

# MINUTES

OF THE  
RESCHEDULED  
CITY COUNCIL MEETING

SEPTEMBER 23, 2008



PREPARED BY:  
SOLOMON ODENZ, CITY CLERK

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MINUTES

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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	MYRON ROSNER
COUNCILMAN	JOHN PATRICK JULIEN
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	HOWARD B. LENARD
CITY CLERK	SOLOMON ODENZ

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PUBLIC HEARING

**BUDGET – FISCAL YEAR 2008/2009**

At this time, approximately 7:10 p.m., MAYOR MARIN declared the 2<sup>nd</sup> Public Hearing on the Budget – Fiscal Year 2008/2009 opened.

Thereafter, MAYOR MARIN invited the public to speak. The following members of the Public spoke on Budget – Fiscal Year 2008/2009:

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|---|--|
| 1. Richard Reiss<br>23 N.W. 169 Street<br>North Miami Beach, FL.    | 4. Allison Robie<br>2131 N.E. 171 Street<br>North Miami Beach, FL. |
| 2. Mubarak Kazan<br>15564 N.E. 12 Avenue<br>North Miami Beach, FL.  | 5. Bert Kehren<br>3302 N.E. 171 Street<br>North Miami Beach, FL.   |
| 3. Diego Arboleda<br>19230 N.E. 22 Avenue<br>North Miami Beach, FL. | 6. Muriel Kemp<br>1479 N.E. 178 Street<br>North Miami Beach, FL.   |
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Thereafter, at approximately 7:40 p.m. MAYOR MARIN declared the Public Hearing closed. The Regular City Council Meeting reconvened at approximately 7:47 p.m.

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1. ROLL CALL OF THE CITY OFFICIALS:

MAYOR	RAYMOND F. MARIN, PRESIDING
VICE MAYOR	PHYLLIS S. SMITH
COUNCILMAN	PHILIPPE DEROSE
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COUNCILMAN	FRANTZ PIERRE
COUNCILMAN	MYRON ROSNER
COUNCILMAN	JOHN PATRICK JULIEN
CITY MANAGER	KELVIN L. BAKER
CITY ATTORNEY	HOWARD B. LENARD
CITY CLERK	SOLOMON ODENZ

2. INVOCATION: MAYOR RAYMOND F. MARIN

3. SALUTE TO THE AMERICAN FLAG.

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

WITHDRAWALS - ITEM #13(B) ORDINANCE NO 2008-18

ORDINANCE NO. 2008-16 AND ORDINANCE NO. 2008-17 TO BE AMENDED; ITEM NO. 12(B) WILL BE TAKEN UP BEFORE ITEM 12(C)

5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

1. TONI DARWISH – YOUTH ADVISORY BOARD.
2. JOSHUA LAST – YOUTH ADVISORY BOARD.
3. SASKIA LINDO – YOUTH ADVISORY BOARD.

MOTION by COUNCILMAN CHERNOFF, seconded by VICE MAYOR SMITH, to APPOINT TONI DARWISH, JOSHUA LAST, and SASKIA LINDO to the YOUTH ADVISORY BOARD.

MOTION CARRIED.

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.

MS. SHARON FRAZIER-STEPHENS AND MS. AILENE FURTEIL MADE THE PRESENTATION

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5. APPOINTMENTS/PRESENTATIONS - CONTINUED:

B. PRESENTATIONS - CONTINUED:

2. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO TERRY CAMPBELL AS THE EMPLOYEE OF THE MONTH FOR SEPTEMBER.

PRESENTATION MADE BY COUNCILMAN FRANTZ PIERRE AND CITY MANAGER KELVIN L. BAKER.

6. APPROVAL OF MINUTES OF SEPTEMBER 9, 2008.

MOTION by COUNCILMAN ROSNER, seconded by VICE MAYOR SMITH, to APPROVE the MINUTES of SEPTEMBER 9, 2008. MOTION CARRIED.

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

- A. MR. BAKER STATED THAT THE ELECTRONIC PAYMENT SYSTEM IS NOW UP AND RUNNING AND ALL CUSTOMERS CAN PAY THEIR BILL ON THE INTERNET (NO LINES, NO WAITING).

(CNMB-CC MINUTES TAPE #404)

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

THE CITY ATTORNEY WAIVED HIS REPORT.

(CNMB-CC MINUTES TAPE #404)

9. SCHEDULED CITIZENS APPEARANCE:

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

RE: FORENSIC AUDIT

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

RE: CONCERNS.

MRS. ROBIE GAVE UP HER 3 MINUTE TIME LIMIT TO ITEM #9(E) MUBARAK KAZAN.

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9. SCHEDULED CITIZENS APPEARANCE - CONTINUED:

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

RE: NMB ISSUES.

D. ROBERT TAYLOR  
1951 N.E. 157 TERRACE  
NORTH MIAMI BEACH, FL.

RE: CONCERNS.

E. RICHARD REISS  
23 N.W. 169 STREET  
NORTH MIAMI BEACH, FL.

RE: FIDUCIARY DUTIES = TRUSTED TRANSPARENCY AND ACCOUNTABILITY.

10. MISCELLANEOUS ITEMS:

NONE

11. WAIVER OF FEE:

NONE

12. BUSINESS TAX RECEIPT - CITY CLERK:

A. MANNY, MOE & JACK #173  
d/b/a THE PEP BOYS  
295 N.E. 167 STREET  
NORTH MIAMI BEACH, FL.

MICHAEL J. SNYDER, ATTORNEY

RE: REQUEST APPROVAL OF A BUSINESS TAX RECEIPT FOR THE HOURS OF  
AUTOMOBILE REPAIR, SERVICE & INSTALLATION AS STIPULATED IN  
CONDITION #17, PARAGRAPH 2, OF RESOLUTION NO. R92-31A/RESOLUTION NO.  
R92-31B (ANNUAL APPROVAL).

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN to APPROVE the  
APPLICANT'S REQUEST. MOTION CARRIED.

At this point it was decided to take up Item No. 12(C) prior to Item No. 12(B)

**12. BUSINESS TAX RECEIPT MATTERS - CONTINUED:**

C. SMG ENTERTAINMENT, INC.  
d/b/a SWEET DREAMS  
17450 BISCAYNE BOULEVARD  
NORTH MIAMI BEACH, FL.

THOMAS M. MOON, ATTORNEY

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

Thereafter, MAYOR MARIN recused himself from Item No. 12(B) (Platinum South, Inc. d/b/a Solid Gold) and Item No. 12(C) (SMG Entertainment d/b/a Sweet Dreams) on the agenda due to a conflict of interest and he also turned over the Gavel to VICE MAYOR SMITH.

Mr. Tom Moon, Attorney for the applicant, read a letter into the record for case settlement purposes. Thereafter, discussion ensued and during discussion COUNCILMAN PIERRE, COUNCILMAN CHERNOFF and COUNCILMAN ROSNER recused themselves. As a result the meeting, on this item only, found itself without a quorum. However, after further discussion and legal department input, the following two (2) motions were made and, in effect, the recusals of COUNCILMAN PIERRE, COUNCILMAN CHERNOFF and COUNCILMAN ROSNER were no longer applicable).

