

**THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE**

**BOARD OF COMMISSIONERS
WORKSHOP MEETING**

The Board of Commissioners of the City of Madeira Beach, Florida will meet at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below.

2:00 P.M.

TUESDAY, JANUARY 26, 2016

COMMISSION CHAMBERS

A. CALL TO ORDER

B. ROLL CALL

C. TOPICS

1. PRESENTATION BY DEUEL & ASSOCIATES ON BOCA CIEGA ROAD/STORMWATER UPGRADES AND SCHEDULING OF NEIGHBORHOOD CONSTRUCTION MEETING FOR AFFECTED RESIDENTS
Al Carrier, P.E., P.S.M.
2. DISCUSSION ON DESIGNER DRUGS AND POSSIBLE ORDINANCE
Elaine Poe, Vice-Mayor
Lieutenant Dan Zsido, PCSO Narcotics Division
3. DISCUSSION ON RESTRICTIONS ON USE OF PUBLIC PROPERTY TO PROHIBIT BOAT DOCKING IN CERTAIN AREAS
Elaine Poe, Vice-Mayor
Thomas J. Trask, City Attorney
4. DISCUSS AUTHORIZING THE CITY ATTORNEY TO PREPARE AN ORDINANCE ADDING A DEFINITION OF *RESIDENTIAL PROPERTY* TO SECTION 82-2.
Thomas J. Trask, City Attorney
5. REVIEW OF CITY NOISE ORDINANCE
Thomas J. Trask, City Attorney
6. DISCUSSION ON PROPOSED FEE SCHEDULE UPDATE
Shane B. Crawford, City Manager
Aimee Servedio, City Clerk
7. UPDATE ON DISCUSSIONS WITH THE REDINGTONS AND PINELLAS COUNTY REGARDING EMERGENCY SERVICES
Shane B. Crawford, City Manager
Derryl O'Neal, Fire Chief
8. FIRE APPARATUS FINANCING RECOMMENDATION
Vincent M. Tenaglia, Assistant City Manager/Finance Director
9. DISCUSSION ON PEDESTRIAN/CROSSWALK LIGHTING ON GULF BOULEVARD
Travis Palladeno, Mayor

D. ADJOURNMENT

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes 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. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.

Posted January 22, 2016



City of Madeira Beach
Planning & Zoning

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 21, 2016
To: Mayor Palladeno, Vice-Mayor Poe, Commissioner Lister, Commissioner Hodges,
Commissioner Shontz
From: Marci Forbes, Interim Planning & Zoning Contract
Subject: PRESENTATION BY DEUEL & ASSOCIATES ON BOCA CIEGA ROAD/STORMWATER AND
SCHEDULING OF NEIGHBORHOOD CONSTRUCTION MEETING FOR AFFECTED RESIDENTS

This item is scheduled for discussion since the Boca Ciega roadway project is expected to begin in February 2016. The point of this discussion will be to provide the Board members with some general information related to this project and the installation of pervious concrete, in anticipation of neighborhood questions and concerns that may come their way. We will also provide a brief description of how we will keep the impacted residents informed of construction schedules and time frames.

Also, as previously discussed at the January 12th BOC Agenda Setting Meeting, a Neighborhood Informational Meeting has been scheduled for Wednesday, February 17, 2016 at 2:00 p.m. in the afternoon and at 6:00 p.m. in the evening to help accommodate different schedules. The meeting is designed to answer any remaining questions that those affected by this project may have.

Attachment(s): **Boca Ciega Aerial View**



137th Ave

Lillian Dr

135th Ave

134th Ave E

Boca Ciega Ave

699

1st St E

2nd St E

4th St E

Boca Ciega Dr

133rd Ave E

3rd St E

©2015 Google

131st Ave E

Pelican

129th Ave E

Google earth

1995

Imagery Date: 2/19/2015 27°47'25.19" N 82°47'04.72" W elev 3 ft eye alt 3316 ft



City of Madeira Beach
Office of the City Clerk

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 22, 2016
To: Mayor Palladeno, Vice-Mayor Poe, Commissioner Lister, Commissioner Hodges,
Commissioner Poe
From: Sea Marshall-Barley, Administrative Support Specialist
Subject: DISCUSSION ON DESIGNER DRUGS AND POSSIBLE ORDINANCE

The Vice-Mayor will lead the discussion on this topic with input from Lieutenant Dan Zsido from the Pinellas County Sheriff's Office Narcotics division. The referenced materials are listed below.

Attachment(s): **"Proposed ban targets dangerous synthetic drugs like flakka before they take big toll in SWFL", Naples Daily News, January 9, 2016**

"Statewide ban on designer drugs, more education needed in flakka fight, grand jury says", Sun Sentinel, January 5, 2016

"China bans flakka, South Florida law enforcement officials visit Beijing", Sun Sentinel, November 20, 2015

Proposed ban targets dangerous synthetic drugs like flakka before they take big toll in SWFL

By Kristine Gill of the Naples Daily News

Posted: January 9, 2016

The first time he tried flakka, a friend warned him about the intense high and the nasty side effects that came with the trendy drug.

"You're gonna feel like you're gonna die," the friend said. "But that's normal."

And she was right. He was awake for five days straight. His heart felt like it was pounding out of his chest. Sweat drenched his clothing.

