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**MINUTES**

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**1. ROLL CALL OF THE CITY OFFICIALS:**

MAYOR	MYRON ROSNER, PRESIDING
VICE MAYOR	JOHN PATRICK JULIEN (EXCUSED W/CAUSE)
COUNCILMAN	FRANTZ PIERRE
COUNCILMAN	PHILIPPE DEROSE
COUNCILWOMAN	PHYLLIS S. SMITH
COUNCILWOMAN	BETH SPIEGEL (EXCUSED W/CAUSE)
COUNCILWOMAN	BARBARA KRAMER

CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	DARCEE S. SIEGEL
CITY CLERK	SUSAN A. OWENS, CMC

**2. INVOCATION: REVEREND CANON RONALD N. FOX,  
ST. BERNARD DeCLAIRVAUX**

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AT THIS TIME, MAYOR ROSNER REQUESTED ONE OF HIS COLLEAGUES ADDRESS THE PASSING OF FATHER GERARD JEAN-JUSTE, WHO WAS A PROMINENT HAITIAN LEADER IN THE COMMUNITY. COUNCILMAN PIERRE SPOKE ABOUT FATHER JEAN-JUSTE'S WORK IN THE COMMUNITY AND ASKED FOR ALL TO BOW THEIR HEADS FOR A MOMENT IN HIS MEMORY.

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**3. SALUTE TO THE AMERICAN FLAG**

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

WITHDRAWALS - ITEM #13(B) LEGISLATION - RESOLUTION NO. R2009-35

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5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

1. NEW VICE MAYOR

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE TO APPOINT  
COUNCILMAN JOHN PATRICK JULIEN VICE MAYOR. MOTION CARRIED.

2. FAITH L. BLOCK – COMMISSION ON THE STATUS OF WOMEN

MOTION by COUNCILMAN PIERRE, seconded by COUNCILMAN DEROSE TO APPOINT FAITH L.  
BLOCK TO THE COMMISSION ON THE STATUS OF WOMEN. MOTION CARRIED.

B. PRESENTATIONS:

1. SWEARING IN OF CITY CLERK, SUSAN A. OWENS, CMC

SWEARING IN OF THE NEW CITY CLERK, SUSAN A. OWENS, CMC, WAS  
PERFORMED BY THE HONORABLE SARAH ZABEL, MIAMI-DADE  
COUNTY JUDGE, CIRCUIT COURT, 11TH (ELEVENTH) JUDICIAL  
CIRCUIT.

2. PRESENTATION BY RAFAEL P. HERNANDEZ, CHIEF OF POLICE,  
RECOGNIZING THE NORTH MIAMI BEACH POLICE DEPARTMENT AND  
MEMBERS OF THE DRUG ENFORCEMENT ADMINISTRATION FOR  
RECENTLY RECEIVING THE LEO FOUNDATION'S FEDERAL OFFICE OF  
THE YEAR AWARD

PRESENTATION WAS MADE BY RAFAEL P. HERNANDEZ, CHIEF OF  
POLICE.

3. SWEARING IN OF POLICE OFFICER KENNETH BAKER BY MAYOR  
MYRON ROSNER

SWEARING IN OF OFFICER BAKER WAS PERFORMED BY MAYOR  
ROSNER.

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4. PRESENTATION, BY MAYOR MYRON ROSNER, TO *OFFICER ROBERTO QUINONES* AS THE *OUTSTANDING OFFICER FOR THE MONTH OF JANUARY 2009*

PRESENTATION WAS MADE BY MAYOR ROSNER TO OFFICER QUINONES.

5. PRESENTATION, BY MAYOR MYRON ROSNER, TO *OFFICER NELSON CAMACHO* AS THE *OUTSTANDING OFFICER FOR THE MONTH OF MARCH 2009*

PRESENTATION WAS MADE BY MAYOR ROSNER TO OFFICER CAMACHO.

6. PRESENTATION, BY MAYOR MYRON ROSNER, TO *OFFICER STUART NICHOLS* AS THE *OUTSTANDING OFFICER FOR THE MONTH OF APRIL 2009*

PRESENTATION WAS MADE BY MAYOR ROSNER TO OFFICER NICHOLS.

7. RECOGNITION, BY RAFAEL P. HERNANDEZ, CHIEF OF POLICE, OF THE *EMPLOYEE OF THE MONTH TO PCO TONYA HOLIMON* FOR JANUARY AND APRIL 2009

POLICE CHIEF HERNANDEZ ANNOUNCED THAT PCO HOLIMON WAS UNABLE TO ATTEND THE MEETING AND ACCEPT THE AWARD IN PERSON.

