

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

JULY 21, 2009



PREPARED BY:
SUSAN A. OWENS, CMC,
CITY CLERK

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MINUTES

(CNMB-CC MINUTES TAPE #423)

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1. ROLL CALL OF THE CITY OFFICIALS:

MAYOR	MYRON ROSNER, PRESIDING
VICE MAYOR	JOHN PATRICK JULIEN
COUNCIL WOMAN	BETH SPIEGEL
COUNCIL WOMAN	PHYLLIS S. SMITH
COUNCILMAN	PHILIPPE DEROSE
COUNCIL WOMAN	BARBARA KRAMER
COUNCILMAN	FRANTZ PIERRE
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	DARCEE S. SIEGEL
CITY CLERK	SUSAN A. OWENS

2. INVOCATION: RABBI YERUCHAM BENSINGER, CONGREGATION TORAH VE'EMUNAH

3. SALUTE TO THE AMERICAN FLAG

4. REQUESTS FOR WITHDRAWALS, DEFERMENTS, AND ADDITIONS TO AGENDA ITEMS:

RE-ORDERINGS: ITEM #6(B)(1)

OFFICER OF THE MONTH PRESENTATIONS WERE MOVED TO THE BEGINNING OF THE AGENDA

ITEM #5(B)

RESOLUTION NO. R2009-35A WAS PULLED FROM THE CONSENT AGENDA SO THAT THERE COULD BE A PUBLIC HEARING ON THE ITEM. ITEM TO BE HEARD AT THE CONCLUSION OF THE CONSENT AGENDA

DEFERMENTS: ITEM #7(A)

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT BY THE CITY MANAGER WAS DEFERRED UNTIL THE SEPTEMBER 1, 2009 COUNCIL MEETING

ITEM #6(B)(1) PRESENTATION, BY MAYOR MYRON ROSNER, TO DETECTIVE JIMMY RANDAZZO AND DETECTIVE JASON OCHOA AS THE OUTSTANDING OFFICERS FOR THE MONTH OF JUNE 2009

PRESENTATIONS WERE MADE BY MAYOR ROSNER.

5. CONSENT AGENDA:

A. APPROVAL OF MINUTES:

1. JULY 7, 2009

B. RESOLUTIONS:

RESOLUTION NO. R2009-46, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPOINTING SPECIAL MASTERS TO HEAR CASES ARISING UNDER CITY OF NORTH MIAMI BEACH ORDINANCE NO. 2007-13, THE DANGEROUS INTERSECTION SAFETY ACT, AND FOR OTHER CODE RELATED PURPOSES."

RESOLUTION NO. R2009-47, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH AVMED, INC., D.B.A. AVMED HEALTH PLANS, AS THE FIRST RANKED FIRM, AND AETNA HEALTH INC., AS THE SECOND RANKED FIRM, FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO AND GROUP MEDICARE PLAN."

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN, to APPROVE THE CONSENT AGENDA AS AMENDED (SEE PAGE 1, ITEM #4). MOTION CARRIED.

RESOLUTION NO. R2009-35A, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN APPLICATION IN THE AMOUNT OF \$3,000,000.00, OF WHICH \$450,000.00 WILL BE REPAYABLE BY THE CITY AND \$2,550,000.00 WILL BE FORGIVEN, FOR THE VOLATILE ORGANIC CHEMICAL FACILITY; ACCEPTING THE WATER FACILITY PLAN AFTER AN ADVERTISED PUBLIC UTILITY COMMISSION MEETING ACCEPTING PUBLIC COMMENT THEREON; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY", was introduced by MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR

JULIEN.

MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN, to ADOPT RESOLUTION NO.R2009-35A. MOTION CARRIED.

Name of Party (ies) Appearing:

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- 1. MARTIN KING, City of North Miami Beach Public Services Director
17050 NE 19 Avenue
North Miami Beach, FL
-

6. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

- 1. NORMAN EDWARDS – PLANNING & ZONING BOARD

MOTION by COUNCILMAN PIERRE, seconded by VICE MAYOR JULIEN, to APPOINT NORMAN EDWARDS to the PLANNING & ZONING BOARD. MOTION CARRIED.

- 2. ALLISON ROBIE – PLANNING & ZONING BOARD

MOTION by COUNCILMAN DEROSE. MOTION DIED, DUE TO LACK OF A SECOND.

- 3. JULIEN KREISBERG – PLANNING & ZONING BOARD

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILWOMAN SPIEGEL, to APPOINT JULIEN KREISBERG to the PLANNING & ZONING BOARD. MOTION CARRIED.

VICE MAYOR JULIEN REQUESTED THAT THE COUNCIL CONSIDER APPOINTING THOMAS POTTS TO THE PLANNING & ZONING BOARD AS THERE IS A VACANCY.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN, to APPOINT THOMAS POTTS to the PLANNING & ZONING BOARD. MOTION CARRIED.

- 4. MARY K. HILTON – CODE ENFORCEMENT BOARD

MOTION by COUNCILWOMAN KRAMER, seconded by VICE MAYOR JULIEN, to APPOINT MARY K HILTON to the CODE ENFORCEMENT BOARD. MOTION CARRIED.

