

**AGENDA
CITY OF SOUTH BAY
CITY WORKSHOP
CITY COMMISSION CHAMBERS
FEBRUARY 21, 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. City Clerk Administrative Assistance
4. **ADJOURNMENT**

**AGENDA
CITY OF SOUTH BAY, FLORIDA
REGULAR CITY MEETING
CITY COMMISSION CHAMBERS
FEBRUARY 21, 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. Letters of Intent – South Bay Park of Commerce

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.

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

6a. RESOLUTION NO. 72-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, COMMENDING THE FLORIDA ASSOCIATION OF CITY CLERKS FOR ITS 45TH ANNIVERSARY; PROVIDING FOR AN EFFECTIVE DATE

6a. RESOLUTION NO. 73-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, SUPPORTING ADEQUATE FUNDING OF THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP); PROVIDING FOR AN EFFECTIVE DATE

7. ORDINANCES - (FIRST READING)

7a. ORDINANCE 07-2017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS AND ON THE ISSUANCE OF CITY PERMITS OR APPROVALS FOR PENDING APPLICATIONS, FOR THE INSTALLATION OF ABOVE-GROUND "WIRELESS COMMUNICATIONS FACILITIES" WITHIN ANY CITY RIGHTS-OF-WAY OR WITHIN ANY EASEMENTS ADJACENT TO CITY RIGHTS-OF-WAY; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT UNTIL JULY 31, 2017, UNLESS OTHERWISE MODIFIED OR EXTENDED BY THE CITY COMMISSION; FURTHER DIRECTING CITY STAFF TO UNDERTAKE A COMPREHENSIVE REVIEW OF THE CITY'S EXISTING COMMUNICATIONS FACILITIES REGISTRATION, PERMITTING AND INSTALLATION CODES WITH AN EMPHASIS ON ENSURING THE PROTECTION OF VEHICULAR AND PEDESTRIAN TRAFFIC WITHIN AND ALONG CITY RIGHTS-OF-WAY, ENSURING THE PROTECTION OF RESIDENTIAL PROPERTIES ALONG CITY RIGHTS-OF-WAY, AND COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS INCLUDING BUT NOT LIMITED TO THE TELECOMMUNICATIONS ACT OF 1996, AND SECS. 337.401 AND 365.172, FLORIDA STATUTES; PROVIDING FOR CONTINUATION, EXTENSION OR TERMINATION OF SAID MORATORIUM; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSE.

