



***The Crossroads of South Florida,  
We envision a sustainable economy, Let Us Grow  
Together***

**CITY OF SOUTH BAY  
CITY COMMISSION MEETING AGENDA  
COMMISSION CHAMBER  
335 SW 2<sup>ND</sup> AVENUE, SOUTH BAY FL 33493**

**TUESDAY, JANUARY 16, 2018  
7:00 P.M.**

**[www.southbaycity.com](http://www.southbaycity.com)  
Phone: 561-996-6751 Fax: 561-996-7950**

Mayor:	Joe Kyles Sr.
Vice Mayor:	John Wilson
Commissioner:	Esther Berry
Commissioner:	Taranza McKelvin
Commissioner:	Shanique Scott
City Manager:	Leondrae D. Camel
City Attorney:	Burnadette Norris-Weeks
City Clerk:	Jessica Figueroa

# **RULES OF PROCEDURE**

## **WHO MAY SPEAK**

Meetings of the City Commission are open to the public. They are not; however, public forums. Any resident who wishes to address the commission on any subject within the scope of the Commission's authority may do so, providing it is accomplished in an orderly manner and in accordance with the procedures outlined below.

## **SPEAKING ON AGENDA ITEM**

- **Consent Agenda Item** – These are items, which the Commission does not need to discuss individually, and which are voted on as a group. Any Commissioner who wishes to discuss any individual item on the consent agenda may request the Mayor to pull such item from the consent agenda. Those items pulled will be discussed and voted upon individually.
- **Regular Agenda Items** – These are items, which the Commission will discuss individually in the order listed on the agenda. By majority vote, the City Commission may permit any person to be heard on an item at a non-public hearing.
- **Public Hearing Items** – This portion of the agenda is to obtain input from the public on some ordinances, resolutions and zoning applications. The chair will permit any person to be heard on the item during formal public hearings.

## **SPEAKING ON SUBJECTS NOT ON THE AGENDA**

Any resident may address the Commission on any items pertaining to City business during the Opportunity For The Public To Address the Commission portion of the agenda. Persons wishing to speak must sign in with the City Clerk before the start of the meeting.

## **ADDRESSING THE COMMISSION, MANNER AND TIME**

By majority vote the City Commission may invite citizen discussion on any agenda item. In every case where a citizen is recognized by the Mayor to discuss an agenda item, the citizen shall step to the podium/microphone, state his or her name and address for the benefit of the city clerk, identify any group or organization he or she represents and shall then succinctly state his or her position regarding the item before the city commission. Any question, shall be related to the business of the City and deemed appropriate by the Mayor, shall be directed to the Mayor and the Mayor shall then re-direct the question to the appropriate Commissioner or City Staff to answer the citizen question which shall be related to the business of the City.

All comments or questions of the public are to be directed to the Mayor as presiding officer only. There shall be no cross conversations or questions of any other persons. The length of time each individual may speak should be limited in the interest or order and conduct of the business at hand. Comments to the Commission by individual citizens shall be limited to three (3) minutes during the citizens request period. The City clerk shall be charged with the responsibility of

notifying each citizen thirty (30) seconds before said time shall elapse and when said time limit has expired.

### **APPEALS**

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may 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.

### **DECORUM**

If a member of the audience becomes unruly, the Mayor has the right to require the person to leave the room. If a crowd becomes unruly, the Mayor may recess or adjourn the meeting. Please silence all cell phones and pagers.

### **CONTACT INFORMATION**

If anyone has questions or comments about anything on the meeting agenda, please contact the City Manager at 561-996-6751.

### **AMERICANS WITH DISABILITY ACT**

**In accordance with the Americans with Disability Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in this proceeding should contact the city clerk no later than three (3) days prior to the meeting at 561-996-6751 for assistance.**

**AGENDA  
CITY OF SOUTH BAY  
CITY WORKSHOP  
CITY COMMISSION CHAMBERS  
JANUARY 16, 2018 @ 6:30 P.M.**

*South Bay, the Crossroads of South Florida,  
We envision a sustainable economy, Let Us Grow Together*

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**NOTICE:** If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and for that purpose, he/she may 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, pursuant to F.S. 286.01055. The City of South Bay does not prepare or provide such records.

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION**
  - 3a. Agenda Items – January 16, 2018**
- 4. ADJOURNMENT**

***South Bay, the Crossroads of South Florida,  
We envision a sustainable economy, Let Us Grow Together***

**Any citizen of the audience wishing to appear before the City Commission to speak with reference to any agenda item must complete their "Request for Appearance and Comment" card and present completed form to the City Clerk.**

- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, OPPOSING LEGISLATIVE EFFORTS TO IMPEDE THE CONSTITUTIONAL RIGHT FLORIDA'S CITIZENS HAVE ENJOYED FOR NEARLY FIFTY (50) YEARS TO GOVERN THEMSELVES UNDER MUNICIPAL HOME RULE POWERS; OPPOSING THE LEGISLATURE'S PERSISTENT INTRUSION INTO LOCAL FINANCES, LOCAL CONTROL OF WHICH IS NECESSARY TO PROVIDE FINANCIAL STABILITY AND ESSENTIAL SERVICES UNIQUELY REQUIRED BY MUNICIPAL RESIDENTS AND LOCAL BUSINESSES; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, AND ANY OTHER INTERESTED PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

**6b.     RESOLUTION 02-2018**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW AIR CONDITIONING (A/C) SYSTEM FROM COOL TEAM SERVICES, INC. IN THE AMOUNT OF \$4,425.00; PROVIDING FOR AN EFFECTIVE DATE.

**7.       ORDINANCE (SECOND AND FINAL READING)**

**7a.     ORDINANCE 01-2018**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA ("CITY") ADDING CHAPTER 34 ENTITLED "WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS" BY INCLUDING PROVISIONS REGARDING COLLOCATION AND APPLICATION TIME PERIODS; PROVIDING FOR CONFLICTS AND REPEALER; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.       ROSENWALD ELEMENTARY SCHOOL**

**9.       FINANCE REPORT**

9a.     Accounts Payable Report

**10.      CITY CLERK REPORT**

10a.    Next City Commission Meeting – February 06, 2018

**11.      CITY MANAGER REPORT**

**12.      CITY ATTORNEY REPORT**

**13.      FUTURE AGENDA ITEMS**

**14.      COMMISSIONER COMMENTS/FOR THE GOOD OF THE ORDER**

**15.      ADJOURNMENT**

**PROCLAMATION**  
**EATING DISORDERS AWARENESS WEEK**  
February 25, 2018 – March 03, 2018

**WHEREAS**, eating disorders affect 30,000,000 individuals in the United States during their lifetimes; with more than 600,000 individuals in the State of Florida alone; and

**WHEREAS**, eating disorders, including the specific disorders of anorexia nervosa, bulimia nervosa, binge eating disorder, avoidant/restrictive food intake disorder, and other specified feeding or eating disorders, are complex, biologically based illnesses; and

**WHEREAS**, eating disorders are associated with serious physical health consequences, including irregular heartbeats, heart disease and heart failure, kidney failure, osteoporosis, gastric rupture, tooth decay, obesity, gall bladder disease, diabetes, and death; and

**WHEREAS**, at least once every 62 minutes, someone dies due to their struggle with an eating disorder, and anorexia nervosa has the highest mortality rate of any mental illness; and

**WHEREAS**, eating disorders know no boundaries with respect to genders, ages, races, ethnicities, body shapes and weights, sexual orientations, and socioeconomic statuses; and

**WHEREAS**, eating disorders have a high prevalence amongst active military service members and veterans; and

**WHEREAS**, with early detection and intervention, full recovery from an eating disorder is possible; and

**WHEREAS**, The Alliance for Eating Disorders Awareness, a 501(c)(3) non-profit organization, is the premier eating disorders organization in the State of Florida dedicated to providing programs and activities aimed at outreach, education, and early intervention for all eating disorders

**NOW THEREFORE**, the City Commission of the City of South Bay does hereby proclaim February 25, 2018 – March 3, 2018 as:

**EATING DISORDERS AWARENESS WEEK**

**PASSED AND PROCLAIMED** this 16<sup>th</sup> day of January 2018.

\_\_\_\_\_  
Joe Kyles, Mayor

ATTESTED:

\_\_\_\_\_  
Jessica Figueroa, City Clerk

City of South Bay  
City Workshop  
December 05, 2017

A City Workshop of the City Commission of the City of South Bay, Florida was called to order by Mayor Joe Kyles in the Commission Chambers at 335 S.W. 2<sup>nd</sup> Avenue, South Bay, Florida on December 05, 2017 at 6:10 p.m.

Present:

Mayor Joe Kyles  
Commissioner Esther E. Berry  
Commissioner Taranza McKelvin  
Commissioner Shanique Scott  
Vice-Mayor John Wilson

Staff:

Michelle Austin Pamies, City Attorney  
Leondrae Camel, City Manager  
Jessica Figueroa, City Clerk  
Massih Saadatmand, Finance Director

Mayor Kyles mentioned discussion of agenda items for the regular meeting.

Mayor Kyles mentioned discussion of item 3a Strategic Planning by Commissioner Berry. Commissioner Berry presented a strategic planning slideshow presentation to discuss the following: *(full discussion and recording on the following slides available through the City Clerk's Office)*

- Major Accomplishments
  - Rosenwald Elementary School 2015
  - Pilot Travel Center 2016
  - New MLK 2017
  - Villa Lago 2014-15
  - New South Bay Villas - completion 2019
  - Chamber Renovations - 2013
  - Modernization Plan - 2017
  - Dollar General - Commercial Retail Store
- Lake Okeechobee
  - Fix the Dike - 2022 - additional \$200M
  - HHD Rehabilitation Update
  - Congressional Timetable and funding - ????
- Transportation



- US Hwy 27 Corridor
- State Rd. 80 corridor action plan:
  - From South Bay to West Palm Beach
  - Preliminary Findings/Community Meetings
  - Lighting along SR 80
- Park of Commerce - 88 Acres
  - Open for Business
- Infrastructure
- What's Next
- Challenges

Mayor Kyles mentioned discussion of agenda items.

