

***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 2ND AVENUE, SOUTH BAY FL 33493**

**TUESDAY, JULY 18, 2017
7:00 P.M.**

**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
JULY 18, 2017 @ 6:30 P.M.**

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

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.

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

3a. Regular Meeting Agenda – July 18, 2017

4. ADJOURNMENT

**AGENDA
CITY OF SOUTH BAY, FLORIDA
REGULAR CITY MEETING
CITY COMMISSION CHAMBERS
JULY 18, 2017 @ 7:00 P.M.**

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

.....
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.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-996-6751 no later than 2 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

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.
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1. CALL TO ORDER, ROLL CALL; MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE

2. DISCLOSURE OF VOTING CONFLICTS

3. PRESENTATIONS/PROCLAMATIONS

3a. Federation of Families & Healthier Together Initiative – C. Veree' Jenkins

4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COMMISSION

5. CONSENT AGENDA

All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which the item will be removed from the general order of business and considered in its normal sequence on the Agenda.

- 5a. Approval of City Minutes
- May 16, 2017 (City Workshop)
 - May 16, 2017 (Regular City Meeting)
 - June 06, 2017 (City Workshop)
 - June 06, 2017 (Regular City Meeting)

6. RESOLUTIONS – (Non- Consent) and Quasi-Judicial Hearing, if applicable)

6a. RESOLUTION 88-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018, PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE

6b. RESOLUTION 89-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, SUPPORTING THE COUNTYWIDE OFFICE OF INSPECTOR GENERAL, AND FURTHER SUPPORTING THE FUNDING OF SAID OFFICE THROUGH COUNTY AD VALOREM TAX DOLLARS; PROVIDING FOR TRANSMITTAL; PROVIDING AN EFFECTIVE DATE.

6c. RESOLUTION 90-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA ADOPTING A SOCIAL MEDIA POLICY; PROVIDING AN EFFECTIVE DATE.

6d. RESOLUTION 91-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF SOUTH BAY AND KINGS TUTORING & MENTORING FOUNDATION, INC. FOR USAGE OF CITY PARK RESTROOM FACILITIES; PROVIDING FOR AN EFFECTIVE DATE.

6e. RESOLUTION 92-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN ELEVENTH ADDENDUM TO THE LAW ENFORCEMENT SERVICES AGREEMENT BETWEEN THE CITY OF SOUTH BAY AND PALM BEACH COUNTY SHERIFF'S OFFICE.

7. ORDINANCE (SECOND AND FINAL READING)

7a. ORDINANCE 08-2017

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, ADOPTING NEW FLOODPLAIN MANAGEMENT REGULATIONS; TO ADOPT NEW FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE AND FOR OTHER PURPOSES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE

7b. ORDINANCE 09-2017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, REGARDING MEDICAL MARIJUANA; EXTENDING THE IMPOSITION OF A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSING ORGANIZATIONS AND MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY FOR AN ADDITIONAL PERIOD OF 180 DAYS; PROVIDING FOR APPLICABILITY; PROVIDING FOR DURATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

8. ROSENWALD ELEMENTARY SCHOOL

9. FINANCE REPORT

9a. Accounts Payable Report

10. CITY CLERK REPORT

10a. Next City Commission Meeting –August 01, 2017

11. CITY MANAGER REPORT

12. CITY ATTORNEY REPORT

13. FUTURE AGENDA ITEMS

14. COMMISSIONER COMMENTS/FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

City of South Bay
City Workshop
May 16, 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. 2nd Avenue, South Bay, Florida on May 16, 2017 at 6: p.m.

Present:

Mayor Joe Kyles
Commissioner Esther E. Berry
Commissioner Taranza McKelvin
Commissioner Shanique Scott

Staff:

Burnadette Norris-Weeks, City Attorney
Leondrae Camel, City Manager
Jessica Figueroa, City Clerk
Massih Saadatmand, Finance Director

Mayor Kyles mentioned discussion of agenda of 3a. Flood Management Ordinance.

Presentation

Richard Benton, Floodplain Manager made a presentation relating to Floodplain Management Regulations and the Florida Building Code and how it affects the City of South Bay. Mr. Benton presented the following slides: *(full discussion/recording available through the City Clerk's Office)*

- National Flood Insurance Program
 - A Partnership
 - FEMA
 - Florida DEM, State Floodplain Management Office
 - Communities
- Florida Building Code
 - Florida Building Code governs the design of building
 - The FBC includes design and construction requirements for buildings in flood hazard areas
- Why Change Local Regulations?
- Why Use State Model Ordinance?
 - Developed by Florida Division of Emergency Management
- State Model FPM Ordinance
- New State Model Ordinance
 - Has provisions for development other than buildings
 - Incorporates long-standing FEMA policies and guidance, facilities interpretation and compliance
- Tailored For Our Community
- Process

- DEM reviewed the draft ordinance
- After adoption
- Higher Standards – Freeboard
 - Require lowest floor above base flood elevation
- Reduce Damage
 - Quicker reoccupation after floods

Mayor Kyles adjourned the City Workshop at 7:03 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

City of South Bay
Regular City Meeting
May 16, 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. 2nd Avenue, South Bay, Florida on May 16, 2017 at 7:00 p.m.

Present:

Mayor Joe Kyles
Commissioner Esther E. Berry
Commissioner Shanique Scott
Commissioner Taranza McKelvin

Staff:

Burnadette Norris-Weeks, City Attorney
Leondrae Camel, City Manager
Jessica Figueroa, City Clerk

Mayor Kyles called for voting conflicts. There were none.

Presentation/Proclamations *(full discussion/recording available through the City Clerk's Office)*

The City Manager mentioned a presentation from John Archampo with Palm Beach County Solid Waste Authority who currently handled waste services in zone 5 which included the City of South Bay and unincorporated Palm Beach County. Mr. Archampo stated that the Solid Waste Authority was responsible for the collection activity of the unincorporated glades area, surrounding Pahokee, South Bay and Belle Glade. He said that the Glades is the largest geographic area in the County with the least amount of homes. He said that prices relating to sending off out to bid, was always extremely high. He said that Solid Waste Authority previously piggy-backed off an agreement with Southern Waste System and the City of South Bay, and was able to save the Glades money from \$42-\$43 a month to \$16 a month. He mentioned the City going out for bid and only receiving one bid. He said if the City were to move forward with their current Waste Management agreement, Solid Waste Authority would in turn piggy-back off of that agreement. Mr. Archampo said that if "that" were an option from the City Commissioners, he would present it to their board.

The City Manager clarified that there was a new agreement with Waste Management, which was effective until October 2018.

Mayor Kyles asked "the current contract that the City has with Waste Management; You are saying "tonight" that you would honor that same contract with the same conditions and same rate;" Mr. Archampo replied yes, "we" would piggy-backing off "that" contract, which is the same contract that the city has for residents and

extending it for "our" customers in the unincorporated areas. *(full discussion/recording available through the City Clerk's Office).*

The City Manager stated that he has spoke with Solid Waste Authority and Waste Management regarding conversations that would be in the best interest of the city, all contingent upon moving forward with an extension with Waste Management.

Commissioner Berry stated that she would support "this" and requested a copy of the City's Waste Management agreement.

Mayor Kyles mentioned a proclamation for Trauma Awareness Month. The City Clerk read the proclamation for the record.

Commissioner Berry requested that the proclamation be framed and signed by each commissioner.

Mayor Kyles called for public comments. *(full discussion/recording available through the City Clerk's Office)*

Barbara King made a comment relating to the repairing of the basketball goals at Tanner Park and having access to the restrooms at Tanner Park Facility, Monday through the Thursday from 5:00 pm - 7:00 pm. for South Bay's Football and Cheerleading teams. *(as stated on comment form)*

The City Manager stated that the architect was currently doing the design for Tanner Park, including the basketball goals. He stated that the modernization would not take place over the next three months and it would be sometime in December 2017 or year 2018 that the parks would be completed.

Ms. King made a comment relating to the restrooms being open at Tanner Park from Monday through Friday 5:00 p.m. – 7:00 p.m. The City Manager stated that he would work with the Parks and Recreations Director relating to facility being open.

Ms. King also asked the commission if they would give sponsorship or support, relating to the youth. Mayor Kyles stated that the City Manager would look into the financials, and then the city would move from there. The City Manager requested that Ms. King provide what "their" needs were.

Ms. King also requested that the City provide water fountains. Mayor Kyles suggested coolers instead of water fountains and stated that the city would work on that.

Mayor Kyles called for approval of the consent agenda, inclusive of April 18, 2017 and May 02, 2017 city workshop and regular city meeting minutes. The motion to approve the consent agenda was made by Commissioner Berry and seconded by Vice-Mayor Wilson. 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 McKelvin and seconded by Commissioner Scott. The vote was unanimously approved.

Resolutions

The City Clerk read Resolution 81-2017 for the record.

Commissioner Berry made a motion to approve Resolution 81-2017, a Resolution of the City Commission of the City of South Bay, Florida relating to finances, providing for amendments to the fiscal year budget beginning October 01, 2016 and ending September 30, 2017; approving associated budget amendments; providing an effective date. The motion was seconded by Mayor Kyles. The vote was Commissioner McKelvin, no; Commissioner Scott, no; Commissioner Berry, yes; Vice-Mayor Kyles, no; Mayor Kyles, yes.

The City Clerk read Resolution 82-2017 for the record.

Commissioner Berry made a motion to approve Resolution 82-2017, a Resolution of the City Commission of the City of South Bay, Florida authorizing the City Manager to execute the facility use agreement between the City of South Bay and Palm Beach County to operate a congregate dining site for elderly persons at Tanner Park Community Center; providing for an effective date. The motion was seconded by Commissioner Scott. The vote was unanimously approved.

Rosenwald Elementary School Report

Commissioner McKelvin stated that the Rosenwald would have their first annual career day on Thursday from 9:00 am – 12:00 pm. He also stated that the safety patrols would be traveling to Washington D.C. by plane from May 24th – May 27th.

City Clerk Report

The City Clerk questioned Resolution 81-2017, she stated that it was agreed upon by the Commissioners sometime in February that the City Clerk were to get an assistant. She asked if it was possible to separate the amendment relating to the City Clerk Assistant from the other amendments on Resolution 81-2017, to move forward with advertising the position. She stated that just was looking at July "now", as far as having someone in her department. Mayor Kyles said that he understood where she was coming from but it had been a part of the amended budget and once approved, then it would move forward.

The City Clerk stated that she did not agree with the amendments being all together, due to the fact that some of the items had already taken place and expended.

Mayor Kyles said "when the request was made by the City Clerk, the Commission asked the City Manager to see if he could find the funds, the City Manager then brought the funds back to the Commission. He said that the City Manager included those funds in the amendment budget Resolution 81-2017.

The City Attorney stated that once the budget was passed then the City Clerk would get her person. Mayor Kyles asked the City Clerk if she understood and the City Clerk responded yes, but did not agree with it.

Commissioner Scott asked the City Manager to go over what has been expended. The City Manager replied "these are adjustments in those line items, in order to carry us out through the remainder of the year and stated that he could not answer the specific question on what items have been expended. The City Manager stated "we have expended some funds in each of those departments. He said, in regards to the City Clerks Department, "that one request would be extremely difficult to remove without accepting the additional revenue or to add a position within that line item, within the budget itself. The City Clerk stated that all she

was asking for was to move forward with advertising the position, due to the process taking 2-3 weeks including interviews. Mayor Kyles stated that it would be feasible to approve the budget before moving forward.

The City Manager clarified that the city was creating an entire new position, in an office where there was no position and also stated being able to fund that position within that department, where it did not exist. He reiterated, being able to amend that budget, fund that position and create that position, within the clerks department.

Commissioner Berry made a motion to approve Resolution 81-2017. The motion died for lack of a second.

City Manager Report

The City Manager mentioned that the Law Enforcement Sheriff's Office, in reference to their agreement, would be seeking a 2% increase this year from PBSO.

He mentioned that the letter regarding the signal warrant analysis went out last Friday and was placed in their boxes for their review.

He also mentioned that the Code Enforcement had resigned and there will be a notice going out referencing the code department. Commissioner Scott asked "when did Mr. Dent resign", the City Manger replied, for approximately two months. Commissioner McKelvin asked if the position had been advertised. The City Manager stated that the position was not advertised but will be in the next few days.

Future Agenda Items

Vice-Mayor Wilson requested that an increase of the Commissioner's salary by an additional \$250.00, beginning this fiscal year, be placed as a future agenda item.

Commissioner Berry requested that the Commission bring back Resolution 81-2017 for the next meeting.

Commissioner Berry also made a request that "Historic District Designation" she said that she would provide information for that discussion.

Vice-Mayor Wilson made a motion to approve the future agenda items, the motion was seconded by Commissioner McKelvin. The vote was unanimously approved.

Commissioners Comment

Commissioner McKelvin thanked all who attended the meeting and urged all to come out to Tanner Park from Monday through Thursday and check out the youth football and cheerleading teams.

Commissioner Scott thanked all who attended the meeting.

Commissioner Berry thanked all who attended the meeting. She also mentioned Senate Bill 10 and stated that the Governor was in town on Friday.

