



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**OFFICIAL AGENDA  
REGULAR VILLAGE COMMISSION MEETING  
VILLAGE HALL  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141  
TUESDAY, OCTOBER 9, 2018  
6:30 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. Swearing in Officer Bony Herrera**
- 2. Oath of Office Code Enforcement Officer Tuchette Torres-Lee**
- 3. Honoring Women in Public Service “Ms. Linda Johnson”**

**B. CITIZEN PRESENTATIONS TO THE COMMISSION**

**C. ADDITIONS AND DELETIONS**

**3. GOOD & WELFARE**

**4. VILLAGE COMMISSION’S REPORT**

**5. GRANT WRITER’S REPORT**

**6. ADVISORY BOARD REPORTS**

**A. ARTS, CULTURAL & SPECIAL EVENTS BOARD**

**B. ANIMAL CONTROL ADVISORY BOARD**

**C. BUSINESS DEVELOPMENT ADVISORY BOARD**

**D. CITIZENS BUDGET & OVERSIGHT BOARD**

**E. COMMUNITY ENHANCEMENT BOARD**

**F. PLANNING & ZONING BOARD**

**7. VILLAGE ATTORNEY'S REPORT**

**8. VILLAGE MANAGER'S REPORT**

- 9. 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 COUNCIL OF NORTH BAY VILLAGE, FLORIDA, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE.**

The proposed Resolution will allow Interim Village Manager to apply for a grant to supplement the cost to replace hurricane affected trees.

- Commission

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

**A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA CORP. FOR SITE PLAN APPROVAL, PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR CONSTRUCTION OF A NEW 9,215 SQUARE FOOT, 34 FOOT HIGH COMMERCIAL STRUCTURE (SINGLE STORY RESTAURANT) AT 1665 79<sup>TH</sup> STREET CAUSEWAY, TREASURE ISLAND, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The proposed Resolution will approve the Site Plan of a new 9,215 square foot, 34 foot high commercial structure (single story restaurant) at 1665 79th Street Causeway, Treasure Island

- **Commission Action**

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA CORP. OWNER OF THE BUSINESS ESTABLISHMENT TO BE LOCATED AT 1665 79<sup>TH</sup> STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR VARIANCE PURSUANT TO SECTION 11.10 OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW FAÇADE SIGNS ON THE SOUTH, EAST, AND NORTH SIDES OF THE PROPOSED RESTAURANT, WHERE SECTION 11.9 (C) ALLOWS FAÇADE SIGNS ONLY ON THE BAY FRONTAGE AND ONE OTHER FRONTAGE; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The proposed Resolution will approve the Façade Sign Variance for proposed at 1665 79th Street Causeway, Treasure Island

- **Commission Action**

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE, FOR THE CONSTRUCTION OF A DOCK WITH A BOATLIFT AT 1700 SOUTH TREASURE DRIVE, WHICH WILL EXTEND BEYOND THE 25 FOOT LIMIT; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The proposed Resolution will approve the construction of a dock and boatlift which will extend 30 feet beyond the seawall, where a minimum of 25 feet is required.

- **Commission Action**

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-07) TO CONDUCT A TRAFFIC OPERATIONS ANALYSIS OF SR934/NE 79<sup>TH</sup> STREET CAUSEWAY; AT A LUMP SUM AMOUNT OF \$15,000; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER JOSE ALVAREZ)**

The proposed Resolution will authorize Kimley-Horn & Associates, Inc. to perform traffic study at NE 79<sup>th</sup> Street and Larry Paskow Way for a lump sum amount of \$15,000.

- **Commission Action**

- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-08) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO CONVERT EXISTING CAD FILES AND AS-BUILT DATA FOR THE VILLAGE'S WATER AND WASTEWATER DISTRIBUTION SYSTEM TO GIS FORMAT FOR COORDINATION AND SUBMITTAL TO THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AT A LUMP SUM AMOUNT OF \$22,300; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The proposed Resolution will authorize Kimley-Horn & Associates, Inc. to perform professional engineering services to convert existing CAD files and Asbuilt Data for Water and Wastewater Distribution system into GIS Format for transmission to Miami Dade County for a lump sum amount of \$22,300.

- **Commission Action**

**11. PUBLIC HEARINGS ITEMS INCLUDING ORDINANCES FOR SECOND**

**READING:** Please be advised that if you wish to comment upon any of these quasi-judicial items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staffs have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

**A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED “PERMIT FEES” BY AMENDING SECTION 151.11(A)(46)(C) PERTAINING TO AFTER HOURS CONSTRUCTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE. (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)**

The proposed Ordinance is being heard on Second Reading to clarify existing regulations pertaining to after-hours construction work.

- **Commission Action**

**12. UNFINISHED BUSINESS**

**13. NEW BUSINESS**

**A. APPOINTMENT OF MEMBER TO THE COMMUNITY ENHANCEMENT BOARD**

- 1. **Commission Action**

**B. MITIGATION OF FINES REQUEST**

- 1. Yair Massri, 1441 South Treasure Drive
- 2. Juan Mauricio Cuellar, 1630 South Treasure Drive
- 3. A HMET Derya Bayer, 7524 West Treasure Drive

**14. APPROVAL OF MINUTES – COMMISSION MEETING**

- A. **REGULAR COMMISSION MEETING – SEPTEMBER 11, 2018**
- B. **“TENTATIVE” BUDGET PUBLIC HEARING – SEPTEMBER 17, 2018**
- C. **SPECIAL COMMISSION MEETING – SEPTEMBER 21, 2018**
- D. **FINAL BUDGET PUBLIC HEARING – SEPTEMBER 25, 2018**
- E. **SPECIAL COMMISSION MEETING – SEPTEMBER 25, 2018**

- 1.) **Commission Action**

**15. ADJOURNMENT**

**To:** North Bay Village Mayor & Village Commission  
**From:** LaKeesha Morris, MSW  
**Date Submitted:** September 28, 2018  
**Reporting Period:** September 1 – September 30, 2018

### **Grants Submitted this Reporting Period:**

No grants were submitted this reporting period.

### **Grants “Under Construction”**

*The following grants are currently open and being considered by the Village.*

#### **1. Florida Department of Agriculture and Consumer Services**

- a. **Date Due:** November 13, 2018
- b. **Amount of Request:** Up to \$20,000 **Required Match:** \$1:\$1
- c. **Summary of RFP:** These grant funds may be used to properly select, plant and care for trees to minimize future storm damage; utilize green infrastructure to reduce stormwater runoff; and improve the urban environment.
- d. **Items Needed to Apply:** Must have a resolution by governing board which states that they concur with the grant proposal and maintenance plan. Need a list of at least three tree species native to the area and suitable for the site and objective must be planted. Provide written approval if required (as part of the proposal) from the Florida Department of Transportation for planting and maintenance on any state right-of-way.

#### **2. Florida Department of Law Enforcement – Edward Byrne JAG**

- a. **Date Due:** October 24, 2018
- b. **Amount of Request:** \$3,341
- c. **Summary of RFP:** These grant funds may be used for law enforcement programs, prevention and education programs, drug treatment, and school resource officers (SRO).
- d. **Items Needed to Apply:** The Village intends to use this funding for an SRO. Grant writer needs more information about how this will support the SRO.

#### **3. FEMA – Flood Mitigation Assistance**

- a. **Date Due:** TBD – Potentially October 2018
- b. **Amount of Request:** Varies **Match:** Generally 25% of Project Cost

- a. **Summary:** These grant funds may be used for infrastructure protective measures, flood water storage and diversion, water and sanitary sewer protective measures, utility protective measures, stormwater management, aquifer storage and recovery, flood mitigation planning.
  - a. **Items Needed to Apply:** Project must be included in the Miami-Dade County Local Mitigation Strategy (must obtain letter from County Coordinator, Cathie Perkins). Must submit a Benefit Cost Analysis (BCA). For drainage projects, this includes identifying the homes/buildings in the project area that are insured through the National Flood Insurance Program and the history of insurance claims. If less than 50% of the homes/structures in the project area do not have NFIP numbers, then the project will not be competitive. Municipality must be in favorable standing with NFIP. Additional points are awarded for having match funding provided by private organizations/businesses; participation in Community Rating System (CRS); adopting International Building Codes; and/or having a Building Code Effectiveness Grading Schedule rating.
4. **FEMA – Pre-Disaster Mitigation Grant**
- a. **Date Due:** TBD – Potentially October 2018
  - b. **Amount of Request:** Varies **Match:** Minimum 25% of Project Cost
  - c. **Summary:** These grant funds may be used for generators for critical facilities, undergrounding of utilities, or stormwater management projects identified in a FEMA-approved mitigation plan; and Mitigation projects that reduce risk to any natural hazard (e.g., seismic, wildfire, landslide, wind, flood, drought)”.
  - d. **Items Needed to Apply:** Project must be included in the Miami-Dade County Local Mitigation Strategy (must obtain letter from County Coordinator, Cathie Perkins). Must submit a Benefit Cost Analysis (BCA). This is calculated by comparing the cost of not completing the project vs. the cost of completing the mitigation project. Priority is given to applicants enrolled in the National Flood Insurance Program (NFIP) and with a Community Rating System (CRS) score. Additional points are awarded for having match funding provided by private organizations/businesses; adopting International Building Codes, having a Building Code Effectiveness Grading Schedule rating.

### Grant Updates

**Florida Inland Navigation District awarded \$180,000** for the completion of the Baywalk Plaza Construction (South Side) project.

North Bay Village  
2017-2018 Active

	Project Category	Funder Name	Project Title	Contract #	Contract Period	Purpose	Award Amount	Match Required	Has Project Started?	Reimbursement Submitted?	Amount Reimbursed	Next Steps
1	Stormwater	Florida Department of Environmental Protection (TMDL)	North Bay Village Drainage Improvement Project	NS020	7/1/2016 - 6/30/2021	Repair/Replacement of catch basins and drainage improvements	\$ 150,000.00	\$ 150,000.00	No	No	N/A	The Village executed contract with RicMan in December 2017. Village is now in the planning phase for the catch basin improvements. Received approval from DEP to amend the work plan on 9/27/18.
2	Stormwater	Florida Department of Environmental Protection (Legislative Appropriation)	North Bay Village Storm Water Phase II Improvements	LP13044	6/1/2016 - 12/31/2019	Install 13 Flex Valves at Village Outfalls starting in Treasure Island	\$ 225,000.00	\$ -	Yes	No	N/A	The Village executed contract with RicMan in December 2017. 21 Outfalls have been installed. Village is collecting cancelled checks for the final reimbursement report.
3	Stormwater	South Florida Water Management District	North Bay Village Outfall Improvement Project	4600003548	10/1/2016 - 10/31/2018	Installation of Flex Valves at Village Outfalls starting in Treasure Island	\$ 150,000.00	\$ 150,000.00	Yes	No	N/A	The Village executed contract with RicMan in December 2017. 21 Outfalls have been installed. Village is collecting cancelled checks for the final reimbursement report.
4	Baywalk Construction	Florida Department of Transportation	Baywalk Plaza Construction (North)	Pending Completion of LAP Process	FY2020-21	Construction of the Baywalk Plaza Area (North)	\$ 1,000,000.00	Any amount above \$1 Million	No	No	N/A	Village completed the LAP certification process with FDOT in August 2018. The Village is awaiting instructions from FDOT to move forward with the contract.
5	Boardwalk Design	Florida Inland Navigation District	Baywalk/Boardwalk Planning and Design	DA-NBV-16-196	10/1/2016 - 9/30/2019	Design and Permitting of Baywalk/Boardwalk	\$ 100,000.00	\$ 100,000.00	Yes	No	N/A	Challenges with securing site control is a barrier to the completion of this project. The Village was granted a one year extension from FIND in September 2018 to complete the project. The Village will not be reimbursed for any work until a Contract for Construction of the Baywalk/Boardwalk is signed.
6	Baywalk Construction	Florida Inland Navigation District	Baywalk Plaza Construction	DA-NBV-15-194	10/21/2016 - 09/30/2018	Construction of Baywalk Plaza (South Side)	\$ 200,000.00	\$ 200,000.00	Yes	No	N/A	Construction of the first phase of the project is complete. The Village is collecting cancelled checks and invoices to submit the reimbursement request.
7	Police	University of South Florida CUTR	High Visibility Enforcement	PO 244596	10/1/2017-5/15/2018	Overtime hours for officers to conduct increased education	\$ 2,000.00	\$ -	Yes	\$866.79	Yes	The department was not able to spend out this contract.



North Bay Village  
2017-2018 Active

	Project Category	Funder Name	Project Title	Contract #	Contract Period	Purpose	Award Amount	Match Required	Has Project Started?	Reimbursement Submitted?	Amount Reimbursed	Next Steps
8	Youth-NEW	The Children’s Trust	Our Kids Our Treasure Youth Program	N/A	8/1/2018-7/30/2018	Trust afterschool program	\$ 169,256.00	Any amount over the contract	Yes	N/A	N/A	Grant management and reporting is conducted by the Village. The Village was awarded a five (5) year contract totaling \$846,280 to continue the after-school program.
9	Transit-NEW	Miami-Dade Transit Planning Organization	Village Trolley Route Expansion	N/A	Pending Contract Execution	Funding will be used to extend services of the Village Trolley to connect to the TPO's	\$ 50,000.00	\$ 50,000.00	No	N/A	N/A	The Village received notification of award in July 2018. Pending Contract execution
10	Public Works-NEW	Florida Department of Transportation	Treasure Island ADA Sidewalk/Roadway Improvements	N/A	Pending Contract Execution	Funding will be used for ADA improvements throughout Treasure Island and parts of JFK. (i.e.	\$ 150,000.00	Any amount over the contract	No	N/A	N/A	Pending contract execution.
11	General-NEW	Miami-Dade Age Friendly Initiative	Services for Older Adults	N/A	7/1/2018 - 12/31/2018	Funding will be used to install a small computer lab in the lobby of the Village Hall for use by older adults.	\$ 2,500.00	Any amount over the contract	No	N/A	N/A	The deadline to complete this project is December 31, 2018. The Village will need to identify, purchase and install the computers. Then plan a "grand opening"
12	Baywalk Construction-NEW	Florida Inland Navigation District	Construction of Baywalk Plaza (South Side-Phase II)	N/A	10/1/2018 - 9/30/2020	Funding will be used to complete construction of the	\$ 180,000.00	\$ 180,000.00	No	N/A	N/A	Pending contract execution.
							Total:	\$ 2,378,756.00				

Last Updated

BellTower Consulting  
Group, LLC  
9/28/2018



# Agenda Item 9A

## North Bay Village

Administrative Offices

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Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE:** September 30, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**RECOMMENDED BY:** Interim Village Manager Lewis Velken *Lik*

**PRESENTED BY STAFF:** Interim Village Manager Lewis Velken

**SUBJECT:** FY 2019 National Urban Forestry Grant Program

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#### **RECOMMENDATION:**

It is recommended that the Village Commission approve the attached Resolution authorizing the Village to submit an application in the amount of up to \$20,000 for tree planting, and providing a 50% match if the grant is awarded.

#### **BACKGROUND:**

**Funding Source:** Florida Department of Agriculture and Consumer Services

**Program Title:** FY2019 National Urban Forestry Grant Program

**Grant Request:** up to \$20,000

**Match Required:** 50% of grant request (cash and in-kind)

The Florida Department of Agriculture and Consumer Services released a request for proposals for the 2018 National Urban and Community Forestry Grant Program. The focus of this year's grant program is to support Florida communities affected by recent hurricanes and other weather-related events. Funding is available in the following categories:

- Replacement of Urban Canopy due to Storms (Tree Planting)
- Public Tree Inventory or Assessment
- Information and Education for Storm Preparedness

# Agenda Item 9A

The Village desires to apply for funding under the “Replacement of Urban Canopy due to Storms (Tree Planting)” category. The maximum request allowed is \$20,000, and the Village is required to provide a 50% match of the grant request. This can be accomplished through a combination of cash (for trees, maintenance, shrubs/mulch) and in-kind (staff time, staff supplies/equipment).

## **FINANCIAL IMPACT:**

Up to \$10,000 (50% match of grant request)

## **BUDGETARY IMPACT:**

Up to \$10,000 (50% match of grant request)

## **PERSONNEL IMPACT:**

None

# Agenda Item 9A



## North Bay Village

Administrative Offices

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### MEMORANDUM

North Bay Village

DATE: October 2, 2018

TO: Graciela Mariot  
Interim Village Clerk

FROM: Lewis Velken   
Interim Village Manager

SUBJECT: Introduction of Resolution

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE.**

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

LV:gm

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreana Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 9A

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)

WHEREAS, North Bay Village desires to increase tree canopy in public rights-of-way; and

WHEREAS, the purpose of Florida's Urban and Community Forestry (UCF) Grant Program is to provide financial assistance to local governments to initiate or enhance local urban and community forestry programs within the state of Florida.; and

WHEREAS, North Bay Village intends to submit an application in the amount of up to \$20,000 for the planting of new trees; and

WHEREAS, if approved for the grant, the Village will enter into a Memorandum of Agreement between North Bay Village, Florida and the Florida Department of Agriculture and Consumer Services; and

WHEREAS, if approved for the Grant, the Village will provide matching funds in the amount of \$20,000.00 towards the tree planting project.

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.

**Section 2. Project Authorization.** The Village Commission hereby supports the Village's urban forestry efforts and approves the application for the Grant submittal with a matching fund amount of \$20,000.00.

**Section 3. Village Manager Authorization.** The Village Manager or his designee is hereby authorized to submit said proposal requesting the grant.

**Section 4. Effective Date.** This Resolution shall become effective upon its

# Agenda Item 9A

adoption.

The foregoing Resolution was offered by \_\_\_\_\_, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

## FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Andreana Jackson	_____
Commissioner Jose Alvarez	_____
Commissioner Laura Cattabriga	_____
Commissioner Eddie Lim	_____

**PASSED AND ADOPTED** this 9th day of October 2018.

\_\_\_\_\_  
Connie Leon-Kreps, Mayor

## ATTEST:

\_\_\_\_\_  
Graciela Mariot  
Interim Village Clerk

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

\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village Resolution: Forestry Grant Application



## Staff Report Site Plan

*Prepared for: North Bay Village,  
Commission*

*Applicant: Benihana National of Florida Corp*

*Site Address: 1665 Kennedy Causeway*

*Request: Site Plan Approval for Benihana  
Restaurant*



# Agenda Item 10A

## General Information

<b>Applicant:</b>	Benihana National of Florida Corp
<b>Applicant Address:</b>	21500 Biscayne Blvd, Suite 900, Aventura, FL 33180
<b>Site Address:</b>	1665 Kennedy Cswy
<b>Contact Person:</b>	Travis Radak
<b>Phone Number:</b>	561-283-0721
<b>E-mail Address</b>	<a href="mailto:tradak@radakovichinc.com">tradak@radakovichinc.com</a>

	<b>Existing</b>
<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG (General Commercial)
<b>Use of Property</b>	Restaurant
<b>Acreage</b>	1.085 acres (47,250 sq ft)

## Legal Description of Subject Property

The Easterly 262.5 feet of the Westerly 1,262.50 feet of the following described tract of land as measured along a line running at right angles to the Westerly line of said tract:

Commence at the ½ mile post on the West line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, as shown on the Map of Highway Right-of-Way of Proposed Northeast Seventy-Ninth Street Causeway, which is recorded in Plat Book 25, at Page 70, of the Public Records of Dade County, Florida, run North 88°41'24" East, 1,960 feet; thence North 01°37'08" feet to the Point of Beginning of the hereinafter described tract of land:

Thence continue North 01°37'08" West 129.730 feet to the point of curve of a curve to the right; thence to the right along said curve having an interior angle of 90°18'32" and a radius of 50.00 feet for an arc distance of 78.809 feet to a point of tangency; thence North 88°41'24" East 2,169.970 feet to the point of curvature of a curve to the right thence to the right along said curve having an interior angle of 44°32'45" and a radius of 600.00 feet for an arc distance of 466.483 feet to a point of tangency; thence South 46°45'51" East 102.180 feet to the point of intersection with the Northerly line of the existing right-of-way of said Northeast Seventy-Ninth Street Causeway; thence in a Southwesterly, Northwesterly and Westerly direction along the Northerly line of said existing right-of-way to the Point of Beginning.



# Agenda Item 10A

## Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office
South	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office, Restaurant and Service Commercial
West	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Residential Condominium

## Description of Requests

The applicant is requesting site plan approval, pursuant to Section 5.8 of the North Bay Village Code, for development of a 9,215 square foot commercial restaurant structure in the CG (General Commercial) zoning district.

## Adequacy of Public Facilities

### Water & Sewer

Water and Sewer utilities will continue to be provided by Miami-Dade County. This applicant is proposing to redevelop an existing restaurant, reducing the total square feet of the structure and the reducing the customer service area. The intensity of use is not increasing. The existing water and sewer facilities should not need expansion.

### Traffic

The existing restaurant has 5,375 square feet of customer service area and 77 parking spaces. The proposed restaurant has 3,961 square feet of customer service area and 65 parking spaces. The intensity of use is not increasing, the number of parking spaces is not increasing, and the number vehicle trips generated by the proposed redevelopment should not be significantly greater than the existing restaurant. For this reason, the applicant has requested an exemption from the requirement to conduct a traffic impact study. Staff agrees that a traffic impact study is not warranted for this project.

