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**MINUTES**

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

MAYOR	RAYMOND F. MARIN, PRESIDING
VICE MAYOR	PHYLLIS S. SMITH
COUNCILMAN	PHILIPPE DEROSE
COUNCILMAN	JAY R. CHERNOFF
COUNCILMAN	FRANTZ PIERRE
COUNCILMAN	JOHN PATRICK JULIEN
COUNCILMAN	MYRON ROSNER
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	HOWARD B. LENARD
CITY CLERK	SOLOMON ODENZ

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

**3. SALUTE TO THE AMERICAN FLAG.**

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

ADDITION - ITEM # 5(A)(2) APPOINTMENT OF THE NEW CITY ATTORNEY.

ADDITION – ITEM # 7(B) CITY MANAGER’S REPORT

**5. APPOINTMENTS/PRESENTATIONS:**

A. APPOINTMENTS:

1. CHRISTINE M. GIBSON-NORRIS – CULTURAL COMMITTEE.

MOTION by MAYOR MARIN, seconded by COUNCILMAN PIERRE, to APPOINT Christine M. Gibson-Norris to the Cultural Committee. MOTION CARRIED.

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5. **APPOINTMENTS/PRESENTATIONS-CONTINUED:**

A. APPOINTMENTS – CONTINUED:

2. DARCEE S. SIEGEL – CITY ATTORNEY

MOTION by MAYOR MARIN, seconded by COUNCILMAN CHERNOFF, to APPOINT DARCEE SIEGEL CITY ATTORNEY EFFECTIVE JANUARY 6, 2009 SUBJECT TO APPROVAL OF A CONTRACT, AND A MOTION TO ELEVATE HOWARD B. LENARD AS CITY ATTORNEY EMERITUS. EFFECTIVE JANUARY 6, 2009. MOTION CARRIED,

UNANIMOUSLY by the following ROLL CALL VOTE:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	YES	(VOTE: 7 YES)
COUNCILMAN FRANTZ PIERRE	YES	0 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	
MAYOR MARIN	YES	

AT THIS TIME, THE NEWLY APPOINTED CITY ATTORNEY, DARCEE SIEGEL WISHED TO MAKE A COMMENT. MRS. SIEGEL STATED THAT SHE DID WANT TO THANK THE COUNCIL, EACH AND EVERY ONE OF THEM PERSONALLY, FOR GIVING HER THIS OPPORTUNITY. MRS. SIEGEL STATED THAT SHE HAS WORKED HARD OVER THE PAST YEARS, WILL CONTINUE TO, LOOKS FORWARD TO DOING SO, AND ALSO WANTED TO THANK THEM FOR GIVING HER THE HONOR AND PRIVILEGE TO SERVE AS THE FIRST FEMALE CITY ATTORNEY IN THE CITY OF NORTH MIAMI BEACH.

B. PRESENTATIONS:

1. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN PROCLAIMING NOVEMBER 4, 2008 AS NATIONAL EMPLOYER SUPPORT OF THE GUARD AND RESERVE DAY (ARMY UNIT).

PRESENTATION WAS MADE BY MAYOR MARIN TO THE PETER CASPARI.

2. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN PROCLAIMING NOVEMBER 4, 2008 AS NATIONAL EMPLOYER SUPPORT OF THE GUARD AND RESERVE DAY (NAVAL UNIT).

PRESENTATION WAS MADE BY MAYOR MARIN TO THE PETER CASPARI.

3. PRESENTATION BY MR. MILTON VICKERS, DIRECTOR OF CHARLES DREW FOUNDATION, COMMUNITY BLOOD CENTERS OF SOUTH FLORIDA.

DID NOT APPEAR.

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**6. APPROVAL OF MINUTES OF OCTOBER 21, 2008.**

MOTION by COUNCILMAN CHERNOFF, seconded by VICE MAYOR SMITH, to APPROVE the MINUTES of OCTOBER 21, 2008. MOTION CARRIED.

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

- A. REQUEST APPROVAL FOR THE RENEWAL OF THE REVOLVING TAXABLE LINE OF CREDIT AND THE AMENDMENT OF THE AMOUNT FROM \$2,500,000 TO \$3,500,000.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER, to APPROVE THE REQUEST FOR THE RENEWAL OF THE REVOLVING TAXABLE LINE OF CREDIT AND THE AMENDMENT OF THE AMOUNT FROM \$2,500,000 TO \$3,500,000, AND THIS SPENDING WILL BE WITH PURCHASING LIMITS, COUNCIL APPROVAL OF \$50,000, UNLESS THERE IS AN EMERGENCY AT WHICH TIME THE CITY MANAGER WILL ADVISE THE COUNCIL IMMEDIATELY. MOTION CARRIED.

with COUNCILMAN JULIEN voting in the negative.