Vice-Mayor Wilson stated that he had received 69 names of those who graduated from West Tech. He said that there was no way to get in touch with those individuals. He mentioned the scholarships that were given from Glades Central. He stated that he asked for the qualification papers from the City of Belle Glade. He asked the City Manager if it was possible, that he ask one of the individuals that were giving out the scholarships, to better understand how those scholarships were given out. He mentioned a meeting that took place at City Hall with the representative from Glades Central and requested an overview from the City Manager. The City Manager stated that he had received the scholarship guidelines from GEO and stated that he could email to the Commission. He said that during the meeting, the 1995 agreement was discussed between Wackenhut and the Concerned Citizens of South Bay. *(full discussion/recording available through the City Clerk's Office)* . Vice-Mayor Wilson also thanked everyone who attended the meeting.

Mayor Kyles thanked all who attended the meeting. He also mentioned Martin Luther King Blvd road and stated that hopefully next month the road would be completed.

Mayor Kyles adjourned the meeting at 8:10 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

City of South Bay
City Workshop
June 06, 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. 2nd Avenue, South Bay, Florida on June 06, 2017 at 6:30 p.m.

Present:

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

Staff:

Burnadette Norris-Weeks, 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.

The City Manager stated that Resolution 83-2017 was a discussion relating to budget amendments. He asked if there were any questions regarding Resolution 83-2017.

Commissioner Berry stated that she compared the document to the one that was provided two weeks ago and it was in compliance as to what was discussed. She said that she was prepared to vote during the regular meeting.

Mayor Kyles mentioned discussion of Resolution 84-2017.

The City Manager stated that Resolution 84-2017 authorized the Mayor and City Manager to execute the fourth amendment to the restated agreement with Waste Management for solid waste services that would continue through September 30, 2025. He stated that the differences in the agreement were that the city rate would remain until 2025 and will also include replacement of residential containers, which would begin in October 2017 to be completed in 2019. He also mentioned an increase in special events contributions and stated that staff would be recommending approval.

Vice-Mayor Wilson asked if recycling containers be available for the residents. The City Manager stated the City had the recycling containers in stock and is requested by residents.

Mayor Kyles mentioned discussion of Resolution 85-2017.

The City Manager stated that Resolution 85-2017 addressed the salary increase of \$250.00 per month for the City Commission members, transferring those funds from community development department to legislative

department. He said "adjustments from the community development to legislative department, related to the economic and business development manager position that had not been filled for four months". He said "we can move it from one department to another", as it related to salaries.

Mayor Kyles mentioned discussion of Resolution 86-2017.

The City Manager stated, Resolution 86-2017 was to accept the comprehensive financial report, which would be presented to the Commission "tonight" by HCT auditing services. He stated he would make a recommendation relating to Resolution 86-2017 after the audit presentation.

Mayor Kyles mentioned discussion of Resolution 87-2017.

The City Manager stated that Resolution 87-2017 amends an agreement with the State of Florida Department of Transportation, Small County Outreach Program for time purposes, relating to Martin Luther King Blvd reconstruction, extending till December 2017. The City Manager said that the road was still scheduled for a July completion. Commissioner McKelvin asked if there was a specific date in July for completion of the road. The City Manager said that Mr. Mendez, during the regular meeting would be giving specifics on the road way, relating to a "punch list" of things that had to be corrected.

Commissioner Berry mentioned a dedication, relating to the reconstruction of MLK road. She also stated that the city was committed to involve Rosenwald Elementary School, relating to the road dedication.

Mayor Kyles mentioned discussion of Ordinance 08-2017.

The City Manager stated that Ordinance 08-2017 was the flood plain regulation ordinance and staff was recommending approval. He said that the item had been brought to the commission once and presented by the flood plain manager, whom assisted in drafting the ordinance, and was presented to all parties.

Mayor Kyles mentioned Ordinance 09-2017.

The City Manager stated that Ordinance 09-2017 related to the medical marijuana moratorium and extending the imposition of the temporary moratorium within the City of South Bay. He said that the moratorium and that was presented and previously approved, would expire on July 03, 2017. He said that the State did not conclude their discussion on medical marijuana during this year's legislation. He said that staff was recommending approval of an additional 180 days extension in accordance to Ordinance 06-2016.

Commissioner McKelvin asked "why is it 180 days". The City Manager stated that the original ordinance was scheduled for 180 days moratorium to give time for the legislators to draft language for the state that would give the city governance and guidance for the medical marijuana dispensing organization and treatment centers.

City Manager's Report

The City Manager mentioned the following items that would be discussed at the regular meeting.

- 2017 legislative priorities

- 2018 legislative priorities
- Chartable sponsorship with King Tutoring and Mentoring Foundation Inc.
- 2018 budget calendar
- 2017 Community Back to School Bash
- FDOT Signal Warrant Analysis and Marquee
- City wide video surveillance update
- Parks and Recreation summer camp program

Mayor Kyles adjourned the City Workshop at 6:54 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

City of South Bay
Regular City Meeting
June 06, 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. 2nd Avenue, South Bay, Florida on June 06, 2017 at 7:00 p.m.

Present:

Mayor Joe Kyles
Commissioner Esther E. Berry
Commissioner Shanique Scott
Commissioner Taranza McKelvin

Staff:

Burnadette Norris-Weeks, City Attorney
Leondrae Camel, City Manager
Jessica Figueroa, City Clerk
Edgar Kerr, Public Works Director

Mayor Kyles called for voting conflicts. There were none.

Presentation/Proclamations

Mayor Kyles mentioned item 3a. relating to the City of South Bay needs assessments community workshop summary from Mr. Vann Buckle, Planning Consultant/Designer. Mr. Vann Buckle distributed a packet to the Commission and gave a brief summation of the what took place on Saturday, May 06, 2017, relating to the Strategic Planning Workshop of the Park of Commerce. Vice-Mayor Wilson asked "when should we send out the RFP". Mr. Vann Buckle stated that staff was working on that date. *(full recording/discussion/information available through the City Clerk's Office)*

Mayor Kyles mentioned a presentation from Thomas Williams with Harvey, Conv.. Thomas.. (HCT) relating to the City's 2016 comprehensive annual financial report. Mr. Williams presented a slideshow presentation on the City's Financial Statements for fiscal year ended September 30, 2016. *(Full recording/discussion/presentation Slideshow available through the City Clerk's Office)*

Mayor Kyles mentioned a presentation update from David Mendez, relating to MLK road construction. Mr. Mendez stated that the construction was progressing very well. He mentioned a gardening project along with the road project from Rosenwald School to US 27. He stated that the rain had slowed down the construction a bit, however it would not stop too much. He said that they were looking at the end of June, relating to the construction of MLK. *(full recording/discussion available through the City Clerk's Office)*

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

Barbara King, representing Kings Tutoring & Mentoring Foundation & South Bay Youth Football, made a comment relating to the concerns from parents regarding the use of the portable toilets at Tanner Park. *(as stated on comment form)*

Dorothy Davis stated that she did not turn in a comment card, however wanted to make a quick comment. Mayor Kyles allowed Ms. Davis to make her comment. Ms. Davis mentioned the concerned citizens and funds that were allocated for the concerned citizens. She asked "where are we with that, moving forward". Mayor Kyles said that he would address her comment after public comments.

Zavion Gillyard, representing Lake Shore Middle School made a comment relating to the 2017 Preventing Crime in the Black Community in Orlando. He thanked the commissioners for sponsoring the trip to the conference. *(as stated on comment form)*

Ny'Kerria Jackson, representing Lake Shore Middle School made a comment relating to the Preventing Crime in the Black Community in Orlando. She gave thanks for the opportunity to attend the conference. *(as stated on comment form)*

Michael E. Jackson, resident of South Bay, made a comment relating to Resolution 85-2017, salary increase. *(as stated on comment form)*

Joe T. McDonald made a public comment *(no topic or summary stated on comment form - recording was unclear)*

Resolutions

The City Clerk read Resolution 83-2017 for the record.

Vice-Mayor Wilson made a motion to approve Resolution 83-2017, a resolution of the City Commission of the City of South Bay, Florida relating to finances, providing for amendments to the fiscal year budget beginning October 01, 2016 and ending September 30, 2017; Approving associated budget amendments; Providing an effective date. The motion was seconded by Commissioner Berry. The vote was Commissioner McKelvin, no; Commissioner Scott, no; Commissioner Berry, yes; Vice-Mayor Wilson, yes; and Mayor Kyles, yes.

The City Clerk read Resolution 84-2017 for the record.

Commissioner McKelvin made a motion to approve Resolution 84-2017, a resolution of the City Commission of the City of South Bay, Florida authorizing the Mayor and the City Manager to execute to the fourth amendment to the restated agreement with Waste Management Inc. of Florida for solid waste, collection and recycling services; Providing for an effective date. The motion was seconded by Commissioner Berry. The vote was unanimously approved.

The City Clerk read Resolution 85-2017 for the record.

Vice-Mayor Wilson made a motion to approve Resolution 85-2017, a resolution of the City Commission of the City of South Bay, Florida approving a salary increase by two hundred and fifty dollars a per month for City Commission members; Transferring funds from Community Development Department to legislative department to satisfy increase; ratifying budget adjustments; Providing for an effective date. The motion was

seconded by Commissioner McKelvin. The vote was Commissioner McKelvin, yes; Commissioner Scott, yes; Commissioner Berry, no; Vice-Mayor Wilson, yes; and Mayor Kyles, yes.
The City Clerk read Resolution 86-2017 for the record.

Commissioner Berry made a motion to approve Resolution 86-2017, a resolution of the City Commission of the City of South Bay, Florida, accepting the comprehensive annual financial report and compliance report for the fiscal year ending September 30, 2016; Providing for an effective date. The motion was seconded by Vice-Mayor Wilson. The vote was unanimously approved.

The City Clerk read Resolution 87-2017 for the record.

Commissioner Berry made a motion to approve Resolution 87-2017, a resolution of the City Commission of the City of South Bay, Florida, authorizing the City Manager to execute the attached second amendment to the State of Florida Department of Transportation small county outreach program agreement; Providing for an effective date. The motion was seconded by Commissioner Scott. The vote was Commissioner McKelvin, no; Commissioner Scott, yes; Commissioner Berry, yes; Vice-Mayor Wilson, no; and Mayor Kyles, yes.

Ordinances

The City Clerk read Ordinance 08-2017, on its first reading, for the record.

Commissioner Berry made a motion to approve the first reading of Ordinance 08-2017, an Ordinance by the City Commission of the City of South Bay, adopting new floodplain management regulations; To adopt new flood hazard maps, to designate a floodplain administrator, to adopt procedure and criteria for development in flood hazard areas, To adopt technical amendments to the Florida Building Code and for other purposes; Providing for adoption of representations; Providing for applicability; Providing for conflict and repealer; Providing for severability; Providing for inclusion in code; Providing for an effective date. The motion was seconded by Commissioner McKelvin. The vote was Commissioner McKelvin, yes; Commissioner Scott, no; Commissioner Berry, yes; Vice-Mayor Wilson, no; and Mayor Kyles, yes.

The City Clerk read Ordinance 09-2017, on its first reading, for the record.

Commissioner Berry made a motion to approve the first reading of Ordinance 09-2017, an Ordinance of the City Commission of the City of South Bay, Florida, regarding medical marijuana; extending the imposition of a temporary moratorium on the establishment and operation of medical marijuana dispensing organization and medical marijuana treatment centers within the City for an additional period of 180 days; Providing for applicability; Providing for duration; Providing for severability; And providing an effective date. The motion was seconded by Vice-Mayor Wilson. The vote was Commissioner McKelvin, yes; Commissioner Scott, no; Commissioner Berry, yes; Vice-Mayor Wilson, yes and Mayor Kyles, yes.

Finance Report

Commissioner Berry stated that the commissioners had received a copy of the cash register report and went through each line item. She asked if the everybody understood the financial report.

City Clerk

The City Clerk stated that she would be attending a conference from June 23th - June 28th and on vacation from June 29th - July 07th. She stated that she would work with staff during her leave of absence. She also stated that the next meeting would take place on July 18th. She mentioned Resolution 83-2017 being approved by the City Commission and asked if it was safe to advertise for the position for the City Clerk's Department. The commission gave consensus to move forward. The City Manager stated "we" would work through the advertisement and posting. He said that the city had the job description through human resources and would work on getting the ad out to all medians used within the City.

City Manager Report *(full recording/discussion available through the City Clerk's Office)*

- 2017 Legislative Priorities Update - He announced that the South Bay multi-purpose emergency shelter and care center was funded within this legislative year in the amount of \$337,500.00 (phase 1). He mentioned South Bay flood control and water way management was funded \$550,000.00 for the South East section, to address storm water system.

He also mentioned the design and engineering request for 1 million dollars relating to the South Bay Inland Port. He said that the item was a part of the Governor's veto list as part of the 2017 legislative priorities.

He asked the commission to start preparing for their 2018 legislative priorities.

- He mentioned Charitable sponsorships relating to King Tutoring and Mentoring Foundation for the youth sport received \$1000.00 for charitable sponsorship, in accordance with the City's charitable resolution.

He also stated that King Tutoring was interested in hosting a senior ball. He said that the city would need to secure a lease agreement with Dolly Hand. He asked the Commission if they were interested in having the senior ball. The Commission gave consensus on having the senior ball.

- He mentioned the city's annual back to school bash. He said the commission approved \$5,400.00 for the event and as of today the city had received \$3,000.00 to support the event. He said due to logistics matters relating to opening the school, entertainment and law enforcement, the event would now take place at Tanner Park.
- He mentioned the FDOT signal warrant analysis and said that we would hear something back from them within 8 weeks, including the placing of the marquee.
- He mentioned the City wide surveillance update and stated that there was a cost of \$91,809.02.

Future agenda Items

Commissioner Berry requested that the City discuss the historic district designation within the City of South Bay.

