



## 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, OCTOBER 25, 2016**

**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).

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**1. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**2. A. PROCLAMATIONS AND AWARDS**

- 1. RED RIBBON WEEK**
- 2. THE CUTTING ROOM – 20<sup>TH</sup> ANNIVERSARY**
- 3. SISSY SHUTE – CRIME WATCH**

**B. SPECIAL PRESENTATIONS**

- 1. ARIS GARCIA, VICE PRESIDENT/WOLFBERG ALVAREZ & PARTNERS-UPDATE ON VILLAGE HALL PROJECT**

**C. ADDITIONS AND DELETIONS**

**3. GOOD & WELFARE**

4. **ADVISORY BOARD REPORTS**

- A. ARTS, CULTURAL & SPECIAL EVENTS BOARD
- B. BUSINESS DEVELOPMENT ADVISORY BOARD
- C. CITIZENS BUDGET & OVERSIGHT BOARD
- D. COMMUNITY ENHANCEMENT BOARD
- E. PLANNING & ZONING BOARD
- F. YOUTH & EDUCATION SERVICES BOARD

5. **CONSENT AGENDA:** (Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be adopted 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, ACCEPTING THE RECOMMENDATION OF THE VILLAGE MANAGER, AND AWARDED RFP NO. NBV 2016-004 FOR LANDSCAPE MAINTENANCE SERVICES TO VISUALSCAPE, INC.; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO THE RELATED CONTRACT PURSUANT TO THE SCOPE OF SERVICES OUTLINED IN THE RFP; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The proposed Resolution will allow for the engagement of VisualScape as the landscaping contractor for the Village.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A COLOR FOR PAINTING THE BUS SHELTERS THROUGHOUT THE VILLAGE; SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The proposed Resolution will approve a silver/gray or platinum gray color to repaint the bus shelters throughout the Village.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE “DECLARATION OF A STATE OF EMERGENCY” DECLARED BY THE VILLAGE MANAGER ON OCTOBER 5, 2016, AS A RESULT OF THE THREAT POSED BY HURRICANE MATTHEW; SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The Proposed Resolution will confirm the “Declaration of the State of Emergency” declared by the Village Manager during Hurricane Matthews, in accordance with Section 54.05(b) of the Village Code.

**D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES FOR THE PURCHASE OF A GPS SYSTEM FOR THE POLICE BOAT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will approve the purchase of a GPS system for the Police Boat from Police Impact Fees obtained from new development in the Village.

**E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, URGING MUNICIPALITIES IN MIAMI-DADE COUNTY TO CONTINUE COLLABORATION TO PROTECT THE PUBLIC AGAINST THE ZIKA VIRUS; URGING THE UNITED STATES CONGRESS, STATE OF FLORIDA AND MIAMI-DADE COUNTY TO ASSIST AND SUPPORT LOCAL GOVERNMENTS IN MIAMI-DADE COUNTY, FLORIDA TO FUND, DEVELOP AND IMPLEMENT MITIGATION AND ERADICATION SOLUTIONS FOR THE ZIKA VIRUS; DIRECTING THE VILLAGE CLERK TO TRANSMIT THE RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR JORGE GONZALEZ)**

The proposed Resolution supports funding, development, and implementation of solutions to eradicate the Zika virus.

**F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE RECOMMENDATION OF THE COMMUNITY ENHANCEMENT BOARD AND DIRECTING THE VILLAGE MANAGER TO REMOVE THE NATIVE PLANTS AT BOTH THE ADVENTURE AVENUE ENTRANCE MONUMENT SIGN AND THE HISPANOLA AVENUE ENTRANCE SIGN AND REPLACE SAID PLANTS WITH PLANTS APPROVED AND RECOMMENDED AT THE COMMUNITY ENHANCEMENT BOARD MEETING OF SEPTEMBER 29, 2016. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will allow for plantings like those at the entrances to Harbor Island and North Bay Island to be planted at the monument signs on Adventure and Hispanola Avenue; for the Native plants to be transferred to the ends of the medians on Kennedy Causeway; and approve uniform decorative plantings for all islands’ entrances.

- G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, DIRECTING THE VILLAGE MANAGER TO CONTINUE TO NEGOTIATE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO ALLOW THE INSTALLATION OF GREEN SURFACING FOR THE NEWLY INSTALLED BIKE LANES ALONG KENNEDY CAUSEWAY WITHIN THE CORPORATE LIMITS OF NORTH BAY VILLAGE; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR JORGE GONZALEZ)**

The proposed Resolution seeks to incorporate green surface on allowable surfaces of the existing Bike Lanes in the Village with FDOT approval.