5. HANS MARDY – CODE ENFORCEMENT BOARD

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN, to APPOINT HANS MARDY to the CODE ENFORCEMENT BOARD. MOTION CARRIED,
WITH MAYOR ROSNER, COUNCILWOMAN SPIEGEL, AND COUNCILWOMAN KRAMER
VOTING IN THE NEGATIVE.

6. KETLEY JOACHIM – CODE ENFORCEMENT BOARD

MOTION by COUNCILWOMAN KRAMER, seconded by VICE MAYOR JULIEN, to APPOINT KETLEY JOACHIM to the CODE ENFORCEMENT BOARD. MOTION CARRIED.

7. DR. B. BARRY SCHUGAR – CODE ENFORCEMENT BOARD

MOTION by COUNCILWOMAN KRAMER, seconded by COUNCILWOMAN SPIEGEL, to APPOINT DR. B. BARRY SCHUGAR to the CODE ENFORCEMENT BOARD. MOTION CARRIED.

8. EDOUARD ST. HILAIRE – CODE ENFORCEMENT BOARD

MOTION by COUNCILMAN PIERRE, seconded by VICE MAYOR JULIEN, to RE-APPOINT EDOUARD ST. HILAIRE to the CODE ENFORCEMENT BOARD. MOTION CARRIED.

9. BILLY ANTHONY ELLIOT – PUBLIC UTILITIES COMMISSION

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN, to RE-APPOINT BILLY ANTHONY ELLIOT to the PUBLIC UTILITIES COMMISSION. MOTION CARRIED.

B. PRESENTATIONS:

1. PRESENTATION, BY MAYOR MYRON ROSNER, TO DETECTIVE JIMMY RANDAZZO AND DETECTIVE JASON OCHOA AS THE OUTSTANDING OFFICERS FOR THE MONTH OF JUNE 2009

SEE PAGE 2.

2. PRESENTATION OF THE *JUNE C.A.R.E. SUGGESTION AWARD* BY COUNCILWOMAN SMITH AND KELVIN L. BAKER, CITY MANAGER, TO *MARIA GABRIELA WILSON* FOR HER SUGGESTION AND CREATION OF THE C.A.R.E. PROGRAM ACCESS DATABASE

PRESENTATION WAS MADE BY COUNCILWOMAN PHYLLIS S. SMITH AND CITY MANAGER, KELVIN L. BAKER.

3. PRESENTATION OF THE CITY OF NORTH MIAMI BEACH NOW MORE BEAUTIFUL AWARDS BY SHARON RAGOONAN, ASSISTANT DIRECTOR/CODE COMPLIANCE MANAGER, TO THE FOLLOWING INDIVIDUALS:

LUNIE JACQUES
MARIA G. RODRIGUEZ
RAMON & PATRICIA ROZAS
ISNAR & SIMONE OLIVEIRA
ALEJANDRO GRANADO & ROSANA DELGADO
SHIRLEY TENZEL
AMNO & JUDITH MOR
OSCAR & THELMA LONGSWORTH

LARRY E. ELLIOTT
LUIS RODRIGUEZ & GERTRUDE DIAZ
BARTLEY & PATRINA TAIT
WILLIAM & JANET EMERSON
JOHN & MARILYN MCAULIFFE
MARGARET A. LENGEL
JAMMIE L. BROWN

MS. SHARON RAGOONAN, CODE COMPLIANCE MANAGER/COMMUNITY DEVELOPMENT ASSISTANT DIRECTOR SPOKE ABOUT THE PROGRAM AND CONGRATULATED THE AWARD WINNERS.

- 4. PRESENTATION OF PROCLAMATION BY MAYOR MYRON ROSNER, PROCLAIMING FULL SUPPORT OF AND PARTICIPATION IN THE OVERWHELMING SUCCESS OF THE 2010 CENSUS

PRESENTATION OF PROCLAMATION WAS MADE BY MAYOR ROSNER.

- 5. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO MARLENE GUNN AS THE EMPLOYEE OF THE MONTH FOR JUNE 2009

PRESENTATION WAS MADE BY COUNCILMAN PIERRE AND CITY MANAGER KELVIN L. BAKER.

AT THIS TIME, COUNCILMAN PIERRE TOOK A MOMENT TO WELCOME THE BARRY UNIVERSITY URBAN PLANNING STUDENTS AND THEIR PROFESSOR FROM WHO CAME TO OBSERVE CITY GOVERNMENT AT WORK AND TO GET A FEELING FOR WHAT IT IS LIKE TO BE IN A SETTING LIKE THIS.

