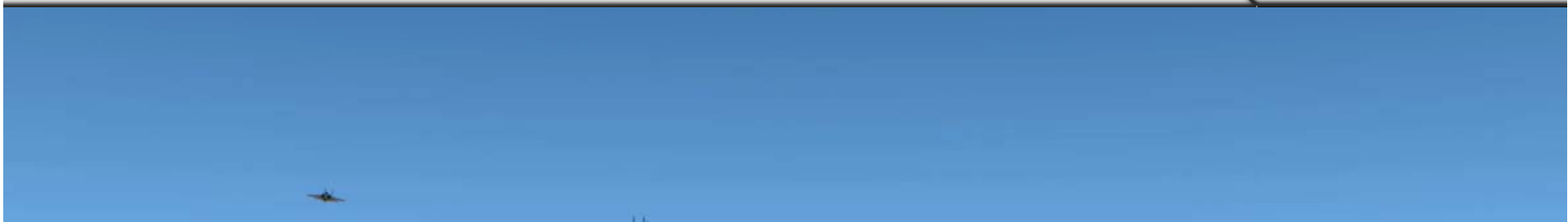
Current Condition



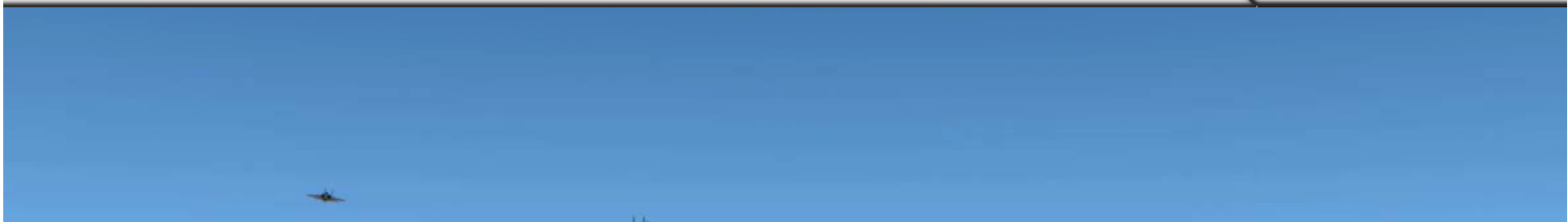
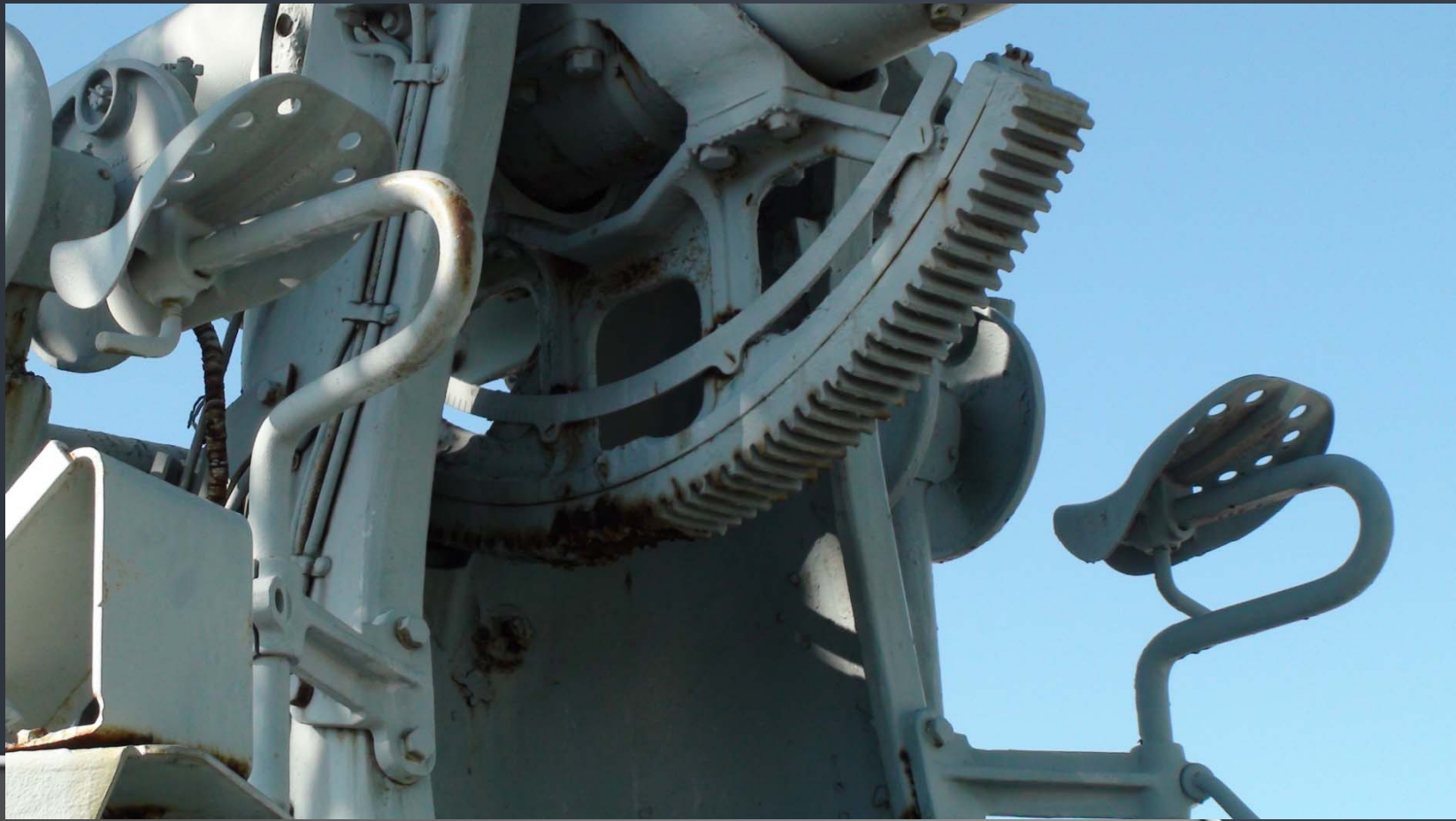
Current Condition



Current Condition



Current Condition



Current Condition



Current Condition



Phased Approach

The City Manager's Office is proposing a phased approach to this project that will consist of the following items:

☐ Phase 1

➤➤ Aircraft Cannon Restoration	\$13,263.00
➤➤ Repair gun pedestal and paint fountain base.	\$17,500.00
➤➤ Installation of irrigation and plants in base.	\$6,000.00
➤➤ Refurbishment of 3 existing plaques, add one new plaque.	\$ 2,000.00

Total Cost \$38,763.00



Additional Options



Furnish and install new 125 amp electrical service including directional boring of 1 1/2 " conduit under 19th Ave. \$14,450.00



Furnish and installation of 20-25' double mast flag pole with satin finish in concrete base per engineering specifications.\$6,840.00



Furnish and install lighting for flag and palm trees.
\$3,000



Total Cost for Options \$24,290.00

Grand Total of Phase I w/Options \$63,053.00



Proposed Phase I Concept



Proposed Phase II Concept



Phase II

Based on pricing provided by several contractors the cost to install a fountain would be approximately \$85,000.00 plus the below options if they were not included in Phase I

Electrical - \$14,450.00

Flag Pole - \$6,840.00

Lighting - \$3,000.00

Phase II is not being recommended at this time until a viable funding source has been identified. The city is currently seeking grants as an alternative means to fund the second phase of this project.



Total Approximate Cost:
\$109,290.00 with



Questions? Comments?





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: Tuesday, March 19, 2013

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

BACKGROUND:

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: March 19, 2013

LITIGATION LIST

I. Civil Rights:

Smith, Tyrus v CNMB

AMENDED COMPLAINT FILED

II. Personal Injury:

Allstate Insurance Co (Julmisse) v. CNMB

VOLUNTARY DISMISSAL

* **Black, Michael v CNMB**
Vehicle Accident

III. Other Litigation:

IV. Forfeitures:

V. Mortgage Foreclosures:

* **Bank of America v. CNMB (Roldan)**

* **Bank of New York v. CNNB (Blaustein)**

CITY DISMISSED

* **Bank of New York v. CNMB (Pierre)**

* **JP Morgan v. CNMB (Agudelo)**

* **RLMM, LLC v. CNMB (Andrews)**
(Quiet Title)

VI. Bankruptcies:

* **Cordrington Quashie, Harvey**



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: Roslyn B. Weisblum, City Manager
DATE: Tuesday, March 19, 2013

RE: City Manager Contract Review (City Manager Roslyn B. Weisblum)

BACKGROUND: N/A

RECOMMENDATION:

FISCAL IMPACT:

CONTACT PERSON(S): Roslyn B. Weisblum, City Manager

ATTACHMENTS:

- [Highlights of Accomplishments for City Manager Roslyn B. Weisblum](#)
- [Conditions of Employment - Roslyn B. Weisblum](#)

Highlights of Accomplishments for City Manager, Roslyn B. Weisblum, October 1, 2012 – March 13, 2013

1) Stabilized the Organization and Secured Critical Savings:

- Developed material and prepared for teleconference with S & P and Fitch rating bureaus for Water Utility ultimately earning ratings of A+.
- Refunded Water Revenue Bonds for a present value savings of \$9.2 million and an annual average savings of \$633,462 over 20 years totaling \$12.7 million over the 20 years.
- Reformed and amended the General Management Pension Plan.
- Contracted with BMG for loans to employees with repayment through payroll deductions.
- Recruited critical leadership positions, including Police Chief and Hired Human Resources Director.
- Productive Labor Union Negotiations which when completed this fiscal year will result in savings to the City including reformed Pension Plans for both the General Employees and Police.
- Completed FY 2012 Comprehensive Annual Financial Report (CAFR).
- Presented the Financial Analysis for the First Quarter of FY 2013.
- Selected Broker of Record for Health, Life, Disability, and Dental programs at a savings of over \$300,000.
- Negotiated and entered into multiple contracts and Interlocal agreements including:
 - Agreement with Miami-Dade County to partner with them on their new radio system saving the City approximately \$3 million in start up costs as well as savings in recurring operational costs.
 - Agreement with ATS for Red Light Cameras.
- Brownfield Area Designation on West Dixie Highway allowing for development of this longtime stagnant property.
- Re-Accreditation of Police Department.
- Meetings with Council, staff, other government organizations, developers, citizens, businesses, etc. to ensure a well-run, organized, attentive, respected City.
- Worked with Commissioner Monestime in developing a Miami-Dade County Resolution requesting funding of up to \$10 million for the remediation of Taylor Park.
- Developed and sent Legislative Priority requests to Governor Scott and Legislators requesting funding totaling over \$39 million for eight (8) City projects.
- Developed New Vision for CRA and held Economic Development Summit.

2) Key Initiatives Underway:

- Charter Review through the Charter Review Committee.
- City Visioning in preparation of FY 2014 budget.
- Uniform Method of Collecting Non-Advalorem Assessments for Sanitation and Stormwater fees.
- Studying Annexation Options.
- Pocket Park in Eastern Shores adjacent to Tot Lot.
- Negotiations with Broker of Record for Property/Liability/Workers Compensation Insurance.
- Development and implementation of Code Enforcement Initiatives.
- Amendment of City Codes.
- Comprehensive Sanitation Study.
- Water and Sewer rate study and Master Plan for water and sewer lines and infrastructure.
- Automated Meter Reading.
- Enterprise Resource Planning (ERP) Software Citywide System.

3) Planned Initiatives:

- Stabilize the Human Resources platform by updating core programs, procedures, and services.
- Articulate and update the Brand of the City, and develop marketing plan to support it.
- Deliver an organizational development plan to engage the employees and management in support of the new vision.

CONDITIONS OF EMPLOYMENT

Employer: *City of North Miami Beach*

Employee: *Roslyn B. Weisblum*

Position: *City Manager*

Effective Date: *April 1, 2013*

**Renewal/
Effective Date:** *This contract shall be reviewed by the Mayor and Council at a Council meeting in September 2013.*

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

Salary: *Employee's compensation shall be \$3,173.08 per week or \$165,000.00 yearly equivalent and includes motor vehicle allowance, expense allowance, and cellular phone allowance.
Employee may be entitled to receive a cost of living increase annually. Employee's salary and/or benefits may be enhanced at the City Council's discretion. Employee may also receive an annual discretionary performance bonus in the maximum amount of ten percent (10%) of Employee's current salary.*

Leave: *Employee shall be entitled to the following:*

<i>Annual Leave:</i>	<i>20 days/160 hours</i>
<i>Sick Leave:</i>	<i>10 days/80 hours</i>
<i>Floating Holiday:</i>	<i>None</i>
<i>Birthday:</i>	<i>None</i>

City

Weisblum

Pension Eligibility: *Since Employee is a drop member of the General Employee Pension Plan, she is precluded from participating in the Management Pension. As such, Employee shall participate in a 401(A) Plan whereby the City contributes 17% of Employee's salary and Employee's mandatory employee contribution is 8% and is subject to change as determined by the City.*

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

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

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

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

Severance: *Employee may be terminated from employment with or without cause at any time. Employee agrees to no severance.*

City

Weisblum

**Roslyn B. Weisblum
Conditions of
Employment Page 3**

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

City of North Miami Beach, Florida

Employee:

By: _____

GEORGE VALLEJO, Mayor

ROSLYN B. WEISBLUM

**PURSUANT TO motion adopted
unanimously on**

ATTEST:

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: Roslyn B. Weisblum, City Manager
DATE: Tuesday, March 19, 2013

RE: Resolution No. R2013-12 (City Planner Christopher Heid)

BACKGROUND: The applicant, Toras Emes Development Corp., request right-of-way vacation of an unimproved section of NE 164 Street, between North Miami Beach Boulevard and NE 11 Avenue. The area to be vacated totals 5,475 square feet and is located in the City's CF Community Facility Zoning District.

RECOMMENDATION: Approval.

FISCAL IMPACT: None.

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

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [Planning & Zoning Minutes - February 11, 2013](#)
- ❑ [Resolution No. R2013-12](#)
- ❑ [Legal Description](#)



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

CITY COUNCIL

TUESDAY, MARCH 19, 2013

ITEM #12-523	Right-of-Way Vacation
OWNER OF PROPERTY	CITY OF NORTH MIAMI BEACH (PUBLIC RIGHT-OF-WAY)
ADDRESS OF PROPERTY	NE 164 STREET (BETWEEN NORTH MIAMI BEACH BLVD & NE 11 AVE)
LEGAL DESCRIPTION	LENGTHY LEGAL DESCRIPTION, SEE ATTACHED EXHIBIT 4
EXISTING ZONING	CF, COMMUNITY FACILITY
EXISTING LAND USE	PUBLIC RIGHT-OF-WAY (UNIMPROVED)
FUTURE LAND USE DESIGNATION	PUBLIC AND QUASI-PUBLIC

The applicant, **Toras Emes Development Corp.**, requests **right-of-way vacation** of an unimproved section of **NE 164 Street**, between **North Miami Beach Boulevard** and **NE 11 Avenue**. The area to be vacated totals **5,475 square feet** and is located in the City's **CF, Community Facility Zoning District**.

