

OFFICIAL MINUTES

REGULAR CITY COMMISSION MEETING

**CITY OF NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

TUESDAY, OCTOBER 9, 2012

7:30 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

The meeting was called to order at 7:33 P.M. by Mayor Connie Leon-Kreps who read the rules of conduct, and the Pledge of Allegiance was recited. Present at Roll Call were Commissioner Richard Chervony, Vice Mayor Eddie Lim, Mayor Connie Leon-Kreps, and Commissioner Stuart Blumberg. As a quorum was determined to be present, the meeting commenced.

2. PROCLAMATIONS AND AWARDS

Mayor Connie Leon Kreps made a proclamation on behalf of the Miami-Dade County Homeless Trust naming Thursday, November 15, 2012 as Homeless Awareness Day.

B. SPECIAL PRESENTATIONS

**1.) DR. KARP/MIAMI-DADE COUNTY SCHOOL BOARD
K-12 AT TREASURE ISLAND ELEMENTARY**

Neither Dr. Karp nor any representative from the Miami-Dade County School Board was at the meeting to make the special presentation.

C. ADDITIONS AND DELETIONS

City Manager Dennis Kelly requested that Item 11M dealing with Dr. Vogel Park signage, from the list of items on page 7 of the Agenda carried over from the September Commission meeting, be pulled and deferred until the next Commission meeting in November.

Commissioner Stuart Blumberg moved to approve the change to the meeting Agenda, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony-Yes; Vice Mayor Eddie Lim-Yes; Mayor Connie Leon-Kreps-Yes. And Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

3. BOARD REPORTS

A. ANIMAL CONTROL ADVISORY BOARD

There was no report from this Board.

B. ARTS, CULTURAL & SPECIAL EVENTS BOARD

There was no report from this Board

C. CITIZENS BUDGET AND OVERSIGHT BOARD

There was no report from this Board.

D. COMMUNITY ENHANCEMENT BOARD

There was no report from this Board

E. PLANNING & ZONING BOARD

There was no report from this Board.

F. YOUTH SERVICES BOARD

Chair of the Youth Services Board Kevin Vericker announced that the next Board meeting, scheduled for the following Monday at 7:00 P.M., would be reviewing 2012 and setting goals for 2013.

G. BUSINESS DEVELOPMENT ADVISORY COMMITTEE

Vice Chair of the Business Development Advisory Committee Mario Garcia announced that a meeting was planned for November.

4. PUBLIC SAFETY DISCUSSION

Chief Robert Daniels responded to questions from the Commission regarding the crime statistics report, which included two recent burglaries on North Bay Island. Investigation indicated the possibility that information was being provided from within the community regarding vacant homes to target, and that water access might be used. Some renters were being surveilled, and the security cameras were not revealing. Commissioner Chervony asked about signs of gang activity, and the Chief replied that there had been crimes committed by individual gang members in the past on rental property, but not typical gang activity. The Mayor inquired into the operation of the cameras, learning from the Chief that they were functioning 24/7 and that he personally checked them daily. The Chief described the system that used cameras to automatically check vehicle license plates and share information with other cities via a Homeland Security center. Implementing such a system would entail a multi-year process of preparing the infrastructure for high speed internet on a closed network.

Commissioner Blumberg questioned the sudden increase in crime on Treasure Island, which totaled 17 incidents, asking if police patrol activity had changed. The Chief responded that patrols were unchanged, and thought that the numbers in the report were inaccurate, questioning whether five vehicle thefts occurred as reported. Of the 8 vehicle burglaries reported he corrected the figure to 7, and noted that 4 had occurred on one night in vehicles that had been left unlocked. There was a suspect for the burglaries, who had previously been arrested for burglary in June/July, but was released because the victims had been unwilling to cooperate with the prosecution and therefore the State Attorney had not moved forward with the case.

Vice Mayor Lim noted a falloff in code enforcement activity, and while the Chief was uncertain, he thought the figures in question might be those code violations handled by the police, and which were reported as a separate figure from those code violations handled by the Code Enforcement Officer, who also produced his own report. The Chief also informed the Vice Mayor that graffiti did not appear to be a problem.

5. **COMMISSIONERS' REPORTS**

Commissioner Richard Chervony had no report to make.

Vice Mayor Eddie Lim announced that the City's first Farmers Market was to be held at the Crab House on Friday November 16th from 2 to 7 P.M. He informed Commissioner Blumberg that the restaurant manager had given his blessing on the time of the event, since the dining crowd was usually not expected until 7 P.M. and there was more than adequate room for parking. The Vice Mayor also reported that October 12th was Ethical Governance Day, conducted by the Ethics Commission, and he had been invited to speak on the subject at Michael Krop High School. Finally, the Vice Mayor reported that he had accepted an invitation extended to the City by Miami Beach to participate in its Veterans Day Parade on Sunday November 11th.

Commissioner Stuart Blumberg had no report to make.

Mayor Connie Leon-Kreps reported having attended the Good Government Initiative class on September 29th at the Chapman Center, which was the private sector partner of the Miami Dade County Homeless Trust. Also, on October 5th the annual Best Practices Conference of the Miami Dade County League of Cities had been held and North Bay Village had been represented there by a table. The Mayor asked the City Manager to elaborate in his report regarding an issue involving the palm trees that had arisen in the last 24 hours. She thanked the City Manager for obtaining cushioned chairs for the Commission Chamber audience. Finally, the Mayor announced that the City had been asked by the Mayor of Coral Gables to participate with a float in the Junior Orange Bowl Parade, asking the Youth Services Board for its assistance.

6. **CITY ATTORNEY'S REPORT**

The City Attorney, citing the sensitivity of some matters that had been communicated individually to the Commission members over the month, had no report to make.

7. **CITY MANAGER'S REPORT**

City Manager Dennis Kelly introduced Finance Director Bert Wrains to report on the meeting Mr. Wrains had attended on the School District concurrency requirements for the BLU rental development. The Finance Director reported that since it had been found that they were six high school seats short of meeting school concurrency requirements, BLU had agreed to fund those seats as well as to front the money for the remaining 19 seats needed to complete a high school class. The cost of funding those extra 19 seats, at \$30,000 per seat, was to be repaid to BLU once fees had been collected from later developers, and this methodology was on the agenda of the November 23rd meeting of the School Board for its approval. Including impact fees, concurrency fees, and the cost of funding all 25 seats, BLU was subject to paying \$754,000.

H.R. Manager Jenice Rosado announced a general orientation meeting to be held on Wednesday October 17th for new Commissioners Wendy Duvall and George Gonzalez, and informed the Commission about the City's participation in the annual Best Practices Conference, which featured exhibitor tables and presentations on subjects including ethics, sustainability, and finance.

City Manager Dennis Kelly reported on a meeting with District 6 FDOT representatives attended by himself, the Finance Director, the Public Works Director, and Kimley Horn staff, at which they had explained the variances sought for the causeway rehabilitation project. FDOT had made clear to them that its funding would cover only the "triple R" aspects – i.e. remilling, resurfacing and repair of asphalt. The City had approximately 90 to 120 days to respond to the FDOT representatives, and before that time the Commission would be presented, for their approval the project details, funding plans, and alternatives to undertaking the full project, which was currently estimated at \$3 million to \$4 million.

Regarding a recent concern about disease possibly affecting the City's palm trees, the City Manager informed the Mayor that 3 of the 4 afflicted palm trees on the causeway median appeared to be regenerating following a case of transplant stress, and palm trees elsewhere had not been reported by the landscaping maintenance contractor as being diseased. The Mayor asked that an expert, such as landscape architect George Puig, be consulted.

Vice Mayor Lim asked the City Manager to report on the outcome of a meeting with Cars2Go, which had a car rental program that allowed registered customers to rent locally stationed small cars via an issued passcard for a cost of 38 cents a minute, including the cost of gas and insurance. The City Manager explained that in order to become part of the rental territory, the City itself must enter into a contract with Cars2Go. Currently, the territory came as close as 10th Avenue, west of the 79th St. Causeway bridge, and he was still waiting to see a contract.

8. GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.

At 7:48 P.M. following the Consent Agenda, the Mayor opened Good & Welfare to the public.

Mario Garcia, of 7540 Cutlass Avenue, pointed out that the water processing plant area on Galleon Street needed beautification, urged the City to find a way to reach out to residents and overcome their apathy, and was concerned that too many crimes were taking place in the area.

Kevin Vericker, of 7520 Hispanola Avenue, noted that \$2 million had been spent on the beautification of the Causeway with mixed results, and suggested that FDOT should be pressed to remove the “dog pound” chain link fence on the Causeway, that property owners on the Causeway needed to do their share of beautification, and that the parking lot next to the Lexi where police vehicles and seized property were kept was a significant eyesore.

Fane Lozman, of 7918 West Drive, suggested that the City should follow the model of Sausalito and Seattle, which had well-known floating home communities containing multi-million dollar structures.

There were no further speakers and the Mayor closed Good & Welfare.

9. CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE MIAMI-DADE COUNTY CANVASSING BOARD TO SERVE AS CANVASSING BOARD FOR THE SPECIAL ELECTION OF THE CITY OF NORTH BAY VILLAGE TO BE HELD ON NOVEMBER 6, 2012; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY CLERK YVONNE P. HAMILTON)
- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA; DECLARING THAT FREEDOM FROM DOMESTIC VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

Commissioner Stuart Blumberg moved to approve the Consent Agenda items, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

10. PLANNING & ZONING CONSENT AGENDA

There were no items in the Planning & Zoning Consent Agenda.

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE APPROVING AN AGREEMENT WITH ADP FOR EXPANSION OF ITS CURRENT PAYROLL SERVICES TO INCLUDE HUMAN RESOURCES FUNCTIONS; AUTHORIZING THE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF ANY AGREEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the resolution. The City Manager introduced H.R. Manager Jenice Rosado, who explained that this was a budgeted item that had been approved in the budget process, and constituted an enhancement of existing ADP payroll services to include such things as training, employee crisis counseling, and COBRA. The increase in cost was from \$12,000 to \$24,000; and it was felt that the training alone justified the extra cost, since for a single session of training the City had last year spent \$3,600. H.R. Manager Rosado noted that workplace safety training could help address the rise in injury claims that had led to a Workers Compensation premium increase.

Commissioner Richard Chervony confirmed that the City could opt out in the future with no penalty, and asked when staff could be expected to provide an evaluation of its effectiveness. The H.R. Manager estimated that it would be at least six months before a meaningful assessment could take place.

The Mayor opened the meeting to the public.

Reinaldo Trujillo, of 7601 E. Treasure Drive, stressed the importance of a conducting a measurement of program effectiveness on a regular basis, perhaps quarterly.

There were no further speakers and the meeting was closed to the public.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE APPROPRIATION OF \$586,900 OF AVAILABLE NON-APPROPRIATED POLICE FEDERAL FORFEITURE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND (FUND 07); AUTHORIZING THE DISBURSEMENT AND EXPENDITURE OF SUCH FUNDS FOR LAW ENFORCEMENT EXPENSES AS SET FORTH HEREIN; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Clerk read the title of the resolution. Chief Robert Daniels addressed questions from the Commission on proposed expenditures from the Law Enforcement Trust Fund (LETF) for the upcoming fiscal year budget.

Commissioner Richard Chervony was disturbed by an item budgeting \$300,000 for overtime, asking how this accorded with the management goal of reducing overtime. Chief Daniels responded that current police union contractual obligations which were liberal to the employee still needed to be met, but with active management by supervisors, he believed overtime could be reduced by perhaps 15% to 25%. Chief Daniels explained that actual overtime costs last year had been \$275,000, and he had budgeted with sufficient margin to avoid the necessity of appearing before the Commission to ask for additional funds, while any monies that might be unspent stayed in the LETF.

Commissioner Chervony referred to handout on the overall Police Department budget prepared by Finance Director Wrains, noting that it amounted to roughly \$4 million (not including any potential payouts from pending lawsuits), plus the \$600,000 from the LETF. He was concerned that with only a \$50,000 balance left in the LETF, and assuming everything else remained the same, the Police Department would not be able to fund its operations in the following year. Chief Daniels responded that funds in LETF were expected to be spent and not hoarded, and that his budget purview was for a single year only, although if the Commission wished a multi-year budget he would supply one. Commissioner Chervony felt a multi-year budget workshop would be advisable, not just for The Police Department but for all departments.

Commissioner Chervony requested of Chief Daniels the following: a copy of the last uniform crime report to FDLE; the goals that had been established for the Police Department; a plan for future savings; and plans to establish PAAL, an outreach program to the elderly, and a crime awareness program. The Commissioner mentioned the volunteer activities of Sgt. Amy Suarez and asked the Chief to support similar community volunteerism by the Police Department.

Chief Daniels noted that the cuts that had been made to his staff meant that personnel were not available to take on additional programs in the proper way; and that his first priority was to maintain the low response time of his department. Commissioner Chervony then asked for, at minimum, a copy of the last crime report that was submitted and the goals for the Police Department.

Vice Mayor Eddie Lim, in response to his question, was informed by Chief Daniels that the \$20,000 capital outlay budgeted for the Galleon Street building housing the dispatch office was needed to improve the appearance of the worn lobby area, and possibly, if the Commission were in favor, to create a temporary holding facility for processing non-violent prisoners before taking them to the County jail. In deference to residents' concerns about the proximity of the Tot Lot to the location, he proposed that the entrance to the holding facility would be buffered by putting the entrance on the Public Works side of the building. A holding facility, which the Police Department did not currently have, was necessary in order to be an accredited agency, and the Chief also observed that processing prisoners in the police vehicles was not the safest way to do it.

Commissioner Stuart Blumberg remained concerned about the crime report and public safety on Treasure Island, which he felt needed to be analyzed more closely in order to find ways to curtail crime in that neighborhood. The Chief responded that the crime statistics could be misleading, and in examining them more closely he found, for example, that boat burglaries that had happened at the Grandview Palace marina and for which arrests had been made, were included in the overall statistic for vehicle burglaries. He promised that next month he would have a report prepared with better analysis. The Chief thought that the crime was mainly opportunistic, such as that which might be committed by juveniles looking for open vehicles, and suggested proceeding with the Crime Watch program which had been a topic of discussion.

Mayor Connie Leon-Kreps appreciated the quick response time maintained by the Police Department, and suggested that with positions being cut it was logical to assume that more overtime would be needed. The Mayor asked the Chief to explain, for the audience, the rules concerning the use of money from the Law Enforcement Trust Fund (LETF), as well as the source of that money.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Vice Mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps – Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

In response to a request from the Mayor that 11N under Item 13, Unfinished Business, be heard next to accommodate the landscapers who were present at the meeting, Commissioner Stuart Blumberg so moved, seconded by Vice Mayor Eddie Lim. The motion carried 4-0 with all in favor.

The Mayor then called for a five minute break.

C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA CONCERNING AMENDMENT 4 TO THE FLORIDA CONSTITUTION WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA’S TAX SYSTEMS BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

The City Clerk read the title of the item. Mayor Connie Leon-Kreps explained that the Florida League of Cities was encouraging all cities to oppose this amendment, due to the loss of revenue that would result. Finance Director Bert Wrains informed the Commission that he had discussed the amendment with other municipal finance directors, and no one had developed a methodology for how to apply it to their own city finances. But relying on the analysis provided by the Florida League of Cities, it was expected that the combined loss of revenue to Miami-Dade County area cities would be \$16.6 million the first year, and \$16 million per year for each of the first four years. Therefore, in order to remain revenue neutral, it was expected that millage rates would have to be raised.

Commissioner Stuart Blumberg was opposed to taking a position on one amendment without also taking a position on the other ten amendments on the ballot.

Vice Mayor Eddie Lim explained that while the core intent of the amendment was to stimulate the economy, it should be considered whether the benefits outweighed the costs. The Vice Mayor wished to support the position taken by the Florida League of Cities.

Chief Daniels explained that it was comprised of two separate funds, a state fund and a federal fund, resulting from the sale of forfeited assets. The majority of the money was from federal forfeitures, the outcome of the work of two undercover officers who were assigned to major multi-jurisdictional DEA cases. These two skilled undercover officers, who received no publicity but had been given accolades by other law enforcement agencies, had in 2011-2012 brought \$1 million in forfeiture revenues to the City and this money had been the source of funds to purchase the new police cars last year. While the Chief could not predict future forfeiture revenues and the cases took time to finalize, he was confident that current cases would produce more revenue to come, and such revenues would be the way an enhanced camera surveillance program could be funded. The Chief explained that while there was no specific regulation concerning balance requirements on the LETF, there was a general direction to spend and not hoard the money.

The Mayor agreed that a holding cell and the upgrading of the Galleon Street building were both needed, and opened the meeting to public comment.

Kevin Vericker, of Hispanola Avenue, warned that next year the federal government would be in need of money, and therefore the LETF was vulnerable and should not be relied upon, giving the example of the red light camera program funds which had been diverted by the State for their own use. He observed that, overall, there was a lack of analysis of the following factors in allocating spending: the sustainability and future cost; the effectiveness and how to measure it; and full awareness and comparison of what options are being omitted, such as community programs, when other options are chosen instead. He questioned whether the costs of overtime had been balanced against the savings of cutting two officer positions.

