

MINUTES

OF THE
REGULAR
CITY COUNCIL MEETING

OCTOBER 07, 2008



PREPARED BY:
SOLOMON ODENZ, CITY CLERK

MINUTES

1. ROLL CALL OF THE CITY OFFICIALS:

MAYOR	RAYMOND F. MARIN, PRESIDING
VICE MAYOR	PHYLLIS S. SMITH
COUNCILMAN	PHILIPPE DEROSE
COUNCILMAN	JAY R. CHERNOFF
COUNCILMAN	FRANTZ PIERRE
COUNCILMAN	JOHN PATRICK JULIEN (EXCUSED W/CAUSE)
COUNCILMAN	MYRON ROSNER
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.

MAYOR MARIN INTRODUCED THE FOLLOWING PERSONS IN THE AUDIENCE:

JIM SHEDD, CANDIDATE FOR PROPERTY APPRAISER
SANTORO DEAN, SENATE CANDIDATE.

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

ADDITION - ITEM #13(B) LEGISLATION – ORDINANCE NO. 2008-13A (SCRIVENERS ERROR)

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN DEROSE, to GO OUT OF THE REGULAR ORDER OF BUSINESS on the Agenda to take up Ordinance NO. 2008-13A.

MOTION CARRIED.

ORDINANCE NO. 2008-13A, 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 2000B AND SERIES 2002A", was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER on its THIRD AND FINAL READING. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by VICE MAYOR SMITH, to ADOPT ORDINANCE NO. 2008-13A on its THIRD 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 ROSNER	YES	
MAYOR MARIN	YES	

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN DEROSE, to GO BACK TO THE REGULAR ORDER OF BUSINESS on the Agenda. MOTION CARRIED.

5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

NONE

B. PRESENTATIONS:

1. PRESENTATION BY MAYOR RAYMOND F. MARIN TO DETECTIVE JOSEPH ROMERO AS THE OUTSTANDING OFFICER FOR THE MONTH OF JULY 2008.

PRESENTATION WAS MADE BY MAYOR MARIN TO DETECTIVE JOSEPH ROMERO.

2. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN TO CHIEF RAFAEL P. HERNANDEZ PROCLAIMING OCTOBER AS CRIME PREVENTION MONTH.

PRESENTATION WAS MADE BY MAYOR MARIN TO CHIEF HERNANDEZ.

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

B. **PRESENTATIONS - CONTINUED:**

3. **PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN TO CHIEF RAFAEL P. HERNANDEZ PROCLAIMING OCTOBER AS DOMESTIC VIOLENCE AWARENESS AND PREVENTION MONTH.**

PRESENTATION WAS MADE BY MAYOR MARIN TO DETECTIVE JOSEPH ROMERO.

6. **APPROVAL OF MINUTES OF SEPTEMBER 23, 2008.**

MOTION by COUNCILMAN PIERRE, seconded by COUNCILMAN CHERNOFF, to APPROVE the MINUTES of SEPTEMBER 23, 2008.

MOTION by COUNCILMAN PIERRE, seconded by COUNCILMAN CHERNOFF, to AMEND the MINUTES of SEPTEMBER 23, 2008, Page 12 – CHANGE THE 176TH STREET TO 172ND STREET and Page 15 – ITEM 15(D)(1), TO CHANGE THE WORD DEROSE TO PIERRE. MOTION CARRIED.

MOTION by COUNCILMAN PIERRE, seconded by COUNCILMAN CHERNOFF, to APPROVE the MINUTES of SEPTEMBER 23, 2008 as AMENDED. MOTION CARRIED.

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

- A. **REQUEST APPROVAL FOR AWARD OF RFP #2008-11 FOR MANAGEMENT OF THE ARTHUR SNYDER TENNIS CENTER TO ALBERT MORA AND DESINOR PIERRE FOR THE PERIOD OF ONE YEAR.**

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN DEROSE, to APPROVE the request for AWARD OF RFP #2008-11 FOR MANAGEMENT OF THE ARTHUR SNYDER TENNIS CENTER TO ALBERT MORA AND DESINOR PIERRE FOR THE PERIOD OF ONE YEAR

(NOTE: COUNCILMAN PIERRE INDICATED FOR THE RECORD THAT HE WAS NOT CONNECTED WITH THE MR. PIERRE IN THE BID.)

(CNMB-CC MINUTES TAPE #405)

- B. **CHARTER REVIEW COMMITTEE – EXTENSION OF TIME.**

THE CITY MANAGER INFORMED THE CITY COUNCIL THAT THE CHARTER REVIEW COMMITTEE (CRC) WAS SEEKING AN EXTENSION OF TIME AND AT THE NEXT MEETING A RESOLUTION WOULD BE BROUGHT FORWARD.

