

# AGENDA



## REGULAR COUNCIL MEETING

**Tuesday, March 14, 2023**

**4:00 pm**

**Indian Creek Village Hall**

**9080 Bay Drive**

**Indian Creek, FL 33154**

# REGULAR COUNCIL MEETING

TUESDAY, MARCH 14, 2023

4:00 PM

AT VILLAGE HALL

9080 BAY DRIVE, INDIAN CREEK, FL 33154

<https://us02web.zoom.us/j/84827625470>

Meeting ID: 848 2762 5470

1. **CALL TO ORDER / ROLL CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENTS:** *Any person wishing to address the Council, should state their name, and address, for the record, prior to making the statement.*
4. **CONSENT AGENDA** **TAB 1**

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  - A. **PROCLAMATION** - Colorectal Cancer Awareness Month
  - B. **PRESENTATION** – Miami-Dade Fire Rescue (MDFR) 2022 Annual Report
  - C. **MINUTES** - January 30, 2023 – Special Council Meeting.

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5. **VARIANCE – QUASI-JUDICIAL HEARING** **TAB 2**

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  - A. Variance # 023-012601-VA - Lot 37 (Resolution # 847)  
*Any person wishing to address the Council regarding the Variance hearing must be sworn in before speaking into the records.*

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6. **OLD BUSINESS** **TAB 3**

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  - A. Giannetti Construction Corporation – extending the time for substantial completion of the Village Roadway Redevelopment Project.

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7. **MANAGER’S REPORT** **TAB 4**

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Financial Report
8. **ADJOURNMENT**

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**TAB 1-A**

# Colorectal Cancer Awareness Month Proclamation

**WHEREAS**, colorectal cancer is the second-leading cause of cancer deaths in the United States among men and women combined<sup>1</sup>; and

**WHEREAS** colorectal cancer is one of the few cancers that can be prevented with timely screening, but 1 in 3 eligible Americans are not up to date on screening<sup>2</sup>; and

**WHEREAS** colorectal cancer is estimated to be the number one cancer killer for those ages 20-49 by 2030<sup>3</sup>; and

**WHEREAS** Black Americans are 20% more likely to be diagnosed with colorectal cancer and about 40% more likely to die from the disease than other groups<sup>4</sup>; and

**WHEREAS** colorectal cancer is expected to account for 11% of cancer deaths among Hispanic men and 9% of cancer deaths for Hispanic women<sup>5</sup>; and

**WHEREAS** screening colonoscopy rates have still not returned to pre-COVID-19 levels<sup>6</sup>; and

**WHEREAS** the national goal established by the National Colorectal Cancer Roundtable is to strive to increase timely colorectal cancer screening rates to 80 percent in every community for all Americans eligible for screening; and

**WHEREAS** observing Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to increase awareness and offer education on the importance of early detection and screening of colorectal cancer.

**NOW THEREFORE**, I, Bernard Klepach, Mayor of the Village of Indian Creek, Florida, do hereby proclaim March 2023 as **COLORECTAL CANCER AWARENESS MONTH**.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Florida, in the Village of Indian Creek, this 1<sup>st</sup> of March 2023.



Bernard Klepach, Mayor

<sup>1</sup> <https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/colorectal-cancer-facts-and-figures/colorectal-cancer-facts-and-figures-2020-2022.pdf>

<sup>2</sup> <https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/colorectal-cancer-facts-and-figures/colorectal-cancer-facts-and-figures-2020-2022.pdf>

<sup>3</sup> <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2778204>

<sup>4</sup> <https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/colorectal-cancer-facts-and-figures/colorectal-cancer-facts-and-figures-2020-2022.pdf>

<sup>5</sup> <https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/cancer-facts-and-figures-for-hispanics-and-latinos/cancer-facts-and-figures-for-hispanics-and-latinos-2018-2020.pdf>

<sup>6</sup> <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2792956>

**TAB 1-B**



Always Ready, Proud To Serve

Miami-Dade Fire Rescue Department  
Office of the Fire Chief  
9300 NW 41 Street  
Doral, Florida 33178-2414  
T 786-331-5000 F 786-331-5101

miamidade.gov

February 13, 2023

Honorable Bernard Klepach, Mayor  
Indian Creek Village  
9080 Bay Drive  
Indian Creek, FL 33154

Honorable Mayor Klepach:

I am pleased to present the annual report summarizing the services Miami-Dade Fire Rescue (MDFR) provided to the Indian Creek Village in 2022. MDFR's overall complement of fire-rescue response vehicles and personnel provides a service level unrivaled in the Southeast United States for the benefit and protection of your community.

The Indian Creek Village residents and visitors can rely on fire-rescue services delivered by a Class 2/2X Public Protection Classification (PPC) Department as rated by the Insurance Services Office, Inc. (ISO) and Internationally Accredited by the Center for Public Safety Excellence Commission on Fire Accreditation International (CFAI). MDFR's 2/2X rating places us among an elite group of 2,399 fire departments of 30,000 nationally with a Class 1 or 2 rating. MDFR is one of only 301 agencies to be accredited by CFAI and remains the largest accredited fire-rescue department in the Southeast United States and second largest in the Nation.

I welcome the opportunity to present the Department's annual service delivery report to the Village. Please contact Erika Benitez, Chief of Staff at 786-331-5122 to schedule the annual presentation with the Village Commission, or if you require additional information. Enclosed is my contact information. I am always available to address any questions or concerns that you or your residents may have regarding our services.

Respectfully,

Raied S. Jadallah  
Fire Chief

Enclosures

✓c: Guillermo Olmedillo, Village Manager  
Alfredo Ramirez III, Chief of Safety and Emergency Response, Miami-Dade County



**Miami-Dade Fire Rescue Department**  
Services to  
**Indian Creek Village**

**Miami-Dade Fire Rescue Department Overview**

Miami-Dade Fire Rescue (MDFR) originated as a single-unit fire patrol in 1935. It has since grown into the largest fire-rescue department in the Southeast United States and one of the top ten largest in the nation. MDFR serves a response territory of 1,904 square miles and a resident population of more than 1.9 million. MDFR responds to more than 275,000 calls for assistance annually, making it one of the busiest departments in the nation. More than 2,800 employees staff 158 units in service throughout 71 fire-rescue stations and several administrative facilities serving residents, businesses, and visitors 24 hours a day, 7 days a week, 365 days a year. In addition to providing transport services through 63 advanced life support (ALS) rescue units, MDFR provides emergency air transport service to appropriate specialized facilities via two full-time rescue helicopters.



Firefighters extinguish a warehouse fire.

MDFR is a full-service emergency response agency providing various specialized response capabilities including air rescue transport, maritime fire-rescue, aircraft rescue firefighting, ocean rescue, technical rescue, hazardous materials mitigation, urban search and rescue, and maintains the Florida Antivenin Bank. Firefighters are cross-trained in fire suppression as well as emergency medical care, capable of providing pre-hospital care to trauma patients, heart-attack patients, and stroke victims. MDFR's Fire Prevention Division provides new construction and annual building inspections as well as code enforcement services.

MDFR is accredited by the Commission on Fire Accreditation International (CFAI), which is part of the Center for Public Safety Excellence, Inc. The department is one of only 301 agencies in the world to achieve International Accreditation Agency status by CFAI and is the largest accredited fire-rescue department in the Southeast and the second largest in the nation. MDFR is considered one of the premier fire-rescue departments in the country and is recognized around the world for its exemplary service.

