

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

SEPTEMBER 1, 2009



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

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MINUTES
(CNMB-CC MINUTES TAPE #424)

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1. ROLL CALL OF THE CITY OFFICIALS:

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

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:**

RE-ORDERING(S): ITEM #6(B)
SWEARING IN OF SPECIAL MAGISTRATES WERE MOVED TO
THE BEGINNING OF THE AGENDA

WITHDRAWAL(S): ITEM #5(D)
RESOLUTION NO. R2009-49 WAS WITHDRAWN FROM THE
AGENDA PER STAFF RECOMMENDATION.

ADDITION(S): ITEM #6 (A)(4)
ADDITION OF MARIANNE NAPOLITANO AS A NOMINEE FOR
APPOINTMENT TO THE MULTI-CULTURAL COMMITTEE

ITEM #6(B)

ADDITION OF A SPECIAL PRESENTATION FROM COUNCILMAN
FRANTZ PIERRE

ITEM #6(B)(1-5) SWEARING IN OF SPECIAL MAGISTRATES PEGGY FISHER,
PHOEBOEE FRANCOIS, DAVID FRIEDMAN, BONNIE KATZ, AND
NORMAN POWELL

SWEARING IN PERFORMED BY SUSAN A. OWENS, CITY CLERK.

AT THIS TIME, THE COUNCIL AGREED TO GO OUT OF THE REGULAR ORDER OF BUSINESS
TO DISCUSS THE FOLLOWING ITEMS.

ITEM #5(A)(1) MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN
SMITH to APPOINT COUNCILMAN FRANTZ PIERRE as the new VICE
MAYOR. MOTION CARRIED.

ITEM #6(B)(6) PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY
COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY
MANAGER, TO ANDRISE BERNARD

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

ADDITION: 6(B) PRESENTATION OF CERTIFICATE OF RECOGNITION BY
COUNCILMAN FRANTZ PIERRE, KELVIN L. BAKER, CITY
MANAGER, AND DR. SIEGEL TO POLICE CHIEF, RAFAEL P.
HERNANDEZ FOR HIS OUTSTANDING EFFORTS DURING
OPERATION DEAD END

PRESENTATION WAS MADE BY COUNCILMAN PIERRE, KELVIN L.
BAKER, AND DR. SIEGEL.

ITEM #6(B)(7) PRESENTATION OF PROCLAMATIONS BY MYRON ROSNER,
PROCLAIMING THE CITY'S APPRECIATION TO THE PERFORMERS
AND DONATORS THAT PARTICIPATED IN THE COMMUNITY
FESTIVAL 2009

PRESENTATION WAS MADE TO DR. SYLVESTER BRAIWITHWAITE,
JAMROCK ENTERTAINMENT GROUP, INC., AND MR. P.
ENTERTAINMENT BY MAYOR ROSNER, PAULETTE MURPHY,
DIRECTOR LEISURE SERVICES, AND GLENN FINNEY, ASSISTANT
DIRECTOR LEISURE SERVICES.

SPECIAL PRESENTATION WAS MADE BY MAYOR ROSNER,
PAULETTE MURPHY, DIRECTOR LEISURE SERVICES, AND GLENN
FINNEY, ASSISTANT DIRECTOR LEISURE SERVICES TO POLICE

CHIEF RAFAEL P. HERNANDEZ FOR ALL OF THE POLICE
DEPARTMENT'S SUPPORT OF THE COMMUNITY FESTIVAL

MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN SPIEGEL to RETURN TO
REGULAR ORDER OF BUSINESS. MOTION CARRIED.

5. CONSENT AGENDA:

A. APPOINTMENTS:

1. NEW VICE MAYOR – COUNCILMAN FRANTZ PIERRE

SEE PAGE 2.

B. APPROVAL OF MINUTES:

1. JULY 21, 2009

C. MOTION:

1. MOTION TO RESCHEDULE THE SEPTEMBER 15, 2009 REGULAR MEETING OF THE CITY COUNCIL TO SEPTEMBER 22, 2009

D. RESOLUTIONS:

RESOLUTION NO. R2009-48, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH MIAMI BEACH TO BE SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF SUCH PROPERTY IN ACCORDANCE WITH SECTION 3-3.3 OF THE CITY CODE."

PULLED FROM CONSENT AGENDA FOR DISCUSSION. ITEM TO BE HEARD AT THE END OF THE REGULAR AGENDA (SEE PAGE 4).

RESOLUTION NO. R2009-49, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH SHARPTON BRUNSON & COMPANY, P.A., AS THE FIRST RANKED FIRM; KEEFE, MCCULLOUGH & CO. LLP, AS THE SECOND RANKED FIRM; AND MCGLADERY & PULLEN, LLP, AS THE THIRD RANKED FIRM, FOR AN INDEPENDENT FINANCIAL AUDITING SERVICES."

WITHDRAWN PER STAFF RECOMMENDATION (SEE PAGE 1).

RESOLUTION NO. R2009-51, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN

AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE TO REDUCE THE CITY'S COSTS OF PURCHASING GOOD THROUGH A COOPERATIVE PROCESS."

RESOLUTION NO. R2009-52, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FLORIDA DESIGN CONTRACTORS, INC. TO REMOVE VOLATILE ORGANIC COMPOUNDS FROM THE NORWOOD-OEFFLER WATER TREATMENT PLANT."

RESOLUTION NO. R2009-53, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TASCO PLUMBING CORPORATION TO INSTALL SEWER PIPES FROM HOUSES IN HIGHLAND VILLAGE TO THE CITY'S NEWLY INSTALLED SANITARY SEWER SYSTEM."

RESOLUTION NO. R2009-54, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE FLORIDA STATE LEGISLATURE TO PROHIBIT PERSONS FROM USING ANY ELECTRONIC COMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE."

MOTION by COUNCILMAN JULIEN, seconded by COUNCILWOMAN SMITH to APPROVE THE CONSENT AGENDA AS AMENDED (SEE PAGE 1, ITEM #4).

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN to REMOVE RESOLUTION NO. R2009-48 FROM THE CONSENT AGENDA and to APPROVE THE CONSENT AGENDA AS FURTHER AMENDED. MOTION CARRIED.

6. **APPOINTMENTS/PRESENTATIONS:**

A. **APPOINTMENTS:**

1. SAMUEL NANTON – PUBLIC UTILITIES COMMISSION

MOTION by COUNCILMAN PIERRE, seconded by VICE MAYOR JULIEN, to APPOINT SAMUEL NANTON to the PUBLIC UTILITIES COMMISSION. MOTION CARRIED.

2. BARRY MOSES (Alternate) – CODE ENFORCEMENT BOARD

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN PIERRE to APPOINT BARRY MOSES (as Alternate) to the CODE ENFORCEMENT BOARD. MOTION CARRIED.

3. LILI ROTHOLZ – LIBRARY BOARD

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILMAN PIERRE, to APPOINT LILI ROTHOLZ to the LIBRARY BOARD. MOTION CARRIED.

4. IRENE METZ, JEAN A. POMPEE, ERNEST MEDINA (Ex-Officio), AND MARIANNE NAPOLITANO – MULTI-CULTURAL COMMITTEE

MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN SMITH to APPOINT IRENE METZ, JEAN A. POMPEE, ERNEST MEDINA (as Ex-Officio), AND MARIANNE NAPOLITANO to the MULTI-CULTURAL COMMITTEE. MOTION CARRIED.

5. MAMIE WILLIS AND TOBY ADELMAN (Ex-Officio) – COMMISSION ON AGING-SENIOR CITIZENS ADVISORY BOARD

MOTION by COUNCILWOMAN SMITH, seconded by COUNCILWOMAN SPIEGEL, to APPOINT MAMIE WILLIS AND TOBY ADELMAN (as Ex-Officio) to the COMMISSION ON AGING-SENIOR CITIZENS ADVISORY BOARD. MOTION CARRIED.