MOTION by COUNCILMAN ROSNER, seconded by COUNCILMAN JULIEN, to DEFER Item No. 12 (C)

After further discussion on this motion COUNCILMAN JULIEN withdrew his second. Therefore, the MOTION died for lack of a second. COUNCILMAN ROSNER, also withdrew his motion.

Further discussion ensued on Item No. 12(C) resulting in the following motion:

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN CHERNOFF, to HEAR Mr. Tom Moon, Attorney for the applicant (Item No. 12(C) SMG Entertainment, d/b/a Sweet Dreams).

MOTION CARRIED.

by the following ROLL CALL VOTE:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	YES	(VOTE: 5 YES
COUNCILMAN PIERRE	NO	1 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN DEROSE to APPROVE a 4:00 a.m. to 6:00 a.m. Business Tax Receipt on a probationary basis (6 months) subject to filing an application and payment of fees.

MOTION CARRIED.

by the following roll call vote:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	YES	(VOTE: 4 YES
COUNCILMAN PIERRE	NO	2 NO)
COUNCILMAN ROSNER	NO	
COUNCILMAN JULIEN	YES	

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**12. BUSINESS TAX RECEIPT MATTERS - CONTINUED:**

MOTION by VICE MAYOR SMITH, seconded by COUNCILMAN CHERNOFF to APPROVE the aforementioned motion by 1) the city receiving a letter tomorrow that all law suits relative to Item (12(C) be withdrawn and 2) agreeing with the Chief of Police conditions stated in his Memorandum dated 9/19/08.

MOTION CARRIED,

by the following ROLL CALL VOTE:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	YES	(VOTE: 5 YES
COUNCILMAN PIERRE	NO	1 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	

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Name of Party(ies) Appearing:

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|--|---|
| 1. Bert Kehren<br>3302 N.E. 171 Street<br>North Miami Beach, FL.   | 4. Norman Edwards<br>1640 N.E. 175 Street<br>NorthMiami Beach, FL.  |
| 2. Mubarak Kazan<br>15564 N.E. 12 Avenue<br>North Miami Beach, FL. | 5. Allison Robie<br>2131 N.E. 171 Street<br>North Miami Beach, FL.  |
| 3. Jarret Gross<br>3447 N.E. 168 Street<br>North Miami Beach, FL.  | 6. Diego Arboleya<br>19230 N.E. 22 Avenue<br>North Miami Beach, FL. |

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B. PLATINUM SOUTH, INC.  
d/b/a SOLID GOLD  
2355 N.E. 163 STREET  
NORTH MIAMI BEACH, FL.

ALAN S. ROSENTHAL, ATTORNEY

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

MOTION by VICE MAYOR SMITH, seconded by COUNCILMAN ROSNER to APPROVE a 4:00 a.m. to 6:00 a.m. Business Tax Receipt. MOTION CARRIED,  
by the following ROLL CALL VOTE:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	YES	(VOTE: 5 YES
COUNCILMAN PIERRE	NO	1 NO)
COUNCILMAN ROSNER	YES	
COUNCILMAN JULIEN	YES	

At this time, VICE MAYOR SMITH turned the Gavel over to MAYOR MARIN.

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:

RESOLUTIONS - (SERIATIM NO. R2008-37):

NONE

ORDINANCES - FIRST READING BY TITLE ONLY:  
(SERIATIM NO. 2008-20)

ORDINANCE NO. 2008-18, entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, CHAPTER 2, ENTITLED "STRUCTURE OF CITY GOVERNMENT", BY ADDING A SECTION PROVIDING FOR LOBBYIST REGISTRATION; PROVIDING FOR LOBBYIST REPORTING REQUIREMENTS; PROVIDING FOR LATE REGISTRATION AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE".

ORDINANCE NO. 2008-18 WAS WITHDRAWN FROM THE AGENDA.

ORDINANCES - SECOND AND FINAL READING:

ORDINANCE NO. 2008-13, entitled "AN ORDINANCE FIXING THE MILLAGE RATE FOR AD VALOREM TAXES ON REAL AND PERSONAL PROPERTY IN THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 AND FIXING THE MILLAGE RATES FOR DEBT SERVICE ON THE GENERAL OBLIGATION BONDS, SERIES 200-B AND SERIES 2002A", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN on its SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN ROSNER, seconded by COUNCILMAN PIERRE, to ADOPT Ordinance No. 2008-13 on its SECOND AND FINAL READING. MOTION CARRIED.  
by the following ROLL CALL VOTE:

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

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13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING - CONTINUED:

ORDINANCE NO. 2008-13 – CONTINUED:

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Name of Party(ies) Appearing:

1. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL.
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ORDINANCE NO. 2008-14, entitled AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by COUNCILMAN PIERRE on its SECOND AND FINAL READING. MOTION CARRIED.

MOTION by MAYOR MARIN, seconded by COUNCILMAN DEROSE, to AMEND Ordinance No. 2008-14 to take \$12,000 out of the Mayor's expense account. MOTION CARRIED.  
by the following ROLL CALL VOTE:

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

MOTION by MAYOR MARIN, seconded by COUNCILMAN DEROSE, to ADOPT Ordinance No. 2008-14 on its SECOND AND FINAL READING, as AMENDED. MOTION CARRIED.  
by the following ROLL CALL VOTE:

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

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Name of Party(ies) Appearing:

1. Allison Robie  
2131 N.E. 179 Street  
North Miami Beach, FL.
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13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING - CONTINUED:

ORDINANCE NO. 2008-14 – CONTINUED:

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2. Richard Reiss  
23 N.W. 169 Street  
North Miami Beach, FL
  3. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL.
  4. Diego Arboleya  
19230 N.E. 22 Avenue  
North Miami Beach, FL.
  5. Goldie Prophet  
831 N.E. 182 Terrace  
North Miami Beach, FL.
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At this point COUNCILMAN ROSNER was not in the council Chambers.

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ORDINANCE NO. 2008-15, entitled "AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR THE MONTHLY PAYMENTS TO THE CITY OF NORTH MIAMI BEACH, AND PROVIDING FOR AN EFFECTIVE DATE", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN on its SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN JULIEN, to ADOPT Ordinance No. 2008-15 on its SECOND AND FINAL READING. MOTION CARRIED.  
by the following ROLL CALL VOTE:

VICE MAYOR SMITH	YES	
COUNCILMAN DEROSE	YES	
COUNCILMAN CHERNOFF	YES	(VOTE: 6 YES
COUNCILMAN PIERRE	YES	0 NO)
COUNCILMAN JULIEN	YES	
MAYOR MARIN	YES	

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Name of Party(ies) Appearing:

1. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL.
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13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING - CONTINUED:

ORDINANCE NO. 2008-16, entitled "AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO PEOPLE'S GAS SYSTEM, INC., A DIVISION OF TAMPA ELECTRIC COMPANY, A FLORIDA CORPORATION, FOR A PERIOD OF THREE (3) YEARS, WITH PROVISION FOR AUTOMATIC RENEWAL FOR SUCCESSIVE THREE (3) YEAR TERMS; SETTING FORTH TERMS AND CONDITIONS, INCLUDING PROVISION THAT CITY IS ENTITLED TO HIGHER FRANCHISE TAX RATE EXTENDED TO ANY OTHER AGENCY IN FLORIDA GRANTING SIMILAR FRANCHISE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by COUNCILMAN PIERRE on its SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN DEROSE, to ADOPT Ordinance No. 2008-16 on its SECOND AND FINAL READING (See Attachment to Minutes-Page 20).