8. PRESENTATION OF PROCLAMATION BY MAYOR MYRON ROSNER TO THE CODE ENFORCEMENT DEPARTMENT PROCLAIMING THE WEEK OF JUNE 1, 2009 THROUGH JUNE 5, 2009 AS *CODE ENFORCEMENT OFFICERS APPRECIATION WEEK*

PRESENTATION WAS MADE BY MAYOR ROSNER TO CODE ENFORCEMENT DIRECTOR SHARON RAGOONAN, ON BEHALF OF THE CODE ENFORCEMENT DEPARTMENT.

9. PRESENTATION OF THE *APRIL C.A.R.E. SUGGESTION AWARD* BY COUNCILWOMAN SMITH AND KELVIN L. BAKER, CITY MANAGER, TO *MAC SERDA* FOR HIS SUGGESTION TO INCREASE THE OFF DUTY POLICE RATE

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PRESENTATION WAS MADE BY COUNCILWOMAN SMITH AND CITY  
MANAGER BAKER TO MR. SERDA.

10. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO *MARK VINITSKEY* AS THE *EMPLOYEE OF THE MONTH* FOR MAY 2009

PRESENTATION WAS MADE BY COUNCILMAN PIERRE AND CITY  
MANAGER BAKER TO MR. VINITSKEY.

**6. APPROVAL OF MINUTES:**

MOTION by COUNCILWOMAN SMITH, seconded by MAYOR ROSNER, to TABLE THE MINUTES OF APRIL 21, 2009. MOTION CARRIED.  
WITH COUNCILMAN DEROSE VOTING IN THE NEGATIVE.

MAY 5, 2009 (CANCELLED)  
MAY 19, 2009 (CANCELLED)

**7. CITY MANAGER'S REPORT - KELVIN L. BAKER:**

A. VICTORY POOL SLIDE UPDATE

CITY MANAGER STATED THAT THE SLIDE IS SCHEDULED TO ARRIVE ON FRIDAY AND IT SHOULD BE UP AND RUNNING THIS SUMMER.

B. FEES FOR POOL USAGE

THE CITY MANAGER INDICATED THAT A SURVEY WAS CONDUCTED LOOKING AT ALL POOLS UP TO THE SOUTHERN PART OF BROWARD AND OUR RATES OUR LOWER. THE MANAGER STATED THAT THEY WILL BE IMPLEMENTING COMMUNITY WATER DAYS WERE THE POOL FEES WILL BE WAIVED ON SUNDAYS FROM 1:00 P.M. TO 5:00 P.M. AND FRIDAYS FROM 1:00 P.M. TO 5:00 P.M. AND THEN AT 7:00 P.M. TO 9:00 P.M. DURING THE SUMMER. COUNCIL AGREED TO TRY IT. COUNCILWOMAN SMITH REQUESTED A STATUS REPORT AFTER 1 MONTH.

C. AMPHITHEATER AWNING UPDATE

THE CITY MANAGER STATED THAT MOST OF THE WORK IS DONE. THIS WAS A LONG PROCESS SINCE IT WAS DAMAGED BY A HURRICANE AND THE CITY IS GOING THROUGH THE INSURANCE COMPANY'S CONTRACTORS, BUT IT SHOULD BE COMPLETED SOON.

D. 15<sup>TH</sup> AVENUE ROADWAY PROJECT

THE CITY MANAGER STATED THAT THE ROADWAY PART IS COMPLETE AND THE FOCUS NOW IS ON COMPLETING THE BRIDGE. THE COUNTY SAID IT SHOULD BE COMPLETED BY JULY 30<sup>TH</sup>.

(CNMB-CC MINUTES TAPE #420)

8. CITY ATTORNEY'S REPORT - DARCEE S. SIEGEL:

A. THE CITY ATTORNEY STATED THAT THERE ARE SIX FORFEITURE CASES IN WHICH PROPERTY HAS BEEN AWARDED TO THE CITY. THE CITY ATTORNEY INDICATED THAT SHE WILL BE BRINGING FORWARD AT THE NEXT MEETING A PROPOSED AMENDMENT TO THE POLITICAL SIGNAGE ORDINANCE. THERE WILL ALSO BE AN ORDINANCE IN REFERENCE TO CONSOLIDATING AND/OR ELIMINATING SOME OF THE ADVISORY COMMITTEES.

(CNMB-CC MINUTES TAPE #420)

9. SCHEDULED CITIZENS APPEARANCE:

NONE

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AT THIS TIME, MAYOR ROSNER ANNOUNCED THAT BEGINNING WITH THE NEXT COUNCIL MEETING THERE WILL BE A CHANGE TO THE PUBLIC PARTICIPATION PORTION OF THE AGENDA. THE SCHEDULED AND UNSCHEDULED CITIZENS SECTIONS WILL BE COMBINED INTO ONE SECTION CALLED PUBLIC COMMENT. IT WILL BE ITEM NUMBER NINE ON THE AGENDA AND THERE WILL BE A TIME LIMIT OF 3 MINUTES PER SPEAKER. SPEAKERS WILL BE REQUIRED TO FILL OUT A REQUEST CARD AND SUBMIT IT TO THE CLERK PRIOR TO SPEAKING.

