



North Bay Village

Administrative Offices

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

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OFFICIAL MINUTES

REGULAR VILLAGE COMMISSION MEETING TREASURE ISLAND ELEMENTARY SCHOOL

**NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, #300
NORTH BAY VILLAGE, FL 33141**

March 11, 2014

7:30 P.M.

1. CALL TO ORDER.

The meeting was called to order by Mayor Connie Leon-Kreps at 7:39 p.m., and she read the rules of conduct for the proceeding.

PLEDGE OF ALLEGIANCE

Resident Mitch Edelstein led the Pledge of Allegiance.

ROLL CALL

Present were the following:

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

Village Manager Frank K. Rollason
Deputy Village Manager/HR Director Jenice Rosado
Interim Village Attorney Robert Switkes
Finance Director Bert Wrains
Public Works Superintendent David Hernandez

Police Chief Robert Daniels
Village Planner Jim LaRue
Deputy Village Clerk Jenorgen Guillen
Village Clerk Yvonne P. Hamilton

2. A. PROCLAMATIONS AND AWARDS

1. EMPLOYEES' RECOGNITION

No action was taken on this item.

B. SPECIAL PRESENTATIONS

There were no special presentations.

C. ADDITIONS AND DELETIONS

Commissioner Richard Chervony requested that Items 10D and 10E be removed from the Consent Agenda to be discussed separately.

3. GOOD & WELFARE

Kevin Vericker, of 7520 Cutlass Avenue, Mario Garcia, of 7540 Cutlass Avenue, Reinaldo Trujillo, of 7601 E. Treasure Drive, Ann Bakst, of 1865 Kennedy Causeway, and Doris Acosta, of 1790 S. Treasure Drive addressed the Commission.

4. BOARD REPORTS

A. CITIZENS BUDGET & OVERSIGHT BOARD

A report was not provided.

B. COMMUNITY ENHANCEMENT BOARD

A report was not provided.

C. PLANNING & ZONING BOARD

The Chair Reinaldo Trujillo reported on the March 18, 2014 Board Meeting.

5. PUBLIC SAFETY DISCUSSION

Chief Daniels made reference to the police statistics for the month of February.

6. COMMISSIONERS' REPORTS

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

Commissioner Wendy Duvall made a motion to hear the Planning & Zoning items on a separate agenda from the Regular Meeting agenda when the new meeting location at 1666 Kennedy Causeway, Suite 100 is available. Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Reinaldo Trujillo, of 7601 E. Treasure Drive addressed the Commission.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

7. VILLAGE ATTORNEY'S REPORT

Village Attorney Robert L. Switkes provided a report.

8. VILLAGE MANAGER'S REPORT

The Village Manager read his written report into the record.

9. FINANCE REPORT

Finance Director Bert Wrains presented the budget in brief for for the period ending January 31, 2014.

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, CONFIRMING THE APPOINTMENT OF RAUL RODRIGUEZ AS THE CHIEF BUILDING OFFICIAL PURSUANT TO SECTION 4.01 OF THE VILLAGE CHARTER; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) - (DEFERRED FROM FEBRUARY 11, 2014)*

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE APPOINTMENT OF RODNEY CARRERO-SANTANA AS THE PUBLIC WORKS DIRECTOR PURSUANT TO SECTION 4.01 OF THE VILLAGE CHARTER; AND PROVIDING AN EFFECTIVE DATE *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)-(DEFERRED FROM FEBRUARY 11, 2014)*

C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT; AUTHORIZING VILLAGE OFFICIALS TO RECORD THE EASEMENT AND TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – (DEFERRED FROM FEBRUARY 11, 2014)*