MOTION CARRIED.

by the following ROLL CALL VOTE:

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

ORDINANCE NO. 2008-17, entitled "AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO PIVOTAL UTILITY HOLDINGS, INC., A NEW JERSEY CORPORATION, D/B/A FLORIDA CITY GAS, FOR A PERIOD OF THREE (3) YEARS; SETTING FORTH TERMS AND CONDITIONS, INCLUDING PROVISION THAT CITY IS ENTITLED TO HIGHER FRANCHISE TAX RATE EXTENDED TO ANY OTHER AGENCY IN FLORIDA GRANTING SIMILAR FRANCHISE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE", 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 VICE MAYOR SMITH, to ADOPT Ordinance No. 2008-17 on its SECOND AND FINAL READING (See Attachment to Minutes-Page 20).

MOTION CARRIED.

by the following ROLL CALL VOTE:

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

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13B. LEGISLATION - CONTINUED:

ORDINANCES - SECOND AND FINAL READING - CONTINUED:

ORDINANCE NO. 2008-19, entitled "AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XIX OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "WATER AND SEWERS"; IMPLEMENTING A PREVIOUSLY AUTHORIZED PSC ANNUAL INFLATION ADJUSTMENT; IMPLEMENTING A PREVIOUSLY AUTHORIZED ANNUAL INCREASE IN WATER AND SEWER RATES, FEES, AND CHARGES; 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 JULIEN on its SECOND AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT Ordinance No. 2008-19 on its SECOND AND FINAL READING. MOTION CARRIED.

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Name of Party(ies) Appearing:

1. Charles Loeb  
16800 N.E. 15 Avenue  
North Miami Beach, FL.
2. Mubarak Kazan  
15564 N.E. 12 Avenue  
North Miami Beach, FL.

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14. UNSCHEDULED CITIZENS APPEARANCES:

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

RE: BUDGET, POLICE RECOVERY ACT, TABLED ORDINANCE..

B. REGGIE RAHMING  
2541 N.W. 7 STREET  
MIAMI, FL

RE: THANK YOU MR. BAKER IN COMING TOGETHER, AFSCME CONTRACT.

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

RE: LOVE OF CITY; AMBULANCE PRIVATE SERVICE; MR. KEVEN KLOPP; POLICE.

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15. CITY COUNCIL COMMITTEE REPORTS:

A. VICE MAYOR SMITH'S REPORT:

1. VICE MAYOR SMITH STATED THAT THERE HAVE BEEN A FEW MEETINGS THIS PAST WEEK THAT SHE IS CHAIR OF, ONE WAS ECONOMIC DEVELOPMENT, AND SHE WOULD LIKE TO REPORT, SINCE SHE HAS BEEN ELECTED, THAT SHE HAS BEEN WORKING ON A HOTEL. VICE MAYOR SMITH INDICATED THAT IF YOU EVER COME TO THE FOURTH FLOOR IF SHE SEES THE MANAGER SHE SAYS WHERE IS HER HOTEL, WHERE IS HER HOTEL? VICE MAYOR SMITH STATED THAT IT SEEMS LIKE WE ACTUALLY HAVE TWO HOTELS THAT ARE THINKING ABOUT COMING INTO THE COMMUNITY AND HOPEFULLY THEY BOTH MAY. VICE MAYOR SMITH STATED THIS IS NOT ONLY GOOD FOR THE CITY IN A COMMUNITY THAT CAN UTILIZE IT WITH HAVING A PLACE TO GO AND A PLACE TO GATHER WHEN WE NEED A FACILITY, BUT IT WILL BE AN ENHANCEMENT THAT WILL BRING OTHER PEOPLE INTO THE CITY THAT WILL USE OUR RESTAURANTS, THAT WILL USE OUR STORES, AND SHE IS VERY HAPPY TO SEE THAT COME BEFORE THEM.

(CNMB-CC MINUTES TAPE #404)

2. VICE MAYOR SMITH STATED THAT SHE WAS SHOWN THE GLATTING JACKSON REPORT AND THAT WAS A REPORT THAT WILL COME BEFORE THE PUBLIC RELATIVE TO 164<sup>TH</sup> STREET TO 172<sup>ND</sup> STREET ON N.E. 19<sup>TH</sup> AVENUE AND WHEN THE PLANS ARE REVIEWED AND THE MONEY IS FOUND THIS REALLY COULD REALLY HELP PULL US TOGETHER AS A COMMUNITY BECAUSE SOME OF THE PLANS FOR 19<sup>TH</sup> AVENUE ARE OUTRAGEOUS AND NOT AS COSTLY TO MAKE OUR CITY ONE. VICE MAYOR SMITH INDICATED THAT WHEN SHE IS TALKING ABOUT THAT, SHE IS TALKING ABOUT THE PARKING ON ANGLES, ABOUT THE CENTER ISLANDS WITH PALM TREES, SHE IS TALKING TO REALLY MAKE IT A GOOD FORCE FOR THE COMMUNITY TO FEEL LIKE YOU ARE GOING FROM 163<sup>RD</sup> STREET OR FROM HANFORD BOULEVARD INTO OUR COMMUNITY HERE, OUR CITY HALL, AND OUR POLICE DEPARTMENT, ETC. IN THAT THEY ARE GOING TO FEEL LIKE IT IS REALLY SOMETHING SPECIAL. VICE MAYOR SMITH STATED THAT THAT WILL BE COMING BEFORE THEM SO SOMEHOW THEY ARE GOING TO HAVE TO FIND SOME MONEY, SOME TIME OR SOME REVENUE GENERATING TO DO THAT.

(CNMB-CC MINUTES TAPE #404)

3. VICE MAYOR SMITH STATED SHE WOULD LIKE TO WISH FRAN RODSTEIN, WHO HAS BEEN WITH OUR LIBRARY FOURTEEN YEARS AND THE LIBRARY SYSTEM FORTY YEARS A WONDERFUL RETIREMENT. SHE WILL BE RETIRING AT THE END OF THIS MONTH AND THE COUNCIL WOULD LIKE TO WISH ALL THAT FOR HER. VICE MAYOR SMITH STATED THAT THEY ARE WORKING ON THE LIBRARY BOARD. VICE MAYOR SMITH INDICATED THAT THEY ARE WORKING TO TRY AND GET IT TO WHERE THE PUBLIC CAN USE THEIR COMMUNITY FEATURE AND THAT THEY CAN HAVE SOME REVENUE GENERATING THINGS FROM THAT LIBRARY WHETHER IT BE RENTED OUT, OR WHETHER IT BE CHARGES, OR WHAT HAVE YOU AND THEY ARE REALLY WORKING VERY HARD ON THE LIBRARY.