6. ADVISORY COMMITTEE FOR DISABLED INDIVIDUALS (*Mayor Rosner*)

NOMINATIONS TO BE BROUGHT FORWARD AT THE SEPTEMBER 22, 2009 COUNCIL MEETING.

7. BEAUTIFICATION COMMITTEE (*Councilman Derosé*)

NOMINATIONS TO BE BROUGHT FORWARD AT THE SEPTEMBER 22, 2009 COUNCIL MEETING.

8. CIVIL SERVICE BOARD (*Councilwoman Spiegel*)

NOMINATIONS TO BE BROUGHT FORWARD AT THE SEPTEMBER 22, 2009 COUNCIL MEETING.

9. COMMISSION ON THE STATUS OF WOMEN (*Vice Mayor Julien*)

NOMINATIONS TO BE BROUGHT FORWARD AT THE SEPTEMBER 22, 2009 COUNCIL MEETING.

10. ECONOMIC DEVELOPMENT COMMISSION (*Councilwoman Smith*)

NOMINATIONS TO BE BROUGHT FORWARD AT THE SEPTEMBER 22, 2009 COUNCIL MEETING.

11. RECREATION COMMITTEE (*Councilwoman Kramer*)

NOMINATIONS TO BE BROUGHT FORWARD AT THE SEPTEMBER 22, 2009 COUNCIL MEETING.

12. REDEVELOPMENT ADVISORY BOARD (*Mayor Rosner*)

NOMINATIONS TO BE BROUGHT FORWARD ONCE THE NEW NOMINATING POLICY FOR THIS BOARD HAS BEEN APPROVED.

13. YOUTH ADVISORY BOARD (*Councilman Pierre*)

NOMINATIONS TO BE BROUGHT FORWARD AT THE SEPTEMBER 22, 2009 COUNCIL MEETING.

AT THIS TIME, COUNCILWOMAN SPIEGEL ASKED THE CITY BE MORE PROACTIVE IN NOTIFYING RESIDENTS THAT WE NEED VOLUNTEERS. COUNCILWOMAN SPIEGEL ALSO REQUESTED THAT MEMBERS OF THE AUDIENCE ASK THEIR FRIENDS, NEIGHBORS, AND EMPLOYEES TO APPLY. MAYOR ROSNER EMPHASIZED THAT THE CITY IS LOOKING FOR COMMITTED RESIDENTS WHO WANT TO PARTICIPATE. MAYOR ROSNER STATED THAT THE CITY IS LOOKING FOR ACTIVE VOLUNTEERS; HE SPOKE ABOUT THE RECENT LEGISLATION PASSED BY THE COUNCIL THAT REMOVES BOARD MEMBERS IF THEY MISS THREE (3) MEETINGS.

MAYOR ROSNER ANNOUNCED THAT THE NOMINATION PROCEDURE FOR THE REDEVELOPMENT ADVISORY BOARD WILL BE CHANGING; AND, HE ASKED THAT THE BOARD APPOINTMENTS FOR THAT BOARD BE DONE AFTER THE NEW PROCEDURE HAS BEEN APPROVED.

COUNCILWOMAN SPIEGEL REQUESTED THAT CURRENT BOARD MEMBERS BE NOTIFIED WHEN THEIR TERMS WERE EXPIRING, AND THAT THEY HAD THE RIGHT TO APPLY FOR RE-APPOINTMENT. COUNCILWOMAN SPIEGEL ALSO REQUESTED THAT THE CITY SEND OUT THANK YOU NOTES ON BEHALF OF COUNCIL THANKING ALL THE CITIZENS WHO VOLUNTEER AND GIVE THEIR TIME TO THE CITY. MAYOR ROSNER STATED THE CITY DOES PROVIDE THESE NOTICES TO THE BOARD MEMBERS.

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

A. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) PRESENTATION

THE CITY MANAGER ADDRESSED THE MAYOR AND COUNCIL, RESIDENTS AND COMMUNITY LEADERS. THE MANAGER STATED THAT BEFORE YOU TONIGHT IS A PRESENTATION OF YOUR ANNUAL COMPREHENSIVE FINANCIAL REPORT. IT WILL BE PRESENTED TO US TONIGHT BY OUR AUDITOR OF RECORD FROM MARCUM RACHLIN, MR. JERRY CHIOCHA. MR. CHIOCHA PRESENTED A SUMMARY OF THE REPORT TO THE COUNCIL. HE STATED THAT THE CITY RECEIVED A CLEAN AND UNQUALIFIED REPORT AND THAT THERE WERE NO DEFICIENCIES FOUND IN THE SINGLE AUDITS.

MAYOR ROSNER ASKED MR.CHIOCHA IF HE WOULD BE WILLING TO COME BACK FOR A PRE-COUNCIL MEETING TO DISCUSS SOME OF THE RECOMMENDATIONS HE MADE IN HIS REPORT. MAYOR ROSNER STATED THAT THIS MEETING WOULD ALLOW FOR STAFF INPUT ON THE REPORT AND FOR REMEDIES AS TO WHAT WE ARE EXPECTING, INSTEAD OF JUST TURNING IT OVER TO NEW AUDITORS. THE MAYOR STATED THAT THEY WOULD LIKE TO MAKE SURE THAT THE TRANSITION IS PROPER AND THAT THE CITY'S STAFF IS ADDRESSING IT. COUNCIL AGREED AND THE ITEM WILL BE ADDED TO THE SEPTEMBER 22, 2009 PRE-COUNCIL AGENDA.

VICE MAYOR JULIEN EXPRESSED CONCERNS OVER ERRONEOUS JOURNAL ENTRIES THAT WERE DISCOVERED BY THE AUDITORS AND WANTED TO KNOW HOW MANY PERIODS WERE CLOSED IMPROPERLY. MR. CHIOCHA STATED THAT HIS FIRM IS WORKING WITH THE FINANCE DEPARTMENT TO FIND OUT WHY THE NECESSARY INFORMATION WAS NOT COMING TO THE FINANCE DEPARTMENT. MAYOR ROSNER STATED THAT THAT'S WHY THEY ARE GOING TO ADDRESS IT AND SEE WHAT THE REMEDIES ARE SO THAT THE CHECKS AND BALANCES ARE IN PLACE.

COUCILWOMAN SMITH ASKED MR. CHIOCHA IF HE'D EVER SEEN THIS IN PREVIOUS YEARS. MR. CHIOCHA STATED NOT TO THIS EXTENT. IT MAY HAVE BEEN DUE TO THE PERSONNEL CHANGES IN THE FINANCE DEPARTMENT; BUT THE FINANCE DIRECTOR HAS SHARPENED UP THE DEPARTMENT SINCE THEN.

MAYOR ROSNER ASKED MR. CHIOCHA IF ANY FORENSIC ACCOUNTING WAS REQUIRED. MR. CHIOCHA RESPONDED THAT NO, IT WAS JUST ITEMS INCORRECTLY RECORDED.

COUNCILWOMAN SMITH ASKED IF THE MANAGER'S MOVING OF CERTAIN ACCOUNTS FROM THE WRONG DEPARTMENTS COULD HAVE SWAYED THE RESULTS. THE CITY MANAGER, KELVIN L. BAKER, STATED FOR THE RECORD THAT THIS AUDIT WAS FOR FISCAL YEAR 2008.

MAYOR ROSNER ANNOUNCED THAT THE SELECTION OF NEW AUDITORS WOULD BE MADE AT THE NEXT MEETING, AND THAT THAT WOULD BE A PERFECT JUNCTURE TO ENSURE A SMOOTH TRANSITION. MR. CHIOCA STATED THAT HE HAS ALREADY SPOKEN WITH THE TOP RANKED FIRM AND HAS MADE SEVERAL RECOMMENDATIONS TO THEM.

