



CITY OF NORTH MIAMI BEACH
Regular City Commission Meeting
Julius Littman Performing Arts Theater
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, September 21, 2021
6:00pm

Mayor Anthony F. DeFillipo
Vice Mayor Paule Villard
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Michael Joseph
Commissioner Barbara Kramer
Commissioner Fortuna Smukler

City Manager Arthur H. Sorey III
Interim City Attorney Hans Ottinot
Ottinot Law, P.A.
City Clerk Andrise Bernard, CMC

Regular City Commission Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:56 p.m. Present at the meeting in the Littman Performing Arts Theater were Mayor Anthony F. DeFillipo, Vice Mayor Daniela Jean, Commissioner McKenzie Fleurimond, Commissioner Michael Joseph (arrived after roll call was taken), Commissioner Barbara Kramer, Commissioner Fortuna Smukler and Commissioner Paule Villard. City Manager Arthur H. Sorey III, Interim City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present in the theater.

INVOCATION led by City Clerk Andrise Bernard.

Mayor Anthony F. DeFillipo recognized National Peace Day.

PLEDGE OF ALLEGIANCE was led by the Mayor and Commission.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

City Manager Arthur H. Sorey III requested the following changes to the agenda:

- a. Requested to add the CRA budget resolution to the consent agenda.
- b. Requested to proceed with second reading of all ordinances.
- c. Requested to address business tax receipts for Dean's Gold and G5ive extension of operating hours.
- d. Requested the removal of discussion items 15.3, 15.6, 15.7, 15.8 and 15.9 with the approval of each commissioner.

City Clerk Andrise Bernard announced the following changes to the agenda:

- a. Per the request of Mayor DeFillipo and City Manager Sorey III, items leftover from the previous meeting will be heard first.
- b. Per the request of City Manager Sorey III, business tax receipts for Dean's Gold and G5ive extension of operating hours will follow.

- c. Per the request of Vice Mayor Jean, appointment of Johnathan Cyprien for the consideration to the Redevelopment Advisory Board will be added to the agenda.
- d. Per the request of Commissioner Villard, appointment of Hans Mardy for the consideration to the Redevelopment Advisory Board and Senior Citizen Advisory Board will be added to the agenda.
- e. Per the request of Commissioner Kramer, discussion item regarding pension board office space will be added to the agenda.
- f. Per the request of Interim City Attorney Ottinot, a request for NMB to join as a party in a lawsuit filed by other municipalities challenging HB-1 Florida Anti-Riot Law will be added to the City Attorney's Report will be added to the agenda.
- g. Per the request of Commissioner Fleurimond, resolution regarding condemning the inhumane treatment of Haitian Nationals will be added to the agenda.

Motion to approve the amended agenda made by Commissioner Kramer, seconded by Mayor DeFillipo.
Voice Vote: MOTION PASSED 7-0

PRESENTATIONS/DISCUSSIONS

Proclamation Recognizing Childhood Cancer Awareness Month was led by Mayor DeFillipo.

Presentation by the IUPA Actuary was led by City Manager Sorey III and IUPA representative David Kershner.

Mayor DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Andrise Bernard read the rules of public comment and the following person(s) made comments on the record:

- 1. Carmen Bethel
- 2. Marilyn Baumoehl
- 3. Keith Myers
- 4. Stephanie Kienzle
- 5. Mubarak Kazan
- 6. Todd Kessel
- 7. Naomi Errison
- 8. Hayes Errison
- 9. Sandra Douglas
- 10. Nathan Winship
- 11. Margie Love

The meeting was closed for **PUBLIC COMMENT**.

Mayor DeFillipo stated there will not be another meeting unless he has control of this forum and if the commission is not in the commission chambers by next month and the commission is still on the Zoom platform, the mayor will be the moderator moving forward.

Commissioner Fleurimond requested a point of order and a question for the City Attorney for which was not recognized by Mayor DeFillipo.

ANNOUNCEMENTS – No Public Affairs announcements.

CITY COMMISSION REPORTS

Commissioner Fleurimond requested legal advisement from Interim City Attorney Ottinot regarding the governing of city commission meeting ran by the mayor and requested the Interim City Attorney to work with the ethics department to come up with the rules and the interpretation of Robert's Rules of Order.

Interim City Attorney Ottinot gave legal advisement regarding Commissioner Fleurimond's request and stated it is up to the discretion of the board to address certain conducts however will provide a draft rule of procedure as Commissioner Fleurimond instructed.