# Agenda Item 10A

## Consistency with Comprehensive Plan

Policy	Regulation	Required	Provided
<b>North Bay Village Comprehensive Plan</b>			
Future Land Use Policy 2.1.12	Allowable Uses	A broad range of general and professional office, retail, banking, hotel, service establishments, and high density residential	The proposed restaurant use is consistent with the Commercial Future Land Use Category
Future Land Use Policy 2.1.12	Maximum FAR	3.0	0.2
Future Land Use Policy 2.1.13(1)	Maintenance of commercial areas	Redevelopment of existing commercial uses will not be allowed unless the new development contains a commercial building square footage equal to at least fifty percent (50%) of the existing commercial use	Existing restaurant is 10,400 sq ft. Proposed restaurant building is 9,215 sq ft, which is 89% of the size of the existing.
Future Land Use Policy 2.1.13(2)	Minimum ratio of commercial	There will be no complete substitution of residential for commercial uses in the Village's Commercial Future Land Use category. The minimum cumulative total floor area for commercial uses in all areas designated for the Commercial Future Land Use category is twenty-five percent (25%)	No residential uses are proposed for this project

# Agenda Item 10A

## Consistency with Land Development Regulations

Section	Regulation	Required	Provided
<b>North Bay Village LDC</b>			
8.10(E)(2)(k)	Uses permitted	Restaurant	In compliance
8.10(E)(5)(a)	Minimum lot area	10,000 sq ft	47,250 sq ft
8.10(E)(5)(a)	Minimum frontage	75 ft	262.5 ft
8.10(E)(5)(b)	Minimum front setback	40 ft	72 ft
8.10(E)(5)(b)	Minimum side setbacks	15 ft, plus five feet for each story over three  (proposed structure is single story)	15 ft on west side  125 ft on east side
8.10(E)(5)(b)	Minimum rear setback	25 ft	25.5 ft
8.10(E)(5)(c)	Maximum building height	130 ft or 12 stories, whichever is less	30.5 ft
8.10(E)(5)(c)	Maximum parking levels	2 stories	All parking is ground level surface parking
8.10(E)(5)(d)	Minimum pervious area	20% of total parcel  <u>20% of 47,250 = 9,450 sq ft</u>	10,208 sq ft
8.13(E)(1)(a)(1)	Dumpster screening	Trash and garbage facilities shall be within an enclosed, air-conditioned garbage room	Provided
8.13(E)(1)(d)	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow sanitation trucks to pick up garbage in a manner they are designed for	In compliance
8.13(E)(1)(e)	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	In compliance

# Agenda Item 10A

Section	Regulation	Required	Provided
8.13(E)(1)(f)	Mechanical equipment location	Service bays, mechanical (HVAC) equipment and delivery areas should be located away from and not visible from the streets, waterways, sidewalks, and adjacent properties.	In compliance
8.13(E)(1)(g)	Mechanical equipment screening	Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered	In compliance
8.13(E)(1)(h)	Delivery Area	Delivery areas should not be used for the storage of vehicles or materials	In compliance
9.3(C)(3)(g)	Minimum number of parking spaces	One space for each 75 square feet of customer service area <u><math>3,961 / 75 = 53</math> spaces required</u>	65 parking spaces
9.3(E)(4)	Minimum standard parking space dimensions	9 ft by 18 ft	In compliance
9.3(E)(4)	Minimum compact parking space dimensions	8 ft by 16 ft	N/A
9.3(E)(4)	Minimum ADA parking space dimensions	Must comply with all applicable accessibility standards	In compliance
9.3(E)(5)(a)	Compact parking to be approved by Village Commission	Special use exception approval from Village Commission required for compact parking utilization.	N/A
9.3(E)(5)(a)	Maximum number of compact parking spaces	If approved by Commission, 20% of total required parking spaces may be compact spaces	N/A

# Agenda Item 10A

Section	Regulation	Required	Provided
9.3(E)(5)(b)	Valet parking required for compact parking	Applicants seeking approval for the use of compact parking spaces shall provide valet parking services in perpetuity	N/A
9.3(E)(6) & Florida Accessibility Code 208.2	Minimum number of ADA spaces	For facilities with 51 to 75 parking spaces, at least 3 parking spaces must be ADA compliant	3 ADA parking spaces provided
9.3(E)(10)	Landscaping required	Use Miami Dade landscape code	See Miami Dade landscape code review below
9.3(E)(11)	Minimum setback of ROW from parking spaces	20 ft	In compliance
9.3(E)(13)	Minimum separation of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	In compliance
9.3(E)(16)	Back-out parking prohibition	Parking spaces shall be designed so that no vehicle shall be required to back into a public ROW to obtain egress	In compliance
9.3(E)(17)(b)	Minimum width of maneuvering aisle with 90 degree parking	23 ft	In compliance
9.3(E)(17)(f)(2)	Minimum width of 2-way access aisle	23 ft	In compliance
9.4(A)(4)	Loading and standard parking space restriction	No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.	In compliance

# Agenda Item 10A

Section	Regulation	Required		Provided
9.4(B)(1)	Minimum number of loading spaces for multi-family	Gross floor area	Spaces	1 loading space provided
		<10,000	0	
		10,000-20,000	1	
		20,000-40,000	2	
		40,000-60,000	3	
		>60,000	4	
		<u>9,439 sq ft of gross floor area, 0 loading spaces required</u>		
9.4(C)(1)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance		In compliance
9.4(D)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.		N/A
9.11(B)	Miami Dade Shoreline Development Approval Required	Approval from the Miami-Dade County Shoreline Development Review Committee required		Shoreline approval not yet provided
9.12(C)(1)	Seawall maintenance	Seawalls must be kept in good repair		All necessary seawall repairs were recently completed
9.21(C)	Light pole maximum height	20 ft		20 ft
10.5(B)(2)(a)	First finished floor minimum elevation	1 ft above base flood elevation  <u>Base flood elevation is 8 ft NGVD at the building site. FFF must be at least 9 ft NGVD</u>		9 ft NGVD
11.9(C)(2)	Maximum number of façade signs for single occupancy establishments	A flat illuminated or nonilluminated sign may be erected on one facade of a building		Plans depict an additional façade sign. Sign variance requested
11.9(C)(2)(b)	Maximum façade sign area for existing establishments	11% of façade area		In compliance

# Agenda Item 10A

Section	Regulation	Required	Provided
11.9(C)(3)	Maximum façade sign area for bay frontage	10% of the façade area, with lettering not to exceed 100 sq ft	In compliance
11.9(C)(5)	Maximum detached sign area	100 sq ft per side	99.75 sq ft
11.9(C)(5)	Detached sign location	Shall not be placed in side or rear yards	In compliance
11.9(C)(5)	Minimum detached sign front setback	10 ft	In compliance
11.9(C)(5)	Detached sign maximum height	24 ft	11.5 ft
<b>Miami-Dade Landscaping Chapter 18A</b>			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Not yet provided
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	20% of percent of the net lot area, less the area covered by buildings.  <u><math>(47,250 - 9,215) \times 0.2 = 7,607 \text{ sq ft}</math></u>	Landscape plan not yet provided
18A-6(C)(1)	Tree height	Except street trees, all trees shall be minimum 10' high with minimum 2" caliper, except that 30% of tree requirement may be met by native species with a minimum 8' height.	Landscape plan not yet provided

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Section	Regulation	Required	Provided
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35' on center (25' for palms).  <u>With 265.5 linear foot of frontage, either 8 trees or 11 palms are required.</u>	Landscape plan not yet provided
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8', 1.5" caliper, and a maximum average spacing of 25 feet on center.	Landscape plan not yet provided
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	Landscape plan not yet provided
18A-6(C)(5)	Number of required trees	222 trees per acre of net lot area  <u><math>22 \times 1.085 = 24</math> required trees</u>	Landscape plan not yet provided
18A-6(C)(11)	Limitations on required trees	Of the required trees:  At least 30% shall be native species.  At least 50% shall be low maintenance and drought tolerant.  No more than 30% shall be palms	Landscape plan not yet provided



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Section	Regulation	Required	Provided
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	Landscape plan not yet provided
18A-6(D)(1)	Shrubs	<p>All shrubs must be a minimum of 18 inches a time of planting.</p> <p>10 shrubs are required for each required tree.</p> <p>30% shall be native species</p> <p>50% shall be low maintenance and drought tolerant</p> <p>80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.</p>	Landscape plan not yet provided
18A-6(D)(2)	Shrub buffers	When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of 30" on center or if planted at a minimum height of 36", shall have a maximum average spacing of 48" on center	Landscape plan not yet provided

# Agenda Item 10A

Section	Regulation	Required	Provided
18A-6(H)	Use buffers	<p>Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35' on center with shrubs which normally grow to a height of 6', or a 6' wall with trees, within a 5' wide landscape strip.</p> <p>Shrubs shall be a minimum of 30" high and planted at a maximum of 36" on center; or if planted at a minimum height of 36", shall have a maximum average spacing of 48" on center.</p>	<p>Landscape plan not yet provided</p>
18A-6(I)	Parking lot buffers	<p>All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7' landscape strip incorporating said planting</p> <p>Shrubs shall be a minimum of 18" high and planted at a maximum of 30" on center; or if planted at a minimum height of 36", shall have a maximum average spacing of 48" on center.</p>	<p>7 ft strip provided adjacent to ROW</p> <p>Landscape plan not yet provided</p>

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Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	<p>10' square of landscaped area per parking space shall be provided within a parking lot.  <u>10 x 65 = 650 sq ft</u></p> <p>Trees shall be planted within the parking lot at a minimum density of 1 tree per 80' square of landscaped area, exclusive of parking lot buffers.</p> <p>Each tree shall have a minimum of 5' of planting area width, exclusive of curb dimension.</p>	<p>~1,000 sq ft landscaped area provided within parking lot</p> <p>Landscape plan not yet provided</p>
<b>Miami-Dade Biscayne Bay Management Plan</b>			
33D-38(1)b	Minimum rear setback	<p>25 ft plus 50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum.</p> <p><u>~30 ft required</u></p>	Only 25.5 ft

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Section	Regulation	Required	Provided
33D-38(1)c	Public shoreline walkway may be provided when rear setback is not met.	No buildings, accessory uses, belowground structures, ancillary structures or other uses shall be allowed in the setback area described hereinabove. However, if public shoreline walkways are provided, along with covenants and provisions to ensure public use and maintenance of these walkways in perpetuity, then the Committee may recommend that the shoreline setback be decreased.	The site plan does not meet the shoreline setbacks and does not include a complete public baywalk. Shoreline review staff contacted the Village Zoning department to state that the site plan is incompatible with the Ch 33D principles and design guidelines and request that the plans be revised
33D-38(2)a	Minimum visual corridor	20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor.  <u><math>262.5 \times 0.2 = 52.5 \text{ ft}</math></u>	125 ft view corridor on east side
33D-38(3)	Minimum side setback	Minimum of 25 ft	Only 15 ft west side setback
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not yet provided

## Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 4-0 on September 4, 2018.

## Staff Recommendation

After the Village Planning & Zoning Board public hearing, the Miami-Dade Shoreline Development Review staff contacted Village staff with concerns regarding this site plan and compliance with the County's Shoreline regulations. Their comments relate to setbacks and the lack of a complete public shoreline walkway. Their suggestion is to remove the surplus parking spaces along the waterfront and provide a public baywalk.

Historically, Village staff has recommended approval based on the condition that the applicant must receive site plan approval from the Miami-Dade Shoreline Review Committee prior to issuance of a Village building permit. However, this is the first site plan to be presented in several years for a bay front property which does not include a public baywalk.

Though the current Village Code does not require a public baywalk for strictly commercial developments, the Miami Dade regulations do require the public baywalk. Staff recommends that this site plan be deferred until the Miami-Dade Shoreline Review Committee approves the site plan.

Approval should also be based on the following conditions being met prior to the issuance of a building permit:

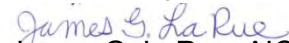
- 1) Submittal of a vegetative plan which meets Miami-Dade Chapter 18A requirements
- 2) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements
- 3) Submittal of a landscape plan which meets Miami-Dade Chapter 18A requirements
- 4) Site plan approval from Miami-Dade Shoreline Review Committee.
- 5) Payment of any applicable impact fees.
- 6) Cost recovery charges must be paid pursuant to Village Code Section 5.12. 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) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 8) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 9) All applicable state and federal permits must be obtained before commencement of construction.

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10) Applicant shall not lease or sell parking spaces or charge for parking.

11) Staging of construction materials shall not occur on the public right-of-way.

*Submitted by:*

  
James G. LaRue, AICP  
Planning Consultant  
October 2, 2018

Hearing: Village Commission, October 9, 2018



# Agenda Item 10A

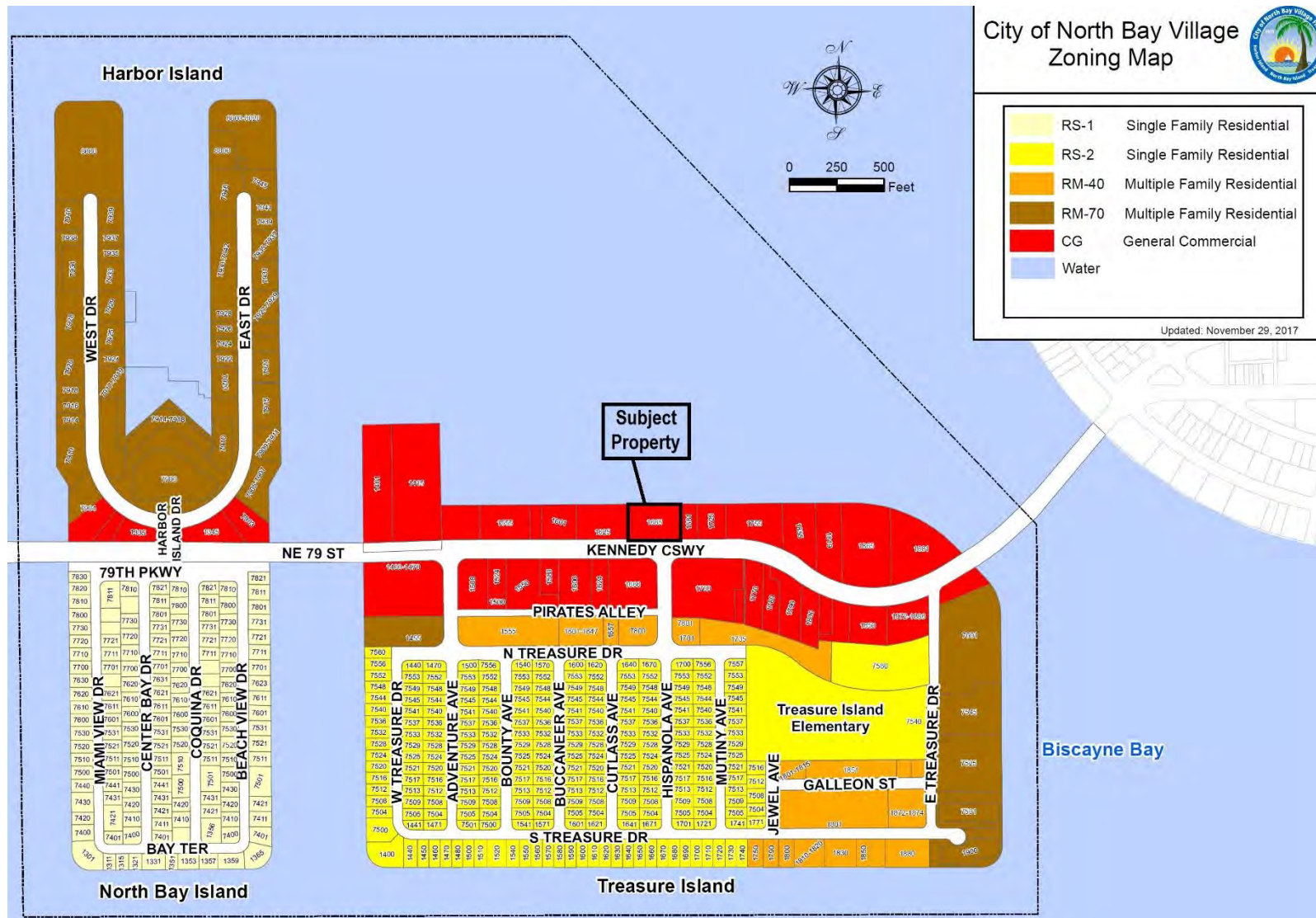
## AERIAL SUBJECT SITE AND ENVIRONS





# Agenda Item 10A

## ZONING SUBJECT SITE AND ENVIRONS





# Agenda Item 10A



## North Bay Village

Administrative Offices

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


Tel: (305) 756-7171 | Fax: (305) 756-7722 | Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM

North Bay Village

DATE: October 2, 2018

TO: Graciela Mariot  
Interim Village Clerk

FROM: Lewis Velken,   
Interim Village Manager

SUBJECT: Introduction of Resolution

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA CORP. FOR SITE PLAN APPROVAL, PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR CONSTRUCTION OF A NEW 9,215 SQUARE FOOT, 34 FOOT HIGH COMMERCIAL STRUCTURE (SINGLE STORY RESTAURANT) AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

LV:gm

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreana Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 10A

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA, CORP. FOR SITE PLAN APPROVAL, PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR CONSTRUCTION OF A NEW 9,215 SQUARE FOOT, 34 FOOT HIGH COMMERCIAL STRUCTURE (SINGLE STORY RESTAURANT) AT 1665 79<sup>TH</sup> STREET CAUSEWAY, TREASURE ISLAND, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)*

**WHEREAS**, pursuant to Section 5.4 (C) of the North Bay Village Unified Land Development Code, Benihana National of Florida, Corp. has applied to North Bay Village for Site Plan Approval to construct a 9,215 square foot, 34 foot high commercial structure at 1665 79<sup>th</sup> Street Causeway, Treasure Island, North Bay Village, Florida; and

**WHEREAS**, Section 5.4 (C) of North Bay Village Unified Land Development Code set forth the Authority of the Village Commission to consider and act upon an application for Site Plan approval;

**WHEREAS**, in accordance with Section 5.4 (C) of the Village Code, a public hearing by the Planning and Zoning Board was noticed for September 4, 2018 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

**WHEREAS**, in accordance with Section 5.4 (C) of the Village Code, a public hearing by the Village Commission was noticed for October 9, 2018 at 6:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**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.

**Section 2. Finding.** In accordance with Section 5.4 (C) of the Village Code,

# Agenda Item 10A

the Village Commission finds that the proposed Site Plan for construction of a 9,215 square foot, 34 foot high commercial structure at existing commercial property:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.
- B. Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.
- C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.
- D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

**Section 3.** **Grant.** The Site Plan to construct a 9,215 square foot, 34 foot high commercial structure at 1665 79<sup>th</sup> Street Causeway, North Bay Village, Florida, as attached and incorporated as Exhibit “A” entitled Benihana 1665 79<sup>th</sup> Street Causeway, North Bay Village, FL 33141 is hereby approved.

**Section 4.** **Conditions.** The Site Plan is approved with the conditions that the following items are met prior to issuance of a Building Permits:

- 1. Submittal of a vegetative plan which meets Miami-Dade Chapter 18A requirements.
- 2. Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements.
- 3. Submittal of a landscape plan which meets Miami-Dade Chapter 18A requirements.
- 4. Site plan approval from Miami-Dade Shoreline Review Committee.
- 5. Payment of any applicable impact fees.
- 6. Cost recovery charges must be paid pursuant to Village Code Section 5.12. 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. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 8. Approval of this site plan does not in any way create a right on the part of the

# Agenda Item 10A

applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

9. All applicable state and federal permits must be obtained before commencement of construction.

10. Applicant shall not lease or sell parking spaces or charge for parking.

11. Staging of construction materials shall occur off-site, and not on the public right-of-way.

**Section 5. Appeal.** In accordance with Section 10.41 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certorari 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, if any, 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.

**Section 7. Effective Date.** This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by \_\_\_\_\_, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

# Agenda Item 10A

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Andreana Jackson \_\_\_\_\_  
Commissioner Jose Alvarez \_\_\_\_\_  
Commissioner Laura Cattabriga \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_

**PASSED AND ADOPTED** this 9th day of October 2018.

\_\_\_\_\_  
Connie Leon-Kreps, Mayor

**ATTEST:**

\_\_\_\_\_  
Graciela Mariot  
Interim Village Clerk

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

\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village Resolution: Benihana Site Plan Approval



### Staff Report Sign Variance

*Prepared for: North Bay Village,  
Commission*

*Applicant: Benihana National of Florida Corp*

*Site Address: 1665 Kennedy Causeway*

*Request: Façade Sign Variance*

# Agenda Item 10B

## General Information

<b>Applicant:</b>	Benihana National of Florida Corp
<b>Applicant Address:</b>	21500 Biscayne Blvd, Suite 900, Aventura, FL 33180
<b>Site Address:</b>	1665 Kennedy Cswy
<b>Contact Person:</b>	Travis Radak
<b>Phone Number:</b>	561-283-0721 ext. 201
<b>E-mail Address</b>	<a href="mailto:tradak@radakovichinc.com">tradak@radakovichinc.com</a>

	<b>Existing</b>
<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG (General Commercial)
<b>Use of Property</b>	Restaurant
<b>Acreage</b>	1.085 acres (47,250 sq ft)

## Legal Description of Subject Property

The Easterly 262.5 feet of the Westerly 1,262.50 feet of the following described tract of land as measured along a line running at right angles to the Westerly line of said tract:

Commence at the ½ mile post on the West line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, as shown on the Map of Highway Right-of-Way of Proposed Northeast Seventy-Ninth Street Causeway, which is recorded in Plat Book 25, at Page 70, of the Public Records of Dade County, Florida, run North 88°41'24" East, 1,960 feet; thence North 01°37'08" feet to the Point of Beginning of the hereinafter described tract of land:

Thence continue North 01°37'08" West 129.730 feet to the point of curve of a curve to the right; thence to the right along said curve having an interior angle of 90°18'32" and a radius of 50.00 feet for an arc distance of 78.809 feet to a point of tangency; thence North 88°41'24" East 2,169.970 feet to the point of curvature of a curve to the right thence to the right along said curve having an interior angle of 44°32'45" and a radius of 600.00 feet for an arc distance of 466.483 feet to a point of tangency; thence South 46°45'51" East 102.180 feet to the point of intersection with the Northerly line of the existing right-of-way of said Northeast Seventy-Ninth Street Causeway; thence in a Southwesterly, Northwesterly and Westerly direction along the Northerly line of said existing right-of-way to the Point of Beginning.

