



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

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

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

**City Commission Meeting Minutes**

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**ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 6:04 pm.

Present at the meeting in the Littman Performing Arts Theater were Mayor Anthony F. DeFillipo, Vice Mayor Daniela Jean, Commissioner McKenzie Fleurimond (arrived after roll call), Commissioner Michael Joseph (arrived after roll call), 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** by Rabbi Alan Litwak of Temple Sinai.

Mayor Anthony F. DeFillipo led the meeting with a moment of silent meditation for the passing of Hollywood Police Officer Yandy Chirino and former United States Secretary of State Colin Powell.

**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 remove item 9.9 and 9.11 from the consent agenda and moved to legislation.

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

- a. Item 9.7 on the Consent Agenda (Resolution R2021-105) should state that the funds are coming from the carryforward funds account previously.
- b. Resolution R2021-105 contains a scrivener's error. The title of the resolution indicates that Millennium Products is the vendor, however the vendor is Russell Bassett.
- c. Per the request of Interim City Attorney Ottinot, Item 11.5, Ordinance No. 2021-10 (First Reading) Amendment to the Retirement Committee Membership Requirement Section is to be deferred.

- d. The reappointment of Maria Claudia Gallegos to the Redevelopment Advisory Board has been added to appointments as item 13.14.

**Motion to adopt** the agenda made by Commissioner Smukler, seconded by Commissioner Villard.

**Voice Vote: MOTION PASSED 7-0**

### **PRESENTATIONS/DISCUSSIONS**

Recognition of Citizens Appreciation Month led by Commissioner Kramer.

Commissioner Kramer recognized and presented Marianne Napolitano with a certificate for Citizen Appreciation Month.

Commissioner Villard recognized and presented Lauren Rios with a certificate for Citizen Appreciation Month.

Vice Mayor Jean recognized and presented Cheyenne Johnson with a certificate for Citizen Appreciation Month.

Commissioner Fleurimond recognized Donnell McCant for Citizen Appreciation Month.

Commissioner Smukler recognized and presented Belkis Pimentel with a certificate for Citizen Appreciation Month.

Mayor DeFillipo recognized and presented Antonio Ortega with a certificate for Citizen Appreciation Month.

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. Pearl Roger
2. Robert Kaplan and Leslie Kaplan
3. Ketley Joachim
4. David Templer

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

### **ANNOUNCEMENTS**

Public Affairs presented a video announcing upcoming events in the city as follows:

- a. Getting Fit and Active with Coach D event hosted by Commissioner Villard every Tuesday and Thursday from 10 am to 2 pm at the McDonald Center 17051 NE 19<sup>th</sup> Avenue.
- b. NMB Water Conservation Drive-Thru Celebration event hosted by Vice Mayor Daniel Jean on Wednesday, October 20<sup>th</sup>, 2021, from 4 pm to 6 pm at the City Hall Circle.
- c. Clergy Appreciation Brunch event hosted by Commissioner Villard and co-hosted with Apostle Nelly on Thursday, October 21<sup>st</sup>, 2021, from 10 am to 1 pm at 17011 NE 19<sup>th</sup> Avenue.
- d. Free Mammogram Service event hosted by Commissioner Smukler on Saturday, October 23<sup>rd</sup>, 2021, from 8 am to 4 pm at the Mobile Mammogram Van (North Miami Beach Library).
- e. Meet and Mingle with NMB Residents event hosted by Commissioner Villard and co-hosted by Dr. Rose-May Seide on Saturday, October 23<sup>rd</sup>, 2021, from 10 am to 1 pm at Prime Health Center, 125 NE 167<sup>th</sup> Street.

- f. Monster Mash Bash Trick or Treat Street Drive Thru event on Saturday, October 30<sup>th</sup>, 2021, from 5 pm to 8 pm at the Kevin R. Sims Aquatic Center, Victory Park 1980 NE 171<sup>st</sup> Street.