Commissioner Joseph requested legal advisement from Interim City Attorney Ottinot requesting to know who the parliamentarian is.

Interim City Attorney Ottinot stated the City Attorney is the parliamentarian however he will verify.

Commissioner Kramer announced Happy Sukkot and Happy Hispanic Heritage Month; the Multi-Cultural Committee and the City of North Miami Beach will be hosting the Hispanic Heritage Concert.

Commissioner Smukler announced she was just appointed to the League of Cities Advocacy board; Farm Share along with the City of North Miami Beach is hosting a drive thru food distribution on Thursday, October 14th at 9 am; Free mammogram service provided by the City of North Miami Beach will be hosted on October 23rd 8 am to 4 pm; Thank you to Miami-Dade County Mayor Daniella Levine Cava and condolences to her for the passing of her father; blessings to the people who celebrate Sukkot and Simchat Torah.

Commissioner Villard stated the elected official has the responsibility to not make allegations against private citizens and use the civility rule; thanked City Manager and staff for the National Peace Day event.

Vice Mayor Jean announced today is International Day of Peace; thoughts and prayers go out to families in Texas and all across the world; City Manager and her have been working on a project for the residents of Crestview Towers and requested the City Manager to roll the project out; invited everyone to all the events happening including Night at the Ballet in the Littman Theater featuring Miami Youth Ballet on September 26th.

Mayor DeFillipo stated in the Robert's Rules of Order on page 247, section 23 says when a member thinks that the rule of the assembly are being violated, he can make a point of order or raise a question of order. It is sometimes expressed thereby calling upon the chair for a ruling and enforcement of the regular rule, he is the chair.

CONSENT AGENDA

Special Commission Meeting Minutes of July 3, 2021 (Andrise Bernard, City Clerk)

Regular Commission Meeting Minutes of July 20, 2021 (Andrise Bernard, City Clerk)

Special Commission Meeting Minutes of August 17, 2021 (Andrise Bernard, City Clerk)

Regular Commission Meeting Minutes of August 17, 2021 (Andrise Bernard, City Clerk)

Special Commission Meeting Minutes of August 24, 2021 (Andrise Bernard, City Clerk)

Resolution R2021-90 Automated License Plater Reader (Richard Rand, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH MILLENIUM PRODUCTS, INCORPORATED FOR THE

PURCHASE AND INSTALLATION OF AUTOMATED LICENSE PLATE READERS IN AN ESTIMATED BUDGETED AMOUNT OF \$244,819.

Resolution R2021-91 Authorizing Request for Information (RFI) for Above Ground and Underground Transit System (Commissioner Michael Joseph)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ISSUE A REQUEST FOR INFORMATION (“RFI”) ATTACHED HERETO IN SUBSTANTIALLY THE SAME FORM AS EXHIBIT “A” SEEKING INFORMATION FROM FIRMS TO IDENTIFY TRANSPORTATION SOLUTIONS TO ALLEVIATE TRAFFIC CONGESTION ON STATE ROAD 826 EAST FROM N.W. 2nd AVENUE TO N.E. 35th AVENUE; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-92 Approving Intergovernmental Agreement for Traffic Engineering Functions Between Miami-Dade County and the City of North Miami Beach (Mayor and Commission)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN INTERGOVERNMENTAL AGENCY AGREEMENT WITH MIAMI-DADE COUNTY IN SUBSTANTIALLY THE SAME FORM AS EXHIBIT “A” ATTACHED HERETO TO PERFORM TRAFFIC ENGINEERING FUNCTIONS TO PERMIT TRAFFIC CALMING DEVICES ON LOCAL STREETS; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-103 Approving the North Miami Beach Community Redevelopment Agency’s Fiscal year 2021-22 Budget (Mayor and Commission)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY’S FISCAL YEAR 2021-22 BUDGET; AUTHORIZING THE CITY CLERK TO TRANSMIT THE BUDGET TO MIAMI-DADE COUNTY; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ALL ACTION NECESSARY TO COMPLETE THE APPROVAL PROCESS FOR THE COMMUNITY REDEVELOPMENT AGENCY’S FISCAL YEAR 2021-22 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve the consent agenda made by Commissioner Joseph, seconded by Commissioner Smukler
Voice Vote: MOTION PASSED 6-1 with Mayor DeFillipo opposed.

