



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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OFFICIAL AGENDA

REGULAR VILLAGE COMMISSION MEETING

**NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

TUESDAY, JANUARY 8, 2013

7:30 P.M.

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE VILLAGE COMMISSION, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

VILLAGE COMMISSION MEETINGS ARE BROADCAST LIVE ON CHANNEL 20 FOR ATLANTIC BROADBAND SUBSCRIBERS.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION OR A SIGN LANGUAGE INTERPRETER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 756-7171 NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) OR (800) 955-8700 (VOICE) FOR ASSISTANCE.

1. **CALL TO ORDER**

PLEDGE OF ALLEGIANCE

ROLL CALL

2. **PROCLAMATIONS AND AWARDS**

A. **SPECIAL PRESENTATIONS**

B. **ADDITIONS AND DELETIONS**

3. **BOARD REPORTS**

A. **BUSINESS DEVELOPMENT ADVISORY BOARD**

B. **YOUTH SERVICES BOARD**

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Page 1 of 7
Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

C. PLANNING & ZONING BOARD

4. PUBLIC SAFETY DISCUSSION

5. COMMISSIONERS' REPORTS

6. VILLAGE ATTORNEY'S REPORT

7. VILLAGE MANAGER'S REPORT

8. GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.

9. CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.

A. A RESOLUTION OF THE NORTH BAY VILLAGE COMMISSION AUTHORIZING THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PROVIDE PRE-PAID RETURN ENVELOPES FOR ABSENTEE BALLOTS; PROVIDING DIRECTION TO THE VILLAGE MANAGER; PROVIDING DIRECTION TO THE VILLAGE CLERK; PROVIDING AUTHORIZATION OF FUND EXPENDITURE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

The proposed Resolution will allow the Village to pay the postage cost for mailing of absentee ballots.

1.) Commission Action

10. PLANNING & ZONING CONSENT AGENDA

No Items.

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 35 OF THE NORTH BAY VILLAGE CODE ENTITLED "TAXATION AND FINANCE" BY REVISING SECTION 35.03 TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING SENIOR CITIZENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY) – FIRST READING**

The proposed Ordinance will provide additional homestead exemption to persons who have legal or equitable title to real estate with a just value less than \$250,000 and have maintained permanent residency for at least 25 years, who have attained the age of 65, and whose household income meets the requirements provided in Florida Statutes 196.075.

1.) Commission Action

- B. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES ENTITLED "CONFLICT OF INTEREST AND CODE OF ETHICS" BY CREATING SECTION 38.36 TO ADD REQUIREMENTS FOR ELECTED OFFICIALS AND ADVISORY BOARDS AND COMMITTEE MEMBERS TO RECEIVE ETHICS TRAINING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS) – FIRST READING**

The proposed Ordinance seeks to ensure that all elected officials and advisory board/committee members receive ethics education.

1.) Commission Action

12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

A. A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION, PURSUANT TO SECTIONS 152.030(C)(1) AND 152.098 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 – 79th STREET CAUSEWAY, LOTS 19 THROUGH 21 & W1/2 OF LOT 22 & S75FT OF E1/2 LOT 22 & S75FT OF LOT 23 & S75FT OF W1/2 OF LOT 24 BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE CG, GENERAL COMMERCIAL ZONING DISTRICT.

1.) Commission Action

B. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.

1.) Commission Action

C. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32 “DEPARTMENTS AND BOARDS” OF THE VILLAGE CODE OF ORDINANCES TO CHANGE THE “YOUTH SERVICES BOARD” TO “YOUTH AND EDUCATION SERVICES BOARD” AND TO REVISE THE REQUIREMENTS AND DUTIES OF THE BOARD; PROVIDING FOR CONFLICTS; ~~PROVIDING FOR SEVERABILITY; PROVIDING FOR~~ INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER DENNIS KELLY) – SECOND READING*

The proposed Ordinance calls for the inclusion of “education” in the name of the Youth Services Board and adds the responsibility of recommending ideas to the Commission regarding educational programs and initiatives that affect youths in the Village, including those in the Treasure Island Elementary IB Program.

1.) **Commission Action**

13. UNFINISHED BUSINESS

A. A. RFQ FOR LEGAL SERVICES (*ITEM 14A CONTINUED FROM DECEMBER 11, 2012*)

1.) **Commission Action**

B. VILLAGE MANAGER PERFORMANCE EVALUATION STATUS (*ITEM 14B CONTINUED FROM DECEMBER 11, 2012*)

1.) **Commission Action**

14. NEW BUSINESS

A. CAR2GO

1.) **Commission Action**

B. RESIDENTS' SURVEY (*MAYOR CONNIE LEON-KREPS*)

1.) **Commission Action**

C. PAINTING OF VILLAGE HALL (*MAYOR CONNIE LEON-KREPS*)

1.) **Commission Action**

D. WELCOME SIGNS (*COMMISSIONER RICHARD CHERVONY*)

1.) **Commission Action**

E. MINUTES

1.) **Commission Action**

15. APPROVAL OF MINUTES

- A. REGULAR COMMISSION MEETING – OCTOBER 9, 2012**
- B. TENTATIVE BUDGET PUBLIC HEARING – SEPTEMBER 13, 2012**
- C. REGULAR COMMISSION MEETING – SEPTEMBER 11, 2012**
- D. SPECIAL COMMISSION MEETING – JULY 25, 2012**
- E. REGULAR COMMISSION MEETING – JULY 10, 2012**
- F. FINAL BUDGET PUBLIC HEARING – SEPTEMBER 27, 2012**

- 1.) Commission Action**

16. ADJOURNMENT

**NORTH BAY VILLAGE
MEETING NOTICE**

SATURDAY, JANUARY 12, 2013	2-3 P.M.	BOOK MOBILE (1841 GALLEON STREET)
WEDNESDAY, JANUARY 16, 2013	7:00 P.M.	BUSINESS DEVELOPMENT ADVISORY COMMITTEE MEETING
TUESDAY, JANUARY 8, 2013	7:30 P.M.	REGULAR COMMISSION MEETING
TUESDAY, DECEMBER 15, 2013	7:30 P.M.	PLANNING & ZONING BOARD MEETING
SATURDAY, DECEMBER 19, 2013	2-3 P.M.	BOOK MOBILE (1841 GALLEON STREET)
SATURDAY, DECEMBER 29, 2013	2-3 P.M.	BOOK MOBILE (1841 GALLEON STREET)

Meetings are held in the Commission Chambers at 1700 Kennedy Causeway, Suite #132, North Bay Village, Florida, unless otherwise specified. Any meeting may be opened and continued and, under such circumstances, additional legal notice would not be provided. Any person may contact the Village Clerk at (305) 756-7171 for information. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 756-7171 no later than four (4) days prior to the proceedings. If hearing impaired, telephone the Florida Relay Service at (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

MINUTES

**NORTH BAY VILLAGE
YOUTH SERVICES BOARD MEETING
COMMISSION CHAMBERS
1700 KENNEDY CAUSEWAY, #132
DECEMBER 17, 2012 – 7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:01 P.M. Present at Roll Call were Board Members Alex Funkhouser, Rosa Neely, Jorge Piedra, and Kevin Vericker. Board Member Anna Fonseca was absent. As a quorum was determined to be present, the meeting commenced.

Also present were Village Clerk Yvonne Hamilton and resident Mario Garcia.

2. NEW BUSINESS

A. Election of Chair

B. Election of Vice Chair

Board Member Jorge Piedra nominated Kevin Vericker for the position of Chair, and Alex Funkhouser for the position of Vice Chair, seconded by Board Member Rosa Neely. Board Member Kevin Vericker suggested that while he would be honored to serve again as Chair, before proceeding they might wish to reconsider, as organizations tended to ossify when their leadership was unchanging. Board Member Piedra expressed confidence that the qualities of those nominated made them the best people to serve in those positions, with general agreement among the others.

1. Board Action

Board Member Jorge Piedra moved that Kevin Vericker be chosen as Chair and Alex Funkhouser be chosen as Vice Chair, seconded by Board Member Rosa Neely. The motion carried with all in favor, 4-0.

C. Setting of Meeting Dates for 2013

1. Board Action

Chair Kevin Vericker moved that the regular Youth Services Board meeting date and time through calendar year 2013 continue to be the third Monday of every month at 7:00 P.M., seconded by Vice Chair Alex Funkhouser. The motion carried 4-0.

D. Finalization of Budget and Work Plan for Orange Bowl Parade

Board Member Rosa Neely reported that 15 children had been selected from the Honor Roll of Treasure Island Elementary School to participate in the Orange Bowl Parade/ North Bay Village Float; and that waivers from North Bay Village and the Orange Bowl Parade were in place, while those from parents were still awaited. The Chair asked if alternates had been selected in the event that some of the children chosen did not participate; Board Member Neely believed that the Mayor had been approached by interested parties.

Chair Kevin Vericker reported that Deputy Village Manager/HR Director Jenice Rosado had ordered the Village shirts for the parade and had promised to call him when they arrived.

The Chair informed the Board that Coral Gables required the Float participants to be present at noon on the day of the Parade, and that Jenice Rosado would develop a plan that would likely involve mustering the children earlier in the Village, feeding them, and transporting them by bus, with the parents arriving in their own transportation.

In response to questions from resident Mario Garcia, Board Member Rosa Neely explained that the \$10 Orange Bowl Parade tickets entitled the purchaser to a seat in the stands in front of Coral Gables City Hall, plus a parking space a block away from the stands, and that no tickets were required to stand on the street along the Parade route on Miracle Mile.

The Chair informed the Board that he had obtained a bid from Kinko's/FedEx for flexible canvas signs for the Float at \$383.60, a second more expensive bid from Daniel's Printing on Biscayne Blvd. for \$500, and a third bid from an online printing company at \$390. He intended to pursue it with the Village Manager or Deputy Village Manager and speculated that the Village had an existing account with FedEx that could be used on the first bid.

Privately raised donations totaled \$6500 and the projected cost to the Village was \$3500. The Chair suggested that the extra money could be applied to other events by the Board and further discussion of that should take place at their January meeting.

E. Setting January Meeting Agenda

Village Clerk Yvonne Hamilton explained to the Board that the first reading of the ordinance changing the name of the Board to "Youth and Education Services" had taken place, with the second reading expected in January. The enactment would not require any changes to the Board's current organization.

There was discussion regarding the amendment calling for the someone with involvement in the field of education/school system to be among the Board members; it was noted that new Board Member Anna Fonseca had a teaching background, Vice Chair Alex Funkhouser had for 6 years served as Chair of the Miami-Dade County Public Schools STEM Advisory Board for National Academy Foundation programs, and Rosa Neely was the current President of the Treasure Island Elementary School PTA.

Chair Kevin Vericker recommended that the Board members consider framing a Mission Statement for the January Agenda, which would touch on overarching goals as well as the tactical aspects of achieving them. The Chair noted that upcoming issues would encompass recreational and educational plans, and he proposed that the Board's tactics include making presentations on these subjects, similar in form to the meetings held for the International Baccalaureate program. It had been speculated that Treasure Island Elementary School might be converted to a K-12 school, and if actually proposed it would be a particularly complex and problematic subject that would necessitate a great deal of discussion on matters ranging from the IB program to student parking. The Chair thought that the January meeting should be in the nature of a workshop to address these matters, and Vice Chair Alex Funkhouser suggested that the Board members compile lists of questions that would serve as a basis for future discussion.

Chair Kevin Vericker suggested that in 2013 the Board might explore the available options and funding sources for activities for special needs children residing in the Village. The Board members personally knew of resident families with special needs children, and agreed that activities for these children could be difficult to come by.

Vice Chair Alex Funkhouser recommended that fund raising be added to the Board's agenda, commenting on the successful fund raising for the Orange Bowl Parade Float. Board Member Rosa Neely suggested that this was related to the topic of special events, and the question of whether the Village special events, often family and youth oriented, were part of the Board's scope of activity as might seem to be indicated by some of the language in their charter. The Chair was not in favor of the Board taking on the Village special events, and the Board discussed the overlap with the Arts, Cultural, and Special Events Board.

Board Member Jorge Piedra addressed the subject of reinstating PAAL and the fact that despite the past efforts of the Youth Services Board and the favor of the Commission, PAAL had not been reinstated. The Board Members were puzzled over the reasons and they believed if the obstacles to restarting the program were clearly laid out, they could then find ways to overcome them, be it private fund raising, or securing staff or volunteers.

The Board Members perceived PAAL, which had provided summer camp, cheerleading, basketball, a chess club, and a homework club, as important for addressing the after-school needs of older children. They resolved to continue their efforts, making it part of every Youth Services Board Report to the Commission until PAAL was reinstated.

Chair Kevin Vericker moved to recommend to the Village Commission that they make it a January priority to reinstate the PAAL program, seconded by Jorge Piedra. The votes were as follow: Alex Funkhouser -Yes; Rosa Neely-Yes; Jorge Piedra-Yes; and Kevin Vericker-Yes. The motion carried 4-0.

Vice Chair Alex Funkhouser pointed out that although the Board would continue to press, the children's need was still unaddressed, and he suggested that they also seek other avenues. Board Member Rosa Neely offered to approach the problem from the vantage point of the PTA, commenting that the PTA was continually approached about this issue and the need was clearly there. The Board discussed having previously begun exploration of the possibility of joining the PAL organization in Miami Beach, tapping corporate sponsors and using facilities available in the Village for sports teams, and approaching groups such as the Optimist Club to sponsor activities.

Finally, the Vice Chair noted that the date of the next regularly scheduled Board meeting would fall on Martin Luther King Day, and the Board agreed to reschedule the January meeting to Monday, January 7th at 7:00 P.M.

3. ADJOURNMENT

At 8:20 P.M. Chair Kevin Vericker moved that the meeting be adjourned, seconded by Vice Chair Alex Funkhouser. The motion carried 4-0.

*Prepared and submitted by:
Katharine Price, Clerical Assistant*

*Adopted by the Youth Services Board on
this _____ day of _____.*

Kevin Vericker, Chair

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

MINUTES

BUSINESS DEVELOPMENT ADVISORY COMMITTEE

NORTH BAY VILLAGE COMMISSION CHAMBERS 1700 KENNEDY CAUSEWAY, #132

DECEMBER 6, 2012 – 7:00 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order by Chair Barry Smith at 7:05 P.M. and the Pledge of Allegiance was recited. Present at Roll Call were Chair Barry Smith, Vice Chair Mario Garcia, and Committee Members Joshua Furman, Roy Martayan, Henry Risvang, and Jason Wandner. As a quorum was determined to be present the meeting commenced. Committee Member Jairo Reyes arrived at 7:12 P.M.

Committee Member Roy Martayan was absent.

Deputy Village Manager/HR Director Jenice Rosado was in attendance, and also resident Kevin Vericker.

The Deputy Village Manager informed the Committee that a presentation had been made to the Village of a study which proposed solutions for some its problems, such as making the Village more pedestrian-friendly, and code revisions for business signage. The full presentation would be made available on the Village website.

2. OLD BUSINESS

A. BUSINESS AND ACTIVITIES SIGNS (VICE CHAIR MARIO GARCIA)

Vice Chair Mario Garcia made the general suggestion that the Committee should begin to choose its battles, moving past discussion and towards implementation of some of their ideas. The Vice Chair found that Clear Channel had signage available that was suitable for business advertising as well as Village announcements, and submitted a printout from the Clear Channel website to the Deputy Village Manager for follow-up by the Village (~~entered into the record as Exhibit 1.~~)

Chair Barry Smith commented that Clear Channel was both the number one billboard company and the number one radio company, and based on his history of business relations with the firm, offered to act as the Village's intermediary in any possible "joint venture" between Clear Channel and the Village. The Chair noted that there were legal requirements for radio stations to offer "PSA's" (Public Service Announcements) and suggested that the Village might develop a message to offer in that venue. The Deputy Village Manager thought that the Committee might brainstorm message ideas to put before the Commission.

Committee Member Jason Wandner pointed out that there were a variety of signage related issues, including those affecting his own business, as well as businesses with other signage problems. Committee Member Joshua Furman pointed out that both east and west entrances to the Village would need to be served by signage, and the Vice Chair thought that an overall signage plan should be developed, and the general support of the Commission be secured before a major investment of effort in planning was made.

Resident Kevin Vericker advised that they proceed by asking for it to be put on the Commission agenda as a discussion item, following which the Committee could hold their own meeting, to which the stake holders and outside interests such as Clear Channel were invited, and at which action items for the Commission could be developed. Although the subject of signage had been discussed by the Village in the past and no action taken, Deputy Village Manager Rosado suggested that more concrete specifics and perhaps artist renderings would assist the Commission in their future considerations.

Committee Member Henry Risvang observed that there were two needs that he recommended be kept separate: code issues to overcome, and after that, the development of signage could take place.

1. Committee Action

Vice Chair Mario Garcia moved that the Village Commission be asked to make signage a Commission Meeting Agenda discussion item, and notify the Business Development Advisory Committee of the Commission Meeting at which it would be discussed. The motion was seconded by Committee Member Jason Wandner. The votes were as follow: Mario Garcia-Yes; Joshua Furman-Yes; Jairo Reyes-Yes; Henry Risvang-No; Barry Smith-Yes; Jason Wandner -Yes. The motion carried 5-1.

2. Committee Action

Vice Chair Mario Garcia moved that the Village Commission be asked to make the progress of code revisions for allowing business signage where it is currently prohibited a Commission Meeting Agenda discussion item, seconded by Committee Member Jason Wandner. The motion carried 6-0.

B. CONCERT SERIES (*CHAIR BARRY SMITH*)

Chair Barry Smith described himself as well-experienced in the broadcast business and in need only of a date to be set and a place to be designated in order to bring a concert series here that would serve to promote the Village. He estimated that the cost would vary from \$1,000 to \$300,000 depending on the musical performers that were desired, and any costs could be offset by ticket sales or corporate sponsors that he felt certain he would be able to obtain.

The Committee touched on various aspects that needed consideration, and the Vice Chair sought guidance from the Deputy Village Manager on the proper procedure to follow, commenting that he felt that the Committee needed to have some degree of support for the idea from the Commission before engaging in further planning.

Deputy Village Manager Jenice Rosado noted that a concert series was a non-budgeted item, and also that the Village also had an Arts, Cultural, and Special Events Board that might be expected to have involvement with an event of this nature. She made a distinction between a privately produced event, such as the new Farmers Market, which had been required to go through an approval and permitting process, and a Village sponsored and internally run event, commenting that the Village did not have staff with the experience of running this kind of event. The Deputy Village Manager recommended that when this idea was brought forward to the Commission it should be as detailed as possible in anticipation of the questions that the Commission might want answered before giving their support to it, and she emphasized that a plan with no budget impact would be desirable.

The Chair was in favor of a Village sponsored concert series rather than one which was privately produced, and the Vice Chair thought that a "green-light" for the general concept should be received from the Commission before the Committee developed a proposal. Committee Member Henry Risvang thought there should be a more structured approach, picking one item on the agenda to develop in depth, in a process that would serve as a template for the Committee in the future.

Committee Member Jason Wandner moved that the Village Commission be asked to entertain the general concept of a Village sponsored, no budget-impact concert series and advise the Committee if they wished to pursue it, seconded by Chair Barry Smith. The motion carried 6-0.

C. **MARKETING PLANNED BY NORTH BAY VILLAGE (CHAIR BARRY SMITH)**

Chair Barry Smith wondered whether North Bay Village had a marketing plan to grow the Village, tied to a calendar of events. Deputy City Manager Jenice Rosado responded that only recently had Village events been put back in the budget; and while there was no plan for branding the Village as of yet, it was being considered. Resident Kevin Vericker recalled that some years ago, perhaps in 2008, a contractor had developed a marketing plan for North Bay Village, and the Chair asked if that plan could be located for the Committee to review.

D. **EMAIL ADDRESSES OF RESIDENTS AND BUSINESSES IN NORTH BAY VILLAGE (CHAIR BARRY SMITH)**

Chair Barry Smith commented that from a marketing perspective the Village's 7100 residents, whose names and contact information were presumably accessible to the Village government, constituted a captured audience for messages of events and services to be found in the Village. Committee Member Wandner wondered if local businesses would be able to market themselves in this manner, employing email blasts for notifications to residents. There was discussion about possible policy and legal issues around using information that was not provided for this purpose to send unsolicited marketing emails to residents. The Deputy Village Manager offered to make inquiries and to inform the Committee.

E. **TIME FRAME FOR SEASONAL EVENTS (CHAIR BARRY SMITH)**

The Chair felt that Village events had been addressed earlier, and moved to the next item.

F. **CO-OP MARKETING WITH BUSINESSES IN NORTH BAY VILLAGE (CHAIR BARRY SMITH)**

Chair Barry Smith explained that his concept was one of local businesses that supported the same message and shared the cost of marketing through activities such as a concert event. Vice Chair Mario Garcia recalled having been part of a committee that held a neighborhood-wide street fair involving vendors and music that succeeded in generating money for the committee, and also creating a newspaper very economically that was distributed to 30,000 households.

Deputy Village Manager Rosado mentioned that the City had once distributed a brief newsletter, wondering if the Committee had interest in doing something like that again, and she also gave the Committee a copy of "City Guide", in which businesses located in nearby municipalities advertised. The Mayor had forwarded this magazine to the Committee's attention, suggesting that they research the specifics and costs of possibly advertising North Bay Village businesses within its pages. Committee Member Jason Wandner volunteered for the task. The Mayor also relayed her gratitude to the Committee Members for the donation of their time and energy.

Committee member Henry Risvang took up the idea previously touched on by the Vice Chair that Committee activities might raise money, and later went on to suggest that ways which did not financially burden the Village should be found to pay for projects that helped to develop business. The Committee discussed the possibility that if they raised money as a Committee, then those funds could be held for them by the Village in an account which could be used for other things, like Christmas lights. Resident Kevin Vericker advised that while the Village had the accounting mechanism to set up a sub-account on the Committee's behalf, any allocation of the money would need to go before the Commission for its approval.

Vice Chair Mario Garcia gave recognition for the quick turn-around on enhancing the Village Christmas lights, and the Orange Bowl Parade float as the epitome of a marketing opportunity.

G. VILLAGE STAFF LIAISON TO BUSINESS DEVELOPMENT ADVISORY COMMITTEE (CHAIR BARRY SMITH)

The Chair asked which person in the Village was designated to serve as liaison with the Committee, and Deputy Village Manager Jenice Rosado responded that either Village Manager Dennis Kelly or herself were acting in that capacity.

H. WEBSITE MARKETING (CHAIR BARRY SMITH)

Committee Member Henry Risvang expressed his interest in developing recommendations for how to better use the website as a tool, which was his professional forte. Resident and Youth Services Board Chair Kevin Vericker informed the Committee that calls for improving the website had come from a number of directions including the Youth Services Board, and therefore the Village Manager had put it high on his priorities and planned to convene a special committee on web services.

Mr. Risvang explained that designing a website began with a determination of its purpose, was accompanied by a commitment to maintaining it with relevant information. As a businessman interested in locating to North Bay Village, his first step would be to visit its website, and upon doing so he would immediately decide that the website was not useful to him in any way from a business perspective, whereas the website could be a tool in the Village's arsenal for communicating why a business should choose to open in North Bay Village. The Chair agreed, and was in favor of his making a presentation on the subject. Deputy Village Manager Rosado thought he should begin the process by holding a meeting with Village Manager Dennis Kelly to discuss his ideas.

I. CONDITION OF LOCAL SUPERMARKET (*VICE CHAIR MARIO GARCIA*)

This item was withdrawn by its original sponsor, Vice Chair Mario Garcia, on the grounds that the matter was beyond the scope of the Committee.

J. ZIP CARS/ BIKE LANES (*VICE CHAIR MARIO GARCIA*)

Vice Chair Mario Garcia produced handouts containing information on Cars2Go (an hourly car rental company) and Deco Bikes (a bike rental company), and gave them to the Deputy Village Manager (entered into the record as Exhibits 1 and 2 respectively), for the Village to pursue further.

K. DESIRABLE BUSINESSES FOR NORTH BAY VILLAGE AND WHAT VILLAGE HAS TO OFFER (*HENRIK RISVANG*)

Committee Member Jason Wandner asked what entity in the Village would be responsible for taking action to attract the businesses desired to move here, and suggested that the Committee could play a role by inviting commercial property owners to one of their meetings in order to advise them of the Village's interests. Committee Member Joshua Furman suggested that the Village also needed to develop incentives to offer the businesses of their preference. Resident Kevin Vericker mentioned a range of possible incentives, from tax abatements to signage variances, and also that the Village could apply for community development money for at-risk neighborhoods available from HUD and the County. ~~This last was based on the fact that the Village had suffered the second greatest drop in real estate values in the County, after Homestead.~~

Committee Member Jason Wandner made a motion to invite all commercial property owners in North Bay Village to a future meeting of the Business Development Advisory Committee, at which they could be informed of the types of businesses the Village needed and where incentives that the properties owners might use to accomplish this could be entertained. The motion was seconded by the Committee member Henry Risvang and carried 6-0.

A second related motion was offered:

Committee Member Jason Wandner made a motion that the Village's grant writer be instructed to research fund sources for commercial development, seconded by Vice Chair Mario Garcia. The motion carried 6-0.

Committee Member Henry Risvang posed the question of how one defined a desirable business, suggesting that possible criteria might include: businesses which bring more money into the Village and are helpful to the financial prosperity of existing businesses; ethical and other non-financial considerations, such as seemed to be in the forefront when objections to the proposed strip club were raised; simply businesses that are themselves likely to prosper; or even, contrarily, the Village might wish to be exclusively a residential community. Vice Chair Mario Garcia suggested that "desirable" might be the wrong term, and instead something like a "wish list" of businesses that residents would like to see located here could be created, supported by a resident survey. Mr. Risvang noted that while the right businesses would support resident needs and vice-versa, there was a distinction to be made between "destination" businesses like Benihana and local conveniences, and he remained unclear on what criteria would be used to identify those businesses that the Village would wish to attract.

The Committee Members discussed the types of businesses they personally felt were needed in the Village, such as a bank, a better quality food market or a breakfast/bagel shop like the one that had left the Village when its building was torn down and redeveloped.

The Vice Chair thought it was important to discover the reasons behind the inability of local commercial property owners to fill their vacant spaces, and why areas surrounding the Village seemed to have the success in growing a ~~commercial district that the Village lacked.~~

Chair Barry Smith suggested that the Committee Members would be willing to act as spokespersons for North Bay Village, in effect a marketing arm extended towards those businesses that the Village might be interested in attracting.

(Committee Member Jairo Reyes left the meeting at 9:08 P.M.)

L. ELIMINATION OF REQUIREMENT FOR MEMBERS OF BUSINESS DEVELOPMENT COMMITTEE TO OWN OR OPERATE A BUSINESS WITHIN THE VILLAGE FOR A MINIMUM OF ONE YEAR (*HENRIK RISVANG*)

Vice Chair Mario Garcia was in favor of the idea of eliminating the time duration requirement of one year for qualifying the Committee members. Committee Member Risvang, the item's sponsor, clarified that his intention had been to eliminate the requirement that members residing within the Village also have businesses within the Village. It was explained that the requirement currently was either residency or operation of a business within the Village. Committee Member Jason Wandner suggested that any change was presently unnecessary, as the Committee had full participation, and there was general agreement among the Members that no action be taken now.

3. APPROVAL OF MINUTES

A. REGULAR MEETING – SEPTEMBER 4, 2012

Vice Chair Mario Garcia moved to approve the minutes, seconded by Chair Barry Smith. The motion carried 5-0.

4. ADJOURNMENT

The Chair adjourned the meeting at 9:15 P.M.

*Prepared and submitted by: Katharine Price
Clerical Assistant*

*Adopted by the Business Development Advisory Committee on
this _____ day of _____.*

Barry Smith, Chair

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

MINUTES

PLANNING & ZONING BOARD MEETING

**NORTH BAY VILLAGE COMMISSION CHAMBERS
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL. 33141**

DECEMBER 18, 2012 – 7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order at 7:45 P.M. and the Pledge of Allegiance was recited. Present at Roll Call were Board Members Barry Beschel, James Carter, Bud Farrey, Reinaldo Trujillo, and Marvin Wilmoth. As a quorum was determined to be present, the meeting commenced.

Also present were Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Jorge Gonzalez, Village Manager Dennis Kelly, Finance Director Bert Wrains, Village Planner James LaRue, Assistant Village Attorney Kathy Mehaffey, Village Clerk Yvonne Hamilton, and Building Department Clerk Ana DeLeon.

2. OATH OF OFFICE

The Building Department Clerk administered the Oath of Office to each of the five appointed members of the Planning & Zoning Board.

3. ELECTION OF OFFICERS

A. CHAIR

Board Member Bud Farrey nominated Board member Reinaldo Trujillo to the position of Chair, seconded by Board Member Barry Beschel. By a majority vote of 5-0, Reinaldo Trujillo was elected as Chair of the Planning and Zoning Board.

B. VICE CHAIR

Chair Reinaldo Trujillo nominated Board Member James Carter to the position of Vice Chair, seconded by Board Member Bud Farrey. By a majority vote of 5-0, James Carter was elected as Vice Chair of the Planning and Zoning Board.

4. PUBLIC HEARINGS (ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.)

Assistant Village Attorney Kathy Mehaffey read the provisions for conduct of quasi-judicial public hearings, and the Building Department Clerk swore in all those planning to give testimony. The Village Attorney asked the Board Members to disclose any ex-parte communications, and they had no disclosures to make. The Building Department Clerk then read the title of the next Item.

A. A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030 (C)(1) AND 152.098 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 – 79TH STREET CAUSEWAY, LOTS 19 THROUGH 21 & W $\frac{1}{2}$ OF LOT 22 & S75 FT OF E $\frac{1}{2}$ LOT 22 & S75 FT OF LOT 23 & S75 FT OF W $\frac{1}{2}$ OF LOT 24 BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE CG, GENERAL COMMERCIAL ZONING DISTRICT.

Village Planner James LaRue described the special use exception request for a fast order food establishment as a use that was consistent with the Village's Comprehensive Plan, and allowed upon recommendation of the Planning and Zoning Board and approval by the Commission. He noted that the development had been approved for mixed use, including commercial tenants and an accessory apartment for the use of a building caretaker which might still be present. Commercial tenants included a cleaner, the Public Storage company, and an associated pack and ship office. There were 36 parking spaces, 24 of which were behind a gate and used by renters of Public Storage, and 12 of which were in front and included 1 handicapped parking space.

Village Planner LaRue named parking as the primary concern, with 27 of the 36 spaces required for the existing commercial tenants, and thus restricting Subway to a customer service area of 675 sq. feet that can be accommodated by the 9 available parking spaces. The submitted plans showed that the customer service area would conform to the limit of 675 sq. feet, and the staff recommendation was for approval, subject to conditions which included provisions to address other concerns about the limited parking in the front area:

1. A limit of 675 sq. ft. of customer service area.
2. All employees of commercial tenants of the building should be required to park behind the gate, leaving the spaces in front free for customer use.
3. No drive-through would be allowed for the Subway restaurant.
4. Flexible parking would be maintained, meaning that parking spaces can be designated for a commercial tenant but yet not be exclusively for their use and towing of customers visiting other tenants would not be allowed.

Applicant and Subway franchisee Manny Sohr took the podium and in response to questions from Board Member Bud Farrey explained that between 5 and 10 spaces were typically needed by a Subway restaurant, that they were open until 10 P.M., and that their deliveries were usually made early in the day, and if necessary could be as early as 2 to 3 A.M.

Chair Reinaldo Trujillo learned from the applicant that delivery trucks were generally 18 footers, and then expressed concerns about that size of truck being able to access the driveway on the property and the potential effects on Causeway traffic during peak hours if the Causeway were to be blocked. Mr. Sohr stated that he had the ability to pick the delivery day (with the exception of Sunday), truck size, and could assure a delivery time before 7 A.M.

The Chair noted that there was no representative present from Public Storage, and asked Village Planner LaRue for his observations about where storage customers loaded and unloaded, and Mr. LaRue informed him that there was a loading area in the back.

Board Member Barry Beschel asked about the length of stay of a customer, and Mr. Sohr informed him that 70% of his business was carry-out, with customers in and out in short order even without the presence of a drive-in, which most of his stores lacked.

Board Member Marvin Wilmoth inquired into Subway's peak business hours, learning that they were between 12-2 P.M., and asked whether the parking utilization at that time posed conflicts with other customer use. Applicant Manny Sohr responded that he had made observations during that time period and had not noted a problem, and promised that his employees, including himself and his family members who were also employees, would park in the back.

Chair Reinaldo Trujillo advised the applicant that he had observed other Subways to have signage which might not comply with Village Code, and also that parking was the biggest concern. Mr. Sohr assured him that, having a long-term lease, it was his intention to be a part of the community and to comply with all Village Code. Additionally, he had studied the site carefully, and parking and loading were the first things considered for feasibility.

Board Member Bud Farrey learned from the applicant that he had a total of 15 Subway franchises. Board Member Farrey then brought up the fact that he has observed that the front parking area was currently used on a regular basis by a truck owned by OXO cleaners, and he suspected it was in order that their truck might serve to advertise their presence. Village Planner LaRue responded that the owners of the building had been asked to accommodate the Village in terms of requiring that all employees park in the back, and that he would look into the question of the parking of the OXO truck.

The Chair opened the meeting to the public.

Ann Bakst, of 1865 Kennedy Causeway, was sworn in, and asked whether free Wi-Fi would be made available at Subway, remarking that free Wi-Fi tended to encourage customers to linger. Manny Sohr agreed, and said that for that reason he did not offer it at any of his Subway locations.

There were no further speakers and the meeting was closed to the public.

Village Planner James LaRue found that the special use met the conditions for consistency and compatibility and summarized for the record the conditions for the staff's recommendation for approval:

1. Customer service area of no more than 675 sq. ft.
2. All employees in building to park behind the gate.
3. No drive-through at the Subway restaurant.
3. Flexible parking with no parking spaces prohibited to any commercial patron.
4. All cost recovery fees paid.
5. All permits to be pulled within 90 days of the special use approval.

Board Member Farrey questioned the best manner to address the issue of the parking of the OXO truck, suggesting that their past continuous use of the parking in this manner might merit some exception to the requirement that all employees park in the back. Board Member Wilmoth commented that the truck could be considered as a different category of vehicle than those used by employees for their own use. Chair Reinaldo Trujillo observed that with one space reserved for handicapped use and another space regularly occupied by the OXO truck, only 10 available spaces remained in the front area. The Assistant Village Attorney advised that they might either direct staff to research the issue, or formalize it into a motion, while the Commission itself had the power to formalize it as a condition of business with attendant code enforcement penalties. Village Planner LaRue was to pursue the matter, without incorporating it into the motion, and Mr. LaRue would make his recommendation to the Village Commission, at which time OXO and Storage Company would be able to address the Commission on the matter.

Board Member Barry Beschel moved to recommend approval of the request for a special use exception, seconded by Board Member Marvin Wilmoth. The votes were as follow: Barry Beschel-Yes; James Carter –Yes; Bud Farrey –Yes; Reinaldo Trujillo –Yes; and Marvin Wilmoth –Yes. The motion carried 5-0.

B. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.

The Building Department Clerk read the title of the Item.

Village Planner James LaRue explained that the rental aspect of the marina usage required the special use exception, and that the special use was consistent with the Comprehensive Plan. He clarified the definition of a commercial vessel (commercial vessels being prohibited as one of the

conditions of approval) as that found in Florida Statute, which did not consider a vessel hired solely for recreational use, such as a fishing charter, to be a commercial vessel, and was distinguished from a commercial fishing vessel which sold its catch.

The Village Planner addressed the issue of parking, noting that the marina has had non-conforming parking issues in the past, by making it a condition of approval that 15 dedicated parking places be provided in the lot across the street, in a legally binding agreement acceptable to the Village Attorney.

Other conditions for approval included the requirement that fueling not take place on site, that the hours of operation were from 10 A.M. to 6 P.M., that secured storage be used, that all Biscayne Bay speed, noise and no-wake regulations be adhered to, that operations of jet ski/personal watercraft adhere to the vessel regulations, and that cost recovery fees be paid.

The applicant, Joaquin Ramirez, also referred to as "Captain Joe", took the podium and gave a brief background, citing his 15 years in Miami Beach running the business which operated a total of 14 boats ranging from yachts to jet skis. His main reasons for choosing to relocate his business to North Bay Village were that there was great difficulty finding parking in Miami Beach, and also that he was a resident of North Bay Village.

His business plans included the rental of boats both with and without a captain, boating instructional classes, Jet Ski rental only in the context of guided tours, and kayak rentals to take advantage of the nearby bird sanctuary.

Board Member Barry Beschel questioned where Jet Ski tours would go, and Captain Joe responded that the tours would follow the interests of his clients, and could include homes of the famous or bird sanctuaries. Captain Joe explained to Board Member Beschel, in response to his questions about jet ski noise, that modern jet skis available for rent had four-stroke engines with a speed governor of 35MPH and were so quiet that people would turn the ignition when they were already running; privately owned "souped-up" jet skis were the noisy ones, he claimed.

The applicant explained, in response to Board Member Bud Farrey's questions, that the paddleboards, kayaks, and jet skis would be stored in racks on a specially built boat he termed "the jet ski carrier".

Board Member Farrey asked for clarification on the parking arrangement, and the owner of the marina, Al Coletta, came to the podium and was sworn in. Mr. Coletta stated that of the approximately 200 spaces available in the lot which he owned across the street, the applicant would have 15 marked and fenced off spaces. The boat rental customers would arrive by appointment and given access to the secured parking. Board Member Farrey wondered how the existing Jet Ski rental business would be affected by the competition, and Mr. Coletta's opinion was that since the other business was marketed principally by internet, it would only be benefited by proximity to a similar but well-known business when there were overflow customers.

Board Member Marvin Wilmoth learned from the applicant that fueling was likely to take place a mile away at the Pelican Harbor station.

In response to questions from Vice Chair James Carter, Captain Joe explained that he was planning to move all of his 14 vessels to the marina, and a newly designed 65 ft. aluminum boat to act as a carrier for jet skis and smaller craft.

Board Member Barry Beschel discussed with the applicant various details of the conjunction of boat rental and boat club membership, which numbered 100 members and since the recession a growing segment of the boat rental business.

Board Member Farrey commented on the success of the business and questioned whether 15 parking spaces were sufficient to serve the number of vessels and customers involved, and after captains, guides, and other employees were added. Captain Joe responded that parking on Miami Beach was virtually unavailable, and yet he had been able to grow and serve his customers, many of whom were tourists who arrived by van or taxi.

Chair Reinaldo Trujillo embarked on a line of questioning about the effects on nearby residents, with regard to noise, rowdy behavior, and use of a restroom also used by building residents. Captain Joe described his experience as a tenant of the Eden Roc and the Fountainbleau hotels, which required strict adherence to rules prohibiting any litter at all and called for impeccable condition in the appearance of the boats and employees.

His boats were not furnished with loud stereos, and loud, drunken, or unacceptable customer behavior was rare and dealt with, when it occurred, by loss of membership or rapid removal. The Chair asked about night fishing and the required operating hours of 10 A.M. to 6 P.M. Captain Joe responded that night fishing took place on a strictly captained basis, and the boats were often parked behind customers' waterfront homes where the customers were also picked up and dropped off.

Board Member Barry Beschel received confirmation from the applicant that the 65 ft. carrier vessel was to be permanently anchored, and asked if it could be considered a commercial vessel. Captain Joe responded that while his vessels had commercial licenses the Coast Guard considered them recreational vessels, and the 65 ft. carrier vessel was built to serve the recreational vessels.

Assistant Village Attorney Kathy Mehaffey asked the Board Members to disclose any ex-parte communications, and they had none to disclose, although Chair Reinaldo Trujillo noted that the applicant was a resident of the building in which he lived, and Board Member Barry Beschel told of having rented the applicant's boats in the past.

Assistant Village Attorney Mehaffey distributed to the Board and the applicant and also read into the record an email from Maria Garcia, resident of the Bayshore Yacht and Tennis Club, sent to Village Clerk Yvonne Hamilton. The email requested the agenda and all attachments regarding the hearing and asked that the Village stipulate that no live-aboard be allowed, measures for clean-up after hurricanes, etc., and measures to be taken against the marina owner if clean-up is not performed within a reasonable time, a year or so, citing past hurricane experience with delayed clean-up and adverse effects upon the unit owners. Board Member Farrey asked what recommendations should be

made to the Commission to address the issues raised by the email, and Village Planner suggested deferring discussion until after the public hearing

The Chair opened the meeting to the public.

The first speaker was Alexandra de la Espriella of the Bayshore Yacht and Tennis Club, who took the podium to address her concerns about lack of parking at the building for the clients of her pet grooming and kennel business, Magic Grooming. The Jet Ski business approved earlier this year for the marina had taken over the parking she had previously been using, and also blocked the visibility of her business from the street when a truck was parked in front of it for days.

Ms.de la Espriella commented that she has provided a service in North Bay Village for 21 years, and in 2003 she became a tenant of Mr. Coletta's when she rented 2 units in the Bayshore Yacht and Tennis Club. Mr. Coletta later approached her with an offer to sell her the property she was renting, and only after the closing did she learn that parking did not come with the units and rent was required for parking. Since the rent was high, after a year she stopped paying it and instead Jumbo Buffet nearby allowed her access to their parking, although at times construction activities had blocked access to that parking lot. Subsequent to the opening of the Jet Ski rental business, she received a letter from Mr. Coletta's attorney forbidding either herself or her customers from parking on the property in front of her business, which was described as private property owned by Mr. Coletta. She detailed her dilemma as an owner with an unrecoverable investment of \$600,000 in commercial property to which access was blocked because it was via private property owned by Mr. Coletta.

She asked the Village for remedies, commenting that she had recently been refused a parking permit for her vehicle to park in the Village streets because although a taxpayer, she was not a resident. Further, she questioned why she had been given an occupational license in 1991 for her grooming business and again 10 years ago for her pet kennel business

without ever having the question of parking addressed to her by the Village, saying that if the Village had covered the parking issue with her before issuing the license, she would likely have also covered it with Mr. Coletta before purchasing the property and therefore not be in her present situation.

Chair Reinaldo Trujillo recalled that Code has been in effect since 1984 requiring a set amount of parking for her business, and while he saw her problem, the Board could not address it at this time. He referred the matter to staff, namely the Village Manager and Village Planner LaRue.

Board Member Bud Farrey recalled that it had been the intention of the Planning & Zoning Board to allow one space on the Bayshore Yacht and Tennis Club property for the Jet Ski rental businesses, with other spaces provided nearby, in order to prevent this kind of problem and asked that the record be researched. There was discussion and controversy regarding what had been intended, what was permitted, and the underlying causes of the area's parking problems.

The next speaker was Ann Bakst of 1865 Kennedy Causeway who viewed the boat rental business as beneficial for the Village, hoped that Al Coletta would allow more commercial use of his parking lots, suggested that Sakura's needed to better restrict access to their own parking lot or their customers would suffer from lack of parking, and finally, wondered what would become of the rental boats in the event of a hurricane.

The next speaker, Maria Garcia of the Bayshore Yacht and Tennis Club, was sworn in by the Building Department Clerk, and she asked what measures would be taken by the Village to make Mr. Coletta clean up debris in the event of a hurricane, submitting pictures of the debris remaining at the marina after Wilma.

The applicant responded that Mr. Coletta had forbidden them to leave any boats at all in the marina in the event of a hurricane, and all vessels, including the Jet Ski carrier which was motorized, would be moved, per the company's hurricane plan. Additionally, if a boat were to sink for any reason at all, the applicant also did boat salvage and could recover any vessel himself. Ms Garcia suggested that it be incorporated into the ordinance, and the Chair noted that it was written into the contract.

There were no further speakers and the meeting was closed to the public.

Village Planner James LaRue summarized and read into the record the conditions of the staff's recommendation for approval, including:

1. Access to boat rental business and marina provided without restrictions.
2. Fueling or fuel storage not permitted on site.
3. Hours of operation confined between 10:00 A.M. and 6 P.M.
4. Fifteen dedicated spaces required for parking, secured by a legally binding agreement.
5. Vessels stored in a secure manner when not in use.
6. Adherence to all Biscayne Bay Aquatic Preserve speed, noise and no-wake regulations.
7. Adherence to vessel regulations Chapter 327 FS for Jet Ski operations.
8. Cost recovery charges to be paid in full.
9. Commercial vessels to be prohibited.

1.) Board Recommendation

Board Member Barry Beschel moved to recommend approval of the request for a special use exception, seconded by Board Member Marvin Wilmoth. The votes were as follow: Barry Beschel –Yes; James Carter –Yes; Bud Farrey –Yes; Reinaldo Trujillo –Yes; and Marvin Wilmoth –Yes. The motion carried 5-0.

5. ADJOURNMENT

The Chair adjourned the meeting at 9:30 P.M.

*Prepared and submitted by: Katharine Price
Clerical Assistant*

*Adopted by the Planning & Zoning Board on
this _____ day of _____.*

Reinaldo Trujillo, Chair

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

RESOLUTION NO. _____

A RESOLUTION OF THE NORTH BAY VILLAGE COMMISSION AUTHORIZING THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PROVIDE PRE-PAID RETURN ENVELOPES FOR ABSENTEE BALLOTS; PROVIDING DIRECTION TO THE VILLAGE MANAGER; PROVIDING DIRECTION TO THE VILLAGE CLERK; PROVIDING AUTHORIZATION OF FUND EXPENDITURE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

WHEREAS, Miami-Dade County has recently experienced examples of alleged absentee ballot fraud; and

WHEREAS, the North Bay Village Commission wishes to assure its residents that their vote will count and not be lost or stolen; and

WHEREAS, absentee ballot fraud is typically associated with ballot brokers who seek to influence absentee ballot voters by, among other methods, offering to pay the cost of postage for the return of absentee ballots to the Supervisor of Elections; and

WHEREAS, providing postage paid envelopes for absentee ballots will decrease the ability of brokers to illegally influence voters in the County, and therefore voters in the Village; and

WHEREAS, the right to vote is a fundamental right in a democracy and should not be impeded by the payment of any costs such as postage; and

WHEREAS, it is estimated that the cost for providing pre-paid return envelopes will not exceed Five Hundred Dollars (\$500) in any Village Election; and

WHEREAS, Miami-Dade County adopted a similar Resolution on September 18, 2012 directing that pre-paid envelopes for absentee ballots be provided for all countywide elections.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are true and correct and incorporated herein by this reference.

9A(1)

Section 2. Prepaid Ballot Envelopes. The Village Commission requests the Miami Dade County, Supervisor of Elections to provide pre-paid return envelopes for all future North Bay Village Election Absentee Ballots to insure their delivery to the Elections Department, and if the funds for such postage are not provided by Miami-Dade County or another governmental agency, to bill the Village for the cost of such postage.

Section 3. Direction to Village Manager. The Village Manager is directed to ensure that the cost of providing such services is included in all future Village budgets for election expenditures.

Section 4. Direction to Village Clerk. The Village Clerk is directed to send a copy of this Resolution to the Miami-Dade County Supervisor of Elections and to coordinate implementation of this policy with the Supervisor of Elections.

Section 5. Authorization of Fund Expenditure. The Village Manager is authorized to expend budgeted funds to implement the terms and conditions of this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

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

PASSED AND ADOPTED this ____ day of January, 2013.

Connie Leon-Kreps, Mayor

9A(2)

ATTEST:

Yvonne P. Hamilton, CMC
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE:**

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Village Attorney

North Bay Village Resolution-Pre-paid Post Return Envelopes for Absentee Ballots



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

MEMORANDUM

North Bay Village

DATE: December 31, 2012

TO: Dennis Kelly
Village Manager

FROM: 
Richard Chervony, Commissioner

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

A RESOLUTION OF THE NORTH BAY VILLAGE COMMISSION AUTHORIZING THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PROVIDE PRE-PAID RETURN ENVELOPES FOR ABSENTEE BALLOTS; PROVIDING DIRECTION TO THE VILLAGE MANAGER; PROVIDING DIRECTION TO THE VILLAGE CLERK; PROVIDING AUTHORIZATION OF FUND EXPENDITURE; AND PROVIDING AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

RC:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

9A(4)



North Bay Village

Village Hall 1700 Kennedy Causeway,
Suite 132 North Bay Village FL 33141

To: Mayor and Commission
Via: Dennis H. Kelly, Village Manager
From: Bert Wrains, CGFO, Finance Director
Re: FY 2013 Ad Valorem Tax Exemptions - Seniors
Date: December 20, 2012

On November 6, 2012 the voters of Florida approved Constitutional Amendment 11. This law provides additional homestead exemptions for seniors that meet certain criteria. The details are outlined in Property Tax Oversight Bulletin PTO 12-13 (attached).

The impact sheet that the MDCPA send shows that if the Commission approves an ordinance granting the additional exemptions it will have a total impact on the FY 2013 ad valorem tax revenues of a reduction of \$1,864. This amount will vary year to year as existing senior reach the income or the 25 year threshold or seniors move, at which time the exemption would be added or removed.

The attached Ordinance is for consideration by the Commission. The law requires that this ordinance must be approved by a super majority vote (4 votes) on two readings. Also, it must be provided to the Miami-Dade County Property Appraiser's office no later March 1, 2013. The first reading will be on January 8, 2013 and the second reading could be on February 12, 2013.

11AC1



MIAMI-DADE COUNTY
OFFICE OF THE PROPERTY APPRAISER

Honorable Pedro Garcia
Property Appraiser

December 19, 2012

Mr. Dennis Kelly
Manager
North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141

Dear Mr. Kelly:

RE: Florida Constitutional Amendment 11 – Provides for Additional Tax Exemption from County and Municipality taxes for Certain Qualified Seniors

On November 6, 2012, voters approved Amendment 11 of the Florida Constitution providing an additional homestead exemption for low income seniors that totally exempts a taxing authority's portion of taxable value. The eligibility requirements for this new additional senior exemption are the same as the current senior exemption. However, the qualifying senior must also have maintained their home as their permanent residence for at least 25 years and a market value less than \$250,000.

The new exemption can only be applied to a County or Municipality taxing authority once an ordinance is adopted by a super majority of the members the governing body. Therefore, I would like to inform you that this new senior benefit afforded by Amendment 11 is available for your jurisdiction to adopt.

The Miami-Dade Board of County Commissioners is in the process of adopting such an ordinance that will apply to the upcoming 2013 tax roll. Section 196.075, Florida Statutes, requires a county or municipal governing authority deliver their adopted ordinance to the Property Appraiser no later than December 1, 2012, for the exemption to be applicable for the 2013 tax roll. However, we will accept your ordinance approving this new exemption, if adopted and submitted to our office no later than March 1, 2013.

Enclosed is Property Tax Oversight Bulletin 12-13 containing additional details about these changes and an estimated fiscal impact for your review. If you have any questions concerning this matter, you may call me at 305-375-4004.

Again, if you wish to extend this new benefit to your constituents on the 2013 tax roll, an adopted ordinance **MUST** be delivered to the Office of the Property Appraiser no later than March 1, 2013.

Sincerely,

Lazaro Sells
Deputy Property Appraiser

References:
House Joint Resolution 169 -- amendment language adopted by the 2012 Florida Legislature.
Chapter 2012-57, Laws of Florida (HB 357) -- implementing language passed by the 2012 Florida Legislature.
Section 196.075, Florida Statutes, Additional Homestead Exemption for Persons 65 and Older.

11A(2)

To: Property Appraisers; Tax Collectors
From: James McAdams
Date: November 7, 2012
Bulletin: PTO 12-13

**FLORIDA DEPARTMENT OF REVENUE
PROPERTY TAX INFORMATIONAL BULLETIN**

**CONSTITUTIONAL AMENDMENT 11
2012 General Election**

**Additional Homestead Exemption for Persons 65 and Older;
Low-Income Seniors Who Maintain Long-Term Residency on Property;
Equal To Assessed Value**

Amendment 11 was approved by voters in the November 6, 2012 general election. This amendment changes Section 6(d) of Article VII of the State Constitution. It revises the existing additional homestead exemption for seniors, and authorizes a new additional homestead exemption for them.

Changes To the Existing Additional Homestead Exemption for Qualifying Seniors

- The amount of the exemption that can be granted to a qualifying senior in the ordinance adopted by a county or municipality, as changed by Chapter 2012-57, L.O.F., is now a flat \$50,000, instead of an amount up to \$50,000;
- A county and/or municipality can adopt an ordinance granting either or both of these additional exemptions authorized by the constitution for qualifying seniors.

Provisions Regarding the New Additional Homestead Exemption for Qualifying Seniors

- The amount of this exemption is equal to the assessed value of the homestead, up to a just value of less than \$250,000; and,
- The owner must have made the property his or her permanent residence for at least 25 years; and,
- This exemption can only be granted by a super majority of the members of the county or municipal governing body (majority plus one).

Provisions That Apply to Both Additional Exemptions for Qualifying Seniors

- Existing provisions about how the income limitation is calculated and applied;
- Existing requirements for how a county or municipality can adopt an ordinance granting either or both of these exemptions; and,
- That the 2012 changes to the constitutional and general law provisions regarding both these additional exemptions will first apply to the 2013 tax roll, and to all subsequent tax rolls.

The changes to this amendment are implemented by Chapter 2012-57, Laws of Florida (L.O.F.).

11A(3)

Bulletin PTO 12-13
November 7, 2012
Page 2 of 2

The full text of HJR 169 can be accessed at: <http://laws.flrules.org/2012/r169>.

The full text of Chapter 2012-57, L.O.F., can be accessed at: <http://laws.flrules.org/2012/57>.

This bulletin is provided by the Department of Revenue for your general information. If you want to discuss this issue, you may send your questions to DORPTO@dor.state.fl.us.

