



CITY OF NORTH MIAMI BEACH

City Commission Meeting
City Commission Chambers
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, January 17, 2023
6:00pm

Mayor Anthony F. DeFillipo
Vice Mayor Michael Joseph
Commissioner Jay Chernoff
Commissioner McKenzie Fleurimond
Commissioner Daniela Jean
Commissioner Phyllis S. Smith
Commissioner Fortuna Smukler

City Manager Arthur H. Sorey III

City Attorney Hans Ottinot
Ottinot Law, P.A.

City Clerk Andrise Bernard, MMC

City Commission Meeting Minutes

1. ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:31 p.m.

Present at the meeting in the City Commission Chambers were Mayor Anthony F. DeFillipo, Commissioner Jay Chernoff, Commissioner Phyllis S. Smith, and Commissioner Fortuna Smukler. City Manager Arthur H. Sorey III, City Attorney Hans Ottinot, and City Clerk Andrise Bernard were also present. Vice Mayor Joseph, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean were absent.

City Clerk Andrise Bernard announced Commissioner Jean advised she will be late this evening. She also announced there was no quorum.

Mayor Anthony F. DeFillipo introduced Attorney Michael Pizzi to speak before the commission.

Commissioner Phyllis S. Smith announced City Attorney Hans Ottinot left the dais.

Attorney Michael Pizzi spoke regarding the pending lawsuit against the City of North Miami Beach to hold a meeting with four commissioners as quorum.

Mayor and Commission began an open discussion.

PUBLIC COMMENT

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

1. Sandra Douglas 1523 NE 152nd Street
2. Karen Harrold
3. Emily Ponce 1870 NE 157 Terrance
4. Louise Harkness

5. Mori (Last name not given)
6. Dianne Doolity
7. Leslie Sardinia
8. Irene Pilinger
9. David Zapen 971 NE 158th Street
10. James Babcock
11. Mubarak Kazan
12. Keith Myers
13. Tricia Harris
14. Jeb Handwerger
15. Trish Miller
16. Former Commissioner Barbara Kramer
17. Madame Renita Holmes
18. Michael J. Snyder
19. Leslie Kaplan 1331 NE 173rd Street

Mayor and Commission continued the open discussion.

Due to lack of quorum, the City Commission meeting was adjourned.

ADJOURNMENT

There being no further business to come before the City Commission, the meeting was adjourned at 9:01 pm.

The following items were not heard:

2. **INVOCATION - Pastor Ginger Medley (Fulford Methodist Church)**
3. **PLEDGE OF ALLEGIANCE**
- 3A. **North Miami Beach Mayor Residency Requirements and Request for Special Commission Meeting**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA**
5. **PRESENTATIONS/DISCUSSIONS – None**
6. **PUBLIC COMMENT**
7. **ANNOUNCEMENTS**
8. **MAYOR'S DISCUSSION**
 - 8.1. **Discussion regarding City Manager and City Attorney**
9. **CITY COMMISSION REPORTS**
10. **CONSENT AGENDA**
 - 10.1. **Regular Commission Meeting Minutes of December 20, 2022 (Andrise Bernard, City Clerk)**