BUSINESS TAX RECEIPTS

Platinum South Inc. D/B/A Dean’s Gold Extension of Hours of Operation 4:00 AM to 6:00 AM

Request to extend 4 a.m. to 6 a.m. alcohol sales license for Platinum South Inc. D/B/A Dean’s Gold, located at 2355 NE 163 ST, North Miami Beach, FL. 33160.

City Manager Sorey III introduced this item to the Mayor and Commission.

Mayor DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan
2. Alan Rosenthal

The meeting was closed for **PUBLIC COMMENT**.

City Manager Sorey III introduced Chief of Police Richard Rand to the Mayor and Commission and requested Chief Rand to present this item at which time Chief Rand presented the item.

The Mayor and Commission discussed business tax receipt regarding the request to extend 4 a.m. to 6 a.m. alcohol sales license for Platinum South Inc. D/B/A Dean's Gold, located at 2355 NE 163 ST, North Miami Beach, FL. 33160.

Motion to approve the request to extend 4 a.m. to 6 a.m. alcohol sales license for Platinum South Inc. D/B/A Dean's Gold, located at 2355 NE 163 ST, North Miami Beach, FL. 33160 made by Commissioner Kramer, seconded by Commissioner Smukler.

Roll Call Vote: Villard – Yes, Fleurimond – Yes, Joseph – Yes, Kramer - Yes, Smukler – Yes, Jean – Yes, DeFillipo - Yes.

MOTION PASSED 7-0.

G5ive LLC, D/B/A G5ive Extension of Hours of Operation 4:00 AM to 6:00 AM

Request to extend 4 a.m. to 6 a.m. alcohol sales license for G5ive LLC, D/B/A G5ive, located at 337 NW 170 Street, North Miami Beach, FL. 33169.

City Manager Sorey III introduced this item to the Mayor and Commission.

Attorney Noel Johnson representing G5ive LLC, D/B/A G5ive spoke regarding the extension of hours.

City Manager Sorey III introduced Chief of Police Richard Rand to the Mayor and Commission and requested Chief Rand to present this item at which time Chief Rand presented the item.

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

Motion to approve the request to extend 4 a.m. to 6 a.m. alcohol sales license for G5ive LLC, D/B/A G5ive, located at 337 NW 170 Street, North Miami Beach, FL. 33169.made by Commissioner Smukler, seconded by Commissioner Kramer.

Roll Call Vote: Fleurimond – Yes, Joseph - Yes, Kramer - Yes, Smukler -Yes, Villard - Yes, Jean – Yes, DeFillipo - Yes

MOTION PASSED 7-0.

Ordinance No. 2021-02 (Second and Final Reading) Relating to Employee Running for Political Office (Vice Mayor Paule Villard)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER V OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED “HUMAN RESOURCES (PERSONNEL)” BY SPECIFICALLY CREATING A NEW SECTION ENTITLED “EMPLOYEE RUNNING FOR POLITICAL OFFICE”; PROVIDING FOR THE RESIGNATION FROM CITY EMPLOYMENT IF AN EMPLOYEE QUALIFIES TO RUN FOR MAYOR OR CITY COMMISSIONER OF THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR THE RESIGNATION FROM CITY EMPLOYMENT IF AN EMPLOYEE IS ELECTED TO ANY OTHER POLITICAL OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. R2021-02 into the record.

Mayor DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed Ordinance No. R2021-02 relating to employee running for political office.

Motion to approve Ordinance No. R2021-02 relating to employee running for political office made by Commissioner Joseph, seconded by Commissioner Villard.

Roll Call Vote: Joseph – Yes, Kramer – Yes, Smukler – Yes, Villard – Yes, Jean – Yes, Fleurimond – Yes, DeFillipo – No.

MOTION PASSED 6-1 with Mayor DeFillipo opposed.

Ordinance No. 2021-03 (Second and Final Reading) Chapter III Purchasing Ordinance Amendment Local Business Preference and Local Hiring Requirements (Donna Rockfeld, Chief Procurement Officer)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION AMENDING THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER III ENTITLED “PURCHASING,” SECTION 3-4 ENTITLED “MISCELLANEOUS PROVISIONS,” CREATING A NEW SECTION 3-4.13, ENTITLED “LOCAL BUSINESS PREFERENCE AND LOCAL HIRING REQUIREMENTS IN CITY CONTRACTS,” AND AMENDING SECTION 3-3.15 ENTITLED “AWARD OF THE BIDS; LOCAL PREFERENCE” PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. R2021-03 into the record.