11A(4)

MIAMI-DADE COUNTY
 OFFICE OF THE PROPERTY APPRAISER
 Impact of Full Exemption to Senior Properties - Amendment 11
 November 13, 2012



Taxing Authority	Current			Impact Based on 2012 Preliminary Assessment Roll					
	Qualified Senior	Seniors Affected	Exemption Amount	Loss In Taxable Value	Operating Millage	Revenue Loss	Debt Millage	Revenue Loss	Total Revenue Loss
0100 Miami	8,946	2,090	\$50,000	\$63,925,521	7.5710	\$483,980	0.9000	\$57,583	\$541,513
0101 DDA	2	0	\$50,000	\$0	0.4780	\$0	0.0000	\$0	\$0
0200 Miami Beach	305	89	\$50,000	\$2,637,449	6.0909	\$16,064	0.2568	\$677	\$16,742
0201 Normandy Shores	2	2	\$50,000	\$81,782	1.1444	\$94	0.0000	\$0	\$94
0300 Coral Gables	49	42	\$25,000	\$2,579,434	5.6690	\$14,623	0.0000	\$0	\$14,623
0400 Hialeah	3,678	2,101	\$50,000	\$54,628,936	6.3018	\$344,261	0.0000	\$0	\$344,261
0500 Miami Springs	111	106	\$25,000	\$7,177,097	6.9950	\$50,204	0.0000	\$0	\$50,204
0600 North Miami	205	32	\$50,000	\$567,851	8.1000	\$4,600	0.0000	\$0	\$4,600
0700 North Miami Beach	186	102	\$25,000	\$2,122,127	6.6036	\$14,014	1.0409	\$2,209	\$16,223
0800 Opa-locka	82	1	\$50,000	\$628	9.1000	\$6	0.0000	\$0	\$6
0900 South Miami	59	33	\$50,000	\$1,039,348	4.3639	\$4,536	0.0000	\$0	\$4,536
1000 Homestead	55	7	\$50,000	\$118,592	6.2435	\$740	0.0000	\$0	\$740
1100 Miami Shores	28	28	\$0	\$1,366,588	8.0000	\$10,933	0.7500	\$1,025	\$11,958
1200 Bal Harbour	6	4	\$50,000	\$197,121	2.2678	\$447	0.0000	\$0	\$447
1300 Bay Harbor Islands	16	9	\$25,000	\$252,493	5.2971	\$1,337	0.0000	\$0	\$1,337
1400 Surfside	2	2	\$50,000	\$54,398	5.3000	\$288	0.0000	\$0	\$288
1500 West Miami	169	168	\$25,000	\$7,500,996	6.8858	\$51,650	0.0000	\$0	\$51,650
1600 Florida City	40	37	\$0	\$697,880	7.7500	\$5,409	0.0000	\$0	\$5,409
1700 Biscayne Park	10	10	\$25,000	\$371,491	9.5000	\$3,529	0.0000	\$0	\$3,529
1800 El Portal	17	7	\$50,000	\$157,577	8.3000	\$1,308	0.0000	\$0	\$1,308
1900 Golden Beach	0	0	\$25,000	\$0	6.9950	\$0	1.5050	\$0	\$0
2000 Pinecrest	2	0	\$50,000	\$0	2.2000	\$0	0.0000	\$0	\$0
2100 Indian Creek	0	0	\$0	\$0	7.9518	\$0	0.0000	\$0	\$0
2200 Medley	7	7	\$0	\$129,873	5.5850	\$725	0.0000	\$0	\$725
2300 North Bay Village	22	9	\$50,000	\$310,089	4.7772	\$1,481	1.2355	\$383	\$1,864
2400 Key Biscayne	9	9	\$50,000	\$416,838	3.2000	\$1,334	0.0000	\$0	\$1,334
2500 Sweetwater	167	109	\$50,000	\$3,987,443	2.9200	\$11,643	0.0000	\$0	\$11,643
2600 Virginia Gardens	34	34	\$0	\$2,106,321	5.4233	\$11,423	0.0000	\$0	\$11,423
2700 Hialeah Gardens	33	3	\$25,000	\$143,170	5.3812	\$770	0.0000	\$0	\$770
2800 Aventura	122	73	\$25,000	\$2,188,511	1.7261	\$3,778	0.0000	\$0	\$3,778
3100 Sunny Isles Beach	97	50	\$50,000	\$1,395,837	2.8000	\$3,908	0.0000	\$0	\$3,908
3200 Miami Lakes	49	40	\$50,000	\$1,831,261	2.3518	\$4,307	0.0000	\$0	\$4,307
3300 Palmetto Bay	37	26	\$50,000	\$1,145,635	2.4470	\$2,803	0.0000	\$0	\$2,803
3400 Miami Gardens	1,059	449	\$25,000	\$7,101,078	6.3620	\$45,177	0.0000	\$0	\$45,177
3500 Doral	11	7	\$50,000	\$147,350	2.2215	\$327	0.0000	\$0	\$327
3600 Cutler Bay	157	83	\$50,000	\$1,620,006	2.5702	\$4,164	0.0000	\$0	\$4,164

County Authorities	Current			Impact Based on 2012 Preliminary Assessment Roll					
	Qualified Senior	Seniors Affected	Exemption Amount	Loss In Taxable Value	Operating Millage	Revenue Loss	Debt Millage	Revenue Loss	Total Revenue Loss
Countywide	18,211	8,979	\$50,000	\$272,864,995	4.7035	\$1,283,421	0.2850	\$77,767	\$1,361,187
3000 Unincorporated	7,444	3,776	\$50,000	\$124,991,423	1.9283	\$241,021	0.0000	\$0	\$241,021
Fire & Rescue	10,224	4,654	\$50,000	\$149,636,848	2.4496	\$366,550	0.0131	\$1,960	\$368,511
Library	14,090	6,789	\$50,000	\$216,252,008	0.1725	\$37,303	0.0000	\$0	\$37,303
				Total County Impact		\$1,928,295		\$79,727	\$2,008,022

Note:

The following criteria were used: (1) the folio had a senior exemption in 2012, (2) the last qualified sale took place prior to 1987 and (3) the just value of the property is under \$250,000.

The count under "Qualified Seniors" represents all folios based on criteria. The count under "Seniors Affected" represents those folios that will actually show a reduction in taxable value. The difference are folios that already have a zero taxable value before applying the additional exemption.

These estimates are considered a worst-case scenario based on the 2012 Preliminary Roll values and 2012 adopted millage rates.

11A(5)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

MEMORANDUM

North Bay Village

DATE: December 14, 2012

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: *Dennis Kelly*
Dennis Kelly, Village Manager

SUBJECT: Introduction of Ordinance

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 35 OF THE NORTH BAY VILLAGE CODE ENTITLED "TAXATION AND FINANCE" BY REVISING SECTION 35.03 TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING SENIOR CITIZENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

DK:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

11A(6)

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 35 OF THE NORTH BAY VILLAGE CODE ENTITLED "TAXATION AND FINANCE" BY REVISING SECTION 35.03 TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING SENIOR CITIZENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY)

WHEREAS, on November 8, 2012, the voters of Florida approved Amendment 11 providing for an additional homestead exemption for qualified seniors in the amount of the assessed value of the property (the "Senior Exemption"); and

WHEREAS, the Senior Exemption is available to any person who has legal or equitable title to real estate with a just value less than \$250,000 and has maintained thereon the permanent residence of the owner for at least 25 years, who has attained the age of 65, and whose household income does not exceed the income limitations provided in Florida Statutes 196.075, adjusted annually; and

WHEREAS, Section 196.075, Florida Statutes, requires that in order for such additional homestead exemption to be available for Village tax purposes, an ordinance implementing such homestead exemption is required to be adopted by a super majority of the Commission (4 votes); and

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals is true and correct and incorporated herein by this reference.

Section 2. Village Code Amended. Section 35.03 of the North Bay Village Code of Ordinances is hereby amended to read as follows:

- A. In accordance with Section 6(f), Art. VII of the Florida Constitution and Section 196.075, Florida Statutes, any person 65 years or over who has legal or equitable title to real estate located within the City and maintains thereon his/her permanent residence which qualifies for and receives a homestead exemption pursuant to Section 6(a), Art. VII of the Florida Constitution, and whose Household Income does not exceed ~~the greater of \$20,000 as adjusted annually from January 1, 2001 or the income limitation amount adjusted in 2003~~ pursuant to Section 196.075(3), Florida Statutes, shall be entitled to make application for an additional homestead exemption of \$50,000 in Fiscal Year 2007-2008, and each Fiscal Year thereafter. This additional Exemption, if granted, shall be applicable to all ad valorem tax millage rates levied by the City. Village.

B. In accordance with Section 6(f), Article VII of the Florida Constitution and Section 196.075(2) Florida Statutes, any person who meets the following criteria, shall be entitled to make application for an additional homestead exemption of the amount of the assessed value of the property:

1. has legal equitable title to real estate within the Village with a just value less than \$250,000;
2. has maintained thereon the permanent residence of the owner for at least 25 years;
3. has attained age 65; and
4. has a household income that does not exceed the income limitations as established and adjusted pursuant to F.S. 196.075(3) as amended, as provided for in Section 35.03A. of the Village Code.

Upon filing a completed application, and meeting all age, residency, property value and income requirements set forth by law, the applicable additional exemption shall be granted, but shall only be applicable to ad valorem tax millage rates levied by the Village. The term "household" and "household income" shall have the same meaning set forth in Section 196.075(1), Florida Statutes.

B-C Every person claiming the Additional Exemption under subsections A. or B. above, pursuant to this Code Ordinance must file an application ("Application") and supporting documentation ("Documentation") with the Miami-Dade County Property Appraiser (the "Property Appraiser"), not later than March 1 of each year for which either of the Additional Exemptions are is claimed. The Application shall include a sworn statement of Household Income for all members of the Household and shall be filed on a form prescribed by the Florida Department of Revenue.

The Documentation shall include copies of all federal income tax returns, wage and earnings statements, any requests for extension of time to file a return, and any other documentation as required by the Property Appraiser, including documentation necessary to verify the income received by all of the members of the Household for the prior year.

E.D Failure to file the Application, Documentation and sworn statement by March 1 of any given year shall constitute a waiver of the Additional Exemptions privileges for that year.

E. The additional \$50,000 Exemption provided in Section 35.03A shall be available commencing with the year 2007 tax roll, and the Property Appraiser may begin accepting Applications and sworn statements for the year 2007 tax roll as soon as the appropriate forms are available from the Department of Revenue.

F. The additional Exemption provided in Section 35.03B up to the amount of the assessed value of the property, but not to exceed \$250,000, shall be available commencing with the 2013 tax roll, and the property appraiser may begin accepting applications and sworn statements for the 2013 tax roll as soon as the appropriate forms are available from the Department of Revenue.

EG. ~~Commencing January 1, 2007 and each January 1 thereafter, the \$24,414 annual income limitation in this Ordinance shall be adjusted by the percentage of change in the average cost-of-living index for the calendar year immediately prior to that year. As used herein "index" shall be the average of the monthly consumer price index figures for the stated period, for the United States as a whole, issued by the United States Department of Labor.~~

Section 3. Repeal. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 4. Severability. The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

Section 5. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Filing with Miami-Dade Property Appraiser. The Village Clerk is directed to send a certified copy of this Ordinance to the Miami-Dade Property Appraiser.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

The Votes were as follows:

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

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

FINAL VOTES AT ADOPTION:

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

DULY PASSED AND ADOPTED __ day of _____ 2013.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:**

Village Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

North Bay Village Ordinance: Additional Senior Homestead Exemption - 2012

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES ENTITLED "CONFLICT OF INTEREST AND CODE OF ETHICS" BY CREATING SECTION 38.36 TO ADD REQUIREMENTS FOR ELECTED OFFICIALS AND ADVISORY BOARDS AND COMMITTEE MEMBERS TO RECEIVE ETHICS TRAINING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

WHEREAS, it is in the best interest of the members of the North Bay Village Commission and members of the Village Advisory Boards and Committees to obtain ongoing guidance in their day-to-day service to the Village; and

WHEREAS, the Commission wishes for all of its members to participate in Ethics Training at least once every year; and

WHEREAS, the Commission wishes for all of the members of the advisory boards and committees to the Commission to participate in Ethics Training at least once every term; and

NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals is true and correct and incorporated herein by this reference.

Section 2. Village Code Amended. That Chapter 38 of the North Bay Village Code of Ordinances is amended to create a new section to read as follows:

Chapter 38. Conflict of Interest and Code of Ethics

* * *

Sec. 38-36 Ethics Training.

Notwithstanding the provisions of Section 38-01, the provisions of this Subection shall apply exclusively to the Mayor and Commissioners and members of the Advisory Boards and Committees to the Commission.

11B(1)

(A) The Mayor and each Commissioner shall complete a minimum of four (4) hours of Ethics Training on an annual basis and members of Advisory Boards and Committees at least once during their term of office.

(B) For purposes of this section, "Ethics Training" shall mean a course, seminar, workshop or other training that pertains to the Conflict of Interest and Code of Ethics provisions in Chapter 112, Florida Statutes, Chapter 2 of the Miami Dade County Code and Chapter 38 of the Village Code.

(C) The Mayor, each Commissioner (elected or appointed), and members of the Advisory Boards and Committees to the Commission who have not completed Ethics Training within one year prior to the date that the person takes the oath of office, shall complete at least four (4) hours of Ethics Training within one hundred and twenty days (120) days after the date the person takes the oath of office. The Mayor and each Commissioner shall complete Ethics Training at least one time annually thereafter while in office. The members of the Advisory Boards and Committees shall complete the training at least once during their term of office.

(D) The Ethics Training required under this section may be offered through live instructions from the Miami-Dade County Commission on Ethics, the Florida League of Cities, the Florida Institute of Government at any recognized Florida university or any related entity that offers a course covering the statutes and codes specified in Subsection 38-36(B), or through the use of a video-recorded presentation.

(E) The Village Clerk is required to maintain and make available to the Mayor, Commissioners, and members of the Advisory Boards and Committees a copy of any video-recorded presentations as well as records verifying that the Mayor, Commissioners, and members of the Advisory Boards and Committees have completed the required Ethics Training.

Section 3. Repeal. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance

may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

The Votes were as follows:

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

APPROVED ON FIRST READING this __ day of January 2013.

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

FINAL VOTES AT ADOPTION:

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

DULY PASSED AND ADOPTED __ day of _____ 2013.

Connie Leon-Kreps
Mayor

11B(3)

ATTEST:

Yvonne P. Hamilton
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:**

Village Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

North Bay Village Ordinance: Ethics Training for Elected Officials/Members of Advisory Boards and Committees.



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

MEMORANDUM

North Bay Village

DATE: December 31, 2012

TO: Dennis Kelly
Village Manager

FROM: Connie Leon-Kreps, Mayor

SUBJECT: Introduction of Ordinance

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES ENTITLED "CONFLICT OF INTEREST AND CODE OF ETHICS" BY CREATING SECTION 38.36 TO ADD REQUIREMENTS FOR ELECTED OFFICIALS AND ADVISORY BOARDS AND COMMITTEE MEMBERS TO RECEIVE ETHICS TRAINING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

CLK:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

11B(5)



Staff Report Special Use Exception Request

*Prepared for: North Bay Village
Village Commission*

Applicant: Manuel Martinez – Subway

*Request: Allow a fast order food establishment in the
CG District*



Serving Florida Local Governments Since 1988

12A(1)

General Information

Owner/Applicant:	Manuel Martinez Subway
Applicant Address	10750 SW 128 th Avenue
Site/Address:	1370 Kennedy Causeway
Contact Person:	Manuel Martinez
Applicant/Contact Phone Number:	786 344 3020
E-mail Address	subbusiness@aol.com

	Existing	Proposed
Future Land Use Map Classification	Commercial	
Zoning District	General Commercial	
Use of Property	Mini Storage and Commercial with a Vacant Bay	Subway Restaurant
Acreage	1.3	

Legal Description of Subject Property:

TREASURE ISL COMM ADDN PB 52-84 LOTS 19 THRU 21 & W1/2 OF LOT 22 & S75FT OF E1/2 LOT 22 & S75FT OF LOT 23 & S75FT OF W1/2 OF LOT 24 BLK 1 LOT SIZE 57500 SQ FT

Item before the Village Commission:

This application was heard before the Planning and Zoning Board on December 18th and is a special use exception request to allow a fast order food establishment in the CG District. The Board recommended approval by a 5-0 vote.

12AL2



Description of the Situation

The development in which the Subway is requesting to locate was originally approved by the Village in 1998 as a mixed use involving mini-storage and other commercial uses. The mini-storage area occupies approximately 99,963 square feet of floor area. The other commercial uses, including a dry cleaners, pack and ship service, office for the mini-store operation, and the proposed Subway location involve about 5,503 square feet of floor area.

There are a total of 36 parking spaces on site; 24 behind the building beyond the fence for use by the renters of the mini-storage space, and 12 spaces in the parking area directly in front of the commercial units fronting on Kennedy Causeway. It was stated by the applicant and confirmed by staff that the gates are open during the daytime allowing access to parking at the rear of this site.

Adjacent Future Land Use Map Classifications and Zoning Districts

North:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial
	Existing Land Use:	Restaurant
East:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial
	Existing Land Use:	TV Broadcaster
South:	Future Land Use Map Classification:	Medium Density Multi-Family Residential
	Zoning District:	RM-40
	Existing Land Use:	Condominium
West:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial
	Existing Land Use:	Restaurant

12A(3)



Consistency with the Comprehensive Plan:

A restaurant use is allowed under the Commercial Future Land Use category within the Village's Comprehensive Plan. The special exception use is therefore consistent with the Village's Comprehensive Plan.

Consistency with Land Development Code (LDC):

Staff has determined and the Planning and Zoning Board agreed that the Subway restaurant meets the Village's definition for fast order food establishment found in Section 152.003 of the Land Development Code:

152.003

Fast order food. Food which is primarily included for immediate consumption; available upon a short waiting line; packaged or preserved in such a manner that it can be readily eaten outside the premises where it is sold; served on paper plates or in paper or styrofoam containers; and of a self-service nature, that is, no waiters or waitresses are involved. Patrons phone in or place their order at a counter and take it to a table on the premises or leave the premises

Fast order food establishments are allowed under Section 152.030(C) which reads as follows:

152.030(C)

Special uses permitted. Uses permitted upon approval of the City Commission in accordance with the provisions pertaining to use exceptions.

(1) Fast order food establishments.

12A(4)

Section 152.098 Use Exceptions provides the authority for the Village Commission to approve, conditionally approve, or disapprove special use exception applications. Exceptions as set forth below:

152.098 - Use exceptions

- (A) In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment; and to supply the necessary flexibility to their efficient operation, special use exceptions are permitted by these regulations.
- (B) The City Commission may permit the following buildings and uses as special exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.
- (1) Day nursery.
 - (2) Religious institution.
 - (3) Private or commercially operated swimming pools or tennis courts, when not a permitted accessory use, and commercial recreational facilities.
 - (4) Exposition center, civic center, art gallery.
 - (5) Golf course, marina.
 - (6) Public buildings and facilities.
 - (7) Public utilities or public service uses, and appurtenances thereto.
 - (8) Structural alterations to special uses, after these uses are approved by the City Commission.
 - (9) Other special uses as may be enumerated in specific zoning districts.
 - (10) Reserved.

12A(5)



Potential Impacts Upon Adjacent Properties:

The availability of adequate parking is the primary factor that must be considered with respect to likely impacts of a fast order food restaurant upon nearby properties. Of the 36 parking spaces, 27 are required for the existing storage and other commercial uses, leaving nine available for the Subway restaurant, although most are located behind the storage building's gate.

Good planning suggests that parking spaces for customers should be conveniently located to the business they will patronize. This is especially true of multi-tenant buildings. Therefore, in order to ensure that there is a reasonable number of spaces available for the customers of all the commercial uses in this building, employees of these uses should not be permitted to park in any of the twelve spaces fronting on Kennedy Causeway.

Recommendation:

Based upon the foregoing analysis and findings, Staff recommends that the application be **approved** with the following stipulations:

1. The Subway restaurant should be limited to 675 square feet of customer service area.
2. Employees for all commercial uses on the property must park behind the gate entering into the storage area and are prohibited from parking in the front twelve parking spaces.
3. No drive through is allowed for the Subway restaurant use.
4. Parking spaces for the Subway restaurant and other uses in the building may be identified. However, occupancy of any identified spaces by patrons of any other business located in the building must not be prohibited.
5. Deliveries shall be made during non-peak hour times, preferably between the hours of 2:00 am and 7:00am.
6. The Subway operator shall request all delivery trucks to be 18 feet or shorter.
7. Wifi or other wireless services shall not be provided by the restaurant.



8. Cost recovery charges pursuant to Section 152.110. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
9. Applicant is required to pull permits within ninety days of the special use exception approval.

Items 5, 6, and 7 were agreed upon by the applicant following discussion with the Planning and Zoning Board so they have been included in the recommended conditions of approval. Staff was also asked to find out whether the company truck for the cleaners establishment could be relocated to one of the rear parking spaces. Staff is in the process of contacting the owners at the time this report is being written.

Submitted by:

James L. LaRue

James L. LaRue, AICP
Planning Consultant

December 26, 2012

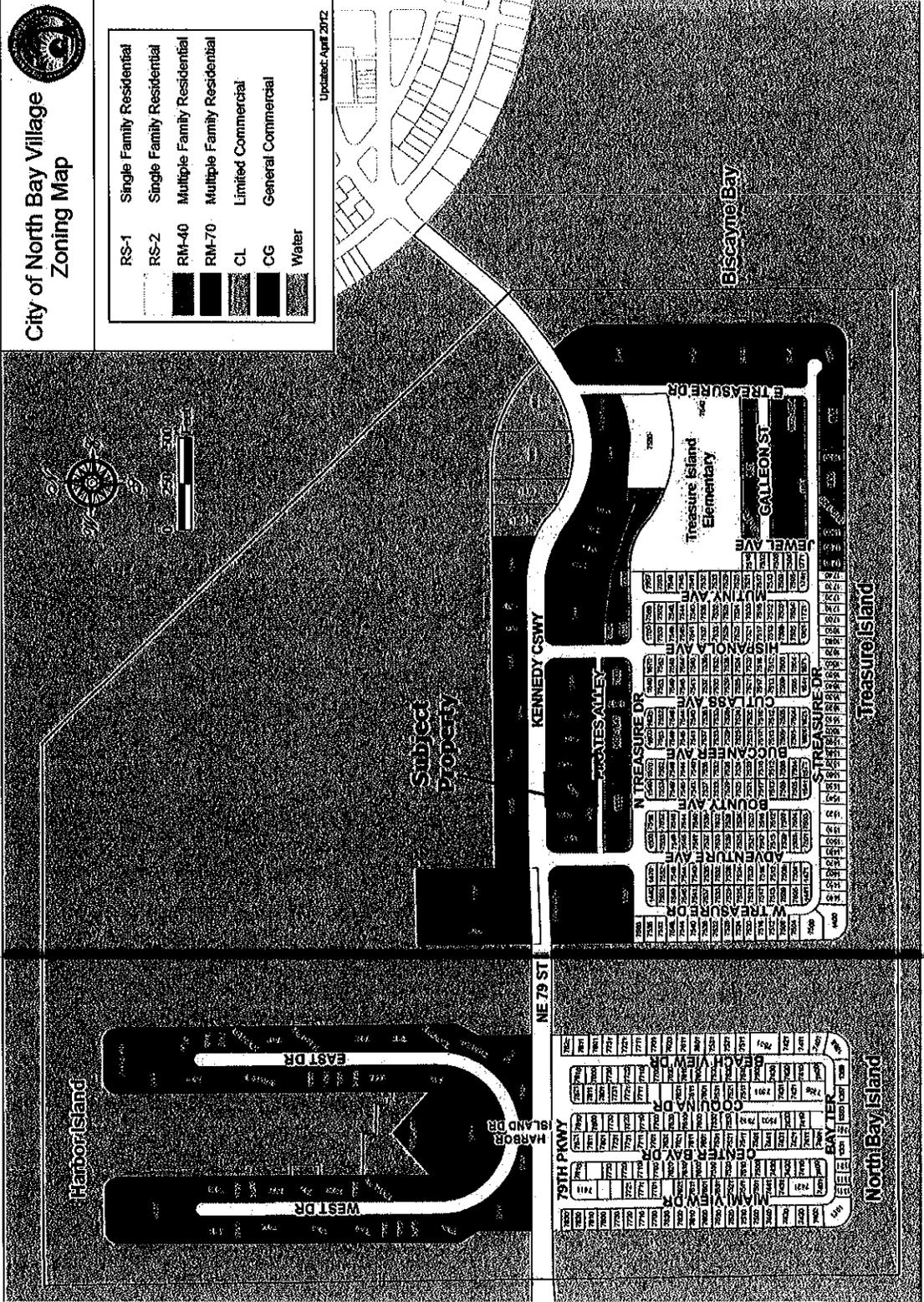
Hearing: Commission, January 8, 2013

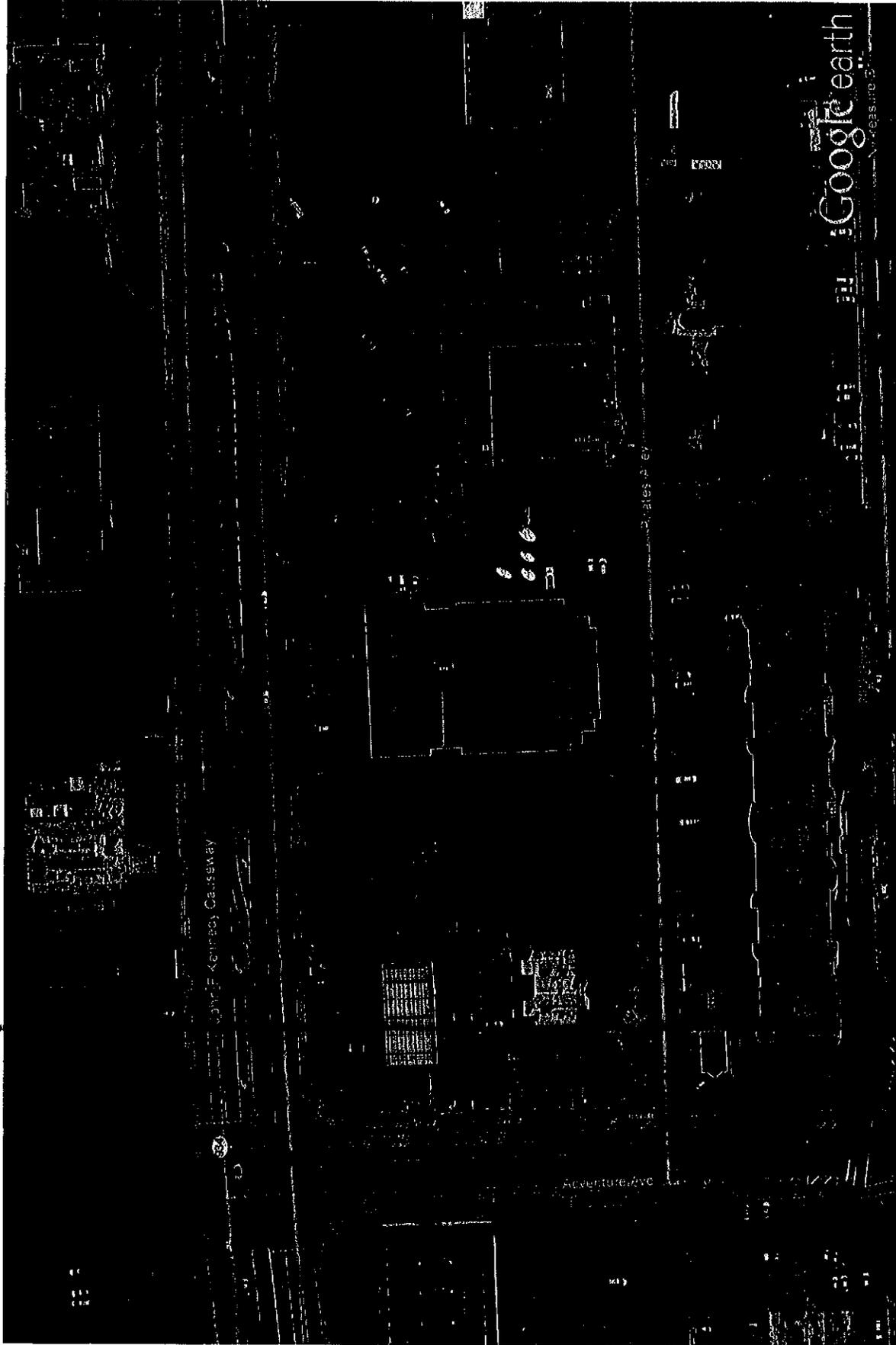
Attachments: Future Land Use Map
Zoning Map
Aerial Photograph
Street View Photograph
Site Plan Dated 1999
Interior Floor Plan

12A(7)



ZONING
SUBJECT SITE AND ENVIRONS



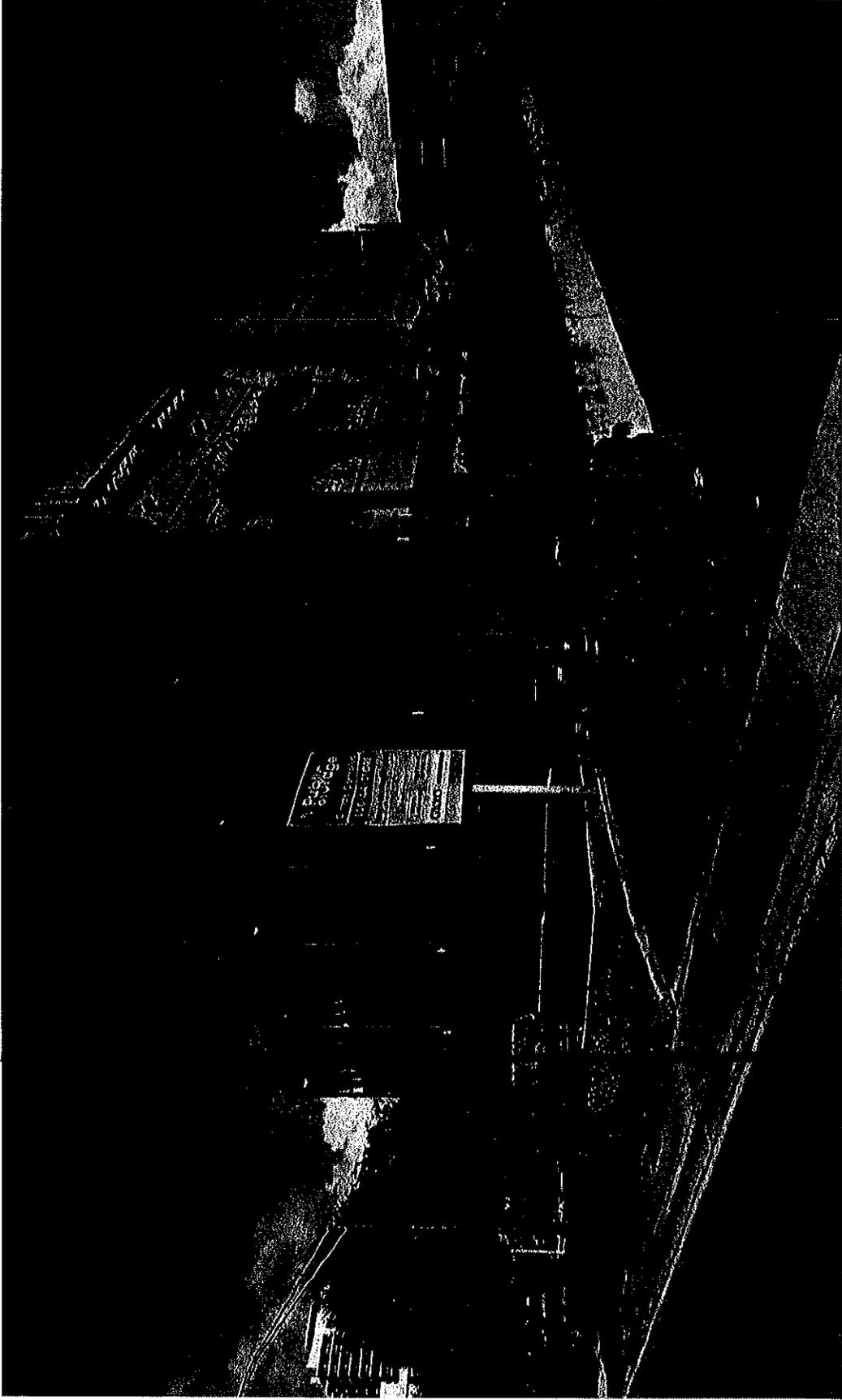


12A(11)



Staff Report
Special Use Exception

Applicant's Name: Martinez
Fast Food Restaurant in CG Dist

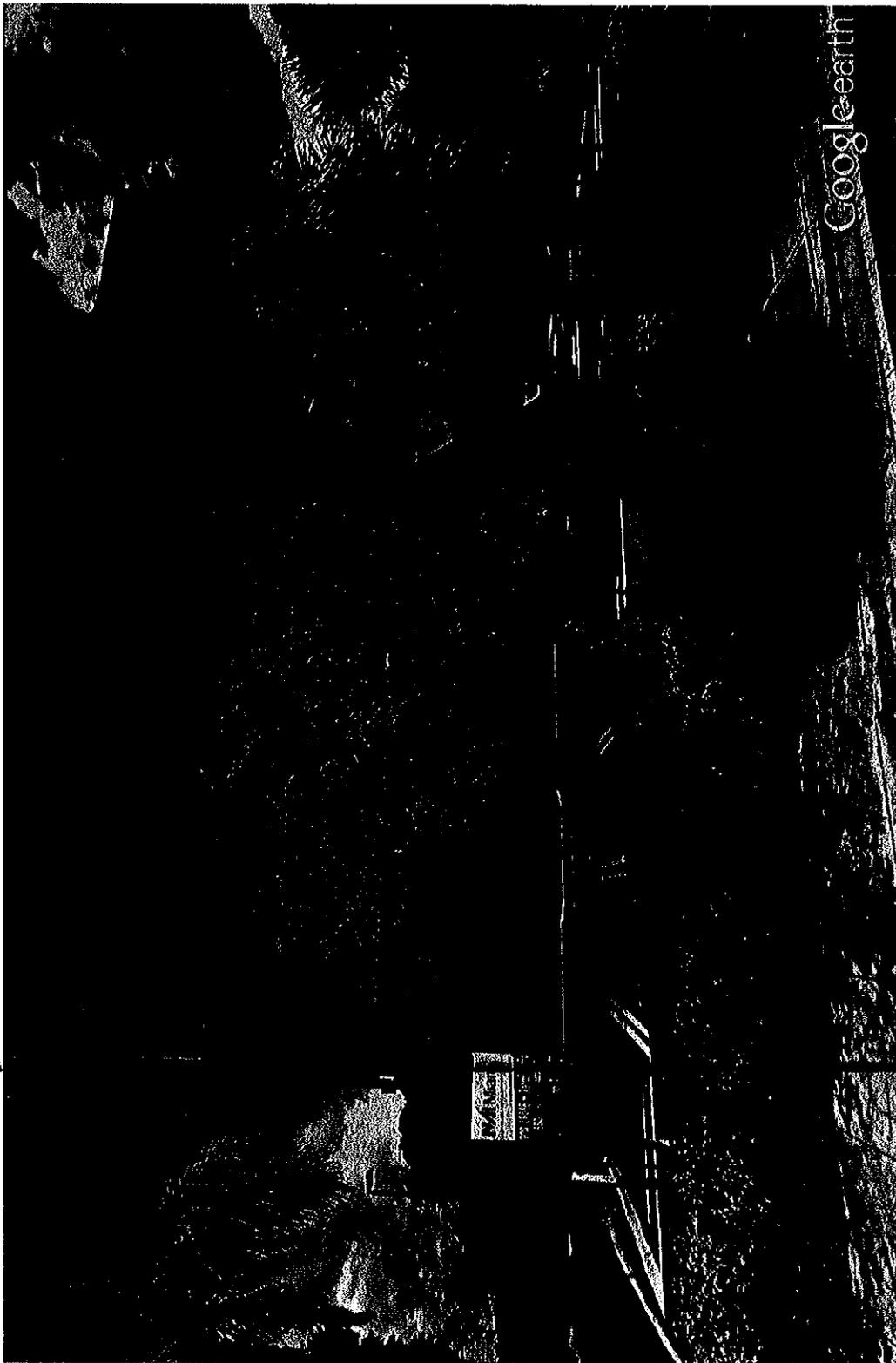


12A(12)



Staff Report
Special Use Exception

Applicant's Name: Martinez
Fast Food Restaurant in CG Dist



12A(13)



Serving Florida Local Governments Since 1988

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND HEATING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND ALARM CODES AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.

FLOOR PLAN
SCALE: 1/4" = 1'-0"

LEGEND

- WALL
- DOOR
- WINDOW
- STAIR
- ELEVATOR
- MECHANICAL
- ELECTRICAL
- PLUMBING
- HEATING
- Cooling
- Other

4" INTERIOR NON-SEALING WALL

MOP SINK DETAIL

SLAB REPAIR/REPLACEMENT DETAIL

12A(15)

DATE: _____

BY: _____

NEW FLOOR PLAN, NOTES AND DETAILS

STORE # 62930

1970 JOHN F. KENNEDY EXPRESSWAY
NORTH BAY WALDGE, FL 33141

SUBWAY
WORLD HEADQUARTERS

SCALE: 1/4" = 1'-0"

12-43

DATE: _____

BY: _____

A-1



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

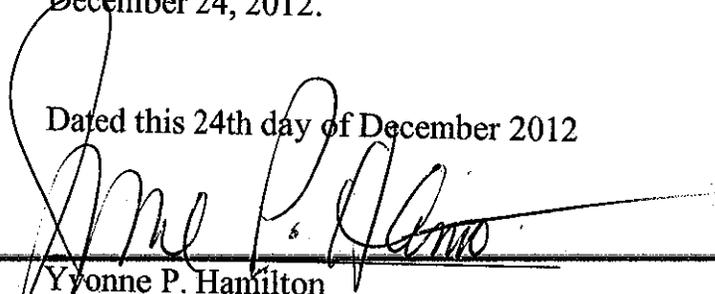
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Manuel Martinez - Subway
1570 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for Site Plan Approval for Fast Order Food Establishment
at 1570 Kennedy Causeway (Subway)

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on January 8, 2013 was posted at the above-referenced property on December 24, 2012.

Dated this 24th day of December 2012


Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting-1/8/2013)

12A(16)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

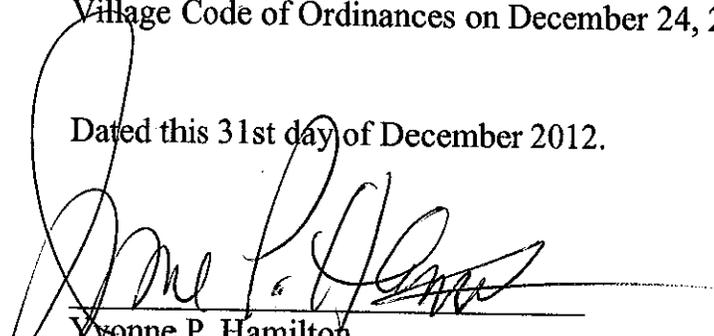
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Manuel Martinez - Subway
1570 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for Site Plan Approval for Fast Order Food Establishment
at 1570 Kennedy Causeway (Subway)

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on December 24, 2012.

Dated this 31st day of December 2012.


Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting-1/8//2013)

12A(17)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

NORTH BAY VILLAGE **NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JANUARY 8, 2013** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION, PURSUANT TO SECTIONS 152.030(C)(1) AND 152.098 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 - 79th STREET CAUSEWAY, LOTS 19 THROUGH 21 & W1/2 OF LOT 22 & S75FT OF E1/2 LOT 22 & S75FT OF LOT 23 & S75FT OF W1/2 OF LOT 24 BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE CG, GENERAL COMMERCIAL ZONING DISTRICT.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

~~PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.~~

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

12A(18)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(December 24, 2012)

12A(19)

Owner/Occupant
1555 N. Treasure Dr. #314
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #209
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #514
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #406
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #401
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #415
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #211
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #204
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #412
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #312
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #505
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #206
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #307
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #411
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #213
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #404
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #511
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #304
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #414
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #504
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #403
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #208
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #302
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #201
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #405
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #409
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #309
North Bay Village, FL 33141

12A(20)

Owner/Occupant
1555 N. Treasure Dr. #201
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #503
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #510
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #207
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #203
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #301
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #513
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #310
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #402
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #315
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #502
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #407
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #308
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #410
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #512
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #507
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #202
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #305
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #413
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #408
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #501
North Bay Village, FL 333141

Owner/Occupant
1555 N. Treasure Dr. #311
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #313
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #509
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #210
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #506
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #303
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #215
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #510
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #205
North Bay Village, FL 33141

12A(21)

Owner/Occupant
1555 N. Treasure Dr. #508
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #212
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #515
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #214
North Bay Village, FL 33141

Owner/Occupant
1555 N. Treasure Dr. #306
North Bay Village, FL 33141

12A(22)

Owner/Occupant
1481 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1540 N. Treasure Drive
North Bay Village, FL 33141

Owner/Occupant
1635 N. Treasure Dr. #C2
North Bay Village, FL 33141

The Crab House
1555 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1500 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1615 N. Treasure Dr. #B2
North Bay Village, FL 33141

Trio on The Bay
1601 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1570 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1617 N. Treasure Dr. #H1
North Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1600 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1637 N. Treasure Dr. #D1
North Bay Village, FL 33141

Go! TV
1580 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1620 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1601 N. Treasure Dr. #E1
North Bay Village, FL 33141

Food Giant Supermarket
1600 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1640 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1603 N. Treasure Dr. #E2
North Bay Village, FL 33141

~~Baymar Hotels and Properties~~
1624 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1607 N. Treasure Dr. #F2
North Bay Village, FL 33141

Owner/Occupant
1641 N. Treasure DR. #L1
North Bay Village, FL 33141

Hess Gas Station
1508 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1647 N. Treasure Dr. #K2
North Bay Village, FL 33141

Owner/Occupant
1621 Kennedy Causeway, #G1
North Bay Village, FL 33141

Siam Bayshore Thai Restaurant
1524 Kennedy Causeway
North Bay Village, FL 33141

Owner/Occupant
1639 N. Treasure Dr. #D2
North Bay Village, FL 33141

Owner/Occupant
1619 N. Treasure Dr. #H2
North Bay Village, FL 33141

12A(23)

Owner/Occupant
1625 N. Treasure Dr. #L1
North Bay Village, FL 33141

Owner/Occupant
1609 N. Treasure Dr. #A1
North Bay Village, FL 33141

Owner/Occupant
1623 N. Treasure Dr. #G2
North Bay Village, FL 33141

Owner/Occupant
1605 N. Treasure Dr. #F1
North Bay Village, FL 33141

Owner/Occupant
1611 N. Treasure Dr. #A2
North Bay Village, FL 33141

Owner/Occupant
1645 N. Treasure Dr. #K1
North Bay Village, FL 33141

Owner/Occupant
1631 N. Treasure Dr. #J2
North Bay Village, FL 331419

Owner/Occupant
1643 N. Treasure Dr. #L2
North Bay Village, FL 33141

Owner/Occupant
1633 N. Treasure. #C1
North Bay Village, FL 33141

Owner/Occupant
1627 N. Treasure Dr. #I2
North Bay Village, FL 33141

Owner/Occupant
1629 N. Treasure Dr. #J1
North Bay Village, FL 33141

Owner/Occupant
1613 N. Treasure Dr. #B1
North Bay Village, FL 33141

12A(24)

J.D. Morrison
1510 South Treasure Drive
North Bay Village, FL 33141

Ms. Susatee Kullsurapong
1625 Kennedy Causeway, #808A
North Bay Village, FL 33141

Edith & Dawn Carlson
1625 Kennedy Causeway, #905B
North Bay Village, FL 33141

1520 Treasure Holdings, Inc.
1520 South Treasure Drive
North Bay Village, FL 33141

Ms. Adriana Gonzalez
1625 Kennedy Causeway, #809C
North Bay Village, FL 33141

Mr. Gianni Lannelli
1625 Kennedy Causeway, #909C
North Bay Village, FL 33141

Ms. Geraldine Mangham
1540 South Treasure Drive
North Bay Village, FL 33141

Ms. Sabastina Acosta
1625 Kennedy Causeway, #901E
North Bay Village, FL 33141

Mr. Oty Sciutto
1625 Kennedy Causeway, #1001E
North Bay Village, FL 33141

Ms. Nancy Strother
1550 South Treasure Drive
North Bay Village, FL 33141

Dr. Stanley Jonas
1560 South Treasure Drive
North Bay Village, FL 33141

Mr. Jaime Magana
1625 Kennedy Causeway, #908A
North Bay Village, FL 33141

Ms. Betty Swan
1625 Kennedy Causeway, #801-E
North Bay Village, FL 33141

Mr. Edward Abramson
1625 Kennedy Causeway, #801A
North Bay Village, FL 33141

Mr. Ernesto Lugo
1625 Kennedy Causeway, #909C
North Bay Village, FL 33141

Mr. Mason Candis
1625 Kennedy Causeway, #803H
North Bay Village, FL 33141

Mr. Torn Summers
1625 Kennedy Causeway, #903H
North Bay Village, FL 33141

Mrs. Priscilla Grandage
1625 Kennedy Causeway, #1004D
North Bay Village, FL 33141

Mr. Larry Lernke
1625 Kennedy Causeway, #804D
North Bay Village, FL 33141

Mr. Benjamin Lorenz
1625 Kennedy Causeway, #904D
North Bay Village, FL 33141

Ms. Mariela Medina
1625 Kennedy Causeway, #1005B
North Bay Village, FL 33141

~~Mr. Yu Fan~~
1625 Kennedy Causeway, #805B
North Bay Village, FL 33141

~~Mr. Antonio DaSilva~~
1625 Kennedy Causeway, #902H
North Bay Village, FL 33141

~~Mr. Khuwaja Massoom~~
1625 Kennedy Causeway, #1006B
North Bay Village, FL 33141

Ms. Carmen Pinto
1625 Kennedy Causeway, #806B
North Bay Village, FL 33141

Ms. Amy Klingner
1625 Kennedy Causeway, #906B
North Bay Village, FL 33141

Mr. Carlos Lopez
1625 Kennedy Causeway, #502F
North Bay Village, FL 33141

Mr. Alexis Garcia
1625 Kennedy Causeway, #807A
North Bay Village, FL 33141

Ms. Elena Paz
1625 Kennedy Causeway, #907A
North Bay Village, FL 33141

Mr. Jose Parada
1625 Kennedy Causeway, #501E
North Bay Village, FL 33141

Mr. Paul A. Mooney
1625 Kennedy Causeway, #530F
North Bay Village, FL 33141

Mr. Jasper Johnston
1625 Kennedy Causeway, #604D
North Bay Village, FL 33141

Mr. Larry Lamke
1625 Kennedy Causeway, #705D
North Bay Village, FL 33141

Mr. Ruben Jaen
1625 Kennedy Causeway, #504D
North Bay Village, FL 33141

Mr. Joseph Luckett
1625 Kennedy Causeway, #605B
North Bay Village, FL 33141

Mr. Hugo Mesias
1625 Kennedy Causeway, #706B
North Bay Village, FL 33141

Ms. Yovanna Alvarez
1625 Kennedy Causeway, #505B
North Bay Village, FL 33141

Ms. Laurie Generalli
1625 Kennedy Causeway, #606B
North Bay Village, FL 33141

Liat Lior/Daniel Cohen
1625 Kennedy Causeway, #706B
North Bay Village, FL 33141

Ms. Magaly Rodriguez
1625 Kennedy Causeway, #506B
North Bay Village, FL 33141

Mr. Guillermo Velleccocia
1625 Kennedy Causeway, #607A
North Bay Village, FL 33141

Ms. Maria I. Lopez
1625 Kennedy Causeway, #708A
North Bay Village, FL 33141

Ms. Mariana Rados
1625 Kennedy Causeway, #507A
North Bay Village, FL 33141

Mr. Douglas Jacob
1625 Kennedy Causeway, #608A
North Bay Village, FL 33141

Ms. Fabiola Santander
1625 Kennedy Causeway, #709C
North Bay Village, FL 33141

Ms. Wilma Tichauer
1625 Kennedy Causeway, #509C
North Bay Village, FL 33141

Mr. Jaime Jimenez
1625 Kennedy Causeway, #609C
North Bay Village, FL 33141

Ms. Betty Swan
1625 Kennedy Causeway, #801E
North Bay Village, FL 33141

Ms. Lianette Beitran
1625 Kennedy Causeway, #601E
North Bay Village, FL 33141

Ms. Stacy Sheene
1625 Kennedy Causeway, #701E
North Bay Village, FL 33141

Khwaja Masoom
1625 Kennedy Causeway, #1006B
North Bay Village, FL 33141

~~Mr. Roberto Acosta~~
1625 Kennedy Causeway, #508A
North Bay Village, FL 33141

~~Ms. Glonda Colindres~~
1625 Kennedy Causeway, #702F
North Bay Village, FL 33141

~~Mr. Alexis Tojeda~~
1625 Kennedy Causeway, #1007B
North Bay Village, FL 33141

Mrs. Shoukat Quershi
1625 Kennedy Causeway, #602F
North Bay Village, FL 33141

Mr. Douglas Lodnell
1625 Kennedy Causeway, #703F
North Bay Village, FL 33141

Ms. Mariana Grados
1625 Kennedy Causeway, #1008A
North Bay Village, FL 33141

Mrs. Elena Paz
1625 Kennedy Causeway, #603F
North Bay Village, FL 33141

Mr. Ryan Linday
1625 Kennedy Causeway, #704D
North Bay Village, FL 33141

Ms. Susana Liston
1625 Kennedy Causeway, #1009C
North Bay Village, FL 33141

Ms. Liliana Polanco
1625 Kennedy Causeway, #1103B
North Bay Village, FL 33141

Mr. Robert Sagah
1625 Kennedy Causeway, #1205G
North Bay Village, FL 33141

Ms. Melaine Cook
1625 Kennedy Causeway, #PH107C
North Bay Village, FL 33141

Mr. Johnny Rosadador
1625 Kennedy Causeway, #1104B
North Bay Village, FL 33141

Mr. Branston Clake
1625 Kennedy Causeway, #PH101E
North Bay Village, FL 33141

Mr. Rafael Alvarez
1625 Kennedy Causeway, #1105G
North Bay Village, FL 33141

Ms. Tanisara Ruengisesh
1625 Kennedy Causeway, #PH102D
North Bay Village, FL 33141

Ms. Mariana Rados
1625 Kennedy Causeway, #1106G
North Bay Village, FL 33141

Mr. Fernando Marques
1625 Kennedy Causeway, #PH103B
North Bay Village, FL 33141

Mr. Brandon Bury
1625 Kennedy Causeway, #1109V
North Bay Village, FL 33141

Mr. John Stanton
1625 Kennedy Causeway, PH104B
North Bay Village, FL 33141

Mr. Salvador Goldberg
1625 Kennedy Causeway, #1201E
North Bay Village, FL 33141

Mr. Limor Twizer
1625 Kennedy Causeway, PH105G
North Bay Village, FL 33141

Mr. Ernesto Lugo
1625 Kennedy Causeway, #1202D
North Bay Village, FL 33141

Ms. Judith Biederman
1625 Kennedy Causeway, PH106G
North Bay Village, FL 33141

Imam Duz
1625 Kennedy Causeway, #1203B
North Bay Village, FL 33141

Mr. Vldihr Grishin
1625 Kennedy Causeway, #1204B
North Bay Village, FL 33141

Mr. John Stachi
1625 Kennedy Causeway, #1207C
North Bay Village, FL 33141

12A(27)

NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JANUARY 8, 2013** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION, PURSUANT TO SECTIONS 152.030(C)(1) AND 152.098 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 - 79th STREET CAUSEWAY, LOTS 19 THROUGH 21 & W1/2 OF LOT 22 & S75FT OF E1/2 LOT 22 & S75FT OF LOT 23 & S75FT OF W1/2 OF LOT 24 BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE CG, GENERAL COMMERCIAL ZONING DISTRICT.
2. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.
3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32 "DEPARTMENTS AND BOARDS" OF THE VILLAGE CODE OF ORDINANCES TO CHANGE THE "YOUTH SERVICES BOARD" TO "YOUTH AND EDUCATION SERVICES BOARD" AND TO REVISE THE REQUIREMENTS AND DUTIES OF THE BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(December 19, 2012)



CITY OF SUNNY ISLES BEACH SPECIAL CITY COMMISSION MEETING NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Commission of the City of Sunny Isles Beach, Florida, in the David P. Samson Commission Chambers, Sunny Isles Beach Government Center, 18070 Collins Avenue, Sunny Isles Beach, Florida on Tuesday, January 8, 2013 at 6:30 p.m., to consider the following Zoning application:

Application: Jade Signature s/k/a Jade 4
Location: 16875 & 16901 Collins Avenue
Public Hearing #: Z2012-16

Summary:

The Applicant is requesting site plan approval for a fifty-five (55) story condominium building with 223 dwelling units located at 16875 and 16901 Collins Avenue. The Applicant is requesting a Transfer of Development Rights (TDRs) in the amount of 149,477 square feet of development rights and 81 units from private TDR Bank accounts. Further, the Applicant is requesting approval of a mural and graphics for a temporary construction fence.

Requests:

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting a site plan approval for a fifty five (55) story condominium building with 223 dwelling units and 646,978 square feet of Floor Area Ratio (FAR).
2. Pursuant to Section 265-23 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting to approve the utilization of TDRs from a private TDR Bank account in the amount of 149,477 square feet of development rights and 81 dwelling units for the condominium project.
3. Pursuant to Section 265-83.3 (6) of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting the use of graphics and murals on a temporary construction fence.

The plans reviewed are on file, and may be examined, in the City Clerk's Office and are entitled "Jade 4", prepared by ADD, Inc./ Architecture + Design and Herzog & De Meuron as design Consultants consisting of 40 sheets stamped date received November 26, 2012; the survey entitled "Boundary & Topographic Survey", prepared by Fortin, Leavy, Skiles, Inc., consisting of 2 sheets stamped date received November 26, 2012; the Civil-Plan prepared by VSN Engineering, Inc. consisting of 7 sheets stamped date received November 26, 2012; and, the landscape plans by Raymond Jungles, Inc. consisting of 8 sheets stamped date received November 26, 2012.

Legal: Parcel 1. All that part of the North 100 feet of the South 300 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 2. All that part of the North 100 feet of the South 200 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 3. The Southerly 100 feet of Lot 1, TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, said property described as follows:

Bounded on the West by the East right of way line of Ocean Boulevard (State Road A-1-A and State Road 140), said road recorded in Plat Book 47 at Page 101 of the Public Records of Miami-Dade County, Florida; bounded on the East by the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida; bounded on the North by the Northernly line of the Southerly 100 feet of Lot 1; bounded on the South by the Southerly line of referenced Lot 1.

Size of Property: 2.467 acres (108,317 sq ft)
Zone: Mixed-Use Resort

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, Florida, 33160. The courts have ruled that it is improper to contact a City Commission member individually, either orally or in writing about any zoning applications. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any zoning hearing may be continued at this meeting and under such circumstances, additional legal notice would not be provided. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the City Clerk at (305) 792-1703. Please refer to the hearing number when making an inquiry. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the City Manager at 305-792-1701, no later than 48 hours prior to the proceeding; if hearing impaired, please telephone the TDD line at 305-792-1590 for assistance.

12A(28)



City of North Bay Village

1700 Kennedy Causeway, Suite 132 North Bay Village, FL 33141
(305) 756-7171 Fax (305) 756-7171 Website-www.nbvillage.com

APPLICATION FOR PUBLIC HEARINGS:

Hearings and Notices: - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the City Commission. Notice of Public Hearings before the Planning & Zoning Board and the City Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The City Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: MANUEL MARTINEZ / SUBWAY Phone: 786-344-3020

Mailing Address: 10750 SW 128AV.
MIAMI, FL 3

Legal Description of Property: +75 FT. OF LOT 23 + 75 FT. OF W 1/2 OF LOT 24 BK. 1 LOT 3, 2E 57,500 SQ. FT.
PB 52-24 LOTS 19-21 + W 1/2 OF LOT 22 + S 75 FT. OF E 1/2 LOT 22

Existing Zoning: C-6 Lot Size: 57,500 Folio: 23-3209-010-0180

Type of Request: SPECIAL USE EXCEPTION APPROVAL.
TO ALLOW A FAST FOOD RESTAURANT IN C.G. DISTRICT.