(CNMB-CC MINUTES TAPE #404)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

A. VICE MAYOR SMITH'S REPORT - CONTINUED:

4. VICE MAYOR SMITH STATED SHE WANTED TO REMIND EVERYBODY THAT STARTING A WEEK FROM MONDAY WE ARE GOING TO HAVE THIS CITIZENS ACADEMY. VICE MAYOR SMITH STATED THAT WHEN YOU ASK WHAT HAPPENS WHEN SHE TRAVELS, ON ONE OF HER TRIPS, SHE THOUGHT ABOUT THIS CITIZENS ACADEMY AND ACTUALLY DADE COUNTY HAS IT ABOUT THREE TIMES A YEAR. VICE MAYOR SMITH STATED SHE THOUGHT THEIR CLASSES ARE TWELVE CLASSES OR FOURTEEN CLASSES, OURS IS SIX. AT THIS TIME, THEY ARE PUTTING IT TOGETHER. VICE MAYOR SMITH INDICATED THEY WENT OVER SOME THINGS TODAY AND IT REALLY LOOKS INTERESTING AND IT WILL GIVE YOU AN OPPORTUNITY TO SEE HOW DOES YOUR GOVERNMENT WORK BEHIND THE SCENES AND THAT SHOULD BE VERY INTERESTING. VICE MAYOR SMITH ENCOURAGED EVERYONE TO PLEASE SIGN UP FOR THAT.

(CNMB-CC MINUTES TAPE #404)

5. VICE MAYOR SMITH WANTED TO MENTION THAT, WHICH IS UNUSUAL, WHEN THEY GIVE OUT THE PROCLAMATIONS THEY RARELY GET A RESPONSE BUT, ANGEL RODRIGUEZ WHO SERVED AND HE CAME HOME FROM AFGHANISTAN AND THEY PRESENTED HIM WITH A PROCLAMATION, FELT HUMBLE AND HE THANKED THE CITY COUNCIL. HE DID NOT THINK HE WAS A HERO. VICE MAYOR SMITH STATED THAT HE IS A HERO, ANYONE THAT WAS WILLING TO SACRIFICE THEIR FAMILY, THEIR LIFE, AND TO SACRIFICE PERHAPS THEIR TRUE LIFE IS A HERO TO THEM AND SHE WANTED TO THANK HIM FOR THAT.

(CNMB-CC MINUTES TAPE #404)

6. VICE MAYOR SMITH STATED SHE WANTED TO TALK ABOUT THE WATER TANKS THAT THE MAYOR WAS DISCUSSING. THEY HAD A RIBBON CUTTING THIS WEEK AND FOR THOSE OF YOU THAT WERE NOT ABLE TO ATTEND PERHAPS YOU WILL FIND IT IN YOUR SCHEDULES TO START TO ATTEND BECAUSE IT WAS WHAT THEY NOW EXPECT FROM NORTH MIAMI BEACH. VICE MAYOR SMITH INDICATED THEY HAD TALENT FROM THE SCHOOLS, TALENT THAT EVERY CITY IS GOING TO ENVY. THEY HAD AN AFTERNOON OF AN HOUR AND A HALF OF SEEING WHY WE SHOULD HAVE PRIDE IN NORTH MIAMI BEACH AND SHE WANTED TO THANK THE CITY MANAGER FOR THAT AND SHE WANTS TO SEE THAT CONTINUING FOR EVERY EVENT WE PUT ON. VICE MAYOR SMITH STATED SHE WOULD ALSO LIKE TO WISH EVERYBODY A GOOD ROSH HASHANAH AND THANKED EVERYONE VERY MUCH FOR THEIR ATTENDANCE TONIGHT. VICE MAYOR SMITH INDICATED THAT WHEN IT COMES TO THE BUDGET SHE WILL SAY ONE THING TO EVERYONE: WAIT TILL NEXT YEAR. COME BACK AND SEE WHAT THEY HAVE ACCOMPLISHED THIS PAST YEAR AND WHAT THEY WILL ACCOMPLISH NEXT YEAR.

(CNMB-CC MINUTES TAPE #404)

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15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

B. COUNCILMAN DEROSE'S REPORT:

1. COUNCILMAN DEROSE STATED HE WANTED TO TAKE THIS OPPORTUNITY TO THANK THE MAYOR AND THE COMMISSIONERS OF THE CITY OF MIAMI, PARTICULARLY COMMISSIONER MICHELLE SPENCE JONES FOR HER HARD WORK IN HELPING THE HURRICANE VICTIMS OF THE REPUBLIC OF HAITI. LAST WEEK SHE TRAVELED WITH A DELEGATION, THEY DID TWO PLANES; THEY DID FOOD, CLOTHING, MEDICATIONS IN HELPING THE VICTIMS THERE. COUNCILMAN DEROSE INDICATED HE WANTED TO THANK THE CITIZENS OF MIAMI-DADE COUNTY FOR THEIR RESPONSE TO THIS SITUATION.

(CNMB-CC MINUTES TAPE #404)

2. COUNCILMAN DEROSE STATED THAT SATURDAY THE 27<sup>TH</sup>, COMMISSIONER DORRIN ROLLE WILL ALSO BE HOLDING A FUND RAISER. COUNCILMAN DEROSE BELIEVES IT IS GOING TO TAKE PLACE AT OAK GROVE ON 159<sup>TH</sup> STREET. COUNCILMAN DEROSE INDICATED HE WOULD APPRECIATE THE CONTINUED SUPPORT OF OUR CITIZENS. COUNCILMAN DEROSE REQUESTED EVERYONE TO BRING ANYTHING YOU HAVE TO HELP THE HURRICANE VICTIMS OF THE REPUBLIC OF HAITI. COUNCILMAN DEROSE THANKED EVERYONE AND WISHED EVERY ONE A GOOD NIGHT

(CNMB-CC MINUTES TAPE #404)

C. COUNCILMAN CHERNOFF'S REPORT:

1. COUNCILMAN CHERNOFF STATED THAT HE WOULD LIKE TO THANK AND CONGRATULATE HIS COLLEAGUES FOR COMING TOGETHER TONIGHT. HOPEFULLY THIS IS A NEW BEGINNING AND THEY CONTINUE ON THIS TRACK, IT WAS NICE TO HAVE A 7-0 FOR THE BUDGET. IT SENDS A GOOD CLEAR SIGNAL TO OUR NEW MANAGER THAT HE IS DOING THE RIGHT THING AND TO THE STAFF AND EVERYBODY.

(CNMB-CC MINUTES TAPE #404)

2. COUNCILMAN CHERNOFF STATED THAT, WITH RESPECT TO THE RIBBON CUTTING, HE WAS SORRY HE COULD NOT BE THERE BUT OBVIOUSLY HE HAS BEEN IN FAVOR SOMETIMES BUSINESS DOES GET INVOLVED. COUNCILMAN CHERNOFF INDICATED HE HAS BEEN VERY SUPPORTIVE OF IT AND HE IS GLAD IT FINALLY CAME TO FRUITION. THEY ARE VERY PROUD OF IT AND EVERYTHING THAT THE WATER DEPARTMENT DOES IT IS ADDING MORE AND MORE ASSETS TO THIS COMMUNITY. COUNCILMAN CHERNOFF STATED HE WOULD LIKE TO WISH THE JEWISH COMMUNITY A L'SHANA TOVA. COUNCILMAN CHERNOFF THANKED EVERYONE AND WISHED EVERYONE A GOOD NIGHT

(CNMB-CC MINUTES TAPE #404)

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15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