City Manager Sorey III introduced Ordinance No. R2021-03 regarding local hiring requirements.

Mayor DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

Motion to approve Ordinance No. R2021-02 chapter III purchasing ordinance amendment local business preference and local hiring requirements made by Vice Mayor Jean, seconded by Commissioner Joseph.

Roll Call Vote: Kramer – Yes, Smukler – Yes, Villard – Yes, Fleurimond – Yes, Joseph – Yes, Jean – Yes, DeFillipo – Yes.

MOTION PASSED 7-0.

Ordinance No. 2021-04 (Second and Final Reading) Prohibiting the Docking of Commercial Boats/Watercrafts in Residential Districts (Commissioner Fortuna Smukler)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XXIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING SECTION 24-84, ENTITLED “BOATS, DOCKS AND PIERS” TO PROHIBIT THE DOCKING, PARKING, STORAGE OF COMMERCIAL BOATS AND WATERCRAFTS IN RESIDENTIAL DISTRICTS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. R2021-04 into the record.

City Manager Sorey III introduced Ordinance No. R2021-04 and requested Director of Community Development, Kent Walia to give a brief overview of the ordinance.

Director of Community Development, Kent Walia gave an overview of the Ordinance No. R2021-04.

The Mayor and Commission discussed Ordinance R2021-04 and Mayor DeFillipo requested the title amended.

Mayor DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Robert Urra
2. Marteen Longo
3. Margie Love
4. David Templer
5. Diane Frazer
6. Ron Rodriguez
7. Leslie Sardinia
8. Brian Sharpe
9. Andres Klein
10. Manny Revis
11. James Tamatis
12. Bruce Lamberto
13. Clara Piana
14. Daniel Baculers

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed Ordinance R2021-04 regarding prohibiting the docking of commercial boats/watercrafts in residential districts.

Motion to approve Ordinance No. R2021-02 prohibiting the docking of commercial boats/watercrafts in residential districts made by Commissioner Smukler, seconded by Mayor DeFillipo.

Roll Call Vote: Smukler – Yes, Villard – Yes, Fleurimond – Yes, Joseph – Yes, Kramer – Yes, Jean – Yes, DeFillipo – Yes.

MOTION PASSED 7-0.

Ordinance No. 2021-05 (Second and Final Reading) Living Wage (Commissioner Michael Joseph)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER V OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY CREATING A NEW SECTION ENTITLED “LIVING WAGE REQUIREMENTS FOR CITY EMPLOYEES AND SERVICE CONTRACTS”; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. R2021-05 into the record.

Commissioner Joseph spoke on Ordinance No. R2021-05 regarding the living wage ordinance.

City Manager Sorey III introduced Ordinance No. R2021-05 and stated this ordinance does not apply to seasonal employees.

City Manager Sorey III introduced Human Resource Director Francisco Rios to explain the compression of the living wage ordinance.

Human Resource Director Francisco Rios explained the compression of the living wage ordinance.

City Manager Sorey III will be removing section C of the ordinance, index section regarding cost-of-living increases.

The Mayor and Commission discussed Ordinance R2021-05 regarding the living wage ordinance.

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Nucleus Shelton
2. Janice Coakley
3. Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed Ordinance R2021-05 regarding the living wage ordinance.

Motion to approve Ordinance No. R2021-05 regarding the living wage ordinance with the amendment to remove the indexing made by Commissioner Joseph, seconded by Commissioner Fleurimond.

Roll Call Vote: Villard – Yes, Fleurimond – Yes, Joseph – Yes, Kramer – Yes, Smukler – Yes, Jean – Yes, DeFillipo – Yes.

MOTION PASSED: 7-0.

Commissioner Smukler asked to set aside \$200,000 to create a gym for city employees.

Motion to approve the City Manager to set aside \$200,000 to create a gym for city employees and provide logistics made by Commissioner Smukler, seconded by Commissioner Joseph.

Voice Vote: MOTION PASSED 7-0

Ordinance No. 2021-06 (Second and Final Reading) Chapter IX Offenses and Miscellaneous Provisions - Creation of Code of Ordinances Section 9-37 entitled "Storm Shutter Regulations" (Kent Walia, Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER IX OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO CREATE A NEW SECTION ENTITLED “STORM SHUTTERS REGULATIONS” TO ESTABLISH GUIDELINES FOR THE PLACEMENT AND REMOVAL OF STORM SHUTTERS OR HURRICANE PROTECTION DEVICES SUBSEQUENT TO A HURRICANE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. R2021-06 into the record.

