



North Bay Village

Administrative Offices

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

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

OFFICIAL MINUTES

SPECIAL VILLAGE COMMISSION MEETING

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

JULY 29, 2014

7:30 P.M.

1. CALL TO ORDER.

The meeting was called to order by Connie Leon-Kreps at 7:43 p.m.

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 Jorge Gonzalez

Commissioner Wendy Duvall

Village Manager Frank K. Rollason

Deputy Village Manager Jenice Rosado

Village Attorney Robert L. Switkes

Finance Director Bert Wrains

Public Works Director Rodney Carrero-Santana

Acting Police Chief Brian Collins

Village Planner Ben Smith
LaRue Planning & Management Services, Inc.
Deputy Village Clerk Jenorgen Guillen
Village Clerk Yvonne P. Hamilton

The Mayor recognized Dr. Martin Karp, Member of Miami-Dade County School Board.

2. RESOLUTIONS

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA DETERMINING THE PROPOSED MILLAGE RATES, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND BUDGET PUBLIC HEARINGS FOR FISCAL YEAR 2014-2015, AS REQUIRED BY LAW; DIRECTING THE FINANCE DIRECTOR TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY; AND PROVIDING FOR 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.

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

The Mayor closed the floor to public comments.

Commissioner Wendy Duvall made a motion to hold the First Budget Public Hearing on September 11, 2014 at 7:00 p.m. and the Final Budget Public Hearing on September 22, 2014 at 7:00 p.m. 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.

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE VILLAGE MANAGER TO EXPEND \$130,000, DURING THE 2014-2015 BUDGET YEAR, TO THE MIAMI-DADE COUNTY SCHOOL BOARD FOR THE COST OF THE INTERNATIONAL BACCALAUREATE (IB) PROGRAM AT TREASURE ISLAND ELEMENTARY FOR THE 2014-2015 SCHOOL YEAR, PURSUANT TO THE TERMS OF THE EXECUTED AGREEMENT; 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 Resolution.

Iraida Mendez-Cartaya led a discussion on Treasure Island Elementary School Action Plan to improve students' achievement.

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.

Alvin Blake, of 7601 Coquina Drive, Ann Bakst, of 1865 Kennedy Causeway, Lori Gold, of Venetian Causeway, Miami Beach, Kevin Vericker, of 7520 Hispanola Avenue, Jorge Brito and Mario Garcia, of 7540 Hispanola Avenue addressed the Commission.

The Mayor closed the floor to public comments.

The motion to approve the Resolution 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 voted Yes.

3. PUBLIC HEARING ITEMS (ALL INDIVIDUALS DESIRING TO TESTIFY SHALL BE SWORN IN)

Village Attorney Robert Switkes swore in those individuals who indicated that they would testify during the public hearing items. He further advised the Commission on the procedures for this quasi-judicial proceeding pursuant to Section 29 of the Village Code, including disclosing any ex parte communication on the record.

There was no ex parte communication on the following public hearing matters by the Commission.

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRAD JOHNSON FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 5.5 FOOT REAR-YARD SETBACK FOR THE CONSTRUCTION OF A SWIMMING POOL AT 1321 BAY TERRACE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRAD JOHNSON FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 5.5 FOOT REAR-YARD SETBACK FOR THE CONSTRUCTION OF A SWIMMING POOL DECK AT 1321 BAY TERRACE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRAD JOHNSON FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 3.5 FOOT EAST SIDE YARD SETBACK FOR THE CONSTRUCTION OF A SWIMMING POOL DECK AT 1321 BAY TERRACE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRAD JOHNSON FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW THE SWIMMING POOL MECHANICAL EQUIPMENT TO ENCROACH THREE FEET INTO THE WEST SIDE-YARD SETBACK AT 1321 BAY TERRACE, WHERE SECTION 152.026(C)(2) OF THE VILLAGE CODE REQUIRES A 10-FOOT SIDE-YARD SETBACK AREA; 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 Items 3A, 3B, 3C, and 3D into the record.

Ben Smith, of LaRue Planning & Management Services, Village Planner made a brief presentation on the items recommending denial of Items 3A and 3B indicating that no hardship criteria was found. He recommended approval of Items 3C and 3D with the following conditions:

1. To comply with Section 151.25, landscaping and/or other methods of screening must be provided which screens the entire height of the pool equipment.
2. Building permits and related approvals for pool equipment installation must be obtained from the Building Official prior to commencement of construction.
3. All applicable state and federal permits must be obtained before commencement of construction.
4. Cost Recovery changes 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.

5. 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.

He noted that the Planning & Zoning Board had recommended approval of the requests by a vote of 3-0.

Don Cesarone and Anita Chan, from Van Kirk & Sons Pools & Spas, 3144 S.W. 13th Drive, Deerfield Beach, FL 33442, addressed the Commission on behalf of the applicant, Mr. Brad Johnson, who was not present.

The Mayor opened the Public Hearing.

Al Coletta, of 7904 West Drive, addressed the Commission.

The Mayor closed the Public Hearing.

Commissioner Jorge Gonzalez made a motion to approve Items 3A, 3B, 3C, and 3D with the conditions outlined by the Village Planner.

Mr. Cesarone accepted the conditions on behalf of the applicant.

Mayor Connie Leon-Kreps 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.

- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY ISABEL YERO FOR A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE SALE OF BEER AND WINE FOR CONSUMPTION ON PREMISES IN THE RESTAURANT AT 1888B 79TH STREET CAUSEWAY, TREASURE ISLAND, AS PER THE APPLICATION BY ISABEL YERO; 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.

Ben Smith, of LaRue Planning & Management Services, Inc., recommended approval of the request with the following conditions:

1. There are no objections from owners or occupants of neighboring residential properties.
2. The alcoholic beverages shall be consumed on the premises with the operation of a restaurant only.
3. The establishment shall be allowed to sell, serve, and dispense alcoholic beverages for consumption on the premises between the hours of 10:00 am and 12:00 am only.
4. Sale of package goods shall be prohibited.
5. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no license or 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.
6. Authorization or issue of a variance 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.
7. 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.

He noted that the Planning & Zoning Board had approved the request by a 3-0 vote with the referenced conditions.

Commissioner Jorge Gonzalez moved to approve Item 3E with the conditions set forth by the Village Planner. Vice Mayor Eddie Lim seconded the motion.

The Mayor opened the Public Hearing.

Sergio Arte addressed the Commission on behalf of the applicant.

Ann Bakst, of 1865 Kennedy Causeway and Mario Garcia, of 7540 Hispanola Avenue addressed the Commission.

Mr. Arte accepted the conditions on behalf of the applicant.

The Mayor closed the Public Hearing.

The motion to approve Item 13E 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.

F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY WILLIAM C. WEBB, JR. FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE SWIMMING POOL EQUIPMENT TO ENCROACH 4.5 FEET INTO THE REQUIRED 10 FOOT WEST SIDE SETBACK AT 1357 BAY TERRACE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY WILLIAM C. WEBB, JR. FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE SWIMMING POOL AND AIRCONDITIONING EQUIPMENT TO ENCROACH 4.5 FEET INTO THE REQUIRED 10 FOOT EAST SIDE SETBACK AT 1357 BAY TERRACE; 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 Items 3F and 3G into the record.

Ben Smith, of LaRue Planning & Management, Inc., Village Planner made a brief presentation recommending approval of the requests with the following conditions:

1. To comply with Section 151.25, landscaping and/or other methods of screening must be provided which screens the entire height of the pool equipment.
2. Building permits and related approvals for pool equipment installation must be obtained from the Building Official prior to commencement of construction.

3. All applicable state and federal permits must be obtained before commencement of construction.
4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no license or 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 variance 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.

It was noted that the Planning & Zoning Board had recommended approval of the requests by a 3-0 vote.

Commissioner Wendy Duvall made a motion to approve Items 3E and 3F with the conditions set forth by the Village Planner.

The Mayor opened the Public Hearing.

The applicant, William C. Webb, Jr. addressed the Commission on behalf of the requests.

The Mayor closed the Public Hearing.

The applicant accepted the conditions outlined by the Village Planner.

The motion to approve Items 3F and 3G 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.

- 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 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A GENERATOR TO ENCROACH EIGHT FEET INTO THE REAR-YARD SETBACK AREA AT 7611 MIAMI VIEW DRIVE, WHERE SECTION 152.026(C)(2) OF THE VILLAGE CODE REQUIRES A 15-FOOT REAR-YARD SETBACK AREA; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**
- I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY WILLIAM C. WEBB, JR. FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW GENERATOR EQUIPMENT TO ENCROACH SIX FEET INTO THE NORTH SIDE SETBACK AT 7611 MIAMI VIEW DRIVE, WHERE SECTION 152.026(C)(2) OF THE VILLAGE CODE REQUIRES A 10-FOOT SIDE-YARD SETBACK AREA; 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 Items 3H and 3I by title.

Ben Smith, of LaRue Planning & Management, Inc., Village Planner made a brief presentation recommending approval of the requests with the following conditions:

1. To comply with Section 151.25, landscaping and/or other methods of screening must be provided which screens the entire height of the pool equipment.
2. The generator equipment must operate at a sound level of no more than 70 decibels.
3. Building permits and related approvals for pool equipment installation must be obtained from the Building Official prior to commencement of construction.
4. All applicable state and federal permits must be obtained before commencement of construction.

5. Cost Recovery changes 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.
6. 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.

It was noted that the Planning & Zoning Board had recommended approval of the requests by a 3-0 vote.

Commissioner Jorge Gonzalez made a motion to approve Items 3H and 3I with the conditions set forth by the Village Planner, and Mayor Connie Leon-Kreps seconded the motion.

The Mayor opened the Public Hearing.

The applicant William C. Webb, Jr., of 1357 Bay Terrace, Al Coletta, of 7904 West Drive, and Bud Farrey, of 1315 Bay Terrace addressed the Commission.

The applicant accepted the conditions outlined by the Village Planner.

The Mayor closed the Public Hearing.

The motion to approve Items 3H and 3I 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.

4. ORDINANCE FOR FIRST READING (PUBLIC HEARING)

- A. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.056, SETBACK ENCROACHMENTS, BY ADDING SECTION "D"; 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.

Ben Smith, of LaRue Planning & Management, Inc., Village Planner made a brief presentation on the item. He noted that the Planning & Zoning Board had recommended approval of the requests by a 3-0 vote.

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. There were no speakers, and she closed the Public Hearing.

The motion to approve the Ordinance on first reading 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 voted Yes.

5. ADJOURNMENT

The meeting adjourned at 9:25 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.)

