

* * * * *

MINUTES

* * * * *

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:

ADDITIONS - ITEM #5(B) (7) PRESENTATIONS.
#7(C) CITY MANAGERS REPORT.

WITHDRAWAL – ITEM #12 - BUSINESS TAX RECEIPT MATTERS:
(A) – AT THE REQUEST OF THE APPLICANT, THE ADDRESS KNOWN AS 199 N.E. 167 STREET WAS NOT TO BE CONSIDERED.
(B) – WITHDRAWN AT THE REQUEST OF THE APPLICANT.

5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

1. APPOINTMENT OF VICE MAYOR – COUNCILMAN PHILIPPE DEROSE.

MOTION by VICE MAYOR SMITH, seconded by, COUNCILMAN ROSNER, to APPOINT COUNCILMAN PHILLIPE DEROSE VICE MAYOR EFFECTIVE JANUARY 6, 2009.

MOTION CARRIED.

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

2. ANDREW HIRSCH – ECONOMIC DEVELOPMENT COMMISSION.

MOTION by MAYOR MARIN, seconded by, COUNCILMAN CHERNOFF, to APPOINT ANDREW HIRSCH to the ECONOMIC DEVELOPMENT COMMISSION. MOTION CARRIED.

3. RANDIE SHANE – ECONOMIC DEVELOPMENT COMMISSION.

MOTION by MAYOR MARIN, seconded by, COUNCILMAN CHERNOFF, to APPOINT RANDIE SHANE to the ECONOMIC DEVELOPMENT COMMISSION. MOTION CARRIED.

B. PRESENTATIONS:

1. PRESENTATION BY JOSHUA WILLIAMS OF JOSHUA'S HEART FOUNDATION.

PRESENTATION WAS MADE BY JOSHUA WILLIAMS.

2. PRESENTATION BY MAYOR RAYMOND F. MARIN TO OFFICER LUIS GORDO AS THE OUTSTANDING OFFICER OF THE MONTH OF AUGUST 2008.

PRESENTATION WAS MADE BY MAYOR MARIN AND CHIEF RAPHAEL P. HERNANDEZ, JR. TO OFFICER LUIS GORDO.

3. PRESENTATION BY MAYOR RAYMOND F. MARIN TO OFFICER DANIEL MARTI AS THE OUTSTANDING OFFICER OF THE MONTH OF SEPTEMBER 2008.

PRESENTATION WAS MADE BY MAYOR MARIN AND CHIEF RAPHAEL P. HERNANDEZ, JR. TO OFFICER DANIEL MARTI.

4. PRESENTATION BY MAYOR RAYMOND F. MARIN TO OFFICER DETECTIVE REYNERI HERNANDEZ OF THE MONTH AWARD OF OCTOBER 2008.

PRESENTATION WAS MADE BY MAYOR MARIN AND CHIEF RAPHAEL P. HERNANDEZ, JR. TO OFFICER DETECTIVE REYNERI HERNANDEZ.

5. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY CHIEF RAPHAEL P. HERNANDEZ TO FRANCISCO CASTELLANOS AS THE EMPLOYEE OF THE MONTH OF SEPTEMBER 2008.

PRESENTATION WAS MADE BY CHIEF RAPHAEL P. HERNANDEZ TO FRANCISCO CASTELLANO.

6. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY CHIEF RAPHAEL P. HERNANDEZ TO GHOLDYA PIERRE-LOUIS AS THE EMPLOYEE OF THE MONTH OF OCTOBER 2008.

DID NOT APPEAR

7. PRESENTATION BY NORTH MIAMI BEACH POLICE ASSOCIATION OF \$1000.00 DOLLARS CONTRIBUTION TO CAMP FOR KIDS PROGRAM.

PRESENTATION WAS MADE BY MAYOR MARIN.

6. APPROVAL OF MINUTES OF DECEMBER 2, 2008.

MOTION by COUNCILMAN CHERNOFF, seconded by VICE MAYOR SMITH, to APPROVE THE MINUTES OF DECEMBER 2, 2008. MOTION CARRIED.

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

- A. REQUEST APPROVAL FOR A FISCAL YEAR 2008 BUDGET AMENDMENT FOR THE ON-BEHALF FIRE PENSION CONTRIBUTION IN THE AMOUNT OF \$213,825.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER, to APPROVE THE REQUEST FOR A FISCAL YEAR 2008 BUDGET AMENDMENT FOR THE ON-BEHALF FIRE PENSION CONTRIBUTION IN THE AMOUNT OF \$213,825. MOTION CARRIED.

(CNMB-CC MINUTES TAPE #410)

- B. VICTORY POOL SLIDE STATUS REPORT.

CITY MANAGER KELVIN BAKER INDICATED THAT A NEW SLIDE SHOULD BE IN PLACE WITHIN THE FIRST QUARTER OF 2009 JUST IN TIME FOR THE NEW SWIMMING SEASON.

(CNMB-CC MINUTES TAPE #410)

- C. WEBCAST – FIRST LIVE WEBCAST.

