



**CITY OF NORTH MIAMI BEACH**  
City Hall, Commission Chambers, 2<sup>nd</sup> Floor  
17011 N.E. 19th Avenue  
North Miami Beach, FL. 33162  
**Thursday, April 27, 2023**  
**5:00pm**

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

Interim City Manager Mark Antonio  
Interim City Attorney John Herin  
City Clerk Andrise Bernard, MMC

**City Commission Meeting Minutes**

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**ROLL CALL OF THE CITY OFFICIALS**

The Regular Commission Meeting was called to order at 5:30pm.

Present at the meeting were Mayor Anthony F. DeFillipo, Vice Mayor Jay Chernoff, Commissioner McKenzie Fleurimond, Commissioner Phyllis Smith, and Commissioner Fortuna Smukler.  
Commissioner Daniela Jean and Commissioner Michael Joseph were absent.

Mayor DeFillipo led a moment of silence in honor of Marilyn Baumohl.

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

**REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA**

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

- A proclamation recognizing the Mystic Force Foundation will be deferred to a future Commission Meeting.
- Resolution R2022-170 (Lien Amnesty Program) will be deferred to a future Commission Meeting per the request of the Interim City Manager.
- A resolution authorizing a grant application regarding Freebee will be added to Legislation.
- An agreement for the incoming City Manager was provided to the Mayor and Commission at their respective seats on the dais.

**Motion to approve** the agenda as amended made by Vice Mayor Chernoff, seconded by Commissioner Smukler.

**MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

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

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

1. Karen Harrold
2. Mubarak Kazan
3. Rony William

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

### **ANNOUNCEMENTS**

Chief Communications Officer David Jeannot stated that the City can be followed on social media, YouTube, Channel 77, and the website ([www.citynmb.com](http://www.citynmb.com)) and announced the following: an autism workshop at the NMB Library, the NMB Police Department charity golf event at the Miami Shores County Club, an Arboy Day tree giveaway at Dolphin Park, a TPS citizen drive at the McDonald Center, an art club event at the NMB Library, a Small Business Summit and Expo at City Hall, the annual NMB Police Memorial event, an Asian Pacific Month event at the NMB Amphitheater, the Magical History Tour event, the Mother's Day event at the McDonald Center, a Haitian Heritage Month event at the NMB Amphitheater, and the DMV will be on site at City Hall.

### **CONSENT AGENDA**

#### **Regular Commission Meeting Minutes of March 21, 2023**

#### **Resolution No. R2023-31 FDLE Edward Byrne Memorial Justice Assistance Grant (Harvette Smith, Chief of Police)**

A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT DOMESTIC VIOLENCE AND COMMUNITY INTERVENTION PROGRAM ALLOCATION FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT OFFICE OF CRIMINAL JUSTICE GRANTS FOR THE NORTH MIAMI BEACH POLICE DEPARTMENT'S EFFORT IN THE REDUCTION OF VIOLENT CRIME AND DOMESTIC VIOLENCE CRIMES IN AND AROUND THE CITY OF NORTH MIAMI BEACH; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **Resolution No. R2023-35 CRA Interlocal Agreement with City NMB 2023 (Joann Milord, CRA and Economic Development Director)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SUPPORT SERVICES WITH THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT AND TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AUTHORIZING THE CITY CLERK TO FILE THE INTERLOCAL AGREEMENT WITH THE CLERK OF THE CIRCUIT COURT; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Motion to approve** the Consent Agenda made by Vice Mayor Chernoff, seconded by Commissioner Fleurimond.

**MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

### **QUASI-JUDICIAL**

#### **Resolution No. R2022-68 Awning Variance Request (Edward Ng, Interim Director of Community Development)**

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.

Interim City Attorney John Herin stated that Interim City Manager Mark Antonio will leave the room for the discussion and voting on the item.

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

Interim Director of Community Development Edward Ng provided an overview of Resolution 2022-68 regarding an awning variance request.

