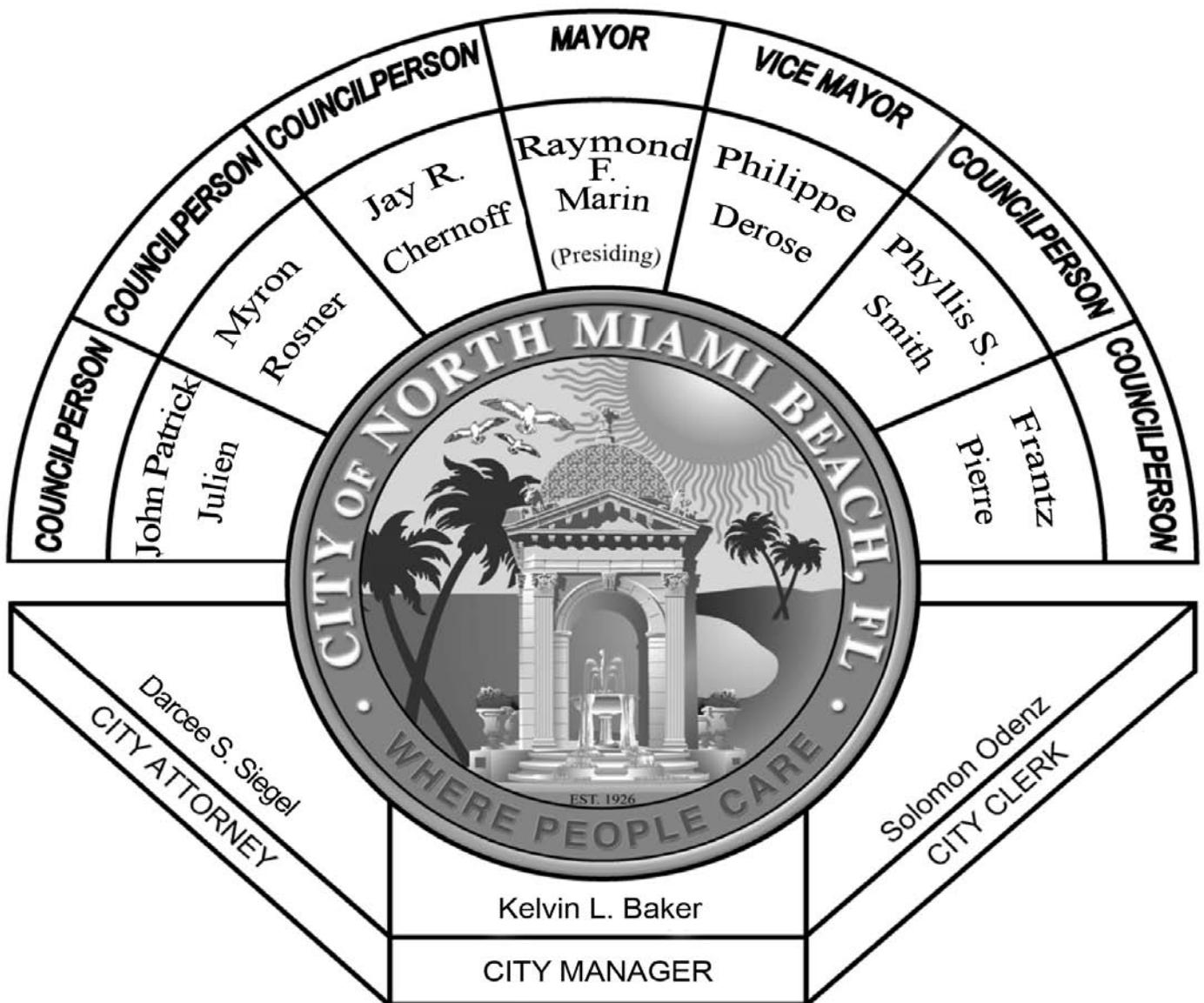


*Welcome  
To A Meeting of the  
City of North Miami Beach City Council  
Your City Officials*



**AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL  
CITY OF NORTH MIAMI BEACH, FLORIDA**

DATE and TIME: TUESDAY, APRIL 21, 2009, 7:30 PM

LOCATION: CITY HALL, 17011 NE 19<sup>th</sup> AVENUE  
2<sup>ND</sup> FLOOR, COUNCIL CHAMBERS

**NEXT CITY COUNCIL MEETING: TUESDAY, MAY 5, 2009**

# AGENDA ITEMS

1. ROLL CALL OF THE CITY OFFICIALS:

2. INVOCATION:

REVEREND MARTA BURKE  
FULFORD UNITED METHODIST CHURCH.

3. SALUTE TO THE AMERICAN FLAG.

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

5. APPOINTMENTS/PRESENTATIONS:

A. APPOINTMENTS:

1. GABRIELA COTERON – YOUTH ADVISORY BOARD.
2. TARIQ DARWISH – YOUTH ADVISORY BOARD.
3. BRIANA HAWRYLUK – YOUTH ADVISORY BOARD.

B. PRESENTATIONS:

1. SWEARING IN OF NEW ASSISTANT CITY ATTORNEY ORLANDO DeLUCA.
2. PRESENTATION OF THE EMPLOYEE OF THE MONTH AWARD BY COUNCILMAN FRANTZ PIERRE AND KELVIN L. BAKER, CITY MANAGER, TO *JOSEPH SOUFFRANCE* AS THE *EMPLOYEE OF THE MONTH* FOR APRIL 2009.
3. PRESENTATION OF THE MARCH C.A.R.E. SUGGESTION AWARD BY COUNCILWOMAN SMITH AND KELVIN L. BAKER, CITY MANAGER, TO JIM WICKETT FOR HIS SUGGESTION TO ELIMINATE THE EMPLOYEE UNIFORM RENTAL CONTRACT AND IMPLEMENT AN ANNUAL EMPLOYEE UNIFORM ALLOWANCE.
4. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN PROCLAIMING APRIL 13-19, 2009 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK.
5. PRESENTATION OF PROCLAMATION BY MAYOR RAYMOND F. MARIN PROCLAIMING APRIL 21, 2009 AS WRANDY BUENO DAY.
6. PRESENTATION OF PROCLAMATION BY VICE MAYOR PHILIPPE DEROSE PROCLAIMING APRIL 21, 2009 AS WILBUR JEAN-BAPTISTE DAY.
7. PRESENTATION OF PROCLAMATION BY COUNCILMAN ROSNER PROCLAIMING APRIL 21, 2009 AS CAYARD BAKER DAY.
8. PRESENTATION BY CANDIA WILLIAMS OF THE CENTER FOR FAMILY AND CHILD ENRICHMENT ON FOSTER AND ADOPTIVE SERVICES.
9. FLORIDA ASSOCIATION OF CITY CLERK'S SPECIAL PRESENTATION BY BARBARA ESTEP, VILLAGE CLERK, CMC, VILLAGE OF MIAMI SHORES, FACC SOUTHEAST DIRECTOR, TO CITY CLERK SOLOMON ODENZ, CMC.