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10. **MISCELLANEOUS ITEMS:**

NONE

11. **WAIVER OF FEE:**

NONE

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

NONE

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.

THE CITY CLERK ADMINISTERED THE OATH

13B. **LEGISLATION:**

**RESOLUTIONS (SERIATIM NO. R2009-39):**

**RESOLUTION NO. R2009-31**, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REVOKING IN ITS ENTIRETY CITY OF NORTH MIAMI BEACH RESOLUTION NUMBER R2008-39, WHICH GRANTED SITE PLAN APPROVAL FOR A MIXED USE PROJECT, ON PROPERTY LEGALLY DESCRIBED AS;

(LENGTHY LEGAL – SEE ATTACH EXHIBIT "A")

2145 N.E. 164 Street  
North Miami Beach, Florida

(P & Z Item No. 08-421 of September 8, 2008", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE). MOTION CARRIED.

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MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to ADOPT  
RESOLUTION NO. R2009-31. MOTION CARRIED.  
WITH COUNCILMAN DEROSE VOTING IN THE NEGATIVE.

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Name of Party(ies) Appearing:

1. Franz Arango  
3745 NE 171 Street  
North Miami Beach, FL
2. Mubarak Kazan  
15564 NE 12 Avenue  
North Miami Beach, FL

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**RESOLUTION NO. R2009-32**, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE ACQUISITION BY THE CITY OF THE TOWN OF GOLDEN BEACH WATER DISTRIBUTION SYSTEM; ACCEPTING AS THE CITY'S STATEMENT UNDER SECTION 180.301, FLORIDA STATUTES, THE PUBLIC BRIEFING DOCUMENT; DETERMINING THAT THE ACQUISITION OF THE GOLDEN BEACH WATER SYSTEM IS IN THE PUBLIC INTEREST; AUTHORIZING AND APPROVING THE ASSET PURCHASE AGREEMENT BETWEEN THE TOWN OF GOLDEN BEACH AND THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR IMPLEMENTATION; PROVIDING AN EFFECTIVE DATE", was introduced by MOTION OF COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE. MOTION CARRIED.

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MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to ADOPT  
RESOLUTION NO. R2009-32. MOTION CARRIED.

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**CITY CLERK'S NOTE:** JERRY C. HARTMAN OF GI CONSULTANTS PROVIDED THE 10-POINT BRIEFING AND DISCLOSURES TO THE COUNCIL, AS REQUIRED BY FLORIDA STATUTES, PRIOR TO THE COUNCIL'S FINDING OF PUBLIC INTEREST.

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Name of Party (ies) Appearing:

1. Jerry C. Hartman, Engineer  
GI Consultants  
Orlando, FL

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2. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL
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**RESOLUTION NO. R2009-33**, entitled "A RESOLUTION OF THE CITY COUNCIL OF NORTH MIAMI BEACH, FLORIDA; MAKING FINDINGS; AUTHORIZING A STATE REVOLVING FUND LOAN/AMERICAN RECOVERY AND REINVESTMENT ACT APPLICATION IN THE AMOUNT OF \$2,409,000.00 FOR THE HIGHLAND VILLAGE PROJECT; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE", was introduced by MOTION OF COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH.

MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to ADOPT RESOLUTION NO. R2009-33. MOTION CARRIED.

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Name of Party (ies) Appearing:

1. Roland Villieux  
13730 Highland Drive  
North Miami Beach, FL
  2. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL
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**RESOLUTION NO. R2009-34**, 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 FOR PRE-CONSTRUCTION FUNDING OF THE MAJOR SEWER REHABILITATION PROJECT IN THE AMOUNT OF \$487,000.00 TO REPAIR FOUR SEWER PUMPING STATIONS; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE", was introduced by MOTION OF COUNCILWOMAN SMITH, seconded by MAYOR ROSNER. MOTION CARRIED.

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MOTION by COUNCILMAN DEROSE, seconded by MAYOR ROSNER, to ADOPT RESOLUTION NO. R2009-34.

MOTION by COUNCILWOMAN SMITH, seconded by MAYOR ROSNER, to AMEND RESOLUTION NO. R2009-34 BY STRIKING THE WORD "DRINKING" FROM THE FIRST WHEREAS CLAUSE ON PAGE 1. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to ADOPT RESOLUTION NO. R2009-34, AS AMENDED. MOTION CARRIED.