MDFR distinguishes itself from other fire-rescue departments in several areas, offering a high level of service, providing more ALS suppression units than most departments and a greater level and grade of response staff. Over 90% of MDFR's units are staffed and equipped to provide ALS services. MDFR staffs four firefighters on suppression units and three firefighter-paramedics on rescue units. MDFR also protects Haulover and Crandon Beaches, with a combination of full-time and part-time professional lifeguards.



MDFR responds to a vehicle accident that requires extrication.

Through the efforts of MDFR, Miami-Dade residents also have the highest survival rates in the nation after suffering a blocked coronary artery. Over 15 years ago, MDFR established the Miami-Dade STEMI (ST-Elevation Myocardial Infarction) Network. STEMI typically refers to a blocked coronary artery and is the leading cause of death in the United States. Hospitals within the network are required to restore blood flow to a patient's blocked artery within 90 minutes from the initial patient contact. This timely intervention significantly reduces a patient's chances for permanent damage or death and increases the likelihood for survival. The STEMI network has reduced the time it takes to restore blood flow to a patient from approximately two hours and 15 minutes to 60 minutes. MDFR is also part of the Countywide Stroke Network, a coalition consisting of MDFR along with five municipal fire-rescue departments and area hospitals within Miami-Dade County. This network is one of the largest for the treatment and transport of stroke victims in the nation.



Firefighters battle a fire at Tropicana Flea Market.



**Miami-Dade Fire Rescue Department**  
Services to  
**Indian Creek Village**

**Calendar Year 2022 Department Highlights**

During Calendar Year (CY) 2022, MDR's 158 frontline rescue and fire suppression units were dispatched over 400,000 times to more than 277,000 emergencies. Of these, approximately 227,500 were medical emergencies, and MDR transported more than 81,500 residents and visitors to South Florida hospitals. MDR personnel responded to more than 27,800 fire-related incidents and nearly 22,000 other emergencies.

MDFR placed three new units in service in the past year. On April 4, 2022, Rescue 74 was placed into service and temporarily housed at Saga Bay Fire-Rescue Station 55, located at 21501 SW 87<sup>th</sup> Avenue in Cutler Bay, until the construction of Palmetto Bay South Fire-Rescue Station 74 is completed. This new unit will enhance service and reduce response times to the Village of Palmetto Bay, the Town of Cutler Bay and surrounding communities. On the same day, Rescue 13, which operates out of East Kendall Fire-Rescue Station 13 located at 6000 SW 87<sup>th</sup> Avenue, was also placed into service. Rescue 13 will improve emergency medical services to the Kendall area and other unincorporated areas of Southwest Miami-Dade County.



MDFR crew surveying the community after extensive flooding in NE Miami-Dade County due to Tropical Storm Alex.

In 2022, members of MDR's Urban Search and Rescue Team (US&R) Florida Task Force One (FL-TF1) were deployed in response to two hurricanes. Three team members were deployed to San Juan, Puerto Rico on September 19, 2022, to support local responders in the search and rescue activities after Hurricane Fiona made landfall as a Category 1 storm, which resulted in fierce winds impacts and widespread flooding. Less than two weeks later on September 28, 2022, a 96-member Type 1 team was deployed to Southwest Florida in the aftermath of Hurricane Ian, to assist those impacted by the devastating Category 4 hurricane. The Type I US&R Team specializes in 12 areas, including technical search, structural assessment and stabilization, advanced medical care including physicians and medical specialists, and hazardous materials mitigation. Additionally, MDR sent two (2) four-member Engine Strike Teams, as well as 42 other departmental personnel, on nine missions, assisting with search and rescue, reconnaissance, needs assessments, and evacuations. MDR Dispatchers were also deployed to assist in mitigating calls in Lee County, as were MDR Fire Inspectors to assist with conducting damage assessments of fire stations, government buildings, and commercial properties impacted by the storm.



Rescue 13 placed in service at East Kendall Fire-Rescue Station 13.

Rescue 17 was placed into service on July 18, 2022. Rescue 17 operates out of Virginia Gardens Fire-Rescue Station 17, located at 7050 NW 36<sup>th</sup> Street, enhancing MDR's service to the cities of Virginia Gardens and Doral, as well as adjacent communities.

The department also secured a New High-Axle Vehicle (HAV) dedicated to providing emergent and non-emergent response to areas adversely affected by flooding and/or high-water intrusion. The HAV is capable of safely transporting MDR personnel and/or equipment through high-water environments, as well as rescuing persons who need to be rescued from a flood situation or medically transported to an appropriate facility.



MDFR's FL-TF1 assists with rescue efforts following Hurricane Ian.





**Miami-Dade Fire Rescue Department**  
Services to  
**Indian Creek Village**

MDFR continues to recruit and develop new firefighters to keep pace with our ever-growing community. Throughout 2022, MDFR hired two (2) recruit classes totaling 92 new firefighters. Recruit Class #149 graduated 39 new firefighters at a ceremony held on August 5, 2022, at MDFR's Training Facility in Doral. Recruit Class #150, totaling 53 recruits, graduated in February 2023. Additionally, MDFR held Open Recruitment for the position of Firefighter from June 20 through July 11, 2022.



MDFR Recruit Class #149 graduates in August 2022 at MDFR Training Facility in Doral.

MDFR personnel strive to pursue excellence in the fire-rescue industry. In January 2022, MDFR Ocean Rescue lifeguards were awarded the 2021 "Beach Patrol of the Year" from the Florida Beach Patrol Chiefs Association, while in April 2022, a team of MDFR firefighter-paramedics won the gold medal at the 2022 JEMS (Journal of Emergency Medical Services) Games. Also in April 2022, MDFR's Media and Public Relations Bureau was awarded a Government Social Media Golden Post Award in the category of "Best Use of Social Media in an Emergency" for how the department shared accurate and timely information with the public during the catastrophic Surfside Building Collapse in June 2021. Additionally, on July 30, 2022, MDFR's Junior Cadets were one of ten teams to compete in the inaugural Florida Fire Chiefs' Association's Summer Gator Fire Games in Gainesville. MDFR's Junior Cadets won 13 awards, including a sweep of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place in the individual rapid dress competitions and were featured on the cover of Florida Fire Service Magazine's September 2022 issue.

From November 18 to 20, 2022, MDFR, in partnership with the North American Vehicle Rescue Association (NAVRA), hosted the Annual Florida Rescue Challenge at the MDFR Training Facility in Doral. This annual competition provides competing teams of first responders from across the USA, Canada, and Europe the opportunity to further improve their skills to better serve their communities. During the two-day challenge, rescue teams participated in real-life, team-based scenario training exercises designed to promote good team dynamics, improve communication, and increase vehicle extrication and rescue scene proficiency.

### Community Engagement

MDFR personnel are individually committed and collectively exemplify our mission: **Always Ready, Proud to Serve**. Fulfilling our mission goes beyond the life-saving services delivered every day – it also includes providing essential fire and life safety education to the community offered by dedicated public education personnel and first responders within their respective service territories. Community education includes station open houses, truck demonstrations, and presentations to senior citizens and children, as well as local businesses, schools and non-profit organizations, with the goal of preventing medical and fire emergencies from occurring in the first place.



MDFR's Community Affairs Bureau visits a local school for a truck demonstration.