ZONING – The subject property is zoned **CF, Community Facility**, as well as the properties to the north, northeast and the southeast. The properties to the south and west zoned **B-2, General Business**. (See attached Exhibit #1 for a Zoning Map of the subject property).

EXISTING LAND USE – The subject property is an unimproved right-of-way. The properties to north and north east are private schools. To the southeast is a vacant park site. To the west and south is retail. (See attached exhibit #2 for a Land Use Map of the subject property).

FUTURE LAND USE – The subject property, as well as the properties to the south and east, has a Future Land Use designation of **Business**. The properties to the north and the northeast have a Future Land Use Designation of **Public and Quasi-Public**. (See attached exhibit #3 for a Future Land Use Map of the subject property.)

THE SITE – The subject property is an unimproved section of NE 164 Street, lying between North Miami Beach Boulevard and NE 11 Avenue. The public right-of-way is 50 feet wide and contains 5,475 square feet.

THE PROJECT – the project proposes the abandonment of a 50 feet wide right-of-way (platted as NE 164 Street) bounded by North Miami Beach Boulevard to the west, Toras Emmes (private school) to the north, NE 11 Avenue to the east, and a triangular park to the south. Once abandoned, the area will be used by the adjacent school for a playground area in conjunction with its expansion. The schools expansion previously received approval under Resolution No. R2011-19, which was extended by the City Council by Resolution No. R2012-33. This project is currently under construction.

In addition to improvements to the subject property, the applicant has also agreed to make offsite improvements including sidewalk installation and landscaping of the triangular park.

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

The proposed right-of-way abandonment provides the school with the land needed to create a play area for its students, and the addition of landscaping improvements to the corner of North Miami Beach Boulevard and NE 11 Avenue will have a positive impact on the general area, and will create a more aesthetically appealing entrance to the Monticello neighborhood.

PLANNING & ZONING BOARD HISTORY

This item was heard by the Planning & Zoning Board at the meeting of Monday, February 11, 2013 and received a favorable recommendation with a vote of 7-0.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

It is recommended that the request for site plan review be approved, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Site Plan, Sheet A-0.1, by HNM Architecture, dated 1/13/2012, revised 1/2/2013;
 - Paving & Drainage Plan, Sheet C-1, by HNM Architecture, dated 1/13/2012, revised 11/19/2013;
 - Existing Tree Disposition Plan, Sheet LP1, by HNM Architecture, dated 1/13/2012, revised 1/7/2013;
 - Landscape Plan, Sheet LP2, by HNM Architecture, dated 1/13/2012, revised 1/7/2013;
 - Landscape Details & Specifications, Sheet LP3, by HNM Architecture, dated 1/13/2012, revised 1/7/2013.

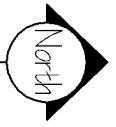
2. A complete paving and drainage plan showing proposed and existing grading, the relocation of the existing drainage structures, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.

3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.
4. The, design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, paving materials, and street furniture must be submitted to and approved by the Director of Public Services.
5. A revised landscape plan shall be submitted prior to the issuance of building permit for this project.
6. All offsite improvements including, but not limited to, the curbing of NE 11 Avenue, installation of landscaping, and the relocation of drainage structures must be completed to the City's satisfaction prior to the transfer of the abandoned right-of-way.
7. The irrigation for the City owned triangular property, the park, shall be provided, maintained, and operated by the applicant.
8. Project requires approval by the Florida Department of Transportation.
9. All offsite improvements must be completed prior to the issuance of Certificate of Occupancy for the school addition approved through Resolution No. R2011-19.
10. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval



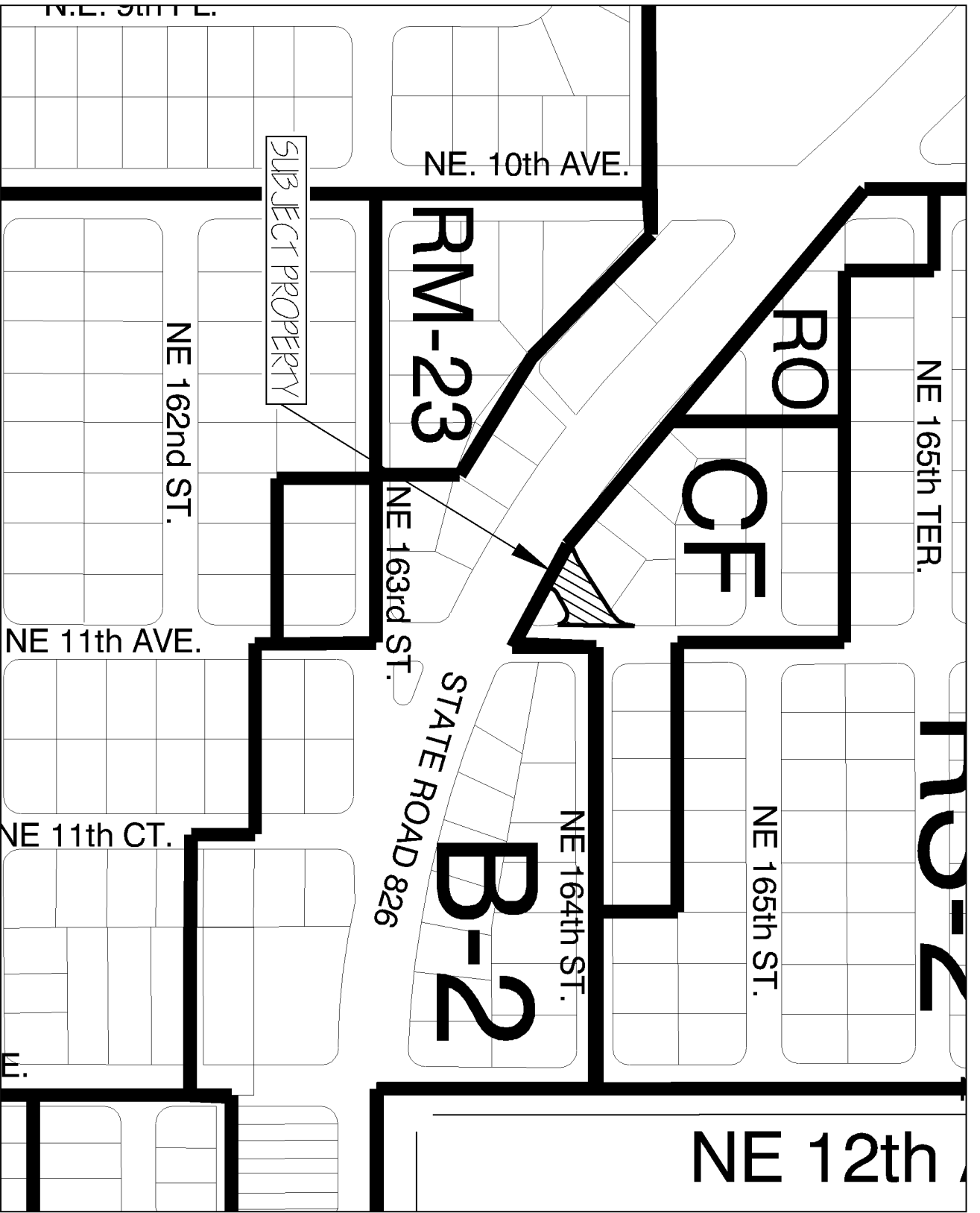
City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

1055 North Miami Beach Blvd
 Right of Way Vacation



Existing Zoning Map
 Exhibit No. 1

Prepared by CNMB Engineering Division



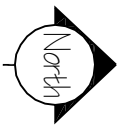
Legend:

RS-1	Residential Single Family (8,000 SF minimum)
RS-2	Residential Single Family (7,000 SF minimum)
RS-3	Residential Single Family (6,000 SF minimum)
RS-4	Residential Single Family (5,000 SF minimum)
RS-5	Residential Single Family (1,200 SF minimum)
MH-1	Mobile Home Subdivision
RD	Residential Two-Family (Duplex)
RM-19	Residential Low Rise Multifamily Medium Density-19 Units / Acre
RM-23	Residential Mid-Rise Multifamily High Density-23 Units / Acre
RM-32	Residential High-Rise Multifamily High Density-32 Units / Acre
RO	Residential Office District
B-1	Limited Business District
B-2	General Business District
B-3	Intensive Business District
B-4	Distribution Business and Light Industrial
B-5	Distribution Business and Medium Industrial
CF	Community Facility Planned Unit
PUD	Development

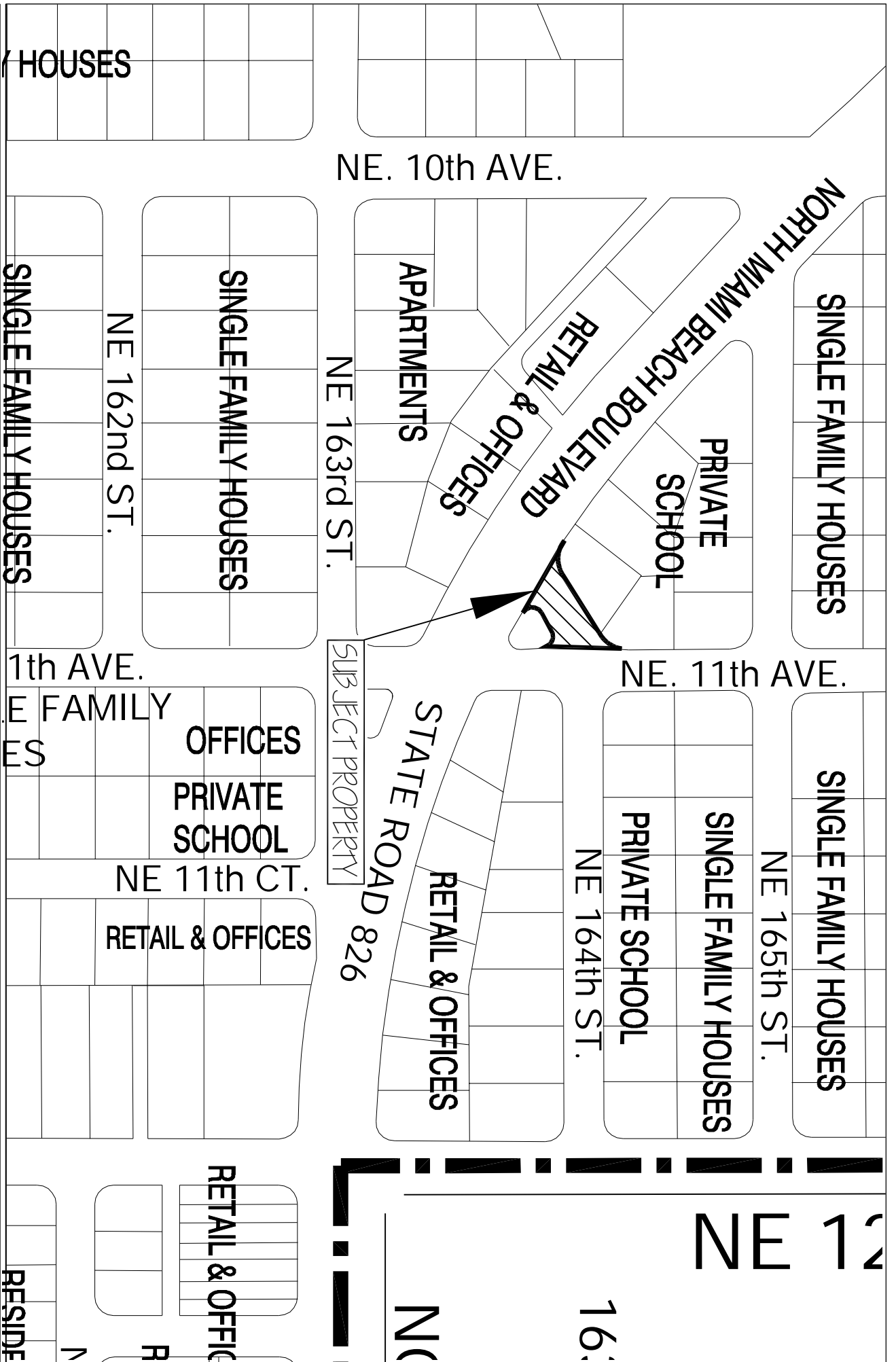


City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

1055 North Miami Beach Blvd
 Right of Way Vacation



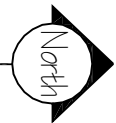
Existing Land Use Map
 Exhibit No. 2
 Prepared by CNM3 Engineering Division





City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

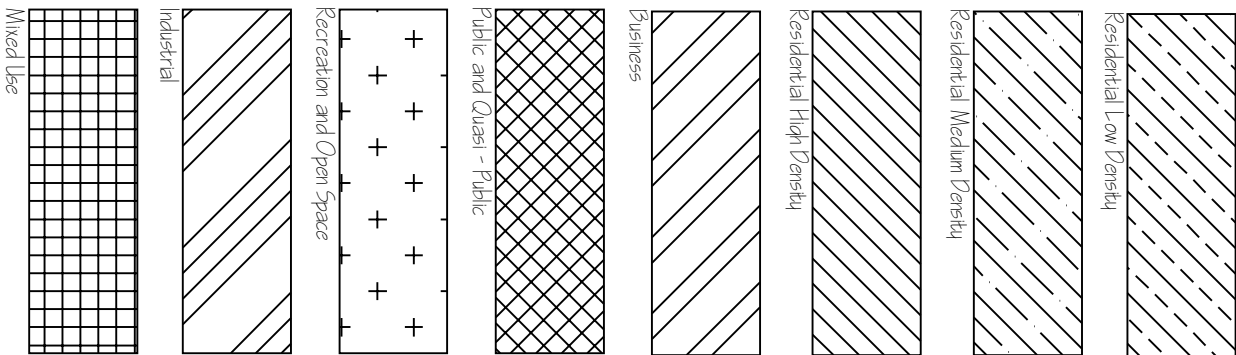
1055 North Miami Beach Blvd
 Right of Way Vacation



