



# North Bay Village

## OFFICIAL AGENDA REGULAR VILLAGE COMMISSION MEETING VILLAGE HALL TUESDAY, JULY 9, 2019 6:30 P.M.

*Disruptive behavior. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the Commission chamber. Persons exiting the Commission chamber shall do so quietly. No person other than the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the presiding officer. No questions shall be asked of a commission member, except through the presiding officer. The presiding officer or the parliamentarian may order the removal of any person interfering with the commission meeting; providing such officer has first issued a warning that continued interference of the orderly process of the meeting will result in removal.*

*Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38.17 - "Lobbying" means all employees, persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) any ordinance, resolution, action or decision of the Village Commission; (2) any action, decision, recommendation of any Village board or committee; or (3) any action, decision or recommendation of Village personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the Village Commission, or a Village board or committee. "Lobbyist" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term "lobbyist" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.*

---

### 1. Opening Items

#### A. Call to Order

#### B. Roll Call

#### C. Pledge of Allegiance

#### D. Invocation

### 2. Order of Business

### 3. Presentations

#### A. Proclamations and Awards

1. **National Caribbean-American Heritage Month Proclamation to Vice Mayor Wilmoth – *Sponsored by Mayor Latham***
2. **Award for Outstanding Services to Detective Manuel Casais and Detective Steve Brent – *Sponsored by Chief of Police Carlos Noriega***
- B. Special Presentations to Commission**
  1. **Safe Haven for Newborns Presentation by Nick E. Silverio, Founder – *Sponsored by Commissioner Strout***
4. **Open Forum**
5. **Approval of Commission Minutes**
  - A. **January 8, 2019 Regular Village Commission Meeting**
  - B. **April 29, 2019 Executive Session – Forfeiture Matter**
  - C. **April 29, 2019 Executive Session - Noriega v. NBV**
6. **Grant Writer’s Written Report**
7. **Advisory Board Minutes/Written Reports**
  - A. **Animal Control Advisory Board**
    - i. Chair Cecilia Veloz
  - B. **Business Development Advisory Board**
    - i. Chair Timothy Dennis
  - C. **Citizens Budget & Oversight Board**
    - i. Vice Chair James Rosenberg
  - D. **Community Enhancement Board**
    - i. Vice Chair Ana Rivera
  - E. **Planning & Zoning Board**
    - i. Chair Bud Farrey
  - F. **Resident Services Board**
    - i. Chair Indira Dejtiar
  - G. **Sustainability and Resiliency Task Force**
    - i. Chair Denise O’Brien
8. **Village Commission’s Report**
9. **Village Attorney’s Report**
10. **Village Manager’s Report**

A. 2019 Projects Progress Report

**11. 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. Staff/Commission Items**

1. **Nurse Enhancement Initiative** – *Sponsored by Dr. Ralph Rosado, Village Manager*

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING ITS PROPORTIONATE SHARE OF FUNDING FOR A SCHOOL REGISTERED NURSE FOR TREASURE ISLAND ELEMENTARY SCHOOL; BUDGETING AND APPROPRIATING FUNDS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER RALPH ROSADO)**

2. **Approving the Village's Participation in Monthly Bingo Events** – *Sponsored by Commissioner Strout*

**A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE VILLAGE'S PARTICIPATION IN MONTHLY SENIOR CITIZENS BINGO NIGHTS EVENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE**

3. **Memorandum of Understanding between North Bay Village Police Department and Florida Department of Law Enforcement** – *Carlos Noriega, Police Chief*

**B. Proclamation/Award/Village Key Requests**

**12. Discussion/Action Items**

**A. Unfinished Business**

**B. New Business**

1. **Dog Park Design/Bid Award Services (Village Hall Vacant Site)** - *Dr. Ralph Rosado, Village Manager*
2. **Treasure Island Community Park** - *Sponsored by Mayor Latham*
3. **Resolution on Immigrant Child Detention Center in Homestead** - *Sponsored by Mayor Latham*
4. **Discussion Regarding Interactions with Advisory Boards** - *Sponsored by Mayor Latham*

5. **Award of Contract for RFP No. 2019-003 Auditing Services - Bert Wrains, Finance Director**
6. **FPL Vault Removal at Sakura Property - Jose Olivo, Public Works Director**
7. **Parking Study for Harbor Island and East Treasure Drive - Jose Olivo, Public Works Director**
8. **Short-Term Vacation Rental Application Appeal of Denial - 7700 Miami View Drive - Dr. Ralph Rosado, Interim Village Manager**
9. **Animal Control Advisory Board - Feeding Registry – Dr. Ralph Rosado, Village Manager**

**A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, MODIFYING THE COMMUNITY CAT-FEEDING PROGRAM; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE**

**13. First Reading of Ordinances**

*Please be advised that if you wish to comment upon any of these quasi-judicial items, please inform the Mayor when public comment is open. 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 to be cross-examined or sworn-in, 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 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. ULDC Revision to Fence Standards – LaRue Planning**

**AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE; AMENDING SECTION 8.16(F); CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT EXCEED 5 FEET IN HEIGHT IN BOTH YARDS WITH STREET FRONTAGE, SETTING A MINIMUM WIDTH FOR REQUIRED LANDSCAPING; ALLOWING FOR GOVERNMENT USES TO CONSTRUCT SAFE AND COMPATIBLE FENCES, WALLS AND HEDGES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**B. ULDC Revision to Coastal Construction Standards – LaRue Planning**

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 9.12 OF THE UNIFIED LAND DEVELOPMENT CODE, ENTITLED, “COASTAL CONSTRUCTION WITHIN BISCAYNE BAY (NORTH BAY VILLAGE APPROVAL),” BY EXPANDING CRITERIA FOR ADMINISTRATIVE APPROVAL FOR THE CONSTRUCTION OF CERTAIN DOCKS, PIERS, AND/OR SIMILAR STRUCTURES; BY CREATING A VARIANCE PROCESS TO PROVIDE RELIEF FROM THE STRICT ENFORCEMENT OF SECTION 9.12; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE;**

**PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**C. Amending the Unified Land Development Code – *LaRue Planning***

**AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE; MODIFYING SECTION 8.12 BY CLARIFYING THE BONUS HEIGHT REVIEW CRITERIA, CHANGING WHEN BONUS FEES ARE REQUIRED TO BE PAID, AND PROVIDING FOR THE REFUND OF BONUS HEIGHT FEES UPON SITE PLAN EXPIRATION; CREATING A NEW SECTION 8.15 REQUIRING DEVELOPMENT AGREEMENTS FOR PROJECTS SEEKING BONUS DENSITY, BONUS HEIGHT, AND/OR TRANSFER OF DEVELOPMENT RIGHTS APPROVAL(S); AMENDING SECTION 9.3 BY ALLOWING PARKING SPACES CREATED BY MECHANICAL PARKING LIFTS TO COUNT TOWARDS THE TOTAL NUMBER OF REQUIRED PARKING SPACES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**D. Single-Use Plastic Prohibition – *Sponsored by Vice Mayor Wilmoth***

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE VILLAGE UNIFIED LAND DEVELOPMENT BY MODIFYING CHAPTER 13, “VACATION RENTAL LICENSE PROGRAM,” INTENSIFYING NOTICE, APPLICATION REQUIREMENTS AND CODE VIOLATION PENALTIES FOR VACATION RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**E. Florida Friendly Fertilizer – *Sponsored by Vice Mayor Wilmoth***

**AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, MODIFYING THE VILLAGE CODE OF ORDINANCES BY CREATING CHAPTER 102, “USE OF FLORIDA-FRIENDLY FERTILIZERS,” PERMITTING FOR CERTAIN TYPES OF, AND THE MANNERS BY WHICH, FERTILIZERS CAN BE USED IN THE COMMUNITY; PROVIDING FOR LICENSING, TRAINING, ENFORCEMENT, AND PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**F. Animal Control Advisory Board – Household Cat Limit**

**AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 91.12 OF THE VILLAGE CODE OF ORDINANCES TO RESTRICT THE MAXIMUM NUMBER OF CATS PERMITTED AND PROHIBITING THE FEEDING OF FERAL ANIMALS EXCEPT THROUGH A VILLAGE FEEDER PROGRAM; PROVIDING FOR**

**CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**14. Public Hearings**

*Please be advised that if you wish to comment upon any of these quasi-judicial items, please inform the Mayor during public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff 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 to be cross-examined or sworn-in, 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 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. Short-Term Vacation Rentals – Sponsored by Mayor Brent Latham and Co-Sponsored by Commissioner Jose Alvarez**

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE VILLAGE UNIFIED LAND DEVELOPMENT BY MODIFYING CHAPTER 13, “VACATION RENTAL LICENSE PROGRAM,” INTENSIFYING NOTICE, APPLICATION REQUIREMENTS AND CODE VIOLATION PENALTIES FOR VACATION RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**B. Schonberger Tot Lot Park Age Restrictions – Sponsored by Mayor Latham and Co-Sponsored by Commissioner Jackson**

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES BY REVISING SECTION 97.11, “TODDLER PARK,” TO CHANGE THE MAXIMUM AGE OF CHILDREN ABLE TO UTILIZE THE PARK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**C. Dock Waiver at 7937 West Drive - LaRue Planning**

**AN APPLICATION BY NAFDOF NBVMF LLC, CONCERNING PROPERTY AT 7937 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE, FOR THE CONSTRUCTION OF A DOCK WHICH WILL EXTEND BEYOND THE D-5 TRIANGLE AND BEYOND 25 FEET FROM THE SEAWALL; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**15. Adjournment**

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).

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-756-7171 EXT. 45 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY VILLAGE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE VILLAGE CLERK, NORTH BAY VILLAGE, 1666 KENNEDY CAUSEWAY. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171 EXT 45. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT [www.nbvillage.com](http://www.nbvillage.com).

TWO OR MORE MEMBERS OF OTHER VILLAGE BOARDS/COMMITTEES MAY ATTEND THIS MEETING.