7. CITY MANAGER'S REPORT – KELVIN L. BAKER:

- A. THE CITY MANAGER STATED THAT HE WAS PLEASED TO REPORT THAT THE 15TH AVENUE PROJECT IS COMPLETE AND THE BRIDGE IS OPEN.
- B. THE CITY MANAGER WISHED TO UPDATE THE COUNCIL ON THE STATUS OF THE COMMUNITY WATER DAYS, WHICH WE OBSERVE ON FRIDAY AND SUNDAY. TO DATE WE HAVE AVERAGED ABOUT 2,224 PATRONS AND ROUGHLY ABOUT 60 PATRONS HAVE SHOWN UP AND BEEN TURNED AWAY OR HAD TO WAIT A LITTLE JUST UNTIL THE NEXT PERSON BUT IT DOES NOT APPEAR TO BE A PROBLEM. THE CITY MANAGER STATED THAT IT SEEMS TO BE GOING VERY

WELL. AND IF IT'S THE COUNCIL'S PLEASURE HE WOULD CERTAINLY LIKE TO CONTINUE IT. WE HAVE RECEIVED GREAT COMMENTS FROM THOSE THAT WOULD BE CONSIDERED THE UNFORTUNATE, THAT WOULD NOT HAVE THE FINANCIAL WEREWITHAL TO PAY THE FEES TO COME. SO IT'S WORKING VERY WELL; AND, AS YOU ALL WERE A PART OF THE RECENT RE-OPENING OF OUR SLIDES SO IT HAS ADDED ADDITIONAL ENHANCEMENTS TO OUR ACQUATIC CENTER BUT WE THINK IT'S GOING VERY WELL AND WE'RE JUST HAPPY TO PROVIDE YOU WITH THAT REPORT.

8. **CITY ATTORNEY'S REPORT – DARCEE S. SIEGEL:**

- A. CITY ATTORNEY DARCEE S. SIEGEL WANTED TO INFORM THE COUNCIL THAT HER LEGAL INTERN FOR THE SUMMER IS PRESENT THIS EVENING, COMING TO WATCH THE COUNCIL AT ITS BEST. THE CITY ATTORNEY ASKED IF DALIA SABARG WOULD LIKE TO STAND UP AND SAY HI TO EVERYBODY. SHE HAS BEEN VOLUNTEERING ALL SUMMER, AND HOPEFULLY SHE'S LEARNED SOMETHING. BESIDES WORKING IN MY OFFICE 2 DAYS A WEEK, SHE'S ALSO WORKING WITH SENATOR BILL NELSON'S OFFICE SO SHE'S GETTING, I BELIEVE, A GOOD EDUCATION THIS SUMMER AND SHE'S GETTING SCHOOL CREDIT FOR IT. THE CITY ATTORNEY STATED THAT WE ARE HAPPY TO HAVE HER.

9. **PUBLIC COMMENT:**

- A. ROBERT TAYLOR
1951 NE 157 Terrace
North Miami Beach, FL

RE: HAPPY BIRTHDAY TO VICE MAYOR JULIEN

- B. CHARLES LOEB
16800 NE 15 Avenue
North Miami Beach, FL

RE: HAPPY BIRTHDAY TO COUNCILWOMAN SMITH AND VICE MAYOR JULIEN, 15TH AVENUE BRIDGE AND TRAFFIC LIGHTS, WATERING LIMITS, SPANISH LANGUAGE CENSUS 2010 FLYERS, HIGH SPEED RAIL, MEETING ABOUT MISCHON PARK ON JULY 23RD, AUGUST 10TH MIAMI-DADE COUNTY TRANSIT DEVELOPMENT PLAN MEETING.

- C. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL

RE: HAPPY BIRTHDAY TO COUNCILWOMAN SMITH AND VICE MAYOR JULIEN, IMPLEMENTATION OF E-MAIL NOTICES TO RESIDENTS OF UPCOMING ITEMS, EXTRA WATER CHARGES, BULK TRASH PICKUP CHARGES, SPANISH LANGUAGE NOTICES.

AT THIS TIME, COUNCILMAN PIERRE ASKED THE CITY MANAGER ABOUT WHICH LANGUAGES WE PUBLISH OUR NOTICES IN. THE CITY MANAGER STATED THAT CITY NOTICES ARE PROVIDED IN ENGLISH, SPANISH, AND CREOLE. THE CITY MANAGER YIELDED THE FLOOR TO THE CITY CLERK TO RESPOND REGARDING LEGAL NOTICES PUBLISHED IN THE NEWSPAPER.

THE CITY CLERK STATED THAT THERE IS NO LEGAL REQUIREMENT TO PUBLISH SUCH NOTICES IN ANY LANGUAGES OTHER THAN ENGLISH; AND, THAT PURSUANT TO THE COUNCIL'S APPROVAL, THE CITY HAS NOT PUBLISHED THESE NOTICES IN ANY LANGUAGE OTHER THAN ENGLISH FOR THE PAST TWO MONTHS. THE CITY CLERK STATED THAT THIS HAS SAVED THE CITY ABOUT \$40,000 PER YEAR.

D. ALLISON ROBIE
2131 NE 179 Street
North Miami Beach, FL

RE: HER APPOINTMENT CONSIDERATION, E-MAIL BANK FOR RESIDENTS INTERESTED IN CITY NOTICES, PROTECTING CITY EMPLOYEES' JOBS FROM BUDGET CUTS.

AT THIS TIME, COUNCILMAN DEROSE ADDRESSED MS. ROBBIE AND STATED THAT HE BELIEVED THAT SHE COULD BE A GREAT ASSET TO THE CITY AND WAS REALLY DISAPPOINTED THAT THE COUNCIL DID NOT SUPPORT HER NOMINATION. COUNCILMAN DREOSE STATED THAT HE WISHED THAT SHE WOULD CONTINUE TO SHOW INTEREST IN OUR CITY.