# AGENDA ITEMS

**6. APPROVAL OF MINUTES:**

APRIL 7, 2009

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

- A. MISCELLANEOUS ITEMS.
- B. VICTORY POOL SLIDE.

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

**9. SCHEDULED CITIZENS APPEARANCE:**

**TO ALL CITIZENS APPEARING UNDER SCHEDULED APPEARANCES:**

THE COUNCIL HAS A RULE WHICH DOES NOT ALLOW DISCUSSION ON ANY MATTER WHICH IS BROUGHT UP UNDER CITIZENS APPEARANCES UNLESS IT IS AN EMERGENCY. WE ARE, HOWEVER, VERY HAPPY TO LISTEN TO YOU. THE REASON FOR THIS IS THAT THE COUNCIL MUST HAVE STAFF INPUT AND PRIOR KNOWLEDGE AS TO FACTS AND FIGURES SO THAT THEY CAN INTELLIGENTLY DISCUSS A MATTER. THE COUNCIL MAY WISH TO ASK QUESTIONS REGARDING THIS MATTER BUT WILL NOT BE REQUIRED TO DO SO. AT THE NEXT OR SUBSEQUENT COUNCIL MEETING YOU MAY, IF YOU SO DESIRE, HAVE ONE OF THE COUNCILPERSONS INTRODUCE YOUR MATTER AS HIS OR HER RECOMMENDATION. WE WISH TO THANK YOU FOR TAKING THE TIME TO BRING THIS MATTER TO OUR ATTENTION.

\*\*\*\*\*

**SPEAKING BEFORE THE CITY COUNCIL:**

THERE IS A THREE (3) MINUTE TIME LIMIT FOR SPEAKERS/CITIZENS PARTICIPATION AT ALL PUBLIC HEARINGS AS WELL AS SCHEDULED/UNSCHEDULED CITIZENS APPEARANCE(S). YOUR COOPERATION IS APPRECIATED IN OBSERVING THE THREE (3) MINUTE TIME LIMIT POLICY.

IF YOU HAVE A MATTER YOU WOULD LIKE TO DISCUSS WHICH REQUIRES MORE THAN THREE (3) MINUTES, PLEASE FEEL FREE TO ARRANGE A MEETING OR AN APPOINTMENT WITH THE APPROPRIATE ADMINISTRATIVE OR ELECTED OFFICIAL.

\*\*\*\*\*

**NOTE:** IN THE COUNCIL CHAMBERS, CITIZEN PARTICIPANTS ARE ASKED TO COME FORWARD TO THE PODIUM, GIVE YOUR NAME AND ADDRESS, NAME AND ADDRESS OF THE ORGANIZATION YOU ARE REPRESENTING, IF ANY, AND SPEAK ONLY ON THE SUBJECT FOR DISCUSSION.

THANKING YOU VERY MUCH, IN ADVANCE, FOR YOUR COOPERATION.

\*\*\*\*\*

**PLEDGE OF CIVILITY**

A RESOLUTION WAS ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH RECOGNIZING THE IMPORTANCE OF CIVILITY, DECENCY AND RESPECTFUL BEHAVIOR IN PROMOTING CITIZEN PARTICIPATION IN A DEMOCRATIC GOVERNMENT. THE CITY OF NORTH MIAMI BEACH CALLS UPON ALL RESIDENTS, EMPLOYEES, AND ELECTED OFFICIALS TO EXERCISE CIVILITY TOWARD EACH OTHER. (RESOLUTION NO. R2007-57, 11/06/07)

# AGENDA ITEMS

## 9. SCHEDULED CITIZENS APPEARANCE – CONTINUED:

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### NOTICE TO ALL LOBBYISTS

ANY PERSON WHO RECEIVES COMPENSATION, REMUNERATION OR EXPENSES FOR CONDUCTING LOBBYING ACTIVITIES IS REQUIRED TO REGISTER AS A LOBBYIST WITH THE CITY CLERK PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY BOARDS, COMMITTEES OR THE CITY COUNCIL. A COPY OF THE APPLICABLE ORDINANCE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK (CITY OF NORTH MIAMI BEACH CITY HALL) LOCATED AT 17011 N.E. 19<sup>TH</sup> AVENUE, GROUND FLOOR, NORTH MIAMI BEACH, FLORIDA 33162

\*\*\*\*\*

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

RE: FUTURAMA NOW.

B. MURIEL KEMP  
1479 N.E. 178 STREET  
NORTH MIAMI BEACH, FL.

RE: THE TRUTH SHALL SET YOU FREE.

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

RE: GREAT CITY.

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

RE: ISSUES.

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

RE: ELECTED OFFICIALS MUST BE RESPECTFUL OF RESIDENTS AND THEIR CONCERNS.

F. RICHARD RIESS  
23 N.W. 169 STREET  
NORTH MIAMI BEACH, FL.

RE: ETHICS II.

## 10. MISCELLANEOUS ITEMS:

NONE

# AGENDA ITEMS

## 11. WAIVER OF FEE:

NONE

## 12. BUSINESS TAX RECEIPT MATTERS: CITY CLERK

NONE

## 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. R2009-31):

#### RESOLUTION NO. R2009-26

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, NAMING THE CITY'S CASHIERS' OFFICE IN LOVING MEMORY OF ANITA EDELMAN.

#### RESOLUTION NO. R2009-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING CONDITIONAL USE APPROVAL FROM SECTION 24-52(C)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, IN ORDER TO ENLARGE AN EXISTING PACKAGE LIQUOR STORE, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

Tract "A", Arena Shops, Plat Book 166, Page 32 of the Public Records of Miami-Dade County, Florida

A/K/A  
14750 Biscayne Boulevard  
North Miami Beach, Florida  
(P&Z Item No. 09-444 of April 6, 2009)

#### RESOLUTION NO. R2009-28

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER, PURSUANT TO CITY POLICIES, STATE AND FEDERAL LAW, TO DONATE SURPLUS SUPPLIES AND EQUIPMENT TO THE IMPOVERISHED NATION OF HAITI; DESIGNATING EQUIPMENT AS SURPLUS AND EARMARKING FOR DONATION TO HAITI.

# AGENDA ITEMS

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## **13B. LEGISLATION - CONTINUED:**

### **RESOLUTIONS CONTINUED:**

#### **RESOLUTION NO. R2009-29**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING PRESIDENT OBAMA TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN.

#### **RESOLUTION NO. R2009-30**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROMOTING AMERICAN WITH DISABILITIES ACT ("ADA") AWARENESS; ENDORSING RELEVANT AND EFFECTIVE CRITERIA FOR RENEWAL OF ADA PARKING PERMITS, AND SUPPORTING STRICT SCRUTINY AND MONITORING OF HANDICAP ACCESSIBILITY PROGRAM IMPLEMENTATION; DECLARING THE THIRD WEEK OF JULY ADA AWARENESS WEEK.