Mayor Kyles stated there would be two presentations at the regular meeting regarding a Brownsfield update and an Introduction for the Glades Region Business Development Board of Palm Beach County, Inc.

The City Manager read Resolution 117-2017 for the record.

A Resolution of the City Commission of the City of South Bay, Florida, approving a schedule for the regular city commission meeting dates and holidays for calendar year 2018; providing an effective date.

The City Manager said that resolution 117-2017 set the calendar for commission meetings in 2018 as well as the holidays. He said exhibit A would show the calendar as well as the cancellation of regular meetings scheduled for January 02, 2018, June 19, 2018, July 03, 2018, November 06, 2018 and December 18, 2018.

The City Manager read Resolution 118-2017.

A Resolution of the City Commission of the City of South Bay, Florida, authorizing the Mayor and City Manager to execute a lease agreement between the City of South Bay and Federation of Families of Florida, Inc., relating to the lease of the property located at 101 N.W. 1st Avenue, South Bay, known as the "Commerce Center"; Provide for an effective date.

The City Manager said the agreement would continue the lease between Federation of Families and the City of South Bay. The City Manager clarified that the effective date for the agreement would begin December 05, 2017 if considered by the commission. He mentioned section 15.21 in the lease agreement, which stated that all of the past debt owed by the tenant to the landlord should be paid full prior to execution of the agreement.

The City Clerk read Resolution 119-2017 for the record.

A Resolution of the City Commission of the City of South Bay, Florida authorizing the City Manager to execute a demolition services agreement between the City of South Bay and "2" S.B.W. & Associates Inc. for the demolition of an unsafe structure within the City limits; providing for an effective date.

The City Manager said the property went out to bid and the city received two respondents, which was provided to the commission as back-up. He said that the scope of work would consist of the demolishing of two story apartment building, removal of existing piles, or cut of existing piles, level off lot for existing building, removal of all debris from existing property and complete the job within five days. He said the sum of the project was \$19,700.00. He said the item was the consideration of the commission.

Commissioner McKelvin said that he would not be able to vote on the item, due to his wife being an employee with 2SBW & Associates. Commissioner Scott said that staff had already chosen a company without bringing it back to the Commission to choose between both companies. She said the commission should agree on which company they would go with and mentioned there was a lower bid other than 2SBW. The City Manager said there was a lower bid with an \$800 difference. He said staffs responsibility was to provide a recommendation for the commission. Commissioner Scott said that she was confused because the name was already in the resolution and suggested to get only a recommendation from staff instead of having the company name in the resolution. The City Manager mentioned the city's local preference in their code of ordinances. He said that he could go through the evaluator's comments and the purpose for the scoring. Commissioner Scott said that the decision should have been made by the commission. Vice-Mayor Wilson said that the commission should be able to do a comparison between both companies.

Mayor Kyles adjourned the city workshop at 7:02 p.m.

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Joe Kyles, Mayor

**ATTESTED BY:**

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Jessica Figueroa, City Clerk

City of South Bay  
Regular City Meeting  
December 05, 2017

A Regular City Meeting of the City Commission of the City of South Bay, Florida was called to order by Mayor Joe Kyles in the Commission Chambers at 335 S.W. 2<sup>nd</sup> Avenue, South Bay, Florida on December 05, 2017 at 7:03 p.m.

**Present:**

Mayor Joe Kyles  
Vice-Mayor John Wilson  
Commissioner Esther E. Berry  
Commissioner Shanique Scott  
Commissioner Taranza McKelvin

**Staff:**

Michelle Austin Pamies, City Attorney  
Leondrae Camel, City Manager  
Jessica Figueroa, City Clerk  
Massih Saadatmand, Finance Director

Mayor Kyles called for any voting conflicts, Commissioner McKelvin stated that he had a voting conflict relating to Resolution 119-2017, due to his wife currently working with 2 SBW & Associates. He submitted form 8B memorandum of voting conflict to the City Clerk.

**Presentation**

Mayor Kyles mentioned the following presentations:

Carol Thompson, AICP Special Projects Manager for Palm Beach County Department of Housing and Economic Sustainability gave an update the Browns field site 480 US HWY 27. *(full discussion/recording available through the City Clerk's Office)*

An Introduction was given by Shereena Coleman, Vice-President, Business Facilitation & Glades Region Business Development Board of Palm Beach County, Inc. *(full discussion/recording available through the City Clerk's Office)*

**Public Comments** *(full public comment discussion/recording of available through the City Clerk's Office)*

Rosetta Jackson made a comment relating to the choice of company for demolition of the building on 180 NW 10th Avenue. *(as stated on public comment form)*

C. Veree Jenkins made a comment regarding facility use and program updates as it relates Resolution 118-2017 Federation of Families leasing South Bay Commerce Center. *(as stated on public comment form)*

**Consent Agenda**

Mayor Kyles called for approval of the consent agenda, inclusive of November 07, 2017 and November 21, 2017 city workshop and regular city meeting minutes. The motion was made by Commissioner Scott and seconded by Commissioner McKelvin to approve the consent agenda. The vote was unanimously approved.

Mayor Kyles called for approval of the regular agenda. The motion to approve the regular agenda was made by Commissioner Scott and seconded by Commissioner Berry. The vote was unanimously approved.

**Resolution**

The City Clerk read Resolution 117-2017 for the record.

Commissioner McKelvin made a motion to approve Resolution 117-2017, a Resolution of the City Commission of the City of South Bay, Florida, approving a schedule for the regular city commission meeting dates and holidays for calendar year 2018; providing an effective date. The motion was seconded by Commissioner Scott. The vote was unanimously approved.

The City Clerk read Resolution 118-2017 for the record.

Commissioner Berry made a motion to approve Resolution 118-2017, a Resolution of the City Commission of the City of South Bay, Florida, authorizing the Mayor and City Manager to execute a lease agreement between the City of South Bay and Federation of Families of Florida, Inc., relating to the lease of the property located at 101 N.W. 1st Avenue, South Bay, known as the "Commerce Center"; Provide for an effective date. The motion was seconded by Commissioner Scott. The vote was Commissioner McKelvin, yes; Commissioner Scott no, Vice-Mayor Wilson, no; Mayor Kyles yes. *(not approved)*

Commissioner Berry made a motion to approve Resolution 118-2017 with an increase of \$1000 per month for a period of 2 years. The motion was seconded by Commissioner Scott. The vote was Commissioner McKelvin, no; Commissioner Scott, yes; Commissioner Berry, yes; Vice-Mayor Wilson, no; Mayor Kyles, no. *(not approved)*

Commissioner Scott made a motion to move Resolution 118-2017 with an increase from \$650 to \$800 a month and come back with a response at the January 16, 2017 meeting from Federation of Families, relating to the agreement.

The motion was seconded by Commissioner McKelvin. The vote was Commissioner McKelvin, yes; Commissioner Scott, yes; Commissioner Berry, yes; Vice-Mayor Wilson, yes; and Mayor Kyles, no. *(approved)*

The City Clerk read Resolution 119-2017 for the record.

Commissioner Scott made a motion to approve Resolution 119-2017, a Resolution of the City Commission of the City of South Bay, Florida authorizing the City Manager to execute a demolition services agreement

between the City of South Bay and "2" S.B.W. & Associates Inc. for the demolition of an unsafe structure within the City limits; providing for an effective date. The motion was seconded by Vice-Mayor Wilson. The vote was Commissioner Scott, no; Commissioner Berry, no; Vice-Mayor Wilson, no; and Mayor Kyles, yes; Commissioner McKelvin, abstain. *(not approved)*

Commissioner Scott made a motion to award the bid of demolition services for a building on 185 NW 10th Avenue to Dev-Land Demolition Services Inc. The motion was seconded by Vice-Mayor Wilson. The vote was Commissioner Scott, yes, Commissioner Berry, no; Vice-Mayor Wilson, yes; and Mayor Kyles, no; Commissioner McKelvin, abstain. *(not approved)*

Vice-Mayor Wilson moved to renew his motion to approve Resolution 119-2017, a Resolution of the City Commission of the City of South Bay, Florida authorizing the City Manager to execute a demolition services agreement between the City of South Bay and "2" S.B.W. & Associates Inc. for the demolition of an unsafe structure within the City limits; providing for an effective date. The motion was seconded by Commissioner Berry. The vote was Commissioner Scott, no; Commissioner Berry, yes; Vice-Mayor Wilson, yes; and Mayor Kyles, yes; Commissioner McKelvin, abstain. *(approved)*

*(Due to a malfunction of the city's recording devices, minutes from this point forward were not recorded, however were summarized based on what was written by the City Clerk during the actual meeting)*

#### **Ordinance (Public Hearing)**

The City Clerk read Ordinance 11-2017 for its second and final reading, for the record.

Mayor Kyles called for public comments, there were none. Mayor Kyles closed the public hearing and called for approval of Ordinance 11-2017.

Commissioner McKelvin made a motion to approve Ordinance 11-2017, an Ordinance of the city commission of the City of South Bay, Florida, relating to communications facilities in public-rights-of-way; amending the City of South Bay's code of ordinances to create Chapter 33 to be entitled "Communication facilities in public rights-of-ways"; Providing findings and intent; Providing definitions; Providing for registration of communication service providers; Providing for rules and regulations for communications service providers; Wireless service providers and small wireless service providers and their facilities; providing for a duty to notify; Providing for renovation and suspension; Providing for termination; Providing for appeals; Providing for applications of these rules to existing communication facilities in public rights-of-way; Providing for insurance; Providing for indemnification; Providing for construction bond; Providing for abandonment of a communication facility; Providing for pass- through provider fees and fees for use of city utility poles; Providing for reservation of rights and remedies; Providing for this ordinance to control in the event of conflict with other ordinances; Providing for severability; And providing for an effective date. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

#### **Rosenwald Elementary School**

Commissioner McKelvin mentioned the college tour that took place last week with the fifth grade students. He said that the students toured FSU and FAMU University.