City Clerk Andrise Bernard stated that the subject matter of any ex-parte communication, together with the identity of the person, group, or entity making the communication shall be disclosed and made a part of the record on file with the City prior to final action on the matter because it is a quasi-judicial item and requires a Jennings Disclosure.

Commissioner Fleurimond stated that he did not speak to anyone regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smith stated that she visited the property with the owners/applicants regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smukler stated that she received an email from the property owner/applicant regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Vice Mayor Chernoff stated that he did not speak to anyone regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

City Clerk Andrise Bernard stated that Mayor DeFillipo previously submitted his disclosure form regarding this item.

Ana Antonio appeared before the Mayor and Commission and discussed Resolution 2022-68 regarding an awning variance request at her property. Commissioner Smith asked and Ana Antonio confirmed that the condominium association has no objection.

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

1. Mubarak Kazan

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

Ana Antonio requested a reimbursement/waiver of the variance application fee in the amount of \$6,044.60 due to the length of time it had taken for the item to come before the Mayor and Commission.

**Motion to approve** for the Interim City Attorney to research and determine whether the three City Commissioners who did not attend previous Commission Meetings can be required to make a payment of \$2,000 each made by Commissioner Smukler, seconded by Mayor DeFillipo.

The Mayor and Commission discussed the proposed motion.

Commissioner Smukler amended her motion to also include any additional costs that were incurred by the City and Mayor DeFillipo seconded that amendment.

**Roll Call Vote:** Fleurimond - No, Smith - Yes, Smukler - Yes, Chernoff - Yes, DeFillipo - Yes

**MOTION PASSED 4-1** with Commissioner Fleurimond opposed and Commissioner Jean and Commissioner Joseph absent.

**Motion to approve** Resolution 2022-68 made by Vice Mayor Chernoff, seconded by Commissioner Smith.

**Roll Call Vote:** Smith - Yes, Smukler - Yes, Fleurimond - Yes, Chernoff - Yes, DeFillipo - Yes

**MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

**Resolution No. R2022-168 BH 164 Site Plan and Ten (10) Variance Requests (Edward Ng, Interim Director of Community Development)**

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 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 FRONTAGE AND ALLOW SEVENTY-SEVEN 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 FRONTAGE AND ALLOW SEVENTY-ONE 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 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.

City Clerk Andrise Bernard stated that the subject matter of any ex-parte communication, together with the identity of the person, group, or entity making the communication shall be disclosed and made a part of the

record on file with the City prior to final action on the matter because it is a quasi-judicial item and requires a Jennings Disclosure.

Commissioner Fleurimond stated that he spoke to City staff and Mitch Edelstein regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smith stated that she spoke to former Director of Community Development Kent Walia, Matthew Amster, Mitch Edelstein, and Bruce Lamberto regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smukler stated that she spoke/had contact with Matthew Amster, Mitch Edelstein, Bruce Lamberto, and Mubarak Kazan regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Vice Mayor Chernoff stated that he spoke to Mitch Edelstein, Jeff Bercow, and Bruce Lamberto regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

City Clerk Andrise Bernard stated that Mayor DeFillipo previously submitted his disclosure form regarding this item.

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

Interim Director of Community Development Edward Ng provided an overview of Resolution 2022-168 regarding a proposed site plan request with ten non-use variances consisting of a decrease and increase of setbacks, streetscape reconfigurations, frontage reductions, podium adjustments, and replacement of liner uses with architectural screening. Interim Director of Community Development Edward Ng confirmed that City staff reviewed the project for compliance with the site plan criteria standards regarding the natural environment of the site, parking and circulation, adequate community service/utilities, the orientation and design of the building and structure, signage, crime prevention through environmental design, landscaping, and lighting.

Matthew Amster and Sandy Peaceman appeared before the Mayor and Commission to represent the applicant/owner of the proposed development project and discussed the fiscal and economic benefits including the building and impact fees and tax revenue.

Interim Director of Community Development Edward Ng stated that the Planning and Zoning Board recommended approval of the project by a vote of 5-0.