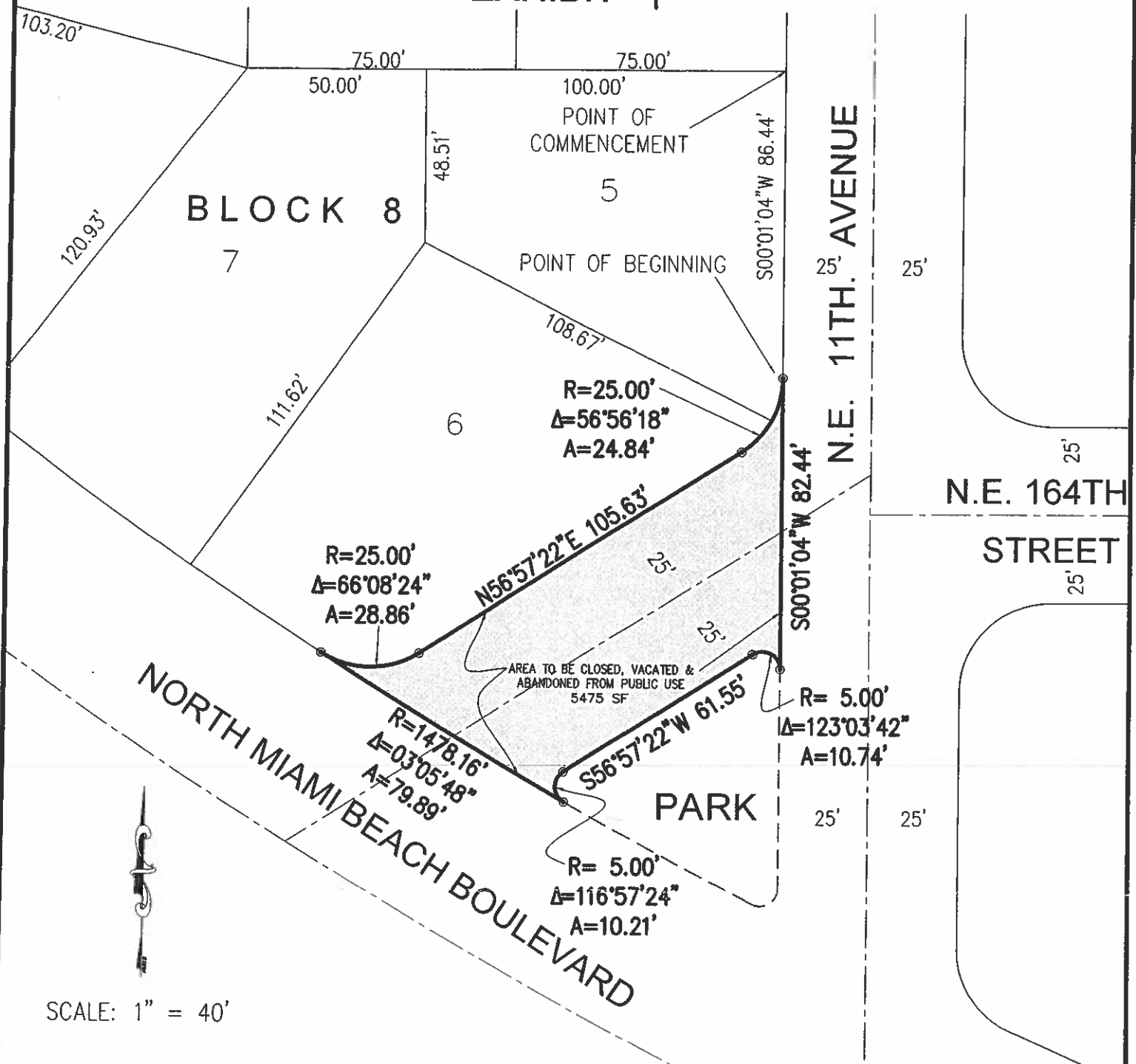
Future Land Use Map
 Exhibit No. 3
 Prepared by CMMB Engineering Division



Legend:



SKETCH & LEGAL DESCRIPTION RIGHT-OF-WAY TO BE CLOSED, VACATED & ABANDONED EXHIBIT "4"



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT: in the professional opinion of the undersigned Professional Surveyor and Mapper in the State of Florida, the following Sketch and Legal Description meets the requirements of the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Copies of this Sketch and Legal Description are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

NOTE: This Sketch is NOT A BOUNDARY SURVEY.

Pablo J. Alfonso P.S.M.
 Professional Surveyor & Mapper
 State of Florida Reg. No. 5880

Dated 01/23/13

SKETCH & LEGAL DESCRIPTION RIGHT-OF-WAY TO BE CLOSED, VACATED & ABANDONED EXHIBIT "4"

LEGAL DESCRIPTION:

All that portion of N.E. 164th. Street right-of-way, to be closed, vacated and abandoned from public use, lying Southeasterly of Block 8 of "MONTICELLO PARK UNIT 1", according to the plat thereof as recorded in Plat Book 40, at Page 65 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Lot 5, Block 8 of said "MONTICELLO PARK UNIT 1", according to the plat thereof as recorded in Plat Book 40, at Page 65 of the Public Records of Miami-Dade County, Florida; Thence run S.00°01'04"W., along the East line of said Lot 5 (also being the Westerly right-of-way line of N.E. 11th. Avenue) for a distance of 86.44 feet to the Point of Beginning of parcel of land hereinafter to be described: Thence continue to run S.00°01'04"W., along the Southerly extension of said Easterly line of said Lot 5, for a distance of 82.44 feet to a point of cusp of a circular curve, concave to the Southwest and having for its elements a radius of 5.00 feet and a central angle of 123°03'42"; Thence run Northerly and Westerly along the arc of said circular curve for an arc distance of 10.74 feet to a point; Thence run S.56°57'22"W, along the Northwesterly boundary line of "PARK SITE" as shown on abovementioned plat of "MONTICELLO PARK UNIT 1", for a distance of 61.55 feet to a point of curvature of a circular curve, concave to the Southeast, and having for its elements a radius of 5.00 feet and a central angle of 116°57'24"; Thence run Southerly and Easterly, along the arc of said curve, for an arc distance of 10.21 feet to a point of cusp of a circular curve, concave to the Northeast, and having for its elements a radius of 1478.16 and a central angle of 03°05'48"; Thence run Northwesterly, along the arc of said circular curve, (also being the Northerly right-of-way line of North Miami Beach Boulevard, extended Easterly) for an arc distance of 79.89 feet to a point of cusp of a circular curve, concave to the North, and having for its elements a radius of 25.00 feet and a central angle of 66°08'24"; The next three (3) course being the Southeasterly lines of Lot 6, Block 8 of said "MONTICELLO PARK UNIT 1"; Thence run Northeasterly along the arc of said circular curve, for an arc distance of 28.86 feet to a point of tangency; Thence run N.56°57'22"E. for a distance of 105.63 feet to a point of tangency of a circular curve, concave to the Northwest, and having for its elements a radius of 25.00 feet and a central angle of 56°56'18"; Thence run Northeasterly, along the arc of said circular curve, for an arc distance of 24.84 feet to a point of cusp and also being the Point of Beginning.

Said described parcel of land containing approximately 5475 square feet, more or less.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT: in the professional opinion of the undersigned Professional Surveyor and Mapper in the State of Florida, the following Sketch and Legal Description meets the requirements of the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Copies of this Sketch and Legal Description are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

NOTE: This Sketch is NOT A BOUNDARY SURVEY.



Pablo J. Alfonso P.S.M.
Professional Surveyor & Mapper
State of Florida Reg. No.5880

Dated 01/23/13



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, FEBRUARY 11, 2013

Attendees

Members - Chairman Evan Piper Shari Kamali, Director of Public Services
 Julian Kriesberg Christopher Heid, City Planner
 Saul Smukler Dotie Joseph, Assistant City Attorney
 Joseph Litowich Steven Williams, Board Recorder
 Anthony DeFillipo
 Michael Mosher
 Hector Marrero

◆ ◆
Call to Order and Pledge of Allegiance

Chairman Piper called the meeting to order at 6:12 p.m. The Pledge of Allegiance was recited and roll was called.

◆ ◆
Minutes

A motion was made by Julian Kriesberg, seconded by Joseph Litowich, to approve the minutes of the December 10, 2012 meeting. 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.

◆ ◆
OLD BUSINESS

Mr. Heid provided the following status report:

1. Item 12-531 Site Plan Modification (Emergency Helipad)
160 NW 170 Street

Mr. Heid advised that this Item is pending. It is expected to go before the City Council in March.

2. Item 12-534 LDR Text Amendment
Commercial Paint Colors

Approved by City Council.

3. Item 12-536 LDR Text Amendment
Political Signs

Approved by City Council.

◆-----◆
NEW BUSINESS

Item 12-523: Toras Emes: 1051 North Miami Beach Boulevard – Right-of-Way Vacation (NE 164 Street)

Mr. Heid stated that the existing zoning is CF, Community Facility, with an existing land use of Public Right-of-Way (unimproved). The future land use designation is Public and Quasi-Public. The Applicant, Toras Emes Development Corporation, is requesting the right-of-way vacation of an unimproved section of NE 164 Street. The area to be vacated consists of 5475 sq. ft.

He continued that the abandonment of the right-of-way has always been contemplated as part of the project. This portion of the project will be used as part of a playground inside a walled area. A sidewalk will be constructed around the corner of the property. A triangular piece of the property is a City park, which cannot and will not be abandoned; the park, however, will be improved. The City recommends in favor of the Application, with the nine conditions listed.

Rabbi Harayl Askotzky, representing the Applicant, stated that the Applicant has dealt with City Staff for several years with regard to the subject parcel of land. He advised that the school has cared for the property for some time now, although they do not hold title to the right-of-way. He noted that if the vacation is approved, the Applicant will fence that portion of the property as part of the scope of their work. In addition, project engineers will work in conjunction with the City and the Florida Department of Transportation (FDOT) to improve the turning lane and sidewalk at the location.

Vice Chair Kreisberg asked if the park was expected to function as a City park. Mr. Heid explained that it will remain a passive park, as it had been determined the location was not appropriate for active park amenities. No actual use of the parcel is intended. The right-of-way will be added to the school's private property and will be walled in as a playground area. The value of a similar piece of Toras Emes property will be applied to the total square footage of the right-of-way.

Vice Chair Kreisberg asked to know the nature of the improvements to the turning lane. Mr. Heid said the improvement will create a more typical right angle turn rather than the existing blind turn. He explained that development in the area would make it too confusing to turn the right-of-way into an active roadway.

Chairman Piper opened the floor to public comment.

Ron Gotland, private citizen, asked if the park will be a recreation area for the students or a park in itself, as a playground would require supervision and would be closed to the public at times. Mr. Heid replied that the right-of-way would become private property and would serve as a playground for the school; the park will be improved and will remain a passive park, or “an area of green.” He clarified that the westbound right turn

onto North Miami Beach Boulevard would be reconfigured so cars meet the intersection as a right angle rather than a 120-degree angle.

Harry Smith, private citizen, asked if the change would affect 11th Avenue. Mr. Heid clarified that no part of 11th Avenue would be moved, and reiterated that the vacated part of the right-of-way would become the school's property.

Samuel Rosenblit, private citizen, said he was pleased to see the school will be taking care of the property.

Mr. Gotland asked if exits to the fenced area would exist in case of emergency. Rabbi Askotzky said the school has worked with the Fire Department to place two pushbar gates on the property. Mr. Gotland advised that there may be a need for greater traffic enforcement in this area.

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

Mr. Heid read the City's full recommendation into the record. Rabbi Askotzky stated that the Applicant accepted the nine conditions.

A motion to approve Item 12-523 was made by Anthony DeFillipo and seconded by Saul Smukler. In a roll call vote, the motion passed with a vote of 7-0.

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

Mr. Heid explained that the Board's favorable recommendation would go before the City Council for a second hearing before a decision is made on the Item.

◆-----◆
Next Meeting

Mr. Heid advised that there would be no Board meeting on March 11, 2013, as there is no business. The next meeting will be scheduled for April 8, 2013.

◆-----◆
Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 6:59 p.m.

RESOLUTION NO. R2013-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, VACATING AND ABANDONING THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF NORTH MIAMI BEACH, FLORIDA:

**LENGTHY LEGAL DESCRIPTION
(See Attached Exhibit 1)**

(P&Z Item No. 12-523 of February 11, 2013)

AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT-CLAIM DEED AND ANY OTHER RELEVANT RELATED DOCUMENTS TO EFFECT THE TRANSFER OF SAID PROPERTY.

WHEREAS, the City of North Miami Beach is the owner of record of a fifty (50) foot unimproved street platted as NE 164th Street lying between North Miami Beach Boulevard and NE 11th Avenue; and

WHEREAS, the owners of the adjacent property to the north have requested that the City of North Miami Beach vacate and abandon the 50 foot unimproved street; and

WHEREAS, the street to which reference is made herein is bounded and adjacent to property privately owned by the requester of the right-of-way on one side and an unimproved City owned Park on the other side; and

WHEREAS, in lieu of payment, the applicants have agreed to make offsite improvements, at their expense, equal to the value of the vacated and abandoned property; and

WHEREAS, the improvements will consist of the installation of a sidewalk, curbing, landscaping, irrigation, and relocation of drainage structures on NE 11th Avenue; and

WHEREAS, the street was originally dedicated to the City for use as a public street; and

RESOLUTION R2013-12

WHEREAS, the City of North Miami Beach has the authority pursuant to Section 21(3) and 21(46) of the City Charter to dispose of property not needed for municipal purposes and to vacate streets and thoroughfares; and

WHEREAS, the City Council of the City of North Miami Beach has determined that the particular street described herein was never developed by the City as a street and is not needed for the citizens of the City of North Miami Beach or for any municipal or public purposes; and

WHEREAS, the Planning & Zoning Board heard this item at its regularly scheduled public meeting on Monday, February 11, 2013 and recommended the vacation and abandonment of the subject street favorably by a vote of 7-0; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach have determined it would be in the best interest of the citizens of the City to vacate and abandon the unimproved street in question to facilitate quality development of the long unused property.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach hereby declares its intention, subject to the conditions listed in Section 3 of this resolution, to vacate and abandon the following unimproved street in the City of North Miami Beach and hereby declare said property no longer needed by the City:

**LENGTHY LEGAL DESCRIPTION
(SEE ATTACHED EXHIBIT 1)**

Section 3. The following conditions must be completed to the City's satisfaction prior to the conveyance of said property:

RESOLUTION R2013-12

1. All offsite improvements including, but not limited to, the curbing of NE 11th Avenue, installation of landscaping and irrigation, and the relocation of drainage structures must be completed to the City's satisfaction prior to the transfer of the abandoned right-of-way.
2. All Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Site Plan, Sheet A-0.1, by HNM Architecture, dated 1/13/2012, revised 1/2/2013;
 - Paving & Drainage Plan, Sheet C-1, by HNM Architecture, dated 1/13/2012, revised 11/19/2012;
 - Existing Tree Disposition Plan, Sheet LP1, by HNM Architecture, dated 1/13/2012, revised 1/7/2013;
 - Landscape Plan, Sheet LP2, by HNM Architecture, dated 1/13/2012, revised 1/7/2013;
 - Landscape Details & Specifications, Sheet LP3, by HNM Architecture, dated 1/13/2012, revised 1/7/2013.
3. A complete paving and drainage plan showing proposed and existing grading, the relocation of the existing drainage structures, drainage details, and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.
4. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.
5. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, paving materials, and street furniture must be submitted to and approved by the Director of Public Services.
6. A revised landscape plan shall be submitted prior to the issuance of a building permit for this project.
7. The irrigation for the City owned triangular property, the park, shall be provided, maintained, and operated by the applicant.
8. Project requires approval by the Florida Department of Transportation.

RESOLUTION R2013-12

9. All offsite improvements must be completed prior to the issuance of Certificate of Occupancy for the school addition approved through Resolution No. R2011-19.
10. When plans are submitted for a building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval

Section 4. The Mayor and City Council of the City of North Miami Beach hereby authorize and direct the City Manager, upon satisfactory completion of conditions required by any other public entity with an interest in the unimproved street, as determined by the City Attorney, to sign and deliver a Quit-Claim Deed on behalf of the City of North Miami Beach conveying title to the vacated and abandoned street described above in this Resolution, which shall be recorded by the applicant in the public records of Miami-Dade County.