The City Manager mentioned student in the spotlight at the last commission meeting of the month. The Commission gave consensus to place "Student in the Spotlight" on the agenda once a month.

**City Clerk Report**

The City Clerk requested to get Commissioner Scott vote for the record relating to Resolution 119-2017. Commissioner Scott stated that she had step away from the dais during the vote, and said that she votes no on the item.

The City Clerk stated that the next city meeting was scheduled for January 16, 2018.

**City Manager Report**

The City Manager gave an update on the following items:

- Update on SW 7<sup>th</sup> – Received one respondent relating to bid#2017-04 from Kimley Horn & Associates.
- Update on City Parks Modernization – 3 respondents during the pre-bid meeting.
- Update on surplus property at 22 NW 1<sup>st</sup> Ave – Requested a minimum bid from the Commission for Bid#005

Commissioner McKelvin made a motion sell property 22 NW 1st Avenue for a starting bid of \$28,000.00. The motion was seconded by Commissioner Berry. The vote was unanimously approved.

- Update on Park of Commerce – Stated the appraisal report included a \$10,000.00 increase
- Clarification of LOI regarding the Park of Commerce and requested direction from the commission.

Vice-Mayor Wilson made a motion to go with South Florida Logistic Holdings LLC and give direction to the City Manager and the City Attorney to get with their lawyers and ask if they would agree with the requested amount by the City Commissioners. The motion was seconded by Mayor Kyles. The vote was Commissioner McKelvin, no; Commissioner Scott, no; Commissioner Berry, no; Vice-Mayor Wilson, yes; and Mayor Kyles, yes. *(not approved)*

Vice-Mayor Wilson resends his motion and was seconded by Mayor Kyles.

Vice-Mayor Wilson made a motion to negotiate with both companies with the amount of \$3M. The motion was seconded by Commissioner Scott. The vote was Commissioner McKelvin, yes; Commissioner Scott, yes; Commissioner Berry, no; Vice-Mayor Wilson, yes; Mayor Kyles, no. *(approved)*

**Future Agenda items**

Commissioner Berry mentioned the closure for the MLK road punch list. The City Manager said there was surplus funds approximately \$40k and said that he was looking into utilizing that for the leveling out of NW 12<sup>th</sup>. He also said the close out for the punch list of MLK would be completed by December 31<sup>st</sup>.

**Comments for the good of the order**

Commissioner McKelvin yielded his comment to Barabara King relating to the holiday parade.

The Commission thanked all who attended the meeting.

Mayor Kyles adjourned the city meeting at 10:02 p.m.

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Joe Kyles, Mayor

ATTESTED BY:

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Jessica Figueroa, City Clerk

## **RESOLUTION NO 01-2018**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, OPPOSING LEGISLATIVE EFFORTS TO IMPEDE THE CONSTITUTIONAL RIGHT FLORIDA'S CITIZENS HAVE ENJOYED FOR NEARLY FIFTY (50) YEARS TO GOVERN THEMSELVES UNDER MUNICIPAL HOME RULE POWERS; OPPOSING THE LEGISLATURE'S PERSISTENT INTRUSION INTO LOCAL FINANCES, LOCAL CONTROL OF WHICH IS NECESSARY TO PROVIDE FINANCIAL STABILITY AND ESSENTIAL SERVICES UNIQUELY REQUIRED BY MUNICIPAL RESIDENTS AND LOCAL BUSINESSES; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, AND ANY OTHER INTERESTED PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is the expressed will of the voters of Florida to have the right to govern themselves under municipal Home Rule powers; and

**WHEREAS**, Floridians have possessed this constitutional right of local self-government for nearly 50 years; and

**WHEREAS**, as the only form of voluntary government, Florida's municipalities are the embodiment of the Florida Constitution's right of local self-government; and

**WHEREAS**, municipal Home Rule powers include all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services for the unique benefit of the people who live and work within a municipality; and

**WHEREAS**, Floridians exercise their Home Rule powers by voting to incorporate and be governed under a municipal form of government for a variety of reasons, including increased services, a unique business and residential environment, and greater voice in how their government is run; and

**WHEREAS**, municipal citizens further exercise their Home Rule powers by voting on a charter that specifies the desired form, functions and powers of their municipal government; and

**WHEREAS**, Floridians' constitutional right to govern themselves locally, under municipal Home Rule powers and pursuant to their adopted municipal charters, is being increasingly eroded and limited by actions of the Florida Legislature; and



**WHEREAS**, these actions of the Florida Legislature take power away from Florida citizens to ensure their chosen municipal government provides their desired level of services, offers their desired quality of life and otherwise meets their needs in a timely and effective manner; and

**WHEREAS**, municipalities are authorized by the Florida Constitution and by general law to levy ad valorem and other forms of local taxation, and are further authorized by general law and their Home Rule powers to impose special assessments and fees; and

**WHEREAS**, municipal residents and local businesses pay local taxes, assessments and fees for the specific purpose of obtaining and enhancing their desired level of municipal services and amenities; and

**WHEREAS**, intrusion from the Florida Legislature into municipal finances impair elected municipal leaders from meeting the expectations of their residents and local businesses that local revenues will be used as intended; and

**WHEREAS**, the Florida League of Cities has included the protection of local self-government under municipal Home Rule powers as one of its 2018 Legislative Priorities.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, THAT:**

**Section 1.**     **Adoption of Representations.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

**Section 2.**     **Preservation of Municipal Home Rule Powers.** The City Commission of the City of South Bay urges all members of the Florida Legislature to oppose legislation that limits Floridians' constitutional right to govern themselves under municipal Home Rule Powers. The City Commission of the City of South Bay urges all members of the Florida Legislature to oppose legislation that would interfere with or intrude on local control of municipal finances.

**Section 3.**     **Transmittal.** The City of South Bay Administration is directed to transmit a certified copy of this Resolution to the Florida League of Cities, the Palm Beach County Legislative Delegation and any other interested parties.

**Section 4.**     **Effective Date.** This Resolution shall be effective immediately upon its passage and adoption.

**PASSED and ADOPTED this 16<sup>th</sup> day of January 2018.**

\_\_\_\_\_  
Joe Kyles , Mayor

Attested

By: \_\_\_\_\_  
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Burnadette Norris-Week, Esquire  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

**RESOLUTION 02-2018**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW AIR CONDITIONING (A/C) SYSTEM FROM COOL TEAM SERVICES, INC. IN THE AMOUNT OF \$4,425.00; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, after a failure of the city's A/C system, the City Manager has found it necessary to purchase a replacement air conditioning (A/C) System for the city's Public Safety Office at City Hall; and

**WHEREAS**, the City Manager has received three quotes for the A/C System and recommends Cool Team Services, Inc. with a total price of \$4,425.00; and

**WHEREAS**, the City Commission of the City of South Bay does hereby authorize the City Manager to purchase a 5 Ton Goodman 14 Seer Split A/C system for the Public Safety Office in the amount of \$4,425.00 from Cool Team Services, Inc.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA AS FOLLOWS:**

**Section 1.**    **Adoption of Representations.**    The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

**Section 2.**    **Approval of Agreement; Authorization of City Manager.**    The City Commission of the City of South Bay hereby authorizes the City Manager to purchase a 5 Ton Goodman 14 Seer Split A/C system for the Public Safety Office in the amount of \$4,425.00 from Cool Team Services, Inc. as attached hereto as Exhibit "A".

**Section 3.**    **Effective Date.**    This Resolution shall be effective immediately upon its passage and adoption.

**PASSED and ADOPTED this 16<sup>th</sup> day of January, 2018.**

\_\_\_\_\_  
Joe Kyles, Mayor

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Attested

By: \_\_\_\_\_  
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Burnadette Norris-Week, Esquire  
City Attorney

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

# CITY OF SOUTH BAY DISTRIBUTION SHEET

**VENDOR NAME:**

**THE COOL TEAM SERVICES INC**

1426 SKEE ROAD SUITE E

**WEST PALM BEACH, FL 33411**

**VENDOR NUMBER:**[illegible]

**DESCRIPTION:**

DESCRIPTION: Installation  
of an I/E UNIT at Sheriff's  
Office per purchase  
request

**TOTAL: \$4,425.00**

APPROVED BY:

**City Manager**

PREPARED BY: O.MEJIA

# CITY OF SOUTH BAY REQUEST FOR PURCHASE

Date: 12/4/2017

Requesting Department: Public Safety

P.O.#

	Fund	Department	Division	Function	Project	Object Code
Charge to:	001	B11				548200

(Use new form for each account to be charged.)