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

- A. THE CITY ATTORNEY REQUESTED FROM THE MAYOR AND CITY COUNCIL TO RESERVE SPECIAL TIME AT THE NEXT MEETING.

(CNMB-CC MINUTES TAPE #405)

AT THIS TIME, COUNCILMAN PIERRE ANNOUNCED THAT OCTOBER IS DOMESTIC VIOLENCE PREVENTION MONTH, AND, AS A COURTESY, HE ASKED THE MAYOR TO CUT SHORT ANYONE WHO WISHES TO EXERCISE VERBAL VIOLENCE TONIGHT.

9. SCHEDULED CITIZENS APPEARANCE:

1. CARMEN KIENZLE
1653 N.E. 178 STREET
NORTH MIAMI BEACH, FL.

RE: DIDN'T EVEN SCRATCH THE PAINT.

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

RE: THE CIVILITY RESOLUTION.

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

RE: A NEW YEAR!

4. CHARLES LOEB
16800 N.E. 15 AVENUE, #112
NORTH MIAMI BEACH FL.

RE: POLICE RECOVERY ACT (ORDINANCE 2007-5).

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

RE: DEEP CONCERNS.

10. **MISCELLANEOUS ITEMS:**

NONE

11. **WAIVER OF FEE:**

NONE

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

- A. FLORIDA ADULT VOCATIONAL CENTER INCORPORATED
995 N.E. 167 STREET, SUITE 102
NORTH MIAMI BEACH, FL.

CHRISTINE JEAN-BAPTISTE, PRESIDENT

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

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN ROSNER, to APPROVE the APPLICANTS REQUEST.

MOTION by MAYOR MARIN, seconded by VICE MAYOR SMITH, to AMEND the APPLICANTS REQUEST, SUBJECT TO CITY MANAGER APPROVAL FOR AMPLE PARKING.

MOTION CARRIED.

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN ROSNER, to APPROVE the APPLICANTS REQUEST, AS AMENDED. MOTION CARRIED,
AS AMENDED.

- B. LITTLE HAITI EMPOWERMENT CENTER, INC.
995 N.E. 167 STREET
NORTH MIAMI BEACH, FL.

CHRISTINE JEAN-BAPTISTE, PRESIDENT

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

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN ROSNER, to APPROVE the APPLICANTS REQUEST.

MOTION by MAYOR MARIN, seconded by VICE MAYOR SMITH, to AMEND the APPLICANTS REQUEST, SUBJECT TO CITY MANAGER APPROVAL FOR AMPLE PARKING.

MOTION CARRIED.

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

B. **LITTLE HAITI EMPOWERMENT CENTER, INC. - CONTINUED:**

MOTION by COUNCILMAN DEROSE, seconded by COUNCILMAN ROSNER, to APPROVE the APPLICANTS REQUEST 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. R2008-43):

RESOLUTION NO. R2008-37, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TRANSMITTING A PROPOSED COMPREHENSIVE PLAN AMENDMENT PACKAGE, (ITEM # 08-439), THAT AMENDS THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENT ELEMENT BY INCORPORATING THE CITY OF NORTH MIAMI BEACH 10-YEAR WATER SUPPLY FACILITIES WORK PLAN AND TO COMPLY WITH CHAPTER 163 FLORIDA STATUTES WATER SUPPLY PLANNING REQUIREMENTS; DIRECTING THE CITY CLERK TO TRANSMIT THE PROPOSED COMPREHENSIVE PLAN AMENDMENT PACKAGE, (ITEM # 08-439), AND ANY SUPPORT DOCUMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER RELEVANT AGENCIES FOR COMMENT AS REQUIRED BY SECTIONS 163.3184 OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT", was introduced by MOTION OF COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER. MOTION CARRIED.

MOTION by COUNCILMAN ROSNER, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-37. MOTION CARRIED.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-38, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 1,748 SQUARE FOOT ADDITION TO AN EXISTING 64,862 SQUARE FOOT SHOPPING CENTER ON A 4.57 ACRE PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-95 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE ONE (1) ADDITIONAL REQUIRED PARKING SPACE (PREVIOUS VARIANCE WAIVED 39 OF THE 249 REQUIRED PARKING SPACES) WHERE TOTAL OF 256 PARKING SPACES IS REQUIRED AND PROVISION OF 216 SPACES IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(LENGTHY LEGAL, SEE ATTACHED EXHIBIT "A")

A/K/A

15901 Biscayne Boulevard

North Miami Beach, Florida

(P&Z Item No. 08-434 of September 8, 2008)" 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. R2008-38.

