



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

CITY OF NORTH BAY VILLAGE MEMORANDUM

DATE: July 24, 2012

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

FROM: *Yvonne P. Hamilton*
Yvonne P. Hamilton
City Clerk

SUBJECT: North Bay Island Commissioner Vacancy

The North Bay Island Commissioner seat became vacant upon the passing of Dr. Paul Vogel on June 26, 2012. Following advertisement of the vacancy, the following individuals satisfied the qualified voter requirement and the six-month residency requirement for appointment to the Commission pursuant to Section 5.04 of the City Charter; and Letters of Interest were provided.

- 1.) Alvin Blake, 7601 Coquina Drive
- 2.) Penelope Friedland, 7500 Miami View Drive
- 3.) Kenneth I. Stowe, 7521 Miami View Drive

Pursuant to Section 3.07(D) of the City Charter, any vacancy occurring for a City Commissioner shall be filled by a majority vote of the remaining members of the said Commission. The appointee shall serve the remainder of the unexpired term until the next succeeding General City Election with any further remainder of the unexpired term to be filled by a Commissioner elected at said General Election. The North Bay Island Commission Seat will expire with the election of November 6, 2012. If the Commission fails or refuses to fill the vacancy within 30 days after it occurs, and if no General City Election will be held within 90 days after the expiration of said 90 days, a Special Election shall be called and held to elect a Commissioner to fill such vacancy for the remainder of the unexpired term.

/yph

Attachments: Letters of Interest

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Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony



CITY OF NORTH BAY VILLAGE **NOTICE OF COMMISSION VACANCY**

THE CITY COMMISSION OF NORTH BAY VILLAGE WILL CONSIDER THE APPOINTMENT OF A NORTH BAY ISLAND COMMISSIONER AT A SPECIAL MEETING ON JULY 25, 2012 AT 7:00 P.M. IN THE CITY HALL COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA.

INTERESTED CITIZENS MUST SUBMIT A LETTER OF INTEREST, PROOF OF RESIDENCY, AND A VOTER REGISTRATION CARD TO THE CITY CLERK'S OFFICE NO LATER THAN JULY 23, 2012 AT 5:00 PM.

INDIVIDUALS SEEKING THE SEAT OF NORTH BAY ISLAND COMMISSIONER MUST BE A RESIDENT OF THE RESPECTIVE ISLAND FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS PRIOR TO SUBMITTING QUALIFYING DOCUMENTS.

CONTACT YVONNE P. HAMILTON, CITY CLERK, AT (305) 756-7171 OR VISIT THE CITY ADMINISTRATIVE OFFICES, 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FOR FURTHER INFORMATION.

Yvonne P. Hamilton, CMC
City Clerk
(July 11, 2012)

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Letter of Interest to the North Bay Village City Commission

I, Alvin M. Blake, hereby present my letter of interest in being appointed to the position of North Bay Island Commissioner in the City of North Bay Village, FL.

I have been a resident of North Bay Village for 47 years and have served my City in the following manner during those 47 years:

In the 1970's- Served as Chairman of the Civil Service Board for 6 years and as a member of the Charter Review Board!

In the 1980's-1990's- Served as North Bay Island Commissioner and Vice-Mayor during the years 1984-1998!

In 2000- 2012- Served as Chairman and Member of Planning and Zoning Board for 8 years- Served as Chairman and Member of the Budget Oversight Committee for 6 years +- Served as Member of City Manager Selection Committee -2 Times- Served as Chairman and Vice Chairman of the Charter Review Board- 2 times

I have always loved volunteering for my City and have always considered it a privilege that will continue if given the opportunity.

I have included copies of my driver's license for residency and my voter's registration card as proof of being an elector.

I appreciate your considering me for this position as Commissioner to fulfill the remainder of the term of the late Dr. Paul Vogel, Mayor Emeritus.