# Agenda Item 10B

## Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office
South	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office, Restaurant and Service Commercial
West	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Residential Condominium

## Description of Request

The applicant is requesting a sign variance, pursuant to Section 11.10 of the North Bay Village Unified Land Development Code, to allow façade signs on the south, east, and north sides of the proposed restaurant, where Section 11.9(C) allows façade signs only on the bay frontage and one other frontage.

## Required Findings

Village Code Section 11.10 recognizes that there might be instances in which relief from the strict requirements of the sign ordinance would result in improved planning or zoning, and would benefit the community. The standards for granting a sign variance are:

- (A) The sign variance must relate to a particular piece of land;

**Applicant Response:** None.

**Staff Comments:** The applicant has requested this sign variance in conjunction with the redevelopment of a Benihana restaurant at 1665 Kennedy Causeway.

- (B) The sign variance can be granted without substantial detriment to the public good;

**Applicant Response:** Approving the sign will not provide any detriment to the public good in that it is minimal in size and limited to a single corporate color. The east side of the proposed building faces the parking lot and an adjacent 2 story



# Agenda Item 10B

building with no windows facing the sign

**Staff Comments:** The sign code places limits on the maximum number of signs allowed per building and per use, as an overabundance of signage can have a detrimental effect on community aesthetics and increase the number of distractions for automobile drivers.

- (C) The benefits of the deviation would outweigh any detriment; and

**Applicant Response:** None.

**Staff Comments:** Additional signage provides a benefit to the applicant, as additional advertisement can increase public awareness of the restaurant. However, it is unclear what public benefits would be provided by an additional sign. Whether these private benefits outweigh the public detriments (as described in subsection B above) is a decision that the Village Planning & Zoning Board and Village Commission must decide.

- (D) The variance would not substantially impair the intent or purpose of the Village's Comprehensive Plan and/or Zoning Ordinance.

**Applicant Response:** Approving the variance does not substantially impair the intent or purpose to the Villages code.

**Staff Comments:** Agreed.


## Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of this sign variance request by a vote of 4-0 on September 4, 2018.

## Staff Recommendation

Staff finds that the requested variance meets the requirements of subsections A and D of Section 11.10. However, subsections B and C allow for the reviewing bodies to weigh the likely detriments and benefits of the proposed signage before deciding to approve or deny the request. Consequently, if the Commission finds that the benefits of the proposed signage outweigh the detriments, then staff recommends approval of the requested sign variance to allow a façade sign on the east side of the proposed restaurant structure, where it is prohibited by North Bay Village Code.

*Submitted by:*

  
James G. LaRue, AICP  
Planning Consultant  
October 2, 2018

Hearing: Village Commission, October 9, 2018

# Agenda Item 10B



## North Bay Village

Administrative Offices

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


Tel: (305) 756-7171 | Fax: (305) 756-7722 | Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM

North Bay Village

DATE: October 2, 2018

TO: Graciela Mariot  
Interim Village Clerk

FROM: Lewis Velken,   
Interim Village Manager

SUBJECT: Introduction of Resolution

---

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA CORP. OWNER OF THE BUSINESS ESTABLISHMENT TO BE LOCATED AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR VARIANCE PURSUANT TO SECTION 11.10 OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW FAÇADE SIGNS ON THE SOUTH, EAST, AND NORTH SIDES OF THE PROPOSED RESTAURANT, WHERE SECTION 11.9 (C) ALLOWS FAÇADE SIGNS ONLY ON THE BAY FRONTAGE AND ONE OTHER FRONTAGE; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

LV:gm

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreana Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 10B

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA, CORP. OWNER OF THE BUSINESS ESTABLISHMENT TO BE LOCATED AT 1665 79<sup>TH</sup> STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR VARIANCE PURSUANT TO SECTION 11.10 OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW FAÇADE SIGNS ON THE SOUTH, EAST, AND NORTH SIDES OF THE PROPOSED RESTAURANT, WHERE SECTION 11.9 (C) ALLOWS FAÇADE SIGNS ONLY ON THE BAY FRONTAGE AND ONE OTHER FRONTAGE; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)*

WHEREAS, pursuant to Section 11.10 of the North Bay Village Unified Land Development Code, Benihana National of Florida, Corp. has applied to North Bay Village for Variance to allow façade signs on the south, east, and north sides of the proposed restaurant; and

WHEREAS, Section 11.9(C) allows façade signs only on the bay frontage and one other frontage; and

WHEREAS, in accordance with Section 4.4 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for September 4, 2018 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

WHEREAS, in accordance with Section 4.4 of the Village Code, a public hearing by the Village Commission was noticed for October 9, 2018 at 6:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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.

# Agenda Item 10B

**Section 2. Finding.** In accordance with Section 11.10 of the Village Code, the Village Commission finds that the proposed Façade Signs:

- A. Relates to the property located 1665 Kennedy Causeway.
- B. Sign variance will not provide any detriment to the public good.
- C. Sign variance provides benefit to the applicant as additional advertisement and increases public awareness.
- D. Variance does not substantially impair the intent or purpose of the Village's Comprehensive Plan and/or Zoning Ordinance.

**Section 3. Grant.** The Façade sign at 1665 79<sup>th</sup> Street Causeway, North Bay Village, Florida, as attached and incorporated as Exhibit "A" entitled "Benihana 1665 79<sup>th</sup> Street Causeway, North Bay Village, FL 33141" is hereby approved.

**Section 4. Appeal.** In accordance with Section 10.41 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 5. Effective Date.** This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by \_\_\_\_\_, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

## FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Andreana Jackson	_____
Commissioner Jose Alvarez	_____
Commissioner Laura Cattabriga	_____
Commissioner Eddie Lim	_____

**PASSED AND ADOPTED** this 9th day of October 2018.

\_\_\_\_\_  
Connie Leon-Kreps, Mayor

# Agenda Item 10B

**ATTEST:**

\_\_\_\_\_  
Graciela Mariot  
Interim Village Clerk

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

\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village Resolution: Benihana Façade Sign Variance



## Staff Report Permit Application for Dock

*Prepared for:* North Bay Village Commission  
*Applicant:* Holger Piening & Andrea Franke  
*Site Address:* 1700 South Treasure Drive  
*Request:* Dock and Boat Lift Construction Beyond  
the D-5 Triangle and Farther than 25 feet  
from the Seawall



LaRue Planning  
& Management Services, Inc.  
1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

Serving Florida Local Governments Since 1988

# Agenda Item 10C

## General Information

Owner	Holger Piening & Andrea Franke
Applicant Address	c/o Nicole Huesmann, D.A. Alhambra Circle, Suite 1200 Coral Gables, Fl. 33134
Site Address	1700 S Treasure Drive
Contact Person	Nicole J. Huesmann, P.A.
Contact Phone Number	305-858-0220
E-mail Address	<a href="mailto:njhuesmann@njhlaw.com">njhuesmann@njhlaw.com</a>
Zoning District	RS-2
Use of Property	Single Family Home

## General Description

The applicant is requesting a permit to construct a new dock at a residence in the RS-2 zoning district. The proposed dock will extend 15 feet from the existing seawall into Biscayne Bay and will include a 24,000-pound capacity boat lift which will extend an additional 15.5 feet into Biscayne bay, with the total extension of the proposed structures being 30.5 feet from the seawall. The proposed dock is designed to be located entirely within the D-5 triangle. Only the proposed boat lift will extend outside the D-5 triangle and farther than 25 feet from the seawall. The Village Commission recently denied the applicant's previous request to construct a dock which would have extended 47 feet from the seawall.

## Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 9.12 of the Village Unified Land Development Code. Section 9.12(B) reads as follows:

1. No person, firm, or corporation shall construct any docks, piers, dolphins, wharfs, pilings, boat lifts, or similar structures of any kind more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village without first-obtaining a waiver from the Village Commission after a public hearing. However, the furthestmost distance seaward from the seawall or shoreline shall not exceed 75 feet including all dolphins or pilings installed beyond the seaward most line of the dock or pier but not including required rip-rap.

# Agenda Item 10C

2. No dock, pier, wharf, dolphin, piling, or similar structure shall be erected in the Village unless the structure is set back at least 7½ feet from the lot line on each side.
3. No person, firm, or corporation shall build, extend, or make any structural alteration on any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure within the corporate limits of the Village, or do any filling, excavating, or dredging in the waters without first obtaining a building permit to do so from the Village Building Department.
4. Application for any permit or the transfer of any permit required by this section shall be made to the Village Building Department in writing on forms provided therefore. The permit shall constitute an agreement by the applicant to comply with all conditions imposed upon granting of the permit. The application shall be accompanied by plans and specifications setting forth in detail the work to be done.
5. Permits for seawalls and dock structures can be approved administratively and do not require a hearing or approval of the Village Commission if:
  - a. All proposed dock structures, including but not limited to boat lifts and mooring piles, are not placed more than 25 feet measured perpendicular from the seawall.
  - b. All proposed dock structures, including but not limited to boat lifts and mooring piles, are entirely within the D-5 triangle as described in Section D5 of the Miami-Dade Public Works Manual.
6. Applications for docks, boat lift, mooring piles or other similar structures that do not meet the administrative approval criteria of Section 6 above shall be heard by the Village Commission at a public hearing. If an applicant seeks a dock or pier length greater than 25 feet measured perpendicular from the seawall (including boat lifts, mooring piles or other structures), the Village Commission shall consider the following criteria to determine if a distance waiver shall be granted:
  - a. If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and
  - b. If the Village has received any letter(s) of objection from adjoining riparian property owners; and
  - c. Any other factors relevant to the specific site.
7. The Village Commission may deny, approve, or modify the request and/or impose conditions in the permit, or granting of a distance waiver, which it deems necessary to protect the waterways of the Village in accordance with the public safety and the general welfare. The requirement of approval by the Village Commission shall not include applications for repair of existing structures.
8. A public hearing held pursuant to this Section shall be quasi-judicial.
9. Repair or reconstruction of existing structures shall not require approval of the Village Commission but may be approved administratively. However, the provisions of subsections 4 and 5 above shall be complied with.
10. A safety light shall be placed on the part of the structure (either dock, mooring pile, or boat lift) which is furthest from the seawall. The light shall be illuminated from one half hour prior to sunset to one half hour after sunrise.



# Agenda Item 10C

## Staff Comments

The proposed dock will extend 15 feet from the seawall, will be located so that the 7.5 foot side setbacks from the property lines are met, and will be located entirely within the D-5 triangle.

However, since the proposed boat lift will extend outside the D-5 triangle and farther than 25 feet from the seawall (30.5 feet), the Applicant's plans must be approved by the Village Commission at a public hearing. It is the Commission's decision to grant or deny a waiver for these plans.

No letters of consent or letters of objection from adjacent property owners have been submitted with the current application, or submitted separately as of the writing of this report.

The biological assessment that was submitted with the applicant's prior dock application is attached to this report.

The seawall at this property was recently repaired according to the recommendations of a Village seawall inspection report.

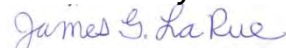
# Agenda Item 10C

## Staff Recommendations

The applicant's previous plans were denied by the Village Commission. Since then, the applicant has received pre-approval from Miami Dade DERM for the current plans, which include a significantly reduced dock length. Due to that reduction, and since staff has not received any objections to the Applicant's request, we recommend approval of the proposed plans. However, if there are any objections submitted prior to the public hearing or at the public hearing, the Village Commission should consider those objections in their decision to approve or deny the Applicant's plans. If the Commission chooses to approve the Applicant's request, the approval should be subject to the following conditions being met prior to the issuance of a building permit:

1. A safety light shall be placed on at least one of the boat lift pilings which is furthest from the seawall. The light shall be illuminated from one half hour prior to sunset to one half hour after sunrise.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
4. Cost recovery charges must be paid pursuant to Section 5.12. Specifically, no new development application shall be accepted and no building permit 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.
5. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

*Submitted by:*

  
James G. LaRue, AICP  
Planning Consultant  
August 31, 2018

Hearing: Village Commission, September 25, 2018

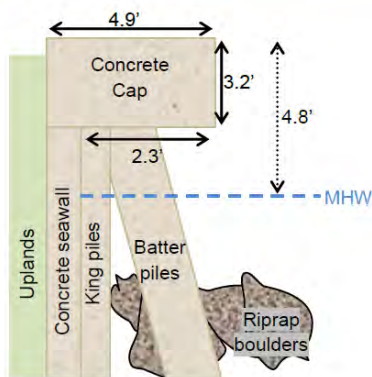
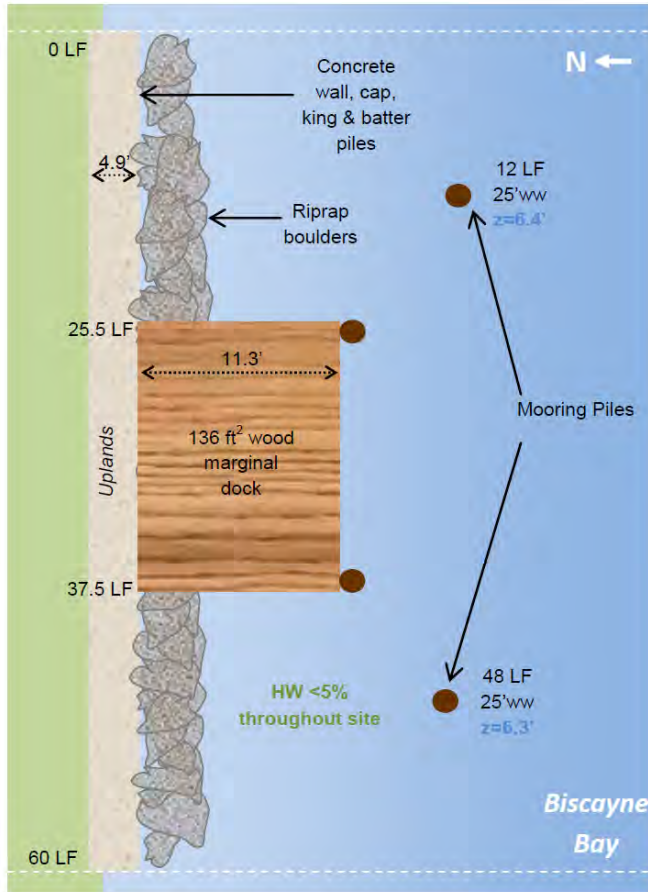
Attachments: Biological Assessment Sketch  
Dock Plans Provided by Applicant

# Agenda Item 10C

## Biological Assessment Sketch

CLI-2014-0247 – Piening – Seawall Cap, Dock & Boatlift  
1700 S. Treasure Drive, North Bay Village

Inspection done on 07-22-2014 at 11:00AM  
Biologists: M. Rose, A. Alonso



Sea Wall Cross Section

### Notes

- All waterward distances taken from wetface of seawall cap.
- Water depths at wall affected by presence of riprap.
- Mooring piles documented at 12 and 48 LF, 25' waterward.

### Resources

*Halodule wrightii* (shoal grass) **HW**  
*Acetabularia calyculus* (mermaid's wine glass)  
*Siderastrea radians* (lesser starlet coral)  
*Acanthophora spicifera* (spiny seaweed)  
*Padina jamaicensis* (white scroll algae)  
*Caulerpa verticillata* (whorled caulerpa)  
*Caulerpa sertularioides* (feather caulerpa)  
*Halimeda tuna* (stalked lettuce leaf algae)  
*Ceranium* sp. (red filamentous algae)  
*Lutjanus griseus* (gray snapper)  
*Chaetodipterus faber* (spadefish)  
*Caranx hippos* (crevalle jack)  
*Pleuroploca gigantea* (horse conch)  
 Barnacles  
 Sponges

### Legend

**ww**= waterward distance from face of seawall cap  
**LF**= linear feet from east property line  
**MLW** = mean low water  
**MHW** = mean high water  
**RR** = riprap  
**z** = water depth

LF	ww extent of RR	Water Depths				Depth Contours		
		at wall	7.5'ww	11.3'ww	23'ww	4'	5'	6'
10.0	11'	2.5'	2.9'	-	5.5'	13.1'ww	18.8'ww	25.5'ww
20.0	8.4'	1.1'	3.0'	4.9'	5.7'	12.2'ww	16.7'ww	25.4'ww
37.5	7'	0.9'	3.8'	4.8'	5.6'	9'ww	16.3'ww	24.7'ww
40.0	7.5'	Exposed rock	3.4'	-	5.7'	15.5'ww	16.9'ww	24'ww
50.0	9'	0.3'	3.7'	-	5.7'	13.8'ww	19'ww	26'ww

All depths adjusted to MLW. Adjusted 0.5' at 11:30AM.

RE  
JUL 1991  
DERM COB  
Natural Resources  
Dept

Two (2) existing mooring piles to be removed

D5 Triangle

D5 Triangle

Existing piles and bumper piles to be removed

26'

11'-7"

22'-5"

10'

Existing dock to be removed

Concrete Wall, Cap, King Piles and Batter Piles With Rip Rap Boulders To Remain

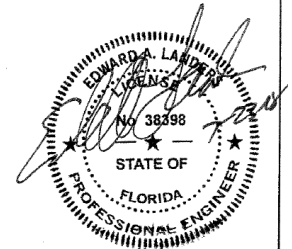
3'-4"

Property Line

60'

Property Line

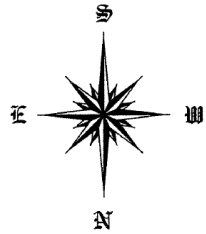
RER - NATURAL RESOURCES DIVISION  
PRELIMINARY APPROVAL  
NAME \_\_\_\_\_  
DATE 7/23/19



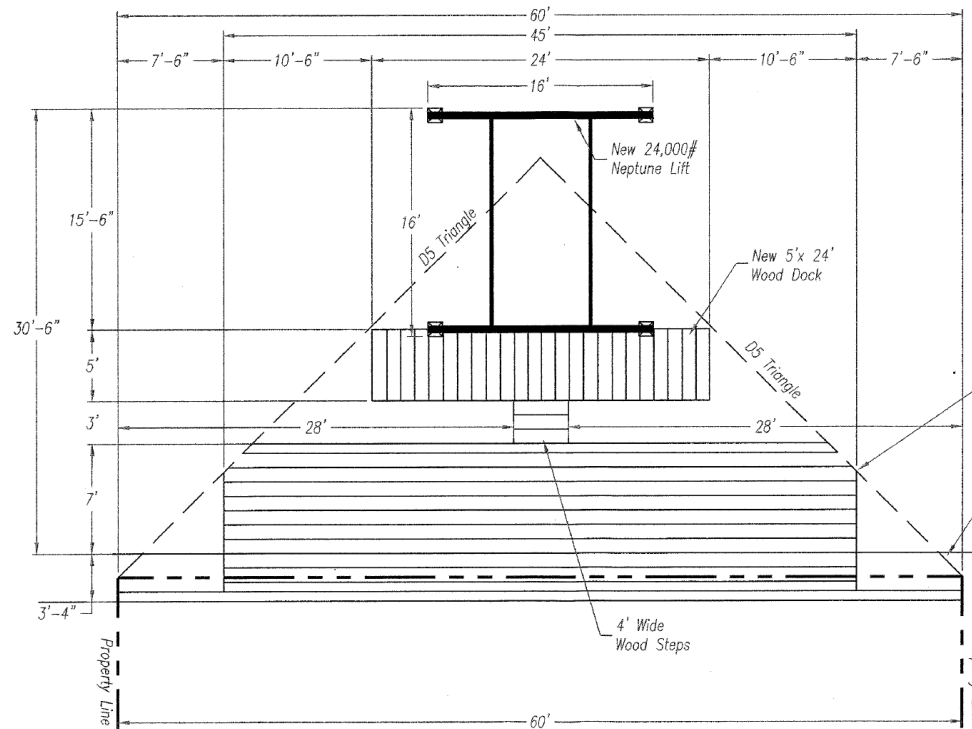
Edward A Landers, P.E.