Mario Garcia of, 7540 Cutlass Avenue, agreed that there needed to be more analysis of overtime costs and alternatives.

The Mayor asked Chief Daniels to explain the regulations for use of LETF funds for personnel costs, and the Chief explained that they could not be personnel salaries, including part-time salaries, with the exception of temporary positions under some conditions.

Commissioner Richard Chervony voiced his opposition to directing people on how to vote on one amendment, unless a position were also taken on all of the other amendments. The Vice Mayor thought that it was not feasible to take up all eleven amendments, and Amendment 4 was the most important one for the City to consider.

The Mayor opened the meeting to the public. Resident Mario Garcia of Cutlass Avenue agreed that it was not appropriate to take a stand on just one amendment. There were no other speakers and the meeting was closed to the public.

Mayor Connie Leon-Kreps observed that the resolution only asked that the impacts of the amendment be carefully considered before voting.

Vice Mayor Eddie Lim moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony –No; Commissioner Stuart Blumberg-No; Mayor Connie Leon-Kreps –Yes; and Vice Mayor Eddie Lim –Yes. The motion failed 2-2.

D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE APPOINTMENT OF JENICE ROSADO AS DEPUTY CITY MANAGER AND AS HUMAN RESOURCE DIRECTOR PURSUANT TO SECTION 4.01 OF THE CITY CHARTER; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the item. The Mayor opened the meeting to the public; there were no speakers and the meeting was closed to the public.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Vice Mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps –Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

- A. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA CONCERNING MAINTENANCE OF PROPERTY, PREVENTION AND ABATEMENT OF PUBLIC NUISANCES, AND REGULATING DISTRESSED REAL PROPERTY; AMENDING CHAPTER 95 "HOUSING", OF THE NORTH BAY VILLAGE MUNICIPAL CODE OF ORDINANCES BY AMENDING SECTION 95.01, TO BE ENTITLED "DISTRESSED PROPERTIES", RELATING TO PROCEDURES FOR THE REGISTRATION AND MAINTENANCE OF REAL PROPERTY IN FINANCIAL DISTRESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS AND COMMISSIONER RICHARD CHERVONY)**

(The City Attorney had previously read the rules of conduct of quasi-judicial hearings and sworn in all those planning to speak when Item 12B was heard out of order.)

The City Clerk read the title of the item. Mayor Connie Leon-Kreps stated that this was a second reading, following the first reading at which discussion had taken place, and opened the meeting to public comment.

Kevin Vericker of Hispanola Avenue was strongly in favor, and urged the Commission to pass the Ordinance this night. There were no further speakers and the meeting was closed to the public.

Commissioner Richard Chervony moved to approve the Ordinance, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

Commissioner Chervony called a point of order to continue the discussion.

Commissioner Richard Chervony moved to direct staff to issue an RFP for a company to handle the foreclosure registry, seconded by Commissioner Stuart Blumberg.

Finance Director Bert Wrains agreed that a competitive bidding process was necessary, either an RFP or RFQ, whichever was determined to be the best course of action. The Vice Mayor questioned the bid criteria, and Commissioner Chervony observed that there were similar existing arrangements in other cities that split fees of \$150 on a 50/50 basis, and it should be explored competitively for the City to retain as much as possible of the \$250 fee written into the Ordinance, in order to recover its costs deriving from distressed properties. The Mayor agreed with the comments made by the Commissioner.

On the motion offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg, the votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

B. A REQUEST BY THE PROPERTY OWNER OF 1510 SOUTH TREASURE DRIVE, LOT 24, BLOCK 1, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA TO CONSTRUCT A DOCK AND BOATLIFT PURSUANT TO SECTION 150.11(F) OF THE NORTH BAY VILLAGE MUNICIPAL CODE OF ORDINANCES.

The City Attorney read the rules of conduct of quasi-judicial public hearings. The City Clerk read the title of the item and swore in all those planning to speak, and the City Attorney asked for disclosure from the Commission of any ex-parte communications. Commissioner Richard Chervony disclosed a brief email communication with the applicant; Vice Mayor Eddie Lim had nothing to disclose; Mayor Connie Leon-Kreps disclosed having spoken with the applicant and email communication; and Commissioner Richard Chervony had nothing to disclose.

City Planner Jim LaRue reported to the Commission that the submission by the applicant Mr. Morrison requesting permission to construct a dock and boatlift in the RS 2 zoning district, extending 25 feet into Biscayne Bay, was consistent with the applicable standards in Section 150.1 as well as Section 152, and had passed the preliminary review of the building official. Therefore, Mr. LaRue recommended approval, contingent upon passing a final review of the construction plans by the building official.

The Mayor opened the meeting to the public. An environmental consultant from Trident Engineering representing the applicant informed the Commission that letters of consent from both affected neighbors had been submitted, and approvals from all other applicable agencies obtained, along with a preliminary approval from DERM. There were no further speakers and the meeting was closed to the public.

City Planner Jim LaRue assured the Commission that conformity with all other agency requirements would be confirmed by the building official before a building permit was issued.

Commissioner Stuart Blumberg moved to approve the request, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The next item addressed was Item 11C dealing with Amendment 4, on page 4 of the Agenda, from "Ordinances for Second Reading and Resolutions."

13. **UNFINISHED BUSINESS**

ITEMS (DEFERRED FROM SEPTEMBER 11, 2012)

11C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, APPROVING THE POSITION CLASSIFICATION MANUAL, THE PERSONNEL POLICIES AND PROCEDURES MANUAL, THE PAY PLAN, AND RELATED POLICIES AND PROCEDURES (THE "UNIFORM PERSONNEL POLICIES"); PROVIDING FOR REPLACEMENT IN ITS ENTIRETY OF ANY EXISTING PREVIOUSLY ADOPTED PERSONNEL POLICIES; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the item. Assistant City Manager/ H.R. Director Jenice Rosado explained that overall, this was a streamlining of the organization as well as a necessary updating to remain current with the law, and that going forward such updating could be needed on an annual or bi-annual basis. Additionally the positions manual had been tweaked since the last time it had been discussed to add the position of grants contractor.

The Mayor opened the meeting to public comment. There were no speakers and the meeting was closed to the public.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Commissioner Richard Chervony.

Mayor Connie Leon-Kreps asked that an amendment be made regarding some positions listed where the City Manager was allowed to override the minimum requirements, by adding the following language: "The City Manager has sole discretion to mitigate experience outweighing on educational requirements". Also, existing employees were to be grandfathered in. The Mayor concluded that those to be hired should meet at least the minimum requirements.

Commissioner Stuart Blumberg and Commissioner Richard Chervony both accepted the amendment to the motion.

Commissioner Stuart Blumberg moved to approve the amended Resolution, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps –Yes; Vice Mayor Eddie Lim –Yes; Commissioner Richard Chervony –Yes; and Commissioner Stuart Blumberg –Yes. The motion carried 4-0.

11I. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH ET & T DISTRIBUTORS, INC. FOR PURCHASE OF TWO PICNIC SHELTERS FOR DR. PAUL VOGEL PARK AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the item. Assistant City Manager/H.R. Director, on behalf of Public Works Director Sam Zamacona who was absent, informed the Commission that the price quoted for the two additional picnic shelters by the vendor, who had also provided the one existing picnic shelter, was \$21,549; and it was to be 50% funded by the grant from Safe Neighborhood Parks. The item had been reviewed and approved by the Community Enhancement Board at their July meeting. In response to questions from Commissioner Chervony, the Commission was assured by the City Manager that the price quote was still in effect, and any later changes would first be brought back to the Commission. The 50% matching funds were to come from the Recreation & Parks Trust Fund.

The Mayor asked, as a separate matter, that providing swings for the children be explored, as some parents had requested.

Commissioner Richard Chervony moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Stuart Blumberg –Yes; Mayor Connie Leon-Kreps –Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- 11K. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND TYLER TECHNOLOGIES, INC. FOR THE INCODE (FINANCIAL SOFTWARE); WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 36.25 OF CITY CODE FOR THIS AGREEMENT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Clerk read the title of the item. Finance Director Bert Wrains explained that this proposal, which predated his tenure and had been long in developing, aimed to replace outdated software used by the City for which the City still paid a rental fee, but which did not provide the ability to efficiently perform the necessary City functions. The proposal was to rent the services of a company to provide software, daily back-ups, and supporting computer equipment hosted in the Federal Reserve Bank building in Dallas, Texas. The City, needing only to maintain an internet connection, would be enabled to run its IT function with minimal staff and cost. The base annual cost for the service was \$33,000, including \$16,000 to rent the software and \$17,000 to host the system. An additional \$60,000 was budgeted, amortized over four years, to convert data and train staff; and since the system was expected to be serviceable for more than four years, the cost would then revert to \$33,000. Wilton Manors, which had been using an earlier version of the system, reported favorably that it met their needs. This agreement piggybacked on a bid by the City of Clewiston, which was allowed under the City's purchasing procedures.

The Finance Director recommended the adoption of the proposal, which had been budgeted for 2013, citing the ability it afforded for departments to communicate information with each other, the automated processes available, and paperless systems for accounts payable as some of the advantages.

Commissioner Chervony commented that the \$49,000/\$50,000 annual expense should be viewed as a commitment for the next four years of budgets. Vice Mayor Lim commented on the improved and integrated functionality and its help to staff, and recommended moving ahead. The Mayor asked whether it would expedite building permits, and the Finance Director responded that it gave the department the benefit of an efficient database, where the department was currently forced to contend with Excel spreadsheets.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps –Yes; Vice Mayor Eddie Lim –Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The Mayor expressed her gratitude to staff and the Citizens Budget & Oversight Board for their work on this proposal.

11M. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH C&L GRAPHICS FOR THE PURCHASE AND INSTALLATION OF THREE SIGNS AT DR. PAUL VOGEL COMMUNITY PARK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE PURCHASE ORDER/QUOTE; AUTHORIZING THE EXPENDITURE OF \$13,025 FOR THE SIGNAGE; AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The proposed Resolution seeks approval for the purchase and installation of identification signs, signs advertising playground rules, park rules, and dedication signage at Dr. Paul Vogel Park at 7920 West Drive.

By a vote of the Commission earlier in this meeting, the item was pulled from the Agenda and deferred until the next meeting in November.

11N. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND AWARDING RFP NO. NBV 2012-01 FOR LANDSCAPE MAINTENANCE SERVICES TO SMF SERVICES, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the Item. City Manager Dennis Kelly introduced Finance Director Bert Wrains, who had been a member of the evaluation committee to report on the selection process. Mr. Wrains explained that three companies had submitted bids: General Mow, Orchid Man, and SFM Services. There had been no oral presentations and evaluations had been based on the extensive documentation that had been submitted in response to the bid requirements.

The tabulated evaluation scores, comprised of scores in four different categories (price being one category of evaluation) submitted individually by the six committee members were as follow:

General Mow - Total of 539, average score 89.8

Orchid Man - Total of 423, average score 70.5

SFM Services - Total of 550, average score of 92.3

The prices bid for a three year period were as follow:

General Mow - \$261,348

Orchid Man - \$243,028

SFM Services - \$267,413

Mr. Wrains gave the recommendation of SFM Services as the most responsive bidder, with the highest overall evaluation and a relatively minor difference in price from the lower bid price of the second ranked bidder.

Commissioner Chervony questioned the candidates present, in light of the City's current issue of sickly palm trees, as to whether they employed a landscape architect and if so, whether those services were part of the contract at no extra cost to the City.

Mr. Gonzalez of General Mow responded that they subcontracted the services of a landscape architect, and paid the cost themselves rather passing it on to the City.

Christian Infante of SFM Services responded that they employed an in-house landscape architect as well as three full time certified arborists whose services were included as part of the contract, and offered landscape design to their clients at no cost.

Mr. Gonzalez of General Mow spoke of the design services he had supplied to the City at no cost for at least the last three years, mentioning his participation in the walk-through of the Causeway Beautification project. Vice Mayor Lim asked him to elaborate on his years of service to the City, and Mr. Gonzalez cited the last eight years of cooperation with and support of the Public Works Department, the beautification committee, the Police Department, and Code Enforcement, through storms and special events. He commented upon not increasing the price of the maintenance contract during that time, but rather reducing it from the originally contracted price, while the City had increased its landscaping.

Christian Infante of SFM Services gave some background on his company, which had been started by his father Jorge Infante 40 years ago, and took pride in the long term client relationships they fostered, such as Coral Gables (13 years), Doral (6 years), and Miami Lakes (7years). He informed the Commission that his company owned their own tree farm in Homestead, which allowed them to pass on savings directly to their clients. He pointed out their experience with and available equipment for disaster recovery, and their work for FDOT, Pinecrest, and Miami Lakes in that capacity.

He concluded that price was only one component of the grading and that 4 out of 6 members of the selection committee had given them the highest ranking.

Commissioner Blumberg asked why no oral presentations had been required, and whether any new information of significance had been now presented. Finance Director Wrains responded that the written response to the RFP had been extensive, the requirements thorough, the references checked, and new information had not been given by the contractors at this meeting. He added that General Mow should be considered a different company from Groundskeepers, having recently acquired them, although the employees remained. Mr. Gonzalez of General Mow noted that two members of the selection committee, the Public Works Director and the Code Enforcement Officer, who had worked directly with him on a daily basis, had given him the highest rating.

The Mayor opened the meeting to public comment. There were no speakers and the Mayor closed the meeting to the public.

The Vice Mayor thought that Mr. Gonzalez had made a good point, and that he had worked well with the City in the past, responding to problems when needed; and that General Mow was, by a small amount, the lowest bidder.

Commissioner Chervony noticed that upon reviewing the scores of the most expert committee member who was a landscape architect, that member's evaluation of these two candidates had them essentially tied. Based on price and the fact that he was familiar with General Mow/ prior contractor Groundskeepers and the service that they had given, even including their faults, he was inclined to lean in their direction. The City Attorney advised that this was not a selection of the lowest bidder, but an evaluation over four selection criteria which included price. Commissioner Chervony concurred, and felt they met the other three criteria as well.

15A(22)

Mayor Connie Leon-Kreps asked for clarification as to whether the existing landscape maintenance contractor had not charged the City for the extra work they had performed, and Finance Director Bert Wrains replied that while the basic maintenance contract was approximately \$7,000 monthly, with extra work being charged the monthly cost was averaging \$10,000 to \$11,000. In response to questioning from Commissioner Blumberg, Mr. Gonzalez of General Mow explained that when the original base contract with Groundskeepers had been cut from \$15,000 to \$7,000 a month, these extra services for which the City was now being charged had not been part of the original contract.

Mayor Connie Leon-Kreps observed that her single biggest complaint with the existing contractor was lack of weed control; and while they might come in response to complaints they were not proactive in this and other maintenance matters. The Mayor approved of the availability of a certified arborist at SFM Services, should situations such as the City's current problem with trees emerge. Finally, the Mayor sought clarification on the pricing and availability of emergency equipment, seeing no breakdown from General Mow beyond a quote of \$28 an hour per person in emergency situations, and questioning whether \$28 per hour was inclusive of any and all required equipment. Finance Director Wrains referred the Commission to Form 1 for Emergency Services in the bid packet, where the information was reported, and compared the lack of detailed information supplied by General Mow with the list of available equipment and prices supplied by SFM Services. Mr. Gonzalez responded that he had given all the information required, and noted that equipment had never in the past been an issue in his service to the City. Mr. Gonzalez added that after Hurricane Katrina he had been a primary vendor to Miami Lakes, removing debris in record time.

The City Attorney advised that the proposer is General Mow, not Groundskeepers, and General Mow had not been the contractor to Miami Lakes; therefore, the discussion should only speak to the qualifications submitted by General Mow. Mr. Gonzalez responded that, moving forward, there would be the same employees involved. City Manager Dennis Kelly added, as a point of order, that only what had been submitted in writing in the bid package could be considered without reopening the bid proposal.

Jose Infante, President of SFM Services, addressed the Commission, saying that while he applauded attachment to long term vendors, weed control was a fairly simple problem which his company regularly handled by treating pre-emergent weeds with a seed killer.

Christian Infante of SFM Services spoke to correct the information given about services to Miami Lakes after Hurricane Katrina, stating that SFM Services was the landscape contractor to Miami Lakes in 2005, as well as its current contractor, and did 75% of the disaster recovery work.

Mayor Connie Leon-Kreps asked for a motion, and none was offered. Therefore, the City Manager suggested referring it back to the selection committee, and bringing in the vendors for oral presentations to address the issues that had been raised. Commissioner Blumberg concurred in calling for oral presentations from the vendors, and directed the attention of the staff and the Commission to page 188 of the bid response packet, where General Mow had specified the prices of a range of emergency equipment even if they had omitted the information from one of the forms. The City Attorney advised that, this being the will of the Commission, from this point on the "cone of silence" was again in effect and no communication with any of the vendors was permitted until another Manager's memo was distributed.

