

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

AUGUST 5, 2008



PREPARED BY:
SOLOMON ODENZ, CITY CLERK

MINUTES

1. ROLL CALL OF THE CITY OFFICIALS:

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

INTERIM CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	HOWARD B. LENARD
CITY CLERK	SOLOMON ODENZ

2. INVOCATION: REVEREND CANON RONALD N. FOX
ST. BERNARD De CLAIRVAUX EPISCOPAL CHURCH.

3. SALUTE TO THE AMERICAN FLAG.

AT THIS TIME, MAYOR MARIN INTRODUCED JUDGE DOUGLAS J. CHUMBLEY IN THE AUDIENCE.

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

WITHDRAWALS: ITEM #5(B)(1) PRESENTATIONS
ITEM #9(C)SCHEDULED CITIZENS APPEARANCE

ADDITIONS: ITEM #7(C) CITY MANAGER’S REPORT
ITEM #7(D) CITY MANAGER’S REPORT

5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

1. APPOINTMENT OF VICE MAYOR – COUNCILWOMAN PHYLLIS S. SMITH.

MOTION by MAYOR MARIN, seconded by, VICE MAYOR PIERRE to APPOINT
COUNCILWOMAN SMITH AS THE NEXT VICE MAYOR. MOTION CARRIED.

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

B. PRESENTATIONS:

1. PRESENTATION BY SHARON FRAZIER-STEPHENS, COMMUNITY OUTREACH AND RECRUITMENT LIAISON OF THE CENTER FOR FAMILY AND CHILD ENRICHMENT, INC. OF PROSPECTIVE FOSTERING OR ADOPTING CHILDREN.

AT THE REQUEST OF THE APPLICANT, THIS ITEM WAS DEFERRED TO THE NEXT CITY COUNCIL MEETING.

2. NMB BEAUTIFUL HOME AWARDS (CODE ENFORCEMENT).

PRESENTATION OF THE NMB BEAUTIFUL HOME AWARDS WAS MADE BY SHARON RAGOONAN. (Attached hereto to these Minutes is a list of recipients of the NMB Now More Beautiful Award.)

6. **APPROVAL OF MINUTES OF JULY 22, 2008.**

MOTION by COUNCILMAN DEROSE, seconded by MAYOR MARIN, to APPROVE the MINUTES OF JULY 22, 2008.

MOTION by COUNCILWOMAN SMITH, seconded by VICE MAYOR PIERRE, to AMEND THE MINUTES OF JULY 22, 2008, Page 3, "that Mr. Kazan gave his minutes to Allison Robie".

MOTION CARRIED.

MOTION by COUNCILWOMAN SMITH, seconded by VICE MAYOR PIERRE, to APPROVE THE MINUTES OF JULY 22, 2008, as amended.

MOTION CARRIED.

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

- A. REQUEST APPROVAL FOR EXPENDITURE OF \$380,000.00 FROM THE FEDERAL JUSTICE LAW ENFORCEMENT TRUST FUND AND \$240,000.00 FROM THE STATE/LOCAL LAW ENFORCEMENT TRUST FUND (POLICE DEPT.).

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILWOMAN SMITH, to APPROVE the request for expenditure of \$380,000.00 from the Federal Justice Law Enforcement Trust Fund and \$240,000.00 from the State/Local Law Enforcement Trust Fund (Police Dept.).

MOTION CARRIED.

(CNMB-CC MINUTES TAPE #400)

- B. REQUEST APPROVAL OF AWARD OF BID #2008-07 TO AVMED HEALTH PLANS FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO AND GROUP MEDICARE PLAN.

7. CITY MANAGER'S REPORT - CONTINUED:

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILWOMAN SMITH, to APPROVE the request for APPROVAL of Award of Bid #2008-07 to AVMED Health Plans for single source fully-insured Group Health Plan HMO, POS, PPO and GROUP Medicare Plan.

MOTION CARRIED.