Reason for Request: (Attach additional Pages if necessary) CODE REQUIRES
PLANNING + ZONING + COMMISSION APPROVAL.

All applications shall be submitted to the City Clerk on or before the deadline implemented by the City.

Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the City Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the City Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

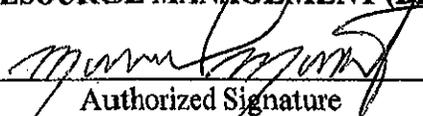
12A(29)

**APPLICATION FOR HEARING
BEFORE THE PLANNING & ZONING BOARD AND
CITY COMMISSION
PAGE 2 OF 2**

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of the City of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the City until after a Public Meeting is held by the City Commission and the City Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the City Commission Pursuant to the City Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the City Commission revoked.

(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).



Authorized Signature

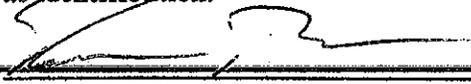
MANUEL MARTINEZ

Print Name

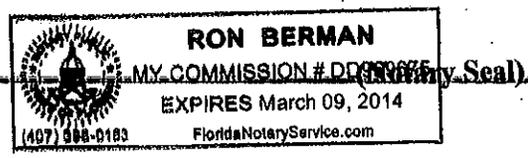
(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed to before me this 19th day of NOVEMBER 2012
by MANUEL MARTINEZ
who is personally known to me or who has produced Personally
as identification.



Notary Public



Office Use Only:

Date Submitted: 11/19/12
Tentative Meeting Date: _____

Fee Paid: \$ 2,000.
Cash or Check # 3625
Date Paid: 11/19/12

Revised 5/2012

12A(30)

November 19, 2012

To Whom It May Concern:

**RE: Authorization to Allow Subway to act as Agent for 1570 Kennedy Causeway,
North Bay Village, FL 33141**

I, Erik Svensson as Vice President of Commercial Properties for Public Storage, give permission to Subway to act as authorized agent to obtain a Special Use Exception from the Board of North Bay Village to open a Subway sandwich restaurant at our location at:

1570 Kennedy Causeway in North Bay Village, FL 33141

If you have any questions or concerns please don't hesitate to contact me at 888-612-9889 x. 1156.

Sincerely,



Erik Svensson
Vice President of Commercial Properties
Public Storage

May 14, 2012

Pani Roshani
Subway Development Corp

RE: 1550 Kennedy Causeway, North Bay Village, FL 33141, Unit 1530

Dear Pani:

On behalf of Public Storage for the above referenced property I am please to present you with this non-binding Letter of Intent to lease the commercial space at 1550 Kennedy Causeway in North Bay Village, FL. This is a statement only.

1. **Premises:** 1,850± rentable square feet located in the above referenced building (Exhibit A)
2. **Tenant:** Subway
3. **Landlord:** Public Storage, Inc
4. **Floor:** 1st Floor.
5. **Exclusive Use:** Operation of a Sub sandwich restaurant for on and off premises consumption. Landlord shall not lease space in the Shopping Center to another Tenant that sells submarine sandwiches.
6. **Lease Term:** Sixty Months from tenant possession of premises.
7. **Lease Commencement:** Lease and all of its corresponding rights and obligations other than the payment of rent shall commence when all of the following requirements have been met ("Lease Commencement Date"): 1) Delivery of possession by Landlord and Tenant's acceptance of Premises, 2) Receipt by Tenant of all necessary approvals and permits (the "Lease Commencement Date"), 3) Execution of Lease by both parties.
8. **Rent Commencement:** The earlier of (180) days from the date Tenant receives permit to start construction, or the date Tenant opens any portion of the leased Premises for business.

9. Base Rental Rate: Year	P.S.F.	Monthly Rent	Yearly Rent
1	\$16.00	\$2,466.66	\$29,600.00
2	\$16.32	\$2,516.00	\$30,192.00
3	\$16.64	\$2,565.33	\$30,784.00
4	\$16.97	\$2,616.20	\$31,394.50
5	\$17.31	\$2,668.62	\$32,023.50

10. Index Rent: Year	P.S.F.	Monthly Rent	Yearly Rent
1	\$2.00	\$308.33	\$3,700.00
2	\$2.04	\$314.50	\$3,774.00
3	\$2.08	\$320.66	\$3,848.00
4	\$2.12	\$326.83	\$3,922.00
5	\$2.16	\$333.00	\$3,996.00

11. **Option to Renew:** Tenant shall have an option to extend the initial Term for two (2) additional period ("Additional Term") of five (5) years with rent at a three percent (3%) increase per annum over the previous 12 months rent and otherwise on the same terms and conditions as set forth in the Initial Lease for Initial Term. Said options shall be automatically renewed and extended unless Tenant provides Landlord ninety days (90) written notice of its intention to terminate, provided Tenant is not in default under this lease.

PUBLIC STORAGE
701 Western Avenue, Glendale, CA 91201
Tel: 818-244-8080
publicstorage.com

12A(32) 

12. **Condition of Premises:** Landlord shall deliver the premises to Tenant premises in as-is condition to include the following:
- **Bathrooms:** Two finished bathrooms.
 - **HVAC system:** 6.5 In good working order
 - **All other systems:** All existing electrical, mechanical and plumbing will be turned over to Tenant in good working order and meeting all applicable codes.
13. **Tenant Improvement Allowance:** Landlord will provide landlord with a tenant improvement allowance of \$10,000 for all necessary improvements and upgrades needed after demo once work has been completed.
14. **Tenant's Work:** Tenant, at its sole cost, shall be responsible for all requirements including, but not limited to, wall finishes, floor finishes, and all trade fixtures and equipment, including related installation costs, HVAC or electrical upgrades per franchisor specifications.
15. **Utilities:** Tenant's premises shall be separately metered for utilities and Tenant shall be responsible to pay the cost of all utilities used inside the Premises. This unit currently has an electric sub meter installed that will be billed back to tenant on an agreed upon average consumption. Average Consumption the first year will be mutually agreed upon by Landlord and Tenant by taking the first three months of consumption after opening (the first three months will be billed back for this year and the full amount and previous free rent period will be billed at half) and tenant will be billed accordingly on monthly basis. At the anniversary of the rent commencement date of each year, starting the first year, the usage for the current year will be adjusted accordingly and agreed upon by both landlord and tenant by taking an average consumption from the previous year. Water is not separately metered and there will be a \$30 monthly charge for water consumption for this unit. Landlord may reconcile water consumption on a yearly basis for an adjusted average that will be agreed upon by both landlord and tenant
16. **Maintenance:** Tenant shall perform all repairs and replacements to the Leased Premises. Landlord shall remain responsible for structural repairs and maintenance, including the foundation, roof and structural supports.
17. **Tenant Signage:** Tenant reserves the right to use its own color scheme and licensed trademark logo. Tenant also reserves the right to use a LED "open" sign, and the right to place company approved, professionally lettered window advertising. Tenant shall be allowed to place a registered trademarked sign on the front of the Premises consistent with City code and approval by Landlord. Landlord will provide if not currently in place a power source for storefront signage. Additionally, Tenant shall be allowed to install a dual-sided sign on the existing Monument Signage.
18. **Security Deposit & First Month's Rent:** Tenant shall be required to pay a Security Deposit in an amount equal to one (1) month Minimum Rent simultaneous with the execution of a lease by and between the parties hereto, to be held by Landlord during the term of the lease for the faithful performance of Tenant. In addition, Tenant shall be required to pay Landlord the first month's Minimum Rent simultaneously with the execution of the lease which shall be applied to the first full month's rental due under the lease pursuant to the terms therein.
19. **Agency:** Landlord and Tenant each represent to the other that it has not dealt with, consulted or contacted any real estate broker, agent, or finder in connection with or in bringing about the leasing of the Property.
20. **Access:** Tenant shall be granted 24 hour, 7 days per week access to the Premises and parking.
21. **Parking:** Tenant to be designated three (3) parking spaces in front of premises marked Subway. All remaining parking spots will be undesignated except three designated to Public Storage. Public Storage



will arrange with Regional Manager an option for all employees to park in the back of the building or in gated area.

21. **Contingencies:** Lease is contingent upon all of the following:

- 1) Approval by Corporate Office of Subway Real Estate, LLC;
- 2) Tenant's lease form to be used.
- 3) Parking ratio to be adequate for restaurant use.

22. **Assignment/Subletting:** Tenant shall have the right to assign and sublet the premises to any bona-fide franchisee of Doctor's Associates Inc. without the prior consent or approval by landlord for the purpose of operating a SUBWAY® restaurant.

Any lease will be contingent upon Landlord's acceptance of Tenant's financial ability to perform under the terms and conditions of the proposed lease.

DISCLAIMER: This proposal is subject to change, modification, or withdrawal at any time until a Lease is fully executed by both parties. Further neither Landlord nor Tenant shall have any obligation regarding any of the provisions set forth in this proposal until a Lease agreement is fully executed by both parties. Any Lease shall be contingent upon a mutually agreeable space plan and zoning approval for Tenant's Use.

We trust that this proposal is sufficiently complete for your needs. However should you have any questions, please do not hesitate to call.

Sincerely,

Candess N. Wing
Regional Leasing Manager

Agreed and Accepted by Tenant:

By: [Signature]

Its: Real Estate Sales

Date: 5/14/12

12A(34)

RESOLUTION NO. _____

A RESOLUTION OF THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(1) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 – 79TH STREET CAUSEWAY; TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY)

WHEREAS, pursuant to Sections 152.030(C)(1) and 152.098 of North Bay Village Code of Ordinances (the “Village Code”), Manuel Martinez has applied to North Bay Village for approval of a special use exception to operate a Fast Order Food Establishment (Subway) at 1570 – 79th Street Causeway, Lots 19 through 21&W1/2 of Lot 22&S75 of E1/2 Lot 22 & S75FT of Lot 23 & S75FT of W1/2 of Lot 24, Block 1 of Commercial Addition of Treasure Island, North Bay Village, Florida, and

WHEREAS, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a special use exception; and

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for Tuesday, December 18, 2012, at 7:30 P.M. at the North Bay Village Commission Chambers, The Lexi, 1700 Kennedy Causeway, #132, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, January 8, 2013, at 7:30 P.M. at the North Bay Village Commission Chambers, The Lexi, 1700 Kennedy Causeway, #132, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

WHEREAS, the Commission has reviewed the application, and considered the recommendations of staff and the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Finding.

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed special use exception for operating a Fast Order Food Establishment (Subway) will not substantially affect adversely the uses permitted in these regulations of adjacent property.

Section 3. Grant.

The special use request to permit a Fast Order Food Establishment (Subway) at 1570 – 79th Street Causeway, North Bay Village, Florida is hereby granted.

12A(37)

Section 4. Conditions.

The special use exception is granted subject to the following conditions:

1. That Subway restaurant should be limited to 675 square feet of customer service area.
2. Employees for all commercial uses on the property must park behind the gate entering into the storage area and are prohibited from parking in the front twelve parking spaces.
3. No drive through is allowed for the Subway restaurant use.
4. Parking spaces for the Subway restaurant and other uses in the building may be identified. However, occupancy of any identified spaces by patrons of any other business located in the building must not be prohibited.
5. Deliveries shall be made during non-peak hour times, preferably between the hours of 2:00 am and 7:00am.
6. The Subway operator shall request all delivery trucks to be 18 feet or shorter.
7. Wifi or other wireless services shall not be provided by the restaurant.
8. Cost recovery charges pursuant to Section 152.110. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
9. Applicant is required to pull permits within ninety days of the special use exception approval.

Section 5. Appeal.

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

12A(38)

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution with the conditions outlined in the accompanying Staff Report was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

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

PASSED AND ADOPTED this ___ day of January, 2013.

Connie Leon-Kreps, Mayor

ATTEST:

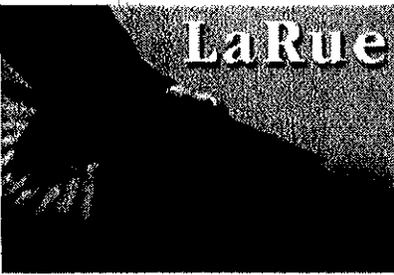
Yvonne P. Hamilton, CMC
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE:**

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Village Attorney

North Bay Village Resolution: Special Use Exception by Manuel Martinez-Fast Food Establishment/Subway-1570 Kennedy Causeway.

12A(39)



Memorandum

To: Joaquin Ramirez (Captain Joe)
From: James G. LaRue
Date: December 28, 2012
Subject: Boat Rental Special Use Exception

As you know, there were concerns presented at the Planning & Zoning Board meeting about the lack of parking at the Bayshore Yacht and Tennis Club for existing uses at that site. Upon investigation, subsequent to the Planning & Zoning Board meeting, it appears that at some point in the past, the property owner separated the parking spaces in the remote lot from the residential uses. In fact, he may also be leasing spaces within the parking garage. On their face, these actions appear to be in violation of the provisions of §151.26 and §152.041(2), which specifically prohibit such acts. The Village is investigating the prior relationship of the parking lot to the entire site as it is not clear whether the parking lot is required to fulfill parking requirements for the existing uses at the Bayshore Yacht and Tennis Club Condominium.

Based upon the above facts, we have requested that the Village Commission defer your special exception use request to the February 12th scheduled Commission meeting. This will give staff time to determine whether there is adequate and sufficient parking available to serve your proposed special exception use request. You may wish to obtain from the owner a current parking inventory of all spaces on site and also the total number of parking spaces in the separate lot across the street and provide any evidence of a legal separation of the parking lot from the Yacht and Tennis Club site plan approval. Please call me if there are any questions

CC: Dennis Kelly, Village Manager
Jenice Rosado, Deputy Village Manager
Yvonne Hamilton, Village Clerk
Nina Boniske, Village Attorney
Kathryn Mehaffey, Assistant Village Attorney
Al Coletta, Property Owner

12B(1)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

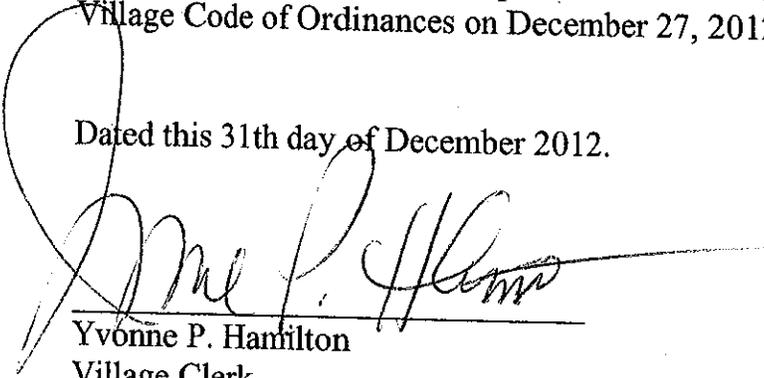
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Joaquin Ramirez
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on December 27, 2012.

Dated this 31th day of December 2012.


Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting-1/8/2013)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

12B(2)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

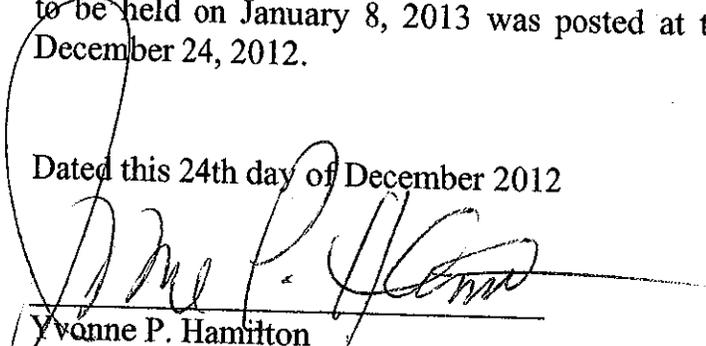
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Joaquin Ramirez
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing
to be held on January 8, 2013 was posted at the above-referenced property on
December 24, 2012.

Dated this 24th day of December 2012


Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting-1/8/2013)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

12B(3)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

NORTH BAY VILLAGE **NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JANUARY 8, 2013** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A ~~VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE~~ TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

12B(4)
Commissioner
Jorge Gonzalez

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(December 24, 2012)

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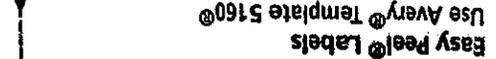
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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #819
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #519
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #607
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1506
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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Owner/Occupant
7900 Harbor Island Drive, #PH10
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7900 Harbor Island Drive, #705
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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #605
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #814
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #922
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #620
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #725
North Bay Village, FL 33141

AVERY® 5160®



Bend along line to
expose Pop-Up Edge™

Feed Paper

12BUS

Easy Peel® Labels
Use Avery® Template 5160®

Owner/Occupant
7900 Harbor Island Drive, #612
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1225
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1006
North Bay Village, FL 33141

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7900 Harbor Island Drive, #713
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, PH14
North Bay Village, FL 33141

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7900 Harbor Island Drive, #1126
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #916
North Bay Village, FL 33141



12B(17)
Easy Peel® Labels
Use Avery® Template 5160

Owner/Occupant
7900 Harbor Island Drive, #1210
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1121
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH5
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #726
North Bay Village, FL 33141

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changeament

Requiere la habilitacion de
revelacion de los datos

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Owner/Occupant
7900 Harbor Island Drive, #1516
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1008
North Bay Village, FL 33141

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North Bay Village, FL 33141

Étiquettes faciles à peler
Utilisez le gabarit AVERY® 5160®

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Sens de
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Repliez à la hachure afin de
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Owner/Occupant
7900 Harbor Island Drive, #PH16
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1110
North Bay Village, FL 33141

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7900 Harbor Island Drive, #1103
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #604
North Bay Village, FL 33141

12B(23)
Easy Peel® Labels
Use Avery® Template 5160®

AVERY® 5160®



Bend along line to
expose Pop-Up Edge™

Feed Paper

Owner/Occupant
7900 Harbor Island Drive, #1412
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #616
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #918
North Bay Village, FL 33141

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7900 Harbor Island Drive, #914
North Bay Village, FL 33141

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7900 Harbor Island Drive, #1016
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North Bay Village, FL 33141

12B(29)

NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JANUARY 8, 2013** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION, PURSUANT TO SECTIONS 152.030(C)(1) AND 152.098 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 - 79th STREET CAUSEWAY, LOTS 19 THROUGH 21 & W1/2 OF LOT 22 & S75FT OF E1/2 LOT 22 & S75FT OF LOT 23 & S75FT OF W1/2 OF LOT 24 BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE CG, GENERAL COMMERCIAL ZONING DISTRICT.
2. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.
3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32 "DEPARTMENTS AND BOARDS" OF THE VILLAGE CODE OF ORDINANCES TO CHANGE THE "YOUTH SERVICES BOARD" TO "YOUTH AND EDUCATION SERVICES BOARD" AND TO REVISE THE REQUIREMENTS AND DUTIES OF THE BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(December 19, 2012)



CITY OF SUNNY ISLES BEACH SPECIAL CITY COMMISSION MEETING NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Commission of the City of Sunny Isles Beach, Florida, in the David P. Samson Commission Chambers, Sunny Isles Beach Government Center, 18070 Collins Avenue, Sunny Isles Beach, Florida on **Tuesday, January 8, 2013** at 6:30 p.m., to consider the following Zoning application:

Application: Jade Signature a/k/a Jade 4
Location: 16875 & 16901 Collins Avenue
Public Hearing #: Z2012-16

Summary:

The Applicant is requesting site plan approval for a fifty-five (55) story condominium building with 223 dwelling units located at 16875 and 16901 Collins Avenue. The Applicant is requesting a Transfer of Development Rights (TDRs) in the amount of 149,477 square feet of development rights and 81 units from private TDR Bank accounts. Further, the Applicant is requesting approval of a mural and graphics for a temporary construction fence.

Requests:

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting a site plan approval for a fifty-five (55) story condominium building with 223 dwelling units and 646,978 square feet of Floor Area Ratio (FAR).
2. Pursuant to Section 265-23 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting to approve the utilization of TDRs from a private TDR Bank account in the amount of 149,477 square feet of development rights and 81 dwelling units for the condominium project.
3. Pursuant to Section 265-63.3 (G) of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting the use of graphics and murals on a temporary construction fence.

The plans reviewed are on file, and may be examined, in the City Clerk's Office and are entitled "Jade 4", prepared by ADD, Inc./Architecture + Design and Herzog & De Meuron as design Consultants consisting of 40 sheets stamped date received November 26, 2012; the survey entitled "Boundary & Topographic Survey", prepared by Fortin, Leavy, Skiles, Inc., consisting of 2 sheets stamped date received November 26, 2012; the Civil Plan prepared by VSN Engineering, Inc. consisting of 7 sheets stamped date received November 26, 2012; and, the landscape plans by Raymond Jungles, Inc. consisting of 8 sheets stamped date received November 26, 2012.

Legal: Parcel 1. All that part of the North 100 feet of the South 300 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 2. All that part of the North 100 feet of the South 200 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 3. The Southerly 100 feet of Lot 1, TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, said property described as follows:
Bounded on the West by the East right of way line of Ocean Boulevard (State Road A-1-A and State Road 140), said road recorded in Plat Book 47 at Page 101 of the Public Records of Miami-Dade County, Florida; bounded on the East by the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida; bounded on the North by the Northerly line of the Southerly 100 feet of Lot 1; bounded on the South by the Southerly line of referenced Lot 1.

Size of Property: 2.487 acres (108,317 sq ft)
Zone: Mixed-Use Resort

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, Florida, 33160. The courts have ruled that it is improper to contact a City Commission member individually, either orally or in writing about any zoning applications. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any zoning hearing may be continued at this meeting and under such circumstances, additional legal notice would not be provided. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the City Clerk at (305) 792-1703. Please refer to the hearing number when making an inquiry. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the City Manager at 305-792-1701, no later than 48 hours prior to the proceeding; if hearing impaired, please telephone the TDD line at 305-792-1590 for assistance.

12B(30)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

NORTH BAY VILLAGE
RECOMMENDATION MEMORANDUM

DATE: November 28, 2012

TO: Mayor Connie Leon Kreps
Vice-Mayor Eddie Lim
Commissioner Richard Chervony
Commissioner Stuart Blumberg

FROM: Dennis Kelly
City Manager

SUBJECT: Youth Services Board

RECOMMENDATION:

It is recommended that the Village Commission approve the ordinance change that will serve to amend the name change and purpose of the "Youth Services Board" to the "Youth Services and Education Board".

BACKGROUND:

The Village Commission recognizes that education and educational related issues are an intrinsic component of the Village's lifestyle; in addition, the Village Commission recognizes the Village lacks the appropriate citizen vehicle in which to properly address such issues. Currently, the Village's Youth Services Board has voluntarily expanded its scope and become intrinsically involved with the education of our Youth particularly with the Village's IB Program implementation. To ensure the continued involvement of this board with the coordination of the IB program as well as other educational related issues the Village feels that it is necessary to officially change the name and purpose of this board to the "Youth Services and Education Board".

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

1
Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

1700(1)

FINANCIAL IMPACT:

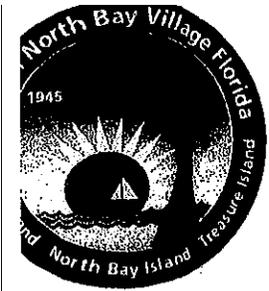
None.

PERSONNEL IMPACT:

The involvement of the Board with the coordination of the IB program and various other educational related issues will assist the Commission and staff with this program implementation.

CONTACT:

Dennis Kelly, Village Manager
Jenice Rosado, Deputy Village Mgr / HR Director



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

MEMORANDUM

North Bay Village

DATE: November 30, 2012

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: 
Dennis Kelly, Village Manager

SUBJECT: Introduction of Ordinance

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32 "DEPARTMENTS AND BOARDS" OF THE VILLAGE CODE OF ORDINANCES TO CHANGE THE "YOUTH SERVICES BOARD" TO "YOUTH AND EDUCATION SERVICES BOARD" AND TO REVISE THE REQUIREMENTS AND DUTIES OF THE BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

DK:yph

Mayor
Ann Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

129(3)
Commissioner
Jorge Gonzalez

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32 "DEPARTMENTS AND BOARDS," OF THE VILLAGE CODE OF ORDINANCES TO CHANGE THE 'YOUTH SERVICES BOARD' TO THE 'YOUTH AND EDUCATION SERVICES BOARD' AND TO REVISE THE REQUIREMENTS AND DUTIES OF THE BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY)

WHEREAS, the Village Commission of the North Bay Village (the "Village") recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Village's regulations are current and consistent with the needs of the Village and its residents; and

WHEREAS, the Village is currently working with the Miami Dade County School Board to implement the International Baccalaureate (IB) Program at Treasure Island Elementary School; and

WHEREAS, the Village desires to expand the duties and scope of the Youth Services Board to include involvement with the Village's educational services and coordination with the IB Program; and

WHEREAS, the Village Commission finds that the Youth Services Board should be renamed as the Youth and Education Services Board to more accurately reflect the purpose of the Board; and

WHEREAS, the Village Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals is true and correct and incorporated herein by this reference.

RC(4)

Section 2. Village Code Amended. That Chapter 32 “Departments and Boards” of North Bay Village Code of Ordinances is hereby amended to read as follows:¹

§ 32.66 - Youth and Education Services Board.

A Youth and Education Services Board is hereby created which shall be composed of five (5) members appointed by the City Village Commission to serve at the pleasure of the Commission without compensation. Each member shall be appointed by a majority vote of the City Village Commission.

§ 32.67 - Qualification of members.

The members of the Youth and Education Services Board shall be appointed with one member having a professional background in education and shall be at least fifteen (15) years in age and shall also be and remain during their respective terms of office, residents of the City Village.

Minors between the ages of fifteen (15)—seventeen (17) must obtain parental consent and must be accompanied to the meeting by a parent.

§ 32.68 - Terms; vacancies; removal from office.

- (A) Members of the Board shall be appointed by the City Village Commission for a term of two years to coincide with the city's Village's general election. In the event that a vacancy shall occur on the Board by reason of resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member.
- (B) Any member may be removed from the office by the Commission upon majority vote of the Commission.

§ 32.69 - Officers.

The Youth and Education Services Board shall annually, each by majority vote, elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman. The Chairman shall chair the meetings of the Board, and shall be the representative of the Board to the City Village Manager and City Village Commission. In the case of the absence of the Chairman at any meetings, the Vice-Chairman shall act in his stead.

¹ Additions to existing Village code text are shown by underline; deletions from existing Village code text are shown by ~~strikethrough~~.

12615

The City Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own Secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall report to the City-Village Manager as to the attendance of the meeting and submit the minutes of its meetings to the City-Village Manager no later than two (2) weeks after each meeting.

§ 32.70 - Meetings; quorum; voting period.

- (A) The Youth and Education Services Board shall hold regular monthly meetings at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be open to the public. All meetings shall be publicly noticed to residents, homeowners, and property owners in accordance with the current practice of the City-Village Clerk in noticing meetings of the City-Village Commission. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two (2) other members of the Board mailed three (3) days prior to the called meeting.
- (B) All meetings of the Board shall be open to the public and three (3) members shall constitute a quorum.
- (C) A majority vote of the Board shall be required on all recommendations made to the City-Village Commission.

§ 32.71 - Powers and duties.

- (A) The Youth and Education Services Board shall be charged with the duty and responsibilities to act in an advisory capacity to the City-Village Commission and City Village Manager in matters pertaining to the needs of the children and youth in the community including:
 - (1) Recreation and park planning activities.
 - (2) Physical components of outdoor and indoor leisure, cultural and recreational activities.
 - (3) To advocate for the needs and involvement of the City's-Village's children and youth in the community.
 - (4) To promote the exchange of ideas and resources in order to better meet the needs of the children and youth in the City-Village.

- (5) To provide input and ideas as to educational programs and initiatives that affect the Village youth, including but not limited to the Treasure Island Elementary IB Program.

Section 3. Repeal. That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That it is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

The motion to approve the foregoing Ordinance on first reading was made by Commissioner Jorge Gonzalez, seconded by Vice Mayor Eddie Lim.

THE VOTES WERE AS FOLLOW:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Jorge Gonzalez	<u>Yes</u>

APPROVED ON FIRST READING during a regular session of the Village Commission of North Bay Village this 11th day of December 2012.

FINAL VOTE ON ADOPTION:

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

PASSED AND ENACTED by the Village Commission of North Bay Village, Florida, this ___ day of _____:

Connie Leon-Kreps
Mayor

Yvonne Hamilton, Village Clerk, CMC

APPROVED AS TO FORM FOR THE USE OF
THE NORTH BAY VILLAGE ONLY:

Village Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

12C(8)

NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JANUARY 8, 2013** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION, PURSUANT TO SECTIONS 152.030(C)(1) AND 152.098 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 - 79th STREET CAUSEWAY, LOTS 19 THROUGH 21 & W1/2 OF LOT 22 & S75FT OF E1/2 LOT 22 & S75FT OF LOT 23 & S75FT OF W1/2 OF LOT 24 BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE CG, GENERAL COMMERCIAL ZONING DISTRICT.
2. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.
3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32 "DEPARTMENTS AND BOARDS" OF THE VILLAGE CODE OF ORDINANCES TO CHANGE THE "YOUTH SERVICES BOARD" TO "YOUTH AND EDUCATION SERVICES BOARD" AND TO REVISE THE REQUIREMENTS AND DUTIES OF THE BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(December 19, 2012)



CITY OF SUNNY ISLES BEACH SPECIAL CITY COMMISSION MEETING NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Commission of the City of Sunny Isles Beach, Florida, in the David P. Samson Commission Chambers, Sunny Isles Beach Government Center, 18070 Collins Avenue, Sunny Isles Beach, Florida on **Tuesday, January 8, 2013** at 5:30 p.m., to consider the following Zoning application:

Application: Jade Signature a/k/a Jade 4
Location: 16875 & 16901 Collins Avenue
Public Hearing #: Z2012-16

Summary:

The Applicant is requesting site plan approval for a fifty-five (55) story condominium building with 223 dwelling units located at 16875 and 16901 Collins Avenue. The Applicant is requesting a Transfer of Development Rights (TDR) in the amount of 149,477 square feet of development rights and 81 units from private TDR Bank accounts. Further, the Applicant is requesting approval of a mural and graphics for a temporary construction fence.

Requests:

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting a site plan approval for a fifty-five (55) story condominium building with 223 dwelling units and 646,978 square feet of Floor Area Ratio (FAR).
2. Pursuant to Section 265-23 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting to approve the utilization of TDRs from a private TDR Bank account in the amount of 149,477 square feet of development rights and 81 dwelling units for the condominium project.
3. Pursuant to Section 265-63.3 (G) of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting the use of graphics and murals on a temporary construction fence.

The plans reviewed are on file, and may be examined, in the City Clerk's Office and are entitled "Jade 4", prepared by ADD, Inc. Architecture + Design and Herzog & De Meuron as design Consultants consisting of 40 sheets stamped date received November 26, 2012; the survey entitled "Boundary & Topographic Survey", prepared by Fortin, Leavy, Skiles, Inc., consisting of 2 sheets stamped date received November 26, 2012; the Civil Plan prepared by VSH Engineering, Inc. consisting of 7 sheets stamped date received November 26, 2012; and, the landscape plans by Raymond Jungles, Inc. consisting of 8 sheets stamped date received November 26, 2012.

Legal: Parcel 1. All that part of the North 100 feet of the South 300 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 2. All that part of the North 100 feet of the South 200 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 3. The Southerly 100 feet of Lot 1, TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, said property described as follows:

Bounded on the West by the East right of way line of Ocean Boulevard (State Road A-1-A and State Road 140), said road recorded in Plat Book 47 at Page 101 of the Public Records of Miami-Dade County, Florida; bounded on the East by the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida; bounded on the North by the Northerly line of the Southerly 100 feet of Lot 1; bounded on the South by the Southerly line of referenced Lot 1.

Size of Property: 2.487 acres (108,317 sq ft)
Zone: Mixed-Use Resort

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, Florida, 33160. The courts have ruled that it is improper to contact a City Commission member individually, either orally or in writing about any zoning applications. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any zoning hearing may be continued at this meeting and under such circumstances, additional legal notice would not be provided. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the City Clerk at (305) 792-1703. Please refer to the hearing number when making an inquiry. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the City Manager at 305-792-1701, no later than 48 hours prior to the proceeding; if hearing impaired, please telephone the TDD line at 305-792-1590 for assistance.

120(9)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

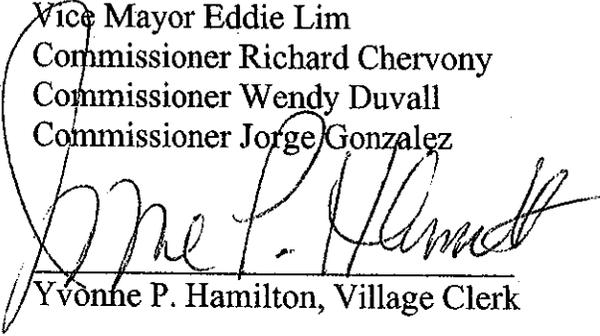
MEMORANDUM

North Bay Village

DATE: January 2, 2013

TO: Connie Leon-Kreps, Mayor
Vice Mayor Eddie Lim
Commissioner Richard Chervony
Commissioner Wendy Duvall
Commissioner Jorge Gonzalez

FROM:


Yvonne P. Hamilton, Village Clerk

SUBJECT: RFQ for Legal Services

At the Commission Meeting held on December 18, 2012, the Village Commission by a vote of 4-1 reconsidered the motion of December 11, 2012 to hear presentations by the five legal firms (Bryant Miller Olive, Gray/Robinson, P.A., Rosen & Switkes, Stearns Weaver, and Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.) in January and make a selection in February. The Commission then, by a vote of 5-0, voted to schedule interviews of the five firms for January 3, 2013 at 5:00 p.m. with an alternate date of January 5, 2013 at 10:00 a.m. and placement of the item on the January 8, 2013 Commission Meeting for selection.

Attached is the Evaluation and Selection portion of the RFQ for your convenience.

/yph

13A(1)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

EVALUATION AND SELECTION

LEGAL SERVICES

1. Qualifications shall be reviewed in detail by a Legal Services Selection Advisory Committee and ultimately by the City Commission.

Determination shall include, but not be limited to, the following:

- A. The proposer's demonstrated understanding of the City's requirements and plans for meeting the same;
 - B. The professional qualifications and related experience of the persons assigned to this contract;
 - C. The prior experience and references of the proposer;
 - D. The size and organizational structure of the proposer; and,
 - E. The cost proposal.
2. The Selection Committee will present their top candidates to the City Commission at which point the City Commission may request that each identified attorneys or firms make a presentation and be available for an interview. All expenses, including travel expenses for interviews, incurred in the preparation of the response shall be borne by the proposer. After presentations and/or interviews are completed, the respondents shall be presented for consideration and approval at a City Commission meeting.
3. The City will negotiate a contract(s) with the top ranked attorneys or firms. Should the City in its sole discretion be unable to negotiate a satisfactory contract(s), which is competitive, reasonable, and adequate, negotiations with that attorney/firm shall terminate and the City commission shall proceed to negotiate a contract(s) with the next highest ranked attorney/ firm; and, ultimately, should all such negotiations fail, all responses shall be rejected and this solicitation shall be re-issued.



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

To: The Honorable Mayor and City Commissioners

CC: Mr. Norman Powell, Esq.

Ms. Nina Boniske, Weiss, Serota

Ms. Yvonne Hamilton, City Clerk

From: Dennis W. Kelly, City Manager 

Subject: Legal RFQ Selection Process Recommendations

Date: September 6, 2012

The selection of Legal Services is on the Agenda for the September 11, 2012 City Commission meeting. In the course of selecting a firm for any combination of the services requested there will be a need to negotiate a contract with the firm(s) selected. It is staff's position that outside counsel be retained to represent the City's interest in negotiating said contract(s). The expectation would be for the Commission to make their selection(s), provide general guidance as to what you want in a contract (length of term, retainer, etc.) and turn the matter over to the independent counsel to conduct negotiations on the City's behalf. A draft of the contract would then be placed on the October agenda for Commission action.

I took the liberty of contacting Attorney Norman Powell, our Code Enforcement Magistrate and also a member of the Legal Services Screening Committee, to determine his availability and willingness to serve as our negotiator. He confirmed he is available and willing to serve in this capacity. If the Commission agrees, it would be appropriate to take formal action recruiting him as our negotiator for the purpose of negotiating contracts with the prospective selection(s) for legal services. His hourly rate is \$225.00.

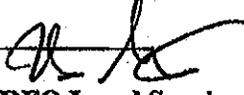
If you have any questions or need additional information, please feel free to contact me at any time.

14A

**CITY OF NORTH BAY VILLAGE
RECOMMENDATION MEMORANDUM**

DATE: August 17, 2012

TO: Mayor Connie Leon-Kreps
Vice Mayor Eddie Lim
Commissioner Stuart Blumberg
Commissioner Richard Chervony

FROM: 
Nick Siegfried, Chair
Selection Committee -- RFQ Legal Services
Aaron Cohen
Roland Galdos
Howard Lenard
Norman Powell

SUBJECT: Request for Qualifications for Legal
Services (RFQ NO. 2012-02)

BACKGROUND:

At the request of the City Commission to solicit Qualifications from Florida licensed attorneys and/or firms to perform legal services for the City of North Bay Village, the City Manager issued RFQ No. NBV2012-02. On the due date of July 6, 2012 eight (8) proposals were received from the following:

1. Littler Mendelson, P.C.
One Biscayne Tower
2 South Biscayne Boulevard, Suite #1500
Miami, FL 33131
2. Becker & Poliakoff
~~3141 Stirling Road~~
Hollywood, FL 33312
3. Bryant Miller Olive
Suntrust International Center
1 S.E. 3rd Avenue, Suite 2200
Miami, FL 33131

14A(1)

**MEMO TO CITY COMMISSION
AUGUST 17, 2012
PAGE 2 OF 4**

4. Gray/Robinson
Attorneys At Law
401 E. Las Olas Blvd., Suite 1850
Ft. Lauderdale, FL 33301
5. Rosen & Switkes P.L.
407 Lincoln Road, PH SE
Miami Beach, FL 33139
6. Stearns Weaver Miller
Weissler Alhadeff & Sitterson, P.A.
Museum Tower
150 West Flagler Street, Suite 2200
Miami, FL 33130
7. Shutts & Bowen LLP
201 S. Biscayne Boulevard, Suite 1500
Miami, FL 33131
8. Weiss Serota Helfman Pastoriza Cole & Boniske, P.L
Attorneys At Law
2525 Ponce De Leon Boulevard, Suite 700
Coral Gables, FL 33134

All proposals were timely received and were opened by the City Clerk's Office.

The Evaluation Committee consisted of: Howard Lenard; Roland Galdos, Deputy City Attorney, North Miami; Aaron Cohen; Nick Siegfried and Norman Powell.

The Evaluation Committee met in an organizational meeting on July 30, 2012. During that time, they directed staff to determine the responsiveness of the proposals and set oral presentations for August 15, 2012 at 9:00 a.m. A committee consisting of City Manager Dennis Kelly, Public Works Director Sam Zamacona, Jenice Rosado HR Manager, and City Clerk Yvonne P. Hamilton reviewed the proposals and deemed six out of the eight to be responsive. Becker & Poliakoff and Littler Mendelson, P.C. were determined to be non-responsive. Please see the memorandum dated August 3, 2012 from City Manager Dennis Kelly to the Legal RFQ Selection Committee attached hereto as Exhibit 1. After the firms were notified that they were nonresponsive to the RFQ, a request was made to waive the irregularity in the submittals pursuant to language of the RFQ. The matter was then referred to the Evaluation Committee.

14A(2)

**MEMO TO CITY COMMISSION
AUGUST 17, 2012
PAGE 3 OF 4**

Prior to the presentations on August 15, 2012, after discussion a motion was offered by Aaron Cohen and seconded by Roland Galdos to accept the recommendation of staff as to the non-responsiveness of the firms Becker & Poliakoff and Littler Mendelson, P.C. Mr. Galdos did point out the provision of Section 12 of the RFQ where the City has reserved the right to waive irregularities in any submittal. The Committee felt that it was the decision of the Commission not to grant such a waiver. The votes on the motion were as follows: Norman Powell-Yes, Roland Galdos-Yes, Howard Lenard-No and Aaron Cohen-Yes. The motion carried 3-1. Mr. Siegfried was absent during the voting on this item. The firms of Becker and Littler were not invited to make oral presentations.

Prior to presentation, Shutts & Bowen LLP withdrew their proposal. Following presentations by the remaining five (5) firms, the committee conducted an analysis and evaluation of the five RFQ responses and based scoring on the following criteria:

	<u>Points</u>
Proposer's experience, qualifications, capabilities and past performance with similar municipalities	35
Proposer's key personnel experience of those assigned to the city	35
Cost proposal: creativity and base line retainers vs. hourly costs	<u>30</u>
Total	100

The Evaluation Committee members numerically scored the proposing companies in accordance with the evaluation criteria prescribed in the RFQ. The scores assigned to each of the proposals reflect the extent to which the company fulfilled the requirements of the evaluation criteria and the extent to which each criterion was fulfilled relative to the other proposals. The proposals were separately evaluated for each category of service and are included in the scores.

14A(3)

Evaluation Results

Proposer	Proposer's experience, qualifications, capabilities and past performance with similar municipalities	Proposer's key personnel experience of those assigned to the city	Cost proposal: creativity and base line retainers vs. hourly costs	TOTAL
Rosen & Switkes P.L.	158	162	145	465
Bryant Miller Olive (labor services only)	166	167	124	457
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.	148	157	110	415
Stearns Weaver Miller	152	152	107	411
Gray Robinson	133	135	111	379

Based on the scoring the firms/attorneys are ranked as follows:

1. Rosen & Switkes P.L.
2. Bryant Miller Oliver (labor)
3. Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
4. Stearns Weaver Miller
5. Gray Robinson

The firm of Bryant Miller Oliver proposed to provide only labor and employment law services to the City.

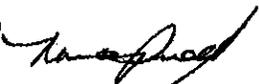
CONTACT:
 Dennis Kelly, City Manager

14A(4)

CITY OF NORTH BAY VILLAGE
RECOMMENDATION MEMORANDUM

DATE: August 17, 2012

TO: Mayor Connie Leon-Kreps
Vice Mayor Eddie Lim
Commissioner Stuart Blumberg
Commissioner Richard Chervony

FROM: _____
Nick Siegfried, Chair
Selection Committee - RFQ Legal Services
Aaron Cohen
Roland Galdos
Howard Lenard
Norman Powell 

SUBJECT: Request for Qualifications for Legal
Services (RFQ NO. 2012-02)

BACKGROUND:

At the request of the City Commission to solicit Qualifications from Florida licensed attorneys and/or firms to perform legal services for the City of North Bay Village, the City Manager issued RFQ No. NBV2012-02. On the due date of July 6, 2012 eight (8) proposals were received from the following:

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Suntrust International Center
1 S.E. 3rd Avenue, Suite 2200
Miami, FL 33131

14A(5)

MEMO TO CITY COMMISSION
AUGUST 17, 2012
PAGE 2 OF 4

4. Gray/Robinson
Attorneys At Law
401 E. Las Olas Blvd., Suite 1850
Ft. Lauderdale, FL 33301
5. Rosen & Switkes P.L.
407 Lincoln Road, PH SE
Miami Beach, FL 33139
6. Stearns Weaver Miller
Weissler Alhadoff & Sitterson, P.A.
Museum Tower
150 West Flagler Street, Suite 2200
Miami, FL 33130
7. Shutts & Bowen LLP
201 S. Biscayne Boulevard, Suite 1500
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The Evaluation Committee met in an organizational meeting on July 30, 2012. During that time, they directed staff to determine the responsiveness of the proposals and set oral presentations for August 15, 2012 at 9:00 a.m. A committee consisting of City Manager Dennis Kelly, Public Works Director Sam Zamacona, Jenice Rosado HR Manager, and City Clerk Yvonne P. Hamilton reviewed the proposals and deemed six out of the eight to be responsive. Becker & Poliakoff and Littler Mendelson, P.C. were determined to be non-responsive. Please see the memorandum dated August 3, 2012 from City Manager Dennis Kelly to the Legal RFQ Selection Committee attached hereto as Exhibit 1. After the firms were notified that they were nonresponsive to the RFQ, a request was made to waive the irregularity in the submittals pursuant to language of the RFQ. The matter was then referred to the Evaluation Committee.

14 A(6)

MEMO TO CITY COMMISSION
AUGUST 17, 2012
PAGE 3 OF 4

Prior to the presentations on August 15, 2012, after discussion a motion was offered by Aaron Cohen and seconded by Roland Galdos to accept the recommendation of staff as to the non-responsiveness of the firms Becker & Poliakoff and Littler Mendelson, P.C. Mr. Galdos did point out the provision of Section 12 of the RFQ where the City has reserved the right to waive irregularities in any submittal. The Committee felt that it was the decision of the Commission not to grant such a waiver. The votes on the motion were as follows: Norman Powell-Yes, Roland Galdos-Yes, Howard Lenard-No and Aaron Cohen-Yes. The motion carried 3-1. Mr. Siegfried was absent during the voting on this item. The firms of Becker and Littler were not invited to make oral presentations.

Prior to presentation, Shutts & Bowen LLP withdrew their proposal. Following presentations by the remaining five (5) firms, the committee conducted an analysis and evaluation of the five RFQ responses and based scoring on the following criteria:

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Proposer's key personnel experience of those assigned to the city	35
Cost proposal: creativity and base line retainers vs. hourly costs	<u>30</u>
Total	100

The Evaluation Committee members numerically scored the proposing companies in accordance with the evaluation criteria prescribed in the RFQ. The scores assigned to each of the proposals reflect the extent to which the company fulfilled the requirements of the evaluation criteria and the extent to which each criterion was fulfilled relative to the other proposals. The proposals were separately evaluated for each category of service and are included in the scores.

14A(7)

Evaluation Results

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Bryant Miller Olive (labor services only)	166	167	124	457
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Stearns Weaver Miller	152	152	107	411
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Based on the scoring the firms/attorneys are ranked as follows:

1. Rosen & Switkes P.L.
2. Bryant Miller Oliver (labor)
3. Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
4. Stearns Weaver Miller
5. Gray Robinson

The firm of Bryant Miller Oliver proposed to provide only labor and employment law services to the City.

CONTACT:
 Dennis Kelly, City Manager

14A(8)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

OFFICIAL AGENDA

RFQ LEGAL SERVICES SELECTION COMMITTEE MEETING (RFQ NO. NBV 2012-02)

**CITY COMMISSION CHAMBERS
1700 KENNEDY CAUSEWAY, #132**

AUGUST 15, 2012 - 8:45 A.M.

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY RECOMMENDATION MADE AT THE FORTHCOMING MEETING OF THE LEGAL SERVICES RFQ SELECTION COMMITTEE, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION OR A SIGN LANGUAGE INTERPRETER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 756-7171 NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) OR (800) 955-8700 (VOICE) FOR ASSISTANCE.

1. CALL TO ORDER

2. RESPONSIVENESS OF FIRMS

1. Littler Mendelson, P.C.
2. Becker & Poliakoff

1.) Committee Action

3. PRESENTATIONS AND DISCUSSION

1. 9:00 a.m. Bryant Miller Oliver
2. 9:30 a.m. Gray/Robinson
3. 10:00 a.m. Rosen & Switkes P.L.
4. 10:30 a.m. Shutts & Bowen LLP
5. 11:15 a.m. Stearns Weaver Miller
Weissler Alhadeff & Sitterson, P.A.
6. 11:45 a.m. Weiss Serota Helfman Pastoriza Cole & Boniske

4. COMMITTEE RECOMMENDATION

5. ADJOURNMENT

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

147(9)



CITY OF NORTH BAY VILLAGE
RECOMMENDATION MEMORANDUM

DATE: August 3, 2012
TO: Legal RFQ Selection Committee
FROM: Dennis Kelly, City Manager
SUBJECT: Non Responsive Legal RFQ's

In accordance with the Selection Committee's directive, staff was to review the Legal RFQ's to determine responsive vs. non-responsive proposals. A Staff Committee comprised of Yvonne Hamilton, City Clerk; Jenice Rosado, HR Manager; Sam Zamacona, Public Works Director and myself reviewed the Legal RFQ's. Following the review, we have determined that two out of the eight proposals have been found to be non-responsive.

In the course of determining the criteria to follow in judging the proposals, the Staff Committee agreed to discern a difference between substantive and ministerial items in the proposals. For example, if a proposal omitted an email or a telephone number, the Committee viewed that as a ministerial error and did not disqualify the proposal; on the other hand, if a proposal did not include a form or request properly executed or omitted, that was viewed as a substantive error and the proposal was disqualified.

Based on the above criteria, two firms have been declared as non-responsive and subsequently disqualified. The first non-responsive firm is Becker Poliakoff. Becker improperly completed the Public Entity Crime and Conflicts of Interest Form. They checked off all three statements under section six of the form and have also failed to include a copy a final order as requested under this section. The second non responsive firm is Littler. This firm did not properly complete the Public Entity Crime Form as well as the Non-Collusion Form. We found that these two forms were of such significance in their content that it would be improper to allow these two firms to continue with the process. Thank you for allowing staff to participate in this process. We will be available to assist you as a committee as you progress through this process.

DK

147(11)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

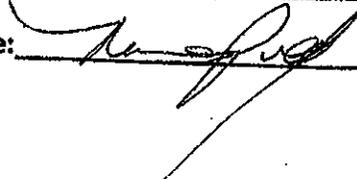
FIRM: Rosen & Switkes FIELD APPLIED FOR: All

COMMITTEE MEMBER: NORMAN C. POWELL DATE: 8-15-2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>33</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>35</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>30</u>

TOTAL SCORE: 98

Comments: _____

Committee Member Signature: 

14A(12)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Rosen/Switkes

FIELD APPLIED FOR: Full

COMMITTEE MEMBER: HOWARD LENARD

DATE: 8.15.2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	30
2. Proposers key personnel experience of those assigned to the City	35	30
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	25

TOTAL SCORE: 85

Comments: _____

Committee Member Signature: [Signature]

14A-13



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Rosen & Switkes FIELD APPLIED FOR: All three

COMMITTEE MEMBER: Rehamed Galdas DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>28</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>30</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>30</u>

TOTAL SCORE: 88

Comments: _____

Committee Member Signature: [Signature]

14 X (14)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Rosen Switkes FIELD APPLIED FOR: all

COMMITTEE MEMBER: Arson Cohen DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>35</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>35</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>30</u>

TOTAL SCORE: 100

Comments: This firm has successfully and economically represented NBV in the past. I think the commission can negotiate a better contract than that proposed. We are a small city that does not need a monitor phase at monstrous rates

Committee Member Signature: 

14A(15)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Rosen & Swithes FIELD APPLIED FOR: General Const, Labor + Zoning

COMMITTEE MEMBER: Nick Sigfried DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities 30	35	<u>32</u>
2. Proposers key personnel experience of those assigned to the City 3	35	<u>32</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs 3	30	<u>30</u>

TOTAL SCORE: 92

Comments: _____

Committee Member Signature: [Signature]

14A(16)

11



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Bryant Miller & Olive FIELD APPLIED FOR: Labor

COMMITTEE MEMBER: Nich Sigford DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>33</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>33</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>28</u>

TOTAL SCORE: 94

Comments: _____

Committee Member Signature: [Signature]

148(17)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Bryant Miller Olive

FIELD APPLIED FOR: Labor

COMMITTEE MEMBER: _____

DATE: August 15, 2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>35</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>35</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>30</u>

TOTAL SCORE: 100

Comments: Score is only for the Labor category

Committee Member Signature: *[Signature]*

14 x (18)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Robert Miller Olive

FIELD APPLIED FOR: LABOR

COMMITTEE MEMBER: HOWARD LEKARD

DATE: 8.15.2012

LABOR ONLY

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>30</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>30</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>29</u>

TOTAL SCORE:

89

LABOR

Comments: _____

Committee Member Signature: [Signature]

141A(19)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Bryant Miller FIELD APPLIED FOR: Labor/Employment
COMMITTEE MEMBER: Roland Gaskos DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>33</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>34</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>27</u>

TOTAL SCORE: 94

Comments: Total score is only for proposed legal services of Labor/Employment.

Committee Member Signature: [Signature]

(4A)(20)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Bryant Miller FIELD APPLIED FOR: Labor Relations
COMMITTEE MEMBER: Arson Cohen DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>35</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>35</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>10</u>

TOTAL SCORE: 80

Comments: City should hire this firm on an hourly rate basis only, with perhaps a small conflict retainer.

This firm has an excellent and PROVEN track record with the city

Committee Member Signature: [Signature]

14A(21)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Weiss Serota FIELD APPLIED FOR: All Three

COMMITTEE MEMBER: Rolando Gutierrez DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>35</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>34</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>26</u>

TOTAL SCORE: 95

Comments: _____

Committee Member Signature: [Signature]

14A(22)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Weiss Serota FIELD APPLIED FOR: All

COMMITTEE MEMBER: NORMAN C. POWELL DATE: 8.15.2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>35</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>35</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>25</u>

TOTAL SCORE: 95

Comments: _____

Committee Member Signature: *Norman C. Powell*

14A(23)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Weiss Serota FIELD APPLIED FOR: all

COMMITTEE MEMBER: Aaron Cohen DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>15</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>25</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>0</u>

TOTAL SCORE: 40

Comments: For seven months this firm charged the city \$185,308.00 which if extrapolated to an annual rate would exceed \$300,000.00 This firm is way too big and way too expensive for NBV, which already has budget problems. Also I don't think they've done such a great job considering their premium rates. Their labor attorney has only been an attorney for 7 years.

Committee Member Signature: _____

14A(24)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Weiss/Santa FIELD APPLIED FOR: Fees

COMMITTEE MEMBER: Howard LENARD DATE: 8.15.2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>28</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>28</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>29</u>

TOTAL SCORE: 85

Comments: _____

Committee Member Signature: H. B. Lenard 14A(25)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

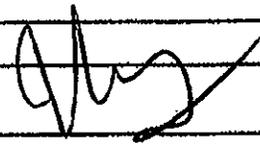
FIRM: Weiss Serota FIELD APPLIED FOR: General Counsel, zoning & Code

COMMITTEE MEMBER: Mich Sigfried DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>35</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>35</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>30</u>

TOTAL SCORE: 100

Comments: _____

Committee Member Signature: 

14A(26)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Stearns Weaver FIELD APPLIED FOR: All Three

COMMITTEE MEMBER: Rolando Buellos DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>35</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>34</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>26</u>

TOTAL SCORE: 95

Comments: _____

Committee Member Signature: [Signature]

(4A(27))



EVALUATION MATRIX

RFQ NO. NBV 2012-02

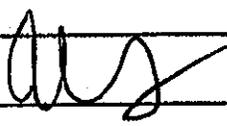
FIRM: Stearns Weaver FIELD APPLIED FOR: General Counsel, Cedar & Son

COMMITTEE MEMBER: Nick Sigfried DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>33</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>33</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>25</u>

TOTAL SCORE: 91

Comments: _____

Committee Member Signature: 

14A (28)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Stearns Weaver FIELD APPLIED FOR: Fou
COMMITTEE MEMBER: HOWARD LENARD DATE: 8.15.2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	32
2. Proposers key personnel experience of those assigned to the City	35	32
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	26

TOTAL SCORE: 90

Comments: _____

Committee Member Signature: H.B. Lenard

14A(29)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Stearns Weaver FIELD APPLIED FOR: all

COMMITTEE MEMBER: Baron Celen DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>20</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>20</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>0</u>

TOTAL SCORE: 40

Comments: Way overpriced. They also lost their number one
city attorney - John Herin

Committee Member Signature: 

14A(30)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Stearns Weaver FIELD APPLIED FOR: All

COMMITTEE MEMBER: NORMAN C. Powell DATE: 8.15.2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>32</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>33</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>30</u>

TOTAL SCORE: 95

Comments: _____

Committee Member Signature: _____

14A(31)



EVALUATION MATRIX

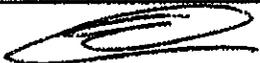
RFQ NO. NBV 2012-02

FIRM: Gray Robinson FIELD APPLIED FOR: all
COMMITTEE MEMBER: Arnon Cohen DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>10</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>10</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>0</u>

TOTAL SCORE: 20

Comments: On the first time around this firm had much less to offer, now, only with the addition of John Herin, is this firm able to offer true general counsel experience.