Mayor Connie Leon-Kreps moved that Item 12B be the next item to be heard, seconded by Commissioner Richard Chervony. The motion carried with all in favor, 4-0.

14. NEW BUSINESS

A. DISCUSSION REGARDING DOT 6-LOCAL FUNDING AGREEMENT (LFA)

Commissioner Stuart Blumberg recommended that this discussion be deferred until after a full commission was elected, in view of the multi-million dollar commitment involved.

Commissioner Stuart Blumberg moved to defer Item 14A until after the election of a full commission, seconded by Mayor Connie Leon-Kreps. The Motion carried with all in favor, 4-0.

15. APPROVAL OF MINUTES

- A. SPECIAL CITY COMMISSION MEETING – 7/31/2012**
- B. BUDGET PUBLIC HEARING – 7/31/2012**
- C. REGULAR CITY COMMISSION MEETING – 6/12/2012**
- D. REGULAR CITY COMMISSION MEETING – 5/10/2012**
- E. SPECIAL CITY COMMISSION MEETING – 3/22/2012**

1.) Commission Action

Commissioner Stuart Blumberg moved to approve the minutes, seconded by Mayor Connie Leon-Kreps. The motion carried with all in favor, 4-0.

16. ADJOURNMENT

At 10: 54 P.M. Mayor Connie Leon-Kreps moved to adjourn the meeting, seconded by Vice Mayor Eddie Lim. The motion carried with all in favor, 4-0.

The meeting adjourned at 10:54 p.m.

*Prepared : Yvonne P. Hamilton, CMC
Katharine Price, Clerical Assistant*

Adopted by the City of North Bay Village on

this _____ day of _____.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

OFFICIAL MINUTES

**CITY OF NORTH BAY VILLAGE
TENTATIVE BUDGET PUBLIC HEARING
TUESDAY, SEPTEMBER 13, 2012**

**City Commission Chambers
1700 Kennedy Causeway, #132
North Bay Village, FL 33141**

6:30 P.M

The City of North Bay Village Tentative Budget Public Hearing was held on Tuesday, September 30, 2012, at the City Commission Chambers (1700 Kennedy Causeway, #132, North Bay Village, FL 33141).

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

Mayor Connie Leon-Kreps called the meeting to order at 6:50 P.M. Present at Roll Call were Commissioner Richard Chervony, Vice Mayor Eddie Lim, Mayor Connie Leon-Kreps and Commissioner Stuart Blumberg. As a quorum was determined to be present, the meeting commenced.

The Mayor recognized Commissioner Stuart Blumberg who read a statement regarding his experience serving on the Commission following his appointment, and the personal reasons for his decision not to run for re-election.

2. PUBLIC HEARING ON THE TENTATIVE MILLAGE AND TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR 2011-2012.

The City Attorney advised that Robert's Rules would be waived for the first public hearing on both the tentative millage and tentative budget, with both of the two items on the floor. The City Clerk read the titles of both resolutions, and the Mayor opened the meeting to the public.

City Manager Dennis Kelly summarized the updates to the tentative budget since the last Budget Workshop, including:

- \$90,000 for the International Baccalaureate Program, funded from the General Fund and without a sustainable funding source yet established

- \$50,000 for the zoning code update
- \$25,000 for the 4th of July celebration and fireworks
- \$12,500 for holiday streetlights
- \$12,000 for occasion banners/flags, changed on a quarterly basis
- \$83,940 for the premium increase for Workers Compensation
- \$24,000 for the H.R. support program from ADP
- Elimination of the contracted Financial Advisor and Investment Advisor, which were felt to be needed only upon bond issuance
- \$71/\$35,000 for the position of assistant to the City Manager and the City Commission
- \$55,000 for an HR/Special Events position
- \$61,000 for the Accounting Clerk I position
- \$20,000 increase for the City Planner, based on the contract of the former City Planner, Alex David
- An increase for the raise of the H.R. Manager to the level of Director
- \$35,000 for the contract supplying four school crossing guards, which had been omitted from the summary provided
- \$25,000 for the water rate study
- An offset of \$24,000 for a reallocation of a salary from storm water to street maintenance

15B(2)

Mayor Connie Leon-Kreps, with the concurrence of Commissioner Stuart Blumberg, asked that approximately \$35,000 be found for a grant writer to search for funding for a wide range of programs, including those dealing with children. The City Manager agreed to bring it to the second public hearing.

Vice Mayor Lim was assured by the City Manager that the \$4,500 for speed humps listed in the July handout was still included, to be found within the street fund.

Commissioner Stuart Blumberg queried on the status of two items listed in the July handout: \$703,561 designated as uncommitted reserves in the General Fund and \$357,468 in the Parks and Recreation Trust Fund. Finance Director Bert Wrains explained that part of the uncommitted reserves, amounting to plus or minus \$250,000, had been used to fund budget items, but the Parks and Recreation Trust Fund had not been touched.

For the record, Finance Director Wrains stated that last year's millage had been 4.7772 mills, and due to a slight increase of 1.83% in taxable value, the TRIM notice calculation called for a rollback rate of 4.6915 mills in order to be revenue neutral. The City had chosen to stay at 4.7772 mills, the rate upon which the tentative budget was based and rate that was advertised. The City could stay at that rate or lower it, but could not raise it without starting the whole process over again. Debt service millage last year had been 1.2355, and would stay at that rate in 2013 in order to bring the debt service to an even position by the end of that year.

Referring to the tentative budget summary of revenues and expenses, Mr. Wrains explained that revenues budgeted were lower than last year, primarily because last year substantial revenues from fines and forfeitures had been budgeted and never materialized (an example, he added, of how revenues that were an unknown quantity can never be budgeted for expenses.) With regard to those items that had been added to the budget, the bulk of them were found in the catch-all expense area of General Government, and not attributed to a particular department. Therefore, General Government expenses showed an increase from \$772,000 last year to \$961,000. Expenses increased in the City Manager Department and Finance Department largely due to personnel changes.

The Police Department kept the same budget as last year, and Legal remained budgeted at \$300,000 despite having gone over budget. \$37,250 of the money budgeted for Legal was allocated to the Utility Department, reflecting their fair share of expenses, such as those resulting from the matter with M. Vila & Associates, Inc.

City Manager Dennis Kelly informed the Commission that the recommendation of staff was to eliminate the Assistant Police Chief position budgeted at \$135,000 and instead budget an additional two part-time patrol officers for \$86,880, with the difference going back into the reserve. Chief Daniels explained that adding two more part-time patrol officers, bringing the total to four, gave him the flexibility to fill gaps that occurred and possibly address PAAL. The Mayor asked and learned that the two full-time police officer positions that had been paid by forfeiture funds were no longer funded and had been eliminated.

As a means of addressing the long-standing issue of the dominant portion of the City's budget used by the Police Department, Chief Daniels presented to the Commission a comparison he had drawn up of the percentages of total city budgets allocated to police departments in nearby cities, if their budgets were to be hypothetically reduced by eliminating functions, such as Parks and Recreation Departments, that were not similarly provided in the City of North Bay Village. Then, in Surfside for example, the percentage of their budget allocated to their police department quickly jumped from 43% to 60%.

Commissioner Blumberg criticized the relevance of the comparisons, and asked if Chief Daniels had been able to find ways to reduce the department costs without also reducing service levels, as he had previously requested of him. The Chief responded that they were reducing the cost by eliminating two full-time positions that had been paid by forfeiture funds, and adding two part-time officer positions. Commissioner Blumberg observed that this did not actually reduce costs to the City. Commissioner Chervony asked whether the addition of school crossing guards, at a cost of \$35,000, would not free police officers for other duties, and the Chief responded that daytime traffic complaints might be better addressed.

The Mayor opened the meeting to public comment.

Max Crown, of 1620 S. Treasure Drive, remarked that upon reviewing the budget comparison prepared by Chief Daniels, if the City had more revenue in its budget, as did the cities with which it was being compared, it too would have a smaller percentage of its budget allocated to the Police Department. He criticized the Police Department as being too top-heavy with officers of rank, and felt that its budget should show a reduction this year since the City was newly relieved of the burden of paying former Police Chief Pandolfi's severance pay.

Reinaldo Trujillo, of 7601 E. Treasure Drive, suggested that rather than spend \$25,000 for fifteen minutes of fireworks, the money could be spent on a Grant Writer who would bring additional money to the City.

Mario Garcia, of 7540 Cutlass Avenue, expressed concern that budget items were being funded unsustainably from reserves, and thought that efforts should be made to reduce the Police Department budget.

Kevin Vericker, of Hispanola Avenue, stated that a discussion of budget percentages in isolation from the effectiveness of service outcomes was meaningless; and he offered praise for the improvement created by the installation of speed humps on the streets.

George Gonzalez, of 7900 Harbor Island Drive and president of the 360 Condominium Association thought that budget priorities should stress public safety and community unifying events. His condominium proposed to sponsor a 5K race, and he asked for the City's assistance. The Mayor requested the City Manager to discuss it with Mr. Gonzalez.

Resident Mario Garcia agreed that events that brought residents out were needed, and thought they should be funded by savings achieved elsewhere. Resident Reinaldo Trujillo commented that in the past, races in the City had been paid for by sponsors and made possible by volunteers who worked the event.

There were no further speakers and the Commission took up the discussion of the budget. H.R. Manager Jenice Rosado, in response to questioning from the Mayor, explained that longevity payments were one-time annual payments to employees of five years or longer, commonplace in other municipalities as well as collective bargaining agreements; and that employees did not contribute to the payment of premiums for either short-term or long-term disability.

The Mayor asked that provision be made for cushioned chairs for the audience in the Commission Chambers, and shirts with City logos for elected officials. She recommended funding a survey of residents to ascertain what City services were desired by them, in light of the demographic shifts that had taken place in the City.

Commissioner Stuart Blumberg asked about the provision for signage in the amount of \$30,000-\$90,000 that had been in the July handout but was now not evident. The City Manager responded that if signage were to be put in the budget, it would be paid for by CITT money and not the General Fund. The Commissioner also suggested that Movie Nights should be moved out of the Police Department budget and into Recreation and Human Services were it was more appropriate. Finally, he inquired about the treatment of the Parks and Recreation Trust Fund, which was not in the budget, and whether it could be applied to PAAL. Finance Director Bert Wrains explained that this was not part of the budget, being a trust fund; but rather was brought out to be spent in response to action from the Commission. As an impact fee established by ordinance that was charged to developers, a condition upon its use was that it be applied to capital expenses and not programs such as PAAL, although the park seawall and signage would be appropriate uses.

H.R. Manager Rosado explained for the Mayor that the increase in Workers Compensation premiums was due to an increase in claims, largely for sprains and strains emanating from the Police Department, and there were efforts being made to find ways to reduce injuries.

Commissioner Richard Chervony read an email from a resident that had a wide variety of negative things to say about the IB program and which suggested that the decision to support it should be left to a referendum; the Commissioner urged careful consideration before committing to a program that would cost the City a half million dollars over a 3-5 year period. The Commissioner also questioned the additional budget items for holiday and event related expenses, pointing to similar expenses that were already budgeted; and he suggested that corporate sponsors, which the new Business Development Advisory Committee could be tasked to secure, be sought to offset the expenses for these types of events. He favored the expense for banners, and strongly supported the addition of a Grant Writer to actively seek funds for the City as one of the most important positions.

Finally, Commissioner Chervony said that while he liked the work the Police Department has been doing, in an effort to begin making cuts it had been his intention to reduce the Police Department budget by \$175,000, including both the Assistant Chief position and one part-time position.

Vice Mayor Eddie Lim was ambivalent about long term support of the IB program but in favor of a one year trial. He spoke of his continuing support for electronic multi-purpose signage such as that used in Aventura and Hollywood, although it was acknowledged to be expensive; agreed that a Grant Writer had priority over fireworks if a choice had to be made; and supported the installation of speed humps, which he understood was included in the budget. He asked for an update on ad valorem tax revenues, and Finance Director Wrains responded that in the month of August, \$15,000 in levies from July had come in; and that \$3,185,000 in total ad valorem revenues were projected through the end of the fiscal year, or 103% to 104% of the collections that had been budgeted.

Commissioner Stuart Blumberg addressed the question that had been raised by

Commissioner Richard Chervony questioned whether the first year cost of the IB program should be budgeted at \$130,000 rather than \$90,000; the City Manager thought some start up costs might have already been paid. In response to his questions about the Police Department budget, Commissioner Richard Chervony clarified that he was not in favor of re-adding the budget money saved by eliminating the Assistant Police Chief position for the purpose of hiring two additional part-time officers.

Commissioner Chervony went on to say that he also had unanswered questions about certain additional benefits paid to three of the police officers. H.R. Manager Jenice Rosado explained that the last police union contract provided a \$400 monthly stipend to its members who had health insurance provided from another source, such as spousal employment, in place of City provided insurance. The Mayor questioned whether this practice, which she found to be unusual, should be continued under the next contract.

Responding to the discussion about fireworks, Mayor Connie Leon-Kreps was in favor of preserving it as an option on the City "wish list", and a celebration that should take precedence over one like Halloween. The Mayor was in favor of a trial of the IB program as an investment in the children, and in view of its apparent success on Miami Beach, where it had attracted families.

Max Crown, a resident of South Treasure Drive, spoke regarding the funding of the IB program, saying that a clear explanation of how the money was to be spent had not been given, and suggesting that Miami Beach was seeking to recover money that was already invested in the Treasure Island I.B. program.

Commissioner Stuart Blumberg criticized the one-sidedness of the presentation of the information regarding the IB program, calling for more exploration into its possible negative aspects, and wondering what the downside would be in not supporting the IB program at a school which he considered to be a good one without it.

Reinaldo, Trujillo of 7601 E. Treasure Drive, conveyed that his nephew, a principal of a Chicago area high school, had advised him that the IB program in the early years of school was very experimental and also very expensive, costing well over \$90,000; and he warned that if the program were begun it would be disruptive and harmful to the children to abandon it.

Kevin Vericker, of Hispanola Avenue, responded to some of the questions raised about the IB program, suggesting that the downside of not having it at a school like Treasure Island that was already A rated, would be minor; although there could be some disadvantages to children who were feeding into an upper school IB program system and competing with students from elementary schools which already had the IB program in place. He saw the biggest advantage to the IB program as being the international teaching standard to which it was held, and its recognition by the internationally mobile professional class which was a significant component of the area's residents. He agreed that questions remained that needed to be readdressed, and suggested a second IB public information session.

Mario Garcia, of Cutlass Avenue, thought that there was a need to orient the education of children to the global economy, and that while the City retained the option to withdraw from supporting the IB program at a future date, if it did not act now to support it, it would lose the opportunity to benefit from the investment already made by Miami Beach in the costs of starting up the program at Treasure Island Elementary.

George Gonzalez, of Harbor Island, agreed both that more due diligence was required, and that children, who were the City's most important asset, would benefit from being educated in a way that tied into the global economy.

Commissioner Blumberg suggested that as part of its due diligence, the City should extend its search for information beyond Miami Beach and the County. The Mayor agreed that more research, more specific information about the funding investment, and perhaps school visits were needed; but she was also concerned that the City not lose an opportunity simply because of unwillingness to spend money. The City Manager suggested that, in light of the brevity of the time horizon, an option to consider was budgeting the money with the understanding that it could remain unspent and go back into the General Fund reserve. Commissioner Richard Chervony stated that while he would probably support the IB program, it was important to consider it as a five year commitment, with a reevaluation after perhaps three years.

Vice Mayor Eddie Lim suggested adding an assistant to the Building Department, and increasing its file storage and scanning capacity. The Vice Mayor also questioned whether the City received value for the lobbyists it contracted annually at \$40,000 for the State level and \$30,000 for the Federal level.

Mayor Connie Leon-Kreps noted that she had previously requested that staff check into how Bay Harbor ran its Building Department, upon receiving complaints from vendors about the City's system. The Mayor thought that some problems could be solved by more efficiency and less reliance on paper, as opposed to hiring a part-time assistant.

Commissioner Stuart Blumberg advised that lobbying was his area of expertise, and thought that while a Federal lobbyist might not be a priority, the City's payment to the State lobbyist was both a bargain and a necessity to provide a watchdog upon legislation that could have great impacts upon the City. City Manager Dennis Kelly agreed with the Commissioner, and added that while lobbyists were also instrumental in securing funds disbursements, at the Federal level it could be done through the elected congressperson. The Mayor stated an unwillingness to see the City unattended at either the State or Federal levels.

Commissioner Richard Chervony suggested that the new software package would help the Building Department, and the new Assistant to the City Manager would free Denese Fecht to provide more assistance than she does now to the Building Department. With regard to the lobbyists, the Commissioner had reached out to both of them and found them helpful, informative, and always available.