COUNCILMAN JULIEN THANKED THE CITY MANAGER FOR ACTUALLY IMPLEMENTING AHEAD OF SCHEDULE THE FIRST EVER LIVE WEBCAST OF A CITY OF NORTH MIAMI BEACH COUNCIL MEETING AND, THEREAFTER, MR. PATRICK ROSIAK MADE A PRESENTATION OF THE FIRST LIVE WEBCAST OF THE CITY OF NORTH MIAMI BEACH COUNCIL MEETINGS.

(CNMB-CC MINUTES TAPE #410)

8. CITY ATTORNEY'S REPORT - HOWARD B. LENARD: THE LAST MEETING!

- A. CITY ATTORNEY HOWARD B. LENARD STATED THAT THIS WILL BE THE LAST MEETING THAT HE WILL BE OFFICIALLY CHAIRING AND HE THANKED EVERYBODY FOR THEIR SUPPORT AND INSIGHT AND HE LOOKS FORWARD TO A BRIGHT FUTURE FOR ALL OF US. CITY ATTORNEY HOWARD LENARD WISHED EVERYBODY A HAPPY HANUKKA, MERRY CHRISTMAS, HAPPY KWANZAA, HAPPY NEW YEAR AND HE WILL SEE YOU NEXT YEAR.

(CNMB-CC MINUTES TAPE #410)

CLERK'S NOTE: HOWARD B. LENARD 1ST CITY COUNCIL MEETING AS A CITY ATTORNEY COMMENCED ON JANUARY 3, 1983 AND THIS BEING HIS LAST ON DECEMBER 16, 2008. THE PREVIOUS 5 YEARS 1978 TO 1983 WERE IN HIS CAPACITY AS THE DEPUTY CITY ATTORNEY.

9. SCHEDULED CITIZENS APPEARANCE:

- A. BERT KEHREN
3302 N.E. 171 STREET
NORTH MIAMI BEACH, FL.

RE: POLITICS

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

B. MURIEL KEMP
1479 N.E. 178 STREET
NORTH MIAMI BEACH, FL.

RE: WHY NOT??

MS. KEMP GAVE UP HER THREE MINUTE TIME LIMIT TO RICHARD RIESS.

C. RICHARD RIESS
23 N.W. 169 STREET
NORTH MIAMI BEACH, FL.

RE: ELECTED SERVANTS OR CAREER POLITICIANS?

10. **MISCELLANEOUS ITEMS:**

NONE

11. **WAIVER OF FEE:**

NONE

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

A. HOLIDAY CHARITIES & PROMOTIONS, INC.
~~199 N.E. 167 STREET~~
900 N.E. 167 STREET
13885 BISCAYNE BOULEVARD
NORTH MIAMI BEACH, FL.

ROBERT GOLER, PRESIDENT

RE: REQUEST APPROVAL OF BUSINESS TAX RECEIPTS FOR THE SALE OF FIREWORKS AT: ~~199 N.E. 167 STREET~~, 900 N.E. 167 STREET AND 13885 BISCAYNE BOULEVARD FROM DECEMBER 23, 2008 THROUGH DECEMBER 31, 2008 FROM 10:00 A.M. TO 10:00 P.M. - 20% OF PROCEEDS TO STOP HUNGER, INC. (SUBJECT TO APPROVAL BY THE MIAMI-DADE COUNTY FIRE DEPT. AND PROHIBITED FROM CONDUCTING ANY SALE(S) WITHOUT PRIOR FIRE DEPT. APPROVAL AS ABOVE-DESCRIBED).

MOTION by COUNCILMAN CHERNOFF, seconded by VICE MAYOR SMITH to APPROVE the applicant's request. MOTION CARRIED.

CLERK'S NOTE: REGARDING ITEM 12(A) AS ABOVE DESCRIBED, AT THE APPLICANTS REQUEST THE ADDRESS KNOWN AS 199 N.E. 167 ST WAS NOT TO BE CONSIDERED.

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

B. EBONY & IVORY ENTERTAINMENT, LLC
d/b/a DIAMOND'S CABARET
337 N.W. 170 STREET
NORTH MIAMI BEACH, FL.

ROBERT DRAPER, MANAGING MEMBER
NORMAN POWELL, ATTORNEY

RE: REQUEST APPROVAL OF A BUSINESS TAX RECEIPT FOR EXTENSION OF HOURS - 4:00 A.M. TO 6:00 A.M. (INITIAL APPROVAL – 6 MONTHS)

WITHDRAWN AT THE REQUEST OF THE APPLICANT.

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. R2008-59):

RESOLUTION NO. R2008-55, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING AMENDMENTS TO THE FLORIDA STATUTES TO INCREASE MORTGAGE HOLDERS' RESPONSIBILITY FOR DELINQUENT CONDOMINIUM, CO-OPERATIVE, AND HOMEOWNER ASSOCIATIONS FEES, REGULAR ASSESSMENTS AND SPECIAL ASSESSMENTS ON UNITS IN FORECLOSURE AND ON FORECLOSED UNITS", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN.

MOTION CARRIED.

