

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

APRIL 15, 2008



PREPARED BY:
SOLOMON ODENZ, CITY CLERK

MINUTES

1. ROLL CALL OF THE CITY OFFICIALS:

MAYOR	RAYMOND F. MARIN, PRESIDING
VICE MAYOR	JOHN PATRICK JULIEN
COUNCILMAN	PHILIPPE DEROSE
COUNCILWOMAN	PHYLLIS S. SMITH
COUNCILMAN	JAY R. CHERNOFF
COUNCILMAN	FRANTZ PIERRE
COUNCILMAN	MYRON ROSNER

CITY MANAGER	KEVEN R. KLOPP
CITY ATTORNEY	HOWARD B. LENARD
CITY CLERK	SOLOMON ODENZ

2. INVOCATION: REVEREND KEL VIN BAKER
THE WAY FELLOWSHIP

3. SALUTE TO THE AMERICAN FLAG.

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

A. WITHDRAWAL – ITEM 12 (A), PAGE 3.

5. APPOINTMENTS/PRESENTATIONS:

- A. APPOINTMENTS:
1. APPOINTMENT OF NEXT VICE MAYOR – FRANTZ PIERRE.

MOTION by VICE MAYOR JULIEN, seconded by COUNCILWOMAN SMITH, to APPOINT FRANTZ PIERRE AS OUR NEXT VICE MAYOR. MOTION CARRIED.

- B. PRESENTATIONS:
1. SWEARING IN BY CITY CLERK OF NEWLY APPOINTED MEMBERS OF THE CHARTER REVIEW COMMITTEE:

WILLIAM DEAN	JARRET GROSS
NORMAN EDWARDS	MARY HILTON
BARBARA FALSEY	BETH SPIEGEL
GLENN FINLAY	

THE CITY CLERK ADMINISTERED THE OATH TO THE NEW MEMBERS OF THE CHARTER REVIEW COMMITTEE.

6. APPROVAL OF MINUTES OF APRIL 1, 2008.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN PIERRE, to APPROVE THE MINUTES OF APRIL 1, 2008. MOTION CARRIED.

7. CITY MANAGER'S REPORT - KEVEN R. KLOPP:

A. THE CITY MANAGER STATED THAT HE LOOKS FORWARD TO WORKING WITH THE CHARTER REVIEW COMMITTEE.
(CNMB-CC MINUTES TAPE #393)

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

A. THE CITY ATTORNEY WISHED THE ENTIRE COMMUNITY A HAPPY AND SWEET PASSOVER.
(CNMB-CC MINUTES TAPE #393)

At this time, Councilman Pierre made the following MOTION:

MOTION by COUNCILMAN PIERRE, seconded by VICE MAYOR JULIEN, to AMEND AND APPROVE THE TIME ALLOWED FOR A CITIZEN TO SPEAK FROM THREE (3) MINUTES TO FIVE (5) MINUTES, FOR TONIGHT ONLY. MOTION DEFEATED.

9. SCHEDULED CITIZENS APPEARANCE:

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

RE: BUDGET.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. BUSINESS TAX RECEIPT MATTERS - CITY CLERK:

A. THOMAS M. MOON, ESQUIRE
FROMBERG, PERLOW & KORNIK, P.A.
18901 N.E. 29 AVENUE
AVENTURA, FL.

RE: SCORES - 17450 BISCAYNE BOULEVARD - REQUEST TO OBTAIN BUSINESS TAX RECEIPTS.

WITHDRAWN, AT APPLICANTS REQUEST.

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. R2008-15):

RESOLUTION NO. R2008-14, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, OPPOSING AND PROTESTING THE EFFORTS OF MIAMI-DADE COUNTY TO DENY THE CITY'S WATER & SEWER UTILITY THE SAME RATE-SETTING AUTHORITY GRANTED TO ALL MUNICIPALITIES IN THE STATE OF FLORIDA THAT OPERATE WATER OR SEWER UTILITIES OUTSIDE THEIR MUNICIPAL BOUNDARIES", was introduced by MOTION OF COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN ROSNER, seconded by VICE MAYOR JULIEN, to ADOPT RESOLUTION NO. R2008-14. MOTION CARRIED.