8. ROSENWALD ELEMENTARY SCHOOL

9. FINANCE REPORT

9a. Accounts Payable Report

10. CITY CLERK REPORT

10a. Next City Commission Meeting – Tuesday, March 07, 2017

11. CITY MANAGER REPORT

11a. City-Wide Camera System

11b. Parks and Recreation Modernization Update

11c. Brownfields Site Status – Include attached 480 report in agenda

11d. MLK Roadway Construction Status

12. CITY ATTORNEY REPORT

13. FUTURE AGENDA ITEMS

14. COMMISSIONER COMMENTS/FOR THE GOOD OF THE ORDER

15. ADJOURNMENT

CITY COMMISSION CONSIDERATIONS FOR PARK OF COMMERCE	KESTREL	BIOCHAR	BRIDGE SOLUTIONS INC.
<p>Business Retention and Growth</p> <p>Q: Will the proposed plan a) support existing or emerging business/industry; and/ or b) support development of entrepreneurs/ new enterprise? If yes, please explain how?</p>	<p>Market interest will indicate if one or both existing/emerging business/industry will occur at the subject site. Market interest will likely lead to business enterprise. The potential for complimentary office and retail occur as an accessory to job creation development.</p>	<p>Yes, Answer is detailed with specificity in our Biochar 3 ring book binder in June 2016.</p>	<p>Yes, development of the Industrial Park of Commerce as proposed by Bridge Solutions, Inc. (Bridge) will indeed support existing and emerging business, industry and commerce within South Bay. However our open platform design plan will produce much, much more. It embraces International Business Development at its core. With the assistance of our strategic partners, Bridge will replicate existing successful International business expansion projects, increase global visibility, expand market exposure and create new opportunities for new enterprise entrepreneurs.</p>
<p>Public Access</p> <p>Q: Is the proposed plan projected to provide a roadway for public access to and from US HWY 27 within the City of South Bay?</p>	<p>Yes, The proposed plan includes the planned roadway internal to the property to provide for public access.</p>	<p>Yes, It is on the map we provided Approximately 7 months ago contained in our Biochar 3 ring binder.</p>	<p>Yes, Bridge believes the City of South Bay is intrinsically interested in serving the needs of the entire population and providing the highest benefit to the community and businesses currently operating in and around the city. Bridge Solutions' site plan includes spaces for public use and enjoyment for local residents, businesses and visitors. This absolutely requires the provision of roadway for public access to and from US HWY 27 in South Bay. Said road shall be dedicated on the plat to the City of South Bay as City owned road.</p>
<p>Economic Development Agreement</p> <p>Q: Is proposer willing to enter into a Property Development Agreement with the City of South Bay, which meets or exceeds the requirements set forth in Florida Statutes section 163.3227</p>	<p>Yes.</p>	<p>Yes, We need a copy of the referred to agreement.</p>	<p>Yes, Bridge is indeed prepared to enter into a negotiated property Development Agreement with the City of South Bay that will meet or exceed the requirements set forth in Florida Statutes Section 163.3227</p>

<p>Workforce Training Development and Educational Attainment</p> <p>Q: Will the proposed project create jobs? If so, how many jobs are projected and what is the plan for workforce training development and educational attainment?</p>	<p>Yes, the proposed project will create jobs. The number of jobs depends on the use(s) of the square footage(s). The plan for workforce training, development and educational attainment has been ongoing for the past few years including with the reopening of West Tech. Workforce training and development will largely depend on the occupant's needs and can be further supported. Educational attainment has also been ongoing via West Tech and State College over the years.</p>	<p>Yes, 113 initial employees possibly up to 430 employees. See our business plan for Palm Beach College, West Tech Vocational + special tailored plan with workforce training development.</p>	<p>Our new businesses and visitors interested in locating in the South Bay Park Commerce want and need a training center in proposed development. End-users will share access to training and programs designed to support new aspiring entrepreneurs and workers, both at a beginning level and those interested in advancing their skills.</p>
<p>Design Standards</p> <p>Q: Is proposer willing to meet City design standards for the development of the subject property?</p>	<p>Yes, The City's land development and site design regulations have been considered. Final design will depend upon the occupant's use.</p>	<p>Yes, but you must provide us a copy of the City's design standards you envision for the site</p>	<p>Yes, The past experience of our community benefits administrator, We Help, has exposed us to most of the design requirements of the City of South Bay. However, once selected as the successful bidder, the Architect for Bridge Solutions shall meet with the City Building Inspector to ensure that all of the design standards are met and included in the Development Order.</p>
<p>Jobs for South Bay residents</p> <p>Q: Is the proposed project projected to create jobs specifically for South Bay residents? If so, how many jobs are expected to be created?</p>	<p>The intention of the project is to hire locally. A priority for South Bay residents being interviewed for fulltime jobs can be included in a future agreement</p>	<p>Yes, between the initial 113 jobs grow to approximately, 430 jobs.</p>	<p>The ILC proposed Bridge is designed to create many jobs for the Tri-city area with special preference and consideration for residents of the City of South Bay.</p>



Florida Department of Environmental Protection

Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
(561) 681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

February 16, 2017

VIA EMAIL: camell@southbaycity.com

Mr. Leondrae D. Camel, City Manager
City of South Bay
355 SW 2nd Avenue
South Bay, FL 33493

RE: Post Active Remediation Monitoring Report (PARM) 2nd Quarter
480 North US Highway 27
South Bay, Florida 33493, Palm Beach County
Site ID: BF501401001, COM_334884

Dear Mr. Camel:

The Florida Department of Environmental Protection (Department) Southeast District, Waste Compliance Assurance Program has reviewed the PARM 2nd Quarter (report) dated February 9, 2017 (received February 10, 2017), prepared and submitted by Terracon/Cardno for the property referenced above.