### **ORDINANCES - FIRST READING, BY TITLE ONLY (SERIATIM NO. 2009-12):**

#### **ORDINANCE NO. 2009-11**

AN ORDINANCE AMENDING SECTION 2-32.4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REVISING THE PROCEDURE FOR REMOVING BOARD AND/OR COMMISSION MEMBERS FOR FAILURE TO ATTEND MEETINGS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

### **ORDINANCES - SECOND AND FINAL READING:**

#### **ORDINANCE NO. 2009-9**

AN ORDINANCE AMENDING SECTION 2-49, ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO PROVIDE FOR THE REMOVAL OF BOARD MEMBERS FOR FAILURE TO ATTEND MEETINGS.

## **14. UNSCHEDULED CITIZENS APPEARANCES:**

## **15. CITY COUNCIL COMMITTEE REPORTS:**

## **16. RECESS: (IF APPLICABLE - FOR CITY CLERK'S USE)**

## **17. ADJOURNMENT:**

## **18. NEXT CITY COUNCIL MEETING:**

**TUESDAY, MAY 5, 2009**

**MEMORANDUM**

**TO:           MAYOR AND CITY COUNCIL  
              CITY CLERK  
              CITY MANAGER**

**FROM:       DARCEE S. SIEGEL  
              CITY ATTORNEY**

**DATE:       April 21, 2009**

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**RE:   RESOLUTION NO. R2009-26  
      Naming the City's Cashiers' Office in Loving Memory of  
      Anita Edelman**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
NAMING THE CITY'S CASHIERS' OFFICE IN LOVING  
MEMORY OF ANITA EDELMAN.**

**RESOLUTION NO. R2009-26**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
NAMING THE CITY'S CASHIERS' OFFICE IN LOVING  
MEMORY OF ANITA EDELMAN.**

**WHEREAS**, the Mayor and Council wish to acknowledge and recognize Anita Edelman's twenty-four years of outstanding service to the City; and

**WHEREAS**, Anita touched the lives and hearts of all her friends and co-workers through her selflessness, generosity and readiness to always lend a hand; and

**WHEREAS**, the Mayor and Council wish to dedicate the City's Cashiers' Office in loving memory of Anita Edelman, to be called the "*Anita Edelman Cashiers' Office of the City of North Miami Beach*".

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The City's Cashiers' Office shall be named and known as the "*Anita Edelman Cashiers' Office of the City of North Miami Beach*".

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_ day of April, 2009.

\_\_\_\_\_  
Mayor Raymond F. Marin

\_\_\_\_\_  
Councilman Jay R. Chernoff

\_\_\_\_\_  
Vice-Mayor Philippe Derose

\_\_\_\_\_  
Councilman John Patrick Julien

\_\_\_\_\_  
Councilman Frantz Pierre

\_\_\_\_\_  
Councilman Myron Rosner

\_\_\_\_\_  
Councilwoman Phyllis Smith

\_\_\_\_\_  
Darcee S. Siegel  
City Attorney

\_\_\_\_\_  
Kelvin Baker  
City Manager

\_\_\_\_\_  
Solomon Odenz  
City Clerk

**SPONSORED BY:** Councilman Jay R. Chernoff  
Mayor and Council

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: April 21, 2009**

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**RE: RESOLUTION NO. R2009-27  
Total Wine Expansion**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA  
GRANTING CONDITIONAL USE APPROVAL FROM  
SECTION 24-52(C)(4) OF THE CODE OF ORDINANCES OF  
THE CITY OF NORTH MIAMI BEACH, IN ORDER TO  
ENLARGE AN EXISTING PACKAGE LIQUOR STORE, AS  
PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:**

**Tract "A", Arena Shops, Plat Book 166, Page 32 of the Public  
Records of Miami-Dade County, Florida**

**A/K/A**

**14750 Biscayne Boulevard  
North Miami Beach, Florida**

**(P&Z Item No. 09-444 of April 6, 2009)**

**RESOLUTION NO. R2009-27**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA GRANTING CONDITIONAL USE APPROVAL FROM SECTION 24-52(C)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, IN ORDER TO ENLARGE AN EXISTING PACKAGE LIQUOR STORE, AS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:**

**Tract "A", Arena Shops, Plat Book 166, Page 32 of the Public Records of Miami-Dade County, Florida**

**A/K/A**

**14750 Biscayne Boulevard  
North Miami Beach, Florida**

**(P&Z Item No. 09-444 of April 6, 2009)**

**WHEREAS,** the property described herein is zoned B-2, General Business District; and

**WHEREAS,** the applicant requests conditional use approval in order to enlarge an existing 15,153 square foot package liquor store by 5,560 square foot for a total size of 20,803 square feet on a 107,093 square foot (2.46 acre) parcel of land located at 14770 Biscayne Boulevard; and

**WHEREAS,** the Planning and Zoning Board on April 6, 2009 recommended approval of the conditional use subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:

- Boundary Survey, by Pulice Land Surveyors, Inc., dated 3/3/09;
- Site Plan, Sheet SP-1, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
- Floor Plan, Sheet A-1.2, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
- Roof Plan, Sheet SP-1, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
- Building Elevations, Sheet 4.0, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
- Building Photos, Sheet 5.0, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
- Existing Plant Plan, Sheet L-1, by Dave Bodker, Landscape Architecture/Planning, Inc., dated, signed and sealed 3/4/09;
- Planting Plan, Sheet L-2, by Dave Bodker, Landscape Architecture/Planning, Inc., dated, signed and sealed 3/4/09;

2. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the issuance of a building permit. Paving plan shall include the repair or replacement of all broken curbs.

3. All utilities, including but not limited to electrical, cable television and telephone must be located underground. The manner of locating these utilities, as well as the location of the transformer(s) must be submitted to and approved by the Community Development Director.

**RESOLUTION NO. R2009-27**

4. Project must be in complete conformity with the Americans With Disabilities Act (ADA).
5. No outside display or sale or storage of any merchandise or materials shall be permitted, including, but not limited to, newspaper racks, vending machines, ice machines and public telephones. Similarly, outdoor vendors of food, flowers or other products are prohibited.
6. The final landscape plan, to be drawn by a Florida registered Landscape Architect, shall be submitted to and approved by the City Forester. The plan must be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy for this project.
7. All shopping carts must be stored inside the store only.
8. If approved by the City Council, the conditions contained in the adopting Resolution must be incorporated into a cover sheet of the plans submitted for building permit.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** Conditional use approval from Section 24-52(C)(4) of the Code of Ordinances of the City of North Miami Beach, in order to enlarge an existing package liquor store, as proposed, on property legally described as:

**Tract "A", Arena Shops, Plat Book 166, Page 32 of the Public  
Records of Miami-Dade County, Florida**

**A/K/A**

**14750 Biscayne Boulevard  
North Miami Beach, Florida**

be and the same is granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:
  - Boundary Survey, by Pulice Land Surveyors, Inc., dated 3/3/09;
  - Site Plan, Sheet SP-1, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
  - Floor Plan, Sheet A-1.2, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
  - Roof Plan, Sheet SP-1, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
  - Building Elevations, Sheet 4.0, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
  - Building Photos, Sheet 5.0, by Michael Levy, AIA, Architect, dated, signed and sealed 3/5/09;
  - Existing Plant Plan, Sheet L-1, by Dave Bodker, Landscape Architecture/Planning, Inc., dated, signed and sealed 3/4/09;
  - Planting Plan, Sheet L-2, by Dave Bodker, Landscape Architecture/Planning, Inc., dated, signed and sealed 3/4/09;
2. A complete paving and drainage plan showing proposed and existing grading, drainage details and calculations must be submitted to and approved by the City Engineer prior to the

issuance of a building permit. Paving plan shall include the repair or replacement of all broken curbs.