- F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO THE PUBLIC WELFARE, AUTHORIZING THE VILLAGE MANAGER, ON BEHALF OF THE NORTH BAY VILLAGE POLICE DEPARTMENT, TO ENTER INTO LAW ENFORCEMENT MUTUAL AID AGREEMENTS WITH THE CITY OF MIAMI, BAL HARBOUR VILLAGE, AND THE TOWN OF BAY HARBOR ISLANDS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING ITS PROPORTIONATE SHARE OF FUNDING FOR A SCHOOL REGISTERED NURSE FOR TREASURE ISLAND ELEMENTARY SCHOOL; BUDGETING AND APPROPRIATING FUNDS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**
- H. A RESOLUTION OF THE COMMISSION NORTH BAY VILLAGE, APPROVING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE LEASE OF A DIGITAL COPIER MACHINE FOR THE VILLAGE ADMINISTRATIVE OFFICES 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 Jorge Gonzalez made a motion to approve the Consent Agenda Items. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING ELECTED OFFICIALS TO PURCHASE HEALTH INSURANCE THROUGH THE VILLAGE HEALTH INSURANCE PROGRAM; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) –DEFERRED FROM FEBRUARY 11, 2014)

The Village Clerk read the Resolution by title.

Commissioner Jorge Gonzalez made a motion to approve the Resolution and Commissioner Wendy Duvall seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Marcia Garcia, of 7540 Cutlass Avenue addressed the Commission.

Village Manager Frank K. Rollason and the Village Insurance Broker Charles Citran, Citran Financial, 300 – 71st Street, Miami Beach, FL 33141, discussed the item.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A LEASE AGREEMENT BETWEEN THE VILLAGE AND CAUSEWAY TOWER, LLC. FOR LEASING ADDITIONAL OFFICE SPACE AT 1666 KENNEDY CAUSEWAY, SUITE 100, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS OF THE LEASE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; BUDGETING AND APPROPRIATING FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE AGREEMENT AND OTHER RELATED PURCHASE ORDERS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The Village Clerk read the Resolution by title.

Vice Mayor Eddie Lim made a motion to approve the Resolution, and Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Gudrin Volker, of 7517 Cutlass Avenue addressed the Commission.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voted Yes. Commissioner Richard Chervony voted No.

11. PLANNING & ZONING CONSENT AGENDA

There were no items on the Planning & Zoning Board Consent Agenda.

Items 13B and 13C were heard next on the agenda.

13B. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 25 STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

- 1. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI- DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.**
- 2. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".**

3. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).**
4. **BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
5. **A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
6. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.**

BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

The Village Clerk read the items into the record.

Jim LaRue, Village Planner, presented the Staff Report on behalf of the Village.

Counsel for the applicant Neisen Kasdin, of Akerman LLP, One Southeast Third Avenue, Suite 2500, Miami, FL 33131-1714, developer Miguel Angel Barbagallo, and architect Kobi Karp presented the item to the Commission.

The Mayor opened the public hearing.

Mario Garcia, of 7540 Cutlass Avenue, Jorge Brito, of 1865 Kennedy Causeway, Bunny Hart, of 7901 Hispanola Avenue, and Ann Baskt, of 1865 Kennedy Causeway, addressed the Commission.

The Mayor closed the public hearing.

Vice Mayor Eddie Lim made a motion to approve the request to change the current zoning designation from CG(General Commercial) Zoning District to CL (Limited Commercial District) and amending the Village's Official Zoning District Map. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Richard Chervony, Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes.

Commissioner Jorge Gonzalez made a motion to approve the request for a code text amendment to Sections 152.003(5) and 152.003(6) of the North Bay Village Code of Ordinances to redefine the definition of "dwelling, hotel room" and "dwelling, hotel suite" and add the definition of "kitchen facilities" as follows:

1. Adoption of the definition for "Dwelling hotel room/Dwelling hotel suite" as outlined in Section 509.013(4)(a) Florida Statute, "any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests; for no more than 90 nonconsecutive days with 30-day interval, with kitchen facilities.
2. There shall be no kitchens facilities in units that are less than 750 square feet in size.
3. The density shall be calculated on hotel occupancy, 132 units at 99 units per acre.