(CNMB-CC MINUTES TAPE #407)

- B. 15<sup>TH</sup> AVENUE PROJECT UPDATE

(CNMB-CC MINUTES TAPE #407)

**8. CITY ATTORNEY'S REPORT - HOWARD B. LENARD:**

- A. CITY ATTORNEY HOWARD LENARD INDICATED THAT IT WAS AN HONOR TO SHARE THE DAIS WITH MRS. DARCEE SIEGEL. CITY ATTORNEY HOWARD LENARD STATED THAT PURSUANT TO THE COUNCIL'S MOTION THAT HE WILL TAKE CARE OF THE DAY TO DAY LEGAL AFFAIRS TILL JANUARY 5, 2009 AND ON JANUARY 6<sup>TH</sup> THERE WILL BE A NEW CITY ATTORNEY WITH A FIERY PASSION FOR NORTH MIAMI BEACH. CITY ATTORNEY HOWARD LENARD INDICATED THAT HE IS VERY APPRECIATIVE OF ALL THE PEOPLE IN NORTH MIAMI BEACH AND FOR THE HONORARY TITLE AND EVERYTHING THE CITY OF NORTH MIAMI BEACH HAS DONE FOR HIM AND HIS FAMILY. CITY ATTORNEY HOWARD LENARD WISHED MRS. DARCEE SIEGEL GOOD LUCK.

(CNMB-CC MINUTES TAPE #407)

**9. SCHEDULED CITIZENS APPEARANCE:**

- A. JULE LITTMAN/ALEX NAVARRO  
3545 N.E. 166 STREET, PH 10  
NORTH MIAMI BEACH, FL.

RE: WATER RESTRICTION SURCHARGE.

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9. **SCHEDULED CITIZENS APPEARANCE - CONTINUED:**

B. CHARLES LOEB  
16800 N.E. 15 AVENUE #112  
NORTH MIAMI BEACH, FL.

RE: N.E. DADE MAYOR'S TASK FORCE.

C. ALLISON ROBIE  
2131 N.E. 179 STREET  
NORTH MIAMI BEACH, FL.

RE: NMB ISSUES.

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

RE: WHERE THERE'S A WILL THERE IS A WAY.

10. **MISCELLANEOUS ITEMS:**

NONE

11. **WAIVER OF FEE:**

NONE

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

A. ROCK STAR DANCE & SPORT ACADEMY, CORP.  
d/b/a ROCK STAR DANCE & SPORT ACADEMY  
2281 N.E. 164 STREET  
NORTH MIAMI BEACH, FL.

NATALIA PYRIG, PRESIDENT

RE: REQUEST APPROVAL OF A BUSINESS TAX RECEIPT FOR A PRIVATE SCHOOL  
(INITIAL APPROVAL).

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to APPROVE the applicants request. MOTION CARRIED.

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**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.**

**13B. LEGISLATION:**

**RESOLUTIONS (SERIATIM NO. R2008-52):**

**RESOLUTION NO. R2008-47**, entitled "A RESOLUTION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; AUTHORIZING THE ISSUANCE OF THE TAXABLE AD VALOREM REVENUE NOTE, SERIES 2008 OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED A REVOLVING AMOUNT OF \$3,500,000 TO FINANCE GENERAL OPERATING EXPENSES; AUTHORIZING THE REPAYMENT OF THE PRIOR 2007 NOTE; PROVIDING THAT THE NOTE SHALL BE PAYABLE FROM AD VALOREM REVENUES AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE", was introduced by MOTION OF COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER, to ADOPT RESOLUTION NO. R2008-47. MOTION CARRIED.  
with COUNCILMAN JULIEN voting in the negative.

**RESOLUTION NO. R2008-49**, entitled "A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN EQUIPMENT; PROVIDING FOR THE FINANCING OF THE SAME PURSUANT TO AN EQUIPMENT LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND SUNTRUST LEASING CORPORATION DATED OCTOBER 31, 2001; PROVIDING FOR THE PAYMENT OF THE LEASE PAYMENTS; PROVIDING FOR AN ESCROW DEPOSIT AGREEMENT TO FACILITATE FUNDING; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER to ADOPT RESOLUTION NO. R2008-49. MOTION CARRIED.

**RESOLUTION NO. R2008-50**, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, JOINING OUR SISTER CITY OF NORTH MIAMI IN ENCOURAGING THE ELEVENTH JUDICIAL CIRCUIT COURT OF MIAMI-DADE COUNTY, FLORIDA, TO ESTABLISH A RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PILOT PROGRAM; ENCOURAGING ALL MUNICIPALITIES IN MIAMI-DADE COUNTY TO ADOPT SIMILAR RESOLUTIONS; AND DIRECTING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO TRANSMIT THIS RESOLUTION TO THE CHIEF JUDGE OF THE ELEVENTH JUDICIAL CIRCUIT COURT; PROVIDING AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES", was introduced by MOTION of COUNCILMAN PIERRE seconded by MAYOR MARIN. MOTION CARRIED.

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**13B. LEGISLATION - CONTINUED:**

**RESOLUTIONS - CONTINUED:**

MOTION by VICE MAYOR SMITH seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-50. MOTION CARRIED.  
with COUNCILMAN JULIEN voting in the negative.

**RESOLUTION NO. R2008-51**, entitled "AN OMNIBUS RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ELIMINATING CERTAIN HEALTH CARE BENEFITS FOR ELECTED OFFICIALS AND MANAGEMENT EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH; CONFIRMING VESTED PROPERTY RIGHTS IN EARNED BENEFITS; REAFFIRMING ELIGIBILITY CRITERIA PURSUANT TO CITY OF NORTH MIAMI BEACH RESOLUTION NO'S. R93-30 AND R98-53, AS CLARIFIED BY SECTION (5) FIVE OF ORDINANCE NO. 2000-10; CLARIFICATION OF CURRENT BENEFIT LEVELS FOR ELECTED OFFICIALS", was introduced by MOTION of COUNCILMAN PIERRE, seconded by MAYOR MARIN. MOTION CARRIED.