**Vendor Name:** The Cool Team, Inc. AC

**Address:** 1426 Skees Road, suite E

City, State, Zip West Palm Beach FL 33411

Telephone # 561-883-7110

**Fax #** 561-683-7140

**Ship to address**

CITY OF SOUTH BAY

**335 SW 2ND AVE**

**SOUTH BAY FL 33493**

**561-896-6751**

Name of vendor representative:

Quantity Requested	Unit of Measure	Description of goods or services (Include Stock #s)	Unit Price	Extended Price
1		5 Ton 14 seer Split System AC (Goodman Brand)	\$ 4,425.00	\$ 4,425.00
		(Purchased an A/C on 1/13/2015 from		
		Tanner Phile #37-2014		
		(To be installed on 12/7/17)		
*		LARRY'S A/C		
		And 5 Ton 14 Seer Split System	\$,760	
		* Condo AIR (Did not respond)		
1				

Attach copies of any written quotes from vendor

Total Request: \$ 4,425.00

**Attach copies of any written quotes from vendor**

**Total Request:**

**\$ 4,425.00**

### Description of Need

Replacement A/C not done & outside at Sterling  
OFC

Is this purchase within budget? Yes / No  
Have other suppliers been checked? Yes / No

Can this purchase be deferred?	Yes	No
Can this be bought cooperatively?	Yes	No

Signature of Requester

Finance Director-Certifies that actual funds are available Date

Approved By:

City Manager

### Data



Serving Palm Beach County with 2 Locations:

11496 Pierson Rd Ste C18  
Wellington, FL 33414

80 SE Ave C  
Belle Glade, FL 33430

State Certified License #: CAC049300

Phone: (561) 996-5537 -- FAX: (561) 996-6277

### Proposal

To: Police Dept City of South Bay  
335 SW 2<sup>nd</sup> Ave  
South Bay FL 33493

Date: 12/1/2017  
Phone: (561) 996-6512

Job Location: 335 SW 2<sup>nd</sup> Ave South Bay FL 33493

### WE SUPPLY AND INSTALL:

- A new 5 Ton 14 seer Ruud single speed split system.
- We will connect to existing ducts, electrical, and pad.
- Warranty: 1 year parts and labor, 5 years on compressor only

Total Price: \$5,768.00

\* Permit is not included

*Proposal valid for 30 days*

Respectfully Submitted,

Larry W. Simmons

I hereby accept the above proposal and agree for work to commence.

\_\_\_\_\_  
Signature

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

**THE COOL TEAM INC**

DATE OF INVOICE	INVOICE NO.	DESCRIPTION	AMOUNT AS RENDERED	DISCOUNTS	NET AMOUNT
12/07/2017	15884		\$4,425.00		\$4,425.00
CITY OF SOUTH BAY			\$4,425.00		\$4,425.00

## CITY OF SOUTH BAY

335 S.W. 2ND AVE  
SOUTH BAY, FL 33403

**BANK OF BELLE GLADE  
BELLE GLADE, FLORIDA**

05-124890

GENERAL FUND OPERATING ACCOUNT

DATE	CHECK #	AMOUNT
12/07/2017	10424	\$4,425.00

**Pay:** Four thousand four hundred twenty-five dollars and no cents

TO THE ORDER OF THE COOL TEAM INC  
1426 SKEES ROAD  
SUITE E  
WEST PALM BEACH, FL 33411

~~NON NEGOTIABLE~~  
~~NON NEGOTIABLE~~

100104241 10570012461 20901555021





# The Cool Team, Inc.

1428 Skees Road, Suite E, West Palm Beach, FL 33411 1-877-317-COOL \* Fax (561) 883-7140

City of South Bay,  
335 SW 2nd Ave  
South Bay, FL 33493  
Masih Saadatmand

## INVOICE

**TOTAL DUE \$4,425.00**

Job Number

Invoice number 15684

Invoice date 12/7/2017

SOLD TO

Name City of South Bay,  
Address 335 SW 2nd Ave  
City, State or Prov South Bay, FL 33493  
Postal Code, Masih Saadatmand  
Country  
Phone  
Fax  
Company name

Model #

Serial # four

Please make checks payable to:

THE COOL TEAM, INC.

Thank you for your business!

QTY	DESCRIPTION	PRICE EACH	TOTAL
	Installed a New 5 Ton Goodman 14 Seer Split System with 410-A (Green) Refrigerant Including: Removal/Disposal of existing Unit Safety Float Switch 10 KW Heat Strip Hurricane Fastening Digital Thermostat Flush Lines/R-11 Sanitize Ducts New Return Grill Startup Permit Labor Warranty: 10 years on all parts & 1 Year Labor	4,425.00	4,425.00
		<b>SUBTOTAL</b>	<b>\$4,425.00</b>
		<b>PAYMENTS</b>	<b>\$0.00</b>
		<b>PLEASE PAY THIS AMOUNT</b>	<b>\$4,425.00</b>

**PAID**  
DEC 07 2017  
BY: \_\_\_\_\_

*per proposal*

*191-599000*



# The Cool Team, Inc.

Air Conditioning  
Refrigeration

1-877-317-COOL  
Fax (561) 683-7140

Licensed & Insured

1426 Skyes Road  
Suite E  
West Palm Beach, FL 33411

Sales & Service

PROPOSAL SUBMITTED TO:

DATE: 12/4/2017

NAME: City of South Bay.  
ADDRESS: 105 Palm Beach Rd 3350 SW 2nd Ave  
CITY: South Bay, FL 33493  
JOB: Massih Saadatmand  
Attn: *PERO Substation*

Phone # 561-... 561-996-6751 Fax # 561-996-7950

	Qty	Cost	Total
We Propose to Supply Labor & Material necessary to complete the following: Install a New 5 Ton Goodman 14 Seer Split System with 410-A (Green) Refrigerant Including: Removal/Disposal of existing Unit Safety Float Switch 10 KW Heat Strip Hurricane Fastening Digital Thermostat Flush Lines/R-11 Sanitize Ducts New Return Grill Startup Permit Labor Warranty: 10 years on all parts & 1 Year Labor		4,425.00	4,425.00
		<i>718 - 0963</i>	
		<b>Total</b>	<b>\$4,425.00</b>

We here propose to furnish labor and materials - complete in accordance with the above specifications, for the sum of: **\$4,425.00**  
four thousand four hundred twenty five dollars Payment as follows: Upon Completion

Title to the above equipment is retained by The Cool Team, Inc. as installer until same is fully paid in full, said equipment is delivered and accepted by purchaser upon this expressed condition, and proceeds of sale to the extent of this order belong to the seller.

All material is guaranteed to be as specified. All work to be completed in workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance with 30 days and is void thereafter at the option of the undersigned.

Authorized signature *[Signature]*  
ACCEPTANCE OF PROPOSAL

The above prices and specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

ACCEPTED  
DATE 12/4/17

SIGNATURE *[Signature]*  
SIGNATURE \_\_\_\_\_

ORDINANCE NO. 01-2018

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA ("CITY") ADDING CHAPTER 34 ENTITLED "WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS" BY INCLUDING PROVISIONS REGARDING COLLOCATION AND APPLICATION TIME PERIODS; PROVIDING FOR CONFLICTS AND REPEALER; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Congress of the United States adopted the Telecommunications Act of 1996, providing federal regulation of wireless telecommunications, a technology of wireless voice, video and data communications systems rapidly became available, requiring land use facilities that impact planning and zoning concerns in the City and throughout the United States; and

WHEREAS, the legislature of the State of Florida enacted the "Emergency Communications Number E911 Act," Section 365.172, Florida Statutes, which *inter alia* regulates wireless towers; and

WHEREAS, the City desires to comply with the Emergency Communications Number E911 Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY that:

**Section 1.**    Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

**Section 2.**    Creation of Chapter 34 entitled "WIRELESS

TELECOMMUNICATIONS TOWERS AND ANTENNAS is hereby adopted as follows:

**Sec. 34.1 - Title.**

This Ordinance creates Chapter 34 of the Code of Ordinances entitled "WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS ORDINANCE," as follows:

**Sec. 34.2 - Purpose.**

The regulations and requirements hereof establish general guidelines for the siting of wireless telecommunications towers and antennas and are intended to accomplish the following purposes: (a) protect and promote the public health, safety and general welfare of residents of the City; (b) minimize potential adverse impacts of towers and antennas on residential areas and other land uses; (c) encourage the location of towers on City owned sites and to locate them, to the extent possible, in areas where the adverse impacts on the community is minimal; (d) minimize the total number of towers throughout the community by strongly encouraging the collocation of antennas on new and pre-existing tower sites as a primary option rather than construction of additional single use towers; (e) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; and, (f) enhance the ability of the providers of telecommunications services to provide such services to the community through an efficient and timely application process. In furtherance of these goals, the City shall at all times give due consideration to the City's Comprehensive Plan, Zoning Ordinance and Map, existing land uses and environmentally sensitive areas, including hurricane preparedness areas, in approving sites for the location of towers and antennas.

**Sec. 34.3 - Definitions.**

as in this Chapter, the following terms shall have the meanings set forth below, and shall control over any other definitions contained in the City's Code of Ordinances:

*Accessory use* means a use including a use that is related to, incidental to, subordinate to and subservient to the main use of the property on which an antenna and/or telecommunication tower is sited.

*Alternative tower structure* means a design mounting structure that camouflages or conceals the presence of an antenna or tower. For example, man-made trees, clock towers, bell steeples, light poles, flag poles, utility poles and similar alternative designs. An antenna mounted on a utility shall be subject to all requirements as stated in this Chapter.

*Antenna* means a transmitting and/or receiving device mounted on a tower, building or structure used in telecommunications (personal wireless) services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies including, without limitation, directional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations.

*Backhaul network* means that lines that connect a provider's tower/cell site to one or more cellular telephone switching offices, the public switched telephone network and/or long distance providers.

*Broadcasting facility* means any tower built primarily for the purpose of broadcasting AM, FM or television signals.

*Essential service* means those services provided by the City and other governmental entities that directly relate to the health and safety of its residents, including fire, police and rescue.

*Extraordinary conditions* means those conditions subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

*FAA* means the Federal Aviation Administration.

*Fair market value* means the price at which seller, or tower operator, and willing buyer, or service provider seeking to rent space on operator's tower, will trade.

*FCC* means the Federal Communications Commission.

*Guyed tower* means a telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors.

*Height* when referring to a tower or other structure, means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

*Microwave dish antenna* means a dish-like antenna used to link communication (personal wireless service) sites together by wireless transmission of voice or data.

*Monopole tower* means a communication tower consisting of a single pole or spire that is self-supported on a permanent foundation, constructed without guy wires, ground anchors or other supports.

*Lattice tower* means a communication tower that is constructed to be self-supporting by lattice type supports and without the use of guy wires or other supports.

