

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

REGULAR MEETING

TUESDAY, MAY 22, 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 *National Bike Month*
 - ◆ Recognition in honor of *ASPIRA R.A.M. Chess Team*
- 5. CITY EVENTS – ANNOUNCEMENT**
- 6. CONSENT AGENDA**

UNLESS A MEMBER OF THE CITY COUNCIL WISHES TO REMOVE A SPECIFIC ITEM FROM THIS PORTION OF THE AGENDA, TABS A THROUGH C 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 C BE ADOPTED...”

[TAB A]

APPROVAL OF MINUTES – Regular Council Meeting – May 8, 2012

Sponsored by: Michael A. Etienne, City Clerk

[TAB B]

PROPOSED RESOLUTION APPROVING THE EXECUTION OF A COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE CITY OF MIAMI TO PROVIDE ADEQUATE LEVELS OF POLICE SERVICES

Sponsored by: City Administration

Responsible Staff Person: Marc Elias, Jr., Chief of Police

[TAB C]

PROPOSED RESOLUTION ADOPTING A REVISED CLASSIFICATION AND PAY PLAN FOR UNCLASSIFIED EMPLOYEES OF THE CITY, FOR THE 2011-2012 FISCAL YEAR BUDGET

Sponsored by: City Administration

Responsible Staff Person: Rebecca Jones, Personnel Director

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

7.A. QUASI-JUDICIAL ITEMS

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.

7.B. LEGISLATIVE MATTERS

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

[TAB D]

PROPOSED ORDINANCE (***SECOND 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 E]

PROPOSED ORDINANCE (***SECOND 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 F]

PROPOSED ORDINANCE (*SECOND 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 G]

PROPOSED ORDINANCE (*SECOND 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 H]

PROPOSED ORDINANCE (*SECOND 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

7.B.2. ORDINANCES – FIRST READING – [NONE]

7.B.3. RESOLUTIONS

[TAB I]

PROPOSED RESOLUTION CALLING AND PROVIDING FOR A REFERENDUM ELECTION ON TUESDAY, AUGUST 14, 2012, IN THE CITY OF NORTH MIAMI TO DETERMINE WHETHER THE CITY SHALL BE AUTHORIZED BY THE VOTERS TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY OF NORTH MIAMI IN AN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000.00) TO FINANCE THE RENOVATION AND EXPANSION OF THE CITY OF NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA)

Sponsored by: City Administration

Responsible Staff Person: Vernon Paul, Jr., Finance Director

8. REQUESTS – PETITIONS – COMMUNICATIONS

[TAB J]

UPDATE REGARDING WASTE PRO REFUNDS TO NORTH MIAMI CUSTOMERS

Sponsored by: Councilman Scott Galvin

[TAB K]

REVIEW AND DISCUSSION OF POLICIES AND PROCEDURES FOR USE OF CITY FACILITIES, CITY FUNDS, FEE WAIVERS, ETC., UNDER RESOLUTION 2010-33

Sponsored by: Mayor Andre D. Pierre, Esq.

9. CITIZENS' FORUM

10. COUNCIL REPORTS

Mayor Andre D. Pierre, Esq.

Vice-Mayor Jean R. Marcellus

Councilman Michael R. Blynn, Esq.

Councilman Scott Galvin

Councilwoman Erlande Steril

11. CITY CLERK'S REPORT

12. CITY ATTORNEY'S REPORT

13. CITY MANAGER'S REPORT

14. 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