**CITY COMMISSION REPORTS**

Commissioner Fleurimond thanked everyone for attending the commission meeting in person; welcomed and thanked Communications and Constituent Services Manager Phillipe Tavernier for the work he has done in Public Affairs and the work he has done with the constituent aides; recognized and congratulated the City Manager and staff for the completion of the union negotiation contracts; asked the City Manager to discuss tuition reimbursement for part-time employees at a later time; recognized the police department for their hard work in protecting the residents and support the police department 110%.

Commissioner Joseph echoed the same sentiments as Commission Fleurimond regarding the union contract; recognized Breast Cancer Awareness month; gave condolences to Senator Jason Pizzo and his family after the passing of his father.

Commissioner Kramer had nothing to report.

Commissioner Smukler gave condolences to Senator Jason Pizzo’s family for the passing of his father; thanked the police department for keeping the residents, businesses, employees, families and her family safe; thanked Parks and Recreation Director Andrew Plotkin for making the food drive distribution between Frame Share and the city happened, where 500 families were fed; stated Parks and Recreations makes the city look good; recognized Diane Frazier Hayhurst and stated she will be missed; announced a Breast Cancer Awareness RoundTable will be hosted at the North Miami Beach Library on Saturday, October 23<sup>rd</sup>, 2021 starting at 2pm along with a nutritionist and breast cancer survivors; announced National Celebration for Reading for the Record event on Thursday, October 28<sup>th</sup>, 2021 at the NMB Library with the following times of 10 am, 4:30 pm and 6 pm; recognized Veteran’s Day.

Commissioner Villard announced Clergy Appreciation Brunch event Thursday, October 21<sup>st</sup>, 2021, from 10 am to 1 pm at McDonald center; announced Meet and Mingle with NMB Residents event on Saturday, October 23<sup>rd</sup>, 2021, from 10 am to 1 pm at Prime Health Center, 125 NE 167<sup>th</sup> Street; expressed support for tuition reimbursement for part-time employees with Commissioner Fleurimond.

Vice Major Jean thanked CRA Director Joann Milord for the Hispanic Heritage Month event; CRA will present the Small Business Road to Financing on Thursday, October 28<sup>th</sup>, 2021; announced NMB Water Conservation Drive-Thru Celebration event on Wednesday, October 20<sup>th</sup>, 2021, from 4 pm to 6 pm.

Mayor DeFillipo thanked everyone for attending the commission meeting in person; requested the City Manager to let the public know if there will be a Veterans’ Day event as soon as possible; thanked all the veterans and gave condolences for the fallen police officers.

**CONSENT AGENDA**

**First Public Budget Hearing Minutes of September 13, 2021 (Andrise Bernard, City Clerk)**

**Second Public Budget Hearing Minutes of September 21, 2021 (Andrise Bernard, City Clerk)**

**Regular Commission Meeting Minutes of September 21, 2021 (Andrise Bernard, City Clerk)**

**Regular Commission Meeting Minutes of September 23, 2021 (Andrise Bernard, City Clerk)**

**Resolution No. 2020-103 City Commission Meeting Dates for the 2022 Calendar Year**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SETTING THE DATES FOR THE CITY COMMISSION MEETINGS FOR THE CALENDAR YEAR 2022; PROVIDING FOR AN EFFECTIVE DATE.

**Resolution No. R2021-104 Purchase of Afton Floridian RO Pump and Motor Model VST 10x12-3 from Afton Pumps, Inc.**

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 AFTON PUMPS, INC. FOR RO PUMP AND MOTOR IN AN ESTIMATED BUDGETED NOT TO EXCEED AMOUNT OF \$108,767; AND PROVIDING FOR EFFECTIVE DATE.

**Resolution No. R2021-105 Police Communications Consoles Project**

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 RUSSELL BASSETT, INCORPORATED FOR THE PURCHASE AND INSTALLATION OF DISPATCH CONSOLES FOR POLICE COMMUNICATIONS IN AN ESTIMATED BUDGETED AMOUNT OF \$111,858.40.

