



## 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 8, 2014 - 7:30 P.M.**

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#### 1. CALL TO ORDER.

The meeting was called to order by Connie Leon-Kreps at 7:30 p.m.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

#### ROLL CALL

Present were the following:

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

Commissioner Jorge Gonzalez made a motion to excuse Commissioner Richard Chervony, who was absent on a scheduled vacation. Mayor Connie Leon-Kreps seconded the motion, and all voted in favor.

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  
Lieutenant Brian Collins  
Village Clerk Yvonne P. Hamilton  
Deputy Village Clerk Jenorgen Guillen

Village Planner Ben Smith  
LaRue Planning & Management, Inc.

2. **A. PROCLAMATIONS AND AWARDS**

1. **HOUSE REPRESENTATIVE DAVID RICHARDSON**

Mayor Connie Leon-Kreps presented a proclamation to Mr. Richardson.

2. **DR. DOUGLAS HORNSBY**

Mayor Connie Leon-Kreps presented a proclamation to resident Dr. Douglas Hornsby.

3. **SISTER CITY-ISPARTA, TURKEY**

This item was deferred to the September meeting.

**B. SPECIAL PRESENTATIONS**

1. **UTILITY RATE STUDY**

Scott E. Harder, President and Chief Executive Officer of Environmental Financial Group presented the report.

**C. ADDITIONS AND DELETIONS TO THE AGENDA**

Mayor Connie Leon-Kreps made a motion to remove Item 10D from the Consent Agenda to be addressed separately. Commissioner Wendy Duvall seconded the motion, which was adopted by a 4-0 roll call vote.

3. **GOOD & WELFARE**

Al Coletta, of 7904 West Drive, Reinaldo Trujillo, of 7601 E. Treasure Drive, Mario Garcia, of 7540 Cutlass Avenue, Kevin Vericker, of 7520 Hispanola Avenue, Doris Acosta, of 1880 S. Treasure Drive, Maxine Tahr, of East Drive, Michael Daugherty, Jorge Brito, Manny Cetner, of 7520 East Treasure Drive, and Hector Paredes, of 7553 Mutiny Avenue 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**

Chair Reinaldo Trujillo presented the Board Report for the June 19, 2014 Meeting.

**D. BUSINESS DEVELOPMENT ADVISORY BOARD**

A report was not provided.

**E. YOUTH & EDUCATION SERVICES BOARD**

A report was not provided.

**5. PUBLIC SAFETY DISCUSSION**

Lieutenant Brian Collins discussed public safety issues.

**6. COMMISSIONERS' REPORTS**

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

**7. VILLAGE ATTORNEY'S REPORT**

Village Attorney Robert Switkes provided a report.

**8. VILLAGE MANAGER'S REPORT**

**Grant Writer's Report**

Village Grant Writer LaKeesha Morris, of Belltower, provided an update on the status of grants.

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

**9. FINANCE REPORT**

Bert Wrains, Finance Director, discussed the financial report through May 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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 IN NORTH BAY VILLAGE, FLORIDA, FOR THE PURPOSE OF ELECTING A MAYOR, AN AT-LARGE COMMISSIONER, AND A HARBOR ISLAND COMMISSIONER; PROVIDING FOR CONDUCT OF SAME BY THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT; PROVIDING ABSENTEE BALLOTING AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT TO MIAMI-DADE COUNTY FOR CONDUCTING THE ELECTION; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YVONNE P. HAMILTON)**
- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE MIAMI-DADE COUNTY CANVASSING BOARD TO SERVE AS CANVASSING BOARD FOR THE GENERAL ELECTION OF NORTH BAY VILLAGE TO BE HELD ON NOVEMBER 4, 2014; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YVONNE P. HAMILTON)**
- C. A RESOLUTION OF THE NORTH BAY VILLAGE COMMISSION, DESIGNATING THE CITY OF ISPARTA, TURKEY, AS A “SISTER CITY” TO NORTH BAY VILLAGE, THROUGH THE SISTER CITIES PROGRAM; DIRECTING THE VILLAGE MANAGER TO FOLLOW SUCH ADMINISTRATIVE PROCEDURES AS MAY BE IN PLACE. (INTRODUCED BY COMMISSIONER JORGE GONZALEZ)**

- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXPEND PARK IMPACT FEES IN AN AMOUNT NOT TO EXCEED \$397,000; MAKING APPROPRIATIONS IN THE FY 2014 BUDGET; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ESTABLISHING THE TIME OF THE REGULAR MEETINGS OF THE PLANNING AND ZONING BOARD; REPEALING ALL MEASURES IN CONFLICT AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

Commissioner Jorge Gonzalez made a motion to approve the Consent Agenda Items. Mayor Connie Leon-Kreps seconded the motion, which was adopted by a 4-0 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.

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AWARDED RFP NO. 2014-001 FOR FINANCIAL AUDITING SERVICES TO KEEFE, MCCULLOUGH & CO., LLP, FOR THE PURPOSE OF CONDUCTING AUDITING SERVICES OF THE GENERAL PURPOSE FINANCIAL STATEMENTS OF NORTH BAY VILLAGE FOR THE FISCAL YEARS ENDING SEPTEMBER 30, 2014, 2015, AND 2016; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ASSOCIATED CONTRACT PURSUANT TO THE PROPOSAL ATTACHED HERETO AND CARRY OUT THE AIMS OF THIS RESOLUTION; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANMAGER FRANK K. ROLLASON)**

The Village Clerk read the Resolution by title.

