



North Bay Village

Administrative Offices

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OFFICIAL MINUTES

REGULAR VILLAGE COMMISSION MEETING

**NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141**

OCTOBER 13, 2015 - 7:30 P.M.

1. **CALL TO ORDER**

The meeting was called to order by Mayor Connie Leon-Kreps at 7:34 p.m.

PLEDGE OF ALLEGIANCE

Resident Sissy Shute led the recitation of the Pledge of Allegiance.

ROLL CALL

Present were the following:

Commissioner Richard Chervony
Commissioner Eddie Lim
Mayor Connie Leon-Kreps
Vice Mayor Jorge Gonzalez

Commissioner Wendy Duvall was absent.

A moment of silence was observed in honor of the victims of the October 1, 2015 shootings at Umpqua Community College in Oregon.

Also Present:

Frank K. Rollason, Village Manager
Jenice Rosado, Deputy Village Manager/HR Director
Brian Collins, Acting Police Chief
Sandra Zamacona, Acting Finance Director
Rodney Carrero-Santana, Public Works Director
Jenorgen Guillen, Deputy Village Clerk

Village Clerk Yvonne P. Hamilton was absent due to attendance at a City Clerk's Conference.

2. A. PROCLAMATIONS AND AWARDS

**1. BRENT CAMERON
WSVN**

Mr. Cameron accepted a plaque from the Village in appreciation for his efforts in educating the public on hurricane awareness, through his attendance and participation at the Village's Annual Hurricane Preparedness Workshop.

2. BEST BUDDIES PRESENTATION TO THE VILLAGE

Martha LaGard, Director of State Development and Nicky Childer, Deputy Director of Jobs presented an award to the Village for participation in the Best Buddies Walk and for its support with the intellectual development community.

B. SPECIAL PRESENTATIONS

**1. KEEFE, MCKULLOUGH -
QUARTERLY AUDIT REPORT**

Cyndy Calvert, Partner with Keefe McCullough, discussed the results of the Quarterly Audit Report and announced that preliminary work for the 2015-2016 Village's independent audit will commence on October 13th.

**2. VILLAGE LOBBYIST FAUSTO GOMEZ -
VACATION RENTALS**

Fausto Gomez addressed the Commission on the issue of Short-Term Rentals.

The Mayor opened the floor to public comments.

Mary Kramer, of 7610 Coquina Drive, addressed the Commission.

3. PELICAN HARBOR LIAISON – NEIL KRASNER

Neil Krasner, of 1909 Kennedy Causeway, and volunteer at Pelican Harbor Sea Bird Station made a presentation on the services offered by the agency and requested that he be selected as the North Bay Village Liaison.

4. MICHAEL HYMAN – BAYSHORE, YACHT & TENNIS CLUB

Michael Hyman, Counsel for Bayshore, Yacht & Tennis Club, discussed the success of the temporary parking solution for the building. He requested that the Village provides decals to the building as they are unable to have spaces for all 170 units.

5. SETH BRAMSON – VILLAGE 70TH ANNIVERSARY BOOK

Mr. Bramson made a presentation to the Commission regarding his interest in writing a book on the history of the Village.

C. ADDITIONS AND DELETIONS

Item 10B was removed from the Consent Agenda to be discussed separately.

3. GOOD & WELFARE

Ann Bakst, of 1865 Kennedy Causeway, Miriam Giraldez, of 7548 Bounty Avenue, Betty Lucatuorto, of 900 Bay Drive, Miami Beach, Ruth Prado, of 6900 Bay Drive, Kevin Vericker, 7520 Hispanola Avenue, and Raul Dominguez, of 7904 West Drive addressed the Commission.

4. BOARD REPORTS

A. COMMUNITY ENHANCEMENT BOARD

A report was not provided.

B. PLANNING & ZONING BOARD

A report was not provided.

C. YOUTH & EDUCATION SERVICES BOARD

A report was not provided.

5. PUBLIC SAFETY DISCUSSION

Acting Chief Brian Collins reported on public safety issues.

