



North Bay Village

Administrative Offices

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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**

APRIL 8, 2014

7:30 P.M.

1. CALL TO ORDER.

The meeting was called to order by Mayor Connie Leon-Kreps at 7:38 p.m., and she read the rules of conduct for the proceeding.

PLEDGE OF ALLEGIANCE

Resident Reinaldo Trujillo 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
Village Attorney Robert L. Switkes
Finance Director Bert Wrains
Public Works Director Rodney Carrero-Santana

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

2. A. PROCLAMATIONS AND AWARDS

1. POLICE EMPLOYEES' RECOGNITION

Chief Daniels recognized and commended Lieutenant James McVay, Officer Frank Piega, and Officer Patrick Kennedy for putting out a fire at 1801 South Treasure Drive, #429. Officer Frank Kennedy was also recognized as Officer of the First Quarter of 2014.

2. DISPATCH UNIT RECOGNITION

Chief Daniels read a proclamation into the record declaring April 13-19, 2014 as National Safety Police Communication Week.

3. OSCAR FONSECA, FULL POWER ENTERPRISES, INC.

Mr. Fonseca was recognized for donating palm trees to the Village.

B. SPECIAL PRESENTATIONS

1. MIAMI-DADE COUNTY ANIMAL SERVICES

Cathy Lebrada, Chief of Operations and Michael Leiva, of Miami-Dade County Animal Services addressed the Commission about the services offered by the agency.

2. FY 2013 AUDITED FINANCIAL STATEMENTS

Ken Smith, of Keefe McCullough, Village Auditors, presented the audit report for FY 2012-2013.

3. GFOA BUDGET AWARD PRESENTATION

Alfredo Riverol, Chief Financial Officer, of City of South Miami, presented to the Village a Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2013.

4. NORTH BAY VILLAGE OPTIMIST CLUB

Doris Acosta, President of the Optimist Club, addressed the Commission and requested \$3,500 to partner with the Village in publishing the North Bay Village Community Directory.

The Mayor opened the floor to public comments.

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

Commissioner Jorge Gonzalez made a motion for the Village to donate \$3,500 to the Optimist Club to assist in publishing the North Bay Village Community Directory. 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 Richard Chervony suggested using \$3,500 from the funds appropriated for the IB program for publication of the Community Directory.

C. ADDITIONS AND DELETIONS

Commissioner Richard Chervony requested that Item 10C be removed from the Consent Agenda to be addressed separately. Village Clerk Yvonne P. Hamilton requested that Item 14A be tabled at the request of the applicant.

3. GOOD & WELFARE

Commissioner Sally Heyman addressed the Commission. She introduced her new assistant, Alfrieda Hodgson.

Jane Blake, of 7601 Coquina Drive, Ann Bakst, of 1865 Kennedy Causeway, Gudrin Volker, of 7517 Cutlass Avenue, Benjia Morgenstern, of 7830 Miami View Drive, Al Blake, of 7601 Coquina Drive, Captain Joe, Business Owner at 7904 West Drive Marina, and Joe Pelayo, representative and Officer Rey Marabotto, President of the Fraternal Order of Police (FOP) addressed the Commission.

The Mayor later re-opened the Good & Welfare session, and Mercedes Aguilar, of 7401 Center Bay Drive, addressed the Commission with concerns regarding the quality of service at Trio's on the Bay.

4. BOARD REPORTS

A. CITIZENS BUDGET & OVERSIGHT BOARD

A report was not provided.

B. COMMUNITY ENHANCEMENT BOARD

Chair Andreana Jackson reported on the March 25, 2014 meeting.

C. PLANNING & ZONING BOARD

Chair Reinaldo Trujillo reported on the March 18, 2014 meeting.

5. PUBLIC SAFETY DISCUSSION

Chief Robert Daniels presented the report.

6. COMMISSIONERS' REPORTS

Commissioner Richard Chervony, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, and Mayor Connie Leon-Kreps gave verbal reports.

Without objection, Commissioner Gonzalez requested that a report from the grant writer be included in the agenda package of the monthly Commission Meetings.

7. VILLAGE ATTORNEY'S REPORT

Village Attorney Robert L. Switkes gave a verbal report.