MDFR's commitment to provide the highest quality service fosters an atmosphere of service excellence and constant improvement. Employees routinely "go the extra mile" for our customers. To this end, MDFR has been measuring the quality and effectiveness of our EMS service for the past 12 years. The survey (**Attachment I**) is sent to 20% of MDFR EMS patients monthly, allowing respondents to rate the quality of their experience between one (1) and five (5), with one being strongly dissatisfied and five being strongly satisfied. Unlike other survey instruments, MDFR does not take a "snapshot" of service at any one time, but rather follows-up a month after service is provided, giving the department a continuous vision of the community's opinion of its services. The survey also provides the respondent a section for comments.

From October 2021 through September 2022, 9% of patients (or 3,040 respondents) returned completed surveys yielding an overall score of **4.89**. Respondents rated MDFR's services as follows for each question.

- 1) MDFR responded to your needs in a timely manner: **4.90**
- 2) MDFR explained your treatment options to you: **4.82**
- 3) MDFR treated you in a professional manner: **4.93**
- 4) MDFR met your expectations when you requested assistance: **4.90**



**Miami-Dade Fire Rescue Department**  
Services to  
**Indian Creek Village**

**Fire-Rescue Statistics and Resources**

Indian Creek Village, an island community in the northeastern part of Miami-Dade County, spans an area of 0.40 square miles and is bordered by the Town of Surfside to the east, Biscayne Bay to the south and west, and the Town of Bay Harbor Islands to the north (**Attachment II**). The Village incorporated in 1939 and has been part of the Miami-Dade Fire Rescue Service District since its inception. Based on 2021 U.S. Census data, the Village has a residential population of 82, with 33 households.

During calendar year 2022, MDRF responded to 21 emergency calls received from Indian Creek Village. **Table I** depicts incident type and related response times for incidents MDRF responded to within the Village during this time period.

**Table I**  
**MDRF Responses to Indian Creek Village**  
**Calendar Year 2022**

Incident Type	2022	
	# of Incidents	MDRF Average Response Time*
Life Threatening	13	10:18
Non-Life Threatening	2	13:13
Structure and Other Fires	6	11:07
Other Emergency	0	00:00
<b>Total</b>	<b>21</b>	

\*Incident and response time information was extracted from the Computer Aided Dispatch (CAD) system. Response times are represented in minutes and seconds.  
Note: MDRF excludes false alarms from response time calculations for 'Structure and Other Fire' incidents.

Indian Creek Village is primarily served by MDRF's Bay Harbor Station 76, which responded to 81% of the incidents in the Village during 2022 as depicted in **Table II**.

**Table II**  
**MDRF Stations/Units responding into Indian Creek Village**  
**Calendar Year 2022**

Responses Provided by Station:	2022	
	# of Incidents	%
Station 76 - Bay Harbor	17	81%
Other Stations	4	19%
<b>Total</b>	<b>21</b>	<b>100%</b>

As depicted on **Attachment II**, there are eight (8) fire-rescue stations within six (6) miles of Indian Creek Village which house two (2) Battalion Chiefs; seven (7) Rescues; and eight (8) Suppression units, including one (1) Life Support (BLS) Engine, four (4) ALS Engines, one (1) 70-foot BLS Platform, one (1) 50-foot ALS Fire Boat and one (1) 100-foot BLS Platform (**Table III**).

This exceeds the National Fire Protection Association (NFPA) recommended guideline for responding to both high and medium occupancies.

**Table III**  
**MDRF Stations within Six Miles of Indian Creek Village**

Station	Miles to Village	Apparatus	Staffing
Station 76 - Bay Harbor 1165 95 Street	1.57	ALS Engine - 1	2 FF/PARA 2 FF/EMT
		Rescue - 1	3 FF/PARA
Station 21 - Haulover 10500 Collins Avenue	1.90	100' BLS Platform - 1	4 FF/EMT
		50' Fire Boat	4 FF/PARA
		Battalion Chief - 1	1 FF/PARA
Rescue - 1	3 FF/PARA		
Station 20 - North Miami East 1300 NE 16 Avenue	3.88	ALS Engine - 1	2 FF/PARA 2 FF/EMT
		Battalion Chief - 1	1 FF/PARA
		Rescue - 1	3 FF/PARA
Station 10 - Sunny Isles 175-172 Street	4.21	ALS Engine - 1	2 FF/PARA 2 FF/EMT
		Rescue - 1	3 FF/PARA
Station 27 - North Bay Village 1275 NE 79 Street	4.48	BLS Engine - 1	4 FF/EMT
		Rescue - 1	3 FF/PARA
Station 22 - Interama 15655 Biscayne Boulevard	5.29	70' BLS Platform - 1	4 FF/EMT
Station 30 - Miami Shores/El Portal 9500 NE 2 Avenue	5.97	ALS Engine - 1	2 FF/PARA 2 FF/EMT
		Rescue - 1	3 FF/PARA
Temp. Station 18 - Biscayne Gardens 13810 NE 5 Avenue	5.98	Rescue - 1	3 FF/PARA
Planned Station 18 - Biscayne Gardens NE 13853 Memorial Hwy	6.00	Rescue - 1	3 FF/PARA

Notes: FF/PARA = Firefighter Paramedic, FF/EMT = Firefighter Emergency Medical Technician

MDRF Bay Harbor Station 76 is less than two miles north of Indian Creek Village. This two-bay, 7,500 square foot fire-rescue station is next to Bay Harbor's municipal government center located at 1165 95<sup>th</sup> Street.



Bay Harbor Fire-Rescue Station 76 serving Indian Creek Village



**Miami-Dade Fire Rescue Department**  
Services to  
**Indian Creek Village**



**Haulover Fire-Rescue Station 21 serving Indian Creek Village**

MDFR's next closest rescue unit is housed 1.90 miles northeast of Indian Creek Village at MDFR Haulover Station 21.



**North Miami East Fire-Rescue Station 20 serving Indian Creek Village**

Within six (6) miles of Indian Creek Village, MDFR has 17 front-line response units, 14 of which are ALS units including seven (7) Rescues, four (4) Suppression units, one (1) Fire Boat and two (2) Battalion Chiefs. Daily there are 55 firefighters on duty, 35 of which are certified paramedics assigned to these units.

**Structure Fires**

Based on structure and unit information provided by the Miami-Dade County Property Appraiser, Indian Creek Village has 30 single-family and duplex units, and 12 commercial, industrial, and other structures. The majority of the commercial, industrial, and other units would require a high-hazard response to a structure fire incident in the Village.

Based on MDFR's current dispatch protocol for high-hazard structure fires, the department would dispatch 46 firefighters, including five (5) suppression units, three (3) aerials (platform, ladder or aerial), three (3) rescues, three (3) Battalion Chiefs, and two (2) EMS Captains, surpassing NFPA's recommended response. If MDFR determines that it is a working fire, the department would dispatch an additional Battalion Chief, Safety Officer, Air Truck, Command Van and Fire Investigator.

The department also exceeds NFPA's recommended dispatch to a structure fire at a medium-hazard occupancy, to which MDFR would dispatch three (3) suppression units, two (2) aerials (platform, ladder or aerial), two (2) rescues, two (2) Battalion Chiefs, and an EMS Captain, totaling 29 firefighters. MDFR would dispatch additional support as noted to a working fire.

On April 16, 2022, MDFR dispatched four (4) firefighters and one (1) unit, an Engine, to structure fire reported at 55 Indian Creek Island Road.