MOTION by VICE MAYOR SMITH, seconded by MAYOR MARIN, to AMEND RESOLUTION NO. R2008-38 WITH THE STIPULATION THAT OUTSIDE CAMERAS BE PLACED ON THE (WHOLE CENTER) OUTSIDE OF THE PROPERTY FOR SECURITY PURPOSES. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by VICE MAYOR SMITH, to ADOPT RESOLUTION NO. R2008-38 AS AMENDED. 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 ROSNER	YES	
MAYOR MARIN	YES	

Name of Party(ies) Appearing:

Robert Behar, A.I.A./Alejandro Martinez-Esteve,
4533 Ponce de Leon Boulevard
Coral Gables, FL.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-39, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 1,098,844 SQUARE FOOT MIXED-USE DEVELOPMENT ON A 2.58 ACRE PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-58.3(B) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 2.93% (3,279 SQUARE FEET) OF THE MINIMUM REQUIRED 10% PERVIOUS AREA (11,220 SQUARE FEET), WHERE PERVIOUS AREA OF 7.07% (7,941 SQUARE FEET) IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A WAIVER OF SECTION 24-58.3(I) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, PROHIBITING DIRECT VEHICULAR ACCESS FROM N.E. 164 STREET, WHERE DIRECT VEHICULAR ACCESS IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING A VARIANCE FROM SECTION 24-93(D) TO WAIVE SIX INCHES (6") OF THE MINIMUM REQUIRED PARKING SPACE WIDTH OF NINE FEET (9') FOR SOME OF THE SPACES, WHERE PROVISION FOR SOME PARKING SPACES AT EIGHT FEET SIX INCHES (8'6") IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(LENGTHY DESCRIPTION, SEE ATTACHED EXHIBIT "A")

A/K/A

2145 N.E. 164 Street

North Miami Beach, Florida

(P&Z Item No. 08-421 of September 8, 2008)" was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-39.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER, to AMEND RESOLUTION NO. R2008-39, AS FOLLOWS:

1. THAT OUTSIDE CAMERAS BE PLACED ON THE (WHOLE CENTER) OUTSIDE OF THE PROPERTY FOR SECURITY PURPOSES;
2. PERFORMANCE BOND TO BE SUBMITTED BASED UPON THE CONSTRUCTION COST OF THE DEVELOPMENT;
3. MUST BE REVIEWED BY THE MIAMI-DADE COUNTY SCHOOL BOARD FOR CONCURRENCY;
4. THE PROJECT BE IN COMPLIANCE WITH THE GLATTING-JACKSON REPORT
5. IMPACT FEES, PERMIT FEES NOT BE REFUNDED AND THAT THE CITY SHALL NOT BE LIABLE IF THE APPLICANT NOT PROCEED. FEES TO BE PAID PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.

MOTION CARRIED.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-39 – CONTINUED:

MOTION by COUNCILMAN ROSNER, seconded by COUNCILMAN CHERNOFF, to ADOPT
RESOLUTION NO. R2008-39, as AMENDED MOTION CARRIED,
UNANIMOUSLY 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 ROSNER	YES	
MAYOR MARIN	YES	

Name of Party(ies) Appearing:

- | | |
|------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 1. Robert Behar, A.I.A.
4533 Ponce de Leon Boulevard
Coral Gables, FL. | 4. Charles Baron
17890 West Dixie Highway
North Miami Beach, FL. |
| 2. Doris Hall
1146 N.E. 187 Street
North Miami Beach, FL. | 5. Norman Edwards
1640 N.E. 175 Street
North Miami Beach, FL. |
| 3. Robert Taylor
1951 N.E. 157 Terrace
North Miami Beach, FL. | 6. Franz Arango
3745 N.E. 171 Street
North Miami Beach, FL. |

RESOLUTION NO. R2008-40, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 814,580 SQUARE FOOT MIXED-USE OFFICE/RETAIL BUILDING ON A 4.23 ACRE PARCEL OF LAND, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A REZONING OF THE PROPERTY FROM CF, COMMUNITY FACILITY, AND RM-23, RESIDENTIAL MID-RISE MULTI-FAMILY (HIGH DENSITY), TO B-2, GENERAL BUSINESS, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A FUTURE LAND USE MAP (FLUM) AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF THE PROPERTY FROM RESIDENTIAL HIGH DENSITY TO BUSINESS, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, IN ORDER TO WAIVE UP TO FIFTEEN (15') FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF SIXTY (60') FEET, WHERE PROVISION OF FRONT YARD SETBACK OF FORTY-FIVE (45') FEET IS PROPOSED; AND

