AGENDA
North Miami City Council
776 N.E. 125th Street, 2nd Floor, Council Chambers
North Miami, FL 33161

REGULAR MEETING **TUESDAY, FEBRUARY 12, 2013**
7:00 P.M.

1. CALL TO ORDER / ROLL CALL OF MEMBERS

2. PLEDGE OF ALLEGIANCE / INVOCATION

3. ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals)

4. SPECIAL PRESENTATION(s)

- Proclamation in honor of *Black History Month*
- Recognition to "Officers of the Month," Officers *Alfred Bryant* and *Nelson Perez* for January 2013
- Utility Service Partners, Inc. presentation by *Michael P. Madden*
- Budget Presentation, Quarterly Update, October 1– December 31, 2012 by *Vernon Paul, Finance Director*

5. CITY EVENTS – ANNOUNCEMENT

6. CITY PROJECTS UPDATE

7. CONSENT AGENDA

UNLESS A MEMBER OF THE CITY COUNCIL WISHES TO REMOVE A SPECIFIC ITEM FROM THIS PORTION OF THE AGENDA, TABS A THROUGH D CONSTITUTE THE CONSENT AGENDA. THESE RESOLUTIONS AND ITEMS ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE ADDITIONAL REVIEW OR DISCUSSION. EACH ITEM WILL BE RECORDED AS INDIVIDUALLY NUMBERED RESOLUTIONS, ADOPTED UNANIMOUSLY BY THE FOLLOWING MOTION:

"…THAT THE CONSENT AGENDA COMPRISED OF TABS A THROUGH D BE ADOPTED…"

[TAB A]

APPROVAL OF MINUTES – Regular Council Meeting – January 22, 2013
Sponsored by: Michael A. Etienne, City Clerk

[TAB B]

PROPOSED RESOLUTION CALLING FOR THE ELECTION OF THE MAYOR AND TWO (2) COUNCILMEMBERS, ONE (1) FOR COUNCIL DISTRICT NO. 2 AND ONE (1) FOR COUNCIL DISTRICT NO. 3, WITH THE ELECTION TO BE HELD ON THE 2ND TUESDAY OF MAY, OR MAY 14, 2013, WITH ANY NECESSARY RUN-OFF ELECTION TO BE HELD ON JUNE 4, 2013, AS PROVIDED BY THE CHARTER OF THE CITY OF NORTH MIAMI AND THE CITY OF NORTH MIAMI CODE OF

ORDINANCES; PROVIDING FOR THE CLOSING OF REGISTRATION BOOKS; AND DESIGNATING HOURS AND PLACES FOR VOTING
Sponsored by: Michael A. Etienne, City Clerk

[TAB C]

PROPOSED RESOLUTION APPROVING THE EXECUTION OF A MUTUAL AID AGREEMENT AND JOINT DECLARATION BETWEEN THE CITY OF NORTH MIAMI AND THE TOWN OF MEDLEY TO PROVIDE ADEQUATE LEVELS OF POLICE SERVICES
Sponsored by: City Administration
Responsible Staff Person: Marc Elias, Chief of Police

[TAB D]

PROPOSED RESOLUTION MEMORALIZING CERTAIN FINANCIAL ALLOCATIONS OF REVENUE DERIVED FROM THE BISCAYNE LANDING LEASE PROCEEDS
Sponsored by: Stephen E. Johnson, City Manager

8. PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.

8.A. QUASI-JUDICIAL ITEM(S)

NOTE: Quasi-Judicial items will usually be Approve/Deny/Approve with Conditions.)

QUASI-JUDICIAL PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. IF YOU WISH TO COMMENT UPON ANY OF THESE ITEMS, PLEASE INDICATE THE TAB NUMBER YOU WOULD LIKE TO ADDRESS WHEN THE ANNOUNCEMENT REGARDING THE QUASI-JUDICIAL ITEM IS MADE. AN OPPORTUNITY FOR PERSONS TO SPEAK ON EACH ITEM WILL BE MADE AVAILABLE AFTER THE APPLICANT AND STAFF HAS MADE THEIR PRESENTATIONS ON EACH ITEM.

SWEARING IN: ALL TESTIMONY, INCLUDING PUBLIC TESTIMONY AND EVIDENCE, WILL BE MADE UNDER OATH OR AFFIRMATION. ADDITIONALLY, EACH PERSON WHO GIVES TESTIMONY MAY BE SUBJECT TO CROSS-EXAMINATION. IF YOU DO NOT WISH TO BE EITHER CROSS-EXAMINED OR SWORN, YOUR TESTIMONY WILL BE GIVEN ITS DUE WEIGHT. THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO ASK QUESTIONS OF STAFF OR WITNESSES ON THEIR BEHALF. THE FULL AGENDA PACKET ON EACH ITEM IS HEREBY ENTERED INTO THE RECORD. PERSONS REPRESENTING ORGANIZATIONS MUST PRESENT EVIDENCE OF THEIR AUTHORITY TO SPEAK FOR THE ORGANIZATION. FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED FROM THE CLERK. (IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER BEFORE ADDRESSING THE COUNCIL ON ANY OF THE FOLLOWING ITEMS). AT THIS TIME COUNCILMEMBERS MUST DISCLOSE ANY EX-PARTE COMMUNICATIONS CONCERNING ANY ITEMS ON THE AGENDA. AT THIS TIME THE CLERK WILL SWEAR IN ANY PERSON WHO WISHES TO TESTIFY ON ANY QUASI-JUDICIAL ITEM.