Section 5. The City Clerk is hereby directed to send a copy of this Resolution to all appropriate officials, interested parties, and to the City Manager.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this ___ day of March, 2013.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

RESOLUTION R2013-12

SKETCH & LEGAL DESCRIPTION RIGHT-OF-WAY TO BE CLOSED, VACATED & ABANDONED EXHIBIT "1"

LEGAL DESCRIPTION:

All that portion of N.E. 164th. Street right-of-way, to be closed, vacated and abandoned from public use, lying Southeasterly of Block 8 of "MONTICELLO PARK UNIT 1", according to the plat thereof as recorded in Plat Book 40, at Page 65 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Lot 5, Block 8 of said "MONTICELLO PARK UNIT 1", according to the plat thereof as recorded in Plat Book 40, at Page 65 of the Public Records of Miami-Dade County, Florida; Thence run S.00°01'04"W., along the East line of said Lot 5 (also being the Westerly right-of-way line of N.E. 11th. Avenue) for a distance of 86.44 feet to the Point of Beginning of parcel of land hereinafter to be described; Thence continue to run S.00°01'04"W., along the Southerly extension of said Easterly line of said Lot 5, for a distance of 82.44 feet to a point of cusp of a circular curve, concave to the Southwest and having for its elements a radius of 5.00 feet and a central angle of 123°03'42"; Thence run Northerly and Westerly along the arc of said circular curve for an arc distance of 10.74 feet to a point; Thence run S.56°57'22"W, along the Northwesterly boundary line of "PARK SITE" as shown on abovementioned plat of "MONTICELLO PARK UNIT 1", for a distance of 61.55 feet to a point of curvature of a circular curve, concave to the Southeast, and having for its elements a radius of 5.00 feet and a central angle of 116°57'24"; Thence run Southerly and Easterly, along the arc of said curve, for an arc distance of 10.21 feet to a point of cusp of a circular curve, concave to the Northeast, and having for its elements a radius of 1478.16 and a central angle of 03°05'48"; Thence run Northwesterly, along the arc of said circular curve, (also being the Northerly right-of-way line of North Miami Beach Boulevard, extended Easterly) for an arc distance of 79.89 feet to a point of cusp of a circular curve, concave to the North, and having for its elements a radius of 25.00 feet and a central angle of 66°08'24"; The next three (3) course being the Southeasterly lines of Lot 6, Block 8 of said "MONTICELLO PARK UNIT 1"; Thence run Northeasterly along the arc of said circular curve, for an arc distance of 28.86 feet to a point of tangency; Thence run N.56°57'22"E. for a distance of 105.63 feet to a point of tangency of a circular curve, concave to the Northwest, and having for its elements a radius of 25.00 feet and a central angle of 56°56'18"; Thence run Northeasterly, along the arc of said circular curve, for an arc distance of 24.84 feet to a point of cusp and also being the Point of Beginning.

Said described parcel of land containing approximately 5475 square feet, more or less.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT: in the professional opinion of the undersigned Professional Surveyor and Mapper in the State of Florida, the following Sketch and Legal Description meets the requirements of the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Copies of this Sketch and Legal Description are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

NOTE: This Sketch is NOT A BOUNDARY SURVEY.



Dated 01/23/13

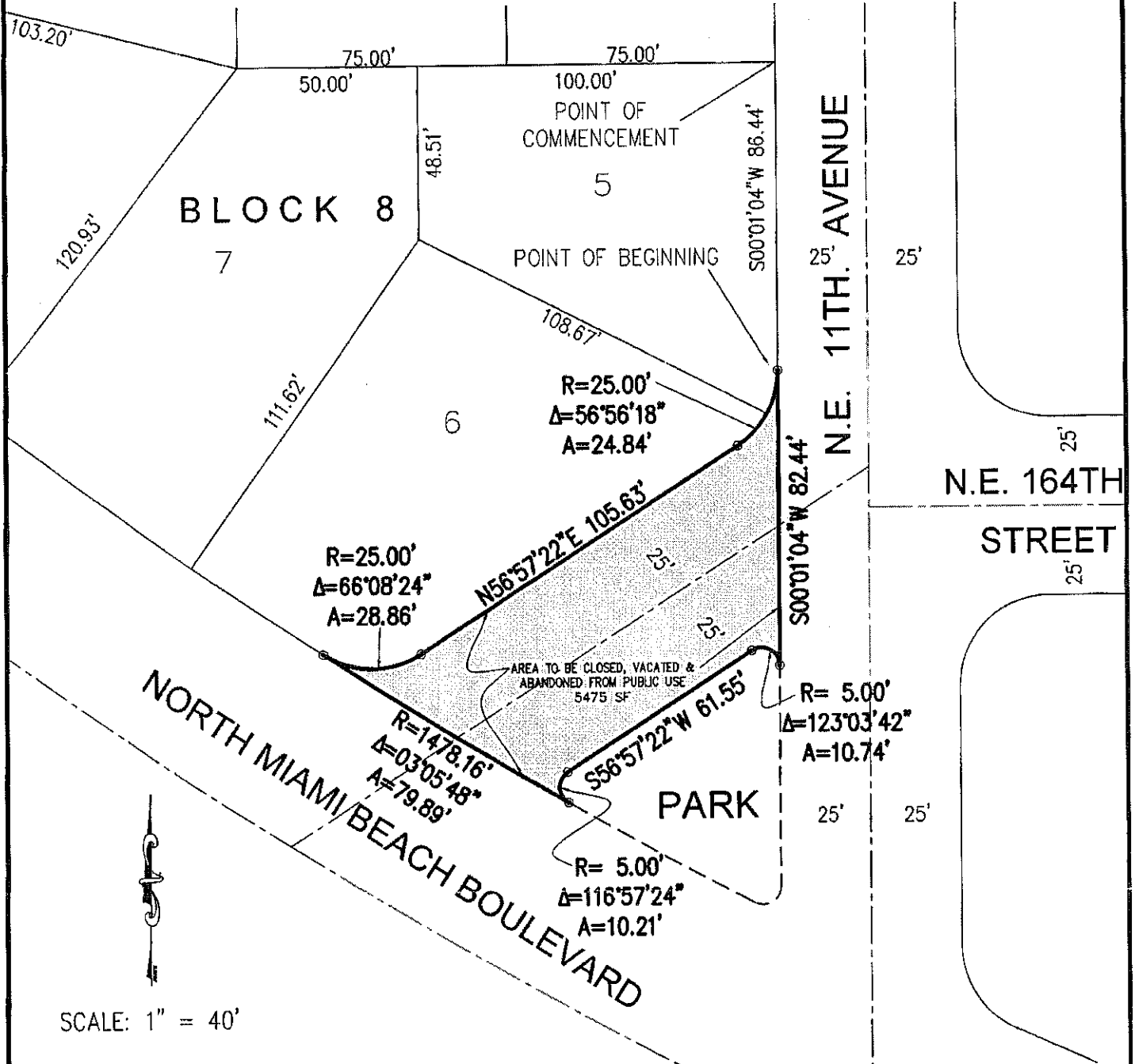
Pablo J. Alfonso P.S.M.
Professional Surveyor & Mapper
State of Florida Reg. No. 5880

Page 2 of 2

ROYAL POINT LB #7282
LAND SURVEYORS, INC.
6175 NW 153rd STREET SUITE 321, MIAMI LAKES, FL. 33014
PHONE: 305-822-6062 * FAX: 305-827-9669

Exhibit A

SKETCH & LEGAL DESCRIPTION RIGHT-OF-WAY TO BE CLOSED, VACATED & ABANDONED EXHIBIT "1"



SCALE: 1" = 40'

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT: in the professional opinion of the undersigned Professional Surveyor and Mapper in the State of Florida, the following Sketch and Legal Description meets the requirements of the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Copies of this Sketch and Legal Description are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

NOTE: This Sketch is NOT A BOUNDARY SURVEY.

Pablo J. Alfonso P.S.M.
 Professional Surveyor & Mapper
 State of Florida Reg. No.5880

Dated 01/23/13



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: Roslyn B. Weisblum, City Manager
DATE: Tuesday, March 19, 2013

RE: Resolution No. R2013-15 (City Planner Christopher Heid)

BACKGROUND: The applicant, Jackson North Medical Center, requests a site plan modification in order to relocate and expand an existing helipad on a hospital and medical campus located at 160 NW 170 Street, in the CF, Community Facility Zoning District

RECOMMENDATION: Approval.

FISCAL IMPACT: None.

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

ATTACHMENTS:

- ❑ [Staff Report](#)
- ❑ [P&Z Minutes - December 10, 2012](#)
- ❑ [Resolution No. R2013-15](#)
- ❑ [Legal Description](#)



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

CITY COUNCIL MEETING

MONDAY, DECEMBER 10, 2012

ITEM #12-531	JACKSON NORTH MEDICAL CENTER (HELIPAD)
OWNER OF PROPERTY	MIAMI-DADE COUNTY / JACKSON HEALTH SYSTEM
ADDRESS OF PROPERTY	160 NW 170 STREET
LEGAL DESCRIPTION	LENGTHY LEGAL DESCRIPTION, SEE ATTACHED EXHIBIT 4
EXISTING ZONING	CF, COMMUNITY FACILITY
EXISTING LAND USE	HOSPITAL AND MEDICAL CAMPUS
FUTURE LAND USE DESIGNATION	PUBLIC AND QUASI-PUBLIC

The applicant, Jackson North Medical Center, requests a site plan modification in order to relocate and expand an existing helipad on a hospital and medical campus located at located at 160 NW 170 Street, in the CF, Community Facility Zoning District.

ZONING – The subject property is zoned CF, Community Facility. The properties to the north and northeast are in Unincorporated Miami-Dade County. The properties to the east are zoned RD, Residential Two-Family. The properties to the southeast are zone RO, Residential Office. The properties to the south are zoned B-2, General Business, and the properties to west are zoned B-5, Distribution Business and Medium Industrial. (See attached Exhibit #1 for a Zoning Map of the subject property).

EXISTING LAND USE – The subject property is a hospital and medical campus. The properties to the east are duplexes. To the south are residential offices, and to the west are warehouses. (See attached exhibit #2 for a Land Use Map of the subject property).

FUTURE LAND USE – The subject property has a Future Land Use designation of Public and Quasi-Public. The properties to the east have a Future Land Use designation of Residential Medium Density. The properties to the south and west have a Future Land Use Designation of Business. (See attached exhibit #3 for a Future Land Use Map of the subject property.)

THE SITE – The current helipad is located near the northwest corner of the hospital campus, adjacent to I-95 and north of the emergency room entrance. The location of the proposed helipad is currently a parking lot just east of the emergency room entrance.

THE PROJECT – The project proposes the relocation and expansion of an existing helipad. The existing helipad will be demolished and replaced with a parking, providing 13 parking spaces. The new helipad is proposed to be 85'-6" by 85'-6" (7,310.25 square feet) within a safety area measuring 13,456 square feet. The new helipad will displace 50 parking spaces, which will be relocated to site of the current helipad and a new parking lot on the north side of NE 171 Street.

REVIEW BY OTHER CITY DEPARTMENTS -

Engineering

A. General

1. City approved drainage system is required for the proposed parking lot.
2. If curbing is required along NW 171 Street, drainage system is required.
3. Curb must be Type D for the parking lot. Include detailed drawing in the plan.
4. Curb must be Type F for the right of way. Include detailed drawing in the plan.
5. Show in the Engineering permit plan proposed capping and removal of existing drainage system at location of new helipad. Include as-built drawing of existing system in the set of plan. The catch basins may also be converted into manholes and adjusted instead of removing some French drain that may be interconnected.
6. The old helipad concrete slab to remain or removed and sodded?

B. Engineering (Paving & Drainage) Permit Approval Requirements:

1. Submit two (2) sets of Engineering Plans (Paving, Grading and Drainage). Plans must be signed and sealed by a State of Florida certified Engineer and must be **stamped approved by Miami-Dade County, D.E.R.M.**. Plans must show at least, but not limited to the following:
 - Existing and proposed elevations around the property and adjacent public right-of-way, rim elevations, to indicate that the storm water run-off will be kept within the property and not allowed into the public right-of-way and adjacent properties.
 - Tributary areas for each catch basins or indicate flow of run-off to catch basins.
 - Profile and standard detail drawings of drainage facilities, cross-section showing elevations and dimensions per design calculations.
 - Profile and standard detailed drawings of proposed pavement, curbing, ADA compliant handicap parking stalls, ramps, sidewalks and driveway constructions.
 - Dimensions of sidewalks, driveways, parking stalls, parking aisles, medians, islands, setbacks per City of North Miami Beach standard specifications.
 - Traffic signs and pavement markings.
 - Locations and points of discharge of rain leaders or connection to catch basins.
2. Submit two (2) sets of Drainage Calculations, signed and sealed by an Engineer. Drainage Calculations must specify design criteria and must include all maps, charts,

tables, and sources to support parameters used in calculations. Drainage calculations must be based on 5-year Storm, 10 minutes time of concentration (Intensity = 6.20 inches/hr.)

3. Submit one (1) original set of S.F.W.M.D Usual-Open-Hole Percolation Test, signed and sealed from an approved testing laboratory, 15' deep test hole at location of proposed exfiltration trench. Percolation rate from this test must be used for the drainage design. This will only be required if an exfiltration trench will be used.
4. Minimum exfiltration trench must be 15' deep, 3 feet wide and 25 feet in length.
5. Submit Erosion & Sediment Control Plan. CGP/NOI permits from DEP may be required (for projects 1 acre and above).

City Forester

1. The tree canopy mitigation plans and calculations are fine as submitted.
2. The new parking lot east of 171 street is too close to the sidewalk for two reasons: Code requires a minimum of 5' and a continuous hedge must be installed beyond the overhang of the cars.
3. The parking lot needs to be fully curbed, not just the islands.
4. There needs to be at least a note indicating all areas will be irrigated.
5. This campus / site plan and the neighborhood would both benefit from the hospital's acquisition of the NE 171 Street and East Drive rights-of-way. This would create a more cohesive campus while closing it off the neighborhood and eliminating the cut-through traffic to and from the rear access while making the neighborhood less porous. It may also open new opportunities for the helipad. Since the hospital owns all adjacent properties, it would be a simple abandonment.

COMMUNITY DEVELOPMENT DEPARTMENT ANALYSIS

The requested site plan modification for relocation and expansion of an existing helipad will help Jackson North Medical Center achieve a Level II Trauma Center designation. Previously, the hospital was designated as a Level II Trauma Center and was operated as such for over a year until it was discontinued.

The existing helipad was used for trauma cases under the previous designation. Since the abandonment of the previously held Trauma II designation, power lines were erected and the I-95 flyover was constructed. These obstacles limit access to certain types of helicopters, particularly Miami-Dade Fire Rescue. Also, the existing helipad no longer meets current size requirements.