- B. THE CITY MANAGER WAS PLEASED TO REPORT THAT THE CITY JUST RECENTLY RECEIVED AN ADDITIONAL \$3 MILLION DOLLAR GRANT FROM THE STATE OF FLORIDA AS A PART OF A STIMULUS INITIATIVE. THOSE DOLLARS ARE EARMARKED FOR THE V.O.C. ISSUES AT THE WATER TREATMENT PLANT.

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

A. CITY ATTORNEY, DARCEE S. SIEGEL WANTED TO REPORT THAT THE CITY ATTORNEY'S OFFICE HAS BEEN VERY BUSY. AS YOU CAN SEE WE HAVE NINE PIECES OF LEGISLATION THAT'S ON THE AGENDA FOR THIS EVENING. WE CONTINUE TO WORK HARD TO PUT THE LEGISLATION FORWARD. NEXT MEETING WE ARE GOING TO BE TALKING ABOUT VARIOUS OTHER ITEMS. THE CITY ATTORNEY ANNOUNCED THAT WE'VE HAD A FORFEITURE THAT JUST CLOSED, THAT MY OFFICE HANDLED, FOR \$1.1 MILLION DOLLARS THAT HAS COME NOW TO THE CITY, AND WE DID IT IN A RECORD SPEED OF TIME. THE CITY ATTORNEY STATED THAT SHE JUST WANTED THE COUNCIL TO KNOW THAT WE'RE WORKING HARD FOR THE CITY AND WE WILL CONTINUE TO DO SO.

9. PUBLIC COMMENT:

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

RE: PENSION ISSUES, WATER SUPPLY AND CONSERVATION SURCHARGE, BOOKBAG GIVEWAY PROGRAM, DEDICATION OF 15TH AVENUE, FP&L SURCHARGE, TRANSIT MEETING, MOMENT OF SILENCE FOR TED KENNEDY AND OTHERS WHO PASSED AWAY THIS SUMMER.

AT THIS TIME MAYOR ROSNER REQUESTED THAT A PROCLAMATION TO MIAMI-DADE COUNTY COMMISSIONER SALLY HEYMAN FOR HER ASSISTANCE WITH THE 15TH AVENUE PROJECT BE ADDED TO THE NEXT COUNCIL MEETING. COUNCIL AGREED.

B. BURT KEHREN
3302 NE 171 Street
North Miami Beach, FL

RE: PERMITS FOR AIR CONDITIONERS, CODE ENFORCEMENT VERSUS PUBLIC AWARENESS, STREAMLINING PERMITTING PROCESS.

C. SUZIE SMITH
20803 Biscayne Blvd.
Aventura, FL

RE: THE IMPORTANCE OF VOTING IN ELECTIONS.

D. JANICE COAKLEY (AFSCME UNION PRESIDENT)
19681 NW 33 Avenue
Miami Gardens, FL

RE: BEAUTIFICATION DEPARTMENT STAFFING AND PRIVATIZATION.

E. FRANK WOLLAND (*LOBBYIST FOR JOSEPH PAGLINO*)
12865 W. Dixie Highway
North Miami, FL

RE: BAMBOO GARDEN BANQUET HALL.

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

RE: HOME CHEMICAL COLLECTION CENTERS FOR HAZARDOUS MATERIALS AND THE NORTH MIAMI BEACH RECYCLING PROGRAM, CODE ENFORCEMENT, MORATORIUM ON HEDGES, SUPPORT CITY MANAGERS, MILLAGE RATE, AND PERMIT FEES.

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

RE: MILLAGE RATE, VICE MAYOR JULIEN'S COMMENT ON TEENAGERS, AGENDA, ISLAMIC HOLIDAY SIGNS, AUDIT FINDINGS, SUPPORT FOR POLICE CHIEF, WATER CHARGES, BUDGET HEARING LENGTH.

AT THIS TIME VICE MAYOR JULIEN WISHED TO CLARIFY HIS PREVIOUS COMMENTS REGARDING TEENAGERS. HE STATED THAT WHEN HE CALLED THEM KNUCKLEHEADS, THAT HE MEANT THAT TONGUE IN CHEEK. HE STATED THAT THEY DO SILLY THINGS, AND, THAT HE USED THE TERM WITH ALL THE LOVE IN HIS HEART.

COUNCILWOMAN SMITH ASKED WHY THE REQUEST FOR REVOCATION OF BAMBOO BANQUET HALL'S BUSINESS TAX RECEIPT CAME BEFORE THE COUNCIL TO VOTE ON. THE COUNCILWOMAN ASKED IF THE CITY ALREADY HAS GUIDELINES IN PLACE FOR THEM. THE CITY ATTORNEY CONFIRMED THAT THERE WERE.

THE CITY ATTORNEY STATED THAT THE CITY AND THE POLICE DEPARTMENT HAVE INVESTIGATED THE ISSUES AND SHE BELIEVES MR. WOLLAND'S ALLEGATIONS TO BE UNFOUNDED. SINCE THE AUTHORITY TO REVOKE A BUSINESS TAX RECEIPT LIES WITH THE COUNCIL. IT WOULD BE APPROPRIATE FOR THIS ITEM TO COME BEFORE THE COUNCIL. ONE OF THE COUNCIL MEMEBERS HAS REQUESTED THAT THIS BE PLACED ON THE AGENDA. A FULL HEARING WILL BE CONDUCTED AND THE COUNCIL WILL HEAR BOTH SIDES. COUNCILWOMAN SMITH REQUESTED THE HISTORY AND SUBSTANTIAL INFORMATION BEFORE THE HEARING.

COUNCILWOMAN SPIEGEL EXPRESSED CONCERN OVER WHAT TYPE OF PRECEDENT THIS SETS. THE COUNCILWOMAN STATED THAT IT WAS INAPPROPRIATE TO ENTERTAIN SUCH REQUESTS BROUGHT FORWARD BY A CITIZEN. MAYOR ROSNER CLARIFIED THAT SINCE A COUNCILMEMBER REQUESTED IT, THAT IT IS AN APPROPRIATE AGENDA ITEM. THE CITY ATTORNEY STATED THAT SUCH ITEMS SHOULD BE COMING FROM THE CITY. COUNCILWOMAN SPIEGEL REQUESTED TO KNOW IF IT IS A PROPER GOVERNMENTAL

EXERCISE TO BE INVOLVED IN CITIZEN DISPUTES, OR IF THE PROPER WAY IS TO HAVE STAFF CONDUCT INVESTIGATIONS AND DETERMINE IF THERE IS PROBABLE OR REASONABLE CAUSE TO BRING IT BEFORE THE COUNCIL.

COUNCILWOMAN SMITH ALSO EXPRESSED CONCERNS WITH THIS PRECIDENT. COUNCILWOMAN SPIEGEL SUGGESTED THAT IF THEY PLACE THIS ITEM ON THE AGENDA, THAT THE CITY PREPARE A REPORT AND GIVE NOTICE TO THE PROPERTY OWNER.

VICE MAYOR JULIEN ANNOUNCED THAT HE WAS THE COUNCILMEMBER THAT REQUESTED THIS ITEM BE PLACED ON THE AGENDA FOR DISCUSSION, NOT REVOCATION. THE VICE MAYOR STATED THAT HE BELIEVES HE HAS EVERY RIGHT TO PUT IT ON THE AGENDA. HE ALSO STATED THAT COUNCIL HAS, IN THE PAST, LISTENED TO COMPLAINTS BROUGHT FORWARD BY CITIZENS. VICE MAYOR JULIEN STATED THAT EVERYONE HAS A RIGHT TO COMPLAIN AND A RIGHT TO BE HEARD.

