



CITY OF NORTH MIAMI BEACH
City Hall, Commission Chambers, 2nd Floor
17011 N.E. 19th Avenue
North Miami Beach, FL. 33162
Tuesday, June 20, 2023
6:00pm

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

City Manager Mario A. Diaz
Interim City Attorney John Herin
City Clerk Andrise Bernard, MMC

City Commission Meeting Minutes

ROLL CALL OF THE CITY OFFICIALS

The Regular Commission Meeting was called to order at 6:01pm.
Present at the meeting were Acting Mayor Jay Chernoff, Commissioner McKenzie Fleurimond, Commissioner Daniela Jean, Commissioner Michael Joseph, Commissioner Phyllis Smith, and Commissioner Fortuna Smukler.

INVOCATION

The Acting Mayor and Commission led a moment of silence in honor of Harvey Lee Sears (father of North Miami Beach Chief of Police Harvette Smith).

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

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA

The Presentations/Discussions item regarding the Public Services Administration (PSA) Building Renovations will be deferred to a future meeting.
Ordinance 2023-01 and Ordinance 2023-02 under Legislation will be deferred to a future meeting.
The Discussion items regarding Procedure/Policy for City Events, Commissioner Names and Pictures on Social Media, Handouts/Flyers and How to Handle Common Expenses will be removed from the agenda.
A resolution regarding an increase in funding with the Corradino Group will be added to the agenda.
At the request of Commissioner Joseph, a discussion item regarding litigation will be added to the agenda.

Motion to approve the amended agenda made by Commissioner Smith, seconded by Commissioner Smukler.
Voice Vote: **MOTION PASSED 6-0.**

PRESENTATIONS/DISCUSSIONS

Commissioner Smith presented the Library Citizen of the Year award to Faith Wilpon.

The Acting Mayor and Commission presented an award of appreciation to Interim City Manager Mark Antonio.

North Miami Beach Chief of Police Harvette Smith presented the 2022 Officer of the Year award to Rebecca Villalonga and the 2022 Civilian of the Year award to Shadae Brown.

Interim Assistant City Manager/Director of Public Works David Scott introduced John Casagrande from Coastal Waste and Recycling for a presentation regarding the solid waste service that began in North Miami Beach on June 1, 2022. The topics that were discussed included the benefits of the agreement, the growing partnership with the City, customer service calls, the frequency of the service levels for collecting solid waste, recycling, and bulk for residential and commercial properties, state of the art technology, quality control, and continued improvements.

Interim Assistant City Manager/Director of Public Works David Scott introduced Capital Improvements Projects Manager Jamorie Depusoir for a presentation regarding the Washington Park Community Center. The topics that were discussed included the project developments, the proposed site plan and floor plan, the facility amenities, a timeline with a pending groundbreaking date of March 2024, and a financial breakdown featuring the estimated costs and funding allocation. Director of Parks and Recreation Andrew Plotkin discussed the staff currently employed at Uleta Park and stated that the Washington Park Community Center would be similar to maintain.

Capital Improvements Projects Manager Jamorie Depusoir provided a presentation regarding the North Miami Beach Senior Center and the topics that were discussed included the proposed site plan and floor plan, the facility amenities, an anticipated timeline with a completion date of December 2024, and a financial breakdown featuring the estimated costs and funding allocation.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

City Clerk Andrise Bernard read the rules of public comment and the pledge of civility into the record.

The following person(s) made comments on the record:

1. Saundra Douglas
2. Linda Noel
3. David Zepen
4. Karen Harrold
5. Irene Pilinger
6. Melissa Winchester
7. Former Commissioner Barbara Kramer
8. Robert Kaplan
9. Yves Fontaine
10. Ketley Joachim
11. Wrendly Mesidor
12. Lynn Su
13. Mubarak Kazan
14. Lorenzo Hall

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

ANNOUNCEMENTS

Chief Communications Officer David Jeannot presented a video highlighting previous and upcoming events including Gun Violent Awareness Month, a Small Business Certificate Series on Marketing, a Hurricane Preparedness Expo, a Safety, Trash, and Traffic community conversation, a Financial Training workshop, a

Juneteenth Movie Night, a Small Business Certificate Series on Government Contracting, a Senior Luncheon, a Community Clean Up Day, and a wild animal showcase at the North Miami Beach Library.