(CNMB-CC MINUTES TAPE #400)

C. DISCUSSION OF CITY MANAGER CONTRACT TERMS AND CONDITIONS.

DISCUSSION ENSUED BY MEMBERS OF THE CITY COUNCIL ON THE ABOVE-DESCRIBED SUBJECT AND PUBLIC INPUT WAS ALSO GIVEN. AS A RESULT, THE FOLLOWING MOTIONS WERE MADE:

MOTION by COUNCILMAN JULIEN, seconded by COUNCILMAN DEROSE to REMOVE his SECOND to the MOTION to have a National Search for a New City Manager that was made by VICE MAYOR PIERRE during the June 24TH Council Meeting. MOTION DEFEATED, by the following ROLL CALL VOTE:

VICE MAYOR PIERRE	NO	
COUNCILMAN DEROSE	YES	
COUNCILWOMAN SMITH	NO	(VOTE: 3 YES
COUNCILMAN CHERNOFF	NO	4 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	
MAYOR MARIN	NO	

MOTION by COUNCILMAN CHERNOFF seconded by MAYOR MARIN to ADVERTISE in the Florida League of Cities for a new City Manager. MOTION CARRIED,

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

MOTION by COUNCILMAN ROSNER seconded by VICE MAYOR PIERRE to HIRE Kelvin Baker as the new City Manager and to discuss his contract terms at an emergency meeting next Tuesday before the budget meeting the same day. MOTION CARRIED, by the following ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILMAN DEROSE	YES	
COUNCILWOMAN SMITH	NO	(VOTE: 4 YES
COUNCILMAN CHERNOFF	NO	3 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	
MAYOR MARIN	NO	

7. CITY MANAGER'S REPORT - CONTINUED:

MOTION by VICE MAYOR PIERRE seconded by COUNCILMAN CHERNOFF to RECONSIDER the motion made earlier for a National Search for a new City Manager. MOTION DEFEATED.
by the following ROLL CALL VOTE:

VICE MAYOR PIERRE	YES	
COUNCILMAN DEROSE	NO	
COUNCILWOMAN SMITH	NO	(VOTE: 3 YES
COUNCILMAN CHERNOFF	NO	4 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	
MAYOR MARIN	NO	

MOTION by COUNCILMAN DEROSE seconded by VICE MAYOR PIERRE TO RECONSIDER THE MOTION MADE EARLIER TO HIRE KELVIN BAKER AS NEW CITY MANAGER. MOTION CARRIED.

by the following ROLL CALL VOTE:

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

MOTION by COUNCILMAN ROSNER seconded by COUNCILMAN DEROSE to HIRE Kelvin Baker, to discuss the terms of his contract on next Tuesday, and if an agreement of terms was not reached then a search with the Florida League of Cities would take place to find a new City Manager. MOTION CARRIED.

by the following ROLL CALL VOTE

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

* * * * *

Motion made by COUNCILWOMAN SMITH and COUNCILMAN DEROSE with respect to the City Manager's retroactive pay (See Page 7).

* * * * *

7. **CITY MANAGER'S REPORT - CONTINUED:**

Name or Party(ies) Appearing:

- | | |
|--|---|
| 1. Mubarak Kazan
15564 N.E. 12 Avenue
North Miami Beach, FL. | 8. Carmen Kienzle
1653 N.E. 178 Street
North Miami Beach, FL. |
| 2. Richard Reiss
23 N.W. 169 Street
North Miami Beach, FL. | 9. Dr. Marvin Diaz-Lacayo
18005 N.E. 19 Avenue
North Miami Beach, FL. |
| 3. Bert Kehren
3302 N.E. 171 Street
North Miami Beach, FL. | 10. Marilyn Baumoech
18635 N.E. 20 Court
North Miami Beach, FL. |
| 4. Ketley Joachim
210 N.E. 170 Street
North Miami Beach, FL. | 11. Janice Coakley, President
AFSCME
19681 N.W. 33 Avenue
Miami, FL. |
| 5. Marie Ayers. Secretary
AFSCME | 12. Jarret Gross
3447 N.E. 168 Street
North Miami Beach, FL. |
| 6. Charles Loeb
16800 N.E. 15 Avenue
North Miami Beach, FL. | 13. Allison Robie
2131 N.E. 179 Street
North Miami Beach, FL. |
| 7. Mario Appolon
2099 N.E. 183 Street
North Miami Beach, FL. | |

D. REPORT BY CITY MANAGER ON N.E. 15TH AVENUE.

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

THE CITY ATTORNEY WAIVED HIS REPORT.