8.B. LEGISLATIVE MATTERS

8.B.1. ORDINANCES – SECOND READING AND PUBLIC HEARING

[TAB E]

PROPOSED ORDINANCE ***(SECOND READING)*** AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ENTITLED "PENSIONS AND RETIREMENT", BY AMENDING ARTICLE IV, ENTITLED "NORTH MIAMI POLICE PENSION PLAN," DIVISION 5, ENTITLED "BENEFITS" SPECIFICALLY AT SECTION 15-132, ENTITLED "DEATH BENEFITS", TO PROVIDE BENEFICIARIES RECEIVING A SERVICE-CONNECTED DEATH BENEFIT WITH AN ANNUAL COLA
Sponsored by: Pension Board
Responsible Staff Person: Major Robert Bage

[TAB F]

PROPOSED ORDINANCE ***(SECOND READING)*** AMENDING CHAPTER 6 OF THE CITY CODE OF ORDINANCES, ENTITLED "ELECTIONS", BY AMENDING ARTICLE IV, ENTITLED "ELECTION ADMINISTRATION" SPECIFICALLY AT SECTION 6-76, ENTITLED "DATES OF ELECTIONS" TO CHANGE THE DATES FOR RUNOFF ELECTIONS IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW

Sponsored by: Michael Etienne, City Clerk

8.B.2. ORDINANCES – FIRST READING

[TAB G]

PROPOSED ORDINANCE ***(FIRST READING)*** ESTABLISHING AN ADDITIONAL HOMESTEAD EXEMPTION OF TWENTY-FIVE THOUSAND DOLLARS ($25,000.00) FOR CERTAIN LOW-INCOME QUALIFYING SENIOR CITIZENS WHO ARE LONG-TERM RESIDENTS PURSUANT TO ARTICLE VII, SECTION 6(D), FLORIDA CONSTITUTION AND SECTION 196.075, FLORIDA STATUTES, TO BE APPLIED TO TAXES LEVIED BY THE CITY IN ACCORDANCE WITH SECTION 29-8, MIAMI-DADE COUNTY CODE OF ORDINANCES, AS AMENDED FROM TIME TO TIME; AND FURTHER PROVIDING THAT A COPY OF THIS ORDINANCE BE FILED WITH MIAMI-DADE COUNTY PROPERTY APPRAISER; PROVIDING FOR THE ANNUAL SUBMISSION OF A SWORN STATEMENT TO THE PROPERTY APPRAISER; ALLOWING SUPPORTING DOCUMENTATION; PROVIDING FOR WAIVER OF EXEMPTION; PROVIDING FOR COMMENCEMENT OF EXEMPTION

Sponsored by: City Administration

Responsible Staff Person: Vernon Paul, Finance Director

[TAB H]

PROPOSED ORDINANCE ***(FIRST READING)*** ADOPTING A SMALL SCALE LAND USE AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND 6TH AVENUE, CONSISTING OF FIVE ADJACENT LOTS TOTALING APPROXIMATELY 1.1 ACRES IN SIZE, FROM A MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION, AND TO EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY, DEPICTED ON THE FUTURE LAND USE MAP, TO INCLUDE THE SUBJECT PROPERTY IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT LAND USE AMENDMENT, AS REQUIRED BY FLORIDA LAW

Sponsored by: City Administration

Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB I]

PROPOSED ORDINANCE ***(FIRST READING)*** AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA CONSISTING OF EIGHT (8) CONTIGUOUS LOTS, LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE TOTALING APPROXIMATELY 2.1 ACRES IN SIZE AND GENERALLY IDENTIFIED AS LOTS 1, 2, 3, 11 AND 12, CURRENTLY ZONED R-5, AND LOTS 13, 14 AND 15, CURRENTLY ZONED R-4, OF BLOCK 1, SMALLWOOD MANOR SUBDIVISION, FROM THE

CURRENT R-4 AND R-5 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION TO AN R-6 MULTIFAMILY RESIDENTIAL ZONING DESIGNATION; AND TO FURTHER EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY DEPICTED ON THE OFFICIAL ZONING MAP, TO INCLUDE THE SUBJECT LOTS 1, 2, 3, 11 AND 12, IN ORDER TO ALLOW FOR THE FUTURE REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN

Sponsored by: City Administration
Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB J]

PROPOSED ORDINANCE ***(FIRST READING)*** AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES, ENTITLED "NUISANCES", SPECIFICALLY AT ARTICLE IV, ENTITLED "NOISES" AND SECTION 12-53, ENTITLED "SPECIFIC PROHIBITIONS" TO REQUIRE COMPLIANCE WITH THE NOISE ORDINANCE FOR ANY CITY SPONSORED OR CITY SANCTIONED ACTIVITY