AT THIS TIME VICE MAYOR JULIEN REQUESTED A POINT OF PERSONAL PRIVILEGE REGARDING THE SIGN ROBERT TAYLOR GAVE HIM FOR HIS BIRTHDAY. HE CONFERRED WITH THE CITY ATTORNEY THAT THE VALUE OF THE GIFT WAS UNDER \$100.00 AND THEREFORE HE DID NOT NEED TO REPORT IT.

10. MISCELLANEOUS ITEMS:

NONE

11. **WAIVER OF FEE:**

NONE

12. **BUSINESS TAX RECEIPT MATTERS - CITY CLERK:**

A. SEAY TOWING, INC.
15699 WEST DIXIE HIGHWAY
NORTH MIAMI BEACH, FL

AL COLETTA, PRESIDENT

RE: REVOCAION OF BUSINESS TAX RECEIPT

MOTION by VICE MAYOR JULIEN, seconded by COUNCILMAN PIERRE, to REVOKE THE BUSINESS TAX RECEIPT FOR SEAY TOWING INC., EFFECTIVE OCTOBER 1, 2009.

MOTION CARRIED.

by a ROLL CALL VOTE:

VICE MAYOR JULIEN	YES	
COUNCILWOMAN SMITH	YES	
COUNCILWOMAN SPIEGEL	YES	(VOTE: 6 YES;
COUNCILMAN DEROSE	NO	1 NO)
COUNCILWOMAN KRAMER	YES	
COUNCILMAN PIERRE	YES	
MAYOR ROSNER	YES	

Name of Party (ies) Appearing:

1. RONALD J. ISRIEL, ESQ.
ISRIEL, PONZOLLI, KELLER, & SIMPSON
80 SW 8 Street, Suite 1720
Miami, FL 33130

13A. **ADMINISTRATION OF TESTIMONY OATH - CITY CLERK:**

RECENT FLORIDA SUPREME COURT RULINGS REGARDING MUNICIPAL ZONING MATTERS REQUIRE ALL CITIZENS WHO WILL BE PRESENT BEFORE THE LEGISLATIVE BODY OR CITY COUNCIL TO FOLLOW THE RULE OF TESTIMONY OATH. (CITY CLERK TO ADMINISTER OATH)

13B. LEGISLATION:

ORDINANCES - FIRST READING, BY TITLE ONLY
(SERIATIM NO. 2009-17):

ORDINANCE NO. 2009-16 entitled "AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE; ALLOWING LIMITED USE OF BANNER SIGNS; CHANGING THE TIME ALLOWED FOR ADVANCE DISPLAY OF SPECIAL EVENT SIGNS FROM THIRTY DAYS TO SIXTY DAYS; CREATING PERMITTING AND STANDARD PROVISIONS FOR THE DISPLAY AND REMOVAL OF BANNER SIGNS OTHER THAN SPECIAL EVENT SIGNS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE", was introduced by MOTION of VICE MAYOR JULIEN, seconded by COUNCILWOMAN SMITH ON FIRST READING BY TITLE ONLY. MOTION CARRIED.

MOTION by VICE MAYOR JULIEN, seconded by COUNCILMAN PIERRE, to ADOPT ORDINANCE NO. 2009-16 ON ITS FIRST READING BY TITLE ONLY. MOTION CARRIED.

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2009-13, entitled "AN ORDINANCE AMENDING CHAPTER II STRUCTURE OF CITY GOVERNMENT, ARTICLE VII BOARDS, COMMITTEES AND COMMISSIONS SECTION 2-49 ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; AMENDING AND REVISING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE", was introduced by MOTION of VICE MAYOR JULIEN, seconded by COUNCILMAN PIERRE ON ITS SECOND AND FINAL READING.

MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN SPIEGEL to ADOPT ORDINANCE NO. 2009-13 ON ITS SECOND AND FINAL READING. MOTION CARRIED,
by a ROLL CALL VOTE:

VICE MAYOR JULIEN	YES	
COUNCILWOMAN SMITH	YES	
COUNCILWOMAN SPIEGEL	YES	(VOTE: 7 YES;
COUNCILMAN DEROSE	YES	0 NO)
COUNCILWOMAN KRAMER	YES	

COUNCILMAN PIERRE YES
MAYOR ROSNER YES

ORDINANCE NO. 2009-15, entitled "AN ORDINANCE AMENDING CHAPTER SECTION 24-147.2(D) POLITICAL SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; ELIMINATING POSTER SIGNAGE, LIMITING TIME SIGNS MAY BE DISPLAYED; INCREASING BOND SECURING REMOVAL OF SIGNS; REGULATING PLACEMENT OF SIGNS; MAKING THE CODE ENFORCEMENT BOARD RESPONSIBLE FOR VIOLATIONS OF THIS SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE", was introduced by MOTION of VICE MAYOR JULIEN, seconded by COUNCILMAN DEROSE ON ITS SECOND AND FINAL READING.

MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN SPIEGEL, to ADOPT ORDINANCE NO. 2009-15 ON ITS SECOND AND FINAL READING.

