



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

OFFICIAL MINUTES

REGULAR VILLAGE COMMISSION MEETING

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

NOVEMBER 10, 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., and she read the rules of conduct for the proceeding.

PLEDGE OF ALLEGIANCE

Resident Kenneth Stowe led 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.

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
Village Planner Jim LaRue
Yvonne P. Hamilton, Village Clerk
Jenorgen Guillen, Deputy Village Clerk

2. **A. PROCLAMATIONS AND AWARDS**

1. **AWARD - THE GREENTNERS-SHUCKERS DOCKSIDE GRILL/BEST WESTERN HOTEL**

This item was postponed.

B. SPECIAL PRESENTATIONS

1. **OMAR FRANCO, FEDERAL LOBBYIST (*VICE MAYOR JORGE GONZALEZ*)**

Mr. Franco addressed the Commission on legislative issues.

2. **SANDRA BELLO, FDOT PUBLIC INFORMATION OFFICER N.E. 79TH STREET ROADWAY PROJECT**

Joan Fabian, Public Information Specialist, Colin W. Johnson, FDOT Project Administrator, and Andrew Nunez, of American Consulting Engineers, addressed the Commission, on behalf of FDOT. They discussed and responded to questions on the project and on the different speed limits on 79th Street.

3. **DARIN GOLDIN, GOLDIN SOLAR – SOLAR PANEL PROGRAM (*VICE MAYOR JORGE GONZALEZ*)**

Mr. Goldin made a presentation on the Solar Panel Program and implementation of the program in the Village.

C. ADDITIONS AND DELETIONS

Commissioner Richard Chervony requested that Items 10C, 10D, and 10E be removed from the Consent Agenda to be discussed separately and to add a discussion item under New Business entitled “Short Term Rentals. The Village Clerk referred to an application for appointment to the Citizens Budget & Oversight Board by Keir Rocha.

Commissioner Richard Chervony made a motion to amend the agenda as indicated above. Vice Mayor Jorge Gonzalez seconded the motion, and all voted in favor.

3. GOOD & WELFARE

Al Coletta, of 7904 West Drive, Mary Kramer, of 7610 Coquina Drive, Kevin Vericker, of 7520 Hispanola Avenue, Kenneth Stowe, of 7521 Miami View Drive, Nidia Sepe, 7621 Coquina Drive, Albert Perez, of 7512 West Treasure Drive, and Bud Farrey, of 1315 Bay Terrace, 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 discussed public safety issues.

6. COMMISSIONERS' REPORTS

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

7. VILLAGE ATTORNEY'S REPORT

The Village Attorney provided a verbal report.

8. VILLAGE MANAGER'S REPORT

The Village Manager discussed his Staff Report which was included in the agenda package and responded to questions by the Commission.

At the request of the Village Manager to set a Solid Waste Workshop, Vice Mayor Jorge Gonzalez made a motion to hold the workshop on December 3, 2015. Commissioner Richard Chervony seconded the motion, which was adopted by a vote of 4-0. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Richard Chervony, and Vice Mayor Jorge Gonzalez all voting Yes.

SETH BRAMSON – VILLAGE 70TH ANNIVERSARY BOOK

The matter regarding Seth Bramson’s request to write the Village’s 70th Anniversary Book was deferred to the December Commission Meeting.

A. Grant Writer’s Report

Village Grant Writer Lakeesha Morris, of BellTower Consulting Group, LLC, discussed her report, which was included in the agenda package.

9. FINANCE REPORT

Acting Finance Director Sandra Zamacona provided the financial status of the Village as of October 31, 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.)

Items 10D, 10E, and 10F were removed from the Consent Agenda to be discussed separately.

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SUPPORTING THE EPA’S CLEAN POWER PLAN RULE AS A WAY OF SIGNIFICANTLY REDUCING GREENHOUSE GAS EMISSIONS THAT THREATEN THE SOUTH FLORIDA REGION THROUGH CLIMATE CHANGE AND SEA LEVEL RISE; AND OPPOSING ANY REQUESTS THAT THE CLEAN POWER PLAN RULE BE STAYED DURING ANY PERIODS OF LEGAL CHALLENGE OR LITIGATION; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS, VICE MAYOR JORGE GONZALEZ, AND COMMISSIONER RICHARD CHERVONY)

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING RULES AND PROCEDURES FOR THE NORTH BAY VILLAGE SCHOLARSHIP PROGRAM; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

- F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE APPROPRIATION AND DISBURSEMENT OF \$4,044 FROM THE STATE FORFEITURE ACCOUNT (FUND 05) TO COVER THE COST OF REPAIR EXPENSES AND PURCHASE OF A CUSTOMIZED COVER FOR THE POLICE BOAT; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

Commissioner Richard Chervony made a motion to approve the Consent Agenda. 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.

Items 10C and 10D were removed and discussed separately from the Consent Agenda.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE LITIGATION STIPULATION AND AGREEMENT OF SETTLEMENT WITH GARY NALEPA, ON BEHALF OF HIMSELF AND THE CLASS; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE SETTLEMENT AGREEMENT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)**

The Village Clerk read the Resolution by title.

Commissioner Richard Chervony made a motion to approve the Resolution. 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.