D. COUNCILMAN PIERRE'S REPORT:

1. COUNCILMAN PIERRE STATED HE WANTED TO WISH A HAPPY NEW YEAR, HAPPY ROSH HASHANAH TO THE JEWISH COMMUNITY. COUNCILMAN PIERRE INDICATED THAT HE TOO ATTENDED THE RIBBON CUTTING AT NORWOOD. IF YOU HAVE NOT BEEN THERE FOR QUITE A WHILE YOU WILL NOT NOTICE THAT THERE IS A BIG TANK BEHIND THOSE WALLS. COUNCILMAN PIERRE STATED HE THINKS THAT WAS GENIUS WHAT THE WATER PEOPLE HAVE DONE, AND ON TOP OF THAT, THEY WERE BLESSED TO HAVE TALENTED STUDENTS FROM OUR SCHOOLS. IF YOU MISSED IT YOU HAVE ONE MORE CHANCE YOU CAN SEE A CAPTION OF IT ON CHANNEL 77 THIS WEEK. COUNCILMAN PIERRE STATED THAT THIS IS WHAT THEY HAD IN MIND WHEN THEY SAID COMMUNITY USE OF AUTHORIZATION, WHEN THINGS DO HAPPEN IN THE COMMUNITY PEOPLE NEED TO SEE

(CNMB-CC MINUTES TAPE #404)

2. COUNCILMAN PIERRE STATED HE WANTED TO THANK HIS COLLEAGUES FOR PUTTING THEIR HEADS TOGETHER TO PASS THE BUDGET. COUNCILMAN PIERRE REMEMBERS THE LAST TIME A BUDGET WAS PASSED 7-0 IT WAS IN THE DARK AND MR. RICH HAD TO USE A FLASH LIGHT SO WE COULD PASS THE BUDGET THAT WAS THREE YEARS AGO.

(CNMB-CC MINUTES TAPE #404)

3. COUNCILMAN PIERRE STATED THAT HE REALLY APPRECIATES THE FACT THAT PEOPLE UNDERSTAND, EVEN THOUGH THINGS ARE NOT PERFECT, THAT WE CAN COME TOGETHER FOR A GOOD CAUSE AND THE BUDGET JUST PROVED IT. COUNCILMAN PIERRE INDICATED TO THE MAYOR THAT HE REALLY APPRECIATES THE FACT THAT THE MAYOR DONATED \$12,000 DOLLARS OF HIS PERSONAL FUNDS TO THE POLICE DEPARTMENT. COUNCILMAN PIERRE STATED THAT IF HE HAD THE LEEWAY THAT THE MAYOR HAS HE WOULD HAVE DONATED TO THE COFFEE FUND.

(CNMB-CC MINUTES TAPE #404)

4. COUNCILMAN PIERRE THANKED ANYONE THAT DONATED AND PARTICIPATED IN THE RELIEF EFFORT TO HELP THE VICTIMS OF HURRICANES IN HAITI AND IN TURK AND CAICOS. COUNCILMAN PIERRE STATED THAT THE MORE HE SEES THOSE PICTURES THE MORE HE GETS THE REPORT THE MORE HE FEELS FORTUNATE THAT WE, IN SOUTH FLORIDA, ESPECIALLY NORTH MIAMI BEACH, WERE SPARED FROM THOSE HURRICANES. COUNCILMAN PIERRE EXPRESSED TO EVERYONE TO SHOW COMPASSION TO THOSE IN NEED AND TOGETHER WE CAN MAKE A DIFFERENCE.

(CNMB-CC MINUTES TAPE #404)

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15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

D. COUNCILMAN PIERRE'S REPORT - CONTINUED:

5. COUNCILMAN PIERRE STATED THAT TONIGHT WE WITNESS THE FIRST EVER NORTH MIAMI BEACH EMPLOYEE OF THE MONTH AWARD SO THOSE YOU EMPLOYEES THIS IS THE MOMENT TO SHINE. COUNCILMAN PIERRE STATED THAT HE KNOWS NEXT TIME IT IS GOING TO BE YOU, YOU, AND YOU.

(CNMB-CC MINUTES TAPE #404)

E. COUNCILMAN ROSNER'S REPORT:

1. COUNCILMAN ROSNER STATED THAT GOING BACK THREE OR FOUR MONTHS THEY HAD ANOTHER CITY MANAGER SITTING HERE AND THEY WERE PAINTED A PICTURE OF REAL DOOM AND GLOOM AND THAT THERE WAS NO TOMORROW. EMPLOYEES WERE GOING TO LOSE THEIR JOBS. THERE WAS A MEMO THAT WAS CIRCULATED TO PARKS AND RECREATION TO CUT 50% OF THEIR BUDGET WHICH WAS TWO MILLION DOLLARS, AND THAT WAS THE WAY TO SURVIVE IN THIS CITY. COUNCILMAN ROSNER INDICATED THAT A LOT OF PARENTS CAME OUT THAT NIGHT OR THE FOLLOWING COUNCIL MEETING, AND BASICALLY SAID THAT THEY DID NOT WANT TO SEE PARKS AND RECREATION BE KILLED AND THAT THEY NEEDED A PLACE TO SEND THEIR CHILDREN. THOSE SAME PARENTS OFFERED TO VOLUNTEER, AND THEY HAVE NOT BEEN BACK SINCE. IT IS VERY IMPORTANT THAT THOSE PARENTS AND PARENTS IN OUR COMMUNITY THAT ARE REALLY USING THE PARKS AND RECREATION DEPARTMENT GET INVOLVED AND VOLUNTEER THEIR TIME TO PARKS AND RECREATION. COUNCILMAN ROSNER INDICATED THAT WHEN YOU CAME FORWARD IN A TIME OF CRISIS, WHEN YOU REALIZED THAT SOMETHING THAT YOU HAD AND ENJOYED FOR THE LAST NUMBER OF YEARS COULD HAVE BEEN TAKEN AWAY IN A BUDGET CUT, BUT THE PROBLEM IS THAT COUNCILMAN ROSNER HAS ASKED PEOPLE FROM PARKS AND RECREATION AND THOSE PARENTS HAVE NOT COME FORWARD AGAIN. COUNCILMAN ROSNER STATED THAT IT IS IMPORTANT THAT THEY REACH OUT TO PARKS AND RECREATION AND OFFER THEIR SERVICES TO VOLUNTEER. COUNCILMAN ROSNER INDICATED THAT THE SENIOR PROGRAMS ARE UP AND RUNNING, THE LUNCHEONS ARE MOVING FORWARD, THE SENIOR TRIPS ARE MOVING FORWARD, THE MEET AND MINGLES ARE MOVING FORWARD, THOSE ARE AVAILABLE TO ALL THE SENIORS IN THIS CITY TO ENJOY. THE LUNCHEONS ARE FOUR OR FIVE DOLLARS NOW AND THEY ARE HERE ONCE A MONTH AT THE McDONALD CENTER. THE SENIOR TRIPS OUTINGS ARE PLANNED AGAIN FOR THIS YEAR. COUNCILMAN ROSNER SUGGESTED THAT YOU REACH OUT TO PARKS AND RECREATION, YOUR GREAT DEPARTMENT, AND BECOME INVOLVED IN THOSE. COUNCILMAN ROSNER STATED THAT YOUR DISABILITIES SPORTS PROGRAM HAS REALLY TAKEN OFF. YOU HAVE ON OCTOBER 1<sup>ST</sup> THE FEDERAL BUDGET THAT IS KICKING IN FOR FIVE YEARS, \$63,000 DOLLARS A YEAR FOR THE NEXT FIVE YEARS. YOU HAVE MONIES THAT ARE ALSO COMING FROM YOUR PARKING FUNDS THAT ARE CONTINUALLY ADDING TO THIS PROGRAM. COUNCILMAN ROSNER STATED THAT SO FAR ABC DID A PIECE ON IT GOING BACK ABOUT FOUR OR FIVE MONTHS AGO.