ORDINANCES - FIRST READING BY TITLE ONLY:
(SERIATIM NO. 2008-8)

NONE

13B. LEGISLATION (CONTINUED):

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2008-7, entitled "AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ENTITLED "WATER AND SEWERS"; ENACTING SECTION 19-24, PROVIDING FOR EMERGENCY WATER CONSERVATION RATES; PROVIDING FOR 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 COUNCILWOMAN SMITH, seconded by MAYOR MARIN, to ADOPT ORDINANCE NO. 2008-7 ON ITS SECOND AND FINAL READING.
MOTION CARRIED.
BY THE FOLLOWING ROLL CALL VOTE:

VICE MAYOR JULIEN	YES
COUNCILMAN DEROSE	YES
COUNCILWOMAN SMITH	YES
COUNCILMAN CHERNOFF	YES
COUNCILMAN PIERRE	YES
COUNCILMAN ROSNER	YES
MAYOR MARIN	YES

(VOTE: 7 YES
0 NO)

Name of Party(ies) Appearing:

1. Larrío Walden 1720 N.W. 187 Street North Miami Beach, FL.	7. Terrance Walters 17731 N.W. 34 Avenue Miami Gardens, FL.
2. Pat Wells 1001 N.W. 200 Terrace North Miami Beach, FL.	8. Ludwik Janiga 18401 N.E. 20 Avenue North Miami Beach, FL.
3. Phil Lark 17291 N.E. 23 Avenue North Miami Beach, FL.	9. June Turner 1410 N.W. 194 Street North Miami Beach, FL.
4. Erika Piagetti 1635 N.E. 160 Street North Miami Beach, FL.	10. Roland Villieux 13730 Highland Drive North Miami Beach, FL.
5. Dominic Anwar 2351 N.E. 192 Street North Miami Beach, FL.	11. Bert Kehren 3302 N.E. 171 Street North Miami Beach, FL.
6. Betty Gabriel 171 N.W. 24 Avenue Miami Gardens, FL.	12. Charles Loeb 16800 N.E. 15 Avenue North Miami Beach, FL.

-
13. Chuck Diehl
13720 So. Biscayne River Dr.
North Miami Beach, FL.
16. Allison Robie
2131 N.E. 179 Street
North Miami Beach, FL.
14. Nancy Petrofsky
1545 N.E. 174 Street
North Miami Beach, FL.
17. Carol Rentfrow
1730 N.E. 172 Street
North Miami Beach, FL
15. Richard Reiss
23 N.W. 169 Street
Miami, FL.

14. UNSCHEDULED CITIZENS APPEARANCES:

- A. CHARLES LOEB
16800 N.E. 15 AVENUE
NORTH MIAMI BEACH, FL.
- RE: SURCHARGES/ CITY SURVEY/ BUSINESS EXPO/ROAD CONSTRUCTION/ 171ST
TRAFFIC/PAVING CO - SPEAKING ENGLISH/ PROPOSAL CLOSING OF STREET.
- B. BERT KEHREN
3302 N.E. 171 STREET
NORTH MIAMI BEACH, FL.
- RE: LESS WATER CONSUMPTION.
- C. ERIKA PIAGETTI
1635 N.E. 160 STREET
NORTH MIAMI BEACH, FL.
- RE: WATER SURCHARGE.
- D. LUDWIK JANIGA
18401 N.E. 20 AVENUE
NORTH MIAMI BEACH, FL.
- RE: WATER SURCHARGE.
- E. LEO MARKS
3703 N.E. 166 STREET
NORTH MIAMI BEACH, FL.
- RE: WATER/SECURITY.