(CONTINUED ON NEXT PAGE)

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-40 – CONTINUED:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE UP TO FIFTEEN (15') FEET OF THE MINIMUM REQUIRED REAR YARD SETBACK OF THIRTY-FIVE (35') FEET, WHERE PROVISION OF REAR YARD SETBACK OF TWENTY (20') FEET IS PROPOSED, AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-52(D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO WAIVE UP TO FIFTEEN (15') FEET OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF THIRTY-FIVE (35') FEET, WHERE PROVISION OF CORNER SIDE YARD SETBACK OF TWENTY (20') FEET IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-95 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO WAIVE NINETY-FOUR (94) OF THE MINIMUM REQUIRED 1,115 VEHICULAR PARKING SPACES, WHERE PROVISION OF 1,021 PARKING SPACES IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

LOTS 1, 2, 3, 4, AND 5, LEADER SUBDIVISION, PLAT BOOK 82, PAGE 17, AS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A/K/A

17400 W. Dixie Highway

North Miami Beach, Florida

(P&Z Item No. 08-435 of September 8, 2008)" was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by COUNCILMAN PIERRE. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-40.

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to AMEND RESOLUTION NO. R2008-40 AS FOLLOWS:

1. THAT THERE BE A ONE YEAR TIME FRAME TO OBTAIN PERMITS;
2. THAT CAMERAS BE PLACED ON THE INSIDE OF THE PROPERTY FOR SECURITY PURPOSES;
3. THE PROJECT BE IN COMPLIANCE WITH THE GLATTING-JACKSON REPORT;
4. IMPACT FEES, PERMIT FEES NOT BE REFUNDED AND THAT THE CITY SHALL NOT BE LIABLE IF THE APPLICANT NOT PROCEED. FEES TO BE PAID PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT

MOTION CARRIED.

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-40 – CONTINUED:

MOTION by COUNCILMAN CHERNOFF, seconded by MAYOR MARIN, to ADOPT RESOLUTION NO. R2008-40. MOTION CARRIED,

UNANIMOUSLY 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 ROSNER	YES	
MAYOR MARIN	YES	

Name of Party(ies) Appearing:

- | | |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 1. Alan Rosenthal, Esquire
2875 N.E. 191 Street
Aventura, FL. | 4. Charles Barron
17890 West Dixie Highway #390
18321 West Dixie Highway #205
North Miami Beach, FL. |
| 2. Robert Taylor
1951 N.E. 157 Terrace
North Miami Beach, FL. | 5. Joe Davis
2173 N.E. 173 Street
North Miami Beach, FL. |
| 3. Jarret Gross
1557 N.E. 164 Street
North Miami Beach, FL. | 6. Michael Mosher, Architect
1909 Harrison Street
Hollywood, FL. |

MOTION by VICE MAYOR SMITH, seconded by MAYOR MARIN, to GO BEYOND MIDNIGHT. MOTION CARRIED.

At this time, approximately 11:21 p.m. MAYOR MARIN called a RECESS. Thereafter, at approximately 11:26 p.m. the Mayor and City Council RECONVENED with a ROLL CALL as follows:

VICE MAYOR SMITH
COUNCILMAN DEROSE
COUNCILMAN CHERNOFF
COUNCILMAN PIERRE
COUNCILMAN ROSNER
MAYOR MARIN

13B. LEGISLATION - CONTINUED:

RESOLUTIONS - CONTINUED:

RESOLUTION NO. R2008-41, entitled "A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE" was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER, to ADOPT RESOLUTION NO. R2008-41. MOTION CARRIED.

UNANIMOUSLY 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 ROSNER	YES	
MAYOR MARIN	YES	

RESOLUTION NO. R2008-42, 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 BETWEEN THE CITY AND ALBERT MORA & DESINOR PIERRE FOR THE MANAGEMENT AND OPERATION OF THE JUDGE ARTHUR I. SNYDER TENNIS CENTER" was introduced by MOTION of COUNCILMAN CHERNOFF, seconded by MAYOR MARIN. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN ROSNER, to ADOPT RESOLUTION NO. R2008-42. MOTION CARRIED.