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15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

E. COUNCILMAN ROSNER'S REPORT - CONTINUED:

COUNCILMAN ROSNER INDICATED THAT HE WAS RECENTLY INVITED TO BE ON THE JIM AND JADE IN THE MORNING SHOW AND GOING BACK ABOUT A MONTH AGO IT IS ON THE WEBSITE. YOU CAN SEE THAT DR. BAKER'S TEAM REALLY CREATED A VERY UNIQUE WEBSITE IT IS AN ADDITIONAL PAGE AND IT DEALS WITH THE DISABILITIES SPORTS PROGRAM AND WHAT IS AVAILABLE IN THIS COMMUNITY THAT REALLY IS NOT AVAILABLE ANYWHERE THAT COUNCILMAN ROSNER IS AWARE OF IN THIS ENTIRE STATE. COUNCILMAN ROSNER STATED THAT RECENTLY DIANA GONZALEZ CAME AND DID A PIECE ON IT AND REALLY SHOWED THE PROGRAM AND WHAT THEY HAVE DONE SO FAR AND REALLY THE PLANNING FOR THE NEXT FIVE YEARS WHERE IT IS HEADED. OBVIOUSLY FUNDING IS IN PLACE FOR FIVE YEARS AND THEY ARE ALREADY STARTING TO THINK WHERE TO START FUNDING AFTER THAT. COUNCILMAN ROSNER WANTED TO WISH EVERYBODY A HAPPY, HEALTHY, NEW YEAR IN OUR COMMUNITY. COUNCILMAN ROSNER EXPRESSED HIS CONGRATULATIONS TO DR. BAKER ON HIS FIRST BUDGET. IT IS REALLY GREAT.

(CNMB-CC MINUTES TAPE #404)

F. COUNCILMAN JULIEN'S REPORT:

1. COUNCILMAN JULIEN EXPRESSED HIS CONGRATULATIONS TO THE STAFF, DR. BAKER, EVERYBODY THAT WORKS WITH THE UTILITY, THE PREVIOUS COUNCILS THAT HAD THE FORESIGHT, THE RESIDENTS THAT FOOTED THE BILL FOR THE NEW WATER TANK THAT IS IN PLACE. IT IS AN AMAZING FEAT. THE ENTIRE EVENT FROM FRIDAY WAS TRULY AMAZING AND THERE IS TALENT IN NORTH MIAMI BEACH SENIOR HIGH SCHOOL AFTER ALL CONTRARY TO WHAT A LOT OF PEOPLE WOULD SAY. THEY HEARD POETRY; THEY SAW QUITE A FEW GOOD THINGS THAT THE YOUTH OF THE COMMUNITY ARE DOING. COUNCILMAN JULIEN CONGRATULATED VICE MAYOR SMITH ON BECOMING A BOARD MEMBER OF THE NATIONAL LEAGUE OF CITIES (W.I.M.G.) WHICH IS: WOMEN IN MUNICIPAL GOVERNMENT. COUNCILMAN JULIEN STATED THAT HE THINKS THAT IS AN AMAZING FEAT FOR SUCH A SHORT PERIOD OF TIME. COUNCILMAN JULIEN STATED THAT THE THREE YEARS THAT HE HAS SPENT BEING ACTIVE IN THE DADE LEAGUE OF CITIES, FLORIDA LEAGUE OF CITIES, AND THE NATIONAL LEAGUE OF CITIES, HAS REALLY GIVEN HIM A TREMENDOUS AMOUNT OF RESOURCES AND KNOWLEDGE AND HE WILL BE TRANSITIONING AWAY FROM THOSE COMMITTEES BECAUSE COUNCILMAN JULIEN NO LONGER FEELS HE NEEDS TO BE AS ACTIVE AS HE IS, BUT HE STRONGLY URGES THOSE THAT FEEL THE NEED TO PARTICIPATE TO CONTINUE TO DO SO BECAUSE THERE IS A WEALTH OF RESOURCES OUT THERE AND WE SHOULD NOT ALLOW CERTAIN INDIVIDUALS TO TAKE AWAY FROM THAT SIMPLY BECAUSE THEY WANT TO SHOW THEY ARE "WASTING TAXPAYER'S DOLLARS". BECAUSE SOMETIMES WHAT MAY APPEAR TO BE A WASTE IN ONE AREA IS ACTUALLY A BENEFIT IN ANOTHER AREA. THEY DO NOT NEED TO REINVENT THE

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15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

F. COUNCILMAN JULIEN'S REPORT - CONTINUED:

WHEEL AND THEY CAN TAKE THAT KNOWLEDGE AND IMPLEMENT IT RIGHT AWAY. COUNCILMAN JULIEN STATED THAT HE THINKS A LOT OF DOLLARS THAT THEY HAVE SPENT ALONG THE WAY IS PAYING DIVIDENDS NOW.

(CNMB-CC MINUTES TAPE #404)

2. COUNCILMAN JULIEN STATED THAT THERE ARE A COUPLE OF ORGANIZATIONS OR BUSINESSES WITHIN THE CITY OF NORTH MIAMI BEACH THAT HAVE ASKED HIM NOT TO MENTION THEM BY NAME BUT HE IS GOING TO TAKE THE LIBERTY TO SAY THANK YOU TO THEM ANYWAY. COUNCILMAN JULIEN INDICATED THAT THE REASON HE IS SAYING THANK YOU IS BECAUSE OBVIOUSLY IF YOU ARE PAYING ATTENTION TO THE NEWS THERE HAS BEEN DEVASTATION IN A LOT OF AREAS, NOT JUST HAITI, BUT TEXAS, WE HAVE TURKS AND CAICOS, CUBA, THE DOMINICAN REPUBLIC. A LOT OF PEOPLE HAVE BEEN AFFECTED, BUT SEVERAL ORGANIZATIONS CAME TOGETHER AND THEY WERE ABLE TO HELP HIM HELP TWO SMALL CITIES IN HAITI, ONE OF THEM IS BEAUMONT, WHICH THE TRANSLATION IS BIG MOUNTAIN AND THE OTHER CITY IS LÉOGANE. THERE IS NO TRANSLATION FOR THAT ONE THAT COUNCILMAN JULIEN KNOWS OF AND THOSE ARE TWO CITIES WHICH UNFORTUNATELY A LOT OF PEOPLE ARE NOT SENDING TOO MUCH AID TO BUT THEIR MAYORS CAME TO HIM AND THEY ASKED AND COUNCILMAN JULIEN REACHED OUT AND THESE CORPORATE CITIZENS THAT ARE PHILANTHROPIC DO NOT WANT COUNCILMAN JULIEN TO MENTION THEM BY NAME AND HE WILL NOT, BUT THEY CAME THROUGH AND PROVIDED A LOT OF EQUIPMENT THAT DID MAKE IT TO HAITI AND IT IS BEING PUT TO GOOD USE. COUNCILMAN JULIEN WISHED THOSE MEMBERS OF THE JEWISH COMMUNITY AND THE JEWISH FAITH A HAPPY NEW YEAR AND WISHED EVERYONE A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #404)