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MOTION BY COUNCILMAN CHERNOFF TO CHANGE THE WORD FROM ELECTED FOR FOUR (4) TERMS TO SERVING EIGHT (8) CONSECUTIVE YEARS OF SERVICE. THIS MOTION DIED FOR LACK OF A SECOND AND THE MOTION WAS ALSO WITHDRAWN.

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MOTION by COUNCILMAN PIERRE, seconded by MAYOR MARIN to ADOPT RESOLUTION NO. R2008-51. MOTION CARRIED.

UNANIMOUSLY by the following ROLL CALL VOTE:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	YES	(VOTE: 7 YES)
COUNCILMAN FRANTZ PIERRE	YES	0 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	
MAYOR MARIN	YES	

**ORDINANCES - FIRST READING, BY TITLE ONLY:**  
**(SERIATIM NO. 2008-21)**

NONE

**ORDINANCES - SECOND AND FINAL READING:**

**ORDINANCE NO. 2008-18**, entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CHAPTER 2, ENTITLED "STRUCTURE OF CITY GOVERNMENT", BY ADDING A SECTION PROVIDING FOR LOBBYIST REGISTRATION; PROVIDING FOR LOBBYIST REPORTING REQUIREMENTS; PROVIDING FOR LATE REGISTRATION AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE", was introduced by MOTION OF COUNCILMAN JULIEN, seconded by COUNCILMAN PIERRE on its SECOND AND FINAL READING. MOTION CARRIED.

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**13B. LEGISLATION - CONTINUED:**

**ORDINANCES - SECOND AND FINAL READING:**

MOTION by COUNCILMAN ROSNER, seconded by COUNCILMAN CHERNOFF, to WAIVE all the fees for now. MOTION CARRIED.

MOTION by COUNCILMAN ROSNER, seconded by VICE MAYOR SMITH, to BRING THE ORDINANCE NO. 2008-18 FORWARD FOR REVIEW ONE YEAR FROM NOW.

MOTION CARRIED.

MOTION by COUNCILMAN JULIEN seconded by VICE MAYOR SMITH, to ADOPT ORDINANCE NO. 2008-18, AS AMENDED, on its SECOND AND FINAL READING. MOTION CARRIED,  
by the following ROLL CALL VOTE:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	NO	(VOTE: 5 YES)
COUNCILMAN FRANTZ PIERRE	YES	2 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	
MAYOR MARIN	NO	

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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. RICHARD RUDOW  
135 BISCAYNE BLVD  
NORTH MIAMI BEACH, FL

RE: PRETZEL FACTORY SIGNS.

B. ALLISON ROBIE  
2131 N.E. 179 STREET  
NORTH MIAMI BEACH, FL

RE: VOTING IN NOVEMBER.

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

RE: PURPOSE OF APPEARANCE.

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**14. UNSCHEDULED CITIZENS APPEARANCES - CONTINUED:**

D. DIEGO ARBOLEDA  
19230 N.E. 22 AVENUE  
NORTH MIAMI BEACH, FL

RE: R-2008-47; R-2008-50; EMPLOYEE CONTRACTS.

E. RICHARD REISS  
23 N.W. 169 STREET  
NORTH MIAMI BEACH, FL

RE: PROPER BUDGETING; LOBBYISTS.

F. CHARLES LOEB  
16800 N.E. 15 AVENUE, #112  
NORTH MIAMI BEACH, FL

RE: MAYOR'S TASK FORCE; MARLINS BALLPARK-TRANSPORTATION TO GAMES;  
NOVEMBER VOTE.

**15. CITY COUNCIL COMMITTEE REPORTS:**

**A. VICE MAYOR SMITH'S REPORT:**

1. VICE MAYOR SMITH STATED TO THE CITY MANAGER THAT SHE ASKED MANY TIMES BEFORE THEY TOOK THE VOTE ON THE WATER ADJUSTMENT FEE IF IT WAS TEMPORARY AND NOW THEY ARE TOLD THAT THEY CANNOT TAKE IT AWAY EVEN THOUGH THERE IS PLENTY OF WATER IN THE LAKE. VICE MAYOR SMITH WANTS THE CITY MANAGER TO MAKE SURE THAT IS THE TRUTH AND, IF IT IS NOT, THEN SHE WOULD LIKE HIM TO PREPARE SOMETHING TO BRING BEFORE THEM TO ELIMINATE THE EXTRA WATER FEE.