UNANIMOUSLY 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 ROSNER	YES	
MAYOR MARIN	YES	

13B. LEGISLATION - CONTINUED:

ORDINANCES - FIRST READING, BY TITLE ONLY:
(SERIATIM NO. 2008-21)

ORDINANCE NO. 2008-20, entitled "AN ORDINANCE IMPOSING A LIMITED AND TEMPORARY MORATORIUM AND PROPOSING CHANGES TO CHAPTER 24, ARTICLE XIII, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR TEMPORARY 6-MONTH MORATORIUM TO THE CURRENT REGULATORY GUIDELINES CONTAINED IN ARTICLE XIII, SECTION 24-147.2(C)(1)&(2) SPECIAL EVENT SIGNS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR TEMPORARY 6-MONTH REGULATIONS AS TO THE SIZE OF SPECIAL EVENT SIGNS PERMITTED AND THE DURATION TIME FOR SPECIAL EVENT SIGN PLACEMENT; 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 MAYOR MARIN ON ITS FIRST READING BY TITLE ONLY. MOTION CARRIED.

MOTION by COUNCILMAN CHERNOFF, seconded by COUNCILMAN DEROSE, to ADOPT ORDINANCE NO. 2008-20 ON ITS FIRST READING, BY TITLE ONLY.

MOTION CARRIED.

UNANIMOUSLY 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 ROSNER	YES	
MAYOR MARIN	YES	

ORDINANCES - SECOND AND FINAL READING:

NONE

14. UNSCHEDULED CITIZENS APPEARANCES:

NONE

15. **CITY COUNCIL COMMITTEE REPORTS:**

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

1. VICE MAYOR SMITH STATED THAT THEY POSTPONED THE RELIEF FOR HAITI IT IS A TENNIS FUNDRAISER, AND IT WILL BE RESCHEDULED BECAUSE OF RAIN FOR OCTOBER 12TH, FROM 11:30 TO 2:30. IT IS TWENTY DOLLARS PER PERSON, SINGLES AND DOUBLES. THERE WILL BE TABLE TENNIS FOR THE YOUTH TWELVE AND UNDER, AND CHECKS CAN BE MADE OUT TO FOOD FOR THE POOR AND THEY ARE LOOKING FORWARD TO AS MANY PEOPLE THAT CAN COME AND SUPPORT THAT.

(CNMB-CC MINUTES TAPE #405)

2. VICE MAYOR SMITH STATED THAT SHE HAD THE PRIVILEGE TO GO WITH THE ASSISTANT MANAGER MRS. WEISBLUM TO THE FOOD FOR THE POOR FOR HAITI AND THEY DELIVERED TWO FULL TRUCK LOADS FROM THE CITY OF NORTH MIAMI BEACH FOR THEM TO TAKE OVER TO THEIR COUNTRY. VICE MAYOR SMITH STATED THAT WE ARE NOT COLLECTING ANY LONGER IN NORTH MIAMI BEACH BUT SHE CHECKED INTO IT AND YOU CAN DROP EVERYTHING YOU WOULD LIKE TO DONATE TO THE COUNTY LIBRARIES OR YOU CAN DROP IT TO ANY COUNTY FIRE STATION BECAUSE THEY ARE IN DESPERATE NEED. VICE MAYOR SMITH INDICATED THE LAST PICKUP IS OCTOBER 17TH, SO PLEASE GET IT THERE BY OCTOBER 15TH. VICE MAYOR SMITH STATED THAT COUNCILMAN DEROSE MADE MENTION HE IS GOING TO TRY AND DO SOMETHING ELSE FOR THE CITY WHICH VICE MAYOR SMITH WILL TOTALLY SUPPORT. VICE MAYOR SMITH STATED THAT WHEN THEY WENT UP TO THE FOOD FOR THE POOR THEY MET WITH THE DIRECTOR AND THEY SAW THE CLAY THAT THE MOTHERS ARE MIXING WITH FLOUR AND FEEDING IT TO THEIR CHILDREN AND THESE CHILDREN ARE GETTING SICK, BUT THEY ARE DOING THAT JUST SO THAT THE CHILDREN STOP CRYING BECAUSE THEY HAVE AN EMPTY STOMACH. VICE MAYOR SMITH INDICATED THAT THEY HAVE BUILT 30 UNITS IN THE TOWN GONAIVES, 20 DOUBLE HOUSE UNITS EACH TO HOLD FIVE OR SIX PEOPLE AND IT IS HOLDING HUNDREDS OF PEOPLE BECAUSE THEY ARE HIGH UP IN THE MOUNTAINS. VICE MAYOR SMITH STATED THAT THE GOAL IS TO FINISH 35 SINCE 1982 THEY HAVE BUILT 50,000 HOMES AND ANYTHING THAT WE CAN DO, BECAUSE IT IS JUST DESPERATELY NEEDED.