G. MAYOR MARIN'S REPORT:

1. MAYOR MARIN STATED, ON BEHALF OF HIS WIFE AND FAMILY, HAPPY NEW YEAR TO THE JEWISH COMMUNITY. MAYOR MARIN INDICATED THAT HE WANTED TO RE-EMPHASIZE SOMETHING THAT EVERYBODY HERE HAS TALKED ABOUT AND THAT IS VOLUNTEERISM. MAYOR MARIN INDICATED THAT HE THINKS IT IS IMPORTANT THAT EVERYBODY HERE VOLUNTEER TO DO SOMETHING. IT DOES NOT HAVE TO BE IN THEIR COMMUNITY. IT CAN BE FOR ANY CHARITABLE ORGANIZATION, IT CAN BE IN THEIR COMMUNITY, IT CAN BE IN ANOTHER COMMUNITY. MAYOR MARIN STATED THAT HE THINKS VOLUNTEERISM IS GOOD. MAYOR MARIN THINKS IT IS TIME FOR EVERYBODY TO GIVE A LITTLE BIT BACK TO THEIR COMMUNITIES. EVERYBODY IS ALWAYS QUICK TO CRITICIZE PEOPLE THAT DO VOLUNTEER AND THERE IS A PRESUMPTION THAT EVERYBODY IS JUST CROOKED AND THAT EVERYBODY IS A BUNCH OF THIEVES. MAYOR MARIN INDICATED THAT HE REALLY DOES NOT

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

G. MAYOR MARIN'S REPORT - CONTINUED:

BELIEVE THAT ALL ELECTED OFFICIALS ARE CROOKED. HE DOES NOT BELIEVE THAT ALL POLICE OFFICERS OR JUDGES ARE CROOKED. MAYOR MARIN STATED THAT IT IS AMAZING HOW EVERYBODY PAINTS EVERYBODY WITH THE SAME BRUSH JUST LIKE HE PAINTED TWO TNA PLACES WITH THE SAME BRUSH TODAY IN THE LAW SUIT. MAYOR MARIN STATED THAT HE REALLY BELIEVES THERE IS A PERCENTAGE OF PEOPLE OUT THERE THAT ARE DISHONEST IN EVERY PROFESSION. MAYOR MARIN INDICATED THAT HE BELIEVES THERE IS A PERCENTAGE OF POLICE OFFICERS THAT ARE CROOKED; HE BELIEVES THERE IS A PERCENTAGE OF JUDGES, ELECTED OFFICIALS THAT ARE CROOKED. MAYOR MARIN STATED HE THINKS THERE IS A PERCENTAGE OF RESIDENTS THAT ARE CROOKED AND THEY TALK A GOOD GAME. MAYOR MARIN STATED THAT YOU NEED TO GET OUT AND YOU REALLY NEED TO PARTICIPATE IN THE COMMUNITY. WHAT BRINGS THE COMMUNITY TOGETHER IS VOLUNTEERISM. MAYOR MARIN STATED THAT COUNCILMAN ROSNER WAS RIGHT TWO OR THREE MONTHS AGO. THE PARENTS WERE HERE AND ALL YOU HEARD WAS I WILL VOLUNTEER AND THEY MUST HAVE KNOCKED ON YOUR DOOR BECAUSE THEY DID NOT KNOCK ON OUR DOOR. MAYOR MARIN STATED THAT MAYBE THEY SHOULD COME OUT AND VOLUNTEER WHETHER IT BE A FOOTBALL GAME OR A BASEBALL GAME OR MAYBE IT IS JUST TO VOLUNTEER AT THE Y.E.S. CENTER WHEN THE KIDS COME FOR THEIR AFTERSCHOOL PROGRAMS OR MAYBE IT IS TO TEACH SOME KIDS HOW TO WORK A COMPUTER OR SOMETHING. MAYOR MARIN INDICATED THAT VOLUNTEERISM IS GOOD, PUBLIC SERVICE IS GOOD. EVERYBODY SHOULD GIVE A LITTLE BIT BACK TO THEIR COMMUNITIES. MAYOR MARIN STATED THAT HE MAY NOT AGREE WITH A LOT OF PEOPLE THAT GET ELECTED. THEY DO NOT AGREE WITH HIM, BUT HE TIPS HIS HAT TO THEM FOR VOLUNTEERING AND PUTTING THEMSELVES IN HARMS WAY. MAYOR MARIN INDICATED THAT HE DID NOT CONTRIBUTE THOSE \$12,000 DOLLARS TO THE POLICE DEPARTMENT FOR THE COFFEE FOR SHOWMANSHIP. MAYOR MARIN TRULY BELIEVES THOSE GUYS IN BLUE DESERVE IT, AND HE TRULY BELIEVES THAT. MAYOR MARIN STATED THAT HE WANTED TO ASK EVERYBODY HERE SINCE HE IS ON THE SUBJECT OF VOLUNTEERISM AND HE WOULD LIKE TO ASK FOR THE COMMUNITY TO REACH OUT IN THEIR POCKET. MAYOR MARIN INDICATED THAT IT IS EASY TO GO TO THE STORE AND BUY A FEW CANNED GOODS OF THIS AND CANNED GOODS OF THAT AND DROP IT IN THE BINS DOWNSTAIRS, BUT MAYOR MARIN WOULD LIKE TO SEE IF EVERYBODY COULD REACH IN THEIR POCKET AND MAYBE WRITE A CHECK FOR FIVE DOLLARS. BRING IT OVER TO THE CITY HALL JUST TELL THEM IT IS FOR THE CHARITY FOR THOSE AREAS THAT GOT REALLY HURT BAD BY THE HURRICANES. HAITI GOT HURT REAL BAD, DOMINICAN REPUBLIC GOT HURT REAL BAD, TEXAS GOT HURT REAL BAD, AND THEY ALL LOST A LOT OF LIVES. MAYOR MARIN STATED THAT HE IS ASKING THAT YOU COME AND GIVE SOME MONEY AND MAYBE WITH WHAT BILL (NOTE: DURING THIS REPORT AND SUBJECT MR. BILL BORKAN CAME INTO THE COUNCIL CHAMBERS AND DROPPED A FIVE DOLLAR BILL ON THE CITY MANAGERS DESK) JUST DROPPED OFF WE WILL START

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

G. MAYOR MARIN'S REPORT - CONTINUED:

SOMETHING. MAYOR MARIN INDICATED THAT HE WILL GIVE A CHECK THAT WE CAN START SOMETHING WITH AND IT WILL GO A LONG WAY, IT WILL HELP ALL THE PEOPLE.