8. VILLAGE MANAGER'S REPORT

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

Commissioner Richard Chervony made a motion authorizing the Village Manager to move forward with pursuing funding options for the infrastructure project. 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 voted Yes.

9. FINANCE REPORT

Finance Director Bert Wrains discussed the financial report for the period ending February 28, 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, AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN NORTH BAY VILLAGE AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE FOR THE TERM OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2015; AUTHORIZING APPROPRIATION OF FUNDS FROM THE UNASSIGNED FUND BALANCE TO COVER EXPENSES ASSOCIATED WITH THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY TO UTILIZE THE COUNTY'S 700/800 MHZ REGIONAL RADIO SYSTEM FOR LAW ENFORCEMENT VOICE COMMUNICATON; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTLING THE MATTER OF CODE ENFORCEMENT FINES IMPOSED AGAINST RACHEL DUGGER OF 7401 BEACH VIEW DRIVE, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE CLERK OF COURT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Richard Chervony moved to approve the Consent Agenda items. 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.

At the request of Commissioner Richard Chervony, Item 10C was removed from the Consent Agenda to be addressed separately.

10C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE TRANSFER OF \$20,000 FROM THE UNRESERVED FUND BALANCE ACCOUNT TO THE GENERAL INSURANCE ACCOUNT TO PAY THE INSURANCE DEDUCTIBLE TO THE FLORIDA LEAGUE OF CITIES FOR SETTLEMENT PURPOSES IN THE MATTER OF NAYDA ACROS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The Village Clerk read the Resolution by title.

The Village Attorney Robert Switkes made a brief presentation on the item concerning the Florida League of Cities settling the case without notification to the Village.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway, addressed the Commission.

There being no further speakers, the Mayor closed the floor to public comments.

Commissioner Richard Chervony moved to approve the Resolution, and 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.

Commissioner Richard Chervony made a motion for the Village Attorney to notify the Florida League of Cities that in light of its contractual relationship with the Village, when a deductible is involved in the settlement of a case, information must be provided to the Village Commission prior to conclusion of the resolution of the case, so that the Commission can pass a Resolution, not post settlement. Commission 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.

11. PLANNING & ZONING CONSENT AGENDA

No Items.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES, RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER JORGE GONZALEZ)**

The Village Clerk read the Resolution by title.

Mr. Joe Spector, Vice President of Operations, of Ygrene Energy Fund Florida, LLC presented the item to the Commission.

The Mayor opened the floor to public comments.

Mario Garcia, of 7540 Cutlass Avenue and Reinaldo Trujillo, 7601 E. Treasure Drive addressed the Commission.

There being no further speakers, the Mayor closed the public hearing.

Discussion ensued on the merits of the program and the need for a workshop to obtain more information.

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

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2013 BUDGET; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The Village Clerk read the Resolution by title.

Village Manager Frank K. Rollason made a brief presentation on the item.

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

The Mayor opened the floor to public comments.

Reinaldo Trujillo, of 7601 E. Treasure Drive distributed an article from the September 15, 2013 edition of the *Miami Herald* pertaining to North Miami Beach Smart Water Program.

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

There being no further speakers, the Mayor closed the Public Hearing.

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

It was clarified that the expenditures would occur in the 2013 Budget Year.

13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:

- 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, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – FINAL READING**

The Village Clerk read the Ordinance by caption.

Commissioner Richard Chervony made a motion to approve the Ordinance on second reading, and Vice Mayor Eddie Lim seconded the motion.

The Mayor opened the floor to public comments, and there being no speakers she closed the Public Hearing.

The motion to approve the Ordinance 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.

- H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY WILLIAM C. WEBB, JR. FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE REDEVELOPMENT OF A SINGLE-FAMILY STRUCTURE AT 1357 BAY TERRACE TO PERMIT A BUILDING HEIGHT OF 29.5 FEET ABOVE FEMA BASE FLOOD ELEVATION, WHERE 25 FEET IS ALLOWED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the Resolution by title.

Village Planner, Jim LaRue, LaRue Planning & Management, Services, Inc. provided the Staff Report.

Commissioner Jorge Gonzalez made a motion to approve the Resolution, and Commissioner Richard Chervony seconded the motion.

The Mayor opened the floor to public hearing.

The applicant William Webb and his architect, Adam Henry addressed the Commission.