Mayor DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan
2. Tricia Harris
3. Margie Love

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed Ordinance R2021-06 regarding storm shutter regulations.

Director of Community Development Kent Walia gave a detailed explanation on Ordinance R2021-06 regarding storm shutter regulations.

Motion to approve Ordinance No. R2021-06 with regards to storm shutter regulations made by Commissioner Joseph, seconded by Commissioner Fleurimond.

Roll Call Vote: Fleurimond – Yes, Joseph – Yes, Kramer – Yes, Smukler – No, Villard – Yes Jean – No, DeFillipo – No.

MOTION PASSED 4-3 with Commissioner Smukler, Vice Mayor Jean and Mayor DeFillipo opposed.

Motion to approve extending commission meeting pass midnight to 1 A.M. made by Commissioner Fleurimond, seconded by Vice Mayor Jean.

Voice Vote: MOTION PASSED 4-3 with Mayor DeFillipo, Commissioner Kramer, Commissioner Smukler opposed.

Ordinance No. 2021-07 (Second and Final Reading) Recertification of Engineering Reports

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XIV, "BUILDING AND HOUSING" OF THE CODE OF ORDINANCES, BY CREATING A NEW SECTION 14-1.30 "DELIVERY OF ENGINEERING REPORTS" TO ENHANCE REQUIREMENTS RELATED TO RECERTIFICATION OF BUILDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Ottinot read the title of Ordinance No. R2021-07 into the record and gave a brief explanation on the ordinance.

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

No public comment.

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed Ordinance R2021-07 regarding the recertification of engineering reports.

Motion to approve Ordinance R2021-07 regarding recertification of engineering reports made by Commissioner Smukler, seconded by Mayor DeFillipo.

Roll Call Vote: Joseph - Yes, Kramer – Yes, Smukler - Yes, Villard - Yes, Fleurimond - Yes, Jean - Yes, DeFillipo – Yes.

MOTION PASSED: 7-0

APPOINTMENTS

Appointing Evans St. Fort to the Commission on Aging and Senior Citizens Advisory Board (Andrise Bernard, City Clerk)

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Margie Love

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed the appoint of Evans St. Fort to the Commission on Aging and Senior Citizens Advisory Board.

Motion to approve the appoint of Evans St. Fort to the Commission on Aging and Senior Citizens Advisory Board. made by Commissioner Villard, seconded by Commissioner Joseph.

Voice Vote: MOTION PASSED 4-3 with Mayor DeFillipo, Commissioner Kramer and Commissioner Smukler opposed.

Appointing Rachelle Michel to the Commission on the Status of Women (Andrise Bernard, City Clerk)

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed the appoint of Rachelle Michel to the Commission on the Status of Women.

Motion to approve the appoint of Rachelle Michel to the Commission on the Status of Women. made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

Voice Vote: MOTION PASSED 7-0

Appointing A. Silver to the Commission on the Status of Women (Andrise Bernard, City Clerk)

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

No public comment

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed the appoint of A. Silver to the Commission on the Status of Women.

Motion to approve the appoint of A. Silver to the Commission on the Status of Women made by Commissioner Smukler, seconded by Mayor DeFillipo.

Voice Vote: MOTION PASSED 7-0

Motion to approve combining all remaining appointments to one vote made by Commissioner Smukler, seconded by Commissioner Fleurimond.

Voice Vote: MOTION PASSED 7-0

Appointing Belkis Pimentel to the Commission on the Status of Women (Andrise Bernard, City Clerk)

Appointing Marcela Invernizzi as an Ex Officio Member to the Commission on the Status of Women (Andrise Bernard, City Clerk)

Appointing Donard St. Jean to the Economic Development Commission (Andrise Bernard, City Clerk)

Appointing Denisse Berrios to the Public Utilities Commission (Andrise Bernard, City Clerk)

Motion to approve allowing the appointment of Johnathan Cyprien to the Redevelopment Advisory Board and Hans Mardy to the Redevelopment Advisory Board and the Senior Citizens Advisory Committee to be added with the combined appointments made by Commissioner Joseph, seconded by Vice Mayor Jean.

Voice Vote: MOTION PASSED 6-1 with Mayor DeFillip opposed.