CITY COMMISSION REPORTS

Commissioner Jean thanked Ron Book for donating supplies for the Earth Day event, discussed Caribbean American Heritage Month, stated that the North Miami Beach Library offers GED courses, expressed support for computer literacy courses in Creole and Spanish, and welcomed back Commissioner Joseph.

Commissioner Joseph thanked God, his wife and extended family, elected officials, community leaders, and residents for their love, patience, guidance, and comfort over the last few months. He also thanked Governor Ron DeSantis, State Attorney Katherine Fernandez-Rundle, and law enforcement agencies. He discussed a recent health scare, the decision of a judge to allow him to return to the Commission, and former Mayor Anthony DeFillipo. He expressed that the Commission consider asking the Florida League of Cities to help find a temporary City Attorney.

In response to Commissioner Joseph, Interim City Attorney John Herin stated that he stands by every piece of advice that he provided the Commission and provided an explanation for every action and affirmed that all the actions that the Commission took in reliance upon that advice was appropriate and that he followed the direction of the majority of the Commission and will continue to do so.

Commissioner Smith expressed sympathy to Chief of Police Harvette Smith for the loss of her father and Helen Phillips for the loss of her son Gregory. She stated that the City needs to heal and hopes the elected officials can work together to do what is best for the residents. She announced that June is LGBTQ and Pride Month, PTSD Awareness Month, Gun Violence Month, Alzheimer's and Brain Awareness Month, and Immigration Heritage Month. She discussed the upcoming Senior Luncheon and Community Clean Up event and expressed the importance of teaching children to swim.

Commissioner Smukler welcomed City Manager Mario Diaz, praised the media lab at the North Miami Beach Library, discussed the recent Juneteenth event, expressed sympathy to Helen Phillips for the loss of her son and Chief of Police Harvette Smith for the loss of her father, and talked about taking advice from a judge regarding former Mayor DeFillipo. She confirmed with Interim City Attorney John Herin that the City is not liable for any votes that took place and confirmed hiring Attorney Michael Pizzi was not a conflict of interest.

Commissioner Fleurimond welcomed back Commissioner Joseph, discussed former City Manager Arthur Sorey regarding payment following his release, and expressed concerns about a conflict of interest with Attorney Michael Pizzi and stated that his fees were not clearly detailed and direction was not followed. He said that votes from the Commission should not take place if research, documents, and responses are not available.

Acting Mayor Chernoff congratulated the North Miami Beach Library and encouraged everyone to visit the media lab, expressed condolences to the Phillips family and Chief of Police Harvette Smith, and directed City staff to put out a bid for the position of City Attorney.

Motion to approve to put out a bid for the position of City Attorney made by Commissioner Smith, seconded by Commissioner Fleurimond.

Commissioner Joseph suggested reaching out to the Florida League of Cities to receive legal counsel and assistance to guide the City through the process and the Commission discussed the issue.

The motion was withdrawn and City Manager Mario Diaz stated that the Commission gave direction to contact the Florida League of Cities to verify if legal assistance can be provided to a municipality and to present a scope of service through the Procurement Department and a job posting through the Human Resources Department for the Commission to review regarding the position of City Attorney.

Commissioner Smukler recommended discussing the item at the next Commission Workshop and a vote can occur at the next Commission Meeting.