MOTION by VICE MAYOR SMITH, seconded by COUNCILMAN DEROSE, to AMEND RESOLUTION NO. R2008-55 BY ADDING TO SECTION 2 THE WORDS "TO TOTAL AMOUNT DUE".

MOTION CARRIED.

WITH COUNCILMAN JULIEN VOTING IN THE NEGATIVE.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-55, as AMENDED.

MOTION CARRIED.

WITH COUNCILMAN JULIEN AND COUNCILMAN PIERRE VOTING IN THE NEGATIVE.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS- CONTINUED:

RESOLUTION NO. R2008-56, entitled "A POLICY RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ALERTING ALL FINANCIAL INSTITUTIONS, BANKS, AND OTHER MORTGAGE HOLDERS OF FORECLOSED PROPERTIES WITHIN NORTH MIAMI BEACH, FLORIDA, TO THE CONTINUING RESPONSIBILITY OF MAINTAINING THOSE PROPERTIES TO FULL COMMERCIAL OR RESIDENTIAL COMPLIANCE", 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. R2008-56.

MOTION by VICE MAYOR SMITH, seconded by COUNCILMAN ROSNER, to AMEND RESOLUTION NO. R2008-56 BY ADDING IN SECTION 3 "IN THE EVENT THE TITLE OWNER DOES NOT COMPLY" AT THE END OF RESOLUTION "RESIDENTIAL NEIGHBORHOODS AT THE EXPENSE OF THE TITLE OWNER". MOTION FAILED. WITH COUNCILMAN CHERNOFF, COUNCILMAN PIERRE, COUNCILMAN JULIEN, AND MAYOR MARIN VOTING IN THE NEGATIVE.

MOTION by COUNCILMAN PIERRE, seconded by COUNCILMAN ROSNER, to ADOPT RESOLUTION NO. R2008-56. MOTION CARRIED.
by the following ROLL CALL VOTE:

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

RESOLUTION NO. R2008-57, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENCOURAGING PRESIDENT-ELECT BARACK OBAMA AND THE U.S. CONGRESS TO STRUCTURE THEIR PROPOSED PUBLIC WORKS RECOVERY PROGRAM SO THAT MUNICIPALITIES ARE DIRECT RECIPIENTS OF FUNDS TO BE EXPENDED ON INFRASTRUCTURE WITHIN THEIR RESPECTIVE JURISDICTIONS", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN PIERRE, to ADOPT RESOLUTION NO. R2008-57. MOTION CARRIED.

13B. LEGISLATION - CONTINUED:

ORDINANCES - FIRST READING, BY TITLE ONLY:
(SERIATIM NO. 2008-24)

ORDINANCE NO. 2008-23, entitled "AN ORDINANCE AMENDING CHAPTER 14 BUILDING AND HOUSING MODIFYING RESIDENTIAL RENTAL PERMITS AND INSPECTIONS; AMENDING CHAPTER 24 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; MODIFYING THE FORMAT FOR LISTING USES IN BUSINESS DISTRICTS; CLARIFYING FULFORD CITY CENTER (FCC) ZONING DISTRICT REGULATIONS; MODIFYING PARKING AREA REQUIREMENTS AND REGULATIONS; RELOCATING BEAUTIFICATION IMPACT FEE PROVISIONS AND INCREASING THE FEE; MODIFYING SIGN CODE PROVISIONS; MODIFYING TEXT OF THE LAND DEVELOPMENT FEE SCHEDULE; CLARIFYING AND UPDATING BUILDING HEIGHT PROVISIONS IN ALL ZONING DISTRICTS; MODIFYING HEIGHT EXCEPTIONS AS TO PARAPET WALLS; 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 CHERNOFF, seconded by COUNCILMAN ROSNER ON ITS FIRST READING, BY TITLE ONLY. MOTION CARRIED.

MOTION by COUNCILMAN JULIEN, seconded by COUNCILMAN ROSNER , to ADOPT ORDINANCE NO. 2008-23 ON ITS FIRST READING, BY TITLE ONLY.

MOTION by COUNCILMAN ROSNER, seconded by VICE MAYOR SMITH, to TABLE ORDINANCE NO. 2008-23 ON ITS FIRST READING, BY TITLE ONLY. MOTION CARRIED.

Name of Party(ies) Appearing:

1. Charles Loeb
16880 N.E. 15 Avenue
North Miami Beach, FL.
2. Mark Alvarez, NMB Citizens Coalition
625 N.E. 50 Terrace
MIAMI, FL.
3. Jarret Gross
3447 N.E. 168 Street
North Miami Beach, FL.
4. Alan Rosenthal, Attorney
2875 N.E. 191 Street
North Miami Beach, FL.
5. Bill Borkan, NMB Citizens Coalition
3142 N.E. 191 Street
North Miami Beach, FL.
6. Tom Vageline, Community Development Director
City of North Miami Beach

13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2008-21, entitled "AN ORDINANCE OF THE MAYOR & COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING SECTION 24-172(G)(7) OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY ENTITLED CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN, TO INCORPORATE THE USE OF DIGITAL SECURITY CAMERAS AS A FACTOR IN THE ANALYSIS OF AND RECOMMENDATIONS FOR ALL PROPOSED DEVELOPMENT SUBJECT TO SITE PLAN REVIEW; 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 CHERNOFF, seconded by COUNCILMAN ROSNER ON ITS SECOND AND FINAL READING.

MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN PIERRE, to ADOPT ORDINANCE NO. 2008-21 ON ITS SECOND AND FINAL READING.

MOTION by VICE MAYOR SMITH, seconded by COUNCILMAN CHERNOFF, to AMEND ORDINANCE NO. 2008-21 ON ITS SECOND AND FINAL READING BY ADDING ON PAGE 2 THE WORDS "INCLUDING EGGRESSION". MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN PIERRE, to ADOPT ORDINANCE NO. 2008-21 ON ITS SECOND AND FINAL READING, AS AMENDED.

MOTION CARRIED.

ORDINANCE NO. 2008-22, entitled "AN ORDINANCE AMENDING CHAPTER 24 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; MODIFYING LANDSCAPE REQUIREMENTS FOR TALLER BUILDINGS; MODIFYING SITE PLAN REVIEW STANDARDS AND PUBLIC NOTICE PROCEEDINGS; MODIFYING SUBDIVISION PLAT REVIEW STANDARDS; CREATING SECTION 24-181 URBAN DESIGN PLAN, TO INCORPORATE RECOMMENDATIONS OF THE GLATTING JACKSON REPORT; 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 CHERNOFF, seconded by COUNCILMAN ROSNER ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER, to ADOPT ORDINANCE NO. 2008-22 ON ITS SECOND AND FINAL READING. MOTION CARRIED.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS- CONTINUED:

RESOLUTION NO. R2008-58, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, NAMING AND APPOINTING HOWARD B. LENARD CITY ATTORNEY EMERITUS AND NAMING THE CITY'S LAW OFFICES FOR THE CITY ATTORNEY", was introduced BY MOTION OF COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by VICE MAYOR SMITH, to ADOPT RESOLUTION NO. R2008-58. MOTION CARRIED.

Name of Party(ies) Appearing:

1. Alan Rosenthal, Attorney
2875 N.E. 191 Street
North Miami Beach, FL
2. Robert Taylor
1951 N.E. 157 Terrace
North Miami Beach, FL

14. UNSCHEDULED CITIZENS APPEARANCES:

- A. CHARLES LOEB
16880 N.E. 15 AVENUE
NORTH MIAMI BEACH, FL.

RE: R2008-55.
- B. FORTUNA SMUCKLER
3207 N.E. 168 STREET
NORTH MIAMI BEACH, FL.

RE: CAMPAIGNING.

15. **CITY COUNCIL COMMITTEE REPORTS:**

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

1. VICE MAYOR SMITH CONGRATULATED MR. HOWARD LENARD, ESQ. VICE MAYOR SMITH INDICATED THAT SHE ONLY HAD ONE REQUEST SHE SIGNED ALL THREE OF HIS COPIES AND SHE JUST WANTED TO MAKE SURE THAT MR. LENARD KEEPS HIS CELL PHONE ON AS LONG AS SHE IS SITTING IN THAT SEAT AND THANK YOU VERY MUCH FOR ALL THAT HE HAS DONE FOR THIS CITY AND MAY THE REST OF MR. LENARDS LIFE BE VERY JOYOUS.

(CNMB-CC MINUTES TAPE #410)

2. VICE MAYOR SMITH STATED THAT SHE WANTED TO ANNOUNCE SOMETHING THAT SHE HAS BEEN WORKING ON SINCE SHE WAS ELECTED. VICE MAYOR SMITH INDICATED THAT SHE FELT THAT THE NOTIFICATION TO THE RESIDENTS COULD BE GREATLY IMPROVED IN REFERENCE TO EVENTS, IN REFERENCE TO THINGS HAPPENING IN THIS CITY. VICE MAYOR SMITH STATED THAT THE CITY MANAGER SURPRISED HER TODAY WITH A LOT OF EXCITEMENT BECAUSE HER DREAM IS COMING TO FRUITION. VICE MAYOR SMITH INDICATED THAT THEY WILL BE STARTING VERY SHORTLY GIVING YOU NOTIFICATIONS IN YOUR WATER BILL OF THE UPCOMING EVENTS. IT WILL BE ON THE LEFT HAND SIDE OF THE FRONT PAGE HOPEFULLY SURROUNDED BY STARS. VICE MAYOR SMITH STATED THAT SHE HAS MADE MANY COPIES OF WHAT SHE WANTED IT TO LOOK LIKE AND THIS WILL BE THE END RESULT. IT IS NOT QUITE WHAT VICE MAYOR SMITH WANTED BUT BECAUSE IT COST EXTRA MONEY TO PUT IN A SEPARATE PAGE. VICE MAYOR SMITH INDICATED THAT IF THEY CAN GET PEOPLE TO LOOK THERE THEY CAN START TO ANNOUNCE THEIR AFFAIRS, THEY CAN START TO ANNOUNCE THEIR WEBSITE, ETC. VICE MAYOR SMITH THANKED THE CITY MANAGER AND STATED THAT SHE HAD BEEN TRYING TO DO THAT FOR A YEAR AND A HALF AND. VICE MAYOR SMITH THANKED THE CITY MANAGER AGAIN AND INDICATED THAT SHE WAS VERY EXCITED WHEN SHE SAW IT.