Sponsored by: Councilman Scott Galvin

8.B.3. RESOLUTIONS

[TAB K]

PROPOSED RESOLUTION AUTHORIZING APPROVAL OF THE CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, TRANSFERRING ONE HUNDRED THIRTY EIGHT (138) BONUS UNITS FROM THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT PRIMARY RESIDENTIAL POOL OF TWO THOUSAND TWO HUNDRED (2,200) FLOATING RESIDENTIAL UNITS, AND FURTHER APPROVING A BONUS HEIGHT OF THIRTY FIVE (35') FEET FOR A PROPOSED DEVELOPMENT GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTHEAST 135TH STREET AND NORTHEAST 6TH AVENUE, SITUATED WITHIN THE NRO DISTRICT, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-405 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS

Sponsored by: City Administration
Responsible Staff Person: Maxine Calloway, CP&D Director

[TAB L]

PROPOSED RESOLUTION APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME

Sponsored by: City Administration
Responsible Staff Person: Maxine Calloway, CP&D Director

9. REQUESTS – PETITIONS – COMMUNICATIONS

[TAB M]

RECOMMENDATION TO NAME MYRNA PAVILACK TO NORTH MIAMI CITIZENS' HALL OF FAME

Sponsored by: Councilman Scott Galvin

[TAB N]

DISCUSSION REGARDING WATER RATES FOR RESIDENTS WITH SECOND METERS
Sponsored by: Councilman Scott Galvin

[TAB O]

DISCUSSION REGARDING TWO PROPERTIES: 1410 N.E. 132nd ROAD ***AND*** 13181 N.E. 14th AVENUE
Sponsored by: Councilman Scott Galvin

[TAB P]

DISCUSSION REGARDING CREATION OF THE 501(c)(3) STATUS OF NORTH MIAMI EDUCATIONAL FOUNDATION, INC.
Sponsored by: Stephen E. Johnson, City Manager

[TAB Q]

DISCUSSION AND APPROVAL REGARDING NOTRE DAME D'HAITI CATHOLIC CHURCH TO OBTAIN FEE WAIVERS FOR THE USE OF THE NORTH MIAMI ATHLETIC STADIUM AND THE CITY'S SHOWMOBILE
Sponsored by: Mayor Andre D. Pierre

[TAB R]

DISCUSSION AND APPROVAL REGARDING GLOBAL HARVEST MISSIONS, INC. TO OBTAIN A FEE WAIVER FOR THE USE OF THE GWEN MARGOLIS COMMUNITY CENTER FOR APRIL 4TH AND 5TH AND THE JOE CELESTIN CENTER FOR APRIL 6, 2013
Sponsored by: Mayor Andre D. Pierre

10. CITIZENS' FORUM

11. COUNCIL REPORTS

Mayor Andre D. Pierre, Esq.
Vice-Mayor Marie Erlande Steril
Councilman Michael R. Blynn, Esq.
Councilman Scott Galvin
Councilman Jean R. Marcellus

12. CITY CLERK'S REPORT

13. CITY ATTORNEY'S REPORT

14. CITY MANAGER'S REPORT

15. ADJOURNMENT

- THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE CITY CLERK, (305) 893-6511, Ext. 12142, NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED MAY CONTACT THE TDD LINE AT (305) 893-7936.

- IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF NORTH MIAMI CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

- AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE CITY CLERK, CITY OF NORTH MIAMI, 776 N.E. 125TH STREET, NORTH MIAMI, FL 33161. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE CITY CLERK AT (305) 893-6511.

- IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER WITH THE CITY CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON ANY OF THE ABOVE ITEMS.

- TWO OR MORE MEMBERS OF THE CITY COUNCIL AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS MEETING.

- THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY A TELEPHONE CONFERENCE CALL. THE LOCATION, 776 N.E. 125TH STREET, NORTH MIAMI, FL 33161-0850, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.

ALCOHOLIC BEVERAGE SYMBOLS

1-COP	Beer only, Consumption on Premises
2-COP	Beer and Wine, Consumption on Premises
4-COP	Beer, Wine and Alcohol, Consumption on Premises
1-APS	Beer, Package Sales Only
2-APS	Beer and Wine, Package Sales Only
3-APS	Beer, Wine and Alcohol, Package Sales Only

ZONING SYMBOLS

R-1	Residential Estate District
R-2	Single-Family District
R-4	Multi-Family District
R-5	Multi-Family District
R-6	Multi-Family District
RO	Residential Office District

ZONING SYMBOLS (continue)

C-1	Commercial District
C-3	Commercial District
C-2BE	Commercial District
C-2BW	Commercial District
M-1	Industrial District
PU	Public Use District
PD	Planned Development District
AOD	Arts, Culture and Design Overlay District
NRO	Neighborhood Redevelopment District