

MINUTES

OF THE
1ST BUDGET PUBLIC HEARING
& SPECIAL
CITY COUNCIL MEETING

SEPTEMBER 8, 2009



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

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MINUTES

(CNMB-CC MINUTES TAPE #425)

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1. ROLL CALL OF THE CITY OFFICIALS:

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

2. SALUTE TO THE AMERICAN FLAG

3. PUBLIC HEARING – 7:00 P.M.

ACTUAL START- 7:41 P.M.

A. *Resolution No. 2009-55* – APPROVING THE FISCAL YEAR 2010 BUDGET OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA)

MOTION by COUNCILWOMAN SPIEGEL, seconded by COUNCILWOMAN SMITH to TABLE RESOLUTION NO. R2009-55 TO THE SEPTEMBER 22, 2009 CITY COUNCIL MEETING.

MOTION CARRIED.

B. *Ordinance No. 2009-19* – FIXING THE FISCAL YEAR 2010 MILLAGE RATE

COUNCILWOMAN SMITH ASKED THE CITY MANAGER HOW MUCH THE CITY GETS FROM THIS. THE CITY MANAGER RESPONDED THAT THE AMOUNT IS APPROXIMATELY \$290,000.00. THE MAYOR ASKED THE CITY MANAGER HOW MUCH HE PUT IN RESERVES FOR THIS BUDGET. THE CITY MANAGER RESPONDED THAT IN THIS PROPOSED BUDGET THERE IS \$250,000.00 IN RESERVES.

COUNCILWOMAN SPIEGEL EXPRESSED CONCERNS THAT THE CITY WOULD NOT HAVE ADEQUATE RESERVES SHOULD A HURRICANE STRIKE, AND THAT THE CITY WILL NOT BE ABLE TO MAKE UP BUDGET SHORTFALLS NEXT YEAR. COUNCILWOMAN SPIEGEL

STATED THAT THE TINY AMOUNT OF THIS MILLAGE REDUCTION IS NOT IN OUR CITY'S BEST INTEREST.

COUNCILWOMAN SMITH STATED THAT THIS MINOR MILLAGE CHANGE GIVES RECOGNITION TO THE RESIDENTS. SHE FURTHER STATED THAT \$280,000.00 IS NOT GOING TO SAVE THE CITY FROM WHAT WE ARE LOOKING FORWARD. COUNCILWOMAN SMITH STATED THAT SHE IS VERY MUCH IN FAVOR OF CONTINUING WITH THE MILLAGE REDUCTION THE WAY THE MANAGER HAS BROUGHT FORTH.

COUNCILMAN JULIEN RECOGNIZED THAT THE INDIVIDUAL SAVINGS IS ONLY PENNIES, BUT THAT THOSE PENNIES ADD UP. HE THANKED THE CITY MANAGER AND HIS STAFF, AND STATED THAT EVEN THOUGH IT IS A PENNY, HE WILL TAKE IT.

COUNCILMAN DEROSE STATED THAT THE REDUCTION IS LITTLE, BUT THAT IT IS SOMETHING. HE STATED THAT WE ARE DOING GOOD, AND THAT HE SEES NO REASON NOT TO SUPPORT THIS BUDGET.

COUNCILWOMAN KRAMER STATED THAT IN BETTER TIMES, THIS WOULD BE A STEP IN THE RIGHT DIRECTION. SHE STATED THAT HEARING FROM RESIDENTS, THIS IS MORE OF AN INSULT THAN ANYTHING. COUNCILWOMAN KRAMER STATED THAT SHE WOULD RATHER SKIM THE BUDGET AND LEAVE THE MILLAGE ALONE.

MAYOR ROSNER STATED THAT HE CONCURRED WITH COUNCILWOMAN SPIEGEL, AND THAT HE WANTS TO PUT AN ADDITIONAL \$250,000.00 INTO RESERVES.

Name of Party (ies) Appearing:

1. MARY HILTON
1950 N.E. 157 Terrace
North Miami Beach, FL
2. RICHARD RIESS
23 N.W. 169 Street
North Miami Beach, FL
3. ALLISON ROBIE
2131 N.E. 179 Street
North Miami Beach, FL
4. MUBARAK KAZAN
15564 N.E. 12 Avenue
North Miami Beach, FL
5. BRUCE LAMBERTO
3420 N.E. 165 Street
North Miami Beach, FL

C. *Ordinance No. 2009-20* – ADOPTING THE FISCAL YEAR 2010 BUDGET

COUNCILMAN DEROSE STATED THAT HE WAS IN FAVOR OF THE BUDGET.

