

**AGENDA**  
**North Miami City Council**  
776 N.E. 125<sup>th</sup> Street, 2<sup>nd</sup> Floor, Council Chambers  
North Miami, FL 33161

REGULAR MEETING

TUESDAY, MAY 8, 2012  
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 *Haitian Heritage Month*
  - ◆ Proclamation in honor of *Jewish American Month*
  - ◆ Proclamation in honor of *Public Works Week*
  - ◆ Recognition of *Volunteer Income Tax Assistance (VITA)* Volunteers
  - ◆ Claude Pepper Park Community Center Update by *Kaufman, Lynn*
- 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 – April 24, 2012

*Sponsored by: Michael A. Etienne, City Clerk*

**[TAB B]**

PROPOSED RESOLUTION ADOPTING THE WINSON WATER TREATMENT PLANT FACILITIES EXPANSION PLAN (PLAN) AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE PLAN IN ORDER TO OBTAIN AVAILABLE FUNDING FROM THE STATE REVOLVING FUND (SRF), IN ACCORDANCE WITH FLORIDA LAW

*Sponsored by: City Administration*

*Responsible Staff Person: Aleem Ghany, Public Works Director*

**[TAB C]**

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND CDM SMITH, INC., AS CONTRACTOR FOR THE PROVISION OF CIVIL ENGINEERING SERVICES FOR THE VOLUME SANITARY SEWER CUSTOMER ORDINANCE COMPLIANCE SERVICES PROJECT, IN ACCORDANCE WITH REQUEST FOR QUALIFICATIONS NO. 38-09-10, CONTINUING PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES

*Sponsored by: City Administration*

*Responsible Staff Person: Ruby C. Johnson, Purchasing Director*

**[TAB D]**

PROPOSED RESOLUTION RATIFYING THE AMENDMENT TO FISCAL YEAR 2011-2012 ADOPTED AMENDED REVENUE AND EXPENSE BUDGETS, TO INCLUDE THE RECEIPT AND APPROPRIATION OF FUNDS FROM THE COMMUNITY REDEVELOPMENT AGENCY (CRA) IN THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00), FOR THE CONTINUATION OF THE CITY OF NORTH MIAMI'S NEIGHBORHOOD BEAUTIFICATION PROGRAM

*Sponsored by: City Administration*

*Responsible Staff Person: Kay Grant, Budget Manager*

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

**8.A. QUASI-JUDICIAL ITEMS**

**[TAB E]**

PETITION FOR MUSIC AND ENTERTAINMENT LICENSE PURSUANT TO CHAPTER 3, SECTION 3-8 OF THE CODE OF ORDINANCES TO ALLOW A NIGHTCLUB IN THE C-1 ZONING DISTRICT, *DARNEISHA BRYANT – 12953 NORTHWEST 7 AVENUE*

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

***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 – [NONE]**

### **8.B.2. ORDINANCES – FIRST READING**

#### **[TAB F]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 4, DIVISION 3 ENTITLED “NON-RESIDENTIAL DISTRICTS”, SPECIFICALLY AT SECTION 4-302 ENTITLED “USES PERMITTED”, TO ESTABLISH SELF STORAGE AS A PERMITTED USE ALONG NON-MAJOR CORRIDORS IN THE C-1 ZONING DISTRICT, TO ENCOURAGE ECONOMIC GROWTH CONSISTENT WITH THE INTENT OF THE COMPREHENSIVE PLAN

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

#### **[TAB G]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES ENTITLED, “ALCOHOLIC BEVERAGES” SPECIFICALLY AT SECTION 3-2 ENTITLED, “DEFINITIONS” TO INCLUDE A DEFINITION FOR ADULT ENTERTAINMENT BUSINESS, AT SECTION 3-3 ENTITLED, “ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES PROHIBITED” TO REMOVE THE PROHIBITION OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES, AND AT SECTION 3-11 ENTITLED, “DISTANCE REQUIREMENTS” TO ESTABLISH A DISTANCE SEPARATION REQUIREMENT FOR ADULT ENTERTAINMENT BUSINESSES, IN ACCORDANCE WITH STATE LAW

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

#### **[TAB H]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED, “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 5, DIVISION 3 ENTITLED, “ADULT ENTERTAINMENT USES”, SPECIFICALLY AT SECTION 5-303 ENTITLED, “NO ADDITIONAL ZONING CONDITIONS, RESTRICTIONS, SAFEGUARD OR CONDITIONS”, IN ORDER TO REMOVE THE PROHIBITION ON THE CONSUMPTION, POSSESSION, AND SALE OF ALCOHOLIC BEVERAGES