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**Penelope Friedland
7500 Miami View Drive
North Bay Village, FL 33141
Tel: 305-495-4901
Email: penelopefriedland@yahoo.com**

July 15th, 2012

Dear Mayor Kreps, Vice-Mayor Lim, Commissioner Blumberg and Commissioner Chervony,

I would like to be considered for the vacant Commissioner seat of North Bay Island and hope that you will seriously consider the additional value that I would bring to the current Commission.

I have been a nearly ten-year resident of North Bay Village and I love the City! Upon moving here with my family from nearby Miami Beach, I made a commitment to become civically involved in City issues. Within months I became Secretary of the Community Enhancement Board and subsequently served as Chairman of the Planning & Zoning Board. I have a deep concern for our City's continued enhancement and am currently Chairman of the Community Enhancement Board. In addition, I am active within the North Bay Village Optimist Club, having recently worked as Chair of the Oratorical Club Contest and as a member on the Garden Tour Committee for 2011 and 2012. I am proud to have helped raised considerable funds for local college scholars and to have worked hard helping create the Business Directory that I believe is a huge asset for commercial businesses in the City.

We are all making great strides towards improving our City and despite the economic restraints put upon us I believe our future is extremely positive. I want to be part of improving our City in a variety of ways, primarily willing to work within the budget but with a strong determination to have big goals and think in the long term. I will endeavor to make the best decisions to make our City an idyllic Three Island Paradise and work hard to raise its recognition and reputation in South Florida.

Working as a neighborhood Realtor, in residential real estate, give me great insight into how best to broaden our City's appeal to buyers, bring new business to our islands and present North Bay Village in the best possible light. We have a wonderful residential neighborhood in a safe and beautiful environment and need to work towards creating a thriving commercial community.

If you have any questions regarding my application for Commissioner for North Bay Island, I am available to speak or meet with each of you.

I thank you in advance for your consideration of my application.

Regards,

Penelope Friedland

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Yvonne Hamilton

From: Penelope Friedland [penelopefriedland@yahoo.com]
Sent: Saturday, July 14, 2012 10:24 PM
To: Yvonne Hamilton
Subject: Penelope Friedland - application NBI commission seat - July 15, 2012
Attachments: N B I Commissioner application July 15th 2012 Penelope Friedland.docx; Penelope Friedland Drivers License.pdf; Penelope Voter Registration Card July 2012.pdf

Dear Yvonne,

Please see the attached application letter and the driver's license & Voter ID attachments.

Please keep me posted on the next step. I shall be going out of town until the end of the month but available via email, cell/ text.

I look forward to hearing from you.

Regards,

Penelope

Penelope Friedland
www.LuxuryHomesTeam.com
Email: penelopefriedland@yahoo.com
Tel: 305-495-4901
Fax: 786-472-7280
Coldwell Banker Residential Real Estate
1691 Michigan Avenue
Suite 105
Miami Beach, FL 33139

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**K. I. Stowe
P.O. Box 011723
Miami, Florida 33101**

July 17, 2012

City of North Bay Village
Kennedy Causeway
North Bay Village, FL 33141
Madam Mayor and Commissioners
Attn. Yvonne Hamilton

JUL 17 AM 10:21

RE: NORTH BAY ISLAND
COMMISSION SEAT

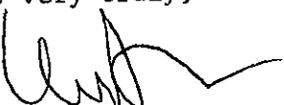
Dear Yvonne;

This will serve as my Letter of Intent for consideration
in filling the vacant North Bay Island Commission Seat.

Having resided in the Village for approximately forty
years, it would be an honor and privilege to continue
to serve my Community.

Thank you for your consideration.