- 10.2. **Resolution No. R2022-166 Authorizing the City Manager or Designee to Create a Marketing Campaign for Tourism, International Trade and Transportation (Commissioner Daniela Jean)**
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 TO PROMOTE TOURISM, INTERNATIONAL TRADE, AND TRANSPORTATION INITIATIVES IN THE CITY OF NORTH MIAMI BEACH; AUTHORIZING THE CITY MANAGER OR CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.
- 10.3. **Resolution No. R2022-171 Ratification of Washington Park Design Change Order (David Scott, Public Works Director)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND RATIFYING A CHANGE ORDER TO THE WASHINGTON PARK DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH AND KCI TECHNOLOGIES INC., FORMERLY KEITH AND SCHNARS, P.A. BY INCREASING THE AMOUNT OF THE AGREEMENT BY THREE HUNDRED SIXTY-NINE THOUSAND, SIX HUNDRED NINETY-SIX DOLLARS (\$369,696.00) TO CONTINUE ENHANCEMENTS TO THE DESIGN CRITERIA; AND PROVIDING FOR AN EFFECTIVE DATE.
- 10.4. **Resolution No. R2022-172 Purchase Authorization of Staff Augmentation & Project Management Support Services for Public Works from Black & Veatch (David Scott, Public Works Director)**
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING WORK ORDER #4 BETWEEN THE CITY OF NORTH MIAMI BEACH AND BLACK & VEATCH CORPORATION TO PROVIDE PROGRAM MANAGEMENT AND STAFF AUGMENTATION IN THE AMOUNT NOT TO EXCEED \$524,617.00 ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE WORK ORDER #4 AND TO ISSUE A NOTICE TO PROCEED RELATING TO WORK ORDER #4; AND PROVIDING AN EFFECTIVE DATE.
- 10.5. **Resolution No. R2023-01 Lease Agreement with Industrial Communications for Quantar Repeaters (Andrea Suarez-Abastida, NMB Water Director)**
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 INDUSTRIAL TOWER AND WIRELESS, LLC FOR A FIVE YEAR TOWER LEASE AGREEMENT WITH OPTIONS TO RENEW FOR TEN ADDITIONAL ONE YEAR TERMS AND AUTHORIZING THE CITY MANAGER TO EXPEND THE ESTIMATED EXPENDITURE OF \$384,958.80; PROVIDING THE CITY MANAGER AND CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; FURTHER AUTHORIZING CONTRACT RENEWALS IN AN AMOUNT THAT DOES NOT EXCEED THE BUDGETED ALLOCATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 10.6. **Resolution No. R2023-02 Change Order to the Interlocal Agreement between the City of North Miami Beach and Florida International University Board of Trustees (Phillip Ford, Chief Procurement Officer)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING A CHANGE ORDER TO THE INTERLOCAL AGREEMENT WITH THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE ANNUAL BUDGET ALLOCATION; PROVIDING THE CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

10.7. Resolution No. R2023-03 Office of the Attorney General VOCA Grant Funds (Harvette Smith, Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL, AS THE PASSTHROUGH AGENCY FOR THE VICTIMS OF CRIME ACT (VOCA) PROGRAM; ACCEPTING ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$91,455.00 FOR USE TOWARDS THE SALARY AND BENEFITS OF THE CITY'S VICTIMS ADVOCATE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AMENDMENT AND IMPLEMENT THE TERMS; AND PROVIDING AN EFFECTIVE DATE.

10.8. Resolution No. R2023-04 Change Order for Construction Services from Teams Contracting Inc. (Andrew Plotkin, Parks & Recreation Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING AN INCREASE IN EXPENDITURE WITH TEAM CONTRACTING, INC., TO FURNISH GENERAL CONTRACTING AND CONSTRUCTION MANAGEMENT SERVICES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND AN ADDITIONAL EXPENDITURE OF \$500,000; AND PROVIDING AN EFFECTIVE DATE.

11. QUASI-JUDICIAL

11.1. Resolution No. R2022-68 Awning Variance Request (Kent Walia, Community Development Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A NON-USE VARIANCE FROM ARTICLE VIII, SECTION 24-81(A)(2) OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE, TO PERMIT AN EXISTING AWNING LOCATED AT 2811 NE 164TH STREET FOR PROPERTY OWNERS ANA AND MARK ANTONIO TO ENCROACH 17 FEET INTO THE SIDE INTERIOR SETBACK, WHEREAS THE CODE ALLOWS A MAXIMUM OF 5 FEET; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