MOTION by COUNCILWOMAN SMITH, seconded by VICE MAYOR JULIEN, to AMEND ORDINANCE NO. 2009-15 ON ITS SECOND AND FINAL READING, TO REFLECT THE FOLLOWING:

1. AMEND HEADER TO READ : "AN ORDINANCE AMENDING CHAPTER SECTION 24-147.2(D) POLITICAL SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; ELIMINATING POSTER SIGNAGE, LIMITING NUMBER OF SIGNS ALLOWED AND TIME SIGNS MAY BE DISPLAYED..."
2. AMENDING SECTION (D)(2)(a) TO ALLOW 48 HOURS FOR COMPLIANCE AFTER A NOTICE OF VIOLATION IS GIVEN.
3. REMOVE SECTION (D)(1)(a)(4) IN ITS ENTIRETY.

AND TO APPROVE AS AMENDED ORDINANCE NO. 2009-15 ON ITS SECOND AND FINAL READING. MOTION CARRIED.

by a ROLL CALL VOTE:

VICE MAYOR JULIEN	YES	
COUNCILWOMAN SMITH	YES	
COUNCILWOMAN SPIEGEL	YES	(VOTE: 7 YES;
COUNCILMAN DEROSE	YES	0 NO)
COUNCILWOMAN KRAMER	YES	
COUNCILMAN PIERRE	YES	
MAYOR ROSNER	YES	

Name of Party (ies) Appearing:

1. CHARLES LOEB
16800 NE 15 Avenue
North Miami Beach, FL
2. ALLISON ROBIE
2131 NE 179 Street
North Miami Beach, FL
3. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL

14. CITY COUNCIL COMMITTEE REPORTS:

A. VICE MAYOR JULIEN:

1. VICE MAYOR JULIEN WANTED TO THANK MAYOR ROSNER FOR APPOINTING HIM TO THE POLICE & FIREFIGHTERS PENSION BOARD; AND, NOW HE SHOULD PROBABLY ALSO CURSE HIM OUT FOR APPOINTING HIM TO THE POLICE & FIREFIGHTERS PENSION BOARD. VICE MAYOR JULIEN STATED THAT HE HAD THE PRIVILEGE OF ATTENDING HIS FIRST MEETING LAST WEEK THURSDAY AT 9 A.M., AND OF COURSE WHAT DID HE DISCOVER? VICE MAYOR JULIEN STATED THAT THIS YEAR, IN ORDER TO BRING UP THE POLICE AND FIREFIGHTERS PENSION BOARD TO 70% FUNDING, WE AS A CITY TO KICK IN \$7,500,000; AND, THEN NEXT YEAR WE NEED TO, AT A MINIMUM, KICK IN \$4,000,000, AND OF COURSE THAT COULD GO UP. VICE MAYOR JULIEN STATED HE DEFINITELY SEES THIS AS SOMETHING THAT NEEDS TO BE ADDRESSED. HE DOES NOT UNDERSTAND HOW IT GOT TO THIS POINT, BUT IT'S THERE AND WE AS A CITY NEED TO TAKE CARE OF IT, OTHERWISE WE'RE DESTINED TO GO BANKRUPT. VICE MAYOR JULIEN STATED THAT HE JUST WANTED TO PUT IT OUT THERE TO LET EVERYONE KNOW THAT THIS IS A SERIOUS, SERIOUS ISSUE.
2. VICE MAYOR JULIEN THANK EVERYONE AND WISHED THEM A GOOD EVENING.

B. COUNCILWOMAN SPIEGEL'S REPORT:

1. COUNCILWOMAN SPIEGEL ALSO WISHED TO THANK AND CURSE MAYOR ROSNER FOR PUTTING HER ON THE POLICE & FIRE PENSION BOARD. SHE STATED THAT IT IS GOING TO BE AN ISSUE AND VICE MAYOR JULIEN SAID IT ELOQUENTLY. BUT SHE DOES UNDERSTAND PART OF THE REASON WHY WE HAVE SUCH A HUGE GAP TO MAKE UP FOR; AND, SO WHEN BUDGETING TIME COMES, WE ARE GOING TO HAVE TO BE VERY CONCERNED ABOUT THAT.
2. COUNCILWOMAN SPIGEL WANTED TO WISH A VERY HAPPY BIRTHDAY THE TWO COUNCILMEMBERS SITTING IMMEDIATELY TO HER LEFT.
3. COUNCILWOMAN SPIEGEL STATED THAT SINCE THE COUNCIL WOULD NOT BE COVENING AGAIN UNTIL SEPTEMBER, SHE HOPED THAT EVERYONE HAS A WONDERFUL AUGUST, REST OF JULY, AND THAT WE REMAIN HURRICANE FREE. COUNCILWOMAN SPIEGEL WISHED EVERYONE A GOOD SUMMER.