Yours very truly,


Kenneth I. Stowe
KIS/fm

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line of the City of Miami, Florida, a distance of 1985 feet; thence run in an easterly direction and parallel to said north line of said northeast 79th Street Causeway to the west line of Section 10, Township 53 South, Range 42 East, as said section is shown on the plat of North Isle of Normandy, recorded in Plat Book 40 at Page 36 of the Public Records of Miami-Dade County, Florida; thence run northerly along the aforesaid west line of Section 10, to a point on a line running through the center point of the east drawbridge of the northeast 79th Street Causeway and perpendicular to the center line of the east Bridge of the said causeway; thence run northwesterly along the last described line to its intersection with the north line of said Section 10, produced westerly; thence westerly along the prolongation westerly of said north line of said Section 10 to a point 250 feet west of the northwest corner of Section 9, Township 53 South, Range 42 East; thence in a southerly direction to the point of beginning.

And shall include:

A parcel of submerged land (now filled) in Biscayne Bay situated in Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, Commencing at the half-mile post of the west line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, run north 88°41'24" east along the center line of the 79th Street Causeway highway right-of-way (100 feet wide) a distance of 1,560 feet to a point; thence north 1°37'08" west 55.0 feet to a point of beginning of the parcel of land herein described; thence north 1°37'08" west 600.00 feet; thence north 88°41'24" east 400.0 feet; thence south 1°37'08" east 600.00 feet; thence south 88°44'24" west 400.0 feet to the point of beginning; containing 5.5 acres more or less; plus a five-foot strip bordering the south boundaries of the above described 5.5-acre tract which is described as follows: Commence at the intersection of the west line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida with the center line of the Northeast 79th Street Causeway as shown on (a) plat recorded in Plat Book 25, at Page 70 of the Public Records of Miami-Dade County, Florida; thence North 88°41'25" east along the center line of the aforesaid northeast 79th Street Causeway for a distance of 1,560 feet to a point; thence

north 1°37'8" west for a distance of 50.0 feet to a point on the north right-of-way line of the said northeast 79th Street Causeway and the point of beginning of the parcel of land herein described; thence north 88°41'24" east along the north right-of-way line of the said northeast 79th Street Causeway for a distance of 400.0 feet to a point; thence north 1°37'8" west for a distance of 5.0 feet to a point; thence south 88°41'24" west along a line 5.0 feet north of and parallel with the north right-of-way line of said northeast 79th Street Causeway for a distance of 4,000 feet to a point; thence south 1° 37' 8" east for a distance of 5.0 feet to the point of beginning of the parcel of land herein described.

(Res. No. 2000-41, 11-8-00, Election of 11-7-00)

ARTICLE III. LEGISLATIVE

3.01. City Commission.

A. *City Commission; powers and composition.* There shall be a city commission with all legislative powers of the City vested therein, consisting of five (5) members: a mayor, a vice-mayor and three (3) commissioners. Each commission member must be a qualified elector of the City.

B. *Appointments by commission.* The commission shall appoint the city manager, city attorney and all consultants.

3.02. Qualifications.

Any elector of the City who meets the requirements as set forth in Article V of this Charter shall be eligible to hold the office of city commissioner or mayor. The commission shall be the judge of the election and qualifications of its members.

3.03. Election and terms.

The regular election of commission members shall be held on the first Tuesday after the first Monday of November in each even-numbered year, unless otherwise provided by state law, and shall be for those terms as provided in Article V of this Charter.

(Res. No. R91-25, § 2, 9-16-91, Election of 11-12-91)

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and responsibilities of the city attorney shall be those as provided in this Charter.

- I. *Auditor.* The Commission shall appoint the outside auditor. The outside auditor shall be a certified public accountant practicing in the State of Florida, for a period of not less than five (5) years.
- J. *Other Commissioner remunerative position.* No Commissioner shall be appointed to any other remunerative position with the City during his term of office.
- K. *Nepotism.* No person related to the second degree of consanguinity to a Commissioner shall be eligible to hold a remunerative position with the City. Any Commissioner who shall knowingly make such an appointment may be deemed guilty of misfeasance or malfeasance in office and subject to removal. The person so employed may be subject to dismissal.
- L. *Conflict of interest.* The Mayor and any City Commissioner shall comply with applicable conflict of interest laws, including Florida Statutes Chapter 112, Part 3, as well as Miami-Dade County Code Section 2-11.1.
- M. *Reimbursement of Commissioner's legal fees.* In the event that a civil action shall be instituted wherein it is sought to impose personal liability upon any Commission member of the City for any act or acts of such Commissioner, and if such Commissioner seeks legal defense of such action through the use of public funds, it shall first require a majority of all other Commissioners to ascertain that such acts complained of by the plaintiff were indeed connected with the Commissioner's proper conduct of the affairs or business of the City. If so established, the other Commissioners shall then determine, specify and allocate a reasonable expenditure from City funds for this legal defense, selection of counsel to be approved by the City Attorney.
- N. *Utility franchises.* The Commission may grant public utility franchises and regu-