Defining the extent of the plume is essential for site cleanup. From the contour maps (Figure 4D, Figure 4E, Figure 4F, Figure 4G) trimethylbenzene, trimethylbenzene, naphthalene, and 1-methylnaphthalene are groundwater contaminants detected within North US 27 Department of Transportation Right-of-Way (ROW). Please install a monitor well(s) to delineate the full extent of the groundwater plume.

Please submit the 3rd Quarterly PARM report prior to May 1, 2017. If the installation of MW-13 in the median of North US 27 is delayed, please keep the Department informed as soon as possible. If you have any questions, please contact Art Torvela at (561) 681-6676 or via email art.torvela@dep.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Diane Pupa".

Diane Pupa
Program Administrator
Southeast District

cc: Olga Perry, US EPA (perry.olga@epa.gov)
Terry Griffin, P.G., Cardno (terry.griffin@cardno.com)
Carol Thompson, Palm Beach County Dept. of Economic Sustainability (cthompson@pbcgov.org)
Andrew Petric, P.G., Terracon (Andrew.petric@terracon.com)
Timothy Mayer, Palm Beach County Health Department (timothy.mayer@flhealth.gov)

RESOLUTION NO. 72-2017

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF SOUTH BAY, FLORIDA, COMMENDING THE
FLORIDA ASSOCIATION OF CITY CLERKS FOR ITS
45TH ANNIVERSARY; PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, the Florida Association of City Clerks ("FACC") was established in 1972 to promote and develop the educational and professional status of Florida city clerks; and

WHEREAS, the primary objective of the FACC is to educate city clerks within the State of Florida; and

WHEREAS, the FACC works in conjunction with the International Institute of Municipal Clerks to provide Certified Municipal Clerk ("CMC") and Master Municipal Clerk ("MMC") certification for city clerks; and

WHEREAS, the FACC strives to help increase the efficiency of city clerk functions, increase cooperation and assistance with city administrators, gather and disseminate information to improve procedures, and improve the efficiency of the administration of municipal government; and

WHEREAS, the FACC currently has more than 575 members in seven districts throughout the state; and

WHEREAS, the FACC is proud to have one of the largest certification programs in the country with more than 200 Certified Municipal Clerks and more than 100 Master Municipal Clerks among its members; and

WHEREAS, the FACC provides educational opportunities for clerks through its annual summer conference academy and fall academy, webinars, district mini-academies and Athenian Dialogues; and

WHEREAS, the FACC provides a discussion forum by which members may post inquiries when researching best practices for programs, issues and opportunities within Florida's cities; and

WHEREAS, year 2017 marks the 45th Anniversary of the FACC, which is an occasion for which the City of South Bay desires to recognize; and

WHEREAS, the City of South Bay offers membership into FACC for City of South Bay Clerk Jessica Figueroa.

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. **Commendation for the FACC.** The City Commission of the City of South Bay hereby commends the Florida Association of City Clerks ("FACC") on its 45th Anniversary. A copy of this resolution shall be provided by the City Clerk to the FACC's Board of Directors.

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

PASSED and ADOPTED this 21st day of February 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. 73-2017

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF SOUTH BAY, FLORIDA,
SUPPORTING ADEQUATE FUNDING OF THE
LOW INCOME HOME ENERGY ASSISTANCE
PROGRAM (LIHEAP); PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the City Commission of the City of South Bay recognizes basic energy services to be a vital key to the health, safety and well-being of Florida households and families; and

WHEREAS, poverty, unemployment and the slow economic recovery remain persistent national problems for many, and most especially, low-income households; and

WHEREAS, low-income families in Florida must disproportionately spend about three times more of their income on basic energy services than middle-income families do; and

WHEREAS, homes in low-income and minority communities severely lack energy efficiency features that can reduce energy consumption; and

WHEREAS, the primary Federal program providing assistance to low-income households to support their heating and cooling needs is the Low Income Home Energy Assistance Program ("LIHEAP"); and

WHEREAS, LIHEAP can provide vital heating, cooling and efficiency assistance to low-income households, including working-poor families, senior citizens, persons with disabilities and veterans; and

WHEREAS, the severe constraints on state and local budgets and the increased strain on the nation's support system provided by nonprofit, faith-based and charitable community organizations have reduced other resources available for energy assistance; and

