



**CITY OF NORTH MIAMI BEACH**  
City Commission Special Meeting  
City Hall, Commission Chambers, 2nd Floor  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162

**Tuesday, February 22, 2021**

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

City Manager Esmond K. Scott  
  
Interim City Attorney Hans Ottinot  
Ottinot Law, P.A.  
  
City Clerk Andrise Bernard, CMC

**City Commission Special Meeting Minutes**

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**ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 6:05 p.m. Present at the meeting in the Theatre were Mayor Anthony F. DeFillipo, Commissioner McKenzie Fleurimond, Commissioner Barbara Kramer, and Commissioner Fortuna Smukler. Present at the meeting via zoom were Vice Mayor Michael Joseph, Commissioner Daniela Jean, and Commissioner Paule Villard. City Manager Esmond Scott, Interim City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present.

**PLEDGE OF ALLEGIANCE** was led by the Mayor and Commission.

**PUBLIC COMMENT**

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

City Clerk Andrise Bernard read the rules of public comment and the following individuals made comments on the record:

1. Raabia Liladrie
2. Natasha Allenger
3. Stephanie Kienzle
4. Irelene Allen
5. Saundra Douglas
6. Karen Harrold
7. Mubarak Kazan
8. Ruth Smith
9. Harry Smith

10. Dorothy Innerarity
11. Jeb Handwerger
12. Mamie Willis
13. Jerry Hamilton

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

Commissioner Fleurimond asked if Mr. Hamilton could speak under Public Comments or if he should speak under the respective agenda item. Mayor DeFillipo responded that Mr. Hamilton could speak under Public Comments.

Commissioner Fleurimond thanked those who spoke during Public Comments. He stated that some of the information presented was incorrect and asked for the public to look historically at issues prior to making conclusions, especially regarding the water plant matter. He stated that City Attorney Ottinot has over twenty years of experience in City government, is present in the office daily, is communicative, and that the \$55,000 per month fee is the same amount that was paid to the previous City Attorney, with the same contract terms. He asked the City Manager to comment on their working relationship, and City Manager Scott responded that they have had a good working relationship. Commissioner Fleurimond stated that being in a Commissioner's seat is different from running for office, and he welcomed meeting with anyone who would like to do so.

Mayor DeFillipo stated that the services provided by the law offices of City Attorney Ottinot is not comparable to the services provided to the City by the legal team of Weiss Serota.

Commissioner Kramer suggested that the Commission focus on the topic of City Manager Scott for tonight's meeting.

### **CITY ATTORNEY'S REPORT**

#### **City Attorney's Update (Hans Ottinot, Esq.)**

City Manager Ottinot introduced a separation/general release agreement and a consulting agreement with City Manager Scott to the Mayor and Commission which was presented to the City through City Manager Scott's attorney Mr. Hamilton. City Manager Ottinot reviewed the terms, stated that the terms are reasonable, and he recommended approval of the agreements by the Commission.

**Motion to approve** the separation and consulting agreements for City Manager Scott made by Commissioner Kramer, seconded by Mayor DeFillipo.

Commissioner Smukler stated that a few years ago, she voted "no" for a pay increase to the Commissioners since some members of the public couldn't afford to pay their water bills. She shared that during the recent food drives, that some residents had to walk up to the event since they didn't have a car. She expressed concern about giving the City Manager a car in his separation agreement because not everyone has a car.

Commissioner Jean shared that her working relationship with City Manager Scott has been very positive.

### **Roll Call Vote**

**Fleurimond - Yes, Jean - Yes, Kramer - Yes, Smukler - Yes, Villard - Yes, Joseph - Yes, DeFillipo - Yes.**

## **MOTION PASSED 7-0.**

**Motion to appoint** Arthur “Duke” Sorey as Interim City Manager made by Vice Mayor Joseph, seconded by Commissioner Fleurimond.

Commissioner Kramer suggested that a process be provided to hire the new City Manager, doesn’t want to be stripped of her powers to conduct research and make a decision, and that Mr. Sorey can apply for the position once there is an established process.