OSN WRT	DWN
DATE 09.29.2016	
PLOT 96	
DWG No. 1700 SWR SP 96	
DIRECTORY MM\Draws	
Sheet 1	

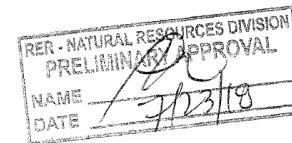
# Agenda Item 10C



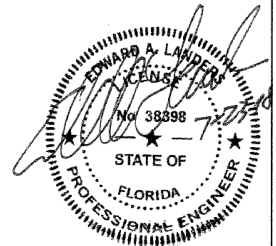
Lot 5 Block 1  
**TREASURE ISLAND**  
 Plat Book 50 Page 67  
 Dade County  
 Florida



**Site Plan**  
 (Proposed Conditions)  
 Scale: 1/16" = 1'-0"

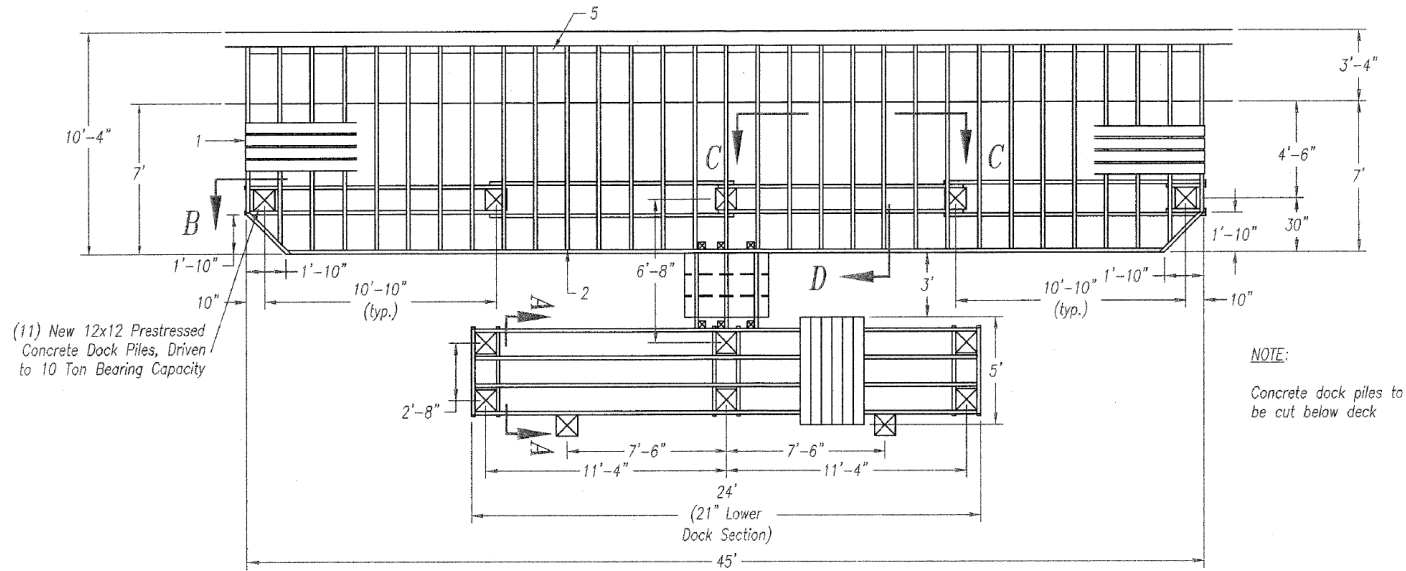


RECEIVED  
 JUL 23 2018  
 Coastal Resources Section  
 Coastal Resources Regulation & Restoration  
 Division (NRRRD)



Dock / Boatlift		DSN	DWN
Piening Holger		DATE	
1700 S Treasure Dr		09.29.2016	
North Bay Village, Florida 33141		PLOT	
Edward A Landers PE Inc		95	
PE License # 038398		DWG No.	
7850 NW 146 Street #509		700 SWR SP 96	
Miami Lakes, Florida 33016		DIRECTORY	
(305) 823-3938		MM/Docks	
Edward A Landers, P.E.		Sheet 2	

# Agenda Item 10C



## Framing Plan

Scale: 3/16" = 1'-0"

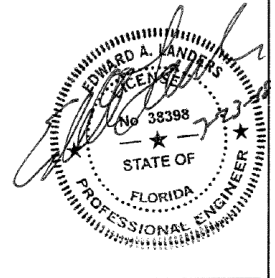
1.  $\frac{3}{4}$  x 6 Azek Wood Decking with 1" spacing fastened with (2) Stainless Steel deck screws per stringer.
2. 2x8 stringers @ 16" max spacing.
3. 3x10 substringer's with (2)  $\frac{3}{4}$ " wedge anchors @ piles (min. embedment = 4").
4. Hurricane Strap Simpson "Strong-Tie" LTS12 FL#10456.
5. 3x10 with  $\frac{1}{2}$ " wedge anchors @ 36" on center into new retaining wall (min. embedment = 4").

RECEIVED

JUL 23 2018

DERM Coastal Resources Section  
Natural Resources Regulation & Restoration  
Division (NRRD)

RER - NATURAL RESOURCES DIVISION  
PRELIMINARY APPROVAL  
NAME EDWARD A. LANDERS  
DATE 7/23/18



<b>Dock / Boatlift</b>	
Plenig Holger 1700 S Treasure Dr North Bay Village, Florida 33141	
Edward A Landers PE Inc PE License # 038398 7850 NW 146 Street #509 Miami Lakes, Florida 33016 (305) 823-3838	
DSN WRT	DWN
DATE 05/07/18	
PLOT 64	
DWG No. 1700 FP 64	
DIRECTORY MM/Docks	
Sheet 3	



# Agenda Item 10C



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM North Bay Village

**DATE:** August 29, 2018

**TO:** Yvonne P. Hamilton, CMC  
Village Clerk

**FROM:** Lewis Velken   
Interim Village Manager

**SUBJECT:** Introduction of Resolution

---

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE, FOR THE CONSTRUCTION OF A DOCK WITH A BOATLIFT AT 1700 SOUTH TREASURE DRIVE, WHICH WILL EXTEND BEYOND THE 25 FOOT LIMIT; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

LV:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreanna Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim



# Agenda Item 10C

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE, FOR THE CONSTRUCTION OF A DOCK WITH A BOATLIFT AT 1700 SOUTH TREASURE DRIVE, WHICH WILL EXTEND BEYOND THE 25 FOOT LIMIT; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

**WHEREAS**, Holger Piening and Andrea Franke has requested a Building Permit to construct a new dock and boatlift at 1700 South Treasure Drive, Treasure Island, in the RS-2, Medium Density Single-Family Zoning District, North Bay Village, Florida; and

**WHEREAS**, Pursuant to Section 9.12 of the Village Code, docks are to be constructed no more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village, unless such construction is necessary based on federal, state, or local laws; and

**WHEREAS**, the structures will extend 30 feet from the existing seawall into Biscayne Bay; and

**WHEREAS**, the Department of Regulatory and Economic Resources (DERM) has granted preliminary approval of the dock and boatlift; and

**WHEREAS**, Section 9.12(B) authorizes the Village Commission to consider the approval of docks greater than 25 feet upon the following determination:

1. If Miami-Dade Department of Environmental Management has required specific depth or location criteria; and
2. If the applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners; and
3. If the Village has received any letter(s) of objection from adjoining riparian property owners; and
4. Any other factors relevant to the specific site.

**WHEREAS**, Sections 9.12 of the North Bay Village Code of Ordinances require all applications for construction of docks and boatlifts to be approved by the Village Commission; and

# Agenda Item 10C

44  
45       **WHEREAS**, in accordance with Section 9.12 of the Village Code, a public hearing by the  
46 Village Commission was noticed for September 11, 2018, at 7:30 p.m. at Village Hall, 1666  
47 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have  
48 had the opportunity to address their comments to the Village Commission.

49  
50       **NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH**  
51 **BAY VILLAGE, FLORIDA, AS FOLLOWS:**

52  
53       **Section 1.**       **Recitals.**

54  
55       The above recitals are true and correct and incorporated into this Resolution by this reference.

56  
57       **Section 2.**       **Findings.**

58  
59       In accordance with Section 5.4 of the Village Code, the Village Commission, having considered  
60 the testimony and evidence in the record presented by all parties, finds that the dock and the  
61 boatlift are safe and environmentally compatible.

62  
63       **Section 3.**       **Grant.**

64  
65       In accordance with Section 9.12(B) of the North Bay Village Code of Ordinances, a waiver is  
66 granted to construct a dock and a boatlift, which structures will extend 30 feet from the existing  
67 seawall into Biscayne Bay as requested by Holger Piening and Andre Franke for the property  
68 situated at 1700 South Treasure Drive.

69  
70       **Section 4.**       **Conditions.**

71  
72       Approval is granted with the condition that the following items are met prior to issuance of a  
73 Building Permit:

- 74  
75           1. A safety light shall be placed on at least one of the boatlift pilings which is  
76           furthest from the seawall. The light shall be illuminated from one half hour prior  
77           to sunset to one half hour after sunrise.  
78  
79           2. Compliance with all state, federal, and environmental laws including, but not  
80           limited to, compliance with a State Programmatic General Permit as may be  
81           required by the U.S. Army Corps of Engineers. All applicable state and  
82           federal permits must be obtained before commencement of construction.  
83  
84           3. Building permits and related approvals must be obtained from the Building  
85           Official prior to commencement of construction.  
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87           4. Cost recovery charges must be paid pursuant to Section 5.12. Specifically, no  
88           new development application shall be accepted and no building permit shall be  
89           issued for the property until all application fees, cost recovery deposits and

# Agenda Item 10C

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.

5. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

## **Section 5. Appeal.**

In accordance with Section 4.6 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 Terms and 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.

## **Section 7. Effective Date.**

This Resolution shall become effective upon its adoption.

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

## **FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	_____
Vice Mayor Andreana Jackson	_____
Commissioner Jose R. Alvarez	_____
Commissioner Laura Cattabriga	_____
Commissioner Eddie Lim	_____

# Agenda Item 10C

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PASSED and ADOPTED this 9th day of October 2018.

\_\_\_\_\_  
MAYOR CONNIE LEON-KREPS

**ATTEST:**

\_\_\_\_\_  
Graciela Mariot  
Interim Village Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village Resolution: Construction of New Dock and Boatlift- 1700 South Treasure Drive



## North Bay Village

Administrative Offices

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

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

### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE:** October 3, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**RECOMMENDED BY:** Commissioner Jose Alvarez

**PRESENTED BY STAFF:** Interim Village Manager Lewis Velken

**SUBJECT:** Kimley-Horn & Associates, Inc. Work Authorization No. 18-07 Transportation Engineering Services SR934/NE 79<sup>th</sup> Street Causeway at Larry Paskow Way

---

#### **RECOMMENDATION:**

It is recommended that the Village Commission approve the attached Resolution approving a Project Agreement for Work Authorization No. 18-07 with Kimley-Horn & Associates, Inc., ("KHA") the Village's Engineering Consultant to perform a traffic operations analysis to determine if improvements should be pursued and what type of improvements would be appropriate.

#### **BACKGROUND:**

The Village recently acquire property immediately adjacent to ST934/NE 79<sup>th</sup> Street Causeway at Larry Paskow Way. As a result, the Village desires to determine if a portion of the property is needed to improve the operations at the subject intersection by constructing turn lane improvements, extending existing turn lanes, or construction of additional roadway connections from Larry Paskow Way to SR934/NE 79<sup>th</sup> Street Causeway.

#### **FINANCIAL IMPACT:**

Per the attached Project Agreement, the total cost is a lump sum of \$15,000.00.

# Agenda Item 10D

## **BUDGETARY IMPACT:**

The funding source for this project is the Engineering Services Account No. 430.35.535.3110.

## **PERSONNEL IMPACT:**

None

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreanna Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

## PROJECT AGREEMENT

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-07

SR 934/NE 79<sup>th</sup> Street Causeway at Larry Paskow Way  
Transportation Engineering Services



# Agenda Item 10D

## PROJECT AGREEMENT

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-07

SR 934/NE 79<sup>th</sup> Street Causeway at Larry Paskow Way  
Transportation Engineering Services

Pursuant to the provisions contained in the “Continuing Services Agreement for Professional Engineering Services” (hereinafter referred to “CONTINUING SERVICES AGREEMENT”) between the NORTH BAY VILLAGE (hereinafter referred to as “VILLAGE”) and KIMLEY-HORN AND ASSOCIATES, INC. (KHA), (hereinafter referred to as “CONSULTANT”) dated April 11, 2006, this Project Agreement authorizes the CONSULTANT to provide the services as set forth below.

The VILLAGE and CONSULTANT agree as follows:

### **SECTION 1. SCOPE OF SERVICES**

1.1 The CONSULTANT shall provide transportation engineering services associated with SR 934/NE 79<sup>th</sup> Street Causeway at Larry Paskow Way as described in the “Project Description” attached as Exhibit “1.”

1.2 The “Scope of Services” and tasks to be provided by the CONSULTANT for this Project are those services and tasks as listed in Exhibit “2.”

1.3 The VILLAGE may request changes that would increase, decrease, or otherwise modify the Scope of Services. Such changes must be contained in a written change order executed by the parties in accordance with the provisions of the Continuing Services Agreement, prior to any deviation from the terms of the Project Agreement, including the initiation of any extra work.

# Agenda Item 10D

## **SECTION 2. DELIVERABLES**

As part of the Scope of Services the CONSULTANT shall provide to the VILLAGE the following Deliverables:

See “Scope of Services” as listed in Exhibit “2.”

## **SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE**

3.1 **Term.** This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until the project is completed, unless otherwise terminated pursuant to Section 6 or other applicable provisions of this Project Agreement. The VILLAGE Manager, in his sole discretion, may extend the term of this Agreement through written notification to the CONSULTANT. Such extension shall not exceed 90 days. No further extensions of this Agreement shall be effective unless authorized by the VILLAGE Commission

3.2 **Commencement.** The CONSULTANT’S services under this Project Agreement and the time frames applicable to this Project Agreement shall commence upon the date provided in a written Notification of Commencement (“Commencement Date”) provided to the CONSULTANT from the VILLAGE. The CONSULTANT shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notification of Commencement. CONSULTANT must receive written notice from the VILLAGE Manager prior to the beginning the performance of services.

3.3 **Contract Time.** Upon receipt of the Notification of Commencement, the CONSULTANT shall commence services to the VILLAGE on the Commencement Date, and shall continuously perform services to the VILLAGE, without interruption, in accordance with the time frames set forth above. The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the Project or the date of actual completion of the Project, whichever shall last occur, not to exceed One Hundred and Eighty (180) days from the Commencement Date, shall constitute the Contract Time.

3.4 All limitations of time set forth in this Agreement are of the essence.

## **SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION**

4.1 **Lump Sum Compensation.** VILLAGE agrees to pay CONSULTANT as compensation for performance of all services as related to the Project a Lump Sum of **\$15,000.00**. It is understood that the method of compensation is that of Lump Sum which means that CONSULTANT shall perform all services set forth for total compensation in the amount stated above. Said Lump Sum includes but is not limited to, compensation for all fees, expenses, and out-of-pocket costs of the CONSULTANT.

# Agenda Item 10D

4.2 **Reimbursables.** It is acknowledged and agreed to by CONSULTANT that the lump sum set forth in Section 4.1 includes Direct Expenses and describes the maximum extent of, VILLAGE'S obligation to reimburse CONSULTANT for direct, nonsalary expenses, but does not constitute a limitation of any sort, upon CONSULTANT's obligation to incur such expenses in the performance of services hereunder.

## **SECTION 5. BILLING AND PAYMENTS TO THE CONSULTANT**

### **5.1 Invoices**

5.1.1 **Lump Sum Compensation.** CONSULTANT shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule as shown on Exhibit "3", attached hereto and made a part of this Agreement. Invoices for each phase shall not exceed the amounts allocated to said phase.

5.2 **Disputed Invoices.** In the event that all or a portion of an invoice submitted to the VILLAGE for payment to the CONSULTANT is disputed, or additional backup documentation is required, the VILLAGE shall notify the CONSULTANT within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The CONSULTANT shall provide the VILLAGE with a written response and any additional information requested by the VILLAGE within five (5) working days of the date of the VILLAGE'S notice. The VILLAGE may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the CONSULTANT. The VILLAGE, at its sole discretion, may pay to the CONSULTANT the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 **Suspension of Payment.** In the event that the VILLAGE becomes credibly informed that any representations of the CONSULTANT, provided pursuant to Subparagraph 5.1, are wholly or partially inaccurate, or in the event that the CONSULTANT is not in compliance with any term or condition of this Project Agreement, the VILLAGE may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy, or other breach of Project Agreement, and the cause thereof, is corrected to the VILLAGE's reasonable satisfaction.

5.4 **Final Payment.** Submission of the CONSULTANT'S invoice for final payment and reimbursement shall constitute the CONSULTANT'S representation to the VILLAGE that, upon receipt from the VILLAGE of the amount invoiced, all obligations of the CONSULTANT to others, including its consultants, incurred in connection with the Project, shall be paid in full. The CONSULTANT shall deliver to the VILLAGE all documents requested by the VILLAGE evidencing payments to any and all subcontractors, and all final specifications, plans, or other

# Agenda Item 10D

documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of any and all claims against the VILLAGE by the CONSULTANT.

## **SECTION 6. TERMINATION/SUSPENSION**

6.1 **For Cause.** This Agreement may be terminated by either party upon three (3) calendar days' written notice to the other party should such other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that CONSULTANT abandons this Agreement or causes it to be terminated by the VILLAGE, the CONSULTANT shall indemnify the VILLAGE against any loss pertaining to this termination. In the event that the CONSULTANT is terminated by the VILLAGE for cause and it is subsequently determined by a court of competent jurisdiction that such termination was without cause, such termination shall thereupon be deemed a termination for convenience under Section 6.2 of this Project Agreement and the provision of Section 6.2 shall apply.

6.2 **For Convenience.** This Agreement may be terminated by the VILLAGE for convenience upon five (5) calendar days' written notice to the CONSULTANT. In the event of termination, the CONSULTANT shall incur no further obligations in connection with the Project and shall, to the extent possible terminate any outstanding subconsultant obligations. The CONSULTANT shall be compensated for all services performed to the satisfaction of the VILLAGE and reimbursable expenses incurred prior to the date of termination. In such event, the CONSULTANT shall promptly submit to the VILLAGE its invoice for final payment and reimbursement which invoice shall comply with the provisions of Paragraph 5.1. Under no circumstances shall the VILLAGE make any payment of profit to the CONSULTANT for services which have not been performed.

6.3 **Assignment upon Termination.** Upon termination of this Project Agreement, the work product of the CONSULTANT shall become the property of the VILLAGE and the CONSULTANT shall, within ten (10) working days of receipt of written direction from the VILLAGE, transfer to either the VILLAGE or its authorized designee, a copy of all work product in its possession, including but not limited to, designs, specifications, drawings, studies, reports and all other documents and data in the possession of the CONSULTANT pertaining to this Project Agreement. Upon the VILLAGE'S request, the CONSULTANT shall additionally assign its rights, title and interest under any subcontractor's agreements to the VILLAGE.

6.4 **Suspension for Convenience.** The VILLAGE shall have the right at any time to direct the CONSULTANT to suspend its performance, or any designated part thereof, for any reason whatsoever or without reason, for a cumulative period of up to 30 calendar days. If any such suspension is directed by the VILLAGE, the CONSULTANT shall immediately comply with same. In the event the VILLAGE directs a suspension of performance as provided for herein, through no fault of the CONSULTANT, the VILLAGE shall pay to the CONSULTANT as full compensation for such suspension the CONSULTANT'S reasonable cost, actually incurred and paid, of demobilization and remobilization.

# Agenda Item 10D

## **SECTION 7. PERSONNEL ASSIGNED TO PROJECT**

7.1 The CONSULTANT shall assign only qualified personnel to perform any services concerning this Project. At the time of execution of this Agreement, the parties anticipate that the following named individuals will perform those supervisory or primary functions indicated:

NAME	FUNCTION
<u>Gary R Ratay</u>	<u>Project Manager</u>
<u>John McWilliams</u>	<u>Professional Engineer</u>
<u>Cory Dorman</u>	<u>Engineer</u>
<u>Shanda Layne</u>	<u>Administrative</u>
<u>Casey Crozier</u>	<u>Administrative</u>

So long as the individuals named above remain actively employed or retained by the CONSULTANT, they shall perform the functions indicated next to their names. Furthermore, the VILLAGE reserves the right to reject any proposed substitution for any of the above-named individuals, and the VILLAGE shall have the further right to require that any individual assigned to the Project by the CONSULTANT be removed from the Project and reassigned for good cause.

## **SECTION 8. INCORPORATION OF CONTINUING SERVICES AGREEMENT**

All terms and conditions of the “Continuing Service Agreement” between the VILLAGE and the CONSULTANT dated April 11, 2006, not specifically modified by this Project Agreement shall remain in full force and effect and are incorporated into and made a part of this Project Agreement by this reference as though set forth in full.

## **SECTION 9. SEVERABILITY**

If any provision of this Project Agreement or its application to any person or situation shall to any extent, be invalid or unenforceable, the remainder of this Project Agreement, and the application of such provisions to persons or situations other than those to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.]

**Agenda Item 10D**

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: The VILLAGE, signing by and through its \_\_\_\_\_, attested to by its VILLAGE Clerk, duly authorized to execute same, and by CONSULTANT, by and through its Senior Associate, duly authorized officer to execute same.

**ATTEST:**

**NORTH BAY VILLAGE**

\_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Village Attorney

**ATTEST:**

**KIMLEY-HORN AND ASSOCIATES, INC.**

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Gary R. Ratay, P.E.

\_\_\_\_\_  
Print Name

Date: \_\_\_\_\_

(CORPORATE SEAL)

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

# **Agenda Item 10D**

## **Exhibit “1”**

### **Project Description**

It is our understanding that the VILLAGE recently acquired property immediately adjacent to SR 934/NE 79th Street Causeway at Larry Paskow Way. As a result, the VILLAGE desires to determine if a portion of the property is needed to improve the operations at the subject intersection by constructing turn lane improvements, extending existing turn lanes, or construction of additional roadway connections from Larry Paskow Way to SR934/NE 79th Street Causeway. The VILLAGE desires that a traffic operations analysis be performed to determine if improvements should be pursued and what type of improvements would be appropriate.



## Exhibit “2”

### Scope of Services

The scope of services will be completed by the CONSULTANT and the following task will be performed in close coordination with VILLAGE staff.

#### **Task 1 – Traffic Operations Analysis**

##### **1.1 Data Collection**

Intersection turning movement counts will be conducted at the intersection of East Drive/West Drive/Larry Paskow Parkway and SR 934/NE 79th Street Causeway/Larry Paskow Parkway. Traffic data will be collected during the A.M. (7:00 to 9:00 A.M.) peak period and P.M. (4:00 to 6:00 P.M.) peak period.

All traffic counts will be adjusted to account for seasonal variation using the appropriate Florida Department of Transportation (FDOT) seasonal adjustment factors to represent peak season traffic conditions. Existing signal phasing and timing patterns will be obtained from the County for the signalized intersections required to be evaluated in this analysis.

##### **1.2 Conceptual Alternative Development**

The CONSULTANT will identify two (2) potential improvement concepts at the study intersections to improve operations and reduce queuing. The concepts will be prepared on readily available aerial photography using the applicable FDOT and AASHTO design standards.