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Name of Party (ies) Appearing:

1. Roland Villieux  
13730 Highland Drive  
North Miami Beach, FL
  
2. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL

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**RESOLUTION NO. R2009-35**, 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 \$6,000,000.00 FOR THE VOLATILE ORGANIC CHEMICAL FACILITY; ACCEPTING THE WATER FACILITY PLAN; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO PROVIDE ASSURANCES; GRANTING AUTHORITY TO ENTER INTO A LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; RECOGNIZING STATUTORY AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

(WITHDRAWN)

**RESOLUTION NO. R2009-36**, entitled "A RESOLUTION THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AWARDING BID #2009-05 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND R&D ELECTRIC, INC. FOR THE PURCHASE AND INSTALLATION OF A GENERATOR FOR THE ENTIRE CITY HALL COMPLEX", was introduced by MOTION OF COUNCILWOMAN SMITH, seconded by COUNCILMAN DEROSE.

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MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to ADOPT RESOLUTION NO. R2009-36. MOTION CARRIED.

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Name of Party (ies) Appearing:

1. Charles Loeb  
16800 N.E. 15 Avenue  
North Miami Beach, FL
2. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL

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**RESOLUTION NO. R2009-37**, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND METRO PCS, FLORIDA, LLC FOR THE LEASE OF A PORTION OF THE NORWOOD WATER TREATMENT PLANT SITE FOR THE OPERATIONS OF A WIRELESS COMMUNICATION SITE ", was introduced by MOTION OF COUNCILWOMAN SMITH, seconded by COUNCILMAN DEROSE. MOTION CARRIED.

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MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to ADOPT RESOLUTION NO. R2009-37. MOTION CARRIED.

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Name of Party (ies) Appearing:

1. Charles Loeb  
16800 N.E. 15 Avenue  
North Miami Beach, FL
2. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL

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**RESOLUTION NO. R2009-38**, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REQUESTING GOVERNOR CHARLIE CRIST TO VETO THE 2% PAY CUTS PASSED BY THE STATE LEGISLATURE FOR THE STATE ATTORNEY'S OFFICE", was introduced by MOTION OF

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COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN SMITH, to ADOPT  
RESOLUTION NO. R2009-38. MOTION CARRIED.

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Name of Party (ies) Appearing:

1. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL

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**ORDINANCES - FIRST READING, BY TITLE ONLY:**  
**(SERIATIM NO. 2009-12)**

NONE

**ORDINANCES - SECOND AND FINAL READING:**

**ORDINANCE NO. 2009-11**, entitled "AN ORDINANCE AMENDING SECTION 2-32.4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REVISING THE PROCEDURE FOR REMOVING BOARD AND/OR COMMISSION MEMBERS FOR FAILURE TO ATTEND MEETINGS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE", was introduced BY MOTION OF COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE, to ADOPT  
ORDINANCE NO. 2009-11 ON ITS SECOND AND FINAL READING. MOTION CARRIED.

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Name of Party (ies) Appearing:

1. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL

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14. **UNSCHEDULED CITIZENS APPEARANCES:**

A. CHARLES LOEB  
16800 N.E. 15 AVENUE  
NORTH MIAMI BEACH, FL

RE: WATER INFORMATION, FORECLOSURES, CENSUS, POLITICAL SIGNS,  
FCAT.

B. JOANNE KING  
STREET ADDRESS  
NORTH MIAMI BEACH, FL

RE: CONGRATULATE COUNCIL MEMBERS, NEW BOARD, AND NEW  
ADMINISTRATION.

C. ROLAND VILLIEUX  
13730 HIGHLAND DRIVE  
NORTH MIAMI BEACH, FL

RE: COURTESY.

D. MUBARAK KAZAN  
15564 N.E. 12 AVENUE  
NORTH MIAMI BEACH, FL

RE: 3 MINUTE LIMIT FOR PUBLIC, LIGHTS AT 18<sup>TH</sup> AVE., FORFEITURES.

15. **CITY COUNCIL COMMITTEE REPORTS:**

A. **COUNCILWOMAN BARBARA KRAMER:**

1. COUNCILWOMAN KRAMER STATED THAT FIRST SHE WOULD LIKE TO  
DIRECT THE CITY ATTORNEY TO INVESTIGATE THE VALIDITY AND  
CONSTITUTIONALITY OF PREPARING AN ORDINANCE TO BAN  
PANHANDLERS FROM THE CITY.

(CNMB-CC MINUTES TAPE #420)