Mayor DeFillipo recommended that one of the current Assistant Managers step into the role of Interim City Manager and that a process be established to hire a new City Manager that includes a panel from the Florida Association of Managers helping to review applications and presenting the best candidates to the Commission, and that choosing one name out of a hat is not the smart, ethical, or transparent way of proceeding. He stated that he doesn’t feel that the Commission heard what the public shared during public comments, and he doesn’t want to hire in someone who has never worked for the City, feels that one of the current Assistant City Managers Sharon Ragoonan or Horace McHugh could assume this role, while the City works to hire the best City Manager for the City. He shared that Mr. McHugh will be appointed as the ICMA (International City/County Management Association) Florida State President this year. He stated that he is appalled that the item would be considered tonight, and that the motion is not fair to the City.

Commissioner Smukler wants to have the right to get to know Mr. Sorey and that she can’t vote for someone when she doesn’t know the person or have the right to review the recommendation. She asked the City Attorney if the appointment of a City Manager needs to be listed the agenda. City Attorney Ottinot responded that the agenda provides sufficient notice for the item to proceed.

Commissioner Fleurimond stated that he seconded the motion for the purpose of discussion.

Vice Mayor Joseph stated that the City doesn’t have a leader, and that Mr. Sorey is qualified for the position and has worked in North Miami, a similarly situated City.

Commissioner Villard recalled that in July 2018 when the then City Manager and City Attorney were fired that there was a voting block of four Commissioner who always voted the same way, and that no one questioned that situation, that all of the Commissioners are professionals, and she wants for the government system to work. She stated that she knows that Mr. Sorey has worked for North Miami for many years, that North Miami also has a water plant, and she supports hiring him as an Interim City Manager.

Commissioner Kramer asked for the respect from the other Commissioners to go through a process to hire a City Manager, and she stated that the City of North Miami where Mr. Sorey currently works is in debt and continues to spend funds.

Commissioner Smukler stated that previously when the then City Manager and City Attorney were let go, that interims were appointed, and then about three months later, the permanent positions were appointed. She stated that the Commission should not be a four-member, constant voting-block, but rather seven individuals who are working together for the residents. She asked if any of the Commissioners have had any contact with Mr. Sorey, vetted him, know if he wants the job, or if he is currently working anywhere else.

Vice Mayor Joseph responded that he has known of Mr. Sorey for quite some time, bumps into him throughout the community, that it is common sense for a Commissioner to suggest a new City Manager, and Vice Mayor Joseph cited some of Mr. Sorey’s credentials.

Commissioner Fleurimond stated that he knows of Mr. Sorey from City functions, and that Mr. Sorey is a homegrown employee, working his way up from the Parks Department to City Management. Commissioner Fleurimond wants everyone to have the opportunity to be heard, and he also has a suggestion for a minimal, expedient process to hire a new City Manager.

**MOTION to table** the item made by Commissioner Fleurimond.

Mayor DeFillipo suggested that the Commission consider hiring one of the existing Assistants as Interim City Manager, and then for the Commission to work on a future hiring process, since the Assistants know the City operations and everything that is occurring now within the City.

Commissioner Fleurimond rescinded his second to Vice Mayor Joseph's motion.

**MOTION to appoint** as Interim City Manager Assistant City Manager Horace McHugh made by Commissioner Fleurimond, seconded by Commissioner Kramer.

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

City Clerk Andrise Bernard read the rules of public comment and the following individuals made comments on the record:

1. Karen Harrold (spoke twice)
2. Saundra Douglas (spoke twice)
3. Trisha Harris (spoke twice)
4. Stephanie Kienzle (spoke twice)
5. Mubarak Kazan (spoke twice)
6. Dorothy Innerarity
7. Marlen Martel
8. Mamie Willis
9. Irelene Allen

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

Mayor DeFillipo stated that Mr. Kazan's statements were false.

Commissioner Smukler asked a question to the other Commissioners and hadn't received a response from everyone and asked how a person could be offered a job if a Commissioner didn't already speak to the person. She suggested that there be a process in place for the City Attorney's position as well as the City Manager's position. She shared a story about City Manager Scott from September 2017 when a hurricane was approaching the area and Eastern Shores had a big problem, that Mr. Scott was assigned to assist her as a resident, and that within hours of her request, the task was complete. She recounted that her father passed away the next day. She thanked City Manager Scott for always helping all the residents. Prior to 2018, she stated that there was always an interim for the Charter Officer positions, that were advertised, vetted, and then the Commission voted to fill the vacancy, and she suggested that occur again to have a process for both the City Manager and City Attorney positions, for the Commission to vote as one team, and not to vote as a block of four.