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

1. Mubarak Kazan

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

The Mayor and Commission discussed the proposed development project.

Joaquin Vargas appeared before the Mayor and Commission to discuss the traffic impact of the project.



Mayor DeFillipo requested that the applicant/developer proffer \$20,000 towards the NMB Library and Commissioner Smukler requested it be \$40,000. Matthew Amster confirmed that the applicant/developer agrees to the \$40,000 for the library.

**Motion to approve** Resolution 2022-168 with conditions relating to parking, the administrative process, and funds for the NMB Library made by Vice Mayor Chernoff, seconded by Commissioner Smith.

**Roll Call Vote:** Smith - Yes, Smukler - Yes, Fleurimond - Yes, Chernoff - Yes, DeFillipo - Yes

**MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

The Commission Meeting took a recess at 8:16pm and resumed at 8:24pm.

**Resolution No. R2022-169 Biscayne Office Complex Site Plan and Conditional Use Requests (Edward Ng, Interim Director of Community Development)**

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.

City Clerk Andrise Bernard stated that the subject matter of any ex-parte communication, together with the identity of the person, group, or entity making the communication shall be disclosed and made a part of the record on file with the City prior to final action on the matter because it is a quasi-judicial item and requires a Jennings Disclosure.

Commissioner Fleurimond stated that he spoke to City staff regarding this item and confirmed that he will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smith stated that she did not speak to anyone regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

Commissioner Smukler stated that she did not speak to anyone regarding this item and confirmed that she will be able to make a decision based on the evidence presented at this meeting.

City Clerk Andrise Bernard stated that Mayor DeFillipo and Vice Mayor Chernoff previously submitted their disclosure forms regarding this item.

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

Interim Director of Community Development Edward Ng provided an overview of Resolution 2022-169 regarding a proposed site plan and confirmed that the request complied with the site plan review and conditional use standards. Interim Director of Community Development Edward Ng stated that the development design, layout, compatibility with surrounding land uses, traffic impact, and levels of service and capacities were consistent with the goals, objectives, and policies of the comprehensive plan of the City. Interim Director of Community Development Edward Ng stated that the Planning and Zoning Board recommended approval of the project by a vote of 5-0.

Ben Fernandez appeared before the Mayor and Commission to represent the applicant/owner of the proposed development project and discussed the design, elevation, parking, and traffic impact of the site plan.

Interim Director of Community Development Edward Ng suggested adding a condition stating that final approval of the parking garage will be subject to further review.

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

1. Emily Ponza
2. Mubarak Kazan

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

The Mayor and Commission discussed the proposed development project.

**Motion to approve** Resolution 2022-169 made by Vice Mayor Chernoff, seconded by Commissioner Smith.

**Roll Call Vote:** Smukler - Yes, Fleurimond - Yes, Smith - Yes, Chernoff - Yes, DeFillipo - Yes

**MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

## **LEGISLATION**

### **Ordinance No. 2023-02 (First Reading) Administrative Site Plan Process (Edward Ng, Interim Director of Community Development)**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH CODE BY AMENDING CHAPTER XXIV, ENTITLED "ZONING AND LAND DEVELOPMENT," ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES," SECTION 24-172 "SITE PLAN REVIEW," TO DELETE SUBSECTION 'K' ENTITLED "LIMITED ADMINISTRATIVE AUTHORITY FOR SITE PLAN AMENDMENTS" AND CREATE A NEW SUBSECTION 24-172.1 ENTITLED "ADMINISTRATIVE SITE PLAN PROCESSES"; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of Ordinance 2023-02 regarding the administrative site plan process and discussed the benefits.

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

There were no speakers.

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

**Motion to approve** Ordinance 2023-02 made by Vice Mayor Chernoff, seconded by Commissioner Fleurimond.

**Roll Call Vote:** Fleurimond - Yes, Smith - Yes, Smukler - Yes, Chernoff - Yes, DeFillipo - Yes

**MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

### **Resolution No. R2023-05 Budget Amendment Property Insurance (Marcia Fennell, Chief Financial Officer & Andrew Bejel, Director of Human Resources & Risk Management)**

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.