(CNMB-CC MINUTES TAPE #405)

3. VICE MAYOR SMITH STATED THAT, IN REFERENCE TO THE CIVILITY ACT, SHE DID BRING FORTH THAT THEY DID VOTE UNANIMOUSLY. VICE MAYOR SMITH INDICATED THAT SHE HAS GONE OVER THAT WITH OUR ATTORNEY AND IT IS A GUIDELINE. WE DO NOT HAVE ANY PENALTY, THERE ARE NO REPERCUSSIONS, IT IS A GUIDELINE IN THEIR HOPE THAT THE PUBLIC, AND THE STAFF, AND THE COUNCIL WILL ABIDE AND RESPECT EACH OTHER WHEN THEY COME BEFORE US AS WELL AS WHEN THEY TALK TO EVERYBODY ELSE. VICE MAYOR SMITH STATED THAT SHE UNDERSTANDS ABOUT THAT CIVILITY ACT. THEY WILL DO THE BEST THEY CAN, BUT IT IS STRICTLY A GUIDELINE. WE DO HAVE FREEDOM OF SPEECH IN AMERICA.

(CNMB-CC MINUTES TAPE #405)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

A. VICE MAYOR SMITH'S REPORT - CONTINUED:

4. VICE MAYOR SMITH STATED THAT SHE WAS WITH THE MAYOR AND EVERYBODY WHEN THEY WALKED IN THE RAIN. THERE WERE HUNDREDS OF PEOPLE IT WAS VERY MOVING BECAUSE THAT IS WHEN YOU FIND OUT THAT THERE ARE TWO TO FOUR THOUSAND PEOPLE A YEAR THAT ARE MURDERED FROM ABUSE AND WITH THIS BEING THE ABUSE MONTH VICE MAYOR SMITH CAN ONLY SAY THAT ABUSE DOES START WITH NEGATIVE WORDS AND SHE THINKS THAT EACH ONE OF US HAS TO KNOW THAT IS NOT ACCEPTABLE, AND IF WE CAN STOP ACCEPTING THAT KIND OF ATTITUDE TO US, AND CERTAINLY NEVER DO IT TO ANYBODY ELSE MAYBE WE CAN START TO ELIMINATE ABUSIVE BEHAVIOR.

(CNMB-CC MINUTES TAPE #405)

5. VICE MAYOR SMITH STATED THAT THE CARRIE MEEK FOUNDATION IS PUTTING ON SATURDAY, OCTOBER 18TH FROM 9 TO NOON ON THE MIAMI-DADE NORTH CAMPUS FOR MEN ONLY A DIALOGUE ABOUT VIOLENCE AND IF ANYBODY IS INTERESTED TO ATTEND MAYBE TO HELP OR TO MENTOR SOME YOUNG PEOPLE. THAT IS SOMETHING THAT CAME BEFORE THEM AS WELL.

(CNMB-CC MINUTES TAPE #405)

6. VICE MAYOR SMITH STATED THAT SHE HAD THE PLEASURE OF GOING TO THE INSTALLATION ON SATURDAY NIGHT, WITH MANY OF HER COLLEAGUES, AND, OF COURSE THEIR ESTEEMED ATTORNEY WHICH HAPPENS TO BE THE ATTORNEY FOR THE LEAGUE AND THE CLERK AND THE MANAGER AND THEY HEARD SHIRLEY GIBSON WHO IS THE MAYOR OF MIAMI GARDENS. SHE ACTUALLY STARTED MIAMI GARDENS AND SHE IS NOW THE PRESIDENT OF THE DADE LEAGUE OF CITIES AND SHE WAS INSTALLED SATURDAY NIGHT. VICE MAYOR SMITH STATED SHE WANTED TO QUOTE HER, "WE ARE ALL IN THIS TOGETHER, WE SUCCEED OR FAIL ON HOW WELL THE LEAST OF OUR RESIDENTS ARE FAIRING ESPECIALLY IN THESE DIFFICULT TIMES AHEAD". VICE MAYOR SMITH FELT THIS WAS VERY PROFOUND AND EVERY TIME WE MAKE A DECISION WE SHOULD REMEMBER WE ARE MAKING THAT DECISION STARTING WITH THE PEOPLE THAT ARE THE BOTTOM AND GOING UP.