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2. COUNCILWOMAN KRAMER STATED THAT SHE WENT TO HER FIRST MEMORIAL DAY SERVICE. SHE IS EMBARRASSED TO SAY BUT BECOMING A COUNCILPERSON AT LEAST HAS LET HER ATTEND ONE OF THOSE AND SHE HOPES TO ATTEND MANY OTHERS AND IT WAS A VERY MOVING EXPERIENCE. COUNCILWOMAN KRAMER INDICATED THAT ONE OF THE THINGS THAT TOUCHED HER BESIDES ALL THE VETERANS BEING THERE WAS THE MARCH, THE FIRING OF THE GUNS, AND JUST THE WHOLE CEREMONIAL PART WAS VERY LOVELY. COUNCILWOMAN KRAMER STATED THAT ONE OF THE VETERANS, COMMANDER HOWARD STAPLE, FROM THE JEWISH WAR VETERANS GROUP MENTIONED HOW NOBODY EVEN REALIZES WHAT MEMORIAL DAY IS ANYMORE UNLESS YOU ARE HOME WATCHING THE NEWS, AND TV, AND THE SPECIALS THEY HAVE AND UNFORTUNATELY MOST PEOPLE ARE OUT BARBEQUING AND SHOPPING. COUNCILWOMAN KRAMER STATED THAT IN HER FAMILY THEY HAVE NOT LOST ANY MEMBERS TO COMBAT BUT IT IS A DAY OF REFLECTION AND COUNCILWOMAN KRAMER HOPES THAT THE FOLLOWING MEMORIAL DAY SERVICE THEY CAN GET MORE PEOPLE OUT THERE TO ATTEND AND SUPPORT OUR FALLEN SOLDIERS AND OUR VETERANS AS WELL.

(CNMB-CC MINUTES TAPE #420)

3. COUNCILWOMAN KRAMER STATED THAT SHE ATTENDED HER FIRST END OF THE SCHOOL YEAR SHOW AT ULETA RECREATIONAL CENTER. THEY PERFORMED GREASE. COUNCILWOMAN KRAMER INDICATED THAT SHE ATTENDED ALONG WITH COUNCILWOMAN SMITH AND IT WAS WONDERFUL. THE CHILDREN WERE AMAZING. COUNCILWOMAN KRAMER COMMENDED THE RECREATION DEPARTMENT FOR DOING WHAT THEY DO FOR THE CHILDREN. COUNCILWOMAN KRAMER INDICATED THAT WATCHING THEM REMINDED HER OF WHEN SHE WAS A KID AND SHE WAS IN ELEMENTARY SCHOOL AND SHE USED TO PERFORM. THEY DO NOT DO THAT ANYMORE. PUBLIC SCHOOLS HAVE REALLY DONE AWAY WITH THAT AND NOW EVERYTHING IS ABOUT THE FCAT. COUNCILWOMAN KRAMER STATED THAT THE KIDS ACHIEVE A CERTAIN TYPE OF SELF ESTEEM WHEN THEY PERFORM. THEY HEAR THE AUDIENCE APPLAUDING THEM AND IT IS WONDERFUL FOR THEM TO GET OUT THERE AND DO THEIR THING OTHER THAN THE TYPICAL SCHOOL WORK. COUNCILWOMAN KRAMER INDICATED THAT THIS IS A GREAT OPPORTUNITY FOR THEM AND SHE WAS VERY

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PROUD OF OUR CITY. COUNCILMAN KRAMER WISHED A GOOD NIGHT AND INDICATED THAT IT WAS A GREAT FIRST MEETING FOR HER.

(CNMB-CC MINUTES TAPE #420)

**B. COUNCILWOMAN SMITH'S REPORT:**

1. COUNCILWOMAN SMITH STATED THAT SHE WOULD LIKE TO GIVE THE CITY'S SYMPATHY TO LISA ALVAREZ'S FAMILY. SHE WORKED HERE FOR MANY YEARS AND UNFORTUNATELY FOR ALL OF US SHE PASSED AWAY. COUNCILWOMAN SMITH INDICATED THAT SHE WOULD LIKE FOR HER FAMILY TO KNOW THAT OUR HEARTS AND OUR PRAYERS ARE WITH THEM AND EVEN THOUGH WE DID NOT MEET FOR MANY WEEKS WE KNOW THE LOSS IS A VERY BIG LOSS FOR THEIR FAMILY AND IT IS A VERY BIG LOSS FOR THE CITY AS WELL AND MAY SHE REST IN PEACE.

(CNMB-CC MINUTES TAPE #420)

2. COUNCILWOMAN SMITH STATED TO KETLY WHO HAS LEFT AND WAITED TILL AFTER 11 O'CLOCK TO COME BEFORE THEM WITH SUCH A WONDERFUL SPEECH TO SAY THE IMPORTANCE. COUNCILWOMAN SMITH INDICATED THAT WHEN SHE FIRST SAW KETLY SHE DID NOT KNOW HER BUT WHEN SHE FIRST SAW HER SHE RECOGNIZED WHAT A SIGNIFICANT FORCE SHE WAS. SHE IS A SIGNIFICANT FORCE AS A RESIDENT. COUNCILWOMAN SMITH STATED NOT AS A WOMAN RESIDENT, NOT AS A HAITIAN RESIDENT, AS A PARTICIPATING RESIDENT TO TRY TO MAKE IT A BETTER CITY FOR ALL OF US AND SHE PROVED IT AGAIN WHEN SHE INCLUDED EVERYBODY'S NAME THAT IS STILL WITH US THAT SERVED ON THIS COUNCIL. COUNCILWOMAN SMITH INDICATED THAT SHE THANKS HER FOR THAT.