(CNMB-CC MINUTES TAPE #410)

3. VICE MAYOR SMITH STATED THAT SHE WANTED TO REMIND EVERYBODY THAT TOMORROW FROM SEVEN O'CLOCK UNTIL EIGHT O'CLOCK AND EVERY THIRD WEDNESDAY VICE MAYOR SMITH WILL BE SITTING IN THE MCDONALD CENTER. VICE MAYOR SMITH INDICATED THAT SHE WOULD LIKE EVERYONE TO COME, COME ONE COME ALL WITH THEIR IDEAS, THEIR ISSUES, THEIR CONCERNS OR JUST TO CHAT. VICE MAYOR SMITH STATED THAT SHE WILL BE YOUR VOICE FOR THE CITY MANAGER AND FOR THE COUNCIL AND VICE MAYOR SMITH IS EXCITED FOR PEOPLE TO COME AND SIT WITH HER. SHE WILL THERE EVERY THIRD WEDNESDAY FROM SEVEN TO EIGHT O'CLOCK FOR A FOCUS GROUP.

(CNMB-CC MINUTES TAPE #410)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

A. VICE MAYOR SMITH'S REPORT - CONTINUED:

4. VICE MAYOR SMITH STATED THAT SHE WOULD LIKE EACH ONE OF US TO REMEMBER, ESPECIALLY AT THIS HOLIDAY TIME HOW BLESSED WE ARE TO HAVE FOOD, AND PRESENTS, AND PERHAPS A GLASS OF WINE. VICE MAYOR SMITH INDICATED THAT WE HAVE MEN AND WOMEN GIVING ALL THIS UP SO THAT WE MAY HAVE OUR HOLIDAY. MANY IN OUR COMMUNITY KNOW PEOPLE WITHOUT A HOME AND THEIR KIDS ARE EATING CLAY. VICE MAYOR SMITH STATED THIS YEAR PLEASE OPEN YOUR HEARTS AND POCKETS TO THOSE LESS FORTUNATE. VICE MAYOR STATED THERE IS SO MUCH REASON WE KNOW THAT WE SHOULD BE GRATEFUL EACH MONTH BUT DECEMBER IS THE SEASON. VICE MAYOR ASKED EVERY RESIDENT OF NORTH MIAMI BEACH TO JOIN HER IN A PRAYER THAT IS HERS TO HAVE GOOD HEALTH, LOTS OF HAPPINESS AND PROSPERITY TO ALL IN 2009. VICE MAYOR SMITH WISHED HAPPY HOLIDAYS AND SEE YOU NEXT YEAR TO EVERYONE

(CNMB-CC MINUTES TAPE #410)

B. COUNCILMAN DEROSE'S REPORT:

1. COUNCILMAN DEROSE WISHED EVEYONE A MERRY CHRISTMAS, HAPPY NEW YEAR, HAPPY KWANZAA, HAPPY HANUKKAH, AND MAY 2009 BRING JOYS AND HAPPINESS TO EVERYONE. COUNCILMAN DEROSE INDICATED THAT LAST NIGHT HE PARTICIPATED IN THE POLICE DEPARTMENT WALK AGAINST CRIME. IT WAS A VERY NICE EVENT KIDS WERE ENJOYING VERY MUCH. COUNCILMAN DEROSE COMMENDED THE POLICE DEPARTMENT AND CRIME PREVENTION FOR A WELL ORGANIZED EVENT.

(CNMB-CC MINUTES TAPE #410)

2. COUNCILMAN DEROSE STATED THAT LAST WEEK THEY TURNED OVER ALL THE FOOD AND MONEY THEY COLLECTED FROM THEIR FOOD DRIVE TO FOOD FOR THE POOR. THEY WILL PROVIDE THE DISTRIBUTION TO THE NEEDY PEOPLE. COUNCILMAN DEROSE THANKED ALL THE BUSINESSES AND ALSO OUR CITIZENS THAT PARTICIPATED IN THIS EVENT. COUNCILMAN DEROSE STATED GOOD NIGHT AND GOD BLESS TO EVERYONE.

(CNMB-CC MINUTES TAPE #410)

C. COUNCILMAN CHERNOFF'S REPORT:

1. COUNCILMAN CHERNOFF DID NOT SUBMIT A REPORT AT THIS TIME.

(CNMB-CC MINUTES TAPE #410)

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

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

1. COUNCILMAN PIERRE STATED THAT, AS EVERYONE PROBABLY RECALLS, ABOUT A YEAR AGO COUNCILMAN PIERRE CAME BEFORE THE COUNCIL TO MAKE A PLEA TO MAKE A BETTER USE OF OUR CHANNEL 77. COUNCILMAN PIERRE INDICATED THAT TONIGHT HE HAD THE DELICIOUS SURPRISE FROM INFORMATION TECHNOLOGIES DEPARTMENT. THAT OUR CHANNEL 77 IS UP AND RUNNING THE WAY THEY WANTED IT NOT ONLY THAT THEY WENT TO THE NEXT LEVEL IT IS AVAILABLE ONLINE. COUNCILMAN PIERRE EXPRESSED HIS THANKS TO THE CITY MANAGER AND THE SUPPORT OF COUNCILMAN JULIEN AND EVERYBODY FROM OUR I.T. DEPARTMENT WHO MADE IT HAPPEN.