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

#### **[TAB I]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 5, ARTICLE VII, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “ABANDONED REAL PROPERTY REGISTRATION”, SPECIFICALLY AT SECTIONS 5-66, 5-68, 5-70, AND 5-71, TO REQUIRE MORTGAGEES TO PAY AN ANNUAL REGISTRATION FEE, TO POST ABANDONED PROPERTIES WITH CONTACT INFORMATION, TO REPORT ANY CHANGE IN THE STATUS OF THE PROPERTY, AND TO PROVIDE FOR PENALTIES FOR NON COMPLIANCE; AND FURTHER REQUIRING ABANDONED PROPERTIES TO BE IN COMPLIANCE WITH ALL CITY CODES

*Sponsored by: City Administration*

*Responsible Staff Person: Marc Elias, Chief of Police*

**[TAB J]**

PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 2, ARTICLE III, DIVISION 5 OF THE CODE OF ORDINANCES, ENTITLED “CODE ENFORCEMENT BOARD,” SPECIFICALLY FROM SECTION 2-96 THROUGH 2-104, TO ELIMINATE “CODE ENFORCEMENT BOARD” AND REPLACING IT WITH “SPECIAL MAGISTRATE”, DEFINING THE QUALIFICATIONS, POWERS AND COMPENSATION OF THE SPECIAL MAGISTRATE; AND FURTHER REPEALING ARTICLE III, DIVISION 5.2, ENTITLED “SUPPLEMENTAL CODE ENFORCEMENT MECHANISM; SPECIAL MAGISTRATES”, SECTION 2-108 ENTITLED “SPECIAL MAGISTRATES”

*Sponsored by: City Administration*

*Responsible Staff Person: Marc Elias, Chief of Police*

**8.B.3. RESOLUTIONS**

**[TAB K]**

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A CHANGE ORDER TO ENCOMPASS THE ADDITIONAL COST AND SCHEDULE IMPACTS RESULTING FROM MIAMI-DADE COUNTY DEPARTMENT OF PLANNING, ENVIRONMENTAL AND REGULATORY AFFAIRS’ REQUIRED PHASED APPROACH TO THE GROUNDWATER EXTRACTION PORTION OF THE REMEDIATION PROJECT FOR THE PROPERTY KNOWN AS BISCAYNE LANDING, IN ACCORDANCE WITH THE MUNISPORT LANDFILL GROUNDWATER REMEDIATION SYSTEM DESIGN-BUILD CONTRACT

*Sponsored by: City Administration*

*Responsible Staff Person: Aleem Ghany, Public Works Director*

**[TAB L]**

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO NOTIFY EXISTING PRIVATE WASTE COLLECTORS WITH THE THREE (3) YEAR NOTICE OF DISPLACEMENT PURSUANT TO FLORIDA LAW

*Sponsored by: City Administration*

*Responsible Staff Person: Aleem Ghany, Public Works Director*

**[TAB M]**

PROPOSED RESOLUTION APPROVING THE VACATION, ABANDONMENT AND CLOSURE OF A FIFTY (50) FEET WIDE RIGHT-OF-WAY, LOCATED ADJACENT TO THE PROPERTIES NUMBERED 640 THROUGH 685 AT NORTHWEST 133RD STREET, SITUATED BETWEEN AN ALLEYWAY TO THE WEST AND INTERSTATE I-95 TO THE EAST; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT RIGHT-OF-WAY TO ADJACENT PROPERTY OWNER AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

**[TAB N]**

PROPOSED RESOLUTION APPROVING THE VACATION AND ABANDONMENT OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED BETWEEN NORTHEAST 126TH STREET AND NORTHEAST 127TH STREET, AND THE CLOSURE AND SALE OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED BETWEEN NORTHEAST 127TH STREET AND NORTHEAST 130TH STREET; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF SAID SECTION OF PUBLIC LAND 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 O]**

DISCUSSION REGARDING FEE WAIVER AND STAFF COSTS RELATING TO THE USE OF THE CITY'S SHOW MOBILE

*Sponsored by: Councilman Scott Galvin*

### **[TAB P]**

DISCUSSION REGARDING CITY BOARDS, APPOINTMENTS OF BOARD MEMBERS AND THE REACTIVATION OF CHARTER REVIEW BOARD

*Sponsored by: Regine Monestime, City Attorney*

### **[TAB Q]**

BISCAYNE LANDING UPDATE

*Sponsored by: City Administration*

## **10. CITIZENS' FORUM**

## **11. COUNCIL REPORTS**

Mayor Andre D. Pierre, Esq.

Vice-Mayor Jean R. Marcellus

Councilman Michael R. Blynn, Esq.

Councilman Scott Galvin

Councilwoman Erlande Steril

## **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. 125<sup>TH</sup> 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. 125<sup>TH</sup> STREET, NORTH MIAMI, FL 33161-0850, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.

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**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