There being no further speakers, the Mayor closed the public hearing.

The votes on the motion to approve the Resolution carried 5-0 on a 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.

- I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE SWIMMING POOL EQUIPMENT TO ENCROACH 4 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AT 1700 SOUTH TREASURE DRIVE; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

- J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILALGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 3.5 FOOT SIDE-YARD INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK AT 1700 SOUTH TREASURE DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the items 13I and 13J into the record.

Village Planner Jim LaRue, of LaRue Planning & Services Management, Inc., presented the Staff Reports for Items 13I and 13J simultaneously.

The Mayor opened the floor to public comments

There being no further speakers, the Mayor closed the public hearing.

Commissioner Jorge Gonzalez made a motion to approve the Resolution (Item 13I). Commissioner Wendy Duvall seconded the motion, which was adopted by a 5-0 on a 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 Richard Chervony made a motion to approve the Resolution (Item 13J) with the condition that the applicant installs an open railing around the steps. 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.

At this time, Commissioner Gonzalez made a motion to hold a workshop to further discuss the PACE program. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall all voting Yes. Commissioner Jorge Gonzalez voted No.

K. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAUKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH FOUR FEET INTO THE REQUIRED TEN-FOOT SIDE-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Village Clerk read the items 13K and 13L into the record.

Village Planner Jim LaRue, of LaRue Planning & Services Management, Inc., presented the Staff Reports for Items 13K and 13L simultaneously.

Commissioner Richard Chervony made a motion to approve the Resolution (Item 13K) with the following conditions:

1. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

2. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure (applicant has stated his intention to comply with this by extending his side yard fence).
3. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.
4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.
5. All applicable state and federal permits must be obtained before commencement of construction.
6. Cost Recovery charges must be paid pursuant to Section 152.110. Specifically, 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.
7. Authorization or issue of a variance or 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 variance or 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 result in a violation of federal or state law.

Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

The applicant, Mr. Kaukuta Saint, addressed the Commission.

There being no further speakers, the Mayor closed the public hearing.

The vote on the motion to approve the Resolution (Item 13K) with the conditions outlined above was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Cherovny all voting Yes.

- L. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAUKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW TWO CARPORTS TO ENCROACH TWENTY FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FRONT-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Richard Chervony made a motion to approve the Resolution with the following conditions:

1. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.
2. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure (applicant has stated his intention to comply with this by extending his side yard fence).
3. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.
4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.
5. All applicable state and federal permits must be obtained before commencement of construction.
6. Cost Recovery charges must be paid pursuant to Section 152.110. Specifically, 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.
7. Authorization or issue of a variance or 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 variance or 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 result in a violation of federal or state law.

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

M. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CONSTRUCTION OF A DOCK AT 1460 SOUTH TREASURE DRIVE; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Village Clerk read the Resolution by title.

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

Commissioner Jorge Gonzalez made a motion to approve the Resolution with the following conditions:

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.

The Mayor opened the public hearing, and there being no speakers she closed the public hearing.

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.

The Village Clerk read items 13B through 13H into the record.

Village Planner, Jim LaRue, from LaRue Planning & Management Services, Inc., presented the Staff Report for Item 13B to the Commission.

The Mayor opened the public hearing, and there being no speakers she closed the public hearing.

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9), 152.031(B)(1) AND 152.031(C)(4) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE AT 1755 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.

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

The Mayor opened the public hearing, and there being no speakers she closed the public hearing.

The vote on the motion to approve the Resolution carried 5-0 on a 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.

E. 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. (FINAL READING)

Commissioner Richard Chervony made a motion to approve the Ordinance on final reading, and Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments, and there being no speakers she closed the public hearing

The vote on the motion to approve the Resolution 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 Wendy Chervony all voting Yes.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, TO ALLOW A 20 FOOT SIDE-YARD SETBACK WHERE 120 FEET IS REQUIRED BY SECTION 152.032(C)(2)(C); PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Mayor opened the floor to public comments, and there being no speakers she closed the public hearing.

The vote on the motion to approve the Resolution carried 4-1 on a 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.

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Village Planner Jim LaRue noted for the record that 18 compact parking spaces were being provided, as allowed by the Village Code.

The vote on the motion to approve the Resolution 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.