Committee Member Signature: 

14 A(32)

Steven Zeltowitz
 John Herr
 Marlene Qu. Jones



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Gray - Robinson FIELD APPLIED FOR: General Counsel, Labor & Zoning
 COMMITTEE MEMBER: Nick Siegfried DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities ⁶	35	<u>30</u>
2. Proposers key personnel experience of those assigned to the City ⁷	35	<u>30</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs ³	30	<u>25</u>

TOTAL SCORE: 85

Comments: _____

Committee Member Signature:

14A(33)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

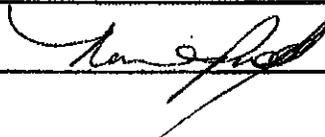
FIRM: Gray Robinson FIELD APPLIED FOR: All

COMMITTEE MEMBER: NORMAN C. Powell DATE: 8.15.2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>32</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>32</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>32</u>

TOTAL SCORE: 96

Comments: _____

Committee Member Signature: 

14A(34)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: Gray Robinson FIELD APPLIED FOR: All three

COMMITTEE MEMBER: Rolando Galdas DATE: 8/15/12

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>31</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>33</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>27</u>

TOTAL SCORE: 91

Comments: _____

Committee Member Signature: [Signature]

14A(35)



EVALUATION MATRIX

RFQ NO. NBV 2012-02

FIRM: GRAY ROBINSON

FIELD APPLIED FOR: FULL

COMMITTEE MEMBER: HOWARD LENARD

DATE: 8.15.2012

EVALUATION CRITERIA	VALUE (MAX POSSIBLE SCORE)	SCORE
1. Proposers experience, qualifications, capabilities and past performance with similar municipalities	35	<u>30</u>
2. Proposers key personnel experience of those assigned to the City	35	<u>30</u>
3. Cost proposal: creativity and base line retainer vs. hourly costs	30	<u>27</u>

TOTAL SCORE:

87

Comments:

Committee Member Signature:

HB Lenard

14A(36)

LEGAL SERVICES RFQ COMMITTEE MEMBERS

Mr. Howard Lenard
P.O. Box 331866
Miami, Fl 33233-1866
Hbl.munilaw@gmail.com
305 332-0726

Mr. Roland Galdos
Deputy City Attorney
776 NE 125th Street
North Miami, Fl 33161
rgaldos@northmiamifl.gov
305-895-9810 / 305-609-9076

Mr. Aaron Cohen
7901 Hispanola Ave
Apt #2009
North Bay Village, Fl 33141
aaron@condecohen.com
561-271-5768

Mr. Nick Siegfried
7901 Hispanola Ave
Apt #811
North Bay Village, Fl 33141
nsiegfried@siegfriedlaw.com
786-279-3566

Norman Powell
17100 NE 19th Ave
North Miami Beach, Fl 33162
paris@normanpowell.com
n@normanpowell.com
786-279-1600
786-279-1607

14A(37)



City of North Bay Village

Administrative Offices

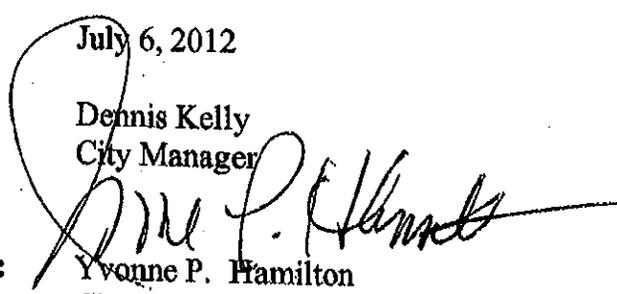
1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

**CITY OF NORTH BAY VILLAGE
MEMORANDUM**

DATE: July 6, 2012

TO: Dennis Kelly
City Manager

FROM: 
Yvonne P. Hamilton
City Clerk

SUBJECT: Request for Qualifications (RFQ NO. NBV 2012-02) - Legal Services for the City of North Bay Village

Today, July 6, 2012, at approximately 10:00 a.m., Marie Armand, Records Management Clerk and I conducted the scheduled opening of the responses to the RFQ for Legal Services for the City of North Bay Village. Eight (8) sealed proposals were received and opened in the City Commission Chambers. No representatives of the companies were present.

Responses were received from the below-listed firms/individuals:

1. Littler Mendelson, P.C.
One Biscayne Tower
2 South Biscayne Boulevard, Suite #1500
Miami, FL 33131
(305) 400-7535
2. Becker & Poliakoff
3111 Stirling Road
Hollywood, FL 33312
(954) 985-4183

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A (38)

MEMO TO CITY MANAGER

JULY 6, 2012

PAGE 2 OF 2

3. Bryant Miller Oliver
Miami
Suntrust International Center
1 S.E. 3rd Avenue, Suite 2200
Miami, FL 33131
(305) 374-7349
4. Gray/Robinson
Attorneys At Law
401 E. Las Olas Blvd., Suite 1850
Ft. Lauderdale, FL 33301
(954) 761-8111
5. Rosen & Switkes P.L.
407 Lincoln Road, PH SE
Miami Beach, FL 33139
(305) 534-4757
6. Stearns Weaver Miller
Weissler Alhadeff & Sitterson, P.A.
Museum Tower
150 West Flagler Street, Suite 2200
Miami, FL 33130
(305) 789-3200
7. Shutts & Bowen LLP
201 S. Biscayne Boulevard, Suite 1500
Miami, FL 33131
(305) 347-7341
8. Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Attorneys At Law
2525 Ponce De Leon Boulevard, Suite 700
Coral Gables, FL 33134
(305) 854-0800

/yph

14A(39)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

**CITY OF NORTH BAY VILLAGE
ADDENDUM NO. 1**

Issued: June 22, 2012

**Subject: Extension to
Request for Qualifications for Legal Services
RFQ No. NBV 2012-02**

Notice to all proposers:

Due to the fact that staff is still working on responses pertaining to the RFQ, the deadline for submittal of the RFQ responses has been extended to Friday, July 6, 2012 at 10:00 a.m.

Issued by: City of North Bay Village

PROOF OF RECEIPT

Recipient

Signature:

Print Name:

Firm:

Date:

SUBMIT WITH RFQ RESPONSE

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A (240)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

**CITY OF NORTH BAY VILLAGE
ADDENDUM NO. 2**

Issued: June 25, 2012

**Subject: Extension to
Request for Qualifications for Legal Services
RFQ No. NBV 2012-02**

Notice to all proposers:

Questions concerning this RFQ for legal services will be received until noon on June 29, 2012. Thereafter, the City will not respond to any questions relative to the RFQ.

Issued by: City of North Bay Village

PROOF OF RECEIPT

Recipient

Signature:

Print Name:

Firm:

Date:

SUBMIT WITH RFQ RESPONSE

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A(4)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

**CITY OF NORTH BAY VILLAGE
ADDENDUM NO. 3**

Issued: June 25, 2012

**Subject: Extension to
Request for Qualifications for Legal Services
RFQ No. NBV 2012-02**

Notice to all proposers:

Question

1. The RFQ in its "background" section and in the Cost Proposal section, indicates that the City is seeking a proposal which contains 2 components:
 - (a) an annual retainer amount for a defined "base level of service," and
 - (b) other services outside the "base level of service" to be provided on an hourly rate basis. The RFQ's Cost Proposal section also asks each proposer to assume that the firm will incur "500 total hours of billing annually."

- A. Should we assume that for each area of legal service (General Counsel, Labor Relations, and Planning/Zoning Land Use) it will require at least 500 hours of billing per year (so 500 for General Counsel, 500 for Labor Relations and 500 for Planning/Zoning) for a total of 1,500 hours? If this assumption is wrong, please explain how the 500 hours assumption is expected to work.

Answer

Assume 500 hours total for each area of expertise. The last sentence of the Cost Proposal has a parenthetical note to that affect. Assume, for example, an hourly rate of \$225.00 for 500 hours would be \$112,500 annually. If you provide a monthly retainer for \$8,000 that would equal \$96,000 annually leaving \$16,000 for services above the base level. This leads to item B. below;

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A(42)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

**CITY OF NORTH BAY VILLAGE
ADDENDUM NO. 3**

Issued: June 25, 2012

**Subject: Extension to
Request for Qualifications for Legal Services
RFQ No. NBV 2012-02**

Notice to all proposers:

Question

1. The RFQ in its "background" section and in the Cost Proposal section, indicates that the City is seeking a proposal which contains 2 components:
 - (a) an annual retainer amount for a defined "base level of service," and
 - (b) other services outside the "base level of service" to be provided on an hourly rate basis. The RFQ's Cost Proposal section also asks each proposer to assume that the firm will incur "500 total hours of billing annually."
- A. Should we assume that for each area of legal service (General Counsel, Labor Relations, and Planning/Zoning Land Use) it will require at least 500 hours of billing per year (so 500 for General Counsel, 500 for Labor Relations and 500 for Planning/Zoning) for a total of 1,500 hours? If this assumption is wrong, please explain how the 500 hours assumption is expected to work.

Answer

Assume 500 hours total for each area of expertise. The last sentence of the Cost Proposal has a parenthetical note to that affect. Assume, for example, an hourly rate of \$225.00 for 500 hours would be \$112,500 annually. If you provide a monthly retainer for \$8,000 that would equal \$96,000 annually leaving \$16,000 for services above the base level. This leads to item B. below;

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A(42)

ADDENDUM NO. 3

Question

- B. In defining our "base level of service," are we to refer to the 11 categories listed in the Scope and Purpose/Specific Duties and Responsibilities section of the RFQ at pp. 1-3 AND the 5 categories of services listed at 1.d.5 on pp. 21-22 under Submission Requirements/Qualifications and Experience? Should we define our "base level of service" for the retainer amount with specific reference to these 16 categories? If these assumptions are wrong, please explain.

Answer

For clarification, I believe there is a typo regarding the pages for the 5 categories of services at 1.d.5. They are found on page 15 in the most recent RFQ. In the old RFQ they were on page 13. In defining your base level of service, tell us what you will include by using these 11 categories on pp. 1-2 and the 5 minimum legal services as a guide to what will be included. Keep in mind the City reserves its rights to negotiate a contract with the firm selected based on the RFQ in total. The opening paragraph of the Specific Duties and Responsibilities (page 1) states, . . . "firms. . . must demonstrate the ability to perform the following scope of services within any of the three areas of expertise. . .," then goes on to list those 11 items. As to the 5 items under 1.d.5. (page 15) it is requested, in essence, a brief discussion be presented for each area of expertise. As a side note, these items, the Scope and Purpose on pages 1-2 and the Qualifications and Experience, 1.d.5. are identical to the previous RFQ. The language in these sections has not changed. One of the underlying challenges in defining one's base level of service may require some imaginative or creative thinking: Can a combined retainer with a discount be created if a firm provides more than one service? Can one arbitration or more per fiscal year be included in a base level of service? Is a firm willing to include one or two site plan reviews per year as part of their retainer?

Question

- C. The 16 categories of services contained in the RFQ are not divided by the individual area of legal services set forth in the RFQ. As for each area of legal service (General Counsel, Labor Relations, and Planning/Zoning Land Use), please advise which of the 16 categories of services applies to each area of legal services. In other words, which goes with which?

14A(43)

ADDENDUM NO. 3

Answer

In that this is identical language from the previous RFQ, the breakdown is to demonstrate ability to perform the 11 duties and responsibilities within any of the three areas of expertise (in other words, all of them). The same applies to 1.d.5. in that they must reflect an expectation to provide, “. . .minimum legal services, including, but not limited to. . .,” for each area of legal expertise as they apply to the five items listed. The language is clear that all 16 categories are applicable to each of the three areas of expertise.

Question

- D. For the hourly services, should we specify which of the 11 categories listed in the Scope and Purpose section of the RFQ we are NOT including in the base level of service/retainer amount? If this is not what you were expecting each firm to provide for the “hourly services,” please explain.

Answer

Treat this question in the following manner and it should help clarify how you want to define your base level compared to your hourly services: Base level of services will be fixed costs (how much is your firm willing to include in the definition of fixed costs? See B. above); the hourly services will be variable costs (the City will have budget challenges in dealing with variable costs so they are going to work to reduce those as much as possible and direct as much cost as possible into the fixed category). The City is leaving that challenge up to each applicant.

Question

- E. Does the reference to “monthly hourly fee” on the Cost Proposal chart on page 24, seek the hourly rate that each firm will charge for any hourly work performed outside the retainer/base level of service amount? If this assumption is incorrect, please explain.

(97A)(94)

ADDENDUM NO. 3

Answer

The assumption is correct; specify the firm's hourly rate. Also for clarification, the page number appears to be a typo (page 24 should be page 16; the old RFQ had it at page 14).

Question

- F. Does the reference to "monthly hourly fees" (plural) on the Cost Proposal chart on page 24, seek an estimate from each firm of the total activities outside of the base level of service/retainer amount, that the firm expects to perform each month (hours x hourly rate)? If this is not what you were expecting each firm to provide for the "monthly hourly fees," please explain.

Answer

The intention of identifying monthly hourly fees is to reach a definition of an hourly rate and focus more on the retainer portion of the equation. Basically, what is your retainer, what does it include and what will you provide on an hourly basis relative to the retainer? Keeping in mind all this will be negotiable with the selected firm or individual.

Question

- G. What assumptions should each proposer make about the litigation and arbitration needs of the City in the coming year in coming up with an estimate of "monthly hourly fees?" What about special projects like the Bay Walk, development of a new City Hall, larger utilities projects, and/or a rewrite of the City's Land Development Regulations, Code of Ordinances, and/or Charter? What should each proposer assume about those potential activities during the coming year in coming up with their estimate of monthly hourly fees?

14A(45)

ADDENDUM NO. 3

Answer

In that this is identical language from the previous RFQ, the breakdown is to demonstrate ability to perform the 11 duties and responsibilities within any of the three areas of expertise (in other words, all of them). The same applies to 1.d.5. in that they must reflect an expectation to provide, “. . . minimum legal services, including, but not limited to. . .,” for each area of legal expertise as they apply to the five items listed. The language is clear that all 16 categories are applicable to each of the three areas of expertise.

Question

- D. For the hourly services, should we specify which of the 11 categories listed in the Scope and Purpose section of the RFQ we are NOT including in the base level of service/retainer amount? If this is not what you were expecting each firm to provide for the “hourly services,” please explain.

Answer

Treat this question in the following manner and it should help clarify how you want to define your base level compared to your hourly services: Base level of services will be fixed costs (how much is your firm willing to include in the definition of fixed costs? See B. above); the hourly services will be variable costs (the City will have budget challenges in dealing with variable costs so they are going to work to reduce those as much as possible and direct as much cost as possible into the fixed category). The City is leaving that challenge up to each applicant.

Question

- E. Does the reference to “monthly hourly fee” on the Cost Proposal chart on page 24, seek the hourly rate that each firm will charge for any hourly work performed outside the retainer/base level of service amount? If this assumption is incorrect, please explain.

14A(44)

ADDENDUM NO. 3

Answer

Again, refer you back to paragraph B. What creative package can a firm or individual put together that can contribute to the City's ability to control costs? Can there be an hourly rate at \$225.00 for the first 20 hours of a project, then drop the hourly rate to \$200.00 or \$190.00 for the next 20 hours or until a project is completed? If litigation goes beyond a certain number of hours, can the hourly rate be lowered? Even beyond the retainer, can a package be presented per project with a not to exceed cost? Some imagination and creativity will be welcomed in this respect.

Issued by: City of North Bay Village

PROOF OF RECEIPT

Recipient

Signature:

Print Name:

Firm:

Date:

SUBMIT WITH RFQ RESPONSE

14A(48)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

**CITY OF NORTH BAY VILLAGE
ADDENDUM NO. 4**

Issued: June 27, 2012

**Subject: Request for Qualifications for Legal Services
RFQ No. NBV 2012-02**

Notice to all proposers:

- 1. Question
On page 24, the last line asks for Monthly hourly fee. Is this a mistake or is it supposed to read Yearly hourly fee?

Answer

This was a typo; the last line should read Yearly instead of Monthly.

- 2. Question
Are there any additional addenda or changes to the Request for Qualifications?

Answer

Please see Addenda 1, 2, and 3 Attached.

Issued by: City of North Bay Village

PROOF OF RECEIPT

Recipient:

Signature:

Print Name:

Firm:

Date:

SUBMIT WITH RFQ RESPONSE

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A(4)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

**CITY OF NORTH BAY VILLAGE
ADDENDUM NO. 5**

Issued: July 2, 2012

**Subject: Request for Qualifications for Legal Services
RFQ No. NBV 2012-02**

Notice to all proposers:

Question

Is the current legal budget is broken down by the three categories outlined in RFQ No. NBV 2012-02: general counsel, labor relations, and planning/zoning land use legal services? If so, what were the budgeted amounts and actual expenditures by category in the last two years?

Answer

The City did not track the amounts by category; however, we were able to generate a general idea of a breakdown by category, but the numbers will not be totally accurate, but will provide a rough outline of how much was billed for general counsel, labor relations and planning/zoning land use. The budgeted amount for legal services in FY 2011 was \$200,000.00 and for FY 2012 was \$300,000. The amount expended for General Counsel for seven (7) months from 12/2011 thru 6/14/2012 was \$77,312; the amount expended for Labor for seven (7) months from 12/2011 thru 6/14/2012 was \$61,630; and the amount expended for Planning/Zoning Land Use for seven (7) months from 12/2011 thru 6/14/2012 was \$46,366.

Issued by: City of North Bay Village

PROOF OF RECEIPT

Recipient

Signature:

Print Name:

Firm:

Date:

SUBMIT WITH RFQ RESPONSE

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A (48)



CITY OF NORTH BAY VILLAGE

REQUEST FOR QUALIFICATIONS FOR LEGAL SERVICES

RFQ NO. NBV 2012-02

Public Notice is hereby given that the City of North Bay Village, Florida is soliciting qualifications from Florida Licensed Attorneys and/or Firms to provide legal Services for the City.

Respondents must submit an original unbound response, ten (10) additional copies, and one (1) electronic copy in CD format to the Office of the City Clerk, City of North Bay Village, City Hall, 1700 Kennedy Causeway, Suite 132, North Bay Village, Florida 33141.

A copy of the Request for Qualifications may be obtained at North Bay Village City Hall, 1700 Kennedy Causeway, Suite 132, North Bay Village, Florida 33141 from 9:00a.m. to 4:00p.m. or by emailing yvonne.hamilton@nbvillage.com.

Sealed Responses clearly labeled with the RFQ title and number must be received by mail or hand delivered on or before June 26, 2012 no later than 10:00 a.m. local time at which time they will be publicly opened. late submittals and facsimile submissions will not be considered. The respondent shall bear all costs associated with the preparation and submission of the submittal documents.

The City reserves the right at any time to modify, waive or otherwise vary the terms and conditions of the RFQ including but not limited to deadlines for submission, submission requirements, informalities or irregularities in any submittal, and the Scope of Work. The City further reserves the right to reject any or all submittals, to cancel or withdraw this RFQ at any time or take any other such actions that may be deemed in the best interest of the City, to award in whole or in part to one or more respondents, or take any other such actions that may be deemed in the best interest of the City.

Pursuant to Section 38.18 of the City Code, "Ethics Ordinance", a Code of Silence is hereby imposed whereby any communications between any potential bidder, service provider, lobbyist or consultant and the City's staff and elected officials pertaining to this RFQ are prohibited.

Yvonne P. Hamilton, CMC
City Clerk

14A(49)

2

TABLE OF CONTENTS

BACKGROUND 1

SCOPE AND PURPOSE..... 1

GENERAL CONDITIONS & INFORMATION 4

SUBMISSION REQUIREMENTS 14

EVALUATION AND SELECTION 18

 PUBLIC ENTITY CRIMES AND CONFLICTS OF INTEREST 19

DRUG FREE WORKPLACE..... 22

NON-COLLUSION AFFIDAVIT 24

14 (50)

BACKGROUND

LEGAL SERVICES

The City of North Bay Village, Florida, a *three island paradise* municipality within Miami Dade County with a population of approximately 7200 is seeking highly qualified attorneys and or firms who are inspired by the interesting challenges of an active small community.

The City is looking for attorneys and or firms with expertise in areas of: General Counsel, Labor Relations and Planning/Zoning Land Use. The attorneys and or firms that that will be hired will need to be qualified Florida Bar licensed Attorneys or Firms willing and able to provide sound legal advice in the three areas designated above.

The City will consider hiring separate firms and/or attorneys to handle each of the different areas of expertise detailed above but will also consider hiring the same firm and/or attorney to provide advice for all three areas or any combination of the three areas. Therefore, an attorney and or firm may prepare a proposal to provide all of the legal services described or they may prepare a proposal to provide services for specific areas of representation. The City is looking to enter into a retainer agreement for each of these legal services. The retainer will be based on a negotiated agreement to include, but not be limited to, a base level of service for each area of expertise with services above the base level charged on an established hourly rate.

SCOPE AND PURPOSE

LEGAL SERVICES

SPECIFIC DUTIES AND RESPONSIBILITIES:

The proposing attorneys or firms shall be responsible for and must demonstrate the ability to perform the following scope of services within any of the three areas of expertise or combinations thereof: General Counsel, Labor Relations and Planning/Zoning Land Use:

f Preparation and review of all ordinances, resolutions, contracts, interlocal agreements, employment agreements, RFQ's/RFP's, bonds, legal opinions, deeds, leases, and such other legal or written instruments in which the City is concerned and shall endorse on each approval as to form, language, and execution thereof.

- f Prosecute and defend, for and on behalf of the City against any and all complaints, suits and controversies in which the City is a party, before any court or other legally constituted tribunal.
- f Render such opinions on legal matters affecting the City as the Commission may direct.
- f Attendance at all required meetings and engagement of all such agreements as required by Commission as a condition of employment including, but not limited City Commission Meetings, including special and emergency meetings, and all required committee or agency meetings.
- f Performance of such other professional duties and functions as may be required by ordinance or resolution of the Commission or the City Charter.
- f Provision of legal services includes providing advice in all aspects of municipal law and litigation, and will provide legal advice to the City, its Officials, Officers, Agencies, Boards, Committees, Departments and department employees, and require the availability of the attorneys and firms to attend meetings within the City, as needed, and to provide legal assistance in a prompt and efficient manner. Advice should be provided on local government law and procedures including, but not limited to, Florida Statutes §166 titled Municipalities, appropriations, procurement, competitive bidding, Ethics Code for Public Officials, conflicts of interest and parliamentary procedure. Additionally, Florida Statutes §119 titled Public Records.
- f Advice on matters including, but not limited to, zoning, land use, labor, utilities and municipal finance litigation.
- f Review, at the manager's or department directors request, correspondence, contracts, standard operating procedures, and any and all other documents or processes.
- f Advise the Commission, City Manager, and department heads in all cases when a legal opinion is required and requested.
- f Represent the City in all matters in which the City has an interest coming before any court or tribunal, except in such cases as other arrangements may be specifically made by the Commission.

f Serve as liaison with independent counsel when required.

MINIMUM QUALIFICATIONS:

For consideration for this Legal Services RFQ, Respondents shall be licensed attorneys in good standing with the Florida Bar and, immediately preceding the time of appointment, shall possess either a minimum of ten (10) years experience practicing law in the courts of the State of Florida, of which a minimum of Seven (7) years consist of practice in the area of municipal government law and minimum of four (4) years experience in each separate expertise area of advice for which the respondent is applying: General Counsel, Labor Relations and Planning/Zoning Land Use

14A(54)

GENERAL CONDITIONS & INFORMATION

LEGAL SERVICES

1. Submission of Request for Qualifications

Attorney or Firms shall submit one original unbound Response, ten (10) photocopies, and one (1) electronic copy in CD format.

Request for Qualifications (RFQ) must be in conformance with the detailed submittal instructions and must be delivered by mail, courier or personal delivery by the time and date indicated in the legal notice. **RFQ No. NBV 2012-02 LEGAL SERVICES RESPONSE SUBMITTALS NOT RECEIVED BY THE DATE AND TIME SPECIFIED SHALL BE REFUSED.** The time indicated by the time clock in the City Clerk's office is considered the official time of receipt. No faxed or email RFQ responses will be accepted.

RFQ's may be submitted in person or by mail to the following address:

In Person/Courier/By Mail:

City of North Bay Village
City Hall Building
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141
ATTN: CITY CLERK OFFICE

Upon submission, all documents become the property of the City of North Bay Village and are subject to public records laws.

2. Rules, Regulations, Laws, Ordinances, & Licenses

The awarded attorneys or firms shall observe and obey all laws, ordinances, rules, and regulations of the federal, state, County and local municipality, which may be applicable to the service being provided. The awarded attorneys or firms shall have or be responsible for obtaining all necessary permits or licenses required in order to provide this service.

3. Requests for Additional Information or Questions

14A(55)

Any requests for additional information or clarification should be submitted in writing to City Hall or by email no later than 10:00 A.M. local time on Tuesday, June 26, 2012 to the attention of Yvonne Hamilton-
Yvonne.hamilton@nbvillage.com.

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The issuance of a written addendum is the only official method whereby interpretation and/or clarification of information can be given. If any addendums are issued to this RFQ, the City will notify all prospective attorneys or firms via email.

It shall be the responsibility of each attorney or firm, prior to submitting the response, to contact the City Clerk to determine if addenda were issued and to acknowledge such addendums on the Response.

4. Lobbying

All attorneys or firms and their agents who intend to submit, or who submitted, bids or responses for this City of North Bay Village Legal Services RFQ, are hereby placed on formal notice that neither City Commissioners, candidates for City Commissioner, nor any employee of the City of North Bay Village are to be lobbied either individually or collectively concerning this City of North Bay Village Legal Services RFQ.

Contact shall only be made through the City Clerk in writing for the purposes of obtaining additional or clarifying information.

5. Reserves the Right

The City anticipates awarding a minimum of one contract or a maximum of three contracts for legal services as a result of this RFQ. The City, however, reserves the right to reject any and all submitted Responses and to further define or limit the scope of the award, to waive any informalities or irregularities in any responses, re-advertise for responses, to award in whole or in part to one or more respondents, or take any other action that may be deemed to be in the best interests of the City.

The City reserves the right to request additional information from attorneys or firms as deemed necessary. Notice is also given of the possibility that an award may be made without discussion or after limited negotiations. It is, therefore, important that all the parts of the Request for Qualifications be completed in all respects.

The City reserves the right to negotiate modifications to the response submittals that it deems acceptable, reject any and all RFQ responses in its sole discretion, and to waive minor irregularities in the procedures.

6. Contract Cancellation

The resulting agreement(s)/contract(s) may be canceled at any time by the City of North Bay Village without cause, upon a thirty (30) day written cancellation notice.

14A(52)

7. Ownership of Preliminary and Final Records

All preliminary and final documentation and records shall become and remain the sole property of the City. The awarded attorneys or firms shall maintain original documents thereof for its records and for its future professional endeavors and provide reproducible copies to the City. In the event of termination of the agreement, the proposing attorneys or firms shall cease work and deliver to the City all documents (including reports and all other data and material prepared or obtained by the awarded attorneys or firms in connection with the City of North Bay Village Legal Services RFQ), as well as all documents bearing the professional seal of the attorney or firm. The City shall, upon delivery of the aforesaid documents, pay the attorneys or firms and the attorneys or firms shall accept as full payment for its services there under, a sum of money equal to the percentage of the work done by the attorneys or firms and accepted as satisfactory to the City.

8. Indemnification

The proposing attorneys or firms shall indemnify and hold harmless the City, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the proposing attorneys or firms and any persons employed or utilized by proposing attorneys or firms, under this solicitation, and in the performance of this contract.

9. Equal Employment

In accordance with Federal, State and Local law, the proposing attorneys or firms will not discriminate against any employees or applicants for employment because of race, color, ethnicity, religion, sex, sexual orientation, national origin or handicap. The proposing attorneys or firms will be required to comply with all aspects of the Americans with Disabilities Act (ADA) during the performance of this contract.

10. Insurance

10.1 Without limiting its liability, the proposing attorneys or firms shall be required to procure and maintain at its own expense during the life of the Contract, insurance of the types and in the minimum amounts stated below as will protect the proposing attorneys or firms, from claims which may arise out of or result from the proposing attorney's or firm's execution of a contract with the City of North Bay Village for Legal Services, whether such execution by himself or by any sub-consultant, or by anyone

directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable.

Workers' Compensation Insurance covering all employees meeting statutory limits in compliance with all applicable state and federal laws. The policy must include employer's Liability with a minimum limit of \$1,000,000.00 for each accident.

Comprehensive General Liability coverage shall have minimum limits of \$1,000,000.00 per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include premises and/or operations; independent contractors and products and/or completed operations; broad form property damage; and contractual liability endorsement.

Business Vehicular Liability coverage shall have minimum limits of \$1,000,000.00 per occurrence. Combined Single Limit for Bodily Injury Liability, and Property Damage Liability: This shall include Owned Vehicles, Hired and non-Owned Vehicles and Employees Non- Ownership.

Professional Liability (errors and omissions) coverage shall have minimum limits of \$1,000,000.00 per occurrence with respect to negligent acts, errors or omissions in connection with the professional services to be provided and any deductible not to exceed \$20,000.00 each claim.

10.2 **The City shall be listed as an additional insured on the comprehensive general liability policy.** In the event the insurance coverage expires prior to completion of the term for City of North Bay Village Legal services contract, a renewal certificate shall be issued 30 days prior to said expiration date. The policy shall provide a 30-day notification clause in the event of cancellation or modification to the policy.

~~10.3 Unless otherwise specified, it shall be the responsibility of the proposing attorneys or firms to insure that all sub-consultants comply with the same insurance requirements herein. All proposer certificates of insurance must be on file with and approved by the City before the commencement of work activities. Waivers of subrogation shall also be provided upon approval of the applicable insurers.~~

14A(61)

10.4 The proposing attorneys or firms shall "flow down" the requirements of this provision to all sub-consultants.

10.5 The limits of insurance required above must be retained throughout the term of the contract (s). The proposing attorneys or firms must notify the City immediately if any of the required coverage limits are reduced due to claim activity or for any other reason.

10.6 Policies should be written on an "occurrence" basis.

11. Opening of Request for Qualifications

RFQ'S will be opened and evaluated after the final date and time set for receipt. The City may request proposing attorney(s) or firm(s) considered for award to make an oral presentation to a selection board or to submit additional data.

12. Rejection of Response Submittals

The City reserves the right to reject any and all response submittals to this RFQ. It also reserves the right to waive any minor irregularities in connection with any and all response submittals to this RFQ, to re-advertise for responses, to award in whole or in part or in part to one or more respondents, or take any other actions that may be deemed in the best interests of the City.

13. Acceptance of Response Submittal

Within ninety (90) days after the final submission date for Request for Qualifications, the City will act upon them. The successful attorneys or firms will be requested to enter into negotiations to produce a contract(s) for The City of North Bay Village Legal Services. The City reserves the right to terminate negotiations in the event it deems progress towards a contract(s) to be insufficient.

14. Applicable Law

All applicable laws and regulations of the State of Florida and ordinances and regulations of the County, and City of North Bay Village will apply to any resulting agreement and venue for any action arising out of any agreement and such right shall remain solely with the County if in Circuit Court, the City if in ~~County Court, and in the Southern District of Florida if in Federal Court.~~

15. Qualification of Proposing Attorney or Firm

Response submittals to this RFQ will be considered from attorneys of firms normally engaged in providing the services requested. The proposing attorneys or firms must demonstrate adequate experience, organization, offices, equipment and personnel to ensure prompt and efficient service to the City of North Bay Village. The City reserves the right, before recommending any award, to inspect

14A(63)

the offices and organization or to take any other action necessary to determine ability to perform in accordance with the specifications, terms and conditions. The City of North Bay Village will determine whether the evidence of ability to perform is satisfactory and reserves the right to reject all response submittals to this RFQ where evidence submitted, or investigation and evaluation, indicates inability of attorney(s) or firm(s) to perform.

14A(64)

16. Designated Contact

The awarded attorneys or firms shall appoint a person to act as a primary contact with the City of North Bay Village. This person or back-up shall be readily available during normal work hours by phone, email, or in person, and shall be knowledgeable of the terms of the contract.

17. Deviations from Specifications

The awarded attorneys or firms shall clearly indicate, as applicable, all areas in which the services proposed do not fully comply with the requirements of this RFQ. The decision as to whether an item fully complies with the stated requirements rests solely with the City of North Bay Village.

18. Precedence of Conditions

The proposing attorneys or firms, by virtue of submitting a response, agrees that City's General Provisions, Terms and Conditions herein will take precedence over any terms and conditions submitted with the response, either appearing separately or included.

19. Response Withdrawal

After response submittals for this RFQ are opened, corrections or modifications to responses are not permitted, but the proposing attorneys or firms may be permitted to withdraw an erroneous response prior to the proposal award by City Commission, if the following is established:

19.1 That the proposing attorney or firm acted in good faith in submitting the response;

19.2 That the error was not the result of gross negligence or willful inattention on the part of the attorney or firm;

19.3 That the error was discovered and communicated to the City within twenty-four (24) hours of opening the response submittals received, along with a request for permission to withdraw the response; or

15A(65)

19.4 The attorney or firm submits documentation and an explanation of how the response submittal error was made.

20. Public Entity Crimes

A person or affiliate who was placed on the Convicted Vendors List following a conviction for a public entity crime may not submit a response on a contract to provide any services to a public entity, may not submit RFQ on leases of real property to a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for a period of 36 months from the date of being placed on the Convicted Vendors List.

21. Contingent Fees Prohibited

The proposing attorneys or firms must warrant that it has not employed or retained a company or person, other than a bona fide employee, contractor, sub-consultant or subcontractor, working in its employ, to solicit or secure a contract with the City, and that it has not paid or agreed to pay any person, company, corporation, individual or firm other than a bona fide employee, contractor subcontractor or sub-consultant, working in its employ, any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of a contract with the City.

22. City of North Bay Village Attorney Records

All records in any manner whatsoever assigned to the City of North Bay Village attorney or firm, or any designated portion thereof which are in the possession of the proposing attorney or firm or proposing attorney's or firm's sub-consultants, shall be made available, upon request by the City, for inspection and copying upon written request of the City. Additionally, said records shall be made available, upon request by the City to any state, federal or other regulatory authorities and any such authority may review the same. Said records include, but are not limited to, all submittals, correspondence, minutes, memoranda, tape recordings, videos, or other writings which document and relate to the City of North Bay Village. Said records expressly include those documents reflecting the time expended by the proposing attorney or firm and its personnel in performing the obligations of the agreement and the records of expenses incurred by the proposing attorney or firm in its performance under said contract.

23. Auditable Records

The proposing attorney or firm shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting principles, and the City reserves the right to determine record-keeping method in the event of non-conformity. These records shall be

maintained for five (5) years after final payment has been made and shall be readily available to City personnel with reasonable notice, and to other persons in accordance with the Florida Law.

24. Unauthorized Persons/Aliens

The employment of unauthorized persons/allens by any attorney or firm is considered a violation of Federal Law. If the contractor knowingly employs unauthorized allens, such violation shall be cause for unilateral cancellation of any contract resulting from this RFQ. This applles to any contractors, sub-contractors or consultants used by the attorney or firm as well.

25. Waiver

Failure of the City to take any action with respect to any breach of any term, covenant, provision or condition contained in the agreement, or any instance of default there under by the awarded attorneys or firms should not be deemed to be a waiver of any default or breach by the City.

26. Attorney's Fees

Should it become necessary for the City to bring any action against the awarded attorneys or firms to enforce any of the covenants, provisions, terms or conditions of the agreement, the awarded attorneys or firms will pay all costs attendant thereto, including reasonable attorney's fees for the City.

SUBMISSION REQUIREMENTS

LEGAL SERVICES

It is imperative that the information submitted is precise, clear, and complete. All submittals must be presented in an original unbound response and ten (10) additional copies an 8 1/2" x

11", tabbed for the following format (submittals not conforming to this format may be disqualified from further consideration), and electronically in CD format.

Request for Qualifications (RFQ) should include the requirements listed below. Submittals submitted without meeting ALL the requirements may be considered non-responsive.

1. Format

Sections and subsections should correspond in sequence with those identified below. All additional information that the attorney(s) / firm(s) believes is unique to a section and does not fit the established outline may be included at the end of each section under a subheading "Additional Information."

The following information shall be provided in the order detailed: **failure to provide any one part of this section without appropriate explanation may result in disqualification of Response.**

- a. **Title Page** - List the RFQ subject, the name of the attorney or firm, address, telephone number, email address, contact person and date.
- b. **Table of contents** - Include a clear identification of the material included in the submittal by page number.
- c. **Letter of Interest**-- Limit two (2) pages. Identify which type of legal service(s) you and/or the firm is willing to provide: General Counsel, Labor Relations, Planning/Zoning Land Use. Make a positive commitment to perform the required work within a specified timeline, acknowledgement of receipt of addenda. Give the name(s) of the person(s) who will be authorized to make representation for the attorney or firm, their title, phone number and email address.

d. **Qualifications and Experience**

1. Provide a brief discussion of the **attorney or firm's understanding and approach** to the work described herein (if you would like to represent the City in more than one area please detail the attorney or firms understanding for each type of Legal Service).
2. Provide **resumes** of the attorney/firm; and in the case of law firms, resumes of the individual attorney(s) who will work on City matters and a **statement** identifying the individual attorney who will attend meetings and have primary responsibility for City matters and whether that attorney(s) represents other municipalities (if you would like to represent the City in more than one legal area please detail the above for each area) and provide the proximity in miles of the attorney(s)/firms(s) offices to City Hall. The resume of each individual attorney must also list if they have ever been under review by any Bar Association, Court or Ethical Commission. If they have been under review they must list the date, reason and outcome.
3. A list of any other attorneys or law firms with whom the attorney/firm has a contractual relationship or other business affiliation; and, in the case of law firms, a list of all attorneys in the firm.
4. A disclosure of the following: (a) any relationships between the attorney or attorneys of the firm and any Commission member, his/her spouse, or family; (b) any relationship between attorney or attorneys of the firm and any business or entity owned by a Commission member or their family or in which a Commission member or their family has or had an interest; (c) any other information concerning any relationships between the attorney or attorneys of the firm and any Commission member which the Applicant deems might be relevant to the Commission's consideration; (d) such other governmental or quasi-governmental entities which are represented by the attorney or the attorneys of the firm, and the nature of the representation in such matters; and (e) a "conflict list" if same is maintained by the attorney or the firm.
5. The Attorneys/Firms shall be expected to provide the following minimum legal services including, but not limited to, the following for each area of legal expertise: General Counsel, Labor Relations and Planning/Zoning and Land Use:

- a. Attendance at all meetings of the City Commission, including **special** and emergency meetings, and all required committee, agency, board or union meetings. General Counsel must attend all City Commission meetings or any other meetings as needed; Labor Relations and Planning/Zoning Land Use attorneys shall attend any meetings as directed by the City Manager;
- b. Preparation of any and all necessary resolutions and ordinances;
- c. Preparation of any and all legal opinions;
- d. Preparation and review of any and all contracts, memorandum of understanding, and such other related documentation; and
- e. Serve as liaison with outside counsel when so required

- a. Attendance at all meetings of the City Commission, including special and emergency meetings, and all required committee, agency, board or union meetings. General Counsel must attend all City Commission meetings or any other meetings as needed; Labor Relations and Planning/Zoning Land Use attorneys shall attend any meetings as directed by the City Manager;
- b. Preparation of any and all necessary resolutions and ordinances;
- c. Preparation of any and all legal opinions;
- d. Preparation and review of any and all contracts, memorandum of understanding, and such other related documentation; and
- e. Serve as liaison with outside counsel when so required

6. Provide three (3) professional references for each area of expertise (e.g. General Counsel-three references, Labor Law-three references and Land Use, Planning & Zoning-three references); preferably local government agencies with, at the minimum, the following information. (If you would like to represent the City in more than one legal area please detail references for each area.)

1. Client Name
2. Client Address
3. Contact Individual Name and Title
4. Contact Phone
5. General Description of the services provided to the client.

e. **Proposer's Certification and Non-Collusive Affidavit**

f. The City Attorneys/Firms, whether an individual or a law firm, will not be permitted to represent any client before the Commission or any committee, department or agency of the City, and will agree not to undertake any other private representation which might create a conflict of interest with the City. The City Attorneys/Firms may not represent any Commission member, individually, or, any member of their family or any business in which the Commission member of their family has an interest.

g. All Responses received will be considered public records. The City will consider all Responses using such criteria as the Commission may adopt at its sole discretion. The attorneys or law firms selected will be required to enter into a formal agreement with the City, prior to the execution of which the City shall reserve all rights, including the right to change its selection in the sole discretion of the City,

h. **Sworn Statement Under Section 287.133(3)(9.), Florida Statutes, On Public Entity**

Crimes.

- i. **Cost Proposal**- All responses must be calculated on a combination of a fixed retainer fee for base level services and an hourly fee for services above the base level per the following formula and assumptions:

Assume you incur five hundred (500) total hours of billing annually;

Create your own definition of what your base level of service (i.e. retainer) will include and create your own definition of what your hourly services above the base level will include. Using your definitions, estimate, using the assumed annual hours above, how much (in dollars) your retainer will be and how much (in dollars) your hourly fees will be per month and year and fill in the blanks below (do this for each area of expertise- add/copy additional pages, if necessary):

Monthly retainer: _____

Monthly hourly fees: _____

Annual retainer: _____

Monthly hourly fee: _____

EVALUATION AND SELECTION

LEGAL SERVICES

1. Qualifications shall be reviewed in detail by a Legal Services Selection Advisory Committee and ultimately by the City Commission.

Determination shall include, but not be limited to, the following:

- A. The proposer's demonstrated understanding of the City's requirements and plans for meeting the same;
 - B. The professional qualifications and related experience of the persons assigned to this contract;
 - C. The prior experience and references of the proposer;
 - D. The size and organizational structure of the proposer;
 - and, E. The cost proposal.
2. The Selection Committee will present their top candidates to the City Commission at which point the City Commission may request that each identified attorneys or firms make a presentation and be available for an interview. All expenses, including travel expenses for interviews, incurred in the preparation of the response shall be borne by the proposer. After presentations and/or interviews are completed, the respondents shall be presented for consideration and approval at a City Commission meeting.
 3. The City will negotiate a contract(s) with the top ranked attorneys or firms. Should the City in its sole discretion be unable to negotiate a satisfactory contract(s), which is competitive, reasonable, and adequate, negotiations with that attorney/firm shall terminate and the City commission shall proceed to negotiate a contract(s) with the next highest ranked attorney/ firm; and, ultimately, should all such negotiations fail, all responses shall be rejected and this solicitation shall be re-issued.

PUBLIC ENTITY CRIMES AND CONFLICTS OF INTEREST

LEGAL SERVICES

Pursuant to the provisions of Paragraph (2) (a) of Section 287.133, Florida State Statutes - "A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded to perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount category two of section 287.017, Florida Statutes, for thirty six (36) months from the date of being placed on the convicted vendor list".

The award of any contract hereunder is subject to the provisions of Chapter 112, Florida State Statutes. Respondents must disclose with their responses, the name of any officer, director, partner, associate or agent who is also an officer or employee of the City of North Bay Village or its agencies.

SWORN STATEMENT PURSUANT TO SECTION 287.133 (3)(a),
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
[print name of the public entity]

by _____
[print individual's name and title]

for _____
[print name of entity submitting sworn statement]

whose business address is _____

14A(76)

and (if applicable) its Federal Employer Identification Number (FEIN) is _____
(If the entity has no FEIN, include the Social Security Number of the individual
signing this _____)
sworn _____
statement:

14/11/07

2. I understand that a "public entity crime" as defined in Paragraph 287.133 (1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to , any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133 (1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133 (1)(a), Florida Statutes, means:
A predecessor or successor of a person convicted of a public entity crime; or
An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in any person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133 (1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services led by a public entity, or which otherwise transacts or applies to

transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. [Indicate which statement applies.]

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with
and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent of July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. {attach a copy of the final order.}

■ UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY, AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. ■ ALSO UNDERSTAND THAT ■ AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

[signature]

Sworn to and subscribed before me this _____ day of _____, 2012.

(4A80)

Personally known or
Produced Identification

Notary Public-State of _____

My commission expires _____

(Type of Identification)

(Printed, typed or stamped commissioned name of notary
public)

Form PUR 7068
(Rev. OG/11/92)

14A(81)

DRUG FREE WORKPLACE

LEGAL SERVICES

Whenever two or more proposals which are equal with respect to price, quality and service are received by the State or by any political subdivisions for the procurement of commodities or contractual services, a proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing the proposal will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under proposal a copy of the statement specified in Subsection (1).
4. In the statement specified in Subsection (1), notify the employees, that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.

14A(2)

6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

PROPOSER'S

Signature _____

: Print-----

Name-----

Date:

14A(84)

NON-COLLUSION AFFIDAVIT

LEGAL SERVICES

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

being first duly sworn, deposes and

says that:

- (1) He/She/They is/are the _____ (Owner, Partner, Officer, Representative or Agent) of _____ the PROPOSER that has submitted the attached proposal;
- (2) He/She/They is/are fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
- (3) Such Proposal is genuine and is not a collusive or sham proposal;
- (4) Neither the said PROPOSER nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other proposer, firm, or person to submit a collusive or sham proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any proposer, firm, or person to fix any overhead, profit, or cost elements of the Proposal or of any other proposal, or to fix any overhead, profit, or cost elements of the Proposal Price or the proposal price of any other proposer, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;
- (5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the PROPOSER or any other of its agents, representatives, owners, employees or parties of interest, including this affiant.

Signed, sealed and delivered in the presence of:

14A(85)

Witness

By: _____
Signature

Witness

Print Name and Title

Date

14A(86)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

CITY OF NORTH BAY VILLAGE MEMORANDUM

DATE: June 11, 2012

TO: Mayor Connie Leon-Kreps
Vice Mayor Eddie Lim
Commissioner Stuart Blumberg
Commissioner Richard Chervony
Commissioner Paul Vogel

FROM: Dennis Kelly 
City Manager

SUBJECT: Cone of Silence – RFQ Legal Services

The City has issued a Request for Qualifications, RFQ No. NBV 2012-02, for legal services.

Please be advised that pursuant to Section 38.18 of the City Code, "Ethics Ordinance" a Cone of Silence is hereby imposed whereby any communications between any potential bidder (proposer), service provider, lobbyist or consultant and the City staff and elected officials pertaining to this RFQ are prohibited.

Please, therefore, direct requests for information regarding this matter to the City Clerk, ~~who will receive all requests in writing and provide responses.~~

Please govern yourself accordingly.

DK:/yph

Cc: Management Staff

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

19A(87)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

CITY OF NORTH BAY VILLAGE **PUBLIC NOTICE**

The City of North Bay Village has solicited Request for Qualifications for (RFQ #2012-02) Legal Services. Notice is hereby given that a Selection Committee will convene for an organizational meeting on Monday, July 30, 2012 from 5:30 p.m. to 6:30 p.m. in the City Commission Chambers, 1700 Kennedy Causeway, #700, North Bay Village, Florida.

Please call (305) 756-7171 if you require further information.

Yvonne P. Hamilton, CMC
City Clerk

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

14A(88)



**CITY OF NORTH BAY VILLAGE
REQUEST FOR QUALIFICATIONS FOR LEGAL SERVICES
RFQ NO. NBV 2012-02**

Public Notice is hereby given that the City of North Bay Village, Florida is soliciting qualifications from Florida Licensed Attorneys and/or Firms to provide Legal Services for the City.

Respondents must submit an original unbound response, ten (10) additional copies, and one (1) electronic copy in CD format to the Office of the City Clerk, City of North Bay Village, City Hall, 1700 Kennedy Causeway, Suite 132, North Bay Village, Florida 33141.

A copy of the Request for Qualifications may be obtained at North Bay Village City Hall, 1700 Kennedy Causeway, Suite 132, North Bay Village, Florida 33141 from 9:00 a.m. to 4:00 p.m. or by emailing yvonne.hamilton@nbvillage.com.

Sealed Responses clearly labeled with the RFQ title and number must be received by mail or hand delivered on or before June 26, 2012 no later than 10:00 a.m. local time at which time they will be publicly opened. Late submittals and facsimile submissions will not be considered. The respondent shall bear all costs associated with the preparation and submission of the submittal documents.

The City reserves the right at any time to modify, waive or otherwise vary the terms and conditions of the RFQ including but not limited to deadlines for submission, submission requirements, informalities or irregularities in any submittal, and the Scope of Work. The City further reserves the right to reject any or all submittals, to cancel or withdraw this RFQ at any time or take any other such actions that may be deemed in the best interest of the City, to award in whole or in part to one or more respondents, or take any other such actions that may be deemed in the best interest of the City.

Pursuant to Section 38.18 of the City Code, "Ethics Ordinance", a Code of Silence is hereby imposed ~~whereby any communications between any potential bidder, service provider, lobbyist or consultant and the City's staff and elected officials pertaining to this RFQ are prohibited.~~

Yvonne P. Hamilton, CMC
City Clerk

14A(89)



North Bay Village

Administrative Offices

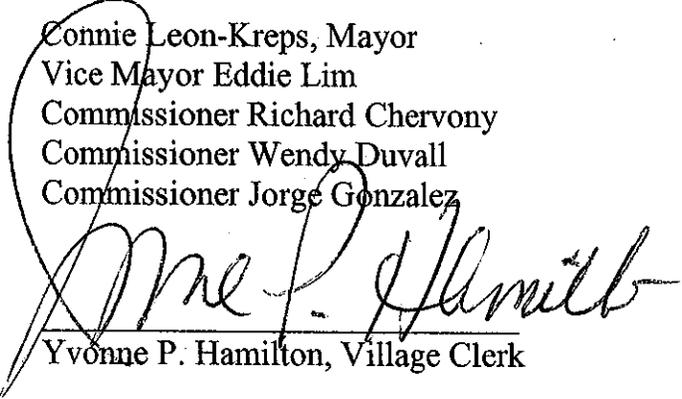
1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

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

MEMORANDUM North Bay Village

DATE: January 2, 2013

TO: Connie Leon-Kreps, Mayor
Vice Mayor Eddie Lim
Commissioner Richard Chervony
Commissioner Wendy Duvall
Commissioner Jorge Gonzalez

FROM: 
Yvonne P. Hamilton, Village Clerk

SUBJECT: Village Manager Performance Evaluation

At the Commission Meeting held on December 11, 2012, the Village Commission considered the four options recommended for evaluating the Village Manager as outlined in the attached memorandum. It was the consensus of the Commission to perform an annual evaluation of the Village Manager as per Section 5.3 of his Employment Agreement.

/yph

13BL1

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

D. *Voting.* Voting, on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the record of such proceedings. No action of the Commission except as otherwise provided in the preceding section shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

E. *Meeting time limits.* No meeting of the Commission shall extend later than midnight except upon a majority vote of all members of the Commission present at the meeting. All remaining agenda items shall be continued to the next Commission meeting.

(Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2006-45, Pt. E, 8-28-06, Election of 11-7-06)

ARTICLE IV. ADMINISTRATIVE

4.01. City manager.

There shall be a City Manager, who shall be the chief administrative officer of the City. The manager shall be responsible to the City Commission for the administration of all City affairs placed in the manager's charge by this Charter.

- A. *Appointment.* The Commission shall appoint a City Manager for an indefinite term by a minimum of three (3) affirmative votes of the Commission members. The City Manager shall serve at the will of the Commission.
- B. *Qualifications.* The manager shall be a graduate of either an accredited school of public administration or its related equivalent in engineering, fiscal management or business administration with no less than three (3) years' experience in the administration of local government or in lieu of the foregoing, he must have not less than five (5) years' experience in the administration of local government.
- C. *Compensation.* The compensation of the City Manager shall be fixed by the City Commission in the annual budget and may not be reduced without his consent during the fiscal year for which the budget is prepared.

D. *Temporary City Manager.* By written memorandum filed with the Commission, the City Manager may designate an acting appointee to perform the duties of the City Manager, during a brief absence or incapacity. During any absence or disability, the City Commission may revoke an acting appointment at any time and appoint another person to serve until the return of the City Manager.

E. *Vacancy.* In the event of a vacancy due to resignation or removal from office of the City Manager, the City Commission shall appoint an acting or interim City Manager until such time as a qualified manager may be selected.

F. *Removal.* The City Commission may remove the City Manager by a minimum of three (3) votes in favor of removal.

G. *Powers and duties of the City Manager.* The City Manager shall be responsible for the proper administration of all the affairs of the City, except as otherwise provided herein. His powers and duties shall be to:

- 1. See that all laws, provisions of this Charter and acts of the Commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;
- 2. Appoint, and when he deems it necessary for the good of the City, suspend or remove all city employees (except the City Attorney and all personnel in the Legal Department, including outside counsel representing the City) and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency. He will

13B(2)

- submit appointments of new department heads to the Commission for confirmation;
3. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law; provided, however, the authority herein granted shall not extend to the office of the independent auditor employed or retained by the Commission, or to the City Attorney or any outside counsel employed or retained by the Commission;
 4. Attend all Commission meetings. He shall have the right to take part in discussion, but may not vote;
 5. Recommend to the Commission, for adoption, such measures as he may deem necessary or expedient in the best interest of the City;
 6. Prepare and submit the annual budget, budget message and capital program to the Commission in a form provided by ordinance;
 7. Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded;
 8. Maintain a general accounting system for the City government and each of its offices, departments and agencies and exercise financial budgetary control over same;
 9. Submit to the Commission and make available to the public a complete ~~report on the finances and administrative activities of the City as of the end of each fiscal year;~~
 10. Make such other reports as the Commission may require concerning the operations of City departments, offices and agencies, subject to his direction and supervision;
 11. Keep the Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the Commission concerning the affairs of the City;
 12. Sign contracts on behalf of the City, when such contracts have been approved pursuant to law and this Charter.
 13. Ensure that all terms and conditions of any public utility franchise are faithfully kept and performed and to report any violations of the terms and conditions of any utility franchise to the City Commission and to the City attorney;
 14. Obtain competitive bids as prescribed by this Charter;
 15. Advertise and conduct the sale of any property no longer needed for municipal purposes as prescribed by this Charter;
 16. Act as purchasing agent for the City and have exclusive control over the purchase of all supplies and approve all vouchers for the payment for supplies;
 17. Supervise the issuance of City licenses and collect all special assessments, license fees and other revenues of the City and receive all monies due the City from county, state and federal governments. Also, to pursue and obtain those monies made available to the City from state and federal grants and similar sources;
 18. Perform such other duties as may be prescribed by this Charter or as required of him by the Commission, not inconsistent with this Charter.
- (Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-20, § 1, 4-14-04, Election of 11-2-04; Res. No. 2006-45, Pt. F, 8-28-06, Election of 11-7-06)

4.02. City Clerk.

The City Clerk shall be appointed by a majority vote of the City Commission. The City Clerk shall



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: Dennis W. Kelly, City Manager

Date: November 27, 2012

Subject: Village Manager's Performance Evaluation

In accordance with Sections 5.1 and 5.3 of the Employment Agreement between Dennis W. Kelly and the [City of] North Bay Village, dated November 24, 2011, the Village Manager was to have received a six (6) month evaluation (on or about June 19, 2012), from the date of his employment by the Village Commission; in addition, at the end of his first year of employment and each year thereafter he is to receive an annual performance evaluation by the Village Commission.