(CNMB-CC MINUTES TAPE #400)

At this time, approximately 10:22 p.m. the Mayor called for a recess. Thereafter, at approximately 10:29 p.m. the Mayor and City Council reconvened with a Roll Call as follows:

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

9. **SCHEDULED CITIZENS APPEARANCE:**

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

RE: WASTE.

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

RE: NMB CONCERNS.

C. STEPHANIE KIENZLE
1653 N.E. 178 STREET
NORTH MIAMI BEACH, FL.

RE: THE TRUTH IS OUT THERE.

WITHDRAWN AT THE REQUEST OF THE APPLICANT.

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

RE: NMB.

10. **MISCELLANEOUS ITEMS:**

NONE

11. **WAIVER OF FEE:**

NONE

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

A. FAITH MEDICAL INSTITUTE, LLC
2040 N.E. 163 STREET
NORTH MIAMI BEACH, FL.

MARGARET DACOSTA-DALLAS, MANAGING MEMBER

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

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

AT THIS POINT THE FOLLOWING MOTION WAS MADE:

* * * * *

(SEE PAGE 4)

MOTION by COUNCILWOMAN SMITH seconded by COUNCILMAN DEROSE to COMPENSATE KELVIN BAKER FIVE HUNDRED DOLLARS A WEEK TO BE RETROACTIVE.

MOTION by COUNCILWOMAN SMITH seconded by COUNCILMAN DEROSE to AMEND the aforementioned motion to make it retroactive to when the City Manager took over (i.e. June 24, 2008) MOTION CARRIED.

MOTION by COUNCILWOMAN SMITH seconded by COUNCILMAN ROSNER to APPROVE the the above-described motion, as AMENDED. MOTION CARRIED,
as AMENDED.

* * * * *

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. R2008-34):

RESOLUTION NO. R2008-28, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING MODIFICATION TO A PREVIOUSLY APPROVED SITE PLAN IN ORDER TO ADD TWO (2) OUTDOOR PADEL COURTS AS AN ACCESSORY USE TO A PROPOSED GYMNASIUM AT AN EXISTING 259,193 SQUARE FOOT SHOPPING MALL ON A 1,168,931 SQUARE FOOT (26.83 ACRE) PARCEL OF LAND, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LENGTHY LEGAL DESCRIPTION
SEE ATTACHED EXHIBIT "A"

A/K/A

3501 N.E. 163 Street

North Miami Beach, Florida

(P&Z Item No. 08-436 of June 30, 2008)", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-28 – CONTINUED:

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to AMEND Resolution No. R2008-28 as follows: 1) In Condition #4, add a provision to include access to when the courts are used; 2) In Condition #11, that the lights will remain on from the time the sun goes down (dusk) to closure at 10:00 p.m.; 3) Stipulation by attorney Mathew Amster: that a one (1) time planting take place on two (2) medians on 35th Avenue; 4) Stipulation: that a sidewalk be installed prior to the certificate of use being issued. MOTION CARRIED,
by the following ROLL CALL VOTE:

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-28, as AMENDED. MOTION CARRIED,
by the following ROLL CALL VOTE:

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

Thereafter, the following Motion was made:

MOTION by MAYOR MARIN to have the hours of closure to 11:00 p.m. MOTION DIED,
for lack of a second.

Name of Party(ies) Appearing:

- | | |
|---|--|
| 1. Mathew Amster, Attorney at Law
200 South Biscayne Boulevard #850
Miami, FL | 3. Ana DeBiasi
2345 N.E. 171 Street
North Miami Beach, FL. |
| 2. Mubarak Kazan
15564 N.E. 12 Avenue
North Miami Beach, FL | |
-

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-32, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING FINAL PLAT APPROVAL, IN ORDER TO REPLAT A 16,180 SQUARE FOOT (0.37 ACRE) PARCEL OF LAND LOCATED AT 14005 BISCAYNE BOULEVARD, IN THE B-2, GENERAL BUSINESS ZONING DISTRICT, FOR PROPERTY LEGALLY DESCRIBED AS:

(See Attached Exhibit "A")

A/K/A

14005 Biscayne Boulevard
North Miami Beach, Florida

(P & Z Item No. 07-425 of December 10, 2007)" was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-32. MOTION CARRIED.

by the following ROLL CALL VOTE:

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

Name of Party(ies) Appearing:

1. Mubarak Kazan
15564 N.E. 12 Avenue
North Miami Beach, FL.

RESOLUTION NO. R2008-33, 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 AVMED HEALTH PLANS, FOR SINGLE SOURCE FULLY-INSURED GROUP HEALTH PLAN HMO, POS, PPO AND GROUP MEDICARE PLAN" was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-33 – CONTINUED:

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-33. MOTION CARRIED.

by the following ROLL CALL VOTE:

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

ORDINANCES - FIRST READING, BY TITLE ONLY:
(SERIATIM NO. 2008-13)

NONE

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2008-11, entitled "AN ORDINANCE AMENDING CHAPTER 24, SECTION 22, OF THE ZONING AND LAND DEVELOPMENT CODE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; AMENDING THE DEFINITION OF BUILDING HEIGHT; AMENDING THE DEFINITIONS OF DENSITY TO EXCLUDE WATER BODIES FROM CALCULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE", was introduced BY MOTION OF COUNCILMAN CHERNOFF, seconded by MAYOR MARIN on its SECOND and FINAL READING.

MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT ORDINANCE NO. 2008-11 ON ITS SECOND AND FINAL READING. MOTION CARRIED.

by the following ROLL CALL VOTE:

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

13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING - CONTINUED:

ORDINANCE NO. 2008-12, entitled "AN ORDINANCE AMENDING CHAPTER 24, SECTION 22, OF THE ZONING AND LAND DEVELOPMENT CODE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY ENACTING SECTION 24-33, LIMITS ON DEVELOPMENT IN RESIDENTIAL DISTRICTS; FIXING ALLOWABLE RESIDENTIAL DEVELOPMENT AT THE MOST RESTRICTIVE DENSITIES AND BUILDING HEIGHTS SET OUT IN THE CITY COMPREHENSIVE PLAN AND/OR CODE OF ORDINANCES IN EFFECT UPON PASSAGE OF THIS AMENDMENT; PROVIDING EXCEPTIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE", was introduced BY MOTION OF COUNCILMAN CHERNOFF, seconded by MAYOR MARIN ON ITS SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT ORDINANCE NO. 2008-12 ON ITS SECOND AND FINAL READING. MOTION CARRIED.
by the following ROLL CALL VOTE:

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

14. UNSCHEDULED CITIZENS APPEARANCES:

A. CHARLES LOEB
16800 N.E. 15 AVENUE
NORTH MIAMI BEACH, FL

RE: AWARDS TO CITY IN SUN POST; GAS PRICES; MAYOR'S TASK FORCE.

B. NORMAN EDWARDS
1640 N.E. 170 STREET
NORTH MIAMI BEACH, FL

RE: CRANE ACCIDENT; HURRICANE SEASON.

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

RE: AMENDMENT 1, AMERICAN REPRESENTATION.

15. CITY COUNCIL COMMITTEE REPORTS:

A. VICE MAYOR PIERRE'S REPORT:

1. VICE MAYOR PIERRE WISHED EVERYONE A GOOD EVENING, TO ENJOY THEIR SUMMER AND TO STAY SAFE.

(CNMB-CC MINUTES TAPE #400)

B. COUNCILMAN DEROSE'S REPORT:

1. COUNCILMAN DEROSE WISHED EVERYONE A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #400)

C. COUNCILWOMAN SMITH'S REPORT:

1. COUNCILWOMAN SMITH STATED THAT WHEN WE MEET AGAIN SCHOOL WILL HAVE STARTED. SHE WISHED EVERYONE A GOOD SCHOOL YEAR, TO ENJOY THE LAST TWO WEEKS OF THEIR PLAY AND SUMMER. COUNCILWOMAN SMITH THANKED MR. BAKER FOR BRINGING A YELLOW FOLDER TO THE MEETING TONIGHT. COUNCILWOMAN SMITH THANKED EVERYONE VERY MUCH AND WISHED THEM A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #400)

D. COUNCILMAN CHERNOFF'S REPORT:

1. COUNCILMAN CHERNOFF WISHED EVERYONE A GOOD EVENING, AND EXPRESSED TO EVERYBODY TO PLEASE OBSERVE THAT SCHOOL WILL BE IN SESSION ON THE 18TH, FOR THE CHILDREN, AND ASKED EVERYONE TO DRIVE SAFELY.