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed the appoint of Belkis Pimentel to the Commission on the Status of Women, appointing Marcela Invernizzi as an Ex Officio member to the Commission on the Status of Women, appointing Donard St. Jean to the Economic Development Commission, appointing Denisse Berrios to the Public Utilities Commission, appointing Johnathan Cyprien to the Redevelopment Advisory Board and Hans Mardy to the Redevelopment Advisory Board and the Senior Citizens Advisory Committee.

Motion to approve the appoint of Belkis Pimentel to the Commission on the Status of Women, appointing Marcela Invernizzi as an Ex Officio member to the Commission on the Status of Women, appointing Donard St. Jean to the Economic Development Commission, appointing Denisse Berrios to the Public Utilities Commission, appointing Johnathan Cyprien to the Redevelopment Advisory Board and Hans Mardy to the Redevelopment Advisory Board and the Senior Citizens Advisory Committee made by Commissioner Joseph, seconded by Commissioner Fleurimond.

Voice Vote: MOTION PASSED 5-2 with Mayor DeFillipo and Commissioner Kramer opposed.

Miscellaneous Items – No items were discussed.

DISCUSSION ITEMS

Discussion on City Clerk's Contract Renewal

City Clerk Bernard started the discussion regarding the renewal of the City Clerk's employment contract and she thanked the commission for allowing her to serve as the city of North Miami Beach City Clerk.

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC COMMENT**.

City Clerk Bernard read the rules of public comment into the record and the following person(s) made comments on the record:

1. Mubarak Kazan

The meeting was closed for **PUBLIC COMMENT**.

The Mayor and Commission discussed the renewal of the City Clerk's employment contract.

Motion to approve City Clerk's employment contract with retro pay from June made by Commissioner Fleurimond, seconded by Commissioner Kramer.

Voice Vote: MOTION PASSED 7-0

QUASI-JUDICIAL LEGISLATION -

Resolution R2021-93 Canal Park West Site Plan Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL FOR THE DEVELOPMENT OF A TEN STORY TOWER, CONSISTING OF 237,483 SQUARE FEET OF OFFICE SPACE, ON PROPERTY LOCATED AT 3227 N.E. 163rd STREET, NORTH MIAMI BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AN LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2021-93

City Clerk Bernard explained the Jennings Disclosure requirement of naming the individuals with whom the item was discussed and the subject matter of any communication regarding the item.

Commissioner Smukler disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Kramer disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Kramer stated she would like to amend her Jennings form previous submitted and disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Villard disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Mayor Anthony F. DeFillipo disclosed the individual names to whom he spoke on the Jennings Form and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Vice Mayor Jean disclosed the individual names to whom she spoke on the Jennings Form and confirmed that she can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Fleurimond disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

Commissioner Joseph disclosed the individual names to whom he spoke and confirmed that he can make a decision regarding this item based on the substantial competent evidence presented at this meeting.

City Clerk Bernard asked anyone who will be speaking and providing testimony on this item to raise their right hand to be sworn in. Director of Community Development Kent Walia, Joseph Geller representing the applicant and Jean-Francois Gervais, the architect of the project were sworn in.

City Manager Sorey III introduced Kent Walia, Director of Community Development who provided a brief explanation of the Canal Park West site plan request to the Mayor and Commissioners.

Joseph Geller presented Canal Park West site plan.

Jean-Francois Gervais presented architectural plan for Canal Park West.

Motion to approve Resolution No. R2021-93 will be the last item on the agenda made by Commissioner Kramer, seconded by Mayor DeFillipo.

Voice Vote: MOTION FAILED 2-5 with Commissioner Fleurimond, Commissioner Joseph, Commissioner Smukler, Commissioner Villard and Vice Mayor Jean opposed.

Motion to approve to continue pass Resolution No. R2021-93 and complete the agenda made by Mayor DeFillipo.

Voice Vote: MOTION PASSED 6-1 with Mayor DeFillipo opposed.

Mayor Anthony F. DeFillipo opened the meeting for **PUBLIC HEARING**.

City Clerk Andrise Bernard asked the speakers who will be providing testimony regarding this item to raise their right hand and be sworn in.

1. Nury Rodriguez
2. David Templer
3. Diane Frazer
4. Leslie Sardinia
5. Pianas
6. Robert Urrea
7. David Salaues
8. Manny Rivas
9. Enrique Fuhrman

The meeting was closed for **PUBLIC HEARING**.