(CNMB-CC MINUTES TAPE #410)

2. COUNCILMAN PIERRE STATED THAT AS YOU NOTICED 15TH AVENUE IS ABOUT TO BE COMPLETED AHEAD OF TIME. COUNCILMAN PIERRE INDICATED THAT HE REMEMBERS PEOPLE WERE COMING TO SAY HOW CAN WE PUT THE PEOPLE OUT OF BUSINESS DURING HOLIDAYS. COUNCILMAN PIERRE STATED THAT THANKS TO THE DILIGENCE OF THE CITY MANAGER AND THE COURTESY OF COMMISIONER SALLY HEYMAN THINGS ARE GOING SMOOTH AND RUNNING AND COUNCILMAN PIERRE IS VERY PLEASED.

(CNMB-CC MINUTES TAPE #410)

3. COUNCILMAN PIERRE STATED HAPPY HOLIDAYS, MERRY CHRISTMAS, HAPPY KWANZAA, HAPPY HANUKKAH, TO EVERYONE WHATEVER YOU CELEBRATE STAY SAFE AND COUNCILMAN PIERRE WILL SEE YOU NEXT YEAR. COUNCILMAN PIERRE STATED GOD BLESS TO EVERYONE, I LOVE YOU ALL, HAVE A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #410)

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

1. COUNCILMAN ROSNER STATED TO CITY ATTONEY HOWARD LENARD THAT IT HAS BEEN A PLEASURE WORKING WITH HIM OVER THE LAST SIX YEARS. COUNCILMAN ROSNER THANKED MR. HOWARD LENARD FOR ALL HIS ADVICE, FOR ALWAYS BEING THERE, AND WISHED HIM THE BEST WHEREVER HE MAY GO. COUNCILMAN ROSNER INDICATED TO MRS. DARCEE SIEGEL WELCOME ON BOARD.

(CNMB-CC MINUTES TAPE #410)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

E. COUNCILMAN ROSNER'S REPORT - CONTINUED:

2. COUNCILMAN ROSNER STATED THAT LAST NIGHT WAS AN AMAZING EVENT PUT ON BY OUR POLICE DEPARTMENT. THEY INTRODUCED THE LITTLE ROBOT YOU SAW HERE THE OTHER DAY AND IT WAS REALLY A HEARTFELT EVENT FOR A VERY GOOD PURPOSE. COUNCILMAN ROSNER INDICATED THAT ON FRIDAY OUR SENIORS ARE HAVING A LUNCH IN AT THE MCDONALD CENTER. IT IS FROM 11 A.M. TO 2 P.M. ALL ARE INVITED. COUNCILMAN ROSNER STATED THAT THE DISABILITY SPORTS PROGRAM WHICH COUNCILMAN ROSNER HAS NOT REALLY SPOKEN ABOUT RECENTLY A LOT HAS REALLY PROGRESSED. COUNCILMAN ROSNER STATED THAT YOU SEE FROM WORD OF MOUTH A LOT OF PEOPLE ARE COMING, A LOT OF PEOPLE ARE USING IT. PEOPLE THAT DO COME REALLY APPRECIATE HAVING THIS TYPE OF FACILITY. COUNCILMAN ROSNER INDICATED THAT YOU CAN LOOK AT THE WEBSITE NOW THAT THERE ARE OTHER THINGS IN THERE. IF YOU CLICK ON THE LITTLE SYMBOLS RIGHT WHERE THE WHEEL CHAIR LOGO IS YOU WILL SEE AND IT WILL TAKE YOU TO ANOTHER PAGE AND IT WILL SHOW YOU EXACTLY HOW MUCH THAT PROGRAM HAS ACCOMPLISHED.

(CNMB-CC MINUTES TAPE #410)

3. COUNCILMAN ROSNER STATED THAT HE AND COUNCILMAN JULIEN ARE CO-LIASONS FOR CARRIBEAN AFFAIRS COMMITTEE, AND THEY HAD A LITTLE TIME OFF BUT IT IS BACK UP AND RUNNING AND IT WILL GO FULL FORCE. THERE ARE PROGRAMS ALL THE WAY TILL NEXT JUNE OR JULY. COUNCILMAN ROSNER STATED THAT THE FIRST WORKSHOP IS BEING HELD TOMORROW NIGHT AT 7 P.M. AT THE MCDONALD CENTER ON GOVERNMENT AND CIVIL ENGAGEMENT. COUNCILMAN ROSNER STATED THAT IT WILL BE A DISCUSSION ON GOVERNMENT. COUNCILMAN ROSNER WISHED EVERYBODY A SAFE, HAPPY, HEALTHY NEW YEAR.