(CNMB-CC MINUTES TAPE #400)

2. COUNCILMAN CHERNOFF STATED THAT IT HAS COME TO HIS ATTENTION THAT COUNCILMAN JOHN JULIEN SENT OUT AN E-MAIL QUESTIONING HIS INTEGRITY. HE NEEDED TO POINT OUT THAT BOTH COUNCILWOMAN SMITH AND HE WORK FOR COLDWELL BANKER RESIDENTIAL, NOT COLDWELL BANKER COMMERCIAL. COUNCILMAN CHERNOFF STATED THAT THE ETHICS COMMISSION, WHEN THIS QUESTION WAS BROUGHT UP HAS RULED THAT NEITHER ONE OF THEM HAS A CONFLICT ON VOTING ANYTHING THAT THEY DO NOT PROFIT FROM AND THEY DO NOT PROFIT FROM EVERY COLDWELL BANKER DEAL. COUNCILMAN CHERNOFF WANTED THAT FOR THE RECORD.

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

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

AT THIS POINT, COUNCILWOMAN SMITH STATED THAT SHE WANTED TO ADD THAT SHE HAD THE ATTORNEY CHECK FOR HER AND HE DID FEEL THERE WAS A CONFLICT SO SHE JUST WANTED THAT ADDED AS WELL. COUNCILWOMAN SMITH DID NOT THINK THAT IF IT WAS GOING TO COME FOR A VOTE THAT THAT WOULD BE PROPER EVEN THOUGH THEY ARE INDEPENDENT AGENTS. THE COMPANY WHERE THEIR LICENSE HANGS WOULD BENEFIT.

(CNMB-CC MINUTES TAPE #400)

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

1. COUNCILMAN ROSNER WISHED EVERYONE A GOOD EVENING AND INDICATED THAT FOR HIM IT HAS BEEN A LONG DAY. COUNCILMAN ROSNER STATED THAT HE WAS A GUEST ON CBS THIS MORNING AT THE JIM AND JAN MORNING SHOW WHERE THEY WERE INVITED TO DISCUSS THE DISABILITY SPORTS PROGRAM. THEY MET AND THEY BROUGHT ONE OF THE VITA GLIDES THERE, DISTRIBUTED THEIR PAMPHLETS, AND SPENT SEVERAL MINUTES ON THEIR SHOW THIS MORNING. COUNCILMAN ROSNER THANKED THEM, AND INDICATED THAT OUR PROGRAM HAS GROWN PHENOMENALLY, PEOPLE ARE HEARING ABOUT IT. COUNCILMAN ROSNER THANKED KELVIN FOR REVAMPING THE WEBSITE, AND IF ANYONE IS EVER INTERESTED OUR CITY WEBSITE HAS LINKS. THEREAFTER, COUNCILMAN ROSNER WISHED EVERYONE A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #400)

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

1. COUNCILMAN JULIEN WISHED EVERYONE A GOOD EVENING AND STATED THAT IT HAS BEEN A VERY LONG DAY. COUNCILMAN JULIEN STATED TO COUNCILMAN CHERNOFF, JUST FOR THE RECORD, THAT HE KNOWS HE WAS VERY CLEAR HE WAS HAVING AN E-MAIL EXCHANGE WITH A CONCERNED RESIDENT WHO WAS UPSET ABOUT THE FIRING OF MR. KLOPP AND HE WAS SHARING SOME THOUGHTS AND HE SAID HE WAS NOT MAKING ANY ACCUSATIONS, AND THEN HE POINTED OUT THAT COUNCILMAN CHERNOFF WORKS FOR COLDWELL BANKER AND, YES, HE DID SAY COLDWELL BANK COMMERCIAL REAL ESTATE BECAUSE THAT IS WHERE HE THOUGHT COUNCILMAN CHERNOFF WORKED BUT HE WAS NOT ACCUSING COUNCILMAN CHERNOFF OF ANY WRONG DOING IN ANY WAY SHAPE OR FORM. COUNCILMAN JULIEN STATED THAT HE JUST WANTS TO PUT THAT ON THE RECORD AS WELL. COUNCILMAN JULIEN INDICATED THAT IF COUNCILMAN CHERNOFF NEEDED AN APOLOGY THEN HE APOLOGIZES BECAUSE HE WAS NOT MAKING ANY ACCUSATIONS BUT IF HE TOOK OFFENSE TO IT THEN YES HE HUMBLY APOLOGIZES.