*Operator* means an individual, partnership, association, joint-stock company, trust or corporation engaged in the control and maintenance of all instrumentalities, facilities and apparatus incidental to wireless telecommunication transmission, including, but not limited to, a tower, antennas, associated buildings, cabinets and equipment. For purposes of this Chapter, an operator may or may not hold a sublease, license or title to the lot on which a tower is sited.

*Pre-existing towers and pre-existing antennas* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*Provider* means an individual, partnership, association, joint-stock company, trust or corporation holding a license of the proper class as prescribed and issued by the FCC and authorized to offer telecommunications services to the public through radio transmission. A provider is not necessarily an "operator" as defined in this Chapter, though a provider may obtain a license or lease space or equipment from a telecommunications facilities operator.

*Public property* means only that property owned by the City.

*State of the art* means existing technology where the level of facilities, technical performance, capacity, equipment, components and service equal to that developed and demonstrated to be more technologically advanced than generally available for comparable service areas in South Florida.

*Stealth facility* means any telecommunications facilities which is designed to blend into the surrounding environment. For example, architecturally screened roof mounted antenna, building mounted antenna painted to match the

existing structure, antenna integrated into architectural elements and communication towers designed to look like poles, power poles, flag poles or trees.

*Telecommunications facility* means a facility that is used to provide one or more telecommunication services, including without limitation, radio transmitting towers, other supporting structures and associated facilities used to transmit telecommunications signals.

*Telecommunications services* means the offering of telecommunication (or the transmission, between or among points, specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received), for a fee, directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

*Telecommunications tower* means any structure, and support to, designed and constructed primarily for the purpose of supporting one or more antennas intended for transmission or reception of radio waves essential to providing personal wireless services, telephone, radio and similar communication services, including lattice, monopole and guyed towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, among others.

*Whip antenna* means a cylindrical antenna that transmits signals in 360 degrees.

#### **Sec. 34.4 - Applicability.**

(a) New Towers and Antennas. All new towers or antennas in the City shall be subject to these regulations, except as provided in Sections 34(b) and (c), inclusive.

(b) Broadcasting Facilities/Amateur Radio Station Operators/Receive Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna, that is for the use of a broadcasting facility or is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas purposes.

(c) Towers, Antennas and Appurtenant Structures. This Ordinance shall not govern towers, antennas or appurtenant structures located in public rights-of-way within the City as regulated in Chapter 33 of the City's Code of Ordinances.

**Sec. 34.5. General Requirements/Minimum Standards.**

Applicants regulated by this Ordinance may request a pre-application conference with the City. Such request shall be submitted with a non-refundable fee of Five Hundred Dollars (\$500.00) to reimburse the City for the cost and fees incurred by the conference. Every new telecommunications tower and antenna shall be subject to the following minimum standards.

(a) Lease Required. Any construction, installation or placement of a telecommunications facility on any property owned, leased or otherwise controlled by the City shall require a Lease Agreement executed by the City and the operator of the facility prior to issuance of any building permit. The City may require, as a condition of entering into a Lease Agreement with a telecommunications service provider, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. City-owned equipment, if available, shall be utilized for transmission. Any dedications and improvements shall be negotiated prior to execution of the lease.

(b) Principal or Accessory Use. Uses of antennas and towers may be considered either principal or accessory. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(c) Zoning and Land Use. Towers and antennas shall be permitted in the in the

*Government Utilities, Recreation/Open Space, Public Schools, Public Parking Areas and Government Administration* zoning district as a special exception use

and as established in the City of South Bay Zoning Code and shall additionally

be subject to the regulations, requirements and standards established in this

Chapter. Towers and antennas shall be allowed only in the *Public Buildings and*

*Grounds* land use areas as identified on the Future Land Use Map adopted in the

City's Comprehensive Plan.

(d) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with the City Zoning Code, including, but not



limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antenna or tower may be located on leased parcels within such lot.

(e) Inventory of Existing Sites.

1. Each applicant shall review the inventory of existing towers, antennas, and approved sites within a three-mile radius of the proposed site. All requests for sites shall include specific information about the proposed location, height, and design of the proposed tower. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower, structure or state of the art technology that does not require the use of new towers or new structures can accommodate, or be modified to accommodate, the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower, structure or state of the art technology that does not require the use of new towers or new structures can accommodate, or be modified to accommodate, the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower, structure or state of the art technology is suitable shall consist of any of the following:
  - a. An evaluation of the feasibility of sharing a tower, indicating that existing towers or structures located within the geographic search area as determined by a radio frequency professional do not have the capacity to provide reasonable technical service consistent with the applicant's technical system, including, but not limited to, applicable FCC requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicable FCC requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic/radio frequency interference with

the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e. The fees, costs, or contractual provisions required by the operator in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - g. The applicant demonstrates that state of the art technology used in the wireless telecommunications business and within the scope of applicant's FCC license, is unsuitable. Costs of state of the art technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- 2. If it is found that no existing tower sites are capable of accommodating an applicant's proposed equipment and system, such an applicant shall apply to locate its facilities on City-controlled property. If an applicant demonstrates that its proposed system also cannot be operated on any available City-controlled property, it shall then be required to locate its facilities in the area defined by this Ordinance (or the City Zoning Ordinance).
  - 3. The City may share such information regarding the inventory of existing sites with other applicants applying for a permitted use on private property and special exception use under this Ordinance or other organizations seeking to locate antennas or towers within the jurisdiction of the City provided, however, that the City is not, by sharing such information, in any way representing or warranting that such information is accurate or that such sites are available or suitable.

(f) Engineering Report.

1. All applicants for new towers and antennas which are modified or reconstructed to accommodate additional antennas shall submit a written report certified by a professional engineer licensed to practice in the State of Florida, although other professionals, such as architects, planners, surveyors, etc. may also be involved in the preparation of the report. The report shall include:
  - a. A site development plan, drawn to scale, including without limitation, a legal description of the parent tract and leased parcel, if applicable, on-site and adjacent land uses, Master Plan classification of the site, a visual impact analysis and photo digitalization of the tower from four (4) different angles and all attachments including associated buildings and equipment containers at the property line, as well as at a distance of 250 feet and 500 feet from all properties within that range, or at other points agreed upon in a pre-application conference.
  - b. If applicable, a narrative of why the proposed tower cannot comply with the requirements as stated in this Section.
  - c. The type of tower and specifics of design.
  - d. The current wind-loading capacity and a projection of wind-loading capacity using different types of antennas as contemplated by the applicant. No tower shall be permitted to exceed its wind loading capacity.
  - e. A statement that the proposed tower, including reception and transmission functions, will not interfere with the customary transmission or reception of radio, television or similar services as well as other wireless services enjoyed by adjacent residential and non-residential properties.
  - f. A statement of compliance with all applicable Building Codes, associated regulations and safety standards as provided herein. For all towers attached

to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. Except where otherwise established in this Chapter, all towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate three (3) users and, at a minimum, self-support/lattice or guyed towers shall be able to accommodate four (4) users.

- g. A statement that the proposed tower/antenna will not cause electromagnetic/radio frequency interference with fire, police or other public safety frequency use.
- h. Any additional information deemed by the City to be necessary to assess compliance with this Ordinance.

(g) Collocation. Pursuant to the intent of this Ordinance, collocation of telecommunication antennas by more than one provider on existing telecommunications towers shall take precedence over the construction of new telecommunication towers. Moreover, any antennae and related equipment to service the antennae that is being collocated on an existing above-ground structure is not subject to land development regulation pursuant to Florida Statute 163.3202, provided the height of the existing structure is not increased. However, construction of the antennae and related equipment is subject to the City's building regulations and existing permits or agreements for such property, buildings, or structures. Additionally, each application shall include a written report certified by a professional engineer licensed to practice in the State of Florida, stating: 1) the geographical service area requirements; 2) mechanical or electrical incompatibility; (3) any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower; and 4) any additional information required by the City. Other professionals may also be involved in the preparation of the report. If the City does not accept the full evaluation, the time in which an application is processed pursuant to this Ordinance shall be tolled pending further evaluation. However, no application shall be held open for more than one (1) year and any application pending for more than one (1) year shall be considered void and as if the application had been withdrawn. In addition, should the City be required to hire outside staff to evaluate an

application, applicant shall be assessed the cost of said outside staff for the evaluation

1. Any additional wireless communications facilities, such as communication cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services, required within the existing secured equipment compound within the existing site shall be deemed a permitted use or activity. City building and land development regulations, including any aesthetic requirements, shall apply.

(h) Application Time Periods

1. The City shall grant or deny a properly completed application for a permit for the collocation of a wireless communications facility on property, buildings, or structures within the local government's jurisdiction within 45 business days after the date the properly completed application is initially submitted in accordance with the applicable City application procedures, provided that such permit complies with applicable federal regulations and applicable City zoning or land development regulations, including any aesthetic requirements. City regulations shall apply.
2. The City shall grant or deny a properly completed application for a permit for the siting of a new wireless tower or antenna on property, buildings, or structures within the City's jurisdiction within 90 business days after the date the properly completed application is initially submitted in accordance with the applicable City application procedures, provided that such permit complies with applicable federal regulations and applicable City zoning or land development regulations, including any aesthetic requirements. City building regulations shall apply.
3. The City shall notify the permit applicant within 20 business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, shall make the application properly completed.

- a. If the City fails to grant or deny a properly completed application for a permit which has been properly submitted within the timeframes set forth herein, the permit shall be deemed automatically approved and the provider may proceed with placement of such facilities without interference or penalty. The timeframes specified in subparagraphs 1. and 2. above shall be extended only to the extent that the permit has not been granted or denied because the City's procedures generally applicable to all permits, require action by the governing body and such action has not taken place within the timeframes specified in subparagraphs 1. and 2. above. Under such circumstances, the City shall act to either grant or deny the permit at its next regularly scheduled meeting or, otherwise, the permit shall be deemed to be automatically approved.
- b. To be effective, a waiver of the timeframes set forth herein must be voluntarily agreed to by the applicant and the City. In addition, the City may request, but not require, a waiver of the timeframes by an entity seeking a permit, except that, with respect to a specific permit, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the City.