MAYOR ROSNER STATED THAT THE ITEM HAD TO BE PLACED ON THE AGENDA AS A REVOCATION. MAYOR ROSNER CONCURRED WITH THE VICE MAYOR AND STATED THAT THE COUNCIL DOES SIT AS A QUASI-JUDICIAL BODY TO HEAR BOTH SIDES. HE STATED THAT THERE IS AN AGREEMENT IN PLACE THAT WE CAN REVIEW AND MAKE SUGGESTIONS ON.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. BUSINESS TAX RECEIPT MATTERS - CITY CLERK:

A. MAVERICKS HIGH OF NORTH MIAMI – DADE COUNTY

16150 NE 17 AVENUE
NORTH MIAMI BEACH, FL 33162

MARK F. THIMMIG, PRESIDENT

RE: ISSUANCE OF NEW BUSINESS TAX RECEIPT

MOTION by VICE MAYOR JULIEN, seconded by COUNCILMAN PIERRE, to APPROVE THE ISSUANCE OF A NEW BUSINESS TAX RECEIPT TO MAVERICKS HIGH OF NORTH MIAMI-DADE COUNTY. MOTION CARRIED.

Name of Party (ies) Appearing:

1. MARK F. THIMMING, CEO & PRESIDENT
3120 NE 55 Court
Ft. Lauderdale, FL

13A. ADMINISTRATION OF TESTIMONY OATH - CITY CLERK:

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

13B. LEGISLATION:

ORDINANCES - FIRST READING, BY TITLE ONLY
(SERIATIM NO. 2009-19):

ORDINANCE NO. 2009-17 entitled "AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION OF A PROPERTY REZONED BY CITY OF NORTH MIAMI BEACH ORDINANCE NO. 96-1 ON FEBRUARY 6, 1996", was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILWOMAN KRAMER.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILWOMAN KRAMER to ADOPT ORDINANCE NO. 2009-17 ON ITS FIRST READING BY TITLE ONLY. MOTION CARRIED.

AT THIS TIME COUNCILWOMAN SMITH REQUESTED THAT THE HISTORY OF THIS ITEM BE PROVIDED TO COUNCIL BEFORE SECOND READING.

Name of Party (ies) Appearing:

1. ROBERT NIX, City of North Miami Beach Community Development Director
17050 NE 19th Avenue
North Miami Beach, FL

ORDINANCE NO. 2009-18 entitled "AN ORDINANCE AMENDING CHAPTER X OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH ENTITLED SUBDIVISION AND FLOODPLAN STANDARDS; UPDATING THE LANGUAGE TO BE CONSISTENT WITH THE FLORIDA MODEL FLOOD DAMAGE PREVENTION ORDINANCE AND TITLE 44, CODE OF FEDERAL REGULATIONS; DESIGNATING THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE AS THE FLOODPLAN ADMINISTRATOR; ESTABLISHING INTERDEPARTMENTAL ADMINISTRATIVE

REQUIREMENTS, DEFINING TERMS; PROVIDING FOR ONE FOOT OF FREEBOARD IN REQUIRED FLOOD ELEVATIONS; UPDATING THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD TO THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS; AND MAKING SUCH OTHER AMENDMENTS AS MAY IMPROVE THE CITY'S STANDING IN THE COMMUNITY RATING SYSTEM, AND ENSURE COMPLIANCE WITH FEDERAL REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE." was introduced by MOTION of COUNCILMAN DEROSE, seconded by COUNCILWOMAN KRAMER ON ITS FIRST READING BY TITLE ONLY.

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN to ADOPT ORDINANCE NO. 2009-18 ON ITS FIRST READING BY TITLE ONLY. MOTION CARRIED.

Name of Party (ies) Appearing:

1. ROBERT NIX, City of North Miami Beach Community Development Director
17050 NE 19th Avenue
North Miami Beach, FL

ORDINANCES - SECOND AND FINAL READING:

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

MOTION by COUNCILMAN DEROSE, seconded by VICE MAYOR JULIEN to ADOPT ORDINANCE NO. 2009-16 ON ITS SECOND AND FINAL READING. MOTION CARRIED.

Name of Party (ies) Appearing:

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

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

RESOLUTION NO. R2009-48, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DECLARING CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH MIAMI BEACH TO BE SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR THE SALE OR DISPOSITION OF SUCH PROPERTY IN ACCORDANCE WITH SECTION 3-3.3 OF THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE, was introduced for discussion by MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN KRAMER.

MOTION by VICE MAYOR JULIEN, seconded by COUNCILMAN DEROSE to APPROVE RESOLUTION NO. R2009-48.

AFTER MUCH DISCUSSION, VICE MAYOR JULIEN WITHDREW HIS PREVIOUS MOTION.

MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN KRAMER to AMEND SECTION 3 OF RESOLUTION NO. R2009-48 TO REFLECT THE MODIFICATION BELOW, AND TO APPROVE RESOLUTION NO. R2009-48 AS AMENDED.

1. AMEND SECTION 3 TO READ: "THE CITY MANAGER IS HEREBY AUTHORIZED TO SELL OR DISPOSE OF THE ABOVE REFERENCED SURPLUS PROPERTY BY PUBLIC AUCTION OR BY OTHER PROCEDURES ESTABLISHED BY THE CITY MANAGER."

MOTION CARRIED.

WITH COUNCILMAN DEROSE, COUNCILMAN PIERRE, AND COUNCILWOMAN KRAMER VOTING IN THE NEGATIVE.

Name of Party (ies) Appearing:

1. MUBARAK KAZAN
15564 NE 12 Avenue
North Miami Beach, FL
2. FORTUNA SMUKLER
3207 NE 168 Street
North Miami Beach, FL
3. ALLISON ROBIE
2131 NE 179 Street
North Miami Beach, FL
4. CHARLES LOEB
16800 NE 15th Avenue
North Miami Beach, FL

14. CITY COUNCIL COMMITTEE REPORTS:

A. VICE MAYOR JULIEN:

1. VICE MAYOR JULIEN STATED THAT, AS WE ALL KNOW, SCHOOL IS BACK AND SO IT GOES WITHOUT SAYING THAT I AM GLAD. THE VICE MAYOR STATED THAT HE WAS RELIEVED THAT THE BRATS ARE BACK IN SCHOOL.