(CNMB-CC MINUTES TAPE #400)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

2. COUNCILMAN JULIEN STATED TO MR. BAKER, JUST IN CASE THE OFFER IS MADE, AND HE CHOOSES TO GO ELSEWHERE HE WANTS HIM TO KNOW THAT IT HAS BEEN GREAT WORKING WITH HIM. IT HAS BEEN A SHORT AMOUNT OF TIME BUT, IN THE SHORT AMOUNT OF TIME THAT MR. BAKER HAS BEEN HERE, HE HAS THE UTMOST CONFIDENCE IN HIS ABILITY AND HE KNOWS THAT IF IT IS OUR LOSS IT WILL BE COOPER CITY'S GAIN OR WHOMEVER. COUNCILMAN JULIEN STATED HE WANTED TO THANK MR. BAKER FOR ALL THE HARD WORK HE AND THE STAFF HAVE PUT FORWARD AND HE WISHES MR. BAKER AND HIS FAMILY OBVIOUSLY THE VERY BEST AND MAY GOD CONTINUE TO BLESS HIM.

(CNMB-CC MINUTES TAPE #400)

G. MAYOR MARIN'S REPORT:

1. MAYOR MARIN STATED THAT THE NEXT MEETING IS SEPTEMBER 9, 2008.

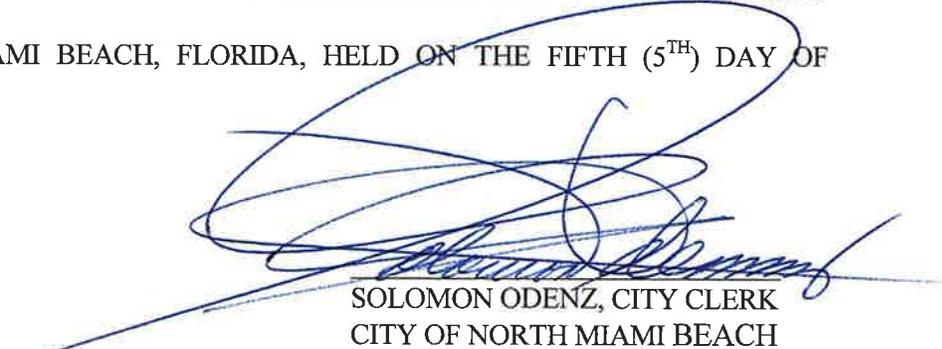
(CNMB-CC MINUTES TAPE #400)

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 11:36 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 FOURTEEN (14) INCLUSIVE, PLUS ONE (1) ATTACHMENT ENTITLED "OFFICIAL LIST OF THE NOW MORE BEAUTIFUL AWARD RECIPIENTS", 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 FIFTH (5TH) DAY OF AUGUST, 2008.

(SEAL)


SOLOMON ODENZ, CITY CLERK
CITY OF NORTH MIAMI BEACH

OFFICIAL LIST OF THE NOW MORE BEAUTIFUL AWARD RECIPIENTS
(Presented at the August 5, 2008 Council Meeting)