6. COMMISSIONERS' REPORTS

Mayor Connie Leon-Kreps, Vice Mayor Jorge Gonzalez, Commissioner Eddie Lim and Commissioner Richard Chervony all provided verbal reports.

7. VILLAGE ATTORNEY'S REPORT

Village Attorney Robert L. Switkes gave a verbal report.

8. VILLAGE MANAGER'S REPORT

Village Manager Frank K. Rollason discussed his written report, which was included in the agenda package.

Public Works Director Rodney Carrero-Santana provided an update on renovations to the Philip Schonberger Park on Galleon Street.

The Village Manager will meet with Mr. Bramson and provide a proposal at the next Commission Meeting.

A. Grant Writer's Report

The Village Grant Writer Lakeesha Morris made a presentation on the status of grants for the Village.

9. FINANCE REPORT

The Acting Finance Director Sandra Zamacona presented the financial report for the month ending September 30, 2015.

10. 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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA SUPPORTING FLORIDA HOUSE BILL 143, RELATING TO DISPOSABLE PLASTIC BAGS; INCLUDING CREATING SECTION 403.70325, FLORIDA STATUTES AUTHORIZING CERTAIN MUNICIPALITIES TO ESTABLISH PILOT PROGRAMS FOR THE REGULATION OR BAN OF DISPOSABLE PLASTIC BAGS; DIRECTING THE VILLAGE CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

Commissioner Richard Chervony made a motion to approve the Consent Agenda Item 10B. Vice Mayor Jorge Gonzalez seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

Item 10B was removed from the Consent Agenda and discussed separately.

- B. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, APPROVING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE LEASE OF A DIGITAL COPIER MACHINE FOR THE VILLAGE BUILDING DEPARTMENT PURSUANT TO SECTION 36.25(J) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

Commissioner Richard Chervony made a motion to approve Item 10B with the correction to reflect a 36-month lease agreement at a cost of \$111.45 plus .00520 per copy per month. Commissioner Eddie Lim seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

11. PLANNING & ZONING CONSENT AGENDA

NO ITEMS.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 94, SECTION 94.15 ENTITLED “WASTE CONTAINERS” AND CHAPTER 155, SECTION 155.18 ENTITLED “DUMPSTER ENCLOSURES, GARBAGE/MECHANICAL EQUIPMENT ROOMS” TO PROHIBIT THE PLACEMENT OF SUCH WASTE CONTAINERS AND GARBAGE ENCLOSURES IN THE FRONT YARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

The Deputy Village Clerk read the ordinance by title.

Mayor Connie Leon-Kreps made a brief presentation on the item.

Commissioner Richard Chervony made a motion to approve Item 12A and Vice Mayor Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, she closed the floor to public comments.

The motion to approve the Ordinance on first reading with revised language to address the following carried 4-0 on a roll call vote:

1. Garbage dumpsters shall not be placed in front of buildings without a public hearing before the Planning & Zoning Board and the Village Commission.
2. Garbage dumpsters that are in compliance with the current ordinances shall not require hearings before the Planning & Zoning Board and Village Commission.
3. An application for a variance can be sought if it is advantageous to place the garbage dumpster in the front of the building.

The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

- B. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94, BY REVISING SECTION 94.21 OF THE VILLAGE CODE ENTITLED “PROHIBITION REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES”; CREATING SECTIONS 94.22 THROUGH 94.24; AMENDING SECTION 153.04 ENTITLED “SCHEDULE OF CIVIL PENALTIES; PROVIDING FOR ENFORCEMENT; PENALTIES, WAIVERS FOR FINANCIAL HARDSHIP; AND FOR CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The Deputy Village Clerk read the ordinance by title.

Commissioner Richard Chervony made an electronic presentation on the item regarding the consequences of the use Styrofoam and plastic on environment.

Vice Mayor Jorge Gonzalez made a motion to approve Item 12B, and Commissioner Richard Chervony seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, she closed the floor to public comments.