Joseph Geller spoke regarding public comments on Resolution No. R2021-93 regarding Canal Park West site plan.

The Mayor and Commission discussed Resolution No. R2021-93 regarding Canal Park West site plan.

Motion to approve Resolution No. R2021-93 without a boat dock with a revised plan with respect to the privacy wall that is subject to approval of the Director of Community Development who will meet with each commissioner individually for their approval as well as allow residents to review such plan with additional request with respect to the garage made by Commissioner Fleurimond, seconded by Commissioner Joseph.

Roll Call Vote: Kramer - **Yes**, Smukler - **Yes**, Villard - **Yes**, Fleurimond - **Yes**, Joesph - **Yes**, Jean – **Yes**, DeFillipo – **Yes**.

MOTION PASSED: 7-0

Motion to adjourn made by Commissioner Kramer, seconded by Mayor DeFillipo.

Voice Vote: Motion Passed 7-0

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 1:57 am.

The following items were on the agenda however were not heard:

Resolution R2021-94 Cookies MMD Conditional Use Request (Kent Walia, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-175 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE FOR THE OPERATION OF A 3,878 SQUARE FOOT MEDICAL MARIJUANA DISPENSARY, AS PROPOSED ON PROPERTY ZONED B-2 GENERAL BUSINESS DISTRICT, LOCATED AT 17150 BISCAYNE BOULEVARD, NORTH MIAMI BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

LEGISLATION

Resolution R2021-95 Body Worn Camera Program (Richard Rand, Chief of Police)A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH AXON ENTERPRISE, INC. TO PURCHASE BODY WORN CAMERAS, TASERS AND RELATED EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$1,082,727.77; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-96 American Rescue Plan Act (ARPA) (Arthur H. Sorey, City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT (ARPA); APPROVING THE ALLOCATION OF AMERICAN RESCUE PLAN REVENUES IN THE AMOUNT OF TWENTY-ONE MILLION, FIVE-HUNDRED AND FIFTY-SEVEN THOUSAND, TWO HUNDRED AND FORTY-TWO DOLLARS (\$21,557,242.00) TOWARD CITY GRANT PROGRAMS AND REVENUE LOSSES; AUTHORIZING THE CITY MANAGER TO MAKE ADDITIONAL ALLOCATIONS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00); AND FURTHER AUTHORIZING THE CITY MANAGER TO ESTABLISH PROGRAMS AND GUIDELINES, AS NEEDED, TO ENSURE THE TIMELY DISBURSEMENT OF GRANT FUNDS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

Resolution R2021-97 Authorizing the City Manager to Organize a Temporary Protected Status (TPS) Registration Drive with the Haitian Lawyers Association and Other Organizers (Commissioner Paule Villard and Commissioner Michael Joseph)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ORGANIZE A TEMPORARY PROTECTED STATUS (TPS) REGISTRATION DRIVE WITH THE HAITIAN LAWYERS ASSOCIATION

(HLA) AND OTHER COMMUNITY ORGANIZATIONS NO LATER THAN NOVEMBER 15, 2021 RELATING TO THE RECENT EXTENSION OF TPS FOR HAITIAN NATIONALS IN THE UNITED STATES; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSEARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Resolution R2021-98 Authorizing the City Manager to Appropriate Funds for the "WE CARE PROGRAM" for Fiscal Year 2021-22 (Commissioner Fortuna Smukler and Commissioner Michael Joseph)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DIRECTING THE CITY MANAGER OR DESIGNEE TO APPROPRIATE CERTAIN FUNDS TO THE "WE CARE PROGRAM" DURING THE FISCAL YEAR 2021-22 TO ASSIST IN THE PAYMENT OF WATER BILLS FOR RESIDENTS WHO ARE EXPERIENCING FINANCIAL DISTRESS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSEARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

DISCUSSION ITEMS – Rolled over to next meeting

Multicultural Festival (Cultural Fest on N.E. 19th Avenue)

Community Policing

Constituent Aides

Criminal Background Checks of Board Members and Resignation Upon Arrest or Arrest for Felony

Procedure on Promoting City Funded Events

Revival of the Civil Service Board

Implementing a Transportation Loop Within the Boundaries of the City of North Miami Beach

President Biden's Vaccine Mandate for Employers with more than 100 Employees

CITY MANAGER'S REPORT

Sister Cities International

ATTEST:

(SEAL)

Andrise Bernard, CMC, City Clerk