**Medical Emergencies**

NFPA Standard 1710 sets guidelines for service response to Emergency Medical Services (EMS) and fire calls. ALS units should, 90 percent of the time, arrive at an incident within eight (8) minutes from the time an EMS call is received.

MDFR has 63 frontline rescue units, each staffed by three (3) State of Florida certified paramedics. MDFR offers patient transportation options. Patients with life-threatening emergencies will be transported to the closest appropriate medical facility within Miami-Dade or Broward County. MDFR will transport patients without life-threatening emergencies to the medical facility of their choice. MDFR also has EMS Captains who act as patient advocates in ensuring the timely transfer of patients to Miami-Dade and Broward County medical facilities.



**MDFR's 50-foot Fireboat at Haulover Marina.**



Miami-Dade Fire Rescue Department

Office of the Fire Chief

9300 N.W. 41st Street

Doral, Florida 33178-2414

T 786-331-5000 F 786-331-5101

[miamidade.gov](http://miamidade.gov)

Dear Valued Customer:

Recently, Miami-Dade Fire Rescue (MDFR) had the opportunity to serve you in your time of need. MDFR's mission is to protect people, property, and the environment by providing responsive professional and humanitarian fire-rescue services essential to public health, safety, and well-being. Our firefighter paramedics are dedicated to providing the best possible care to Miami-Dade County residents and visitors. To ensure we achieve our mission and continuously improve our service, we kindly ask for your opinion regarding your experience with MDFR. Please take a few minutes to complete the brief survey and return it in the enclosed postage-paid envelope.

Please visit us at [www.miamidade.gov/mdfr/](http://www.miamidade.gov/mdfr/) to learn more about the specialized and diverse services offered by MDFR as well as answers to the most frequently asked questions regarding fire-rescue services.

As Fire Chief of Miami-Dade Fire Rescue, I thank you for taking the time to complete this survey. Your responses will ensure we continue to provide you the highest available level of care. As your fire-rescue department, we are Always Ready and Proud to Serve You.

Sincerely,

A handwritten signature in blue ink, appearing to read "Raied S. Jadallah".

Raied S. Jadallah, Fire Chief  
Miami-Dade Fire Rescue Department

La traducción en español se encuentra en el reverso de esta carta.  
Tanpri gade sou do lèt sa-a pou jwenn vèsyon Kreyòl la.



# Miami-Dade Fire Rescue

## Survey Encuesta Apercu

**Directions:** Please take a moment to answer this survey. Your responses will help MDRF improve services we provide to Miami-Dade County residents. Your identity will remain anonymous unless you provide your contact information at the bottom of this survey. The postage is paid; simply drop it in the mail. Thank You.

**Instrucciones:** Sírvase dedicar unos minutos para contestar esta encuesta. Sus respuestas ayudarán al Departamento de Bomberos y Rescate (MDRF, su sigla en inglés) a mejorar los servicios que proporcionan a los residentes del Condado de Miami-Dade. Su identidad permanecerá anónima, a no ser que usted provea sus datos personales para ser contactado. El porte de correos está pagado; solo tiene que poner la encuesta en el buzón. Gracias.

**Direksyon:** Tanpri pran yon ti moman pou reponn a sondaj sa a. Repons w yo va ede MDRF amelyore sèvis yap bay rezidan Konte Miami-Dade yo. Idantite w ap ret sekrè anmwenske w bay enfomasyon pou kontakte w anba paj sondaj la. Si w ta vle repons w yo rete sekrè sèlman dekolè etikèt ki gen adrès w a anba paj la. Mèsi.

1= Strongly Disagree	1= En total desacuerdo	1= Vreman Padako
2= Disagree	2= En desacuerdo	2= Padako
3= Neutral	3= Neutral	3= Neutre
4= Agree	4= En acuerdo	4= Dako
5= Strongly Agree	5= Muy de acuerdo	5= Totalman Dako

MDRF responded to your needs in a timely manner.  
MDRF atendió sus necesidades a tiempo.  
MDRF te reponn a bezwen w byen vit.

1    2    3    4    5

MDRF explained your treatment to you.  
MDRF le explicó su tratamiento.  
MDRF te espliké w tretman w yo.

1    2    3    4    5

MDRF treated you in a professional manner.  
MDRF lo trató de forma profesional.  
MDRF te trete w avèk respè.

1    2    3    4    5

MDRF met your expectations when you requested assistance.  
MDRF llenó sus expectativas en el momento que usted solicitó asistencia.  
MDRF pat desi w de sa w te atann deli lè w te mande asistans.