Commissioners Comments

Commissioner McKelvin, Commissioner Scott and Commissioner Berry thanked all who attended the meeting.

Vice-Mayor Wilson made a comment relating to preventing crime conference. He thanked everyone who attended the meeting.

Mayor Kyles mentioned the comment made by Ms. Davis earlier relating to the concerned citizens. He stated that Commissioner McKelvin had submitted a letter regarding funding for the South Bay Youth League. He stated that Vice-Mayor Wilson and the City Manager had discussions with GEO as well. Ms. Davis said "you are not talking about the \$85,000.00". Mayor Kyles responded, no. Ms. Davis asked the commission if the city was going to come up with a plan relating to the \$85,000.00 that was giving the city and the concerned citizens. Mayor Kyles referred back to the agreement which stated that the funds would be utilized for a community center or a shelter. Ms. Davis said "keep in mind that it was hurricane season" as it related to the shelter and said it had been like 15 years since the agreement was made in reference to the \$85k. The City Manager clarified that the funds were now \$110,000.00, and had not had significant growth.

The City Manager stated that the City of South Bay would be having a summer camp beginning next week until August 4th from 9:00 am - 4:00 pm. daily.

Mayor Kyles mentioned new business within the City of South Bay. He acknowledged the new owners of the restaurant and lounge. The owners introduced themselves and said that they specialized in Jamaican Food, "Garfield Nevers" said that the name of the restaurant was named Flavor 27 and would have a grand opening on June 24th.

Mayor Kyles thanked all who attended the meeting.

The regular city meeting was adjourned at 9:21 p.m.

Joe Kyles, Mayor

ATTESTED BY:

Jessica Figueroa, City Clerk

RESOLUTION NO. 88-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018, PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of South Bay, Florida, on July 18, 2017, adopted a Proposed Millage Rate for the fiscal year 2017-2018 pursuant to Florida Statutes 200.065; and

WHEREAS, the City scheduled first public hearing on the proposed budget and millage rate, as required by Section 200.065, Florida Statutes, to be held on September 12, 2017; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within the City of South Bay has been certified by the Palm Beach County, Florida Property Appraiser to the City of South Bay as Sixty-Four Million, Six Hundred Forty-Seven Thousand, Three Hundred Sixty Dollars (\$64,647,360.00); and

WHEREAS, having considered the comments of the public regarding the millage rate, the City Commission desires to tentatively adopt a millage rate for Fiscal Year 2017- 2018.

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" paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Proposed Millage Rate. The City Commission of the City of South Bay hereby adopts a proposed and tentative millage rate of 6.3089 mills for Fiscal Year 2017-2018, commencing October 1, 2017, through September 30, 2018, which is \$6.30 per \$1,000.00 of taxable property value within the City of South Bay. This millage rate represents a 2.11% increase over the rollback rate of 6.1784 mills.

Section 3. Public Hearing. The second and final public hearing on the budget is set September 26, 2017, at 7:00 p.m., in the Commission Chambers at City Hall, 335 SW 2nd Ave. South Bay, Florida.

Section 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED this 18th day of July 2017.

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)



CERTIFICATION OF TAXABLE VALUE

[Reset Form](#)[Print Form](#)

DR-420

R. 5/12

Rule 12D-16.002

Florida Administrative Code

Effective 11/12

Year : 2017	County : PALM BEACH
Principal Authority : South Bay	Taxing Authority : South Bay

SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	53,824,198	(1)
2.	Current year taxable value of personal property for operating purposes	\$	8,763,594	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	2,059,568	(3)
4.	Current year gross taxable value for operating purposes (Line 1 plus Line 2 plus Line 3)	\$	64,647,360	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	2,246,483	(5)
6.	Current year adjusted taxable value (Line 4 minus Line 5)	\$	62,400,877	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	61,109,953	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Number 0	(8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, Certification of Voted Debt Millage forms attached. If none, enter 0	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Number 0	(9)
SIGN HERE	Property Appraiser Certification		I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser:		Date :	
	Electronically Certified by Property Appraiser		6/28/2017 8:26 AM	

SECTION II : COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.

10.	Prior year operating millage levy (If prior year millage was adjusted then use adjusted millage from Form DR-422)	6.3089	per \$1,000	(10)
11.	Prior year ad valorem proceeds (Line 7 multiplied by Line 10, divided by 1,000)	\$	385,537	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value (Sum of either Lines 6c or Line 7a for all DR-420TIF forms)	\$	0	(12)
13.	Adjusted prior year ad valorem proceeds (Line 11 minus Line 12)	\$	385,537	(13)
14.	Dedicated Increment value, if any (Sum of either Line 6b or Line 7e for all DR-420TIF forms)	\$	0	(14)
15.	Adjusted current year taxable value (Line 6 minus Line 14)	\$	62,400,877	(15)
16.	Current year rolled-back rate (Line 13 divided by Line 15, multiplied by 1,000)	6.1784	per \$1000	(16)
17.	Current year proposed operating millage rate	6.3089	per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate (Line 17 multiplied by Line 4, divided by 1,000)	\$	407,854	(18)

Continued on page 2

19.	TYPE of principal authority (check one)	<input type="checkbox"/> County	<input type="checkbox"/> Independent Special District	(19)
		<input checked="" type="checkbox"/> Municipality	<input type="checkbox"/> Water Management District	
20.	Applicable taxing authority (check one)	<input checked="" type="checkbox"/> Principal Authority	<input type="checkbox"/> Dependent Special District	(20)
		<input type="checkbox"/> MSTU	<input type="checkbox"/> Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(21)

DEPENDENT SPECIAL DISTRICTS AND MSTUs



STOP HERE - SIGN AND SUBMIT

22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. (The sum of Line 13 from all DR-420 forms)	\$	385,537	(22)
23.	Current year aggregate rolled-back rate (Line 22 divided by Line 15, multiplied by 1,000)		6.1784 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes (Line 4 multiplied by Line 23, divided by 1,000)	\$	399,417	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. (The sum of Line 18 from all DR-420 forms)	\$	407,854	(25)
26.	Current year proposed aggregate millage rate (Line 25 divided by Line 4, multiplied by 1,000)		6.3089 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate (Line 26 divided by Line 23, <u>minus 1</u> , multiplied by 100)		2.11 %	(27)

First public budget hearing	Date :	Time :	Place :
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S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :			Date :	
	Title :		Contact Name and Contact Title :		
	Leondrae Camel, CITY MANAGER		Massih Saadatmand, FINANCE DIRECTOR		
	Mailing Address :		Physical Address :		
335 SW SECOND AVE		335 SOUTHWEST SECOND AVENUE			
City, State, Zip :		Phone Number :		Fax Number :	
SOUTH BAY, FLORIDA 33493		5619966751		5619967950	

RESOLUTION NO. 89-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, SUPPORTING THE COUNTYWIDE OFFICE OF INSPECTOR GENERAL, AND FURTHER SUPPORTING THE FUNDING OF SAID OFFICE THROUGH COUNTY AD VALOREM TAX DOLLARS; PROVIDING FOR TRANSMITTAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 2, 2010, the voters of Palm Beach County approved a referendum to amend the Palm Beach County Charter to create a countywide Office of the Inspector General ("IG Program"), which would be in effect in both the unincorporated and incorporated areas of the County; and

WHEREAS, the City Commission of the City of South Bay fully supports the creation and continued existence of the countywide IG Program as it provides a valuable service and benefit to all County residents; and

WHEREAS, on May 17, 2011, the Board of County Commissioners for Palm Beach County ("BCC") adopted Ordinance No. 2011-009, which implemented the newly approved countywide IG Program, and which required the Municipalities within Palm Beach County to budget and pay for a portion of the IG Program's funding; and

WHEREAS, on December 21, 2016, the Fourth District Court of Appeal issued an opinion holding that the County's efforts to force Municipalities to pay for the IG Program were barred by the doctrine of municipal sovereign immunity; and

WHEREAS, the County recently has requested that all Municipalities in Palm Beach County voluntarily pay their "fair share" of the costs toward the countywide IG Program; and

WHEREAS, the budget, staffing levels, and levels of service for the countywide IG Program are controlled by the BCC and not the Municipalities; and

WHEREAS, the services provided by the countywide IG Program are County services, not municipal services; and

WHEREAS, residents of the City of South Bay just like residents of all Municipalities within Palm Beach County, are also County residents; and

WHEREAS, South Bay residents, whether individuals or businesses, pay taxes to the County in the same amount as taxpayers residing in the unincorporated areas of the County; and

WHEREAS, South Bay residents along with all other municipal residents pay millions of dollars to the County each year in County taxes; and

WHEREAS, South Bay residents, therefore, already are paying for the countywide IG Program through payment of their County taxes; and

WHEREAS, the BCC has the authority to continue funding the countywide IG Program through County tax dollars at whatever level it approves.

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. Pledge of Support. The City Commission of the City of South Bay fully supports the continued existence and work of the countywide IG Program as it is a valuable County service and resource available to all County residents, and further supports the Palm Beach Board of County Commissioners' continued funding of the Program through County taxes. The City Commission of the City of South Bay does not support contributing City tax dollars to pay for the countywide IG Program since South Bay residents already pay for and support the Program through payment of their County taxes.

Section 3. Transmittal. The City Clerk is hereby directed to transmit a copy of this Resolution to the BCC and to the County Administrator.

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

PASSED and ADOPTED this 18th day of July, 2017.

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 NO. 90-2017

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF SOUTH BAY, FLORIDA ADOPTING A SOCIAL
MEDIA POLICY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of South Bay is in need of a Social Media Policy for its employees; and

WHEREAS, City representatives have the responsibility to use the City's social media resources in an efficient, effective, ethical and lawful manner pursuant to all existing City and departmental policies; and

WHEREAS, the City Commission of the City of South Bay desires to adopt the Social Media Policy attached hereto as Exhibit "A".

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. **Adoption of Social Media Policy.** The City Commission of the City of South Bay, Florida hereby adopts the Social Media Policy, attached hereto as Exhibit "A". The City Manager is hereby authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

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

PASSED and ADOPTED this 18th day of July, 2017.

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 SOCIAL MEDIA POLICY

PURPOSE

The purpose of the City of South Bay Social Media Policy (the "Policy") is to provide guidance regarding the use, management, administration and oversight of social media by City employees, including providing prohibitions and restrictions on such use. This policy is applicable to all forms of communication on social networks including, but not limited to posts, pictures, video, audio, podcasts, use of all Internet services including the World Wide Web, third party applications on social networks, email, file transfers, remote computing access, RSS feeds, personal websites that transact City business, news services, blogs, chat rooms, etc. In enforcing this policy, the City of South Bay will carefully balance each employee's legal rights with the City's legitimate needs and interests.

The City reserves the right to remove and deny access to any City site if access is sought by any user or users whose comments are identified by the City as inappropriate and unacceptable for display on any City social media pages, as outlined below.

The City also reserves the right to discontinue any site at any time. Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion of certain topics, such as but not limited to court cases, through such media.

CITY INTERNAL USER AGREEMENT

Users who submit content to any media of the City have read, understood and agreed to the following terms and conditions by virtue of such use:

1. I understand that the City of South Bay has the right to re-post any comments, photos or videos that I submit on City of South Bay social media.
2. I have read and understand the Policy, including the right of the City to remove comments/posts for reasons listed below and I understand that any comments/posts I make are "public records" as described below:
 - Profanity or content that is abusive, threatening, inflammatory or obscene.
 - Content that promotes, seeks to elicit or fosters violence or promotes, fosters or perpetuates discrimination of any kind.
 - Spam or promotional content.
 - Comments or posts that are off-topic, promote any personal business, interest, service or product
 - Any comment that supports, promotes or opposes any political party, person campaigning for elected office, or any ballot proposition or election item of any kind.
 - Misleading or deceptive statements or information.
 - Personal or character attacks
 - Sexual content or any links to sexual content

- Advertisements not authorized by the City
 - Hyperlinks to third party websites unless posted by the City's approved authorized staff users for links to partnered/sponsored organizations and bona-fide governmental agencies, or other legitimate organizations as the City deems appropriate
 - Illegal conduct or encouragement of illegal activity
 - Information that may compromise the safety or security of the City, its officials, City employees and the public
 - Content that violates or appears to violate a legal ownership interest of any other party, such as but not limited to matters or items that are or may be subject to copyright, patent and trademark protection.
3. In understand that individual complaints, concerns, or service requests will not be addressed via social media. Users shall not engage in back-and-forth conversation regarding topics that are or may become complex, controversial, or otherwise sensitive.

SECTION 1. INTRODUCTION:

Only the use of certain ISN Sites is authorized with a focus of driving visitors to our already established websites.

a) What is the primary purpose of using City ISN Sites?

The primary purpose of a City ISN site is to engage citizens via alternative venues and drive quality traffic to our internet sites. ISN's focus is not to have constituents remain within and correspond through the ISN Site but to use it to link to the City internet site so that meaningful information can be exchanged. This technology allows connection with prospective and current constituents where they are seeking information. Driving these initial contacts to our web sites will allow us to advertise City services; provide notice of Government activities; provide information regarding City of South Bay to residents and nonresidents of the City; maintain and build relationships; and gain market insight.

The site will essentially increase public awareness of the City's programs, policies and services, promote the value and importance of the City's programs, policies and service among government officials, civic leaders, residents, business owners and the public.

b) What are common terms used throughout this policy?

Internet Social Networking (ISN) Sites - shall mean Web applications and any similar applications that are utilized as social networking vehicles on the Internet. See Appendix A for a list of ISN sites, which may be utilized by a department if approved by the City Manager.