15. CITY COUNCIL COMMITTEE REPORTS:

A. VICE MAYOR JULIEN'S REPORT:

1. VICE MAYOR JULIEN STATED THAT ON SATURDAY APRIL 26th HE WOULD BE TRYING SOMETHING NEW TO SEE IF HE COULD CONTINUE BUILDING THE COMMUNITY. VICE MAYOR JULIEN STATED THAT HE HAD INVITED THREE FEMALE AUTHORS TO COME TO OUR LIBRARY FROM 11:00 TO 1:00, TO DO A BOOK SIGNING. VICE MAYOR JULIEN INDICATED THAT HE WOULD BE GIVING EACH ONE OF THEM FROM THE HOURS OF 11:00 TO 12:00 TIME TO SPEAK ABOUT THEIR BOOKS, AND THEN FROM 12:00 TO 1:00 TO ACTUALLY SIGN THE BOOKS FOR ANYONE THAT IS INTERESTED. VICE MAYOR JULIEN WISHED TO INVITE EVERYBODY IN THE COMMUNITY TO PLEASE COME ENJOY TWO HOURS WITH THREE FABULOUS FEMALE AUTHORS. VICE MAYOR JULIEN STATED THAT ONE OF THEM ACTUALLY RESIDES IN THE CITY OF NORTH MIAMI BEACH. VICE MAYOR JULIEN THANKED AND WISHED EVERYONE A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #393)

B. COUNCILMAN DEROSE'S REPORT:

1. COUNCILMAN DEROSE WISHED EVERYONE A HAPPY PASSOVER. COUNCILMAN DEROSE STATED THAT YESTERDAY APRIL 14th WAS ANNUAL ARBOR DAY IN THE CITY OF NORTH MIAMI BEACH. COUNCILMAN DEROSE STATED THAT THEY WERE PLANTING A FEW TREES IN THE MEDIAN OF EDNA MOFAT ON 171ST STREET BETWEEN 15TH AVENUE AND 16TH AVENUE. COUNCILMAN DEROSE STATED THAT HE ENCOURAGES OUR CITIZENS TO PLANT A TREE THIS WEEK SINCE TREES ARE THE MOST IMPORTANT RESOURCE WE HAVE IN THIS PLANET. TREES BENEFIT THE ENVIRONMENT AND IMPROVE THE AIR QUALITY AND ALSO CONSERVE OUR WATER. COUNCILMAN DEROSE STATED THAT IT IS VERY IMPORTANT TO PLANT A TREE. TREES ALSO IMPROVE THE APPEARANCE OF OUR NEIGHBORHOOD AND OF OUR HOMES THEY ALSO PROVIDE SHADE FOR US AND PROTECTS US FROM THE SUN. COUNCILMAN DEROSE ASKED TO PLEASE PLANT MORE TREES THIS WEEK IN YOUR BACK YARD, OR IN YOUR FRONT YARD AND MAKE YOUR HOUSE LOOK BETTER.

(CNMB-CC MINUTES TAPE #393)

C. COUNCILWOMAN SMITH'S REPORT:

1. COUNCILWOMAN SMITH STATED THAT SHE KNEW ABOUT THE SECURITY DOWNSTAIRS, AND STATED THAT THE ROOM WAS STILL PACKED. SHE WISHED TO THANK EACH AND EVERY ONE OF THEM FOR TAKING AN INTEREST IN THEIR CITY.

(CNMB-CC MINUTES TAPE #393)