CONSENT AGENDA

Regular Commission Meeting Minutes of May 16, 2023

Resolution No. R2023-43 Purchase of Additional Inspection Services for Business Tax Receipt from C.A.P. Government (Edward Ng, Interim Community Development 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 C.A.P. GOVERNMENT FOR BUSINESS LICENSE CONSULTING & FIELD SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-44 Florida Digital Service Cybersecurity Grant (Ricardo Castillo, Interim Assistant City Manager/Chief Information Officer)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT ONE GRANT AWARD FROM FLORIDA DIGITAL SERVICE FOR LOCAL GOVERNMENT CYBERSECURITY GRANT TECHNICAL SERVICES; AND, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT AND TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution No. R2023-45 Second Amendment to License Agreement with Florida International University (FIU) (David Scott, Interim Assistant City Manager/Public Works Director)

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING CITY STAFF TO ENTER INTO A SECOND AMENDMENT TO LICENSE AGREEMENT WITH THE FLORIDA INTERNATIONAL UNIVERSITY (FIU) FOR THE PURPOSE OF OPERATING A TRANSFER STATION; 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.

Resolution No. R2023-46 U.S. Department of Transportation Safe Streets and Roads for All Discretionary Grant Program (David Scott, Interim Assistant City Manager/Public Works Director)

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT A GRANT AWARD FROM THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, SAFE STREETS AND ROADS FOR ALL DISCRETIONARY GRANT PROGRAM, FOR AN ACTION PLAN GRANT, IN AN ESTIMATED AMOUNT OF \$200,000 WITH A \$50,000 MATCH REQUIREMENT; AND, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT AND TO DO ALL THINGS NECESSARY IN FURTHERANCE OF ACCEPTANCE OF THE GRANT FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Voice Vote: **MOTION PASSED 6-0.**

LEGISLATION

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.

Interim City Attorney John Herin announced changes to language in the ordinance to be consistent with state law and said that Publix asked to change the notice from 72 hours to 5 business days.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

1. Mubarak Kazan

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

The Commission discussed the proposed ordinance.

Motion to approve Ordinance No. 2022-11 made by Commissioner Jean, seconded by Commissioner Smukler. Roll Call Vote: Fleurimond - **Yes**, Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Chernoff - **Yes**
MOTION PASSED 6-0 on Second and Final Reading as amended and subject to final review by the state.

Ordinance No. 2023-01 (Second and Final Reading) Moving Quorum and Ethical Duty to Remain at a Commission Meeting to Article X Code of Ethics

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.

Ordinance No. 2023-01 was deferred to a future meeting.

Ordinance No. 2023-02 (Second and Final Reading) Administrative Site Plan Process (Edward Ng, Interim 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 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.

Ordinance No. 2023-02 was deferred to a future meeting.

Ordinance No. 2023-03 (Second and Final Reading) Sediment and Erosion Control (David Scott, Interim Assistant City Manager/Public Works Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XXIV ZONING AND LAND DEVELOPMENT ARTICLE XII ENVIRONMENTAL REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO CREATE A NEW SECTION 24-140 ENTITLED “SEDIMENT AND EROSION CONTROL” TO ESTABLISH SOIL EROSION AND SEDIMENTATION CONTROL AS AN ONGOING PRIORITY AND SHALL ESTABLISH SOIL EROSION AND SEDIMENTATION CONTROL FEES FOR MAINTENANCE AND REPAIR OF DRAINAGE STRUCTURES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2023-03 made by Commissioner Jean, seconded by Commissioner Fleurimond.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

1. Mubarak Kazan

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

Rachel Vitek of Resource Environmental Solutions (RES) provided an explanation of the proposed ordinance.

Roll Call Vote: Jean - **Yes**, Joseph - **Yes**, Smith - **Yes**, Smukler - **Yes**, Fleurimond - **Yes**, Chernoff - **Yes**
MOTION PASSED 6-0 on Second and Final Reading.

Ordinance No. 2023-04 (Second and Final Reading) Sediment and Erosion Control Enforcement (David Scott, Interim Assistant City Manager/Public Works Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XVII STREETS AND SIDEWALKS OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, TO ESTABLISH SOIL EROSION AND SEDIMENTATION CONTROL AS AN ONGOING PRIORITY AND SHALL ESTABLISH SOIL EROSION AND SEDIMENTATION CONTROL ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Rachel Vitek of Resource Environmental Solutions (RES) provided an explanation of the proposed ordinance.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

1. Karen Harrold

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

Motion to approve Ordinance No. 2023-04 made by Commissioner Fleurimond, seconded by Commissioner Smith.