Contributor - shall mean a City employee who has been designated in writing by the Department Director to have the authority to contribute to that Department's ISN Site on behalf of the City Department.

Information Technology Specialist - shall mean the person so designated by the City Manager or designee.

City Department - shall mean any Department under the oversight and direction of the City Manager.

Departmental Contribution - shall mean any information published to a City ISN Site by a Contributor at the direction of the Department Director.

SECTION 2. MANAGEMENT/RESPONSIBILITY:

Ultimate oversight authority is vested in the City Manager. This authority may be delegated to Department Directors.

- a) The City Manager or his designee shall be responsible for approving departmental use of an ISN site and overseeing use of City ISN Sites.
- b) The City Manager, at his discretion, has the power to require any City Department to disable and cease use of a Department's ISN Site.
- c) City Manager shall authorize any ISN Site the Department intends to maintain.
- d) Department Directors may establish internal policies or rules for contributions to ISN Sites provided they are approved by the City Manager.
- e) Before establishing a social media account or an ISN site, the Department Director shall:
 - 1. Contact the City Manager to discuss objectives and desired outcomes for utilizing social media and to help determine its effectiveness in reaching the communication objectives.
 - 2. Obtain formal approval, which shall specify all authorized users prior to establishing any social media account.
 - 3. Obtain a completed User Agreement Form (Appendix D) for each Authorized User and store that agreement in the employee's personnel file.
 - 4. Establish the social media account using a **www.southbaycity.com** email address created by Information Technology Specialist specifically for the account and provide all access credentials to both

the Information Technology Specialist and the City Manager, including all subsequent modifications to credentials, if applicable.

- f) When establishing the social media account and during maintenance of the social media account, the Department Director shall:
- i. Include an introductory statement that clearly specifies the purpose and topical scope of the social media presence. Where possible, department social media accounts should link back to **www.southbaycity.com** for the purpose of downloading any forms, documents and other information.
 - ii. Conspicuously post the Terms of Use (Appendix C).
 - iii. Disable features for public comments, if such capability exists, and comply with and enforce the posted Terms of Use Agreement.
 - iv. Make available to the City Manager all content such as text, images, and video placed on social media accounts for possible placement on **www.southbaycity.com**.
 - v. Maintain compliance with all applicable Federal, State and City requirements, policies and procedures relating to records retention and public records requests.

SECTION 3. KEY ROLES:

There are four (4) key roles in utilization of ISN Sites. A limited number of designated Contributors prepare departmental contribution; they are prohibited from including personal remarks outside the scope of the public purpose for which they participate, in that capacity. The Information Technology Specialist shall monitor overall ISN Site content and research new social networking opportunities. The Information Technology Specialist shall keep the City Manager or his designee apprised of developments.

a) Contributors:

- i. Contributors do not publish anything on social networking sites that may be construed as inappropriate (such as obscene or libelous material).
- ii. The identities of Contributors shall be topic/title-based, not staff name based unless providing this information is consistent with the public purpose for use of the ISN Site as determined by the effected Department Director. The Contributor's name shall be available for administrative use.

- iii. Violation of acceptable use may result in revocation of contributor status and disciplinary action.
- iv. Contributors must review and understand this policy and prohibited activities enforced by City of South Bay and must acknowledge that violations of these policies may result in disciplinary actions by completing an Authorized User Agreement Form. (Appendix D)
- v. Contributors must not edit posts once approved. Any post that violates the Terms of Use should be documented for records retention and then deleted from public view. The comment maker should then be notified that he or she has violated the Terms of Use, specifying any and all Terms of Use that were violated.
- vi. Any published content is persistent in the public domain. The City of South Bay is responsible for all content published by authorized users. When speaking on behalf of the City, it should be assumed that all communications are in the public domain and available for publishing and discussion in all forms of media.
- vii. Contributors must consult the City Manager before discussing City of South Bay related matters on social media accounts or in the public domain.
- viii. Contributors must understand the perception of their City of South Bay association in online social networks. If they identify themselves as a City of South Bay employee or have a public facing position for which their City of South Bay association is known to the general public, they must ensure their profile and related content (even if it is personal and not an official nature) is consistent with how they wish to present them as a City of South Bay professional, appropriate with the public trust associated with their position, and conforming to existing standards that already exist in City of South Bay policies.
- ix. Contributors must have no expectation of privacy once they have introduced themselves publicly.
- x. Contributors must ensure all content posted by Authorized Users to City social networking accounts represents the City's point of view and not those of individual employees. If they are in doubt, they must contact the City Manager.
- xi. Contributors must exercise caution while interacting with any external entity, both known and unknown to the user, and the information that the Entity may provide or post. External Information shall not be utilized, commented on, or re-posted, unless the

information has been verified or corroborated as true and accurate by independent and/or reputable resources.

- xii. Contributors must remain focused on customer service, the City of South Bay's mission and existing City of South Bay commitments. They must not allow Social Media use to interfere with primary job duties, unless such use is a primary duty or an essential job function.
- xiii. Contributors must respect copyright, fair use and financial disclosure laws. They must always protect sensitive information and personally identifiable information. They must not publish or report on conversations that are meant to be pre-decisional or internal to the City of South Bay unless management has authorized the release of such information.
- xiv. Contributors must ensure social media account implementation and use complies with applicable mandates, including, but not limited to: Section 508 of the Rehabilitation Act of 1973, Chapter 119 Florida Statutes, City Policies and any other applicable Federal, State or City policy.

b) Information Technology Specialist:

- i. Shall maintain a staff inventory which shall track who is contributing to the Internet, on behalf of what Department and specific scope/tasks involved.
- ii. Shall maintain an inventory identifying all ISN Sites and shall monitor site content for inappropriate content.
- iii. Shall develop and administer ISN Site training. Shall review overall City ISN Site content for adherence to primary focus area mentioned in Section I, above.
- iv. Shall provide authorized users information about their ability to access and utilize the social media tools authorized by their Department Director and the City Manager.
- v. Shall create a **southbaycity.com** email address to serve as the official email account for all approved social media accounts.
- vii. Shall review all login credentials to social media accounts to ensure compliance with password strength requirements and compliance with established policies and industry best practices relating to information systems security.

- viii. Shall respond to any requests for guidance or opinion regarding technology or information systems security.

c) City Manager:

- i. Shall review proposals for use of new social media (ISN sites) and provide formal approval or denial.
- ii. Shall provide counsel to the Department as to the appropriate use of the social media tool and guidance as to the types of information that should be released.
- iii. Shall monitor content on each Department social media account to ensure adherence to the guidelines in this policy. Inappropriate use may result in the removal of the department page or account from these Social Media sites.

d) City Attorney's Office (Legal)

- i. Shall review and approve any departmental changes or additions to the Terms of Use Agreement, or the general disclaimer, as requested.
- ii. Shall render opinions on matters regarding disclaimers, terms of use, and privacy concerns as they arise.
- iii. Shall provide opinions on matters of public records.

SECTION 4. PROTECTIONS:

Use of ISN Sites holds the potential for unintended consequences. Users must remain mindful of internal security, personal privacy, rights of access and creating liabilities.

- a) **Internal Security** - Each social networking site shall be vetted through an internal security assessment to assure no risk to the City technology infrastructure in order to avoid collateral/viral damage.
- b) **Privacy Rights** - Contributing to ISN Site materials for public purposes should not expose individuals to personal identification and personal contact.

SECTION 5. SECURITY GUIDELINES

In general, approved users should show caution when interacting with external entities, those both known and unknown to the user. If at all in doubt of the legitimacy of any information sent to them, they must avoid said information.

The following guidelines should be adhered to:

- a) Employ strong passwords, with the assistance of Information Technology Specialist, which cannot be easily compromised by brute force attacks.
- b) Periodically change passwords to Social Media accounts, and immediately communicate any changes to Information Technology Specialist.
- c) Refrain from adding, installing, attaching or linking to any additional external services or applications that may potentially grant or enable access to the content, information or posts within the Social Media account.
- d) Use caution when accessing links received from External Entities.
- e) Exercise caution when utilizing shortened links (links that have been shortened for ease of relaying the original link), as these may lead to a malicious site. Avoid clicking on shortened links. Consider requesting the link be re-sent in another form.
- f) Be watchful for spoofed emails and/or website (seemingly official-looking communications that lead the user to a malicious website or attempt to solicit the user's personal or financial information). Consult the Information Technology Specialist regarding any security related matter.

SECTION 6. TERMS OF USE

It shall be the policy of the City of South Bay that the Terms of Use (Exhibit "C") must be continuously and conspicuously posted on each Social Media Account established and maintained by the City of South Bay, if such capability exists. The agreement shall also be posted on stpetebeach.org for easy access:

- a) City Departments setting up ISN Site accounts shall use Department e-mail accounts, Department name and phone number when possible.
- b) City Departments should restrict the "Find People" and "Follow People" options. Department Directors are discouraged from "following" private citizens or commercial profiles from within their government social networking profile. While the City cannot stop all people from being "Friends", "Fans" or "Following Us", Cities should not click onto the profiles of our "Friends", "Fans" and "Followers" without receiving approval from the City Manager
- c) City Departments should disallow comments and discussions on social profiles and refrain from participating in dialogue and online discussions with social profile visitors. Department Directors may allow exceptions to this rule

where allowing comments and discussions are necessary in order to achieve the public purpose for which the Department participates in the ISN Site.

- d) **Accessibility Rights** - ISN sites are governed by Section 508 of the Rehabilitation Act of 1973 regarding compliance and web accessibility for people with visual and hearing disabilities. Risks can be mitigated by following these standard operating procedures
 - i. For video captions and transcriptions, when available, include captions within videos. Maintain Section 508 compliant videos, captions and transcripts on the Department's website and attempt to link back to the Department website from the ISN Site.
 - ii. Regarding photos, name the photo after the description before uploading it to the social networking site. Write text captions and descriptions when the ISN Site makes these form fields available.
- iii. **Liability Concerns** – Regarding any copyright, slander, libel, general negligence, Sunshine, First Amendment or other concerns, contact the City Manager who will direct to the City Attorney's Office, as appropriate.

SECTION 7. SUNSHINE LAW AND PUBLIC RECORDS LAW COMPLIANCE:

Because of the need to assure compliance with these laws, certain policy constraints will be required. Public records law compliance mandates the primary purpose outlined in the introductory section to drive traffic to our existing websites where we are in control of preservation and retention. Care must be exercised by all members of Sunshine boards, committees or groups to avoid sharing information on ISN Sites that may be read by other members of their group.

- a) Any ISN Site content is a public record per Section 119 of the Florida Statutes. The exact responsibilities of the public body to retain these "documents" has not been clarified by an authoritative body therefore the City Manager is prohibiting Contributors from deleting any work product created for any ISN site.
- b) Section 286 of the Florida Statutes prohibits members of public boards from meeting outside of the Sunshine. A violation of this Law may occur where two (2) members of the same board respond and reply to one another via an ISN Site. No elected officials or appointed officials of the City of South Bay City Government may contribute to or control any aspect of City governmental ISN Sites that relate to matters that may come before their Sunshine bodies.
- c) Under no circumstances should a Department create a public record in response to a public records request by altering the format in which the record currently exists without obtaining prior approval from the City Manager, who will consult with the City Attorney's Office.

- d) These protocols and procedures may be supplemented in order to assure compliance with Sections 119 and 286 of the Florida Statutes.

SECTION 8. PROHIBITIONS:

In addition to those contained herein, please review the prohibitions in Appendix B.

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APPENDIX A

SPECIFIC SOCIAL MEDIA ISN SITES

A.1 General Considerations:

- i) The demographic profile of the intended target audience combined with the purpose and goal of the social networking initiative are the primary considerations for determining the appropriate use of internet social media marketing.
- ii) City Departments, after City Manager approval, are limited to using one of the ISN sites listed below.
- iii) In order to avoid creating new material on ISN Sites, use existing material from existing websites or previously published documents.
- iv) The City Manager's oversight of Department ISN Sites shall include developing new protocols; branding changes; policy changes; technical announcements/issues; providing written authorization prior to initiating any pilot program; and quality control, accuracy and appropriateness of all Departmental Contributions. (See Appendix C.)
- v) Departments using ISN Sites not included in the below Sections A.2 — A.5, prior to the effective date of this Policy may be allowed to continue such use by providing the City Manager a list all additional sites that the Department uses.

A.2 Twitter© (micro-blogs):

Twitter© sends short text messages to subscribers essentially saying "Hey check this out" and therefore is innocuous as long as the messages are appropriate. Conditions of use for Twitter© are:

- i) Provide contributor inventory to Information Technology Specialist and City Manager.
- ii) Messages must be appropriate for City Government context.
- iii) Limit quantity of tweets so as not to become a public annoyance.
- iv) Messages must be "teasers" referring to the City website for additional info. (Tweet example - "Great New cost savings program! Go here for info.")
- vi) Tweeter Identities (names/personalities) must be topic/title-based and shall not be staff name based.
- vii) There shall not be any links from the City Website to personal Twitter© sites.

A.3 Facebook©:

Facebook© is simply a global-scale website collection of personal websites. All new Facebook© sites must be reviewed and approved by the BTS Information Technology Specialist and City Manager.

Conditions of use for Facebook© are:

- i) Department Directors shall manage Contributor content.
- ii) The City department and Information Technology Specialist shall view any new Facebook© sites to advise if they are consistent with the City branding, copyrights and message.
- iii) Department Directors shall determine whether to enable Walls. Enabling this option will require greater monitoring of the page by the Department.