2. VICE MAYOR JULIEN STATED THAT THERE'S BEEN A COUPLE OF E-MAILS THAT HAVE BEEN DISSEMINATED, AND TO WHAT KIND OF A DISTRIBUTION LIST HE WAS NOT REALLY SURE, BUT HE JUST WANTED TO PUBLICLY MAKE A COUPLE OF STATEMENTS CONCERNING WHAT HE SAW IN THAT E-MAIL. VICE MAYOR STATED THAT HE WAS NOT GOING TO BELABOR THE E-MAIL ITSELF, BUT THE CITY OF NORTH MIAMI BEACH RIGHT NOW IS PROPOSING A BUDGET FOR THE 2009-2010 FISCAL YEAR OF \$55 MILLION DOLLARS. OF THAT \$55 MILLION DOLLARS, A LITTLE OVER \$11 MILLION REPRESENTS PENSION COSTS AND THAT'S NOT COUNTING SALARIES. OF THAT \$11 PLUS MILLION DOLLARS OF PENSION COSTS, \$7.7 MILLION DOLLARS OF IT IS THE POLICE DEPARTMENT'S PENSION. THERE ISN'T A SINGLE, WELL I'M NOT GOING TO SPEAK FOR EVERYBODY THAT'S UP HERE, BUT I FOR ONE APPRECIATE AND ADMIRE OUR POLICE DEPARTMENT AND EVERY SINGLE THING THE POLICE FORCE DOES. AND I'LL BE ON THE RECORD AGAIN AS SAYING THAT I WANT OUR POLICE DEPARTMENT TO REMAIN IN THE CITY OF NORTH MIAMI BEACH. BUT IF THE PENSION, NOT SALARIES, IF THE PENSION IS LEFT UNCHECKED AS IT HAS BEEN IN THE PAST, THE PENSION WILL BANKRUPT US AS HAS HAPPENED TO MANY OTHER MUNICIPALITIES IN THE COUNTRY. NEXT YEAR, NEXT YEAR NOT THIS YEAR, BECAUSE I BELIEVE THE MANAGER AND THE STAFF HAS A VERY GOOD HANDLE ON THIS BUDGET, WE'RE 99.9% BALANCED FOR THIS YEAR. BUT NEXT YEAR, AT A MINIMUM, WE MUST CONTRIBUTE \$4 MILLION TO THE POLICE PENSION, BUT MOST LIKELY IT WILL BE MORE. AND EVEN IF WE WERE TO RAISE THE PROPERTY TAXES TO THE MAXIMUM OF 10 MILLS WE COULD NOT AFFORD THE PENSION. IF WE WERE TO DISSEMINATE THE POLICE DEPARTMENT BY LAYING OFF A LOT OF OFFICERS WE COULD NOT AFFORD THE PENSION. WE CANNOT CONTINUE TO PLACE A BAND-AID ON A KNIFE WOUND, AND WE CANNOT CONTINUE TO STICK OUR HEADS IN THE SAND AND MAKE BELIEVE LIKE THE PROBLEM IS GOING TO GO AWAY. THE VICE MAYOR STATED THAT WE'VE IGNORED IT FOR FAR TOO LONG AND I THINK IT'S ABOUT TIME THAT WE HAVE AN OPEN AND HONEST AND PUBLIC DIALOGUE AS TO WHAT IS GOING ON AND WHAT IS THE FINANCIAL STATUS OF THE CITY OF NORTH MIAMI BEACH. ARE WE A VIABLE ORGANIZATION? ABSOLUTELY, BUT WE HAVE TO MAKE CERTAIN CHANGES AND THE CHANGE IS CALLED PENSION REFORM.

AND IF WE DON'T REFORM OUR PENSION WE ARE MOST LIKELY GOING TO BE HEADING DOWN A ROAD THAT I DO NOT WANT TO GO DOWN.

3. VICE MAYOR JULIEN STATED THAT WITH THAT, I THANK YOU ALL AND IF THERE ARE ANY QUESTIONS FROM THE COMMUNITY. TODAY I SPENT THE ENTIRE DAY ON THE PHONE TALKING ABOUT THIS VERY ITEM. I WELCOME EVERYONE TO GIVE ME A CALL AND I'LL BE MORE THAN HAPPY TO SPEAK WITH EACH AND EVERY ONE OF YOU AND GIVE YOU ALL THE FACTS AS IT IS. THANK YOU VERY MUCH AND GOD BLESS YOU ALL.

B. COUNCILWOMAN SPIEGEL:

1. COUNCILWOMAN SPIEGEL STATED THAT JUST TO FOLLOW UP A LITTLE ON VICE MAYOR JULIEN. HE AND I SIT ON THE POLICE AND FIRE PENSION BOARD AND IF ANYBODY IS NOT CONVINCED AS TO HOW SERIOUS IT IS THE BOARD'S ACTUARY OPINED IN RESPONSE TO A DIRECT QUESTION THAT WE ARE NOT QUITE 50% FUNDED IN THAT PENSION RIGHT NOW. IT'S SERIOUS. IT IS A VERY SERIOUS OBLIGATION. THERE NEEDS TO BE PENSION REFORM; AND, MY UNDERSTANDING IS THAT BY 2014 THAT PENSION HAS TO BE AT LEAST 70% FUNDED. SO WE'RE LOOKING AT A SERIOUS FINANCIAL BUDGETARY BURDEN IN THE NEXT FOUR FISCAL YEARS AND IT'S VERY SERIOUS.
2. COUNCILWOMAN SPIGEL STATED THAT IT'S BEEN A LONG TIME SINCE WE MET. SHE'S ALSO ATTENDED A CIVIL SERVICE BOARD AND AS SHE SAID BEFORE, WE NEED RESIDENT MEMBERS.
3. COUNCILWOMAN SPIEGEL STATED THAT IN THE INTERIM SINCE OUR LAST MEETING SHE ATTENDED THE LEAGUE OF CITIES MEETING, BROUGHT BACK ALONG WITH COUNCILWOMAN KRAMER, AND SHE WAS CERTAIN COUNCILWOMAN SMITH, A LOT OF INFORMATION FOR OUR CITY COUNCIL. THE COUNCILWOMAN STATED THAT SHE IS EXCITED ABOUT SOME OF THE GREEN INITIATIVES. YOU CAN ASK THE MANAGER. SHE IS VERY EXCITED ABOUT BEING ABLE TO REPLACE THE FLUORESCENT LIGHTS OVERHEAD WITH GREEN LIGHTING. BUT ONE OF THE OTHER THINGS THAT CAME UP AT THE LEAGUE OF CITIES THAT I THOUGHT WAS AN EXCELLENT SUGGESTION IS, WE HAVE A LOBBYIST. I THINK THE LOBBYIST SHOULD BE MAKING MORE REGULAR REPORTS BEFORE SESSION UP IN TALLAHASSEE. OUR LOBBYIST SHOULD BE REPORTING TO US AS TO WHAT BILLS ARE UP THERE, ARE BEING INTRODUCED, ARE BEING PREPARED TO BE INTRODUCED. COUNCILWOMAN SPIEGEL STATED THAT SHE WOULD ASK THAT WE CONTACT OUR LOBBYIST AND ASK FOR MORE REGULAR REPORTS, HEADS UP ON STUFF, ON

LEGISLATION THAT'S GOING TO BE INTRODUCED AND MAYBE AN ACTION REPORT SUCH AS ON THE LEGISLATION THAT WAS PASSED WITH REGARD TO WHAT THE CITY CAN AND CANNOT SPEND MONEY ON IN DISSEMINATING INFORMATION TO OUR CITIZENS.

4. COUNCILWOMAN SPIEGEL WOULD PERSONALLY LIKE TO THANK THE POLICE OFFICERS FOR INVITING THE COUNCIL TO THEIR AWARDS DINNER. IT WAS FUN. IT WAS NICE TO GET TO MEET THE POLICE OFFICERS; AND, IT WAS CERTAINLY A VERY IMPORTANT EVENT TO REALIZE HOW MUCH WORK THEY DO AND HOW MUCH THEY PUT THEIR LIVES ON THE LINE FOR US.
5. COUNCILWOMAN SPIEGEL STATED THAT SHE DOESN'T KNOW WHO TO COMPLIMENT, BUT THE LIBRARY EVENT WITH PROFESSOR BRAMSON WAS REALLY INTERESTING, AND KUDOS TO OUR MANAGEMENT WHO HAVE ENGAGED HIM, ALONG WITH OUR LIBRARIAN AND THE RESIDENTS WHO SHOWED UP, TO WORK ON THE HISTORY OF NORTH MIAMI BEACH. IT WAS FUN AND IT WAS INTERESTING.
6. COUNCILWOMAN SPIEGEL WISHED EVERYONE A GOOD NIGHT AND STATED THAT SHE WOULD SEE EVERYONE IN A WEEK.