1    2    3    4    5

**OPTIONAL/OPCION / PREFERE**

Name/nombre/nom

Address/dirección/adres

City/ciudad/vil

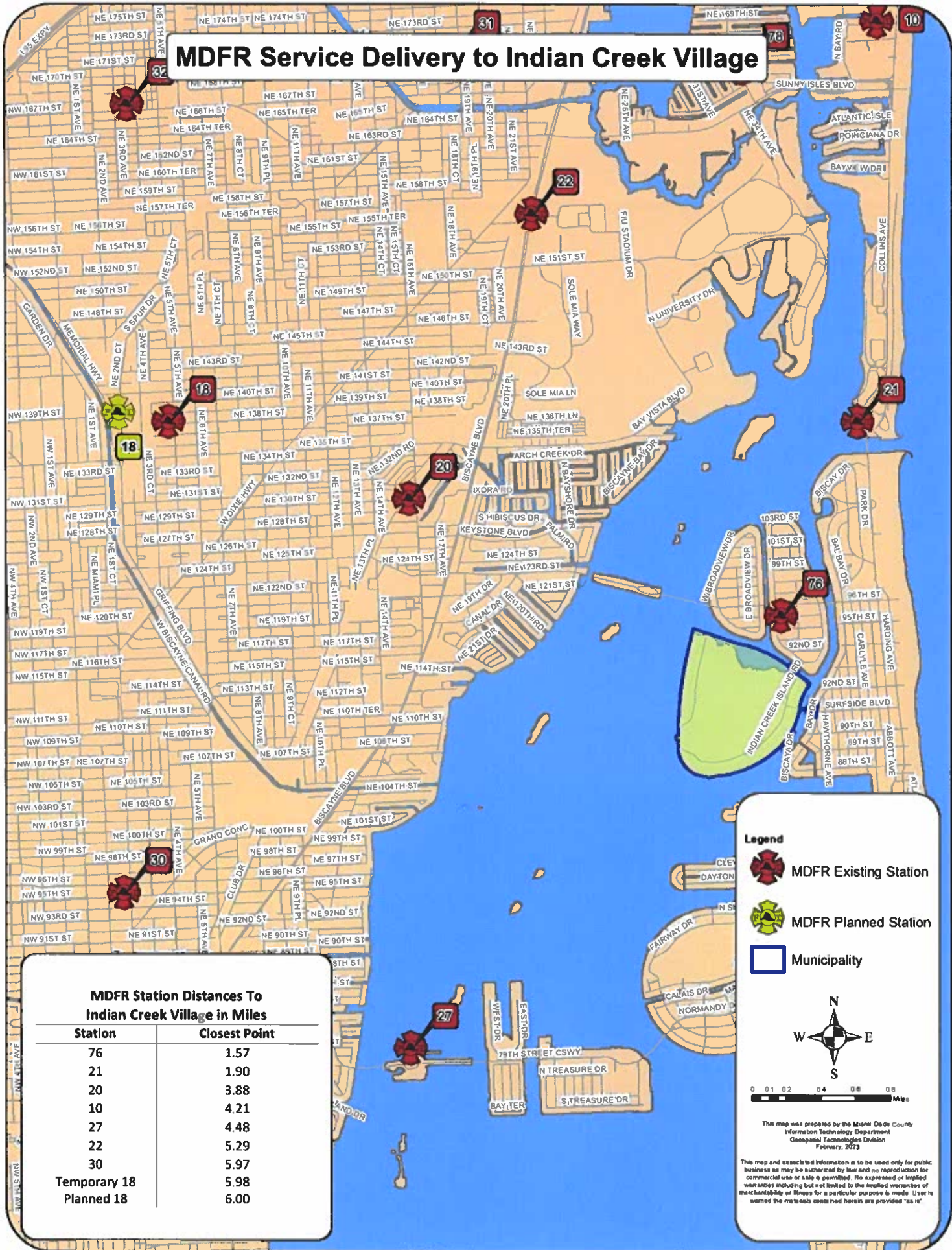
State/estado/eta

Zip/código postal/kòd postal

Phone/teléfono/telefon

email/correo electrónico/imej




# MDFR Service Delivery to Indian Creek Village



**MDFR Station Distances To Indian Creek Village in Miles**

Station	Closest Point
76	1.57
21	1.90
20	3.88
10	4.21
27	4.48
22	5.29
30	5.97
Temporary 18	5.98
Planned 18	6.00

**Legend**

-  MDR Existing Station
-  MDR Planned Station
-  Municipality



The map was prepared by the Miami Dade County Information Technology Department Geospatial Technologies Division February, 2023

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**TAB 1-C**

**MINUTES OF  
SPECIAL COUNCIL MEETING  
Monday, January 30, 2023, at 04:00 p.m.**

**1. CALL TO ORDER/ROLL CALL OF MEMBERS 5:00 p.m.**

Mayor, Bernard Klepach	Present
Vice Mayor, Javier Holtz	Present
Council Member, Irma Braman	Present
Council Member, Robert Diener	Present
Council Member, Irwin Tauber	Via Zoom

**VILLAGE STAFF**

Village Manager, Guillermo Olmedillo  
Village Attorney, Stephen Helfman  
Chief of Police, John Bernardo  
IT Director, David Fernandez  
Village Clerk, Roseann Prado  
Deputy Clerk, Lorelei Narmore

**AUDIENCE PRESENT:**

GJ Bakker lot # 40  
Clarece Depkin ICCC – via zoom  
Gail Icahn lot # 24 – via zoom

**3. PUBLIC COMMENTS:**

The following person spoke on the records:

- GJ Bakker

**4. CONSENT AGENDA**

**TAB 1**

A. November 28, 2022, Minutes  
(Regular Council Meeting)

*Vice-Mayor Holtz moved to approve the minutes of the Regular Council Meeting of 11/28/2022.  
Mayor Klepach seconded. The motion carried 5 – 0.*

**5. RESOLUTIONS**

**TAB 2**

**A. A RESOLUTION OF INDIAN CREEK VILLAGE, FLORIDA, APPROVING AN AMENDMENT TO THE TERMS OF THE CONTRACT FOR CONSTRUCTION BETWEEN THE VILLAGE AND GIANNETTI CONSTRUCTION CORPORATION EXTENDING THE TIME FOR SUBSTANTIAL COMPLETION FOR THE VILLAGE ROADWAY REDEVELOPMENT PROJECT; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE. (Resolution # 845)**

*The Council reached a unanimous consensus to defer the discussion of Resolution # 845 for the next Council meeting on a date to be determined, pending information for the timeline of work, pathway, and curbing.*



- B. A RESOLUTION OF THE VILLAGE COUNCIL OF INDIAN CREEK VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT (FIND) WATERWAYS ASSISTANCE PROGRAM FOR FINANCIAL ASSISTANCE IN PURCHASING TWO YAMAHA 300 ENGINES FOR LAW ENFORCEMENT VESSELS; PROVIDING FOR IMPLEMENTATION; PROVIDING CERTIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (Resolution # 846).**

*Mayor Klepach motioned to approve Resolution # 846. Vice-Mayor Holtz seconded. The motion carried 5 – 0.*

**6. DISCUSSION ITEM TAB 3**

Seawall Height

*The Council instructed Village Attorney to draft an Ordinance for first reading at the next Council meeting on a date to be determined.*

**7. MANAGER'S REPORT TAB 4**

- A. Construction Site Conditions**

*The Council agreed with the Village Manager to apply the List of Conditions for Construction Sites.*

- B. Financial Report**

**7. ADJOURNMENT**

**Mayor Klepach motioned to adjourn the meeting. Council Member Braman seconded. The meeting adjourned at 5:23 p.m.**

**Submitted by:**

\_\_\_\_\_  
**Roseann Prado, Village Clerk**

**TAB 2-A**



## INDIAN CREEK VILLAGE REGULAR COUNCIL MEETING

**TO:** Mayor, Vice-Mayor, and Honorable Members of the Council of Indian Creek Village  
**FROM:** Guillermo Olmedillo, Village Manager  
**DATE:** March 14, 2023  
**TITLE:** Zoning Variance Appeal Lot 37.

---

### **REQUEST**

By way of an appeal, the applicant is requesting that the Village Council approve a variance from the height requirement for a portion of an existing partially constructed Poolhouse. Fifteen (15) feet of height is permitted, sixteen (16) feet has been constructed.

### **BACKGROUND**

On March 8, 2022, the Village issued a building permit (the "Permit") for the construction of a new home on Lot 37. The Permit included a separate accessory poolhouse building with both indoor habitable living space and an outdoor barbeque area (the "Poolhouse"). The shell of the Poolhouse has been completed.

Upon completion of the shell, the Village Building Official inspected the site and determined that the Poolhouse was not in compliance with the Village's zoning regulations. Specifically, (i) the floor slab of the building is placed at a twelve (12) foot elevation above flood criteria instead of the maximum ten (10) feet allowed; (ii) the area of the building is greater than the 800 square feet that is allowed; and (iii) a substantial portion of the roof is constructed at 16 feet in height, where only fifteen (15) feet is allowed. Upon making this finding, the Building Official "red tagged" the building and ordered that the construction of the Poolhouse be halted.

After extensive research and the re-examination of the plans submitted for the Permit, the Building Official determined that the Permit was issued in error and the elevation, size and height should not have been permitted. The Building Official attributes the error to internally inconsistent architectural plans and multiple revisions to the plans that were misleading. The developer and his architect have acknowledged the inconsistencies.

Upon presenting this problem to the developer, he agreed to make some modifications to the Poolhouse. Specifically, he agreed to reduce the floor height to no higher than ten (10) feet above flood criteria and to reduce the square footage of the Poolhouse by removing portions of the roof.

Wishing to maintain the height of the habitable portion of the Poolhouse at sixteen (16) feet above flood criteria (15 feet permitted), the developer applied for a variance of height. The Building Official denied the requested variance, as did the Village Manager on an appeal. Copies of both letters of denial are attached. The denials were strictly based upon the failure of the developer to comply with the seven (7) criteria in the Village's Code for a variance.

By way of a second appeal, the requested height variance is before the Village Council for a final determination.