The Village Commission did not complete the six month evaluation. The annual evaluation is due either on or about December 19, 2012, which is the Village Manager's Anniversary Date. In that the agreement was not followed for the six month evaluation and there are two new members to the Village Commission, the following options are presented for your consideration:

Option 1: The three returning Commissioners (Mayor Leon-Kreps, Vice Mayor Lim and Commissioner Chervony) conduct an annual evaluation. The two new Commissioners (Commissioner Gonzalez and Commissioner Duvall) conduct a six month evaluation on or about June 19, then join the annual cycle on or about December 19, 2013.

Option 2: Skip this annual evaluation and create June 19 as the annual cycle date and all five elected officials conduct the evaluations at that time.

~~Option 3: Skip this annual evaluation and all five elected officials re-start the annual cycle on December 19, 2013.~~

Option 4: All five elected officials conduct their evaluations starting with the current annual cycle of December 19, 2012.

The Village Manager recommends Option 2. Regardless of which option is chosen, it would be appropriate for the Village Attorney to draft an amendment to the existing agreement delineating the changes. Whichever change the Commission decides on, the Village Manager will agree in principle. Thank you in advance for your consideration.

14B(1)

EMPLOYMENT AGREEMENT
CITY MANAGER

This Employment Agreement ("Agreement") is made and entered into this 24th day of November 2011, between the City of North Bay Village, a Florida municipal corporation, (the "City") and Dennis Kelly ("Kelly" or "City Manager").

RECITALS:

WHEREAS, Section 4.01 of the City Charter (the "Charter") requires that there shall be a City Manager who is responsible for the proper administration of the affairs of the City; and

WHEREAS, Kelly represents he has the expertise and skills to serve as the City Manager; and

WHEREAS, the City desires to employ the services of Kelly as City Manager and Kelly wishes to accept this employment.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained in this Agreement the parties agree as follows:

Section 1. Recitals.

The above and foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Duties.

2.1 The City Manager shall have all powers and perform all duties and responsibilities required by this Agreement, prescribed in the City Charter and applicable sections of the City Code.

2.2. The City Manager shall carry out the policy directives of the City Commission.

2.3 Upon request of the City Commission, the City Manager shall provide the City Commission with a report, which shall include a list of directives from the City Commission and the status of achievement of the same.

2.4 The City Manager shall perform such other duties as may be assigned by the City Commission from time to time.

2.5 The City Manager shall remain in the exclusive employ of the City and shall not accept any other employment during the term of this Agreement without the prior approval of the City Commission.

Section 3. Salary.

3.1 The City Manager shall receive an initial annual salary in the amount of \$130,000 payable in equal installments in accordance with the City's existing pay periods.

3.2 The salary shall be adjusted from time to time by cost of living adjustments consistent with those provided to other City Department Directors.

3.3 For purposes of this Agreement, the City Manager's Anniversary date shall be January 1st of each year although it is acknowledged his actual start date is December 19th as set forth in Paragraph 17 hereinbelow. Benefits shall be computed from January 1st of each year.

Section 4. Residency/Relocation Expenses.

4.1 Within 90 days of the Commencement Date, the City Manager shall obtain residency in Miami-Dade County and maintain residency throughout the term of this Agreement.

4.2 Because the City Commission requires the City Manager to relocate his residence to Miami-Dade County, the City shall reimburse the City Manager for receipted relocation expenses up to an amount not to exceed \$2,500.

Section 5. Performance Evaluations.

5.1 The City Commission shall conduct its first evaluation of the performance of the City Manager at the completion of the first one hundred and eighty (180) days of the Term ("First Evaluation").

5.2. If the City Manager receives a positive First Evaluation from the City Commission, the City Commission may at its discretion award the City Manager a bonus. Should the City Commission award a bonus to the City Manager, said bonus shall be payable as a contribution into an existing deferred compensation plan selected by the City Manager payable within thirty (30) days of such award or such other manner as determined within the discretion of the City Manager.

5.3 Thereafter, the Commission shall evaluate the City Manager's performance at least once annually within 30 days of the Anniversary Date ("Annual Evaluation").

5.4 Upon completion of each Annual Evaluation, the City Manager may receive a salary or benefit increase within the discretion of the City Commission.

5.5 Evaluations performed in accordance with Section 5.1, 5.2, and 5.3 shall be based upon (a) the City Manager's performance of the duties specified in Section 2 and (b) the City Manager's achievements of the City Commission's policy directives.

Section 6. Annual (Vacation) Leave, Sick Leave and Holidays.

6.1 Vacation. On the start date of the City Manager's Term and every Anniversary Date thereafter, the City Manager shall be credited with a total of twenty-five (25) business days of vacation leave which shall immediately accrue.

6.2 Sick Leave. The City Manager shall accrue sick leave at the rates established in the most recent Employee's Policies and Procedures Manual ("Manual").

6.3 Holidays. The City Manager shall be entitled to the holidays listed in the Manual.

6.4 Consecutive Leave. The City Manager shall not use more than five (5) consecutive business days of Vacation leave without prior approval of the City Commission.

6.5 Pre-Approved Vacation Leave. Notwithstanding the provisions of Section 6.4, the City Manager is approved for vacation days booked prior to his employment with the City for the week commencing January 15th through January 23, 2012. This Vacation leave will be deducted from the accrued leave as described in Section 6.1.

6.6 To the extent the City Manager accrues vacation leave that is unused in any given year, any unused leave in excess of over ten (10) days shall be cashed as of December 31 of each year at the City Manager's salary rate in effect at the time. The remaining ten (10) days annual leave shall be rolled over to the following year.

Section 7. Retirement Plan.

The City shall enroll the City Manager in the Florida Retirement System ("FRS") Management Class and shall make a contribution in an amount set by law in the retirement system available to City employees during the time of his employment and during any severance period.

Section 8. Health Insurance.

8.1 The City Manager shall receive the benefits currently provided to City Director level employees for health insurance to include vision, life and dental insurance, as outlined in the Manual.

8.2 The City shall also provide health, vision and dental insurance to the City Manager's spouse at no additional cost to the City Manager.

Section 9. Life/ Disability/Other Benefits.

9.1 Term Life Insurance. The City shall provide the City Manager with a term life insurance policy equal to the City Manager's annual salary.

9.2 Long Term Disability. The City shall provide the City Manager with a long-term disability policy, at the basic plan level that is available from the City's existing insurance provider.

9.3 Other Benefit Participation. Should the Manual be amended by action of the City Commission, the City Manager's benefits listed in this Section shall be changed to add any benefits provided in the amended Manual provided to other Department Directors of the City, at his option.

9.4 Survivors' Benefits. In the event of the death of the City Manager, his surviving spouse or dependents shall be entitled to payment of all of his accrued vacation and sick leave based on the City Manager's then current salary and shall be further entitled at her expense to COBRA election of continuation of health and dental insurance benefits.

Section 10. Professional Dues and Expenses.

10.1 The City shall pay for all reasonable and customary professional dues and subscriptions necessary for City Manager's participation in municipal associations and organizations, as approved in the City's annual budget.

10.2 The City shall pay reasonable non-personal job related expenses incurred by City Manager, if incurred as part of his duties. Such payments shall be made on a reimbursement basis, based upon submittal of City Manager's actual receipts and expense vouchers.

10.3 The City shall pay for the reasonable and customary travel expenses of City Manager for meetings and seminars, as annually budgeted by the City Commission or as may be directed by the City Commission.

Section 11. Car Allowance.

11.1. The City recognizes that the City Manager will be utilizing his personal automobile in the course of his performance.

11.2. The City Manager shall receive an automobile allowance of \$400 per month.

11.3. The City Manager shall be responsible for his vehicle's operation, maintenance, repairs, taxes, tags, insurance, fuel and other general non specific expenses for said automobile.

Section 12. Telecommunications/Technical Equipment

The City shall provide to the City Manager and shall pay all reasonable charges related to a cellular telephone\PDA and laptop. The City shall provide the City Manager with any other appropriate office supplies, material, and equipment as may be necessary for the City Manager to make himself available to perform his duties and to be able to maintain communications with the City's residents, the City Commission and staff at all times, as approved in the City's annual budget.

Section 13. Days.

Unless otherwise specified, any reference to days in this Agreement shall mean calendar days.

Section 14. Bonds.

The City shall pay for the cost of any bonds for the City Manager required by Florida Law or the City Charter.

Section 15. Indemnification.

15.1 To the extent permitted by law, the City shall defend, save harmless, and indemnify the City Manager against any action, claim, demand or other legal action, whether groundless or otherwise arising directly or indirectly out of the Manager's duties or position with the City.

15.2 The aforesaid indemnification only applies to the extent that the costs, expenses, or damages exceed monies covered by insurance including attorneys' fees.

15.3 Notwithstanding the provision of Section 15.1, the City shall not be obligated to indemnify or save harmless the City Manager from claims of any nature arising out of the malfeasance of the City Manager, or from injury or property damage caused by the intentional misconduct of the City Manager.

15.4 This indemnification provision shall survive the termination of this Agreement.

Section 16. Attorney's Fees.

The City and the City Manager are the beneficiaries of this Agreement and as such, may enforce this Agreement by action at law or in equity as more specifically provided herein. In the event of any litigation between the City and the Manager resulting from and/or arising out of this Agreement, it is hereby acknowledged and agreed that the prevailing party shall be entitled to recover any and all reasonable attorney's fees and costs from the non-prevailing party in any such litigation, including attorneys fees and costs incurred at the trial level and on appeal.

Section 17. Term.

17.1 This Agreement shall commence on December 19, 2011 ("Commencement Date") and continue through December 1st, 2014 ("Term") unless terminated earlier as provided in this Agreement.

17.2 At least 90 days prior to December 18, 2014, unless this agreement has terminated earlier as provided in this Agreement, the City Commission shall notify the City Manager of its intention to enter into a new agreement, extend this Agreement for such term as the parties may agree or allow this Agreement to expire. Failure of the City Commission to act shall be deemed a decision to allow this Agreement to expire.

Section 18. Termination.

18.1 In accordance with the City's Charter, the City Manager shall serve at the pleasure of the City Commission. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Commission to terminate the services of the City Manager at any time. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Manager to resign at any time from his position, subject only to the provisions set forth in this Section of this Agreement.

18.2. In the event the City Manager is terminated from the City's employment prior to the expiration of the Term without cause and provided that the Manager is otherwise willing and able to perform his duties under this Agreement, then in that event, the City agrees to give the City Manager thirty (30) day's notice of its intent to terminate him. At the expiration of that time, the Manager shall be deemed terminated and the City shall pay the City Manager a Severance Payment as follows:

18.2.1.

- (i) If terminated within the first 365 days of the Term, two (2) months;
- (ii) If terminated between the 366th and 730th day of the Term, three (3) months;
- (iii) If terminated from the 731st day to the last day of the Term, four (4) months.

18.2.2. Medical, dental, vision, and pension benefits shall continue in the same manner and to the same extent as if the City Manager had remained employed to coincide with the number of months of Severance Payment from the date of termination or until the Manager is employed by another employer, whichever occurs first. The Manager shall also be compensated for all accrued unused vacation time calculated based upon the Manager's then current salary.

18.3 In the event City Manager is terminated from the City's employment with cause the City shall have no obligation to pay any Severance Payment. For the purposes of this Section "for cause" shall be defined as: (i) breach of any material term or condition of this Agreement; (ii) violation of any applicable laws or codes; (iii) malfeasance or misconduct as defined by Florida Statutes; (iv) Fraud, misappropriation or embezzlement; (v) violation of the Florida Code of Ethics for Public Officers and employees, the Miami-Dade Conflict of Interest and Code of Ethics, the City Charter, or the City's Conflict of Interest Ordinance; or (vi) conviction of a felony (including a misdemeanor involving moral turpitude) or a finding of guilt of a felony (including a misdemeanor involving moral turpitude) with a withholding of adjudication.

18.4 In the event that the City Manager voluntarily resigns during the Term of this Agreement, the City Manager shall provide the City with 60 days advance written notice, unless the parties agree in writing to a different period of time. In the event of resignation by the City Manager under this Section, the City Manager shall not be entitled to receive the Severance Payment specified in Section 18.2, but the City shall pay the City Manager all accrued unused sick and vacation leave calculated at the City Manager's rate of pay in effect upon the date of termination.

18.5 In the event that the City Manager voluntarily resigns with less than 60 days advance written notice, the City Commission may elect to terminate the City Manager

immediately or allow the City Manager to continue to serve until the date specified in the City Manager's resignation. In the event of a resignation or termination under this paragraph, notwithstanding any other provisions of this Section, the City Manager shall not be entitled to receive either Severance Payment or vacation or sick leave unless the City Commission authorizes payment of same.

18.6 If the City Manager is unable to perform his duties as specified in Section 2 of this Agreement for a period of ninety (90) consecutive days during the Term of this Agreement, due to either disability, sickness, accident, or injury as certified by a physician, this Agreement shall be deemed terminated. In the event of the City Manager's death, this Agreement shall be deemed terminated. If the Agreement is terminated under this Section, then the Severance Payment specified in Section 18.2 shall not be applicable.

18.7 Unless otherwise specified in this Agreement, upon termination or expiration of this Agreement, the City Manager or his beneficiary, shall be entitled to receive payment of any accrued unused sick or vacation leave in accordance with the terms of this Agreement.

18.8 Notwithstanding the provisions of Section 18.7, if the City Manager is terminated for cause, sick and vacation leave shall not be paid.

18.9 For purposes of this Section, "Severance Payment" shall be based upon the salary specified in Section 3.1 and shall include the City's continued payment of the City Manager's medical, dental, vision, and pension benefits as specified in Section 18.2.(i).A. All Severance Payments shall be paid to City Manager in a lump sum upon his termination or within thirty (30) days thereafter at the City Commission's option. The City shall have no further financial obligation to the City Manager beyond those payments specified in this Section.

Section 19. Miscellaneous Provisions.

19.1 Complete Agreement. It is understood and agreed that this document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreement, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

19.2 Amendment. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and with equal dignity herewith.

19.3 No Waiver. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

19.4 Non-Assignment. The rights and obligations herein granted are personal in nature and cannot be transferred or assigned by the City Manager.

19.5 Governing Law. Florida law shall govern this Agreement and any litigation, which may arise from this Agreement, shall be filed and litigated in the Circuit Court in and for Miami-Dade County, Florida, or, if in Federal Court, in the Southern District of Florida.

19.6 Notice. Notice to either party shall be deemed given if sent by certified mail, return receipt requested, by recognized public or private postal facilities, by hand delivery, or delivered at a City Commission meeting. Notice shall be sent as follows or at such address as may be provided in writing to all parties at any time during the Term.:

For the City:

, Mayor
City of North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141
(305) 756-7171

With a copy to:

Nina Boniske, City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, FL 33134
(305) 854-0800

For the City Manager:

Dennis Kelly
5700 Graystone Drive
Ft. Smith, Arkansas 72916

Section 19.7. Construction. This Agreement has been a joint effort of the parties, and the resulting documents, solely as a matter of judicial construction, shall not be construed more severely against one of the parties than the other.

Section 19.8 Severability. In the event any term or provision of this Agreement shall be determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or be construed to be in full force and effect. In case any one or more of the provisions of this Agreement shall be determined by appropriate judicial authority to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions of this Agreement shall be in no way affected, prejudiced, or disturbed thereby.

Section 19.9. Terms of Personnel Manual. Unless specifically otherwise addressed or specified in this Agreement, and to the extent applicable, the terms of the Manual shall apply.

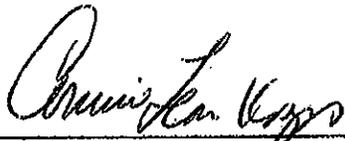
Section 20. WAIVER OF JURY TRIAL.

BOTH THE CITY AND THE CITY MANAGER KNOWINGLY,
VOLUNTARILY, AND IRREVOCABLY WAIVE THEIR RIGHT TO A TRIAL BY JURY IN

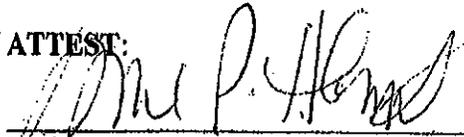
ANY CIVIL PROCEEDINGS THAT MAY BE INITIATED BY EITHER PARTY WITH RESPECT TO ANY TERM OR CONDITION OF THIS AGREEMENT.

IN WITNESS WHEREOF, the City, by signature of the Mayor as authorized by the City Commission in accordance with Resolution No. 2011-57 passed on November 29, 2011, and City Manager have signed and executed this Agreement the day and year first above written.

CITY OF NORTH BAY VILLAGE

By: 
Connie Leon-Kreps, Mayor

ATTEST:


Yvonne Hamilton, City Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE OF THE CITY COMMISSION ONLY:**


City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske, P.L.

CITY MANAGER


Dennis Kelly
Date: 12/8/2011



North Bay Village

City Hall 1700 Kennedy Causeway,
Suite 132 North Bay Village FL 33141

To: Mayor and Commission
Via: Dennis H. Kelly, Village Manager
From: Bert Wrains, CGFO, Finance Director
Re: FY 2012 Budget Amendments
Date: December 20, 2012

RECOMMENDATION:

It is recommended that the Village Commission review the car2go program and see if the Village wants to enter into a one year trial program with car2go for a vehicle rental program.

BACKGROUND:

The Village staff and Vice Mayor Lim met with Mr. Harvey Young of car2go. Mr. Young is the local manager for the car2go program which is owned by Daimler Corporation. We discussed developing a trial period that car2go and the Village could implement the program with the current fleet of car2go vehicles. Their regular contract provides for a revenue sharing with the contract government in return for the use of the public parking with no parking fees or tolls.

Currently, their fleet of 240 Smart cars is contracted to the Miami Parking Authority to provide their services in the City of Miami. A copy of the Right of Way Occupancy Agreement between the parties is included in your backup materials as Exhibit A.

Car2go has provided the Village with a draft License Agreement for the Commission's consideration. A copy of the draft License Agreement is included in your backup materials as Exhibit B. As proposed car2go would extend their current fleet of vehicles geographically into North Bay Village and the Village would allow Car2go to park their vehicles in the Village. The proposed License Agreement would be for one year with a 30 day termination clause by either party. This would allow the Village and car2go to evaluate the program without major commitments. If the program was successful then we could negotiate a revenue sharing contract with them.

14A(1)

MEMO TO MAYOR AND COMMISSION
RE: CAR2GO
DECEMBER 20, 2012
PAGE 2 OF 2

If the Commission is interested in moving forward with car2go, upon Commission's direction the Village Manager, Village Planner and the Village Attorney would review the draft License Agreement and bring a negotiated agreement back to the Commission for approval at a subsequent meeting.

There is more information on their web site at www.car2go.com.

14A(2)

**TERMS AND CONDITIONS FOR PILOT PUBLIC RIGHT OF WAY OCCUPANCY FOR
CAR2GO N.A., LLC.**

Preamble

This agreement ("Agreement") dated this _____ day of _____ 2012, is made by and between the Department of Off-Street Parking, d/b/a Miami Parking Authority, an agency and instrumentality of the City of Miami, Florida ("MPA"), with offices located at 40 NW 3 Street, Suite 1103, Miami, Florida 33128, and CAR2GO N.A., LLC ("CAR2GO"), a Delaware Limited Liability Company authorized to do business in the State of Florida, with offices located at 1717 W 6th Street, Suite 425, Austin, Texas 78703.

RECITALS

WHEREAS, MPA and CAR2GO (the "Parties") desire to enter into an Agreement for the purpose of a creating a two year pilot program ("Program") for point-to-point car sharing within the City of Miami ("City"); and

WHEREAS, the MPA has authority over on-street parking within the City; and

WHEREAS, through the Program, MPA shall provide CAR2GO with a decal for each vehicle which will allow CAR2GO to park its vehicles at any metered parking space in the jurisdiction of the MPA; and

WHEREAS, a point-to-point car-sharing vehicle is a vehicle registered in the State of Florida to CAR2GO. Point-to-point car-sharing vehicles are one-way car-sharing vehicles that do not need to be returned to a parking spot designated for car-sharing vehicles, but rather can be picked up at one location and dropped off at another; and

WHEREAS, this Agreement does not convey or transfer any interest in real property; and

WHEREAS, this Agreement permits only certain, enumerated, specific and listed permitted uses and does not permit or contemplate any further action or right; and

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and based upon the above recitals, the Parties hereby agree to the terms and conditions as follows:

Article I Definitions

- ~~a. "Effective Date" shall be the date that the Parties fully execute the Agreement.~~
- b. "Permitted Uses" shall mean the uses described in Article II of this Agreement.
- c. "Point-to-Point Car Sharing Vehicles" shall mean a vehicle registered in the State of Florida to CAR2GO.
- d. "Program" shall mean the two (2) year car sharing pilot program between CAR2GO and MPA that will commence on July 1, 2012 and end on June 30, 2014.
- e. "RPP" shall mean a residential permit parking zone located within the City.

14A(3)

Article II **Responsibilities**

Section 2.1 **Responsibilities of MPA**

- A. MPA will design a decal, specific to the Program, to be affixed to the driver side windshield of each CAR2GO vehicle indicating that the vehicle is allowed to park in any metered space within the City, without payment, and in any MPA maintained residential permit parking ("RPP") zone.
- B. CAR2GO vehicles displaying the proper sticker and properly parked at a meter will not be ticketed for the following offenses:
 - 1. Failure to deposit payment at a meter.
 - 2. Failure to display multi-space parking receipt.

Section 2.2 **Responsibilities of CAR2GO**

- A. **Fees.** CAR2GO shall pay MPA a fee in the amount of TWO THOUSAND FOUR HUNDRED U.S. DOLLARS (\$2,400), for each point-to-point car-sharing vehicle in its fleet, per year beginning **July 01, 2012**. Any vehicles that are added to the fleet shall be assessed a prorated amount, beginning on the first day of the month in which the vehicle is added to the fleet. CAR2GO must provide the license plate number of any vehicle it removes from the fleet and may no longer operate that vehicle in the City.
- B. **Vehicle Registration.** All CAR2GO vehicles located within the City shall be registered in the State of Florida and display Florida license plates.
- C. **Vehicle Fleet.** During the term of this Program, CAR2GO will maintain at least 240 vehicles registered in its point-to-point car-sharing fleet.
- D. **Vehicle Identification.** CAR2GO shall affix the CAR2GO logo to each point-to-point car sharing vehicle authorized to participate in the point-to-point car-sharing program.
- E. **Emission Standards.** CAR2GO shall ensure that each point-to-point car-sharing vehicle in the program complies with ultra-low emission standards, as determined by the United States Environmental Protection Agency.
- F. **Permitted Uses**

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- 1. CAR2GO point-to-point car-sharing vehicles may park in a metered parking zone without payment at the time of parking, may park greater than the maximum amount of time for that metered zone and may park in any RPP zone provided that the vehicle displays a valid decal affixed to the lower left (driver's) side of the windshield so that its contents are clearly visible through the windshield of the vehicle.

14A(4)

G. **Technology.** CAR2GO shall provide an automated online reservation and membership account system, at no cost to the MPA, consistent with the following:

1. Real-time Geographic Information System (GIS) information shall be presented for users on a registered CAR2GO Web site identifying available vehicles; and
2. A mobile application shall be available for download that allows members to locate and reserve vehicles; and
3. CAR2GO shall present a monthly summary containing vehicle movement.

H. **Servicing of Vehicles.** CAR2GO shall make best faith efforts to ensure point-to-point car-sharing vehicles are well-maintained and clean, at no cost to the MPA.

I. **Reporting Requirements.**

CAR2GO shall furnish to the MPA, at an in-person meeting that shall occur once per quarter, or a time period determined by the MPA, a monthly report clearly identifying each point-to-point car-sharing vehicle by make, model, year and EPA emission rating.

CAR2GO shall provide monthly reports to MPA with the following data to help evaluate the impact of the program:

1. Membership numbers & rate-of-growth;
2. Geographical distribution of membership in GIS and Excel format;
3. Utilization per month for each point-to-point car-sharing vehicle in public space and average utilization of the entire fleet both in public and non-public space;
4. The license plate, start address and GPS position, end address and GPS position, minutes rented, distance driven, and end rental time for each vehicle; and
5. Annual Membership Survey

CAR2GO shall be responsible for conducting a membership survey six (6) months after the first day of operation. The results of the survey shall be analyzed and prepared in a format agreed to by MPA no later than 8 months after the first day of operation.

The membership survey shall ask (at a minimum):

- a. The number of cars owned prior to membership;
- b. The number of cars owned at the time of the survey;
- c. If the purchase of a vehicle planned prior to membership was subsequently abandoned due to membership;
- d. If miles regularly traveled by the member increased, declined or remained the same after membership;

- e. Whether walking, biking and transit trips by the member increased, declined or remained the same after membership; and
- f. Other questions submitted by MPA and approved by CAR2GO.

This raw data shall be held confidentially between MPA and CAR2GO.

- J. **Penalties and Fines.** CAR2GO shall be financially responsible for any/all penalties and fines, as a result of parking tickets or other enforcement actions, including but not limited to any penalties and fines associated with cars illegally parked within the City. MPA shall have the right to tow vehicles that exceed the standard maximum rate of fines allowable per vehicle in accordance with standard business practices.
- K. **Educational Materials for New Members.** As part of its documentation for new members, CAR2GO shall provide educational materials specifying how CAR2GO vehicles may be parked. In addition, CAR2GO's materials shall also include information, including, but not limited to, the MPA's parking regulations, the City's street sweeping program and its associated parking restrictions. The materials will also include information regarding the limitations and boundaries of the Program and the penalties associated with parking outside of the jurisdiction of MPA.
- L. **Customer Service.** CAR2GO shall provide a customer service telephone accessible service, available twenty-four (24) hours per day, seven (7) days per week and three hundred sixty-five (365) days per year, at no cost to the MPA. Customer service representatives shall be competent and knowledgeable to answer questions and provide information including, but not limited to, parking prohibitions for CAR2GO vehicles and the City street sweeping program and its associated parking restrictions.
- M. **Insurance.**
 - 1. At all times during the term of this Agreement, CAR2GO shall maintain the insurance coverage set forth below:
 - a. Commercial General Liability Insurance coverage of One Million Dollars (\$1,000,000) per occurrence; and
 - b. Comprehensive Automobile Liability Insurance coverage shall provide bodily injury and property damage liability covering the operation of all car-sharing vehicles pursuant to this Program. CAR2GO shall carry such insurance in an amount of Two Hundred Thousand Dollars (\$200,000) per person and Five Hundred Thousand Dollars (\$500,000) combined single limit per occurrence for bodily injury and Twenty Thousand (\$20,000) per occurrence for property damage; and
 - c. Workers' Compensation Insurance coverage for all employees involved in operations pertaining to this Program including Employer's Liability Insurance coverage of at least One Hundred Thousand Dollars (\$100,000) per occurrence. CAR2GO agrees to comply at all times with the provisions of the workers' compensation laws of the State and MPA; and

14A(6)

2. All insurance provided by CAR2GO, as required by this Section, except Comprehensive Automobile Liability insurance and Worker's Compensation insurance, shall include MPA and the City as an additional insured.
3. The policy or policies of insurance required shall be written so that the policy, or policies, may not be canceled or materially changed without thirty (30) days advance written notice to MPA. Said notice should be delivered to MPA, Chief Operating Officer, 40 NW 3 Street, Suite 1103, Miami, Florida 33128, with a copy to the City of Miami, Department of Risk Management, 444 SW 2 Avenue, 9th Floor, Miami, Florida 33130, or such other address that may be designated from time to time.
4. Current policy, or policies, of insurance evidencing the above mentioned insurance requirements shall be supplied to MPA at the commencement of this Agreement and any new policy, or policies, shall be supplied to MPA at least twenty (20) days prior to the expiration of each policy. Insurance policies required above shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications as to management and financial strength: the company or companies should be rated "A" as to management, and no less than class "V" as to financial strength, in accordance with the latest edition of Best's Key Rating Guide, or the company, or companies, holds a valid Florida Certificate of Authority issues by the State of Florida, Department of Insurance, and is a member of the Florida Guarantee Fund.

N. **Indemnification.**

1. CAR2GO shall defend, indemnify and hold harmless the MPA, the City, and their respective officers, directors, employees, agents, servants, successors, assigns and subsidiaries (collectively "the Indemnified Parties"), from and against any and all losses and liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, costs and expenses incidental thereto (including cost of defense and attorney's fees), which any of the Indemnified Parties may hereafter incur, be responsible for, or pay as a result of any and all liabilities associated with (i) the use of public space by CAR2GO vehicles, (ii) the performance or non-performance of this Agreement or (iii) CAR2GO's failure to comply with any of the provisions contained herein, or to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal or state, in ~~connection with the performance of this Agreement, provided that CAR2GO~~ shall not be so obligated in the event that the claim or occurrence at issue arose out of the gross negligence or willful misconduct of the Indemnified Parties or any one of them.
2. CAR2GO also agrees to hold harmless the MPA, the City and their respective officers and employees for any loss or damage to persons or property, arising out of or in any way related to CAR2GO's use of the public space, public right-of-way, or public structure, or the discontinuance of any use.

- O. **Severance of Terms and Compliance with Applicable Law.** The Parties shall comply with all applicable laws, regulations, and rules. This Agreement is subject to all laws regulations and rules governing the Parties hereinafter enacted or promulgated. If any term or provision of this Agreement is held to be invalid or illegal, such term or provision shall not affect the validity or enforceability of the remaining terms and provisions of this Agreement. Meeting the terms of this Agreement shall not excuse any failure to comply with all applicable laws, regulations, and rules, whether or not these laws and regulations are specifically listed in this Agreement.
- P. **Entire Agreement.** This Agreement constitutes the entire Agreement between the Parties with respect to the subject matter hereof and shall not be modified or amended in any manner except by an instrument in writing executed by the Parties as an amendment to this Agreement.
- Q. **Remedies.** If CAR2GO shall materially default in its obligations under this Agreement and such default is not cured within a reasonable time following notice by MPA, then MPA may by action, writ, or other proceeding, enforce its right to require CAR2GO to carry out and perform such obligations pursuant to this Agreement, or revoke the Agreement.
- R. **Amendments and Modifications.** No amendment, alteration or modification to this Agreement shall be effective unless agreed to in writing by both Parties.

Article III **Explanation of Agreement Fees**

- A. **Cost of Services.** For the term (**July 01, 2012 – July 31, 2014**) of the Agreement, CAR2GO shall pay the MPA a fee per point-to-point car-sharing vehicle registered in the CAR2GO point-to-point car-sharing fleet. **Payment.** CAR2GO will make payment within thirty (30) days of receiving a submitted invoice from the MPA for the amounts listed in this Agreement for the term of the Agreement.
- B. **Fee Evaluation.** On or about January 1, 2013, the Parties will meet to discuss the fee due and owing to MPA per point-to-point car sharing vehicle. A fee adjustment shall be considered if the calculated costs of parking, based on the parking report data, is more than 10% over or under the fee of the parking decals. Any adjustments shall be memorialized by the Parties in an amendment to this Agreement.
 - 1. **MPA and CAR2GO will evaluate the CAR2GO parking usage in the high cost inventory zones.** MPA will provide to CAR2GO the zones that need to be evaluated. CAR2GO will provide MPA the history of usage in those zones at the time of meeting. This data will be used to evaluate the fee due.

14A(8)

Article IV **Key Officials and Contact Persons**

All notices, requests, modifications, and other communications that are required to be in writing shall be personally delivered or mailed via first class mail or emailed to the addresses below:

A. For MPA

KEY OFFICIAL

Art Noriega
Chief Executive Officer
40 NW 3rd Street
Suite 1103
Miami, Florida 33128
305-373-6789
anoriega@miamiparking.com

CONTACT PERSON

Alejandra Argudin
Chief Operating Officer
40 NW 3rd Street
Suite 1103
Miami, Florida 33128
305-373-6789
aargudin@miamiparking.com

B. For CAR2GO

KEY OFFICIAL

William Knapp
Chief Operating Officer
1717 West 6th Street,
Suite 425
Austin, Texas 78703
512-428.6233 (office)
william.knapp@daimler.com

CONTACT PERSON

William Knapp
Chief Operating Officer
1717 West 6th Street,
Suite 425
Austin, Texas 78703
512-428.6233 (office)
william.knapp@daimler.com

CAR2GO may change the persons, addresses, and numbers for receipt of notices, requests, modifications and other communications by written notice to MPA at the last noticed address.

Article V **Effective Date, Counterparts, Term of Agreement, and Modification**

- A. The Agreement shall be effective on the July 1, 2012 and shall remain in effect until June 30, 2014. Unless otherwise noted in Article V.B. of these Terms and Conditions, renewals to the Agreement shall be effective on the day following the last day of effectiveness of the previous Agreement.
- B. Any modification of this Agreement shall be valid only if approved by MPA in writing.

Article VI **Required and Standard Clauses**

- A. **Monitoring and Records.** CAR2GO will be subject to scheduled and unscheduled monitoring reviews to ensure compliance with all applicable requirements. CAR2GO shall maintain records of the payments made to the MPA, and shall make records available to the MPA for inspection, if requested. The MPA shall maintain records of all actions taken pursuant to the Agreement and these Terms and Conditions, and shall make records available to CAR2GO for inspection, if requested.

14A(9)

All payments shall be subject to audit by the MPA and assessment or refund if the payment is found to be in error. In the event that such audit results in the assessment of an additional payment to the MPA, such additional payment may be subject to interest at the rate of one percent (1%) per month retroactive to the date such payment originally should have been paid, which shall be due and payable immediately, in addition to the cost of the audit. Any overpayment to the MPA shall be credited against CAR2GO's next rental payment.

- B. **Assignment.** No transfer or assignment of the Agreement, or of any part thereof or interest therein, directly or indirectly, voluntarily or involuntarily, shall be made unless such transfer or assignment is first approved in writing by the MPA.
- C. **Confidential Information.** MPA and CAR2GO will use, restrict, safeguard and dispose of all information related to the Agreement and these Terms and Conditions, in accordance with all relevant federal, state and local statutes, regulations, policies, including chapter 119, Florida Statutes. Information received by either the MPA or CAR2GO in the performance of responsibilities associated with the Agreement and these Terms and Conditions shall remain the property of the MPA.
- D. **Compliance.** In connection with the activities of the CAR2GO and the MPA related to this Agreement, both parties are obliged to desist from all practices which may lead to penal liability due to fraud or embezzlement, insolvency crimes, crimes in violation of competition, guaranteeing advantages, bribery, acceptance of bribes or other corruption crimes on the part of persons employed by either party or other third parties. In the event of violation of the above, either party has the right to immediately withdraw from or terminate all legal transactions and the right to cancel all negotiations.

Article VII Termination

Notwithstanding the provisions in Article V and the Revocation clause of the Agreement, MPA may terminate the Agreement and these Terms and Conditions in whole or in part by giving reasonable advance written notice to CAR2GO . If the Agreement and the Terms and Conditions are terminated on or before the effective date of the termination provided in the written notice, CAR2GO shall be refunded any amount CAR2GO prepaid under Article III, above, that pertains to the period of time beyond the effective date of the termination provided in the written notice. CAR2GO will remove all stickers from the point to point car sharing vehicles in its fleet upon termination.

[The rest of this page is left intentionally blank. Signatures are listed on the next page.]

IN WITNESS WHEREOF, in consideration of the mutual entry into this Agreement, for other good and valuable consideration, and intending to be legally bound, the Parties have executed this Agreement as of the date first above written.

DEPARTMENT OF OFF-STREET PARKING of the City of Miami, an agency and instrumentality of the City of Miami, Florida

ATTEST:

By: _____

By: _____

Arthur Noriega, V
Chief Executive Officer

APPROVED AS TO INSURANCE REQUIREMENTS:

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

By: _____

Calvin Ellis
Risk Manager

By: _____

Julie O. Bru, Esq.
General Counsel

CAR2GO, N.A., LLC

By: _____

William Knapp, Chief Operating Officer
Authorized Representative – CAR2GO N.A., LLC

Date: _____

By: _____

Michael Mikos, Chief Financial Officer
Authorized Representative – CAR2GO N.A., LLC

Date: _____

14A(11)

LICENSE AGREEMENT

This License Agreement ("License"), dated effective _____ by and between **North Bay Village**, a municipality, (the "Licensor") and **CAR2GO N.A., LLC**, a Delaware limited liability company with its principal place of business in Austin, Texas (the "Licensee" or "car2go").

1. GRANT OF LICENSE; CONSIDERATION.

Licensor hereby grants Licensee the unlimited use of non-restricted, on-street parking in North Bay Village ("Licensed Premise") (Exhibit A), on the terms set forth herein. Licensee's use of the Licensed Premises remains subject to compliance with any and all applicable laws, including, without limitation, any fire/safety regulations and other parking restrictions promulgated by applicable governmental authorities. As consideration for use of the Licensed Premises, Licensee agrees to pay \$10.00 U.S. dollars to North Bay Village department or school.

2. TERM; TERMINATION.

This License shall be for a term of one year commencing on the date of execution. Both parties may terminate this License upon at least thirty (30) days written notice to the other party. Upon the expiration of the term of this License, this License shall renew automatically on an annual basis, unless either party gives written notice to the other at least thirty (30) days before the expiration of the then current term that the term should not be extended.

3. USE OF THE PREMISES.

3.1. Licensee shall comply with all governmental laws, ordinances and regulation affecting the Licensed Premises and its use and shall promptly comply with all governmental orders and directions for the correction, prevention and abatement of any violations in or on the Licensed Premises caused or permitted by, or resulting from the specific use by, Licensee, or in or upon, or in connection with, the Licensed Premises, all at Licensee's sole expense.

3.2. Licensee and its Members shall not park in areas designated for exclusive condominium use in the Licensed Premise.

4. INTERPRETATION.

This License shall be governed by the laws of the state of Texas. This License contains the entire agreement of the parties. This License can be amended, or any right of provision waived, only by written document signed by both parties.

5. TRADEMARK.

Licensors acknowledges and agrees that "Mercedes-Benz," "Mercedes," "Maybach", and "Smart", the Three-Pointed Star Within a Circle, "car2go", the Maybach logo, the Smart logo and the car2go logo are the solely owned and validly registered trademarks and trade names of Daimler AG, the indirect parent company of car2go N.A., LLC. Licensor recognizes that it is not authorized to use any of Daimler AG's trademarks and trade names; provided, however, Licensor may use the car2go trademark and logo in marketing/advertising materials under this Agreement but only upon the prior written approval of car2go.

6. COUNTERPARTS.

This License may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one instrument.

7. INDEMNIFICATION.

EACH PARTY ("INDEMNIFYING PARTY") SHALL DEFEND, INDEMNIFY AND HOLD THE OTHER PARTY AND ITS AFFILIATES, AND ANY AND ALL OF ITS AND THEIR RESPECTIVE OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, AGENTS AND REPRESENTATIVES, AND ANY AND ALL OF ITS AND THEIR ASSIGNS, SUCCESSORS, HEIRS AND LEGAL REPRESENTATIVES, HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LITIGATION, SETTLEMENTS, JUDGMENTS, DAMAGES, LIABILITIES, COSTS AND EXPENSES (INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEYS' FEES) INCURRED BY THE OTHER PARTY ARISING OUT OF, OR OCCASIONED BY, THE ACTS OF THE INDEMNIFYING PARTY OR ITS AGENTS OR EMPLOYEES, IN THE EXECUTION OR PERFORMANCE OF THIS CONTRACT. THE INDEMNIFYING PARTY SHALL DEFEND AND/OR ASSIST IN THE DEFENSE OF THE PARTY AT THE PARTY'S REQUEST, ~~AGAINST ANY SUCH LIABILITY, CLAIM OR DEMAND.~~ THE PARTY AGREES TO PROMPTLY NOTIFY THE INDEMNIFYING PARTY OF ANY WRITTEN CLAIM OR DEMANDS AGAINST THE PARTY FOR WHICH THE INDEMNIFYING PARTY IS RESPONSIBLE HEREUNDER.

8. INSURANCE.

Licensor represents and warrants that it has sufficient insurance coverage in force to comply with all of its obligations under this Agreement. In the event that Licensor does not have sufficient insurance coverage, the lack of such coverage shall have no impact upon Licensee's contractual obligations set forth herein, which obligations will remain in full force and effect.

9. COMPLIANCE.

In connection with the activities of the Parties related to this Temporary Use License Agreement, Licensor is obliged to desist from all practices which may lead to penal liability due to fraud or embezzlement, insolvency crimes, crimes in violation of competition, guaranteeing advantages, bribery, acceptance of bribes or other corruption crimes on the part of persons employed by the Licensor or other third parties. In the event of violation of the above, Licensee has the right to immediately withdraw from or terminate all legal transactions existing with the Licensor and the right to cancel all negotiations.

The above notwithstanding, the Licensor is obliged to adhere to all laws and regulations applicable to both itself and the commercial relationship with Licensee.

10. ACCOUNTS AND RECORDS/AUDIT.

Licensor and its subcontractors shall throughout the term of this Agreement and for a period of six (6) months after its expiration or termination, keep up-to-date records with respect to all work performed hereunder including, but not limited to, documentation of all expenditures and purchases made, time incurred and personnel used in connection with the Services performed hereunder in accordance with standard accounting and record keeping practices acceptable to Licensee. In order to assure the maintenance of said records and to permit Licensee to assure that the Services have been performed as provided in the Agreement and to confirm Licensor and its subcontractors billing where appropriate, Licensor and its subcontractors shall throughout the term of this Agreement and for a period of six (6) months after its expiration or termination permit Licensee to examine Licensor and its subcontractors accounts and records by a person or persons, either in the employ of Licensee or acceptable to Licensee at such reasonable time or times as Licensee may designate.

IN WITNESS WHEREOF, Licensor and Licensee have executed this License as of the date first written above. Individuals signing on behalf of a principal warrant that they have the authority to bind their principal. This License is subject to acceptance by Licensor.

LICENSOR:
NORTH BAY VILLAGE

LICENSEE:
CAR2GO N.A., LLC

By: _____
Printed Name: _____
Title: _____
Date: _____

By: _____
Printed Name: _____
Title: _____
Date: _____

Address for Licensee:
800 W. 5th St. Suite 100 B
Austin, Texas 78703

Exhibit A

14A(15)

NATIONAL CITIZENS SURVEY:

- Professionally conducted survey
- City has a multitude of pre drafted questions to choose from to create the survey that one wishes to have
- The City can add up to three additional customized questions
- Total cost will be approximately \$22,000- \$25,000 (includes basic survey with three additional questions, expanded mailing, Spanish option, one open ended question)
- Total process can take approximately 5 months from the time we contact ICMA to completion of survey / results received

14B(1)

Timeline for The National Citizen Survey™

Legend:

← Indicates when items from NRC are due to you → Indicates when items from you are due to NRC ⊙ Indicates information items

Item	Date
Preparing for the Survey	
⊙ The NCS survey process is initiated upon receipt of your enrollment form and first payment	week 1
← NRC emails you The NCS worksheets to customize The NCS	week 1
→ Due to NRC: Selection of add-on options and basic contact worksheets	week 3
→ Due to NRC: Drafts of the three optional custom questions to be included in the survey	week 3
→ Due to NRC: Information to customize The NCS survey	week 4
→ Due to NRC: Zip code/sampling worksheet	week 4
→ Due to NRC: Area Boundary files for geographic comparison areas (if the geographic crosstabulations add-on is selected)	week 4
→ Due to NRC: Additional payment for add-on options	week 5
⊙ NRC finalizes the survey instrument and mailing materials	week 6
⊙ NRC generates the sample of households in your jurisdiction	weeks 5-6
← NRC provides confirmation documents about options selected by your jurisdiction and a .Pdf sample of the postcard and mailing envelope for your records.	week 5
⊙ NRC prints materials and prepares mailings	week 6
→ Due to NRC: Selection of demographic crosstabulation variables (if demographic crosstabulations add-on selected)	week 6
→ Due to NRC: Selection of custom benchmark profile(s) (if custom benchmark add-on selected)	week 6
Conducting the survey	
⊙ Survey materials are mailed	
⊙ Prenotification postcards sent	week 7
⊙ 1st wave of surveys sent	week 8
⊙ 2nd wave of surveys sent	week 9
⊙ Data collection: surveys received and processed for your jurisdiction	weeks 8-12
⊙ During this time, you will receive postcards that were undeliverable due to bad addresses, or vacant housing units. This is normal. Please count all the postcards, as we will subtract the number of returned postcards from the total number mailed to estimate the number of "eligible" households in calculating the final response rate.	
→ Due to NRC: Final count of returned postcards	end of week 12
⊙ Survey analysis and report writing	weeks 12-14
⊙ During this time, NRC will process the surveys, perform the data analysis, and produce a draft report for your jurisdiction. The report of results will contain a description of the methodology, information on understanding the results, and graphs and tables of your results, as well as a description of NRC's database of normative data from across the U.S. and actual comparisons to your results, where appropriate.	
← NRC emails draft report (in PDF format) to you	beginning of week 15
← NRC sends invoice for balance due on The NCS Basic Service and any additional add-on options	beginning of week 15
→ Due to NRC: Jurisdiction feedback on the draft report (most final reports are identical to the draft reports, except being labeled as final instead of draft)	week 16
← NRC mails final report and data file to you (unless otherwise specified)	week 17

14B(2)

The XYZ of ABC 2012 Citizen Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please select the response (by circling the number or checking the box) that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please rate each of the following aspects of quality of life in ABC:

	Excellent	Good	Fair	Poor	Don't know
ABC as a place to live	1	2	3	4	5
Your neighborhood as a place to live	1	2	3	4	5
ABC as a place to raise children	1	2	3	4	5
ABC as a place to work	1	2	3	4	5
ABC as a place to retire	1	2	3	4	5
The overall quality of life in ABC	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to ABC as a whole:

	Excellent	Good	Fair	Poor	Don't know
Sense of community	1	2	3	4	5
Openness and acceptance of the community toward people of diverse backgrounds	1	2	3	4	5
Overall appearance of ABC	1	2	3	4	5
Cleanliness of ABC	1	2	3	4	5
Overall quality of new development in ABC	1	2	3	4	5
Variety of housing options	1	2	3	4	5
Overall quality of business and service establishments in ABC	1	2	3	4	5
Shopping opportunities	1	2	3	4	5
Opportunities to attend cultural activities	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Employment opportunities	1	2	3	4	5
Educational opportunities	1	2	3	4	5
Opportunities to participate in social events and activities	1	2	3	4	5
Opportunities to participate in religious or spiritual events and activities	1	2	3	4	5
Opportunities to volunteer	1	2	3	4	5
Opportunities to participate in community matters	1	2	3	4	5
Ease of car travel in ABC	1	2	3	4	5
Ease of bus travel in ABC	1	2	3	4	5
Ease of rail or subway travel in ABC	1	2	3	4	5
Ease of bicycle travel in ABC	1	2	3	4	5
Ease of walking in ABC	1	2	3	4	5
Availability of paths and walking trails	1	2	3	4	5
Traffic flow on major streets	1	2	3	4	5
Amount of public parking	1	2	3	4	5
Availability of affordable quality housing	1	2	3	4	5
Availability of affordable quality child care	1	2	3	4	5
Availability of affordable quality health care	1	2	3	4	5
Availability of affordable quality food	1	2	3	4	5
Availability of preventive health services	1	2	3	4	5
Air quality	1	2	3	4	5
Quality of overall natural environment in ABC	1	2	3	4	5
Overall image or reputation of ABC	1	2	3	4	5

3. Please rate the speed of growth in the following categories in ABC over the past 2 years:

	Much too slow	Somewhat too slow	Right amount	Somewhat too fast	Much too fast	Don't know
Population growth	1	2	3	4	5	6
Retail growth (stores, restaurants, etc.)	1	2	3	4	5	6
Jobs growth	1	2	3	4	5	6

14B(3)

4. To what degree, if at all, are run down buildings, weed lots or junk vehicles a problem in ABC?
 Not a problem Minor problem Moderate problem Major problem Don't know

5. Please rate how safe or unsafe you feel from the following in ABC:

	Very safe	Somewhat safe	Neither safe nor unsafe	Somewhat unsafe	Very unsafe	Don't know
Violent crime (e.g., rape, assault, robbery)	1	2	3	4	5	6
Property crimes (e.g., burglary, theft)	1	2	3	4	5	6
Environmental hazards, including toxic waste.....	1	2	3	4	5	6

6. Please rate how safe or unsafe you feel:

	Very safe	Somewhat safe	Neither safe nor unsafe	Somewhat unsafe	Very unsafe	Don't know
In your neighborhood during the day	1	2	3	4	5	6
In your neighborhood after dark	1	2	3	4	5	6
In ABC's downtown area during the day	1	2	3	4	5	6
In ABC's downtown area after dark	1	2	3	4	5	6

7. During the past 12 months, were you or anyone in your household the victim of any crime?
 No → Go to Question 9 Yes → Go to Question 8 Don't know → Go to Question 9

8. If yes, was this crime (these crimes) reported to the police?
 No Yes Don't know

9. In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in ABC?

	Never	Once or twice	3 to 12 times	13 to 26 times	More than 26 times
Used ABC public libraries or their services	1	2	3	4	5
Used ABC recreation centers	1	2	3	4	5
Participated in a recreation program or activity	1	2	3	4	5
Visited a neighborhood park or XYZ park	1	2	3	4	5
Ridden a local bus within ABC	1	2	3	4	5
Attended a meeting of local elected officials or other local public meeting	1	2	3	4	5
Watched a meeting of local elected officials or other XYZ-sponsored public meeting on cable television, the Internet or other media	1	2	3	4	5
Read ABC Newsletter	1	2	3	4	5
Visited the XYZ of ABC Web site (at www.com)	1	2	3	4	5
Recycled used paper, cans or other items from your home	1	2	3	4	5
Volunteered your time to some group or activity in ABC	1	2	3	4	5
Participated in religious or spiritual activities in ABC	1	2	3	4	5
Participated in a club or civic group in ABC	1	2	3	4	5
Provided help to a friend or neighbor	1	2	3	4	5

10. About how often, if at all, do you talk to or visit with your immediate neighbors (people who live in the 10 or 20 households that are closest to you)?

- Just about every day
- Several times a week
- Several times a month
- Less than several times a month

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14B(4)

The XYZ of ABC 2012 Citizen Survey

11. Please rate the quality of each of the following services in ABC:

	Excellent	Good	Fair	Poor	Don't know
Police services	1	2	3	4	5
Fire services	1	2	3	4	5
Ambulance or emergency medical services	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Municipal courts	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
Street lighting	1	2	3	4	5
Snow removal	1	2	3	4	5
Sidewalk maintenance	1	2	3	4	5
Traffic signal timing	1	2	3	4	5
Bus or transit services	1	2	3	4	5
Garbage collection	1	2	3	4	5
Recycling	1	2	3	4	5
Yard waste pick-up	1	2	3	4	5
Storm drainage	1	2	3	4	5
Drinking water	1	2	3	4	5
Sewer services	1	2	3	4	5
Power (electric and/or gas) utility	1	2	3	4	5
XYZ parks	1	2	3	4	5
Recreation programs or classes	1	2	3	4	5
Recreation centers or facilities	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc.)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
Health services	1	2	3	4	5
Services to seniors	1	2	3	4	5
Services to youth	1	2	3	4	5
Services to low-income people	1	2	3	4	5
Public library services	1	2	3	4	5
Public information services	1	2	3	4	5
Public schools	1	2	3	4	5
Cable television	1	2	3	4	5
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	1	2	3	4	5
Preservation of natural areas (such as open space, farmlands and greenbelts)	1	2	3	4	5

12. Overall, how would you rate the quality of the services provided by each of the following?

	Excellent	Good	Fair	Poor	Don't know
The XYZ of ABC	1	2	3	4	5
The Federal Government	1	2	3	4	5
The State Government	1	2	3	4	5
CCC County Government	1	2	3	4	5

14B(5)

The XYZ of ABC 2012 Citizen Survey

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

D1. Are you currently employed for pay?

- No → Go to Question D3
- Yes, full time → Go to Question D2
- Yes, part time → Go to Question D2

D2. During a typical week, how many days do you commute to work (for the longest distance of your commute) in each of the ways listed below? (Enter the total number of days, using whole numbers.)

- Motorized vehicle (e.g., car, truck, van, motorcycle, etc.) by myself days
- Motorized vehicle (e.g., car, truck, van, motorcycle, etc.) with other children or adults days
- Bus, rail, subway or other public transportation days
- Walk days
- Bicycle days
- Work at home days
- Other days

D3. How many years have you lived in ABC?

- Less than 2 years
- 2-5 years
- 6-10 years
- 11-20 years
- More than 20 years

D4. Which best describes the building you live in?

- One family house detached from any other house
- House attached to one or more houses (e.g., duplex or townhome)
- Building with two or more apartments or condominiums
- Mobile home
- Other

D5. Is this house, apartment or mobile home...

- Rented for cash or occupied without cash payment?
- Owned by you or someone in this house with a mortgage or first mortgage

D6. About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?

- Less than \$300 per month
- \$300 to \$599 per month
- \$600 to \$999 per month
- \$1,000 to \$1,499 per month
- \$1,500 to \$2,499 per month
- \$2,500 or more per month

D7. Do any children 17 or under live in your household?

- No
- Yes

D8. Are you or any other members of your household aged 65 or older?

- No
- Yes

D9. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)

- Less than \$24,999
- \$25,000 to \$49,999
- \$50,000 to \$99,999
- \$100,000 to \$149,999
- \$150,000 or more

Please respond to Question D10 and D11.

D10. Are you Spanish, Hispanic or Latino?

- No, not Spanish, Hispanic or Latino
- Yes, I consider myself to be Spanish, Hispanic or Latino

D11. What is your race? (Mark one or more races to indicate what race you consider yourself to be.)

- American Indian or Alaskan Native
- Asian, Asian Indian or Pacific Islander
- Black or African American
- White
- Other

D12. In which category is your age?