**Resolution No. R2021-106 Change Order for USSI Janitorial Services**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER BETWEEN THE CITY OF NORTH MIAMI BEACH AND UNITED STATE SERVICES INDUSTRIES, INC. (USSI) INCREASING THE ORIGINAL AMOUNT OF THE AGREEMENT BY SIXTY TWO THOUSAND EIGHT HUNDRED SIXTY EIGHT DOLLARS (\$62,868.00) TO CONTINUE TO PROVIDE JANITORIAL SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER, AND TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

**Resolution No. R2021-108 City Hall 2nd Floor Office Renovation Project ITB-21-032-MC**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID NO. ITB-21-032-MC "CITY HALL 2ND FLOOR OFFICE RENOVATION PROJECT"; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, BESPOKE CONSTRUCTION MANAGEMENT, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ESTIMATED AMOUNT NOT TO EXCEED \$467,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to approve** the Consent Agenda made by Commissioner Fleurimond, seconded by Commissioner Smukler.

**Voice Vote: MOTION PASSED 7-0**

**QUASI-JUDICIAL LEGISLATION** - None

**LEGISLATION**

**Resolution No. R2021-107 Design Build Services for Norwood-Oeffler Water Treatment Plant RFQ-21-025-MC**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER WHO CONCURS WITH THE EVALUATION COMMITTEE AND APPROVING THE RANKING OF THE THREE HIGHLY QUALIFIED FIRMS THAT RESPONDED TO REQUEST FORQUALIFICATIONS

RFQ-21-025-MC DESIGN-BUILD SERVICES FOR NORWOOD-OEFFLER WATER TREATMENT PLANT; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE TOP RANKED, MOST QUALIFIED FIRM AND, IF NEGOTIATIONS ARE UNSUCCESSFUL, WITH THE NEXT HIGHEST RANKED FIRM SUCCESSIVELY, UNTIL AN ACCEPTABLE AGREEMENT CAN BE RECOMMENDED FOR CITY COMMISSION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2021-107 design build services for Norwood-Oeffler Water Treatment Plant project.

City Manager Sorey III introduced Procurement Director Donna Rockfeld and NMB Water Director Andrea Suarez-Abatida to the commission and requested the directors to provide a presentation on Resolution No. R2021-107 design build services for Norwood-Oeffler Water Treatment Plant project.

Procurement Director Donna Rockfeld and NMB Water Director Andrea Suarez-Abatida presented the solicitation process and project details for Design Build Services for Norwood-Oeffler Water Treatment Plant project.

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

City Clerk Bernard read the rules of public comment into the record.

No Public Comment.

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

The Mayor and Commission discussed the design build services for Norwood-Oeffler Water Treatment Plant project.

Procurement Director Donna Rockfeld stated a timeline would be given at the next commission meeting due to prospective negotiations.

City Manager Sorey III stated a negotiated contract will be presented before the end of this calendar year.

Commissioner Fleurimond requested a meeting with NMB Water Director Andrea Suarez-Abatida regarding further discussion on the design build services for Norwood-Oeffler Water Treatment Plant project.

**Motion to approve** made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

**Voice Vote: MOTION PASSED 7-0**

**Resolution No. R2021-109 Citywide Grounds Maintenance Services**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE AWARD OF INVITATION TO BID NO. ITB-21-054-SG "CITYWIDE GROUNDS MAINTENANCE SERVICES"; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, COCO TREE SERVICE, CORP. AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$657,000; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2021-109 citywide grounds maintenance services.

City Manager Sorey III and Procurement Director Donna Rockfeld gave an overview on Resolution No. R2021-109 citywide grounds maintenance services.

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

City Clerk Bernard read the rules of public comment into the record.

No Public Comment.