##### **1.3 Intersection Capacity Analysis**

Intersection operating conditions will be examined to determine the level of service for the study intersections utilizing Trafficware’s Synchro 10.0 software based upon Highway Capacity Manual (HCM) methodologies. Background traffic growth will be factored into the analysis. A maximum of three (3) capacity analyses scenarios will be examined: existing, future without improvements, and future with improvements (concept 1 and concept 2).

##### **1.4 Documentation of Findings**

The traffic operations analysis for the project will be documented in a report. The report will include graphics and tabulations plus text to describe the study procedure, key assumptions, findings and recommendations. A maximum of ten (10) bound copies will be provided along with an electronic (PDF) copy.

# **Agenda Item 10D**

## **Task 2 – Meetings and Conference Calls**

Consultant will prepare for and attend a maximum of (2) meetings at the direction of the VILLAGE. These meetings may consist of meetings with the VILLAGE and/or other regulatory agencies.

### **INFORMATION PROVIDED BY VILLAGE**

We shall be entitled to rely on the completeness and accuracy of all information provided by the VILLAGE. The VILLAGE shall provide all information requested by the CONSULTANT during the project.

### **SCHEDULE**

We will provide our services in an expeditious and orderly manner to meet a mutually agreed upon schedule for the various elements of the project.

# **Agenda Item 10D**

## **Exhibit “3”**

### **Payment Schedule**

The Consultant will accomplish the services outlined in Tasks 1 and 2 for the lump sum budget of **\$15,000.00**.

# Agenda Item 10D



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 | Fax: (305) 756-7722 | Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM

North Bay Village

DATE: October 3, 2018

TO: Graciela Mariot  
Interim Village Clerk

FROM: Jose Alvarez  
Commissioner

SUBJECT: Introduction of Resolution

---

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-07) TO CONDUCT A TRAFFIC OPERATIONS ANALYSIS OF SR934/NE 79TH STREET CAUSEWAY; AT A LUMP SUM AMOUNT OF \$15,000; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

JA:gm

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreana Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 10D

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-07) TO CONDUCT A TRAFFIC OPERATIONS ANALYSIS OF SR934/NE 79<sup>TH</sup> STREET CAUSEWAY AND LARRY PASKOW WAY; AT A LUMP SUM AMOUNT OF \$15,000.00; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, North Bay Village retained the services of Kimley-Horn and Associates, Inc. ("Kimley-Horn") to provide professional engineering services to the Village pursuant to a Continuing Services Agreement dated April 11, 2006; and

WHEREAS, the Village requested a proposal from Kimley-Horn & Associates, Inc. (KHA) to conduct a traffic operations analysis of SR934/NE 79<sup>th</sup> Street Causeway and Larry Paskow Way to determine if a portion of the property is needed to improve the operations at the intersection by constructing turn lane improvements, extending existing turn lanes, or constructions of additional roadway connections; and

WHEREAS, KHA submitted Work Authorization No. 18-07 to conduct a traffic operations analysis of SR934/NE 79<sup>th</sup> Street Causeway and Larry Paskow Way for a lump sum of \$15,000.00.

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.

**Section 2. Approval of the Project Agreement.** Project Agreement No. 18-08 between North Bay Village and Kimley-Horn & Associates, Inc., attached hereto as Exhibit 1 to conduct a traffic operations analysis of SR934/NE 79<sup>th</sup> Street Causeway and Larry Paskow Way for a lump sum of \$15,000.00 is hereby approved.

**Section 3. Authorization of Village Officials.** The Village Manager and/or her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Project Agreement.

# Agenda Item 10D

**Section 4. Execution of the Project Agreement.** The Village Manager is authorized to execute the Project Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Project Agreement, subject to the approval as to form and legality by the Village Attorney.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by \_\_\_\_\_, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	_____
Vice Mayor Andreana Jackson	_____
Commissioner Jose Alvarez	_____
Commissioner Laura Cattabriga	_____
Commissioner Eddie Lim	_____

**PASSED AND ADOPTED** this 9th day of October 2018.

\_\_\_\_\_  
Connie Leon-Kreps, Mayor

**ATTEST:**

\_\_\_\_\_  
Graciela Mariot  
Interim Village Clerk

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

\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village/Resolution/Kimley Horn & Associates, Inc.-WA #18-07 – Traffic Operations Analysis



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

# Agenda Item 10E

### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE:** October 2, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**RECOMMENDED BY:** Interim Village Manager Lewis Velken

**PRESENTED BY STAFF:** Interim Village Manager Lewis Velken

**SUBJECT:** Kimley-Horn & Associates, Inc. Work Authorization No. 18-08 Water and Wastewater GIS Program

---

#### **RECOMMENDATION:**

It is recommended that the Village Commission approve the attached Resolution approving a Project Agreement for Work Authorization No. 18-08 with Kimley-Horn & Associates, Inc., ("KHA") the Village's Engineering Consultant to convert existing CAD files and As-built Data for the Village's Water and Wastewater Collection transmission system to GIS format for coordination and submittal to the Miami-Dade County Department of Regulatory and Economic

#### **BACKGROUND:**

The Village Water Main Rehabilitation Program is currently in construction. As part of that program, the Contractor is required to provide GIS data to confirm/update the existing system and new sections of water main. The Contractor is required to provide as-built drawings for the new sections of water main as well. KHA will provide the services set forth below after receiving the updated GIS data and as-built drawings from the Contractor:

- Convert available electronic CAD files and existing as-built information associated with the Village's water distribution system into GIS.
- Review and update the attribute information in the GIS database with the updated data provided as part of the Water Main Rehabilitation Program.
- Adjust the electronic files to be consistent with the Village's existing utility GIS geodatabase.

# Agenda Item 10E

- Develop draft maps based on the updated GIS information and submit draft maps to the Village for one (1) round of review and comment.
- Attend one (1) meeting with the Village to review draft GIS files.
- Review and update the GIS files per Village comments.
- Submit final electronic GIS files to the Village

## **FINANCIAL IMPACT:**

Per the attached Project Agreement, the total cost is a lump sum of \$22,300.00

## **BUDGETARY IMPACT:**

The funding source for this project is the Contractual Services Data Processing Account No. 430.30.533.3131

## **PERSONNEL IMPACT:**

None



## **PROJECT AGREEMENT**

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-08

Water and Wastewater GIS Program

# Agenda Item 10E

## PROJECT AGREEMENT

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-08

Water and Wastewater GIS Program

Pursuant to the provisions contained in the "Continuing Services Agreement for Professional Engineering Services" (hereinafter referred to "CONTINUING SERVICES AGREEMENT") between the NORTH BAY VILLAGE (hereinafter referred to as "VILLAGE") and KIMLEY-HORN AND ASSOCIATES, INC. (KHA), (hereinafter referred to as "CONSULTANT") dated April 11, 2006, this Project Agreement authorizes the CONSULTANT to provide the services as set forth below.

The VILLAGE and the CONSULTANT agree as follows:

### **SECTION 1. SCOPE OF SERVICES**

1.1 The CONSULTANT shall provide professional services associated with converting existing CAD files and as-built data for the VILLAGE's Water Distribution System to a GIS format consistent with the Village's existing GIS utility geodatabase. This scope of work also includes assisting the VILLAGE with submitting electronic Water and Sewer Atlas and Asbuilt information in GIS format to Miami-Dade County.

1.2 The "Scope of Services" and tasks to be provided by the CONSULTANT for this Project are those services and tasks as listed in Exhibit "1."

1.3 The VILLAGE may request changes that would increase, decrease, or otherwise modify the Scope of Services. Such changes must be contained in a written change order executed by the parties in accordance with the provisions of the Continuing Services Agreement, prior to any deviation from the terms of the Project Agreement, including the initiation of any extra work.

# Agenda Item 10E

## **SECTION 2. DELIVERABLES**

As part of the Scope of Services the CONSULTANT shall provide to the VILLAGE the following Deliverables:

See “Scope of Services” as listed in Exhibit “1.”

## **SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE**

3.1 **Term.** This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until the project is completed, unless otherwise terminated pursuant to Section 6 or other applicable provisions of this Project Agreement. The VILLAGE Manager, in his sole discretion, may extend the term of this Agreement through written notification to the CONSULTANT. Such extension shall not exceed 90 days. No further extensions of this Agreement shall be effective unless authorized by the VILLAGE Commission

3.2 **Commencement.** The CONSULTANT’S services under this Project Agreement and the time frames applicable to this Project Agreement shall commence upon the date provided in a written Notification of Commencement (“Commencement Date”) provided to the CONSULTANT from the VILLAGE. The CONSULTANT shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notification of Commencement. The CONSULTANT must receive written notice from the VILLAGE Manager prior to the beginning the performance of services.

3.3 **Contract Time.** Upon receipt of the Notification of Commencement, the CONSULTANT shall commence services to the VILLAGE on the Commencement Date, and shall continuously perform services to the VILLAGE, without interruption, in accordance with the time frames set forth above. The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the Project or the date of actual completion of the Project, whichever shall last occur, not to exceed one hundred eighty (180) days from the Commencement Date, shall constitute the Contract Time.

3.4 All limitations of time set forth in this Agreement are of the essence.

## **SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION**

4.1 **Lump Sum Compensation.** VILLAGE agrees to pay the CONSULTANT as compensation for performance of all services as related to the Project a Lump Sum of **\$22,300.00**. It is understood that the method of compensation is that of Lump Sum which means that the CONSULTANT shall perform all services set forth for total compensation in the amount stated above. Said Lump Sum includes compensation for all fees, expenses, and out-of-pocket costs of the CONSULTANT.

# Agenda Item 10E

4.2 **Reimbursables.** It is acknowledged and agreed to by the CONSULTANT that the lump sum set forth in Section 4.1 includes Direct Expenses and describes the maximum extent of, VILLAGE'S obligation to reimburse the CONSULTANT for direct, nonsalary expenses, but does not constitute a limitation of any sort, upon the CONSULTANT's obligation to incur such expenses in the performance of services hereunder.

## **SECTION 5. BILLING AND PAYMENTS TO THE CONSULTANT**

### **5.1 Invoices**

5.1.1 **Lump Sum Compensation.** The CONSULTANT shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule as shown on Exhibit "2", attached hereto and made a part of this Agreement. Invoices for each phase shall not exceed the amounts allocated to said phase.

5.2 **Disputed Invoices.** In the event that all or a portion of an invoice submitted to the VILLAGE for payment to the CONSULTANT is disputed, or additional backup documentation is required, the VILLAGE shall notify the CONSULTANT within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The CONSULTANT shall provide the VILLAGE with a written response and any additional information requested by the VILLAGE within five (5) working days of the date of the VILLAGE'S notice. The VILLAGE may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the CONSULTANT. The VILLAGE, at its sole discretion, may pay to the CONSULTANT the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 **Suspension of Payment.** In the event that the VILLAGE becomes credibly informed that any representations of the CONSULTANT, provided pursuant to Subparagraph 5.1, are wholly or partially inaccurate, or in the event that the CONSULTANT is not in compliance with any term or condition of this Project Agreement, the VILLAGE may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy, or other breach of Project Agreement, and the cause thereof, is corrected to the VILLAGE's reasonable satisfaction.

5.4 **Final Payment.** Submission of the CONSULTANT'S invoice for final payment and reimbursement shall constitute the CONSULTANT'S representation to the VILLAGE that, upon receipt from the VILLAGE of the amount invoiced, all obligations of the CONSULTANT to others, including its consultants, incurred in connection with the Project, shall be paid in full. The CONSULTANT shall deliver to the VILLAGE all documents requested by the VILLAGE evidencing payments to any and all subcontractors, and all final specifications, plans, or other documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of any and all claims against the VILLAGE by the CONSULTANT.

## **SECTION 6. TERMINATION/SUSPENSION**

6.1 **For Cause.** This Agreement may be terminated by either party upon three (3) calendar days' written notice to the other party should such other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that the CONSULTANT abandons this Agreement or causes it to be terminated by the VILLAGE, the CONSULTANT shall indemnify the VILLAGE against any loss pertaining to this termination. In the event that the CONSULTANT is terminated by the VILLAGE for cause and it is subsequently determined by a court of competent jurisdiction that such termination was without cause; such termination shall thereupon be deemed a termination for convenience under Section 6.2 of this Project Agreement and the provision of Section 6.2 shall apply.

6.2 **For Convenience.** This Agreement may be terminated by the VILLAGE for convenience upon five (5) calendar days' written notice to the CONSULTANT. In the event of termination, the CONSULTANT shall incur no further obligations in connection with the Project and shall, to the extent possible terminate any outstanding Subconsultant obligations. The CONSULTANT shall be compensated for all services performed to the satisfaction of the VILLAGE and reimbursable expenses incurred prior to the date of termination. In such event, the CONSULTANT shall promptly submit to the VILLAGE its invoice for final payment and reimbursement which invoice shall comply with the provisions of Paragraph 5.1. Under no circumstances shall the VILLAGE make any payment of profit to the CONSULTANT for services which have not been performed.

6.3 **Assignment upon Termination.** Upon termination of this Project Agreement, the work product of the CONSULTANT shall become the property of the VILLAGE and the CONSULTANT shall, within ten (10) working days of receipt of written direction from the VILLAGE, transfer to either the VILLAGE or its authorized designee, a copy of all work product in its possession, including but not limited to, designs, specifications, drawings, studies, reports and all other documents and data in the possession of the CONSULTANT pertaining to this Project Agreement. Upon the VILLAGE'S request, the CONSULTANT shall additionally assign its rights, title and interest under any subcontractor's agreements to the VILLAGE.

6.4 **Suspension for Convenience.** The VILLAGE shall have the right at any time to direct the CONSULTANT to suspend its performance, or any designated part thereof, for any reason whatsoever or without reason, for a cumulative period of up to 30 calendar days. If any such suspension is directed by the VILLAGE, the CONSULTANT shall immediately comply with same. In the event the VILLAGE directs a suspension of performance as provided for herein, through no fault of the CONSULTANT, the VILLAGE shall pay to the CONSULTANT as full compensation for such suspension the CONSULTANT'S reasonable cost, actually incurred and paid, of demobilization and remobilization.

# Agenda Item 10E

## **SECTION 7. PERSONNEL ASSIGNED TO PROJECT**

7.1 The CONSULTANT shall assign only qualified personnel to perform any services concerning this Project. At the time of execution of this Agreement, the parties anticipate that the following named individuals will perform those supervisory or primary functions indicated:

NAME	FUNCTION
<u>Gary R Ratay</u>	<u>Project Manager</u>
<u>Erin Emmons</u>	<u>Professional Engineer</u>
<u>Charlene Mingus</u>	<u>Engineer</u>
<u>Maddy Hollowed</u>	<u>Engineer</u>
<u>Shanda Layne</u>	<u>Administrative</u>
<u>Casey Crozier</u>	<u>Administrative</u>

So long as the individuals named above remain actively employed or retained by the CONSULTANT, they shall perform the functions indicated next to their names. Furthermore, the VILLAGE reserves the right to reject any proposed substitution for any of the above-named individuals, and the VILLAGE shall have the further right to require that any individual assigned to the Project by the CONSULTANT be removed from the Project and reassigned for good cause.

## **SECTION 8. INCORPORATION OF CONTINUING SERVICES AGREEMENT**

All terms and conditions of the “Continuing Service Agreement” between the VILLAGE and the CONSULTANT dated April 11, 2006, not specifically modified by this Project Agreement shall remain in full force and effect and are incorporated into and made a part of this Project Agreement by this reference as though set forth in full.

## **SECTION 9. SEVERABILITY**

If any provision of this Project Agreement or its application to any person or situation shall to any extent, be invalid or unenforceable, the remainder of this Project Agreement, and the application of such provisions to persons or situations other than those to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.]

# Agenda Item 10E

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: The VILLAGE, signing by and through its \_\_\_\_\_, attested to by its VILLAGE Clerk, duly authorized to execute same, and by the CONSULTANT, by and through its Senior Associate, duly authorized officer to execute same.

<b>ATTEST:</b>	<b>NORTH BAY VILLAGE</b>
_____	By: _____
Village Clerk	
	Date: _____

<b>APPROVED AS TO FORM:</b>	
_____	
Village Attorney	

<b>ATTEST:</b>	<b>KIMLEY-HORN AND ASSOCIATES, INC.</b>
_____	By: _____
Secretary	Gary R. Ratay, P.E.
_____	Date: _____
Print Name	

(CORPORATE SEAL)

WITNESSES:

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

# Agenda Item 10E

## Exhibit “1”

### Scope of Services

The scope of services will be completed by the CONSULTANT and the following tasks will be performed in close coordination with VILLAGE staff.

#### Task 1 – Water System GIS Data Conversion

The VILLAGE Water Main Rehabilitation Program is currently in construction. As part of that program, the Contactor is required to provide GIS data to confirm/update the existing system and new sections of water main. The Contractor is required to provide as-built drawings for the new sections of water main as well. The CONSULTANT will provide the services set forth below after receiving the updated GIS data and as-built drawings from the Contactor:

- Convert available electronic CAD files and existing as-built information associated with the VILLAGE’s water distribution system into GIS.
- Review and update the attribute information in the GIS database with the updated data provided as part of the Water Main Rehabilitation Program.
- Adjust the electronic files to be consistent with the Village’s existing utility GIS geodatabase.
- Develop draft maps based on the updated GIS information and submit draft maps to the VILLAGE for one (1) round of review and comment.
- Attend one (1) meeting with the VILLAGE to review draft GIS files.
- Review and update the GIS files per VILLAGE comments.
- Submit final electronic GIS files to the VILLAGE.

No surveying services or data collection other than those provided by the Contractor are included in the is scope of work. Should additional field survey or data collection be required and if requested by the VILLAGE, the CONSULTANT will prepare a proposal accordingly.

#### Task 2 – Water and Sewer GIS Data submittal to Miami-Dade County

North Bay Village, as a utility owner in Miami-Dade County, must comply with requirements of the Miami-Dade County Code of Ordinances (“MDC Code”) for the electronic submittal of Water and Sewer Atlas and Asbuilt information as enforced by the Miami-Dade County Regulatory and Economic Resources Department, Division of Environmental Resources Management (“DERM”). This task is intended to assist the VILLAGE in compliance with Sec. 24-42.2(10)(g) of the MDC Code.

In addition to developing the water system GIS data in Task 1, the CONSULTANT will review the previously submitted wastewater collection system and forcemain GIS data and update the files to reflect changes to the VILLAGE’s wastewater infrastructure information. Submittal of the Water and Sewer Atlas and Asbuilt GIS information to Miami-Dade County is due in



# Agenda Item 10E

January 2019. The wastewater system information is available for the January submittal, but the water system information is not yet available. The CONSULTANT will provide the services set forth below, but the submittal schedule is subject to receiving the water system GIS data and as-built drawings from the VILLAGE's Contactor:

- Submit draft electronic water and wastewater GIS files to Miami-Dade County for one (1) round of review and comments. Up to one (1) in-person meeting will be scheduled between the CONSULTANT and Miami-Dade County to discuss submitted files.
- Address Miami-Dade County comments.
- Submit electronic GIS files to the VILLAGE for final submittal to Miami-Dade County

## DELIVERABLES

- Draft electronic GIS files
- Final electronic GIS files

## SCHEDULE

The CONSULTANT will provide our services as expeditiously as practicable. It is anticipated that Task 1 will be completed within 90 days of receiving the water system GIS data and as-built drawings from the VILLAGE's Water Main Rehabilitation Program Contractor. The Task 2 submittal to Miami-Dade County will follow development of the water system GIS files. The Task 2 submittal to Miami-Dade County associated with the Wastewater system GIS files will be completed on or before the January 2019 deadline.

# Agenda Item 10E

## Exhibit “2”

### Payment Schedule

The CONSULTANT will complete this scope of services for the lump sum amount of **\$22,300.00**. The following is a breakdown of the lump sum fee for reference:

<b>Task</b>	<b>Description</b>	<b>Labor Fee</b>
1	Water System GIS Data Conversion .....	\$18,800.00
2	Water and Sewer GIS Data submittal to Miami-Dade County .....	\$3,500.00
<b>TOTAL LUMP SUM FEE.....</b>		<b>\$22,300.00</b>

# Agenda Item 10E



## North Bay Village

Administrative Offices

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


Tel: (305) 756-7171 | Fax: (305) 756-7722 | Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM

North Bay Village

DATE: October 2, 2018

TO: Graciela Mariot  
Interim Village Clerk

FROM: Lewis Velken,   
Interim Village Manager

SUBJECT: Introduction of Resolution

---

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-08) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO CONVERT EXISTING CAD FILES AND AS-BUILT DATA FOR THE VILLAGE'S WATER AND WASTEWATER COLLECTION TRANSMISSION SYSTEM TO GIS FORMAT FOR COORDINATION AND SUBMITTAL TO THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AT A LUMP SUM AMOUNT OF \$22,300; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

LV:gm

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreana Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 10E

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-08) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO CONVERT EXISTING CAD FILES AND AS-BUILT DATA FOR THE VILLAGE'S WATER AND WASTEWATER DISTRIBUTION SYSTEM TO GIS FORMAT FOR COORDINATION AND SUBMITTAL TO THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AT A LUMP SUM AMOUNT OF \$22,300.00; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)*

WHEREAS, North Bay Village retained the services of Kimley-Horn and Associates, Inc. ("Kimley-Horn") to provide professional engineering services to the Village pursuant to a Continuing Services Agreement dated April 11, 2006; and

WHEREAS, pursuant to Section 24-42.2(10)(g) of the Miami Dade County Code, the Village is required to submit by January 2019 electronic Water and Sewer Atlas and Asbuilt information using software compatible with the GIS system used by Miami-Dade County; and

WHEREAS, KHA submitted Work Authorization No. 18-08 to convert existing CAD files and as-built data for the Village's Water and Wastewater distribution system for a lump sum amount of \$22,300.00.

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.