(CNMB-CC MINUTES TAPE #405)

7. VICE MAYOR SMITH STATED THEY HAD THEIR FIRST CITIZENS ACADEMY MEETING LAST NIGHT AND THANKS TO THE MAYOR AND THE MANAGER AND TO HIS STAFF AND ROZ WEISBLUM AND MARLEN WHO STARTED IT AND THE PEOPLE WHO CAME IT WAS VERY SUCCESSFUL. THEY HAD CLOSE TO FORTY PEOPLE AND THEY WERE GRACIOUS, THEY COULD NOT THANK THEM ENOUGH. THEY GOT A LOT OUT OF IT. VICE MAYOR SMITH STATED THAT THEY MAY HAVE TO MAKE IT AN ANNUAL THING AND THE NEXT MEETING

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

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

BECAUSE OF THE HOLIDAY WILL THE 20TH OF OCTOBER, AT 7 O'CLOCK AT NIGHT AND ANYBODY WHO COULD NOT COME TO THE FIRST MEETING PLEASE CALL IN TO THE CITY AND COME TO THE NEXT ONE. VICE MAYOR SMITH WISHED EVERYBODY A HAPPY, HEALTHY NEW YEAR AND EASY FAST AND A GOOD NIGHT

(CNMB-CC MINUTES TAPE #405)

B. **COUNCILMAN DEROSE'S REPORT:**

1. COUNCILMAN DEROSE WISHED EVERYBODY A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #405)

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

1. COUNCILMAN PIERRE WISHED EVERYONE A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #405)

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

1. COUNCILMAN ROSNER WISHED EVERYONE A HAPPY, HEALTHY, PROSPEROUS, SWEET YEAR AND AN EASY FAST, AND A GOOD NIGHT.

(CNMB-CC MINUTES TAPE #405)

E. **MAYOR MARIN'S REPORT:**

1. MAYOR MARIN STATED THAT, ON BEHALF OF HIS FAMILY, HAPPY NEW YEAR TO EVERYBODY.

(CNMB-CC MINUTES TAPE #405)

2. MAYOR MARIN STATED THAT COMMISSIONER SALLY HEYMAN ASKED HIM TO REMIND THE COMMUNITY OF NORTH MIAMI BEACH THAT ON TUESDAY, OCTOBER 28TH FROM 9:30 IN THE MORNING TO 2:00 PM THE CITY OF SUNNY ISLES BEACH WITH COMMISSIONER ROS BREZIN IN CONJUNCTION WITH THE CITY OF AVENTURA AND COUNTY COMMISSIONER SALLY HEYMAN WILL BE SPONSORING A FREE FLU CLINIC AT THE SUNNY ISLES GOVERNMENT CENTER. MAYOR MARIN ASKED THAT RESIDENTS OF NORTH MIAMI BEACH WHO WOULD LIKE TO ATTEND PLEASE ATTEND. THE SHOTS ARE FREE FOR PERSONS 65 YEARS AND OLDER AND THEY ARE FREE FOR CHILDREN AGE 6 THROUGH 18 YEARS. THOSE THAT ARE 19 THROUGH 64 THE COST IS \$34.00.

(CNMB-CC MINUTES TAPE #405)

15. CITY COUNCIL COMMITTEE REPORTS - CONTINUED:

E. MAYOR MARIN'S REPORT - CONTINUED:

3. MAYOR MARIN STATED THAT HE WANTED TO CONGRATULATE HIS COLLEAGUES ON APPROVING THE TWO DEVELOPMENTS TODAY. MAYOR MARIN STATED THAT YOU HAVE NO IDEA WHAT THAT MEANS TO THE CITY. IT IS REALLY UNFORTUNATE THAT THE PROJECTS THAT WERE ORIGINALLY APPROVED THREE YEARS AGO NEVER CAME TO FRUITION BECAUSE OF A RIDICULOUS LAW SUIT AND THE RIDICULOUS OBJECTIONS OF WHOMEVER IT WAS. MAYOR MARIN STATED THAT TODAY THE CITY COUNCIL APPROVED CLOSE TO TWELVE MILLION DOLLARS OF NEW REVENUE TO THE CITY. THE GREYNOLDS PARK PROJECT IS A \$147 MILLION DOLLAR PROJECT. IT GENERATES A MILLION DOLLARS IN REAL ESTATE TAXES. IT GENERATES \$3.9 MILLION DOLLARS OF NEW FEES TO THE CITY INCLUDING PERMITS AND EVERYTHING ELSE. MAYOR MARIN STATED THERE WERE TWO PROJECTS TODAY, ELEVEN AND A HALF MILLION DOLLARS. MAYOR MARIN STATED THAT THERE ARE ANOTHER FOUR PROJECTS COMING FORWARD THAT THEY REALLY HAVE BEEN WORKING ON HARD FOR OVER A YEAR. MAYOR MARIN STATED THAT HE HOPES THAT ALSO THOSE PROJECTS GET APPROVED AND THEY ARE ALL IN THE CRA. MAYOR MARIN INDICATED THAT THERE IS A GREAT PROJECT COMING FORWARD DOWN THE ROAD THAT IS REALLY TERRIFIC YOU ARE GOING TO ABSOLUTELY LOVE IT.