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

The Mayor and Commission discussed the citywide grounds maintenance services.

Commissioner Fleurimond requested to table the item due to the current vendor not being present and not able to answer additional questions.

City Manager Sorey III stated the current vendor was notified of the meeting however the vendor was not present.

Procurement Director Donna Rockfeld stated the new contract will start on November 20<sup>th</sup>, 2021, once the current contract expires. The current vendor did bid for the contract however the vendor notified the city they will not renew the contract and gave six months' notice.

**Motion to table the item** made by Commissioner Fleurimond, seconded by Commissioner Joseph.

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

**MOTION PASSED 4-3** with Mayor DeFillipo, Commissioner Smukler, Commissioner Kramer opposed.

**Resolution No. R2021-110 Adult and Youth Literacy**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DEVELOP A MARKETING CAMPAIGN WITH LOCAL SCHOOLS AND A LITERACY INCENTIVE PROGRAM TO BOOST LITERACY IN ADULTS AND YOUTH IN THE CITY OF NORTH MIAMI BEACH; PROVIDING THE CITY MANAGER WITH AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2021-110 Adult and Youth Literacy.

City Manager Sorey III spoke regarding a marketing campaign for adult and youth literacy.

Vice Mayor Jean spoke regarding adult and youth literacy.

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

City Clerk Bernard read the rules of public comment into the record.

No Public Comment.

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

The Mayor and Commission discussed adult and youth literacy.

**Motion to approve** made by Commission Fleurimond, seconded by Commissioner Joseph.  
**Voice Vote: MOTION PASSED 7-0.**

**Resolution No. R2021-111 NMB AFSCME Collective Bargaining Agreement**

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 3293, BARGAINING UNIT; AND PROVIDING FOR EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Resolution No. R2021-111 NMB AFSCME Collective Bargaining Agreement.

City Manager Sorey III thanked Janice Coakley, the union, Human Resources, and the commission. The contract gave the members 3% cost of living increase for year 2021 retroactive and 1% cost of living increase for year October 2021. There will be a 3% wage increase for FY2022, 2% cost of living increase on October 1, 2022 and 3% wage increase for April 2023 which is tied to a performance evaluation for every employee.

Interim City Attorney Ottinot gave legal advisement and stated there were several executive sessions that took place therefore the law was followed allowing the City Manager to meet with individual commissioners regarding the union contract.

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:

No Public Comment.

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

The Mayor and Commission discussed the NMB AFSCME collective bargaining agreement.

Interim City Attorney Hans Ottinot gave legal advisement and stated the union has already voted on the contract unanimously and if any changes needed to be made, the negotiation process will have to begin again.

City Manager Sorey III requested the Human Resource Director Francisco Rios to present the terms of the union contract.

Human Resource Director Francisco Rios presented the terms of the NMB AFSCME collective bargaining agreement.

The Mayor and Commission continued to discuss the NMB AFSCME collective bargaining agreement.

**Motion to approve** made by Commissioner Joseph, seconded by Commissioner Fleurimond.  
**Voice Vote: MOTION PASSED 6-1** with Mayor DeFillipo opposed.

**Ordinance No. 2021-08 (First Reading) Amending the Retirement Plan for Police Officers and Firefighters**

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY PROVIDING FOR

COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-08 amending the retirement plan for police officers and firefighters.

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

City Clerk Bernard read the rules of public comment into the record.

No Public Comment.

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

**Motion to approve** made by Commissioner Fleurimond, seconded by Mayor DeFillipo.

**Voice Vote: MOTION PASSED 7-0.**

**Ordinance No. 2021-09 (First Reading) Amending the Retirement Plan for General Employees by Providing for Compliance with the Secure Act**

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY PROVIDING FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-09 amending the retirement plan for general employees.

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

No Public Comment.

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

Interim City Attorney Hans Ottinot read the compliance reason for Ordinance No. 2021-09 amending the retirement plan for general employees by providing for compliance with the Secure Act.