15. CITY COUNCIL COMMITTEE REPORTS (CONTINUED):

C. COUNCILWOMAN SMITH'S REPORT (CONTINUED):

2. COUNCILWOMAN SMITH STATED THAT NOW THAT THEY WERE HERE AND THAT SHE HAD THEIR ATTENTION AND ALSO THOSE ON THE TELEVISION, SHE ANNOUNCED THAT SHE WAS STARTING HER GOVERNMENT CITIZENS ACADEMY. COUNCILWOMAN SMITH INDICATED THAT IT IS GOING TO BE FROM OCTOBER 6TH TO NOVEMBER 17TH AND IT WILL BE FOR SIX (6) WEEKS AND THERE IS ONE (1) WEEK IN BETWEEN THAT IS A HOLIDAY: COLUMBUS DAY. COUNCILWOMAN SMITH STATED THAT WE WILL BE GETTING APPLICATIONS INTO THE CITY WITHIN THE NEXT TWO (2) WEEKS, AND SHE WILL GIVE EVERYONE NOTICE AS TO WHERE THEY WILL BE, AND WHAT IT WILL BE ALL ABOUT. COUNCILWOMAN SMITH INDICATED THAT SHE LOOKED FORWARD TO SOME OF YOU COMING AND FINDING OUT EXACTLY HOW DOES THE GOVERNMENT WORK. COUNCILWOMAN SMITH INDICATED THAT IT IS A LOT DIFFERENT SITTING IN THAT SEAT THAN IT IS SITTING IN THIS ONE, AND SHE LOOKED FORWARD TO THAT.

(CNMB-CC MINUTES TAPE #393)

3. COUNCILWOMAN SMITH STATED THAT SHE WISHED TO TELL EACH AND EVERYONE THAT IF THEY HAVE AN ISSUE, AN IDEA OR A CONCERN PLEASE FEEL FREE TO CALL HER. COUNCILWOMAN SMITH STATED THAT HER NUMBER NEVER CHANGED. (786) 26-SMITH, AND YOU CAN TALK TO HER FOR TWO (2) HOURS AND THERE IS NO TIME LIMIT. COUNCILWOMAN SMITH STATED THAT SHE APPRECIATES THE INPUT AND SHE APPRECIATES THE SUGGESTIONS. COUNCILWOMAN SMITH INDICATED THAT THE LAST THING SHE WOULD LIKE TO DO IS ALSO WISH ALL OF OUR JEWISH FRIENDS AND OUR JEWISH RESIDENTS A HAPPY PASSOVER. COUNCILWOMAN SMITH THANKED EVERYONE AGAIN FOR COMING TONIGHT.

(CNMB-CC MINUTES TAPE #393)

D. COUNCILMAN CHERNOFF'S REPORT:

1. COUNCILMAN CHERNOFF WISHED EVERYBODY A HAPPY PESACH. COUNCILMAN CHERNOFF STATED THAT AS CHARLES LOEB HAD MENTIONED THE GREATER NORTH MIAMI BEACH CHAMBER OF COMMERCE IS HAVING A BUSINESS EXPO AT THE 163RD STREET MALL ON THURSDAY FROM 5:30 TO 7:00. COUNCILMAN CHERNOFF STATED THAT ALL ARE WELCOME AND WISHED EVERYONE A GOOD EVENING.

(CNMB-CC MINUTES TAPE #393)

15. CITY COUNCIL COMMITTEE REPORTS (CONTINUED):

E. COUNCILMAN PIERRE'S REPORT:

1. COUNCILMAN PIERRE WISHED EVERYONE A GOOD EVENING. COUNCILMAN PIERRE STATED THAT FIRST AND FOREMOST HE WOULD LIKE TO SAY HAPPY PASSOVER TO ALL OF OUR JEWISH FRIENDS, RESIDENTS AND COMMUNITIES. COUNCILMAN PIERRE STATED THAT, ON BEHALF OF THE OAK GROVE ELEMENTARY SCHOOL HE WAS MANDATED TO EXPRESS THEIR GRATITUDE TO MR. BAKER AND MR. KLOPP FOR THEIR DILIGENCE IN GETTING THE UNIT SYSTEM INSTALLED AT THE NORTHERN END OF THE SCHOOL. COUNCILMAN PIERRE STATED THAT HE WAS TOLD THAT THE STUDENTS ARE WRITING LETTERS TO THE MAYOR, ON BEHALF OF THE COUNCIL, TO OUR CITY MANAGER AND OUR DEPUTY CITY MANAGER FOR EXERCISING DUE DILIGENCE IN THAT MATTER. COUNCILMAN PIERRE ONCE AGAIN WISHED TO THANK THEM FROM THE BOTTOM OF OUR HEARTS.