3. All utilities, including but not limited to electrical, cable television and telephone must be located underground. The manner of locating these utilities, as well as the location of the transformer(s) must be submitted to and approved by the Community Development Director.

4. Project must be in complete conformity with the Americans With Disabilities Act (ADA).

5. No outside display or sale or storage of any merchandise or materials shall be permitted, including, but not limited to, newspaper racks, vending machines, ice machines and public telephones. Similarly, outdoor vendors of food, flowers or other products are prohibited.

6. The final landscape plan, to be drawn by a Florida registered Landscape Architect, shall be submitted to and approved by the City Forester. The plan must be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy for this project.

7. All shopping carts must be stored inside the store only.

8. If approved by the City Council, the conditions contained in the adopting Resolution must be incorporated into a cover sheet of the plans submitted for building permit.

**Section 2.** Pursuant to Section 24-176(C)(6) of the Code of Ordinances of the City of North Miami Beach, the applicant shall commence utilization of the conditional use approval within six (6) months of the date of this resolution or the conditional use approval granted shall be deemed null and void unless the term is extended by the City Council prior to its expiration.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: April 21, 2009**

---

**RE: RESOLUTION NO. R2009-28  
Donation of Surplus Supplies to Haiti**

---

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
AUTHORIZING AND DIRECTING THE CITY MANAGER,  
PURSUANT TO CITY POLICIES, STATE AND FEDERAL  
LAW, TO DONATE SURPLUS SUPPLIES AND  
EQUIPMENT TO THE IMPOVERISHED NATION OF  
HAITI; DESIGNATING EQUIPMENT AS SURPLUS AND  
EARMARKING FOR DONATION TO HAITI.**

**RESOLUTION NO. R2009-28**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER, PURSUANT TO CITY POLICIES, STATE AND FEDERAL LAW, TO DONATE SURPLUS SUPPLIES AND EQUIPMENT TO THE IMPOVERISHED NATION OF HAITI; DESIGNATING EQUIPMENT AS SURPLUS AND EARMARKING FOR DONATION TO HAITI.**

**WHEREAS**, the nation of Haiti and its populace is enduring incredible poverty and depressed economic and social conditions; and

**WHEREAS**, the large Haitian population in South Florida, and especially in the City of North Miami Beach, creates a special bond and empathetic relationship between our citizens and residents and those living in Haiti; and

**WHEREAS**, the Mayor and City Council, as well as all members of our community, desire to provide some measure of relief to the suffering in Haiti by donating the City's surplus supplies and equipment to assist in alleviating that nation's situation; and

**WHEREAS**, the Mayor and City Council desire to immediately designate current surplus equipment, as specified in Exhibit "A" attached hereto and incorporated herein by reference, and earmark this equipment for delivery to Haiti.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The City Manager is hereby authorized and directed, pursuant to the City's Code of Ordinances, City of North Miami Beach Resolution No. 2004-10, as well as state and federal guidelines, to donate the City's surplus supplies and equipment, as specified in Exhibit "A" attached hereto and incorporated herein by reference, to the nation of Haiti, and to separate and arrange for the delivery of same amongst multiple non-profit charitable organizations.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the

regular meeting assembled this \_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK  
(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Mayor Raymod F. Marin  
City Council



**City of North Miami Beach  
Equipment Earmarked for Haiti  
As of 4/13/2009**

Number	Vehicle #	Make	Model	Mileage	Vin Number	Earmarked
1	444	96 Chevrolet	S-10 Pickup	63101	1GCCS14X4TK180158	Donation
2	9152	01 Chevy	Blazer	96994	1GNCS13W812201882	Donation
3	452	99 Chevrolet	S-10 Pickup	52446	GCCS19XXK197982	Donation
4	9141	96 Chevrolet	S-10 Pickup	81876	GCCS19ZXS8250770	Donation
5	8045	97 GMC	3/4 Ton Bi-Fuel PU	86658	1GTGC24R7VE561090	Donation
6	8009	98GMC	2500 Pickup	73662	1GTGC24R6VE663154	Donation
7	9176	99 Chevy	2500 Pickup	94272	1GGCG24R5XR726520	Donation
8	9140	96 Chevy	2500 Pickup	80315	1GCFC24H4SZ241748	Donation
9	9973	00 Chevrolet	1500 Pickup	100814	1GCEC14V9YE117633	Donation
10	8291	88 Ford	Dump Truck 611	92960	1FDZU90L4JVA53956	Donation
11	8207	95 Lee Boy	635B Loader	712 hrs.	049	Donation
12	446	97 Chevrolet	S-10 Pickup	72430	1GCCS14X0VK180855	Donation

**Exhibit "A"**

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: April 21, 2009**

---

**RE: RESOLUTION NO. R2009-29  
Temporary Protective Status to Haitians in the United States**

---

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
URGING PRESIDENT OBAMA TO GRANT TEMPORARY  
PROTECTIVE STATUS TO HAITIANS IN THE UNITED  
STATES; DIRECTING THE CITY CLERK TO TRANSMIT A  
COPY OF THIS RESOLUTION TO THE OFFICIALS AS  
STATED HEREIN.**

**RESOLUTION NO. R2009-29**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING PRESIDENT OBAMA TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN.**

**WHEREAS**, Haiti has long suffered through political instability, financial difficulties, violence, hurricanes and earthquakes; and

**WHEREAS**, Temporary Protective Status (“TPS”) is needed to combat the recent suffering and deaths in Haiti due to the devastation of the many hurricanes; and

**WHEREAS**, the City of North Miami Beach, in Resolution No. R2004-24 (attached hereto as Exhibit “A”), demonstrated its concern about promoting the stability of and securing a more hopeful future for the people of Haiti; and

**WHEREAS**, the City of North Miami Beach, in Resolution No. R2008-27 (attached hereto as Exhibit (“B”), urged President Bush to grant TPS to Haitians in the United States; and

**WHEREAS**, Haitian President René Préval had written to President Bush asking the United States government to extend TPS to Haitians; and

**WHEREAS**, TPS would only apply to Haitians already in the United States and could actually combat massive waves of migration by keeping working Haitians in this country so they can continue to earn money to clothe, feed and house relatives in Haiti; and

**WHEREAS**, no city in America feels Haiti’s pain as much as the Greater Miami area, where our hardworking Haitian community has made a positive impact on our diverse city and continues to support fellow countrymen in dire need in Haiti; and

**WHEREAS**, the City of North Miami Beach continues to recognize its special kinship and bond with the people of Haiti, as evidenced by Resolution No. R2007-50 (attached hereto as Exhibit “C”); and

**WHEREAS**, with a new administration in Washington, the City of North Miami Beach hereby encourages President Barack Obama to support TPS for Haitians in the United States.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach:

**RESOLUTION NO. R2009-29**

**Section 1.** The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

**Section 2.** The Mayor and Council of the City of North Miami Beach urge President Barack Obama and the members of the United States Congress to grant Temporary Protective Status to Haitians in the United States.