Commissioner Villard asked if she can make a friendly amendment to Vice Mayor Joseph's motion. City Attorney Ottinot suggested that the underlying motion currently on the table be considered first.

Commissioner Kramer is hoping that the Commission can have some type of search and that there are ICMA recruitment guidelines and a handbook available that she'll forward to the City Clerk to distribute. She stated that in the past there were four Commissioners who agreed on many issues, but that they never kept their colleagues out of any process or in the dark about an issue, and she fears that some of the City's greatest employees may want to leave.

Commissioner Jean stated that she feels that there's a difference of opinions on the Commission, she believes that everyone should respect others, and not demean or threaten anyone, that it's fine that the Commissioners disagree and to conduct the right hiring process. She invited the public to have conversations with the Commissioners who all have open doors, and that in-fighting and name calling is unnecessary.

Commissioner Fleurimond related that in 2019, there was a conversation about City Attorney Johnston leaving the City where a search committee was suggested, and that there weren't many applications received. He cautioned the Commission from having a big team that reviews candidate resumes and stated that the Commission has the experience to review the resumes, and then to discuss the candidates.

Mayor DeFillipo stated that there needs to be a non-politicized process, with all applications vetted through the Commission, but that an expert panel should vet the best applications in order to have a clear and transparent process. He stated that if Commissioners are on a panel, then it becomes political, and that it is a better process for applications to be scored after vetted applications are received. Mayor DeFillipo thanked the City Manager for his hard work, dedication and devotion to the City and the residents, working his way up through the ranks, and for doing great work for the City.

Commissioner Kramer asked that a scaled salary be determined for the interim position. City Manager Scott responded that a salary can be determined and then applied retroactively. Mayor DeFillipo asked Assistant City Manager McHugh if he'd be interested in the position of City Manager. Assistant City Manager McHugh responded that he would be willing to serve in the position, and would like to meet with each of the Commissioners to hear their visions for the future, and he confirmed that he'll be the ICMA Chapter of FCCMA (Florida City and County Management Association) President starting in the summer of 2021.

**MOTION to amend the motion and to appoint** Assistant City Manager Horace McHugh as Interim City Manager effective February 24, 2021, subject to the Interim City Manager salary and benefits schedule to be provided later from Human Resources made by Commissioner Fleurimond, seconded by Commissioner Kramer.

#### **Roll Call Vote**

**Jean – Yes, Kramer – Yes, Smukler – Yes, Villard – Yes, Fleurimond - Yes, Joseph – Yes, DeFillipo – Yes.**

**MOTION PASSED 7-0.**

**MOTION to direct the Interim City Attorney and Procurement Director to present a hiring process** for the hiring of a City Manager not to exceed a timeframe of 45 days made by Commissioner Fleurimond, seconded by Vice Mayor Joseph.

#### **Voice Vote**

**MOTION PASSED 7-0.**

## **CITY MANAGER'S REPORT**

### **Solid Waste Update (Esmond K. Scott, City Manager)**

City Manager Scott provided a solid waste update to the Commission. He reported that WastePro withdrew from the process as they found the contract terms would not be favorable to them. He asked for authority to negotiate a contract with Waste Management for up to one year for solid waste services, that will allow for the necessary time to examine future solid waste options. Commissioner Smukler asked about the contract term of one year from now. City Manager Scott responded that he hopes that a contract can be presented to the Commission soon, that the term could be less for than one year, and that a termination for convenience clause will be included.

Commissioner Fleurimond asked about the \$100,000 allocation that had been previously approved to negotiate the WastePro contract and stated that he does not think that the City needs a negotiator with Waste Management, since the City has a relationship with them. City Manager Scott responded that there will be several issues to negotiate and would like to consider using those funds, if possible.

Mayor DeFillipo stated that he would like to keep the door open to spend the negotiation funds if they are needed since the City is negotiating an agreement for one year.

Commissioner Jean stated that she had previously asked the City Manager about worst case scenario options if Waste Management did not agree to a one-year contract, and that the City Manager was confident that an agreement could be reached after negotiating pricing and rates. She asked if the negotiation allocation can be lowered to \$25,000, and what future, emergency options could be if the City does not enter into a contract with Waste Management.