(CNMB-CC MINUTES TAPE #420)

3. COUNCILWOMAN SMITH STATED THAT THE EASY PART, AS DIFFICULT AS IT IS, AS MANY HOURS AND AS MUCH SACRIFICE TO RUN FOR THIS OFFICE, THE EASY PART IS WINNING. NOW WE AS A COUNCIL HAVE THE DIFFICULT PART OF TAKING THESE ECONOMIC TIMES AND TAKING THE RESTRUCTURING OF THE CITY AND

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PERFORMING IT PROFICIENTLY SO THAT AT THE END OF OUR TWO YEAR TERM EVERYBODY THAT LIVES HERE OR HAS BUSINESS HERE WILL SAY "I AM GLAD I LIVE IN NORTH MIAMI BEACH IT GETS BETTER EVERY DAY". COUNCILWOMAN SMITH STATED THAT SHE IS LOOKING FOR THAT TWO YEAR TERM. COUNCILWOMAN SMITH INDICATED THAT IN REFERENCE TO THAT SHE DID THANK A LOT OF PEOPLE. SHE THANKED HER FAMILY AND SHE DID NOT WANT TO GO INTO DETAILS OF ALL THE PEOPLE THAT HELPED HER BUT SHE DID WANT TO REACH OUT TO MARCIA KREISBERG WHO IS HER NEIGHBOR AND SHE DOES HER ACCOUNTING FOR HER AND HER FINANCIAL PAPERWORK. COUNCILWOMAN SMITH STATED THAT MS. KREISBERG HAD ACTUALLY GONE THROUGH HER SECOND ROUND OF CHEMO AND SHE DID NOT KNOW IF SHE COULD DO IT AND SHE DID DO IT FOR HER. COUNCILWOMAN INDICATED THAT SHE IS SO PROFICIENT THAT COUNCILWOMAN PROBABLY HAS THE BEST FINANCIAL REPORTS. THEY ARE SO BEAUTIFUL THEY LOOK LIKE THEY WERE PRINTED BY A COMPANY. COUNCILWOMAN SMITH STATED THAT SHE WANTED TO THANK HER AND SHE APPRECIATES HER FAMILY FOR THE SACRIFICE.

(CNMB-CC MINUTES TAPE #420)

4. COUNCILWOMAN SMITH STATED THAT THEY WILL NOT BE MEETING FOR THEIR FORUM. THAT FORUM WILL BE EVERY MONTH AS SHE PROMISED BUT SHE DOES NOT THINK IT WILL BE FOR THE SUMMER. THEY WILL START AGAIN IN SEPTEMBER AND THAT IS THE THIRD WEDNESDAY AT SEVEN O'CLOCK. COUNCILWOMAN SMITH INDICATED THAT SHE WOULD LIKE TO REMIND EVERYBODY THAT SCHOOL IS OUT. HAVE A GREAT SUMMER AND WATCH WHEN YOU DRIVE BECAUSE THE KIDS ARE OUT PLAYING. COUNCILWOMAN SMITH STATED THAT SHE IS EXCITED ABOUT THE POOL AND SHE IS LOOKING FORWARD TO THE MONTH REPORT TO SEE HOW THAT GOES. COUNCILWOMAN SMITH INDICATED THAT SHE WOULD ALSO LIKE TO REMIND EVERYBODY THAT WHAT MR. KAZAN WAS TALKING ABOUT WAS SHE MISUNDERSTOOD. SHE THOUGHT THAT THERE WAS GOING TO BE A PRESENTATION OPEN TO THE PUBLIC AND A PRESENTATION AT THE END AND IF THAT IS THE CASE WHAT SHE WAS WONDERING WAS IF THE TIME ELEMENT IF THE LINE GETS TOO LONG FOR PEOPLE THAT WANT TO SPEAK AT THE BEGINNING BEING AS EVERYTHING IS OUT ON OUR WEBSITE AND PEOPLE MAY HAVE OPINIONS HOW THEY WOULD LIKE US TO CONSIDER VOTING