Commissioner Wendy Duvall seconded the motion, which was adopted by a vote of 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

Commissioner Jorge Gonzalez made a motion to approve the request for a Variance to allow less than the side-yard setback as required by Section 152.032(C)(2)(3) of the Village Code. Vice Mayor Eddie Lim seconded the motion, which was adopted by a vote of a 4-1. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

Commissioner Wendy Duvall made a motion to approve the request to utilize the Bay View Overlay Standards Review, including height approval, pursuant to Section 152.032(A)(3) of the Village Code for the development. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

Commissioner Wendy Duvall made a motion to approve the request for a Special Use Exception to allow up to twenty (20) percent of the development's required parking spaces to be designed specifically for compact vehicles. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

Commissioner Richard Chervony made a motion to approve the request for Site Plan Approval for development of a 132-unit, 25-story condominium hotel structure with a parking garage and building height bonus review, pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances with the following conditions:

1. Prior to the issuance of a building permit, the public access easement and the waterfront boardwalk easement must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.
2. Proof of site plan approval from the Miami-Dade Shoreline Review Committee must be provided.
3. School Board Concurrency requirements must be met, as determined by School Board Staff.
4. An irrigation plan which meets Miami-Dade Chapter 18A requirements must be submitted.

5. Bonus height fees must be paid, as required under Section 152.029(C)8A-8F.
6. Any applicable impact fees must be paid.
7. Cost recovery charges must be paid 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.
8. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
9. Approval of this site plan 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 approval 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.
10. All applicable state and federal permits must be obtained before commencement of construction.

Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.030(C)(3) AND 152.098 OF THE NORTH BAY VVILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 237 UNIT, 32 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.032(A)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE BAYVIEW OVERLAY DISTRICT, PURSUANT TO SECTION 152.032(A)(3) AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

The Village Clerk read the items into record.

The Village Planner Jim LaRue presented the Staff Report on behalf of the Village.

Graham Penn, of Bercow, Radell, Fernandez, P.A., 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131 presented the item to the Commission.

The Mayor opened the public hearing.

Mario Garcia, of 7540 Cutlass Avenue, addressed the Commission.

The Mayor closed the public hearing.

Commissioner Jorge Gonzalez made a motion to approve the Resolution granting a Special Use Exception for development of a mixed-use commercial structure in the General Commercial Zoning District at 1415 Kennedy Causeway. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

Commissioner Wendy Duvall made a motion to approve the Resolution granting approval for development of a mixed-use commercial structure in the Bayview Overlay District, pursuant to Section 152.032(A)(3) of the North Bay Village Code of Ordinances at 1415 Kennedy Causeway. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

Commissioner Richard Chervony made a motion approving the Resolution granting approval of the Site Plan pursuant to Section 152.105(C)(9) and 152.030(C)(3) of the North Bay Village Code of Ordinances for development of a 237 unit, 32 story multi-family condominium structure at 1415 Kennedy Causeway. With the following conditions:

- 1) Submittal of a landscape plan, irrigation plan and vegetative survey which meet Miami-Dade Chapter 18A requirements
- 2) Dedication recording of the public boardwalk access easements as per section 152.029(C)(7).
- 3) Site plan approval from Miami-Dade Shoreline Review Committee.
- 4) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 5) Payment of bonus height fees, as required under Section 152.029(C)8A-8F, as defined by the IOD Development Agreement.
- 6) Tie-in to Village's wastewater system at a Village designed, proximate location (proposed connection point).
 - a) If and only if at the time of IOD's construction the Existing Force Main is operational, then IOD shall contribute to the established proportionate share program in place at the time of the connection.
 - a) If and only if at the time of IOD's construction the Existing Force Main is operational, then IOD shall contribute to the established proportionate share program in place at the time of the connection.