A.4 YouTube© (video sharing):

YouTube© is a web community for sharing videos under ten (10) minutes in length. Conditions of use of YouTube© are:

- i) This is a venue to offer short promotional videos (Parks and Heritage Village, for example).
- ii) The Department Director shall review and approve any videos made for YouTube©.
- iii) YouTube© is not a replacement for the City Streaming video system but rather another venue for promoting City Department programs.

A.5 Blog:

A blog is a type of website usually maintained by an individual with regular entries of commentary, descriptions of events or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order.

- i) Blogging by Contributors is not authorized unless approved by the City Manager or Department Director.
- ii) Allowing comments is a decision to be determined by the Department Director. Fully consider the dilemma of allowing comments. If allowing comments, utilization will be much higher due to active participation, but problems may arise. If blocking comments/post-backs, utilization may be significantly lower because it is not a "participative" environment.

APPENDIX B

Prohibitions

B.1 Employees:

- i) City Department employees shall not represent themselves as members of the City Government workforce on social networking sites regarding matters specific to their official duties unless providing this information is necessary and consistent with the public purpose use of the ISN Site.
- ii) City Department employees shall not disclose any confidential or proprietary information of the City on any personal web application.
- iii) City Department employees shall not create unauthorized web or ISN Sites that intend to represent or present itself as a City sponsored or authorized web or ISN Site.
- iv) City employees shall only use social media during non-working hours if not for a city related purpose.

B.2 City Government:

- i) No employee or volunteer shall access the personal (non-city) e-mail account of any City employee without first receiving authorization from that employee.
- ii) Links to web or ISN Sites or applications of elected officials shall not be allowed or accepted. Such links shall be removed from any City sponsored web site upon detection.

APPENDIX C

Terms of Use

If you don't comply with the posting guidelines, as specified within this policy, an administrator will contact you and your message will be removed. If you post inappropriate content a second time, an administrator will contact you and you will be blocked from posting any more information to the site.

IMPORTANT: This forum cannot be used to report emergency situations or time sensitive issues.

Please keep the following guidelines in mind when posting:

- a) We do not allow graphic, obscene or explicit comments or submissions nor do we allow comments that are abusive, threatening, hateful or intended to defame anyone or any organization or comments that suggest or encourage illegal activity.
- b) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, gender identity or sexual orientation will not be tolerated.
- c) Content should be related to the subject matter of the social media site where it is posted.
- d) We do not allow solicitations or advertisements. This includes promotion or endorsement of any financial, commercial or non-governmental agency. Similarly, we do not allow attempts to defame or defraud any person or financial, commercial or governmental agency.
- f. We do not allow information intended to compromise the safety or security of the public or public systems.
- g) You participate at your own risk, taking personal responsibility for your comments, your username and any information provided.
- h) All comments/posts are subject to public records law.
- i.) The appearance of external links on this site does not constitute official endorsement on behalf of the City of South Bay.
- j.) In accordance with various international, federal, state and local laws, the online user will make every attempt to protect copyright or other intellectual property rights. Credit must be attributed to author or creator of any original written work or image.

- k.) As with more traditional resources, the City does not act in place of or in the absence of a parent. The City is not responsible for enforcing restrictions which a parent or guardian may place on a minor's use of a social media resource.

THIS SPACE IS INTENTIONALLY LEFT BLANK

APPENDIX D
SOCIAL MEDIA
AUTHORIZED USER AGREEMENT

Employee Name: _____

Position/Title: _____

Department: _____

Approved by: _____

(City Manager)

(Date)

I agree to use City-approved ISN sites for City business as appropriate and in compliance with the City Internet Social Network Policy. I understand that I must have approval from my Department Director and the City Manager to create a social media account on behalf of the City. I also understand that I am responsible for all postings made by me on City social media/ISN sites including those made in the comments sections.

I acknowledge that all City-approved Social Media/ISN Accounts are considered to be City property and may be monitored by officials of the City. I understand that employees do not have privacy rights in the use of City social media sites/ISN sites and the postings, data, access to or distribution of such materials is subject to Public Records laws.

I agree to abide by all security procedures set in place before accessing or posting to any social media ISN sites. I acknowledge that any abuse of any social media account/ISN site, including violation of the rules and guidelines set forth in this Policy or in any current or future modified Policy and Procedure can be grounds for disciplinary action.

I agree to follow the retention procedure set forth and understand all postings may be subject to records retention requirements, based on their content.

Employee Name (Printed) Date

Employee Signature Date

RESOLUTION NO. 91-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF SOUTH BAY AND KINGS TUTORING & MENTORING FOUNDATION, INC. FOR USAGE OF CITY PARK RESTROOM FACILITIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of South Bay ("City") owns and/or operates certain parks, athletic fields, buildings and facilities which are intended for recreational purposes; and

WHEREAS, the City desires to offer a wide variety of recreational activities for residents and the surrounding communities on a year-round basis; and

WHEREAS, Kings Tutoring & Mentoring Foundation, Inc. ("Kings Tutoring") desires to conduct its activities at 105 Palm Beach Rd., South Bay, Florida a/k/a Tanner Park for restroom usage as more specifically set forth in the Scope of Work detailed in Exhibit "A"; and

WHEREAS, the City has agreed to provide said Tanner Park lavatory facilities at no charge to Kings Tutoring; and

WHEREAS, the City Commission of the City of South Bay, upon the recommendation of the City Manager, desires to authorize the City Manager to enter into and execute the attached facility usage Agreement between the City and Kings Tutoring.

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; Authority of Mayor and City Manager. The City Commission of the City of South Bay hereby authorizes the City Manager to execute the Agreement between the City of South Bay and Kings Tutoring & Mentoring Foundation, Inc., attached hereto as Exhibit "A", for usage of the City's recreational

restroom facilities at Tanner Park, together with such non-material changes as may be acceptable to the City Attorney.

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

PASSED and ADOPTED this 18th day of July, 2017.

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)

PARKS AND RECREATION DEPARTMENT
FACILITY USAGE AGREEMENT

This Agreement is made on this _____ day of _____, 2017 by and between the CITY OF SOUTH BAY (hereinafter "CITY") a Political Subdivision of the State of Florida, and KINGS TUTORING AND MENTORING FOUNDATION INC. (hereinafter "USER"), a 501C-3 non-profit entity, whose Federal Tax ID Number is _____, for the use of certain park recreational facilities within the City, as more particularly described herein.

WHEREAS, the City owns and/or operates certain parks, athletic fields, buildings and facilities which are intended for recreational purposes; and

WHEREAS, the City desires to offer the use of Tanner Park for certain recreational and/or educational programming offered by USER; and

WHEREAS, the City desires to enter into a written agreement to allow for use of the City's parks, in specified areas as designated by the City Manager to include use of the city bathrooms and as set forth herein; and

NOW THEREFORE, in consideration of the mutual terms and conditions, the Parties agree as follows:

1. The foregoing "Whereas" clauses are hereby confirmed as being true and correct and are hereby incorporated into this Agreement as a part thereof.
2. The City agrees to allow User to utilize the City's recreational facilities to include the use of bathrooms for the time period and manner specified in Appendix "A" attached hereto and under the terms of this Agreement.
3. The parties agree that User shall establish, in conjunction with the Parks and Recreation Superintendent a written Operational Plan for use.
4. The parties agree that activities sponsored and/or operated by the City's Parks and Recreation Department shall have first priority for use of said facilities, notwithstanding any other provisions of this Agreement.

Obligations of User

5. User shall comply with all statutes, City ordinances, rules, orders, regulations and requirements of the Federal, State, County and City government as may be applicable to the use of such recreational facilities, for the safety of the public and the correction, prevention and abatement of nuisances or other grievances in connection with the use of the facilities hereunder.
6. User shall indemnify and hold harmless the City from and against all claims, suits, actions, damages, or causes of action arising during the term of this agreement for any personal injury,

loss of life or damage to the property sustained by reason or as a result of the use of the facilities (including the use of bathroom facilities) for which this Agreement is entered into, or its agents, employees, invitees, participants and all other persons, and from and against all costs, attorney's fees, expenses and liabilities incurred in or by reason of defense of any such claim, suit or action, and the investigation thereof. Nothing in this agreement shall be deemed to affect the rights, privileges and immunities of cities and counties as are set forth in Section 768.28, Florida Statutes.

7. User shall provide at its own cost and expense, a comprehensive liability insurance policy insuring the City against claims for bodily injury, death and property damage an the amount of no less than Five Hundred Thousand Dollars (\$500,000.00) for each occurrence, or an another amount as determined by the City Administrator. The City of South Bay shall be named as an additional insured under the terms of the policy and shall be provided with a standard form of certificate of insurance at least seven (7) days before the implementation of this Agreement, which shall contain a requirement for thirty (30) calendar days prior notice of cancellation to the City in the event of cancellation thereof.
8. User agrees that it shall be solely responsible for all costs and/or expenses associated with, or as a result of, its operation under this Agreement. User further agrees that it shall be responsible for obtaining any and all licenses, permits, or certificates required to operate under this Agreement, including the costs associated therewith.
9. User agrees that it shall not discriminate against any person on the basis of race, color, religion or gender in its use of the aforementioned facilities.
10. User agrees that it shall not make, or permit to be made, any structural changes or improvements to the aforementioned facilities, including the bathrooms, except upon written approval of the City. Any changes or improvements made with written approval of the City shall remain as part of the facility at the end of the term of this Agreement.
11. User shall provide at each facility for the duration of each event, as indicated on Appendix "A", a First Aid kit in a form acceptable to the City. Evidence of such provision shall be provided to the Parks and Recreation Superintendent or his/her designee prior to the commencement of each activity, or as deemed necessary by the Parks and Recreation Superintendent.
12. User shall require that all officials, coaches, teachers, volunteers and instructors undergo background screening prior to supervising children, and furnish the City with verification that background checks have been completed. The background checks must be performed by a company or agency approved by the City and within thirty (30) days from the start of the Agreement.
13. User shall provide the Parks and Recreation Superintendent with a calendar of activities for each specific sports activity to be a part of the Operational Plan. Said plan shall be due within five (5) days from the execution of this Agreement.

Obligations of City

14. City will provide daily maintenance of the facilities to the extent that the use is generally consistent with the maintenance required before the start of this Agreement. In the event the maintenance is unusually higher than before the start of the Agreement, City shall bill the reasonable cost of the extra maintenance to USER and USER shall pay for said extra maintenance within thirty (30) days.
15. City may, in its sole discretion, limit the use of the facilities to prevent overuse, misuse or abuse the facilities.
16. City reserves the right to determine the suitability of any particular facility for use under this Agreement. City shall bear no responsibility, nor shall User seek any redress, for User's inability to use a facility as provided herein, when, in the reasonable determination of the City, a facility (or facilities) is deemed to be unsuitable for use for any period of time.
17. At all times, City shall administer and enforce all applicable City codes, policies and procedures. City shall take such action as is necessary to prevent misuse of the facilities and/or misconduct by participants.
18. City reserves the right to cancel, reschedule or change the location for any activities held at any of the City's facilities. The City may attempt to provide an alternative location for User if facilities are not available, but City is under no obligation to provide such replacement facilities to User.
19. City may, through the Parks and Recreation Superintendent, from time to time, issue a key to a City recreation facility to an authorized representative of User but is under no obligation to do so. Duplication of keys by User will result in revocation of all key privileges and changing of all affected locks at the User's expense.

Term of Agreement

20. Either party may terminate this Agreement, with or without cause, upon thirty (30) days written notice to the other party.
21. This Agreement shall be effective on a month-to-month basis for a period of one (1) year from the date of execution. This Agreement may be renewed or renegotiated; however, any such modifications shall not be binding upon either party unless made in writing and accepted by both parties. No oral modifications may be made to this Agreement.

Additional Provisions

22. User may not sell alcoholic beverages without the expressed written permission of CITY.
23. The CITY'S representative/liaison during the performance of this Agreement shall be King Kindred, Director of Parks and Recreation, telephone no. 561-996-6751. The USER'S

representative/liaison during the performance of this Agreement shall be Barbara King, telephone no. 561-449-3793.