(CNMB-CC MINUTES TAPE #407)

2. VICE MAYOR SMITH THANKED ROZ, THE POLICE CHIEF, AND TOM CARNEY WHO WERE AT HER CITIZENS ACADEMY TWO MONDAYS AGO. VICE MAYOR SMITH INDICATED THAT THEY ARE HAVING FABULOUS RESULTS FROM THE CITIZENS ACADEMY. THEY HAVE ACTUALLY HAD A FEW RESIDENTS COME OUT AND VOLUNTEERED TO BE ON PATROL FOR THE CITY. VICE MAYOR SMITH THANKED MRS. ORR AND PAULETTE FOR THIS PAST MONDAY AND MR. FINNEY FROM RECREATION DEPARTMENT AND MRS. BROWN FROM THE LIBRARY AND THEY HAD SOMEBODY SIGN UP FOR THE DISABILITY PROGRAM THAT HEARD ABOUT IT FROM THE CITIZENS ACADEMY AND WERE VERY EXCITED. VICE MAYOR SMITH INDICATED THAT IT WAS A WONDERFUL EVENING. MRS. BROWN READ THEM A BOOK THAT WAS ABSOLUTELY VERY FUNNY. VICE MAYOR SMITH STATED THE CITIZENS ACADEMY HAS TWO WEEKS TO GO. NEXT MONDAY THEY ARE GOING TO HAVE THE PERMITTING DEPARTMENT AND CODE ENFORCEMENT AND THEN THE LAST MONDAY WHICH WILL BE

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**15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:**

**A. VICE MAYOR SMITH'S REPORT - CONTINUED:**

RIGHT BEFORE THE COUNCIL WILL BE THE CITY CLERK AND THE NEWLY APPOINTED CITY ATTORNEY. VICE MAYOR SMITH STATED THAT SHE IS VERY EXCITED ABOUT CITIZENS ACADEMY. IT HAS BEEN VERY SUCCESSFUL. THEY WILL DO IT, HOPEFULLY, ANNUALLY.

(CNMB-CC MINUTES TAPE #407)

3. VICE MAYOR SMITH STATED SHE HAD THE PLEASURE OF GOING TO THE HALLOWEEN FESTIVAL. SHE THOUGHT SHE WOULD STOP FOR A FEW MINUTES, AND IT HAPPENED TO BE HER ANNIVERSARY, JUST TO BE SUPPORTIVE AND SHE ENDED UP STAYING FOR ALMOST AN HOUR. THEY HAD ALMOST TWO THOUSAND PEOPLE COME THROUGH NORTH MIAMI BEACH'S HALLOWEEN FESTIVAL. VICE MAYOR SMITH INDICATED THAT IT WAS UNBELIEVABLE AND SHE COULD NOT GET OVER THE LINE. IT WAS TWO BLOCKS LONG JUST TRYING TO GET IN. VICE MAYOR SMITH STATED ANYTIME YOU SEE A FUNCTION FOR THE CITY OF NORTH MIAMI BEACH PLAN ON ATTENDING. THEY ARE REALLY GETTING BETTER.

(CNMB-CC MINUTES TAPE #407)

4. VICE MAYOR SMITH STATED THAT SHE WENT TO EVERY POLL IN NORTH MIAMI BEACH TODAY AND SHE ACTUALLY WENT TO HER POLL IN EASTERN SHORES AT 6:30 AND THEY ASKED HER TO WORK THE GATE BECAUSE THERE WERE 2-2 ½ HOUR WAITS SO THEY COULD BE ORGANIZED. VICE MAYOR SMITH INDICATED THAT THERE WAS NOT ONE POLL IN NORTH MIAMI BEACH WHERE OUR RESIDENTS WERE NOT POLITE, SUPPORTIVE OF EACH OTHER, PATIENT, AND IT WAS AN ABSOLUTE PRIVILEGE TO GO FROM POLL TO POLL TO THANK OUR VOLUNTEERS AND THE PEOPLE THAT WORK THE POLLS FOR WORKING IN NORTH MIAMI BEACH.

(CNMB-CC MINUTES TAPE #407)

5. VICE MAYOR SMITH STATED TO DARCEE SIEGEL THAT SHE ASKED OUR THIRTY-ONE YEAR CITY ATTORNEY WHAT HIS THOUGHTS WERE BECAUSE IT IS A BIG DECISION AND SHE DOES NOT TAKE IT LIGHTLY. VICE MAYOR SMITH INDICATED THAT A MAN THAT KNOWS, A MAN THAT IS DOING IT, A MAN THAT DID IT FOR THIRTY-ONE YEARS SAID, "THEY HAVE THE BEST". VICE MAYOR SMITH STATED THAT IT IS WITH A GREAT DEAL OF PLEASURE THAT SHE LOOKS FORWARD TO WATCHING MRS. SIEGEL WORK NOT ONLY AS HARD AS SHE HAS WATCHED MRS. SIEGEL WORK, BUT EVEN HARDER. VICE MAYOR STATED SHE APPRECIATES IT AND SHE KNOWS OUR CITY IS IN GOOD HANDS AND VICE MAYOR SMITH THANKED EVERYBODY FOR COMING OUT ON THE NIGHT THAT THEY ARE VOTING AND SHE WISHED EVERYONE A GOOD EVENING.

(CNMB-CC MINUTES TAPE #407)