Staff supports the proposed relocation and expansion of the helipad. The new location avoids the above mentioned obstacles and moves the helipad away from I-95. The new location offers more convenient access from the helipad to the emergency room. All parking spaces will be affected by the relocation of the helipad will be replaced.

Planning & Zoning Board History

This item was heard by the Planning & Zoning Board at the meeting of Monday, December 10, 2012 and received a tied vote of 3-3.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

It is recommended that the request for site plan review be approved, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Survey, Sheet 1 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 2 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 3 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 4 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Existing Site Plan, Sheet SP 1.0, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Demolition, Sheet SP 1.1, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Proposal, Sheet SP 1.2, by Edward Lewis Architects, dated 8/01/2012;
 - Details, Sheet SP1.3, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Photometric, Sheet SP E1.0, by Edward Lewis Architects, dated 8/01/2012;
 - Existed Tree Disposition Plan, Sheet LA 1.1, by Edward Lewis Architects, dated 10/23/2012;
 - Mitigation Planting Plan, Sheet LA 1.2, by Edward Lewis Architects, dated 10/23/2012;
 - Mitigation Planting Plan, Sheet LA 1.3, by Edward Lewis Architects, dated 10/23/2012;
 - Planting Notes, Specs, and Details, Sheet LA 1.4, by Edward Lewis Architects, dated 10/23/2012.
2. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.
3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.
4. Project required approval by the Federal Aviation Administration and all other federal, state, and county organizations that may have authority over the installation of a helipad.
5. The, design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, entry paving materials, and street furniture must be submitted to and approved by the Director of Public Services.
6. A revised landscape plan shall be submitted prior to the issuance of building permit for this project.
7. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

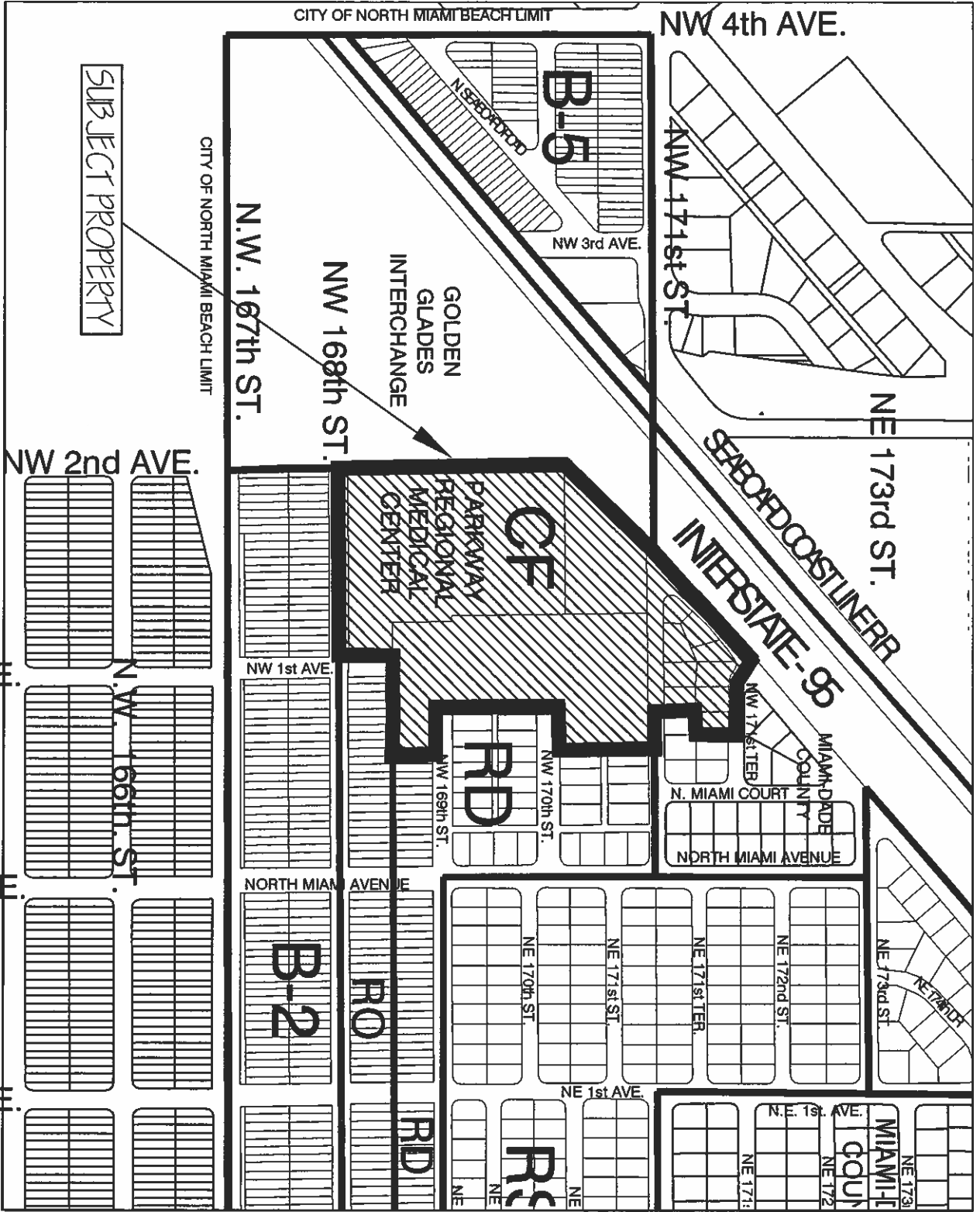


City of North Miami Beach
17050 N.E. 19th Avenue
North Miami Beach, Florida 33162

JACKSON MEMORIAL
(PARKWAY) HOSPITAL HELIPAD
160 NW 167 STREET



Existing Zoning Map
Exhibit No. 1
Prepared by QMB Engineering Division



Legend:

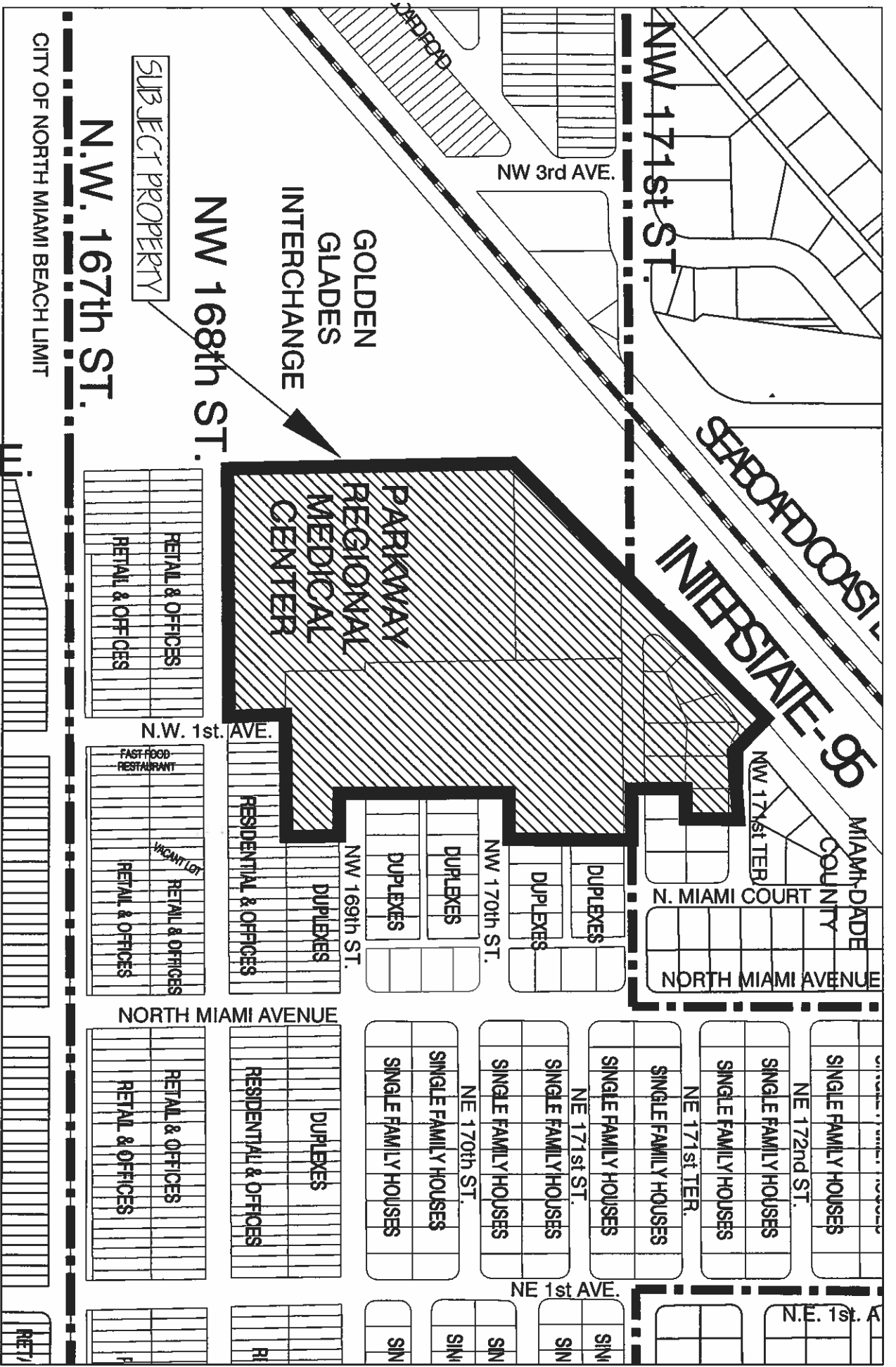
RS-1	Residential Single Family (8,000 SF minimum)
RS-2	Residential Single Family (7,000 SF minimum)
RS-3	Residential Single Family (6,000 SF minimum)
RS-4	Residential Single Family (5,000 SF minimum)
RS-5	Residential Single Family (1,200 SF minimum)
MH-1	Mobile Home Subdivision
RD	Residential Two-Family (Duplex)
RM-19	Residential Low Rise Multifamily Medium Density-19 Units/ Acre
RM-23	Residential Mid-Rise Multifamily High Density-23 Units/ Acre
RM-32	Residential High-Rise Multifamily High Density-32 Units/ Acre
R0	Residential Office District
B-1	Limited Business District
B-2	General Business District
B-3	Intensive Business District
B-4	Distribution Business and Light Industrial
B-5	Distribution Business and Medium Industrial
CF	Community Facility
PUP	Planned Unit Development



City of North Miami Beach
 17050 N.E. 19th Avenue
 North Miami Beach, Florida 33162

JACKSON MEMORIAL (PARKWAY)
 HOSPITAL HELIPAD
 160 NW 167 STREET

Existing Land Use Map
 Exhibit No. 2
 Prepared by CMMB Engineering Division



SUBJECT PROPERTY

RET

PH

RI

SIN

SIN

SIN

SIN

SIN

SIN

SIN

SIN



City of North Miami Beach
 17050 NE 19th Avenue
 North Miami Beach, Florida 33162

JACKSON MEMORIAL (PARKWAY)
 HOSPITAL HELIPAD
 160 NE 167 STREET



Future Land Use Map
 Exhibit No. 3
 Prepared by CNMB Engineering Division

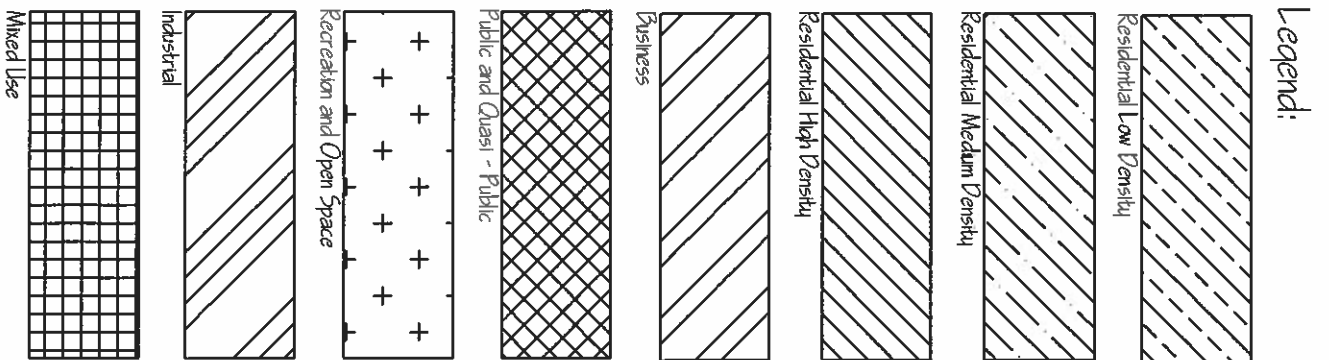
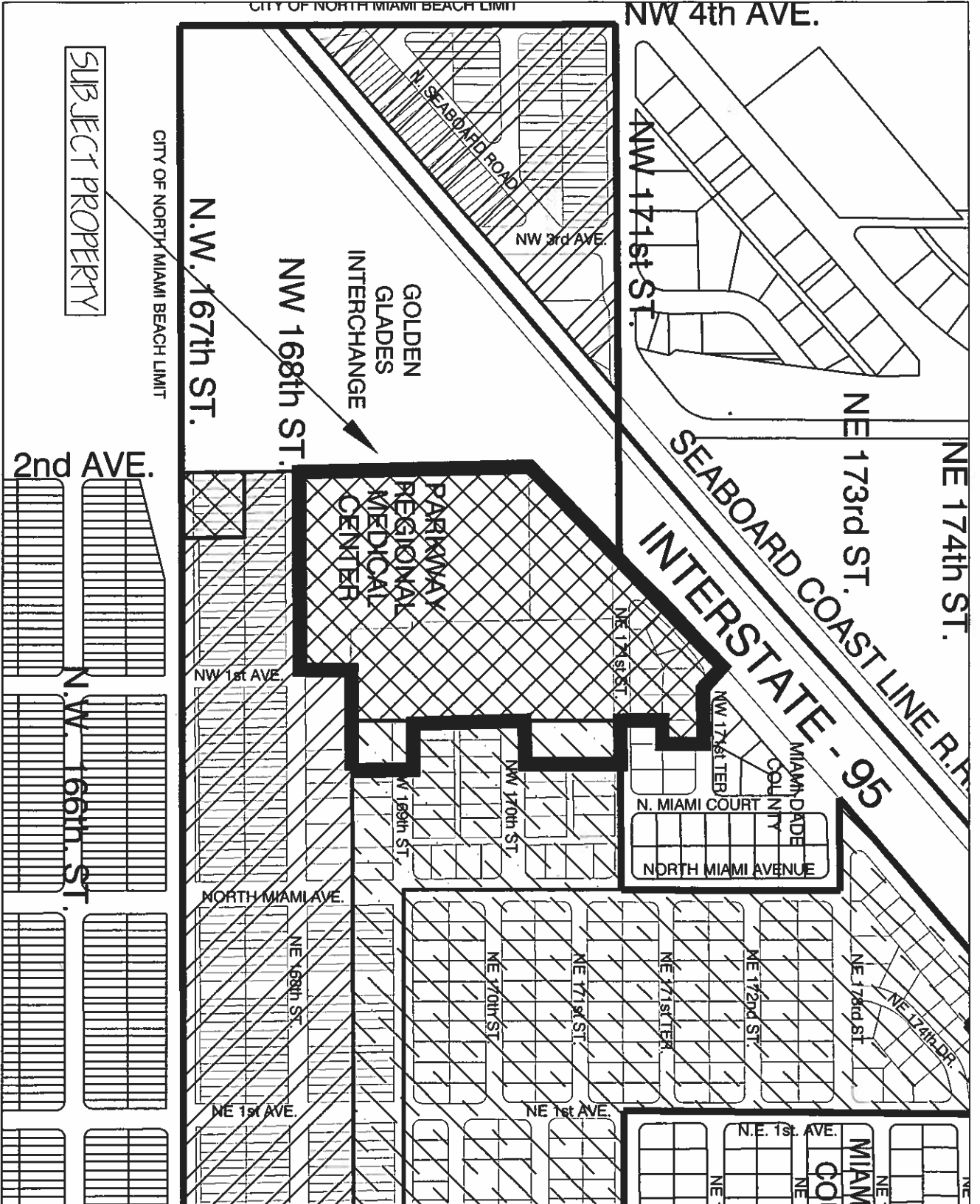


EXHIBIT 4
Legal Description

LEGAL DESCRIPTION:

PARCEL 1 - A.K.A. NORTHSPARK PARCEL

A portion of Lots 11, 12, 13, Block 3, and a portion of Lots 11, 12, 13 and 35, Block 4, and a portion of N.W. 170th Street, N.W. 1st Avenue and 20 foot alley adjacent thereof, all as shown on the plot of COMMERCIAL ARLINGTON, according to the Miami-Dade County, Florida, being more particularly described as follows:

Together with the rights and interests in and to that certain Cross Easement Agreement dated as of January 1, 1992, as amended by the First Amendment to Cross Easement Agreement dated June 29, 2001, encumbering the property more particularly described as Parcel 2, below.