AP	1871 NE 158 ST	2216-017-0630	PIERRE C & MARIANNE DELICE
AP	16050 NE 16 AVE	2217-005-0890	DANIEL O & ANNE AUGUST
CC UP	1732 NE 169 ST	2208-002-2120	JORGE L MARRERO & FRANCISCO GRAITONANDIA
ES	3300 NE 164 ST	2215-001-2330	HECTOR & MIGDALIA MARRERO
ES	3400 NE 164 ST	2215-001-2380	MEIR PERETZ
ES	3408 NE 169 ST	2210-001-1260	ORESTES & IRMA PENA
ES	3443 NE 171 ST	2210-001-1870	GARY KELLER & SONIA ANGUEIRA
ES	16401 NE 32 AVE	2215-001-1370	TIMOTHY BOWENS
ES	16425 NE 31 AVE	2215-001-1610	ALEXIS MENDIZABAL & GRETY INFANTE
ES	16436 NE 32 AVE	2215-001-1530	LAURIS & DIANE BOULANGER
ES	16442 NE 34 AVE	2215-001-1140	JOE G RICH
ES	16450 NE 31 AVE	2215-001-1760	MARLENE SOUSA & JEAN G LALONDE
ES	16458 NE 31 AVE	2215-001-1750	SOLOMON & LISA SUSI
ES	16850 NE 35 AVE	2210-001-1220	MARGUERITE BUHLER
ES	3360 NE 170 ST	2210-001-1520	LEONARD & NICOLE DETUILLIO
ES	3248 NE 169 ST	2210-001-1320	NORMAN & DELLA PILIGIAN
ES	16850 NE 35 AVE	2210-001-1220	MARGUERITE BUHLER (vacant lot)
HV	2284 NE 137 ST	2221-003-1220	CHARLES F HENRY
HV	2455 NE 137 ST	2221-003-1077	GASTON BOUDREAU
OG	1001 NE 151 TER	2217-020-1710	DERRALL SINGLETON & BONNIE DEAN
OG	1020 NE 154 TER	2217-020-1150	MYRTLE & PAULINE TOMLINSON
OG	1281 NE 160 ST	2217-006-0600	VALERIE R COLLIER
OG	1200 NE 161 ST	2217-006-0500	ZAIDO LAJARA & ROSE M SARDINAS
OG	1285 NE 157 ST	2217-008-0510	MARIE ANTOINE
OG	1244 NE 156 ST	2217-008-1010	BIANCA V DE LA FUENTE
OG	1291 NE 160 ST	2217-006-0590	PETER & ANN KEANE
OG	1346 NE 152 ST	2217-008-2461	JOSE R & AURA C CASTELLON
OG CB	888 NE 160 TER	2218-011-1710	RUTH PIERRE-MAINTUS & MARIE DANTES
OG CB	898 NE 160 TER	2218-011-1720	E & JOAN FITZRITSON
OG FH	1088 NE 156 ST	2217-009-1380	NELSON & VERONICA JACKSON
PW	811 NE 182 ST	2207-055-0210	C & BELZAIRE DOMINIQUE & LINDA JEAN BAPTISTE
PW	871 NE 182 ST	2207-0550150	SHIRLEY & JOHN BOURNES
SE	1774 NE 180 ST	2208-003-0090	FRANK V & JOYCE M BOLLOTTA
SE	1988 NE 178 ST	2209-003-0470	MARVIN & LUCY HERTZ TRS
SE	2100 NE 174 ST	2209-004-0340	ANTOINE T ST LOUIS
SK	1930 NE 188 ST	2204-014-0760	JERYL C BASS
SK	2071 NE 194 TER	2204-014-1990	ILANIT ZOHAR YANOVICH & TOVAH ZOHAR JTRS
SK	19230 NE 20 CT	2204-014-2190	STANLEY E & SUE SKOPIT
SK	19551 NE 19 PL	2204-014-1930	AUSTIN A & HEIDI FRYE
SW	1101 NE 182 ST	2208-004-0260	CLEMEN ATIA
SW	1171 NE 182 ST	2208-009-0504	MIGUEL & MARIA C GUEVARA
SW	1325 NE 176 ST	2208-005-0450	VALERIE & NICOLE RODRIGUEZ
SW	1600 NE 182 ST	2208-003-1990	JOSE CAICEDO & DENICE OLIVEROS
UL	571 NE 174 ST	2207-004-0170	KEITH E & KATHLEEN MCINTOSH
UL	590 NE 173 ST	2207-001-0010	HOWARD MILLER & DOROTHY REID
UL	17115 NE 4 PL	2207-007-0590	ROSANNA GAIL PERRY
UL	16961 NE 8 CT	2207-015-0350	ESTIVEINE PIERRE
UL	111 NE 170 ST	2112-010-0120	TAVIA & MASON CARBY
WW	970 NE 177 ST	2207-036-0350	MEIR & MALKA WEISS
WW	1030 NE 178 TER	2208-016-0030	MIREILLE & LEON PIERRE MICHEL
WW	1081 NE 179 ST	2208-016-0570	MANUEL E OJEDA & YOLANDA VALDEZ
WW	1085 NE 179 TER	2208-020-0200	EMER J & RAYSA MIRANDA