## **ANALYSIS**

Under the Village Code, the Village may grant a nonuse variance upon showing by the applicant that the variance meets all the following criteria:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *There is nothing peculiar to the land that would justify the variance request.*
- (b) That the special conditions and circumstances do not result from the actions of the applicant. *The conditions and circumstances result in part to the actions of the applicant.*
- (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by these LDRs to other lands, buildings or structures in the same zoning district. *The granting of the request will confer a privilege that is not available to others.*
- (d) That literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs and would work unnecessary and undue hardship on the applicant. *The right required (increased height) is not a right commonly enjoyed by other lot owners.*
- (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. *The property can be reasonably used without the variance.*
- (f) That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district. *The granting of the variance will not change the use to one different than permitted for others.*

- (g) That the granting of the variance will be in harmony with the general intent and purpose of these LDRs and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. *The granting of the variance will allow for a structure which is out of harmony with the general intent of the Land Development Regulations, which is to impose reasonable limits on the use of land.*

## **RECOMMENDATION**

Despite the fact that the Building Official issued the Permit, based upon the analysis above, my recommendation is to deny the variance based on the failure to meet all of the above listed criteria. Should the Council decide to grant the variance, I would urge the Council to impose the following conditions in any approval.

- a. Provide the Village with two (2) sets of signed and sealed plans that meet the Indian Creek Village Code in its entirety.
- b. Provide an affidavit signed by the design professional of record confirming that all plans meet all the requirements of the Village Code.
- c. Provide a landscaping plan and plant all landscaping necessary to mitigate the impact of the Poolhouse. Such plan shall be submitted for approval to the Village prior to installation, and the necessary landscaping shall be planted prior to the issuance of the Certificate of Occupancy.
- d. Install and maintain a new temporary construction fence to obstruct the view of the construction activity from the right of way and neighboring properties.
- e. Comply with the attached Construction Operations Management conditions.
- f. Violation of any of the above conditions shall result in the immediate stoppage of construction.





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## **CONSTRUCTION OPERATIONS MANAGEMENT**

### **List of Conditions**

Every construction project shall comply with the following conditions:

1. The use of equipment that will cause damage to the pavement or any portion of the common infrastructure of the Village is prohibited.
2. The circulation of maintenance equipment or construction equipment that exceeds the weight limitations of the Island access bridge is prohibited.
3. All equipment, construction materials, and elements that exceed the weight limitations of the Island access bridge shall be delivered to the construction site by alternate means previously approved in writing by the Village Manager, or designee.
4. The construction equipment and material expected delivery schedule shall be provided to the Village Manager 48 hours in advance.
5. The on-site parking plan must be submitted for review and approval by the Village prior to the commencement of construction.
6. On-site parking is limited only to supervisors.
7. Construction vehicles or equipment are prohibited from parking on the paved road.
8. The construction manager of each site shall supply the Village with a list of all subcontractors and corresponding supervisors who will perform work during the following week. The list shall include names and contact information.
9. No construction or repair work in the village shall commence before 8:00 a.m. or continue after 5:00 p.m. on Monday through Friday. However, the creation of loud or excessive noise in connection with the conducting of such work shall not commence prior to 9:00 a.m. No construction or repair work shall be done on Saturday, Sunday, or on holidays designated by the village. The village manager may, upon written application submitted 48 hours in advance, setting forth good cause, authorize exemptions to this section.

01/30/2023

# RECEIVED

JAN 26 2023



023-012601-VA  
Lot #37 - Roof Slab for Rear Accessory  
Yoga/Massage Structure

## INDIAN CREEK VILLAGE

## INDIAN CREEK VILLAGE VARIANCE APPLICATION

DATE 01/23/2023 JOB ADDRESS 37 Indian Creek Island Rd. Indian Creek, FL 33154 TAX FOLIO: 21-2234-002-0370  
 LEGAL DESCRIPTION: See Exhibit A attached MASTER PERMIT #: 021-090801  
 OWNER'S NAME: TODD GLASER  
 OWNER'S ADDRESS: PO Box 402249, MB, FL. 33140 PHONE #: (786) 208-2124  
 CONTRACTING CO: G7 Holdings Inc. ADDRESS: 8600 NW 36th Ave, Miami, FL 3314  
 QUALIFIER: GREGORY DAVIS SS#: \_\_\_\_\_ PHONE #: (305) 776-6473  
 STATE LIC. #: CGC1519552 COMPETENCY #: \_\_\_\_\_  
 ARCHITECT: Kobi Karp Architecture & Interior Design ENGINEER: \_\_\_\_\_ ADDRESS: 571 NW 28th Street, Miami, FL 33127  
 BONDING COMPANY: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
 MORTGAGOR: ADDRESS: \_\_\_\_\_

PERMIT TYPE (circle one): **VARIANCE**  
 VARIANCE DESCRIPTION: Seeking a variance for the height of the Roof Slab for the Rear Accessory Yoga/Massage Structure.  
This slab is currently at 25.70' NGVD. This is 0.70' above the requested height of 25.00' NGVD.  
The parapet is at 26.08' NGVD. This is 1.08' above the requested height of 25.00' NGVD.

SQUARE FT.: 1,057 SF VARIANCE FEE: \_\_\_\_\_

### BUILDING DEPARTMENT

**WARNING TO OWNER: YOU MUST RECORD A NOTICE OF COMMENCEMENT FOR IMPROVEMENTS OVER \$2,500 AND YOUR FAILURE TO DO SO MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY (IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT). NO INSPECTIONS WILL BE PERFORMED UNTIL NOTICE OF COMMENCEMENT IS PROPERLY POSTED ON JOB SITE.**

Application is hereby made to obtain a permit to do work and installation as indicated on the attached permit application. I certify that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that separate permits are required for ELECTRICAL, PLUMBING, POOLS, ROOFING and MECHANICAL work.

**OWNER'S AFFIDAVIT:** I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning. Furthermore, I authorize the contractor listed on the attached permit application to do the work stated.

Signature of Owner: [Signature]  
 Date: 1/24/23

Signature of Contractor or Owner-Builder: [Signature]  
 Date: 1-24-23

Notary as to Owner: [Signature]  
 My Commission Expires: 02/21/2026  
 Notary Public State of Florida  
 Isaura Alegria Bejarano  
 My Commission  
 #1221552  
 Exp. 2/21/2026

Notary as to Contractor or Owner-Builder: [Signature]  
 My Commission Expires: 02/21/2026  
 Notary Public State of Florida  
 Isaura Alegria Bejarano  
 My Commission  
 #1221552  
 Exp. 2/21/2026

**NOTICE:** In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

Permit Fee: \$1,500.00 Radon Surcharge: \_\_\_\_\_  
 Code Compliance Fee: \_\_\_\_\_ Other: \_\_\_\_\_  
 TOTAL PERMIT FEE: \$1,500.00 paid w/ck#

#0567





ARCHITECTURE INTERIOR DESIGN PLANNING

**VIA ELECTRONIC SUBMITTAL**

February 17th, 2023

Guillermo Olmedillo  
Village Manager  
Indian Creek Village  
9080 Bay Drive  
Indian Creek, FL 33154  
O: 305-865-4121 / C: 305-989-8560 / F: 305-865-2502  
[golmedillo@icvps.org](mailto:golmedillo@icvps.org)  
[www.indiancreekvillagefl.gov](http://www.indiancreekvillagefl.gov)

Re: Denial of Variance Appeal Letter  
*Lot #37 - Variance #1 Denial Appeal Letter - Nonuse variance - Accessory Structure Maximum Height 023-012601-VA*  
Master Permit #021-090801

Dear Mr. Olmedillo,

Please find this enclosed letter on behalf of the Applicants, and the Owners of the Property located at 37 Indian Creek Island Rd., Indian Creek, FL 33154, and let it serve as their formal request to appeal the Village Manager's denial of the following variance request:

*Lot #37 - Variance #1 Denial Appeal Letter - Nonuse variance - Accessory Structure Maximum Height 023-012601-VA*

The applicant feels that the variance complies with the Village's Land Development Regulations as further outlined in Sub-section C. Variance Procedure., Article 11. Administration and Enforcement.