**Section 2. Approval of the Project Agreement.** Project Agreement No. 18-08 between North Bay Village and Kimley-Horn & Associates, Inc., attached hereto as Exhibit 1 to convert existing CAD files and as-built data for the Village's Water and Wastewater distribution system for a lump sum amount of \$22,300.00 is hereby approved.

**Section 3. Authorization of Village Officials.** The Village Manager and/or her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Project Agreement.

# Agenda Item 10E

**Section 4. Execution of the Project Agreement.** The Village Manager is authorized to execute the Project Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Project Agreement, subject to the approval as to form and legality by the Village Attorney.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by \_\_\_\_\_ a, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	_____
Vice Mayor Andreana Jackson	_____
Commissioner Jose Alvarez	_____
Commissioner Laura Cattabriga	_____
Commissioner Eddie Lim	_____

**PASSED AND ADOPTED** this 9th day of October 2018.

\_\_\_\_\_  
Connie Leon-Kreps, Mayor

**ATTEST:**

\_\_\_\_\_  
Graciela Mariot  
Interim Village Clerk

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

\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village/Resolution/Kimley Horn & Associates, Inc.-WA #18-08 – Water and Wastewater GIS Program



# Agenda Item 10F

## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE:** Wednesday, October 03, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**RECOMMENDED BY:** Interim Village Manager Lewis Velken

**PRESENTED BY STAFF:** Interim Village Manager Lewis Velken 

**SUBJECT:** Amendment to Covenant Running with Land at 1850 79<sup>th</sup> Street Causeway

---

#### **RECOMMENDATION:**

It is recommended that the Village Commission approve the attached Resolution amending Covenant Running with Land at 1850 79<sup>th</sup> Street Causeway to provide for redevelopment of the property in conjunction with parking required by the Village for Grandview Palace.

#### **BACKGROUND:**

The current owner of the property is requesting the Village's consideration and approval of a revision to the covenant attached as Exhibit "A" in order to permit future redevelopment in addition to the provision of the parking currently provided to accommodate Grandview Palace.

As a result of early litigation, there is a stipulation approved by Village Resolution No. 1992-39 which sets certain specific parking requirements for the Property in order to serve what is now known as Grandview Palace. In addition to the stipulation, a covenant to preserve the parking was executed on August 18, 1995 and recorded with Miami Dade County. The Covenant limits the use of the property to only parking, which prevents any future mixed use or redevelopment of the property.

#### **FINANCIAL IMPACT:**

None

# Agenda Item 10F

## **BUDGETARY IMPACT:**

None

## **PERSONNEL IMPACT:**

None



# Agenda Item 10F



## North Bay Village

Administrative Offices

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


Tel: (305) 756-7171 | Fax: (305) 756-7722 | Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM

North Bay Village

DATE: October 3, 2018

TO: Graciela Mariot  
Interim Village Clerk

FROM: Lewis Velken,   
Interim Village Manager

SUBJECT: Introduction of Resolution

---

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING COVENANT RUNNING WITH THE LAND AT 1850 79<sup>TH</sup> STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, UNDER RESOLUTION NO. 1992-39; AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK EXECUTE AND DELIVER A DECLARATION OF AMENDMENT; PROVIDING AN EFFECTIVE DATE (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

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

LV:gm

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreana Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING COVENANT RUNNING WITH THE LAND AT 1850 79<sup>TH</sup> STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, UNDER RESOLUTION NO. 1992-39; AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK EXECUTE AND DELIVER A DECLARATION OF AMENDMENT; PROVIDING AN EFFECTIVE DATE (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

**WHEREAS**, The Atkinson Trust, LLC (the “Owner”) is the owner of the following described real property (the “Property”), lying, being and situated at 1850 79<sup>th</sup> Street Causeway, in North Bay Village, Florida and legally described as listed in Attachment A; and

**WHEREAS**, September 8, 1995, Owner’s predecessor in title recorded a Covenant Running with the Land in the Official Records Book of Miami-Dade County at BK 16914, Page 0870 (the “Covenant”) pursuant to stipulation approved by Village Resolution No. 1992-39; and

**WHEREAS**, the “Covenant” limits the use of the Property “solely” for parking purposes for the benefit of North Bay Landing, now named “Grandview Palace”; and

**WHEREAS**, the Covenant is subject to release or modification only by resolution of the Village Commission; and

**WHEREAS**, the Owner desires to allow for use of the property for development in addition to the parking for Grandview Palace; and

**WHEREAS**, the Owner, desires to amend the Covenant to provide for redevelopment of the property in conjunction with parking required by the Village for Grandview Palace.

**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.

**Section 2. Amendment.** The real property described in Exhibit “A” is hereby dedicated and committed for perpetual use for parking purposes for North Bay Landing (now known as “Grandview Palace”) in addition to other uses which may be developed on the property as permitted by the Village Unified Land Development Code.

# Agenda Item 10F

**Section 3. Village Manager Authorization.** The Village Manager or his designee is hereby authorized to submit said proposal requesting the grant.

**Section 4. Effective Date.** This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by \_\_\_\_\_, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	_____
Vice Mayor Andreana Jackson	_____
Commissioner Jose Alvarez	_____
Commissioner Laura Cattabriga	_____
Commissioner Eddie Lim	_____

**PASSED AND ADOPTED** this 9th day of October 2018.

\_\_\_\_\_  
Connie Leon-Kreps, Mayor

**ATTEST:**

\_\_\_\_\_  
Graciela Mariot  
Interim Village Clerk

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

\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village Resolution: Forestry Grant Application

# Agenda Item 11A



## North Bay Village

Administrative Offices


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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM North Bay Village

**DATE:** September 4, 2018

**TO:** Yvonne P. Hamilton, CMC  
Village Clerk

**FROM:** Lewis Velken   
Interim Village Manager

**SUBJECT:** Introduction of Resolution

---

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

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED "PERMITS AND FEES" BY REVISING SECTION 151.11(A), "CONSTRUCTION PERMITS" AND SECTION 151.11(A)(46)(C), "WEEKEND OR AFTER HOURS WORK"; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE.**

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

LV:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreanna Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 11A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED "PERMITS AND FEES" BY REVISING SECTION 151.11(A), "CONSTRUCTION PERMITS" AND SECTION 151.11(A)(46)(C), "WEEKEND OR AFTER HOURS WORK"; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, Chapter 151 of the Village Code sets forth regulations and guidelines for the issuance of construction permits; and

WHEREAS, building construction in North Bay Village is generally only permitted during daytime weekday hours from 8:00 A.M. to 5:00 P.M. with the issuance of a Building Permit, pursuant to Section 151.11; and

WHEREAS, in order to address community requests, Section 151.11(A)(46) of the Village Code permits extended construction hours work upon approval by the Village Manager; and

WHEREAS, the Village Commission recognizes the language of the ordinance requires clarification to ensure compliance.

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

**Section 1. Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** Chapter 151 of the North Bay Village Code of Ordinances, entitled "Permit Fees" is hereby amended by revising Section 151.11(46)C as follows:

## **Section 151.11**

### **§ 151.11 - Permits; fees.**

(A) No person shall erect or construct, or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, where the cost of the work is more than \$500.00 without first obtaining a building permit. A building permit shall be required for any construction activity, regardless of value, that includes structural, electrical, plumbing, or mechanical work.

# Agenda Item 11A

44 ~~Exception: Any construction activities, regardless of the value, that includes structural,~~  
45 ~~electrical, plumbing, or mechanical work shall require a permit.~~

46 An applicant for a building permit shall tender a non-refundable permit fee in the amount of  
47 \$125.00 with the application. The minimum permit fee shall be \$125.00.

48 When the base permit fee exceeds \$400.00, there shall be imposed a nonrefundable plan  
49 review fee equal to one-third of the base building permit fee (including electrical, plumbing,  
50 and mechanical) paid at the time of submittal of the building permit application. This fee shall  
51 be applied to the total fees at the time of issuance of the building permit. Should a building  
52 permit not be issued, this fee shall not be refunded.

53 An additional plan review fee in the amount of \$125.00 per hour or the actual cost of  
54 engineering services to the Village shall be passed through and imposed upon the contractor or  
55 owner by the Village Building Department to fully offset all fees and costs incurred by the  
56 Village in providing the structural engineering review mandated by Miami-Dade County.

57 An additional plan review fee in the amount of \$125.00 per hour or the actual cost of zoning  
58 services to the Village shall be passed through and imposed upon the contractor or owner by  
59 the Village Building Department to fully offset all fees and costs incurred by the Village in  
60 providing the zoning review mandated by the Village Code.

61 These fees shall be paid by the contractor or owner to the Village prior to the issuance of a  
62 permit and shall, if not paid, constitute a lien upon the property for which a building permit is  
63 sought. These fees shall be due and payable without regard to whether or not a permit is issued  
64 by the Building Department.

65 If the applicant has not picked up the resulting building permit within 90 days of receipt of  
66 notice from the Village that the application is approved and ready for pick up, then the Village  
67 may close the application out and maintain the proper records as required by Florida Statutes.  
68 An applicant wishing to receive a permit after the 90-day period must reapply with a new  
69 application. There shall be no refund of any prior payments or fees if the application has  
70 expired.

71 For purposes of determining the permit fee, the value of the work to be performed under the  
72 permit shall be determined as follows:

73 (1) For new construction of and additions to the Florida Building Code occupancies the  
74 construction value of the work shall be the current values established by the Miami-Dade  
75 Board of County Commission.

76 (2) For miscellaneous permit activity not otherwise provided for in this section, including but  
77 not limited to repair, or alterations, or changes to electrical service, the value of the work shall  
78 be the actual value of such work as determined by the applicant and approved by the Building  
79 Official. The applicant shall be responsible for accurate reporting of the value of the work, and  
80 the reported value shall be subject to review and verification by the Building Official.

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81 (1) New buildings and/or additions including, but not limited to, residential, mixed-use  
82 residential, residential/office, mixed-use office, institutional, educational, hotels, and condo-  
83 hotels:

84 Permit fee shall be the square footage times \$1.00, plus additional fees for electrical, plumbing,  
85 and mechanical and sign permits as listed herein.

86 Minimum fee\ \$125.00

87 (2) New commercial construction:

88 Permit fee shall be the square footage times \$0.75 plus additional fees for electrical, plumbing,  
89 mechanical, and sign permits as listed herein.

90 Minimum fee\ \$125.00

91 (3) New industrial construction:

92 Storage and industrial use of Group I & S (Florida Building Code) occupancies:

93 a. Permit fee shall be the square footage times \$0.75 plus additional fees for electrical,  
94 plumbing, mechanical, and sign permits as listed herein.

95 b. Minimum fee..... \$125.00

96 (4) New parking garage or warehouses:

97 Permit fee shall be the square footage times \$0.75 plus additional fees for electrical, plumbing,  
98 mechanical, and sign permits as listed herein.

99 Minimum fee\ \$125.00

100 (5) New construction other than as specified herein (water towers, pylons, bulk storage tank  
101 foundations, sea walls, bulkheads, docks and similar construction):

102 Permit fee shall be \$100.00 for the first 100 square feet plus \$12.00 for each additional 100  
103 square feet plus additional fees for electrical, plumbing, mechanical, and sign permits as listed  
104 herein.

105 Minimum fee\ \$125.00

106 (6) New metal-wood and/or prefab storage sheds:

107 Permit fee shall be \$75.00 for the first 100 square feet plus \$10.00 for each additional 100  
108 square feet plus additional fees for electrical, plumbing, mechanical, and sign permits as listed  
109 herein.

110 Minimum fee\ \$125.00

111 Note: The following fees shall apply to building permits only and shall not include fees for  
112 plumbing, electrical, or mechanical installation.

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- 113 (7)Alterations, remodeling and repairs to building and other structures:  
114 Single-family homes, duplexes, and areas within a residential condominium unit:  
115 Permit fee shall be estimated value times 1.5 percent.  
116 Minimum fee\\$125.00  
117 Multifamily residential:  
118 Permit fee shall be estimated value times 1.5 percent.  
119 Minimum fee\\$125.00  
120 Commercial occupancy:  
121 Permit fee shall be estimated value times 3.0 percent.  
122 Minimum fee\\$125.00  
123 Storage and industrial use of Group E & F, Florida Building Code, S & I, Florida Building  
124 Code occupancies:  
125 Permit fee shall be estimated value times 3.0 percent.  
126 Minimum fee\\$125.00  
127 Repairs to fire damaged structures (all occupancy):  
128 Permit fee shall be estimated value times 3.0 percent.  
129 Minimum fee\\$125.00  
130 Painting of single-family homes, duplexes:  
131 Permit fee shall be estimated value  $\times$  2.5 percent.  
132 Minimum fee\\$125.00  
133 (8)Installation of exterior operable windows and exterior sliding glass door in new buildings or  
134 additions exceeding two stories in height, and the installation, alteration and repair of such  
135 windows and doors in existing buildings of any height, as follows:  
136 New installation or replacement:  
137 Permit fee shall be estimated value  $\times$  5.0 percent.  
138 Permit fee if the building is included in a master building permit issued by the Village:  
139 Estimated value  $\times$  3.0 percent.  
140 Minimum fee\\$125.00  
141 (9)Painting of multi-family, commercial and industrial buildings:

# Agenda Item 11A

- 142 Permit fee shall be estimated value  $\times$  5.0 percent.
- 143 Permit fee if the building is included in a master building permit issued by the Village:  
144 Estimated value  $\times$  3.0 percent.
- 145 Minimum fee\\$125.00
- 146 (10)Painting of single-family dwellings, duplexes:
- 147 Permit fee shall be estimated value  $\times$  2.5 percent.
- 148 Minimum fee\\$125.00
- 149 (11)Curtain walls including windows and doors therein:
- 150 Permit fee shall be estimated value  $\times$  5.0 percent.
- 151 Permit fee if the building is included in a master building permit issued by the Village:  
152 Estimated value  $\times$  3.0 percent.
- 153 Minimum fee\\$125.00
- 154 (12)Roofs (including re-roofing):
- 155 Permit fee shall be estimated value  $\times$  5.0 percent.
- 156 Permit fee if the building is included in a master building permit issued by the Village:  
157 Estimated value  $\times$  3.0 percent.
- 158 Minimum fee\\$125.00
- 159 (13)Reserved.
- 160 (14)Utility buildings: Pre-fab or built on site:
- 161 Minimum fee\\$125.00
- 162 (15)Storm shutters:
- 163 Permit fee shall be estimated value  $\times$  5.0 percent.
- 164 Minimum fee\\$125.00
- 165 (16)Awnings, canopies, residential patios or carports (with Fire Bureau approval):
- 166 Permit fee shall be:
- 167 First seven awnings\\$75.00
- 168 Each additional awning\\$7.00
- 169 Canopy\\$75.00
- 170 Minimum fee\\$125.00



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- 171 (17)Building moving or other structures:  
172 For each 100 square feet or fractional part thereof\20.00  
173 Minimum fee\\$250.00
- 174 (18)Construction trailer and sales model:  
175 Each trailer\\$250.00
- 176 (19)Fences and/or walls (multi-family dwellings, commercial, and industrial buildings):  
177 Permit fee shall be estimated value  $\times$  5.0 percent.  
178 Minimum fee\\$125.00
- 179 Fences and/or walls (single-family dwellings and duplexes):  
180 Permit fee shall be estimated value  $\times$  5.0 percent  
181 Minimum fee\\$125.00
- 182 Fence located on public property:  
183 Permit fee, for first 50 feet, plus \$20.00 for each additional 50 feet or a fraction thereof\100.00  
184 Minimum fee\\$125.00
- 185 (20)Demolitions:  
186 Permit fee shall be estimated value  $\times$  5.0 percent  
187 Minimum fee\\$125.00
- 188 (a)Construction dumpsters (containers for the placement of construction debris shall not be  
189 placed within the public right-of-way without prior authorization by the Building & Zoning  
190 Department). Violation of this section shall be governed by Chapter 153 of the Village Code.
- 191 Construction dumpsters:  
192 Permit fee\100.00
- 193 (21)Sandblasting:  
194 Permit fee for each single-family residence\125.00  
195 All other structures\125.00
- 196 (22)All paving in connection with residential or commercial work including concrete drives:  
197 Permit fee shall be estimated value  $\times$  5.0 percent.  
198 Permit fee if the building is included in a master building permit issued by the Village:  
199 Estimated value  $\times$  3.0 percent.

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- 200 Minimum fee\\$125.00
- 201 (23)Asphalt resurfacing (restriping):
- 202 Permit fee shall be estimated value  $\times$  3.0 percent.
- 203 Minimum fee\\$125.00
- 204 (24)Concrete slabs:
- 205 Permit fee shall be estimated value  $\times$  5.0 percent.
- 206 Permit fee if the building is included in a master building permit issued by the Village:
- 207 Estimated value  $\times$  3.0 percent.
- 208 Minimum fee\\$125.00
- 209 (25)Job site lost permit card replacement ..... 50.00
- 210 (26)Certificate of occupancy, temporary or final (required or requested), permit fee per unit .....
- 211 \$180.00
- 212 (27)Certificate of completion, temporary or final ..... \$180.00
- 213 (28)Elevators, escalators and other transporting devices:
- 214 Each unit for each story or ten feet measured vertically at \$10.00 each, minimum fee\\$125.00
- 215 (29)Decibel meter reading to determine sound level of mechanical equipment
- 216 Prepaid fee, per site visit or event\\$125.00
- 217 (30)Air conditioning and refrigeration, including relocation of equipment:
- 218 Mechanical permit fee shall be estimated value  $\times$  5.0 percent.
- 219 Permit fee if the building is included in a master building permit issued by the Village:
- 220 Estimated value  $\times$  3.0 percent.
- 221 Minimum fee\\$125.00
- 222 (31)Land clearing:
- 223 Each 5,000 square feet of area or fraction thereof\\$125.00
- 224 Permit fee minimum\\$125.00
- 225 (32)Soil solidification in any form:
- 226 First \$1,000.00 value of work\\$75.00
- 227 For each additional \$1,000.00 value of work\\$10.00
- 228 Minimum fee\\$125.00

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- 229 (33)Solar energy systems:
- 230 See electrical and plumbing fee schedules.
- 231 (34)Swimming pools (with maximum three-foot deck perimeter):
- 232 Up to 16,000 gallons\\$125.00
- 233 Each 1,000 gallons in excess\\$5.00
- 234 Portable above ground, minimum fee\\$60.00
- 235 Pool piping (see plumbing fee schedule).
- 236 Pool heaters (see plumbing fee schedule).
- 237 Note: Larger decks than those above, see subsection (2), fee schedule.
- 238 (35)Signs (including all interior signs visible from exterior of premises occupied such as
- 239 shopping centers and malls):
- 240 (a)Ground signs (including internal, directional signs, such as parking area, etc., on private
- 241 property) ..... \$125.00
- 242 (b)Projecting signs ..... \$125.00
- 243 (c)Flat signs ..... \$125.00
- 244 (d)Painted on wall signs ..... \$125.00
- 245 (e)Temporary signs ..... \$125.00
- 246 (f)Any change or alteration of approved existing sign, such as metal box, copy lettering, new
- 247 message, repair, etc., (not including removable letters) to be 60 percent of fee for new sign of
- 248 same type or category. Permit fee ..... \$125.00
- 249 (g)Repaint of existing message, minimum fee ..... \$40.00
- 250 (36)Banner signs:
- 251 Permit fee, for the initial permit plus \$60.00 for each renewal\\$125.00
- 252 (37)Store front signs:
- 253 Permit fee\\$125.00
- 254 (38)Fee for re-inspection (structural):
- 255 Fee for visual re-inspection of existing buildings, \$60.00 per half hour, per inspection.
- 256 (a)Improvements to property and installations not specified above shall be based on subsection
- 257 (2), fee schedule.

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258 (b) Failure of licensed contractor to request final inspection when work completed shall subject  
259 said contractor to payment of fee of \$75.00 prior to issuance of further permits.

260 (c) For any other building or structural work not mentioned above the fees required by this  
261 chapter or any other ordinance of the Village shall be paid, and all requirements of this chapter  
262 and any other ordinance shall be enforced by the inspectors specifically charged with such  
263 enforcement, or by the Village employee designated by the Building Official, if not otherwise  
264 specifically provided for. The fees shall include payment for the permit and for inspection of  
265 the work, after the same shall have been completed. If the Building Inspector shall, upon his  
266 inspection, after completion of the work or apparatus, find that the same does not conform to  
267 and comply with the provisions of this chapter, he shall notify the contractor or owner  
268 indicating the corrections required; and when he shall be notified that the corrections have  
269 been made, he shall inspect the work or apparatus at a charge of \$125.00 for each re-inspection  
270 due to any one of the following reasons.

271 1. Wrong address.

272 2. Condemned work resulting from faulty construction.

273 3. Repairs or corrections not made when inspection is called.

274 4. Work not ready for inspection when called.

275 (d) The payment for re-inspection fees, correction of workmanship or violations, shall be made  
276 before any further permits will be issued to the person responsible for or owing same.

277 (e) No permit will be required for general maintenance or repairs which do not change the  
278 occupancy, and value of which is less than \$500.00 in labor and materials. No permit is  
279 required for the construction or repair of any roof covering if less than 200 square feet in area.

280 (39) Filming.

281 Purpose and objectives.

282 (a) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the  
283 context clearly indicates or requires a different meaning:

284 *Film or filming* means any and all still, live or motion picture productions whether made on or  
285 by film, electronic tape or any other electronic device used to produce theatrical motion  
286 pictures, television entertainment motion pictures, industrial motion pictures, television  
287 commercials or print media. Filming shall include the erection and dismantling of the  
288 equipment associated therewith.

289 *Permit* means a permit issued by the Village in accordance with the terms of this article.

290 *Village Manager* means the Village Manager or authorized designee.

291 (b) *Applicability of article.* This article shall apply to all the lands within the Village's  
292 jurisdiction, whether public or private.