Chief Financial Officer Marcia Fennell provided an explanation of Resolution 2023-05 regarding a budget amendment and transfer and Director of Human Resources and Risk Management Andrew Bejel discussed the state of the insurance market.

**Motion to approve** Resolution 2023-05 made by Vice Mayor Chernoff, seconded by Commissioner Smith.  
**Voice Vote: MOTON PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

**Resolution No. R2023-18 Active Design Guidelines (Edward Ng, Interim Director of Community Development)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUPPORTING THE IMPLEMENTATION OF ACTIVE DESIGN MIAMI DESIGN AND POLICY

STRATEGIES FOR HEALTHIER COMMUNITIES AS DEVELOPED BY THE MIAMI CENTER FOR ARCHITECTURE AND DESIGN; SUPPORTING STAFF'S EFFORTS TO INCORPORATE STRATEGIES INTO PLANNING FUNCTIONS WHERE FEASIBLE; AND PROVIDING FOR AN EFFECTIVE DATE.

Interim Director of Community Development Edward Ng provided an explanation of Resolution 2023-18 and discussed design and policy strategies that lead to positive health outcomes, embrace local initiatives and priorities, and respond to unique opportunities and challenges. Interim Director of Community Development Edward Ng stated that active design can improve and encourage walkability, promote open space and public areas and sustainability, and increase visibility and safety to reduce crime.

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

There were no speakers.

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

**Motion to approve** Resolution 2023-18 made by Vice Mayor Chernoff, seconded by Mayor DeFillipo.  
**Voice Vote: MOTON PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

**Resolution No. R2023-27 Zoning in Progress Multi-Family Parking Regulations (Edward Ng, Interim Director of Community Development)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF NORTH MIAMI BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S ZONING AND LAND DEVELOPMENT CODE (ZLDC) WITH RESPECT TO INCREASING THE MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR MULTI-FAMILY RESIDENTIAL AND MIXED-USE ZONING DISTRICTS; INVOKING THIS ZONING IN PROGRESS (ZIP) WITH RESPECT TO THE CITY'S ZLDC; PROVIDING THAT DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS, ALL SITE PLAN APPLICATIONS SUBMITTED AFTER THE EFFECTIVE DATE OF THIS RESOLUTION THAT REQUIRE MULTI-FAMILY PARKING WILL NOT BE PROCESSED UNTIL AFTER THE CITY ADOPTS NEW REGULATIONS; PROVIDING FOR A 180 DAY EXPIRATION OF THE ZIP UNLESS FURTHER EXTENDED; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

1. Matthew Amster



2. Mubarak Kazan

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

Interim City Attorney John Herin stated that the title should include mixed-use zoning districts after the second reference of multi-family parking and provided an explanation of Resolution 2023-27 with Interim Director of Community Development Edward Ng.

The Mayor and Commission discussed Resolution 2023-27 regarding site plan parking regulations.

**Motion to approve** Resolution 2023-27 with the additional conditions recommended by Interim City Attorney John Herin made by Commissioner Fleurimond, seconded by Commissioner Smith.

**Voice Vote: MOTON PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

**Resolution No. R2023-28 Interlocal Agreement With Miami-Dade County To Extend Trolley Services (David Scott, Director of Public Works)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING CITY STAFF TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO EXTEND TROLLEY SERVICES TO THE GOLDEN GLADES MULTI-MODAL TRANSPORTATION FACILITY AND AVENTURA MALL; 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.

Acting Assistant City Manager David Scott provided an explanation of Resolution 2023-28 regarding an interlocal agreement with Miami-Dade County for trolley service of Route E.

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

1. Wrendly Mesidor
2. Mubarak Kazan

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

The Mayor and Commission discussed Resolution 2023-28 and the ridership of the trolley in the City.