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE SETTLEMENT OF THE LITIGATION STYLED LIFT STATIONS “R” US CORP. V. CITY OF NORTH BAY VILLAGE, FLORIDA, CASE NO. 2015-007015-CA-01, FILED IN THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE ANY DOCUMENTS REQUIRED TO SETTLE THE LITIGATION; AUTHORIZING THE VILLAGE ATTORNEY TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE COURT TO CONCLUDE THE LITIGATION; APPROVING A BUDGET EXPENDITURE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)**

The Village Clerk read the Resolution by title.

Commissioner Richard Chervony made a motion to approve the Resolution. 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.

- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SUPPORTING ADEQUATE FUNDING OF THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP); SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

Mayor Connie Leon-Kreps withdrew the item from the agenda.

11. PLANNING & ZONING CONSENT AGENDA

NO ITEMS.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING SECTION 111.01 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES PROVIDING FOR SIGNS IN BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF THE PREMISES; PROVIDING FOR CONTENT OF SIGN TO INCLUDE PROHIBITION ON THE SALE TO MINORS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR JORGE GONZALEZ) – FIRST READING**

The Village Clerk read the Ordinance by title.

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

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

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

- B. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 155, SECTION 155.03 ENTITLED “BUILDING AND SITE DESIGN RELATIONSHIPS SHALL CONFORM TO THE FOLLOWING STANDARDS” AND CHAPTER 152, SECTION 152.055 ENTITLED “FENCES, WALLS, AND HEDGES” TO REQUIRE A TEMPORARY FENCE AROUND THE ENTIRE PERIMETER OF CONSTRUCTION SITES AND FENCING IN THE REAR OF VACANT PROPERTIES ON THE 79TH STREET CAUSEWAY IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS) –FIRST READING**

The Village Clerk read the ordinance by title.

Mayor Connie Leon-Kreps made a motion to approve the ordinance on first reading and Commissioner Richard Chervony seconded the motion.

The Mayor opened the Public Hearing. There being no speakers she closed the floor to Public Hearing.

The motion was adopted by a 4-0 roll call vote. The vote to approve the ordinance on first reading subject to revisions to include language for fencing of all multi-family and commercial properties, pertaining to the proposed ordinance, was as follows: Commissioner Eddie Lim, Commissioner Richard Chervony, Vice Mayor Jorge Gonzalez, and Mayor Connie Leon-Kreps all voting Yes.

C. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING REVISIONS TO A DEVELOPMENT AGREEMENT BETWEEN ISLE OF DREAMS, LLC AND NORTH BAY VILLAGE; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR AND VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – FIRST READING

The Village Clerk read the ordinance by title.

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

Graham Penn, of Bercow Radell & Fernandez, P.A., 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131, made a brief presentation on the item.

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

Scott Greenwald, developer of Isle of Dreams, was sworn in by the Village Attorney and addressed the Commission.

The motion carried 3-1 to approve the Developer's Agreement on first to revise the language in the agreement regarding the \$800,000 payments. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Vice Mayor Jorge Gonzalez all voted Yes. Commissioner Richard Chervony voted No.

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING ITEMS:

- A. 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) – SECOND READING**

The Village Clerk read the ordinance by title.

Commissioner Richard Chervony made a brief presentation on the item.

Vice Mayor Jorge Gonzalez made a motion to approve the ordinance 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 motion carried 4-0 on a 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.

- B. 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 Village Clerk read the ordinance by title.

Commissioner Richard Chervony made a motion to approve the ordinance and Mayor Connie Leon-Kreps seconded the motion.

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

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

14. UNFINISHED BUSINESS

There was no unfinished business.

15. NEW BUSINESS

A. TREASURE ISLAND COMMISSIONER VACANCY

It was the consensus of the Commission that the “Treasure Island Commissioner” seat vacated by Commissioner Wendy Duvall as of November 18th be advertised in a newspaper of general circulation and be posted on the Village’s website. Interested individuals will be scheduled for interviews with each member of the Commission, if they so desire.

B. APPOINTMENT OF MEMBER TO ARTS, CULTURAL & SPECIAL EVENTS BOARD AND THE COMMUNITY ENHANCEMENT BOARD

Commissioner Richard Chervony made a motion to appoint Kokoa Woodget to the Arts, Cultural & Special Events Board. Mayor Connie Leon-Kreps seconded the motion, which 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.

Commissioner Richard Chervony made a motion to appoint Kokoa Woodget to the Business Development Advisory Board. Mayor Connie Leon-Kreps seconded the motion, which 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.

Commissioner Richard Chervony made a motion to appoint Kokoa Woodget to the Community Enhancement Board. Commissioner Eddie Lim seconded the motion, which was adopted by a 3-1 roll call vote. The vote was as follows: Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes. Mayor Connie Leon-Kreps voted No.

Commissioner Richard Chervony made a motion to appoint Keir Rocha to the Citizens Budget & Oversight 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.

Commissioner Richard Chervony made a motion to extend the meeting to 12:15 a.m. Mayor Connie Leon-Kreps seconded the meeting and all voted in favor.

C. DISCUSSION REGARDING PALM TREES (*MAYOR CONNIE LEON-KREPS*)

The Village Manager reported that the Palm Trees are scheduled to be installed on Thursday.

D. SHORT TERM RENTALS

Commissioner Richard Chervony made a motion authorizing the creation of a Vacation Homes Advisory Committee to be chaired by Mary Kramer and for her to select other residents as members. 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

No Minutes were approved.

17. ADJOURNMENT

The meeting adjourned at 12:08 a.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

This 8th day of December 2015.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. Due to technical difficulties, the November 10, 2015 meeting is not recorded.)