



**City of North Miami**  
**City Hall | 2nd Floor | Council Chambers**  
**776 NE 125th Street**  
**North Miami, FL 33161**

**Regular Council Meeting**  
**Summary Minutes**  
**March 28, 2017**

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A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, March 28, 2017, beginning at 7:06 pm.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known).

**Note:** The actual agenda and all backup materials for each City Council meeting can be found on the website at:

[http://www.northmiamifl.gov/government/Minutes\\_Agendas/CouncilAgendaList.aspx](http://www.northmiamifl.gov/government/Minutes_Agendas/CouncilAgendaList.aspx)

## **ROLL CALL**

- PRESENT:

Mayor Joseph  
Vice Mayor Galvin  
Councilwoman Keys  
Councilman Bien-Aime  
Councilman Desulme

Arrived at 7:25 PM

## **PLEDGE OF ALLEGIANCE**

- Officer *Mercy Noel*, North Miami Police Department

## **INVOCATION**

- Mayor Smith Joseph

## **ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals)**

- Tab H, Tab I and Tab J withdrawn from the agenda until the next council meeting
- Tab G1, G2 and Tab G3 added to the agenda

Motion made by Vice Mayor Galvin to add Tab G1, G2 and Tab G3. Seconded by Councilman Bien-Aime. Council voted; **passed 4 - 0.**

## **SPECIAL PRESENTATION(S)**

- Certificate of Commendation presented to MOCA's Young Adult Program in honor of Youth Art Month
- Certificate of Commendation presented to Lucia M. Gonzalez, North Miami Public Library Director in honor of National Reading Month

## **CITY EVENTS – ANNOUNCEMENT**

- Eunicia Baker, Public Information Specialist, announced upcoming events for the City of North Miami. All City events can be found on the website at: [www.northmiamifl.gov/celebrate](http://www.northmiamifl.gov/celebrate).

## **CITY PROJECTS UPDATE – NONE**

## **CONSENT AGENDA**

- TAB A through TAB D

### **TAB A – PASSED - APPROVAL OF MINUTES — March 14, 2017**

**TAB B – PASSED – [Resolution no. 2017-R-38](#) - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, RATIFYING THE SUBMITTAL OF A GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A GRANT FROM THE OCCUPANT PROTECTION AND CHILD SAFETY PROGRAM; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**TAB C – PASSED – [Resolution no. 2017-R-39](#) - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE SUBMITTAL OF A VICTIMS OF CRIME ACT (VOCA) GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE STATE OF FLORIDA'S OFFICE OF THE ATTORNEY GENERAL; PROVIDING AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**TAB D – PASSED – [Resolution no. 2017-R-40](#) - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT A SPECIAL WARRANTY DEED, IN SUBSTANTIALLY THE ATTACHED FORM, FOR THE CONVEYANCE OF A RIGHT-OF-WAY ALONG CITY ROAD NW 15TH AVENUE IN CONNECTION WITH THE WAIVER OF PLAT FOR THE PROPERTY OWNED BY LIVELY STONE CHURCH OF MIAMI, LOCATED AT 13855 NW 15TH AVENUE AND LEGALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0060, AND FURTHER AUTHORIZING THE**

RECORDATION OF SAID SPECIAL WARRANTY DEED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

Vice Mayor Galvin moved to approve the consent agenda. Seconded by Councilman Bien-Aime. Council voted; **passed unanimously**.

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

### **RESOLUTIONS**

**TAB E – [Resolution no. 2017-R-41](#)** - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, SUPPORTING THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION’S (“TPO”) TRANSIT EXPANSION THROUGH THE STRATEGIC MIAMI AREA RAPID TRANSIT (“SMART”) PLAN, PRIORITIZING THE NORTHEAST CORRIDOR AND URGING THE TPO AND MIAMI-DADE COUNTY TO PURSUE CREATIVE FUNDING SOLUTIONS TO IMPLEMENT THE SMART PLAN; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

Michael Etienne, Elected City Clerk, read the Resolution title for the record. Motion made by Vice Mayor Galvin to move the item. Seconded by Councilwoman Keys. Council voted; **passed 5 - 0**.

**TAB F – [Resolution no. 2017-R-42](#)** - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, URGING THE FLORIDA LEGISLATURE TO ENACT SB 276, HB 275 OR SIMILAR LEGISLATION THAT WOULD CREATE A STATE WORK OPPORTUNITY TAX CREDIT TO PROVIDE AN ADDITIONAL CREDIT AGAINST THE CORPORATE INCOME TAX FOR BUSINESSES THAT HIRE CERTAIN PERSONS CONVICTED OF A FELONY; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

Michael Etienne, Elected City Clerk, read the Resolution title for the record. Motion made by Vice Mayor Galvin to move the item. Seconded by Councilman Desulme. Council voted; **passed 5 - 0**.

**TAB G – [Resolution no. 2017-R-43](#)** - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, APPROVING THE SELECTION OF THERMAL CONCEPTS, INC., AS THE LOWEST-RESPONSIVE AND RESPONSIBLE BIDDER TO PROVIDE ALL LABOR, EQUIPMENT, MATERIALS, SERVICES AND EXPERTISE REQUIRED FOR THE INSTALLATION OF AIR CONDITIONING UNITS, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN INVITATION FOR BID NO. 11-16-17 AIR CONDITIONING UNITS FOR NORTH MIAMI PUBLIC LIBRARY AND MUSEUM OF CONTEMPORARY ART, AS AMENDED; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THERMAL CONCEPTS, INC., FOR THE PROVISION OF SERVICES IN AN AMOUNT NOT TO EXCEED ONE HUNDRED