**Motion to approve** made by Commissioner Fleurimond, seconded by Commissioner Smukler

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

**MOTION PASSED 7-0**

**Ordinance No. 2021-10 (First Reading) Amendment to the Retirement Committee Membership Requirements Section**

AN ORDINANCE AMENDING THE RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY PROVIDING FOR AN AMENDMENT TO THE RETIREMENT COMMITTEE MEMBERSHIP REQUIREMENTS SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF

ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 2021-10 (First Reading) amendment to the retirement committee membership requirements section was deferred.

**Ordinance No. 2021-11 (First Reading) Amending Chapter IX Entitled “Offenses and Miscellaneous Provisions” of the Code of Ordinances to Create a New Section Entitled “Film Permit Requirements”**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, AMENDING CHAPTER IX ENTITLED “OFFENSES AND MISCELLANEOUS PROVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO CREATE A NEW SECTION ENTITLED “FILM PERMIT REQUIREMENTS”; PROVIDING FOR DEFINITIONS, PROVIDING APPLICABILITY; ESTABLISHING PERMIT REQUIREMENTS; PROVIDING NOTICE TO OWNERS; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney Hans Ottinot read the title of Ordinance No. 2021-11 amending chapter IX entitled “Offenses and Miscellaneous Provisions” of the code of ordinances to create a new section entitled “Film Permit Requirements”.

Commissioner Smukler discussed film permit requirements with Miami-Dade County and the City of North Miami Beach.

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

No Public Comment.

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

City Manager Sorey III stated he will reach out and notify Miami Dade County if any permits are approve for the City of North Miami Beach, the applicant must respond to the City of North Miami Beach Community Development department and apply for that permit.

Community Development Director Kent Walia stated there is a 48-hour notice process to notify the surrounding neighbors within 300 feet radius of the filming area.

Interim City Attorney Hans Ottinot commented that the notice is to notify the surrounding area of a permit application and if there are any issues, they can call Community Development Director Kent Walia and City Manager Sorey III.

City Manager Sorey III stated once the permit comes in, Community Development Director Kent Walia will notify the Police Department that there will be filing in that area and to monitor.

Interim City Attorney Hans Ottinot requested the City Manager to send a courtesy copy of the permit to the commission.

Mayor and commission further discuss the film permit requirements.

**Motion to approve** made by Commissioner Joseph, seconded by Commissioner Fleurimond.

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

**MOTION PASSED 7-0.**

### **APPOINTMENTS**

Interim City Attorney Hans Ottinot expressed that the commission can vote on the appointments collectively. Appointing Marisol Munoz as an Ex-Officio Member to the Commission on the Status of Women.

Appointing Hilda (Toni) Diaz to the Eastern Shores Security Guard Special Taxing District Board.

Appointing Jeanne Bernadette Petiote to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Lauren Rios to the Commission on Aging/Senior Citizens Advisory Board.

Appointing David St. Louis to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Marie Yates to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Bernice Fidelia as Ex-Officio to the Commission on Aging/Senior Citizens Advisory Board.

Reappointing Susan Gutman to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Arlene Zara as Ex-Officio to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Sally Knispel as Ex-Officio to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Zipporah Michel as Ex-Officio to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Ildiko Szekely to the Commission on Aging/Senior Citizens Advisory Board.

Appointing Gloria Gettinger as Ex-Officio to the Commission on Aging/Senior Citizens' Advisory Board.

Reappointment of Maria Claudia Gallegos to the Redevelopment Advisory Board.