Village Attorney Robert Switkes swore in those individuals who indicated that they would provide testimony.

The Mayor opened the floor to public comments.

Kevin Vericker, of 7520 Hispanola Avenue and Jorge Brito addressed the Commission.

Commissioner Jorge Gonzalez made a motion to approve the Resolution. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 4-0 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.

**11. PLANNING & ZONING CONSENT AGENDA**

No Items.

**12. ORDINANCES FOR FIRST READING AND RESOLUTION**

- A. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 38.05(D) OF THE VILLAGE CODE PERTAINING TO “GIFTS”; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)**

The Village Clerk read the Ordinance by title.

Commissioner Jorge Gonzalez made a motion to approve the Ordinance on first reading, and Commissioner Wendy Duvall seconded the motion.

The Mayor opened the floor to public comments.

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

The vote on the motion to approve Item 12A was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, 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 PURSUE AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR DEVELOPMENT OF A DOG PARK AT TREASURE ISLAND ELEMENTARY SCHOOL; AND PROVIDING FOR AN EFFECTIVE DATE.**

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.

Jose Perrera and Linda Miar addressed the Commission.

The vote on the motion to approve Item 12B was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

**13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:**

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CONSTRUCTION OF A DOCK AND BOATLIFT AT 7623 BEACH VIEW DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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.

Ben Smith, of LaRue Planning & Management Services, Inc., Village Planner made a brief presentation on the item recommending approval 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.

The applicant, Miguel Cano, accepted the conditions of approval.

The motion to approve Item 13A was approved by a 4-0 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.

The Mayor recessed the meeting at 10:42 p.m. Commission Wendy Duvall left the meeting at this time.

**B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY NORTH BAY CAUSEWAY, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 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; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the Resolution by title.

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 were no speakers.

John Chibaro, of Akerman LLP, One Southeast Third Avenue, Suite 2500, Miami, FL 33131, counsel for the applicant, addressed the Commission and accepted the conditions of approval, which included no charge for guest parking.

The motion to approve Item 12B was approved by a 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes.

The Village Clerk read items 13C and 13D into the record.

**C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY NORTH BAY CAUSEWAY, LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE SITE PLAN APPLICATION FOR DEVELOPMENT OF A MIXED USE COMMERCIAL STRUCTURE AT 1555 KENNEDY CAUSEWAY TO ALLOW FIVE STORIES OF PARKING WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES; 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 Item 13C, and Vice Mayor Eddie Lim seconded the motion.

The Mayor opened the Public Hearing, and there were no speakers.

The vote on the motion to approve Item 13C was approved by a 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes.

**D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY NORTH BAY CAUSEWAY, LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127 UNIT, 22 STORY MIXED USE COMMERCIAL STRUCTURE WITH A PARKING GARAGE AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF**

Commissioner Jorge Gonzalez made a motion to approve Item 13D, and Vice Mayor Eddie Lim seconded the motion.

The Mayor opened the Public Hearing, and there were no speakers.

The vote on the motion to approve Item 13D was approved by a 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes.

**E. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32, DEPARTMENTS AND BOARDS, BY CREATING SUBSECTIONS 32.78 THROUGH 32.85 OF THE VILLAGE CODE RELATING TO THE “BUSINESS DEVELOPMENT ADVISORY BOARD”; PROVIDING FOR RESOLUTIONS OR ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR EDDIE LIM) – SECOND READING**

The Village Clerk read the Ordinance by title.

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

The Mayor opened the Public Hearing, and there were no speakers.

The vote on the motion to approve Item 13E was approved by a 3-0 roll call vote. The vote was as follows: 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 151 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED, "BUILDINGS" TO UPDATE BUILDING PERMIT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – SECOND READING**

The Village Clerk read the Ordinance by title.

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

The Mayor opened the Public Hearing, and there were no speakers.

The vote on the motion to approve Item 13F was approved by a 3-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes.

**14. UNFINISHED BUSINESS**

There was no unfinished business.

**15. NEW BUSINESS**

**A. APPOINTMENT TO THE BUSINESS DEVELOPMENT ADVISORY BOARD**

Commissioner Jorge Gonzalez made a motion to appoint Miguel Barbagallo to the Business Development Advisory Board. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes.

**B. APPOINTMENT TO THE PLANNING & ZONING BOARD**

Commissioner Jorge Gonzalez made a motion to appoint Dr. Douglas Hornsby to the Planning & Zoning Board. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes.

**C. SELECTION OF COMMISSION MEMBER TO THE  
FLORIDA LEAGUE OF CITIES LEGISLATIVE POLICY  
COMMITTEE/S**

The Commission Members stated their interest for membership to the various Florida League of Cities Legislative Policy Committees.

**D. CANCELLATION OF AUGUST 2014 COMMISSION  
MEETING**

Vice Mayor Eddie Lim made a motion not to hold a Commission Meeting in August pursuant to Section 3.09 of the Village Charter. The motion carried 2-1. The vote was as follows: Mayor Connie Leon-Kreps and Vice Mayor Eddie Lim voting Yes. Commissioner Jorge Gonzalez voted No.

**16. APPROVAL OF MINUTES**

- A. REGULAR COMMISSION MEETING – JUNE 10, 2014**
- B. BUDGET WORKSHOP – MAY 22, 2014**

Commissioner Jorge Gonzalez made a motion to approve the Minutes as submitted. Vice Mayor Eddie Lim seconded the motion, which was adopted by 3-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes.

**17. ADJOURNMENT**

The meeting adjourned at 11:12 p.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

This 9th day of September, 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.)