WHEREAS, LIHEAP is not an entitlement, but rather a limited block grant program which provides flexible Federal-State partnerships to prevent

service terminations during cold and hot weather emergencies; to make the transition from public assistance to economic self-reliance; to help low-income households remain economically self-sufficient; and

WHEREAS, federal LIHEAP funding has declined from \$5.1 billion in 2010 and is currently \$3.4 billion in 2016; and

WHEREAS, due to this limited funding, less than 125,000 Florida households received LIHEAP assistance in 2014, or less than ten percent of the State's eligible households; and

WHEREAS, due to this limited funding, the National Energy Assistance Directors Association has reported that many low-income families "will have few choices but to cut back on essential necessities, such as medicine, food, and clothing"; and

WHEREAS, The National Energy and Utility Affordability Coalition (NEUAC) and other concerned national organizations support restoring LIHEAP funding to at least \$4.7 billion in federal fiscal year 2017; and

WHEREAS, another impactful solution to increase Florida's share of funding, without increasing the overall federal LIHEAP budget, is for Congressional Appropriators to simply "follow LIHEAP's enabling law" - the precise allocation formula actually prescribed by Congress. Florida and many other states in great need would see a meaningful increase in their share of LIHEAP funds, as the Program's enabling law calibrates for the dangers of both extreme heat and cold. It also adjusts funding for changing energy costs, demographics and poverty. In fact, the Congressional Research Service's latest (June 25, 2015) estimate confirmed that Florida would receive an additional \$38.5 million in LIHEAP funding - a 55 percent improvement - if appropriations were to simply adhere to LIHEAP's lawfully-enacted enabling law, even if the Program were simply to be level funded; and

WHEREAS, the City Commission of the City of South Bay ("City Commission") deems the support of funding for LIHEAP as vitally important to the residents of the City.

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. Pledge of Support. The City of South Bay, Florida ("City") hereby urges the Appropriations Committee of the United States Senate and House of Representatives to both fully follow LIHEAP's enabling law when determining all future appropriations and to restore LIHEAP funding to its historic levels. The City hereby supports the funding of LIHEAP as well as the Enabling Law so that low income residents of the City can benefit.

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

PASSED and ADOPTED this 21st day of February 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 COMMISSION CONSIDERATIONS FOR PARK OF COMMERCE	KESTREL	BIOCHAR	BRIDGE SOLUTIONS INC.
<p>Business Retention and Growth</p> <p>Q: Will the proposed plan a) support existing or emerging business/industry; and/ or b) support development of entrepreneurs/ new enterprise? If yes, please explain how?</p>	<p>Market interest will indicate if one or both existing/emerging business/industry will occur at the subject site. Market interest will likely lead to business enterprise. The potential for complimentary office and retail occur as an accessory to job creation development.</p>	<p>Yes, Answer is detailed with specificity in our Biochar 3 ring book binder in June 2016.</p>	<p>Yes, development of the Industrial Park of Commerce as proposed by Bridge Solutions, Inc. (Bridge) will indeed support existing and emerging business, industry and commerce within South Bay. However our open platform design plan will produce much, much more. It embraces International Business Development at its core. With the assistance of our strategic partners, Bridge will replicate existing successful International business expansion projects, increase global visibility, expand market exposure and create new opportunities for new enterprise entrepreneurs.</p>
<p>Public Access</p> <p>Q: Is the proposed plan projected to provide a roadway for public access to and from US HWY 27 within the City of South Bay?</p>	<p>Yes, The proposed plan includes the planned roadway internal to the property to provide for public access.</p>	<p>Yes, It is on the map we provided Approximately 7 months ago contained in our Biochar 3 ring binder.</p>	<p>Yes, Bridge believes the City of South Bay is intrinsically interested in serving the needs of the entire population and providing the highest benefit to the community and businesses currently operating in and around the city. Bridge Solutions' site plan includes spaces for public use and enjoyment for local residents, businesses and visitors. This absolutely requires the provision of roadway for public access to and from US HWY 27 in South Bay. Said road shall be dedicated on the plat to the City of South Bay as City owned road.</p>
<p>Economic Development Agreement</p> <p>Q: Is proposer willing to enter into a Property Development Agreement with the City of South Bay, which meets or exceeds the requirements set forth in Florida Statutes section 163.3227</p>	<p>Yes.</p>	<p>Yes, We need a copy of the referred to agreement.</p>	<p>Yes, Bridge is indeed prepared to enter into a negotiated property Development Agreement with the City of South Bay that will meet or exceed the requirements set forth in Florida Statutes Section 163.3227</p>