COUNCILMAN JULIEN STATED THAT HE WAS IN SUPPORT OF THE MEMBERS OF THE NORTH MIAMI BEACH POLICE DEPARTMENT, AND THAT HE DID NOT WANT TO SEE THE CITY TURN OVER ITS POLICE DEPARTMENT TO THE COUNTY; HOWEVER, IT IS AN OPTION SHOULD CITY AND UNION NEGOTIATIONS FAIL.

COUNCILWOMAN SMITH STATED THAT OUR RETIREMENT PROGRAMS NEED REFORM AND EMPHASIZED THE NEED FOR EVERYONE TO MAKE COMPROMISES.

COUNCILWOMAN SPIEGEL EXPRESSED CONCERN THAT EVEN THOUGH THE BUDGET IS BALANCED THIS YEAR, NEXT YEAR THE CITY IS GOING TO HAVE MAJOR PROBLEMS. EVEN WHEN WE PASS THIS BUDGET, WE WILL NEED TO LOOK IMMEDIATELY INTO HOW WE ARE GOING TO BALANCE THE BUDGET NEXT YEAR.

MAYOR ROSNER EXPRESSED THE NEED TO MAINTAIN RESERVES, TO PUT MONEY ASIDE FOR OUR INFRASTRUCTURE, AND TO UTILIZE THE COMMUNITY REDEVELOPMENT AGENCY.

Name of Party (ies) Appearing:

1. CHARLES LOEB
16800 N.E. 15 Avenue
North Miami Beach, FL
2. MARY HILTON
1950 N.E. 157 Terrace
North Miami Beach, FL
3. RICHARD RIESS
23 N.W. 169 Street
North Miami Beach, FL
4. MURIEL KEMP
1479 N.E. 178 Street
North Miami Beach, FL
5. MARISE HAYDEN
16415 N.E. 32 Avenue
North Miami Beach, FL
6. JANICE COAKLEY
19681 N.W. 33 Avenue
Miami, FL

7. MUBARAK KAZAN
15564 N.E. 12 Avenue
North Miami Beach, FL
 8. LAURA KALLUS. Director of PanZou Project
1541 N.E. 167 Street
North Miami Beach, FL
 9. RUTH MILES
1321 Little River Drive
North Miami Beach, FL
 10. MICHAEL MILES
492 N.W. 97 Street
Miami Shores, FL
 11. DETECTIVE JOE ROMERO
North Miami Beach Police Department
16901 N.E. 19 Avenue
North Miami Beach, FL
 12. DETECTIVE NELSON REYES
North Miami Beach Police Department
16901 N.E. 19 Avenue
 13. KENNETH DeFILLIPO
17830 N.E. 10 Avenue
North Miami Beach, FL
 14. BRUCE LAMBERTO
3420 N.E. 165 Street
North Miami Beach, FL
 15. ALLISON ROBIE
2131 N.E. 179 Street
North Miami Beach, FL
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D. *Ordinance No. 2009-21* – AMENDING THE WATER & SEWER RATES

COUNCILWOMAN SMITH REQUESTED THAT THE COUNCIL ONLY CONSIDER THE 2010 WATER RATES AT THIS TIME.

Name of Party (ies) Appearing:

1. MARY HILTON
1950 N.E. 157 Terrace
North Miami Beach, FL
 2. RICHARD RIESS
23 N.W. 169 Street
North Miami Beach, FL
 3. ALLISON ROBIE
2131 N.E. 179 Street
North Miami Beach, FL
 4. MUBARAK KAZAN
15564 N.E. 12 Avenue
North Miami Beach, FL
 5. CHARLES LOEB
16800 N.E. 15 Avenue
North Miami Beach, FL
 6. BRUCE LAMBERTO
3420 N.E. 165 Street
North Miami Beach, FL
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THERE BEING NO FURTHER PUBLIC HEARING BUSINESS TO COME BEFORE THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, THE FIRST PUBLIC HEARING OF THE FISCAL YEAR 2010 BUDGET OF THE CITY OF NORTH MIAMI BEACH WAS ADJOURNED AT 9:51 PM ON A MOTION by COUNCIL WOMAN SMITH, SECONDED by COUNCILMAN DEROSE.