(CNMB-CC MINUTES TAPE #393)

2. COUNCILMAN PIERRE STATED THAT HE HAD ALSO HAD A CHANCE TO GO TO WASHINGTON PARK. COUNCILMAN PIERRE INDICATED THAT IT WAS THE DAY BEFORE YESTERDAY THAT HE ATTENDED THE ANNUAL FAMILY AND FRIENDS DAY. IT WAS A LOVELY EVENT HE ENJOYED AND COUNCILMAN PIERRE ALSO HAD A CHANCE TO DIALOGUE WITH MEMBERS OF THIS COMMUNITY. COUNCILMAN PIERRE STATED ONCE AGAIN TO WASHINGTON PARK: GOOD JOB, AND THAT HE WAS PROUD OF THEM.

(CNMB-CC MINUTES TAPE #393)

3. COUNCILMAN PIERRE STATED THAT FINALLY WE GOT OUR CHARTER REVIEW UP AND RUNNING AND HE HOPED THAT IT WOULD BRING A SENSE OF TOGETHERNESS FOR OUR CITY BECAUSE HE FELT THERE ARE ISSUES THAT CREATED UNNECESSARY TENSIONS BECAUSE OF DISSIDENT VIEWS. COUNCILMAN PIERRE STATED THAT NOW WE HAVE A CHANCE TO SIT DOWN AND TALK ABOUT IT AND THAT HOPEFULLY WE CAN COME UP WITH A CONSENSUS FOR THE BETTERMENT OF OUR CITY. COUNCILMAN PIERRE THANKED AND EXPRESSED HIS LOVE TO EVERYONE.

(CNMB-CC MINUTES TAPE #393)

F. COUNCILMAN ROSNER'S REPORT:

1. COUNCILMAN ROSNER WISHED EVERYBODY A GOOD EVENING. COUNCILMAN ROSNER STATED THAT THIS WEEKEND HE WENT TO THE WATERFEST AND TEEN CLEANUP AND HE WAS ASKED TO SPEAK THERE. COUNCILMAN ROSNER STATED THAT HE LOOKED AROUND AT THE AUDIENCE AND HE WOULD SAY THAT IT WAS OBVIOUS THAT THE MAJORITY OF THE PEOPLE THERE WERE TEENAGERS AND KIDS THAT HAD PARTICIPATED IN THE TEEN CLEANUP. COUNCILMAN ROSNER'S FIRST QUESTION WHEN HE FIRST STARTED LOOKING AT

THE AUDIENCE
15. CITY COUNCIL COMMITTEE REPORTS (CONTINUED):