Vice Mayor Lim acknowledged the importance of the service the lobbyists provided, but thought that they should be more proactive in providing him with updates and appearing at meetings, and that the City should do its due diligence in ascertaining that the fees it paid were proportionate to those paid to the same lobbyists by other cities. Also, he suggested that the City should avail itself more of the advocacy program provided by the Florida League of Cities known as F.A.S.T.

There was discussion about the hours of operation of the Building Department, the times when it was most likely to be needed by commercial contractors, and the ability of other City personnel to fill in when needed to keep the window open.

There was no further discussion by the Commission, and City Manager Dennis Kelly recapped that the proposed millage rate for fiscal year 2012-2013 running from October 1, 2012 to September 30, 2013 was 4.7772 mills. The rollback rate was 4.6915 mills, and therefore the proposed rate was an increase of .0857 or 1.83%. The proposed debt millage rate for fiscal year 2012-2013 was 1.2355 mills.

The Mayor closed the public hearing.

3. RESOLUTIONS

- A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE PROPOSED LEVYING OF AD VALOREM TAXES FOR THE CITY OF NORTH BAY VILLAGE FOR FISCAL YEAR 2012-2013; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Attorney advised the Commission that since there were two proposed millage rates, the Finance Director had requested two separate votes approving them as part of one resolution, to be followed by one vote on the next resolution for the budget.

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to approve the proposed operating millage rate. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the voter-approved proposed debt service millage rate. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR COMMENCING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the tentative budget. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim -Yes; Commissioner Richard Chervony -Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

4. ADJOURNMENT

The meeting adjourned at 9:34 p.m.

*Prepared and submitted by: Yvonne P. Hamilton, CMC
City Clerk
Katherine Price, Clerical Assistant*

*Adopted by the City of North Bay Village on
this _____ day of _____.*

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Laws.)

OFFICIAL MINUTES

REGULAR CITY COMMISSION MEETING

**CITY OF NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

TUESDAY, SEPTEMBER 11, 2012

7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

Mayor Connie Leon-Kreps called the meeting to order at 7:33 P.M , read the rules of conduct, and the pledge of allegiance was recited. Present at Roll Call were Commissioner Richard Chervony, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Stuart Blumberg. As a quorum was determined to be present, the meeting commenced.

A. MOMENT OF SILENCE FOR THOSE WHO LOST THEIR LIVES ON 9/11/2001

The Mayor called for a moment of silence for all those who lost their lives on 9/11/2001, as well as for twenty year police officer veteran Bruce Anderson of the Jupiter Police Department, who lost his life in the line of duty.

2. PROCLAMATIONS AND AWARDS

There were no proclamations or awards.

B. SPECIAL PRESENTATIONS

There were no special presentations.

B. ADDITIONS AND DELETIONS

In the interests of keeping the meeting duration of a reasonable length and thus allowing for adjournment before midnight, the City Manager suggested deferring Items 11A, 11C, 11F, 11G, 11 I, 11K, and 14A until the October meeting. Commissioner Chervony objected, asking to hear Item 11A, which he was sponsoring.

Vice Mayor Eddie Lim offered a motion to defer all the remaining Items as suggested, apart from 11A, seconded by Mayor Connie Leon-Kreps.

Commissioner Stuart Blumberg objected to deferring Items 11F and 11G, the appointment of the City Planner and Finance Director, and also Item 14A, the RFQ for Legal Services on the grounds that the Item was too important to delay longer than it had already been . Vice Mayor Eddie Lim offered the opinion that the City was better served by deferring the selection of a City Attorney until after a full elected Commission was sitting on the dais, but agreed on the other Items. Commissioner Blumberg objected to denying all of the currently sitting Commission the opportunity to deal with the legal services RFQ, mentioning that he was the only one among them engaged in an election contest, and suggested that if this contractual item were to be deferred until after the election, then all other contractual items, such as landscape maintenance, should likewise be deferred for the same reason. The Mayor agreed with the Vice Mayor that there should be a full complement of five Commission members to make the selection of the City Attorney, which was not comparable to landscape maintenance in importance to the City; and suggested that after 19 months with an interim City Attorney, a further short postponement was no hardship. Commissioner Chervony asked for a clarification of the motion, noting that waiting for new Commission members to be elected could mean postponement until December.

Vice Mayor Eddie Lim offered an amended motion to defer Items 11 C, 11 I, and 11 K to the October meeting, and Item 14A until a full Commission was sworn in after the election, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-No; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes. The motion carried 3-1.

The Mayor offered a new motion that Item 12A-1 be heard after the Consent Agenda, seconded by Commissioner Chervony.

15C(2)

Vice Mayor Lim asked that the motion be amended to hear the Item before the Consent Agenda.

Mayor Connie Leon-Kreps offered an amended motion that Item 12A-1 be heard before the Consent Agenda, seconded by Commissioner Richard Chervony. The motion carried with all in favor , 4-0.

A. ANIMAL CONTROL ADVISORY BOARD

There was no report from this board.

B. ARTS, CULTURAL & SPECIAL EVENTS BOARD

Board member Scott Grenald reported that there would be a meeting the following day at 5:15 P.M. to plan the City Halloween event.

C. CITIZENS BUDGET AND OVERSIGHT BOARD

There was no report from this Board

D. COMMUNITY ENHANCEMENT BOARD

Chair Penelope Friedland reported on the meeting held on September 6th, at which it had been learned that George Puig had been contracted to serve on an as-needed basis as the interim City landscape architect/consultant. In discussing the enhancement of the City's holiday lighting, as requested by the Business Development Advisory Committee, the Board had recommended that Mr. Puig be asked to draw up an optimized lighting plan to better utilize the \$15,000 in funds already budgeted for the purpose, and that a reliable source of electrical power be assured by the Public Works Department. The Board also discussed how to attract high quality commercial tenants to the City, recommending that a demographic study of the City and the accessible nearby areas be commissioned to use as a powerful marketing tool. Issues which the Board identified as needing corrective attention included garbage containers remaining in public view, drainage and attendant mosquito problems in certain areas, and food safety problems at an area supermarket.

The Board recommended that a temporary entrance sign for the east end of the Causeway which had been brought for its approval be accepted, provided that the installation cost were the only cost involved; and had also recommended that Mr. Puig be utilized to advise the City on the style of four new bus benches which had been offered to the City by Miami-Dade Transit to replace existing non-ADA compliant benches.

E. PLANNING & ZONING BOARD

There was no report from this Board.

F. YOUTH SERVICES BOARD

Board Chair Kevin Vericker reported that at the last meeting on August 20th, the Board had discussed the I.B. Program, the development of a youth services master plan, and the possibility of obtaining the empty field behind T.I. Elementary School for City recreational purposes, all of which were supported by the Board. Mr. Vericker announced that the next meeting would be held on September 17th, at which it was expected that the question of a possible conversion of T.I. Elementary School to a K-12 school would be discussed.

G. ADVISORY CHARTER REVIEW BOARD

There was no report from this Board

H. BUSINESS DEVELOPMENT ADVISORY COMMITTEE

Vice Chair Mario Garcia reported that the Committee had held two very productive meetings. They had addressed better holiday lighting for the City, and pledged to work with the Community Enhancement Board with whom they had concerns in common. Business signage had emerged a major concern; and some businesses, particularly those in Grandview Palace and on Harbor Island were completely hidden and unable to make their presence in the City known. He informed the Commission that Chair Barry Smith had proposed and was developing the idea of a series of concert nights. Vice Mayor Lim, who had been present at the meeting, added that Deco Bikes, water taxis, and electronic signage had also been discussed.

4. **PUBLIC SAFETY DISCUSSION**

Chief Daniels discussed the new format for crime statistics reports and the preparation that had taken place for Tropical Storm Isaac. Commissioner Blumberg asked for an explanation for the fact that the preponderance of crimes reported were on Treasure Island. Chief Daniels responded that the largest stretch of the Causeway was that section which ran through Treasure Island, and a lot of the Treasure Island crimes reported were Causeway related incidents.

5. **COMMISSIONERS' REPORTS**

Commissioner Stuart Blumberg commended the Police Department for their response on the night that Mrs. Pushkin passed away, and again on the night that Mr. Behar of Cutlass Avenue passed away.

Commissioner Richard Chervony praised the Code Enforcement Department for its activities, and suggested that after a property had been brought into compliance but fines remained unpaid for a period of 30-45 days, then liens should be brought against the property. He praised all those who had acted to prepare the City for the event of Tropical Storm Isaac. The flowering pentas planted at entrances to Treasure Island appeared to be dying from lack of watering, and he questioned why the City's watering truck was not being used to prevent such occurrences. The Commissioner also noted that the bus shelters were poorly lit at night; that the Miami Spice banners which Commissioner Blumberg had worked to install were an attractive addition; and that he was still trying to ascertain the ownership of the cement constructed in the water near Channel 7 in order to possibly take it over for Art in Public Places. The advisory boards, he commented, had done a commendable job while receiving no direction, but he felt that the Commission needed to draft a plan of action for each board and also meet with and advise the board members of budget limitations. He mentioned learning of the appointment of an interim landscape consultant and the possibility that it would become a permanent City position while attending the CEB meeting, and reminded management that while the board might recommend it, it still remained a decision for the Commission to make. He suggested that the City plan the Halloween party together with the special event board, and recommended that a dinner be held to thank all board members for their service. Finally, he congratulated the Mayor on her reelection, looking forward to serving under her for two more years.

Vice Mayor Eddie Lim reported on three proposals by the Business Development Advisory Committee: the possibility of bringing the water taxi to the City; the idea of Deco Bikes, used in other Miami Beach communities, being brought to the City; and the use of electronic message boards, such as used in Aventura and Hollywood, which the Vice Mayor had previously recommended. He reported on having attended the meeting of the Florida League of Cities, at which Governor Scott had been present, and urged the Commission to partake of the great resources the League had to offer.

Vice Mayor Lim suspended his report in order that Good & Welfare should be heard at 8:30 P.M., and resumed it afterward.

The Vice Mayor announced that on October 5th a "Best Practices" seminar would be held, including a trade show in which the City would be participating. Also, on October 12th, "Ethical Governance Day" was being observed, with volunteers, among them Vice Mayor Lim, addressing the subject at public schools. He informed the Commission that plans for a Farmers Market with 20 vendors on November 10th in the Crab House parking lot were proceeding on schedule; that 7921 East Drive had been designated as the City's first historic building site by the Miami Historic Preservation Board; that the City of Sunny Isles Beach had organized a field trip to Benihana, which was a type of activity that the City might also do; and finally, that as a member of the Noise Abatement Advisory Board he had recently been monitoring noise levels from aircraft

Mayor Connie Leon-Kreps reported on attending the first session of "Good Government Initiative," which had stressed integrity, honesty, courage, respect and prudence. She announced that graduate students of Dr. Li, a professor of Urban and Regional Planning at FAU, were undertaking a comprehensive commercial corridor study at no cost to the City of North Bay Village and the final presentation of the project was scheduled for December 3rd at FAU in Boca Raton. With regard to efforts toward getting the County to help the City control its feral cats, she asked the City Manager to keep the Commission informed.

The Mayor addressed the topic of deadlines for documents being presented for Commission meeting agenda packages, noting that this agenda was very long and had not been received until Thursday night. The City Attorney clarified that pursuant to the procedures adopted by resolution last year all items must be completed and given to the City Manager, who closed the agenda, at least 10 business days before the City Commission meeting.

At the time that they landed on the City Manager's desk, the documents, notably those relating to contracts, resolutions, and ordinances, should have completed the rounds of the affected departments and been reviewed where appropriate by Legal, Planning, and Finance and Public Works. The City Attorney suggested that as a rule of thumb the documents should be submitted for review to the departments from 7 to 10 days before. The Commission's deadline to receive the agenda was 5 business days before the meeting. The Mayor remarked that she had witnessed the City Clerk working to prepare agenda packages until very late at night, and asked what deadline existed for the City Clerk to receive documents. City Clerk Yvonne Hamilton responded that while deadlines had been provided for the Commission and the City Manager, legally no deadline was provided for the City Clerk; the City Attorney suggested revisiting and tweaking the agenda procedures. Mayor Connie Leon-Kreps reported on the Police Academy program which had ended, and commended staff on its readiness for the storm. She inquired into the implementation of procedures for purchase orders; the limited hours of operation for the Building & Zoning Department and a comparison with building permit procedures in Bay Harbor; a timeline for placing the check registry online; and asked the City Clerk to read out the votes after each motion.

The Mayor suggested that a resolution be introduced at the next meeting, if no such resolution had already been introduced, to insure and confirm that any contractor or subcontractor doing business in the City be covered by adequate insurance and bonds, so that a situation such as that involving M. Vila might never be repeated. She reminded staff of her request for a resolution to require commercial garbage containers to be enclosed.

6. CITY ATTORNEY'S REPORT

The City Attorney reported a notice of an unfair labor practice filing against the City by the Fraternal Order of Police, and made a request for a future executive session to address it. An executive session would also be requested, unless the matter were dealt with later in the meeting, for the case of Central Concrete Supermix vs. Suretech Insurance Co. and the City of North Bay Village. This was one of the smaller M. Vila subcontractors. Finally, the City Attorney updated the Commission on the foreclosure on the property at 1755 Kennedy Causeway, against which the City had a large code enforcement lien, informing them that \$140,000 had been placed in escrow toward paying the lien.

7. **CITY MANAGER'S REPORT**

City Manager Dennis Kelly informed the Commission that all permits for the demolition of City Hall had been obtained and a notice to proceed with demolition had been sent out. A summary of trip-wire dates for the demolition process was distributed; the first of those dates had been satisfied by moving demolition equipment to the site on this day. There were plans to organize a demolition ceremony in the near future.

Dr. Karp of the School Board had been invited to the next Commission meeting to address questions regarding the concept of expanding Treasure Island Elementary to a K-12 school, pending the passage of the School Board bond referendum.

The City Manager introduced Interim Finance Director Bert Wrains to make the financial report for the month of July. Mr. Wrains explained that the General Funds revenues for July were ahead by \$79,000 and expenditures were over budget by \$143,000 for a net deficit of \$64,000 which would be discussed in greater detail at the upcoming budget meeting. The August financial statement was awaiting the receipt of bank statements in order to be completed. Mr. Wrains clarified for the Mayor that this was not an issue of bank reconciliations needing to be done, but rather the statements sent by the financial institutions. He announced that the auditors would start the new audit on September 24, 2012; that the tentative FY 2013 budget as well as the 2011 audited financial statement had been posted on the City website; that the budget public hearing would take place on September 13, 2012 at 6:30 P.M. in the Commission Chambers; and finally, that it was being arranged that Ken Small would conduct a training program, likely to take place in November, for elected officials, key staff and relevant advisory board members.

8. **GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.**

Jane Blake, of North Bay Island, suggested that ZipCars which were rented by the hour might be interested in having a location in the City; and announced that on September 19th at 6 P.M. the Optimists Club together with Treasure Island Elementary School and Florida Kidcare personnel, would be signing up parents with Kidcare to provide health insurance for the children attending school.

Al Coletta, of 7904 West Drive, spoke in opposition to the possibility of having a McDonald's located in the City, and suggested that Channel 7 might be willing to underwrite the cost of signage in the City in exchange for advertising. He urged the Commission to take actions that would beautify the City and highlight the advantages of its jewel-like setting in the bay to all who came.

Al Blake, resident, of North Bay Island and former Vice Chair of the Citizens Budget & Oversight Board, expressed objections to statements made by Commissioner Chervony regarding the Board's connection to the failure of the City's audit to be completed on time. Mr. Blake asserted that this was known by the Commissioner to be beyond the authority of the Board, and that the Board's minutes discussing the problems were available to the Commissioner.

Mario Garcia, of 7540 Cutlass Avenue, was also in opposition to McDonald's being located within the City and suggested that improving the City would cause desirable businesses and residents to seek the City out.

Fane Lozman, resident on a boat adjacent to 7914 West Drive, expressed his opinion that Al Blake should have been appointed to the vacant City Commissioner position, and informed the Commission that he had filed a complaint against Commissioner Chervony for violation of the Sunshine Law.

Reinaldo Trujillo, of 7601 E. Treasure Drive, spoke recognizing David Richardson, the City's new Representative, and also criticized the actions Commissioner Blumberg had taken since being appointed to serve on the Commission.

The next speaker was Rep. David Richardson, who promised to be attentive to those issues affecting the City of North Bay Village, including the Causeway, on which he expected to be briefed by the State the following week.

The final speaker was Joshua Neely, who reported on his trip to Washington, D.C., thanking the all in the City for the support they had given.