(i) Collocation; Tenant Rental Fees. Pursuant to the intent of this Ordinance, the City shall provide the following incentives to service providers:

1. The review of all applications submitted by providers seeking to rent space on a proposed new tower, shall be completed by the City no more than thirty (30) days following the filing of a completed application as provided in this Ordinance.
2. Tower operators regulated by this Ordinance shall not charge providers seeking to collocate on the tower in excess of the Fair Market Value for the space, as determined at the time of the request for collocation. In the event of a dispute,

the parties shall select an independent appraiser to determine Fair Market Value. If the parties cannot agree on the selection of an appraiser, the City shall select an appraiser. All appraisals shall be performed at the expense of the parties.

(j) Aesthetics. Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standard of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings to minimize the visual impact.
3. All tower sites must comply with any landscaping requirements of the City Zoning Ordinance and all applicable requirements of the City, and the City may require landscaping in excess of those requirements in order to enhance compatibility with adjacent residential and non-residential land uses. All landscaping shall be properly maintained to ensure good health and viability at the operator's expense. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound consisting of the telecommunications tower and antennas, backhaul network and any structure or equipment cabinet, from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, including but not limited to those instances where a Stealth Facility is installed, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land limited to, zoning code, building codes, and safety codes, and as provided herein. All construction, operation and repair shall be performed in a manner consistent with

applicable industry standards, including the Electronic Industries Association. All telecommunication towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, including emissions standards, and any other agency of the local, state or federal government with the authority to regulate towers and antennas prior to issuance of a building permit by the City. If such applicable standards and regulations require retroactive application, then the operators of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by a controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the operator's expense.

(k) Building Codes; Safety Standards.

1. To ensure the structural integrity of towers, the operator shall construct and maintain the tower in compliance with the Florida Building Code, and all other applicable codes and standards, as amended from time to time. A statement shall be submitted by a professional engineer certifying compliance with this subsection. Where a pre-existing structure, including light and power poles, is requested as a Stealth Facility, the facility, and all modifications thereof, shall comply with all requirements as provided in this Ordinance. Prior to the issuance of a building permit, the City shall require an analysis of a soil sample from the base of the tower site.
2. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the operator of the tower, the operator shall have no more than thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within thirty (30) days shall constitute grounds for the removal of the tower or antenna at the operator's expense.



(l). Warning Signs. Notwithstanding any contrary provisions of the City's Zoning Code, and in addition to other state and/or federal requirements, the following shall be utilized in connection with any tower or antenna site, as applicable.

1. If high voltage is necessary for the operation of the communication tower or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than forty (40) feet apart.
2. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and spaced no more than forty (40) feet apart.
3. The height of the lettering of the warning signs shall be at least eight (8) inches in height. The warning signs shall be installed at least five (5) feet above the finished grade.
4. The warning signs may be attached to free standing poles if the content of the signs may be obstructed by landscaping.

(m) Security Fencing. Towers and antennas shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the City may waive or modify such requirements.

(n) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.

(o) Non-Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential service, public utilities, or private utilities.

(p) Franchises/Licenses. Operators of towers or antennas shall certify that all franchises/licenses required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required franchises/licenses with the City.

- (q) Public Notice. For purposes of this Chapter and notwithstanding any other requirements with regard to public notice in the City's Zoning Code, any request for special exception shall require a public hearing that shall be advertised at least seven (7) days before the public hearing in a newspaper of general circulation and readership in the municipality. Notice of a request for special exception, as well as notice of any hearing to consider a lease where a telecommunications tower is a permitted use, shall be mailed to all affected property owners within 500 feet of the subject property prior to the public hearing. If approved, the operator of any tower approved for shared use shall provide notice of the location of the tower and the tower's load capacity to all other providers regulated by this Ordinance. All costs related to the public notice shall be paid by the applicant.
- (r) Signs. No signs, including commercial advertising, logo, political signs, flyers, flags, or banners, whether or not posted temporarily, shall be allowed on any part of an antenna or tower, or on the fence or within the facility, except as otherwise provided for herein or by state or federal law.
- (s) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with all City code requirements.
- (t) Inspections; Reports; Fees.
1. Telecommunications tower operators shall submit a report to the City certifying structural and electrical integrity every two years. The report shall be accompanied by a non-refundable fee of Two Hundred Dollars (\$200.00) to reimburse the City for the cost of review. The report shall include a thorough discussion on the state of the art telecommunications facilities available at the time of the report.
  2. The City may conduct periodic inspection of telecommunications towers, at the operator's expense, to ensure structural and electrical integrity and compliance with the provisions of this Ordinance. The City may require more frequent inspections should there be an emergency,

extraordinary conditions or other reason to believe that the structural and electrical integrity of the tower is jeopardized.

(u) Height: Notwithstanding anything contained herein to the contrary, a telecommunications tower permitted pursuant to this Chapter shall not exceed a height of one hundred (100) feet.

(v) Separation. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distance shall be a minimum of one (1) mile, regardless of type of towers.

#### **Sec. 34.6 - Permitted Uses on Public Property.**

(a) General. The uses listed in this Section apply specifically to all wireless telecommunications antennas and towers located on property owned, leased, or otherwise controlled as specified herein by the City, provided a lease agreement pursuant to these regulations and requirements has been approved by the City. The City reserves the right to modify or waive the requirements for use on public property, but shall not be required to provide access to City property. A determination whether to grant or deny a waiver request shall be made in accordance with standards to be adopted by administrative regulation of the City.

(b) Uses. All applicants for use in this Section shall first submit a letter of intent and all other information as required herein to the City Manager's office, and submit a fee of Fifteen Hundred Dollars (\$1500.00). The application shall be reviewed within 30 days from the submission of a completed application. The City Mayor is authorized to execute lease agreements and waive requirements as provided herein on behalf of the City. In addition to telecommunication towers, the uses permitted under this Section are as follows:

##### **1. Rooftop Mounted Communication Towers and Antennas.**

- a. The height, including support structures, shall not extend more than thirty (30) feet above the average height of the surrounding grade;

- b. Screening shall be required to minimize the visual impact upon adjacent properties;
  - c. No more than one (1) tower (which may have more than one user) shall be located on a single lot or single building site;
  - d. Rooftop communication towers shall not adversely affect adjacent properties.
- 2. Towers and/or antennas constructed pursuant to the Section shall be a minimum distance of thirty (30) feet from residential property.
  - 3. No lease granted under this Section shall convey any exclusive right, privilege, permit or franchise to occupy or use the public lands of the City for delivery of telecommunications services or any other purpose.
  - 4. No lease granted under this Section shall convey any right, title or interest in the public lands other than a leasehold interest, but shall be deemed only to allow the use of the public lands for the limited purposes and terms stated in the lease. No lease shall be construed as a conveyance of a title of interest in the property.

**Sec. 34-7 - Special exception use.**

(a) General. The provisions listed in this Section apply only where an application for the construction of a tower or the placement of an antenna in the *Government Utilities, Recreation/Open Space, Public Schools, Public Parking Area and Government Administration* zoning district does not meet the criteria for approval as provided in Sections 34.5 and 34.6 of this Chapter. An applicant for a special exception use permit shall submit information described in Section 34.5 and the City's Zoning Ordinance and any other reasonable information the City may require. The following provisions shall govern the issuance for special exception use permits:

- 1. Compliance with the procedures and requirements of special exception uses as stated in the City's Zoning Code and as required in this Section.

2. In granting a permit, the City may impose conditions to the extent the City concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.

3. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.

4. A non-refundable fee of \$2500.00 to reimburse the City for the costs of reviewing the application, in addition to all other applicable fees required by the City.

(b) Setbacks. Notwithstanding any contrary provision of the City's Zoning Ordinance, the following setbacks shall apply to all towers for which a permit under this Section is required:

1. Monopole towers must be setback a minimum distance of 110 percent of the height of the tower. All other towers must be setback 2000 percent of the height of the tower.

2. The base of any guys and accessory buildings must satisfy the minimum zoning district setback requirements with reference to special exception use, but not to include reference to rights-of-ways controlled by the City.

(c) Separation. The following separation requirements shall apply to all towers and antennas for which a special exception use permit is required:

1. Separation from designated areas

a. Tower separation shall be measured from the base of the tower to the lot line of the designated areas as specified in Table 1, except as otherwise provided in Table 1.

b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

2. The separation distance from the towers described in the inventory of existing sites submitted pursuant to Section 34.5 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the operator of the existing tower(s), if known.

Table 1

<u>Designated Area</u>	<u>Separation Distance</u>
Single family or duplex residential units	500 feet or 300% height of tower, whichever is greater.*
Vacant single family or duplex residentially zoned land	500 feet or 300% height of tower' whichever is greater**
Existing multi-family residential units greater than duplex units	100 feet or 110% height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses.	None; only setbacks apply

\* Includes modular homes and mobile homes used for living purposes.

\*\* Separation measured from base of tower to closest building setback line.

(d) Factors considered in granting special exception permits for towers.

In addition to any standards for consideration of permit applications pursuant to the City's Zoning Ordinance, the City shall consider the following factors in determining whether to issue a permit:

1. Availability of existing towers, other structures or state of the art technologies not requiring the use of towers or structures as discussed in this Chapter.

2. Height of the proposed tower.

3. The setback and separation distances between the proposed tower and the nearest residential units or residentially zoned properties.

4. Proximity of tower to residential structures and residential district boundaries.

5. Nature of uses on adjacent and nearby properties.

6. Surrounding topography.
7. Surrounding tree coverage and foliage.
8. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
9. Proposed ingress and egress.