**Motion to approve** made by Commissioner Villard, seconded by Mayor DeFillipo.

**Voice Vote: MOTION PASSED 7-0.**

### **DISCUSSION ITEMS**

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

Interim City Attorney Hans Ottinot commented on the discussion of criminal background checks for board members and stated the change will require board members to not have a criminal background with respect to a felony conviction and felony arrest within the past five years from the date of the application. Currently, under the city code, the city commission has discretion to remove a board member for any criminal infraction and Commissioner Smukler wants a dialogue to impose a requirement if an applicant is arrested or convicted for a felony conviction in the past five years, the applicant automatically cannot serve. Further research was conducted with the City Clerk and City Manager on other city codes and concluded some cities have that requirement however overall, most cities allow the board to have discretion to appoint and remove members.

Commission Smukler commented on the discussion of criminal background checks for board members.

Mayor and Commission further discussed criminal background checks for board members.

Mayor DeFillipo and commission requested the Interim City Attorney Hans Ottinot to bring back further language or meet with the commission individually to further discuss how the boards can be protected while protecting the person's rights.

**Discussion Regarding the Applications for Boards and Committees**

Commissioner Smukler discussed the applications for the boards and committees and noticed the applications need to be updated. Commissioner Smukler wanted to know if the other commissioners wanted a copy of the applications for review or if a workshop should be conducted.

Commissioner Joseph requested the City Clerk to provide a list of boards, the requirements for each and their duties and responsibilities.

Commissioner Fleurimond requested the Interim City Attorney Hans Ottinot, City Clerk and City Manager to conduct a workshop regarding the applications for boards and committees.

Commissioner Smukler requested the City Clerk to give the commission a copy of the board applications for their review prior to the workshop.

**Installation of Solar Powered Smart Park Benches to Charge Mobile Phones and Other Devices at Certain Municipal Parks**

Item was pulled from discussion per City Manager Sorey III.

**CITY MANAGER'S REPORT** - Legislative Priorities

City Manager Sorey III announced an email will be sent out to the commission regarding legislative priorities after meeting with the state representative; announced the city will implement a new public records request tracking system, JustFOIA on October 22<sup>nd</sup>, 2021, and thanked the staff.

**CITY ATTORNEY'S REPORT**

Interim City Attorney Hans Ottinot announced the plaintiff Latimore v. the City of North Miami Beach has agreed to a settlement amount and the insurance carrier strongly supports it. Interim City Attorney Hans Ottinot requested the commission to give the City Attorney's office and City Manager authority to finalize the settlement agreement in the amount not to exceed \$25,000.

**Motion to approve** made by Commissioner Joseph, seconded by Commissioner Fleurimond.

**Voice Vote: MOTION PASSED 7-0.**

**MAYOR'S DISCUSSION**

Mayor DeFillipo discussed legislative priorities.

**CITY COMMISSION REPORTS**

Commissioner Fleurimond announced he participated in the Susan G. Coleman Breast Cancer Walk and requested everyone to donate and participate in their organization; gave thanks to Commission Smukler for providing free mammogram services to the community; recognized, honored the legacy of Colin Powell who passed away and thanked Colin Powell and his family; thanked all staff and expressed support for the new employees that are joining and contributing to the city.

Commissioner Joseph announced tomorrow is recycling day; stated quote “start by doing what’s necessary then do what’s possible and suddenly you are doing the impossible”.

Commissioner Kramer had nothing to report.

Commissioner Smukler expressed Diane Frazier Hayhurst will be missed; announced Martine Longos will be leaving and thanked her.

Commissioner Villard announced Meet and Mingle with NMB Residents event on Saturday, October 23<sup>rd</sup>, 2021, from 10 am to 1 pm at Prime Health Center, 125 NE 167<sup>th</sup> Street; congratulated Commander Norris for joining the City of North Miami Beach Police Department; thanked Police Chief Rand and Parks and Recreation Director Andrew Plotkin.

Vice Mayor Jean thanked the IT Director and commission.

Mayor DeFillipo requested the City Manager to keep the commission posted on the upcoming Veteran’s Day event and thanked everyone.

**ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 9:39 pm.

**ATTEST:**

**(SEAL)**

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Andrise Bernard, CMC, City Clerk