



North Bay Village

Administrative Offices

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OFFICIAL AGENDA

REGULAR VILLAGE COMMISSION MEETING

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

TUESDAY, NOVEMBER 10, 2015

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.

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) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

2. A. PROCLAMATIONS AND AWARDS

1. AWARD - THE GREENTNERS-SHUCKERS DOCKSIDE GRILL/BEST WESTERN HOTEL

B. SPECIAL PRESENTATIONS

1. OMAR FRANCO, FEDERAL LOBBYIST (*VICE MAYOR JORGE GONZALEZ*)
2. SANDRA BELLO, FDOT PUBLIC INFORMATION OFFICER
N.E. 79TH STREET ROADWAY PROJECT
3. DARIN GOLDIN, GOLDIN SOLAR – SOLAR PANEL PROGRAM
(*VICE MAYOR JORGE GONZALEZ*)

- C. ADDITIONS AND DELETIONS
- 3. GOOD & WELFARE
- 4. BOARD REPORTS
 - A. COMMUNITY ENHANCEMENT BOARD
 - B. PLANNING & ZONING BOARD
 - C. YOUTH & EDUCATION SERVICES BOARD
- 5. PUBLIC SAFETY DISCUSSION
- 6. COMMISSIONERS' REPORTS
- 7. VILLAGE ATTORNEY'S REPORT
- 8. VILLAGE MANAGER'S REPORT
 - A. Grant Writer's Report
- 9. FINANCE REPORT
- 10. CONSENT AGENDA: (Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.
 - A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SUPPORTING THE EPA'S CLEAN POWER PLAN RULE AS A WAY OF SIGNIFICANTLY REDUCING GREENHOUSE GAS EMISSIONS THAT THREATEN THE SOUTH FLORIDA REGION THROUGH CLIMATE CHANGE AND SEA LEVEL RISE; AND OPPOSING ANY REQUESTS THAT THE CLEAN POWER PLAN RULE BE STAYED DURING ANY PERIODS OF LEGAL CHALLENGE OR LITIGATION; SETTING AN EFFECTIVE DATE. *(INTRODUCED BY MAYOR CONNIE LEON-KREPS, VICE MAYOR JORGE GONZALEZ, AND COMMISSIONER RICHARD CHERVONY)*

The proposed Resolution expresses support for the Clean Power Plan, which is a historic and important step in reducing carbon pollution from power plants and one that takes real action to limit human-induced climate change.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING RULES AND PROCEDURES FOR THE NORTH BAY VILLAGE SCHOLARSHIP PROGRAM; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will adopt a set of procedures for processing North Bay Village Scholarship applications.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE LITIGATION STIPULATION AND AGREEMENT OF SETTLEMENT WITH GARY NALEPA, ON BEHALF OF HIMSELF AND THE CLASS; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE SETTLEMENT AGREEMENT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)**

The proposed Resolution will settle the Red Light Camera case brought by Mr. Nalepa and a class of individuals alleging the invalidity of the Village's "Red Light Camera" Ordinance.

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE SETTLEMENT OF THE LITIGATION STYLED LIFT STATIONS "R" US CORP. V. CITY OF NORTH BAY VILLAGE, FLORIDA, CASE NO. 2015-007015-CA-01, FILED IN THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE ANY DOCUMENTS REQUIRED TO SETTLE THE LITIGATION; AUTHORIZING THE VILLAGE ATTORNEY TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE COURT TO CONCLUDE THE LITIGATION; APPROVING A BUDGET EXPENDITURE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)**

The proposed Resolution will allow a full and complete settlement of a lawsuit with Lift Stations "R" Us from a claim of breach of agreement pertaining to work performed for the Village.

- E. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SUPPORTING ADEQUATE FUNDING OF THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP); SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

The proposed Resolution urges the Appropriations Committee of the United States House of Representatives and Congress to appropriate funding of at least \$3.39 Billion in FY 2016 budget for the Low Income Energy Assistance Program.