F. 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 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (FINAL READING)

Commissioner Jorge Gonzalez moved to approve the Ordinance on final reading, and Vice Mayor Eddie Lim seconded the motion.

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

The vote on the motion to approve the Ordinance carried 5-0 on a 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.

G. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING: (FIRST PUBLIC HEARING)

The Village Clerk read the items into the record.

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

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

At this time Mayor Connie Leon-Kreps moved to extend the meeting to 12:30 a.m., and Vice Mayor Eddie Lim seconded the motion, which carried 4-1 on a voice vote. Commissioner Richard Chervony voted No.

Wayne Pathman, of Lewis, Pathman LLP, One Biscayne Tower, Two South Biscayne Tower, Suite 2400, Miami, FL 33131, and Architect Victor Rodriguez presented the request to the Commission.

The Mayor opened the public hearing.

Fane Lozman, of 7918 West Drive and Ana Watson, of 7945 East Drive addressed the Commission.

There being no further speakers, the Mayor closed the public hearing.

1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI- FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

Vice Mayor Eddie Lim moved to approve the request for the Site Plan with the following conditions prior to the issuance of a Building Permit:

1. Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements
2. Dedication and recording of the waterfront public boardwalk easement along the western property line and the 5 foot wide access easement along the southern property line as per section 152.029(C)(7).
3. Site plan approval from Miami-Dade Shoreline Review Committee.
4. Meeting Miami-Dade School Board Concurrency requirements as determined by School Board Staff.
5. Payment of any applicable impact fees.
6. Payment of bonus density fees, as required under Section 152.029(C)8F.
7. Tie-in to Village's wastewater system at a Village designed proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
8. 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.

9. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
10. 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.
11. All applicable state and federal permits must be obtained before commencement of construction.
12. Valet parking will be continuously required and maintained as a part of this development. This provision shall be included in the condominium documents and bylaws.
13. Parking spaces which were required for plan approval cannot be leased or sold to residents of this development.
14. Residents of this development shall not utilize street parking and may only use the required parking within the building.
15. A backup generator must be provided for the parking lift.

Commissioner Wendy Duvall seconded the motion, which carried 5-0 on a 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.

2. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

Commissioner Wendy Duvall made a motion to approve the request for bonus density review. Vice Mayor Eddie Lim seconded the motion which carried 5-0 on a 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.

3. 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.

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 carried 5-0 on a 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.

14. UNFINISHED BUSINESS

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (CONTINUED FROM DECEMBER 10, 2013)**

This item was tabled at the request of the applicant.

15. NEW BUSINESS

- A. SETTING DATE FOR FY 2015 BUDGET WORKSHOP**

Commissioner Jorge Gonzalez moved to schedule a Budget Workshop on May 22, 2014. Commissioner Wendy Duvall seconded the motion, which carried 5-0 on a roll call vote.

Commissioner Wendy Duvall left the meeting at 12:30 p.m.

Vice Mayor Eddie Lim moved to extend the Commission Meeting to 12:45 a.m. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 4-1 on a voice vote. Commissioner Richard Chervony voted No.

B. APPOINTMENT OF MEMBERS TO THE BUSINESS DEVELOPMENT ADVISORY COMMITTEE

Vice Mayor Eddie Lim moved to approve the Business Development Advisory Committee Regulations to reduce the number of members from five to seven, to remove the sunset provision, to change the committee to a board, and to make the selection process similar to that for other advisory boards. Commissioner Wendy Duvall seconded the motion, which carried 4-0 on a roll call vote. The vote was as follows: Commissioner Richard Chervony, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes.

Vice Mayor Eddie Lim moved to appoint Henrik Risvang as the at-large member to the Business Development Committee, and Mayor Connie Leon-Kreps moved to appoint Serafin Gomez. The motion was adopted by a 4-0 on a roll call vote. The vote was as follows: Commissioner Richard Chervony, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Lim all voting Yes.

16. APPROVAL OF MINUTES

A. REGULAR COMMISSION MEETING - MARCH 11, 2014

Commissioner Richard Chervony moved to approve the Minutes of March 11, 2014 as presented. Vice Mayor Eddie Lim seconded the motion, which carried 4-0 on a roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

17. ADJOURNMENT

The meeting adjourned at 12:41 a.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

this 13th day of May, 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.)