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

MOTION PASSED 6-0 on Second and Final Reading.

Ordinance No. 2023-05 (Second and Final Reading) Illicit Discharge Disposal (David Scott, Interim Assistant City Manager/Public Works Director)

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XX STORMWATER OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO CREATE A NEW SECTION 20-4 ENTITLED “ILLICIT DISCHARGE AND IMPROPER DISPOSAL” TO ESTABLISH METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Rachel Vitek of Resource Environmental Solutions (RES) provided an explanation of the proposed ordinance.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

1. Mubarak Kazan
2. Wrendly Mesidor

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

Motion to approve Ordinance No. 2023-05 made by Commissioner Smith, seconded by Commissioner Jean.

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

MOTION PASSED 6-0 on Second and Final Reading.

Resolution No. R2023-47

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING AN INCREASE IN COMPENSATION IN THE AMOUNT OF \$50,000.00 TO THE TASK ORDER UNDER THE CONTINUING SERVICES AGREEMENT WITH THE CORRADINO GROUP, INC. FOR PROFESSIONAL CONSULTING SERVICES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve Resolution No. R2023-47 made by Commissioner Smith, seconded by Commissioner Fleurimond.

City Manager Mario Diaz provided an explanation of Resolution No. R2023-47 regarding the contract of Interim Community Development Director Edward Ng and discussed the recruitment of a full-time hire for the position.

Acting Mayor Chernoff opened the meeting for **PUBLIC COMMENT**.

1. Mubarak Kazan

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

Voice Vote: **MOTION PASSED 6-0.**

DISCUSSION ITEMS

Commissioner Smith started a discussion regarding the position of Commissioner Aides and the Commission expressed their comments regarding their experiences with current and former employees in that role and talked about the number of positions that should be filled.

Commissioner Smith started a discussion regarding support to not-for-profit 501(C)(3) and expressed that funds given by the City should only go to organizations that service and benefit North Miami Beach. Interim Assistant City Manager Mark Antonio stated that there is an ordinance regarding a donation policy. The Commission gave direction to receive the ordinance to discuss at a later time.

Commissioner Smith started a discussion about conducting a forensic audit. City Manager Mario Diaz and Interim Assistant City Manager Mark Antonio explained the purpose and process of a forensic audit. The Commission gave direction to receive the costs associated with auditing.

Commissioner Joseph expressed concerns regarding Interim City Attorney John Herin.

Commissioner Fleurimond discussed a pending payment to former City Manager Arthur Sorey.

CITY MANAGER'S REPORT

Budget Administrator Sheron Stewart presented a financial analysis report for the Second Quarter of Fiscal Year 2023 which ended on March 31, 2023 and stated that the net favorable variance of approximately \$29.5 million is primarily driven by higher than budgeted revenues and timing of budgeted operating and capital expenditures with all funds contributing to the variance with the exception of the Solid Waste Fund. She explained that the net favorable variance is attributed primarily by the General Fund, the Community Redevelopment Agency (CRA), the Water Fund, the Sewer Fund, and the Building Permit Fund.

CITY ATTORNEY'S REPORT

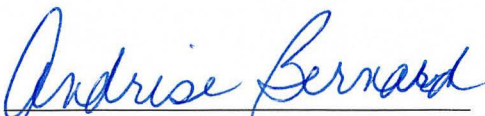
Interim City Attorney John Herin stated that an order was issued by a judge to reinstate Commissioner Joseph and asked if a majority of the Commission has a desire to appeal the decision. The Commission Meeting ended without further action.

NEXT REGULAR CITY COMMISSION MEETING is Tuesday, July 18, 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)