- H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING A LEASE AGREEMENT WITH ENTERPRISE FM TRUST FOR THE LEASE OF TWO VEHICLES; UTILIZING THE PIGGYBACK PROVISION PURSUANT TO SECTION 36.25(J) OF THE VILLAGE CODE; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING EXPENDITURE OF BUDGETED FUNDS; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will approve the lease of a Ford Explorer and a GMC Yukon for the Police/Code Enforcement Department.

- I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE VILLAGE MANAGER, AND AWARDED RFP NO. 2016-003 FOR INSTALLATION OF FENCING AT THE PUBLIC WORKS YARD AT 1841 GALLEON STREET TO FENCE MASTERS, INC.; AUTHORIZING THE RELATED CONTRACT PURSUANT TO THE SCOPE OF SERVICES OUTLINED IN THE RFP; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will approve the continuation of the new fencing installed at Philip Schonberger Park across the front of the Police Dispatch Center and the Public Works Yard.

- J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, EXPRESSING SUPPORT OF A MIAMI-DADE COUNTY INITIATIVE TO SECURE FUNDING TO ASSIST WITH THE ELIMINATION OF SEPTIC SYSTEMS; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS, COMMISSIONER RICHARD CHERVONY, AND COMMISSIONER ANDREANA JACKSON)**

The proposed Resolution supports the elimination of septic systems for the betterment of the environment and water quality and securing funding for such purpose.

- K. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE VILLAGE MANAGER, AND AWARDED BID NO. 2016-002 FOR THE BAYWALK PLAZA DESIGN PROJECT (SOUTH SIDE ONLY) TO ABC CONSTRUCTION, INC.; AT AN AMOUNT NOT TO EXCEED \$970,079; AUTHORIZING THE RELATED CONTRACT PURSUANT TO THE SCOPE OF SERVICES OUTLINED IN THE BID DOCUMENTS; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will approve a bid award to ABC Construction, Inc. to prepare the conceptual design for the proposed Baywalk Plaza area.

- 1.) Commission Action**

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

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO INCREASE IN THE WHOLESALE WATER RATES CHARGED TO THE VILLAGE BY MIAMI-DADE COUNTY, AMENDING SECTION 51.04(D) OF VILLAGE CODE TO PROVIDE THAT ANY PASS THROUGH INCREASE TO THE UTILITY CUSTOMERS BE APPROVED BY THE VILLAGE COMMISSION; PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The proposed Ordinance will require approval by the Village Commission in order to increase the rates to utility customers, when Miami-Dade County imposes an increase on its wholesale customers.

- 1.) Commission Action**

- B. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO INCREASE IN RATES CHARGED TO THE VILLAGE BY MIAMI-DADE COUNTY FOR SOLID WASTE DISPOSAL, AMENDING SECTION 94.08(F) OF VILLAGE CODE TO PROVIDE THAT PASS THROUGH OF THESE COSTS TO UTILITY CUSTOMERS MUST BE APPROVED BY THE VILLAGE COMMISSION; PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The proposed Ordinance will require approval by the Village Commission in order to increase garbage fees, when Miami-Dade County imposes an increase on its wholesale customers for waste collection and disposal services.

**1.) Commission Action**

- C. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGE'S VACATION RENTAL REGULATIONS; 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 will establish regulations to address short term vacation rentals in apartments and condominiums.

**1.) Commission Action**

- D. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS 152.076 ENTITLED "SIGN DEFINITIONS"; 152.078 ENTITLED "PROHIBITED SIGNS"; 152.080 ENTITLED "EXEMPTED SIGNS"; 152.081 ENTITLED "TEMPORARY SIGNS"; 152.082 ENTITLED "REMOVAL OF SIGNS"; 152.083 ENTITLED "DISTRICT SIGN REGULATIONS"; 152.084 ENTITLED "VARIANCES, PLANNING"; 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 will amend existing regulations to address temporary signs.

**1.) Commission Action**

- E. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, ADDING SECTION 152.033 ENTITLED “GOVERNMENT USE DISTRICT” TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; 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 will establish regulations for a separate “Government Use District” to allow governmental uses.

**1.) Commission Action**

- F. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 151, SECTION 151.26 ENTITLED “OFF-STREET PARKING REGULATIONS” TO PROHIBIT CHARGING FOR PARKING AT HOTEL, MOTEL, APARTMENT AND CONDOMINIUM PROPERTIES 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)**

The proposed Ordinance will prohibit charging for the parking spaces that were required to be built as part of the development Site Plan approval.