late the exercise thereof; provided, however, that no franchise or extension thereof shall hereafter be granted or extended unless such franchise or extension shall be approved after a public hearing thereon. At least fourteen (14) days preceding the public hearing at which any franchise or extension thereof is to be adopted, notice thereof shall be published in a newspaper of general circulation in the City. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. A copy of such proposed franchise shall be available for inspection by any interested person at the office of the city clerk at least fourteen (14) days preceding such public hearing. The cost of such advertising and of the public hearing shall be borne by the utility involved. For renewing franchises, each public utility shall notify the City of its intent six months before the expiration of its franchise. The Commission shall be empowered to grant a temporary extension of an existing franchise not to exceed three (3) months without a public hearing.

(Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. C, 8-28-06, Election of 11-7-06)

3.07. Vacancies; forfeiture of office; filling of vacancies on the Commission.

A. *Vacancies.* The office of a Commission member shall become vacant upon his death, resignation, or removal from office in any manner authorized by law or forfeiture of his office.

B. *Forfeiture of office.* A Commission member Commissioner or Mayor shall forfeit his office if any time during his term of office said person, (a) lacks any qualifications for the office prescribed by this Charter or other by applicable law including § 100.361, Florida Statutes, (1989) or (b) is convicted of a felony while in office, or (c) fails to attend four consecutive regular meetings of the Commission, unless such absences are each excused by motion setting forth the reason for the absence duly entered upon the minutes or (d) having been elected or appointed from an election

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district fails to reside within the election district from which he was elected or appointed for any reason other than redistricting. Forfeiture shall be determined by the remaining members of the Commission.

C. Forfeiture hearing. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a Public Hearing on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

D. Filling of vacancies on City Commission. Any vacancy occurring for a City Commissioner shall be filled by the vote of the majority of the remaining members of said City Commission with the appointee serving until the remainder of the unexpired term until the next succeeding general City election and with any further remainder of said unexpired term to be filled by a Commissioner elected at said general election. If the remaining members of the City Commission shall fail or refuse to fill such vacancy within 30 days after it occurs, and if no general City election will be held within 90 days after the expiration of said 30 days, then a special election shall be called and held to elect a Commissioner to fill such vacancy for the remainder of the unexpired term. In the event that the position is that of Mayor, it must be filled from among the remaining Commissioners in accordance with the procedures set forth above.

E. In the event of the death, resignation, or removal of the Mayor, the Vice Mayor shall forthwith commence to serve as interim Mayor until the Mayor's position is filled by election or appointment.

- (a) When the Vice Mayor becomes interim Mayor, the Commission, by majority vote shall appoint an interim Commissioner from the Vice Mayor's vacant district to fill the Vice Mayor's vacant seat until the required election or appointment of the Mayor and the Commission shall, by majority vote, appoint one (1) of the Commissioners to serve as interim Vice Mayor.
- (b) The Commissioner serving as interim Mayor, or Vice Mayor, shall serve as Mayor, or Vice Mayor, until the newly elected or

appointed Mayor, or Vice Mayor, is sworn in as Mayor, or Vice Mayor. The interim Mayor, or Vice Mayor, shall return to the position of Commissioner previously held to serve the remainder of his or her unexpired term.

