

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

TO: File

FROM: Martha Perez, Staff Attorney
Nilda Olmo, Investigator

DATE: March 27, 2017

RE: PI 17-18: Anonymous complaint against Vice-Mayor Lim, North Bay Village

CASE CLOSED
Date 3/28/2017

An anonymous email was received by COE alleging that North Bay Village (NBV) Vice-Mayor, Eddie Lim (Lim), had a voting conflict and should recuse himself from voting on an item coming before the Council tomorrow, March 28, 2017. Specifically, the anonymous complainant alleged that:

- Lim already voted on this variance at the last Council meeting on February 28, 2017
- Lim owns property, " a 2- story historic building, in badly need of repairs" which will be ready for sale after the vote;
- After the vote, another empty lot is ready to propose a height increase; and
- Lim is a realtor

I spoke on the phone with Lim who stated that he is a Harbor Island (HI) resident and he represents the HI district. His district is mostly multi-family/ residential. He resides in the Lido Condo, a 20- unit boutique condominium located at 7921 East Drive (See picture of building attached to this memo). He owns one unit as his residence and owns another unit which is rental property.

The item coming up for vote tomorrow refers to an application by P&O Global Technologies, Inc. concerning property located at 7914-7918 West Drive, North Bay Village, Florida, for a zoning variance requesting a height variance to develop undeveloped lots on the west side of HI. (See print out attached to this memo): An amendment to the North Bay Village Land Development Code, Chapter 152, creating the public space and parking enhancement overlay; permitting additional height; reduced side setbacks; and transfer of density from village owned properties to private developments that provide meaningful public benefits.

Lim stated that he has no relationship with the developer on a personal or professional basis. Lim also indicated that he has no financial interest, direct or indirect, in the development of the lots on the opposite side of the island other than the interest generally shared by all the residents of HI. To his knowledge, the developers have not approached his residential building (Lido) expressing a desire to buy it and redevelop it. Furthermore, the vote has no imminent effect on his residential unit.

Lim also added that their City Attorney, Robert Switkes, (as confirmed by Switkes) always asks before a vote is taken, whether any member has an "ex parte" relationship with the developer/ applicant.

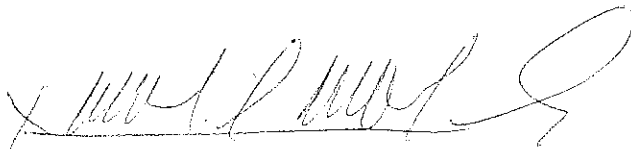
Pursuant to Section 2-11.1(d) of the County Ethics Code, a council member may not vote if he has a prohibited relationship with any persons or entities which may be affected by the council action AND if

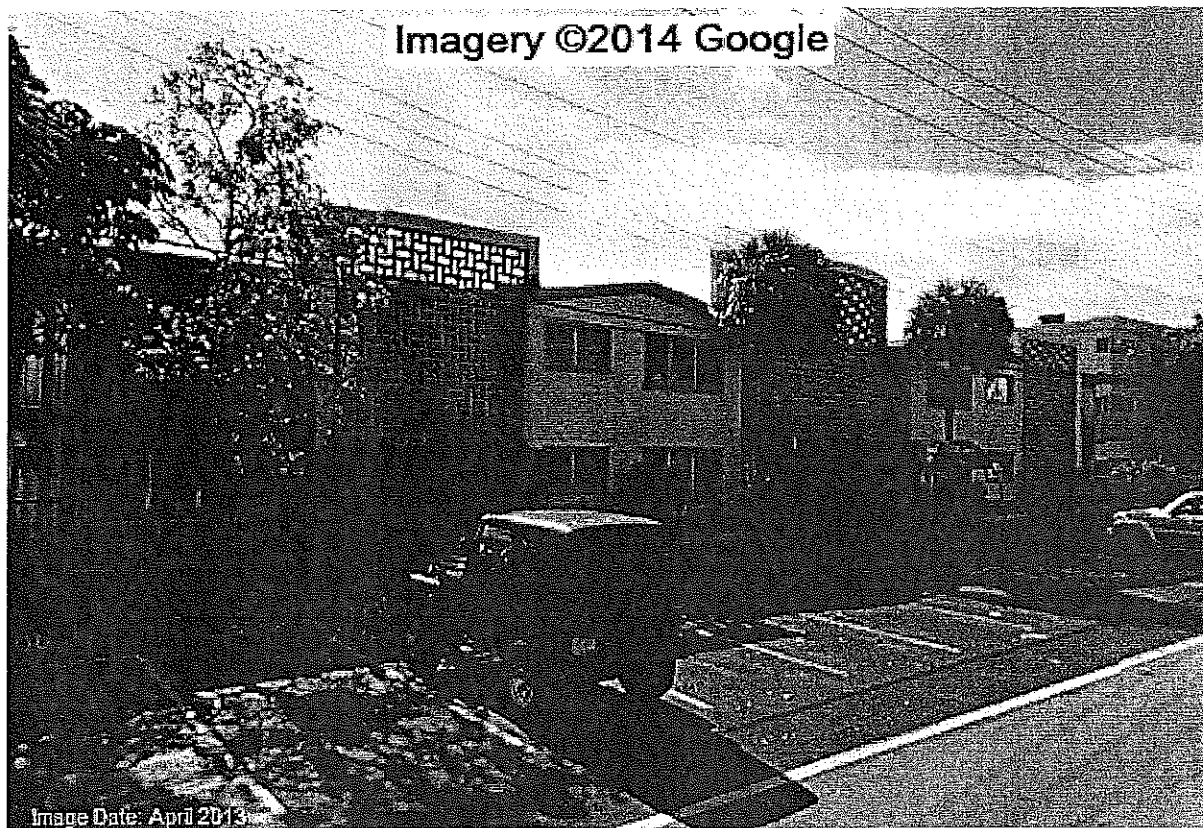
MIA MI-DADE COMMISSION ON ETHICS & PUBLIC INTEREST