C. COUNCILWOMAN SMITH'S REPORT:

1. COUNCILWOMAN SMITH WANTED TO THANK HER MOTHER FOR MAKING HER SMART ENOUGH TO TURN DOWN THE POLICE & FIRE BOARD WHEN IT WAS OFFERED TO HER TWO YEARS AGO.
2. COUNCILWOMAN SMITH WANTED TO ADDRESS THE MANAGER, THAT WHEN HE'S MAKING THE WORKSHOPS FOR THE BUDGET TO ALLOW ENOUGH TIME. THIS IS SOMETHING THAT IS NOT LIGHT IN ANY CITY IN ANY COUNTY. IF YOU'RE WATCHING TELEVISION AT ALL AND YOU TURN ON THE NEWS, EVERY SINGLE CITY IS FIGHTING THIS EXACT SAME PROBLEM. COUNCILWOMAN SMITH STATED THAT WE NEED TIME AS A COUNCIL TO REVIEW AND REVIEW WHAT ARE OUR ALTERNATIVES, AND TO NOT HURT OUR POLICE DEPARTMENT AND YET TO NOT HURT OUR 42,000 RESIDENTS. BECAUSE, IF WE DON'T HAVE A CITY, THEN WE DON'T NEED ANY POLICE ANYWAY. SO WE JUST HAVE TO ADDRESS THIS.
3. COUNCILWOMAN SMITH ALSO WANTED TO MENTION THAT THURSDAY NIGHT, COUNCILWOMAN SMITH ASKED FOR CLARIFICATION FROM THE CITY MANAGER ONE MORE TIME ON WHAT TIME IS THAT MEETING. IT'S GOING TO BE AT THE MCDONALD CENTER IN REFERENCE. COUNCILWOMAN SMITH ASKED THE CITY MANAGER TO PLEASE PUT THAT INTO THE MICROPHONE FOR THE PUBLIC.

THE CITY MANAGER STATED THAT A SITE PLAN REVIEW MEETING FOR THE MISCHON SITE IS SCHEDULED FOR 7:00 P.M. AT THE MCDONALD CENTER THIS COMING THURSDAY EVENING.

COUNCILWOMAN SMITH THANKED THE MANAGER AND STATED THAT THAT IS OPEN TO THE PUBLIC AND THAT WE INVITE YOUR PARTICIPATION. AS WE HAVE NO MEETINGS, AS COUNCILWOMAN SPIEGEL SAID, IN AUGUST IT WOULD BE NICE IF PEOPLE WOULD SHOW UP AND SHARE WITH US SOME OF THEIR IDEAS.

4. COUNCILWOMAN SMITH WISHED EVERYONE A SAFE AND WONDERFUL REST OF THE SUMMER AND THAT WE DO GET BACK TOGETHER WITH A LOT OF ENERGY AND EXCITEMENT BECAUSE WE ARE GOING TO NEED IT TO MAKE OUR CITY BETTER IN THESE ECONOMIC TIMES. I'M SURE THAT IF WE ALL WORK TOGETHER, WE WILL.
5. COUNCILWOMAN SMITH ALSO WANTED TO WISH VICE MAYOR JULIEN A HAPPY BIRTHDAY. COUNCILWOMAN SMITH WISHED EVERYONE A GOOD NIGHT AND THANKED THEM VERY MUCH.

D. COUNCILMAN DEROSE'S REPORT:

1. COUNCILMAN DEROSE ALSO WISHED VICE MAYOR JULIEN HAPPY BIRTHDAY AND WISHED THAT THE VICE MAYOR WOULD CELEBRATE MANY MORE.
2. COUNCILMAN DEROSE STATED THAT SUNDAY JULY 19TH WAS THE CITY'S ANNUAL ARBOR DAY CELEBRATION. THE CITY WORKED IN CONJUNCTION WITH MIAMI-DADE COUNTY AT DOUBLE TREES. A LOT OF CITIZENS CAME AND RECEIVED TREES; AND, HE WANTED TO TAKE THIS OPPORTUNITY TO THANK ALL HIS COLLEAGUES, STAFF, AND ALL THE CITIZENS THAT PARTICIPATED. IT WAS A VERY NICE EVENT.
3. COUNCILMAN DEROSE STATED THAT YESTERDAY JULY 20TH WAS THE GRAND OPENING OF THE NEW FACILITY FOR THE DISABLED PEOPLE. COUNCILMAN DEROSE WANTED TO THANK THE STAFF FOR THEIR HARD WORK ALSO MAYOR MYRON ROSNER WHO SPONSORED THIS PROJECT. COUNCILMAN DEROSE STATED THAT HE WAS VERY DELIGHTED TO SEE OUR CITY BUILD SUCH A NICE FACILITY; AND, THAT HE HOPED THE CITIZENS ENJOY IT AND TAKE GREAT PRIDE OF IT.
4. COUNCILMAN DEROSE THANKED EVERYONE AND WISHED THEM GOOD NIGHT.

