



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**

JULY 14, 2015 - 7:30 P.M.

1. **CALL TO ORDER**

The meeting was called to order by Mayor Connie Leon-Kreps at 7:32 p.m.

PLEDGE OF ALLEGIANCE

Resident Alvin Blake 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

Also Present:

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

2. **A. PROCLAMATIONS AND AWARDS**

There were no proclamations or awards.

B. SPECIAL PRESENTATIONS

A. MICHAEL HYMAN – LEGAL COUNSEL FOR BAYSHORE, YACHT & TENNIS CLUB CONDOMINIUM ASSOCIATION– PARKING SITUATION

Mr. Hyman, of Siegfried, Rivera, Hyman, Lerner, De La Torre, Mars & Sobel P.A., 201 Alhambra Circle, Eleventh Floor, Coral Gables, FL 33134 discussed the parking issue with the residents of the Bayshore Yacht & Tennis Club, and requested that the Commission grant a 90-day moratorium on the Harbor Island Decal Program to allow his clients to reach a resolution on their parking situation.

Vice Mayor Jorge Gonzalez made a motion to consider Mr. Hyman’s request, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments.

Al Coletta, Gabe Terum, Britt Reeves, Vice President, Ronald Dominguez, and Tania Soberon, all of 7904 West Drive, addressed the Commission.

The Mayor closed the floor to public comments.

The motion to grant a 90-day moratorium to Bayshore Yacht & Tennis Club, 7904 West Drive, to resolve their parking issue, with submission of a report at the September 2015 Commission Meeting and to contact the Village in the event that a resolution was reached prior to the 90 days, was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall and Vice Mayor Jorge Gonzalez all voting Yes.

C. ADDITIONS AND DELETIONS

No items were added to or deleted from the agenda.

3. GOOD & WELFARE

The Mayor opened the floor to Good & Welfare.

Alvin Blake, of 7601 Coquina Drive, Ivette Nesser, of 7904 West Drive, Kevin Vericker, of 7520 Hispanola Avenue, K. Kokoa, of 7925 West Drive, and Jim Teeple, of 7531 Miami View Drive, addressed the Commission.

The Mayor closed the floor to public comments.

3A. DISCUSSION REGARDING THE PROPOSED GENERAL OPERATING BUDGET FOR FISCAL YEAR 2015-2016

The Village Manager and the Finance Director made a presentation on the 2015-2016 General Operating Budget. The following subjects were discussed with the Commission:

- Mandatory Additional Expenses
 - Merit Increases
 - Health Insurance
 - FMIT General, Auto Liability, Workers Compensation, Property Insurance
 - FRS Retirement Increase
 - Boat Maintenance & Fuel
 - Code Red System Renewal
 - GPS Rental Operation
 - Increase SFM Contract
 - Village Hall Lease Increase
 - Annual Maintenance Phone System-New System

- Village Manager's Recommendations
 - 3 Full Time Police Officers
 - Part-Time Officers Funding
 - Marketing/Branding Consultant to include a PR Video on the Village
 - 1 Full Time Police Dispatcher
 - Code Enforcement Officer Training
 - Litigation
 - Reserves for Employee severance costs
 - Best Buddies Program (Office Clerk)
 - Compensation & Benefits for General Employees (6% max.)
 - Police Overtime Budget
 - Implementation of Deco Bike/CitiCorp
 - Doggie Park-Fencing at Schonberger & Vogel Parks
 - Refurbishment of TIES Basketball Courts
 - Senior Recreation Program budget was reduced from \$150,000 to \$50,000.
 - \$159,333 for motorcycle unit was removed.
 - License Plate Reader System
 - \$50,000 for body cameras for police officers was removed.
 - Police Department New Equipment
 - \$105,000 for Vehicle Replacement Program for Police Department was removed.

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

The Village Manager discussed scheduling the proposed millage rates and the two budget public hearings. The item will be addressed later in the meeting under New Business.

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.

Commissioner Duvall left the meeting at 9:57 p.m.

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

The Village Attorney provided a verbal report.

8. VILLAGE MANAGER'S REPORT

A. Grant Writer's Report

The Village Manager requested that the Commission authorize him to execute a letter to the Miami-Dade County School Board with the Village's intent to fund the IB Program for the 2015-2016 School Year.

Vice Mayor Jorge Gonzalez made a motion authorizing the Village Manager to execute the letter to the School Board stating the Village's intent to fund the IB Program for Fiscal Year 2015-2016. Commissioner Richard Chervony seconded the motion, which 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.

The Village Manager gave an update on the status of the property at 7411 Center Bay Drive.

Public Works Director Rodney Santana-Correro made a presentation on the repairs to the 79th Street Causeway and the improvements to Philip Schonberger Park (Tot Lot) on Galleon Street.

The Village Grant Writer LaKeesha Morris, of BellTower Consulting Group, LLC, made a presentation on the status of Village grants.

Deputy Village Manager/HR Director Jenice Rosado explained new regulations that the Village has to comply regarding DCF Child Care Licensing for the Village After School Care Program.

9. FINANCE REPORT

The Finance Director Bert Wrains presented the status of the Village's finances as of May 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.)

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE FY 2015 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)

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RESOLVING THE MATTER OF CODE ENFORCEMENT SPECIAL MASTER FINES IMPOSED AGAINST COLIN AL FL 3 LLC REGARDING THE PROPERTY LOCATED AT 7508 JEWEL AVENUE, NORTH BAY VILLAGE, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)

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.