- 18-24 years
- 25-34 years
- 35-44 years
- 45-54 years
- 55-64 years
- 65-74 years
- 75 years or older

D13. What is your sex?

- Female
- Male

D14. Are you registered to vote in your jurisdiction?

- No
- Yes
- Ineligible to vote
- Don't know

D15. Many people don't have time to vote in elections.

Did you vote in the last general election?

- No
- Yes
- Ineligible to vote
- Don't know

D16. Do you have a cell phone?

- No
- Yes

D17. Do you have a land line at home?

- No
- Yes

D18. If you have both a cell phone and a land line, which do you consider your primary telephone number?

- Cell
- Land line
- Both

Thank you for completing this survey. Please return the completed survey in the postage-paid envelope to:
National Research Center, Inc., P.O. Box 549, Belle Mead, NJ 08502

14B(8)

National Citizen Survey

The first and last measure of good government is citizen satisfaction

WHAT IS THE NATIONAL CITIZEN SURVEY™?

Developed by ICMA and National Research Center, Inc., The National Citizen Survey™ (The NCS) is a low-cost citizen survey service for local governments. Tested, flexible, affordable, and efficient, The NCS lets you survey citizen opinion for

- Program Planning
- Budgeting
- Goal Setting
- Performance Measurement

Staff can use the results of The NCS to improve service delivery. Elected officials can use the results to set spending priorities. The manager can use the results to measure progress and chart future steps.

You select from a set of standard questions to assess citizen opinion about basic services and community life. Additional customized questions let you tailor the survey to your unique needs. A new feature of The NCS' basic service is the Key Driver Analysis, which helps you identify those attributes most likely to increase resident opinion of your local government's performance.

An additional benefit to NCS participants who also participate in the ICMA Center for Performance Measurement™ (CPM), is that The NCS was designed to coordinate with the CPM data collection. Thus, local governments can submit citizen satisfaction data obtained through The NCS survey instrument to CPM along with their other performance measurement data.

THE NCS BASIC SERVICE OFFERED BY ICMA AND NRC INCLUDES:

- Customized survey form plus up to three optional questions
- Customized cover letter
- Three mailings to 1,200 randomly selected households, which include the pre-survey postcard and two mailings of the survey instrument
- A margin of error (95 percent confidence interval) of no more than +/- 5 percentage points around any percent
- Data input and cleaning
- Data weighted to reflect population norms

http://icma.org/en/results/home/surveying/national_citizen_survey



- Three reports: executive summary, statistical analysis of survey results, optional comparison with national norms (all in electronic format)
- NEW! Key Driver Analysis
- Certificate of participation
- Technical assistance by phone and e-mail
- Entry to win top honors for Voice of the People Awards
- Access to Best Practices of winners of The Voice of The People Awards for Excellence and Transformation

Additional Options:

- Larger mailings
- Customized norms by region, population, or other factors
- Spanish-language version of survey
- Addition of open-ended question
- Comparisons to results from surveys you've conducted in the past
- Demographic and geographic cross-tabulation
- Phone survey
- Presentation of results to elected officials

THE NATIONAL CITIZEN SURVEY™ — OPTIONS AND PRICES MATRIX

The price for The NCS Basic Service is \$10,300. Additional options are available for the following additional fees:

Additional Option	Fee
Basic service	\$10,300
Demographic crosstabs report	\$900
Geographic crosstabs reports	\$1,100
Custom norms	\$1,100
Comparison to prior NCS results	\$0

Description

The basic turn-key process that covers all bases of the mailed survey administration: creating the survey and survey documents, randomly selected a sample or address list of 1,200 unique addresses, printing, mailing, data entry and analysis and creating both a report of results and a report of normative comparisons (with US jurisdictions).

Crosstabs of questions 1-15 by 4 demographic variables on survey to be provided under separate cover from report.

Crosstabs of questions 1-15 by geographic variable to be provided under separate cover from report.

Through worksheet options, jurisdiction selects criteria for set of custom norms usually by population size OR region of the country. Custom norms will be provided alongside national norms in report tables. Graphs will include either custom or national norms but not both.

Comparisons in report of results of prior NCS results.

14B(9)

Comparison to prior (non-NCS) results	\$1,750
Expanded mailing	\$7,100
Spanish	\$1,450

Tables include comparisons to previous years' service evaluation ratings in jurisdiction - up to three previous years.

Survey is mailed to 3,000 residents instead of 1,200.

Includes Spanish paragraph on cover letters asking those who wish to complete the survey in Spanish to contact the jurisdiction and request Spanish copy of survey. Jurisdiction will be mailed envelopes - outbound and return - and surveys to mail out to those individuals

One open-ended question	\$1,500
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Includes one open-ended question added to survey. Responses will be categorized and reported in a table under separate cover, accompanied by a complete list of verbatim responses.

Phone data collection	\$6,000
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400 completed interviews

On-site presentation	\$2,800
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Creation of PowerPoint presentation and on-site presentation of materials by National Research Center, Inc. staff person

* Please note that prices are subject to change.

The NCS Sample Timeline

RELIABILITY OF THE SURVEY: CREDIBLE, COMPARABLE RESULTS

Since The NCS was introduced in 2001, local governments in over 41 states have participated. The survey process is being continually refined to ensure that your local government receives the best information possible per dollar spent on your citizen survey. Your results can be compared, at your option, with norms based on the results of more than 350 surveys administered throughout the country.

The NCS gives you results with the highest credibility from independent professional survey specialists. You get the satisfaction of personal service, the benefit of comparability with other jurisdictions, and the efficiency of a standardized process.

We are now in more than 40 states and norms are available from over 500 surveys administered throughout the country.

FOR MORE INFORMATION

For answers to your frequently asked questions (FAQ), click here.

To meet The NCS team, click here.

For more information, a list of participants, and to learn how your community can use The National Citizen Survey™, send an e-mail to nss@icma.org.

Many other materials on the subject of citizen surveying and The National Citizen Survey™ are available on this site in the downloads section below:

- The National Citizen Survey™ PowerPoint, suitable for presentations to elected officials and other decision makers

http://icma.org/en/results/home/surveying/national_citizen_survey

14B(19)

NCS Frequently Asked Questions

For answers to your questions about NCS, consult this frequently asked questions page.

What is The National Citizen Survey™?

The National Citizen Survey™ is a unique service to administer, analyze, and report results from a customizable citizen survey. National Research Center, Inc., and ICMA are able to provide this service at a relatively low cost through careful standardization and automation of the survey process. Each participating jurisdiction can make important customizations for its locale, and the report can compare the results from your jurisdiction with results from other jurisdictions across the United States.

Why should we survey our citizens?

Good reasons include: to measure service performance; to benchmark service quality ratings; to assess community needs; to make long-range, short-term, or strategic plans; to demonstrate the receptivity of your government; to evaluate potential policies or community characteristics; to continue a trendline from periodic surveying; or to respond to a council mandate. These days, residents expect their local government of officials to be as well informed about customer perspectives as the best businesses.

Why should we use The National Citizen Survey™ instead of doing the survey on our own?

The National Citizen Survey™ offers many advantages over both in-house administration and the use of a consultant. These include reduced costs, comparisons to national norms, and the credibility of a widely reputable independent research firm.

What kinds of questions are included on the survey?

Questions are included about the quality of life in your community or county, local policies, demographics, quality of local government services and resident use of services.

Our jurisdiction provides a wide array of services. Will The National Citizen Survey™ let us survey opinions about all of these services?

The selection of service questions is extensive, so all of the major services that you provide are likely to be represented.

14B(14)

OFFICIAL MINUTES

REGULAR CITY COMMISSION MEETING

**CITY OF NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

TUESDAY, OCTOBER 9, 2012

7:30 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

The meeting was called to order at 7:33 P.M. by Mayor Connie Leon-Kreps who read the rules of conduct, and the Pledge of Allegiance was recited. Present at Roll Call were Commissioner Richard Chervony, Vice Mayor Eddie Lim, Mayor Connie Leon-Kreps, and Commissioner Stuart Blumberg. As a quorum was determined to be present, the meeting commenced.

2. PROCLAMATIONS AND AWARDS

Mayor Connie Leon Kreps made a proclamation on behalf of the Miami-Dade County Homeless Trust naming Thursday, November 15, 2012 as Homeless Awareness Day.

B. SPECIAL PRESENTATIONS

**1.) DR. KARP/MIAMI-DADE COUNTY SCHOOL BOARD
K-12 AT TREASURE ISLAND ELEMENTARY**

Neither Dr. Karp nor any representative from the Miami-Dade County School Board was at the meeting to make the special presentation.

C. ADDITIONS AND DELETIONS

City Manager Dennis Kelly requested that Item 11M dealing with Dr. Vogel Park signage, from the list of items on page 7 of the Agenda carried over from the September Commission meeting, be pulled and deferred until the next Commission meeting in November.

Commissioner Stuart Blumberg moved to approve the change to the meeting Agenda, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony-Yes; Vice Mayor Eddie Lim-Yes; Mayor Connie Leon-Kreps-Yes. And Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

3. BOARD REPORTS

A. ANIMAL CONTROL ADVISORY BOARD

There was no report from this Board.

B. ARTS, CULTURAL & SPECIAL EVENTS BOARD

There was no report from this Board

C. CITIZENS BUDGET AND OVERSIGHT BOARD

There was no report from this Board.

D. COMMUNITY ENHANCEMENT BOARD

There was no report from this Board

E. PLANNING & ZONING BOARD

There was no report from this Board.

F. YOUTH SERVICES BOARD

Chair of the Youth Services Board Kevin Vericker announced that the next Board meeting, scheduled for the following Monday at 7:00 P.M., would be reviewing 2012 and setting goals for 2013.

G. BUSINESS DEVELOPMENT ADVISORY COMMITTEE

Vice Chair of the Business Development Advisory Committee Mario Garcia announced that a meeting was planned for November.

4. PUBLIC SAFETY DISCUSSION

Chief Robert Daniels responded to questions from the Commission regarding the crime statistics report, which included two recent burglaries on North Bay Island. Investigation indicated the possibility that information was being provided from within the community regarding vacant homes to target, and that water access might be used. Some renters were being surveilled, and the security cameras were not revealing. Commissioner Chervony asked about signs of gang activity, and the Chief replied that there had been crimes committed by individual gang members in the past on rental property, but not typical gang activity. The Mayor inquired into the operation of the cameras, learning from the Chief that they were functioning 24/7 and that he personally checked them daily. The Chief described the system that used cameras to automatically check vehicle license plates and share information with other cities via a Homeland Security center. Implementing such a system would entail a multi-year process of preparing the infrastructure for high speed internet on a closed network.

Commissioner Blumberg questioned the sudden increase in crime on Treasure Island, which totaled 17 incidents, asking if police patrol activity had changed. The Chief responded that patrols were unchanged, and thought that the numbers in the report were inaccurate, questioning whether five vehicle thefts occurred as reported. Of the 8 vehicle burglaries reported he corrected the figure to 7, and noted that 4 had occurred on one night in vehicles that had been left unlocked. There was a suspect for the burglaries, who had previously been arrested for burglary in June/July, but was released because the victims had been unwilling to cooperate with the prosecution and therefore the State Attorney had not moved forward with the case.

Vice Mayor Lim noted a falloff in code enforcement activity, and while the Chief ~~was uncertain, he thought the figures in question might be those code violations~~ handled by the police, and which were reported as a separate figure from those code violations handled by the Code Enforcement Officer, who also produced his own report. The Chief also informed the Vice Mayor that graffiti did not appear to be a problem.

5. **COMMISSIONERS' REPORTS**

Commissioner Richard Chervony had no report to make.

Vice Mayor Eddie Lim announced that the City's first Farmers Market was to be held at the Crab House on Friday November 16th from 2 to 7 P.M. He informed Commissioner Blumberg that the restaurant manager had given his blessing on the time of the event, since the dining crowd was usually not expected until 7 P.M. and there was more than adequate room for parking. The Vice Mayor also reported that October 12th was Ethical Governance Day, conducted by the Ethics Commission, and he had been invited to speak on the subject at Michael Krop High School. Finally, the Vice Mayor reported that he had accepted an invitation extended to the City by Miami Beach to participate in its Veterans Day Parade on Sunday November 11th.

Commissioner Stuart Blumberg had no report to make.

Mayor Connie Leon-Kreps reported having attended the Good Government Initiative class on September 29th at the Chapman Center, which was the private sector partner of the Miami Dade County Homeless Trust. Also, on October 5th the annual Best Practices Conference of the Miami Dade County League of Cities had been held and North Bay Village had been represented there by a table. The Mayor asked the City Manager to elaborate in his report regarding an issue involving the palm trees that had arisen in the last 24 hours. She thanked the City Manager for obtaining cushioned chairs for the Commission Chamber audience. Finally, the Mayor announced that the City had been asked by the Mayor of Coral Gables to participate with a float in the Junior Orange Bowl Parade, asking the Youth Services Board for its assistance.

6. **CITY ATTORNEY'S REPORT**

The City Attorney, citing the sensitivity of some matters that had been communicated individually to the Commission members over the month, had no report to make.

7. CITY MANAGER'S REPORT

City Manager Dennis Kelly introduced Finance Director Bert Wrains to report on the meeting Mr. Wrains had attended on the School District concurrency requirements for the BLU rental development. The Finance Director reported that since it had been found that they were six high school seats short of meeting school concurrency requirements, BLU had agreed to fund those seats as well as to front the money for the remaining 19 seats needed to complete a high school class. The cost of funding those extra 19 seats, at \$30,000 per seat, was to be repaid to BLU once fees had been collected from later developers, and this methodology was on the agenda of the November 23rd meeting of the School Board for its approval. Including impact fees, concurrency fees, and the cost of funding all 25 seats, BLU was subject to paying \$754,000.

H.R. Manager Jenice Rosado announced a general orientation meeting to be held on Wednesday October 17th for new Commissioners Wendy Duvall and George Gonzalez, and informed the Commission about the City's participation in the annual Best Practices Conference, which featured exhibitor tables and presentations on subjects including ethics, sustainability, and finance.

City Manager Dennis Kelly reported on a meeting with District 6 FDOT representatives attended by himself, the Finance Director, the Public Works Director, and Kimley Horn staff, at which they had explained the variances sought for the causeway rehabilitation project. FDOT had made clear to them that its funding would cover only the "triple R" aspects – i.e. remilling, resurfacing and repair of asphalt. The City had approximately 90 to 120 days to respond to the FDOT representatives, and before that time the Commission would be presented, for their approval the project details, funding plans, and alternatives to undertaking the full project, which was currently estimated at \$3 million to \$4 million.

Regarding a recent concern about disease possibly affecting the City's palm trees, the City Manager informed the Mayor that 3 of the 4 afflicted palm trees on the causeway median appeared to be regenerating following a case of transplant stress, ~~and palm trees elsewhere had not been reported by the landscaping maintenance contractor as being diseased.~~ The Mayor asked that an expert, such as landscape architect George Puig, be consulted.

Vice Mayor Lim asked the City Manager to report on the outcome of a meeting with Cars2Go, which had a car rental program that allowed registered customers to rent locally stationed small cars via an issued passcard for a cost of 38 cents a minute, including the cost of gas and insurance. The City Manager explained that in order to become part of the rental territory, the City itself must enter into a contract with Cars2Go. Currently, the territory came as close as 10th Avenue, west of the 79th St. Causeway bridge, and he was still waiting to see a contract.

8. **GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.**

At 7:48 P.M. following the Consent Agenda, the Mayor opened Good & Welfare to the public.

Mario Garcia, of 7540 Cutlass Avenue, pointed out that the water processing plant area on Galleon Street needed beautification, urged the City to find a way to reach out to residents and overcome their apathy, and was concerned that too many crimes were taking place in the area.

Kevin Vericker, of 7520 Hispanola Avenue, noted that \$2 million had been spent on the beautification of the Causeway with mixed results, and suggested that FDOT should be pressed to remove the "dog pound" chain link fence on the Causeway, that property owners on the Causeway needed to do their share of beautification, and that the parking lot next to the Lexi where police vehicles and seized property were kept was a significant eyesore.

Fane Lozman, of 7918 West Drive, suggested that the City should follow the model of Sausalito and Seattle, which had well-known floating home communities containing multi-million dollar structures.

There were no further speakers and the Mayor closed Good & Welfare.

9. **CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.**

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE MIAMI-DADE COUNTY CANVASSING BOARD TO SERVE AS CANVASSING BOARD FOR THE SPECIAL ELECTION OF THE CITY OF NORTH BAY VILLAGE TO BE HELD ON NOVEMBER 6, 2012; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY CLERK YVONNE P. HAMILTON)
- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA; DECLARING THAT FREEDOM FROM DOMESTIC VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

Commissioner Stuart Blumberg moved to approve the Consent Agenda items, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

10. PLANNING & ZONING CONSENT AGENDA

There were no items in the Planning & Zoning Consent Agenda.

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE APPROVING AN AGREEMENT WITH ADP FOR EXPANSION OF ITS CURRENT PAYROLL SERVICES TO INCLUDE HUMAN RESOURCES FUNCTIONS; AUTHORIZING THE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF ANY AGREEMENTS; ~~AUTHORIZING THE CITY MANAGER TO EXECUTE ANY~~ REQUIRED AGREEMENTS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the resolution. The City Manager introduced H.R. Manager Jenice Rosado, who explained that this was a budgeted item that had been approved in the budget process, and constituted an enhancement of existing ADP payroll services to include such things as training, employee crisis counseling, and COBRA. The increase in cost was from \$12,000 to \$24,000; and it was felt that the training alone justified the extra cost, since for a single session of training the City had last year spent \$3,600. H.R. Manager Rosado noted that workplace safety training could help address the rise in injury claims that had led to a Workers Compensation premium increase.

Commissioner Richard Chervony confirmed that the City could opt out in the future with no penalty, and asked when staff could be expected to provide an evaluation of its effectiveness. The H.R. Manager estimated that it would be at least six months before a meaningful assessment could take place.

The Mayor opened the meeting to the public.

Reinaldo Trujillo, of 7601 E. Treasure Drive, stressed the importance of a conducting a measurement of program effectiveness on a regular basis, perhaps quarterly.

There were no further speakers and the meeting was closed to the public.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE APPROPRIATION OF \$586,900 OF AVAILABLE NON-APPROPRIATED POLICE FEDERAL FORFEITURE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND (FUND 07); AUTHORIZING THE DISBURSEMENT AND EXPENDITURE OF SUCH FUNDS FOR LAW ENFORCEMENT EXPENSES AS SET FORTH HEREIN; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

15A(8)

The City Clerk read the title of the resolution. Chief Robert Daniels addressed questions from the Commission on proposed expenditures from the Law Enforcement Trust Fund (LETF) for the upcoming fiscal year budget.

Commissioner Richard Chervony was disturbed by an item budgeting \$300,000 for overtime, asking how this accorded with the management goal of reducing overtime. Chief Daniels responded that current police union contractual obligations which were liberal to the employee still needed to be met, but with active management by supervisors, he believed overtime could be reduced by perhaps 15% to 25%. Chief Daniels explained that actual overtime costs last year had been \$275,000, and he had budgeted with sufficient margin to avoid the necessity of appearing before the Commission to ask for additional funds, while any monies that might be unspent stayed in the LETF.

Commissioner Chervony referred to handout on the overall Police Department budget prepared by Finance Director Wrains, noting that it amounted to roughly \$4 million (not including any potential payouts from pending lawsuits), plus the \$600,000 from the LETF. He was concerned that with only a \$50,000 balance left in the LETF, and assuming everything else remained the same, the Police Department would not be able to fund its operations in the following year. Chief Daniels responded that funds in LETF were expected to be spent and not hoarded, and that his budget purview was for a single year only, although if the Commission wished a multi-year budget he would supply one. Commissioner Chervony felt a multi-year budget workshop would be advisable, not just for The Police Department but for all departments.

Commissioner Chervony requested of Chief Daniels the following: a copy of the last uniform crime report to FDLE; the goals that had been established for the Police Department; a plan for future savings; and plans to establish PAAL, an outreach program to the elderly, and a crime awareness program. The Commissioner mentioned the volunteer activities of Sgt. Amy Suarez and asked the Chief to support similar community volunteerism by the Police Department.

Chief Daniels noted that the cuts that had been made to his staff meant that personnel were not available to take on additional programs in the proper way; and that his first priority was to maintain the low response time of his department. Commissioner Chervony then asked for, at minimum, a copy of the last crime report that was submitted and the goals for the Police Department.

Vice Mayor Eddie Lim, in response to his question, was informed by Chief Daniels that the \$20,000 capital outlay budgeted for the Galleon Street building housing the dispatch office was needed to improve the appearance of the worn lobby area, and possibly, if the Commission were in favor, to create a temporary holding facility for processing non-violent prisoners before taking them to the County jail. In deference to residents' concerns about the proximity of the Tot Lot to the location, he proposed that the entrance to the holding facility would be buffered by putting the entrance on the Public Works side of the building. A holding facility, which the Police Department did not currently have, was necessary in order to be an accredited agency, and the Chief also observed that processing prisoners in the police vehicles was not the safest way to do it.

Commissioner Stuart Blumberg remained concerned about the crime report and public safety on Treasure Island, which he felt needed to be analyzed more closely in order to find ways to curtail crime in that neighborhood. The Chief responded that the crime statistics could be misleading, and in examining them more closely he found, for example, that boat burglaries that had happened at the Grandview Palace marina and for which arrests had been made, were included in the overall statistic for vehicle burglaries. He promised that next month he would have a report prepared with better analysis. The Chief thought that the crime was mainly opportunistic, such as that which might be committed by juveniles looking for open vehicles, and suggested proceeding with the Crime Watch program which had been a topic of discussion.

Mayor Connie Leon-Kreps appreciated the quick response time maintained by the Police Department, and suggested that with positions being cut it was logical to assume that more overtime would be needed. The Mayor asked the Chief to explain, for the audience, the rules concerning the use of money from the Law Enforcement Trust Fund (LETF), as well as the source of that money.

Chief Daniels explained that it was comprised of two separate funds, a state fund and a federal fund, resulting from the sale of forfeited assets. The majority of the money was from federal forfeitures, the outcome of the work of two undercover officers who were assigned to major multi-jurisdictional DEA cases. These two skilled undercover officers, who received no publicity but had been given accolades by other law enforcement agencies, had in 2011-2012 brought \$1 million in forfeiture revenues to the City and this money had been the source of funds to purchase the new police cars last year. While the Chief could not predict future forfeiture revenues and the cases took time to finalize, he was confident that current cases would produce more revenue to come, and such revenues would be the way an enhanced camera surveillance program could be funded. The Chief explained that while there was no specific regulation concerning balance requirements on the LETF, there was a general direction to spend and not hoard the money.

The Mayor agreed that a holding cell and the upgrading of the Galleon Street building were both needed, and opened the meeting to public comment.

Kevin Vericker, of Hispanola Avenue, warned that next year the federal government would be in need of money, and therefore the LETF was vulnerable and should not be relied upon, giving the example of the red light camera program funds which had been diverted by the State for their own use. He observed that, overall, there was a lack of analysis of the following factors in allocating spending: the sustainability and future cost; the effectiveness and how to measure it; and full awareness and comparison of what options are being omitted, such as community programs, when other options are chosen instead. He questioned whether the costs of overtime had been balanced against the savings of cutting two officer positions.

Mario Garcia of, 7540 Cutlass Avenue, agreed that there needed to be more analysis of overtime costs and alternatives.

The Mayor asked Chief Daniels to explain the regulations for use of LETF funds for personnel costs, and the Chief explained that they could not be personnel salaries, including part-time salaries, with the exception of temporary positions under some conditions.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Vice Mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps – Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

In response to a request from the Mayor that 11N under Item 13, Unfinished Business, be heard next to accommodate the landscapers who were present at the meeting, Commissioner Stuart Blumberg so moved, seconded by Vice Mayor Eddie Lim. The motion carried 4-0 with all in favor.

The Mayor then called for a five minute break.

C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA CONCERNING AMENDMENT 4 TO THE FLORIDA CONSTITUTION WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEMS BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

The City Clerk read the title of the item. Mayor Connie Leon-Kreps explained that the Florida League of Cities was encouraging all cities to oppose this amendment, due to the loss of revenue that would result. Finance Director Bert Wrains informed the Commission that he had discussed the amendment with other municipal finance directors, and no one had developed a methodology for how to apply it to their own city finances. But relying on the analysis provided by the Florida League of Cities, it was expected that the combined loss of revenue to Miami-Dade County area cities would be \$16.6 million the first year, and \$16 million per year for each of the first four years. Therefore, in order to remain revenue neutral, it was expected that millage rates would have to be raised.

Commissioner Stuart Blumberg was opposed to taking a position on one amendment without also taking a position on the other ten amendments on the ballot.

Vice Mayor Eddie Lim explained that while the core intent of the amendment was to stimulate the economy, it should be considered whether the benefits outweighed the costs. The Vice Mayor wished to support the position taken by the Florida League of Cities.

Commissioner Richard Chervony voiced his opposition to directing people on how to vote on one amendment, unless a position were also taken on all of the other amendments. The Vice Mayor thought that it was not feasible to take up all eleven amendments, and Amendment 4 was the most important one for the City to consider.

The Mayor opened the meeting to the public. Resident Mario Garcia of Cutlass Avenue agreed that it was not appropriate to take a stand on just one amendment. There were no other speakers and the meeting was closed to the public.

Mayor Connie Leon-Kreps observed that the resolution only asked that the impacts of the amendment be carefully considered before voting.

Vice Mayor Eddie Lim moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony -No; Commissioner Stuart Blumberg-No; Mayor Connie Leon-Kreps -Yes; and Vice Mayor Eddie Lim -Yes. The motion failed 2-2.

D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE APPOINTMENT OF JENICE ROSADO AS DEPUTY CITY MANAGER AND AS HUMAN RESOURCE DIRECTOR PURSUANT TO SECTION 4.01 OF THE CITY CHARTER; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the item. The Mayor opened the meeting to the public; there were no speakers and the meeting was closed to the public.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Vice Mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

- A. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA CONCERNING MAINTENANCE OF PROPERTY, PREVENTION AND ABATEMENT OF PUBLIC NUISANCES, AND REGULATING DISTRESSED REAL PROPERTY; AMENDING CHAPTER 95 "HOUSING", OF THE NORTH BAY VILLAGE MUNICIPAL CODE OF ORDINANCES BY AMENDING SECTION 95.01, TO BE ENTITLED "DISTRESSED PROPERTIES", RELATING TO PROCEDURES FOR THE REGISTRATION AND MAINTENANCE OF REAL PROPERTY IN FINANCIAL DISTRESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS AND COMMISSIONER RICHARD CHERVONY)

(The City Attorney had previously read the rules of conduct of quasi-judicial hearings and sworn in all those planning to speak when Item 12B was heard out of order.)

The City Clerk read the title of the item. Mayor Connie Leon-Kreps stated that this was a second reading, following the first reading at which discussion had taken place, and opened the meeting to public comment.

Kevin Vericker of Hispanola Avenue was strongly in favor, and urged the Commission to pass the Ordinance this night. There were no further speakers and the meeting was closed to the public.

Commissioner Richard Chervony moved to approve the Ordinance, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

Commissioner Chervony called a point of order to continue the discussion.

Commissioner Richard Chervony moved to direct staff to issue an RFP for a company to handle the foreclosure registry, seconded by Commissioner Stuart Blumberg.

Finance Director Bert Wrains agreed that a competitive bidding process was necessary, either an RFP or RFQ, whichever was determined to be the best course of action. The Vice Mayor questioned the bid criteria, and Commissioner Chervony observed that there were similar existing arrangements in other cities that split fees of \$150 on a 50/50 basis, and it should be explored competitively for the City to retain as much as possible of the \$250 fee written into the Ordinance, in order to recover its costs deriving from distressed properties. The Mayor agreed with the comments made by the Commissioner.

On the motion offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg, the votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

B. A REQUEST BY THE PROPERTY OWNER OF 1510 SOUTH TREASURE DRIVE, LOT 24, BLOCK 1, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA TO CONSTRUCT A DOCK AND BOATLIFT PURSUANT TO SECTION 150.11(F) OF THE NORTH BAY VILLAGE MUNICIPAL CODE OF ORDINANCES.

The City Attorney read the rules of conduct of quasi-judicial public hearings. The City Clerk read the title of the item and swore in all those planning to speak, and the City Attorney asked for disclosure from the Commission of any ex-parte communications. Commissioner Richard Chervony disclosed a brief email communication with the applicant; Vice Mayor Eddie Lim had nothing to disclose; Mayor Connie Leon-Kreps disclosed having spoken with the applicant and email communication; and Commissioner Richard Chervony had nothing to disclose.

City Planner Jim LaRue reported to the Commission that the submission by the applicant Mr. Morrison requesting permission to construct a dock and boatlift ~~in the RS-2 zoning district, extending 25 feet into Biscayne Bay,~~ was consistent with the applicable standards in Section 150.1 as well as Section 152, and had passed the preliminary review of the building official. Therefore, Mr. LaRue recommended approval, contingent upon passing a final review of the construction plans by the building official.

The Mayor opened the meeting to the public. An environmental consultant from Trident Engineering representing the applicant informed the Commission that letters of consent from both affected neighbors had been submitted, and approvals from all other applicable agencies obtained, along with a preliminary approval from DERM. There were no further speakers and the meeting was closed to the public.

City Planner Jim LaRue assured the Commission that conformity with all other agency requirements would be confirmed by the building official before a building permit was issued.

Commissioner Stuart Blumberg moved to approve the request, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The next item addressed was Item 11C dealing with Amendment 4, on page 4 of the Agenda, from "Ordinances for Second Reading and Resolutions."

13. UNFINISHED BUSINESS

ITEMS (DEFERRED FROM SEPTEMBER 11, 2012)

11C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, APPROVING THE POSITION CLASSIFICATION MANUAL, THE PERSONNEL POLICIES AND PROCEDURES MANUAL, THE PAY PLAN, AND RELATED POLICIES AND PROCEDURES (THE "UNIFORM PERSONNEL POLICIES"); PROVIDING FOR REPLACEMENT IN ITS ENTIRETY OF ANY EXISTING PREVIOUSLY ADOPTED PERSONNEL POLICIES; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED-BY-CITY-MANAGER-DENNIS-KELLY)

The City Clerk read the title of the item. Assistant City Manager/ H.R. Director Jenice Rosado explained that overall, this was a streamlining of the organization as well as a necessary updating to remain current with the law, and that going forward such updating could be needed on an annual or bi-annual basis. Additionally the positions manual had been tweaked since the last time it had been discussed to add the position of grants contractor.

The Mayor opened the meeting to public comment. There were no speakers and the meeting was closed to the public.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Commissioner Richard Chervony.

Mayor Connie Leon-Kreps asked that an amendment be made regarding some positions listed where the City Manager was allowed to override the minimum requirements, by adding the following language: "The City Manager has sole discretion to mitigate experience outweighing on educational requirements". Also, existing employees were to be grandfathered in. The Mayor concluded that those to be hired should meet at least the minimum requirements.

Commissioner Stuart Blumberg and Commissioner Richard Chervony both accepted the amendment to the motion.

Commissioner Stuart Blumberg moved to approve the amended Resolution, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim -Yes; Commissioner Richard Chervony -Yes; and Commissioner Stuart Blumberg -Yes. The motion carried 4-0.

11I. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH ET & T DISTRIBUTORS, INC. FOR PURCHASE OF TWO PICNIC SHELTERS FOR DR. PAUL VOGEL PARK AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the item. Assistant City Manager/H.R. Director, on behalf of Public Works Director Sam Zamacona who was absent, informed the Commission that the price quoted for the two additional picnic shelters by the vendor, who had also provided the one existing picnic shelter, was \$21,549; and it was to be 50% funded by the grant from Safe Neighborhood Parks. The item had been reviewed and approved by the Community Enhancement Board at their July meeting. In response to questions from Commissioner Chervony, the Commission was assured by the City Manager that the price quote was still in effect, and any later changes would first be brought back to the Commission. The 50% matching funds were to come from the Recreation & Parks Trust Fund.

The Mayor asked, as a separate matter, that providing swings for the children be explored, as some parents had requested.

Commissioner Richard Chervony moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Stuart Blumberg –Yes; Mayor Connie Leon-Kreps –Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

11K. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND TYLER TECHNOLOGIES, INC. FOR THE INCODE (FINANCIAL SOFTWARE); WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 36.25 OF CITY CODE FOR THIS AGREEMENT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the item. Finance Director Bert Wrains explained that this proposal, which predated his tenure and had been long in developing, aimed to replaced outdated software used by the City for which the City still paid a rental fee, but which did not provide the ability to efficiently perform the necessary City functions. The proposal was to rent the services of a company to provide software, daily back-ups, and supporting computer equipment hosted in the Federal Reserve Bank building in Dallas, Texas. The City, needing only to maintain an internet connection, would be enabled to run its IT function with minimal staff and cost. The base annual cost for the service was \$33,000, including \$16,000 to rent the software and \$17,000 to host the system. An additional \$60,000 was budgeted, amortized over four years, to convert data and train staff; and since the system was expected to be serviceable for more than four years, the cost would then revert to \$33,000. Wilton Manors, which had been using an earlier version of the system, reported favorably that it met their needs. This agreement piggybacked on a bid by the City of Clewiston, which was allowed under the City's purchasing procedures.

The Finance Director recommended the adoption of the proposal, which had been budgeted for 2013, citing the ability it afforded for departments to communicate information with each other, the automated processes available, and paperless systems for accounts payable as some of the advantages.

Commissioner Chervony commented that the \$49,000/\$50,000 annual expense should be viewed as a commitment for the next four years of budgets. Vice Mayor Lim commented on the improved and integrated functionality and its help to staff, and recommended moving ahead. The Mayor asked whether it would expedite building permits, and the Finance Director responded that it gave the department the benefit of an efficient database, where the department was currently forced to contend with Excel spreadsheets.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim -Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The Mayor expressed her gratitude to staff and the Citizens Budget & Oversight Board for their work on this proposal.

- 11M. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH C&L GRAPHICS FOR THE PURCHASE AND INSTALLATION OF THREE SIGNS AT DR. PAUL VOGEL COMMUNITY PARK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE PURCHASE ORDER/QUOTE; AUTHORIZING THE EXPENDITURE OF \$13,025 FOR THE SIGNAGE; AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.
(INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The proposed Resolution seeks approval for the purchase and installation of identification signs, signs advertising playground rules, park rules, and dedication signage at Dr. Paul Vogel Park at 7920 West Drive.

By a vote of the Commission earlier in this meeting, the item was pulled from the Agenda and deferred until the next meeting in November.

- 11N. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND AWARDING RFP NO. NBV 2012-01 FOR LANDSCAPE MAINTENANCE SERVICES TO SMF SERVICES, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the title of the Item. City Manager Dennis Kelly introduced Finance Director Bert Wrains, who had been a member of the evaluation committee to report on the selection process. Mr. Wrains explained that three companies had submitted bids: General Mow, Orchid Man, and SFM Services. There had been no oral presentations and evaluations had been based on the extensive documentation that had been submitted in response to the bid requirements.

The tabulated evaluation scores, comprised of scores in four different categories (price being one category of evaluation) submitted individually by the six committee members were as follow:

General Mow - Total of 539, average score 89.8
Orchid Man - Total of 423, average score 70.5
SFM Services - Total of 550, average score of 92.3

~~The prices bid for a three-year period were as follow:~~

General Mow - \$261,348
Orchid Man - \$243,028
SFM Services - \$267,413

Mr. Wrains gave the recommendation of SFM Services as the most responsive bidder, with the highest overall evaluation and a relatively minor difference in price from the lower bid price of the second ranked bidder.

Commissioner Chervony questioned the candidates present, in light of the City's current issue of sickly palm trees, as to whether they employed a landscape architect and if so, whether those services were part of the contract at no extra cost to the City.

Mr. Gonzalez of General Mow responded that they subcontracted the services of a landscape architect, and paid the cost themselves rather passing it on to the City.

Christian Infante of SFM Services responded that they employed an in-house landscape architect as well as three full time certified arborists whose services were included as part of the contract, and offered landscape design to their clients at no cost.

Mr. Gonzalez of General Mow spoke of the design services he had supplied to the City at no cost for at least the last three years, mentioning his participation in the walk-through of the Causeway Beautification project. Vice Mayor Lim asked him to elaborate on his years of service to the City, and Mr. Gonzalez cited the last eight years of cooperation with and support of the Public Works Department, the beautification committee, the Police Department, and Code Enforcement, through storms and special events. He commented upon not increasing the price of the maintenance contract during that time, but rather reducing it from the originally contracted price, while the City had increased its landscaping.

Christian Infante of SFM Services gave some background on his company, which had been started by his father Jorge Infante 40 years ago, and took pride in the long term client relationships they fostered, such as Coral Gables (13 years), Doral (6 years), and Miami Lakes (7years). He informed the Commission that his company owned their own tree farm in Homestead, which allowed them to pass on savings directly to their clients. He pointed out their experience with and available equipment for disaster recovery, and their work for FDOT, Pinecrest, and Miami Lakes in that capacity.

He concluded that price was only one component of the grading and that 4 out of 6 members of the selection committee had given them the highest ranking.

Commissioner Blumberg asked why no oral presentations had been required, and whether any new information of significance had been now presented. Finance Director Wrains responded that the written response to the RFP had been extensive, the requirements thorough, the references checked, and new information had not been given by the contractors at this meeting. He added that General Mow should be considered a different company from Groundskeepers, having recently acquired them, although the employees remained. Mr. Gonzalez of General Mow noted that two members of the selection committee, the Public Works Director and the Code Enforcement Officer, who had worked directly with him on a daily basis, had given him the highest rating.

The Mayor opened the meeting to public comment. There were no speakers and the Mayor closed the meeting to the public.

The Vice Mayor thought that Mr. Gonzalez had made a good point, and that he had worked well with the City in the past, responding to problems when needed; and that General Mow was, by a small amount, the lowest bidder.

Commissioner Chervony noticed that upon reviewing the scores of the most expert committee member who was a landscape architect, that member's evaluation of these two candidates had them essentially tied. Based on price and the fact that he was familiar with General Mow/ prior contractor Groundskeepers and the service that they had given, even including their faults, he was inclined to lean in their direction. The City Attorney advised that this was not a selection of the lowest bidder, but an evaluation over four selection criteria which included price. ~~Commissioner Chervony concurred, and felt they met the other three~~ criteria as well.

15A(22)

Mayor Connie Leon-Kreps asked for clarification as to whether the existing landscape maintenance contractor had not charged the City for the extra work they had performed, and Finance Director Bert Wrains replied that while the basic maintenance contract was approximately \$7,000 monthly, with extra work being charged the monthly cost was averaging \$10,000 to \$11,000. In response to questioning from Commissioner Blumberg, Mr. Gonzalez of General Mow explained that when the original base contract with Groundskeepers had been cut from \$15,000 to \$7,000 a month, these extra services for which the City was now being charged had not been part of the original contract.

Mayor Connie Leon-Kreps observed that her single biggest complaint with the existing contractor was lack of weed control; and while they might come in response to complaints they were not proactive in this and other maintenance matters. The Mayor approved of the availability of a certified arborist at SFM Services, should situations such as the City's current problem with trees emerge. Finally, the Mayor sought clarification on the pricing and availability of emergency equipment, seeing no breakdown from General Mow beyond a quote of \$28 an hour per person in emergency situations, and questioning whether \$28 per hour was inclusive of any and all required equipment. Finance Director Wrains referred the Commission to Form 1 for Emergency Services in the bid packet, where the information was reported, and compared the lack of detailed information supplied by General Mow with the list of available equipment and prices supplied by SFM Services. Mr. Gonzalez responded that he had given all the information required, and noted that equipment had never in the past been an issue in his service to the City. Mr. Gonzalez added that after Hurricane Katrina he had been a primary vendor to Miami Lakes, removing debris in record time.

The City Attorney advised that the proposer is General Mow, not Groundskeepers, and General Mow had not been the contractor to Miami Lakes; therefore, the discussion should only speak to the qualifications submitted by General Mow. Mr. Gonzalez responded that, moving forward, there would be the same employees involved. City Manager Dennis Kelly added, as a point of order, that only what had been submitted in writing in the bid package could be considered without reopening the bid proposal.

Jose Infante, President of SFM Services, addressed the Commission, saying that while he applauded attachment to long term vendors, weed control was a fairly simple problem which his company regularly handled by treating pre-emergent weeds with a seed killer.

Christian Infante of SFM Services spoke to correct the information given about services to Miami Lakes after Hurricane Katrina, stating that SFM Services was the landscape contractor to Miami Lakes in 2005, as well as its current contractor, and did 75% of the disaster recovery work.

Mayor Connie Leon-Kreps asked for a motion, and none was offered. Therefore, the City Manager suggested referring it back to the selection committee, and bringing in the vendors for oral presentations to address the issues that had been raised. Commissioner Blumberg concurred in calling for oral presentations from the vendors, and directed the attention of the staff and the Commission to page 188 of the bid response packet, where General Mow had specified the prices of a range of emergency equipment even if they had omitted the information from one of the forms. The City Attorney advised that, this being the will of the Commission, from this point on the "cone of silence" was again in effect and no communication with any of the vendors was permitted until another Manager's memo was distributed.

Mayor Connie Leon-Kreps moved that Item 12B be the next item to be heard, seconded by Commissioner Richard Chervony. The motion carried with all in favor, 4-0.

14. NEW BUSINESS

A. DISCUSSION REGARDING DOT 6-LOCAL FUNDING AGREEMENT (LFA)

Commissioner Stuart Blumberg recommended that this discussion be deferred until after a full commission was elected, in view of the multi-million-dollar commitment involved.

Commissioner Stuart Blumberg moved to defer Item 14A until after the election of a full commission, seconded by Mayor Connie Leon-Kreps. The Motion carried with all in favor, 4-0.

15. APPROVAL OF MINUTES

- A. SPECIAL CITY COMMISSION MEETING – 7/31/2012
- B. BUDGET PUBLIC HEARING – 7/31/2012
- C. REGULAR CITY COMMISSION MEETING – 6/12/2012
- D. REGULAR CITY COMMISSION MEETING – 5/10/2012
- E. SPECIAL CITY COMMISSION MEETING – 3/22/2012

1.) Commission Action

Commissioner Stuart Blumberg moved to approve the minutes, seconded by Mayor Connie Leon-Kreps. The motion carried with all in favor, 4-0.

16. ADJOURNMENT

At 10: 54 P.M. Mayor Connie Leon-Kreps moved to adjourn the meeting, seconded by Vice Mayor Eddie Lim. The motion carried with all in favor, 4-0.

The meeting adjourned at 10:54 p.m.

*Prepared : Yvonne P. Hamilton, CMC
Katharine Price, Clerical Assistant*

Adopted by the City of North Bay Village on

this _____ day of _____.

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 City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

15A(25)

OFFICIAL MINUTES

**CITY OF NORTH BAY VILLAGE
TENTATIVE BUDGET PUBLIC HEARING
TUESDAY, SEPTEMBER 13, 2012**

**City Commission Chambers
1700 Kennedy Causeway, #132
North Bay Village, FL 33141**

6:30 P.M

The City of North Bay Village Tentative Budget Public Hearing was held on Tuesday, September 30, 2012, at the City Commission Chambers (1700 Kennedy Causeway, #132, North Bay Village, FL 33141).

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

Mayor Connie Leon-Kreps called the meeting to order at 6:50 P.M. Present at Roll Call were Commissioner Richard Chervony, Vice Mayor Eddie Lim, Mayor Connie Leon-Kreps and Commissioner Stuart Blumberg. As a quorum was determined to be present, the meeting commenced.

The Mayor recognized Commissioner Stuart Blumberg who read a statement regarding his experience serving on the Commission following his appointment, and the personal reasons for his decision not to run for re-election.

2. PUBLIC HEARING ON THE TENTATIVE MILLAGE AND TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR 2011-2012.

The City Attorney advised that Robert's Rules would be waived for the first public hearing on both the tentative millage and tentative budget, with both of the two items on the floor. The City Clerk read the titles of both resolutions, and the Mayor opened the meeting to the public.

City Manager Dennis Kelly summarized the updates to the tentative budget since the last Budget Workshop, including:

- \$90,000 for the International Baccalaureate Program, funded from the General Fund and without a sustainable funding source yet established

15BU

- \$50,000 for the zoning code update
 - \$25,000 for the 4th of July celebration and fireworks
 - \$12,500 for holiday streetlights
 - \$12,000 for occasion banners/flags, changed on a quarterly basis
 - \$83,940 for the premium increase for Workers Compensation
 - \$24,000 for the H.R. support program from ADP
 - Elimination of the contracted Financial Advisor and Investment Advisor, which were felt to be needed only upon bond issuance
 - \$71/\$35,000 for the position of assistant to the City Manager and the City Commission
 - \$55,000 for an HR/Special Events position
 - \$61,000 for the Accounting Clerk I position
 - \$20,000 increase for the City Planner, based on the contract of the former City Planner, Alex David
 - An increase for the raise of the H.R. Manager to the level of Director
 - \$35,000 for the contract supplying four school crossing guards, which had been omitted from the summary provided
 - \$25,000 for the water rate study
-
- An offset of \$24,000 for a reallocation of a salary from storm water to street maintenance

15B(2)

Mayor Connie Leon-Kreps, with the concurrence of Commissioner Stuart Blumberg, asked that approximately \$35,000 be found for a grant writer to search for funding for a wide range of programs, including those dealing with children. The City Manager agreed to bring it to the second public hearing.

Vice Mayor Lim was assured by the City Manager that the \$4,500 for speed humps listed in the July handout was still included, to be found within the street fund.

Commissioner Stuart Blumberg queried on the status of two items listed in the July handout: \$703,561 designated as uncommitted reserves in the General Fund and \$357,468 in the Parks and Recreation Trust Fund. Finance Director Bert Wrains explained that part of the uncommitted reserves, amounting to plus or minus \$250,000, had been used to fund budget items, but the Parks and Recreation Trust Fund had not been touched.

For the record, Finance Director Wrains stated that last year's millage had been 4.7772 mills, and due to a slight increase of 1.83% in taxable value, the TRIM notice calculation called for a rollback rate of 4.6915 mills in order to be revenue neutral. The City had chosen to stay at 4.7772 mills, the rate upon which the tentative budget was based and rate that was advertised. The City could stay at that rate or lower it, but could not raise it without starting the whole process over again. Debt service millage last year had been 1.2355, and would stay at that rate in 2013 in order to bring the debt service to an even position by the end of that year.

Referring to the tentative budget summary of revenues and expenses, Mr. Wrains explained that revenues budgeted were lower than last year, primarily because last year substantial revenues from fines and forfeitures had been budgeted and never materialized (an example, he added, of how revenues that were an unknown quantity can never be budgeted for expenses.) With regard to those items that had been added to the budget, the bulk of them were found in the catch-all expense area of General Government, and not attributed to a particular department. Therefore, General Government expenses showed an increase from \$772,000 last year to \$961,000. Expenses increased in the City Manager Department and Finance Department largely due to personnel changes.

The Police Department kept the same budget as last year, and Legal remained budgeted at \$300,000 despite having gone over budget. \$37,250 of the money budgeted for Legal was allocated to the Utility Department, reflecting their fair share of expenses, such as those resulting from the matter with M. Vila & Associates, Inc.

City Manager Dennis Kelly informed the Commission that the recommendation of staff was to eliminate the Assistant Police Chief position budgeted at \$135,000 and instead budget an additional two part-time patrol officers for \$86,880, with the difference going back into the reserve. Chief Daniels explained that adding two more part-time patrol officers, bringing the total to four, gave him the flexibility to fill gaps that occurred and possibly address PAAL. The Mayor asked and learned that the two full-time police officer positions that had been paid by forfeiture funds were no longer funded and had been eliminated.

As a means of addressing the long-standing issue of the dominant portion of the City's budget used by the Police Department, Chief Daniels presented to the Commission a comparison he had drawn up of the percentages of total city budgets allocated to police departments in nearby cities, if their budgets were to be hypothetically reduced by eliminating functions, such as Parks and Recreation Departments, that were not similarly provided in the City of North Bay Village. Then, in Surfside for example, the percentage of their budget allocated to their police department quickly jumped from 43% to 60%.

Commissioner Blumberg criticized the relevance of the comparisons, and asked if Chief Daniels had been able to find ways to reduce the department costs without also reducing service levels, as he had previously requested of him. The Chief responded that they were reducing the cost by eliminating two full-time positions that had been paid by forfeiture funds, and adding two part-time officer positions. Commissioner Blumberg observed that this did not actually reduce costs to the City. Commissioner Chervony asked whether the addition of school crossing guards, at a cost of \$35,000, would not free police officers for other duties, and the Chief responded that daytime traffic complaints might be better addressed.

The Mayor opened the meeting to public comment.

15B(4)

Max Crown, of 1620 S. Treasure Drive, remarked that upon reviewing the budget comparison prepared by Chief Daniels, if the City had more revenue in its budget, as did the cities with which it was being compared, it too would have a smaller percentage of its budget allocated to the Police Department. He criticized the Police Department as being too top-heavy with officers of rank, and felt that its budget should show a reduction this year since the City was newly relieved of the burden of paying former Police Chief Pandolfi's severance pay.

Reinaldo Trujillo, of 7601 E. Treasure Drive, suggested that rather than spend \$25,000 for fifteen minutes of fireworks, the money could be spent on a Grant Writer who would bring additional money to the City.

Mario Garcia, of 7540 Cutlass Avenue, expressed concerned that budget items were being funded unsustainably from reserves, and thought that efforts should be made to reduce the Police Department budget.

Kevin Vericker, of Hispanola Avenue, stated that a discussion of budget percentages in isolation from the effectiveness of service outcomes was meaningless; and he offered praise for the improvement created by the installation of speed humps on the streets.

George Gonzalez, of 7900 Harbor Island Drive and president of the 360 Condominium Association thought that budget priorities should stress public safety and community unifying events. His condominium proposed to sponsor a 5K race, and he asked for the City's assistance. The Mayor requested the City Manager to discuss it with Mr. Gonzalez.

Resident Mario Garcia agreed that events that brought residents out were needed, and thought they should be funded by savings achieved elsewhere. Resident Reinaldo Trujillo commented that in the past, races in the City had been paid for by sponsors and made possible by volunteers who worked the event.

There were no further speakers and the Commission took up the discussion of the budget. H.R. Manager Jenice Rosado, in response to questioning from the Mayor, explained that longevity payments were one-time annual payments to employees of five years or longer, commonplace in other municipalities as well as collective bargaining agreements; and that employees did not contribute to the payment of premiums for either short-term or long-term disability.

The Mayor asked that provision be made for cushioned chairs for the audience in the Commission Chambers, and shirts with City logos for elected officials. She recommended funding a survey of residents to ascertain what City services were desired by them, in light of the demographic shifts that had taken place in the City.

Commissioner Stuart Blumberg asked about the provision for signage in the amount of \$30,000-\$90,000 that had been in the July handout but was now not evident. The City Manager responded that if signage were to be put in the budget, it would be paid for by CITT money and not the General Fund. The Commissioner also suggested that Movie Nights should be moved out of the Police Department budget and into Recreation and Human Services where it was more appropriate. Finally, he inquired about the treatment of the Parks and Recreation Trust Fund, which was not in the budget, and whether it could be applied to PAAL. Finance Director Bert Wrains explained that this was not part of the budget, being a trust fund; but rather was brought out to be spent in response to action from the Commission. As an impact fee established by ordinance that was charged to developers, a condition upon its use was that it be applied to capital expenses and not programs such as PAAL, although the park seawall and signage would be appropriate uses.

H.R. Manager Rosado explained for the Mayor that the increase in Workers Compensation premiums was due to an increase in claims, largely for sprains and strains emanating from the Police Department, and there were efforts being made to find ways to reduce injuries.

Commissioner Richard Chervony read an email from a resident that had a wide variety of negative things to say about the IB program and which suggested that the decision to support it should be left to a referendum; the Commissioner urged careful consideration before committing to a program that would cost the City a half million dollars over a 3-5 year period. The Commissioner also questioned the additional budget items for holiday and event related expenses, pointing to similar expenses that were already budgeted; and he suggested that corporate sponsors, which the new Business Development Advisory Committee could be tasked to secure, be sought to offset the expenses for these types of events. He favored the expense for banners, and strongly supported the addition of a Grant Writer to actively seek funds for the City as one of the most important positions.

Finally, Commissioner Chervony said that while he liked the work the Police Department has been doing, in an effort to begin making cuts it had been his intention to reduce the Police Department budget by \$175,000, including both the Assistant Chief position and one part-time position.

Vice Mayor Eddie Lim was ambivalent about long term support of the IB program but in favor of a one year trial. He spoke of his continuing support for electronic multi-purpose signage such as that used in Aventura and Hollywood, although it was acknowledged to be expensive; agreed that a Grant Writer had priority over fireworks if a choice had to be made; and supported the installation of speed humps, which he understood was included in the budget. He asked for an update on ad valorem tax revenues, and Finance Director Wrains responded that in the month of August, \$15,000 in levies from July had come in; and that \$3,185,000 in total ad valorem revenues were projected through the end of the fiscal year, or 103 % to 104 % of the collections that had been budgeted.

Commissioner Stuart Blumberg addressed the question that had been raised by

Commissioner Richard Chervony questioned whether the first year cost of the IB program should be budgeted at \$130,000 rather than \$90,000; the City Manager thought some start up costs might have already been paid. In response to his questions about the Police Department budget, Commissioner Richard Chervony clarified that he was not in favor of re-adding the budget money saved by eliminating the Assistant Police Chief position for the purpose of hiring two additional part-time officers.

Commissioner Chervony went on to say that he also had unanswered questions about certain additional benefits paid to three of the police officers. H.R. Manager Jenice Rosado explained that the last police union contract provided a \$400 monthly stipend to its members who had health insurance provided from another source, such as spousal employment, in place of City provided insurance. The Mayor questioned whether this practice, which she found to be unusual, should be continued under the next contract.

Responding to the discussion about fireworks, Mayor Connie Leon-Kreps was in favor of preserving it as an option on the City "wish list", and a celebration that should take precedence over one like Halloween. The Mayor was in favor of a trial of the IB program as an investment in the children, and in view of its apparent success on Miami Beach, where it had attracted families.

Max Crown, a resident of South Treasure Drive, spoke regarding the funding of the IB program, saying that a clear explanation of how the money was to be spent had not been given, and suggesting that Miami Beach was seeking to recover money that was already invested in the Treasure Island I.B. program.

Commissioner Stuart Blumberg criticized the one-sidedness of the presentation of the information regarding the IB program, calling for more exploration into its possible negative aspects, and wondering what the downside would be in not supporting the IB program at a school which he considered to be a good one without it.

Reinaldo, Trujillo of 7601 E. Treasure Drive, conveyed that his nephew, a principal of a Chicago area high school, had advised him that the IB program in the early years of school was very experimental and also very expensive, costing well over \$90,000; and he warned that if the program were begun it would be disruptive and harmful to the children to abandon it.