**11.2. Resolution No. 2022-168 BH 164 Site Plan and Ten (10) Variance Requests
(Kent Walia, Community Development Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN APPLICATION WITH CONDITIONS AND TEN NON-USE VARIANCES FOR THE CONSTRUCTION OF A 400,576 GROSS SQUARE FEET, 32-STORY, MIXED-USE DEVELOPMENT WITH 400 RESIDENTIAL UNITS, AND 1,825 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE 587 PARKING SPACES ON A 1.95-ACRE PARCEL LOCATED AT 2261 NE 164TH STREET; GRANTING A VARIANCE FROM SECTION 24-58(K)(2)b.i. TO ALLOW DECORATIVE SCREENING OF THE PARKING GARAGE FRONTING NE 164 STREET (PRIMARY FRONTAGE), IN LIEU OF THE REQUIRED LINER BUILDING; GRANTING A VARIANCE FROM SECTION 24-58 FIGURE MU-8 TO REDUCE THE REQUIRED 15-FOOT TOWER SETBACK ON THE SOUTHEAST CORNER TO 7'-2"; GRANTING A VARIANCE FROM SECTION 24-58(J)(3)c.,iv.,1., TO REVERSE THE CONFIGURATION OF THE LANDSCAPE STRIP AND SIDEWALK AND PERMIT A SECONDARY STREET WITH THE SIDEWALK ADJACENT TO THE DRIVE LANES ON BOTH SIDES; GRANTING A VARIANCE FROM SECTION 24-93(C)(2)(a) TO ALLOW FOR HANDICAPPED PARKING SPACES TO BE EIGHTEEN (18) FEET IN LENGTH; GRANTING A VARIANCE FROM SECTION 24-58(R)(2)c. TO ALLOW FOR A MAXIMUM FLOOR TO FLOOR HEIGHT OF 18'-8" ON THE 7TH LEVEL; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO REDUCE THE REQUIRED TEN (10) FEET SETBACK OF THE SECONDARY STREET TO A SETBACK OF ZERO (0'); GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO ALLOW FOR A SETBACK OF 125'-7" FROM THE PRIMARY STREET; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO REDUCE THE REQUIRED NINETY PERCENT (90%) FRONTAGE AND ALLOW SEVENTY-SEVEN (77%) PERCENT OF FRONTAGE ALONG THE PRIMARY STREET; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO REDUCE THERE QUIRED NINETY PERCENT (90%) FRONTAGE AND ALLOW SEVENTY-ONE (71%) PERCENT OF FRONTAGE ALONG THE CANAL GREENWAY; GRANTING A VARIANCE FROM SECTION 24-58.1(K)(2) TABLE MU/TC-4 TO INCREASE THE REQUIRED SETBACK OF FIFTEEN (15) FEET TO 80'-7" OF THE CANAL GREENWAY TYPE CG-2; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**11.3. Resolution No. 2022-169 Biscayne Office Complex Site Plan and Conditional Use Requests
(Kent Walia, Community Development Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN MODIFICATION FOR THE CONSTRUCTION OF A 18,000 GROSS SQUARE FEET, THREE-STORY COMMERCIAL BUILDING AND APPROVING A CONDITIONAL USE APPLICATION FOR A SIX-STORY 68,200 GROSS SQUARE FEET PARKING GARAGE STRUCTURE WITH 248 SPACES ON A 3.49 ACRE PARCEL LOCATED AT 15801, 15805, 15807 BISCAYNE BOULEVARD; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

12. LEGISLATION

12.1. Ordinance No. 2022-09 (Second and Final Reading) Property Rights Element (Kent Walia, Community Development Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT AS REQUIRED BY AND IN CONFORMITY WITH SECTION 163.3177(6)(i), FLORIDA STATUTES (2021); PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

12.2. Ordinance No. 2022-11 (Second and Final Reading) Shopping Cart Regulations (Commissioner Fortuna Smukler)

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 "SHOPPING CART REGULATIONS" TO ESTABLISH GUIDELINES FOR THE RECOVERY OF STOLEN OR ABANDONED SHOPPING CARTS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