**15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:**

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

1. COUNCILMAN DEROSE EXPRESSED TO MRS. SIEGEL HIS CONGRATULATIONS ON HER NEW POSITION AND HE FEELS SHE WILL BE A GOOD ATTORNEY FOR THIS CITY. COUNCILMAN DEROSE STATED THAT, WITH THE ASSISTANCE OF OUR STAFF, THE CITY OF NORTH MIAMI BEACH IS PLANNING TO HAVE AN EVENT ON NOVEMBER 22<sup>ND</sup> IN THE EFFORT TO HELP THE HURRICANE VICTIMS IN THE CARIBBEAN COUNTRIES AND COUNCILMAN DEROSE ENCOURAGES THE CITIZENS TO BE PART OF THIS AFFAIR. COUNCILMAN DEROSE INDICATED THAT THE FUNCTION WILL START AT 9:00 A.M. TILL 2:00 P.M. AT THE OPERATIONS CENTER WHICH IS AT 2110 N.E. 159 STREET. THEY WILL HAVE ALL THE ELECTED OFFICIALS. COUNCILMAN DEROSE STATED TO BRING ANYTHING YOU CAN PREFERABLY NON-PERISHABLE FOOD OR YOU CAN BRING A CHECK MADE TO THE CITY OF NORTH MIAMI BEACH. COUNCILMAN DEROSE INDICATED THAT WE NEED TO HELP CITIZENS THAT ARE LESS FORTUNATE THAN WE ARE AND THE MAYOR AND COUNCIL WILL REALLY APPRECIATE YOUR PARTICIPATION. COUNCILMAN DEROSE STATED TO THE CITY MANAGER THAT HE WOULD LIKE THE MANAGER TO PASS THE INFORMATION AROUND TO OTHER CITIES, BROWARD AND DADE, SO THEY CAN BE PART OF THIS EVENT AS WELL.

(CNMB-CC MINUTES TAPE #407)

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

1. COUNCILMAN CHERNOFF EXPRESSED TO DARCEE HIS CONGRATULATIONS AND STATED THAT THEY ARE LOOKING FORWARD TO HER TAKING THE HELM, AND TO IRA HE DOES NOT KNOW WHAT HE IS IN FOR. HE SAT HERE THROUGH THE WHOLE MEETING AND COUNCILMAN CHERNOFF INDICATED THAT HE WAS IMPRESSED. COUNCILMAN CHERNOFF INVITED EVERYONE TO THE VETERAN'S DAY NEXT TUESDAY, NOVEMBER 11<sup>TH</sup> AT 10:00 A.M. AT THE ALL WARS MEMORIAL.

(CNMB-CC MINUTES TAPE #407)

2. COUNCILMAN CHERNOFF STATED TO SOL ODENZ TO TALK TO LESTER SOLA. THEY HAVE FOUR PRECINCTS THAT SIT IN THE Y.E.S. CENTER ON VOTING DAY, IT MAY BE FIVE, (MR. ODENZ STATED THERE ARE THREE). THEY NEED TO DO DISTINCT LINES FOR EACH PRECINCT BECAUSE WHAT THEY DO IS ONE LINE FOR ALL THREE AND TWO OF THE PRECINCTS DID NOT HAVE AS MANY PEOPLE, BUT THEY HAD TO WAIT IN LINE IN ORDER TO GET IN THE DOORS SO IF THEY DID A LINE FOR EACH ONE DESIGNATED FOR EACH PRECINCT THEY WOULD KNOW HOW LONG THEIR LINE RESPECTIVELY IS. COUNCILMAN CHERNOFF INDICATED THAT HE HOPES THAT IT DID NOT TURN ANYBODY AWAY BY THE SIZE OF THE LINES. COUNCILMAN CHERNOFF STATED THAT WHEN HE WENT EARLIER THIS MORNING THE LINE WAS ALREADY AROUND THE BLOCK, BUT EVERYBODY WAS VERY HAPPY AND EVERYBODY STAYED. COUNCILMAN CHERNOFF THANKED EVERYBODY IN OUR

**15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:**

C. **COUNCILMAN CHERNOFF'S REPORT - CONTINUED:**

COMMUNITY WHO EARLY VOTED AND MADE IT EASIER ON ELECTION DAY AND CAME OUT ON ELECTION DAY. THEREAFTER, HE WISHED EVERYONE GOOD NIGHT.

(CNMB-CC MINUTES TAPE #407)

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

1. COUNCILMAN PIERRE STATED HE WOULD LIKE TO WELCOME DARCEE SIEGEL AS THEIR NEW CITY ATTORNEY AS OF JANUARY 6<sup>TH</sup>, JUST THE DAY BEFORE HIS BIRTHDAY, PERFECT. COUNCILMAN PIERRE INDICATED THAT HE KNOWS A MAN WHO HAS COMPLETED THIS JOB FOR OVER 30 YEARS, WHAT AN ACCOMPLISHMENT. MR. LENARD HAD SAID SOMETHING THAT REALLY TOUCHED COUNCILMAN PIERRE. HE SAID "THAT DURING THOSE THIRTY-ONE YEARS HE HAS GIVEN ONE THOUSAND PERCENT LOYALTY TO THE INSTITUTION" AND COUNCILMAN PIERRE KNOWS MRS. SIEGEL CAN GIVE TWO THOUSAND PERCENT AND THAT INCLUDES DOING THE NECESSARY CLEANUP THE LEGAL DEPARTMENT NEEDS. COUNCILMAN PIERRE STATED THAT MRS. SIEGEL AND COUNCILMAN PIERRE HAVE ALREADY SPOKEN AND SHE KNOWS WHERE THEY STAND ON ISSUES AND ONCE AGAIN COUNCILMAN PIERRE WELCOMED MRS. SIEGEL.