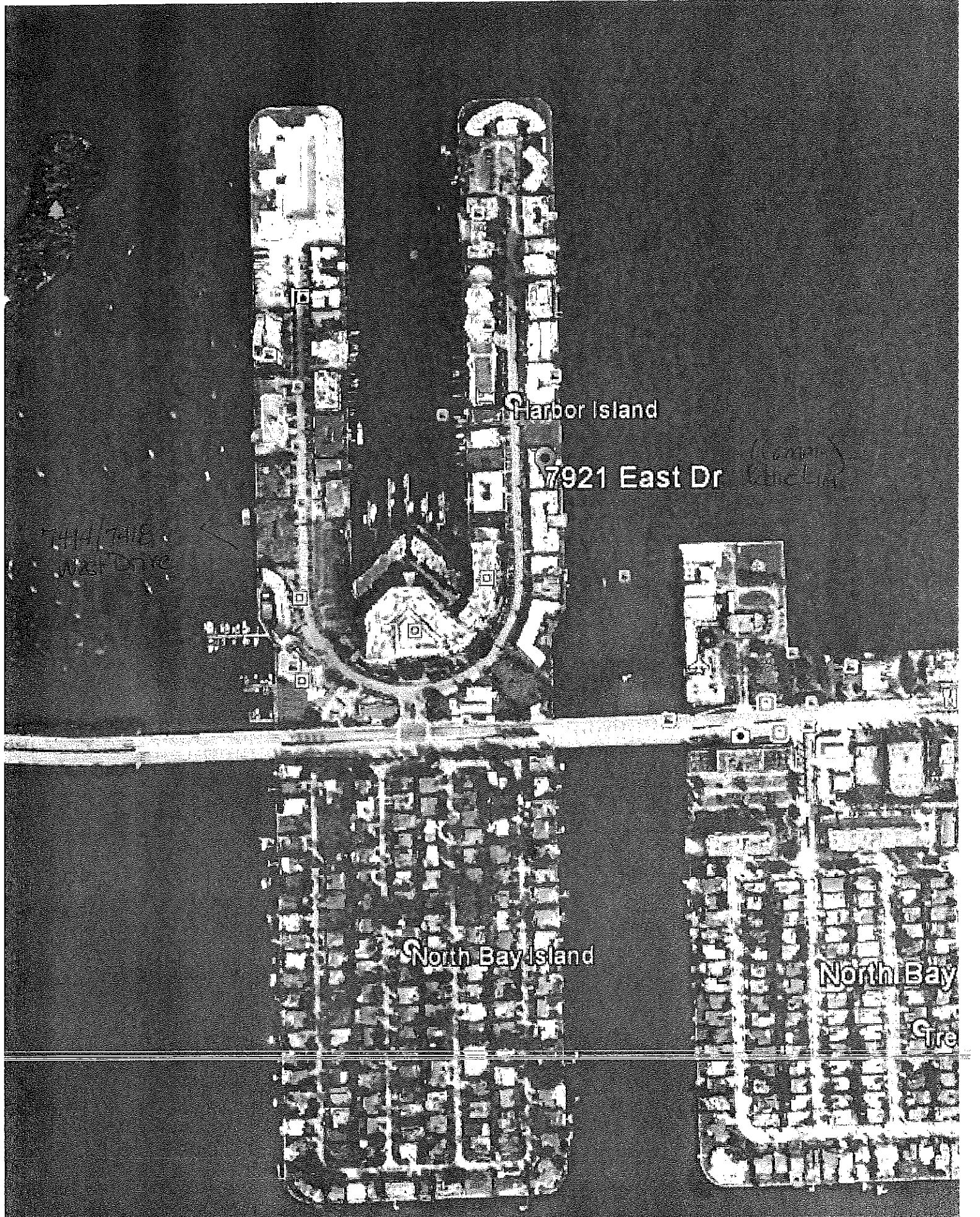
the official would or might profit or be enhanced, directly or indirectly, by the vote. There is no special close proximity of Lim's home to the proposed development. They are on opposite sides of the island. Lim does not have any of the enumerated prohibited relationships with the developers who would be affected by the vote. Also, as one of a multitude of residents and property owners in the island, Lim would not appear to be affected in a manner distinct from the manner in which the vote would affect all the residents generally. Additionally, there is no expectation that by virtue of Lim's realtor business, that his job as a realtor would be enhanced or affected by the outcome of the pending zoning application. (Lim has not been approached by the developer nor is there any evidence that Lim will/has engaged in any business relationship with the developer/applicant). See Section 2-11.1(d), County Ethics Code; RQO 10-20

Mr. Switkes advised he will ask the Council members tomorrow about any "ex parte" relationships and emphasize whether any of them has any interest that they need to disclose prior to voting on this item.

Attachments


3/29/2017





Harbor Island

7921 East Dr

North Bay Island

North Bay

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