F. COUNCILMAN ROSNER'S REPORT (CONTINUED):

WAS WHAT DO YOU SAY TO THE FUTURE GENERATION SINCE THE TWO THINGS WERE EXACTLY ABOUT ISSUES THAT WERE DISCUSSED TONIGHT. WATER AND CONSERVATION OF WATER. THE WATERFEST WAS AN INDICATION OF WHAT THE WATER PLANT HAS DONE. THERE WERE A LOT OF BOOTHS ABOUT ECO SYSTEMS ABOUT WATER CONSERVATION AND THERE WAS A LOT OF SAMPLING OF WHAT THE WATER PLANT AND HOW THEY TAKE WATER OUT OF THE GROUND AND WHAT IT LOOKS LIKE BEFORE IT IS TREATED, AND WHAT IT LOOKS LIKE AFTER IT IS TREATED. COUNCILMAN ROSNER STATED THAT HE MUST SAY IT WAS HIS FIRST TIME GOING TO THE WATERFEST AND IT WAS A GREAT DEMONSTRATION. COUNCILMAN ROSNER STATED THAT WHAT HE THOUGHT OVERALL AND WHAT HE GOT OUT OF IT WAS THAT IT MEANT THAT WHEN YOU LOOK AT SOMETHING LIKE THAT AND WHAT YOU HAVE IN THIS PLANET IT IS BASICALLY WHAT YOU GIVE BACK LATER ON. COUNCILMAN ROSNER STATED THAT IT IS NOT SO MUCH THAT THIS IS ABOUT TODAY BUT ABOUT TOMORROW AND ABOUT THE GENERATIONS OF TOMORROW. COUNCILMAN ROSNER STATED THAT THE GENERATION THAT HE WAS LOOKING AT IN THAT CROWD WERE TEENAGERS, PEOPLE THAT WE ARE GOING TO BE GIVING THE PLANET TO AND THAT IS WHAT THAT WAS ABOUT. CLEANING UP OUR CITY AND MAKING SURE OF THAT. COUNCILMAN ROSNER STATED THAT THESE WERE CONVERSATIONS THAT WE HAVE HAD IN THE LAST NUMBER OF WEEKS WHEN WE TALKED ABOUT NEIGHBORS CLEANING UP. THIS IS WHAT IT WAS ABOUT. IT WAS ABOUT KIDS GOING OUT AND UNDERSTANDING THAT THEY ARE CLEANING UP THE COMMUNITY. COUNCILMAN ROSNER STATED THAT IT WAS ABOUT THE WATER AND CONSERVATION AND THE FACT THAT THERE IS A LIMITED AMOUNT OF RESOURCES AND LIMITED AMOUNT OF WATER. COUNCILMAN ROSNER STATED THAT, OTHER THAN THE FACT THAT THINGS WILL GET MORE EXPENSIVE WHEN WE HAVE TO ACTUALLY DESALINATE OCEAN WATER AND OTHER WATERS WHERE WATER WILL EVEN BECOME MORE EXPENSIVE, THAT IT WAS A VERY GOOD EXAMPLE OF THE FUTURE AND WHAT NORTH MIAMI BEACH IS ALL ABOUT. THEREAFTER, COUNCILMAN ROSNER WISHED ALL THE RESIDENTS A HAPPY HOLIDAY AND A GOOD EVENING.

(CNMB-CC MINUTES TAPE #393)

G. MAYOR MARIN'S REPORT:

1. MAYOR MARIN WISHED EVERYBODY A GOOD EVENING AND A HAPPY PESACH FROM HIS FAMILY AND HIMSELF. MAYOR MARIN STATED THAT HE KNEW THAT IT IS A TIME OF THE YEAR THAT WE TEND TO EAT TOO MUCH, AND HE ASKED THAT YOU NOT EAT THAT MUCH SO THAT YOU DO NOT GET SICK.

(CNMB-CC MINUTES TAPE #393)

15. CITY COUNCIL COMMITTEE REPORTS (CONTINUED):

G. MAYOR MARIN'S REPORT (CONTINUED):

2. MAYOR MARIN EXTENDED HIS APOLOGIES TO KELVIN BAKER SINCE HE WAS NOT ABLE TO ATTEND THE WATERFEST. MAYOR MARIN STATED THAT HE THOUGHT THE DEPUTY CITY MANAGER WOULD UNDERSTAND WHY. OVER THE WEEKEND, HE COULD NOT PARTICIPATE IN ANY OF THE FUNCTIONS. THAT HE HAD TO WORK INSTEAD TO FILE TAX RETURNS. MAYOR MARIN INDICATED THAT THIS REMINDED HIM THAT YOU HAVE TWO (2) HOURS AND EIGHT (8) MINUTES TO FILE AN EXTENSION. TAKE IT TO THE POST OFFICE IT WILL STILL BE VALID AND IF YOU OWE ANY MONEY SEND A CHECK WITH IT. AND IF YOU OWE ANY MONEY AND YOU CAN NOT SEND A CHECK WITH IT, THAT WILL BE OKAY AND JUST GET THE EXTENSION. MAYOR MARIN INDICATED THAT YOU WOULD JUST PAY THE PENALTY AND INTEREST. MAYOR MARIN STATED THAT OUR NEXT COUNCIL MEETING WOULD BE TUESDAY MAY 6, 2008.