PARCEL 2

TRACT 1
Lots 1-9 (inclusive), and 31-48 (inclusive), in Block 5, of OLETA TERRACE, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.
TRACT 2
Lots 10-19 (inclusive), and Lots 25-30, in Block 5, of OLETA TERRACE, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.
TRACT 3
A portion of Lots 7 through 48 (inclusive), lying Southeastly of State Road No. 9 right-of-way and alleys lying within and N.W. 170th Street lying West of Southerly extension of East line of Lot 20, Block 1 of "COMMERCIAL ARLINGTON", as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.
TRACT 4
Lots 1 through 48 (inclusive), Block 4 "COMMERCIAL ARLINGTON", as recorded in Plat Book 30, at Page 39, and N.W. 169th Street lying South and adjacent to Lots 1 and 21 through 34 of said Block 4, and alleys lying within said Block 4, as some appear on the Plat filed at Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.
TRACT 5
The East 15.11 feet of Lot 22, and all of Lots 23 and 24, in Block 5 of OLETA TERRACE, according to the Plat thereof, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.
TRACT 6
Lot 22, less the East 15.11 feet thereof, and all of Lots 20 and 21, in Block 5, of OLETA TERRACE, according to the Plat thereof as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.
TRACT 7
Lots 1 through 9 (inclusive), in Block 6 of OLETA TERRACE, according to the Plat thereof, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.
TRACT 8
Lots 11 through 20 (inclusive), in Block 3 of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.
TRACT 9
Lots 11 through 20 (inclusive), in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.
TRACT 10
A portion of Lots 21, 22 and 23, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida, and more particularly described as follows:
Begin 300 feet West of the Southeast corner of Lot 34, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida, thence West 58.99 feet, thence North 125 feet, thence East 59.49 feet, thence South 125 feet to the POINT OF BEGINNING, all lying and being in COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.
TRACT 11
Portion of Lots 23, 24 and 25, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida, and more particularly described as follows:
Begin 240 feet West of the Southeast corner of Lot 34, in Block 2, thence West 60 feet, thence Northerly 125 feet, thence Easterly 60 feet, thence South 125 feet, to the POINT OF BEGINNING, all lying and being in COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.
TRACT 12
The West 15 feet of Lot 44 and all of Lots 45, 46, 47 and 48, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.
TRACT 13
Lots 1 through 6 (inclusive), and Lots 12 through 14 (inclusive) in Block 2, of PARKWAY ESTATES, according to the Plat thereof, as recorded in Plat Book 64, at Page 37, of the Public Records of Miami-Dade County, Florida.
Being a portion of N.W. 1st Avenue and portions of N.W. 169th Street and N.W. 170th Street lying within portions of OLETA TERRACE, according to the Plat thereof as recorded in Plat Book 8, page 117, and COMMERCIAL ARLINGTON, according to the Plat thereof as recorded in Plat Book 30, page 39, of the Public Records of Miami-Dade County, Florida, said Avenue and Streets being more particularly described as follows:

AND (CONTINUED ABOVE RIGHT)

(CONTINUED FROM BELOW LEFT)

Begin at the Southwest corner of Lot 1, Block 6 of said OLETA TERRACE, the following three (3) courses being along the Easterly and Northerly lines of said Block 6: (1) thence North 00°-10'-26" East along the Easterly road right-of-way line of N.W. 1st Avenue for 109.18 feet to a point of tangency; (2) thence Northeasterly along a 25.00 foot radius curve leading to the right through a central angle of 90°-17'-45" for an arc of 39.40 feet to a point of tangency; (3) thence South 89°-31'-49" East along the Southerly road right-of-way line of N.W. 169th Street for 74.94 feet; thence North 00°-10'-11" East along the Southerly projection of the Easterly line of Lot 20, Block 3 of said COMMERCIAL ARLINGTON for 60.00 feet to the Southeast corner of said Lot 20; the following five (5) courses being along the Southerly, Westerly and Northerly exterior lines of said Block 3: (1) thence North 89°-31'-49" West along the Southerly line of said Block 3 and the Northerly road right-of-way line of N.W. 169th Street for 75.20 feet to a point of curvature; (2) thence Northwesterly along a 25.00 foot radius curve leading to the right through a central angle of 89°-42'-15" for an arc of 39.14 feet to a point of tangency; (3) thence North 00°-10'-26" East along the Westerly line of said Block 3 and the Easterly road right-of-way line of N.W. 1st Avenue for 224.20 feet to a point of curvature; (4) thence Northeasterly along a 25.00 foot radius curve leading to the right through a central angle of 90°-14'-29" for an arc of 39.38 feet to a point of tangency; (5) thence North 89°-35'-05" East along the Northerly line of said Block 3 and the Southerly road right-of-way line of N.W. 170th Street for 74.94 feet to the Northeast corner of Lot 11 of said Block 3; thence North 00°-10'-11" East along the Northerly projection of the Easterly line of said Lot 11 for 60.00 feet to a point on the Southerly line of said Block 2, COMMERCIAL ARLINGTON; the following four (4) courses being along the Southerly, Westerly and Northwesterly exterior lines of said Block 2: (1) thence North 89°-35'-05" West along said Southerly line and the Northerly road right-of-way line of N.W. 170th Street for 75.15 feet to a point of curvature; (2) thence Northwesterly along a 25.00 foot radius curve leading to the right through a central angle of 89°-45'-31" for an arc of 39.16 feet to a point of tangency; (3) thence North 00°-10'-26" East along the Westerly line of said Block 2 and the Easterly road right-of-way line of N.W. 1st Avenue for 220.09 feet to a point of curvature; (4) thence Northeasterly along a 25.00 foot radius curve leading to the right through a central angle of 90°-14'-40" for an arc of 39.38 feet to a point of cusp, said point of cusp lying on the Northerly line of said Block 2 and the Southerly road right-of-way line of N.W. 171st Street; thence North 89°-34'-54" West along said Southerly road right-of-way line for 110.00 feet to a point of cusp, said point of cusp lying on the Northerly line of said Block 1, COMMERCIAL ARLINGTON; the following four (4) courses being along the Northeasterly, Easterly, Southeasterly and Southerly exterior lines of Block 1 and 4 of said COMMERCIAL ARLINGTON: (1) thence Southeasterly along a 25.00 foot radius curve whose radius point bears South 00°-25'-06" West, said 25.00 foot radius curve leading to the right through a central angle of 89°-45'-20" for an arc of 39.16 feet to a point of tangency; (2) thence South 00°-10'-26" West along the Westerly road right-of-way line of N.W. 1st Avenue for 554.19 feet to a point of curvature; (3) thence Southwesterly along a 25.00 foot radius curve leading to the right through a central angle of 90°-17'-45" for an arc of 39.40 feet to a point of tangency; (4) thence North 89°-31'-49" West along the Northerly road right-of-way line of N.W. 169th Street for 97.95 feet; thence South 00°-01'-22" East along the Northerly projection of the Westerly line of said Lot 20, Block 5, OLETA TERRACE for 60.00 feet to the Northwest corner of said Lot 20; the following three (3) courses being along the Northerly, Northeasterly and Easterly exterior lines of said Block 5: (1) thence South 89°-31'-49" East along the Southerly road right-of-way line of said N.W. 169th Street for 98.00 feet to a point of curvature; (2) thence Southwesterly along a 25.00 foot radius curve through a central angle of 89°-42'-15" for an arc of 39.14 feet to a point of tangency; (3) thence South 00°-10'-26" West along the Westerly road right-of-way line of said N.W. 1st Avenue for 109.39 feet to the Southeast corner of Lot 24 of said Block 5, OLETA TERRACE, thence South 89°-29'-19" East for 60.00 feet to the POINT OF BEGINNING.

Together with that portion of the 20.00 foot wide alley lying adjacent to Lots 11 through 24, West 1/2 of Lots 25 and 44, and Lots 45 through 48, Block 2 of said Plot of COMMERCIAL ARLINGTON, said alley being more particularly described as follows:

Begin at the Northeast corner of said Lot 11, said Northeast corner lying on the Southerly road right-of-way line of N.W. 171st Street; thence South 00°-10'-01" West along the Easterly line of said Lots 11 through 20 (inclusive) for 270.08 feet to the Southeast corner of said Lot 20; thence South 89°-35'-05" East along the Northerly road right-of-way line of N.W. 170th Street for 20.00 feet to the Southwest corner of said Lot 21; thence North 00°-10'-01" East along the Westerly line of said Lot 21 for 125.04 feet to the Northwest corner of said Lot 21; thence South 89°-35'-00" East along the Northerly lines of said Lot 21 through 25 to the Northeast corner of the West 1/2 of said Lot 25 for 117.38 feet; thence North 00°-16'-43" East along the Northerly projection of the Easterly line of the West 1/2 of said Lot 25 for 20.00 feet to the Southeast corner of the West 1/2 of said Lot 44; thence North 89°-35'-00" West along the Southerly lines of the West 1/2 of said Lot 44, and Lots 45 through 48 for 117.42 feet to the Southwest corner of said Lot 48; thence North 00°-10'-01" East along the Westerly line of said Lot 48 for 125.04 feet to the Northwest corner of said Lot 48, said Northwest corner lying on the Southerly road right-of-way line of N.W. 171st Street; thence North 89°-34'-54" West along said Southerly road right-of-way line of N.W. 171st Street for 20.00 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THERE FROM THE FOLLOWING TWO DESCRIBED PARCELS:

PARCEL 1: (Medical Plaza Building and Improvements)
Fee simple title to the buildings and improvements presently existing and hereafter constructed on said Parcel 1 for the term of the Ground Lease in Parcel 1a below concerning: A portion of Block 5, of "OLETA TERRACE", according to the plat thereof, recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida, and a portion of N.W. 169th Street (Warren Street) as shown on said plat of "OLETA TERRACE", which was previously vacated and abandoned from public use, being more particularly described as follows:

Commence at the centerline intersection of N.W. 2nd Avenue and N.W. 168th Street, as shown on said plat of "OLETA TERRACE", thence run S 89°30'07" E (S 89°29'00" E - Deed), along the centerline of N.W. 168th Street, for 119.20 feet; thence run North for 30.00 feet to the South line of said Block 5 and the point of beginning of hereinafter described parcel of land:
From said point of beginning, thence run N 89°30'07" W (N 89°29'00" W - Deed), along the South line of said Block 5, for 59.42 feet to the point of curvature of a circular curve to the right; thence run Northwesterly and Northerly along the arc of said curve to the right, concave to the Northeast, having for its elements a central angle of 89°30'07" (89°29'00" - Deed), a radius of 25.00 feet, for an arc distance of 39.05 feet (39.04 feet - Deed) to the point of tangency of said curve; thence run North along the West line of said Block 5 and the Northerly extension, for 256.22 feet; thence run East for 84.20 feet, thence run South for 281.76 feet to the point of beginning.

PARCEL 2: (Parking Plaza Garage to Medical Plaza Building and Improvements)
Fee simple title to the buildings and improvements presently existing and hereafter constructed on said Parcel 2 for the term of the Ground Lease in Parcel 2a below concerning: A portion of Block 5, of "OLETA TERRACE", according to the plat thereof, recorded in Plat Book 8, at page 117, of the Public Records of Miami-Dade County, Florida, and a portion of N.W. 169th Street (Warren Street) as shown on said plat of "OLETA TERRACE", which was previously vacated and abandoned from public use, being more particularly described as follows:

Commence at the centerline intersection of N.W. 2nd Avenue and N.W. 168th Street, as shown on said plat of "OLETA TERRACE", thence run S 89°30'07" E (S 89°29'00" E - Deed), along the centerline of N.W. 168th Street, for 119.20 feet; thence run North for 30.00 feet to the South line of said Block 5 and the point of beginning of hereinafter described parcel of land:
From said point of beginning, thence continue North for 281.76 feet; thence run East for 10.80 feet; thence North for 8.00 feet; thence run East for 67.00 feet; thence run North for 15.00 feet; thence run East for 51.00 feet; thence run South for 256.25 feet; thence run East for 12.00 feet; then run S 45°00'00" E for 35.36 feet; thence run South for 24.93 feet (25.00 feet - Deed) to the south line of said Block 5, thence run N 89°29'00" W along said South line of Block 5, for 165.80 feet to the point of beginning.