SIXTY-FIVE THOUSAND EIGHT HUNDRED DOLLARS (\$165,800.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Michael Etienne, Elected City Clerk, read the Resolution title for the record. Motion made by Vice Mayor Galvin to move the item. Seconded by Councilwoman Keys. Council voted; **passed 5 - 0.**

**TAB G-1 – [Resolution no. 2017-R-44](#) - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING THE APPROVAL OF HB 13 AND SB 1770 BY THE FLORIDA HOUSE OF REPRESENTATIVES AND SENATE, RESPECTIVELY; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

Michael Etienne, Elected City Clerk, read the Resolution title for the record. Motion made by Vice Mayor Galvin to move the item. Seconded by Councilman Desulme. Council voted; **passed 5 - 0.**

**TAB G-2 – [Resolution no. 2017-R-45](#) - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING HOUSE BILL 17 (HB 17) AND ANY SIMILAR OR SUBSTITUTE LEGISLATION THAT WOULD PREEMPT THE LOCAL REGULATION OF BUSINESSES, PROFESSIONS, AND OCCUPATIONS TO THE STATE BY PROHIBITING LOCAL GOVERNMENTS FROM IMPOSING OR ADOPTING CERTAIN RULES, REGULATIONS, LICENSES, PERMITS, OR REQUIREMENTS, AND ANY ASSOCIATED FEES; THAT WOULD SUNSET EXISTING LOCAL REGULATIONS; OR THAT WOULD LIMIT LOCAL GOVERNMENTS IN MODIFYING OR IMPOSING ADDITIONAL REGULATIONS ON BUSINESSES, PROFESSIONS, AND OCCUPATIONS.**

Michael Etienne, Elected City Clerk, read the Resolution title for the record. Motion made by Councilwoman Keys to move the item. Seconded by Mayor Joseph. Council voted; **passed 5 - 0.**

**TAB G-3 – [Resolution no. 2017-R-46](#) - PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING SENATE BILL 330 (SB 330) AND ANY SIMILAR OR SUBSTITUTE LEGISLATION LIMITING THE GOVERNING BODIES OF COUNTIES AND MUNICIPALITIES TO IMPOSE THE LOCAL BUSINESS TAX FEE TO \$ 25.00. ALSO PROHIBITING CITIES AND COUNTIES FROM LEVYING LOCAL BUSINESS TAX IF THE TAX WAS NOT ADOPTED BY JANUARY 1, 2017. THE BILL FURTHER CREATES NEW EXEMPTIONS, AS OF JULY 1, 2016, FROM THE LOCAL BUSINESS TAX FOR VETERANS, A SURVIVING SPOUSE OF A VETERAN, THE SPOUSE OF ACTIVE DUTY MILITARY, AN INDIVIDUAL WHO IS RECEIVING PUBLIC ASSISTANCE OR AN INDIVIDUAL WHOSE HOUSEHOLD INCOME IS LESS THAN 130 PERCENT OF THE FEDERAL POVERTY LEVEL.**

Michael Etienne, Elected City Clerk, read the Resolution title for the record. Motion made by Vice Mayor Galvin to move the item. Seconded by Mayor Smith. Council voted; **passed 5 - 0.**

## **LEGISLATIVE MATTERS**

### **ORDINANCES – SECOND READING – NONE**

### **ORDINANCES – FIRST READING**

**TAB H** -- PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED, "BUILDING STANDARDS AND REGULATIONS", TO CREATE SECTION 5-35 ENTITLED, "PERMITTED BUILDING CONSTRUCTION HOURS" AND SECTION 5-36 ENTITLED, "CONSTRUCTION SITE MAINTENANCE", TO INCLUDE CONSTRUCTION HOURS AND REGULATIONS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

**Withdrawn from the agenda**

**TAB I** -- PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES, ENTITLED "NUISANCES", ARTICLE IV, ENTITLED "NOISES" SPECIFICALLY AT SECTION 12-15, ENTITLED "SPECIFIC PROHIBITIONS" TO PROHIBIT NOISE OUTSIDE OF THE AUTHORIZED CONSTRUCTION HOURS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**Withdrawn from the agenda**

**TAB J** -- PROPOSED ORDINANCE (FIRST READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED "GARBAGE AND TRASH" TO INCLUDE PROVISIONS FOR REGULATION OF LITTERING, UNSOLICITED ADVERTISING MATERIALS AND MAINTENANCE STANDARDS FOR DUMPSTER ENCLOSURES; ESTABLISHING STANDARDS FOR ISSUANCE OF NONEXCLUSIVE FRANCHISE PERMITS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

**Withdrawn from the agenda**

### **QUASI-JUDICIAL ITEM(S) – NONE**

### **REQUESTS-PETITIONS-COMMUNICATIONS**

**TAB K** --DISCUSSION AND CONSIDERATION TO RESCHEDULE THE REGULAR COUNCIL MEETING OF TUESDAY, APRIL 11, 2017 TO WEDNESDAY, APRIL 12, 2017 AS A SPECIAL COUNCIL MEETING DUE TO PASSOVER OBSERVATION.

Michael Etienne, Elected City Clerk, read the discussion title for the record. Motion made by Vice Mayor Galvin to move the item. Seconded by Mayor Smith. Council voted; **passed 5 - 0.**

## **CITIZENS' FORUM**

- A variety of residents spoke on issues of interest.

## **COUNCIL REPORTS**

- REPORTED:
  - Vice Mayor Galvin
  - Councilman Desulme
- NO REPORTS
  - Councilwoman Keys
  - Councilman Bien-Aime
  - Mayor Joseph

## **CITY CLERK'S REPORT – REPORTED**

## **CITY ATTORNEY'S REPORT – NONE**

## **CITY MANAGER'S REPORT – NONE**

## **ADJOURNMENT**

- Meeting adjourned at 8:20 pm.