(CNMB-CC MINUTES TAPE #410)

F. COUNCILMAN JULIEN'S REPORT:

1. COUNCILMAN JULIEN STATED FIRST TO MRS. FORTUNA SMUCKLER, INSTEAD OF HAVING TO E-MAIL HER HE MIGHT AS WELL TELL HER NOW THAT JOSHUA WILLIAMS IS A HIT AND THAT RIGHT THERE IS A TRUE TESTAMENT AS TO WHAT WE CAN DO WITH OUR CHILDREN IF WE ENGAGED THEM EARLY AND TAUGHT THEM HOW TO READ BECAUSE THAT YOUNG MAN READ BETTER THAN A LOT OF HIGH SCHOOL GRADUATES THAT COUNCILMAN JULIEN KNOWS. COUNCILMAN JULIEN INDICATED THAT MRS. FORTUNA SMUCKLER SAID THAT JOSHUA WILLIAMS WROTE THAT SPEECH HIMSELF IT JUST GOES TO SHOW THAT THERE IS ABSOLUTELY NO LIMITS TO WHAT OUR CHILDREN CAN ACCOMPLISH IF WE ENGAGE THEM AND CHALLENGE THEM.

(CNMB-CC MINUTES TAPE #410)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

F. COUNCILMAN JULIEN'S REPORT - CONTINUED:

2. COUNCILMAN JULIEN STATED TO MR. HOWARD LENARD THAT THIRTY-ONE YEARS IS NOT THIRTY-ONE DAYS AND JUST TO GIVE MR. LENARD A LITTLE HINT AS TO HOW LONG HE HAS BEEN WORKING HERE: WHEN MR. LENARD STARTED HERE COUNCILMAN JULIEN WAS FORTTEEN YEARS OLD AND LOOK AT HIM NOW. COUNCILMAN JULIEN INDICATED THAT HE REALLY DID NOT NEED TO WISH MR. LENARD LUCK BECAUSE COUNCILMAN JULIEN KNOWS EVERYTHING WILL BE JUST FINE. MR. LENARD IS A BRIGHT MAN AND EVERYTHING WILL JUST BE GOOD FOR HIM. COUNCILMAN JULIEN INDICATED THAT IT REALLY HAS BEEN A PLEASURE.

(CNMB-CC MINUTES TAPE #410)

3. COUNCILMAN JULIEN STATED TO THE CITY MANAGER THAT HE WANTED TO POINT OUT SOMETHING TO HIM THAT HAS COME TO COUNCILMAN JULIEN'S ATTENTION FROM SEVERAL RESIDENTS AND IT CONCERNS THE BUILDING DEPARTMENT UNFORTUNATELY. COUNCILMAN JULIEN STATED THAT HE HAS BEEN TOLD THAT SOME OF THE EMPLOYEES ARE RATHER ON THE RUDE SIDE WHEN IT COMES TO DEALING WITH THE PUBLIC. THEIR ATTITUDE IS THAT OF THEY ARE VERY UNCOOPERATIVE AND THEY PROVIDE A LOT OF MISINFORMATION AT TIMES. COUNCILMAN JULIEN INDICATED THAT HE DOES NOT THINK THAT IS THE KIND OF IMAGE THEY WANT THE BUILDING DEPARTMENT TO PORTRAY BECAUSE OBVIOUSLY THE PEOPLE THAT ARE GOING THERE ARE RESIDENTS AND CONTRACTORS THAT ARE TRYING TO GET THINGS DONE. COUNCILMAN JULIEN STATED THAT HE IS LOOKING TO THE CITY MANAGER TO FIX WHATEVER THE PROBLEM IS OVER THERE. COUNCILMAN JULIEN WISHED EVERYBODY A MERRY CHRISTMAS, HAPPY HOLIDAYS TO ALL OF YOU AND HAPPY NEW YEAR TO ALL AND ONE AND MAY GOD CONTINUE TO BLESS YOU.

(CNMB-CC MINUTES TAPE #410)

G. MAYOR MARIN'S REPORT:

1. MAYOR MARIN CONGRATULATED MR. EMERITUS AND STATED THAT IT HAS BEEN A LONG TIME THEY HAVE WORKED TOGETHER FOR TWENTY YEARS. THEY HAVE HAD TWENTY YEARS OF ARGUMENTS UP AND DOWN AND IT HAS BEEN INTERESTING. MAYOR MARIN INDICATED THAT HE IS GOING TO MISS MR. HOWARD LENARD AND WISHED HIM GOOD LUCK IN THE FUTURE.