The vote on the motion to approve the ordinance on first reading was adopted by a 4-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Richard Chervony, and Vice Mayor Jorge Gonzalez all voting Yes.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF UP TO \$468 FOR TWO TABLES AT THE OPTIMIST ANNUAL CELEBRATION DINNER; AMENDING THE FY 2016 GENERAL OPERATING BUDGET BY TRANSFERRING FUNDS FROM THE GENERAL FUND UNRESERVED FUND BALANCE; AUTHORIZING THE VILLAGE MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The Deputy Village Clerk read the Resolution by title.

The Village Manager made a brief presentation on the item regarding an invitation from the Optimist Club for the purchase of two tables with attendance by staff and elected officials.

Mayor Connie Leon-Kreps made a motion to approve Item 12A and Commissioner Richard Chervony seconded the motion with the condition that the funds be taken from the elected officials' accounts.

The Mayor opened the floor to public comments. There being no speakers she closed the floor to public comments.

The motion to approve the Resolution as presented carried 3-1 on a roll call vote. The vote was as follows: Commissioner Eddie Lim, Vice Mayor Jorge Gonzalez, and Mayor Connie Leon-Kreps all voted Yes. Commissioner Richard Chervony voted No.

D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A NOTICE TO PROCEED TO GOLDIN SOLAR, LLC TO INITIATE A SOLAR PANEL PURCHASE AND INSTALLATION PROGRAM FOR RESIDENTIAL AND COMMERCIAL PROPERTIES, UNDER THE PIGGY BACK PURCHASE PROVISION PURSUANT TO SECTION 36.25 OF THE VILLAGE CODE; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR JORGE GONZALEZ)

The Deputy Village Clerk read the Resolution by title.

Vice Mayor Jorge Gonzalez made a brief presentation on the item.

Vice Mayor Jorge Gonzalez made a motion to approve Item 12D and Commissioner Richard Chervony seconded the motion.

The Mayor opened the floor to public comments.

Gudrin Volker, of 7517 Cutlass Avenue, addressed the Commission.

The Mayor closed the floor to public comments.

The motion was adopted by a 4-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Jorge Gonzalez, Commissioner Eddie Lim, Commissioner Richard Chervony all voting Yes.

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING ITEMS:

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 8, 2016 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YVONNE P. HAMILTON AND VILLAGE ATTORNEY ROBERT L. SWITKES)**

The Village Clerk read the ordinance by title.

Village Attorney Robert L. Switkes made a brief presentation on the item.

Commissioner Richard Chervony made a motion to approve the Ordinance and Vice Mayor Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, she closed the floor to public comments.

The motion was adopted by a 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Richard Chervony, and Vice Mayor Jorge Gonzalez all voting Yes. Commissioner Eddie Lim was absent from the dais.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE INSTALLATION OF A NEW BOATLIFT AT 7411 BEACH VIEW DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The Deputy Village Clerk read the Resolution by title.

The Village Planner, Jim LaRue, of LaRue Planning & Management Services, Inc. presented the Staff Report.

Vice Mayor Jorge Gonzalez moved to approve the request with the conditions outlined by the Village Planner as follows:

1. Verification of the 5 foot height restriction at the time of building permit issuance.

2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit 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.
5. Authorization or issue of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Commissioner Richard Chervony seconded the motion.

The Mayor opened the Public Hearing.

Brian Moretti, of Miami Beach Seawall, was present on behalf of the request. He was sworn in by the Village Attorney and clarified that a Building Permit was obtained to replace the seawall at 7411 Beach View Drive.

The motion was adopted by a 4-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Richard Chervony, and Vice Mayor Jorge Gonzalez all voting Yes.

C. AN APPLICATION BY MANUEL OROSA FOR INSTALLATION OF NEW BOATLIFTS AND A TWIN JET SKI LIFT AT AN EXISTING BOAT DOCK AT 7731 BEACH VIEW DRIVE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

Deputy Village Clerk Jenorgen Guillen read the request into the record.