**1.) Commission Action**

- G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, SECTION 152.003 ENTITLED “DEFINITIONS”; ADDING DEFINITIONS FOR GROW HOUSE, MARIJUANA, MARIJUANA BASED PRODUCT, MARIJUANA DISPENSARY, MOBILE MARIJUANA DISPENSARY; SECTIONS 152.026 THRU 152.029 AND 152.0296 PROHIBITING MARIJUANA DISPENSARIES (EXCEPT IN THE CG ZONING DISTRICT), GROW HOUSES, AND MOBILE MARIJUANA DISPENSARIES; SECTION 152.030 ENTITLED “CG GENERAL COMMERCIAL DISTRICT” TO ALLOW MARIJUANA DISPENSARIES AS ALLOWABLE USES; SECTION 152.044 ENTITLED “MINIMUM SPACE REQUIREMENTS” REVISE PARKING SPACE REQUIREMENTS, TO INCLUDE MARIJUANA DISPENSARIES; CREATING SECTION 152.113 ENTITLED “MARIJUANA DISPENSARIES” TO PROVIDE CONDITIONS FOR APPROVAL OF A MARIJUANA DISPENSARY AND OPERATING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The proposed Ordinance will establish zoning regulations for the operation and location of marijuana dispensaries within the Village.

**1.) Commission Action**

**H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SUPPORTING THE PROHIBITION AGAINST LICENSED PROFESSIONALS ENGAGING IN COUNSELING EFFORTS, PRACTICES, OR TREATMENTS WITH THE GOAL TO CHANGE A MINOR'S SEXUAL ORIENTATION OR GENDER IDENTITY; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The proposed Resolution expresses support for the movement to prohibit the use of sexual orientation or gender identity change efforts with minors, including reparative and conversion therapy, which have been demonstrated to be harmful to the physical and psychological well-being of lesbian, gay, bisexual, and transgender persons.

**1.) Commission Action**

**I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF UP \$1,000 FOR ATTENDANCE AT THE OPTIMIST ANNUAL CELEBRATION DINNER; AMENDING THE FY 2017 GENERAL OPERATING BUDGET BY TRANSFERRING FUNDS FROM THE GENERAL FUND UNRESERVED FUND BALANCE; AUTHORIZING THE VILLAGE MANAGER TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER EDDIE LIM)**

The proposed Resolution will approve funding for the purchase of a table at the Optimist Annual Dinner.

**1.) Commission Action**

**7. PUBLIC HEARINGS ITEMS INCLUDING ORDINANCES FOR SECOND READING**

**A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY HUMBERTO OCARIZ FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 1460 SOUTH TREASURE DRIVE, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

**1.) Commission Action**

**B. AN ORDINANCE OF THE COMMISSION NORTH BAY VILLAGE, FLORIDA, AMENDING TITLE XIII OF THE CODE OF ORDINANCES ENTITLED “GENERAL OFFENSES” BY CREATING CHAPTER 137, TO BE ENTITLED “SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS,” TO PROHIBIT LICENSED PROFESSIONALS FROM ENGAGING IN COUNSELING EFFORTS, PRACTICES, OR TREATMENTS WITH THE GOAL TO CHANGE A MINOR'S SEXUAL ORIENTATION OR GENDER IDENTITY; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

The proposed Ordinance seeks to prohibit licensed professionals from engaging in counseling efforts, practices, or treatments with the goal to change a minor’s sexual orientation or gender identity.

**1.) Commission Action**

**8. UNFINISHED BUSINESS**

**A. NAMING A REPRESENTATIVE TO THE BOARD OF GOVERNORS OF THE MIAMI BEACH CHAMBER OF COMMERCE (COMMISSIONER RICHARD CHERVONY)**

**1.) Commission Action**

**9. NEW BUSINESS**

**A. SIGNS ON WEST DRIVE AND GALLEON STREET – “CAREFUL CHILDREN AT PLAY”, “STOP SIGN” AND CROSSWALKS LEADING INTO DR. PAUL VOGEL PARK AND PHILIP SCHONBERGER PARK (COMMISSIONER RICHARD CHERVONY)**

1.) Commission Action

B. SENIOR ACTIVITIES (NOT APPROVED BY COMMISSION)  
(COMMISSIONER RICHARD CHERVONY)

C. COMMUNITY CLASSES – TAI CHAI & QIGONG/MEDIATION  
(COMMISSIONER EDDIE LIM)

1.) Commission action

D. SCHEDULING – NOVEMBER 15, 2016 COMMISSION MEETING

1.) Commission Action

10. PUBLIC SAFETY DISCUSSION

11. COMMISSIONERS' REPORTS

12. VILLAGE ATTORNEY'S REPORT

13. VILLAGE MANAGER'S REPORT

A. DEP CONSTRUCTION LOAN APPLICATIONS FOR THE WATER MAIN  
TRANSMISSION AND DISTRIBUTION LINE PROJECT AND THE  
WATER METER AND SERVICE LINE REPLACEMENT PROJECT

14. FINANCE REPORT

15. APPROVAL OF MINUTES

16. ADJOURNMENT