**Section 3.** The City Clerk is directed to transmit a copy of this Resolution to the President and Vice-President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Senators and Representatives from Florida in the Congress of the United States, and to the thirty-five municipalities that comprise the Miami-Dade County League of Cities.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_\_\_ **day of April, 2009.**

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Councilman Myron Rosner  
Mayor and City Council

RESOLUTION NO. R2004-24

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING THE ESTABLISHMENT OF A UNITED NATIONS PEACEKEEPING MISSION TO PROMOTE STABILITY AND POLITICAL SELF-DETERMINATION FOR THE PEOPLE OF HAITI.

WHEREAS, the residents and citizens of the City of North Miami Beach are greatly concerned with the upheaval, violence and strife occurring in Haiti; and

WHEREAS, the Mayor and City Council, along with the City's residents, believe that an international effort is necessary and desirable to bring stability and hope to the people of Haiti.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach

Section 1. The Mayor and City Council of the City of North Miami Beach, on behalf of all its citizens and residents, urge the United Nations to undertake a peacekeeping mission to promote stability and establish political self-determination in the nation of Haiti.

Section 2. The Mayor and City Council of the City of North Miami Beach, on behalf of all its citizens and residents, urge President Bush and the United States Senate and House of Representatives, to fully support the establishment of an international United Nations peacekeeping mission in Haiti and to support such a mission with humanitarian aid, constructive guidance and appropriate expertise.

Section 3. The City Clerk is hereby directed to send copies of this resolution to President Bush, the U.S Legislators representing our region, and to the Secretary General of the United Nations.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this 16th day of March, 2004.

ATTEST:

SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

JEFFREY A. MISHCON  
MAYOR

APPROVED AS TO FORM:

HOWARD B. LENARD  
CITY ATTORNEY

SPONSORED BY: Councilman Raymond Marin  
Councilman Philippe Derose  
Mayor and City Council

RECEIVED

RESOLUTION R2004-24

Exhibit "A"

**RESOLUTION NO. R2008-27**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, URGING PRESIDENT BUSH TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN.**

**WHEREAS**, Haiti has long suffered through political instability, financial difficulties, violence, hurricanes and earthquakes; and

**WHEREAS**, the City of North Miami Beach, in Resolution No. R2004-24 (attached hereto as Exhibit "A"), demonstrated its concern about promoting the stability of and securing a more hopeful future for the people of Haiti; and

**WHEREAS**, Haitian President René Préval has written to President Bush asking the United States government to extend Temporary Protective Status (TPS) to Haitians; and

**WHEREAS**, TPS suspends the deportation of undocumented Haitians already in the United States; and

**WHEREAS**, TPS status also allows the granting of work permits and can last up to 18 months; and

**WHEREAS**, Haitians workers in the United States support relatives back home with remittances to Haiti from the United States estimated to be more than \$1 billion; and

**WHEREAS**, TPS would only apply to Haitians already in the United States and could actually combat massive waves of migration by keeping working Haitians in this country so they can continue to earn money to clothe, feed and house relatives in Haiti; and

**WHEREAS**, TPS has been granted to natives of several Central American and other nations undergoing turmoil similar to Haiti's; and

**WHEREAS**, No city in America feels Haiti's pain as much as the Greater Miami area, where our hardworking Haitian community has made a positive impact on our diverse city and continues to support fellow countrymen in dire need in Haiti; and

**WHEREAS**, the City of North Miami Beach continues to recognize its special kinship and bond with the people of Haiti, as evidenced by Resolution No. R2007-50 (attached hereto as Exhibit "B").

**RESOLUTION NO. R2008-27**

**Exhibit**

**"B"**

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach:

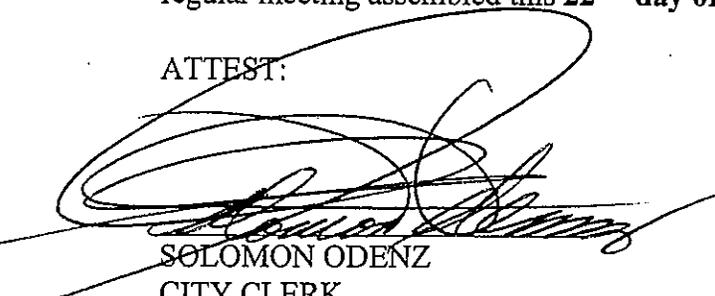
**Section 1.** The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

**Section 2.** The Mayor and Council of the City of North Miami Beach urge President George W. Bush and the members of the United States Congress to grant Temporary Protective Status to Haitians in the United States.

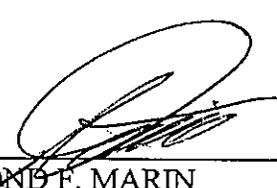
**Section 3.** The City Clerk is directed to transmit a copy of this Resolution to the President and Vice-President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Senators and Representatives from Florida in the Congress of the United States, and to the thirty-five municipalities that comprise the Miami-Dade County League of Cities.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this 22<sup>nd</sup> day of July, 2008.

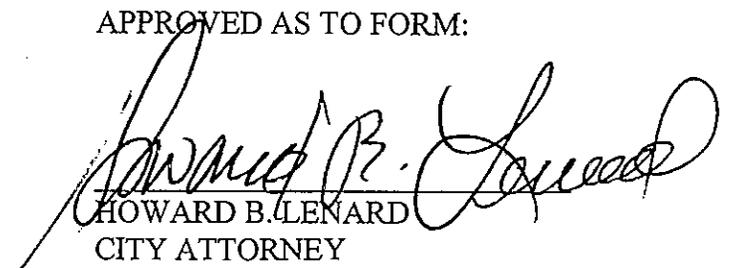
ATTEST:

  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

  
HOWARD B. LENARD  
CITY ATTORNEY

SPONSORED BY: Vice Mayor Frantz Pierre  
Mayor and City Council

RESOLUTION NO. R2007-50

A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
ESTABLISHING A SISTER CITY RELATIONSHIP  
BETWEEN THE CITY OF NORTH MIAMI BEACH,  
FLORIDA AND THE CITY OF GONAIVES, HAITI.

WHEREAS, the City of North Miami Beach, Florida is recognized as a city of diverse and rich cultural heritage; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach recognize the special relationship that citizens of this City and area have with the City of Gonaives, Haiti; and

WHEREAS, the port city of Gonaives is the 6<sup>th</sup> largest city in Haiti; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach desire to honor this special relationship between the City of North Miami Beach, Florida, and the City of Gonaives, Haiti.