<p>Workforce Training Development and Educational Attainment</p> <p>Q: Will the proposed project create jobs? If so, how many jobs are projected and what is the plan for workforce training development and educational attainment?</p>	<p>Yes, the proposed project will create jobs. The number of jobs depends on the use(s) of the square footage(s). The plan for workforce training, development and educational attainment has been ongoing for the past few years including with the reopening of West Tech. Workforce training and development will largely depend on the occupant's needs and can be further supported. Educational attainment has also been ongoing via West Tech and State College over the years.</p>	<p>Yes, 113 initial employees possibly up to 430 employees. See our business plan for Palm Beach College, West Tech Vocational + special tailored plan with workforce training development.</p>	<p>Our new businesses and visitors interested in locating in the South Bay Park Commerce want and need a training center in proposed development. End-users will share access to training and programs designed to support new aspiring entrepreneurs and workers, both at a beginning level and those interested in advancing their skills.</p>
<p>Design Standards</p> <p>Q: Is proposer willing to meet City design standards for the development of the subject property?</p>	<p>Yes, The City's land development and site design regulations have been considered. Final design will depend upon the occupant's use.</p>	<p>Yes, but you must provide us a copy of the City's design standards you envision for the site</p>	<p>Yes, The past experience of our community benefits administrator, We Help, has exposed us to most of the design requirements of the City of South Bay. However, once selected as the successful bidder, the Architect for Bridge Solutions shall meet with the City Building Inspector to ensure that all of the design standards are met and included in the Development Order.</p>
<p>Jobs for South Bay residents</p> <p>Q: Is the proposed project projected to create jobs specifically for South Bay residents? If so, how many jobs are expected to be created?</p>	<p>The intention of the project is to hire locally. A priority for South Bay residents being interviewed for fulltime jobs can be included in a future agreement</p>	<p>Yes, between the initial 113 jobs grow to approximately, 430 jobs.</p>	<p>The ILC proposed Bridge is designed to create many jobs for the Tri-city area with special preference and consideration for residents of the City of South Bay.</p>

ORDINANCE NO. 07-2017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS AND ON THE ISSUANCE OF CITY PERMITS OR APPROVALS FOR PENDING APPLICATIONS, FOR THE INSTALLATION OF ABOVE-GROUND "WIRELESS COMMUNICATIONS FACILITIES" WITHIN ANY CITY RIGHTS-OF WAY OR WITHIN ANY EASEMENTS ADJACENT TO CITY RIGHTS-OF-WAY; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT UNTIL JULY 31, 2017, UNLESS OTHERWISE MODIFIED OR EXTENDED BY THE CITY COMMISSION; FURTHER DIRECTING CITY STAFF TO UNDERTAKE A COMPREHENSIVE REVIEW OF THE CITY'S EXISTING COMMUNICATIONS FACILITIES REGISTRATION, PERMITTING AND INSTALLATION CODES WITH AN EMPHASIS ON ENSURING THE PROTECTION OF VEHICULAR AND PEDESTRIAN TRAFFIC WITHIN AND ALONG CITY RIGHTS-OF-WAY, ENSURING THE PROTECTION OF RESIDENTIAL PROPERTIES ALONG CITY RIGHTS-OF-WAY, AND COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS INCLUDING BUT NOT LIMITED TO THE TELECOMMUNICATIONS ACT OF 1996, AND SECS. 337.401 AND 365.172, FLORIDA STATUTES; PROVIDING FOR CONTINUATION, EXTENSION OR TERMINATION OF SAID MORATORIUM; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the telecommunications industry is regulated by both federal and state laws, which said laws provide for the adoption of reasonable local rules that allow local governments to regulate the placement of wireless communications facilities and

other communications facilities within rights-of-way and on other property within their jurisdictions; and

WHEREAS, the City has recently received applications and requests for the placement of above-ground wireless communications facilities within City rights-of-way or in easements adjacent to City rights-of-way, including rights-of-way in residential districts; and

WHEREAS, the City's Code of Ordinances contains certain sections and provisions which, as written, apply to such applications; but which, upon review, were not written with the current state of the art or technological advances in telecommunications in mind; and

WHEREAS, the City Commission of the City of South Bay has been made aware of the above referenced applications and requests.