With reference to Land America 1/k/a Commonwealth Land Title Insurance Company, Proforma Mortgage Title Policy No. 552-0016423 with an effective date of February 11, 2003, I hereby certify as follows:

SCHEDULE B

- 1 Standard Exception
2 - 9 Do not apply.
10 Dedications and reversion contained on the Plot of COMMERCIAL ARLINGTON, recorded in Plat Book 30, Page 39. Easements and right-of-way per plot that affect Northpark Parcel are shown on survey.
11 Restrictions and easements contained on the Plot of PARKWAY ESTATES, recorded in Plat Book 64, Page 37. Not a part of Northpark Parcel, but shown on survey.
12 Restrictive Covenants affecting PARKWAY ESTATES, recorded in O.R.B. 135, Page 83. Not a part of Northpark Parcel.
13 Easement granted to the City of North Miami Beach, recorded in O.R.B. 6704, Page 160. Not a part of Northpark Parcel, but shown on survey.
14 Reservations of oil, gas and minerals in favor of the Trustees of the Internal Improvement Fund of the State of Florida, recorded in Deed Book 2561, Page 377. Not a part of Northpark Parcel.
15 Easement Deed in favor of the City of North Miami Beach, recorded in O.R.B. 6317, Page 109. Not a part of Northpark Parcel, but shown on survey.
16 Easement Agreement, recorded in O.R.B. 13283, Page 632. Affects Northpark Parcel but not subject to location.
17 Grant of Easement to Install and Maintain Fire Hydrant to City of North Miami Beach, recorded in O.R.B. 9014, Page 1399. Not a part of Northpark Parcel, but shown on survey.
18 Unrecorded Unity of Title, recorded in O.R.B. 9893, Page 1408; and partially released, recorded in O.R.B. 13283, Page 613. Not a part of Northpark Parcel.
19 Agreement between RMC Parkway, Inc., and the City of North Miami Beach, recorded in O.R.B. 15263, Page 721, as ratified by Resolution No. R91-33A, recorded in O.R.B. 15540, Page 225, as modified by Release and Termination recorded in O.R.B. 16075, Page 4014. Affects Northpark Parcel and shown on survey.
20 Access rights under Lease Agreement, recorded in O.R.B. 12660, Page 806. Not a part of Northpark Parcel, but shown on survey.
21 Terms and Conditions of that certain Lease, recorded in O.R.B. 14352, Page 1217, as amended by First Amendment to Lease Agreement recorded in O.R.B. 14873, Page 1359. Affects Northpark Parcel, but not subject to location.
22 Terms and Conditions of that certain Ground Sublease, recorded in O.R.B. 16234, Page 783, and Assignment and Assumption of Ground Sublease Agreement, recorded in O.R.B. 17631, Page 3648. Affects Parcel 1 but not subject to location. Assignment and Assumption of Ground Sublease Agreement, recorded in O.R.B. 19754, Page 4453, and Memorandum of Amendment to Ground Sublease, recorded in O.R.B. 19762, Page 3012. Documents not provided.
23 Terms and provisions of that certain Cross Easement Agreement, recorded in O.R.B. 15263, Page 790. Water and electric easement affect Parcel 2 and shown on survey. Amendment to Cross-Easement, recorded in O.R.B. 19754, Page 4444. Benefits Parcel 1 and affects Parcel 2 but not subject to location.
24 Easement in favor Florida Power & Light Company, recorded in O.R.B. 15807, Page 4052. Not a part of Northpark Parcel, but shown on survey.
25 Easement Agreement, recorded in O.R.B. 16143, Page 3110. Not a part of Northpark Parcel, but shown on survey.

SURVEYOR'S NOTES:

- This site lies in Section 12, Township 52 South, Range 41 East, City of North Miami Beach, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- Bearings herein are referred to an assumed value of N89°30'07"W for the North right-of-way line of N.E. 168th Street, and evidenced by one (1) found rebar & cap LB4298 and one (1) found 1/2" pipe & cap LB3653.
- Elevations shown herein are relative to the National Geodetic Vertical Datum of 1929, based on Bench Mark No. D.O.T. 1-9574A-30, Elevation +12.50, located at I-95 and N.W. 2nd Avenue.
- Lands shown herein are located within an area having a Zone Designation X by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 12086C0137L, for Community No. 120655, dated September 11, 2005, and index map revised September 11, 2009, and is relative to the National Geodetic Vertical Datum of 1929.
- Lands shown herein for Parcel 2 containing 718.633 square feet, or 16.498 acres, more or less. Note: Parcel 1 is included in Parcel 2.
- Lands shown herein for Parcel 1 containing 21,499 square feet, or 0.494 acres, more or less. Parcel One and Parcel Two excluding Tract 13 are contiguous to each other and taken as a Tract constitutes one Parcel of land.
- Florida Power & Light easement per O.R.B. 3823, Page 167 not shown per attorney's request as it is being abandoned.
- All horizontal control measurements are within a precision of 1:10,000.
- This map is intended to be displayed at the graphic scale shown herein or smaller.
- Roof overhang not located unless otherwise shown.
- Improvements shown beyond the limits of this Boundary & Topographic Survey may not be current or located.
- Total striped parking spaces within legal description: 772 Regular and 22 Handicap. Parking spaces were not verified for any applicable regulations.
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- The approximate location of all utilities shown herein were determined from As-Built plans and/or on-site locations and should be verified before construction.
- This firm recommends that the client obtain a certified zoning verification letter from the city, county or agency responsible for zoning classification for the parcel.
- Minimum Building Setbacks: Per approved site plan from the City of North Miami Beach
- Legal description shown herein based on information furnished by client and no claims as to ownership are made or implied.

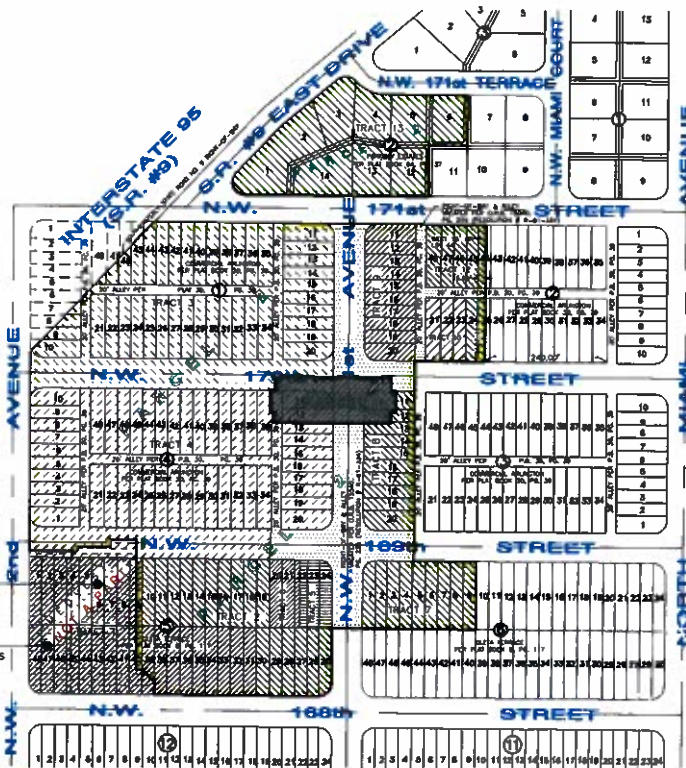
SURVEYOR'S CERTIFICATION:

This is to certify that this "Boundary and Topographic Survey" was made under my responsible charge on December 9, 1993, and last updated on May 29, 2012, in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Not valid without the signatures and the original record seal of a Florida Licensed Surveyor and Mapper

FORTIN, LEAVY, SKILES, INC. - LB98653

Daniel C. Fortin, or the Firm Surveyor and Mapper, LS2853 State of Florida



Vertical sidebar on the right side of the page. It contains a table with columns for 'DATE', 'DESCRIPTION', 'BY', and 'NO.'. Below the table is the logo and contact information for 'FORTIN, LEAVY, SKILES, INC.', including 'CONSULTING ENGINEERS, SURVEYORS & MAPPERS', 'FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 0008653', and '180 Northeast 168th Street, North Miami Beach, Florida 33162'. At the bottom of the sidebar, it reads 'ALTA/ACSM LAND TITLE SURVEY JACKSON NORTH MEDICAL CENTER CITY OF NORTH MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA'.

Vertical sidebar on the right side of the page, below the Fortin, Leavy, Skiles, Inc. information. It contains a table with columns for 'DATE', 'SCALE', 'BY', 'NO.', 'FIELD BOOK', 'JOB NO.', 'DWG. NO.', and 'SHEET'. The table contains the following data: Date: 6/27/01, Scale: 1"=40', By: DCF, No.: 970443, Field Book: 6/11/12 3:37p, Job No.: 283-342, Field Book: FLD-SHEET RLL, Job No.: 012856, Dwg. No.: 28010-117, Sheet: 1 of 4.



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.

RESOLUTION NO. R2013-15

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
GRANTING SITE PLAN MODIFICATION APPROVAL IN
ORDER TO RELOCATE AND EXPAND AN EXISTING
HELIPAD ON A HOSPITAL AND MEDICAL CAMPUS, AS
PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:**

(LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A")

A/K/A

**160 N.W. 170th Street
North Miami Beach, Florida**

(P&Z Item No. 12-531 of December 10, 2012)

WHEREAS, the property described herein is zoned CF, Community Facility Zoning District; and is comprised of Jackson Memorial Hospital North Campus; and

WHEREAS, the applicant requests site plan modification approval in order to relocate and expand an existing helipad on the hospital and medical campus located at 160 N.W. 170 Street; and

WHEREAS, this item was heard by the Planning and Zoning Board on December 10, 2012 and received a tied vote of 3-3, which in effect denied the site plan modification. Notwithstanding that vote, it is the Staff's recommendation that the request for site plan modification be approved, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Survey, Sheet 1 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 2 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 3 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 4 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Existing Site Plan, Sheet SP 1.0, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Demolition, Sheet SP 1.1, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Proposal, Sheet SP 1.2, by Edward Lewis Architects, dated 8/01/2012;
 - Details, Sheet SP1.3, by Edward Lewis Architects, dated 8/01/2012;

RESOLUTION NO. R2013-15

- Site Plan Photometric, Sheet SP E1.0, by Edward Lewis Architects, dated 8/01/2012;
- Existed Tree Disposition Plan, Sheet LA 1.1, by Edward Lewis Architects, dated 10/23/2012;
- Mitigation Planting Plan, Sheet LA 1.2, by Edward Lewis Architects, dated 10/23/2012;
- Mitigation Planting Plan, Sheet LA 1.3, by Edward Lewis Architects, dated 10/23/2012;
- Planting Notes, Specs, and Details, Sheet LA 1.4, by Edward Lewis Architects, dated 10/23/2012.

2. A complete paving and drainage plan showing proposed and existing grading, drainage details, and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.

3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.

4. Project requires approval by the Federal Aviation Administration and all other federal, state, and county organizations that may have authority over the installation of a helipad.

5. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, entry paving materials, and street furniture must be submitted to and approved by the Director of Public Services.

6. A revised landscape plan shall be submitted prior to the issuance of building permit for this project.

7. When plans are submitted for a building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

NOW, THEREFORE,

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

Section 1. Site plan modification approval in order to relocate and expand an existing helipad on a hospital and medical campus, on property legally described as:

(LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A")

A/K/A

**160 N.W. 170th Street
North Miami Beach, Florida**

(P&Z Item No. 12-531 of December 10, 2012)

is hereby granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
 - Survey, Sheet 1 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 2 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 3 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Survey, Sheet 4 of 4, by Fortin, Leavy, Skiles, LLC., dated 6/27/2001;
 - Existing Site Plan, Sheet SP 1.0, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Demolition, Sheet SP 1.1, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Proposal, Sheet SP 1.2, by Edward Lewis Architects, dated 8/01/2012;
 - Details, Sheet SP1.3, by Edward Lewis Architects, dated 8/01/2012;
 - Site Plan Photometric, Sheet SP E1.0, by Edward Lewis Architects, dated 8/01/2012;
 - Existed Tree Disposition Plan, Sheet LA 1.1, by Edward Lewis Architects, dated 10/23/2012;
 - Mitigation Planting Plan, Sheet LA 1.2, by Edward Lewis Architects, dated 10/23/2012;
 - Mitigation Planting Plan, Sheet LA 1.3, by Edward Lewis Architects, dated 10/23/2012;
 - Planting Notes, Specs, and Details, Sheet LA 1.4, by Edward Lewis Architects, dated 10/23/2012.
2. A complete paving and drainage plan showing proposed and existing grading, drainage details, and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit.
3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.
4. Project requires approval by the Federal Aviation Administration and all other federal, state, and county organizations that may have authority over the installation of a helipad.
5. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles, entry

paving materials, and street furniture must be submitted to and approved by the Director of Public Services.

6. A revised landscape plan shall be submitted prior to the issuance of building permit for this project.

7. When plans are submitted for a building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

Section 2. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the site plan modification approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Council prior to its expiration.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this ___ **day of March, 2013.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

LEGAL DESCRIPTION:

PARCEL 1 – A.K.A. NORTH PARK PARCEL

A portion of Lots 11, 12, 13, Block 3, and a portion of Lots 11, 12, 13 and 35, Block 4, and a portion of N.W. 170th Street, N.W. 1st Avenue and 20 foot alley adjacent thereof, all as shown on the plat of COMMERCIAL ARLINGTON, according plat thereof, as recorded in Plat Book 30, Page 39 of the Public Records of to the Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Lot 20, Block 2 of said Plat Book 30, Page 39; thence North 89°35'05" West along the South line of said Lot 20 for 46.07 feet; thence South 00°10'26" West for 33.05 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence North 89°49'34" West for 228.67 feet; thence South 00°10'26" West for 25.33 feet; thence North 89°49'34" West for 8.67 feet; thence South 00°10'26" West for 44.17 feet; thence South 89°49'34" East for 8.67 feet; thence South 00°10'26" West for 21.17 feet; thence South 89°49'34" East for 228.67 feet; thence North 00°10'26" East for 21.17 feet; thence South 89°49'34" East for 8.67 feet; thence North 00°10'26" East for 44.17 feet; thence North 89°49'34" West for 8.67 feet; thence North 00°10'26" East for 25.33 feet to the POINT OF BEGINNING.

Together with the rights and interests in and to that certain Cross Easement Agreement dated as of January 1, 1992, as amended by the First Amendment to Cross Easement Agreement dated June 29, 2001, encumbering the property more particularly described as Parcel 2, below.

PARCEL 2

TRACT 1

Lots 1-9 (inclusive), and 31-48 (inclusive), in Block 5, of OLETA TERRACE, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.

TRACT 2

Lots 10-19 (inclusive), and Lots 25-30, in Block 5, of OLETA TERRACE, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.

TRACT 3

A portion of Lots 7 through 48 (inclusive), lying Southeasterly of State Road No. 9 right-of-way and alleys lying within and N.W. 170th Street lying West of Southerly extension of East line of Lot 20, Block 1 of "COMMERCIAL ARLINGTON", as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.

TRACT 4

Lots 1 through 48 (inclusive), Block 4 "COMMERCIAL ARLINGTON", as recorded in Plat Book 30, at Page 39, and N.W. 169th Street lying South and adjacent to Lots 1 and 21 through 34 of said Block 4, and alleys lying within said Block 4, as same appear on the Plat filed at Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.

TRACT 5

The East 15.11 feet of Lot 22, and all of Lots 23 and 24, in Block 5 of OLETA TERRACE, according to the Plat thereof, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.

TRACT 6

Lot 22, less the East 15.11 feet thereof, and all of Lots 20 and 21, in Block 5, of OLETA TERRACE, according to the Plat thereof as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.

TRACT 7

Lots 1 through 9 (inclusive), in Block 6 of OLETA TERRACE, according to the Plat thereof, as recorded in Plat Book 8, at Page 117, of the Public Records of Miami-Dade County, Florida.