E. COUNCILWOMAN KRAMER'S REPORT:

1. COUNCILWOMAN KRAMER WANTED TO COMMEND COUNCILMAN DEROSE ON A VERY SUCCESSFUL ARBOR DAY, OUR LIAISON TO THE BEAUTIFICATION COMMITTEE, COUNCILMAN DEROSE AND ALSO OUR CITY FORRESTER, CARLOS RIVERO, WHOM SHE BELIEVES THOUGHT OF THE IDEA TO PIGGYBACK WITH MIAMI-DADE COUNTY. COUNCILWOMAN KRAMER STATED THAT IT WAS EXTREMELY SUCCESSFUL. SHE HAS BEEN AT THESE ARBOR DAY CELEBRATIONS BEFORE AND SHE HAS NEVER SEEN SO MANY PEOPLE AS THERE WAS THIS ONE. COUNCILWOMAN KRAMER STATED THAT SHE IS HOPEFUL THAT THE CITY WILL HAVE MANY MORE SUCCESSFUL FUTURE ARBOR DAY CELEBRATIONS.
2. COUNCILWOMAN KRAMER ADDRESSED MAYOR MYRON ROSNER AND STATED THAT SHE HAD FINALLY GOT TO VISIT THE DISABILITY RECREATION FACILITY. OF COURSE SHE WAS VERY IMPRESSED, BUT EXTREMELY PROUD BECAUSE WE ARE THE ONLY CITY, SHE BELIEVES, IN THE STATE THAT HAS SUCH A FACILITY. COUNCILWOMAN KRAMER STATED THAT SHE MET MANY OF THE PARTICIPANTS AND THERE ARE 75, WE WERE TOLD, SO FAR WHICH SHE THINKS IS AMAZING. AND IT WAS REALLY GOOD TO HEAR FROM MANY OF THE PARTICIPANTS THAT WERE THERE HOW MUCH THEY ENJOY IT, HOW MUCH IT MEANS TO THEM. IT'S NOT ONLY FOR ATHLETIC PURPOSES FOR THEM, BUT IT'S ALSO A SOCIAL PLACE FOR THEM TO GO AND SHE JUST THINKS IT'S AMAZING. COUNCILWOMAN KRAMER STATED THAT SHE IS REALLY PROUD OF MAYOR ROSNER AND WHAT HE HAS DONE FOR THE CITY IN THAT CAPACITY.
3. COUNCILWOMAN KRAMER WISHED HER FELLOW COLLEAGUES A HAPPY BIRTHDAY AND WISHED THEM MANY MORE. COUNCILWOMAN KRAMER WISHED EVERYONE A WONDERFUL AUGUST AND URGED THEM TO COME TO VICTORY POOL AND STAY COOL. SHE WISHED EVERYONE A GOOD NIGHT.

F. COUNCILMAN PIERRE'S REPORT:

1. COUNCILMAN PIERRE STATED GOOD EVENING TO THE CITY OF NORTH MIAMI BEACH. HE JUST WANTED TO WISH A SAFE AND HAPPY SUMMER TO EVERYONE AND REMIND EVERYONE THAT OUR LIBRARY IS OPEN DURING THE SUMMER.
2. COUNCILMAN PIERRE WISHED EVERYONE A GOOD NIGHT.

G. MAYOR ROSNER'S REPORT:

1. MAYOR ROSNER WELCOMED GOOD EVENING TO EVERYBODY. HE STATED THAT HE TOO WOULD ALSO LIKE TO THANK HIS COLLEAGUE, COUNCILMAN DEROSE. WHAT WAS REALLY AMAZING WAS THAT, HOW WELL ORGANIZED IT WAS BECAUSE YOU HAD PROBABLY ABOUT 1,500 PEOPLE AND HE THINKS THEY WERE GIVING AWAY 3,500 TREES. PEOPLE WERE ENTITLED TO TWO PER FAMILY. BUT WHAT WAS AMAZING WAS HOW WELL ORGANIZED IT WAS. THERE WAS A LINE WHERE YOU WOULD COME IN AND YOU WOULD BE EDUCATED. IT WAS A VERY, VERY WELL DONE PROGRAM. MAYOR ROSNER STATED THAT HE THINKS THE LINES WENT JUST TREMENDOUS AND EVERYBODY REALLY COOPERATED, SO CONGRATULATIONS.

2. MAYOR ROSNER WISHED A HAPPY BIRTHDAY TO HIS TWO COLLEAGUES. HE STATED THAT THEY WERE GETTING OLDER BY THE MINUTE JUST STAYING HERE.