(CNMB-CC MINUTES TAPE #410)

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

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

2. MAYOR MARIN STATED TO THE CITY MANAGER THAT THERE IS AN INTERESTING ARTICLE THAT HE NOTICED IN THE PAPER YESTERDAY. THERE WAS A BUILDING WHERE THE SEALING COLLAPSED LOCALLY AND MAYOR MARIN INDICATED THAT IT WAS A 50 YEAR OLD BUILDING HERE IN NORTH MIAMI BEACH AND LUCKLY NOBODY WAS INJURED. MAYOR MARIN STATED THAT IT TURNS OUT THAT IT WAS A 50 YEAR OLD BUILDING THAT, FOR WHATEVER REASON, MAYOR MARIN DOES NOT HAVE ANY IDEA WHY IT CAME DOWN. MAYOR MARIN STATED THAT HE BELIEVES WE HAVE A RECERTIFICATION PROGRAM AT LEAST IN DADE COUNTY HE KNOWS THEY DO 40 YEARS. MAYOR MARIN STATED THAT THEY NEED TO FIND OUT WHY THIS HAPPENED THERE.

(CNMB-CC MINUTES TAPE #410)

3. MAYOR MARIN STATED THAT, ON A SOMBER NOTE, MAYOR MARIN HAS BEEN INFORMED BY SOME PEOPLE IN THE AUDIENCE THAT ATTEND THESE MEETINGS ON A REGULAR BASIS THAT THEY ARE PASSING AROUND RUMORS THAT SOME MEMBERS ON THAT DAIS ARE TAKING KICKBACKS AND SPECIFICALLY MENTIONED WAS MAYOR MARIN. MAYOR MARIN INDICATED THAT HE CARRIES WITH HIM A FORM THAT HAS THE PHONE NUMBERS FOR KATHY FERNANDEZ RANDLE THE STATE ATTORNEY WHO'S PHONE NUMBER IS 305-547-0100, JOSEPH CENTORINO WHO IS THE MIAMI-DADE COUNTY ASSISTANT STATE ATTORNEY FOR PUBLIC CORRUPTION AT 305-547-0664, THE NUMBER FOR ROBERT MYERS OF THE MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST WHO'S NUMBER IS 305-579-2594, LAST BUT NOT LEAST ALEX ACOSTA THE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA WHO'S PHONE NUMBER IS 305-961-9000. MAYOR MARIN STATED THAT THE INFORMATION THAT IS COMING TO HIM FROM THIS ALLEGED PERSON MAYOR MARIN HAPPENS TO KNOW WHO IT IS AND HE IS NOT GOING TO GO ANYWHERE BEYOND THAT. MAYOR MARIN INDICATED THAT IF YOU TRULY BELIEVE THAT HE OR ANYBODY UP THERE EITHER ELECTED OR THAT WORKS FOR THE CITY IS TAKING ALLEGED KICKBACKS FROM ANYBODY YOU HAVE A MORAL OBLIGATION TO INFORM THE POLICE DEPARTMENT AND THE APPROPRIATE AUTHORITIES. MAYOR MARIN STATED THAT HE DOES ENCOURAGE YOU HE REALLY DOES ENCOURAGE YOU TO MAKE THAT PHONE CALL OR SHUT YOUR MOUTH UNLESS YOU CAN BACK IT UP. MAYOR MARIN INDICATED THAT IF YOU THINK IT IS EASY BEING UP HERE YOU HAVE ANOTHER GUESS COMING

(CNMB-CC MINUTES TAPE #410)

4. MAYOR MARIN STATED THAT HE WANTED TO ANNOUNCE THAT, IN TODAYS ELECTION, AS OF 15 MINUTES AGO, OUT OF 765 PRECINCTS 762 HAVE REPORTED THE ELECTION RESULTS AND YOUR NEW PROPERTY APPRAISER IS PEDRO GARCIA WHO OBTAINED 58.71 PERCENT OF THE VOTE AND GWEN MARGOLIS GOT 41.29 PERCENT OF THE VOTE.

(CNMB-CC MINUTES TAPE #410)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

G. MAYOR MARIN'S REPORT - CONTINUED:

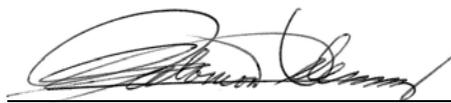
5. MAYOR MARIN STATED THAT, ON BEHALF OF HIS FAMILY, HE WANTED TO WISH EVERYBODY A MERRY CHRISTMANS, A HAPPY KWANZAA, A HAPPY HANUKKA, AND A GREAT NEW YEAR. MAYOR MARIN INDICATED THAT HE HOPES NEXT YEAR CAN BRING SOME PEACE TO EVERYBODY; HE HOPES THAT OUR TROOPS FINALLY COME BACK AND ON JANUARY 20TH WE WILL HAVE A CHANGE IN ADMINISTRATION AND MAYOR MARIN THINKS EVERYTHING WILL START HAPPENING FROM THAT DATE FORWARD. MAYOR MARIN STATED THAT THE NEXT CITY COUNCIL MEETING WILL BE TUESDAY, JANUARY 6 AND HAPPY NEW YEAR TO EVERYBODY, GOODNIGHT, GOD BLESS EACH AND EVERYONE OF YOU AND MAYOR MARIN WILL SEE YOU NEXT YEAR.

(CNMB-CC MINUTES TAPE #410)

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 10:02 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 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 SIXTEENTH (16TH) DAY OF DECEMBER, 2008.



SOLOMON ODENZ, CITY CLERK
CITY OF NORTH MIAMI BEACH

(SEAL)