(CNMB-CC MINUTES TAPE #393)

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 9:49 P.M.

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 TEN (10) INCLUSIVE, (INCLUDING ONE (1) MEMORANDUM OF VOTING CONFLICT BY MAYOR RAYMOND F. MARIN CONSISTING OF FOUR (4) PAGES) 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 15TH DAY OF APRIL, 2008.

(SEAL)



SOLOMON ODENZ, CITY CLERK
CITY OF NORTH MIAMI BEACH

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Marin, Raymond F		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council of North Miami Beach	
MAILING ADDRESS 3425 N.E. 167 Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY North Miami Beach	COUNTY Miami-Dade	NAME OF POLITICAL SUBDIVISION: North Miami Beach	
DATE ON WHICH VOTE OCCURRED April 15, 2008		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

RECEIVED
08 APR 15 2008
DMMB CITY ELECTOR'S OFFICE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which injures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which injures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:
PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- * You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

RECEIVED
 APR 14 AM 9:12
 CITY CLERK'S OFFICE

DISCLOSURE OF LOCAL OFFICERS INTEREST

I, Raymond F Marin hereby disclose that on April 15

(a) A measure came or will come before my agency which (check one)

- injured to my special private gain or loss;
- injured to the special gain or loss of my business associate;
- injured to the special gain ~~of loss~~ of my relative, Geraldine I Klayman, mother in law by _____ whom I am retained; or
- injured to the special gain or loss of _____ which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Read attached memorandum dated April 13, 2008 to the City Clerk regarding the voluntary conflict of interest disclosure concerning what appears to be pro bono services for my mother in law. This was e-mailed to the City Clerk and the City Attorney on April 13, 2008. A copy of the confirmation of the e-mail is attached.

Date Filed 4/14/08

Signature 

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**Form 8B, Memorandum of Voting Conflict for County, Municipal and Other
Local Public Officers**

Date: April 13, 2008

From: Sol Odenz, City Clerk

From: Raymond F. Marin, Mayor

Re: Voluntary Conflict of Interest Disclosure

On April 15, 2008, the City Council will consider the matter of issuing an occupational license (business tax receipt matter) to Scores, an adult entertainment facility. The law firm representing Scores is Fromberg, Perlongo & Kornick, P.A. I had previously disclosed my position on the re-issuing of any occupational license to this or any other adult entertainment facility at the present location. They can apply for an adult entertainment occupational license in the area zoned for these types of facilities. I have previously publicly stated that the special exception use of this facility has terminated since the facility has not had meaningful operations for the past six or more months.

RECEIVED
CITY CLERK
APR 13 2008

This law firm also represented my mother in law in a matter concerning the transfer of a parking space at Commodore Plaza in Aventura, FL. The firm completed the transfer sometime in 2007 or 2008. To date the firm has not submitted any invoices for services rendered.

The request for their services was presented by the undersigned at the request of another attorney, my brother in law, who is licensed attorney in the State of California.

This disclosure statement is voluntarily made to resolve in advance any perceived conflicts that may arise from the law firm. I do not believe what appears to be a pro bono service for my mother in law, to be in conflict with my voting ability on this matter. I believe that my judgment will not be impaired and therefore plan on voting in this matter.

Raymond Marin

From: Raymond Marin [raymondm@hmdcpa.com]
Sent: Sunday, April 13, 2008 10:47 AM
To: Sol Odenz (Joanne Callahan)
Cc: Howard Lenard (maria.tomeu@cityrmb.com)
Subject: Conflict of Interest Disclosure
Attachments: Form 8B.Scores.doc

Sol:

Attached is a voluntary disclosure memorandum concerning Scores. This will be followed up with a completed Form 8B. Consider this notice to be my conflict of interest disclosure for the meeting of April 15, 2008.

Raymond Marin
Mayor

RECEIVED

08 APR 14 AM 9:12

CNMB CITY CLERK'S OFFICE