**Sec. 34-8 - Buildings or other equipment facilities**

The following standards shall apply:

(a) Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

1. The cabinet or structure shall not contain more than 300 square feet or gross floor area or be more than 80 inches in height. In addition, for buildings and structures which are less than four stories in height, the related unmanned equipment structure, if over 100 square feet of gross floor areas or five feet in height, shall be located on the ground and shall not be located on the roof of the structure unless the building or structure is completely screened from sight.

2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 5 percent (5%) of the roof area.

3. Equipment buildings or cabinets shall comply with all applicable building codes.

4. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower unless repairs to the tower are being made.

5. All buildings and equipment cabinets shall be unoccupied at all times.

(b) Antennas located on towers. The related unmanned equipment structure shall not contain more than 1500 square feet of gross floor areas or be more than ten feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

### **Sec. 34.9 - Removal of abandoned antennas and towers**

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the operator of such antenna or tower shall remove the same within 90 days of receipt of notice from the City notifying the operator of such abandonment. Failure to remove an abandoned antenna or tower within the 90 days shall be grounds to remove the antenna or tower at the operator's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

### **Sec. 34.10 - Non-conforming uses**

(a) Not expansion of non-conforming use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.

(b) Pre-existing towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this Chapter.

(c) Rebuilding damaged or destroyed towers or antennas. notwithstanding Section 34-9, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a permit and without having to meet the separation requirements specified herein. The type, height and location of the tower onsite shall be of the same type and of equal or less intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified herein.

### **Sec. 34.11 - Indemnification and insurance**

#### **(a) Indemnification**

1. The City shall not enter into any lease agreement until and unless the City obtains an adequate indemnity from such provider. The indemnity must at least:



a. Release the City from and against any and all liability and responsibility in or arising out of the construction, operation or repair of the communications facility. Each communications facility operator must further agree not to sue or seek any money or damages from the City in connection with the above mentioned matters;

b. Indemnify and hold harmless the City, its trustees, elected and appointed officers, agents servants and employees, from and against any and all claims, demands, or causes of action of whatsoever kind or nature, and the resulting losses, costs, expenses, reasonable attorney's fees, liabilities, damages, orders, judgments, or decrees, sustained by the City or any third party arising out of, or by reason of, or resulting from or of each communications facility operator, or its agents, employees, or servants negligent acts, errors or omissions. Provide that the covenants and representations relating to the indemnification provision shall survive the term of any agreement and continue in full force and effect as to the party's responsibility to indemnify.

(b) Insurance

1. The City shall not enter into any lease agreement until and unless the City obtains assurance that such operator (and those acting on his behalf) have adequate insurance. At a minimum, the following requirements must be satisfied:

a. A telecommunication facility operator shall not commence construction of operation of the facility without obtaining all insurance required under this Section and approval of such insurance by the City Manager, nor shall a communication facility operator allow any contractor or sub-contractor to commence work on its contract or sub-contract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the communications facility is in existence. If the operator, its contractors or sub-contractors do not have the required insurance, the City may order such entities to stop operations until the insurance is obtained and maintained.

b. Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the City Clerk. For entities that are entering the market, the certificates shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse in coverage.

c. These certificates shall contain a provision that coverage afforded under these policies will not be canceled until at least 30 days prior

written notice has been given to the City. Policies shall be issued by companies authorized to do business under the laws of the State of Florida.

d. In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the lease agreement with the City, then, in that event, the communications facility operator shall furnish, at least 30 days prior to the expiration of such insurance, a renewed certificate of insurance evidencing equal and like coverage for the balance of the period.

(c) Comprehensive general liability. A communications facility operator and its contractors or sub-contractors engaged in work in the operator's behalf, shall maintain minimum insurance to cover liability, bodily injury and property damage. Exposures to be covered are premises, operations and certain contracts. Coverage shall be written on an occurrence basis and shall be included, as applicable, in the lease agreement between the City and the telecommunications facility operator.

#### **Sec. 34.12 - Security Fund**

Every telecommunications service provider shall establish a cash security fund, or provide the City with an irrevocable letter of credit in the same amount, to secure the payment of removing an antenna or tower that has been determined to be abandoned, in the event the operator is not in compliance with the regulations established herein. The amount to be provided for each tower shall be \$25,000.00; the amount each additional collator's antenna array shall be \$5000.00

In the alternative, at the City's discretion, an operator may, in lieu of cash security fund or letter of credit, file and maintain with the City a bond with an acceptable surety in the amount of \$25,000.00 and \$5000.00 for each additional collator's antenna array. The operator and the surety shall be jointly and severally liable under the terms of the bond. In the alternative, at the City's discretion, an operator may, in lieu of a cash security fund, letter of credit file with the City a corporate guarantee in a form acceptable to the City to be used as a security fund. Where the City agrees to accept a corporate guarantee in lieu of a cash security fund, an operator shall agree to provide the City with a grant in an amount no less than \$25,000.00 and \$5000.00 for each additional collator's antenna array and prior to commencement of construction, modification or installation of any facility.

#### **Sec. 34.13 Penalties**

Any person, firm or corporation who knowingly breaches any provision of this Chapter shall upon receipt of written notice from the City be given a time schedule to cure the violation. Failure to commence to cure within 30 days and to complete cure to the City's satisfaction within 60 days, or such longer time as the /City may specify, shall result in revocation of any permit or license and the City shall seek any remedy or damages to the full extent of the law.

**Section 3. Conflict and Repealer.**

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

**Section 4. Inclusion into the Code of Ordinances.**

It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of the City of South Bay's Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5. Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon final passage and adoption.

**PASSED FIRST READING** this 16th day of January 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Joe Kyles, Mayor

Attested

By: \_\_\_\_\_  
Jessica Figueroa, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Burnadette Norris-Week, Esquire  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**VOTE:**

Commissioner Berry	(Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)



## City of South Bay

South Bay City Hall  
335 SW 2nd Avenue  
South Bay, FL 33493  
Telephone: 561-996-6751  
Facsimile: 561-996-7950

[www.southbaycity.com](http://www.southbaycity.com)

### Commission

Joe Kyles Sr.  
Mayor

John Wilson  
Vice Mayor

Esther E. Berry

Shanique S. Scott

Taranza McKelvin

Leondrae Camel,  
City Manager

Jessica Figueroa, City Clerk

Bernadette Norris-Weeks  
City Attorney

"An equal Opportunity  
Affirmative Action Employer"

To: Honorable Mayor and Commissioners  
From: Massih Saadatmand, Finance Director  
Thru: Mr. Leondrae Camel, City Manager  
Date: January 10, 2018  
Ref: Weekly check register

Enclosed, please find the summary of check register as of January 10, 2018:

#### General Fund

- Utility:

AT & T Mobility	\$ 690.67
FPL	6,330.90
Earthlink	1,302.57
Comcast	328.50
PBC Water	1,858.82

• American Express	713.01
• Bank of America	1,861.68
• Bank of America	4,244.99
• B Norris-Weeks	15,398.00
• CAP Government	9,227.75
• Marathon Fleet	1,439.62
• PBC Sheriff	15,078.00
• Cool Team	4,425.00
• JLH	3,100.00
• Thompson Consulting	3,596.25
• FL Municipal Insurance Trust	25,016.25
• 2SBW Associates	2,750.00
• Deposit refund	875.00
• Walmart	4,065.46
• Anderson & Carr	2,500.00
• Purchased of supplies, materials and parts	1,019.38 A
• Payment for various services	4,050.60 B
• Payroll deductions	5,720.38 C
• Other	6,030.54 D
Total	\$ 121,623.37

#### Sanitation Fund

Waste Management	\$ 33,861.00
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#### Capital Project Fund

Weekley Asphalt	\$ 272,825.58
PBC Engineering Public Works	37,683.76
Total	\$ 310,511.34

#### W & S Fund

US Water	\$ 3,942.43
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Revenues:

• FP & L (Franchise & Utility tax)	\$ 35,583.89
• Ad Valorem Tax	176,417.22
• DOT	118,024.20
• Communication Tax	5,531.54
• Local Option Gas Tax	10,201.59
• Other	18,582.08
• Sales Tax & Revenue Sharing	<u>55,235.91</u>

Total	<u>\$ 419,576.43</u>
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# AP Check Register Report

City Of South Bay (CSBFND)

1/5/2018 12:49:41 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
10473	2 SBW	2 S B W. & ASSOCIATES, INC	1/5/2018	2,750.00	
10474	ALLY	ALLY	1/5/2018	502.52	B
10475	BANK OF AMERICA, NA	BANK OF AMERICA	1/5/2018	4,244.99	
10476	COASTAL NETWORK SOL	COASTAL NETWORK SOLUTIONS, LLC	1/5/2018	126.00	B
10477	CREATIVE BUSINESS ID	CREATIVE BUSINESS IDEAS	1/5/2018	50.00	L
10478	DELTACOM 1058	EARTHLINK	1/5/2018	1,302.57	
10479	EVERGLADES FARM EQU	EVERGLADES EQUIPMENT GROUP	1/5/2018	108.97	A
10480	FEDERAL EXPRESS	FEDERAL EXPRESS	1/5/2018	44.88	C
10481	JOE KYLES	JOE KYLES	1/5/2018	452.60	D
10482	JP ELECTRONIC	JEFF PAULDO D/B/A JP ELECTRONICS &	1/5/2018	90.50	B
10483	LARRY'S AC APPLIANCE	LARRY'S AC & APPLIANCE	1/5/2018	150.00	I
10484	MARITH CHAVARRIETA	MARITH CHAVARRIETA	1/5/2018	300.00	
10485	NEPOLEON COLLINS	NEPOLEON COLLINS	1/5/2018	452.60	D
10486	PERFORMANCE NAPA	PERFORMANCE NAPA	1/5/2018	95.63	A
10487	ROBBIE TIRE	ROBBIE TIRE	1/5/2018	68.35	S
10488	TRC FARM INDUSTRIAL	TRC FARM & INDUSTRIAL SUPPLY INC	1/5/2018	16.78	
10489	UNITED SITE SERVICES C	UNITED SITE SERVICES OF FLORIDA INC	1/5/2018	180.00	B
				Non-Electronic Transactions:	10,936.39
				Total Transactions:	10,936.39