C. COUNCILWOMAN SMITH'S REPORT:

1. COUNCILWOMAN SMITH STATED THAT SHE'D LIKE TO MAKE MENTION OF THE \$3 MILLION DOLLARS THAT SHE HEARD REPEATEDLY TONIGHT FROM SOME OF OUR RESIDENTS. THAT \$3 MILLION DOLLARS, FOR TWO YEARS OUR MANAGER HAS BEEN AFTER THE COUNTY FOR THESE WELLS THAT NEEDED TO BE CLEANED UP. TWO YEARS, MAYBE MORE. COUNCILWOMAN SMITH STATED THAT YOU KNOW, I KNOW PEOPLE THAT ARE IN THAT BUSINESS THAT FEEL THAT IT'S THE COUNTY'S RESPONSIBILITY, BUT GUESS WHAT? THE COUNTY'S TOTAL RESPONSIBILITY IS TO TELL US TO FIX IT, EVEN THOUGH IT COMES FROM MAYBE SOME OF THEIR BUSINESSES THAT ARE IN THEIR COUNTY. COUNCILWOMAN SMITH ASKED HOW WOULD WE FIND \$3 MILLION DOLLARS. THE COUNTY IS INSISTING THAT WE FIX IT. IT NEEDS \$3 MILLION DOLLARS. IT HAPPENS FROM SOME OF THE BUSINESSES THAT ARE IN THE COUNTY THAT MAY OR MAY NOT EFFECT OUR WELLS BUT WE CAN'T TAKE A CHANCE. WELL, THAT'S THE \$3 MILLION DOLLARS YOU'RE TALKING ABOUT WAS IMPERATIVE THAT WE WERE GRANTED THAT. COUNCILWOMAN SMITH THANKED THE CITY MANAGER FOR HIS HARD WORK IN MAKING SURE THAT WE GOT IT BECAUSE WHERE WOULD WE FIND THAT \$3 MILLION DOLLARS.
2. COUNCILMAN SMITH STATED THAT SHE WANTED TO PIGGYBACK ON

A FEW THINGS THAT COUNCILWOMAN SPIEGEL SAID AT THE POLICE DEPARTMENT, THE OFFICER OF THE YEAR, WHAT AN HONOR TO BE IN THAT ROOM WITH HIM. HE WANTED TO SAY HOW HIS FAMILY WERE ALL JUDGES AND THEY WERE ALL ATTORNEYS AND HE WAS THE BLACK SHEEP BECAUSE HE WAS A LAW ENFORCEMENT OFFICER AND THAT IS NOT THE CASE AT ALL. HE IS THE HONOR OF HIS FAMILY AND HE'S THE ONE THAT HAS GIVEN EACH ONE OF US THAT LIVE IN THIS CITY A BETTER LIFE EVERY DAY WHEN WE GO OUT OUR DOOR. AND THE ONLY THING I CAN SAY IS THEY WANTED TO TELL US ON THE OTHER SIDE, PLEASE DON'T TOUCH MY PENSION. IT'S NOT FOR ME NOW, IT'S FOR WHEN I GET THERE, BUT THE PEOPLE THAT ARE THERE. BUT YOU KNOW A LOT OF THINGS ARE SAID IN JEST THAT ARE SERIOUS. COUNCILWOMAN SMITH ASKED THEM, WAS THERE ANYBODY IN THE POLICE FORCE THAT COULD MAYBE ROB A BANK. AND SO THE PROBLEM IS, IS I HEARD HIM AND I RECOGNIZE THAT THERE'S NOT A DOLLAR AMOUNT YOU COULD PUT ON A SON OR A HUSBAND OR A FATHER TO WALK OUT THAT DOOR AND BE WILLING TO NOT WALK BACK THROUGH IT THAT NIGHT. DOES IT MATTER IF WE GIVE THEM \$200,000? DOES IT MATTER IF WE GIVE THEM \$500,000? THERE IS NO DOLLAR AMOUNT. THE PROBLEM THAT I HAVE AS A COUNCILWOMAN, SITTING HERE MAKING DECISIONS OF THE BUDGET IS WHERE DO WE GET THE MONEY? WHERE DO WE GET THE \$11,000,000 DEFICIT, PROBABLY IN THE NEXT YEAR AND A HALF? WHERE DO WE GET THAT MONEY? DO WE STOP PICKING UP GARBAGE AND EVERYBODY HAS TO BRING THEIR GARBAGE TO THE LANDFILL? DO WE STOP HAVING PROGRAMS THAT ARE NECESSITY FOR ELDERLY AND YOUNG? DO WE CUT THE STAFF AS THE MANAGER WAS TELLING ME TODAY? IF WE CUT THE STAFF THEN HOW DO WE RUN THE CITY? IF WE CAN AFFORD TO CUT THE STAFF BY 100 PEOPLE, BECAUSE WE DON'T HAVE THE MONEY, THEN DO WE HAVE 100 PEOPLE TOO MANY? NO, HE'S CUT THE STAFF TO THE BONE. SO IF WE CUT THE STAFF, WE HAVE TO CUT THE SERVICES. THEY JUST CAN'T. SO WE'RE REALLY IN A FIX HERE AS EVERY SINGLE CITY IS. WHEN WE WENT TO THE LEAGUE OF CITIES, ACROSS THE NATION AND YOU HEAR THE STORIES OF THE CITIES THAT A THOUSAND PEOPLE LOST THEIR JOBS THAT MORNING. WHEN THEY WENT TO WORK THE DOOR WAS LOCKED. AND IT WAS A FIFTH OF THEIR CITY. WHERE DO THEY GET THE REVENUE? WE ARE IN A CRISIS RIGHT NOW. MAYBE THREE YEARS FROM NOW IT WILL ALL EVEN OUT BUT WE HAVE TO DEAL WITH RIGHT NOW. AND SO I REALLY HAVE TO SAY THIS IS SOMETHING THAT OUR CITY MANAGER, OUR EMPLOYEES, OUR MANAGEMENT, OUR POLICE OFFICERS, I KNOW EVERYONE IS WORKING VERY HARD TOGETHER TO TRY TO MAKE THIS HAPPEN SO THAT NORTH MIAMI BEACH CAN ALWAYS STILL BE THE BEST CITY TO LIVE IN.

3. COUNCILWOMAN SMITH WANTED TO MENTION THE NORTH MIAMI BEACH CHAMBER TO EVERYONE. THE CHAMBER IS GETTING BETTER AND BETTER EVERY SINGLE WEEK. THE PROGRAMS THAT ARE THERE, IF YOU HAVEN'T BEEN IN A LONG TIME, IF YOU GAVE UP ON THE CHAMBER TWO YEARS AGO BECAUSE THERE WEREN'T FUNCTIONS, COME BACK AND SEE WHAT IT IS NOW. THE NORTH MIAMI BEACH CHAMBER IS REALLY GETTING TO BE SOMETHING THAT WE CAN ALL BE PROUD OF AND WE'RE BUILDING IT EVERY SINGLE DAY. AND I WANT TO TELL YOU SOMETHING, THERE ARE SOME PROGRAMS THERE, YOU'LL BE SORRY IF YOU MISSED THEM.
4. COUNCILWOMAN SMITH ASKED EVERYONE TO BE CAREFUL FOR OUR SCHOOL CHILDREN. LET'S GIVE THEM ALL THE SUPPORT AT HOME THAT WE CAN SO THAT THEY CAN HAVE THE SELF-WORTH THAT'S NECESSARY TO BE NICE YOUNG ADULTS AS WELL.
5. COUNCILWOMAN SMITH WANTED TO REMIND EVERYBODY OF TWO FUNCTIONS THAT ARE COMING UP. ACTUALLY THERE'S SOME IN THE FUTURE. THERE'S GOING TO BE A PET FAIR. THE COUNCILWOMAN STATED THAT SHE IS WORKING WITH COMMISSIONER HEYMAN ON A PET FAIR HERE IN OUR PARK, THAT WE HAVE A PET PARK OVER IN GREYNOLDS PARK EAST, FOR FEBRUARY. WE'RE WORKING ON THAT NOW. IN NOVEMBER OUR HUMANE SOCIETY, IT'S NOVEMBER 15TH I BELIEVE, THEY ARE GOING TO HAVE A VERY BIG FUNDRAISER AND THEY ARE ONE OF THE FEW PLACES THAT NEVER EUTHANIZE AN ANIMAL. SO IF YOU CAN BE SUPPORTIVE AND COME THERE, MAYBE BUY SOMETHING OR TAKE A BOOTH, OR WHATEVER YOU CAN DO TO HELP, THAT WOULD BE FABULOUS. WHICH I KNOW THAT MY PARTNER IN REAL ESTATE AND MY DAUGHTER WANTED ME TO MENTION AND I TOLD HER I WOULD NOT, ABOUT HER THERAPY DOG AND HER DOG THAT DOES A LOT OF VOLUNTEER. BUT IT DOES DO A LOT OF VOLUNTEER AND FOUR OR FIVE DAYS A WEEK THAT DOG IS EITHER AT A CHILDREN'S HOSPITAL OR AN OLD AGE HOME MAKING A LOT OF HAPPINESS FOR A LOT OF PEOPLE. SO I SUPPORT THE ANIMALS AND I APPRECIATE THAT. IF ANYBODY COULD HELP THAT LITTLE DOG WIN, THAT WOULD BE NICE; BUT, IF NOT, PLEASE HELP THE HUMANE SOCIETY. PLEASE COME AND SUPPORT A PART OF OUR CITY THAT WILL MAKE US PROUD.
6. COUNCILWOMAN SMITH ALSO WANTED TO REMIND EVERYBODY THAT SHE WILL BE STARTING THE FOCUS GROUP AGAIN, HER ECONOMIC DEVELOPMENT. EVERYBODY'S WELCOME TO COME. IT IS THE 16TH, I THINK IT'S A WEDNESDAY, AND WE MEET AT 5:30 P.M. FOR ECONOMIC DEVELOPMENT UPSTAIRS AND THEN WE GO TO THE MCDONALD CENTER AND WE MEET THERE AT 7:00 P.M. FOR AN HOUR. ANYBODY THAT HAS ANYTHING THEY'D LIKE TO DISCUSS, AND IT'S A GOOD TIME. COME AND TALK TO ME ABOUT THE POLICE