- F. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE APPROPRIATION AND DISBURSEMENT OF \$4,044 FROM THE STATE FORFEITURE ACCOUNT (FUND 05) TO COVER THE COST OF REPAIR EXPENSES AND PURCHASE OF A CUSTOMIZED COVER FOR THE POLICE BOAT; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will authorize forfeiture funds to purchase a cover for the police boat and to pay for additional expenses incurred for repairs.

1.) **Commission Action**

11. **PLANNING & ZONING CONSENT AGENDA**

NO ITEMS.

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

- A. **AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING SECTION 111.01 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES PROVIDING FOR SIGNS IN BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF THE PREMISES; PROVIDING FOR CONTENT OF SIGN TO INCLUDE PROHIBITION ON THE SALE TO MINORS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR JORGE GONZALEZ) – FIRST READING**

The proposed Ordinance will follow County regulations to require warnings signs to be placed at all locations where alcoholic beverages are sold to the public.

1.) **Commission Action**

- B. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 155, SECTION 155.03 ENTITLED “BUILDING AND SITE DESIGN RELATIONSHIPS SHALL CONFORM TO THE FOLLOWING STANDARDS” AND CHAPTER 152, SECTION 152.055 ENTITLED “FENCES, WALLS, AND HEDGES” TO REQUIRE A TEMPORARY FENCE AROUND THE ENTIRE PERIMETER OF CONSTRUCTION SITES AND FENCING IN THE REAR OF VACANT PROPERTIES ON THE 79TH STREET CAUSEWAY IN THE VILLAGE; 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 will regulate fencing on construction sites and vacant lots on the 79th Street Causeway.

1.) Commission Action

- C. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING REVISIONS TO A DEVELOPMENT AGREEMENT BETWEEN ISLE OF DREAMS, LLC AND NORTH BAY VILLAGE; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MAYOR AND VILLAGE MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – FIRST READING**

The proposed Ordinance will revise an existing Development Agreement with IOD for development at 1415 Kennedy Causeway to make the payment schedule for the aggregated bonus fees consistent with the Village’s current standards.

1.) Commission Action

13. ORDINANCES FOR SECOND READING AND PUBLIC HEARING ITEMS:

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94, BY REVISING SECTION 94.21 OF THE VILLAGE CODE ENTITLED “PROHIBITION REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES”; CREATING SECTIONS 94.22 THROUGH 94.24; AMENDING SECTION 153.04 ENTITLED “SCHEDULE OF CIVIL PENALTIES; PROVIDING FOR ENFORCEMENT; PENALTIES, WAIVERS FOR FINANCIAL HARDSHIP; AND FOR CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY) – SECOND READING**

The proposed Ordinance seeks to ban the use of Styrofoam articles by food service providers and stores in the Village, with certain exceptions.

1.) Commission Action

- B. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 94, SECTION 94.15 ENTITLED “WASTE CONTAINERS” AND CHAPTER 155, SECTION 155.18 ENTITLED “DUMPSTER ENCLOSURES, GARBAGE/MECHANICAL EQUIPMENT ROOMS” TO PROHIBIT THE PLACEMENT OF SUCH WASTE CONTAINERS AND GARBAGE ENCLOSURES IN THE FRONT YARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

The proposed Ordinance seeks to prohibit the placement of waste containers and garbage enclosures in the front yard.

1.) Commission Action

14. UNFINISHED BUSINESS

15. NEW BUSINESS

A. TREASURE ISLAND COMMISSIONER VACANCY

1.) Commission Action

B. APPOINTMENT OF MEMBER TO ARTS, CULTURAL & SPECIAL EVENTS BOARD AND THE COMMUNITY ENHANCEMENT BOARD

1.) Commission Action

C. DISCUSSION REGARDING PALM TREES (MAYOR CONNIE LEON-KREPS)

16. APPROVAL OF MINUTES

17. ADJOURNMENT