12.3. Ordinance No. 2023-01 (First Reading) Moving Quorum and Ethical Duty to Remain at a Commission to Article X Code of Ethics (Mayor Anthony F. DeFillipo)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER II "STRUCTURE OF CITY GOVERNMENT," ARTICLE I, "THE CITY COMMISSION," SECTION 2-1.1 "MEETINGS OF THE CITY COMMISSION," SUBSECTION (a), "QUORUM REQUIRED/ETHICAL DUTY TO REMAIN AT CITY COMMISSION MEETINGS," BY DELETING THE REQUIREMENTS CONCERNING THE DUTY TO REMAIN AT CITY COMMISSION MEETINGS AND MOVING THE REQUIREMENTS TO ARTICLE X "CODE OF ETHICS" IN A NEWLY CREATED SECTION 2-79.14 ENTITLED "ETHICAL DUTY OF REMAIN AT CITY COMMISSION MEETINGS"; AUTHORIZING THE CITY CLERK TO TRANSMIT THE ORDINANCE TO THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST FOR ENFORCEMENT PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

12.4. Resolution No. R2022-170 Lien Amnesty Program (Arthur H. Sorey, City Manager)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING A CITY-WIDE CODE VIOLATIONS ENFORCEMENT LIEN AMNESTY PROGRAM; PROVIDING FOR THE REDUCTION OF CODE COMPLIANCE LIEN AMOUNTS; AUTHORIZING THE CITY MANAGER TO APPROVE SETTLEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

12.5. Resolution No. R2023-05 Budget Amendment Property Insurance (Marcia Fennell, Chief Financial Officer & Francisco Rios, Human Resources & Risk Management Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING A BUDGET AMENDMENT TO THE ANNUAL

BUDGET FOR FISCAL YEAR OCTOBER 1, 2022 TO SEPTEMBER 30, 2023, FOR THE LIABILITY SELF INSURANCE FUND; AND PROVIDING AN EFFECTIVE DATE.

12.6. Resolution No. R2023-06 Renaming N.E. 151 Street Irv David Boulevard (Mayor Anthony F. DeFillipo)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RENAMING A PORTION OF NORTHEAST 151 STREET BETWEEN BISCAYNE BOULEVARD AND WEST DIXIE HIGHWAY "IRV DAVID BOULEVARD"; AUTHORIZING THE CITY MANAGER TO ERECT PROPER SIGNAGE AND TO DO ALL THINGS NECESSARY TO IMPLEMENT THE RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

13. BUSINESS TAX RECEIPTS - None

14. APPOINTMENTS

- 14.1. Appointing Jay Chernoff as Vice Mayor effective January 22, 2023 (Andrise Bernard, City Clerk)
- 14.2. Reappointing Marc Einbinder to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.3. Reappointing Eric Isicoff to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.4. Reappointing Fabio Nick to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.5. Reappointing James Stamatis to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.6. Reappointing William Avila to the Eastern Shores Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.7. Reappointing Daniel Bakalarz to the Eastern Shores First Addition Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.8. Reappointing David Templer to the Eastern Shores First Addition Security Guard Special Taxing District (Andrise Bernard, City Clerk)
- 14.9. Reappointing Lior Sharabani to the Eastern Shores First Addition Security Guard Special Taxing District as an Alternate (Andrise Bernard, City Clerk)
- 14.10. Appointing Jane Paglino to the Beautification Committee (Andrise Bernard, City Clerk)
- 14.11. Appointing Irene Pilinger to the Education Committee (Andrise Bernard, City Clerk)
- 14.12. Appointing Anthony Mazzone to the Public Utilities Commission (Andrise Bernard, City Clerk)

15. MISCELLANEOUS ITEMS

16. DISCUSSION ITEMS

16.1. Discussion Regarding Purchase Cards (P-Cards) for Commissioners (Commissioner Chernoff)

16.2. Discussion Regarding the Frequency of Commission Meetings (Commissioner Chernoff)

16.3. Discussion Regarding Commission Members' Aides (Commissioner Chernoff)

16.4. Discussion Regarding Procedure/Policy for City Events, Commissioner Names and Pictures on Social Media, Handouts/Flyers, Favors, etc. (Commissioner Smukler)

16.5. Discussion Regarding North Miami Beach Finances (Commissioner Smith)

17. CITY MANAGER'S REPORT

18. CITY ATTORNEY'S REPORT

19. CITY COMMISSION REPORTS

ATTEST:

(SEAL)



Andrise Bernard, MMC, City Clerk