**Motion to approve** Resolution 2023-28 made by Commissioner Fleurimond, seconded by Commissioner Smith.

**Voice Vote: MOTON PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

**Resolution No. R2023-29 Covenant for Maintenance with Miami-Dade County for Special Improvements Along Harriet Tubman Highway (David Scott, Director of Public Works)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING CITY STAFF TO ENTER INTO A COVENANT FOR MAINTENANCE WITH MIAMI-DADE COUNTY FOR SPECIAL IMPROVEMENTS ALONG HARRIET TUBMAN HIGHWAY FROM N.E. 164 STREET TO N.E. 173 STREET; 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.

**Motion to approve** Resolution 2023-29 made by Commissioner Smith, seconded by Vice Mayor Chernoff.

Acting Assistant City Manager David Scott provided an explanation of Resolution 2023-29 regarding a covenant of maintenance with Miami-Dade County for special improvements to crosswalks in the City.

The Mayor and Commission discussed Resolution 2023-29 and the

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

1. Mubarak Kazan

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

**Voice Vote: MOTON PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

**Resolution No. R2023-36 Public Transit Service Development Grant (David Scott, Director of Public Works)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING CITY STAFF TO APPLY FOR AND ACCEPT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PUBLIC TRANSIT SERVICES DEVELOPMENT PROGRAM GRANT; 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.

**Motion to approve** Resolution 2023-36 made by Commissioner Smith, seconded by Mayor DeFillipo.

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

1. Wrendly Mesidor

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

The Mayor and Commission discussed Resolution 2023-36 and directed City staff to speak with Freebee regarding service to certain addresses and adjusting routes.

**Voice Vote: MOTON PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

**DISCUSSION ITEMS**

Vice Mayor Chernoff suggested having two Commission Meetings a month and the Mayor and Commission discussed the 4<sup>th</sup> Thursday of the month being utilized if a second meeting is necessary.

Interim City Attorney John Herin provided the terms of employment for incoming City Manager Mario Diaz which commences on June 13, 2023. Incoming City Manager Mario Diaz appeared before the Mayor and Commission and discussed the proposed contract agreement. Director of Human Resources and Risk Management Andrew Bejel discussed medical insurance benefits and Chief Financial Officer Marcia Fennell discussed pension rates.

**Motion to approve** the extension of the Commission Meeting to 12:10am made by Commissioner Smith, seconded by Commissioner Fleurimond.

**Voice Vote: MOTION PASSED 4-1** with Vice Mayor Chernoff opposed and Commissioner Jean and Commissioner Joseph absent.

**Motion to approve** the employment agreement for incoming City Manager Mario Diaz made by Vice Mayor Chernoff, seconded by Mayor DeFillipo.

**Roll Call Vote:** Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Chernoff - **Yes**, DeFillipo - **Yes**

**MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

Commissioner Smukler expressed appreciation to incoming City Manager Mario Diaz for attending several recent events.

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

Interim City Attorney John Herin requested authorization from the Mayor and Commission to schedule a shade meeting to discuss the direction of how to proceed regarding the litigation case of the City of Miami Gardens vs. the City of North Miami Beach.

**Motion to approve** the authorization made by Commissioner Fleurimond, seconded by Commissioner Smith.

**Voice Vote: MOTION PASSED 5-0** with Commissioner Jean and Commissioner Joseph absent.

Commissioner Smukler stated that the discussion items on the agenda regarding Commission Member Aides, Procedure and Policy for City Events, Commissioner Names and Pictures on Social Media, Handouts, and Flyers, Recap of Misuse Spending, Support to Not-For-Profit 501(C)(3) in the City, and a Forensic Audit should be rolled over to the next Commission Meeting.

**NEXT REGULAR CITY COMMISSION MEETING** is Tuesday, May 16, 2023.

#### **ADJOURNMENT**

There being no further business to come before the City Commission, the meeting was adjourned at 12:00am.

**ATTEST:**



Andrise Bernard, MMC, City Clerk

(SEAL)