PENSION, TALK TO ME ABOUT THE EMPLOYEE PENSION, TALK TO ME ABOUT THE BUDGET. I WILL RELAY IT BACK TO THE MANAGER, AND PLEASE DON'T FORGET THAT THE POLICE ARE GOING TO HAVE A WALK IN OCTOBER FOR ABUSED WOMEN. AND BE SUPPORTIVE OF THAT. I BELIEVE IT'S GOING TO BE IN THE MORNING, IT STARTS IN CHALLENGER PARK. YOU KNOW WHAT, MAJOR KATERMAN IS IN CHARGE. IF YOU HAVE ANY QUESTIONS, GET IN TOUCH WITH HER. JUST BE SUPPORTIVE IF YOU CAN COME. IF YOU CAN DROP OFF A LITTLE CHECK, SOMETHING. THESE ARE THE THINGS THAT ARE REALLY SUFFERING IN THESE ECONOMIC TIMES. THIS IS WHAT'S SUFFERING. THE THINGS THAT WE ALWAYS DID FOR CHARITY AT THE END OF OUR PAYCHECK. AND NOW THE PAYCHECK DOESN'T EVEN REACH TO THE END. SO I APPRECIATE IT VERY MUCH.

7. COUNCILWOMAN SMITH THANKED EVERYONE FOR THEIR PATIENCE, WISHED EVERYONE A WONDERFUL WEEK, AND STATED THAT SHE WOULD SEE EVERYONE NEXT WEEK.

D. COUNCILMAN DEROSE'S REPORT:

1. COUNCILMAN DEROSE WANTED TO TAKE THIS OPPORTUNITY TO EXPRESS HIS HEARTFELT SYMPATHIES TO THE FAMILY OF SENATOR KENNEDY WHO PASSED AWAY LAST WEEK. HE HAD THE GREAT PRIVILEGE TO MEET WITH SENATOR KENNEDY ON TWO OCCASIONS TO ASK HIM TO SUPPORT SOME LEGISLATION ON AN IMMIGRATION ISSUE. HE WAS REALLY A GREAT MAN AND OUR NATION REALLY LOST A GREAT MAN. SENATOR TED KENNEDY HAD PASSED MORE BILLS THAN ANY OTHER SENATOR IN THE SENATE. REALLY THIS IS A LOSS FOR EVERYONE AND I HOPE HIS SOUL RESTS IN PEACE IN THE HANDS OF GOD.
2. COUNCILMAN DEROSE THANKED EVERYONE AND WISHED THEM A GOOD NIGHT.

E. COUNCILWOMAN KRAMER'S REPORT:

1. COUNCILWOMAN KRAMER STATED THAT SHE DID GO TO HER FIRST LEAGUE OF CITIES CONFERENCE IN ORLANDO AND IT WAS A GREAT EXPERIENCE. SHE LEARNED A LOT IN THE WORKSHOPS, AND LEARNED A LOT DURING THE ROUNDTABLE DISCUSSIONS SPEAKING WITH OTHER COMMUNITY LEADERS AND GETTING IDEAS FROM THEM. AND AS WE ALL BELLYACHED ABOUT THE ECONOMY AND TALKED ABOUT OUR CITIES, ONCE I SAID THAT OUR CITY HAD A THEATER. EVERYBODY HAD THEIR MOUTHS OPEN AND COULDN'T BELIEVE THAT WE HAD A CITY WITH A PERFORMING ARTS THEATER AND HOW LUCKY WE ARE FOR THAT. ACTUALLY, THE END-OF-THE-SUMMER CAMP SHOW, I WAS LUCKY ENOUGH TO ATTEND. I REALLY

WISH I HAD BROUGHT MY WHOLE FAMILY. IT WAS AN AMAZING EVENT AND AN AMAZING SHOW. THE CHOREOGRAPHY, THE MUSIC, THE KIDS, THE COSTUMES, IT WAS INCREDIBLE. AND THE FACT THAT WE HAVE THE SOUND STAGE AND THE LIGHTS AND WE REALLY CAN PUT ON SOME GREAT SHOWS HERE. AND I HOPE WE PLAN TO BRING A LOT OF SHOWS TO THE COMMUNITY FOR THE CITIZENS AND FOR THE MEMBERS LIVING OUTSIDE OF OUR CITY.

2. COUNCILWOMAN KRAMER ALSO WANTED TO MENTION THAT THERE WAS A GREAT EVENT WITH PROFESSOR SETH BRAMSON. HE'S AN AUTHOR. HE'S WRITTEN MANY BOOKS ABOUT DIFFERENT CITIES IN SOUTH FLORIDA. HE GAVE US GREAT KUDOS BECAUSE OUR CITY, HE SAYS, IS SECOND TO CORAL GABLES OF HAVING THE BEST COLLECTION OF HISTORY, ARCHIVAL INFORMATION, JUST AMAZING THINGS THAT I SAW. SO WE SHOULD BE VERY PROUD THAT MANY PEOPLE IN THE LIBRARY HAD PRESERVED THIS FOR ALL THESE YEARS. HE IS WRITING A BOOK FOR THOSE OF YOU THAT DON'T KNOW. WE ARE GETTING A BOOK ABOUT NORTH MIAMI BEACH. IT'S GOING TO BE CALLED *FROM FARMS AND FIELDS TO THE FUTURE: THE INCREDIBLE HISTORY OF NORTH MIAMI BEACH*. IT'S ALMOST DUE TO GO TO THE PUBLISHER. SO ANYBODY OUT THERE THAT MIGHT HAVE INFORMATION, PICTURES, MEMORIES, I WOULD REALLY APPRECIATE IF YOU'D GET WITH OUR CITY PLANNER, CHRIS HEID, SO HE CAN GET THAT INFORMATION TO SETH. WE DON'T HAVE MUCH TIME, BUT IF YOU DO HAVE PICTURES FROM THE PAST, FROM THE CITY, RESTAURANTS, BUSINESSES, THAT WE ALL REMEMBER FROM YEARS AGO. MAYBE EVEN WHEN WE WERE, WHEN WE OWNED PROPERTY ON THE OCEAN AND WE HAD HOTELS. IF YOU HAVE PICTURES OF THAT, MAYBE VACATIONING HERE AT THE OCEAN, THAT WOULD BE WONDERFUL TOO. COUNCILWOMAN KRAMER STATED THAT SHE WOULD REALLY APPRECIATE IF PEOPLE REALLY SCROUNG ABOUT LOOKING THROUGH THEIR PHOTOGRAPHS AND GET US SOME GREAT STUFF FOR THE BOOK.
3. COUNCILWOMAN KRAMER THANKED EVERYBODY AND WISHED THEM A GREAT EVENING.