9. **CONSENT AGENDA:** Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING RENEWAL PRICING FOR THE CITY'S GROUP INSURANCE PROGRAM WITH NEIGHBORHOOD/UNITED HEALTH CARE FOR HEALTH AND VISION INSURANCE AND WITH BLUE CROSS BLUE SHIELD OF FLORIDA FOR DENTAL INSURANCE; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AUTHORIZING THE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF ANY AGREEMENTS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, APPROVING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE LEASE OF A DIGITAL COPIER MACHINE FOR THE BUILDING DEPARTMENT PURSUANT TO SECTION 36.25(J) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CITY MANAGER DECLARATION OF LOCAL STATE OF EMERGENCY FOR TROPICAL STORM ISAAC FROM AUGUST 25, 2012 THROUGH AUGUST 27, 2012; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

Commissioner Richard Chervony moved to approve the Consent Agenda, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

10. PLANNING & ZONING CONSENT AGENDA

There were no items in the Planning & Zoning Consent Agenda.

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. **AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA CONCERNING MAINTENANCE OF PROPERTY, PREVENTION AND ABATEMENT OF PUBLIC NUISANCES, AND REGULATING DISTRESSED REAL PROPERTY; AMENDING CHAPTER 95 "HOUSING", OF THE NORTH BAY VILLAGE MUNICIPAL CODE OF ORDINANCES BY AMENDING SECTION 95.01, TO BE ENTITLED "DISTRESSED PROPERTIES" RELATING TO PROCEDURES FOR THE REGISTRATION AND MAINTENANCE OF REAL PROPERTY IN FINANCIAL DISTRESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY AND MAYOR CONNIE LEON-KREPS)**

The City Clerk read the ordinance by title.

Mayor Connie Leo-Kreps stated for the record that she had requested as far back as June 18, 2012 that this item be put on the Agenda. Commissioner Chervony concurred, and welcomed her as a co-sponsor as well as any changes she might wish to make; the City Clerk amended the Agenda to add the Mayor as co-sponsor.

Commissioner Chervony opened the topic, observing that numerous cities in the area have foreclosure registries, suggesting \$250 as the registry fee that could be applied to City expenses related to these properties, and asking for views on the creation of a registry. Interim Finance Director Wrains reported that several companies provide and maintain a database of foreclosed properties; a basic contract imposes a \$150 registration fee on foreclosed properties, half of which is due to the company that maintains the database. In return, the company sets up and regularly updates the property registry to include court filings and the city's own code enforcement and legal actions. The first step, he explained, was to pass an ordinance that sets the fee amount, and notify property owners of their obligation to register and pay the fee. He suggested that any amount over the \$75 per registration normally paid to a managing company could be considered revenue to offset expenses resulting to the City from foreclosed properties.

The Mayor opened the meeting to the public. The first speaker was Kevin Vericker, of Hispanola Avenue, advised that it was important to consider the registry as a new revenue source and self-funding. He outlined the benefits of a registry as: providing funds for maintenance and security of foreclosed properties; and providing a data base that could be used to justify access to foreclosure crisis financial assistance programs, including reaching out to property owners with stabilization measures if the definition of the registry were to be expanded to include "distressed" (pre-foreclosure) as well as "foreclosed" properties. The downside risk was that public disclosure of foreclosed properties could negatively affect the perception of the area to prospective buyers; but in his view the lenders were already acutely aware of the true facts and once financing had been applied for and perhaps denied, a buyer would also become aware of the same facts. He urged passage of the ordinance this night.

Reinaldo Trujillo, of 7601 E. Treasure Drive, questioned the benefit of a foreclosure registry for condominiums, and thought that for condominium associations in distress the registry fees would be an expense they could ill afford. Resident Kevin Vericker responded that while it would depend on how the ordinance was written, in his view the party normally responsible for payment of the fee was the bank, not the property owner.

The Mayor closed the meeting to the public.

Vice Mayor Eddie Lim suggested that the term "public nuisance property" rather than "distressed property" was a more encompassing term giving the City greater latitude to act. Commissioner Chervony asked the City Attorney if the ordinance were passed as written on first reading, and then the term were to be changed, could the ordinance then be passed with the change in terminology at the second and final reading. The City Attorney responded that it could be, since the title was broadly worded, and as long as any changes to the body did not contradict the title.

Commissioner Richard Chervony moved to approve the ordinance concerning a property registry, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes.

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA REQUIRING THAT ALL NON-EMERGENCY, UNBUDGETED CAPITAL IMPROVEMENT PROJECTS BE POSTPONED UNTIL INCLUDED AND FUNDED IN A SUBSEQUENT ANNUAL BUDGET, UNLESS THE CITY COMMISSION DETERMINES THAT THE PROJECT IS REQUIRED TO ADDRESS AN EMERGENCY SITUATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

The City Clerk read the title of the Item.

The proposed Resolution will require all capital projects to be funded and budgeted, unless they are deemed emergencies by the Commission.

Commissioner Chervony explained that he had introduced this resolution in response to the recommendation made by Deede Weithorn as a result of the special audit commissioned by the Commission, to make the City proactive in planning out capital project spending rather than reactive.

The Mayor opened the meeting to the public. There were no speakers and the Mayor closed the meeting to the public.

Commissioner Blumberg questioned whether this would be retroactive to an already established budget that would take effect on October 1st. The City Manager thought that would depend on the specified effective date for implementation. City Manager Kelly continued that he has worked under similar ordinances in other cities, although perhaps with more latitude, in that additional capital spending could be accommodated through budget amendment by ordinance in a deliberative process; while in contrast this resolution limited unbudgeted capital spending to emergency needs.

Vice Mayor Lim was not sure it was needed, since administrative procedures already existed to control spending. The City Manager suggested that events like the change orders that had increased the cost of the Causeway enhancement project, which was a capital project, would not be able to occur in the middle of the year under this rule. The Mayor was concerned that the hands of City staff would be tied to address issues, such as landscaping, that while not emergencies, could nonetheless be considered important, and she expressed confidence in the competence of the current Finance Director.

Commissioner Chervony stressed that the resolution addressed capital spending and not operational expenses, and that the City needed to control its spending. Using the example of the utility undergrounding project, for which bonds had been approved, under this rule he said the City would be required to wait and plan for the expense in subsequent budget cycles if it were decided this year to go forward with it. Commissioner Blumberg suggested that since this was a resolution and not an ordinance, it could be passed so that an ordinance could then be drafted, discussed, and voted upon.

Interim Finance Director Bert Wrains advised the Commission that this rule forces the City and its staff to plan out capital spending. While the City has a 5 year capital spending plan as required by State statute, the State used to require the first two years to be funded but no longer does. In the past the City has addressed projects on a piecemeal basis, with project elements continually being brought back to the Commission for approval, and that, he thought, is what has created problems for the City. He cautioned that, at the same time, the Commission should seek to avoid tying its own hands unduly, for example if they decided mid-year to proceed with the utility undergrounding project.

The Mayor asked for a motion to be offered, and no member of the Commission so moved.

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, APPROVING THE POSITION CLASSIFICATION MANUAL, THE PERSONNEL POLICIES AND PROCEDURES MANUAL, THE PAY PLAN, AND RELATED POLICIES AND PROCEDURES (THE "UNIFORM PERSONNEL POLICIES"); PROVIDING FOR REPLACEMENT IN ITS ENTIRETY OF ANY EXISTING PREVIOUSLY ADOPTED PERSONNEL POLICIES; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

Item 11C was deferred to the October Commission Meeting.

- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL FUNDING AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE KENNEDY CAUSEWAY; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

City Manager Kelly explained that in order to proceed, FDOT needed a resolution to be brought to them rather than an administrative letter. After that, a local funding agreement would be returned to the Commission for its approval at the October meeting.

The Mayor opened the meeting to the public. There were no speakers and the Mayor closed the meeting to the public.

Commissioner Richard Chervony noted that the chain link fence on the causeway which the City wanted removed was nowhere mentioned in the proposal. The City Manager responded that a guard rail replacement was included in the scope of work to be designed by the contractor, although it would be unknown whether the City would be responsible for the cost until the local funding agreement was drawn up. Commissioner Chervony and the Mayor both stressed that a written guarantee that the fence was part of the project should be provided. Vice Mayor Eddie Lim asked for clarification on the meaning of "shared use path", as to whether this was specifically a bike path.

The City Manager responded that because the sidewalks were encroached by trees planted and driveway cuts that impeded biking, substantial redesign was called for. He went on to explain that Federal dollars that had been anticipated had not been approved by Congress, and a pending public works bill was not expected to be before Congress until January of next year. DOT 66, as the causeway rehabilitation project was called, would only pay for the re-milling of the asphalt on the Causeway, and everything else would be paid by the City. Ralph Rosado, the City's grant consultant, had left C3TS and would not be as involved; the project watchdog going forward would be Kimley Horn. The Mayor was concerned that there were no designs to review; the City Manager explained that designs and further details would be supplied once FDOT had the City's resolution.

The Mayor opened the meeting to the public. Reinaldo Trujillo of 7601 E. Treasure Drive cautioned that the City should be careful about what commitments it made to FDOT, and consider how it would be funded. There were no further speakers and the meeting was closed to the public.

Commissioner Chervony wondered what the FDOT's response would be if the cost came in at a hypothetical \$2.5 million, and all the City chose to do was replace the chain link fence. He also questioned the fact that the next phase of causeway improvements, Phase 2, was supposed to address the east entrance and asked what the FDOT involvement was with the east entrance. Commissioner Blumberg noted that these questions would not be answered by FDOT until after a resolution was approved, and called the question to a vote.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

- E. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A CHANGE ORDER TO THE DESIGN BUILD AGREEMENT BETWEEN THE CITY AND METRO EQUIPMENT SERVICE, INC., FOR PLACING THE 12" SEWER FORCE MAIN OUT OF SERVICE AND EXTENDING THE CONTRACT TIME; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE CHANGE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS W. KELLY)**

The City Clerk read the resolution by title. City Manager Dennis Kelly advised the Commission that this Item was a companion to Item J, and during the discussion they should keep both Items in mind as dealing with different aspects of the same project. He introduced the Public Works Director Sam Zamacona, who explained that with wastewater now being routed west to the City of Miami, the old abandoned pipe under the water that had routed wastewater to Miami Beach was to be cleaned and fitted with additional valves to enable it to be kept as an emergency backup in the case of a catastrophic failure of the new pipe. Gary Ratay, engineer from Kimley-Horn & Associates explained to the Commission, in response to their questions, that cleaning the pipe was necessary in order to extend its life against corrosion and preserve it as an asset;

that it would not need to be cleaned again unless it were used to pump wastewater; and that the wall integrity of the forty year old pipe was questionable, had unknown life expectancy, and could possibly rupture while being cleaned.

Interim Finance Director Wrains confirmed that the cost was budgeted. Vice Mayor Lim asked why the contract was being extended to December of 2013; City Engineer Gary Ratay explained that contract extension was a change order to an existing contract covering both placing the old force main out of service and connecting the City Hall pump station to the new force main. The latter project was still in the permitting stage, and State revolving loan dollars were involved; the extension was the time needed for connecting the pump station.

The Mayor opened the meeting to the public. Reinaldo Trujillo of 7601 E. Treasure Drive was assured by Gary Ratay the expected changes to the wastewater outfall in Miami Bach would not affect the City's plans.

Mario Garcia, of 7540 Cutlass Avenue, spoke in favor of preserving the pipe for backup.

There were no further speakers and the meeting was closed to the public.

Commissioner Richard Chervony moved to approve the Resolution regarding the change order to the Metro Equipment Service agreement, seconded by Vice mayor Eddie Lim. The votes were as follow: Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps- Yes; and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

The Commission next took up discussion of the related item, 11J.

F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPOINTING LARUE PLANNING AND MANAGEMENT SERVICES, INC., AS PLANNING CONSULTANT PURSUANT TO SECTIONS 3.01 AND 4.01 OF THE CITY CHARTER; SETTING AN EFFECTIVE DATE.

The proposed Resolution seeks confirmation of Jim LaRue as the permanent planner for the City of North Bay Village.

Commissioner Stuart Blumberg moved to approve the Resolution appointing LaRue Planning and Management Services as planning consultant, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

G. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE APPOINTMENT OF ELBERT E. WRAINS AS FINANCE DIRECTOR SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the resolution by title.

Commissioner Stuart Blumberg moved to approve the Resolution appointing Elbert E. Wrains as Finance Director, seconded by Vice mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The Mayor called for a short recess, and reconvened for the following item.

H. There was no Item H prepared in the Agenda package. Commissioner Richard Chervony moved to table Item 11H, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes; Commissioner Richard Chervony-Yes. The motion carried 3-0.

(Vice Mayor Lim had not yet returned from the recess.)

I. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH ET & T DISTRIBUTORS, INC. FOR PURCHASE OF TWO PICNIC SHELTERS FOR DR. PAUL VOGEL PARK AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

Item 11 I was deferred until the October commission meeting.

- J. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL CONSTRUCTION PHASE SERVICES FOR COMPLETION OF THE FORCEMAIN REHABILITATION DESIGN BUILD PROJECT; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROJECT AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Clerk read the resolution by title.

Public Works Director Sam Zamacona explained that Kimley Horn had designed the project, and would take over its supervision at a cost of \$12,900.

Commissioner Richard Chervony moved to approve the Resolution, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- K. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND TYLER TECHNOLOGIES, INC. FOR THE INCODE (FINANCIAL SOFTWARE); WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 36.25 OF CITY CODE FOR THIS AGREEMENT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

Item 11K was deferred until the October Commission meeting.

- L. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE A COMPLETION CONTRACT WITH VALLEYCREST LANDSCAPE DEVELOPMENT, INC. ("VALLEYCREST") FOR REDEVELOPMENT OF J. F. KENNEDY CAUSEWAY AND IMPROVEMENTS TO DR. PAUL VOGEL PARK ("PROJECT"); WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 36.25 OF THE CITY CODE TO UTILIZE THE SERVICES OF VALLEYCREST; AND AUTHORIZING EXPENDITURES TO VALLEYCREST AND SOUTHEAST UNDERGROUND UTILITIES CORP. ("SOUTHEAST") NOT TO EXCEED \$235,999.00 FOR PREVIOUSLY PERFORMED WORK ON THE PROJECT; AUTHORIZING EXPENDITURES NOT TO EXCEED \$174,001.00 FOR VALLEYCREST AND SOUTHEAST TO COMPLETE THE PROJECT; APPROVING PAYMENT TO OTHER UNPAID SUBCONTRACTORS AND SUPPLIERS OF M. VILA AND ASSOCIATIES, INC. ("VILA") NOT TO EXCEED \$114,332.00; AUTHORIZING KIMLEY-HORN & ASSOCIATES, INC. ("KIMLEY-HORN") TO PROCEED WITH WORK ORDER NO. 06-12 FOR A COST NOT TO EXCEED \$23,000.00; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE NECESSARY DOCUMENTS; AUTHORIZING THE APPROPRIATION AND BUDGETING OF APPROXIMATELY \$281,789.00 TOWARD THE COMPLETION OF THIS PROJECT AND AUTHORIZING THE CITY MANAGER TO EXPEND THE BALANCE OF THE BUDGETED FUNDS AND NEWLY APPROPRIATED FUNDS TO COMPLETE THE PROJECT; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The Clerk read the title of the Item.

Finance Director Bert Wrains summarized for the Commission that in the wake of the bankruptcy of M. Vila, two of the major subcontractors who had not been paid by M. Vila, Valleycrest and Southeast Electric, had formed a co-venture that proposed to finish the project, with Valleycrest holding the general contractor license, provided that they are paid immediately for work already done, with a 10% discount from the original invoice. Other costs included claims from other unpaid subcontractors amounting to \$114,000, the legal fees estimated at \$31,000, and a \$23,000 fee to Kimley Horn to oversee the contractors, and the cost of work to complete the project.

Staff was in favor of using Valleycrest to finish to the work, since they were already familiar with the project as a major subcontractor; and were the only subcontractor that held a general contractor's license, which was required finish the work insured and warranted. Mr. Wrains noted that it could be difficult to find a general contractor willing to take over the job.

Sources of funds included the \$305,000 retained from the M. Vila contract payment (most held for completion of the park), CITT money that can be appropriated from the fund in which it is held, remaining funds from bond money for Vogel Park, and any leftover balance to be drawn from the General Fund Reserves.

The Commission members all concurred that 10% was not nearly a large enough discount, and questioned the efforts being made in negotiating on the City's behalf. The City Attorney suggested that staff be directed to further negotiate with Valleycrest and return to the Commission in October, warning that while Valleycrest has not yet named the City as a party to their suit, they were "lawyered up" and had already filed against M. Vila, the surety company, and several other cities; and they would sue the City as well if not named as the completion contractor.

The Mayor complained about defects in the work that had been done on Vogel Park, and the continuous outlay of money over three years without a completed park to show for it. Commissioner Chervony suggested that there was still approximately \$40,000 left from Safe Neighborhood Parks money that could be used, and also questioned the legal expenses.

At midnight, the Mayor called for a vote to extend the meeting.

Commissioner Stuart Blumberg moved to extend the meeting, seconded by Commissioner Richard Chervony. The motion carried 4-0.

The Commission members discussed and questioned the figures presented, noting that documentation was not supplied for comparison costs of electrical contractors, the lack of backup information on the amount named to complete the project, a general lack of clarity in the wording of the resolution, and a need to see the results of counterproposals to the contractors and subcontractors before passing a resolution.