(CNMB-CC MINUTES TAPE #407)

2. COUNCILMAN PIERRE THANKED THE STAFF, ESPECIALLY MR. GREGG WILLIAMS. COUNCILMAN PIERRE STATED THAT OCTOBER WAS CITY GOVERNMENT WEEK AND THEY HAD THE OPPORTUNITY TO BRING TWO SCHOOLS. THEY GAVE THEM A TOUR THROUGH CITY HALL AND THEY TOOK THEM TO THE WATER PLANT AND THEY WERE EXCITED AND THEY KNOW MORE THAN YOU COULD IMAGINE ABOUT OUR CITY AND COUNCILMAN PIERRE THANKED THE CITY MANAGER, AND MR. GREGG WILLIAMS, AND THE CITY STAFF, AND PARKS AND RECREATION, EVERYBODY WHO PUT THEIR HANDS TOGETHER TO MAKE THIS HAPPEN.

(CNMB-CC MINUTES TAPE #407)

3. COUNCILMAN PIERRE STATED THAT HE WOULD LIKE TO WELCOME MS. GIBSON TO THEIR CULTURAL COMMITTEE. COUNCILMAN PIERRE INDICATED THAT THIS COMMITTEE IS STILL RECEIVING APPLICATIONS AND WE HAVE A DIVERSE COMMUNITY IN NORTH MIAMI BEACH. COUNCILMAN PIERRE INDICATED THAT HE WOULD LIKE THE CULTURAL COMMITTEE TO REFLECT THE DIVERSITY THAT WE HAVE IN THIS CITY. COUNCILMAN PIERRE STATED THAT, JUST LIKE HIS COLLEAGUE CHERNOFF, HE WOULD LIKE MORE PEOPLE COMING ON VETERAN'S DAY. THESE PEOPLE WHO GAVE THEIR LIVES, WHO SACRIFICED THEIR PERSONAL LIFE FOR YOU AND HIM TO ENJOY FREEDOM, THEY DESERVE RESPECT AND THEY DESERVE REVERENCE. COUNCILMAN PIERRE STATED THAT MAYBE TWICE A YEAR IS NOT TOO MUCH TO ASK TO COME OUT AND HONOR THEM ON TUESDAY, NOVEMBER 11<sup>TH</sup>, AT 10 O'CLOCK.

(CNMB-CC MINUTES TAPE #407)

15. **CITY COUNCIL COMMITTEE REPORTS - CONTINUED:**

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

4. COUNCILMAN PIERRE STATED THAT HE WOULD LIKE TO THANK EVERYONE WHO EXERCISED THEIR CIVIC DUTY TO COME OUT AND VOTE. COUNCILMAN PIERRE INDICATED THAT HE KNOWS THEY ARE INFORMED VOTERS BECAUSE FOR SOMEBODY TO SACRIFICE 2 TO 3 HOURS TO STAND IN LINE, TO GO THROUGH FOUR PAGES OF BALLOTS, TO BUBBLING IN COUNCILMAN PIERRE THOUGHT IT TAKES DEDICATION AND SURELY THEY DID SOME HOMEWORK AND THEY WERE INFORMED. COUNCILMAN PIERRE EXPRESSED HIS CONGRATULATIONS, AND IT DOES NOT MATTER WHICH WAY YOU VOTED, BUT THE FACT THAT YOU COME OUT AND VOTE NEEDS TO BE PRAISED. COUNCILMAN PIERRE SAID THANK YOU ALL AND GOD BLESS YOU.

(CNMB-CC MINUTES TAPE #407)

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

1. COUNCILMAN ROSNER EXPRESSED TO ATTORNEY SIEGEL HIS CONGRATULATIONS AND HE KNOWS SHE WILL DO A GREAT JOB FOR THE CITY, FOR THE CITIZENS, AND EVERYBODY HERE. COUNCILMAN ROSNER CONGRATULATED COUNCILWOMAN SMITH. HE ATTENDED HER CITIZENS ACADEMY AND IT WAS A PLEASURE TO WATCH THE POLICE DEPARTMENT WHO DID A GREAT JOB ON THEIR PRESENTATION. COUNCILMAN ROSNER CONGRATULATED THE CHIEF OF POLICE AND HIS VOLUNTEERS WHO WERE AT THE HALLOWEEN MONSTER MASH. COUNCILMAN ROSNER STATED THAT HE BROUGHT HIS KIDS THERE FOR A SHORT PERIOD OF TIME AND AS FAR AS SECURITY FOR KIDS AT A NORTH MIAMI BEACH PARKS AND RECREATION EVENT YOU FELT VERY SECURE THERE AND YOU HAD TONS OF VOLUNTEERS. YOUR EXPLORERS WERE OUT THERE AND THEY WERE COVERING THE FENCES, THEY WERE MONITORING THE CARS, THEY MADE SURE EVERYBODY HAD A REALLY SAFE TIME AND HE IS NOT AWARE OF ANY INCIDENT THAT HAPPENED. COUNCILMAN ROSNER STATED THAT PARKS AND RECREATION IN OUR CITY IS JUST PHENOMENAL AND OUR POLICE DEPARTMENT. COUNCILMAN ROSNER SAID THANK YOU AND GOOD NIGHT.