Jim LaRue, of LaRue Planning & Management Services, Inc., presented the Staff Report, which did not recommend approval because the structure exceeded the 25 foot distance limitation and the applicant failed to provide documentation from DERM, which warrants the additional length to 44 feet.

The Mayor opened the Public Hearing.

Bibi Villavon, of Trident Environmental Consultants, was sworn in by the Village Attorney. She clarified that the seawall was reinforced in 2006, and DERM had approved the original plan submittal.

The Mayor closed the Public Hearing.

Vice Mayor Jorge Gonzalez made a motion to extend the meeting for 30 minutes. Commissioner Richard seconded the motion, and all voted in favor.

Commissioner Richard Chervony made a motion to approve the request as presented. Commissioner Eddie Lim seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

14. UNFINISHED BUSINESS

A. APPOINTMENT OF MEMBER TO THE PLANNING & ZONING BOARD (CONTINUED FROM SEPTEMBER 8, 2015)

Commissioner Richard Chervony made a motion to appoint Dr. Joshua Furman to the Planning & Zoning Board. Mayor Connie Leon-Kreps seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

B. HARBOR ISLAND DECAL PARKING

The Village Manager requested direction from the Village Commission on how to proceed with the Harbor Island Parking Decal Program, as the 90-day extension is up.

Commissioner Richard Chervony made a motion to re-instate the Harbor Island Parking Decal Program as it existed in the past; for the Village Attorney to assist in drafting language for Bayshore Yacht & Tennis Club residents to obtain the necessary Parking Decals adding the parking available in Coletta's lot across the street and the parking underneath and outside of Bayshore's Building; and residents who paid for Parking Decals for November and December or who paid in the past to automatically receive a 2016 decal. Vice Mayor Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

Raul Dominguez, of 7904 West Drive, addressed the Commission.

The Mayor closed the floor to public comments.

The motion was adopted by a 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes. Vice Mayor Jorge Gonzalez was absent from the dais.

C. REVIEW OF RFP FOR OUTSOURCING SANITATION SERVICES TO WASTE MANAGEMENT

Village Manager Frank K. Rollason requested direction from the Commission regarding the outsourcing of sanitation services.

Commissioner Richard Chervony made a motion to extend the meeting for 30 minutes. Mayor Connie Leon-Kreps seconded the motion, and all voted in favor.

Vice Mayor Jorge Gonzalez moved the item to the floor, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments.

Raul Dominguez, of 7904 West Drive, Kevin Vericker, of 7520 Hispanola Avenue, Gudrin Volker, of 7517 Cutlass Avenue, and Joe Puelo, FOP Union Representative, Mario Garcia, of 7540 Cutlass Avenue, and Jason Neil, of Waste Management Services, addressed the Commission.

The Mayor closed the floor to public comments.

Commissioner Richard Chervony stated for the record that he never received donations from Waste Management Services since he ran for office.

Vice Mayor Jorge Gonzalez made a motion to hold a Solid Waste Workshop on December 3, 2015. Commissioner Eddie Lim seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows:

15. NEW BUSINESS

A. APPOINTMENT OF NORTH BAY VILLAGE LIAISON TO PELICAN HARBOR SEABIRD STATION

Commissioner Richard Chervony made a motion to appoint Neil Krasner as the Village's liaison to the Pelican Harbor Seabird Station. Mayor Connie Leon-Kreps seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

16. APPROVAL OF MINUTES

**REGULAR MEETING COMMISSION MEETING – SEPTEMBER 8, 2015
COMMISSION WORKSHOP – JUNE 30, 2015
SPECIAL COMMISSION MEETING – APRIL 16, 2015**

Commissioner Richard Chervony made a motion to approve the Minutes as submitted. Mayor Connie Leon-Kreps seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

17. ADJOURNMENT

The meeting adjourned at 1:00 a.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

This 8th day of December 2015.

Connie Leon-Kreps, Mayor