



# North Bay Village

## OFFICIAL AGENDA

### ADDENDUM NO. 2

## 2<sup>nd</sup> REGULAR VILLAGE COMMISSION MEETING

### VILLAGE HALL

MONDAY, JULY 22, 2019

5:30 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.*

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## 1. Opening Items

### A. Call to Order

### B. Roll Call

### C. Pledge of Allegiance

### D. Invocation

## 2. 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 Items

#### 1. Approving Amended 2019 Neat Streets Grant

**A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AMENDED NEAT STREETS MIAMI MATCHING GRANT AWARD FROM MIAMI DADE COUNTY PARKS, RECREATION, AND OPEN SPACES DEPARTMENT IN THE AMOUNT OF \$11,948.00; AUTHORIZING THE VILLAGE MANAGER OR HIS DESIGNEE TO EXECUTE THE TREE PLANTING AGREEMENT; AUTHORIZING THE PURCHASE OF STREET TREES PURSUANT TO SECTION 36.25(L) OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION: AND PROVIDING AN EFFECTIVE DATE (INTRODUCED BY VILLAGE MANAGER RALPH ROSADO)**

#### 2. Adoption of the 3 Year Contract for the International Baccalaureate Program at Treasure Island Elementary School (TIES)

#### 3. Ratification of Human Resources Director

#### 4. Proposed Terms of Settlement Re: Samuel Bejar v. North Bay Village

#### 5. Proposed Terms of Settlement Re: Tom Columbano v. North Bay Village

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

## 3. Discussion/Action Items

### A. Unfinished Business

### B. New Business

#### 1. Master Plan RFQ No. 2019-002 Land Development Regulations

#### 2. Discussion Regarding Halloween Event

#### 3. Cancellation of August Commission Meeting for Summer Vacation [VERBAL]

#### 4. Swearing in of Village Manager, Dr. Ralph Rosado

## 4. 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.*

None.

## 5. 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. 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 MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING TITLE IX “GENERAL REGULATIONS,” BY CREATING CHAPTER 102, “PROHIBITION ON USE, DISTRIBUTION OR SALE OF SINGLE-USE PLASTICS”; AMENDING CHAPTER 153, “CODE ENFORCEMENT,” BY REVISING SECTION 153.04, “SCHEDULE OF CIVIL PENALTIES” TO CREATE RELATED PENALTIES; 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**

**6. 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.

**Proposed Terms of Settlement**

**Samuel Bejar v. North Bay Village, Case No. 2018-028987-CA-01, in the Eleventh  
Judicial Circuit in and for Miami-Dade County, Florida**

- 1) Mr. Bejar will accept an hourly rate of \$55.2869 for the position of Deputy Chief of Police.
- 2) He will be entitled to the Executive Management Benefits package, including the Health Insurance stipend.
- 3) He will be entitled to two weeks of paid leave time, as of the day of his return to the Village.
- 4) For the first year of his reinstated employment, Mr. Bejar can only be terminated for “cause.”

Termination for “cause” shall mean removal from office on the grounds that Mr. Bejar has committed or caused to be committed an intentional, malicious, or reckless act that constitutes a violation of Federal, State, County and/or Village laws, including, but not limited to, codes of ethics at any level, and/or acts of moral turpitude, and/or has repeatedly failed to perform the duties of, or follow the reasonable directions of the Village Manager associated with, the role of Chief of Police.

- 5) At the expiration of Mr. Bejar’s first year of reinstated employment with the Village, Mr. Bejar’s employment shall revert to “at will” employment.
- 6) The Village will modify Mr. Bejar’s April 26, 2018 termination by amending the FDLE ATMS record created via the CJSTC Form 61 listing “administrative separation” to reflect either “budgetary constraints” or an “extended leave of absence.”
- 7) The Village will pay \$15,000.00 to Mr. Bejar for backpay and attorney’s fees incurred in the litigation styled Samuel Bejar v. North Bay Village, Case No. 2018-028987-CA-01, in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

\*Please note that no formal settlement has been executed as of July 22, 2019 at 1:45 p.m.\*

**Proposed Terms of Settlement**

**Tom Columbano v. North Bay Village, Case No. 2018-029246-CA-01, in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida**

- 1) Mr. Columbano will be reinstated as a Detective at an hourly rate of \$30.
- 2) He will be entitled to Florida Retirement System contributions by the Village.
- 3) He will receive a take home car benefit for portal to portal transportation.
- 4) Mr. Columbano will work in collaboration with Chief Noriega and the Village's police department to determine his work schedule and stay under the 29-hour limit.
- 5) The Department will cover all of his equipment, training, and uniforms.
- 6) For the first year of his reinstated employment, Mr. Columbano can only be terminated for "cause."

Termination for "cause" shall mean removal from office on the grounds that Mr. Columbano has committed or caused to be committed an intentional, malicious, or reckless act that constitutes a violation of Federal, State, County and/or Village laws, including, but not limited to, codes of ethics at any level, and/or acts of moral turpitude, and/or has repeatedly failed to perform the duties of, or follow the reasonable directions of the Village Manager associated with, the role of Chief of Police.

- 7) At the expiration of Mr. Columbano's first year of reinstated employment with the Village, Mr. Columbano's employment shall revert to "at will" employment.
- 8) The Village will pay \$15,000.00 to Mr. Columbano for backpay and attorney's fees incurred in the litigation styled Tom Columbano v. North Bay Village, Case No. 2018-029246-CA-01, in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.

\*Please note that no formal settlement has been executed as of July 22, 2019 at 1:45 p.m.\*