(CNMB-CC MINUTES TAPE #405)

4. MAYOR MARIN THANKED THE MANAGER AND EVERYBODY IS CORRECT, WITH NO DEVELOPMENT, THIS CITY WILL DIE. MAYOR MARIN STATED THAT THE NEXT SCHEDULED COUNCIL MEETING WILL BE TUESDAY, OCTOBER 21, 2008.

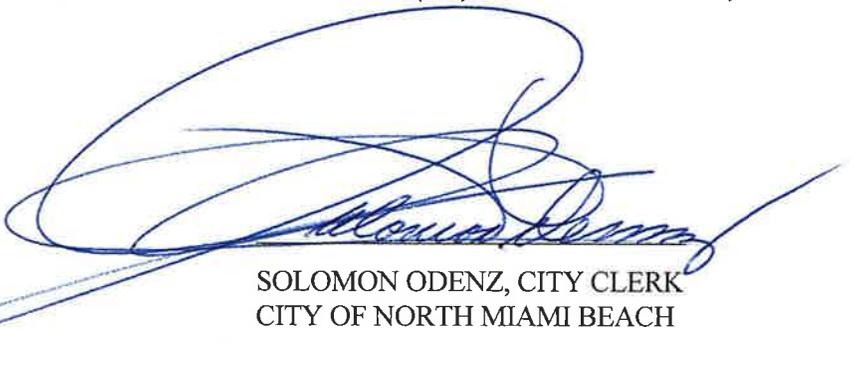
(CNMB-CC MINUTES TAPE #405)

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 12:03 A.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
EIGHTEEN (18) INCLUSIVE, TO BE THE OFFICIAL RECORD OF THE CITY COUNCIL
PROCEEDINGS AS TAPE RECORDED AT THE REGULAR CITY COUNCIL MEETING OF THE
CITY OF NORTH MIAMI BEACH, FLORIDA, HELD ON THE SEVENTH (7TH) DAY OF OCTOBER,
2008.

(SEAL)



SOLOMON ODENZ, CITY CLERK
CITY OF NORTH MIAMI BEACH

Callahan, Joanne

From: Raymond Marin [raymondm@hmdcpa.com]
Sent: Wednesday, October 22, 2008 5:09 PM
To: Lebowitz, Martin
Cc: Siegel, Darcee; Callahan, Joanne
Subject: FW: Conflict or not?

Hi Marty:

If you recall during our last meeting I made an inquiry of you during the meeting concerning CitiGroup. I followed up with a note to the Miami-Dade Commission on Ethics, Mr. Robert Meyers. Below is my inquiry and the response. I forward this to you for the record. Just in case. By copy to the City Clerk I am requesting that a copy be placed in my file.

Ray

From: Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]
Sent: Wednesday, October 15, 2008 5:06 PM
To: Raymond Marin
Subject: [!! SPAM] RE: Conflict or not?

Dear Mayor Marin,

After reviewing the facts, I see nothing in these relationships that would create a conflict of interest for you. Our office generally does not give opinions about past conduct, but if in the future a matter involving Citi-Investment were to come before the Pension Board, it is my opinion that you can participate in the discussions and vote on the item.

If you have any further questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

COPY

From: Raymond Marin [mailto:raymondm@hmdcpa.com]
Sent: Tuesday, October 14, 2008 3:42 PM
To: Meyers, Robert (COE)
Subject: Conflict or not?

Hi Robert:

This morning I was at the Police & Fire Pension Meeting with the Pension Board and its Investment Consultant, Citi-Investment Consultant. Citi-Investment is affiliated with Citicorp and the Smith Barney Brokerage House. My inquiry is that I use an investment advisor in Buffalo, New York called Nottingham Advisors. They were originally recommended to me by Smith Barney a number of years ago. In fact Nottingham has in essence my total portfolio of investments and they make decisions independent of me and have complete investment authority over

10/22/2008

my accounts. It is as if the account was in a blind trust. Nottingham also uses Smith Barney as the clearing house for my personal security trades. I know that this may be far fetched but is there any conflict between my in effect use of Citicorp, through the associations of Nottingham and Smith Barney with Citi-Investment Consultant. Remember that Smith Barney is an affiliate of Citicorp.

I do not believe that I have any conflict of interest. I did vote for the Citi-Investment Consultant. At the time of the vote I personally did not associate one from the other, until today during our Pension meeting. My vote was one of five. The vote for Citi-Investment was unanimous if I recall.

Ray

Raymond F. Marin, C.P.A.

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