- b) Alternatively, if at the time of construction by IOD, there is not an Existing Force Main, then IOD shall design and construct a Westbound Force Main to the Village Hall Pump Station (“Force Main Improvements”) required to service the IOD development to the standards required by the Village. Upon completion and acceptance of the Force Main Improvements by the Village, those improvements shall be conveyed to the Village at no cost through an unencumbered bill of sale.
- 7) Cost recovery charges must be paid 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.
- 8) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 9) Approval of this site plan 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 approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 10) All applicable state and federal permits must be obtained before commencement of construction.
- 11) Applicant shall agree, in writing, that the public boardwalk shall be open to the public from sun-up until either 10:00 pm or until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.

Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 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 MANAGER FRANK K. ROLLASON) – FIRST READING**

The Village Clerk read the Ordinance by caption.

The Mayor opened the public hearing and there were no speakers.

Commissioner Jorge Gonzalez made a motion to approve the Ordinance on first reading to change the November 4, 2014 election qualifying dates to 8:00 a.m. on July 29, 2014 to 5:00 p.m. on August 27, 2014. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH C.A.P. ENGINEERING CONSULTANTS, INC., FOR THE PURPOSE OF PROVIDING BUILDING & PERMITTING SERVICES; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The Village Clerk read the Resolution by title.

The Mayor opened the floor to public comments.

Reinaldo Trujillo, of 7601 E. Treasure Drive, addressed the Commission.

Commissioner Richard Chervony made a motion to approve the Resolution. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE HIRING OF PART-TIME EMPLOYEE FOR THE BUILDING DEPARTMENT; AUTHORIZING THE TRANSFER OF FUNDS TO THE PERSONNEL EXPENSE ACCOUNT; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The Village Clerk read the Resolution by title.

Commissioner Wendy Duvall made a motion to approve the Resolution. Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments and there were no speakers.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ACCEPT, APPROPRIATE, AND EXPEND DONATIONS FOR THE NORTH BAY VILLAGE SCHOLARSHIP PROGRAM; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The Village Clerk read the Resolution by title.

Commissioner Jorge Gonzalez made a motion to approve the Resolution. Commissioner Wendy Duvall seconded the motion.

The Mayor opened the floor to public comments and there were no speakers.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

E. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 AND LEGALLY DESCRIBED IN EXHIBIT A; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

The Village Clerk read the ordinance by title.

Commissioner Richard Chervony made a motion to approve the Ordinance on first reading.

The Mayor opened the public hearing and there were no speakers.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

- F. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

The Village Clerk read the ordinance by caption.

Commissioner Richard Chervony made a motion to approve the Ordinance on first reading.

The Mayor opened the public hearing and there were no speakers.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 36 "ADMINISTRATIVE POLICY AND PROCEDURE", OF THE CODE OF ORDINANCES TO UPDATE THE REQUIREMENTS AND PROCEDURES RELATED TO THE PROCUREMENT REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (*SECOND READING*)**

The Village Clerk read the Ordinance by caption.

Commissioner Jorge Gonzalez made a motion to approve the Ordinance on first reading, and Vice Mayor Eddie Lim seconded the motion.

The Mayor opened the public hearing and there were no speakers.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

B. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24 STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

- 1. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI- DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.**
- 2. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".**
- 3. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).**
- 4. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

5. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
6. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

These items were heard earlier in the agenda.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 237 UNIT, 32 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.032(A)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE BAYVIEW OVERLAY DISTRICT, PURSUANT TO SECTION 152.032(A)(3) AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

These items were heard earlier in the agenda.

14. UNFINISHED BUSINESS

There was no unfinished business.

15. NEW BUSINESS

There was no new business.

16. APPROVAL OF MINUTES

- A. Special Commission Meeting – January 15, 2014**
- B. Regular Commission Meeting – December 10, 2013**
- C. Regular Commission Meeting – October 8, 2013**
- D. Regular Commission Meeting – February 11, 2014**

Commissioner Richard Chervony made a motion to approve the Minutes as submitted. Commissioner Wendy Duvall seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

17. ADJOURNMENT

The meeting adjourned at 11:47 p.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on April 8, 2014.

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 Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)