11. PLANNING & ZONING CONSENT AGENDA

NO ITEMS.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

There were no Ordinances or Resolutions for first reading.

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING ITEMS:

- A. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE NORTH BAY VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 152.003, DEFINITIONS, SECTION 152.0296, PLANNED RESIDENTIAL DEVELOPMENT ZONING OVERLAY, SECTION 152.042, DESIGN STANDARDS AND SECTION 155.17, OFF-STREET PARKING AND LOADING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)-FIRST READING**

The Village Clerk read the Resolution by title.

The Village Attorney Robert L. Switkes swore in those individuals who indicated that they would provide testimony. He further advised on the process for the quasi judicial proceeding, pursuant to Section 29 of the Village Code.

Mayor Connie Leon-Kreps disclosed a meeting with the lobbyist for the applicant, Mitch Edelstein.

Vice Mayor Jorge Gonzalez disclosed a meeting with counsel for the applicant.

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

Graham Penn, of Bercow Radell & Fernandez, P.A., 200 S. Biscayne Boulevard, Suite 850, Miami, Florida 33131 described the project.

Vice Mayor Jorge Gonzalez made a motion to approve the Ordinance on first reading with the conditions that there is to be self-parking and the lifts are to be assigned to specific units.

Commissioner Richard Chervony seconded the motion.

The Mayor opened the Public Hearing.

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

The motion was adopted by a 3-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Vice Mayor Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

B. AN APPLICATION BY CEDAR ISLAND L.P. CONCERNING PROPERTY LOCATED AT 7922 EAST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

- 1. A LAND DEVELOPMENT CODE TEXT AMENDMENT TO SECTIONS 152.0296, 152.042 AND 152.003 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN ORDER TO PERMIT THE USE OF MECHANICAL PARKING LIFTS TO PROVIDE 2 PARKING SPACES PER LIFT AND TO ALLOW DRIVE AISLES NARROWER THAN 22 FEET IN THE PRD ZONING OVERLAY; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

- 2. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 16-UNIT, 13-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE. (FIRST READING)**

The Village Clerk read the request into the record.

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

Vice Mayor Jorge Gonzalez made a motion to extend the meeting to 12:30 a.m. Commissioner Richard Chervony seconded the motion, and all voted in favor.

Counsel for the applicant, Graham Penn, addressed the Commission.

James MacKenzie, of Architectural Works, addressed the Commission.

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

Vice Mayor Jorge Gonzalez made a motion to approve the requests with the following conditions

- 1) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements.

- 2) The public access easement and boardwalk easement must be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
- 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 any applicable impact fees.
- 6) Tie-in to Village's wastewater system at a Village designated location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
- 7) Applicant shall not lease or sell parking spaces.
- 8) Applicant shall not charge for guest parking.
- 9) Staging of construction materials shall occur off-site, and not on the public right-of-way.
- 10) Residents of this development shall not utilize street parking and may only use the required parking within the building.
- 11) 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.
- 12) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 13) 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.
- 14) All applicable state and federal permits must be obtained before commencement of construction.

15) The Mechanical Lifts are to be assigned to the units and cannot be sold separately from the unit. Such language is stipulated in the Condominium Documents.

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

C. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO WATER RATES, AMENDING CHAPTER 51, SECTION 51.04 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REVISE THE FEES; PROVIDING FOR REPEALER, CODIFICATIONS, SEVERABILITY, AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The Village Clerk read the Ordinance by title.

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

The Village Manager Frank K. Rollason explained the item.

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

The motion 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. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO SEWER RATES, AMENDING CHAPTER 52, SECTION 52.11(B) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REVISE THE FEES; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The Village Clerk read the Ordinance by title.

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

The Village Manager Frank K. Rollason explained the item.

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

The motion 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. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 70 OF THE VILLAGE CODE BY REVISING SECTION 70.09 PERTAINING TO THE PARKING OF MOTORCYCLES AND SCOOTERS IN THE HARBOR ISLAND RESIDENTIAL PARKING AREA; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY-SECOND READING)

The Village Clerk read the Ordinance by title.

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

Commissioner Richard Chervony explained the item.

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

The motion to approve the Ordinance on second reading 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.

At the request of the Village Manager, Commissioner Richard Chervony made a motion to call a Special Commission Meeting on July 28, 2015, at the request of the Village Manager, to set the proposed millage rates and the two required budget public hearings. Mayor Connie Leon-Kreps seconded the motion, and all voted in favor.

Vice Mayor Jorge Gonzalez made a motion to extend the meeting to 12:45 a.m., and all voted in favor.

14. UNFINISHED BUSINESS

NONE

15. **NEW BUSINESS**

B. **MIAMI-SHORES CHAMBER OF COMMERCE (VICE MAYOR JORGE GONZALEZ)**

Mayor Connie Leon-Kreps made a motion authorizing the Village Manager to submit the application with the \$300 fee for membership to the Miami-Shores Chamber of Commerce. 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 4-0 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Richard Chervony, Vice Mayor Jorge Gonzalez, and Mayor Connie Leon-Kreps all voting Yes.

A. **TREASURE ISLAND ELEMENTARY SCHOOL STUDENT - MAYOR FOR THE DAY**

Commissioner Richard Chervony made a motion to set aside a day where a student from Treasure Island Elementary School can act as “Mayor for the Day” at the Village. 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 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**

A. **REGULAR COMMISSION MEETING – JUNE 9, 2015**

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

17. ADJOURNMENT

The meeting was adjourned at 12:30 a.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

This 8th day of September 2015.

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.)