24. Notwithstanding this Agreement, or any Agreement to the contrary, User acknowledges and agrees that in the event City and User desire to use a City facility at the same time, or in the event that any similar usage conflict develops, City shall have priority over User for the use of said facility.
25. If any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any provisions of this Agreement, the City shall be entitled to recover reasonable attorney's fees, expenses and court costs, including appellate fees incurred in that action or proceeding, in addition to any other relief to which the City may be entitled.
26. This Agreement and its attachments constitute the sole and only Agreement of the parties and sets forth the rights, duties, and obligations of each party. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect.
27. The services to be provided by the User pursuant to this Agreement shall be nonexclusive, and nothing shall preclude the City from engaging other persons or entities to provide similar services at the City's facilities.
28. This Agreement shall be construed and enforced according to the laws of the State of Florida. Venue shall be in Palm Beach County, Florida.
29. User and its employees and agents shall be deemed to be independent and not City agents or employees. The User, its employees or agents shall not attain any rights or benefits under the City's retirement plan nor any rights generally afforded the City's classified or unclassified employees, nor shall User be deemed entitled to the Florida Workers' Compensation benefits as a City employee.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

Attested

City of South Bay

BY: _____
Jessica Figueroa, City Clerk

BY: _____
Joe Kyles, Mayor

BY: _____
Leondrae Camel, City Manager

APPROVED AS TO FORM

Burnadette Norris-Week, Esquire
City Attorney

KINGS TUTORING AND MENTORING
FOUNDATION INC

WITNESSES:

Barbara King
Address 206 SW 12TH AVE
South Bay, FL 33493

APPENDIX "A"

SCOPE OF SERVICES

1. User shall furnish certain recreational services at Tanner Park.
2. City will permit the User to utilize the facilities of Tanner Park, including the bathroom facilities.
3. City reserves the right, in its sole exclusive discretion, to change the days and times that the City's facilities may be utilized by the User. In addition, the City reserves the right to establish and enforce limits on the number of hours and number people who will allowed to be present in the interest of public safety and as determined by USER.
4. User shall allowed to utilize the facilities at no cost in accordance with an Operational Plan to be approved by CITY, so long as maintenance expenses are kept at the same levels as prior to the start of this Agreement.
5. User will utilize its best efforts to promote the City of South Bay in all of their games, practices, volunteer efforts and/or performances.
6. Unless otherwise agreed upon in writing by both User and the City, User shall promote and recruit for its programs residents of the City first and foremost and then spread to beyond the city limits for its Programs.
7. Parking will be allowable for User's Programs only in spaces designated by City staff.
8. User will be responsible for all transportation necessary to any away contests, performances, or other Program activities.
9. User shall be responsible for cleaning all utilized facilities after usage. If there is excessive use of the bathrooms or special maintenance required for overuse, additional reasonable charges will be billed for USER by City and shall be due to CITY no later than thirty (30) days.
10. A copy of the additional insured certificate must be made available to the City Manager upon request.
11. Smoking is prohibited by User or any patrons associated with User's scheduled activity. All City ordinances, rules & regulations must be upheld by the User and program participants at all times.
12. The term of Agreement shall commence upon the date of execution hereof and shall remain in effect on a month-to-month period for one (1) year from the date of execution or until completion of the program.

13. User will be responsible for any (minor or major) damage to city property such as (assembly halls, concession areas, all purpose fields, gazebos, fencing, bike bath, etc.). User will be billed separately for any repairs needed during this agreement, whether accidental, negligent or any there other. If such action takes place, user will have thirty (30) days from the date of occurrence to make payment for repairs.
14. User will be responsible for any training of volunteers to properly instruct Program participants.
15. User will be responsible for the use of any City equipment. Any negligence or reckless use of City equipment shall not be tolerated and may result in termination of this Agreement by the City and suspension or termination of User's Program.

Remainder of page intentionally left blank.

RESOLUTION 92 - 2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN ELEVENTH ADDENDUM TO THE LAW ENFORCEMENT SERVICES AGREEMENT BETWEEN THE CITY OF SOUTH BAY AND PALM BEACH COUNTY SHERIFF'S OFFICE.

WHEREAS, the parties executed a Law Enforcement Service Agreement effective December 01, 2005, a First Addendum effective October 01, 2007, a Second Addendum effective October 01, 2008, a Third Addendum effective October 01, 2009, a Fourth Addendum effective October 01, 2010, a Fifth Addendum effective October 01, 2010, a Sixth Addendum effective October 01, 2011, a Seventh Addendum effective October 01, 2012, an eighth addendum effective October 01, 2013, and a ninth addendum effective October 01, 2014 and a Tenth Addendum effective October 01, 2016, (the Agreement") by which the Sheriff agreed to perform law enforcement services; and

WHEREAS, the Parties wish to set forth the consideration for the third year of the current renewed contract term.

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. Authorization of Mayor and City Manager. The City Commission of the City of South Bay hereby authorizes the Mayor and City Manager to execute an Eleventh Addendum to the Law Enforcement Services Agreement with the Palm Beach County Sheriff's Department attached hereto as Exhibit "A", and further authorizes the City Manager to take all necessary and expedient action to effectuate the intent of this Resolution.

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

PASSED and ADOPTED this 18th day of July 2017.

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)

ELEVENTH ADDENDUM TO THE LAW ENFORCEMENT SERVICE AGREEMENT
SHERIFF RIC L. BRADSHAW AND THE CITY OF SOUTH BAY

This Eleventh Addendum to the Law Enforcement Service Agreement is made by and between The City of South Bay (hereinafter referred to as "City"), and Ric L. Bradshaw, Sheriff of Palm Beach County, Florida (hereinafter referred to as "Sheriff"). The City and the Sheriff shall hereinafter be referred to as the "Parties."

WHEREAS, the Parties executed a Law Enforcement Service Agreement effective December 01, 2005, a First Addendum effective October 01, 2007, a Second Addendum effective October 01, 2008, a Third Addendum effective October 01, 2009, a Fourth Addendum effective October 01, 2010, a Fifth Addendum effective October 01, 2010, a Sixth Addendum effective October 01, 2011, a Seventh Addendum effective October 01, 2012, an Eighth Addendum effective October 01, 2013, a Ninth Addendum effective October 01, 2014, and a Tenth Addendum effective October 01, 2016, (the "Agreement") by which the Sheriff agreed to perform law enforcement services; and

WHEREAS, the Parties wish to set forth the consideration for the third year of the current renewed contract term.

NOW, THEREFORE, in consideration of the mutual covenants herein contained the receipt and sufficiency of which are hereby acknowledged, it is agreed upon as follows:

1. In accordance with Article 6, Section 6.2, of the Law Enforcement Service Agreement, Section 6.1 is amended as to the total amount due for services for the period beginning October 01, 2017 through September 30, 2018, as follows: The total cost of personnel and equipment shall be \$180,936.00. Monthly payments shall be \$15,078.00.
2. In all other respects and unless otherwise stated, the terms and conditions of the Agreement, which includes prior Addendums, shall continue unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Addendum to the Agreement as of the last date all signatures below are affixed.

PALM BEACH COUNTY SHERIFF'S OFFICE

CITY OF SOUTH BAY

BY: _____
Ric L. Bradshaw, Sheriff

BY: _____

Title: Sheriff

Print Name: _____

Title: _____

Witness: _____
Antonio Araujo, Major

Witness: _____

DATE: _____

DATE: _____

ORDINANCE NO. 08-2017

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, ADOPTING NEW FLOODPLAIN MANAGEMENT REGULATIONS; TO ADOPT NEW FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE AND FOR OTHER PURPOSES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of South Bay and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City of South Bay was accepted for participation in the National Flood Insurance Program on August 26, 1977 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Parts 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the City Commission is adopting a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the City Commission of the City of South Bay has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance.

Section 2. Chapter 34 entitled "Floodplain Management" is hereby adopted as follows:

Floodplain Management

Article I. Administration

Section 34-1. General

34-19 (a) Title. These regulations shall be known as the *Floodplain Management Ordinance*

of the City of South Bay, hereinafter referred to as "this ordinance."

34-19 (b) Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

34-19 (c) Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

34-19 (d) Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

34-19 (e) Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

(f) Disclaimer of Liability. This ordinance shall not create liability on the part of the City Commission of the City of South Bay or any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 34-20. Applicability

(a) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the City of South Bay, as established in Section 34-20(c) of this ordinance.

(c) Basis for establishing flood hazard areas. The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated August 2, 1978, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall, 335 SW 2nd Ave, South Bay, FL 33493.

(d) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 34-23 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered

as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.

- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(e) Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

(f) Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

(g) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 34-21. Duties and Powers of the Floodplain Administrator

(a) Designation. The City Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(b) General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 34-25 of this ordinance.

(c) Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

(d) Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood

resistant construction requirements of the *Florida Building Code* and this ordinance is required.

(e) Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 34-25 of this ordinance.

(f) Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

(g) Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 34-24 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 34-21(d) of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, or flood hazard area boundaries; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of South Bay are modified.

(i) Floodplain management records. Regardless of any limitation on the period

required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at City Hall, 335 SW 2nd Ave, South Bay, FL 33493.

Section 34-22. Permits

(a) Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

(b) Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(c) Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

(d) Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the City. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

(e) Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other

ordinance of this City. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

(f) Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(g) Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this City.

(h) Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (5) Federal permits and approvals.

Section 34-23. Site Plans and Construction Documents

(a) Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 34-23(b) or 34-23(c) of this ordinance.

- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 34-23(b) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

(b) Information in flood hazard areas without base flood elevations (approximate Zone "A"). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation data available from a federal or state agency or other source.
- (3) Where base flood elevation data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(c) Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 34-23(d) of this ordinance.

(d) Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 34-24 Inspections

(a) General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

(b) Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(c) Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(d) Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 34-23(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(e) Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.4 of this ordinance.

(f) Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Section 34-25 Variances and Appeals

(a) General. The Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

(b) Appeals. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(c) Limitations on authority to grant variances. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 34-25(e) of this ordinance, the conditions of issuance set forth in Section 34-25(f) of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

(d) Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(e) Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(f) Considerations for issuance of variances. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;

- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(g) Conditions for issuance of variances. Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Section 34-26 Violations

(a) Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(b) Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(c) Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Article II. Definitions

Section 34-27 General

(a) Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

(b) Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

(c) Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Section 34-28 Definitions

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions

of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow

capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before August 26, 1977. [Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 26, 1977.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both

having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after August 26, 1977 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 26, 1977.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first

placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See *Instructions and Notes*]

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

ARTICLE III. FLOOD RESISTANT DEVELOPMENT

Section 34-29 Buildings and Structures

(a) **Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to Section 104.3 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

Section 34-30 Subdivisions

(a) **Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) **Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 34-23(b) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

Section 34-31 Site Improvements, Utilities and Limitations

(a) **Minimum requirements.** All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and

water systems are located and constructed to minimize or eliminate flood damage; and

- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(c) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(d) Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

Section 34-32 Manufactures Homes

(a) General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

(b) Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 304.6 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(c) Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation,

collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.5 or 304.6 of this ordinance, as applicable.

(e) General elevation requirement. Unless subject to the requirements of Section 304.6 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

(f) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.5 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.

(g) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

(h) Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

Section 34-33. Recreational Vehicles and Park Trailers

(a) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(b) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 34-33(a) of this ordinance for temporary placement shall meet the requirements of Section 34-32 of this ordinance for manufactured homes.

Section 34-34 Tanks

(a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 34-34(c) of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(c) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Section 34-35 Other Development

(a) General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are

not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (3) Be constructed of flood damage-resistant materials; and
- (4) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 3. **The South Bay Code of Ordinances Chapter 6 Building and Construction Regulations is hereby amended by the following technical amendments to the *Florida Building Code, Residential*.**

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the

FIRM plus 1 foot, or at least 3 feet ~~2-feet (610-mm)~~ if a depth number is not specified.

4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

Section 4. Fiscal Impact Statement.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 5. Conflict and Repealer.

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

Section 6. Applicability.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of South Bay. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after

the effective date of this ordinance.

Section 7. 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 relettered 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 8. Severability.

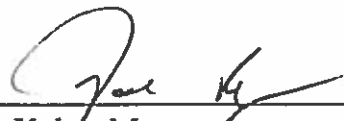
If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

Section 9. Effective Date.

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

PASSED FIRST READING this 06 day of June 2017.

PASSED SECOND READING this _____ day of _____ 2017.



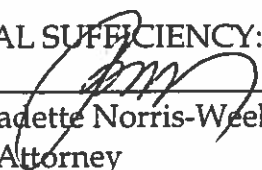
Joe Kyles, Mayor

Attested

By: _____
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND

LEGAL SUFFICIENCY:

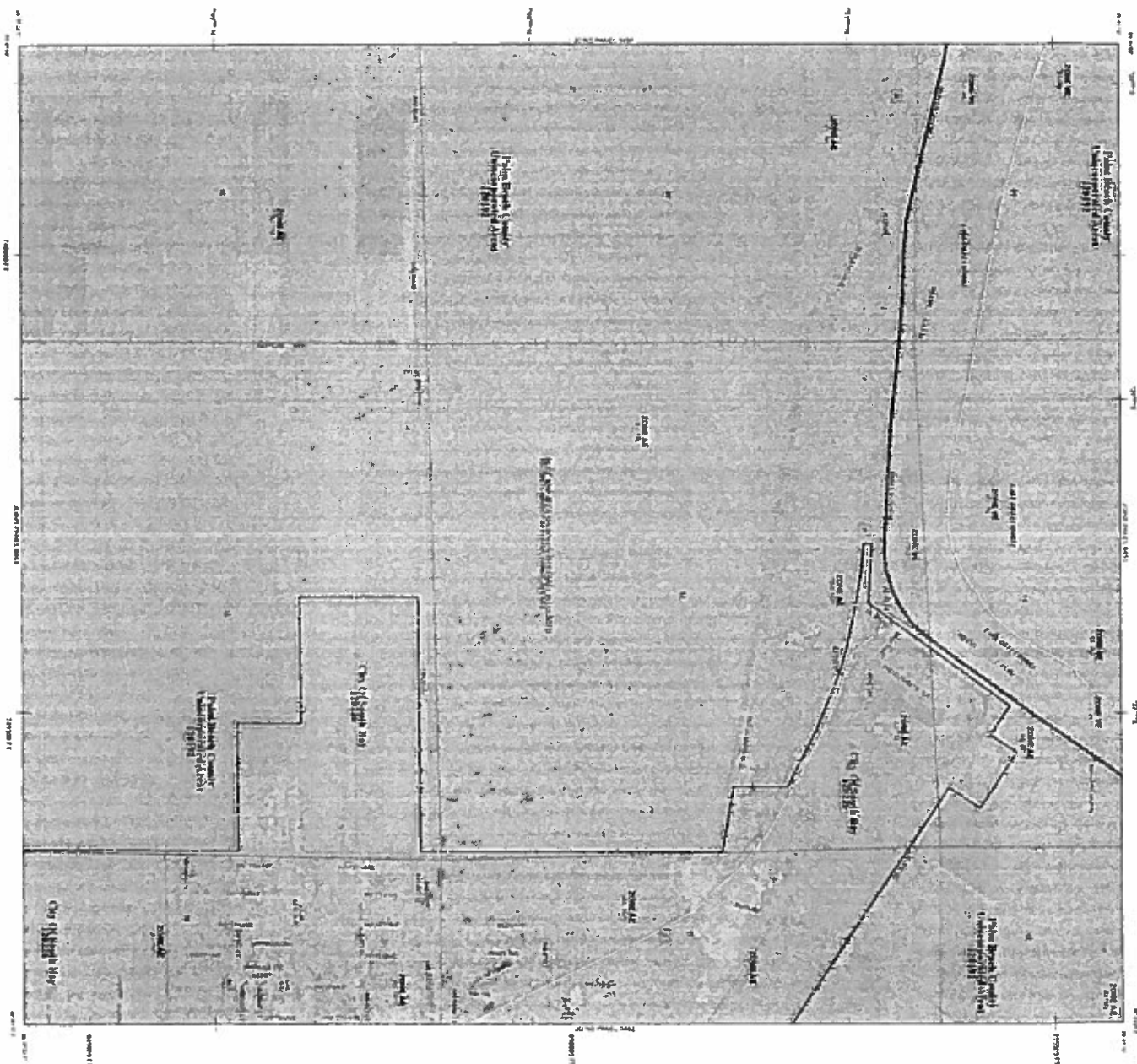

Burnadette Norris-Week, Esquire
City Attorney

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)

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But it's not a simple job. "The quality of the frame on the bars is not the same as the bars themselves," says a source at a leading U.S. steel mill. "The steel of the bars is quite a bit different from the steel of the frame, and there's a lot of heat treatment involved. It's not as simple as it looks."