# AP Check Register Report

## City Of South Bay (CSBFND)

12/28/2017 2:29:05 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
10456	AFLAC	AFLAC	12/28/2017	1,905.29	C
10457	COLONIAL LIFE PROCES	COLONIAL LIFE PROCESSING CENTER	12/28/2017	113.50	L
10458	IAMAW	IAMAW	12/28/2017	378.84	L
10459	INDEPENDENT NEWSPAF	INDEPENDENT NEWSMEDIA INC USA	12/28/2017	245.70	B
10460	JOHN DEERE FINANCIAL	JOHN DEERE FINANCIAL	12/28/2017	496.63	J
10461	LAWNMOWER HEADQUAI	LAWNMOWER HEADQUARTER	12/28/2017	107.80	A
10462	PALM BEACH COUNTY	BOARD OF COUNTY COMMISSIONERS/ PALM BEACH	12/28/2017	55.00	D
10463	PALM BEACH COUNTY MI	PBCMCA	12/28/2017	35.00	L
10464	PAMELA CAMEL	PAMELA CAMEL	12/28/2017	300.00	L
10465	SEASON TO SEASON, LLC	SEASON TO SEASON, LLC	12/28/2017	180.00	B
10466	SHERRELL M. BUTTS	SHERRELL M. BUTTS	12/28/2017	125.00	
10467	SOLSTICE BENEFITS IN	SOLSTICE MARKETPLACE	12/28/2017	533.64	C
10468	THE PALM BEACH POST	CMG-PB REMITTANCE ADDRESS	12/28/2017	258.00	B
10469	THOMPSON CONSULTINC	THOMPSON CONSULTING SERVICES LLC	12/28/2017	3,596.25	
10470	WALMART COMMUNITY	WAL-MART COMMUNITY	12/28/2017	3,814.82	
10471	WASHINGTON NATIONAL	WASHINGTON NATIONAL INS. CO.	12/28/2017	824.94	C
10472	WOLFF'S LAWN	WOLFF LAWN MACHINE INC	12/28/2017	92.96	A
Non-Electronic Transactions:				13,063.37	
Total Transactions:				13,063.37	



# AP Check Register Report

## City Of South Bay (CSBFND)

12/19/2017 12:08:24 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
10439	AT&T MOBILITY	AT&T MOBILITY -ROC	12/19/2017	690.67
10440	BURNADETTE NORRIS-W	BURNADETTE NORRIS-WEEKS	12/19/2017	15,398.00
10441	FLORIDA MUNICIPAL IN	FLORIDA MUNICIPAL INSURANCE TRUST	12/19/2017	25,016.25
10442	JLH ASSOCIATES	JLH ASSOCIATES	12/19/2017	3,100.00
10443	JP ELECTRONIC	JEFF PAULO D/B/A JP ELECTRONICS &	12/19/2017	90.50 <i>B</i>
10444	MU RHA OMEGA	MU RHA OMEGA	12/19/2017	150.00
10445	MY DOCTOR	MARTIN T. HARLAND DO	12/19/2017	300.00 <i>B</i>
10446	PBC SHERIFF'S OFFICE	PALM BEACH COUNTY SHERIFF'S OFFICE	12/19/2017	15,078.00
10448	PBC WATER UTILITIES	PALM BEACH COUNTY WATER UTILITIES	12/19/2017	1,858.82
10449	PETTY CASH	CITY OF SOUTH BAY-PETTY CASH	12/19/2017	400.85 <i>D</i>
10450	ROBBIE TIRE	ROBBIE TIRE	12/19/2017	25.00 <i>A</i>
10451	ROCIO GUZMAN	ROCIO GUZMAN	12/19/2017	300.00
10452	U & ME RECORDS MANAC	U & ME RECORDS MANAGEMENT	12/19/2017	303.02 <i>B</i>
10453	UNITED FIRE PROTECTIC	UNITED FIRE PROTECTION, INC.	12/19/2017	250.00 <i>B</i>
10454	UNITED SITE SERVICES C	UNITED SITE SERVICES OF FLORIDA INC	12/19/2017	200.00 <i>B</i>
10455	XEROX CORP	XEROX CORPORATION	12/19/2017	405.37 <i>B</i>
Non-Electronic Transactions:				63,566.48
Total Transactions:				63,566.48

**AP Immediate Check Register Report**  
City Of South Bay (CSBFND)

12/8/2017 2:17:02 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
10438	FEDERATION OF FAMILI	FEDERATION OF FAMILIES OF FLORIDA	12/8/2017	1,000.00
Totals:			Total Transactions	1,000.00

# AP Check Register Report

City Of South Bay (CSBFND)

12/7/2017 4:28:30 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
10425	ALLY	ALLY	12/7/2017	502.52	D
10426	ANDERSON & CARR, INC	ANDERSON & CARR, INC	12/7/2017	2,500.00	
10427	COMCAST	COMCAST	12/7/2017	154.98	
10429	FPL	FPL	12/7/2017	6,330.90	
10430	HOME DEPOT CREDIT SE	HOME DEPOT CREDIT SERVICES	12/7/2017	259.65	A
10431	MARTHON FLEET	WEX BANK	12/7/2017	1,439.62	
10432	NEOFUNDS BY NEOPOST	NEOFUNDS BY NEOPOST	12/7/2017	500.00	B
10433	NEW YORK LIFE INS	NEW YORK LIFE INSURANCE COMPANY	12/7/2017	176.28	C
10434	OFFICE DEPOT CREDIT	OFFICE DEPOT CREDIT PLAN	12/7/2017	244.24	A
10435	PBC LEAGUE OF CITIES	PALM BEACH COUNTY LEAGUE OF CITIES	12/7/2017	2,282.00	D
10436	ROLFE & LOBELLO, P.A.	ROLFE & LOBELLO, P.A.	12/7/2017	130.00	C
10437	UNITED SITE SERVICES C	UNITED SITE SERVICES OF FLORIDA INC	12/7/2017	180.00	B
Non-Electronic Transactions:				14,700.19	
Total Transactions:				14,700.19	

# AP Check Register Report

City Of South Bay (CSBFND)

12/7/2017 3:41:45 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
10424	THE COOL TEAM INC	THE COOL TEAM INC	12/7/2017	4,425.00
Non-Electronic Transactions:				4,425.00
Total Transactions:				4,425.00

AP Check Register Report  
City Of South Bay (CSBFND)

12/5/2017 1:49:39 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
10416	BANK OF AMERICA NA	BANK OF AMERICA	12/5/2017	1,861.68
10417	CAP GOVERNMENT	CAP GOVERNMENT	12/5/2017	9,227.75
10418	COMCAST	COMCAST	12/5/2017	173.52
10419	FLORIDA HOME IMPROVE	FLORIDA HOME IMPROVEMENT ASSOCIATES	12/5/2017	47.45
10420	LEGALSHIELD	PRE PAID LEGAL SERVICES INC	12/5/2017	25.90
10421	LIBERTY NATIONAL	LIBERTY NATIONAL	12/5/2017	667.05
10422	WALMART COMMUNITY	WAL-MART COMMUNITY	12/5/2017	250.64
10423	WASHINGTON NATIONAL	WASHINGTON NATIONAL INS CO	12/5/2017	964.94
Non-Electronic Transactions:				13,218.93
Total Transactions:				13,218.93

# AP Check Register Report

City Of South Bay (CSBFND)

12/18/2017 1:45:19 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
114		WEEKLY ASPHALT PAVIN WEEKLEY ASPHALT PAVING, INC.	12/18/2017	111,709.65
Non-Electronic Transactions:				111,709.65
Total Transactions:				111,709.65

# AP Check Register Report

City Of South Bay (CSBFND)

12/18/2017 1:34:57 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
112	PBC BOARD OF COUNTY	PALM BEACH COUNTY ENGINEERING & PUBLIC WO	12/18/2017	5,114.15
113	WEEKLY ASPHALT PAVIN	WEEKLEY ASPHALT PAVING, INC.	12/18/2017	110,106.32
Non-Electronic Transactions:				115,220.47
Total Transactions:				115,220.47

**AP Check Register Report**  
City Of South Bay (CSBFND)

12/14/2017 11:36:06 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
111		WEEKLY ASPHALT PAVIN WEEKLEY ASPHALT PAVING, INC.	12/14/2017	7,965.00
Non-Electronic Transactions:				7,965.00
Total Transactions:				7,965.00



# AP Check Register Report

City Of South Bay (CSBFND)

12/5/2017 1:58:55 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
109	PBC BOARD OF COUNTY	PALM BEACH COUNTY ENGINEERING & PUBLIC WO	12/5/2017	32,571.61
110	WEEKLY ASPHALT PAVIN	WEEKLEY ASPHALT PAVING, INC	12/5/2017	43,044.61
Non-Electronic Transactions:				75,616.22
Total Transactions:				75,616.22

**AP Check Register Report**  
City Of South Bay (CSBFND)

12/14/2017 12:34:33 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
155	WASTE MANAGEMENT	WASTE MANAGEMENT	12/14/2017	1,953.02
Non-Electronic Transactions:				1,953.02
Total Transactions:				1,953.02

# AP Check Register Report

City Of South Bay (CSBFND)

12/28/2017 12:31:23 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
156	WASTE MANAGEMENT	WASTE MANAGEMENT	12/28/2017	31,907.98
Non-Electronic Transactions:				31,907.98
Total Transactions:				31,907.98

# AP Check Register Report

City Of South Bay (CSBFND)

12/28/2017 10:33:14 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
2125	US WATER	U.S. WATER SERVICES CORPORATION	12/28/2017	3,942.43
Non-Electronic Transactions:				3,942.43
Total Transactions:				3,942.43