NOW, THEREFORE,

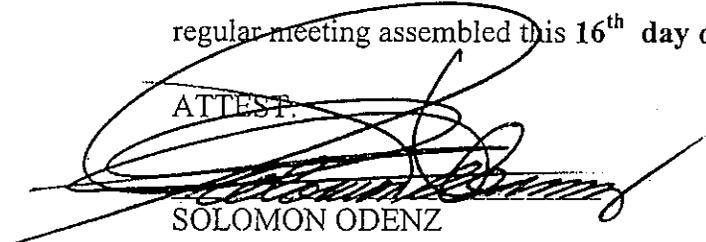
BE IT RESOLVED by the City Council of the City of North Miami Beach

**Section 1.** The Mayor and Council of the City of North Miami Beach hereby establish an information sharing and/or cultural exchange sister city relationship between the City of North Miami Beach, Florida and the City of Gonaives, Haiti, as a gesture of friendship and in keeping with the City's policies vis-à-vis other heretofore established sister cities.

**Section 2.** The City Clerk of the City of North Miami Beach is hereby directed to send copies of this Resolution to the City of Gonaives, Haiti, and to all other persons as directed by the Mayor and Council.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this 16<sup>th</sup> day of October, 2007.

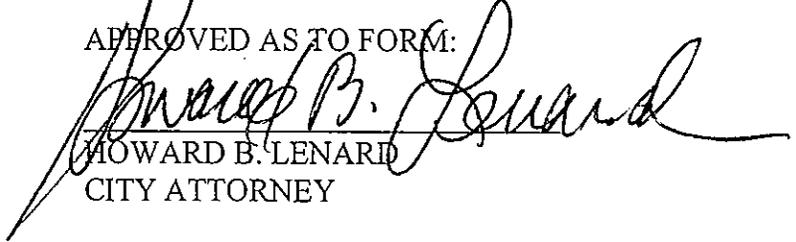
ATTEST:

  
SOLOMON ODENZ  
CITY CLERK

(CITY SEAL)

  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

  
HOWARD B. LENARD  
CITY ATTORNEY

SPONSORED BY: Mayor Raymond F. Marin  
City Council

RESOLUTION R2007-50

Exhibit 1104

**MEMORANDUM**

**TO:           MAYOR AND CITY COUNCIL  
              CITY CLERK  
              CITY MANAGER**

**FROM:       DARCEE S. SIEGEL  
              CITY ATTORNEY**

**DATE:       April 21, 2009**

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**RE:   RESOLUTION NO. R2009-30  
      ADA Awareness Week**

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROMOTING AMERICAN WITH DISABILITIES ACT (“ADA”) AWARENESS; ENDORSING RELEVANT AND EFFECTIVE CRITERIA FOR RENEWAL OF ADA PARKING PERMITS, AND SUPPORTING STRICT SCRUTINY AND MONITORING OF HANDICAP ACCESSIBILITY PROGRAM IMPLEMENTATION; DECLARING THE THIRD WEEK OF JULY ADA AWARENESS WEEK.**

**RESOLUTION NO. R2009-30**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, PROMOTING AMERICAN WITH DISABILITIES ACT (“ADA”) AWARENESS; ENDORSING RELEVANT AND EFFECTIVE CRITERIA FOR RENEWAL OF ADA PARKING PERMITS, AND SUPPORTING STRICT SCRUTINY AND MONITORING OF HANDICAP ACCESSIBILITY PROGRAM IMPLEMENTATION; DECLARING THE THIRD WEEK OF JULY ADA AWARENESS WEEK.**

**WHEREAS**, the rights of handicapped and disabled persons to participate fully in the full range of activities enjoyed by other citizens is a priority for the City of North Miami Beach; and

**WHEREAS**, as a City and as a nation, we must maintain vigilance in upgrading and enforcing programs designed to eliminate barriers and enhance mobility for handicapped citizens; and

**WHEREAS**, in order to prevent abuse and ensure that handicapped parking areas are available for those who need them, the state has tightened criteria for the renewal of ADA parking permits.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the City Council of the City of North Miami Beach

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach, Florida, hereby endorse the enhanced statutory criteria for the issuance and renewal of ADA parking permits pursuant to Section 320.0848, Florida Statutes.

**Section 3.** The Mayor and Council of the City of North Miami Beach hereby urge all government entities with the responsibility to implement and enforce handicapped parking programs to strictly adhere to all program guidelines and requirements.

**Section 4.** The Mayor and City Council of the City of North Miami Beach, Florida hereby declare the third week of July, 2009, as the first annual ADA Awareness Week, and urge the Miami-Dade County League of Cities, as well as all other local municipal and county governments to join forces with our City in promoting this effort to educate and sensitize our citizenry.

**Section 5.** The City Clerk is hereby directed to send a copy of this Resolution to the Miami-Dade County League of Cities, Inc., the Miami-Dade County Board of Commissioners, and all municipalities in Miami-Dade County.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this \_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
SOLOMON ODENZ  
CITY CLERK  
(CITY SEAL)

\_\_\_\_\_  
RAYMOND F. MARIN  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

SPONSORED BY: Councilman Myron Rosner  
Mayor and Council

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: APRIL 21, 2009**

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**RE: ORDINANCE NO. 2009-11  
Removal of Board Members for Non-Attendance**

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**AN ORDINANCE AMENDING SECTION 2-32.4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REVISING THE PROCEDURE FOR REMOVING BOARD AND/OR COMMISSION MEMBERS FOR FAILURE TO ATTEND MEETINGS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.**

ORDINANCE NO. 2009-11

AN ORDINANCE AMENDING SECTION 2-32.4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, REVISING THE PROCEDURE FOR REMOVING BOARD AND/OR COMMISSION MEMBERS FOR FAILURE TO ATTEND MEETINGS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE.

WHEREAS, the Mayor and City Council of the City of North Miami Beach desire to expedite and simplify the procedure for the removal of Board and/or Commission members who regularly fail to attend meetings and thereby obstruct and impede the ability of said Board and/or Commission from conducting the business of the City.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Section 2-32.4 of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Chapter II Structure of City Government

Article VII Board, Committees and Commissions. Section 2-32.4, Removal, Replacement of Members.

a. Should any member of any Board, Commission or Committee fail to attend two (2) of three (3) consecutive meetings without due cause and without prior approval of the Chairperson, the Chairperson of that Board, Commission or Committee shall declare the member's seat vacant and certify same to the City Council. ~~The member shall be automatically removed and a~~ A replacement shall promptly be named by the City Council for the remainder of the unexpired term.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be

renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**SOLOMON ODENZ**  
**CITY CLERK**

(CITY SEAL)

\_\_\_\_\_  
**RAYMOND F. MARIN**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

**Sponsored by:      Vice-Mayor Philippe Derosé**  
**Mayor and City Council**

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY CLERK  
CITY MANAGER**

**FROM: DARCEE S. SIEGEL  
CITY ATTORNEY**

**DATE: ~~APRIL 7, 2009~~ APRIL 21, 2009**

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**RE: ORDINANCE NO. 2009-9  
Economic Development Commission  
Removal of Board Members for Failure to Attend Meetings**

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**AN ORDINANCE AMENDING SECTION 2-49, ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO PROVIDE FOR THE REMOVAL OF BOARD MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

ORDINANCE NO. 2009-9

**AN ORDINANCE AMENDING SECTION 2-49, ECONOMIC DEVELOPMENT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO PROVIDE FOR THE REMOVAL OF BOARD MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

**WHEREAS**, the responsibilities of the Economic Development Commission of the City of North Miami Beach are crucial to the ongoing economic health of our City; and

**WHEREAS**, the unexcused failure of commission members to attend regular meetings hampers the ability of the Commission to conduct its business; and

**WHEREAS**, the Mayor and City Council deem it in the best interest of the citizens and residents of the City to provide a mechanism for the removal of commission members who regularly fail to attend meetings.