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THAT EVENING AND SHE THOUGHT THEY WERE GOING TO SPEAK BEFORE AND AFTER. AT THE BEGINNING OF THE MEETING AND AT THE END OF THE MEETING SO THAT IS WHY SHE WAS THINKING OF THE DIFFERENCE IN TIME. COUNCILWOMAN SMITH STATED THAT HOWEVER IT WORKS THEY ARE EXCITED AND SHE IS VERY EXCITED ABOUT TONIGHT'S MEETING WHERE THE PUBLIC WAS INCLUDED IN EVERYTHING. COUNCILWOMAN SMITH INDICATED THAT IN REFERENCE TO THAT REGARDING THE WINN-DIXIE PROJECT OR SUNNY PLAZA IF EVERYBODY WILL LOOK BACK IN THOSE MINUTES AND LOOK BACK AT THAT TAPE THEY JUST SPENT HOURS AND HOURS ON THAT PROJECT. COUNCILWOMAN SMITH INDICATED THAT THEY GAVE SO MANY CONCESSIONS AND THEY WORKED SO HARD TO MAKE SURE THAT PROJECT WAS A PART OF OUR CITY. COUNCILWOMAN SMITH STATED THAT SHE SAID WITH REGRET ON HER VOTE AND SHE JUST WANTS TO CLARIFY SOMETHING BECAUSE SHE KNOWS THE IMPORTANCE OF EVERY DOLLAR AND REVENUE. COUNCILWOMAN SMITH INDICATED THAT YOU HAVE TO WORK WITH US TOO. WE CANNOT BE ONE-SIDED. YOU AS THE PUBLIC HAVE TO WORK WITH US. IF YOU CANNOT PAY YOUR WATER BILL AND YOUR ELECTRIC BILL YOU HAVE TO PICK UP THE PHONE AND CALL THE WATER DEPARTMENT. YOU HAVE TO PICK UP THE PHONE AND CALL THE ELECTRIC DEPARTMENT. IF YOU CANNOT PAY FOR MORTGAGE PAYMENT YOU HAVE TO PICK UP THE PHONE AND CALL THE BANK. COUNCILWOMAN SMITH STATED THAT IF YOU DID NOT HAVE THE MONEY FOR EIGHT MONTHS YOU HAVE TO PICK UP THE PHONE AND CALL THE MANAGER AND ARRANGE A MEETING. WORK WITH US SO THAT WE CAN WORK WITH YOU. COUNCILWOMAN SMITH INDICATED THAT WITH ALL DUE RESPECT WHEN THE POLICE CHIEF RECOMMENDS SOMETHING HE IS THE PROFESSIONAL AND COUNCILWOMAN SMITH WANTS TO HEAR HIS INPUT. WHEN THE CITY ATTORNEY RECOMMENDS SOMETHING COUNCILWOMAN SMITH WANTS TO HEAR HER INPUT. COUNCILWOMAN SMITH STATED THAT SHE WANTS TO HEAR AND SHE SPENT TIME WITH THE CITY ATTORNEY OVER THIS ISSUE. THE PHONE CALLS THAT WERE MADE, AND THE E-MAILS MADE, AND THE REMINDERS, AND THAT WE ARE ACTUALLY IN DEBT ALL THIS TIME WITHOUT EVEN A PARTIAL PAYMENT. COUNCILWOMAN SMITH STATED THAT THE PROPERTY IS STILL THERE AND SHE IS SURE SOMETHING IS GOING TO COME BEFORE THEM AGAIN. COUNCILWOMAN SMITH INDICATED THAT SHE WOULD HOPE THAT THEY WILL REGROUP THEMSELVES AND BE PREPARED WHEN THEY COME BEFORE THEM AGAIN TO

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MOVE FORWARD. COUNCILWOMAN SMITH STATED THAT SHE THANKS YOU VERY MUCH FOR YOUR PATIENCE AND COUNCILWOMAN SMITH THINKS THAT THEIR FIRST MEETING AS A NEW COUNCIL EVEN THOUGH IT WAS SCARCE BECAUSE THEY DID NOT HAVE ALL SEVEN. COUNCILWOMAN SMITH WELCOMED OUR NEW MEMBERS AND COUNCILWOMAN SMITH THINKS THAT THEY ARE STARTING OFF WITH A GREAT BEGINNING FOR WHAT OUR CITY IS GOING TO MOVE FORWARD TO. COUNCILWOMAN SMITH THANKED ALL AND WISHED A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #420)

**C. COUNCILMAN DEROSE'S REPORT:**

1. COUNCILMAN DEROSE EXPRESSED HIS HEART FELT SYMPATHY TO THE FAMILY OF FATHER GERARD JEAN-JUSTE WHO PASSED AWAY LAST WEEK. COUNCILMAN DEROSE STATED THAT HE WAS A GREAT LEADER AND ICON TO THE HAITIAN COMMUNITY AND THIS IS REALLY A GREAT LOSS FOR THE COMMUNITY. COUNCILMAN DEROSE INDICATED THAT MOST OF THE PEOPLE COMPARE FATHER JEAN JEAN-JUSH WITH DR. MARTIN LUTHER KING. COUNCILMAN DEROSE STATED THAT HE WAS A MAN THAT ALWAYS STOOD TO FIGHT TO DEFEND PEOPLE WHO EXPERIENCE INJUSTICE NOT ONLY IN THE HAITIAN COMMUNITY BUT EVERYWHERE. COUNCILMAN DEROSE ASKED OUR CITIZENS TO KEEP THE FAMILY IN PRAYER DURING THIS DIFFICULT TIME AND MAY HIS SOUL REST IN PEACE IN THE HAND OF GOD. COUNCILMAN DEROSE THANKED ALL AND WISHED EVERYONE A GOOD EVENING.