TRACT 8

Lots 11 through 20 (inclusive), in Block 3 of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.

TRACT 9

Lots 11 through 20 (inclusive), in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.

TRACT 10

A portion of Lots 21, 22 and 23, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida, and more particularly described as follows:

Begin 300 feet West of the Southeast corner of Lot 34, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida, thence West 58.99 feet, thence North 125 feet, thence East 59.49 feet, thence South 125 feet to the POINT OF BEGINNING, all lying and being in COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.

TRACT 11

Portion of Lots 23, 24 and 25, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida, and more particularly described as follows:

Begin 240 feet West of the Southeast corner of Lot 34, in Block 2, thence Westerly 60 feet, thence Northerly 125 feet, thence Easterly 60 feet, thence South 125 feet, to the POINT OF BEGINNING, all lying and being in COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.

TRACT 12

The West 15 feet of Lot 44 and all of Lots 45, 46, 47 and 48, in Block 2, of COMMERCIAL ARLINGTON, according to the Plat thereof, as recorded in Plat Book 30, at Page 39, of the Public Records of Miami-Dade County, Florida.

TRACT 13

Lots 1 through 6 (inclusive), and Lots 12 through 14 (inclusive) in Block 2, of PARKWAY ESTATES, according to the Plat thereof, as recorded in Plat Book 64, at Page 37, of the Public Records of Miami-Dade County, Florida.

Being a portion of N.W. 1st Avenue and portions of N.W. 169th Street and N.W. 170th Street lying within portions of OLETA TERRACE, according to the Plat thereof as recorded in Plat Book 8, page 117, and COMMERCIAL ARLINGTON, according to the Plat thereof as recorded in Plat Book 30, page 39, both of the Public Records of Miami-Dade County, Florida, said Avenue and Streets being more particularly described as follows:

Begin at the Southwest corner of Lot 1, Block 6 of said OLETA TERRACE, the following three (3) courses being along the Westerly and Northerly lines of said Block 6; (1) thence North $00^{\circ}-10'-26''$ East along the Easterly road right-of-way line of N.W. 1st Avenue for 109.18 feet to a point of curvature; (2) thence Northeasterly along a 25.00 foot radius curve leading to the right through a central angle of $90^{\circ}-17'-45''$ for an arc of 39.40 feet to a point of tangency; (3) thence South $89^{\circ}-31'-49''$ East along the Southerly road right-of-way line of N.W. 169th Street for 74.94 feet; thence North $00^{\circ}-10'-11''$ East along the Southerly projection of the Easterly line of Lot 20, Block 3 of said COMMERCIAL ARLINGTON for 60.00 feet to the Southeast corner of said Lot 20; the following five (5) courses being along the Southerly, Westerly and Northerly exterior lines of said Block 3; (1) thence North $89^{\circ}-31'-49''$ West along the Southerly line of said Block 3 and the Northerly road right-of-way line of N.W. 169th Street for 75.20 feet to a point of curvature; (2) thence Northwesterly along a 25.00 foot radius curve leading to the right through a central angle of $89^{\circ}-42'-15''$ for an arc of 39.14 feet to a point of tangency; (3) thence North $00^{\circ}-10'-26''$ East along the Westerly line of said Block 3 and the Easterly road right-of-way line of said N.W. 1st Avenue for 224.20 feet to a point of curvature; (4) thence Northeasterly along a 25.00 foot radius curve leading to the right through a central angle of $90^{\circ}-14'-29''$ for an arc of 39.38 feet to a point of tangency; (5) thence South $89^{\circ}-35'-05''$ East along the Northerly line of said Block 3 and the Southerly road right-of-way of N.W. 170th Street for 74.94 feet to the Northeast corner of Lot 11 of said Block 3; thence North $00^{\circ}-10'-11''$ East along the Northerly projection of the Easterly line of said Lot 11 for 60.00 feet to a point on the Southerly line of said Block 2, COMMERCIAL ARLINGTON; the following four (4) courses being along the Southerly, Westerly and Northwesterly exterior lines of said Block 2; (1) thence North $89^{\circ}-35'-05''$ West along said Southerly line and the Northerly road right-of-way line of N.W. 170th Street for 75.15 feet to a point of curvature; (2) thence Northwesterly along a 25.00 foot radius curve leading to the right through a central angle of $89^{\circ}-45'-31''$ for arc of 39.16 feet to a point of tangency; (3) thence North $00^{\circ}-10'-26''$ East along the Westerly line of said Block 2 and the Easterly road right-of-way line of N.W. 1st Avenue for 220.09 feet to a point of curvature; (4) thence Northeasterly along a 25.00 foot radius curve leading to the right through a central angle of $90^{\circ}-14'-40''$ for an arc of 39.38 feet to a point of cusp, said point of cusp lying on the Northerly line of said Block 2 and the Southerly road right-of-way line of N.W. 171st Street; thence North $89^{\circ}-34'-54''$ West along said Southerly road right-of-way line for 110.00 feet to a point of cusp, said point of cusp lying on the Northerly line of said Block 1, COMMERCIAL ARLINGTON; the following four (4) courses being along the Northeasterly, Easterly, Southeasterly and Southerly exterior lines of Block 1 and 4 of said COMMERCIAL ARLINGTON; (1) thence Southeasterly along a 25.00 foot radius curve whose radius point bears South $00^{\circ}-25'-06''$ West, said 25.00 foot radius curve leading to the right through a central angle of $89^{\circ}-45'-20''$ for an arc of 39.16 feet to a point of tangency; (2) thence South $00^{\circ}-10'-26''$ West along the Westerly road right-of-way line of N.W. 1st Avenue for 554.19 feet to a point of curvature; (3) thence Southwesterly along a 25.00 foot radius curve leading to the right through a central angle of $90^{\circ}-17'-45''$ for an arc of 39.40 feet to a point of tangency; (4) thence North $89^{\circ}-31'-49''$ West being along the Northerly road right-of-way line of N.W. 169th Street for 97.95 feet; thence South $00^{\circ}-01'-22''$ East along the Northerly projection of the Westerly line of said Lot 20, Block 5, OLETA TERRACE for 60.00 feet to the Northwest corner of said Lot 20; the following three (3) courses being along the Northerly, Northeasterly and Easterly exterior lines of said Block 5; (1) thence South $89^{\circ}-31'-49''$ East along the Southerly right-of-way line of said N.W. 169th Street for 98.00 feet to a point of curvature; (2) thence Southeasterly along a 25.00 foot radius curve through a central angle of $89^{\circ}-42'-15''$ for an arc of 39.14 feet to a point of tangency; (3) thence South $00^{\circ}-10'-26''$ West along the Westerly road right-of-way line of said N.W. 1st Avenue for 109.39 feet to the Southeast corner of Lot 24 of said Block 5, OLETA TERRACE; thence South $89^{\circ}-29'-19''$ East for 60.00 feet to the POINT OF BEGINNING.

Together with that portion of the 20.00 foot wide alley lying adjacent to Lots 11 through 24, West 1/2 of Lots 25 and 44, and Lots 45 through 48, Block 2 of said Plat of COMMERCIAL ARLINGTON, said alley being more particularly described as follows:

Begin at the Northeast corner of said Lot 11, said Northeast corner lying on the Southerly road right-of-way line of N.W. 171st Street; thence South 00°-10'-01" West along the Easterly lines of said Lots 11 through 20 (inclusive) for 270.08 feet to the Southeast corner of said Lot 20; thence South 89°-35'-05" East along the Northerly road right-of-way of N.W. 170th Street for 20.00 feet to the Southwest corner of said Lot 21; thence North 00°-10'-01" East along the Westerly line of said Lot 21 for 125.04 feet to the Northwest corner of said Lot 21; thence South 89°-35'-00" East along the Northerly lines of said Lot 21 through 25 to the Northeast corner of the West 1/2 of said Lot 25 for 117.38 feet; thence North 00°-16'-43" East along the Northerly projection of the Easterly line of the West 1/2 of said Lot 25 for 20.00 feet to the Southeast corner of the West 1/2 of said Lot 44; thence North 89°-35'-00" West along the Southerly lines of the West 1/2 of said Lot 44, and Lots 45 through 48 for 117.42 feet to the Southwest corner of said Lot 48; thence North 00°-10'-01" East along the Westerly line of said Lot 48 for 125.04 feet to the Northwest corner of said Lot 48, said Northwest corner lying on the Southerly right-of-way line of N.W. 171st Street; thence North 89°-34'-54" West along said Southerly road right-of-way line of N.W. 171st Street for 20.00 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THERE FROM THE FOLLOWING TWO DESCRIBED PARCELS:

PARCEL 1: (Medical Plaza Building and Improvements)

Fee simple title to the buildings and improvements presently existing and hereafter constructed on said Parcel 1 for the term of the Ground Lease in Parcel 1a below concerning: A portion of Block 5, of "OLETA TERRACE", according to the plat thereof, recorded in Plat Book 8, at Page 117, of the Public Records Miami-Dade County, Florida, and a portion of N.W. 169th Street (Warren Street) as shown on said plat of "OLETA TERRACE", which was previously vacated and abandoned from public use, being more particularly described as follows:

Commence at the centerline intersection of N.W. 2nd Avenue and N.W. 168th Street, as shown on said plat of "OLETA TERRACE", thence run S 89°30'07" E (S 89°29'00" E - Deed), along the centerline of N.W. 168th Street, for 119.20 feet; thence run North for 30.00 feet to the South line of said Block 5 and the point of beginning of hereinafter described parcel of land:

From said point of beginning, thence run N 89°30'07" W (N 89°29'00" W - Deed), along the South line of said Block 5, for 59.42 feet to the point of curvature of a circular curve to the right; thence run Northwesterly and Northerly along the arc of said curve to the right, concave to the Northeast, having for its elements a central angle of 89°30'07" (89°29'00" - Deed), a radius of 25.00 feet, for an arc distance of 39.05 feet (39.04 feet - Deed) to the point of tangency of said curve; thence run North along the West line of said Block 5 and the Northerly extension, for 256.22 feet; thence run East for 84.20 feet, thence run South for 281.76 feet to the point of beginning.

PARCEL 2: (Parking Plaza Garage to Medical Plaza Building and Improvements)

Fee simple title to the buildings and improvements presently existing and hereafter constructed on said Parcel 2 for the term of the Ground Lease in Parcel 2a below concerning:

A portion of Block 5, of "OLETA TERRACE", according to the plat thereof, recorded in Plat Book 8, at page 117, of the Public Records of Miami-Dade County, Florida, and a portion of N.W. 169th Street (Warren Street) as shown on said plat of "OLETA TERRACE", which was previously vacated and abandoned from public use, being more particularly described as follows:

Commence at the centerline intersection of N.W. 2nd Avenue and N.W. 168th Street, as shown on said plat of "OLETA TERRACE", thence run S 89°30'07" E (S 89°29'00" E - Deed), along the centerline of N.W. 168th Street, for 119.20 feet; thence run North for 30.00 feet to the South line of said Block 5 and the point of beginning of hereinafter described parcel of land:

From said point of beginning, thence continue North for 281.76 feet; thence run East for 10.80 feet; thence North for 8.00 feet; thence run East for 67.00 feet; thence run North for 15.00 feet; thence run East for 51.00 feet; thence run South for 256.25 feet; thence run East for 12.00 feet; then run S 45°00'00" E for 35.36 feet; thence run South for 24.93 feet (25.00 feet - Deed) to the south line of said Block 5, thence run N 89°29'00" W along said South line of Block 5, for 165.80 feet to the point of beginning.



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: Tuesday, March 19, 2013

RE: Ordinance No. 2013-5 (previously Ordinance No. 2012-31) -
First Reading by Title Only (City Attorney Darcee S. Siegel)

BACKGROUND: The current mortality table utilized to determine actuarial equivalence establishing the actuarial present value of benefit payments is outdated and requires revision. The pension plan's actuary has recommended incorporating the most recently accepted actuarial methodology mortality table, thus providing for greater accuracy and precision in benefit calculations.

RECOMMENDATION: Approval is recommended.

FISCAL IMPACT:

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

ATTACHMENTS:

- ❑ [Ordinance No. 2013-5](#)
- ❑ [Actuarial Impact Statement](#)

ORDINANCE NO. 2013-5

AN ORDINANCE AMENDING THE GENERAL EMPLOYEES' RETIREMENT PLAN OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING ARTICLE II, DEFINITIONS, PROVIDING FOR THE MOST CURRENT MORTALITY TABLE AND MODEL FOR MEASURING CONTINGENCIES; 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 current mortality table utilized to determine actuarial equivalence establishing the actuarial present value of benefit payments is outdated and requires revision; and

WHEREAS, the pension plan's actuary has recommended incorporating the most recently accepted actuarial methodology mortality table, thus providing for greater accuracy and precision in benefit calculations; and

WHEREAS, the trustees of the City of North Miami Beach General Employees' Retirement Plan have requested and approved such an amendment as being in the best interests of the participants and beneficiaries as well as improving the administration of the plan; and

WHEREAS, an amendment to the City Code is necessary to permit such new obligations and conditions; and

WHEREAS, the City Council has received and reviewed an actuarial impact statement related to this change, which is attached and incorporated herein as Exhibit "A".

NOW, THEREFORE,

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

Section 1. The foregoing WHEREAS clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article II, Definitions, of the Retirement Plan for General Employees of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the stricken language:

Actuarial Equivalent as used herein means equality in value of the aggregate amounts expected to be received under different forms of payment. Actuarially Equivalent amounts will be determined for all purposes based on the ~~1994 Group Annuity Reserving Table, projected by 2002, based upon a fixed blend 50% male mortality rates—50% female mortality rates, per IRS Revenue Ruling 2001-62 with interest 8.0% where the disabled Member's age shall be set forward five (5) years for all calculations.~~ 7.75% interest per annum and the unisex mortality table that is in effect as of the determination date as promulgated by the Secretary of the Treasury for purposes of determining lump sum distributions pursuant to Internal Revenue Code section 417(e)(3). Disabled Member's age shall be set forward five (5) years for all calculations.

Section 3. If any section, subsection, clause or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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.

Section 5. This Ordinance shall take effect upon adoption.

APPROVED BY TITLE ONLY on first reading this ____ day of _____, 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



March 13, 2013

Mr. Martin Lebowitz
Plan Administrator
City of North Miami Beach
17011 NE 19th Avenue – Room 311
North Miami Beach, Florida 33162-3100

Re: Actuarial Impact Statement

Dear Marty:

As requested, we have performed an actuarial review of the proposed Ordinance (copy attached) for the Retirement Plan for General Employees of the City of North Miami Beach.

Based upon our review, the proposed Ordinance:

1. Updates the definition of *Actuarial Equivalent*.
2. Repeals all Ordinances in conflict.
3. Provides for severability.
4. Provides for codification.
5. Provides for an effective date.

In our opinion, based upon the actuarial assumptions and methods employed in the October 1, 2012 Actuarial Valuation, the proposed Ordinance is a *no cost* Ordinance under State minimum funding requirements.

If you should have any question concerning the above, please do not hesitate to contact us.

Sincerest regards,

Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary

Enclosure

cc: Robert Sugarman, Esq.