**NOW, THEREFORE,**

**BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Section 2-49, Economic Development Commission, Sub-section 2-49.2 Terms, of the Code of Ordinances of the City of North Miami Beach, Florida is hereby amended as follows:

**2-49 Economic Development Commission**

**2-49.2 Terms**

**Members shall be appointed for terms to commence on June 1 of the year of appointment, and appointments shall be for (2) years except for appointments to fill unexpired terms, which shall be for the remainder of the unexpired term. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the Chairman, the Economic Development Commission shall declare the member's office vacant, and the Mayor and City Council shall promptly fill such vacancy for the remainder of the term.**

**Section 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 4.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 5.** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this 7<sup>th</sup> day of April, 2009.

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
**SOLOMON ODENZ**  
**CITY CLERK**

(CITY SEAL)

\_\_\_\_\_  
**RAYMOND F. MARIN**  
**MAYOR**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**

**Sponsored by:            Councilwoman Phyllis Smith**  
**Mayor and City Council**

**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, City Attorney**  
**DATE: April 21, 2009**

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## LITIGATION LIST

### **I. Wrongful Deaths:**

Graham Donald/Smith Sylvia vs. CNMB  
Wrongful Death

Hernandez, Estate of v. CNMB  
Wrongful Death

Kelly, Estate of v. CNMB  
Wrongful Death

### **II. Civil Rights:**

Mack, Eugene E. v. Loizzo, et al  
Civil Rights Violation/False Arrest

Madura, Maryla vs. CNMB, Antonio Marciante and Tony Sanchez, individually  
Civil Rights Violation/False Arrest

Nelson, Travis v. CNMB, et al  
Civil Rights Violation/False Arrest

Smith, Louis v. John Richard Renaud, NMBPD, & CNMB  
Civil Rights Violation/False Arrest

Torres, Antonio v. CNMB  
Civil Rights Violation/False Arrest

### **III. Personal Injury:**

Donahue, Louise, et al v. CNMB  
Slip & Fall/Personal Injury

Gilmore, Turner and Frances v. CNMB and Christopher C. Sweigart  
Automobile Accident/Personal Injury

Jones, Zettie & Earnest v. CNMB, et al  
Slip & Fall/Personal Injury

Martell, Erlinda v. CNMB  
Personal Injury

Rogers, Ethel Mathis v. CNMB  
Automobile Accident/Personal Injury

Moy, Christian v. CNMB  
Automobile Accident/Personal Injury

**IV. Land Use Litigation:**

Donahue, John, et al. v. CNMB, Sol Odenz and Miami-Dade County  
Petition Protest (Height and Density)

State of Florida, Division of Administrative Hearings  
Alvey, Errol and Taylor, Robert v. CNMB  
Comprehensive Plan Challenge **DISMISSED/CASE CLOSED**

Baron, Charles & Taylor, Robert v. CNMB  
Administrative Zoning Appeal

**V. Other Litigation:**

Capital One Bank vs. Altiaga and CNMB  
Writ of Garnishment

CACV of Colorado v. Lubin and CNMB  
Writ of Garnishment

Chase Manhattan Bank v. Guiteau and CNMB  
Writ of Garnishment

\* Eastern Financial Florida Credit Union v. Flores and CNMB  
Writ of Garnishment

**VI. Forfeitures:**

CNMB v. Abarca/Tablas/Vazquez-Casimiro/Nunes/Perez/Romero  
Forfeiture

CNMB v. Alonso/Gonzalez  
Forfeiture

CNMB v. Bernadin  
Forfeiture

CNMB v. Camejo  
Forfeiture

CNMB v. Chavez/Hernandez  
Forfeiture

CNMB v. Clarke  
Forfeiture

CNMB v. Colon  
Forfeiture

CNMB v. Diaz/Ramirez/Rodriguez  
Forfeiture

CNMB v. Exposito/Leiva/Moore  
Forfeiture

CNMB v. Gilles  
Forfeiture

CNMB v. Giordano  
Forfeiture

CNMB v. Goodman  
Forfeiture

CNMB v. Harryton/Cunningham/Furbush  
Forfeiture

CNMB v. Hurtado  
Forfeiture

CNMB v. Johnson/Murat  
Forfeiture

CNMB v. Lassus  
Forfeiture

CNMB v. Maldonado-Diaz  
Forfeiture

CNMB v. Molina/Fernadnez  
Forfeiture

CNMB v. Muhammad/Camarioca Auto  
Forfeiture

CNMB v. Mullins/Holmes/Upshaw  
Forfeiture

CNMB v. Noa/Corrales  
Forfeiture

CNMB v. Ottoni/Silva  
Forfeiture

CNMB v. Parker/Lewis/Santos  
Forfeiture

CNMB v. Parra/Martinez  
Forfeiture

CNMB v. Pecina/Portillo/Tango  
Forfeiture

CNMB v. Peoples  
Forfeiture

CNMB v. Perrier  
Forfeiture

CNMB v. Poitier/Jean-Pierre  
Forfeiture

CNMB v. Rodriguez/Pinon  
Forfeiture

CNMB v. Rojas

Forfeiture

CNMB v. St Hilaire/Mazard/Donaldson

Forfeiture

CNMB v. Torres, et al

Forfeiture

CNMB v. Torres, C., et al

Forfeiture

CNMB v. Turbides/Nicholas/Rincon/Abreu

Forfeiture

CNMB v. Urena/Rodriguez/Mathieux

Forfeiture

CNMB v. Virgile

Forfeiture

## **VII. Mortgage Foreclosures:**

Accredited Home Lenders, Inc. v. CNMB (Funes)

Mortgage Foreclosure

ACT Properties, LLC v. CNMB (Robinson, et al)

Mortgage Foreclosure

Aegis Mortgage Corp v. CNMB (Galina Pikh)

Mortgage Foreclosure

Aegis Mortgage Corp v. CNMB (Galina Pikh, et al.)