City Manager Scott responded that the only other option available to the City would be to take solid waste in house, that he has built great relationships with Waste Management, and that he can start negotiations with Waste Management immediately.

**Motion to give authority** to the City Manager or designee to **negotiate** a Solid Waste Contract with Waste Management made by Commissioner Smukler, seconded by Vice Mayor Joseph.

Commissioner Fleurimond suggested a friendly amendment to use \$25,000 for negotiations, if needed.

Commissioner Kramer is concerned if \$25,000 is insufficient for negotiations due to the urgency of the situation.

City Manager Scott responded that a portion of the \$100,000 initially approved for solid waste negotiations may have already been spent, that the funds are also to assist the City to examine the future different options to possibly work with the County, or pursue other free-enterprise options, that if management needs more funds, it will be requested, and that the management team will continue to be fiscally responsible with negotiation funds.

Commissioner Kramer suggested that it could be a hybrid option negotiated with Waste Management and she suggested that half of the allocated amount be used, and that she wants what's best for the City without causing any service delays.

Commissioner Smukler stated that she agreed with Commissioner Jean that the contract is almost fully negotiated, that the City Manager has spending authority of up to \$50,000 without Commission approval, and that she wants to see what the other options are for the future.

**Motion, as amended, to give authority** to the City Manager to **negotiate** a Solid Waste Contract with Waste Management, using up to \$50,000 for negotiation services, if needed, made by Commissioner Smukler, seconded by Vice Mayor Joseph.

### **Voice Vote**

### **MOTION PASSED 7-0.**

City Manager Scott gave his farewell address to the Mayor and Commission and the City.

Commissioner Fleurimond shared that he appreciates City Manager Scott's hard work, dedication to the City, appreciates him hiring Jethro Francois as an intern with the City and for giving him an opportunity, and wished City Manager Scott and his family all the best. City Manager Scott thanked Assistant City Manager Sharon Ragoonan for being a mentor to Jethro Francois.

Commissioner Jean thanked City Manager Scott for all that he has contributed to the City, for the many projects he has accomplished, and wished him all the best.

Commissioner Kramer shared that she has worked with City Manager Scott since his days on the Beautification Committee where she had a great connection with him and where he took the ball and ran under difficult circumstances, with tremendous pressure on him, during a hard time for the City, and he was always on the ground helping the residents. She's proud to know him and is pleased that now they can be friends and continue collaborating. She shared that she feels that it is a horrible, political mistake to let him go, that no one has the knowledge about the City more than he, and that it's shaky ground for any professional to enter. She shared that he is an honest, ethical person and thanked him for being a great City Manager.

Commissioner Smukler shared that City Manager Scott is a "people" person, that he has spoiled the residents, that she hopes the next City Manager will continue to do so, too, that he would also speak to those who criticized him, and she hopes to have many years in the future to share a friendship with him.

Commissioner Villard thanked the City Manager for the great time that they had together in the City, for the grant program for the youth summer mentoring program, for the added park features, and so many other projects, and she wished him all the best in his future endeavors.

Vice Mayor Joseph wished City Manager Scott safe travels and to stay safe.

Mayor DeFillipo thanked City Manager Scott on behalf of the residents, for affording them what he could do with all of his heart, and stated what a caring gentleman he is, with unwavering commitment to residents, staff, and department heads, being a true professional, taking calls anytime of the day and night from the Mayor, Commission, or residents. Mayor DeFillipo shared that the answer from City Manager Scott wasn't always yes, and Mayor DeFillipo also thanked City Manager Scott for the nos, and that they would then sit down and try to work their way toward a yes, which shows how genuine City Manager Scott is to the position, that the City Manager made the Mayor a better person every day, sharing wonderful words of wisdom, and praying for the City and residents for a better tomorrow. Mayor DeFillipo stated that the residents would be forever

grateful and will hold on to all the great things that the City Manager did. Mayor DeFillipo read a proclamation declaring February 23, 2021 as Esmond K. Scott day.

**ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 9:37 p.m.

**MOTION to adjourn** made by Commissioner Fleurimond, seconded by Commissioner Smukler.

**Voice Vote**

**MOTION PASSED 7-0.**

**ATTEST:**

**(SEAL)**

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Andrise Bernard, CMC, City Clerk