(CNMB-CC MINUTES TAPE #420)

**D. COUNCILMAN PIERRE'S REPORT:**

1. COUNCILMAN PIERRE WELCOMED ON BOARD COUNCILWOMAN KRAMER AND COUNCILWOMAN SPIEGEL IN HER ABSENCE. COUNCILMAN PIERRE STATED THAT HE KNOWS FROM PERSONAL EXPERIENCE HE HAS KNOWN COUNCILWOMAN KRAMER OVER THE YEARS DISCUSSING CITY ISSUES EVEN BEFORE SHE GOT ON THE COUNCIL AND COUNCILMAN PIERRE HAS SEEN WHAT COUNCILWOMAN SPIEGEL HAS DONE WITH THE CHARTER REVIEW COMMITTEE. COUNCILMAN PIERRE INDICATED THAT HE KNOWS

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THEY ARE NOT GOING TO BE GOOD COUNCILPERSONS THEY ARE GOING TO BE GREAT COUNCILPERSONS. COUNCILMAN PIERRE THANKED HIS OLD COLLEAGUES THAT WAS HIS VERY FIRST EXPERIENCE AND HE CONSIDERED IT TO BE A PRIVILEGE TO WORK WITH TWO COLLEAGUES WHO HAVE YEARS OF EXPERIENCE AND HE HAS LEARNED FROM EACH AND EVERY ONE OF THEM.

(CNMB-CC MINUTES TAPE #420)

2. COUNCILMAN PIERRE STATED THAT SCHOOL IS OUT IN A FEW DAYS SUMMER TIME. COUNCILMAN PIERRE STATED THAT TO HIM SUMMER TIME MEANS A LOT. IT MEANS FAMILY TIME. COUNCILMAN PIERRE INDICATED THAT HE KNOWS MOST FAMILIES DO NOT HAVE A CHANCE TO BE TOGETHER. HE KNOWS THAT SOME OF YOU WILL BE TRAVELING AND AS TRAVELING IS CONCERNED SAFETY IS ATTACHED TO IT. WHETHER YOU TRAVEL BY CAR, PLANE BY BOAT, IF YOU ARE GOING ON A CRUISE AT YOUR OWN EXPENSE REMEMBER SAFETY IS A CONCERN BUT YOU SHOULD TAKE THE OPPORTUNITY TO SPEND SOME FAMILY TIME TOGETHER. COUNCILMAN PIERRE INDICATED TO REMEMBER THAT EVEN THOUGH SCHOOL IS OUT OUR LIBRARY WILL REMAIN OPEN. STUDENTS AND PARENTS ARE WELCOME TO OUR LIBRARY. REMEMBER SCHOOL IS OUT BUT THE NORTH MIAMI BEACH LIBRARY REMAINS OPEN. COUNCILMAN PIERRE WISHED ALL A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #420)

**E. MAYOR ROSNER'S REPORT:**

1. MAYOR ROSNER STATED TO THE CITY MANAGER THAT IT IS HURRICANE SEASON IF HE CAN BRING FORTH JUST A SMALL DISCUSSION WHAT PEOPLE SHOULD DO IN OUR NEXT MEETING IN HIS MANAGER'S REPORT. POSSIBLY TO BRING EVERYBODY UP TO DATE TO TRY AND GET THEM ON BOARD TO TRY AND MAKE SURE THEY ARE READY FOR HURRICANE SEASON BECAUSE BEFORE YOU KNOW IT WE CAN BE IN THE MIDST OF ONE.

(CNMB-CC MINUTES TAPE #420)

2. MAYOR ROSNER THANKED HIS COLLEAGUES FOR THEIR FIRST MEETING HE THINKS IT WAS GREAT. MAYOR ROSNER THANKED THE

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CITY ATTORNEY, CITY CLERK, CITY MANAGER, AND THE PUBLIC FOR A GREAT FIRST MEETING. MAYOR ROSNER WISHED HIS COLLEAGUES AND EVERYBODY A GOOD NIGHT. MAYOR ROSNER STATED THE NEXT COUNCIL MEETING WILL BE TUESDAY, JUNE 16, 2009.

(CNMB-CC MINUTES TAPE #420)

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 11:30 PM ON A MOTION BY MAYOR ROSNER AND SECONDED BY COUNCIL WOMAN SMITH.

CERTIFICATION

I, SUSAN A. OWENS, CMC, CITY CLERK OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES, PAGES ONE (1) THROUGH PAGE NINETEEN (19) 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 SECOND (2<sup>ND</sup>) DAY OF JUNE, 2009.

(SEAL)

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