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NATIONAL BUREAU OF STANDARDS
DEPARTMENT OF COMMERCE

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and low-income libraries all across the nation to building partnerships that best serve the needs of their communities. The community map applet is available at www.libraryconnect.org. The community map applet provides information to address local library needs.

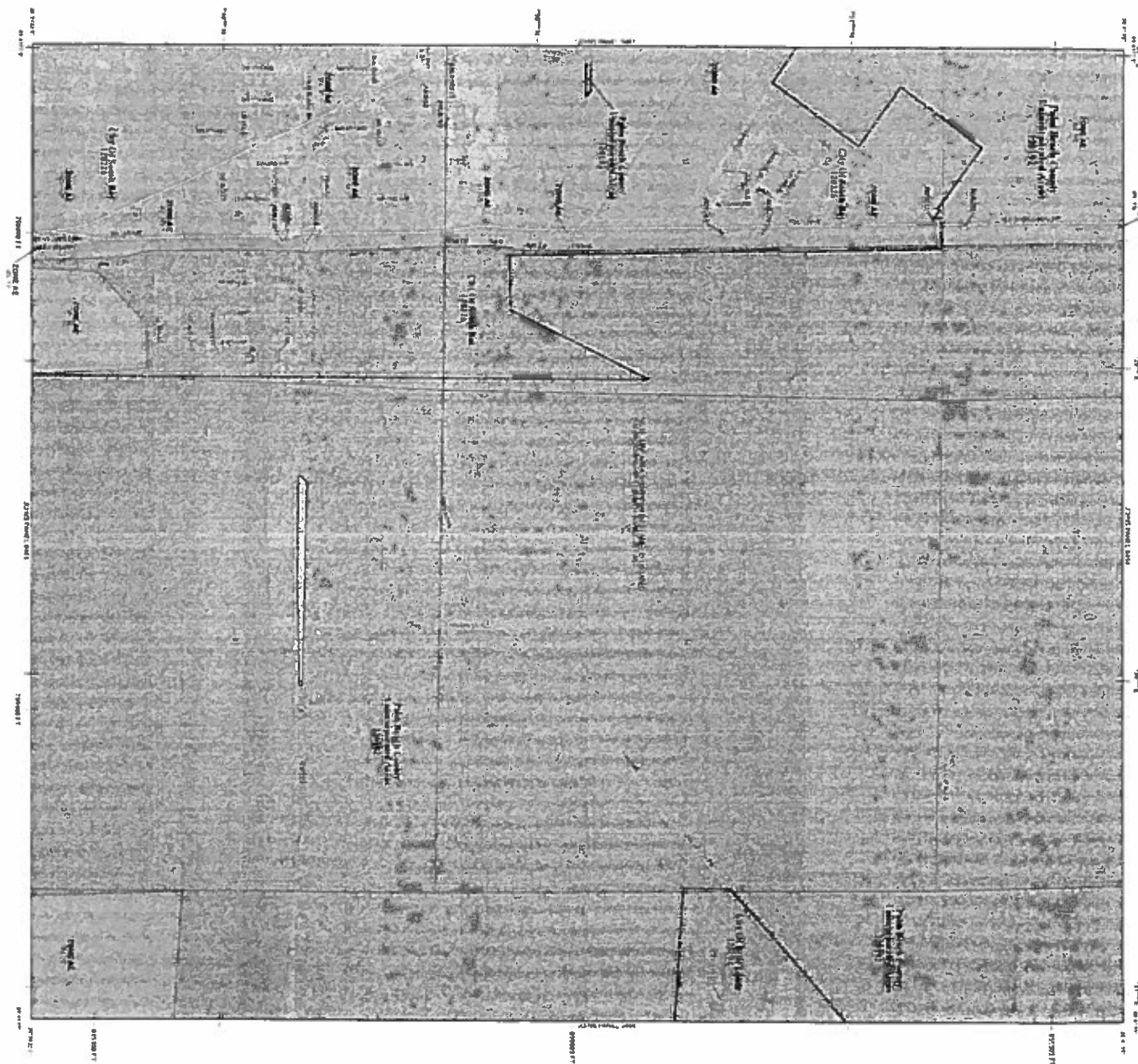
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the authors note that the importance of the social context in the development of the moral reasoning of adolescents is not being fully appreciated. The authors suggest that the social context of the moral reasoning of adolescents is not being fully appreciated. The authors suggest that the social context of the moral reasoning of adolescents is not being fully appreciated.

of 100 telephone calls and inquiries about the day's headline product is equivalent to a 10 percent increase in sales. The program is a first-of-its-kind, and is the second largest in the world. The program is a first-of-its-kind, and is the second largest in the world. The program is a first-of-its-kind, and is the second largest in the world.

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1. **Identify the problem.** The first step is to identify the problem. This involves understanding the symptoms and the context in which they are occurring.

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OTHER PLACES and 15

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Orthodontic Records and Plans

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Can you find the answer to the question in the text?

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1. **What is the purpose of the study?**
 2. **What are the research objectives?**
 3. **What is the research design?**
 4. **What are the variables?**
 5. **What are the data sources?**
 6. **What are the data collection methods?**
 7. **What are the data analysis methods?**
 8. **What are the results?**
 9. **What are the conclusions?**
 10. **What are the limitations?**
 11. **What are the implications?**
 12. **What are the future research directions?**

1. *What is the main purpose of the study?*

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[Home](#)

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PAPEL 5047

**FIRM
FLOOD INSURANCE RATE MAP
PALM BEACH COUNTY**

FILTHIPS
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PAPER 452 OF 1280

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PRELIMINARY
MAY 31 2003

to see it done. The Chicago team found it odd to watch the "old" and "new" teams playing against each other. The new team was "dominant" in the game, but the old team was "dominant" in the game.

MAP NUMBER
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EFFECTIVE DATE

 ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ БІЛІМ ЖӘНЕ ҒЫЛЫМ МИНИСТРЛІГІ

ORDINANCE 09-2017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, REGARDING MEDICAL MARIJUANA; EXTENDING THE IMPOSITION OF A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSING ORGANIZATIONS AND MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY FOR AN ADDITIONAL PERIOD OF 180 DAYS; PROVIDING FOR APPLICABILITY; PROVIDING FOR DURATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature in 2014 enacted a medical marijuana law, the "Compassionate Medical Cannabis Act of 2014" (codified as Section 381.986, Florida Statutes) which authorized a limited number of large nurseries to cultivate, process, transport, and dispense non-euphoric, low THC cannabis and operate as "Dispensing Organizations" for individuals with certain specified serious ailments; and

WHEREAS, the Florida Legislature in 2016 amended the Compassionate Medical Cannabis Act (Section 381.986, Florida Statutes) to include the use of "medical marijuana" for eligible patients with terminal conditions; and

WHEREAS, the 2016 Amendment to Section 381.986, Florida Statutes, expanded the type of marijuana available to eligible patients beyond low THC cannabis to include all types of marijuana, and the statutory amendment has been

codified and has become effective in the State of Florida; and

WHEREAS, on November 8, 2016, Florida's voters voted in favor of an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions" ("Amendment 2"); and

WHEREAS, by passage of Ordinance 06-2016 on January 3, 2017, the City Commission of the City of South Bay ("City") determined that additional time was needed to review, study, hold public hearings and prepare and adopt amendments to the Code of Ordinances consistent with guidance from the State of Florida on new Medical Marijuana Treatment Facilities and Dispensing Organizations; and

WHEREAS, since the passage of Ordinance 06-2016, multiple legislative bills have been introduced which, if enacted, and become law may substantially change the ability of the City of South Bay to regulate in this area; and

WHEREAS, the original moratorium will expire on July 3, 2017, which would be prior to the City Commission's next meeting on July 18, 2017; and

WHEREAS, an additional One Hundred Eighty (180) day extension of the moratorium is needed and such extension would be in the best interests of the residents of the City.

NOW THEREFORE BE IT ORDAINED, by the City Commission of the City of South Bay, Florida:

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. Findings.

The recitals set forth in the "Whereas" clauses above are true and correct and are hereby adopted as findings by the City Commission for the adoption of this Ordinance.

Section 3. 180 Day Extension of Temporary Moratorium.

The City of South Bay hereby extends the time set forth in Ordinance 06-2016, that passed on January 3, 2017, for an additional a One Hundred Eighty (180) Day period regarding the establishment and operation of Medical Marijuana Dispensary Organizations and Medical Marijuana Treatment Centers (as referenced in Section 381.986, Florida Statutes and Constitutional Amendment 2 respectively). Further, while the moratorium is in effect, the City shall not accept, process or approve, any application relating to the establishment or operation of a Medical Marijuana Dispensing Organization or Medical Marijuana Treatment Center. Nothing in this temporary moratorium shall be construed to prohibit the permitted use of medical marijuana or low THC cannabis by a qualified or eligible patient, as determined by a licensed Florida physician pursuant to Amendment 2, Section 381.986, Florida Statutes or other Florida law as applicable.

Section 4. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 5. Severability.

If any section, sentence, clause or any other provision of this Ordinance shall be held invalid or be found unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining sections, sentences, provisions or clauses of this Ordinance.

Section 6. Inclusion In Code.

It is the intention of the City Commission of the City of South Bay, if applicable, that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of South Bay and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 7. Effective Date:

This Ordinance shall become effective as provided by law. The moratorium shall terminate one hundred eighty (180) days from July 3, 2017, unless the City Commission rescinds or extends the moratorium by subsequent ordinance.

PASSED FIRST READING this ____ day of _____ 2017.

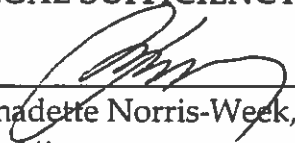
PASSED SECOND READING this ____ day of _____ 2017.