***Variance #1 Denial Appeal Letter - Nonuse variance - Accessory Structure Maximum Height 023-012601-VA***

(a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.  
**Response:** The applicant currently faces this special hardship of applying for variances, as we have a rear structural shell that is substantially complete, that was built based upon an approved set of master permit documents, an approved set of permit revisions, and written communication with staff assuring that this rear structure did not require any variances. We are not seeking any design favors, but rather wanting to avoid demolishing what has already been built. Construction was based off our "Master



ARCHITECTURE INTERIOR DESIGN PLANNING

Permit” set approved in March of 2022, and an Architectural Revision set approved in October of 2022. Supporting documents can be found included within this Variance Denial Appeal Letter, which demonstrate that the height of the Massage/Yoga structure was built based off the approved set of documents.

(b) That the special conditions and circumstances do not result from the actions of the applicant.

Response: The applicant has not intentionally sought specialized zoning regulations. Construction was based off our “Master Permit” set approved in March of 2022, and an Architectural Revision set approved in October of 2022. Supporting documents can be found included within this Variance Denial Appeal Letter, which demonstrate that the height of the Massage/Yoga structure was built based off the approved set of documents.

(c) That granting the variance requested will not confer on the applicant any special privilege that is denied by these LDRs to other lands, buildings or structures in the same zoning district.

Response: The raised roof slab and roof parapet are part of a Minor Architectural Detail "Banding" feature, that creates a cantilevered roof for the Yoga/Massage structure. As per Indian Creek Municode (Article 4-Land and Water Use)(A-Land Uses)(4)(b)(iii), an exception is allowed for minor architectural detailing.

(d) these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs and would work unnecessary and undue hardship on the applicant.

Response: The raised roof slab and roof parapet are part of a Minor Architectural Detail "Banding" feature, that creates a cantilevered roof for the Yoga/Massage structure. As per Indian Creek Municode (Article 4-Land and Water Use)(A-Land Uses)(4)(b)(iii), an exception is allowed for minor architectural detailing.

(e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Response: The raised roof slab and roof parapet are part of a Minor Architectural Detail "Banding" feature, that creates a cantilevered roof for the Yoga/Massage structure. As per Indian Creek Municode (Article 4-Land and Water Use)(A-Land Uses)(4)(b)(iii), an exception is allowed for minor architectural detailing.

(f) That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.

Response: The raised roof slab and roof parapet are part of a Minor Architectural Detail "Banding" feature, that creates a cantilevered roof for the Yoga/Massage structure. As per Indian Creek Municode (Article 4-Land and Water Use)(A-Land Uses)(4)(b)(iii), an exception is allowed for minor architectural detailing.

(g) That the granting of the variance will be in harmony with the general intent and purpose of these LDRs and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response: The raised roof slab and roof parapet are part of a Minor Architectural Detail "Banding" feature, that creates a cantilevered roof for the Yoga/Massage structure. As per Indian Creek Municode (Article 4-Land and Water Use)(A-Land Uses)(4)(b)(iii), an exception is allowed for minor architectural detailing.

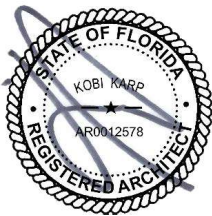
In conclusion, the applicant’s goal is to create a resilient structure that functionally enhances the everyday enjoyment of the rear yard by the occupant, preserves a visually stunning



ARCHITECTURE INTERIOR DESIGN PLANNING  
architectural façade for the neighborhood, all while maintaining a sensitivity to the surrounding context and neighbors to minimize any impacts.

We look forward to your favorable review of this appeal to the denial of the variance listed above. If you have any questions or comments in the interim, please give me a call at 305-573-1818.

Sincerely,



**Kobi Karp**

AR0012578

Kobi Karp Architecture Interior Design

[571 NW 28th Street](#)

[Miami, FL 33127](#)

[KobiKarp@KobiKarp.com](mailto:KobiKarp@KobiKarp.com)

C: [305.992.5892](tel:305.992.5892)

T: [305.573.1818](tel:305.573.1818)

F: [305.573.3766](tel:305.573.3766)



# INDIAN CREEK VILLAGE, FLORIDA

29-Jan-23

Reference: NONUSE VARIANCE  
ACCESSORY STRUCTURE - MAXIMUM HEIGHT  
37 Indian Creek Island Road

**BERNARD KLEPACH**  
MAYOR

**JAVIER HOLTZ**  
VICE MAYOR

**ROBERT DIENER**  
COUNCIL MEMBER

**IRMA BRAMAN**  
COUNCIL MEMBER

**IRWIN E. TAUBER**  
COUNCIL MEMBER

**GUILLERMO OLMEDILLO**  
VILLAGE MANAGER

**STEPHEN J. HELFMAN**  
VILLAGE ATTORNEY

**ROSEANN PRADO**  
VILLAGE CLERK

Pursuant to Land Development Regulations, Article 11. Administration and Enforcement, Section C (Variance Procedure), the Building Official reviewed the application filed by Todd Glaser (as owner) and issues the following decision:

1. Deny a Nonuse Variance to allow for a height of +26.08-FT NGVD to the top of the parapet on the accessory structure (Yoga & Massage Rooms), when the maximum permitted height is +25.0-FT NGVD above the finished floor elevation +10.0-FT NGVD (Base flood plus 2-feet) for an accessory building within 100" of the rear property line pursuant to Article 4, Section A(4)(b) *Single-family Residential District* – Table of the Land Development Regulations. Variance requested does not meet all the criteria pursuant to Land Development Regulations, Article 11. Administration and Enforcement, Section C (Variance Procedure).

This decision may be appealed to the Village Manager pursuant to Article 11, Section C (3) by filing a written request for a review.

If you require further information, please contact this office.

Sincerely,

Dario Gonzalez, P.E., CBO  
Building Official.

C.C.: File.



# **INDIAN CREEK VILLAGE, FLORIDA**

February 17, 2023

**Via U.S. Mail & FedEx**

Mr. Todd Glaser  
37 Indian Creek Holdings, LLC  
3681 Flamingo Drive  
Miami, Florida 33140

**BERNARD KLEPACH**  
MAYOR

**JAVIER HOLTZ**  
VICE MAYOR

**ROBERT DIENER**  
COUNCIL MEMBER

**IRMA BRAMAN**  
COUNCIL MEMBER

**IRWIN E. TAUBER**  
COUNCIL MEMBER

**GUILLERMO OLMEDILLO**  
VILLAGE MANAGER

**STEPHEN J. HELFMAN**  
VILLAGE ATTORNEY

**ROSANN PRADO**  
VILLAGE CLERK

**Re: Lot 37 Indian Creek Island Road (the "Property")**

Dear Mr. Glaser:

I am in receipt of your appeal of the Building Official's January 29, 2023 decision to deny a height variance for the pool-house structure on the Property.