(CNMB-CC MINUTES TAPE #407)

**F. COUNCILMAN JULIEN'S REPORT:**

1. COUNCILMAN JULIEN STATED TO MR. BAKER THAT HE WOULD LIKE TO PIGGY BACK ON WHAT COUNCILWOMAN SMITH AND THE RESIDENT ALONG WITH COUNCILMAN LITTMAN STATED EARLIER AS FAR AS THE WATER IS CONCERNED. COUNCILMAN JULIEN STATED THAT HE WAS ONE OF THE INDIVIDUALS THAT COINED IT AS A TAX AS WELL AND KNOWING THAT LAKE OKEECHOBEE NO LONGER HAS A SHORTAGE. COUNCILMAN JULIEN STATED THAT HE WOULD LIKE TO SEE IF WE CAN DO AWAY WITH THE SURCHARGES. COUNCILMAN JULIEN THANKED PARKS AND RECREATION FOR PUTTING ON ANOTHER STEP SHOW AT THE JULES LITTMAN THEATER. UNFORTUNATELY HE WAS NOT THERE BECAUSE HE WAS AT THE

**15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:**

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**F. COUNCILMAN JULIEN'S REPORT - CONTINUED:**

HOSPITAL SAYING GOODBYE TO A FRIEND WHO HAD A MASSIVE STROKE AND THEN, OF COURSE, THE NIGHT THEY HAD THE HALLOWEEN BASH THEY WERE ACTUALLY IN PREPARATIONS OF TAKING CARE OF HIS FUNERAL ARRANGEMENTS, THREE WEEKS AND THREE FUNERALS.

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2. COUNCILMAN JULIEN STATED THAT THE NORTH MIAMI BEACH ELECTIONS ARE GEARING UP AND EVERYBODY IS EXCITED ABOUT RUNNING FOR OFFICE, BUT COUNCILMAN JULIEN WANTED TO POINT SOMETHING OUT THAT REALLY IS KIND OF TROUBLING TO HIM. COUNCILMAN JULIEN INDICATED THAT THERE ARE CERTAIN INDIVIDUALS IN THE COMMUNITY THAT HAVE REPORTED TO COUNCILMAN JULIEN THAT THERE ARE PEOPLE THAT ARE REFERRING TO CERTAIN INDIVIDUALS UP THERE AS TRASH. COUNCILMAN JULIEN STATED THAT THEY ARE SAYING THEY HAVE TO TAKE THE TRASH OUT. COUNCILMAN JULIEN INDICATED THAT REGARDLESS OF HOW YOU FEEL ABOUT AN INDIVIDUAL THERE IS NO NEED TO DENIGRATE THE PERSON. JUST BECAUSE THE PERSON DOES NOT VOTE THE WAY YOU WANT OR BECAUSE THE PERSON DOES NOT SOUND THE WAY YOU WOULD WANT THEM TO SOUND OR THE PERSON DOES NOT APPEAR THE WAY THAT YOU WOULD LIKE THEM TO APPEAR DOES NOT GIVE YOU THE RIGHT TO REFER TO THEM AS TRASH. COUNCILMAN JULIEN STATED THAT IT IS OKAY TO RUN AGAINST SOMEONE. IT IS OKAY TO CAMPAIGN. THIS IS AMERICA AND WE ALL HAVE FREEDOMS THAT WE FOUGHT FOR. COUNCILMAN JULIEN INDICATED THAT A LOT OF YOUNG PEOPLE DIED TO GIVE US THE FREEDOMS AND YES WE HAVE FREEDOM OF SPEECH, BUT THAT DOES NOT MEAN THAT WE SHOULD DENIGRATE ONE ANOTHER. COUNCILMAN JULIEN STATED THAT HE WELCOMES ALL CHALLENGERS, HE THINKS IT IS VERY HEALTHY FOR THEM TO GO OUT THERE AND MEET THE RESIDENTS AND FIND OUT WHAT IS NEAR AND DEAR TO THEIR HEARTS. COUNCILMAN JULIEN STATED "LET US DO IT WITH A CERTAIN AMOUNT OF CLASS AND CIVILITY AND LET US NOT THROW MUD AT ANYBODY". COUNCILMAN JULIEN INDICATED THAT HE RESPECTS EACH AND EVERY SINGLE MEMBER OF THIS BODY WHETHER HE AGREES WITH THE WAY THEY VOTE OR NOT, THEY ARE NOT TRASH. COUNCILMAN JULIEN SAID THANK YOU AND GOOD NIGHT.

(CNMB-CC MINUTES TAPE #407)

**15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:**

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**G. MAYOR MARIN'S REPORT:**

1. MAYOR MARIN STATED THAT HE ALSO WOULD LIKE TO REMIND EVERYBODY OF VETERAN'S DAY NEXT TUESDAY. MAYOR MARIN INDICATED THAT HE WANTED TO REMIND THE CITY MANAGER ABOUT THE FLAGS ON 163<sup>RD</sup> STREET AND 19<sup>TH</sup>.

(CNMB-CC MINUTES TAPE #407)

2. MAYOR MARIN STATED TO CHARLES (LOEB) THAT AS FAR AS THE MAYORS TASK FORCE IS CONCERNED, MAYOR MARIN IS TRYING TO GET THE TASK FORCE FROM BROWARD COUNTY TOGETHER WITH US IN NORTH DADE TOGETHER FOR A MUTUAL MEETING ON THE DOUBLE TRACKING AND SOME TRANSPORTATION BETWEEN THE TWO. THEY ARE HAVING A PROBLEM WITH THAT RIGHT NOW BUT IT IS NOT DISBANDED, IT IS MOVING FORWARD.