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.southbavcity.com

Commission

Joe Kyles Sr.
Mayor

John Wilson
Vice Mayor

Esther E. Berry

Shanique S. Scott

Taranza McKelvi

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 July 12, 2017

Ref. Weekly check register

Enclosed, please find the summary of check register as of July 12, 2017:

General Fund

- Utility:

At & T	\$ 759.92
DeltaCom	1,256.82
Comcast	549.74
FPL	14,095.06
PBC Water	2,642.66

• Clarke	3,069.00	B
• Bank of America	7,896.05	A
• FL Municipal Ins. Trust	23,471.00	
• CAP Government	9,732.50	
• Costal Network	3,000.00	C
• HCT	5,060.00	
• Norris-Weeks	10,262.75	
• PBC Sheriff	14,782.33	
• Marathon	2,768.71	D
• Flagler Strategic LLC	3,600.00	
• Deposit Refund	1,350.00	X
• Purchased of supplies, materials and parts	5,329.72	E
• Payment for various services	6,428.79	F
• Payroll deductions	7,622.13	G
• Other	7,281.54	H

Total \$ 130,958.72

Sanitation Fund

Waste Management \$ 25,775.63

W & S Fund

US Water \$ 3,942.43



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

Commission

Joe Kyles Sr.
Mayor

John Wilson
Vice Mayor

Esther E. Berry

Shanique S. Scott

Taranza McKelvi

Leondrae Camel
City Manager

Jessica Figueroa, City Clerk

Bernadette Norris-Weeks
City Attorney

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Affirmative Action Employer"

Revenues:

• FP & L (Franchise & Utility tax)	\$ 40,614.39
• Ad Valorem Tax	60,773.97
• Communication Tax	4,063.76
• Local Option Gas Tax	11,709.95
• DOT	287,924.05
• Other	14,845.47
• Revenue Sharing	13,841.64
• Sales Tax	<u>37,990.20</u>

Total

\$ 471,763.43

AP Check Register Report
City Of South Bay (CSBFND)

7/6/2017 4:08:49 PM

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Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
10060	ALLY	ALLY	7/6/2017	502.52	H
10061	BURNADETTE NORRIS-W	BURNADETTE NORRIS-WEEKS	7/6/2017	10,262.75	
10062	DAVID HOBBS	DAVID HOBBS	7/6/2017	150.00	*
10063	EVERGLADES FARM EQU	EVERGLADES FARM EQUIPMENT	7/6/2017	189.18	E
10065	FPL	FPL	7/6/2017	7,242.98	
10066	FRANKS LOCK AND KEY	FRANK COTE	7/6/2017	60.00	F
10067	MARTHON FLEET	WEX BANK	7/6/2017	1,511.61	D
10068	NEW YORK LIFE INS	NEW YORK LIFE INSURANCE COMPANY	7/6/2017	G 176.28	
10069	PBC WATER UTILITIES	PALM BEACH COUNTY WATER UTILITIES	7/6/2017	977.14	
10070	ROLFE & LOBELLO, P.A.	ROLFE & LOBELLO, P.A.	7/6/2017	G 130.00	
10071	THE SHERWIN WILLIAMS	SHERWIN WILLIAMS CO.	7/6/2017	1,418.50	E
Non-Electronic Transactions:				22,620.96	
Total Transactions:				22,620.96	

AP Check Register Report

City Of South Bay (CSBFND)

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Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
10032	AFLAC	AFLAC	6/29/2017	1,796.61	G
10033	BANK OF AMERICA, NA	BANK OF AMERICA	6/29/2017	2,972.63	A
10034	CAP GOVERNMENT	CAP GOVERNMENT	6/29/2017	9,732.50	
10035	CLARKE	CLARKE	6/29/2017	627.00	B
10036	COASTAL NETWORK SOL	COASTAL NETWORK SOLUTIONS, LLC	6/29/2017	1,500.00	C
10037	COLONIAL LIFE PROCES	COLONIAL LIFE PROCESSING CENTER	6/29/2017	113.50	G
10038	COMCAST	COMCAST	6/29/2017	164.85	
10039	DELTACOM 1058	EARTHLINK	6/29/2017	1,256.82	
10040	EVERGLADES FARM EQU	EVERGLADES FARM EQUIPMENT	6/29/2017	252.46	E
10041	FEDERAL EXPRESS	FEDERAL EXPRESS	6/29/2017	22.66	F
10042	GOLDEN CORRAL *	GOLDEN CORRAL	6/29/2017	145.84	H
10043	IAMAW	IAMAW	6/29/2017	324.72	G
10044	LAKE HARDWARE	LAKE HARDWARE	6/29/2017	73.48	E
10045	LEGAL SHIELD	PRE PAID LEGAL SERVICES INC	6/29/2017	25.90	G
10046	LIBERTY NATIONAL	LIBERTY NATIONAL	6/29/2017	661.05	L
10047	MY DOCTOR	MARTIN T. HARLAND DO	6/29/2017	300.00	H
10048	OMAR SHEPPARD	OMAR SHEPPARD	6/29/2017	64.89	E
10049	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	6/29/2017	55.00	
10050	PERFORMANCE NAPA	PERFORMANCE NAPA	6/29/2017	66.25	
10051	ROBBIE TIRE	ROBBIE TIRE	6/29/2017	15.00	
10052	SEASON TO SEASON, LLC	SEASON TO SEASON, LLC	6/29/2017	180.00	F
10053	SOLSTICE BENEFITS IN	SOLSTICE MARKETPLACE	6/29/2017	598.87	G
10054	THE PALM BEACH POST	CMG-PB REMITTANCE ADDRESS	6/29/2017	319.92	F
10055	TRC FARM INDUSTRIAL	TRC FARM & INDUSTRIAL SUPPLY INC	6/29/2017	12.45	E
10056	UNITED FIRE PROTECTIC	UNITED FIRE PROTECTION, INC.	6/29/2017	675.00	F
10057	UNUM LIFE INS	UNUM LIFE INSURANCE COMPANY OF AMER	6/29/2017	176.49	H
10058	WALMART COMMUNITY	WAL-MART COMMUNITY	6/29/2017	213.54	E
10059	WELLINGTON CINEMA	MOVIES AT WELLINGTON	6/29/2017	85.00	H
Non-Electronic Transactions:				22,432.43	
Total Transactions:				22,432.43	

AP Check Register Report

City Of South Bay (CSBFND)

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Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
0026	JOHN DEERE FINANCIAL	JOHN DEERE FINANCIAL	6/22/2017	496.63	H
10027	KEILA ROA	KEILA ROA	6/22/2017	300.00	*
10028	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	6/22/2017	40.68	E
10029	PETTY CASH	CITY OF SOUTH BAY-PETTY CASH	6/22/2017	250.00	H
10030	SEMINOLE SUPPLY CO	SEMINOLE SUPPLY CO	6/22/2017	21.17	E
10031	SOUTH CENTRAL FLORID	SOUTH CENTRAL FLORIDA EXPRESS	6/22/2017	1,701.00	H
Non-Electronic Transactions:				2,609.48	
Total Transactions:				2,609.48	

AP Check Register Report

City Of South Bay (CSBFND)

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Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
10000	AT&T MOBILITY	AT&T MOBILITY -ROC	6/14/2017	759.92
10001	BELLE GLADE WHOLESAL	BELLE GLADE WHOLESALE	6/14/2017	33.61 E
10002	CARIBE ROYALE	CARIBE ROYALE	6/14/2017	H 745.00 B
10003	CLARKE	CLARKE	6/14/2017	1,221.00 C
10004	COASTAL NETWORK SOL	COASTAL NETWORK SOLUTIONS, LLC	6/14/2017	1,500.00
10005	EVERGLADES FARM EQU	EVERGLADES FARM EQUIPMENT	6/14/2017	173.70 E
10006	FLORIDA MUNICIPAL IN	FLORIDA MUNICIPAL INSURANCE TRUST	6/14/2017	23,471.00
10007	GEORGE SANDIFORD	GEORGE SANDIFORD	6/14/2017	25.00 H
10008	GLADES ALTERNATOR	GLADES ALTERNATOR	6/14/2017	85.00 F
10009	HODGE LAWN SERVICE	HODGE LAWN SERVICE	6/14/2017	2,000.00
10010	JESSICA FIGUEROA	JESSICA FIGUEROA	6/14/2017	294.00 H
10011	JP ELECTRONIC	JEFF PAULO D/B/A JP ELECTRONICS &	6/14/2017	90.50 F
10012	KELLY TRACTOR	KELLY TRACTOR	6/14/2017	23.58 E
10013	LARRY'S AC APPLIANCE	LARRY'S AC & APPLIANCE	6/14/2017	265.00 F
10014	LAWNMOWER HEADQUAI	LAWNMOWER HEADQUARTER	6/14/2017	10.46
10015	LISA ROLLE	LISA ROLLE	6/14/2017	150.00 X
10016	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	6/14/2017	E 92.38
10017	PAMELA ALLEN	PAMELA ALLEN	6/14/2017	150.00 *
10018	PBC SHERIFF'S OFFICE	PALM BEACH COUNTY SHERIFF'S OFFICE	6/14/2017	14,782.33
10019	PERFORMANCE NAPA	PERFORMANCE NAPA	6/14/2017	E 165.94
10020	SEASON TO SEASON, LLC	SEASON TO SEASON, LLC	6/14/2017	265.00 F
10021	SEMINOLE SUPPLY CO	SEMINOLE SUPPLY CO	6/14/2017	13.38 E
10022	SHARON R. BOCK	SHARON R. BOCK, CLERK & COMPTROLLER	6/14/2017	27.60 H
10023	THE PALM BEACH POST	CMG-PB REMITTANCE ADDRESS	6/14/2017	34.40 F
10024	U & ME RECORDS MANAC	U & ME RECORDS MANAGEMENT	6/14/2017	303.02
10025	XEROX CORP	XEROX CORPORATION	6/14/2017	455.99 J

Non-Electronic Transactions: 47,137.81

Total Transactions: 47,137.81

AP Check Register Report

City Of South Bay (CSBFND)

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Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9979	BELLE GLADE WHOLESAL	BELLE GLADE WHOLESALE	6/9/2017	132.75	E
9980	CLARKE	CLARKE	6/9/2017	627.00	B
9981	COMCAST	COMCAST	6/9/2017	220.04	
9982	EDGAR KERR	EDGAR W. KERR	6/9/2017	199.28	H
9983	HCT	HARVEY, COVINGTON & THOMAS	6/9/2017	5,060.00	
9984	HOME DEPOT CREDIT SE	HOME DEPOT CREDIT SERVICES	6/9/2017	669.43	E
9985	JP ELECTRONIC	JEFF PAULO D/B/A JP ELECTRONICS &	6/9/2017	542.50	F
9986	LAKE HARDWARE	LAKE HARDWARE	6/9/2017	139.61	E
9987	LATONIA MCFARLAND	LATONIA MCFARLAND	6/9/2017	150.00	*
9988	LEGAL SHIELD	PRE PAID LEGAL SERVICES INC	6/9/2017	25.90	G
9989	LENIA SIMPSON	LENIA SIMPSON	6/9/2017	150.00	X
9990	MARTHON FLEET	WEX BANK	6/9/2017	1,257.10	D
9991	MY DOCTOR	MARTIN T. HARLAND DO	6/9/2017	300.00	H
9992	NEW YORK LIFE INS	NEW YORK LIFE INSURANCE COMPANY	6/9/2017	176.28	G
9993	OFFICE DEPOT CREDIT	OFFICE DEPOT CREDIT PLAN	6/9/2017	167.41	E
9994	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	6/9/2017	114.32	J
9995	PAM'S PLUMBING INC.	PAM'S PLUMBING INC.	6/9/2017	537.30	F
9996	ROLFE & LOBELLO, P.A.	ROLFE & LOBELLO, P.A.	6/9/2017	130.00	G
9997	SEMINOLE SUPPLY CO	SEMINOLE SUPPLY CO	6/9/2017	200.50	E
9998	STITCH WORK PLUS	STITCH WORK PLUS	6/9/2017	112.32	H
9999	UNITED SITE SERVICES C	UNITED SITE SERVICES OF FLORIDA INC	6/9/2017	200.00	S
Non-Electronic Transactions:				11,111.74	
Total Transactions:				11,111.74	

AP Check Register Report

City Of South Bay (CSBFND)

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Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9955	AFLAC	AFLAC	6/2/2017	C ₂ 1,796.61	
9956	ALLY	ALLY	6/2/2017	502.52	H
9957	BANK OF AMERICA, NA	BANK OF AMERICA	6/2/2017	4,923.42	A
9958	CLARKE	CLARKE	6/2/2017	594.00	B
9959	COLONIAL LIFE PROCES	COLONIAL LIFE PROCESSING CENTER	6/2/2017	G 113.50	
9960	COMCAST	COMCAST	6/2/2017	164.85	
9961	FALICIA J. SMITH	FALICIA J. SMITH	6/2/2017	150.00	*
9962	FLAGLER STRATEGIES LI	FLAGLER STRATEGIES LLC	6/2/2017	3,600.00	
9964	FPL	FPL	6/2/2017	6,852.08	
9965	IAMAW	IAMAW	6/2/2017	G 324.72	
9966	KINGS TUTORING AND MI	KINGS TUTORING AND MENTORING FOUNDATION II	6/2/2017	1,000.00	H
9967	LIBERTY NATIONAL	LIBERTY NATIONAL	6/2/2017	G 661.05	
9968	ORLANDO VEGA	ORLANDO VEGA	6/2/2017	150.00	*
9969	PALM BEACH POST	CMG-PB REITTANCE ADDRESS	6/2/2017	34.40	F
9970	PBC WATER UTILITIES	PALM BEACH COUNTY WATER UTILITIES	6/2/2017	1,665.54	
9971	PERFORMANCE NAPA	PERFORMANCE NAPA	6/2/2017	71.14	E
9972	ROBBIE TIRE	ROBBIE TIRE	6/2/2017	452.10	I
9973	SOLSTICE BENEFITS IN	SOLSTICE MARKETPLACE	6/2/2017	567.14	G
9974	TRC FARM INDUSTRIAL	TRC FARM & INDUSTRIAL SUPPLY INC	6/2/2017	E 304.48	
9975	U & ME RECORDS MANAC	U & ME RECORDS MANAGEMENT	6/2/2017	F 303.02	
9976	UNUM LIFE INS	UNUM LIFE INSURANCE COMPANY OF AMER	6/2/2017	153.45	H
9977	WALMART COMMUNITY	WAL-MART COMMUNITY	6/2/2017	207.20	E
9978	XEROX CORP	XEROX CORPORATION	6/2/2017	255.08	F
				Non-Electronic Transactions:	24,846.30
				Total Transactions:	24,846.30

AP Check Register Report

City Of South Bay (CSBFND)

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Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
144	WASTE MANAGEMENT	WASTE MANAGEMENT	6/14/2017	22,790.73
Non-Electronic Transactions:				22,790.73
Total Transactions:				22,790.73

AP Check Register Report
City Of South Bay (CSBFND)

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Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
143	WASTE MANAGEMENT	WASTE MANAGEMENT	6/2/2017	2,984.90
Non-Electronic Transactions:				2,984.90
Total Transactions:				2,984.90

AP Immediate Check Register Report

City Of South Bay (CSBFND)

6/8/2017 9:08:15 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
8	US WATER	U.S. WATER SERVICES CORPORATION	6/8/2017	3,942.43
Totals:			Total Transactions:	3,942.43