Kevin Vericker, of Hispanola Avenue, responded to some of the questions raised about the IB program, suggesting that the downside of not having it at a school like Treasure Island that was already A rated, would be minor; although there could be some disadvantages to children who were feeding into an upper school IB program system and competing with students from elementary schools which already had the IB program in place. He saw the biggest advantage to the IB program as being the international teaching standard to which it was held, and its recognition by the internationally mobile professional class which was a significant component of the area's residents. He agreed that questions remained that needed to be readdressed, and suggested a second IB public information session.

Mario Garcia, of Cutlass Avenue, thought that there was a need to orient the education of children to the global economy, and that while the City retained the option to withdraw from supporting the IB program at a future date, if it did not act now to support it, it would lose the opportunity to benefit from the investment already made by Miami Beach in the costs of starting up the program at Treasure Island Elementary.

George Gonzalez, of Harbor Island, agreed both that more due diligence was required, and that children, who were the City's most important asset, would benefit from being educated in a way that tied into the global economy.

Commissioner Blumberg suggested that as part of its due diligence, the City should extend its search for information beyond Miami Beach and the County. The Mayor agreed that more research, more specific information about the funding investment, and perhaps school visits were needed; but she was also concerned that the City not lose an opportunity simply because of unwillingness to spend money. The City Manager suggested that, in light of the brevity of the time horizon, an option to consider was budgeting the money with the understanding that it could remain unspent and go back into the General Fund reserve. Commissioner Richard Chervony stated that while he would probably support the IB program, it was important to consider it as a five year commitment, with a reevaluation after perhaps three years.

Vice Mayor Eddie Lim suggested adding an assistant to the Building Department, and increasing its file storage and scanning capacity. The Vice Mayor also questioned whether the City received value for the lobbyists it contracted annually at \$40,000 for the State level and \$30,000 for the Federal level.

Mayor Connie Leon-Kreps noted that she had previously requested that staff check into how Bay Harbor ran its Building Department, upon receiving complaints from vendors about the City's system. The Mayor thought that some problems could be solved by more efficiency and less reliance on paper, as opposed to hiring a part-time assistant.

Commissioner Stuart Blumberg advised that lobbying was his area of expertise, and thought that while a Federal lobbyist might not be a priority, the City's payment to the State lobbyist was both a bargain and a necessity to provide a watchdog upon legislation that could have great impacts upon the City. City Manager Dennis Kelly agreed with the Commissioner, and added that while lobbyists were also instrumental in securing funds disbursements, at the Federal level it could be done through the elected congressperson. The Mayor stated an unwillingness to see the City unattended at either the State or Federal levels.

Commissioner Richard Chervony suggested that the new software package would help the Building Department, and the new Assistant to the City Manager would free Denese Fecht to provide more assistance than she does now to the Building Department. With regard to the lobbyists, the Commissioner had reached out to both of them and found them helpful, informative, and always available.

Vice Mayor Lim acknowledged the importance of the service the lobbyists provided, but thought that they should be more proactive in providing him with updates and appearing at meetings, and that the City should do its due diligence in ascertaining that the fees it paid were proportionate to those paid to the same lobbyists by other cities. Also, he suggested that the City should avail itself more of the advocacy program provided by the Florida League of Cities known as F.A.S.T.

There was discussion about the hours of operation of the Building Department, the times when it was most likely to be needed by commercial contractors, and the ability of other City personnel to fill in when needed to keep the window open.

There was no further discussion by the Commission, and City Manager Dennis Kelly recapped that the proposed millage rate for fiscal year 2012-2013 running from October 1, 2012 to September 30, 2013 was 4.7772 mills. The rollback rate was 4.6915 mills, and therefore the proposed rate was an increase of .0857 or 1.83%. The proposed debt millage rate for fiscal year 2012-2013 was 1.2355 mills.

The Mayor closed the public hearing.

3. RESOLUTIONS

- A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE PROPOSED LEVYING OF AD VALOREM TAXES FOR THE CITY OF NORTH BAY VILLAGE FOR FISCAL YEAR 2012-2013; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Attorney advised the Commission that since there were two proposed millage rates, the Finance Director had requested two separate votes approving them as part of one resolution, to be followed by one vote on the next resolution for the budget.

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to approve the proposed operating millage rate. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the voter-approved proposed debt service millage rate. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR COMMENCING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the tentative budget. The votes were as follow: Mayor Connie Leon-Kreps -Yes; Vice Mayor Eddie Lim -Yes; Commissioner Richard Chervony -Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

4. ADJOURNMENT

The meeting adjourned at 9:34 p.m.

*Prepared and submitted by: Yvonne P. Hamilton, CMC
City Clerk
Katherine Price, Clerical Assistant*

*Adopted by the City of North Bay Village on
this _____ day of _____.*

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 City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Laws.)

15B(11)

OFFICIAL MINUTES

REGULAR CITY COMMISSION MEETING

CITY OF NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141

TUESDAY, SEPTEMBER 11, 2012

7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

Mayor Connie Leon-Kreps called the meeting to order at 7:33 P.M , read the rules of conduct, and the pledge of allegiance was recited. Present at Roll Call were Commissioner Richard Chervony, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Stuart Blumberg. As a quorum was determined to be present, the meeting commenced.

A. MOMENT OF SILENCE FOR THOSE WHO LOST THEIR LIVES ON 9/11/2001

The Mayor called for a moment of silence for all those who lost their lives on 9/11/2001, as well as for twenty year police officer veteran Bruce Anderson of the Jupiter Police Department, who lost his life in the line of duty.

2. PROCLAMATIONS AND AWARDS

There were no proclamations or awards.

B. SPECIAL PRESENTATIONS

There were no special presentations.

15CC11

B. ADDITIONS AND DELETIONS

In the interests of keeping the meeting duration of a reasonable length and thus allowing for adjournment before midnight, the City Manager suggested deferring Items 11A, 11C, 11F, 11G, 11 I, 11K, and 14A until the October meeting. Commissioner Chervony objected, asking to hear Item 11A, which he was sponsoring.

Vice Mayor Eddie Lim offered a motion to defer all the remaining Items as suggested, apart from 11A, seconded by Mayor Connie Leon-Kreps.

Commissioner Stuart Blumberg objected to deferring Items 11F and 11G, the appointment of the City Planner and Finance Director, and also Item 14A, the RFQ for Legal Services on the grounds that the Item was too important to delay longer than it had already been . Vice Mayor Eddie Lim offered the opinion that the City was better served by deferring the selection of a City Attorney until after a full elected Commission was sitting on the dais, but agreed on the other Items. Commissioner Blumberg objected to denying all of the currently sitting Commission the opportunity to deal with the legal services RFQ, mentioning that he was the only one among them engaged in an election contest, and suggested that if this contractual item were to be deferred until after the election, then all other contractual items, such as landscape maintenance, should likewise be deferred for the same reason. The Mayor agreed with the Vice Mayor that there should be a full complement of five Commission members to make the selection of the City Attorney, which was not comparable to landscape maintenance in importance to the City; and suggested that after 19 months with an interim City Attorney, a further short postponement was no hardship. Commissioner Chervony asked for a clarification of the motion, noting that waiting for new Commission members to be elected could mean postponement until December.

Vice Mayor Eddie Lim offered an amended motion to defer Items 11 C, 11 I, and 11 K to the October meeting, and Item 14A until a full Commission was sworn in after the election, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-No; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes. The motion carried 3-1.

The Mayor offered a new motion that Item 12A-1 be heard after the Consent Agenda, seconded by Commissioner Chervony.

Vice Mayor Lim asked that the motion be amended to hear the Item before the Consent Agenda.

Mayor Connie Leon-Kreps offered an amended motion that Item 12A-1 be heard before the Consent Agenda, seconded by Commissioner Richard Chervony. The motion carried with all in favor , 4-0.

A. ANIMAL CONTROL ADVISORY BOARD

There was no report from this board.

B. ARTS, CULTURAL & SPECIAL EVENTS BOARD

Board member Scott Grenald reported that there would be a meeting the following day at 5:15 P.M. to plan the City Halloween event.

C. CITIZENS BUDGET AND OVERSIGHT BOARD

There was no report from this Board

D. COMMUNITY ENHANCEMENT BOARD

Chair Penelope Friedland reported on the meeting held on September 6th, at which it had been learned that George Puig had been contracted to serve on an as-needed basis as the interim City landscape architect/consultant. In discussing the enhancement of the City's holiday lighting, as requested by the Business Development Advisory Committee, the Board had recommended that Mr. Puig be asked to draw up an optimized lighting plan to better utilize the \$15,000 in funds already budgeted for the purpose, and that a reliable source of electrical power be assured by the Public Works Department. The Board also discussed how to attract high quality commercial tenants to the City, recommending that a demographic study of the City and the accessible nearby areas be commissioned to use as a powerful marketing tool. Issues which the Board identified as needing corrective attention included garbage containers remaining in public view, drainage and attendant mosquito problems in certain areas, and food safety problems at an area supermarket.

The Board recommended that a temporary entrance sign for the east end of the Causeway which had been brought for its approval be accepted, provided that the installation cost were the only cost involved; and had also recommended that Mr. Puig be utilized to advise the City on the style of four new bus benches which had been offered to the City by Miami-Dade Transit to replace existing non-ADA compliant benches.

E. PLANNING & ZONING BOARD

There was no report from this Board.

F. YOUTH SERVICES BOARD

Board Chair Kevin Vericker reported that at the last meeting on August 20th, the Board had discussed the I.B. Program, the development of a youth services master plan, and the possibility of obtaining the empty field behind T.I. Elementary School for City recreational purposes, all of which were supported by the Board. Mr. Vericker announced that the next meeting would be held on September 17th, at which it was expected that the question of a possible conversion of T.I. Elementary School to a K-12 school would be discussed.

G. ADVISORY CHARTER REVIEW BOARD

There was no report from this Board

H. BUSINESS DEVELOPMENT ADVISORY COMMITTEE

Vice Chair Mario Garcia reported that the Committee had held two very productive meetings. They had addressed better holiday lighting for the City, and pledged to work with the Community Enhancement Board with whom they had concerns in common. Business signage had emerged a major concern; and some businesses, particularly those in Grandview Palace and on Harbor Island were completely hidden and unable to make their presence in the City known. He informed the Commission that Chair Barry Smith had proposed and was developing the idea of a series of concert nights. Vice Mayor Lim, who had been present at the meeting, added that Deco Bikes, water taxis, and electronic signage had also been discussed.

4. PUBLIC SAFETY DISCUSSION

Chief Daniels discussed the new format for crime statistics reports and the preparation that had taken place for Tropical Storm Isaac. Commissioner Blumberg asked for an explanation for the fact that the preponderance of crimes reported were on Treasure Island. Chief Daniels responded that the largest stretch of the Causeway was that section which ran through Treasure Island, and a lot of the Treasure Island crimes reported were Causeway related incidents.

5. COMMISSIONERS' REPORTS

Commissioner Stuart Blumberg commended the Police Department for their response on the night that Mrs. Pushkin passed away, and again on the night that Mr. Behar of Cutlass Avenue passed away.

Commissioner Richard Chervony praised the Code Enforcement Department for its activities, and suggested that after a property had been brought into compliance but fines remained unpaid for a period of 30-45 days, then liens should be brought against the property. He praised all those who had acted to prepare the City for the event of Tropical Storm Isaac. The flowering pentas planted at entrances to Treasure Island appeared to be dying from lack of watering, and he questioned why the City's watering truck was not being used to prevent such occurrences. The Commissioner also noted that the bus shelters were poorly lit at night; that the Miami Spice banners which Commissioner Blumberg had worked to install were an attractive addition; and that he was still trying to ascertain the ownership of the cement constructed in the water near Channel 7 in order to possibly take it over for Art in Public Places. The advisory boards, he commented, had done a commendable job while receiving no direction, but he felt that the Commission needed to draft a plan of action for each board and also meet with and advise the board members of budget limitations. He mentioned learning of the appointment of an interim landscape consultant and the possibility that it would become a permanent City position while attending the CEB meeting, and reminded management that while the board might recommend it, it still remained a decision for the Commission to make. He suggested that the City plan the Halloween party together with the special event board, and recommended that a dinner be held to thank all board members for their service. Finally, he congratulated the Mayor on her reelection, looking forward to serving under her for two more years.

Vice Mayor Eddie Lim reported on three proposals by the Business Development Advisory Committee: the possibility of bringing the water taxi to the City; the idea of Deco Bikes, used in other Miami Beach communities, being brought to the City; and the use of electronic message boards, such as used in Aventura and Hollywood, which the Vice Mayor had previously recommended. He reported on having attended the meeting of the Florida League of Cities, at which Governor Scott had been present, and urged the Commission to partake of the great resources the League had to offer.

Vice Mayor Lim suspended his report in order that Good & Welfare should be heard at 8:30 P.M., and resumed it afterward.

The Vice Mayor announced that on October 5th a "Best Practices" seminar would be held, including a trade show in which the City would be participating. Also, on October 12th, "Ethical Governance Day" was being observed, with volunteers, among them Vice Mayor Lim, addressing the subject at public schools. He informed the Commission that plans for a Farmers Market with 20 vendors on November 10th in the Crab House parking lot were proceeding on schedule; that 7921 East Drive had been designated as the City's first historic building site by the Miami Historic Preservation Board; that the City of Sunny Isles Beach had organized a field trip to Benihana, which was a type of activity that the City might also do; and finally, that as a member of the Noise Abatement Advisory Board he had recently been monitoring noise levels from aircraft

Mayor Connie Leon-Kreps reported on attending the first session of "Good Government Initiative," which had stressed integrity, honesty, courage, respect and prudence. She announced that graduate students of Dr. Li, a professor of Urban and Regional Planning at FAU, were undertaking a comprehensive commercial corridor study at no cost to the City of North Bay Village and the final presentation of the project was scheduled for December 3rd at FAU in Boca Raton. With regard to efforts toward getting the County to help the City control its feral cats, she asked the City Manager to keep the Commission informed.

The Mayor addressed the topic of deadlines for documents being presented for Commission meeting agenda packages, noting that this agenda was very long and had not been received until Thursday night. The City Attorney clarified that pursuant to the procedures adopted by resolution last year all items must be completed and given to the City Manager, who closed the agenda, at least 10 business days before the City Commission meeting.

At the time that they landed on the City Manager's desk, the documents, notably those relating to contracts, resolutions, and ordinances, should have completed the rounds of the affected departments and been reviewed where appropriate by Legal, Planning, and Finance and Public Works. The City Attorney suggested that as a rule of thumb the documents should be submitted for review to the departments from 7 to 10 days before. The Commission's deadline to receive the agenda was 5 business days before the meeting. The Mayor remarked that she had witnessed the City Clerk working to prepare agenda packages until very late at night, and asked what deadline existed for the City Clerk to receive documents. City Clerk Yvonne Hamilton responded that while deadlines had been provided for the Commission and the City Manager, legally no deadline was provided for the City Clerk; the City Attorney suggested revisiting and tweaking the agenda procedures. Mayor Connie Leon-Kreps reported on the Police Academy program which had ended, and commended staff on its readiness for the storm. She inquired into the implementation of procedures for purchase orders; the limited hours of operation for the Building & Zoning Department and a comparison with building permit procedures in Bay Harbor; a timeline for placing the check registry online; and asked the City Clerk to read out the votes after each motion.

The Mayor suggested that a resolution be introduced at the next meeting, if no such resolution had already been introduced, to insure and confirm that any contractor or subcontractor doing business in the City be covered by adequate insurance and bonds, so that a situation such as that involving M. Vila might never be repeated. She reminded staff of her request for a resolution to require commercial garbage containers to be enclosed.

6. CITY ATTORNEY'S REPORT

The City Attorney reported a notice of an unfair labor practice filing against the City by the Fraternal Order of Police, and made a request for a future executive session to address it. An executive session would also be requested, unless the matter were dealt with later in the meeting, for the case of Central Concrete Supermix vs. Suretech Insurance Co. and the City of North Bay Village. This was ~~one of the smaller M. Vila subcontractors.~~ Finally, the City Attorney updated the Commission on the foreclosure on the property at 1755 Kennedy Causeway, against which the City had a large code enforcement lien, informing them that \$140,000 had been placed in escrow toward paying the lien.

7. CITY MANAGER'S REPORT

City Manager Dennis Kelly informed the Commission that all permits for the demolition of City Hall had been obtained and a notice to proceed with demolition had been sent out. A summary of trip-wire dates for the demolition process was distributed; the first of those dates had been satisfied by moving demolition equipment to the site on this day. There were plans to organize a demolition ceremony in the near future.

Dr. Karp of the School Board had been invited to the next Commission meeting to address questions regarding the concept of expanding Treasure Island Elementary to a K-12 school, pending the passage of the School Board bond referendum.

The City Manager introduced Interim Finance Director Bert Wrains to make the financial report for the month of July. Mr. Wrains explained that the General Funds revenues for July were ahead by \$79,000 and expenditures were over budget by \$143,000 for a net deficit of \$64,000 which would be discussed in greater detail at the upcoming budget meeting. The August financial statement was awaiting the receipt of bank statements in order to be completed. Mr. Wrains clarified for the Mayor that this was not an issue of bank reconciliations needing to be done, but rather the statements sent by the financial institutions. He announced that the auditors would start the new audit on September 24, 2012; that the tentative FY 2013 budget as well as the 2011 audited financial statement had been posted on the City website; that the budget public hearing would take place on September 13, 2012 at 6:30 P.M. in the Commission Chambers; and finally, that it was being arranged that Ken Small would conduct a training program, likely to take place in November, for elected officials, key staff and relevant advisory board members.

8. GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.

Jane Blake, of North Bay Island, suggested that ZipCars which were rented by the hour might be interested in having a location in the City; and announced that on September 19th at 6 P.M. the Optimists Club together with Treasure Island Elementary School and Florida Kidcare personnel, would be signing up parents with Kidcare to provide health insurance for the children attending school.

Al Coletta, of 7904 West Drive, spoke in opposition to the possibility of having a McDonald's located in the City, and suggested that Channel 7 might be willing to underwrite the cost of signage in the City in exchange for advertising. He urged the Commission to take actions that would beautify the City and highlight the advantages of its jewel-like setting in the bay to all who came.

Al Blake, resident, of North Bay Island and former Vice Chair of the Citizens Budget & Oversight Board, expressed objections to statements made by Commissioner Chervony regarding the Board's connection to the failure of the City's audit to be completed on time. Mr. Blake asserted that this was known by the Commissioner to be beyond the authority of the Board, and that the Board's minutes discussing the problems were available to the Commissioner.

Mario Garcia, of 7540 Cutlass Avenue, was also in opposition to McDonald's being located within the City and suggested that improving the City would cause desirable businesses and residents to seek the City out.

Fane Lozman, resident on a boat adjacent to 7914 West Drive, expressed his opinion that Al Blake should have been appointed to the vacant City Commissioner position, and informed the Commission that he had filed a complaint against Commissioner Chervony for violation of the Sunshine Law.

Reinaldo Trujillo, of 7601 E. Treasure Drive, spoke recognizing David Richardson, the City's new Representative, and also criticized the actions Commissioner Blumberg had taken since being appointed to serve on the Commission.

The next speaker was Rep. David Richardson, who promised to be attentive to those issues affecting the City of North Bay Village, including the Causeway, on which he expected to be briefed by the State the following week.

The final speaker was Joshua Neely, who reported on his trip to Washington, D.C., thanking the all in the City for the support they had given.

9. **CONSENT AGENDA:** Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. ~~If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.~~

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING RENEWAL PRICING FOR THE CITY'S GROUP INSURANCE PROGRAM WITH NEIGHBORHOOD/UNITED HEALTH CARE FOR HEALTH AND VISION INSURANCE AND WITH BLUE CROSS BLUE SHIELD OF FLORIDA FOR DENTAL INSURANCE; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AUTHORIZING THE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF ANY AGREEMENTS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, APPROVING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE LEASE OF A DIGITAL COPIER MACHINE FOR THE BUILDING DEPARTMENT PURSUANT TO SECTION 36.25(J) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CITY MANAGER DECLARATION OF LOCAL STATE OF EMERGENCY FOR TROPICAL STORM ISAAC FROM AUGUST 25, 2012 THROUGH AUGUST 27, 2012; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

Commissioner Richard Chervony moved to approve the Consent Agenda, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

10. PLANNING & ZONING CONSENT AGENDA

There were no items in the Planning & Zoning Consent Agenda.

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING RENEWAL PRICING FOR THE CITY'S GROUP INSURANCE PROGRAM WITH NEIGHBORHOOD/UNITED HEALTH CARE FOR HEALTH AND VISION INSURANCE AND WITH BLUE CROSS BLUE SHIELD OF FLORIDA FOR DENTAL INSURANCE; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AUTHORIZING THE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF ANY AGREEMENTS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, APPROVING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE LEASE OF A DIGITAL COPIER MACHINE FOR THE BUILDING DEPARTMENT PURSUANT TO SECTION 36.25(J) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CITY MANAGER DECLARATION OF LOCAL STATE OF EMERGENCY FOR TROPICAL STORM ISAAC FROM AUGUST 25, 2012 THROUGH AUGUST 27, 2012; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

Commissioner Richard Chervony moved to approve the Consent Agenda, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

10. PLANNING & ZONING CONSENT AGENDA

There were no items in the Planning & Zoning Consent Agenda.

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA CONCERNING MAINTENANCE OF PROPERTY, PREVENTION AND ABATEMENT OF PUBLIC NUISANCES, AND REGULATING DISTRESSED REAL PROPERTY; AMENDING CHAPTER 95 "HOUSING", OF THE NORTH BAY VILLAGE MUNICIPAL CODE OF ORDINANCES BY AMENDING SECTION 95.01, TO BE ENTITLED "DISTRESSED PROPERTIES" RELATING TO PROCEDURES FOR THE REGISTRATION AND MAINTENANCE OF REAL PROPERTY IN FINANCIAL DISTRESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY COMMISSIONER RICHARD CHERVONY AND MAYOR CONNIE LEON-KREPS)*

The City Clerk read the ordinance by title.

Mayor Connie Leo-Kreps stated for the record that she had requested as far back as June 18, 2012 that this item be put on the Agenda. Commissioner Chervony concurred, and welcomed her as a co-sponsor as well as any changes she might wish to make; the City Clerk amended the Agenda to add the Mayor as co-sponsor.

Commissioner Chervony opened the topic, observing that numerous cities in the area have foreclosure registries, suggesting \$250 as the registry fee that could be applied to City expenses related to these properties, and asking for views on the creation of a registry. Interim Finance Director Wrains reported that several companies provide and maintain a database of foreclosed properties; a basic contract imposes a \$150 registration fee on foreclosed properties, half of which is due to the company that maintains the database. In return, the company sets up and regularly updates the property registry to include court filings and the city's own code enforcement and legal actions. The first step, he explained, was to pass an ordinance that sets the fee amount, and notify property owners of their obligation to register and pay the fee. He suggested that any amount over the \$75 per registration normally paid to a managing company could be considered revenue to offset expenses resulting to the City from foreclosed properties.

The Mayor opened the meeting to the public. The first speaker was Kevin Vericker, of Hispanola Avenue, advised that it was important to consider the registry as a new revenue source and self-funding. He outlined the benefits of a registry as: providing funds for maintenance and security of foreclosed properties; and providing a data base that could be used to justify access to foreclosure crisis financial assistance programs, including reaching out to property owners with stabilization measures if the definition of the registry were to be expanded to include "distressed" (pre-foreclosure) as well as "foreclosed" properties. The downside risk was that public disclosure of foreclosed properties could negatively affect the perception of the area to prospective buyers; but in his view the lenders were already acutely aware of the true facts and once financing had been applied for and perhaps denied, a buyer would also become aware of the same facts. He urged passage of the ordinance this night.

Reinaldo Trujillo, of 7601 E. Treasure Drive, questioned the benefit of a foreclosure registry for condominiums, and thought that for condominium associations in distress the registry fees would be an expense they could ill afford. Resident Kevin Vericker responded that while it would depend on how the ordinance was written, in his view the party normally responsible for payment of the fee was the bank, not the property owner.

The Mayor closed the meeting to the public.

Vice Mayor Eddie Lim suggested that the term "public nuisance property" rather than "distressed property" was a more encompassing term giving the City greater latitude to act. Commissioner Chervony asked the City Attorney if the ordinance were passed as written on first reading, and then the term were to be changed, could the ordinance then be passed with the change in terminology at the second and final reading. The City Attorney responded that it could be, since the title was broadly worded, and as long as any changes to the body did not contradict the title.

Commissioner Richard Chervony moved to approve the ordinance concerning a property registry, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes.

- B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA REQUIRING THAT ALL NON-EMERGENCY, UNBUDGETED CAPITAL IMPROVEMENT PROJECTS BE POSTPONED UNTIL INCLUDED AND FUNDED IN A SUBSEQUENT ANNUAL BUDGET, UNLESS THE CITY COMMISSION DETERMINES THAT THE PROJECT IS REQUIRED TO ADDRESS AN EMERGENCY SITUATION; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The City Clerk read the title of the Item.

The proposed Resolution will require all capital projects to be funded and budgeted, unless they are deemed emergencies by the Commission.

Commissioner Chervony explained that he had introduced this resolution in response to the recommendation made by Deede Weithorn as a result of the special audit commissioned by the Commission, to make the City proactive in planning out capital project spending rather than reactive.

The Mayor opened the meeting to the public. There were no speakers and the Mayor closed the meeting to the public.

Commissioner Blumberg questioned whether this would be retroactive to an already established budget that would take effect on October 1st. The City Manager thought that would depend on the specified effective date for implementation. City Manager Kelly continued that he has worked under similar ordinances in other cities, although perhaps with more latitude, in that additional capital spending could be accommodated through budget amendment by ordinance in a deliberative process; while in contrast this resolution limited unbudgeted capital spending to emergency needs.

Vice Mayor Lim was not sure it was needed, since administrative procedures already existed to control spending. The City Manager suggested that events like the change orders that had increased the cost of ~~the Causeway enhancement project, which was a capital project, would not~~ be able to occur in the middle of the year under this rule. The Mayor was concerned that the hands of City staff would be tied to address issues, such as landscaping, that while not emergencies, could nonetheless be considered important, and she expressed confidence in the competence of the current Finance Director.

Commissioner Chervony stressed that the resolution addressed capital spending and not operational expenses, and that the City needed to control its spending. Using the example of the utility undergrounding project, for which bonds had been approved, under this rule he said the City would be required to wait and plan for the expense in subsequent budget cycles if it were decided this year to go forward with it. Commissioner Blumberg suggested that since this was a resolution and not an ordinance, it could be passed so that an ordinance could then be drafted, discussed, and voted upon.

Interim Finance Director Bert Wrains advised the Commission that this rule forces the City and its staff to plan out capital spending. While the City has a 5 year capital spending plan as required by State statute, the State used to require the first two years to be funded but no longer does. In the past the City has addressed projects on a piecemeal basis, with project elements continually being brought back to the Commission for approval, and that, he thought, is what has created problems for the City. He cautioned that, at the same time, the Commission should seek to avoid tying its own hands unduly, for example if they decided mid-year to proceed with the utility undergrounding project.

The Mayor asked for a motion to be offered, and no member of the Commission so moved.

- C. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, APPROVING THE POSITION CLASSIFICATION MANUAL, THE PERSONNEL POLICIES AND PROCEDURES MANUAL, THE PAY PLAN, AND RELATED POLICIES AND PROCEDURES (THE "UNIFORM PERSONNEL POLICIES"); PROVIDING FOR REPLACEMENT IN ITS ENTIRETY OF ANY EXISTING PREVIOUSLY ADOPTED PERSONNEL POLICIES; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

Item 11C was deferred to the October Commission Meeting.

- D. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL FUNDING AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE KENNEDY CAUSEWAY; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

City Manager Kelly explained that in order to proceed, FDOT needed a resolution to be brought to them rather than an administrative letter. After that, a local funding agreement would be returned to the Commission for its approval at the October meeting.

The Mayor opened the meeting to the public. There were no speakers and the Mayor closed the meeting to the public.

Commissioner Richard Chervony noted that the chain link fence on the causeway which the City wanted removed was nowhere mentioned in the proposal. The City Manager responded that a guard rail replacement was included in the scope of work to be designed by the contractor, although it would be unknown whether the City would be responsible for the cost until the local funding agreement was drawn up. Commissioner Chervony and the Mayor both stressed that a written guarantee that the fence was part of the project should be provided. Vice Mayor Eddie Lim asked for clarification on the meaning of "shared use path", as to whether this was specifically a bike path.

The City Manager responded that because the sidewalks were encroached by trees planted and driveway cuts that impeded biking, substantial redesign was called for. He went on to explain that Federal dollars that had been anticipated had not been approved by Congress, and a pending public works bill was not expected to be before Congress until January of next year. DOT 66, as the causeway rehabilitation project was called, would only pay for the re-milling of the asphalt on the Causeway, and everything else would be paid by the City. Ralph Rosado, the City's grant consultant, had left C3TS and would not be as involved; the project watchdog going forward would be Kimley Horn. The Mayor was concerned that there were no designs to review; the City Manager explained that designs and further details would be supplied once FDOT had the City's resolution.

The Mayor opened the meeting to the public. Reinaldo Trujillo of 7601 E. Treasure Drive cautioned that the City should be careful about what commitments it made to FDOT, and consider how it would be funded. There were no further speakers and the meeting was closed to the public.

Commissioner Chervony wondered what the FDOT's response would be if the cost came in at a hypothetical \$2.5 million, and all the City chose to do was replace the chain link fence. He also questioned the fact that the next phase of causeway improvements, Phase 2, was supposed to address the east entrance and asked what the FDOT involvement was with the east entrance. Commissioner Blumberg noted that these questions would not be answered by FDOT until after a resolution was approved, and called the question to a vote.

Commissioner Stuart Blumberg moved to approve the Resolution, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

- E. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A CHANGE ORDER TO THE DESIGN BUILD AGREEMENT BETWEEN THE CITY AND METRO EQUIPMENT SERVICE, INC., FOR PLACING THE 12" SEWER FORCE MAIN OUT OF SERVICE AND EXTENDING THE CONTRACT TIME; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE CHANGE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS W. KELLY)**

The City Clerk read the resolution by title. City Manager Dennis Kelly advised the Commission that this Item was a companion to Item J, and during the discussion they should keep both Items in mind as dealing with different aspects of the same project. He introduced the Public Works Director Sam Zamacona, who explained that with wastewater now being routed west to the City of Miami, the old abandoned pipe under the water that had routed wastewater to Miami Beach was to be cleaned and fitted with additional valves to enable it to be kept as an emergency backup in the case of a catastrophic failure of the new pipe. Gary Ratay, engineer from Kimley-Horn & Associates explained to the Commission, in response to their questions, that cleaning the pipe was necessary in order to extend its life against corrosion and preserve it as an asset;

that it would not need to be cleaned again unless it were used to pump wastewater; and that the wall integrity of the forty year old pipe was questionable, had unknown life expectancy, and could possibly rupture while being cleaned.

Interim Finance Director Wrains confirmed that the cost was budgeted. Vice Mayor Lim asked why the contract was being extended to December of 2013; City Engineer Gary Ratay explained that contract extension was a change order to an existing contract covering both placing the old force main out of service and connecting the City Hall pump station to the new force main. The latter project was still in the permitting stage, and State revolving loan dollars were involved; the extension was the time needed for connecting the pump station.

The Mayor opened the meeting to the public. Reinaldo Trujillo of 7601 E. Treasure Drive was assured by Gary Ratay the expected changes to the wastewater outfall in Miami Bach would not affect the City's plans.

Mario Garcia, of 7540 Cutlass Avenue, spoke in favor of preserving the pipe for backup.

There were no further speakers and the meeting was closed to the public.

Commissioner Richard Chervony moved to approve the Resolution regarding the change order to the Metro Equipment Service agreement, seconded by Vice mayor Eddie Lim. The votes were as follow: Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps- Yes; and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

The Commission next took up discussion of the related item, 11J.

F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPOINTING LARUE PLANNING AND MANAGEMENT SERVICES, INC., AS PLANNING CONSULTANT PURSUANT TO SECTIONS 3.01 AND 4.01 OF THE CITY CHARTER; SETTING AN EFFECTIVE DATE.

The proposed Resolution seeks confirmation of Jim LaRue as the permanent planner for the City of North Bay Village.

Commissioner Stuart Blumberg moved to approve the Resolution appointing LaRue Planning and Management Services as planning consultant, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

- G. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE APPOINTMENT OF ELBERT E. WRAINS AS FINANCE DIRECTOR SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Clerk read the resolution by title.

Commissioner Stuart Blumberg moved to approve the Resolution appointing Elbert E. Wrains as Finance Director, seconded by Vice mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The Mayor called for a short recess, and reconvened for the following item.

- H. There was no Item H prepared in the Agenda package.
Commissioner Richard Chervony moved to table Item 11H, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes; Commissioner Richard Chervony-Yes. The motion carried 3-0.

(Vice Mayor Lim had not yet returned from the recess.)

- I. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ~~ORDER/QUOTE WITH ET & T DISTRIBUTORS, INC.~~ FOR PURCHASE OF TWO PICNIC SHELTERS FOR DR. PAUL VOGEL PARK AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

Item 11 I was deferred until the October commission meeting.

- J. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL CONSTRUCTION PHASE SERVICES FOR COMPLETION OF THE FORCEMAIN REHABILITATION DESIGN BUILD PROJECT; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROJECT AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The City Clerk read the resolution by title.

Public Works Director Sam Zamacona explained that Kimley Horn had designed the project, and would take over its supervision at a cost of \$12,900.

Commissioner Richard Chervony moved to approve the Resolution, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- K. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY AND TYLER TECHNOLOGIES, INC. FOR THE INCODE (FINANCIAL SOFTWARE); WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 36.25 OF CITY CODE FOR THIS AGREEMENT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

Item 11K was deferred until the October Commission meeting.

- L. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE A COMPLETION CONTRACT WITH VALLEYCREST LANDSCAPE DEVELOPMENT, INC. ("VALLEYCREST") FOR REDEVELOPMENT OF J. F. KENNEDY CAUSEWAY AND IMPROVEMENTS TO DR. PAUL VOGEL PARK ("PROJECT"); WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 36.25 OF THE CITY CODE TO UTILIZE THE SERVICES OF VALLEYCREST; AND AUTHORIZING EXPENDITURES TO VALLEYCREST AND SOUTHEAST UNDERGROUND UTILITIES CORP. ("SOUTHEAST") NOT TO EXCEED \$235,999.00 FOR PREVIOUSLY PERFORMED WORK ON THE PROJECT; AUTHORIZING EXPENDITURES NOT TO EXCEED \$174,001.00 FOR VALLEYCREST AND SOUTHEAST TO COMPLETE THE PROJECT; APPROVING PAYMENT TO OTHER UNPAID SUBCONTRACTORS AND SUPPLIERS OF M. VILA AND ASSOCIATES, INC. ("VILA") NOT TO EXCEED \$114,332.00; AUTHORIZING KIMLEY-HORN & ASSOCIATES, INC. ("KIMLEY-HORN") TO PROCEED WITH WORK ORDER NO. 06-12 FOR A COST NOT TO EXCEED \$23,000.00; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE THE NECESSARY DOCUMENTS; AUTHORIZING THE APPROPRIATION AND BUDGETING OF APPROXIMATELY \$281,789.00 TOWARD THE COMPLETION OF THIS PROJECT AND AUTHORIZING THE CITY MANAGER TO EXPEND THE BALANCE OF THE BUDGETED FUNDS AND NEWLY APPROPRIATED FUNDS TO COMPLETE THE PROJECT; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

The Clerk read the title of the Item.

Finance Director Bert Wrains summarized for the Commission that in the wake of the bankruptcy of M. Vila, two of the major subcontractors who had not been paid by M. Vila, Valleycrest and Southeast Electric, had formed a co-venture that proposed to finish the project, with Valleycrest holding the general contractor license, provided that they are paid immediately for work already done, with a 10% discount from the original invoice. Other costs included claims from other unpaid subcontractors amounting to \$114,000, the legal fees estimated at \$31,000, and a \$23,000 fee to Kimley Horn to oversee the contractors, and the cost of work to complete the project.

Staff was in favor of using Valleycrest to finish the work, since they were already familiar with the project as a major subcontractor; and were the only subcontractor that held a general contractor's license, which was required to finish the work insured and warranted. Mr. Wrains noted that it could be difficult to find a general contractor willing to take over the job.

Sources of funds included the \$305,000 retained from the M. Vila contract payment (most held for completion of the park), CITT money that can be appropriated from the fund in which it is held, remaining funds from bond money for Vogel Park, and any leftover balance to be drawn from the General Fund Reserves.

The Commission members all concurred that 10% was not nearly a large enough discount, and questioned the efforts being made in negotiating on the City's behalf. The City Attorney suggested that staff be directed to further negotiate with Valleycrest and return to the Commission in October, warning that while Valleycrest has not yet named the City as a party to their suit, they were "lawyered up" and had already filed against M. Vila, the surety company, and several other cities; and they would sue the City as well if not named as the completion contractor.

The Mayor complained about defects in the work that had been done on Vogel Park, and the continuous outlay of money over three years without a completed park to show for it. Commissioner Chervony suggested that there was still approximately \$40,000 left from Safe Neighborhood Parks money that could be used, and also questioned the legal expenses.

At midnight, the Mayor called for a vote to extend the meeting.

Commissioner Stuart Blumberg moved to extend the meeting, seconded by Commissioner Richard Chervony. The motion carried 4-0.

The Commission members discussed and questioned the figures presented, noting that documentation was not supplied for comparison costs of electrical contractors, the lack of backup information on the amount named to complete the project, a general lack of clarity in the wording of the resolution, and a need to see the results of counterproposals to the contractors and subcontractors before passing a resolution.

The City Attorney warned that in the absence of a performance bond as required by State statute, the City was in a uniquely vulnerable legal position. She named other contractors that had filed or were preparing to file suit, and informed the Commission that some smaller subcontractors had already refused to take payment cuts.

At 12:27 A.M. the Mayor called for a vote to extend the meeting.

Commissioner Stuart Blumberg moved to extend the meeting until 1:00A.M., seconded by Vice Mayor Eddie Lim. The motion carried 4-0.

The Mayor recognized Jack Higgins of Bennett Electric, a subcontractor who was owed \$16,000 by M. Vila. He expressed his distress upon hearing the comments that had been made regarding the work by and payment to the subcontractors, and informed the Commission that since there was no performance bond in place, he would not require a lawyer's services to obtain a court judgment in his favor. He also advised the Commission to ask questions regarding the status of Southeast Underground, who had recently been removed from a number of jobs.

Mayor Connie Leon-Kreps moved to defer Item 111 to September 13, 2012 immediately following the Budget Workshop, seconded by Vice Mayor Eddie Lim. The motion carried 4-0.

- M. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH C&L GRAPHICS FOR THE PURCHASE AND INSTALLATION OF THREE SIGNS AT DR. PAUL VOGEL COMMUNITY PARK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE PURCHASE ORDER/QUOTE; AUTHORIZING THE EXPENDITURE OF \$13,025 FOR THE SIGNAGE; AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

Item 11M was deferred to the October Commission Meeting.

Commissioner Stuart Blumberg moved to defer Item 11M to the next Commission meeting, seconded by Mayor Connie Leon Kreps. The motion carried 4-0.

- N. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND AWARDED RFP NO. NBV 2012-01 FOR LANDSCAPE MAINTENANCE SERVICES TO SMF SERVICES, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

The City Clerk read the resolution by title.

Commissioner Blumberg noted that while there were three bids on the landscape services RFQ, only one had been included in the Agenda packet, and therefore there was no basis for comparison.

- M. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A PURCHASE ORDER/QUOTE WITH C&L GRAPHICS FOR THE PURCHASE AND INSTALLATION OF THREE SIGNS AT DR. PAUL VOGEL COMMUNITY PARK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE PURCHASE ORDER/QUOTE; AUTHORIZING THE EXPENDITURE OF \$13,025 FOR THE SIGNAGE; AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

Item 11M was deferred to the October Commission Meeting.

Commissioner Stuart Blumberg moved to defer Item 11M to the next Commission meeting, seconded by Mayor Connie Leon Kreps. The motion carried 4-0.

- N. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND AWARDED RFP NO. NBV 2012-01 FOR LANDSCAPE MAINTENANCE SERVICES TO SMF SERVICES, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

The City Clerk read the resolution by title.

Commissioner Blumberg noted that while there were three bids on the landscape services RFQ, only one had been included in the Agenda packet, and therefore there was no basis for comparison.

Commissioner Stuart Blumberg moved to defer Item 11N until the October 2012 Commission meeting, seconded by Mayor Connie Leon-Kreps. The motion carried 4-0.

12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

As previously voted upon, this Item was heard before the Consent Agenda. The City Clerk read the title of the Item.

A. AN APPLICATION BY ZF DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:

- 1. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A FRONT-YARD SETBACK AS LITTLE AS 11 FEET 10 INCHES IN SOME AREAS WHERE 25 FEET IS REQUIRED.**

The City Clerk read the request into the record.

The City Attorney read the provisions for conduct of quasi-judicial public hearings. All those planning to speak were sworn in by the City Clerk. No member of the Commission had any ex-parte communications since the last meeting to disclose.

Interim City Planner James LaRue presented the staff report finding that the special circumstances required for a variance in the setback requirement were not met, that the cul-de-sac was not a sufficient condition for granting the variance, and that the applicant was not denied reasonable use of the land by being required to design a project that provided a modest 25 foot setback on a parcel of 4.45 acres and over 550 feet in depth.

Representing the applicant, Neisen Kasdin of the firm of Akerman Senterfitt announced that the applicant had completed purchase of the Casa Marina property and was moving forward with development plans. He recalled that a series of variances had been approved, and while the front setback variance for the building pedestal had not been approved, at a recent Commission meeting it had been voted to reconsider it. Mr. Kasdin presented the applicant's view that the public road jutting into the front line of the property was an unreasonable restriction upon its use because no other property owner suffered it, and that with the exception of the area affected by the public road, the front setback of the building was almost 50 feet. Mr. Greg West of ZOM added that the variance only affected the first floor lobby level, where the curvilinear entrance feature was designed. He claimed that the constraints imposed by the satisfaction of the parking requirements within a maximum of 4 floors in height as well as the shoreline setback requirements affected their ability to simply move the pedestal back another 25 feet.

The Mayor opened the meeting to the public. Reinaldo Trujillo, of 7601 E. Treasure Drive, spoke in favor of granting the variance and preserving the front entrance design feature.

Scott Greenwald, an owner of property on West Drive and elsewhere, spoke in support of assisting the applicant in any way possible, describing the project as one that would benefit local retailers and property owners.

Al Coletta, of Harbor Island, spoke in favor of granting the variance to a project he described as beautiful, and a good use of land which had been a vacant eyesore.

Mario Garcia, of 7540 Cutlass Avenue, agreed with the previous speakers that the variance should be allowed.

There were no further speakers and the Mayor closed the meeting to the public.

Vice Mayor Eddie Lim moved to approve the setback variance request, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

13. UNFINISHED BUSINESS

There were no unfinished business items.

14. NEW BUSINESS

A. RFQ FOR LEGAL SERVICES

By a vote of the Commission earlier in the meeting, the Item was deferred until a full Commission was sworn in after the election.

B. APPOINTMENT – BUSINESS DEVELOPMENT ADVISORY COMMITTEE

Mayor Connie Leon-Kreps moved to appoint Roy Martayan and Henrik Risvang to the Business Development Advisory Committee, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Richard Chervony-Yes; Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes; Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

15. APPROVAL OF MINUTES

A. REGULAR CITY COMMISSION MEETING – 6/12/2012

No action was taken on Item 15.

16. ADJOURNMENT

Mayor Connie Leon-Kreps moved to adjourn the meeting at 12:43 A.M., seconded by Commissioner Stuart Blumberg. The motion carried 4-0.

*Prepared and submitted by: Yvonne P. Hamilton, CMC
City Clerk
Katherine Price, Clerical Assistant*

*Adopted by the City of North Bay Village on
this _____ day of _____.*

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 City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Laws.)

OFFICIAL MINUTES

SPECIAL CITY COMMISSION MEETING

**CITY OF NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

JULY 25, 2012

7:00 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

The meeting was called to order by Mayor Connie Leon-Kreps at 7:07 P.M. and the Pledge of Allegiance was recited. Present at Roll Call were Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Stuart Blumberg, and Commissioner Richard Chervony. As a quorum was determined to be present, the meeting commenced.

2. ITEMS CONTINUED FROM JULY 10, 2012

13. UNFINISHED BUSINESS

APPROVAL OF MINUTES – CITY COMMISSION MEETINGS

- B. REGULAR MEETING – FEBRUARY 14, 2012
REGULAR MEETING – DECEMBER 13, 2011
SPECIAL MEETING – NOVEMBER 29, 2011
REGULAR MEETING – NOVEMBER 8, 2011
REGULAR MEETING – OCTOBER 11, 2011
BUDGET PUBLIC HEARING – SEPTEMBER 20, 2011**

Commissioner Stuart Blumberg moved to approve the Minutes as submitted, seconded by Vice Mayor Eddie Lim. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes; Commissioner Richard Chervony-Yes; and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

14. NEW BUSINESS

A. **DISCUSSION AND APPOINTMENT OF NORTH BAY ISLAND COMMISSION VACANCY**

Al Blake and Kenneth Stowe, residents of North Bay Island and candidates for the Commission vacancy, both addressed the Commission, describing their many years of residency in the City, prior civic service, and other qualifications. Penelope Friedland, also a candidate, was out of town and therefore not present at the meeting.

The Mayor opened the meeting to the public. Bob Lubell, owner of the property at 7400 Miami View Drive, spoke in support of Al Blake, describing him as an able and helpful individual. Next, resident Reinaldo Trujillo spoke supporting the candidacy of Al Blake, feeling that the City needed someone with his strong prior experience in the government of the City. There were no further speakers and the Mayor then closed the meeting to the public.

Commissioner Richard Chervony spoke of the candidates as all having the qualifications to serve as Commissioner, and reserved his decision until after hearing the other Commission members.

Vice Mayor Eddie Lim commended all of the candidates, and described the qualities he felt should be present in one serving as a Commissioner of North Bay Island, including among them a commitment to citywide well-being, reliability, and strong past experience with City matters.

Commissioner Stuart Blumberg also commended the candidates and asked if any of them intended to run for office in the upcoming election. Al Blake replied that he did not plan to run for election; Ken Stowe replied that he had no definite plans, but would rather wait and see whether that seemed to be the best course of action, and also took the opportunity to inform the Commission of his formal education in finance. The Mayor asked Commissioner Blumberg the reason for the question; the Commissioner responded that he had heard the same question directed by the Miami Beach City Commission to candidates for appointment to elected positions, in light of the advantages an incumbent held when running for election. In those cases, the successful candidates had been caretakers only and did not run for reelection.

The Mayor thanked all three candidates for their interest, and explained that she felt it was important that someone highly experienced be appointed to serve for the remaining three months of the term, a time period which also coincided with the final budget approval process. The Mayor concluded that personal issues should be put aside in weighing the decision of which candidate to select, with the overriding factor being the best interests of the City.

Vice Mayor Eddie Lim made a motion to appoint Al Blake to the vacant position of Commissioner for North Bay Island, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony -No; Vice Mayor Eddie Lim-Yes; Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-No. The motion failed 2-2.

Commissioner Stuart Blumberg made a motion to appoint Ken Stowe to the vacant position of Commissioner for North Bay Island, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps-No; Vice Mayor Eddie Lim-No; Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes. The motion failed 2-2.

After the above motion was made and seconded, and before the final vote, the Mayor stated that she was not aware of recent involvement in Board activities or City issues by Mr. Stowe, while in contrast she knew of Mr. Blake's recent involvement with the Citizens Budget & Oversight Board. Commissioner Blumberg asked for the vote to be taken, as there was a seconded motion on the floor. The City Attorney gave direction that their procedures allowed for discussion after the seconded motion was made, with each Commission member having the opportunity to be heard once. Vice Mayor Eddie Lim offered the opinion that it was unfortunate that candidate Penelope Friedland had no representative to speak on her behalf. There was no further discussion and the vote was taken.

After the above motion failed, the Mayor asked the City Attorney what was next required. The City Attorney advised that another motion nominating a candidate could be offered, and that the City Charter did not ~~limit them to nominating only those candidates who had applied for the vacant position already~~; their nominee, if interested, must only meet the legal requirements of residency and of being a registered voter. Commissioner Chervony questioned how the Commission could break their own rule of requiring a letter of intent from interested candidates by a certain deadline.

The City Attorney explained that the rule had been established by the City Clerk, not by the City Commission, which had not taken any action to give direction on procedures for filling the vacancy at their last meeting. As it was not in the Code, it was not technically legally required, although they might deem it a fairness issue as a matter of policy. The City Attorney concluded that if no one were appointed to fill the vacancy, then she would advise them of the legal options resulting, or she could advise them now if they preferred.

The Mayor opened the meeting to the public. Mario Garcia, a resident of Cutlass Avenue, thought that appointing someone who intended to run for office and continue work on the Commission was an idea to consider, although he was unfamiliar with either nominated candidate. The next speaker was Elaine Beutel of Hispanola Avenue who felt the Commission should leave the seat vacant until the next election. Mario Garcia spoke again to advise that a fifth person was necessary on the Commission to avoid deadlocks, and to give North Bay Island proper representation. There were no further speakers and the Mayor closed the meeting to the public.

Vice Mayor Lim again brought up the candidacy of Penelope Friedland, and suggested tabling the motion until the next meeting in August. The City Attorney advised that their power to appoint someone to the vacancy ended the next day, and subsequently they could fill the position by a special election if they chose. The Mayor urged her fellow Commissioners to reconsider and appoint someone with previous experience on the Commission and who was knowledgeable about the City Budget. Commissioner Chervony stated that he had long held concerns about the budget, fiscal responsibility, the audit, and violations of the City Charter; and that these issues had been before the Citizens Budget & Oversight Board and nothing had been done about them. He cited examples of Mr. Stowe's civic involvement, concluding that Mr. Stowe was as qualified as Commissioner Blumberg noted that he had only been sitting on the Commission for five months, yet felt totally prepared to look at the budget, and stood by his nomination, in order to introduce new leadership on the Commission.

The City Attorney advised that with no further nominations, the option of a special election remained open. However, following the requirements to be met when holding a special election, including public notice, coordination with the Supervisor of Election, and time for a run-off election, left virtually no time to service in office before the expiration the term and the November 6th general election. Should the seat remain vacant, it would be filled at the upcoming general election.

The mayor opened the meeting to the public. Elaine Beutel of Hispanola Avenue recommended waiting for the election. Resident Reinaldo Trujillo suggested that the Commission recognize that they were deadlocked and move forward on the agenda. Resident Mario Garcia reminded the Commission that they had agreed it was important to fill the seat, and as a special election was out of the question, they should reconsider and have another vote. Resident Max Crown of S. Treasure Drive clarified that if no action were taken, then the seat would be filled at the general election, and he then suggested that the Commission take no action and proceed with the meeting. There were no more speakers and the meeting was closed to the public.

The City Attorney advised that the seat stays vacant by lack of action, and the City Commission offered no other motions on the Item, and took no further action.

**B. TREASURE ISLAND BULB OUTS/TREE RELOCATION/
MIAMI-DADE COUNTY SCHOOL BOARD
(COMMISSIONER STUART BLUMBERG)**

Commissioner Blumberg described the terms being offered by the School Board for the relocation of the trees planted in bulb-outs on Treasure Island, at a cost of \$30,000 for relocating and storing them. He concurred with the recommendation of the Community Enhancement Board not to incur the expense of relocating the trees and replanting the bulb-outs, but to instead keep the trees in their bulb-outs and properly maintain and water them. He asked that the School Board be informed, but without closing the door on it as an option for the future.

The Mayor opened the meeting to public comment. Max Crown of S. Treasure Drive reported that while the trees had begun to sprout and had been looking better, recently maintenance crews had cut off their branches and they again looked bad. There were no more speakers and the meeting was closed to the public.

Vice Mayor Lim questioned Commissioner Blumberg's judgment in having presented this idea, and was glad he had withdrawn it. Commissioner Blumberg asked that the Vice Mayor adhere to the Mayor's opening remarks calling for respect to be shown during the meeting.

Commissioner Stuart Blumberg offered a motion to table the Item for future action, seconded by Commissioner Richard Chervony.

The Mayor inquired as to whether the trees had been acquired by a grant and might be subject to restrictions regarding their relocation and asked for the question to be investigated. The City Manager informed the Mayor that CITT funds were used for the trees. Commissioner Blumberg felt there was no need for staff to investigate, that it was not a donation but tax revenue and that the City held title to the trees with the ability to act freely provided proper County permits for tree removal were obtained.

The City Manager clarified that there had been a request for a letter to be sent to the School Board informing them of the City's decision, and he asked that the request be put forth in the form of a seconded motion.

Public Works Director Zamacona explained that CITT was a County appointed agency that regulates, approves, and rejects expenditures related to transit and transportation, and that the bulb-outs and their landscaping had been approved and funded as a traffic-calming measure. The Public Works Director offered to confirm with that agency that the City was free to dispose of the trees as they wished, as a separate matter from the tree removal permits which the County issues. Commissioner Stuart Blumberg offered a new motion incorporating the investigation into the City's ability to relocate the trees into a motion to defer the Item, seconded by the Mayor. The City Manager clarified that the fact of the investigation did not need to be included in the letter to the School Board. Vice Mayor Lim expressed his opposition to the idea of deferring the Item, as compared with permanently voting it down, since he felt the trees were an asset for their beauty and as wildlife habitat.

Commissioner Stuart Blumberg offered a motion to defer the Item and ~~also investigate the issue of whether the City were free to relocate the trees~~, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Vice Mayor Eddie Lim-No; Commissioner Richard Chervony-Yes; Mayor Connie Leon-Kreps-Yes; Commissioner Stuart Blumberg-Yes. The motion carried 3-1.

C. REDESIGN OF CITY'S WEBSITE (COMMISSIONER STUART BLUMBERG)

Commissioner Blumberg addressed the topic of the City's website, saying that while the Item called for no action currently by the Commission, he continued to ask that it be updated for better information and appearance.

D. REMOVAL OF BULLETIN BOARDS FROM ENTRANCES TO ISLANDS (COMMISSIONER STUART BLUMBERG)

Commissioner Stuart Blumberg expressed his embarrassment about the unsightly appearance of the bulletin boards at the City entrances, recommending that a better alternative be implemented if it was agreed that accessing the City website for information was too inconvenient for residents.

Vice Mayor Lim made comments about the necessity for the City to do a better job of marketing and promotion; including getting the word out and involving more residents as participants in City events, and implementing an updated and better maintained website. The Mayor agreed with the Vice Mayor's comments and hoped that the budget would have money allocated for the purpose of improving the website. She agreed that the bulletin board signs needed improvement, but remained a necessity, based on feedback she received from residents. The Mayor suggested that clear instruction be given to the City Manager on how to deal with the signs.

The Mayor opened the meeting to public comment. Max Crown agreed that the signs were ugly but also necessary, and suggested that the Community Enhancement Board be tasked with improving them. Mario Garcia suggested that both the signs and the website be improved. Jane Blake, a resident of North Bay Island, suggested that other communities be studied for examples of how to post community notices, and urged that the City post its notices in a more timely fashion. There were no further speakers and the meeting was closed to the public.