293 (c) *Permits.*

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- 294 1. Permit required; display. No person shall film within the Village without first applying for  
295 and obtaining a permit from the Village Manager. All permits shall be conspicuously displayed  
296 at the filming location.
- 297 2. Permit application. Applications for a permit:
- 298 i. Shall be on the form provided by the Village.
- 299 ii. Shall identify the applicant.
- 300 iii. Shall identify the locations where filming is going to be conducted. If the applicant is the  
301 owner of the property where filming is going to be conducted, the city shall require proof of  
302 ownership, such as the deed, or if applicant is not the owner, then the Village shall require the  
303 owner's sworn consent to the filming and proof of ownership.
- 304 iv. Shall require that the applicant provide evidence of public liability insurance in the  
305 minimum amount of \$1,000,000.00 or as otherwise established by the Village. All insurance  
306 policies shall name the Village as additional insured.
- 307 v. Shall include a parking plan for automobiles, trucks and other vehicles connected with the  
308 filming.
- 309 vi. Shall include a site plan for the locations where filming will be conducted.
- 310 vii. May, at the discretion of the Village Manager, require that the applicant post a cash bond to  
311 be determined by the Village Manager and be held by the Village to be used, if necessary, to  
312 repair damage to public property caused by the filming.
- 313 3. Limitations on permits. Permits issued by the Village shall be subject to the following:
- 314 i. No filming shall be permitted from 11:00 p.m. to 7:00 a.m.
- 315 ii. Other limitations as specified by the Village Manager depending on the location and type of  
316 filming such as, requiring off-duty police officers to be present during filming.
- 317 4. Permit fees. A permit fee in the amount of \$200.00 per day shall be due and payable at the  
318 time of permit application. Permit fees shall be doubled for all filming, which is done without  
319 first obtaining a permit. The additional fee shall be imposed as a penalty.
- 320 5. Permit criteria. A filming permit shall be granted unless the Village Manager finds that the  
321 proposed filming:
- 322 i. Unduly impedes governmental business or public access;
- 323 ii. Conflicts with previously scheduled activities; or
- 324 iii. Imperils public safety.
- 325 (d) *Notice to property owners prior to filming.* Forty-eight hours prior to commencing any  
326 permitted filming, the permit holder shall notify in writing all property owners within 300 feet

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327 of the filming location. The notice to owners shall include but not be limited to the location,  
328 date, hours and subject matter of the filming.

329 (e)*Penalty for violation of article.* Any person who violates the provisions of this article shall  
330 be subject to a \$500.00 fine and revocation of the permit.

331 (f)*Exemptions from article.* The following shall be exempt from the provisions of this article:

332 1. Individuals filming or videotaping only for their own personal or family use.

333 2. Employees of print or electronic news media when filming ongoing news events. This  
334 exception shall not apply to simulations or reenactments orchestrated by print or electronic  
335 news media.

336 3. Indoor motion picture studios.

337 4. Governmental agencies or instrumentalities including, but not limited to, a news service  
338 created or established by the United States Information Agency, if Village Manager receives  
339 notification prior to filming.

340 (g)*Variances from provisions of article.* Upon application to the Village Commission,  
341 variances may be granted from the terms of this article, provided that:

342 1. Signatures indicating consent have been obtained from all of the owners of property located  
343 within 300 feet of the filming location;

344 2. A finding is made by the Village Commission that the variance will not be injurious to the  
345 area involved or otherwise detrimental to the public welfare; and

346 3. The filming proposed to be done as a result of the variance will be conducted in accordance  
347 with all standards in this article other than those for which a variance is being granted.

348 (h)*Appeals.* Any person aggrieved by the terms of a permit issued by the Village Manager, by  
349 the decision not to issue a permit, by the revocation of a permit or by the denial of a variance  
350 may, within ten days of the decision, appeal to the Village Commission, whose decision shall  
351 be final.

352 1. Wrong address.

353 2. Condemned work resulting from faulty construction.

354 3. Repairs or corrections not made when inspection is called.

355 4. Work not ready for inspection when called.

356 (40) Reserved.

357 (41) Plumbing permits and fees; sewer permits and fees:

358 Plumbing permit fee shall be estimated value  $\times$  5.0 percent.

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- 359 Permit fee if the building is included in a master building permit issued by the Village:  
360 Estimated value  $\times$  3.0 percent.
- 361 Minimum fee\125.00
- 362 Failure of licensed contractor to request final inspection will subject said contractor to payment  
363 of\125.00
- 364 (42)Solar heating systems and designs:
- 365 Fee computed as per building fee schedule, subsection
- 366 (4).Note: Due to many variable designs and applications a separate electrical permit may be  
367 required.
- 368 (43)Inspections of structural plumbing, electrical components are required during work for  
369 final approval of installation.
- 370 When an incomplete or incorrect plat as regards ownership or location of a building is handed  
371 to the Inspector of Plumbing, he shall charge a fee for making the correction or completion of  
372 the information\125.00
- 373 (43.1)Inspections conducted after normal working hours:
- 374 A. Monday through Friday from 8:00 a.m. through 5:00 p.m., per hour ..... \$100.00
- 375 With a two-hour minimum fee of\200.00
- 376 B. Weekends (Saturdays and Sundays) and holidays, per hour ..... \$100.00
- 377 With a minimum three hour fee of\300.00
- 378 C. Same day re-inspection fee, per hour ..... \$60.00
- 379 During normal working hours, with a two-hour minimum fee of\120.00
- 380 D. Re-inspection fee for next inspection cycle, per hour ..... \$75.00
- 381 With a one hour minimum fee of\75.00.
- 382 (44)Gas permits and fees (see fee schedule above for plumbing permit fees):
- 383 (a)Gas permits (new work or remodeling) each outlet ..... \$10.00
- 384 (b)Gas piping per appliance ..... \$5.00
- 385 (c)Where appliances are removed and reset on the same outlet ..... \$25.00
- 386 (d)The payment of re-inspection fees, corrections not being ready, or violations is the same as  
387 the building fee schedule requirements ..... \$75.00
- 388 (e)Fee for visual re-inspection of existing gas systems ..... \$75.00



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389 (f) Failure of licensed contractor to request final inspection will subject said contractor to  
390 payment of a \$75.00 fee prior to the issuance of further permits.

391 (45) Electrical permits and fees. Any person desiring an electrical permit to be issued as  
392 required shall, in addition to filing an application therefore, and before such permit is issued,  
393 pay a permit fee in accordance with the following schedule.

394 Electrical permit fee shall be estimated value  $\times$  5.0 percent.

395 Permit fee if the building is included in a master building permit issued by the Village:  
396 Estimated value  $\times$  3.0 percent.

397 Minimum fee \ \$125.00

398 (a) Miscellaneous permits:

399 1. Giving permission to do temporary work or to do general repairs to radio or television  
400 transmitting or receiving stations, picture shows, movie sets, carnivals, circuses, road shows, or  
401 similar organizations (permits shall be procured by licensed and qualified electrician who shall  
402 supervise installation of all electrical systems). Permit fee ..... \$125.00

403 2. Permit fees shall include payment for the permit and for inspection of work, after the same  
404 shall have been completed. If the Electrical Inspector shall, upon his inspection, after  
405 completion of the work or apparatus, find that the same does not conform to and comply with  
406 the provisions of this chapter, he shall notify the master electrician, indicating the corrections  
407 required; and when he shall be notified that the corrections have been made, he shall again  
408 inspect the work or apparatus without further charge; but when a third inspection trip or more,  
409 is necessary due to any one of the following reasons, a charge of \$75.00 per trip shall be made  
410 for each trip over two:

411 Wrong address;

412 Condemned work, resulting from faulty construction;

413 Repairs or corrections not made when inspection is called;

414 Work not ready for inspection when called.

415 (46) The following fees shall be charged in addition to the permit fees set forth above:

416 A. Updating of the information technology system: A surcharge fee equal to five percent of the  
417 Total Permit Fees shall be charged for the development, maintenance and updating of an  
418 information technology system. This fee will be deposited into an enterprise account to support  
419 the information technology system for the Building and Zoning Department.

420 Minimum fee \ \$5.00

421 Maximum fee \ \$500.00

422 B. Document preservation fee to microfilm and maintain record of all building plans for future  
423 use.



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424 Pages up to 8.5" × 14", per page\\$0.25

425 Pages larger than 8.5" × 14", per page\\$1.00

426 Maximum fee\\$00.00

427 ~~C. Weekend or after hours demolition or construction work fee: Conducting demolition or any~~  
428 ~~construction related activity work on any day before 8:00 A.M. or after 5:30 p.m on Saturdays,~~  
429 ~~per day 5:00 P.M. on weekends or national holidays shall requires the prior written upon~~  
430 ~~approval by of the Village Manager and an Exception Permit.~~ No work allowed on  
431 Sundays.....\$250.00

432 D. Public right-of-way use fee:

433 Temporary crane, trailer, or truck on the right-of-way:

434 For the first five days\\$150.00

435 Plus an additional \$150.00 for every five days or a fraction thereof.

436 E. Temporary use of public property:

437 Temporary public right-of-way usage for 30 days.

438 \$100.00 for the first 50 square feet of Right Of Way (R-O-W) used, plus \$10.00 for each  
439 additional square feet for each 30-day usage or any portion of the 30-day period. The right-of-  
440 way usage permit shall be issued for a maximum of 30 days. A new permit will be issued with  
441 the appropriate fees charged after the expiration date.

442 (B) A permit shall expire and become null and void if the work authorized by the permit is not  
443 commenced within 180 days from the date of issuance of the permit or if the work when  
444 commenced is suspended or abandoned at any time for a period of 180 days.

445 Work shall be considered to have commenced and be in active progress when, in the opinion of  
446 the Building Official a full complement of workmen and equipment is present at the site to  
447 diligently incorporate materials and equipment into the structure throughout the day on each  
448 full working day, weather permitting, until the structure is completed.

449 Such work on only one day or testing, shall not be considered commencement of work. If the  
450 work covered by the permit has not commenced, or has been commenced and been suspended  
451 or abandoned, the Building Official may extend such permit for a single period of 180 days  
452 from the date of expiration of the initial permit if request for extension is made and received by  
453 the city prior to the expiration date of the initial permit. If the work covered by the permit has  
454 commenced, is in progress, has not been completed and is being carried on progressively in a  
455 substantial manner in accordance with the definition set forth herein, the permit shall be in  
456 effect until completion of the job.

457 If work has commenced and the permit becomes null and void or expires because of a lack of  
458 progress or abandonment, a new permit covering the proposed construction shall be obtained  
459 before proceeding with the work. If a new building permit is not obtained within 180 days  
460 from the date the initial permit became null and void, the Building Official shall require that

# Agenda Item 11A

any work which has been commenced or completed be removed from the building site; or he may issue a new permit, on application, providing the working place and requirements to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and regulations which may have become effective between the date of expiration and the date of issuance of the new permit. The fee for renewal, re-issuance and extension of permit shall be:

(1) Within six months of the expiration date, the fee will be 50 percent of the original base permit fee plus a \$125.00 processing fee.

(2) After six months of the expiration date, the fee will be 100 percent of the original base permit fees plus a \$125.00 processing fee.

(3) Extension of a permit before the expiration date, the fee will be \$125.00.

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the North Bay Village Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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

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

The foregoing Ordinance was offered by Vice Mayor Andreana Jackson, who moved for its approval on first reading. This motion was seconded by Commissioner Laura Cattabriga, and upon being put to a vote, the vote was as follows:

## THE VOTES WERE AS FOLLOWS:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Andreana Jackson	<u>Yes</u>
Commissioner Jose R. Alvarez	<u>Yes</u>
Commissioner Laura Cattabriga	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

**APPROVED ON FIRST READING** during a regular session of the North Bay Village Commission Meeting this 11<sup>th</sup> day of September 2018.

The foregoing Ordinance was offered by \_\_\_\_\_, who moved for its enactment. This motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

# Agenda Item 11A

**FINAL VOTE ON ADOPTION:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Andreana Jackson \_\_\_\_\_  
Commissioner Jose R. Alvarez \_\_\_\_\_  
Commissioner Laura Cattabriga \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_

**PASSED AND ENACTED** by the Commission of North Bay Village this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
**Connie Leon-Kreps**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Graciela Mariot, Interim Village Clerk**

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

\_\_\_\_\_  
**Norman C. Powell, Esq.**  
**Village Attorney**

North Bay Village Ordinance: After Hours Construction/Permits and Fees.



## North Bay Village

Administrative Offices

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


Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

# Agenda Item 13A

### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE:** October 3, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**FROM:** Graciela Mariot   
Interim Village Clerk

**SUBJECT:** Community Enhancement Board Appointment

---

It is recommended that the Village Commission consider the appointment of Cecilia Veloz to the Community Enhancement Board. Pursuant to Section 32.10, the Board is to consist of (5) members. Chair Kokoa Woodget, Vice Chair Ana Watson, and Jack Rattner currently serve on the Board.

In accordance with Section 32.02 of the Village Code, members shall be appointed by a majority vote of the Commission.

/gm

Attachment: Advisory Board Application





# Agenda Item 13A

## North Bay Village

Administrative Offices

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

### BOARD/COMMITTEE APPLICATION

NAME Cecilia Veloz DATE 9/11/2018  
MAILING ADDRESS 7504 Bounty Ave, NBV, FL 33141  
EMAIL ceciveloz@yahoo.com TELEPHONE # 305-975-8455  
VILLAGE RESIDENT: YES X NO        HOW MANY YEARS 5  
BUSINESS OWNER: YES        NO X PAST OR PRESENT n/a  
NAME AND ADDRESS OF BUSINESS n/a

HOW LONG HAVE YOU BEEN OPERATING IN THE VILLAGE? n/a

CHECK THE BOARD COMMITTEE YOU WOULD LIKE TO SERVE ON:

ANIMAL CONTROL ADVISORY BOARD

☐

COMMUNITY ENHANCEMENT BOARD

☒

ARTS, CULTURAL & SPECIAL EVENTS BOARD

☐

PLANNING & ZONING BOARD

☐

BUSINESS DEVELOPMENT ADVISORY BOARD

☐

YOUTH & EDUCATION SERVICES BOARD

☐

CITIZENS BUDGET AND OVERSIGHT BOARD

☐

SPECIAL NEEDS ADVISORY BOARD

☐

SIGNAGE REVIEW COMMITTEE

☐

ARE YOU AVAILABLE FOR EVENING MEETINGS?

YES ☒

NO ☐

HAVE YOU EVER SERVED ON A VILLAGE BOARD/COMMITTEE?

YES ☒

NO ☐

HAVE YOU EVER BEEN A VILLAGE EMPLOYEE?

YES ☐

NO ☒

ARE YOU A REGISTERED VOTER?

YES ☒

NO ☐

PLEASE GIVE A SUMMARY OF YOUR WORK AND CIVIC SERVICE EXPERIENCE:

I worked in the marketing and commercial departments of the largest cosmetics company in the world. I created and implemented marketing plans and training manuals to be used worldwide and traveled throughout the Americas giving presentations, trainings and hosting press conferences. After, I worked for attorneys as a legal secretary & office manager handling all aspects of business operations including, but not limited to, client relations, accounting, training of staff, scheduling, legal research. I am currently the Chair of the ACAB.

PLEASE COMMENT ON HOW YOU THINK YOUR BACKGROUND QUALIFIES YOU TO SERVE ON THIS BOARD AND WHAT YOU MAY BE ABLE TO CONTRIBUTE: (use additional page if necessary)

I moved to NBV because I felt that it had great potential for growth. I envision a beautiful, clean, village that also evokes the feeling of a beachside town. Or in our case, a bayside town. I am able to work well in a group setting and take the initiative in finding solutions to problems. I am currently the Chair of the ACAB and have had great success in working with a diverse group where I was "out numbered". Yet, I have been able to lead us in a direction where we find solutions and comprise in order to reach our goals.

(All Board Members are required to disclose their Financial Interest annually. Additionally, at least four hours of Ethics Training are required for all Board members during their term of Office.) Planning & Zoning Board Members complete Form 1, Statement of Financial Interest and other Boards Members complete "Source of Income Statement". Verification of residency and North Bay Village Voter is required (Voter Registration Card/Driver License/ID).

**Submit**

Mayor  
e Leon-Kreps

Vice Mayor  
Andreana Jackson

Commissioner  
Eddie Lim

Commissioner  
Jose Alvarez

Commissioner  
Laura Cattabriga



## North Bay Village

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# Agenda Item 13B1

### **NORTH BAY VILLAGE MEMORANDUM**

**DATE:** October 3, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**FROM:** Graciela Mariot   
Interim Village Clerk

**SUBJECT:** Mitigation of Code Enforcement Fines

---

The following property owners are requesting mitigation of Code Enforcement fines and offered the attached supporting letter.

- Property Address: 1441 South Treasure Drive
- Property Owner: Yair D. Massri and Rebecca Mezrahi

/gm

Attachment: Mitigation Request Letter

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreanna Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 13B1

**Yvonne Hamilton**

---

**From:** Albert Lichy <[alichy@stearnsweaver.com](mailto:alichy@stearnsweaver.com)>  
**Sent:** Monday, September 17, 2018 10:26 AM  
**To:** Yvonne Hamilton  
**Cc:** Norman Powell  
**Subject:** Mitigation Request  
**Attachments:** 2018-9-17 Massri Commission Request.pdf

Ms. Hamilton:

Please see attached.

Albert D. Lichy, Esq.  
Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.  
Museum Tower, Suite 2200  
150 West Flagler Street  
Miami, FL 33130  
Direct: (305) 789-3428  
Main: (305) 789-3200  
Email: [alichy@stearnsweaver.com](mailto:alichy@stearnsweaver.com)  
[www.stearnsweaver.com](http://www.stearnsweaver.com)

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# Agenda Item 13B1

STEARNS WEAVER MILLER  
WEISSLER ALHADEFF & SITTERSON, P.A.

Albert D. Lichy  
150 West Flagler Street, Suite 2200  
Miami, FL 33130  
Direct: (305) 789-3428  
Email: [alichy@stearnsweaver.com](mailto:alichy@stearnsweaver.com)

September 17, 2018

Via Electronic Mail

Yvonne P. Hamilton, CMC  
Village Clerk  
North Bay Village  
1666 Kennedy Causeway #300  
North Bay Village, FL 33141

Dear Ms. Hamilton:

This law firm represents Mr. Yair D. Massri *pro bono* in connection with the code enforcement hearings North Bay Village has brought against Mr. Massri and Rebecca Mezrahi, relating to the property located at 1441 S. Treasure Drive.

Per the Village Attorney's instructions, Mr. Massri formally requests a mitigation of the fine from the Village Commission, and asks that this matter be placed on the agenda for the Commission's October 9 meeting.

Very truly yours,



Albert D. Lichy, Esq.





## North Bay Village

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# Agenda Item 13B2

### **NORTH BAY VILLAGE MEMORANDUM**

**DATE:** October 3, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**FROM:** Graciela Mariot   
Interim Village Clerk

**SUBJECT:** Mitigation of Code Enforcement Fines

---

The following property owners are requesting mitigation of Code Enforcement fines and offered the attached supporting letter.

- Property Address: 1630 South Treasure Drive
- Property Owner: Juan Mauricio Cuellar

/gm

Attachment: Mitigation Request Letter

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreanna Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# Agenda Item 13B2

**Yvonne Hamilton**

---

**From:** Cindy Kim <cindykim@kvllaw.com>  
**Sent:** Tuesday, September 18, 2018 10:38 AM  
**To:** Yvonne Hamilton  
**Cc:** Maurice Murray; Mauricio Cuellar  
**Subject:** 1630 S Treasure Drive / Tax Folio 23-3209-009-0120  
**Attachments:** Letter North Bay Village.pdf

Dear Ms. Hamilton,

In reference to property located at 1630 South Treasure Drive, please see attached letter. Thank you in advance for your consideration and prompt attention to this matter.

Cindy Kim  
Kim Vaughan Lerner LLP  
One Financial Plaza  
100 SE Third Avenue • Suite 2001  
Fort Lauderdale, Florida 33394  
Phone 954.527.1115 • Fax 954.527.1116  
Direct 954.947.3403  
[cindykim@kvllaw.com](mailto:cindykim@kvllaw.com)



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# Agenda Item 13B2



*KIM VAUGHAN LERNER LLP*  
*ONE FINANCIAL PLAZA • SUITE 2001*  
*FORT LAUDERDALE, FLORIDA 33394*  
*PHONE 954.527.1115 • FAX 954.527.1116*  
*WWW.KVLLAW.COM*

Cindy Kim  
Real Estate Attorney  
cindykim@kvllaw.com

## VIA ELECTRONIC MAIL

North Bay Village  
Attention: Yvonne Hamilton  
1666 Kennedy Causeway  
3<sup>rd</sup> Floor  
North Bay Village, FL 33141

RE: 1630 S Treasure Drive, North Bay Village, FL 33141  
Tax Folio 23-3209-009-0120

Dear Ms. Hamilton,

I am the attorney for Dr. Juan Mauricio Cuellar, the owner of property located at 1630 South Treasure Drive in North Bay Village (the "Village"). Dr. Cuellar is under contract to sell his property, which is scheduled to close on September 28. On behalf of my client, I am writing to explain the circumstances regarding the code violation for failure to maintain landscaping and to request mitigation of the fine of \$20,350.00.

Dr. Cuellar had a tenant who was negligent in the maintenance of the property. On August 16, the tenant vacated and left the property in disrepair with garbage strewn on the lawn. On August 17, the tenant texted the Notice of Violation to my client. That same day, my client began removing the garbage and cleaning the property. On August 21, my client attended the hearing to alert the Village that he was notified of the violation a few days prior and that he was diligently working to resolve the violation. However, the work had not been completed at the time of the hearing, and therefore, my client was unable to ask for mitigation. The clean-up was completed that evening on August 21. The following day, my client called Maurice Murray, the inspector, to inform Mr. Murray that the work had been completed. Mr. Murray stated that he went to the property on the evening of August 21 and confirmed that the property was in compliance.

