



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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OFFICIAL AGENDA

REGULAR VILLAGE COMMISSION MEETING

**TREASURE ISLAND ELEMENTARY SCHOOL
7540 EAST TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141**

TUESDAY, APRIL 8, 2014

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. POLICE EMPLOYEES' RECOGNITION
2. DISPATCH UNIT RECOGNITION
3. OSCAR FONSECA, FULL POWER ENTERPRISES, INC.

B. SPECIAL PRESENTATIONS

1. MIAMI-DADE COUNTY ANIMAL SERVICES
2. FY 2013 AUDITED FINANCIAL STATEMENTS
3. GFOA BUDGET AWARD PRESENTATION

4. NORTH BAY VILLAGE OPTIMIST CLUB

C. ADDITIONS AND DELETIONS

3. GOOD & WELFARE

4. BOARD REPORTS

A. CITIZENS BUDGET & OVERSIGHT BOARD

B. COMMUNITY ENHANCEMENT BOARD

C. PLANNING & ZONING BOARD

5. PUBLIC SAFETY DISCUSSION

6. COMMISSIONERS' REPORTS

7. VILLAGE ATTORNEY'S REPORT

8. VILLAGE MANAGER'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, AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN NORTH BAY VILLAGE AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE FOR THE TERM OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2015; AUTHORIZING APPROPRIATION OF FUNDS FROM THE UNASSIGNED FUND BALANCE TO COVER EXPENSES ASSOCIATED WITH THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

The proposed Resolution will set the terms and conditions of employment under the FOP bargaining unit retroactive from October 1, 2012 to September 30, 2015.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY TO UTILIZE THE COUNTY'S 700/800 MHZ REGIONAL RADIO SYSTEM FOR LAW ENFORCEMENT VOICE COMMUNICATON; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will approve the Memorandum of Understanding with the County outlining certain policies and standard for use of the emergency radio system.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE TRANSFER OF \$20,000 FROM THE UNRESERVED FUND BALANCE ACCOUNT TO THE GENERAL INSURANCE ACCOUNT TO PAY THE INSURANCE DEDUCTIBLE TO THE FLORIDA LEAGUE OF CITIES FOR SETTLEMENT PURPOSES IN THE MATTER OF NAYDA ACROS; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution calls for the payment of \$20,000 to cover the cost of the Village's insurance deductible in a claim brought by Nayda Acros as a result of an accident involving one of the Village police vehicles.

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTLING THE MATTER OF CODE ENFORCEMENT FINES IMPOSED AGAINST RACHEL DUGGER OF 7401 BEACH VIEW DRIVE, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE CLERK OF COURT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Resolution will authorize a settlement amount of \$50,000 to satisfy a Code Enforcement lien imposed against the property.

1.) Commission Action

11. PLANNING & ZONING CONSENT AGENDA

No Items.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES, RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER JORGE GONZALEZ)**

The proposed Resolution will allow the Village to create a Property Assessed Clean Energy Program (PACE) and join the referenced municipalities in a program to finance energy efficient improvements.

1.) Commission Action

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2015 BUDGET; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will allow the spending of Police Impact Fees collected from developers for police purposes pursuant to Section 32.44 of the Village Code of Ordinances.

1.) Commission Action

13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – FINAL READING**

The proposed Ordinance will change the General Election qualifying dates to occur earlier (7/29/14-8/27/14) at the request of the Miami-Dade Elections Department to assist them in meeting statutory requirements to mail the overseas absentee ballots 45 days prior to the election.

1.) Commission Action

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9), 152.031(B)(1) AND 152.031(C)(4) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1.) Commission Action

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, TO ALLOW A 20 FOOT SIDE-YARD SETBACK WHERE 120 FEET IS REQUIRED BY SECTION 152.032(C)(2)(C); PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1.) Commission Action

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1.) Commission Action

- E. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (FINAL READING)**

The proposed Ordinance will address the request in Item 13B to change the definition of hotel room and providing a new definition for kitchen facilities.

1.) Commission Action

- F. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED “ZONING” BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (FINAL READING)**

The proposed Ordinance will address the request in Item 13B to change the CG zoning designation to CL for the property located at 1755 Kennedy Causeway.

1.) Commission Action

- G. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING: (FIRST PUBLIC HEARING)**
- 1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI- FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.**
 - 2. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
 - 3. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**

1.) Commission Action

- H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY WILLIAM C. WEBB, JR. FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE REDEVELOPMENT OF A SINGLE-FAMILY STRUCTURE AT 1357 BAY TERRACE TO PERMIT A BUILDING HEIGHT OF 29.5 FEET ABOVE FEMA BASE FLOOD ELEVATION, WHERE 25 FEET IS ALLOWED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1.) Commission Action

- I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE SWIMMING POOL EQUIPMENT TO ENCROACH 4 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AT 1700 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.**

1.) Commission Action

- J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILALGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 3.5 FOOT SIDE-YARD INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK AT 1700 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.**

1.) Commission Action

K. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAUKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH FOUR FEET INTO THE REQUIRED TEN-FOOT SIDE-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

L. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAUKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW TWO CARPORTS TO ENCROACH TWENTY FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FRONT-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

M. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CONSTRUCTION OF A 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.

1.) Commission Action

14. UNFINISHED BUSINESS

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (CONTINUED FROM DECEMBER 10, 2013)

1.) Commission Action

15. NEW BUSINESS

A. SETTING DATE FOR FY 2015 BUDGET WORKSHOP

1.) Commission Action

B. APPOINTMENT OF MEMBERS TO THE BUSINESS DEVELOPMENT ADVISORY COMMITTEE

1.) Commission Action

16. APPROVAL OF MINUTES

A. REGULAR COMMISSION MEETING - MARCH 11, 2014

1.) Commission Action

17. ADJOURNMENT

**NORTH BAY VILLAGE
MEETING NOTICE**

THURSDAY, APRIL 10, 2014	6:00 P.M.	COMMUNITY ENHANCEMENT BOARD MEETING VILLAGE ADMINISTRATIVE OFFICES 1666 KENNEDY CAUSEWAY, 3RD FLOOR
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WEDNESDAY, APRIL 30, 2014	6:00 P.M.	CITIZENS BUDGET & OVERSIGHT BOARD MEETING VILLAGE ADMINISTRATIVE OFFICES 1666 KENNEDY CAUSEWAY, 3RD FLOOR
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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. TTY users may also call 711 (Florida Relay Service).

EVENT:

SUNDAY, APRIL 13, 2014	11:00 A.M.-	FARMERS' MARKET
SUNDAY, APRIL 20, 2014	3:00 P.M.	1755 KENNEDY CAUSEWAY (WEST OF BEST WESTERN)
SUNDAY, APRIL, 27, 2014		NORTH BAY VILLAGE, FLORIDA