Mortgage Foreclosure

Allied Mortgage & Financial Corp. vs. CNMB (Sorota)

Mortgage Foreclosure

Ameriquest Funding vs. CNMB (Caraballo)

Mortgage Foreclosure

Argent Mortgage Company v. CNMB (Harmitt)

Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (George)

Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Gomez, et al)

Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Hernandez)

Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Manser, et al)

Mortgage Foreclosure

\* Aurora Loan Services, LLC v. CNMB (Molla, et al)

Mortgage Foreclosure

Aurora Loan Services, LLC. v. CNMB (Rivera, et al)

Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Rodriguez, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Cedeno, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Coffey, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Escalante, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Miller, et al.)  
Mortgage Foreclosure

\* Bank of America v. CNMB (Otero, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Tamir, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Johnson, Nick, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Lima, et al)  
Mortgage Foreclosure

Baron, Marylin S., et al v. CNMB (Campbell, et al)  
Mortgage Foreclosure

Bayview Loan Servicing, LLC v. CNMB (Avin)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Espinosa)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Meisels)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Rua, et al)  
Mortgage Foreclosure

Chevy Chase Bank, F.S.B. v. CNMB (Gonzalez, et al)  
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Anglade, et al)  
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Austin, et al)  
Mortgage Foreclosure

Citifinancial Equity Services, Inc. v. CNMB (Morales)  
Mortgage Foreclosure

Citimortgage v. CNMB(Anchava)  
Mortgage Foreclosure

Citimortgage v. CNMB (Rivaroli, et al)

Mortgage Foreclosure

Cong Vo v. CNMB (Perroti, Miranda)

Action to Quiet Title

Consumers Alliance Corp. v. CNMB (Haronda Realty)

Action to Quiet Title

Countrywide Home Loans, Inc. v. CNMB (Gilles)

Mortgage Foreclosure

\* Countrywide Home Loans, Inc. v. CNMB (Joseph, et al.)

Mortgage Foreclosure

Countrywide Home Loans, Inc. v. CNMB (Monroy, et al)

Mortgage Foreclosure

Countrywide Home Loans v. CNMB (Schmidt, et al)

Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas)

Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas, et al)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Adelson)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Angelillo)

Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Barksdale)

Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Barksdale)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Bien-Aime, et al)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Calix, et al)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Gonzalez)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Horton, et al)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Johnson)

Mortgage Foreclosure

\* Deutsche Bank national v. CNMB (Lindor, et al.)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Liebman)

Mortgage Foreclosure

Deutsche Bank National. vs. CNMB (Mejia)

Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sanchez)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sierra, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Suhag, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Voltaire, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Watkins, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Whittle, et al)  
Mortgage Foreclosure

Eastern Financial v. CNMB (Diaz, et al)  
Mortgage Foreclosure

EMC Mortgage Corp. v. CNMB (Gordon)  
Mortgage Foreclosure

Flagstar Bank v. CNMB (Pena)  
Mortgage Foreclosure

Fiserv ISS & Co., vs. CNMB (Estime)  
Mortgage Foreclosure

Fremont Investment & Loan v. CNMB (Rubes)  
Mortgage Foreclosure

Global Trust v. CNMB (Roth)  
Mortgage Foreclosure

\* GMAC Mortgage v. CNMB (Alvarez)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Calix)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Platel, et al)  
Mortgage Foreclosure

Golden Beach (Town of) v. CNMB (Goodman, et al)  
Mortgage Foreclosure

Greenpoint Mortgage v. CNMB (Global Properties Investment et al)  
Mortgage Foreclosure

Happy Home Lending Corp. vs. CNMB (Shon Furman)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Counne)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Gamble)  
Mortgage Foreclosure

**CLOSED**

HSBC Bank v. CNMB (Gomez)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Miranda)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Mora)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Pintero)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Vidal, et al)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Westgate)  
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hamami, et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Abraham)  
Mortgage Foreclosure

JP Morgan v. CNMB (Lopez, et al)  
Mortgage Foreclosure

\* JP Morgan v. CNMB (Suarez, et al)  
Mortgage Foreclosure

LaSalle Bank v. CNMB (Campbell, et al)  
Mortgage Foreclosure

LaSalle Bank Midwest v. CNMB (Gomez)  
Mortgage Foreclosure

LaSalle Bank, N.A. v. CNMB (Hernandez)  
Mortgage Foreclosure

LaSalle Bank, N.A. v. CNMB (Jean-Baptiste)  
Mortgage Foreclosure

LaSalle Bank National v. CNMB (Rodriguez)  
Mortgage Foreclosure

LaSalle Bank National v. CNMB (Rodriguez)  
Mortgage Foreclosure

Litton Loan Servicing LP v. CNMA (Gonzalez, et al)  
Mortgage Foreclosure

Miami-Dade County v. CNMB (Morrobel)  
Mortgage Foreclosure

Mortgage Electronic Registration System, Inc. vs. CNMB (Miller)  
Mortgage Foreclosure

Mortgage Investment Group v. CNMB (Deliford, et al)  
Mortgage Foreclosure

Nationstar Mortgage LLC f/k/a Centex Home Equity v. CNMB (Hechevarria, et al)  
Mortgage Foreclosure

Novastar Mortgage v. CNMB (Montas)  
Mortgage Foreclosure

Owen Federal Bank v. CNMB (Bain)  
Mortgage Foreclosure

Parklane Equity v. CNMB(Beaubien-Cordon)  
Mortgage Foreclosure

Private Capital Group LLC v. CNMB (Giraldo)  
Mortgage Foreclosure

REO Properties Corporation v. CNMB (Cotto, et al)  
Mortgage Foreclosure

RMS Residential Properties v. CNMB(Heredia)  
Mortgage Foreclosure

Sazant v. CNMB(Pluviose)  
Mortgage Foreclosure

U.S. Bank NA, et al. v. CNMB (Arocho)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Cabrera)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, J., et al.)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Island Place Apts., et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jean-Louis)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jimenez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Marin)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Martinez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Maxwell)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Michel)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Mora, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Oratz, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Perez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Robinson, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Suarez, et al.)  
Mortgage Foreclosure

Venice Isle, Inc. v. CNMB (Suhag)  
Claim of Lien Foreclosure

Wachovia Mortgage v. CNMB (Campos)  
Mortgage Foreclosure

Wachovia Mortgage Corp v. CNMB (Diaz)  
Mortgage Foreclosure

Wachovia Bank v. CNMB (Martinez)  
Mortgage Foreclosure

Washington Mutual Bank, F.A. v. CNMB, Sandra T. Porter, et al  
Mortgage Foreclosure

Washington Mutual Bank v. CNMB (Schmidt)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Bojotte, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Bonilla)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. vs. CNMB (Hernandez, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Jackson)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mendez, et al)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mohr, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Rand)  
Mortgage Foreclosure

\* Wells Fargo v. CNMB (Read, et al.)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Sacco)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Torres)  
Mortgage Foreclosure

**VIII. Bankruptcies:**

Adams, Evrol C.  
American LaFrance LLC  
American Home Mortgage Holdings  
Cimax USA, LLC  
Diversified Displays/Michael Phelan  
Florida Select Insurance  
Kim, Myung Ja  
Porter, Michael and Shanda  
The New Kosher World Bakery  
SMG Entertainment  
South Pointe Family and Children Center  
Sunny Isles Unicenter  
Tweeter Intellectual Property (Sound Advice)  
Vartec Telecom, Inc.  
Verestar, Inc.  
Villaverde, Olga  
WCI Communities, Inc.

\*New Cases