The City Attorney warned that in the absence of a performance bond as required by State statute, the City was in a uniquely vulnerable legal position. She named other contractors that had filed or were preparing to file suit, and informed the Commission that some smaller subcontractors had already refused to take payment cuts.

At 12:27 A.M. the Mayor called for a vote to extend the meeting.

Commissioner Stuart Blumberg moved to extend the meeting until 1:00A.M., seconded by Vice Mayor Eddie Lim. The motion carried 4-0.

The Mayor recognized Jack Higgins of Bennett Electric, a subcontractor who was owed \$16,000 by M. Vila. He expressed his distress upon hearing the comments that had been made regarding the work by and payment to the subcontractors, and informed the Commission that since there was no performance bond in place, he would not require a lawyer's services to obtain a court judgment in his favor. He also advised the Commission to ask questions regarding the status of Southeast Underground, who had recently been removed from a number of jobs.

Mayor Connie Leon-Kreps moved to defer Item 11L to September 13, 2012 immediately following the Budget Workshop, seconded by Vice Mayor Eddie Lim. The motion carried 4-0.

- M. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH C&L GRAPHICS FOR THE PURCHASE AND INSTALLATION OF THREE SIGNS AT DR. PAUL VOGEL COMMUNITY PARK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE PURCHASE ORDER/QUOTE; AUTHORIZING THE EXPENDITURE OF \$13,025 FOR THE SIGNAGE; AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

Item 11M was deferred to the October Commission Meeting.

Commissioner Stuart Blumberg moved to defer Item 11M to the next Commission meeting, seconded by Mayor Connie Leon Kreps. The motion carried 4-0.

- N. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND AWARDING RFP NO. NBV 2012-01 FOR LANDSCAPE MAINTENANCE SERVICES TO SMF SERVICES, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Clerk read the resolution by title.

Commissioner Blumberg noted that while there were three bids on the landscape services RFQ, only one had been included in the Agenda packet, and therefore there was no basis for comparison.

Commissioner Stuart Blumberg moved to defer Item 11N until the October 2012 Commission meeting, seconded by Mayor Connie Leon-Kreps. The motion carried 4-0.

12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

As previously voted upon, this Item was heard before the Consent Agenda. The City Clerk read the title of the Item.

A. AN APPLICATION BY ZF DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:

- 1. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A FRONT-YARD SETBACK AS LITTLE AS 11 FEET 10 INCHES IN SOME AREAS WHERE 25 FEET IS REQUIRED.**

The City Clerk read the request into the record.

The City Attorney read the provisions for conduct of quasi-judicial public hearings. All those planning to speak were sworn in by the City Clerk. No member of the Commission had any ex-parte communications since the last meeting to disclose.

Interim City Planner James LaRue presented the staff report finding that the special circumstances required for a variance in the setback requirement were not met, that the cul-de-sac was not a sufficient condition for granting the variance, and that the applicant was not denied reasonable use of the land by being required to design a project that provided a modest 25 foot setback on a parcel of 4.45 acres and over 550 feet in depth.

Representing the applicant, Neisen Kasdin of the firm of Akerman Senterfitt announced that the applicant had completed purchase of the Casa Marina property and was moving forward with development plans. He recalled that a series of variances had been approved, and while the front setback variance for the building pedestal had not been approved, at a recent Commission meeting it had been voted to reconsider it. Mr. Kasdin presented the applicant's view that the public road jutting into the front line of the property was an unreasonable restriction upon its use because no other property owner suffered it, and that with the exception of the area affected by the public road, the front setback of the building was almost 50 feet. Mr. Greg West of ZOM added that the variance only affected the first floor lobby level, where the curvilinear entrance feature was designed. He claimed that the constraints imposed by the satisfaction of the parking requirements within a maximum of 4 floors in height as well as the shoreline setback requirements affected their ability to simply move the pedestal back another 25 feet.

The Mayor opened the meeting to the public. Reinaldo Trujillo, of 7601 E. Treasure Drive, spoke in favor of granting the variance and preserving the front entrance design feature.

Scott Greenwald, an owner of property on West Drive and elsewhere, spoke in support of assisting the applicant in any way possible, describing the project as one that would benefit local retailers and property owners.

Al Coletta, of Harbor Island, spoke in favor of granting the variance to a project he described as beautiful, and a good use of land which had been a vacant eyesore.

Mario Garcia, of 7540 Cutlass Avenue, agreed with the previous speakers that the variance should be allowed.

There were no further speakers and the Mayor closed the meeting to the public.

Vice Mayor Eddie Lim moved to approve the setback variance request, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

13. **UNFINISHED BUSINESS**

There were no unfinished business items.

14. NEW BUSINESS

A. RFQ FOR LEGAL SERVICES

By a vote of the Commission earlier in the meeting, the Item was deferred until a full Commission was sworn in after the election.

B. APPOINTMENT – BUSINESS DEVELOPMENT ADVISORY COMMITTEE

Mayor Connie Leon-Kreps moved to appoint Roy Martayan and Henrik Risvang to the Business Development Advisory Committee, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Richard Chervony-Yes; Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes; Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

15. APPROVAL OF MINUTES

A. REGULAR CITY COMMISSION MEETING – 6/12/2012

No action was taken on Item 15.

16. ADJOURNMENT

Mayor Connie Leon-Kreps moved to adjourn the meeting at 12:43 A.M., seconded by Commissioner Stuart Blumberg. The motion carried 4-0.

*Prepared and submitted by: Yvonne P. Hamilton, CMC
City Clerk
Katherine Price, Clerical Assistant*

*Adopted by the City of North Bay Village on
this _____ day of _____.*

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Laws.)

OFFICIAL MINUTES

SPECIAL CITY COMMISSION MEETING

**CITY OF NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

JULY 25, 2012

7:00 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

The meeting was called to order by Mayor Connie Leon-Kreps at 7:07 P.M. and the Pledge of Allegiance was recited. Present at Roll Call were Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Stuart Blumberg, and Commissioner Richard Chervony. As a quorum was determined to be present, the meeting commenced.

2. ITEMS CONTINUED FROM JULY 10, 2012

13. UNFINISHED BUSINESS

APPROVAL OF MINUTES – CITY COMMISSION MEETINGS

- B. REGULAR MEETING – FEBRUARY 14, 2012
REGULAR MEETING – DECEMBER 13, 2011
SPECIAL MEETING – NOVEMBER 29, 2011
REGULAR MEETING – NOVEMBER 8, 2011
REGULAR MEETING – OCTOBER 11, 2011
BUDGET PUBLIC HEARING – SEPTEMBER 20, 2011**

Commissioner Stuart Blumberg moved to approve the Minutes as submitted, seconded by Vice Mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes; Commissioner Richard Chervony-Yes; and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

14. NEW BUSINESS

A. DISCUSSION AND APPOINTMENT OF NORTH BAY ISLAND COMMISSION VACANCY

Al Blake and Kenneth Stowe, residents of North Bay Island and candidates for the Commission vacancy, both addressed the Commission, describing their many years of residency in the City, prior civic service, and other qualifications. Penelope Friedland, also a candidate, was out of town and therefore not present at the meeting.

The Mayor opened the meeting to the public. Bob Lubell, owner of the property at 7400 Miami View Drive, spoke in support of Al Blake, describing him as an able and helpful individual. Next, resident Reinaldo Trujillo spoke supporting the candidacy of Al Blake, feeling that the City needed someone with his strong prior experience in the government of the City. There were no further speakers and the Mayor then closed the meeting to the public.

Commissioner Richard Chervony spoke of the candidates as all having the qualifications to serve as Commissioner, and reserved his decision until after hearing the other Commission members.

Vice Mayor Eddie Lim commended all of the candidates, and described the qualities he felt should be present in one serving as a Commissioner of North Bay Island, including among them a commitment to citywide well-being, reliability, and strong past experience with City matters.

Commissioner Stuart Blumberg also commended the candidates and asked if any of them intended to run for office in the upcoming election. Al Blake replied that he did not plan to run for election; Ken Stowe replied that he had no definite plans, but would rather wait and see whether that seemed to be the best course of action, and also took the opportunity to inform the Commission of his formal education in finance. The Mayor asked Commissioner Blumberg the reason for the question; the Commissioner responded that he had heard the same question directed by the Miami Beach City Commission to candidates for appointment to elected positions, in light of the advantages an incumbent held when running for election. In those cases, the successful candidates had been caretakers only and did not run for reelection.

The Mayor thanked all three candidates for their interest, and explained that she felt it was important that someone highly experienced be appointed to serve for the remaining three months of the term, a time period which also coincided with the final budget approval process. The Mayor concluded that personal issues should be put aside in weighing the decision of which candidate to select, with the overriding factor being the best interests of the City.

Vice Mayor Eddie Lim made a motion to appoint Al Blake to the vacant position of Commissioner for North Bay Island, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony -No; Vice Mayor Eddie Lim-Yes; Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-No. The motion failed 2-2.

Commissioner Stuart Blumberg made a motion to appoint Ken Stowe to the vacant position of Commissioner for North Bay Island, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps-No; Vice Mayor Eddie Lim-No; Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes. The motion failed 2-2.

After the above motion was made and seconded, and before the final vote, the Mayor stated that she was not aware of recent involvement in Board activities or City issues by Mr. Stowe, while in contrast she knew of Mr. Blake's recent involvement with the Citizens Budget & Oversight Board. Commissioner Blumberg asked for the vote to be taken, as there was a seconded motion on the floor. The City Attorney gave direction that their procedures allowed for discussion after the seconded motion was made, with each Commission member having the opportunity to be heard once. Vice Mayor Eddie Lim offered the opinion that it was unfortunate that candidate Penelope Friedland had no representative to speak on her behalf. There was no further discussion and the vote was taken.

After the above motion failed, the Mayor asked the City Attorney what was next required. The City Attorney advised that another motion nominating a candidate could be offered, and that the City Charter did not limit them to nominating only those candidates who had applied for the vacant position already; their nominee, if interested, must only meet the legal requirements of residency and of being a registered voter. Commissioner Chervony questioned how the Commission could break their own rule of requiring a letter of intent from interested candidates by a certain deadline.

The City Attorney explained that the rule had been established by the City Clerk, not by the City Commission, which had not taken any action to give direction on procedures for filling the vacancy at their last meeting. As it was not in the Code, it was not technically legally required, although they might deem it a fairness issue as a matter of policy. The City Attorney concluded that if no one were appointed to fill the vacancy, then she would advise them of the legal options resulting, or she could advise them now if they preferred.

The Mayor opened the meeting to the public. Mario Garcia, a resident of Cutlass Avenue, thought that appointing someone who intended to run for office and continue work on the Commission was an idea to consider, although he was unfamiliar with either nominated candidate. The next speaker was Elaine Beutel of Hispanola Avenue who felt the Commission should leave the seat vacant until the next election. Mario Garcia spoke again to advise that a fifth person was necessary on the Commission to avoid deadlocks, and to give North Bay Island proper representation. There were no further speakers and the Mayor closed the meeting to the public.

Vice Mayor Lim again brought up the candidacy of Penelope Friedland, and suggested tabling the motion until the next meeting in August. The City Attorney advised that their power to appoint someone to the vacancy ended the next day, and subsequently they could fill the position by a special election if they chose. The Mayor urged her fellow Commissioners to reconsider and appoint someone with previous experience on the Commission and who was knowledgeable about the City Budget. Commissioner Chervony stated that he had long held concerns about the budget, fiscal responsibility, the audit, and violations of the City Charter; and that these issues had been before the Citizens Budget & Oversight Board and nothing had been done about them. He cited examples of Mr. Stowe's civic involvement, concluding that Mr. Stowe was as qualified as Commissioner Blumberg noted that he had only been sitting on the Commission for five months, yet felt totally prepared to look at the budget, and stood by his nomination, in order to introduce new leadership on the Commission.

The City Attorney advised that with no further nominations, the option of a special election remained open. However, following the requirements to be met when holding a special election, including public notice, coordination with the Supervisor of Election, and time for a run-off election, left virtually no time to service in office before the expiration the term and the November 6th general election. Should the seat remain vacant, it would be filled at the upcoming general election.

The mayor opened the meeting to the public. Elaine Beutel of Hispanola Avenue recommended waiting for the election. Resident Reinaldo Trujillo suggested that the Commission recognize that they were deadlocked and move forward on the agenda. Resident Mario Garcia reminded the Commission that they had agreed it was important to fill the seat, and as a special election was out of the question, they should reconsider and have another vote. Resident Max Crown of S. Treasure Drive clarified that if no action were taken, then the seat would be filled at the general election, and he then suggested that the Commission take no action and proceed with the meeting. There were no more speakers and the meeting was closed to the public.

The City Attorney advised that the seat stays vacant by lack of action, and the City Commission offered no other motions on the Item, and took no further action.

**B. TREASURE ISLAND BULB OUTS/TREE RELOCATION/
MIAMI-DADE COUNTY SCHOOL BOARD
(COMMISSIONER STUART BLUMBERG)**

Commissioner Blumberg described the terms being offered by the School Board for the relocation of the trees planted in bulb-outs on Treasure Island, at a cost of \$30,000 for relocating and storing them. He concurred with the recommendation of the Community Enhancement Board not to incur the expense of relocating the trees and replanting the bulb-outs, but to instead keep the trees in their bulb-outs and properly maintain and water them. He asked that the School Board be informed, but without closing the door on it as an option for the future.

The Mayor opened the meeting to public comment. Max Crown of S. Treasure Drive reported that while the trees had begun to sprout and had been looking better, recently maintenance crews had cut off their branches and they again looked bad. There were no more speakers and the meeting was closed to the public.

Vice Mayor Lim questioned Commissioner Blumberg's judgment in having presented this idea, and was glad he had withdrawn it. Commissioner Blumberg asked that the Vice Mayor adhere to the Mayor's opening remarks calling for respect to be shown during the meeting.

Commissioner Stuart Blumberg offered a motion to table the Item for future action, seconded by Commissioner Richard Chervony.

The Mayor inquired as to whether the trees had been acquired by a grant and might be subject to restrictions regarding their relocation and asked for the question to be investigated. The City Manager informed the Mayor that CITT funds were used for the trees. Commissioner Blumberg felt there was no need for staff to investigate, that it was not a donation but tax revenue and that the City held title to the trees with the ability to act freely provided proper County permits for tree removal were obtained.

The City Manager clarified that there had been a request for a letter to be sent to the School Board informing them of the City's decision, and he asked that the request be put forth in the form of a seconded motion.

Public Works Director Zamacona explained that CITT was a County appointed agency that regulates, approves, and rejects expenditures related to transit and transportation, and that the bulb-outs and their landscaping had been approved and funded as a traffic-calming measure. The Public Works Director offered to confirm with that agency that the City was free to dispose of the trees as they wished, as a separate matter from the tree removal permits which the County issues. Commissioner Stuart Blumberg offered a new motion incorporating the investigation into the City's ability to relocate the trees into a motion to defer the Item, seconded by the Mayor. The City Manager clarified that the fact of the investigation did not need to be included in the letter to the School Board. Vice Mayor Lim expressed his opposition to the idea of deferring the Item, as compared with permanently voting it down, since he felt the trees were an asset for their beauty and as wildlife habitat.

Commissioner Stuart Blumberg offered a motion to defer the Item and also investigate the issue of whether the City were free to relocate the trees, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Vice Mayor Eddie Lim-No; Commissioner Richard Chervony-Yes; Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes. The motion carried 3-1.

C. REDESIGN OF CITY'S WEBSITE (COMMISSIONER STUART BLUMBERG)

Commissioner Blumberg addressed the topic of the City's website, saying that while the Item called for no action currently by the Commission, he continued to ask that it be updated for better information and appearance.

D. REMOVAL OF BULLETIN BOARDS FROM ENTRANCES TO ISLANDS (COMMISSIONER STUART BLUMBERG)

Commissioner Stuart Blumberg expressed his embarrassment about the unsightly appearance of the bulletin boards at the City entrances, recommending that a better alternative be implemented if it was agreed that accessing the City website for information was too inconvenient for residents.

Vice Mayor Lim made comments about the necessity for the City to do a better job of marketing and promotion; including getting the word out and involving more residents as participants in City events, and implementing an updated and better maintained website. The Mayor agreed with the Vice Mayor's comments and hoped that the budget would have money allocated for the purpose of improving the website. She agreed that the bulletin board signs needed improvement, but remained a necessity, based on feedback she received from residents. The Mayor suggested that clear instruction be given to the City Manager on how to deal with the signs.

The Mayor opened the meeting to public comment. Max Crown agreed that the signs were ugly but also necessary, and suggested that the Community Enhancement Board be tasked with improving them. Mario Garcia suggested that both the signs and the website be improved. Jane Blake, a resident of North Bay Island, suggested that other communities be studied for examples of how to post community notices, and urged that the City post its notices in a more timely fashion. There were no further speakers and the meeting was closed to the public.