MOTION CARRIED.

AT THIS TIME, MAYOR ROSNER DECLARED THE PUBLIC HEARING PORTION OF THE MEETING CLOSED. A SHORT RECESS WAS TAKEN PRIOR TO THE START OF THE SPECIAL CITY COUNCIL MEETING, WHICH CONVENED AT APPROXIMATELY 10:05 P.M.

4. SPECIAL MEETING – 7:30 P.M.

ACTUAL START- 10:05 P.M.

ROLL CALL OF THE CITY OFFICIALS:

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

A. *Resolution No. 2009-55*

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE FISCAL YEAR 2010 BUDGET OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

ITEM TABLED UNTIL SEPTEMBER 22, 2009 (SEE PAGE 1).

- B. *Ordinance No. 2009-19* entitled "AN ORDINANCE FIXING THE MILLAGE RATE FOR AD VALOREM TAXES ON REAL AND PERSONAL PROPERTY IN THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009 AND FIXING THE MILLAGE RATES FOR DEBT SERVICE ON THE GENERAL OBLIGATION BONDS, SERIES 2000B AND SERIES 2002A.", was introduced by MOTION of COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN, to ADOPT ORDINANCE NO. 2009-19.

COUNCILMAN JULIEN WITHDREW HIS SECOND and COUNCILMAN DEROSE WITHDREW HIS MOTION.

MOTION by COUNCILWOMAN SPIEGEL, seconded by COUNCILMAN DEROSE, to AMEND ORDINANCE NO. 2009-19 TO REFLECT AN OPERATING MILLAGE RATE OF 6.6136 AND A DEBT MILLAGE RATE OF .9595, AND TO APPROVE AS AMENDED ORDINANCE NO. 2009-19.

MOTION CARRIED, by the following ROLL CALL VOTE:

VICE MAYOR PIERRE	NO	
COUNCILWOMAN SPIEGEL	YES	
COUNCILWOMAN SMITH	NO	(VOTE: 5 YES,
COUNCILMAN JULIEN	YES	2 NO)
COUNCILMAN DEROSE	YES	
COUNCILWOMAN KRAMER	YES	
MAYOR ROSNER	YES	

- C. *Ordinance No. 2009-20* entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009", was introduced by MOTION of COUNCILMAN DEROSE, seconded by VICE MAYOR PIERRE. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN, to ADOPT ORDINANCE NO. 2009-20.

COUNCILMAN DEROSE WITHDREW HIS MOTION and COUNCILMAN JULIEN WITHDREW HIS SECOND.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN, to AMEND ORDINANCE NO. 2009-20, to MOVE THE ADDITIONAL REVENUE RESULTING FROM THE INCREASED MILLAGE RATE OF 6.6136 INTO CITY RESERVES, and to APPROVE AS AMENDED ORDINANCE NO. 2009-20. MOTION CARRIED, by the following ROLL CALL VOTE:

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

- D. *Ordinance No. 2009-21* entitled "AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XIX OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "WATER AND SEWERS"; IMPLEMENTING A PREVIOUSLY AUTHORIZED PSC ANNUAL INFLATION ADJUSTMENT; IMPLEMENTING A PREVIOUSLY AUTHORIZED ANNUAL INCREASE IN WATER AND SEWER RATES, FEES, AND CHARGES; REVISING THE WATER MINIMUM CHARGES; REDUCING THE EMERGENCY WATER CONSERVATION RATES; 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 JULIEN. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN, to ADOPT ORDINANCE NO. 2009-21.

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN DEROSE, to AMEND ORDINANCE NO. 2009-21 by REMOVING THE YEAR 2011 FROM THE ORDINANCE. AND TO APPROVE AS AMENDED ORDINANCE NO. 2009-21. MOTION CARRIED.
by the following ROLL CALL VOTE:

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

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH WAS ADJOURNED AT 10:52 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 NINE (9) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS TAPE RECORDED AT THE FIRST PUBLIC BUDGET HEARING AND THE SPECIAL CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE EIGHTH (8th) DAY OF SEPTEMBER, 2009.



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

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