F. In the event of the death, resignation, or removal of the Vice Mayor, the Commission shall, by majority vote, elect one (1) of the Commissioners to serve as Vice Mayor.

G. Extraordinary vacancies. In the event that a majority of the members of the Commission are removed by death, disability, law or forfeiture of office, the governor shall make interim Commission appointments and the Commission shall call a special election as provided in D. above and such election shall be held in the same manner as the election held pursuant to the previous City Charter.

(Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-38, § 1, 7-27-04, Election of 11-2-04; Res. No. 2006-45, Pt. D, 8-28-06, Election of 11-7-06)

3.071. Removals and suspensions from office of City Commission.

The Mayor and any City Commissioner may be removed from office by the electors of the City of North Bay Village pursuant to the provisions of § 100.361. Florida Statutes, and are further subject to removal and/or suspension from office pursuant to the provisions of § 112.51. Florida Statutes.

3.08. Ordinances and resolutions.

A. Action requiring an ordinance. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Commission shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any city department or agency;
2. Establish a rule or regulation the violation of which carries a penalty;

Municipal elections shall be supervised by the city clerk with the City Commission canvassing returns from each general election.
(Res. No. 2000-41, 11-8-00, Election of 11-7-00)

5.05. Nomination of Commission members and Mayor.

A. Any citizen who can qualify for the office of Commissioner or Mayor of the City as provided herein may be nominated for Commissioner or mayor by a petition for this purpose signed by not less than fifty (50) electors and filed with the City Clerk no sooner than seventy-five (75) days prior to the election date and no later than forty-five (45) days prior to the election date.

5.04. Commission Members—Residency requirements and terms of office.

The City shall be governed by a Commission of five (5) members, all of whom shall be qualified electors of the City. There shall be a Harbor Island Commissioner, a North Bay Island Commissioner, and a Treasure Island Commissioner, each of whom shall be a resident of their respective islands for a period of not less than six (6) months prior to the date of the subject candidate's initial filing of qualifying papers for the Commission and shall also be and remain during their respective terms of office, permanent residents of their respective islands; however, this shall not apply to any mere temporary relocation within the City. The Mayor and Commissioner-at-large, the two (2) remaining positions, shall reside on any of the said islands of the City for a period of not less than six (6) months prior to the date of the subject candidate's initial filing of qualifying papers for the Commission and shall also be and remain during their respective terms of office, permanent residents of the City. The term of the Mayor will be for two (2) years, and commencing with the November 2002 general election, the term of each City Commissioner will be for four years, on a staggered basis to be established as follows:

B. No elector shall sign more than one nominating petition for each seat. Should an elector sign more than one petition for each seat, his signature shall be void except as to the petition first filed for each seat.

C. The signatures on the nominating petition need not all be subscribed on one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature, including the signature of the circulator, shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it. The form of nominating petition shall be substantially as follows:

NOMINATING PETITION

We, the undersigned electors of the City of North Bay Village, hereby nominate (name of candidate), who resides at (address), for the office of (Commissioner island, at-large, or mayor)

(signatures) _____

(address of signer) _____

(date of signing) _____

Notwithstanding any other provisions of this Charter, no later than December 15, 2000, the City Clerk shall publicly draw lots to determine which City Commissioners' term of office (specifically, the seat they each represent) will expire in November 2004 and which remaining two City Commissioners' terms of office (specifically, the seat they each represent) will expire in November 2006. All subsequent City Commissioner seats shall be elected for four (4) year terms.

The undersigned is the circulator of the foregoing petition containing (number) signatures. Each signature appended thereto was made in my presence and is the person whose name it purports to be. Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

All of the Commissioners and the Mayor shall be elected by the voters at large of the City.
(Res. No. 2000-41, 11-8-00, Election of 11-7-00;
Res. No. 2004-34, 7-13-04, Election of 11-2-04;
Res. No. 2006-45, Pt. H, 8-28-06, Election of 11-7-06)

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