I have carefully reviewed your appeal and understand the basis upon which you believe a variance should be granted; however, I have determined that the criteria contained in Article 11, Section C(1) of the Village Land Development Regulations has not been met. Therefore, I am upholding the decision of the Building Official and denying the appeal.

If you wish to appeal my decision, you may do so pursuant to Article 11, Section C(4) of the Village Land Development Regulations. If you have any questions or need further direction on the appeal process, feel free to contact me.

Very truly yours,

  
Guillermo Olmedillo

cc: Mr. Kobi Karp  
Building Official  
Village Mayor and Council  
Village Attorney

**TAB 3-A**



**INDIAN CREEK VILLAGE  
REGULAR COUNCIL MEETING**

**MEMORANDUM**

**TO:** Mayor, Vice-Mayor, and Honorable Members of the Council of Indian Creek Village  
**FROM:** Guillermo Olmedillo, Village Manager  
**DATE:** March 09, 2023  
**TITLE:** Roadway Project Contract Extension

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The purpose of this memorandum is to provide an updated summary of the recent request by Giannetti Contracting Corp. (the “Contractor”) for an extension of the Contract for Construction (the “Contract”) to allow for the completion of the roadway project. The Contractor is seeking an extension through July 26, 2023.

**Background.** The Contract was executed on March 3, 2021. Based upon the commencement date of July 6, 2021, the work was to be completed within 480 days (October 29, 2022). But for the changes requested by the Village addressing unforeseen site conditions, and changes on the pathway, the Contractor claims that all the work would have been completed on December 29, 2022, two months passed the deadline. That is the date that all other major work was completed. There are various reasons for this 2-month delay, some attributable to the Village and some attributable to the Contractor.

The work remaining to be completed (lighting, irrigation, pathway, landscape, and the last asphalt layer) is expected to be completed by May 31, 2023. The Contractor has requested that the Village extend the Contract date to July 26, 2023, in order to substantially complete the remaining work. The Contractor is not seeking any further fees or costs, except those due to the changes requested by the Village such as the cost of purchasing and installing new pathway lighting.

**Recommendation.** I recommend that the Contract completion date be extended to May 31, 2023. I believe that while some of the delays are certainly the responsibility of the Contractor; the time they are requesting is only the time needed to substantially complete items that are directly related to the Village’s changes to the lighting and pathway. I believe it is a reasonable request.

Michigan Office  
6340 Sims Drive  
Sterling Heights, Michigan 48313  
Office: 586-268-2090  
Fax: 586-268-7099



Florida Office  
1801 NW 18<sup>th</sup> Street  
Pompano Beach, FL 33069  
Office: 954-972-8104  
Fax: 954-972-8108

---

December 14, 2022

Indian Creek Village  
9080 Bay Drive  
Indian Creek, FL 33154

Attn: Guillermo Olmedillo, Village Manager  
golmedillo@icvps.org

Re: Indian Creek Village, Roadway Development Project  
Request for Extension of Time  
Giannetti's Project No F-166

Mr Olmedillo,

Due to many changes and delays on our Project I would like to request an extension of time for 210 working days for the following reasons and explanations:

Previously agreed and instructed by former Manager who advised us that our clock would start during our actual Construction Start Date which was July 6, 2021. Main cognitive was to avoid potential protests from other Bidders. At that time our Project was still not ready to begin and we were forced to proceed with pipe installation without any precast structures on site, which is unprecedented in roadway construction.

Original Start Date:	7/6/2021	
Original Substantial Date:	10/29/2022	Revised Sub. 5/27/2023
Original Final Completion:	12/28/2022	Revised Final 7/26/2023

Please see below my clarifications that support Revised Substantial and Final Completion Dates at this time. We still have many pending RFQ's that we are waiting to be answered on.

EXT represent Extra scopes that were Field Ordered in the last minute to keep construction activities moving and progressing forward. These Extras represent unforeseen conflicts, redesigns, last minute ICV requests due to weddings, and repairing of existing Utilities due to its poor condition.

EXT-004	1 extra day requested
EXT-005	1 extra day requested
EXT-008-A	5 extra days requested



Michigan Office  
6340 Sims Drive  
Sterling Heights, Michigan 48313  
Office: 586-268-2090  
Fax: 586-268-7099



Florida Office  
1801 NW 18<sup>th</sup> Street  
Pompano Beach, FL 33069  
Office: 954-972-8104  
Fax: 954-972-8108

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EXT-012	1 extra day requested
EXT-013	½ extra day requested
EXT-014	½ extra day requested
EXT-015	¼ extra day requested
EXT-016	1 extra day requested
EXT-017	¼ extra day requested
EXT-018	1 extra day requested
EXT-019	1.5 extra days requested
EXT-020	½ extra day requested
EXT-021	½ extra day requested
EXT-022	1 extra day requested
EXT-023	3 extra days requested
EXT-028	10 extra days requested
EXT-030	3 extra days requested

Subtotal for extra days needed from extra scopes are 31 work days / 42 calendar days.

RFQ represent Request for a Quote. These requests were submitted by ICV directly or by EOR, Engineer of Record. These changes were not an emergency items, and were predicted by all parties of potential conflicts.

RFQ-006-A	10 extra days requested
RFQ-007-C	45 extra days requested (approval pending)
RFQ-014	5 extra days requested

Subtotal for extra work days for RFQ's are 60 work days / 140 calendar days.

Pending RFQ's are listed below.

RFQ-006-B	This will be Irrigation system RFQ, response from GCC pending
RFQ-017	response still pending from ICV. Actual extra time will be requested
RFQ-022	Future RFQ for removal of existing driveways. Extra time will be requested

During Thanksgiving and Christmas with New Year Holidays in 2021/2022 we were Field Ordered to be off the Island for 4 weeks. Two weeks during Thanksgiving and two weeks during Christmas, which equals 28 calendar days.

Michigan Office  
6340 Sims Drive  
Sterling Heights, Michigan 48313  
Office: 586-268-2090  
Fax: 586-268-7099



Florida Office  
1801 NW 18<sup>th</sup> Street  
Pompano Beach, FL 33069  
Office: 954-972-8104  
Fax: 954-972-8108

---

Original Substantial Completion Date 10/29/2022, plus 42 EXT days, 140 RFQ days, 28 Holiday Days puts us at May 27, 2023. Final Completion will be on July 26, 2023.

We are still waiting on responses on how to proceed with major activities such as driveways, electrical, trail, force main, and irrigation.

Concrete Driveways have to be redesigned as soon as possible so we can finish them up and start rough irrigation installation with 5' walking trail. Also, prior 5' Trail installation we need our electrical subcontractor to install all street lighting in order to avoid any machinery or trucks driving over walking path because all of the street lights are behind the trail on residential side. In order for us to complete DERM's requirements and fulfill DERM's permit for Force Main, we will need completed electrical scope on the Island so we could begin testing Grinder Tanks and Pumps startups.

I will submit our monthly administrative cost to you in order to keep this project managed and supported during these additional days until July 26, 2023.

I'm not presenting any rain day delays at this time because I think I have accomplished my clarification and support for extension of time on this Project.

Please call or email me at [ilia@gianneticorp.com](mailto:ilia@gianneticorp.com) with any questions or concerns you might have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ilia Lyssenko", written over a horizontal line.

Ilia Lyssenko,  
Project Manager

# **TAB 4**