(CNMB-CC MINUTES TAPE #404)

2. MAYOR MARIN STATED THAT HE WANTED TO THANK EVERYBODY FOR VOTING ON THE BUDGET. THEY REALLY VOTED FOR THE FUTURE OF NORTH MIAMI BEACH. AND WHAT MAYOR MARIN SAID EARLIER EVERYBODY HERE LOVES NORTH MIAMI BEACH HE DOES NOT MEAN JUST THEM HE MEANS EVERYBODY, THE WHOLE CITY. IF YOU DID NOT LOVE IT YOU WOULD NOT GET INVOLVED. WHETHER YOU ARE SITTING OUT THERE AS A SPECTATOR MAKING COMMENTS ALL THE TIME COMING HERE EVERY TWO WEEKS OR STAYING AT HOME THROWING PEANUTS AT THE TV WHEN YOU WATCH 77 OR JUST YELLING AT IT SAYING, "JESUS DOESN'T HE SHUT HIS MOUTH", OR WHATEVER IT IS, IT IS FOR THE FUTURE OF NORTH MIAMI BEACH. MAYOR MARIN STATED THAT THE NEXT REGULARLY SCHEDULED COUNCIL MEETING IS TUESDAY, OCTOBER 7, 2008.

(CNMB-CC MINUTES TAPE #404)

There being no further business to come before the City Council of the City of North Miami Beach, the Rescheduled Meeting of the City Council of the City of North Miami Beach was ADJOURNED at 10:55 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 TWENTY (20) INCLUSIVE, INCLUDING ONE (1) ATTACHMENT (MEMORANDUM OF VOTING CONFLICT - RAYMOND F. MARIN) AND ONE (1) ATTACHMENT (KNOWN AS CORRECTION TO GAS FRANCHISE ORDINANCES 2008-16 AND 2008-17) TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL PROCEEDINGS AS TAPE RECORDED AT THE RESCHEDULED CITY COUNCIL MEETING OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE TWENTY-THIRD (23<sup>RD</sup>) DAY OF SEPTEMBER, 2008.



SOLOMON ODENZ, CITY CLERK  
CITY OF NORTH MIAMI BEACH

(SEAL)



RECEIVED

**CITY OF NORTH MIAMI BEACH  
INTER-OFFICE MEMORANDUM**

08 SEP 23 PM 2:14

CITY CLERK'S OFFICE

**ADMINISTRATIVE SERVICES DEPARTMENT**

**TO:** Sol Odenz, City Clerk

**FROM:** Yocelyn Galiano Gomez, Administrative Services Director

**DATE:** September 23, 2008

**RE:** Correction to Gas Franchise Ordinances 2008-16 and 2008 -17

Please be advised the title for the above referenced ordinances need to be corrected as follows in order to conform to the body of the ordinance:

**ORDINANCE NO. 2008 -16**

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO PEOPLE'S GAS SYSTEM, INC., A DIVISION OF TAMPA ELECTRIC COMPANY, A FLORIDA CORPORATION, FOR A PERIOD OF THREE YEARS, WITH PROVISION FOR AUTOMATIC RENEWAL FOR SUCCESSIVE THREE (3) YEAR TERMS; SETTING FORTH TERMS AND CONDITIONS, INCLUDING PROVISION THAT CITY IS ENTITLED TO HIGHER FRANCHISE TAX RATE EXTENDED TO ANY OTHER AGENCY IN FLORIDA MIAMI-DADE, BROWARD OR PALM BEACH COUNTIES GRANTING SIMILAR FRANCHISE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

**ORDINANCE NO. 2008 -17**

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO PIVOTAL UTILITY HOLDINGS, INC., A NEW JERSEY CORPORATION, D/B/A FLORIDA CITY GAS FOR A PERIOD OF THREE YEARS, WITH PROVISION FOR AUTOMATIC RENEWAL FOR SUCCESSIVE THREE (3) YEAR TERMS; SETTING FORTH TERMS AND CONDITIONS, INCLUDING PROVISION THAT CITY IS ENTITLED TO HIGHER FRANCHISE TAX RATE EXTENDED TO ANY OTHER AGENCY IN FLORIDA MIAMI-DADE, BROWARD OR PALM BEACH COUNTIES GRANTING SIMILAR FRANCHISE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

**Raymond Marin**

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**From:** Raymond Marin [raymondm@hmdcpa.com]  
**Sent:** Monday, September 22, 2008 1:06 PM  
**To:** Sol Odenz  
**Cc:** Howard Lenard; Kelvin Baker  
**Subject:** Form 8B-9-22-08  
**Attachments:** 15-Raymond Marin Government Forms-Form 8B-9-22-08.pdf

Sol:

Attached is a completed Form 8B, Please print the form and clock it into the system and leave a stamped copy on my desk. The attached memorandum to the Form is an intergral part of the filing, as is to considered as one.

Ray

The file attached to this email contains the following information:  
Form 8B-9-22-08

RECEIVED  
08 SEP 24 AM 8:33  
CAMD CITY CLERK'S OFFICE



**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.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Raymond F. Marin, hereby disclose that on September 23, 2008, 20     :

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

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured 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:

Due to a lawsuit by Sweet Dreams creates a conflict between the applicant and myself. I also think that the other applicant is painted with the same brush even though they are not a part of the lawsuit. In order to keep independence of mind, I refrain from voting on both matters.

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08 SEP 24 AM 8:33  
CLAMM CITY CLERK'S OFFICE

September 22, 2008

Date Filed

Signature

Raymond F. Marin

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: September 22, 2008  
To: Sol Odenz, City Clerk  
From: Raymond Marin, Mayor   
C: Kelvin Baker, City Manager  
Howard Lenard, City Manager  
Re: Voluntary conflict of Interest Disclosure

On September 23, 2008, there will be two items coming before the City Council under Business Tax Receipts. They are Items 12 B and 12 C. They both will pertain to the issuance of the 4-6 AM liquor licenses for two Adult Entertainment Clubs. Item 12 B will be for Solid Gold and Item 12 C will be for Sweet Dreams. I will abstain from voting on both of these licenses. The reason for not voting is because an applicant, Sweet Dreams has filed a lawsuit against me personally pertaining to the non issuance of a license. The matter was filed on July 29, 2008 and styled as:

**United States District Court**  
Southern District of Florida  
**Case No. 08-22135-CIV-UNGARO/SIMONTON**

Richard Goldring, individually and in his capacity  
As majority stockholder in SMG Entertainment, Inc.  
d/b/a Sweet Dreams (formerly Scores),

Plaintiff

Vs

Raymond F. Marin, individually together with a group  
Of other current and/or former city elected officials and/or  
Employees

**Defendants**

Since I have been personally named in the lawsuit I do not believe it appropriate to vote on this matter, since voting on this matter may taint my opinion or be seen as being tainted by the plaintiff if the vote was not in the direction the plaintiff wanted. In order to avoid the appearance of a conflict due to the legal action of the plaintiff, I would rather not vote on this matter.

The second matter before the City Council is also on Solid Gold. I will further refrain from voting on the Solid Gold license for the same reason. Even though Solid Gold has not sued me, I would deem that the suit by Scores has painted Solid Gold with the same brush. Unfortunately, Sweet Dreams has pre-empted or better yet has tainted the voting process through baseless litigation and has place members of the city council in Harms Way. My non-voting will not therefore be viewed as discriminatory since I will not vote for either license.

If the lawsuit were dismissed on this date or before the Council Meeting, I will not vote unless or only if the city attorney instructs me to vote or assures me that the lawsuit cannot and will not be instituted at a later date. Otherwise, I will not vote for the licenses.

DNM CITY CLERK'S OFFICE

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