The Mayor asked that direction be given to the City Manager. Vice Mayor Lim suggested that on an interim basis a sign be placed on the median at the east entrance to the City, similar to the LED sign at the west entrance. Commissioner Blumberg agreed with Jane Blake, suggesting that the matter did not need to go before the Community Enhancement Board, but instead that photos of community signs used in neighboring cities be gathered and brought to the City Commission, to be included in next year's budget.

Commissioner Chervony thought that the duties of advisory boards needed to be better defined, so that the Commission could be advised in decisions of this type and not be involved in the placement of every sign, etc. The Mayor pointed out that not only was there a lack of a sign on the east entrance to the City, but also that people entering Treasure Island on the East Treasure Drive had no sign on that entrance, and had reported missing City notices.

Commissioner Chervony offered a motion to add one additional temporary flashing community sign in a position to be seen by residents entering the City on the Causeway from the east end, and as near as possible to East Treasure Drive to be seen as well by residents using that entrance to Treasure Island. The motion was seconded by Vice Mayor Eddie Lim. The votes were as follow: Commissioner Stuart Blumberg-No; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes. The motion carried 3-1.

E. CONTRACTS (COMMISSIONER RICHARD CHERVONY)

Commissioner Chervony referred to his email of June 17th requesting a spreadsheet detailing the City's current contracts, which the City Manager informed him was still being prepared. Commissioner Chervony considered this to be fiscally irresponsible; the Mayor suggested that the City Manager and the Interim Finance Director were currently engaged in preparing the budget.

F. SEVENTY-NINTH (79TH) STREET CAUSEWAY BEAUTIFICATION PROJECT (COMMISSIONER RICHARD CHERVONY)

Commissioner Chervony referred to his email of June 14th, dealing with Items F and G, asking for the following on the next agenda: one, status of performance bonds for the Causeway Enhancement Project Phase I and what they will cover; two, details of outstanding bills; three, amount of money left to complete project after all bills are paid; four, detailed list of items pending to complete project; five, whom can be contracted to finish project, and must project be bid out; six, who will accept the liability and insure replacements for anything that was guaranteed by prior contract. The City Attorney responded from the legal perspective, deferring to the City Manager the question of steps being implemented to move matters forward. The City Attorney summarized that M.Vila has defaulted on its contract for the Causeway project, and therefore on Vogel Park which was part of the same contract. City staff has been working with legal to obtain accountings for all known subcontractors.

The City was not in a position to know of all subcontractors, and has been working to gather information on all subcontractors who have filed a claim. Under prior administration, the City had allowed a project of this magnitude to go forward without proper payment and performance bonds to cover nonpayment to subs and/or to cover completion of the job by the completion contractor. The only bond that has surfaced is a \$60,000 bond, when there should have been a \$2 million bond. The Commission had directed staff to take the retainage of approximately \$305,000 and attempt to finish the project, returning to the Commission if more were needed. In responding to subcontractors' claims, M.Vila's records of its dealings with its subcontractors were not available, and the facts therein needed to be established. The prime sub, Valleycrest, was suing M.Vila and the surety company, but not the City; and the City was negotiating with Valleycrest to become the completion contractor. One of the subcontractors had just filed suit against the City, and another small contractor had just notified of its intent to sue. The City Attorney concluded that from a legal standpoint, they were attempting to obtain a completion contractor to serve as general contractor and take over the permit; and from a management standpoint, it appeared that the funds to complete would be in excess of the retainage.

The City Manager explained that of the Causeway project, two major items remained, covering electrical work and signalization, and while the retainage would be sufficient to complete those, it would not extend to paying off the subcontractors' claims. Public Works Director Zamacona described in detail the scope of work remaining on the Causeway project, the majority of it electrical in nature with some additional punch list items, as well as the attempt to determine a final figure to complete it. By the coming Friday, Valleycrest was expected to provide a lump sum figure for completion, and proposals from among three electrical contractors would thereafter be compared. As for the park, relatively few punch list items remained to be completed, including a drainage issue on the playground caused by an improper slope, which was the fault of M.Vila. The Public Works Director explained that because of the legal issues outstanding, all communications with subcontractors were being routed through the attorneys; and before negotiations could begin, it was necessary to obtain all relevant receipts and documents through the subcontractors. The City Manager added that park signage recommendations from the Community Enhancement Board would be on the Commission's August agenda.

The Mayor asked if it might be possible to use any remaining money for the park, which the City Manager estimated to be \$25,000, for installing swings as had been requested by residents.

G. DR. PAUL VOGEL COMMUNITY PARK (COMMISSIONER RICHARD CHERVONY)

Commissioner Chervony applied the same questions he had asked on the previous Item to Dr. Paul Vogel Park. He expressed the opinion that his questions had been addressed as best as could be at this time in an open forum.

15. APPROVAL OF MINUTES – CITY COMMISSION MEETING

**A. REGULAR MEETING – MARCH 13, 2012
REGULAR MEETING – APRIL 10, 2012**

Commissioner Stuart Blumberg moved that the minutes be approved, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The Mayor called for a recess and then called the meeting back to order at 8:58 P.M.

The following Items were quasi-judicial in nature and the City Attorney read the provisions for conduct of quasi-judicial public hearings. The City Clerk swore in all witnesses planning to speak on the following items. No member of the Commission had any disclosures to make. The City Clerk then read the title of the next Item:

3. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

A. AN APPLICATION BY SOTREZA, LLC CONCERNING PROPERTY LOCATED AT 7800 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE), LOTS 1&2 & E1/2 LOT 3, BLOCK 1, COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:

1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE OPERATION OF A PRE-SCHOOL/DAY CARE CENTER. (FINAL PUBLIC HEARING)

Interim City Planner James LaRue summarized the conditions for recommendation of site plan approval:

15D(10)

Parking requirements of 32 spaces, including 6 spaces which are designated as compact and are to be approved separately.

The location of the dumpster, to be approved by the City Public Works Director, by the entrance to the property from Pirates Alley, the throat of which has been narrowed to counter concerns that it might be simultaneously used as both an entrance and an exit.

Screening to be on top of the dumpster to protect it from scavenging birds as requested by the Planning & Zoning Board.

A six-foot wall or fence, to buffer the north side and to assure there were no mishaps from traffic on the Alley.

Payment of all impact fees.

Representing the applicant, Merrill Romanek from Manuel Synalovsky Associates stated that they had reviewed and concurred with all the requirements for approval.

Vice Mayor Eddie Lim asked for a description of the screening required for the dumpster, and Mr. LaRue responded that he thought some kind of removable mesh would be used.

The Mayor opened the meeting to the public. There were no speakers and the meeting was closed to the public.

Commissioner Richard Chervony offered a motion to approve the site plan, with the conditions listed by Interim City Planner James LaRue, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes. The motion carried 4-0.

The City Clerk read the next Item. Mayor Connie Leon-Kreps reported that she had no new disclosures to make since the last meeting, although previous to that she had met with the developer and Mr. Kasdin.

B. AN APPLICATION BY ZF DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:

1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE CONSTRUCTION OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT ON A 4.47+ ACRE SITE. (FINAL PUBLIC HEARING)

Interim City Planner James LaRue reviewed the conditions for site plan approval, and the variances approved at the last meeting, including: roof overhang not to exceed the setbacks; the two landscape variances; subject to a 12-inch waterline extension from the BLU property subject to school concurrency requirements; subject to shoreline approval requirements; payment of all impact fees pursuant to the City Code, specifically: no new development application shall be accepted and no building permit shall be issued for the property until all impact fees have been paid in full; provision of 3 loading spaces and 624 parking spaces; no additional fees or payments were allowed to be charged for residents or guests for use of any of the 624 parking spaces; the applicant shall have a requirement in the lease agreement that residents and guests park within the building and not on the street; the front setback will meet the 25 feet setback requirement, measured perpendicular from the property line; applicable agency and Commission approval for the docks, especially if over 25 feet.

Representing the applicant, Neisen Kasdin presented changes in the project since the last reading, such as the removal of the curved front feature, as the variance for its pedestal had not been granted, although the overhang variance had been granted up to but not beyond the property line. Mr. Kasdin agreed to all the requirements for approval, with the following exceptions:

In condition number 5, he asked to strike the language to which Mr. LaRue had referred, "no new development application shall be accepted", citing the customary practice in every other jurisdiction of requiring impact fees to be paid upon acquiring a building permit rather than upon presenting a development application. They agreed with cost recovery charges, as provided for by City ordinance, so the cost to the City of reviewing the plans was covered.

Mr. Kasdin confirmed the front setback of 25 feet, but reminded the Commission of the overhang variance which extended to the property line.

Additionally, it was requested that the approved Lennar site plan, which was still in effect for the property, be allowed to remain in effect until such time as they applied for a building permit.

Finally, he showed renderings of the building that allowed comparison between the presence and absence of the curved front entrance feature which the developer had felt was important to the design of the project. Mr. Reinaldo Trujillo, as Chair of the Planning & Zoning Board, spoke in favor of the curved entrance feature, which the Planning & Zoning Board had supported as a visual asset to the cul-de-sac, taking place in unique circumstances that did not interfere with adjacent properties. Mr. Kasdin asked that the Commission reconsider and offer a motion to approve the pedestal setback variance for the entrance feature. The City Attorney stipulated that the issue of a variance had not been advertised, and while a motion to reconsider could be entertained, it needed to be brought by the prevailing side, and any further action to be taken would first need to be advertised. Mr. Kasdin asked that the site plan be approved as presented during this hearing, and afterwards a motion to reconsider the variance be taken up.

Commissioner Blumberg asked Mr. LaRue for the staff recommendation, and Mr. LaRue responded that the staff position had been that with a an empty parcel of this size, a setback variance should not be a requirement in order to accomplish plans.

The Mayor asked where employees would park during construction, and Mr. Greg West responded that they would park on the building site, and that property in the area would be rented to use for staging. The City Attorney informed the Mayor that those arrangements could be incorporated as a written condition. Mr. Kasdin agreed to submit a plan to be reviewed by the City.

Interim City Planner James LaRue added to the record a requirement which had been omitted, to secure from the developer an easement for public access for the boardwalk around the property; and in condition 9, the addition that a prohibition be placed in the lease against parking on the street. He further advised the Commission that Mr. Kasdin's request that the Lennar site plan approval remain in effect should be a separate item for the Commission's approval, and not part of this site plan approval request, provided that the City Attorney concurred. The City Attorney offered the opinion that approving this site plan did not automatically invalidate the existing site plan. Mr. Kasdin withdrew his request, provided that were indeed the case. Mr. LaRue agreed to strike the phrase "no new development application" in condition 5.

The Mayor opened the meeting to the public. Robert Breiner, President of Chateau Isle, spoke to the request preserving all the existing parking spaces in front of his building during construction. Mr. Kasdin offered to meet with the building residents. There were no further speakers and the meeting was closed to the public.

Interim City Planner added as a last condition of approval that a parking plan for use during the building's construction be obtained and approved. Commissioner Blumberg suggested that parking off-site could have undesirable impacts elsewhere. The Meeting was opened to the public, and Mr. Robert Breiner suggested that resident Al Coletta had an available lot for this use. The meeting was then closed to the public.

Commissioner Chervony asked the City Attorney for confirmation that two approved site plans could co-exist for the same property without one being invalidated. The City Attorney could find no clear-cut answer although it seemed illogical to her to have two existing site plans. She asked Mr. LaRue for his opinion, also suggesting that the City Commission could allow it as a condition if they chose. Mr. LaRue stated that he would not normally make it a condition, but they could state it on the record; and as far as he knew an existing site plan was valid until it expired. The City Attorney confirmed that there was nothing in the Code that made an existing site plan invalid before it expired.

Commissioner Stuart Blumberg moved that the site plan be approved as presented, and in accordance the conditions 1 through 11 presented in writing, and noting the alterations mentioned to conditions 5 and 9, as well as the addition of condition 12 for a public access easement for the boardwalk and condition 13 for an approved construction parking plan. The motion was seconded by Vice Mayor Eddie Lim. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes. The motion carried 4-0.

Commissioner Blumberg asked the applicant for a proposed time frame for beginning the project, and Mr. Greg West responded that he expected to begin in the first quarter of 2013, with construction to be completed within 20 to 22 months.

Mr. Kasdin renewed the request to reconsider the front pedestal setback variance. Mr. LaRue's recommendation was not to reconsider the variance, which staff was against. The City Attorney advised that if a motion to reconsider passed, any discussion or action on the variance would take place at the next properly noticed meeting. Commissioner Chervony noted that he would also like to see the developer undertake building the boardwalk. Commissioner Blumberg objected to raising that issue in this context.

Commissioner Richard Chervony offered a motion to reconsider the setback variance for the front pedestal, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

C. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, ZONING, SECTION 152.111, ADULT ENTERTAINMENT, OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY) – SECOND READING – PUBLIC HEARING

The City Clerk read the ordinance by caption.

Jim LaRue, City Planner and Susan Trevarthen, of Weiss Serota, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., Village Attorney, explained the item.

The Mayor opened the Public Hearing. There were no speakers and the Mayor closed the Public Hearing.

Commissioner Richard Chervony made a motion to approve the ordinance on second reading, seconded by Commissioner Stuart Blumberg. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

D. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CREATING CHAPTER 119 OF THE CODE OF ORDINANCES PERTAINING TO ADULT ENTERTAINMENT LICENSING AND BUSINESS REGULATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY) - SECOND READING – PUBLIC HEARING

The City Clerk read the ordinance by caption.

City Planner, Jim LaRue, presented the item to the Commission.

The Mayor opened the Public Hearing. There were no speakers and the Mayor closed the Public Hearing.

Commissioner Richard Chervony made a motion to approve the ordinance on second reading, seconded by Commissioner Stuart Blumberg. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- E. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 35 "TAXATION AND FINANCE," OF THE CITY CODE OF ORDINANCES TO REVISE THE REQUIREMENTS AND PROCEDURES RELATED TO GENERAL AND ENTERPRISE FUND RESERVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY) – SECOND READING – PUBLIC HEARING**

The City Clerk read the ordinance by caption.

Commissioner Richard Chervony explained that the ordinance will create a true emergency reserve where funds will be set aside to be used during acts of God.

The Mayor opened the Public Hearing. There were no speakers and the Mayor closed the Public Hearing.

Mayor Connie Leon-Kreps asked Finance Director Bert Wrains if the requirements of the ordinance could be followed; and he explained that it would provide better guidance.

Vice Mayor Eddie Lim made a motion to approve the ordinance, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

4. **ORDINANCES FOR FIRST READING AND RESOLUTIONS**

- A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH "THE MIAMI HERALD PUBLISHING MEDIA COMPANY" FOR THE PURPOSE OF PROVIDING PUBLISHING SERVICES; SETTING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The City Clerk read the resolution by title.

Vice Mayor Eddie Lim made a motion to approve the ordinance, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

Vice Mayor Eddie Lim made a motion to cancel the August Commission Meeting, seconded by Mayor Connie Leon-Kreps, the motion failed at 2-2.

5. **ADJOURNMENT**

The meeting adjourned at 10:51 p.m.

*Prepared : Yvonne P. Hamilton, CMC
Katharine Price, Clerical Assistant*

Adopted by the City of North Bay Village on

this _____ day of _____.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

OFFICIAL MINUTES

**CITY OF NORTH BAY VILLAGE
REGULAR MEETING
TUESDAY, JULY 10, 2012**

7:30 P.M

The Regular Meeting of the City of North Bay Village Commission was held on Tuesday, July 10, 2012, at the City Commission Chambers (1700 Kennedy Causeway, #132, North Bay Village, FL 33141).

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL.** The meeting was called to order at 7:30 p.m. by Mayor Connie Leon-Kreps, and the Pledge was recited. The following were present:

Mayor Connie Leon-Kreps
Vice Mayor Eddie Lim
Commissioner Stuart Blumberg
Commissioner Richard Chervony

City Manager Dennis Kelly
Chief Robert Daniels
City Attorney Nina Boniske
Assistant City Attorney Kathy Mehaffey
Interim Finance Director Bert Wrains
Public Works Director Sam Zamacona
HR Manager Jenice Rosado
City Clerk Yvonne P. Hamilton

As a quorum was determined to be present, the meeting commenced.

Mayor Leon-Kreps read the rules of decorum to be followed during the proceedings.

2. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL**
 - A. **MOMENT OF SILENCE IN THE PASSING OF MAYOR EMERITUS DR. PAUL VOGEL**

A moment of silence was observed in the passing of Commissioner Paul Vogel on June 26, 2012.

2. PROCLAMATIONS AND AWARDS

There were no proclamations or awards.

B. SPECIAL PRESENTATIONS

**1. CITY'S INDEPENDENT AUDIT REPORT FOR FY 2010-2011
KEEFE, MCULLOUGH & CO., LLP**

Ken Smith from Keefe McCullough & Co., LLP presented the audit report to the City Commission.