# Agenda Item 13B2

September 18, 2018  
Page 2

Unfortunately, my client had an irresponsible tenant who failed to fulfill his duties under the lease and failed to notify my client about the violation. As soon as my client was made aware of the violation, he took immediate action to clean the property and appeared at the hearing. My client understands that he, as the owner, is ultimately responsible for the property and acknowledges that Village resources were expended. My client is willing to pay a fine, but he requests that the fine be commensurate with the type of violation. Considering my client's swift action, he respectfully asks the Village to mitigate the fine to \$2,035.00, or a reasonable amount that the Village should determine.

Should you require further information or have questions regarding this matter, please do not hesitate to contact me on my direct line at 954-947-3403 or by email at [cindykim@kvllaw.com](mailto:cindykim@kvllaw.com). Thank you in advance for your prompt consideration to this matter.

Respectfully submitted,

*Cindy Kim*

cc: Maurice Murray ([mmurray@nbvillage.com](mailto:mmurray@nbvillage.com))  
Juan Mauricio Cuellar ([mcuellarmolina@icloud.com](mailto:mcuellarmolina@icloud.com))





## North Bay Village

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### **NORTH BAY VILLAGE** **MEMORANDUM**

**DATE:** October 3, 2018

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**FROM:** Graciela Mariot   
Interim Village Clerk

**SUBJECT:** Mitigation of Code Enforcement Fines

---

The following property owners are requesting mitigation of Code Enforcement fines and offered the attached supporting letter.

- Property Address: 7524 West Treasure Drive
- Property Owner: A HMET Derya Bayer

/gm

Attachment: Mitigation Request Letter

Mayor  
Connie Leon-Kreps

Vice Mayor  
Andreanna Jackson

Commissioner  
Jose R. Alvarez

Commissioner  
Laura Cattabriga

Commissioner  
Eddie Lim

# CAREY LAW GROUP, P.A.



1801 Indian Road, Ste 103 • West Palm Beach, FL 33409 • Phone: (561) 247-1266 • Fax: (561) 282-3401  
E-Mail: [richard@rcareylaw.com](mailto:richard@rcareylaw.com) Web: <http://www.rcareylaw.com>

October 1, 2018

Grace Mariot  
North Bay Village  
1666 Kennedy Causeway, #300  
North Bay Village, FL 33141

Re: 7524 West Treasure Dr, North Bay Village, FL 33141

Dear Sir/Madam,

Please be advised that I represent the owner of the property Ahmet Derya Bayer. We are seeking a lien reduction on the outstanding fine on the subject property to the amount of \$500 plus administrative costs. Due to the nature of the fine I believe that this would be a fair and equitable resolution. My client after receiving notification took swift action to cure the violation and put the property back in compliance. This took a little longer than usual as my client does not reside in the United States.. Please let me know if you have any additional questions.

Respectfully,

Richard B. Carey, Esq.

# Agenda Item 14A



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### OFFICIAL MINUTES REGULAR VILLAGE COMMISSION MEETING VILLAGE HALL

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

TUESDAY, SEPTEMBER 11, 2018  
7:30 P.M.

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#### 1. CALL TO ORDER

The Commission of North Bay Village, Florida met in regular session, September 11, 2018, beginning at 8:12 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### PRESENTATION OF COLORS

#### NATIONAL ANTHEM (TIES CHOIR)

#### 2. A. PROCLAMATIONS AND AWARDS

1. First Responders/North Bay Village and Miami-Dade Fire Rescue
2. The Honorable Congresswoman Ileana Ros-Lehtinen
3. Causeway Clean Up Crew of North Bay Village, FL
3. Taiwan Proclamation
4. Childhood Cancer Proclamation
5. Red Ribbon Day Proclamation

#### B. CITIZEN PRESENTATIONS TO THE COMMISSION

There were no citizen presentations.

#### C. ADDITIONS AND DELETIONS

Mayor Connie Leon-Kreps moved to table Item 11A. Vice Mayor Andreana Jackson seconded the motion, and all voted in favor.

Vice Mayor Andreana Jackson moved Items 13A, 10D, and 10G after Consent Agenda.

Mayor Connie Leon-Kreps requested Item 9A be removed from the Consent Agenda to be discussed as a regular item.

3. **GOOD & WELFARE**

The following addressed the Commission: Katarina Oos of 7945 East Drive, Kevin Vericker of 7520 Hispanola Avenue, Brent Latham of 7521 Beach View Drive, Hannah Lombardo of 7945 East Drive, Lynn Ragusa of 7909 East Drive, and Dr. Douglas N. Hornsby of 1353 Bay Terrace.

4. **VILLAGE COMMISSION'S REPORT**

Mayor Connie Leon-Kreps, Vice Mayor Andreana Jackson, Commissioner Laura Cattabriga, Commissioner Eddie Lim, and Commissioner Jose Alvarez all gave oral reports.

5. **GRANT WRITER'S REPORT**

Village Grant Writer LaKeesha Morris-Moreau, MSW, GPC, President & CEO of BellTower Consulting Group reported on the status of Village grants.

6. **ADVISORY BOARD REPORTS**

A. **ARTS, CULTURAL & SPECIAL EVENTS BOARD**

A report was not provided.

B. **ANIMAL CONTROL ADVISORY BOARD**

A report was not provided.

C. **BUSINESS DEVELOPMENT ADVISORY BOARD**

A report was not provided.

D. **CITIZENS BUDGET & OVERSIGHT BOARD**

Chair Julianna Strout presented the Board Report.

E. **COMMUNITY ENHANCEMENT BOARD**

A report was not provided.

F. **PLANNING & ZONING BOARD**

A report was not provided.



7. **VILLAGE ATTORNEY'S REPORT**

Village Attorney Norman C. Powell reported on pending litigation.

8. **VILLAGE MANAGER'S REPORT**

Interim Village Manager Lewis Velken gave an oral report.

13. **NEW BUSINESS**

A. **APPOINTMENT OF MEMBERS TO THE ARTS, CULTURAL & SPECIAL EVENTS, BUSINESS DEVELOPMENT ADVISORY BOARD, COMMUNITY ENHANCEMENT BOARD & SIGNAGE REVIEW COMMITTEE.**

Commissioner Laura Cattabriga moved to table Item 13A. Vice Mayor Andreana Jackson seconded the motion, and all voted in favor.

B. **DISCUSSION REGARDING "GREEN DAY" (*Mayor Connie Leon-Kreps*)**

C. **VILLAGE CLERK'S CONTRACT (*Mayor Connie Leon-Kreps*)**

Vice Mayor Andreana Jackson moved to terminate Village Clerk Yvonne P. Hamilton and Connie Leon-Kreps seconded the motion.

The Mayor opened the floor to public comments.

The following addressed the Commission: Dr. Douglas N. Hornsby of 1353 Bay Terrace, Brent Latham of 7521 Beach View Drive, and Cecilia Veloz of 7504 Bounty Avenue.

Commissioner Laura Cattabriga moved to table the matter until November, and Commissioner Eddie Lim seconded the motion. The motion was adopted by a 3-2 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes. Mayor Connie Leon-Kreps and Vice Mayor Andreana Jackson voted No.

9. **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.)**

Item 9A was removed from the Consent Agenda and discussed as a regular item.

## 10. ORDINANCES FOR FIRST READING AND RESOLUTIONS

### RESOLUTION NO. 2018-078

- D. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, IMPLEMENTING A COMMUNITY CAT-FEEDING PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR ANDREANA JACKSON)**

The Village Clerk read the Resolution by title.

Chair of the Animal Control Advisory Board made a presentation on the item. She suggested “Community Cat Program” be used instead of “Community Cat-Feeding Program”.

Vice Mayor Andreana Jackson moved to approve the Resolution as amended, and Mayor Connie Leon-Kreps seconded the motion.

The Mayor opened the floor to public comments.

The following addressed the Commission: Dora Tano of 7529 Buccaneer Avenue, Fred Murphy, North Bay Island, and Cecilia Veloz of 7504 Bounty Avenue.

There being no other speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson, and Mayor Connie Leon-Kreps all voting Yes.

### RESOLUTION NO. 2018-079

- G. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT WITH HUMANA FOR DENTAL AND VISION INSURANCE COVERAGE FOR VILLAGE EMPLOYEES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR HEALTH INSURANCE AT A RATE NOT TO EXCEED 12% OF THE CURRENT INSURANCE PREMIUMS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Commissioner Laura Cattabriga moved to approve the Resolution, and Commissioner Jose Alvarez seconded the motion.

The Mayor opened the floor to public comments.

Carlos Gaviria of Citrin Financial & Insurance, 300 71<sup>st</sup> Street, #300, Miami Beach, FL 33141 addressed the Commission.

There being no further speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

## **RESOLUTION NO. 2018-080**

- 9A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING RENEWAL PRICING FOR PUBLISHING THE VILLAGE'S PUBLIC NOTICES IN THE *MIAMI HERALD NEIGHBORS* SECTION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ANY REQUIRED AGREEMENT; AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)**

The Village Clerk read the Resolution by title.

Interim Village Manager Lewis Velken presented the item to the Commission.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Laura Cattabriga seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

- 10A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED "PERMITS AND FEES" BY REVISING SECTION 151.11(A), "CONSTRUCTION PERMITS" AND SECTION 151.11(A)(46)(C), "WEEKEND OR AFTER HOURS WORK"; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE. (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)**

The Village Clerk read the Ordinance by title.

Code Enforcement Supervisor Maurice Murray presented the item to the Commission.

The Mayor opened the floor to public comments.

Carlos Alvarez of 7529 Buccaneer Avenue addressed the Commission.

The Mayor closed the floor to public comments.

Vice Mayor Andreana Jackson moved to approve the Ordinance on first reading as amended to include language to notify adjacent property owners when after-hours construction work will be conducted and inclusion of an education component. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Commissioner Laura Cattabriga all voting Yes.

## **RESOLUTION NO. 2018-081**

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-03) TO DEVELOP CONSTRUCTION DOCUMENTS FOR PERMITTING, AND BIDDING WASTEWATER PUMP STATION IMPROVEMENTS; AT A LUMP SUM AMOUNT OF \$228,900; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Interim Village Manager and Village Engineer Gary Ratay of Kimley-Horn & Associates, Inc. presented the item to the Commission.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Laura Cattabriga seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

## **RESOLUTION NO. 2018-082**

- C. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-06) TO DEVELOP A SANITARY SEWER EVALUATION STUDY, AT A LUMP SUM AMOUNT OF \$11,800; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Commissioner Laura Cattabriga moved to approve the Resolution, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

## **RESOLUTION NO. 2018-083**

- E. **A RESOLUTION OF THE COMMISSION OF NORTH BY VILLAGE, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE VILLAGE MANAGER, AND AWARDED BID NO. 2018-002 FOR DEMOLISHING VILLAGE OWNED BUILDING AT 1335 79<sup>TH</sup> STREET CAUSEWAY AND CLEARING THE SITE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO THE RELATED CONTRACT PURSUANT TO THE SCOPE OF SERVICES OUTLINED IN THE BID DOCUMENTS; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Commissioner Laura Cattabriga moved to approve the Resolution, and Vice Mayor Andreana Jackson seconded the motion.

The Mayor opened the floor to public comments.

Carlos Alvarez of 7549 Buccaneer Avenue addressed the Commission.

There being no other speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

## RESOLUTION NO. 2018-084

- F. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PURCHASE OF BENCHES, TRASH CANS, AND PET WASTE DISPOSAL STATION FROM ANOVA, FOR LOCATION THROUGHOUT THE VILLAGE; UNDER THE SOLE SOURCE PROVISION, PURSUANT TO SECTION 36.25(H) OF THE VILLAGE CODE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROPOSAL, AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROPOSAL; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Jose Alvarez seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

## RESOLUTION NO. 2018-085

- H. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT WITH STRATEGY MATTERS, INC. FOR MUNICIPAL CONSULTING SERVICES, IN ACCORDANCE WITH SECTION 36.25(L) OF THE VILLAGE'S PROCUREMENT ORDINANCE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Interim Village Manager Lewis Velken presented the item to the Commission.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

## 11. **PUBLIC HEARINGS ITEMS INCLUDING ORDINANCES FOR SECOND**

**READING:** Please be advised that if you wish to comment upon any of these \quasi-judicial items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staffs have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE, FOR THE CONSTRUCTION OF A DOCK WITH A BOATLIFT AT 1700 SOUTH TREASURE DRIVE, WHICH WILL EXTEND BEYOND THE 25 FOOT LIMIT; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

Item 11A was deferred to the next Commission Meeting.

### **ORDINANCE NO. 2018-009**

- B. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE OF ORDINANCES ENTITLED "GARBAGE, TRASH, AND WEEDS" BY CREATING SECTION 94.25, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS"; AMENDING SECTION 153.04 "SCHEDULE OF CIVIL PENALTIES"; PROVIDING FOR ENFORCEMENT; CODIFICATION; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS, VICE MAYOR ANDREANA JACKSON, COMMISSIONER JOSE ALVAREZ, COMMISSIONER LAURA CATTABRIGA, AND COMMISSIONER EDDIE LIM)**

The Village Clerk read the Ordinance by title.

Vice Mayor Andreana Jackson moved to approve the Ordinance, and Commissioner Laura Cattabriga seconded the motion.

Vice Mayor Andreana Jackson made a brief presentation on the item.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

# Agenda Item 14A

Regular Village Commission Meeting  
September 11, 2018

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

## 12. UNFINISHED BUSINESS

There was no unfinished business.

## 14. APPROVAL OF MINUTES – COMMISSION MEETING

A. **SPECIAL COMMISSION MEETING – JULY 30, 2018**

B. **REGULAR COMMISSION MEETING – JULY 10, 2018**

Vice Mayor Andreana Jackson moved to approve the Minutes as submitted. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

## 15. ADJOURNMENT

The meeting adjourned at 11:25 P.M.

Prepared by: Yvonne P. Hamilton, Village Clerk

Adopted by North Bay Village on this \_\_\_\_ day of September 2018.

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*Connie Leon-Kreps, Mayor*



# Agenda Item 14B



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### OFFICIAL MINUTES “TENTATIVE” BUDGET PUBLIC HEARING VILLAGE HALL

**1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141  
MONDAY, SEPTEMBER 17, 2018  
6:30 P.M.**

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#### 1. CALL TO ORDER

The Commission of North Bay Village, Florida on Monday, September 17, 2018, beginning at 6:30 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited in unison.

#### ROLL CALL

Present were the following:

Commissioner Eddie Lim  
Mayor Connie Leon-Kreps  
Commissioner Laura Cattabriga  
Vice Mayor Andreana Jackson

#### ABSENT:

Commissioner Jose Alvarez

#### ALSO PRESENT:

Village Attorney Norman C. Powell  
Interim Village Manager Lewis Velken  
Finance Director Bert Wrains  
Senior Accountant Sandra Siefken  
Deputy Village Clerk Graciela Mariot

The Village Commission held the Tentative Budget Public Hearing pursuant to state law at 6:33 P.M.

Finance Director Bert Wrains read the statutory requirement for budget public hearings, pursuant to Section 200.065, F.S.

The Village Commission held extensive discussions with Village Staff on the tentative budget.

**2. PUBLIC HEARING ON THE TENTATIVE MILLAGE AND TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR 2018-2019.**

Lidia and Daniel Cantave of 1555 North Treasure Drive and Maria Dougherty of 7537 Mutiny Avenue addressed the Commission.

**3. RESOLUTIONS**

**A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR NORTH BAY VILLAGE FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

Vice Mayor Andreana Jackson moved to adopt the tentative millage rate of 5.52. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

**B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

Vice Mayor Andreana Jackson moved to adopt the FY 2018-2019 tentative millage rate of 5.52 mills, which is greater than the rolled-back rate of 5.4051 mills by 2.13%. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

**4. ADJOURNMENT**

There being no other business to come before the Commission, the meeting adjourned at 9:12 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

*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 Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

# Agenda Item 14C



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**OFFICIAL MINUTES  
SPECIAL VILLAGE COMMISSION MEETING  
VILLAGE HALL  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141**

**FRIDAY, SEPTEMBER 21, 2018  
6:30 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**

The Commission of North Bay Village, Florida met in special session, Friday, September 21, 2018, beginning at 6:30 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was recited in unison.

### **ROLL CALL**

Present were the following:

Mayor Connie Leon-Kreps  
Vice Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

### **ALSO PRESENT:**

Attorney Neil Kodsí from the Law Office of Norman C. Powell, Esq.  
Village Labor Attorney David Miller  
Interim Village Manager Lewis Velken  
Deputy Village Clerk Graciela Mariot

## 2. RESOLUTIONS

### RESOLUTION NO. 2018-90

- A. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND GENERAL RELEASE WITH YVONNE P. HAMILTON; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY NORMAN C. POWELL)**

The Deputy Village Clerk read the Resolution by title.

The Village Commission discussed the item.

Marvin Ford, Ms. Hamilton's son and Attorney and Kevin Vericker of 7520 Hispanola Avenue addressed the Commission.

There being no speakers the Mayor closed the floor to public comments. The Mayor closed the public comments.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon Kreps, Vice Mayor Andreana Jackson, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes. Commissioner Eddie Lim voted No.

- B. **SPECIAL PRESENTATION – VILLAGE CLERK YVONNE P. HAMILTON**

Village Commission presented Ms. Hamilton with a plaque in recognition of her 29 years of service. In addition, the Village designated September 21, 2018 as Yvonne P. Hamilton Day.

### RESOLUTION NO. 2018-91

- C. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPOINTING A VILLAGE CLERK; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR ANDREANA JACKSON)**

The Deputy Village Clerk read the Resolution by title.

Vice Mayor Andreana Jackson moved to appoint Graciela Mariot as Interim Village Clerk, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments. There being no speakers the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

### 3. ADJOURNMENT

The meeting adjourned at 7:00 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this \_\_\_\_ day of \_\_\_\_\_ 2018.

*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 Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

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# Agenda Item 14D



## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**OFFICIAL MINUTES  
FINAL BUDGET PUBLIC HEARING  
VILLAGE HALL  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141  
TUESDAY, SEPTEMBER 25, 2018  
6:30 P.M.**

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**1. CALL TO ORDER**

The Commission of North Bay Village, Florida on Tuesday, September 25, 2018, beginning at 6:30 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was recited in unison.

**ROLL CALL**

Present were the following:

Mayor Connie Leon-Kreps  
Vice Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

**ALSO PRESENT:**

Acting Village Attorney Neil Kodsí  
Interim Village Manager Lewis Velken  
Finance Director Bert Wrains  
Senior Accountant Sandra Siefken  
Deputy Village Clerk Graciela Mariot

The Village Commission held the Tentative Budget Public Hearing pursuant to state law at 6:34 P.M.

Finance Director Bert Wrains read the statutory requirement for budget public hearings, pursuant to Section 200.065, F.S.

The Village Commission held extensive discussions with Village Staff on the final budget.

**2. PUBLIC HEARING ON THE FINAL MILLAGE AND FINAL ANNUAL BUDGET FOR FISCAL YEAR 2018-2019.**

Eileen Monno-Cubellero of 7420 Miami View Drive, Pilar Somoza of 7510 Miami View Drive, and David Mandenhall of 7570 Miami View Drive addressed the Commission.

**3. RESOLUTIONS**

**A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE LEVYING OF AD VALOREM TAXES FOR NORTH BAY VILLAGE FOR FISCAL YEAR 2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

Vice Mayor Andreana Jackson moved to adopt the tentative millage rate of 5.52. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

**B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

Commissioner Laura Cattabriga moved to adopt the Final Budget. Commissioner Vice Mayor Andreana Jackson seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jose Alvarez, Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

**4. ADJOURNMENT**

There being no other business to come before the Commission, the meeting adjourned at 7:16 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this \_\_\_\_ day of \_\_\_\_\_ 2018.

*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 Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)



# Agenda Item 14E

## North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**OFFICIAL MINUTES  
SPECIAL VILLAGE COMMISSION MEETING  
VILLAGE HALL  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141  
TUESDAY, SEPTEMBER 25, 2018  
8:00 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.

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### **1. CALL TO ORDER**

The Commission of North Bay Village, Florida met in special session on Tuesday, September 25, 2018, beginning at 8:01 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was recited in unison.

### **ROLL CALL**

Present were the following:

Mayor Connie Leon-Kreps  
Vice Mayor Andreana Jackson  
Commissioner Jose Alvarez  
Commissioner Laura Cattabriga  
Commissioner Eddie Lim

### **ALSO PRESENT:**

Village Attorney Neil Kodsi  
Interim Village Manager Lewis Velken  
Deputy Village Clerk Graciela Mariot

### **2. ORDINANCE FOR FIRST READING (PUBLIC HEARING)**

- A. **AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING**



**SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAT 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, AMENDING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Deputy Village Clerk read the Ordinance by title.

Village Planner Jim LaRue, LaRue Planning & Management Services, Inc., 1375 Jackson Street, #206, Fort Meyers, FL 3390, presented the Staff Report explaining the amendments to the Commission.

The Village Commission held extensive discussions with Village Staff regarding the amendments.

The Mayor opened the floor to public hearing.

Anna Bakst of 1865 Kennedy Causeway, Scott Greenwald of 1415 79<sup>th</sup> Street Causeway, David Mendenhall of 7510 Miami View Drive, Pilar Somoza of 7510 Miami View Drive, Robert Alvarez of 7529 Buccaneer Avenue, Alex Tachmes and Jordan Penn of Shutts & Bowen LLP, addressed the Commission.

There being no speakers the Mayor closed the floor to public hearing.

Commissioner Cattabriga moved to approve the Ordinance, and Vice Mayor Andreana Jackson seconded the motion.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes. Commissioner Jose Alvarez voted No.

**3. ADJOURNMENT**

There being no other business to come before the Commission, the meeting adjourned at 9:14 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this \_\_\_\_ day of \_\_\_\_ 2018.

*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 Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)