WHEREAS, further, the City Commission has been made aware of factual data indicating the proliferation of similar wireless communications facilities in other jurisdictions, as well as the health, safety and welfare implications and concerns associated therewith, including but not limited to, the diminishment of residential property values and a decline in the aesthetics and character of the City's rights-of-way and the City's residential districts; and

WHEREAS, the City Commission believes that a five (5) month moratorium on the acceptance of new applications and on the issuance of City permits or approvals for pending applications for the installation of above-ground wireless communications facilities within any City rights-of-way or within any easements adjacent to City rights-

of-way as more fully set forth herein is necessary in order to maintain the status quo in the City and simultaneously allow City Staff time to conduct a comprehensive review of the City's existing codes to determine their compliance with federal and state laws, to determine what revisions are required in order to best protect the residents, property and rights-of-way of the City as permitted by law, and to ensure that City Code provides for a thorough and efficient application process for applicants; and

WHEREAS, the City of South Bay has held all required public hearings and has provided public notice in accordance with applicable State statutes and City ordinances; and

WHEREAS, the City Commission of the City of South Bay has determined that the enactment of this moratorium is in the best interest of the City and is necessary in order to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance.

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. **Definitions.**

For purposes of this temporary moratorium, the following definitions apply as these terms are used in this Ordinance:

Section 4. Temporary Moratorium.

There is hereby imposed a moratorium with respect to the acceptance of new applications, and the issuance of City permits or approvals for pending applications, for the installation of above-ground "wireless communications facilities" within any City rights-of-way or within any easements adjacent to City rights-of-way. For purposes of this ordinance, the term "wireless communications facility" means any equipment or facility used to provide wireless communications service and may include, but is not limited to, antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing tower or building does not cause the existing tower or building to become a wireless communications facility.

During the term of the moratorium, City Staff shall conduct a comprehensive review of the City's existing communications facilities registration, permitting and installation codes, to ensure compliance with federal and state laws including but not limited to the Telecommunications Act of 1996, and Sections 337.401 and 365.172, Florida Statutes, to ensure the safety of vehicular and pedestrian traffic within and along City rights-of-way, to ensure the protection of City residents that live along City rights-of-way from adverse impacts associated with the installation of above-ground

wireless communications facilities, and to ensure that City Code provides for a thorough and efficient application process for applicants.

During the term of the moratorium, it shall be unlawful for any person or entity to install new above-ground wireless communications facilities within any City rights-of-way or within any easements adjacent to City rights-of-way. Nothing contained in this ordinance shall be construed to apply to communications facilities other than above-ground wireless communications facilities as defined herein, to prevent or prohibit the acceptance and processing of applications, or the issuance of permits for the maintenance, repair or removal of any wireless communications facility installed and existing prior to the adoption of this ordinance, or to prevent or prohibit the expansion of existing wire line communications facilities that do not provide wireless communications services.

This moratorium shall remain in full force and effect until 5:00 p.m. on July 31, 2017. This moratorium shall automatically expire at said time unless terminated sooner by the City Commission at a public hearing called for such purpose. The City Commission may, by ordinance, and upon the adoption of findings of fact justifying same, extend the term of this moratorium beyond its automatic expiration date.

Violations of this moratorium may be remedied through any means available to the City, both in law and at equity.

Section 6. Conflict & Repealer.

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

Section 7. 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 8. Inclusion In Code.