3. MAYOR ROSNER AGAIN WANTED TO THANK LEISURE SERVICES FOR A BEAUTIFUL RIBBON CUTTING. WE WAITED FOR THE CANOPY TO BE UP, IT'S UP. IT WAS A BEAUTIFUL, BEAUTIFUL OCCASSION. MAYOR ROSNER WANTED TO THANK MIAMI-DADE COUNTY. MAYOR ROSNER STATED THAT THERE'S THE OLD SAYING THAT AN IDEA CAN USUALLY COME FROM A VERY SMALL, THIS CITY A LOT OF TIMES COMES UP WITH REALLY GREAT IDEAS. MAYOR ROSNER STATED THAT HE WANTED TO TELL EVERYONE HOW THIS AWARENESS PROJECT CAME FORWARD; ADA AWARENESS WEEK. THIS WEEK IS ADA AWARENESS WEEK. WHAT OUR COMMITTEE DID HERE, THE DISABLED INDIVIDUALS, THE COMMITTEE BROUGHT FORWARD. IF EVERYBODY REMEMBERS WHAT WE WERE TRYING TO DO IS, WE GOT OUR POLICE DEPARTMENT AND OUR COUNCIL TO ADOPT THIS WEEK AS PERMIT OR TICKET D.A.D.E. (DISABILITY AWARENESS, DISABILITY ENFORCEMENT). WE PASSED IT UNANIMOUSLY AS A COUNCIL. MAYOR ROSNER STATED THAT HE WAS A SPEAKER AT THE MIAMI-DADE CHIEFS OF POLICE, TOGETHER WITH OUR CHIEF, WHO GOT THE MAYOR INVITED AND ON THEIR AGENDA. THEY PASSED A UNANIMOUS RESOLUTION TO MAKE THIS WEEK AN ENFORCEMENT WEEK THROUGHOUT MIAMI-DADE COUNTY. FROM THERE WE WENT TO THE LEAGUE OF CITIES, THEY PASSED IT UNANIMOUSLY TO ALL THE CITIES AROUND DADE COUNTY. THAT IS THE RESOLUTION WE BROUGHT FORWARD HERE. FROM THERE WE WENT TO THE C.O.D.I., WHICH IS THE COUNTY COMMISSION ON DISABILITY ISSUES. THERE'S 13 MEMBERS, ONE REPRESENTS EACH COUNTY COMMISSIONER. IT PASSED UNANIMOUSLY IN THAT COMMITTEE. THEN IT WAS SPONSORED BY COMMISSIONER REBECCA SOSA, WHO TOGETHER WITH OUR COMMISSIONER, SALLY HEYMAN, WHO MOVED IT FORWARD ABOUT TWO

WEEKS AGO. SO THE COUNTY HAS ADOPTED A 1ST ANNUAL ADA AWARENESS WEEK. SO THAT'S WHAT THIS WEEK IS ABOUT. MONDAY WE HAD THE RIBBON CUTTING AT OUR CENTER. THIS MORNING HE WAS AT A PROGRAM THAT AVENTURA DID CALLED ANCHORS AWAY, WHICH WAS AN AMAZING PROJECT THAT AVENTURA'S DOING. AND THEY ARE LOOKING TO REACH OUT TO US TO PROBABLY PARTNER THAT THEY ARE DOING WATER AND WE DO LAND. SO THAT'S A VERY NICE PARTNERSHIP. ELAINE ADLER FROM THE MARKETING COUNCIL SENT HIM AN E-MAIL TODAY THAT WE SHOULD TRY TO WORK TOGETHER. AND THERE'S OTHER PROGRAMS AROUND THE COUNTY AND THAT IS PROBABLY GOING TO GROW AGAIN FROM A LITTLE IDEA HERE IN OUR CITY. SO IT IS SOMETHING WE SHOULD BE VERY PROUD OF BECAUSE IT IS THE 1ST ANNUAL.

4. MAYOR ROSNER WANTED TO WISH EVERYONE A SAFE SUMMER.

COUNCILWOMAN SMITH REQUESTED A MOMENT FROM THE MAYOR BEFORE HE CLOSED THE MEETING. COUNCILWOMAN SMITH STATED THAT SHE JUST WANTED TO MENTION ONE THING TO THE PUBLIC. SHE STATED THAT SHE HADN'T MENTIONED GOING TO THE RIBBON CUTTING YESTERDAY BECAUSE SHE WANTED THE MAYOR TO SPEAK ON ITS BEHALF. BUT I HAVE TO TELL YOU THE PARTICIPANTS, THE SOCIAL ASPECT, THE SOCIAL ASPECT FOR THEM. SO IF YOU KNOW SOMEBODY, IF YOU'RE HOME, THEY DON'T HAVE TO GET ON ANY OF THE EQUIPMENT. THEY CAN COME; THEY CAN SEE HOW OTHER PEOPLE DO IT, AND LITTLE BY LITTLE. ONE MAN WAS, HE HAS BEEN THERE SEVEN MONTHS AND HE IS SO THRILLED THAT HE COMES. AND WE HEARD AT THE RIBBON CUTTING THAT JACKSON COMES AND THEY BRING A VAN FULL OF TEN PEOPLE EVERY WEEK JUST FOR A SOCIAL. AND I WANT THE PUBLIC TO KNOW THAT, BECAUSE THAT'S THE IMPORTANT THING ABOUT THE FACT THAT WE'RE NORTH MIAMI BEACH CARES. THAT'S ONE THING THAT YOU CAN PUT ON THE NORTH MIAMI BEACH CARES AND SHE WANTED THE PUBLIC TO KNOW THAT. SHE THANKED EVERYONE VERY MUCH.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH WAS ADJOURNED AT 10:32 PM ON A MOTION by COUNCILMAN DEROSE, SECONDED by COUNCILMAN PIERRE. MOTION CARRIED.

CERTIFICATION

I, SUSAN A. OWENS, CITY CLERK OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DO
HEREBY CERTIFY THAT THE FOREGOING MINUTES, PAGES ONE (1) THROUGH PAGE
SIXTEEN (16) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL
PROCEEDINGS AS TAPE RECORDED AT THE REGULAR CITY COUNCIL MEETING OF THE
CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE TWENTY FIRST (21ST) DAY OF JULY,
2009.

(SEAL)



SUSAN A. OWENS, CMC,
CITYCLERK
CITY OF NORTH MIAMI BEACH