**2. SPECIAL FINANCIAL AUDIT
BERKOWITZ DICK POLLACK & BRANT
CERTIFIED PUBLIC ACCOUNTANTS & CONSULTANTS, LLP**

Dee Dee Weithorn of Berkowitz Dick Pollack and Brant presented the special financial audit report to the City Commission.

C. ADDITIONS AND DELETIONS

A motion was offered by Vice Mayor Eddie Lim and seconded by Commissioner Richard Chervony to amend the agenda to hear Item 13A immediately before Item 9A. All voted in favor and the motion carried 4-0.

3. BOARD REPORTS

A. ANIMAL CONTROL ADVISORY BOARD

A report was not provided

B. ARTS, CULTURAL & SPECIAL EVENTS BOARD

A report was not provided

C. CITIZENS BUDGET AND OVERSIGHT BOARD

A report was not provided

D. COMMUNITY ENHANCEMENT BOARD

The Chair Penelope Friedland presented the board report for the July 3, 2012 meeting.

E. PLANNING & ZONING BOARD

The Chair Reinaldo Trujillo reported that the Board recommended approval of Items 11D and Item 12A with special conditions at its May 29, 2012 meeting. Items 12B and 12C were recommended for approval at the June 27, 2012 meeting.

F. YOUTH SERVICES BOARD

The Chair Kevin Vericker informed the Commission that a report will be provided at the next meeting.

G. ADVISORY CHARTER REVIEW BOARD

A report was not provided.

4. PUBLIC SAFETY DISCUSSION

Chief Daniels reported on plans to set a day for CPR training. He noted that there had been an increased in auto burglaries.

5. COMMISSIONERS' REPORTS

Reports were provided by Commissioner Blumberg, Commissioner Chervony, Vice Mayor Lim and Mayor Leon-Kreps.

6. CITY ATTORNEY'S REPORT

City Attorney Boniske requested to hold an Executive Session in the matters of Isle of Dreams, L.L.C. vs. City of North Bay Village, Florida:12-21203 CIV-Ungaro Torres, U.S. District Court and 12-CV-22339 CMA, U.S. District Court.

7. CITY MANAGER'S REPORT

- A. ENVIRONMENTAL PERMITTING UPDATE – BAYWALK PROJECT/PERMITTING PROCESS FOR SEAWALL AT DR. PAUL VOGEL PARK (RALPH ROSADO-CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (C3TS) (DEFERRED FROM JUNE 12, 2012)**

Mr. Ralph Rosado and Ms. Kate Skindzier provided an update on the status of the baywalk project and permitting process for the seawall at Dr. Paul Vogel Park.

8. **GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.**

Residents Flo Clein, of 7500 Beach View Drive, Reinaldo Trujillo, of 7601 East Treasure Drive, Elaine Beutel, of 7533 Hispanola Avenue, and Kevin Vericker, of 7520 Hispanola Avenue addressed the Commission during the Good and Welfare session.

9. **CONSENT AGENDA:** Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.

Item 9B was removed from the Consent Agenda for discussion.

A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, URGING AND ENCOURAGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION BANNING THE MARKETING, POSSESSION, TRAFFICKING AND FURNISHING OF "BATH SALTS" CONTAINING DANGEROUS SYNTHETIC DRUGS; PROVIDING FOR TRANSMITTAL; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPEND \$455 FOR PLACEMENT OF PLANTINGS IN THE CERAMIC POTS ON THE FLAT BRIDGE BETWEEN NORTH BAY ISLAND AND TREASURE ISLAND; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE RENEWAL OF A HIGHWAY LANDSCAPING AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF THE TURF AND LANDSCAPED AREAS ON THE 79TH STREET CAUSEWAY AND PROVIDING FOR COMPENSATION TO THE CITY FOR SUCH SERVICES; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT IN FORM BETWEEN THE CHILDREN'S TRUST AND THE CITY OF NORTH BAY VILLAGE PROVIDING FOR GRANT FUNDING FOR A CITY AFTER-SCHOOL CARE PROGRAM FOR THE 2012-13 SCHOOL YEAR AND A SUMMER CAMP FOR SUMMER 2013; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO ENTER INTO AND IMPLEMENT THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

A motion was offered by Commissioner Stuart Blumberg to approve the Consent Agenda items 9A, 9C, and 9D. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

Commissioner Chervony expressed concerns about overspending of the Street Maintenance Fund.

A motion was offered by Commissioner Stuart Blumberg to approve the Consent Agenda item 9B. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-No, and Commissioner Stuart Blumberg-Yes. The motion carried 3-1.

10. PLANNING & ZONING CONSENT AGENDA

There were no Planning & Zoning Consent Agenda items.

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS PROPOSED AMENDMENTS TO THE CITY CHARTER AS PROVIDED BY THE ADVISORY CHARTER REVIEW BOARD IN ACCORDANCE WITH SECTION 10.13 OF THE CITY CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON TUESDAY, NOVEMBER 6, 2012; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to include Ballot Question 22 to attach a penalty to the proposed Ballot Question 21 for violation of the City Charter. Following further discussion, Commissioner Chervony withdrew the item.

A motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps to remove Item 16 pertaining to term limits on membership on City Advisory Boards from the ballot questions. The votes were as follows: Commissioner Stuart Blumberg-No, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony Yes. The motion carried 3-1.

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to strike references to "City of" in the name "City of North Bay Village and to make the item the number one ballot question. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Mayor Connie Leon-Kreps to amend Section 7.02 of the City Charter to hire the independent auditors at the beginning of the Fiscal Year rather than in January. The votes were as follows: Vice Mayor Eddie Lim- Yes, Commissioner Richard Chervony-No, Commissioner Stuart Blumberg-No, and Mayor Connie Leon-Kreps-Yes. The motion failed at 2-2.

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to adopt the Resolution as amended. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- B. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 35 "TAXATION AND FINANCE," OF THE CITY CODE OF ORDINANCES TO REVISE THE REQUIREMENTS AND PROCEDURES RELATED TO GENERAL AND ENTERPRISE FUND RESERVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY)**

A motion was offered by Mayor Connie Leon-Kreps and seconded by Commissioner Richard Chervony to approve the ordinance on first reading. The votes were as follows: Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, and Mayor Connie Leon-Kreps-Yes. The motion carried 4-0.

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA PROVIDING MONTHLY FINANCIAL EXPENDITURE REPORTING REQUIREMENTS FOR ALL PURCHASES OVER ONE THOUSAND FIVE HUNDRED DOLLARS; AMENDING THE COMMISSION MEETING AND AGENDA PROCEDURES TO PROVIDE REQUIREMENTS FOR FINANCIAL EXPENDITURE REPORTING; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY)**

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the Resolution. The votes were as follows: Mayor Connie Leon-Kreps-No, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 3-1.

- D. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, ZONING, SECTION 152.111, ADULT ENTERTAINMENT, OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY) - FIRST READING - PUBLIC HEARING**

A motion was offered by Mayor Connie Leon-Kreps and seconded by Commissioner Richard Chervony to approve the ordinance on first reading. The votes were as follows: Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, and Mayor Connie Leon-Kreps-Yes. The motion carried 4-0.

- E. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CREATING CHAPTER 119 OF THE CODE OF ORDINANCES PERTAINING TO ADULT ENTERTAINMENT LICENSING AND BUSINESS REGULATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY) - FIRST READING**

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the Ordinance on first reading. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

- F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT PERMITTING THE CITY TO ACT AS CO-PERMITTEE WITH MIAMI DADE COUNTY FOR THE PURPOSE OF ANNUAL PERMITTING REPORTING REQUIREMENTS TO COMPLY WITH THE ENVIRONMENTAL PROTECTION AGENCY (EPA) NATIONAL DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM TO REGULATE MUNICIPAL STORM WATER DISCHARGE, AUTHORIZING EXECUTION OF THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the Resolution. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

A. A REQUEST BY MIGUEL FORNELLA FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A JET SKI RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.

The City Clerk read the request into the record.

Following the quasi judicial proceeding pursuant to Chapter 29 of the City Code, a motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps to approve the request for a Special Use Exception to operate a jet ski rental business at the commercial marina at 7904 West Drive subject to the following conditions:

1. Access to Jet Skis (personal watercraft) and to the marina must be provided without restrictions.
2. Fueling or refueling the jet skis (personal watercraft) cannot be done by hand on-site but must be done only at an authorized or permitted fueling station consistent with Section 150.12(D). No storage of gasoline or motor fuels shall be allowed on the property involved in the rental of the jet skis (personal watercraft).
3. The jet skis (personal watercraft) hours of operation shall be confined to 10:00 a.m. to 6:00 p.m.
4. Parking shall be three (3) spaces including two that are designated for the jet ski use.
5. When jet skis are on-site and not in use, they shall remain secured in a manner which deters theft and prevents harm to the jet skis, docks and other vessels.
6. All speed, noise and no-wake regulations within the Biscayne Bay Aquatic Preserve shall be adhered to.
7. The operations of jet skis (personal watercraft) shall adhere to the vessel regulations of Chapter 327 FS.

8. Pursuant to Section 152.110, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

B. AN APPLICATION BY SOTREZA, LLC CONCERNING PROPERTY LOCATED AT 7800 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE), LOTS 1&2 & E1/2 LOT 3, BLOCK 1, COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:

1. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE OPERATION OF A PRE-SCHOOL/DAY CARE CENTER.**

Following the quasi judicial proceeding pursuant to Chapter 29 of the City Code, a motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps for the addition of a six-foot wall or fence at the northern portion of the property. All voted in favor and the motion carried 4-0.

A motion was offered by Mayor Connie Leon-Kreps and seconded by Commissioner Stuart Blumberg to approve the request for site plan approval to operate a pre-school/day care center at 7800 Hispanola Avenue subject to the following conditions:

1. Approval of six of the 32 required parking spaces to be designated as compact spaces.
2. Dumpster location and pick-up to be approved by the City Public Works Director.
3. Screening on top of the dumpster.

4. Six-foot wall or fence at northern portion of property as a buffer to the alley.
5. Payment of all impact fees pursuant to the City Code. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all impact fees, which will include Police, and Sewer and any others applicable have been paid in full.
6. Cost recovery charges pursuant to Section 152.110. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

The votes were as follows: Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, and Mayor Connie Leon-Kreps-Yes. The motion carried 4-0.

C. AN APPLICATION BY ZF DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:

1. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE CONSTRUCTION OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT ON A 4.47+ ACRE SITE.**
2. **AN EXCEPTION PURSUANT TO SECTION 152.044(E) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES TO THE PARKING REQUIREMENTS OF SECTION 152.044(A)(2) TO ALLOW BETWEEN 519 AND 592 PARKING SPACES WHERE 662 SPACES ARE REQUIRED.**

3. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 18A-6(C)(8) OF THE MIAMI-DADE COUNTY CODE, AS ADOPTED BY THE CITY OF NORTH BAY VILLAGE, TO PERMIT 52% OF THE NUMBER OF REQUIRED TREES TO BE PALM TREES WHERE A MAXIMUM OF 30% IS ALLOWED.
4. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 5.4.1 AND ATTACHMENT A.5. OF APPENDIX D OF THE CITY'S CONSOLIDATED LAND DEVELOPMENT REGULATIONS TO PERMIT 20% SHADE COVERAGE OF THE SHORELINE AREA WITHIN FIVE YEARS OF PLANTING WHERE 50% SHADE COVERAGE IS REQUIRED.
5. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A FRONT-YARD SETBACK AS LITTLE AS 11 FEET 10 INCHES IN SOME AREAS WHERE 25 FEET IS REQUIRED.
6. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.029(C)(6), MINIMUM FLOOR AREA, TO ALLOW LESS THAN THE REQUIRED UNIT STANDARDS.

7. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.056(A), SETBACK ENCROACHMENTS, TO ALLOW A ROOF OVERHANG TO EXTEND INTO THE REQUIRED YARD, COMPLETELY TO THE PROPERTY LINE AND AS MUCH AS 15 FEET, 9 INCHES BEYOND THE PROPERTY LINE INTO THE RIGHT-OF-WAY OF WEST DRIVE WHERE ROOF OVERHANGS ARE NOT PERMITTED TO EXTEND MORE THAN 36 INCHES INTO THE REQUIRED YARD.**

Following the quasi judicial proceeding pursuant to Chapter 29 of the City Code a motion was offered by Commissioner Stuart Blumberg and seconded by Vice Mayor Eddie Lim to approve Variance Numbers Three and Four (3&4) to permit 52% of the number of required trees to be palm trees where a maximum of 30% is allowed and to permit 20% shade coverage of the shoreline area within five years of planting where 50% shade coverage is required. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Vice Mayor Eddie Lim to deny Variance Number Five (5) to allow a front-yard setback as little as 11'-10" in some areas where 25 feet is required. The votes were as follows: Mayor Connie Leon-Kreps-No, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-No, and Commissioner Stuart Blumberg-Yes. The motion failed at 2-2.

A motion was offered by Commissioner Stuart Blumberg and seconded by Mayor Connie Leon-Kreps to approve Variance Number Seven (7) to allow a roof overhand to extend into the required yard, completely to the property line and as much as 15'-9" beyond the property line into the right-of-way of West Drive where roof overhangs are not permitted to extend more than 36" into the required yard. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve Variance Number Six (6) to allow less than the required unit standards. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Mayor Connie Leon-Kreps to approve the request for Site Plan approval for construction of a 285-unit rental apartment development at 8000 West Drive subject to the following conditions.

1. Variances granted on July 10, 2012.
2. 12" waterline extension from Blu's property to the point where it was previously extended by the City.
3. School concurrency requirements.
4. Compliance with shoreline approval granted on July 20th.
5. Payment of all impact fees pursuant to the City Code. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all impact fees, which will include Police, Parks and Recreation, Sewer, and Water, and any others applicable, have been paid in full.
6. Cost recovery charges pursuant to Section 152.110. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
7. Three loading spaces must be provided meeting size and back-out requirements.
8. Parking provided for 624 spaces, meeting state/federal handicap requirements.

9. No additional fees or payments allowed to be charged to residents or guests for use of any of the 624 required parking spaces.
10. Confirmation that front setback will meet 25' requirement (measured perpendicular to property line).
11. Applicable agency approval and separate City Commission approval – if docks are longer than 25'.

The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0

13. **UNFINISHED BUSINESS**

- A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING/DENYING THE REQUEST BY NORTH BAY VILLAGE INVESTMENT TRUST, LLC TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. 10-001 AND UTILITY COSTS AND PENALTIES; DIRECTING THE CITY MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to deny the request to reduce the fines on the code enforcement violations. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-No, and Commissioner Richard Chervony-Yes. The motion carried 3-1.

A motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps to reduce the utility billing to the actual charges through June 30, 2012, waive the penalties and charge a flat 10% fee on the charges due in lieu of penalties and compounded interest; such charges to be paid no later than 30 days from July 10, 2012. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

APPROVAL OF MINUTES

- B. REGULAR CITY COMMISSION MEETING – FEBRUARY 14, 2012**
- REGULAR CITY COMMISSION MEETING – DECEMBER 13, 2011**
- SPECIAL CITY COMMISSION MEETING – NOVEMBER 29, 2011**
- REGULAR CITY COMMISSION MEETING – NOVEMBER 8, 2011**
- SPECIAL CITY COMMISSION MEETING – NOVEMBER 1, 2011**
- REGULAR CITY COMMISSION MEETING – OCTOBER 11, 2011**
- BUDGET PUBLIC HEARING – SEPTEMBER 20, 2011**

Approval of the Minutes was deferred to a Special Meeting on July 25, 2012.

14. NEW BUSINESS

- A. DISCUSSION REGARDING NORTH BAY ISLAND COMMISSIONER VACANCY**
- B. TREASURE ISLAND BULB OUTS/TREE RELOCATION /MIAMI-DADE COUNTY SCHOOL BOARD (*COMMISSIONER STUART BLUMBERG*)**
- C. REDESIGN OF CITY'S WEBSITE (*COMMISSIONER STUART BLUMBERG*)**
- D. REMOVAL OF BULLETIN BOARDS FROM ENTRANCES TO ISLANDS (*COMMISSIONER STUART BLUMBERG*)**
- E. CONTRACTS (*COMMISSIONER RICHARD CHERVONY*)**
- F. 79TH STREET CAUSEWAY BEAUTIFICATION PROJECT (*COMMISSIONER RICHARD CHERVONY*)**
- G. DR. PAUL VOGEL COMMUNITY PARK (*COMMISSIONER RICHARD CHERVONY*)**

Item 14A through 14G were deferred to a Special Meeting to be held on July 25, 2012.

15. APPROVAL OF MINUTES

No Minutes were submitted for approval.

16. ADJOURNMENT

The meeting adjourned at 4:00 a.m.

*Prepared and submitted by: Yvonne P. Hamilton, CMC
City Clerk*

*Adopted by the City of North Bay Village on
this _____ day of _____.*

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Laws.)