It is the intention of the City Commission of the City of West Park 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 West Park 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 9. Effective Date:

This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED 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.southbaycity.com

Commission

Joe Kyles Sr.
Mayor

John Wilson
Vice Mayor

Esther E. Berry

Shanique S. Scott

Taranza McKelvin

Leondrae Camel
City Manager

Jessica Figueroa, City Clerk

Bernadette Norris-Weeks
City Attorney

"An equal Opportunity
Affirmative Action Employer"

To: Honorable Mayor and Commissioners
From: Massih Saadatmand, Finance Director
Thru: Mr. Leondrae Camel, City Manager
Date: February 16, 2017
Ref: Weekly check register

Enclosed, please find the summary of check registers as of February 16, 2017:

General Fund

- Utility:

PBC Water Dept.	\$	1,630.86
Comcast		220.03
FPL		5,594.33

• Norris Weeks	5,082.50
• CAP Government	9,315.50
• Marathon Fleet	1,324.52
• JHL	2,250.00
• Purchased of supplies, materials and parts	1,166.70 A
• Payment for various services	1,634.47 C
• Payroll deductions	302.66 B
• Other	1,622.94 D
Total	\$ 30,144.51

Revenues:

• Ad Valorem Tax	\$	13,517.86
• DOT		184,509.90
Total	\$	198,027.76

AP Check Register Report

City Of South Bay (CSBFND)

2/13/2017 10:59:03 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9701	BELLE GLADE CHAMBER	BELLE GLADE CHAMBER OF COMMERCE	2/13/2017	150.00	D
9702	BURNADETTE NORRIS-W	BURNADETTE NORRIS-WEEKS	2/13/2017	5,082.50	
9703	COMCAST	COMCAST	2/13/2017	220.03	
9704	EVERGLADES TRADING	EVERGLADES TRADING	2/13/2017	121.50	A
9705	JLH ASSOCIATES	JLH ASSOCIATES	2/13/2017	2,250.00	
9706	JP ELECTRONIC	JEFF PAULDO D/B/A JP ELECTRONICS &	2/13/2017	234.50	C
9707	KELLY TRACTOR	KELLY TRACTOR	2/13/2017	46.75	A
9708	MAILFINANCE	MAILFINANCE	2/13/2017	684.00	C
9709	MARTHON FLEET	WEX BANK	2/13/2017	1,324.52	
9710	MOSS TOWING	MOSS TOWING	2/13/2017	325.00	C
9711	NEW YORK LIFE INS	NEW YORK LIFE INSURANCE COMPANY	2/13/2017	176.28	B
9712	OFFICE DEPOT CREDIT	OFFICE DEPOT CREDIT PLAN	2/13/2017	673.09	A
9713	ONE STOP SHOP	ONE STOP SHOP	2/13/2017	240.00	>
9714	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	2/13/2017	28.00	C
9715	ORSENIGO REPAIR	ORSENIGO REPAIR & MAINT. INC	2/13/2017	147.00	>
9716	PBC WATER UTILITIES	PALM BEACH COUNTY WATER UTILITIES	2/13/2017	1,630.86	
9717	PERFORMANCE NAPA	PERFORMANCE NAPA	2/13/2017	70.36	A
9718	ROBBIE TIRE	ROBBIE TIRE	2/13/2017	15.00	>
9719	ROLFE & LOBELLO, P.A.	ROLFE & LOBELLO, P.A.	2/13/2017	126.38	B
9720	SAFETY COMPLIANCE PL	SAFETY COMPLIANCE PUBLICATION INC	2/13/2017	298.50	D
9721	STITCH WORK PLUS	STITCH WORK PLUS	2/13/2017	71.92	D
9722	XEROX CORP	XEROX CORPORATION	2/13/2017	215.97	C
				Non-Electronic Transactions:	14,132.16
				Total Transactions:	14,132.16

AP Check Register Report
City Of South Bay (CSBFND)

2/8/2017 8:56:43 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
9700	ROSENWALD ELEMENTA	ROSENWALD ELEMENTARY	2/8/2017	300.00
Non-Electronic Transactions:				300.00
Total Transactions:				300.00

AP Check Register Report

City Of South Bay (CSBFND)

2/3/2017 10:29:44 AM

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Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9695	ALLY	ALLY	2/3/2017	502.52	➤
9696	CAP GOVERNMENT	CAP GOVERNMENT	2/3/2017	9,315.50	
9698	FPL	FPL	2/3/2017	5,594.33	
9699	PETTY CASH	CITY OF SOUTH BAY-PETTY CASH	2/3/2017	300.00	➤
Non-Electronic Transactions:				15,712.35	
Total Transactions:				15,712.35	