(CNMB-CC MINUTES TAPE #407)

3. MAYOR MARIN STATED THAT AS FAR AS THE COMMENTS MADE ON THE BUDGET, PLANNING, ETCETERA "CONTRARY TO WHAT YOU MAY HEAR MR. MANAGER YOU ARE DOING A GREAT JOB". MAYOR MARIN INDICATED THAT HE THINKS THE CITY MANAGER IS LOOKING INTO THE FUTURE AS HE GOES THROUGH THE BUDGET THIS YEAR AND MAKING SOME CUT BACKS. MAYOR MARIN STATED THAT HE TAKES WHAT A LOT OF THESE PEOPLE SAY, YOU HAVE TO HAVE A LITTLE THICK SKIN UP THERE, WITH A GRAIN OF SALT. MAYOR MARIN STATED TO COUNCILMAN JULIEN THAT HE HAS NOT HEARD WHAT COUNCILMAN JULIEN SAID, BUT MAYOR MARIN AGREES WITH HIM. MAYOR MARIN INDICATED THAT IT IS ACTUALLY A SHAME WHOEVER SAYS THOSE THINGS SHOULD BE ASHAMED OF THEMSELVES. MAYOR MARIN STATED THAT YOU ALSO HAVE TO TAKE IT WITH A GRAIN OF SALT WHAT THEY SAY. MAYOR MARIN STATED THAT HE LOOKS AT THE SOURCE OF THE PEOPLE THAT SAY THAT AND HE LOOKS AT THEM AND SAYS, WHAT DO YOU EXPECT? MAYOR MARIN STATED TO THOSE SAYING THOSE DEROGATORY THINGS, WHAT DO YOU EXPECT? MAYOR MARIN INDICATED THAT A LOT OF THOSE PEOPLE GO TO SLEEP WITH DOGS AND THEY WAKE UP WITH FLEAS.

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4. MAYOR MARIN STATED TO DARCEE THAT THEY HAVE WORKED WITH EACH OTHER A NUMBER OF YEARS AND SHE KNOWS HOW HE FEELS, EXACTLY HOW HE FEELS. MAYOR MARIN INDICATED THAT THEY HAVE HAD SOME VERY INTERESTING CONVERSATIONS AND SOME VERY INTERESTING DEBATES ON ISSUES OF LITIGATION THAT HAVE GONE ON IN THE PAST, ON LITIGATION THAT GOES ON PRESENTLY AND OTHER LITIGATION THAT WILL BE COMING IN THE FUTURE. MAYOR MARIN STATED THAT HE HAS TOLD MRS. SIEGEL BEFORE THAT HE HAS ABSOLUTELY NO DOUBT, NONE WHATSOEVER IN HIS MIND. THE ONLY APOLOGY HE NEEDS TO GIVE IS TO IRA. MAYOR MARIN STATED THAT IRA IS GOING TO FIND OUT THAT BEING CITY ATTORNEY IS GOING TO TAKE MRS. SIEGEL AWAY FROM HIM AND ALL THE NIGHTS THAT JOANIE COULD NOT KISS HOWARD

**15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:**

**G. MAYOR MARIN'S REPORT - CONTINUED:**

GOOD NIGHT OR HAVE DINNER WITH IS THE EQUAL AMOUNT AS  
TURN ABOUT AS FAIR PLAY, IRA IS NOT GOING TO ABLE TO KISS MRS.  
SIEGEL GOOD NIGHT OR HAVE DINNER WITH. MAYOR MARIN STATED  
THAT HE GIVES HIS CONDOLENCES TO IRA BECAUSE HE IS GOING TO  
BE LEFT A LOT OF HOURS ALONE. MAYOR MARIN STATED THAT HE IS  
PROBABLY MORE PROUD OF MRS. SIEGEL THAN HER HUSBAND  
BECAUSE MAYOR MARIN HAS SEEN HER GROW UP OVER THE YEARS,  
HE HAS SEEN HER MATURE, AND HE HAS SEEN HER DEVELOP OVER  
THE YEARS AS AN ATTORNEY WHEN SHE FIRST CAME HERE A  
NUMBER OF YEARS AGO. MAYOR MARIN STATED THAT HE WAS  
HERE WHEN MRS. SIEGEL CAME FIRST AND SHE DOES A TERRIFIC JOB.  
MAYOR MARIN STATED THAT MRS. SIEGEL IS MORE THAN  
QUALIFIED, SHE HAD A GOOD MENTOR, A GOOD TEACHER, HE HAS  
TAUGHT HER WELL, HE HAS TAUGHT HER DIPLOMACY AND  
EVERYTHING ELSE THAT SHE NEEDS TO BE IN THAT POSITION.  
MAYOR MARIN STATED THAT HE KNOWS SHE WILL MAKE THEM  
PROUD, SHE WILL WIN MORE CASES FOR THEM, AND SHE KNOWS  
MAYOR MARIN LIKES TO DO BATTLE IN COURT. MAYOR MARIN  
INDICATED THAT THE NEXT SCHEDULED MEETING IS TUESDAY,  
NOVEMBER 18, 2008.

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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 10:07 PM.

CERTIFICATION

I, SOLOMON ODENZ, CITY CLERK OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES, PAGES ONE (1) THROUGH PAGE FIFTEEN (15) 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 FOURTH (4<sup>TH</sup>) DAY OF NOVEMBER, 2008.



SOLOMON ODENZ, CITY CLERK  
CITY OF NORTH MIAMI BEACH

(SEAL)