F. COUNCILMAN PIERRE'S REPORT:

1. COUNCILMAN PIERRE WISHED EVERYONE A GOOD EVENING. FIRST AND FOREMOST, HE WANTED TO WELCOME BACK ALL THE STUDENTS, PARENTS, ADMINISTRATORS, TEACHERS, AND HE HOPES YOU HAVE A FRUITFUL SCHOOL YEAR.
2. COUNCILMAN PIERRE WANTED TO TAKE THIS OPPORTUNITY TO THANK THE CHIEF OF POLICE, THE CITY MANAGER, AND THE REST OF HIS COLLEAGUES FOR THEIR ASSISTANCE DURING IN THE BOOKBAG

GIVEAWAY. WE DONATED OVER 500 BOOKBAGS JUST BEFORE THE BEGINNING OF SCHOOL, AND WE STILL GOT NAMES ON THE WAITING LIST. AND PROBABLY NEXT YEAR WE WILL WORK WITH THE COMMISSIONERS AS SUGGESTED BY MR. LOEB SO WE CAN DO A LOT BETTER.

3. COUNCILMAN PIERRE STATED THAT CHANGE IS IN THE AIR. ONE OF THE THINGS HE IS CURRENTLY LOOKING AT IS HOW WE CAN MAKE A BETTER CITY. THAT'S BEEN OUR GOAL. IN THE COMING DAYS AND WEEKS, I WILL BE RECEIVING MORE PHONE CALLS FROM THE RESIDENTS, FROM THE CONSTITUENTS, FROM THE BUSINESS OWNERS. WE SHARE IDEAS ABOUT ALL ISSUES. YOU ALL KNOW MY NUMBER, FEEL FREE TO CALL, AND WHEN YOU CANNOT REACH ME, CALL MY SECRETARY OR SEND ME AN E-MAIL.
4. COUNCILMAN PIERRE WISHED EVERYONE A GOOD NIGHT AND REMINDED THEM THAT HE LOVES THEM.

G. MAYOR ROSNER'S REPORT:

1. MAYOR ROSNER WISHED EVERYONE A GOOD EVENING. THE MAYOR STATED THAT WE HAVE , IN THE NEXT TWO WEEKS, OUR FINAL BUDGET HEARINGS AND ARE BASICALLY BRINGING OUR BUDGET FORWARD. OUR MANAGER HAS BASICALLY BALANCED OUR BUDGET ALMOST 99% TOGETHER WITH HIS MANAGEMENT STAFF. OBVIOUSLY OUR LARGEST ITEM OF CONCERN IS THE PENSIONS, NOT ONLY POLICE BUT GENERAL EMPLOYEES AND MANAGEMENT AS WELL. I GUESS FAR TOO LONG PREVIOUS COUNCILS, PREVIOUS MANAGEMENT HAVE LOOKED AT THIS ITEM AND STUCK THEIR HEADS IN THE SAND FOR FAR TOO LONG. MOST OF THE TIMES WHAT THEY DID IN THE PAST IS, ASSUMING THAT THEY ONLY NEEDED TO FUND IT 20% OR 30% OR WHATEVER WAS LEFT IN A BUDGET THAT THAT'S WHAT THEY DID. TODAY, BECAUSE OF STATE MANDATES, WE CAN NO LONGER STICK OUR HEADS IN THE SANDS AND OUR MANAGER NOW HAS TO CONFRONT IT HEAD ON. AND A LOT OF THE DISCUSSION THAT'S HAPPENING RIGHT NOW IS BASICALLY AND EXACTLY THAT, IS DEALING WITH PENSION SHORTFALLS WITH A FUTURE THAT NEED TO BE DEALT WITH HEAD ON, AND THAT'S WHY THE BIG TOPIC UP HERE IS PENSION REFORM AND SURVIVAL OF THE CITY BASED ON THAT. MAYOR ROSNER ADDRESSED THE CITY MANAGER, KELVIN L. BAKER, AND STATED THAT HE KNOWS THAT THE MANAGER HAS A LOT OF CHALLENGES AND THAT'S ONE OF THE BIGGEST ONES THAT YOU HAVE ON YOUR PLATE WITH YOUR MANAGEMENT STAFF FOR THIS COMING YEAR IS TO BRING FORWARD INITIATIVES THAT WORK FOR ALL SIDES.

2. MAYOR ROSNER WANTED TO THANK COUNCILWOMAN KRAMER FOR SHARING PICTURES THOSE PICTURES OF HERSELF IN 163RD STREET MALL WITH THE LITTLE HAT. SO THE MEMORIES GO BACK FAR IN THIS CITY.

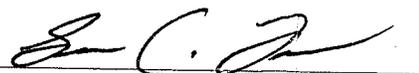
3. MAYOR ROSNER STATED THAT THE OTHER THING THAT HAPPENED TODAY IS THAT WE ALL SPOKE ABOUT OUR MANAGER UPSTAIRS. HE STATED THAT HE JUST, YOU KNOW, A LOT OF TIMES PEOPLE DON'T GIVE. TONIGHT WE WERE GIVING A LOT OF TRIBUTE TO OUR CHIEF OF POLICE FOR OUR POLICE DEPARTMENT AND TONIGHT I WOULD JUST LIKE TO GO OVER OUR MANAGER RECEIVED A REPORT TONIGHT FROM OUR COUNCIL. AND I WOULD JUST LIKE TO GO OVER SOME OF THE COMMENTS FROM MY COLLEAGUES. VICE MAYOR JULIEN RATED THE MANAGER AT 1,000% OF WHAT HE'S ACHIEVED SINCE HE'S BEEN HERE. COUNCILMAN PIERRE'S COMMENTS WERE THAT HE MEETS AND EXCEEDS OUR GOALS; THAT MORALE IS UP; THAT HE MEETS HIS TIMEFRAMES. AND COUNCILWOMAN KRAMER GAVE HIM 3 PLUSES; AND IS A JOY TO WORK WITH. COUNCILWOMAN SMITH CALLED HIM CRAZY. I SUGGESTED THAT HE GO GET THERAPY, BUT THAT RATED HIM AT A 2,000% MANAGER. COUNCILMAN DEROSE PLEASSED 100% AND IS VERY PROUD OF HIM. COUNCILWOMAN SPIEGEL SAYS THAT HE HAS MEET OR EXCEEDED HIS DEMANDS; THAT HE ANSWERS QUESTIONS; HAS GREAT INITIATIVES. MAYOR ROSNER STATED THAT WHAT HE WOULD LIKE TO SAY IS THAT, MR. MANAGER, YOU'VE RECEIVED A VOTE OF CONFIDENCE FROM YOUR COUNCIL HERE UNANIMOUSLY. THANK YOU FOR BRINGING OUR CITY WHERE SHE'S AT TODAY AND LEADING US INTO TOMORROW TOGETHER WITH OUR CITY ATTORNEY OUR CITY CLERK.

4. MAYOR ROSNER WISHED EVERYONE A GOODNIGHT.

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 10:38 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 TWENTY-THREE (23) 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 FIRST (1st) DAY OF SEPTEMBER, 2009.



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

(SEAL)