The Mayor asked that direction be given to the City Manager. Vice Mayor Lim suggested that on an interim basis a sign be placed on the median at the east entrance to the City, similar to the LED sign at the west entrance. Commissioner Blumberg agreed with Jane Blake, suggesting that the matter did not need to go before the Community Enhancement Board, but instead that photos of community signs used in neighboring cities be gathered and brought to the City Commission, to be included in next year's budget.

Commissioner Chervony thought that the duties of advisory boards needed to be better defined, so that the Commission could be advised in decisions of this type and not be involved in the placement of every sign, etc. The Mayor pointed out that not only was there a lack of a sign on the east entrance to the City, but also that people entering Treasure Island on the East Treasure Drive had no sign on that entrance, and had reported missing City notices.

Commissioner Chervony offered a motion to add one additional temporary flashing community sign in a position to be seen by residents entering the City on the Causeway from the east end, and as near as possible to East Treasure Drive to be seen as well by residents using that entrance to Treasure Island. The motion was seconded by Vice Mayor Eddie Lim. The votes were as follow: Commissioner Stuart Blumberg-No; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes. The motion carried 3-1.

E. CONTRACTS (COMMISSIONER RICHARD CHERVONY)

Commissioner Chervony referred to his email of June 17th requesting a spreadsheet detailing the City's current contracts, which the City Manager informed him was still being prepared. Commissioner Chervony considered this to be fiscally irresponsible; the Mayor suggested that the City Manager and the Interim Finance Director were currently engaged in preparing the budget.

F. SEVENTY-NINTH (79TH) STREET CAUSEWAY BEAUTIFICATION PROJECT (COMMISSIONER RICHARD CHERVONY)

Commissioner Chervony referred to his email of June 14th, dealing with Items F and G, asking for the following on the next agenda: one, status of performance bonds for the Causeway Enhancement Project Phase I and what they will cover; two, details of outstanding bills; three, amount of money left to complete project after all bills are paid; four, detailed list of items pending to complete project; five, whom can be contracted to finish project, and must project be bid out; six, who will accept the liability and insure replacements for anything that was guaranteed by prior contract. The City Attorney responded from the legal perspective, deferring to the City Manager the question of steps being implemented to move matters forward. The City Attorney summarized that M.Vila has defaulted on its contract for the Causeway project, and therefore on Vogel Park which was part of the same contract. City staff has been working with legal to obtain accountings for all known subcontractors.

The City was not in a position to know of all subcontractors, and has been working to gather information on all subcontractors who have filed a claim. Under prior administration, the City had allowed a project of this magnitude to go forward without proper payment and performance bonds to cover nonpayment to subs and/or to cover completion of the job by the completion contractor. The only bond that has surfaced is a \$60,000 bond, when there should have been a \$2 million bond. The Commission had directed staff to take the retainage of approximately \$305,000 and attempt to finish the project, returning to the Commission if more were needed. In responding to subcontractors' claims, M.Vila's records of its dealings with its subcontractors were not available, and the facts therein needed to be established. The prime sub, Valleycrest, was suing M.Vila and the surety company, but not the City; and the City was negotiating with Valleycrest to become the completion contractor. One of the subcontractors had just filed suit against the City, and another small contractor had just notified of its intent to sue. The City Attorney concluded that from a legal standpoint, they were attempting to obtain a completion contractor to serve as general contractor and take over the permit; and from a management standpoint, it appeared that the funds to complete would be in excess of the retainage.

The City Manager explained that of the Causeway project, two major items remained, covering electrical work and signalization, and while the retainage would be sufficient to complete those, it would not extend to paying off the subcontractors' claims. Public Works Director Zamacona described in detail the scope of work remaining on the Causeway project, the majority of it electrical in nature with some additional punch list items, as well as the attempt to determine a final figure to complete it. By the coming Friday, Valleycrest was expected to provide a lump sum figure for completion, and proposals from among three electrical contractors would thereafter be compared. As for the park, relatively few punch list items remained to be completed, including a drainage issue on the playground caused by an improper slope, which was the fault of M.Vila. The Public Works Director explained that because of the legal issues outstanding, all communications with subcontractors were being routed through the attorneys; and before negotiations could begin, it was necessary to obtain ~~all relevant receipts and documents through the subcontractors.~~ The City Manager added that park signage recommendations from the Community Enhancement Board would be on the Commission's August agenda.

The Mayor asked if it might be possible to use any remaining money for the park, which the City Manager estimated to be \$25,000, for installing swings as had been requested by residents.

G. DR. PAUL VOGEL COMMUNITY PARK (COMMISSIONER RICHARD CHERVONY)

Commissioner Chervony applied the same questions he had asked on the previous Item to Dr. Paul Vogel Park. He expressed the opinion that his questions had been addressed as best as could be at this time in an open forum.

15. APPROVAL OF MINUTES – CITY COMMISSION MEETING

- A. REGULAR MEETING – MARCH 13, 2012
REGULAR MEETING – APRIL 10, 2012**

Commissioner Stuart Blumberg moved that the minutes be approved, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes; Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

The Mayor called for a recess and then called the meeting back to order at 8:58 P.M.

The following Items were quasi-judicial in nature and the City Attorney read the provisions for conduct of quasi-judicial public hearings. The City Clerk swore in all witnesses planning to speak on the following items. No member of the Commission had any disclosures to make. The City Clerk then read the title of the next Item:

3. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

- A. AN APPLICATION BY SOTREZA, LLC CONCERNING PROPERTY LOCATED AT 7800 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE), LOTS 1&2 & E1/2 LOT 3, BLOCK 1, COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:**

- 1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE OPERATION OF A PRE-SCHOOL/DAY CARE CENTER. (FINAL PUBLIC HEARING)**

Interim City Planner James LaRue summarized the conditions for recommendation of site plan approval:

Parking requirements of 32 spaces, including 6 spaces which are designated as compact and are to be approved separately.

The location of the dumpster, to be approved by the City Public Works Director, by the entrance to the property from Pirates Alley, the throat of which has been narrowed to counter concerns that it might be simultaneously used as both an entrance and an exit.

Screening to be on top of the dumpster to protect it from scavenging birds as requested by the Planning & Zoning Board.

A six-foot wall or fence, to buffer the north side and to assure there were no mishaps from traffic on the Alley.

Payment of all impact fees.

Representing the applicant, Merrill Romanek from Manuel Synalovsky Associates stated that they had reviewed and concurred with all the requirements for approval.

Vice Mayor Eddie Lim asked for a description of the screening required for the dumpster, and Mr. LaRue responded that he thought some kind of removable mesh would be used.

The Mayor opened the meeting to the public. There were no speakers and the meeting was closed to the public.

Commissioner Richard Chervony offered a motion to approve the site plan, with the conditions listed by Interim City Planner James LaRue, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes. The motion carried 4-0.

The City Clerk read the next Item. Mayor Connie Leon-Kreps reported that she had no new disclosures to make since the last meeting, although previous to that she had met with the developer and Mr. Kasdin.

B. AN APPLICATION BY ZF DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:

1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE CONSTRUCTION OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT ON A 4.47+ ACRE SITE. (FINAL PUBLIC HEARING)

Interim City Planner James LaRue reviewed the conditions for site plan approval, and the variances approved at the last meeting, including: roof overhang not to exceed the setbacks; the two landscape variances; subject to a 12-inch waterline extension from the BLU property subject to school concurrency requirements; subject to shoreline approval requirements; payment of all impact fees pursuant to the City Code, specifically: no new development application shall be accepted and no building permit shall be issued for the property until all impact fees have been paid in full; provision of 3 loading spaces and 624 parking spaces; no additional fees or payments were allowed to be charged for residents or guests for use of any of the 624 parking spaces; the applicant shall have a requirement in the lease agreement that residents and guests park within the building and not on the street; the front setback will meet the 25 foot setback requirement, measured perpendicular from the property line; applicable agency and Commission approval for the docks, especially if over 25 feet.

Representing the applicant, Neisen Kasdin presented changes in the project since the last reading, such as the removal of the curved front feature, as the variance for its pedestal had not been granted, although the overhang variance had been granted up to but not beyond the property line. Mr. Kasdin agreed to all the requirements for approval, with the following exceptions:

In condition number 5, he asked to strike the language to which Mr. LaRue had referred, "no new development application shall be accepted", citing the customary practice in every other jurisdiction of requiring impact fees to be paid upon acquiring a building permit rather than upon presenting a development application. They agreed with cost recovery charges, as provided for by City ordinance, so the cost to the City of reviewing the plans was covered.

~~Mr. Kasdin confirmed the front setback of 25 feet, but reminded the Commission of the overhang variance which extended to the property line.~~

Additionally, it was requested that the approved Lennar site plan, which was still in effect for the property, be allowed to remain in effect until such time as they applied for a building permit.

Finally, he showed renderings of the building that allowed comparison between the presence and absence of the curved front entrance feature which the developer had felt was important to the design of the project. Mr. Reinaldo Trujillo, as Chair of the Planning & Zoning Board, spoke in favor of the curved entrance feature, which the Planning & Zoning Board had supported as a visual asset to the cul-de-sac, taking place in unique circumstances that did not interfere with adjacent properties. Mr. Kasdin asked that the Commission reconsider and offer a motion to approve the pedestal setback variance for the entrance feature. The City Attorney stipulated that the issue of a variance had not been advertised, and while a motion to reconsider could be entertained, it needed to be brought by the prevailing side, and any further action to be taken would first need to be advertised. Mr. Kasdin asked that the site plan be approved as presented during this hearing, and afterwards a motion to reconsider the variance be taken up.

Commissioner Blumberg asked Mr. LaRue for the staff recommendation, and Mr. LaRue responded that the staff position had been that with a an empty parcel of this size, a setback variance should not be a requirement in order to accomplish plans.

The Mayor asked where employees would park during construction, and Mr. Greg West responded that they would park on the building site, and that property in the area would be rented to use for staging. The City Attorney informed the Mayor that those arrangements could be incorporated as a written condition. Mr. Kasdin agreed to submit a plan to be reviewed by the City.

Interim City Planner James LaRue added to the record a requirement which had been omitted, to secure from the developer an easement for public access for the boardwalk around the property; and in condition 9, the addition that a prohibition be placed in the lease against parking on the street. He further advised the Commission that Mr. Kasdin's request that the Lennar site plan approval remain in effect should be a separate item for the Commission's approval, and not part of this site plan approval request, provided that the City Attorney concurred. The City Attorney offered the opinion that approving this site plan did not automatically invalidate the existing site plan. Mr. Kasdin withdrew his request, provided that were indeed the case. Mr. LaRue agreed to strike the phrase "no new development application" in condition 5.

The Mayor opened the meeting to the public. Robert Breiner, President of Chateau Isle, spoke to the request preserving all the existing parking spaces in front of his building during construction. Mr. Kasdin offered to meet with the building residents. There were no further speakers and the meeting was closed to the public.

15D(13)

Interim City Planner added as a last condition of approval that a parking plan for use during the building's construction be obtained and approved. Commissioner Blumberg suggested that parking off-site could have undesirable impacts elsewhere. The Meeting was opened to the public, and Mr. Robert Breiner suggested that resident Al Coletta had an available lot for this use. The meeting was then closed to the public.

Commissioner Chervony asked the City Attorney for confirmation that two approved site plans could co-exist for the same property without one being invalidated. The City Attorney could find no clear-cut answer although it seemed illogical to her to have two existing site plans. She asked Mr. LaRue for his opinion, also suggesting that the City Commission could allow it as a condition if they chose. Mr. LaRue stated that he would not normally make it a condition, but they could state it on the record; and as far as he knew an existing site plan was valid until it expired. The City Attorney confirmed that there was nothing in the Code that made an existing site plan invalid before it expired.

Commissioner Stuart Blumberg moved that the site plan be approved as presented, and in accordance the conditions 1 through 11 presented in writing, and noting the alterations mentioned to conditions 5 and 9, as well as the addition of condition 12 for a public access easement for the boardwalk and condition 13 for an approved construction parking plan. The motion was seconded by Vice Mayor Eddie Lim. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; Commissioner Richard Chervony-Yes. The motion carried 4-0.

Commissioner Blumberg asked the applicant for a proposed time frame for beginning the project, and Mr. Greg West responded that he expected to begin in the first quarter of 2013, with construction to be completed within 20 to 22 months.

Mr. Kasdin renewed the request to reconsider the front pedestal setback variance. Mr. LaRue's recommendation was not to reconsider the variance, which staff was against. The City Attorney advised that if a motion to reconsider passed, any discussion or action on the variance would take place at the next properly noticed meeting. Commissioner Chervony noted that he would also like to see the developer undertake building the boardwalk. Commissioner Blumberg objected to raising that issue in this context.

Commissioner Richard Chervony offered a motion to reconsider the setback variance for the front pedestal, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg-Yes; Mayor Connie Leon-Kreps-Yes; Vice Mayor Eddie Lim-Yes; and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- C. **AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, ZONING, SECTION 152.111, ADULT ENTERTAINMENT, OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY) – SECOND READING – PUBLIC HEARING**

The City Clerk read the ordinance by caption.

Jim LaRue, City Planner and Susan Trevarthen, of Weiss Serota, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., Village Attorney, explained the item.

The Mayor opened the Public Hearing. There were no speakers and the Mayor closed the Public Hearing.

Commissioner Richard Chervony made a motion to approve the ordinance on second reading, seconded by Commissioner Stuart Blumberg. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- D. **AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CREATING CHAPTER 119 OF THE CODE OF ORDINANCES PERTAINING TO ADULT ENTERTAINMENT LICENSING AND BUSINESS REGULATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY ~~CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY~~) - SECOND READING – PUBLIC HEARING**

The City Clerk read the ordinance by caption.

City Planner, Jim LaRue, presented the item to the Commission.

The Mayor opened the Public Hearing. There were no speakers and the Mayor closed the Public Hearing.

Commissioner Richard Chervony made a motion to approve the ordinance on second reading, seconded by Commissioner Stuart Blumberg. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- E. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 35 "TAXATION AND FINANCE," OF THE CITY CODE OF ORDINANCES TO REVISE THE REQUIREMENTS AND PROCEDURES RELATED TO GENERAL AND ENTERPRISE FUND RESERVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY) – SECOND READING – PUBLIC HEARING**

The City Clerk read the ordinance by caption.

Commissioner Richard Chervony explained that the ordinance will create a true emergency reserve where funds will be set aside to be used during acts of God.

The Mayor opened the Public Hearing. There were no speakers and the Mayor closed the Public Hearing.

Mayor Connie Leon-Kreps asked Finance Director Bert Wrains if the requirements of the ordinance could be followed; and he explained that it would provide better guidance.

Vice Mayor Eddie Lim made a motion to approve the ordinance, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

4. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH "THE MIAMI HERALD PUBLISHING MEDIA COMPANY" FOR THE PURPOSE OF PROVIDING PUBLISHING SERVICES; SETTING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

The City Clerk read the resolution by title.

Vice Mayor Eddie Lim made a motion to approve the ordinance, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, and Vice Mayor Eddie Lim-Yes. The motion carried 4-0.

Vice Mayor Eddie Lim made a motion to cancel the August Commission Meeting, seconded by Mayor Connie Leon-Kreps, the motion failed at 2-2.

5. ADJOURNMENT

The meeting adjourned at 10:51 p.m.

Prepared : Yvonne P. Hamilton, CMC
Katharine Price, Clerical Assistant

Adopted by the City of North Bay Village on

this _____ day of _____.

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 City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

OFFICIAL MINUTES

**CITY OF NORTH BAY VILLAGE
REGULAR MEETING
TUESDAY, JULY 10, 2012**

7:30 P.M

The Regular Meeting of the City of North Bay Village Commission was held on Tuesday, July 10, 2012, at the City Commission Chambers (1700 Kennedy Causeway, #132, North Bay Village, FL 33141).

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL.** The meeting was called to order at 7:30 p.m. by Mayor Connie Leon-Kreps, and the Pledge was recited. The following were present:

Mayor Connie Leon-Kreps
Vice Mayor Eddie Lim
Commissioner Stuart Blumberg
Commissioner Richard Chervony

City Manager Dennis Kelly
Chief Robert Daniels
City Attorney Nina Boniske
Assistant City Attorney Kathy Mehaffey
Interim Finance Director Bert Wrains
Public Works Director Sam Zamacona
HR Manager Jenice Rosado
City Clerk Yvonne P. Hamilton

As a quorum was determined to be present, the meeting commenced.

~~Mayor Leon-Kreps read the rules of decorum to be followed during the proceedings.~~

2. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL**

A. **MOMENT OF SILENCE IN THE PASSING OF MAYOR EMERITUS DR. PAUL VOGEL**

15E(1)

A moment of silence was observed in the passing of Commissioner Paul Vogel on June 26, 2012.

2. **PROCLAMATIONS AND AWARDS**

There were no proclamations or awards.

B. **SPECIAL PRESENTATIONS**

1. **CITY'S INDEPENDENT AUDIT REPORT FOR FY 2010-2011
KEEFE, MCULLOUGH & CO., LLP**

Ken Smith from Keefe McCullough & Co., LLP presented the audit report to the City Commission.

2. **SPECIAL FINANCIAL AUDIT
BERKOWITZ DICK POLLACK & BRANT
CERTIFIED PUBLIC ACCOUNTANTS & CONSULTANTS, LLP**

Dee Dee Weithorn of Berkowitz Dick Pollack and Brant presented the special financial audit report to the City Commission.

C. **ADDITIONS AND DELETIONS**

A motion was offered by Vice Mayor Eddie Lim and seconded by Commissioner Richard Chervony to amend the agenda to hear Item 13A immediately before Item 9A. All voted in favor and the motion carried 4-0.

3. **BOARD REPORTS**

A. **ANIMAL CONTROL ADVISORY BOARD**

A report was not provided

B. **ARTS, CULTURAL & SPECIAL EVENTS BOARD**

A report was not provided

C. **CITIZENS BUDGET AND OVERSIGHT BOARD**

A report was not provided

D. COMMUNITY ENHANCEMENT BOARD

The Chair Penelope Friedland presented the board report for the July 3, 2012 meeting.

E. PLANNING & ZONING BOARD

The Chair Reinaldo Trujillo reported that the Board recommended approval of Items 11D and Item 12A with special conditions at its May 29, 2012 meeting. Items 12B and 12C were recommended for approval at the June 27, 2012 meeting.

F. YOUTH SERVICES BOARD

The Chair Kevin Vericker informed the Commission that a report will be provided at the next meeting.

G. ADVISORY CHARTER REVIEW BOARD

A report was not provided.

4. PUBLIC SAFETY DISCUSSION

Chief Daniels reported on plans to set a day for CPR training. He noted that there had been an increased in auto burglaries.

5. COMMISSIONERS' REPORTS

Reports were provided by Commissioner Blumberg, Commissioner Chervony, Vice Mayor Lim and Mayor Leon-Kreps.

6. CITY ATTORNEY'S REPORT

City Attorney Boniske requested to hold an Executive Session in the matters of Isle of Dreams, L.L.C. vs. City of North Bay Village, Florida:12-21203 CIV-Ungaro Torres, U.S. District Court and 12-CV-22339 CMA, U.S. District Court.

7. CITY MANAGER'S REPORT

- A. ENVIRONMENTAL PERMITTING UPDATE – BAYWALK PROJECT/PERMITTING PROCESS FOR SEAWALL AT DR. PAUL VOGEL PARK (RALPH ROSADO-CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (C3TS) (DEFERRED FROM JUNE 12, 2012)**

Mr. Ralph Rosado and Ms. Kate Skindzier provided an update on the status of the baywalk project and permitting process for the seawall at Dr. Paul Vogel Park.

8. **GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.**

Residents Flo Clein, of 7500 Beach View Drive, Reinaldo Trujillo, of 7601 East Treasure Drive, Elaine Beutel, of 7533 Hispanola Avenue, and Kevin Vericker, of 7520 Hispanola Avenue addressed the Commission during the Good and Welfare session.

9. **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.

Item 9B was removed from the Consent Agenda for discussion.

A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, URGING AND ENCOURAGING THE FLORIDA STATE LEGISLATURE TO ENACT LEGISLATION BANNING THE MARKETING, POSSESSION, TRAFFICKING AND FURNISHING OF "BATH SALTS" CONTAINING DANGEROUS SYNTHETIC DRUGS; PROVIDING FOR TRANSMITTAL; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPEND \$455 FOR PLACEMENT OF PLANTINGS IN THE CERAMIC POTS ON THE FLAT BRIDGE BETWEEN NORTH BAY ISLAND AND TREASURE ISLAND; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE RENEWAL OF A HIGHWAY LANDSCAPING AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF THE TURF AND LANDSCAPED AREAS ON THE 79TH STREET CAUSEWAY AND PROVIDING FOR COMPENSATION TO THE CITY FOR SUCH SERVICES; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*
- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT IN FORM BETWEEN THE CHILDREN'S TRUST AND THE CITY OF NORTH BAY VILLAGE PROVIDING FOR GRANT FUNDING FOR A CITY AFTER-SCHOOL CARE PROGRAM FOR THE 2012-13 SCHOOL YEAR AND A SUMMER CAMP FOR SUMMER 2013; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO ENTER INTO AND IMPLEMENT THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS KELLY)*

A motion was offered by Commissioner Stuart Blumberg to approve the Consent Agenda items 9A, 9C, and 9D. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

Commissioner Chervony expressed concerns about overspending of the Street Maintenance Fund.

A motion was offered by Commissioner Stuart Blumberg to approve the Consent Agenda item 9B. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-No, and Commissioner Stuart Blumberg-Yes. The motion carried 3-1.

10. PLANNING & ZONING CONSENT AGENDA

There were no Planning & Zoning Consent Agenda items.

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS PROPOSED AMENDMENTS TO THE CITY CHARTER AS PROVIDED BY THE ADVISORY CHARTER REVIEW BOARD IN ACCORDANCE WITH SECTION 10.13 OF THE CITY CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON TUESDAY, NOVEMBER 6, 2012; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to include Ballot Question 22 to attach a penalty to the proposed Ballot Question 21 for violation of the City Charter. Following further discussion, Commissioner Chervony withdrew the item.

A motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps to remove Item 16 pertaining to term limits on membership on City Advisory Boards from the ballot questions. The votes were as follows: Commissioner Stuart Blumberg-No, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony Yes. The motion carried 3-1.

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to strike references to "City of" in the name "City of North Bay Village and to make the item the number one ballot question. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Mayor Connie Leon-Kreps to amend Section 7.02 of the City Charter to hire the independent auditors at the beginning of the Fiscal Year rather than in January. The votes were as follows: Vice Mayor Eddie Lim- Yes, Commissioner Richard Chervony-No, Commissioner Stuart Blumberg-No, and Mayor Connie Leon-Kreps-Yes. The motion failed at 2-2.

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to adopt the Resolution as amended. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

- B. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 35 "TAXATION AND FINANCE," OF THE CITY CODE OF ORDINANCES TO REVISE THE REQUIREMENTS AND PROCEDURES RELATED TO GENERAL AND ENTERPRISE FUND RESERVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY)**

A motion was offered by Mayor Connie Leon-Kreps and seconded by Commissioner Richard Chervony to approve the ordinance on first reading. The votes were as follows: Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, and Mayor Connie Leon-Kreps-Yes. The motion carried 4-0.

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA PROVIDING MONTHLY FINANCIAL EXPENDITURE REPORTING REQUIREMENTS FOR ALL PURCHASES OVER ONE THOUSAND FIVE HUNDRED DOLLARS; AMENDING THE COMMISSION MEETING AND AGENDA PROCEDURES TO PROVIDE REQUIREMENTS FOR FINANCIAL EXPENDITURE REPORTING; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY)**

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the Resolution. The votes were as follows: Mayor Connie Leon-Kreps-No, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 3-1.

- D. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, ZONING, SECTION 152.111, ADULT ENTERTAINMENT, OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY) - FIRST READING - PUBLIC HEARING

A motion was offered by Mayor Connie Leon-Kreps and seconded by Commissioner Richard Chervony to approve the ordinance on first reading. The votes were as follows: Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, and Mayor Connie Leon-Kreps-Yes. The motion carried 4-0.

- E. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CREATING CHAPTER 119 OF THE CODE OF ORDINANCES PERTAINING TO ADULT ENTERTAINMENT LICENSING AND BUSINESS REGULATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY COMMISSIONER RICHARD CHERVONY, CITY MANAGER DENNIS KELLY, AND CITY ATTORNEYS SUSAN TREVARTHEN AND KATHRYN MEHAFFEY) - FIRST READING

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the Ordinance on first reading. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

- F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT PERMITTING THE CITY TO ACT ~~AS GO-PERMITTEE WITH MIAMI DADE COUNTY FOR THE~~ PURPOSE OF ANNUAL PERMITTING REPORTING REQUIREMENTS TO COMPLY WITH THE ENVIRONMENTAL PROTECTION AGENCY (EPA) NATIONAL DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM TO REGULATE MUNICIPAL STORM WATER DISCHARGE, AUTHORIZING EXECUTION OF THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve the Resolution. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

- A. A REQUEST BY MIGUEL FORNELLA FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A JET SKI RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.**

The City Clerk read the request into the record.

Following the quasi judicial proceeding pursuant to Chapter 29 of the City Code, a motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps to approve the request for a Special Use Exception to operate a jet ski rental business at the commercial marina at 7904 West Drive subject to the following conditions:

1. Access to Jet Skis (personal watercraft) and to the marina must be provided without restrictions.
2. Fueling or refueling the jet skis (personal watercraft) cannot be done by hand on-site but must be done only at an authorized or permitted fueling station consistent with Section 150.12(D). No storage of gasoline or motor fuels shall be allowed on the property involved in the rental of the jet skis (personal watercraft).
3. The jet skis (personal watercraft) hours of operation shall be confined to 10:00 a.m. to 6:00 p.m.
4. Parking shall be three (3) spaces including two that are designated for the jet ski use.
5. When jet skis are on-site and not in use, they shall remain secured in a manner which deters theft and prevents harm to the jet skis, docks and other vessels.
6. All speed, noise and no-wake regulations within the Biscayne Bay Aquatic Preserve shall be adhered to.
7. The operations of jet skis (personal watercraft) shall adhere to the vessel regulations of Chapter 327 FS.

8. Pursuant to Section 152.110, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

B. AN APPLICATION BY SOTREZA, LLC CONCERNING PROPERTY LOCATED AT 7800 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE), LOTS 1&2 & E1/2 LOT 3, BLOCK 1, COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:

1. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE OPERATION OF A PRE-SCHOOL/DAY CARE CENTER.**

Following the quasi judicial proceeding pursuant to Chapter 29 of the City Code, a motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps for the addition of a six-foot wall or fence at the northern portion of the property. All voted in favor and the motion carried 4-0.

A motion was offered by Mayor Connie Leon-Kreps and seconded by Commissioner Stuart Blumberg to approve the request for site plan approval to operate a pre-school/day care center at 7800 Hispanola Avenue subject to the following conditions:

1. Approval of six of the 32 required parking spaces to be designated as compact spaces.
2. Dumpster location and pick-up to be approved by the City Public Works Director.
3. Screening on top of the dumpster.

4. Six-foot wall or fence at northern portion of property as a buffer to the alley.
5. Payment of all impact fees pursuant to the City Code. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all impact fees, which will include Police, and Sewer and any others applicable have been paid in full.
6. Cost recovery charges pursuant to Section 152.110. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

The votes were as follows: Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, Commissioner Stuart Blumberg-Yes, and Mayor Connie Leon-Kreps-Yes. The motion carried 4-0.

C. AN APPLICATION BY ZF DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:

1. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE CONSTRUCTION OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT ON A 4.47+ ACRE SITE.**
2. **AN EXCEPTION PURSUANT TO SECTION 152.044(E) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES TO THE PARKING REQUIREMENTS OF SECTION 152.044(A)(2) TO ALLOW BETWEEN 519 AND 592 PARKING SPACES WHERE 662 SPACES ARE REQUIRED.**

3. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 18A-6(C)(8) OF THE MIAMI-DADE COUNTY CODE, AS ADOPTED BY THE CITY OF NORTH BAY VILLAGE, TO PERMIT 52% OF THE NUMBER OF REQUIRED TREES TO BE PALM TREES WHERE A MAXIMUM OF 30% IS ALLOWED.
4. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 5.4.1 AND ATTACHMENT A.5. OF APPENDIX D OF THE CITY'S CONSOLIDATED LAND DEVELOPMENT REGULATIONS TO PERMIT 20% SHADE COVERAGE OF THE SHORELINE AREA WITHIN FIVE YEARS OF PLANTING WHERE 50% SHADE COVERAGE IS REQUIRED.
5. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A FRONT-YARD SETBACK AS LITTLE AS 11 FEET 10 INCHES IN SOME AREAS WHERE 25 FEET IS REQUIRED.
6. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.029(C)(6), MINIMUM FLOOR AREA, TO ALLOW LESS THAN THE REQUIRED UNIT STANDARDS.

7. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.056(A), SETBACK ENCROACHMENTS, TO ALLOW A ROOF OVERHANG TO EXTEND INTO THE REQUIRED YARD, COMPLETELY TO THE PROPERTY LINE AND AS MUCH AS 15 FEET, 9 INCHES BEYOND THE PROPERTY LINE INTO THE RIGHT-OF-WAY OF WEST DRIVE WHERE ROOF OVERHANGS ARE NOT PERMITTED TO EXTEND MORE THAN 36 INCHES INTO THE REQUIRED YARD.

Following the quasi judicial proceeding pursuant to Chapter 29 of the City Code a motion was offered by Commissioner Stuart Blumberg and seconded by Vice Mayor Eddie Lim to approve Variance Numbers Three and Four (3&4) to permit 52% of the number of required trees to be palm trees where a maximum of 30% is allowed and to permit 20% shade coverage of the shoreline area within five years of planting where 50% shade coverage is required. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Vice Mayor Eddie Lim to deny Variance Number Five (5) to allow a front-yard setback as little as 11'-10" in some areas where 25 feet is required. The votes were as follows: Mayor Connie Leon-Kreps-No, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-No, and Commissioner Stuart Blumberg-Yes. The motion failed at 2-2.

A motion was offered by Commissioner Stuart Blumberg and seconded by Mayor Connie Leon-Kreps to approve Variance Number Seven (7) to allow a roof overhand to extend into the required yard, completely to the property line and as much as 15'-9" beyond the property line into the right-of-way of West Drive where roof overhangs are not permitted to extend more than 36" into the required yard. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Commissioner Richard Chervony to approve Variance Number Six (6) to allow less than the required unit standards. The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0.

A motion was offered by Commissioner Stuart Blumberg and seconded by Mayor Connie Leon-Kreps to approve the request for Site Plan approval for construction of a 285-unit rental apartment development at 8000 West Drive subject to the following conditions.

1. Variances granted on July 10, 2012.
2. 12" waterline extension from Blu's property to the point where it was previously extended by the City.
3. School concurrency requirements.
4. Compliance with shoreline approval granted on July 20th.
5. Payment of all impact fees pursuant to the City Code. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all impact fees, which will include Police, Parks and Recreation, Sewer, and Water, and any others applicable, have been paid in full.
6. Cost recovery charges pursuant to Section 152.110. Specifically no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
- ~~7. Three loading spaces must be provided meeting size and back-out requirements.~~
8. Parking provided for 624 spaces, meeting state/federal handicap requirements.

9. No additional fees or payments allowed to be charged to residents or guests for use of any of the 624 required parking spaces.
10. Confirmation that front setback will meet 25' requirement (measured perpendicular to property line).
11. Applicable agency approval and separate City Commission approval – if docks are longer than 25'.

The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0

13. UNFINISHED BUSINESS

- A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING/DENYING THE REQUEST BY NORTH BAY VILLAGE INVESTMENT TRUST, LLC TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. 10-001 AND UTILITY COSTS AND PENALTIES; DIRECTING THE CITY MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to deny the request to reduce the fines on the code enforcement violations. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-No, and Commissioner Richard Chervony-Yes. The motion carried 3-1.

A motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps to reduce the utility billing to the actual charges through June 30, 2012, waive the penalties and charge a flat 10% fee on the charges due in lieu of penalties and compounded interest; such charges to be paid no later than 30 days from July 10, 2012. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

9. No additional fees or payments allowed to be charged to residents or guests for use of any of the 624 required parking spaces.
10. Confirmation that front setback will meet 25' requirement (measured perpendicular to property line).
11. Applicable agency approval and separate City Commission approval – if docks are longer than 25'.

The votes were as follows: Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, Commissioner Richard Chervony-Yes, and Commissioner Stuart Blumberg-Yes. The motion carried 4-0

13. **UNFINISHED BUSINESS**

- A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA ACCEPTING/DENYING THE REQUEST BY NORTH BAY VILLAGE INVESTMENT TRUST, LLC TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. 10-001 AND UTILITY COSTS AND PENALTIES; DIRECTING THE CITY MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

A motion was offered by Commissioner Richard Chervony and seconded by Commissioner Stuart Blumberg to deny the request to reduce the fines on the code enforcement violations. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-No, and Commissioner Richard Chervony-Yes. The motion carried 3-1.

A motion was offered by Commissioner Richard Chervony and seconded by Mayor Connie Leon-Kreps to reduce the utility billing to the actual charges through June 30, 2012, waive the penalties and charge a flat 10% fee on the charges due in lieu of penalties and compounded interest; such charges to be paid no later than 30 days from July 10, 2012. The votes were as follows: Commissioner Stuart Blumberg-Yes, Mayor Connie Leon-Kreps-Yes, Vice Mayor Eddie Lim-Yes, and Commissioner Richard Chervony-Yes. The motion carried 4-0.

APPROVAL OF MINUTES

- B. REGULAR CITY COMMISSION MEETING – FEBRUARY 14, 2012**
- REGULAR CITY COMMISSION MEETING – DECEMBER 13, 2011**
- SPECIAL CITY COMMISSION MEETING – NOVEMBER 29, 2011**
- REGULAR CITY COMMISSION MEETING – NOVEMBER 8, 2011**
- SPECIAL CITY COMMISSION MEETING – NOVEMBER 1, 2011**
- REGULAR CITY COMMISSION MEETING – OCTOBER 11, 2011**
- BUDGET PUBLIC HEARING – SEPTEMBER 20, 2011**

Approval of the Minutes was deferred to a Special Meeting on July 25, 2012.

14. NEW BUSINESS

- A. DISCUSSION REGARDING NORTH BAY ISLAND COMMISSIONER VACANCY**
- B. TREASURE ISLAND BULB OUTS/TREE RELOCATION /MIAMI-DADE COUNTY SCHOOL BOARD (*COMMISSIONER STUART BLUMBERG*)**
- C. REDESIGN OF CITY'S WEBSITE (*COMMISSIONER STUART BLUMBERG*)**
- D. REMOVAL OF BULLETIN BOARDS FROM ENTRANCES TO ISLANDS (*COMMISSIONER STUART BLUMBERG*)**
- E. CONTRACTS (*COMMISSIONER RICHARD CHERVONY*)**
- F. 79TH STREET CAUSEWAY BEAUTIFICATION PROJECT (*COMMISSIONER RICHARD CHERVONY*)**
- G. DR. PAUL VOGEL COMMUNITY PARK (*COMMISSIONER RICHARD CHERVONY*)**

Item 14A through 14G were deferred to a Special Meeting to be held on July 25, 2012.

15. APPROVAL OF MINUTES

No Minutes were submitted for approval.

16. ADJOURNMENT

The meeting adjourned at 4:00 a.m.

*Prepared and submitted by: Yvonne P. Hamilton, CMC
City Clerk*

*Adopted by the City of North Bay Village on
this _____ day of _____.*

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 City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Laws.)

15EL17)

OFFICIAL MINUTES

FINAL BUDGET PUBLIC HEARING

THURSDAY, SEPTEMBER 27, 2012

**CITY HALL COMMISSION CHAMBERS
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

6:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order by Mayor Connie Leon-Kreps at 6:35 P.M. and the Pledge of Allegiance was recited. Present at Roll Call were Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Stuart Blumberg, and Commissioner Richard Chervony. As a quorum was determined to be present, the meeting commenced. Also present were City Manager Dennis Kelly, Police Chief Robert Daniels, Finance Director Bert Wrains, Public Works Director Sam Zamacona, HR Manager Jenice Rosado, City Attorney Nina Boniske and Yvonne P. Hamilton, City Clerk.

2. PUBLIC HEARING ON THE FINAL MILLAGE AND FINAL BUDGET FOR FISCAL YEAR 2012-2013.

The City Attorney explained the procedure for adoption of the final millage and budget: that Robert's Rules were waived to allow one public hearing for both resolutions and then the public hearing would be closed; and following that the two resolutions would be voted on separately, with two separate votes for operating millage and debt service millage under the resolution adopting the millage rates. The City Clerk then read the titles of both resolutions and the Mayor opened the Public Hearing.

OFFICIAL MINUTES

FINAL BUDGET PUBLIC HEARING

THURSDAY, SEPTEMBER 27, 2012

**CITY HALL COMMISSION CHAMBERS
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

6:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order by Mayor Connie Leon-Kreps at 6:35 P.M. and the Pledge of Allegiance was recited. Present at Roll Call were Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Stuart Blumberg, and Commissioner Richard Chervony. As a quorum was determined to be present, the meeting commenced. Also present were City Manager Dennis Kelly, Police Chief Robert Daniels, Finance Director Bert Wrains, Public Works Director Sam Zamacona, HR Manager Jenice Rosado, City Attorney Nina Boniske and Yvonne P. Hamilton, City Clerk.

2. PUBLIC HEARING ON THE FINAL MILLAGE AND FINAL BUDGET FOR FISCAL YEAR 2012-2013.

The City Attorney explained the procedure for adoption of the final millage and budget: that Robert's Rules were waived to allow one public hearing for both resolutions and then the public hearing would be closed; and following that the two resolutions would be voted on separately, with two separate votes for operating millage and debt service millage under the resolution adopting the millage rates. The City Clerk then read the titles of both resolutions and the Mayor opened the Public Hearing.

City Manager Dennis Kelly directed attention to a table summarizing the updates to the final budget, which were then presented by Finance Director Bert Wrains, who explained that the proposed millage rate was 4.7772, the rollback rate was 4.6915, and the proposed rate was 1.83 % greater than the rollback rate.

The City Manager supplied additional information on the International Baccalaureate Program, which in the latest update of the 2013 budget was provided with \$130,000 for its first year, including:

- A Miami Beach memo dated May, 2012, which detailed annual and start-up costs for primary school, middle school, and high school years.
- Private contributions to the Miami Beach program from the Chamber of Commerce and various waste haulers that totaled around \$111,000.
- An education compact between Miami Beach and the Miami Dade County Public Schools, similar to what North Bay Village would have, that specified a dollar cost limit and therefore set a precedent for North Bay Village to do the same.
- A portion of the education compact that directed Miami Beach to reach out to its neighboring cities that contained elementary schools, in order to make the primary years program feasible.

The Mayor asked Leslie Rosenfeld of the City of Miami Beach to give some background on the IB program. Ms. Rosenfeld explained that the fact that the program was available to every elementary and middle school student, thereby improving the level of education for all youth, was the reason Miami Beach had made the decision to invest in the program. Resident Max Crown challenged whether it was Miami Beach tax money, or waste management fees, which supported the program. Ms. Rosenfeld that responded a half million general fund, taxpayer dollars had been allocated for the implementation of the program, including Treasure Island Elementary because it was attended by Miami Beach residents.. Also, Miami Beach performed community satisfaction surveys, one of which had reported that 70% of residents considered education important and were open to using taxpayer dollars for improving it. Other surveys regarding satisfaction with the educational system compared a satisfaction rate of 51% in 2007 (one year before the IB compact was created in 2008), with a satisfaction rate of 93% in 2012.

Commissioner Stuart Blumberg inquired into the status of the boat used for water patrol, and asked what protection residents had against crime approaching from the waterfront. Chief Daniels responded that the vessel had been purchased in perhaps 2001, needed to be re-powered, had no staff assigned to it and no permanent dockage. Currently, the City called upon assistance from the Fish & Wildlife Commission, the County, and the Cities of Miami Beach and Indian Creek when necessary.

Looking forward, the Chief suggested using a boat that was lower maintenance, employing retired marine patrol officers, and providing docking arrangements.

Commissioner Blumberg pointed out that two years ago the unreserved fund balance had been \$1 million, while the 2013 projected unreserved fund balance was now only \$238,000. From a balance of that size, he questioned the ability of the City to cover unanticipated and unreasonable expenditures that were not capital expenditures, such as the legal expenses of \$450,000 that had been incurred in a prior year. The Commissioner recommended refunding the unreserved balance to a comfortable level for the City, and suggested that the residents should look at the items comprising the total budget increase of \$500,000 which had drained the unreserved balance, and make hard choices if they deemed the IB program to be a priority.

The Mayor asked the Finance Director to explain the difference between reserved and unreserved fund balances. Mr. Wrains explained that the City maintained 20% of its budget or approximately \$1 million in reserves, as required by ordinance, divided into 10% for emergencies/acts of God and 10% for emergencies or other capital projects. This was distinct from the unreserved fund balance, which was permitted to be used for non-emergency, non-capital purposes.

The City Manager further explained that City ordinance provided for adjustments ~~to the budget later in the year in the event of overruns, whereby other expenses~~ are shaved as necessary in accordance with the priorities that are chosen.

The Mayor asked the City Manager to elaborate on ways that expenses from the IB program might be offset in the future. City Manager Kelly summarized that possible future revenue sources included a surcharge on the utility bill amounting to \$2.96 per month for each customer, a tax increase, and private contributions from companies doing business in the City, and an education impact fee on new developers.

For those low-income or fixed income residents concerned about cost, there were assistance programs to explore, such as the voluntary contribution assistance program run by FPL which might serve as a model for the City.

Vice Mayor Eddie Lim favored the idea of the IB program, and observed that it seemed to be generally supported by the community. He suggested that the best idea proposed for its funding was the addition of a negligibly small surcharge to the utility bill, and also thought that an education impact fee from new development coming on line could support the program for the next 2 or 3 years.

The Vice Mayor wondered whether Bay Harbor Islands had chosen to participate in the IB program; the Mayor informed him that it had not, but their schools had other special and gifted programs available.

Commissioner Richard Chervony noted that among other things, the budget contained 7 new positions, 2 position upgrades that increased salaries, plus salary increases for existing staff. He asked if it would be possible to maintain the same budget in future years without increasing taxes. The Finance Director responded that whether by virtue of tax rate increases or by other means, all the items in this budget could not be sustained without additional revenue in future years. The Commissioner asked the School Board representatives what would be the consequence to the IB program at Treasure Island Elementary School if the City were to withdraw funding in the future.

Luby Navarro, of the Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, with responsibility for management of education compacts, introduced other members of Miami-Dade Public Schools attending the meeting: Dr. Martin Karp; Robert Strickland, who manages the IB Program; Jose Dotres, Region Superintendent; Dr. Alice Quarles, lead Principal for the area; and Gloria Barnes, Principal of the Treasure Island Elementary School. ~~Ms. Navarro informed the Commission that without~~ dedicated funding in place, at the end of this year the District would end the IB program at Treasure Island Elementary School. The education compact would require a one year commitment to carry the program, although a long-term outlook was desirable, and going forward they would work creatively with the City to identify sources of revenue for future years.

Ann Bakst, of 1865 Kennedy Causeway, questioned the budget item spending \$4,000 on the Spring Egg Hunt (which she remembered having been done in the past for a couple of hundred dollars); and was in favor of a 4th of July party open to residents only, but not in favor of expensive fireworks when fireworks were generally visible across the bay. With regard to the IB program, she remarked upon the increase in the number of children living in the City and expressed her support of the program since it was open to all, and not only to gifted children.

Jane Blake, a resident of North Bay Island who strongly urged the Commission to approve the IB program as an investment in the children that would also benefit the City, described the full-school elementary years IB program as unique and prestigious. She provided the statistic that 65% of the 698 students enrolled at Treasure Island Elementary School were residents of North Bay Village.

Elaine Beutel, of Hispanola Avenue, warned that that the City could not afford the IB program and was concerned that taxes would increase. She suggested that if Bay Harbor Islands, which could better afford it, did not support the IB program in its schools then neither should the City.

Mario Garcia, of 7540 Cutlass Avenue, judged the IB program to be excellent, and in estimating that the cost of the program amounted to around 1% of the approximately \$15 million City budget, he believed it to be a worthwhile amount to spend on the future of the children. He remarked that while much was speculation, if the IB program were not funded this year the opportunity would be lost, and he thought it probable that funding sources could be developed as well as program costs lowered in the next year.

Kevin Vericker, of 7520 Hispanola Avenue, estimated the cost at 1.7% of the City budget, and offered the opinion that the program could set the City apart and help it to recover from the drastic decline in housing values. He pointed out that outside funds had thus far paid for the Treasure Island IB candidacy costs, ~~as well as the IB program at the middle and high school levels of Miami Beach~~ schools which North Bay Village children attended, describing funding of the program at Treasure Island Elementary as a "fair trade". Finally, he asked that the discussion be broadened to consider what the City needed to move forward to reconstruct its financial value as well as its community value, in which the IB program was only one critical element.

Max Crown, of S. Treasure Drive, questioned whether \$25,000 for another study for water rate increases was still in the budget. Finance Director Bert Wrains explained that there were two studies, one which was approved and one which was proposed for the budget. The approved study was for water/sewer usage, essentially an unbilled revenue audit. The proposed study addressed rate structure, in order to determine whether the different classes of customer were being charged the appropriate rate. In the past, rates had been changed without much documentation, and also without considering the costs of upgrading and repairing the infrastructure in a planned, orderly fashion. Resident Max Crown asked Mr. Wrains if it were true that the City had a deficit of \$250,000 in payments it owed for water/sewer. Mr. Wrains responded that accounting for an Enterprise Fund, including asset depreciation, was not that simply described.

Mr. Crown thought that money for the IB program was not truly available, and the program would be indirectly financed through increases in utility bills. He re-analyzed the percentage of budget that would be devoted to funding the I.B. program, citing \$1.5 million as the actual city operating cost aside from the police department operating cost. Therefore, he concluded that the budget percentage should be described as 10%, a figure he felt was large enough to require voter approval. He objected to "the dream of future funding", thought the City should address the issue of funding now, and suggested that financial support be on a voluntary contribution basis by those residents who favored the program.

Mr. Crown also criticized what he described as a top heavy police department that paid \$1.6 million to 14 supervisors to oversee 8 patrol officers. Mr. Crown asked why seized assets appeared to remain un-auctioned and suggested applying the proceeds to fund police department expenses such as overtime. Chief Daniels responded that title problems had delayed some auctions, that there were legal restrictions on the use of seized asset proceeds for budgeted expenses, i.e. ~~supplanting budgeted positions, and that in October there would be a proposal to~~ use \$300,000 of this money on police overtime.

Alex Funkhouser, of 7552 Hispanola Avenue, spoke in support if the IB program, describing investment which benefited the children as most the important which could be made, and school as the heart and soul of a community as well as the first thing about which a potential homebuyer inquires.

George Gonzalez, of 7900 Harbor Island Drive, suggested that while everyone was concerned about the cost of the I.B. program, it could be viewed alternatively as an income generator in that it would pay for itself if it succeeded creating enough demand to raise the value of the average \$250,000 home in the City by \$8,000. Increases above that would mean extra revenue for the City.

Ms. Sofia, a resident of 7601 E. Treasure Drive expressed her support for the IB program and her appreciation for the work of the staff involved with the program.

Commissioner Stuart Blumberg asked how the proposed school bond issue, which was speculated might fund the transformation of Treasure Island Elementary into a K-12 school, would affect the IB program. The City Manager responded that it was premature to consider until after the referendum results, but advised the Commission that budget approval was just one step of a multi-step process. The negotiated education compact would return to the Commission after the referendum results were known, and the appropriate issues would be addressed in the compact.

Luby Navarro, of Miami-Dade Public Schools, explained that this issue was part of the District's concurrency impacts process, which was a separate process from the IB program process, and agreed that it was premature to discuss. She assured the Commission that the concurrency process of transforming the school into a K-12 school would involve going before the Commission for their approval.

Resident Elaine Beutel called for a more direct answer, and the City Manager suggested that if the Treasure Island K-12 School became a reality, it would be possible to separate from the Miami Beach IB program as a self-contained K-12 IB school. Commissioner Blumberg asked Miami-Dade Public School representatives to clarify if that were a possibility, and what the resulting costs would be. Jose Dotres, Area Superintendent of Miami-Dade Public Schools, offered that while such speculation was premature until after the school bond referendum, ~~he thought that a K-12 IB School would be a uniquely wonderful~~ opportunity in which the School Board would be interested, and a place where he himself would send his own children, even living in Weston as he did.

Ray Trujillo, of 7601 E. Treasure Drive, suggested that the various methods proposed for paying the \$130,000 cost of the IB program were all still taxes, under a different name. He thought there should be a referendum at the next available election date to consult the taxpayers, even though he supported the idea.

Commissioner Richard Chervony noted that the next election date at which a special election could be reasonably and economically held was February 19, 2013, when it would be possible to piggyback it on the Golden Beach election if the Commission so decided. Commissioner Chervony commented that it seemed likely that they would support the IB program for at least the first year, but expressed concern about the \$238,000 unreserved fund balance as being inadequate to address emergent financial contingencies such as had occurred in the recent past, e.g. M. Vila or unexpected legal expenses. He urged that monies for wish list items in the budget be placed back into reserve, where it would still be available to the Commission to bring forth by vote.

Mayor Connie Leon-Kreps expressed her support for the IB program, her belief that it was generally supported by the community, her commitment to finding ways to offset the cost, such as those suggested by the Finance Director and City Manager and with the help of a grant writer, and her commitment to helping those with restricted income who might be affected by the costs of the IB program. At the Mayor's request, the City Manager recapped that the closing section of the Resolution stated that the proposed operating millage rate was 4.7772 mills, the rollback ate was 4.6915, and therefore the proposed operating millage rate was greater by 1.83%. The voted debt service millage rate was 1.2355. The Mayor then closed the Public Hearing.

3. **RESOLUTIONS**

- A. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF NORTH BAY VILLAGE FOR FISCAL YEAR 2012-2013; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)**

The City Attorney clarified for the record that the vote to approve the Resolution would take the form of two separate votes, one for the operating millage and one for the debt service millage.

Vice Mayor Eddie Lim moved to approve the final operating millage rate of 4.7772 mills, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony –Yes; Commissioner Stuart Blumberg –Yes; Mayor Connie Leon-Kreps –Yes; and Vice Mayor Eddie Lim –Yes. The motion carried 4-0.

Commissioner Richard Chervony moved to approve the voter approved debt service millage rate of 1.2355, seconded by Commissioner Stuart Blumberg. The votes were as follow: Commissioner Stuart Blumberg –Yes; Mayor Connie Leon-Kreps –Yes; Vice Mayor Eddie Lim –Yes; and Commissioner Richard Chervony – Yes. The motion carried 4-0.

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2012-2013; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

Vice Mayor Eddie Lim moved to approve the final budget, seconded by Mayor Connie Leon-Kreps. The votes were as follow: Commissioner Richard Chervony – No; Commissioner Stuart Blumberg – No; Mayor Connie Leon-Kreps –Yes; and Vice Mayor Eddie Lim- Yes. The motion failed 2-2.

Commissioner Richard Chervony and Commissioner Stuart Blumberg each stated their wish to see the unreserved reserve fund increased by removing items from the budget, while expressing their support for the IB program. Upon the Mayor's request, the Finance Director listed line items for this purpose for the Commission's consideration, and a brief discussion ensued on their relative merits.

Commissioner Blumberg inquired into the procedure that would be used for adopting a utility bill surcharge to pay for the IB program, suggesting that he would support the measure and that it would enable the line item for the IB program to be moved back into reserve. The City Attorney cautioned that the possibility of a utility bill surcharge had not yet been reviewed by Legal, and that utility rate increases were governed by Florida statute. The City Attorney advised that the deadline for Commission to adopt the budget was tonight, and suggested that in order to reach agreement they find the items to put back into reserve attain the desired amount of \$450,000.

There was discussion over the appropriate amount for the unreserved reserve, which in the 2011 had been as high as \$1 million and then decreased in the following years to the present budgeted amount of \$238,000. Commissioner Chervony listed the unanticipated expenses incurred over the last two years, including legal, personnel, street maintenance, and M. Vila project expenses which overran the budget by more than \$400,000.

City Manager Dennis Kelly offered another alternative, the creation of a contingency line item for holding funds within the budget that could be moved in and out more simply, by means of a resolution. Commissioner Chervony was opposed to creating separate pockets where money could be misplaced, as had occurred in the past, preferring to keep the funds located in the reserve account. The City Attorney clarified for the Commissioner that only one vote for a resolution to move funds out of the reserve would and one vote to amend the budget would be necessary. Commissioner Blumberg agreed that it would be more fiscally responsible to move funds into the reserve until they were called for, even though he recognized that this money would be spent in the coming year.

City Manager Dennis Kelly asked the Finance Director to prepare a separate page addendum to the budget listing the items that went back into reserve as a reference for the coming months, and the Finance Director agreed that the wishes of the Commission would be fully documented.

The Mayor called for a break, then reconvened the meeting at 9:28 P.M., at which time she opened it to public comment.

Resident Kevin Vericker noted that what was under discussion was a procedural matter regularly undertaken by other governments, of returning certain line items to the unreserved reserve, otherwise often called the operating reserve, subject to a future vote upon a review of the reserve and the budget. He suggested that such a review should take place on a quarterly basis. He further suggested that one line item that could be returned to the reserve was that for fireworks.

There were no further speakers and the meeting was closed to public comment.

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There were no further speakers and the meeting was closed to public comment.

Finance Director Bert Wrains listed the following line items to return to the reserve, thus bringing the unreserved reserve amount from \$238,404 to \$400,404:

1. \$50,000 for the zoning study.
2. \$70,000 for two part-time patrol officers.
3. \$20,000 for economic development.
4. \$2,000 for audio-visual services.
5. \$20,000 for fireworks.

The City Attorney clarified that that the budget was amended to reflect all the line item changes specified by the Finance Director before final adoption.

Commissioner Stuart Blumberg moved to adopt the final budget as amended, seconded by Commissioner Richard Chervony. The votes were as follow: Mayor Connie Leon-Kreps –Yes; Vice Mayor Eddie Lim –Yes; Commissioner Richard Chervony Yes; and Commissioner Stuart Blumberg –Yes. The motion carried 4-0.

At this time, the City Attorney requested executive sessions for the following cases, in the event that they were needed:

James McVay vs. City of North Bay Village
Case # 12-00643-3

Dade County Police Benevolent Union vs. City of North Bay Village
Case#12-37897CA15

Isle of Dreams LLC vs. City of North Bay Village
Case # 1-12CV21203, Case # 1-12CV22339CMA and Case #12-13402

4. ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Prepared and submitted by:

Yvonne P. Hamilton, CMC

City Clerk/Katharine Price, Clerical Assistant

*Adopted by the City of North Bay Village on
this ____ day of January 2013.*

Connie Leon-Kreps, Mayor

(Note: This document does not reflect a true verbatim record of the meeting. This is a summarization of the proceedings. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)