"I went insane. I couldn't form sentences correctly," the 23-year-old said. The Daily News is not identifying the man, who is receiving treatment for addiction at David Lawrence Center. "It's a bad drug."

If all goes smoothly, flakka and all designer drugs created synthetically could be outlawed in Florida this year. The Florida Designer Drug Enforcement Act, SB 1528, was filed Friday and will be considered this legislative session. Attorney General Pam Bondi introduced the bill as part of her continued efforts to crack down on the use and distribution of synthetic drugs, most notably flakka, a synthetic hallucinogenic linked to 61 deaths in Broward County alone.

Flakka, usually sold in small rocks or in white powders and occasionally as candy in edible forms, is a cheap high. For about \$5, a user can purchase enough of the drug to get high by injecting it. Flakka first gained attention in Florida over the past few years as users began reporting hallucinations, chest pains and seizures. Like bath salts, flakka causes erratic behavior.

And like spice or K2, a synthetic form of marijuana, the drug is often made with a mixed-bag of ingredients. Produced in Mexico and China then shipped overseas through the Internet, a user has no idea what kind of chemicals he's ingesting from one batch of flakka to the next.

To combat spice back in 2012, Bondi began by outlawing individual components of the drugs. Since then, state lawmakers have banned 136 individual chemicals but drug makers continue to stay one step ahead. The Florida Designer Drug Enforcement Act would categorically outlaw all synthetic drugs, giving law enforcement more teeth when it comes to arresting users and sellers.

"Any attempt to try to bring this under control is going to be a welcome relief for everyone," said Jorge Aguilera, deputy chief of EMS for the North Collier Fire Control and Rescue District.

Aguilera has worked for emergency medical services in Collier County since 1983 and has seen designer drugs become popular in the last few years. The behavior, he said, is reminiscent of LSD, which first responders are familiar with. But the designer drugs that started popping up in Collier County in the past two years put users into a state of excited delirium. Paramedics had to develop a special policy when it came to dealing with those in such a state. The protocol is to sedate them as quickly as possible, Aguilera said. "We basically try to render them unconscious," he said.

Aguilera said he has not seen a confirmed case of flakka use in Collier County, but has seen the use of other designer drugs increase over time. His department is responding to calls for patients in excited delirium a couple times a month. Sometimes the calls come over as suicidal patients or for people with a

behavioral emergency. And sometimes the drug user will call 911 when he experiences chest pain and shortness of breath as side effects.

"These people are burning up. They're taking clothes off. They think they have fevers," Aguilera said.

A grand jury convened in Broward County to address the use of flakka and the more than 60 deaths linked to it there. The result was a 68-page report released Dec. 30 suggesting tougher laws to curb use. Bondi's proposal was introduced days later.

"Flakka use is killing people and we must work together to ensure it does not overwhelm our state like Oxycodone did just a few years ago," Bondi said in a statement.

Drug treatment and prevention experts in Collier County said the law is needed as flakka threatens to spread to Southwest Florida. Naples tends to follow Miami when it comes to drug trends, meaning it could be months or years before what is considered an epidemic in Broward County reaches users here.

"It gives us the opportunity to review the rest of the state and do some research so we can push out warning for that," said Melanie Black, executive director of Drug Free Collier. "Because we know it's probably going to hit us the same year."

Black said her role at Drug Free Collier is to educate the public about the dangers of synthetic drugs.

"The synthetics are very inexpensive, yes. You just have no idea what you're getting," she said.

Nancy Dauphinais, clinical director of Crossroads Substance Abuse Services at David Lawrence Center, said patients there who have reported trying flakka don't use it as their primary drug.

"Most folks in our treatment program are using them in addition to other drugs," she said.

Like spice, users of flakka have tried the drug because they're told its synthetic makeup makes it undetectable in drug tests. It's also cheaper than many other street drugs and can be easily ordered online.

"The numbers here are still pretty small in terms of what we're seeing," Dauphinais said, referring to the number of flakka users in Collier County.

Collier County has been a step ahead of the state in banning the drugs. In 2013, commissioners passed an ordinance that prohibited the use of all synthetic drugs and their sale at county convenience stores where spice was regularly showing up on shelves in bright packaging geared at youth.

The ordinance also specifically bans synthetic cathinones. The main ingredient in flakka, alpha-PVP, is a synthetic cathinone.

"We did our county ordinance knowing it would take too long for the state to implement something," Black said. "(Bondi's) would just have more teeth."

Statewide ban on designer drugs, more education needed in flakka fight, grand jury says

By Tonya Alanez, Contact Reporter, Sun Sentinel

Posted: January 5, 2016

A Broward County grand jury's recommended antidote to the county's flakka crisis includes an overall statewide ban of designer drugs, not just the one dubbed \$5 insanity.

With Broward leading the nation in 2014 in the number of flakka cases analyzed in crime labs and the street drug contributing to 61 Broward deaths in the last 15 months, the grand jury was tasked with devising a strategy to curb the drug's disastrous effects.

"The need to address this matter is as real as it is urgent," the report said. "Its impact can only be lessened through education, preparation and a community-wide effort lasting long after the arrival of the danger."

The grand jury heard from 21 witnesses over several months. Its 68-page response to the crisis was publicly released Monday. It offered 16 recommendations, including broad-stroke bans of entire categories of synthetic drugs and a plethora of protocols for 911 operators, first responders, treatment counselors and others.

"I think it's a masterpiece," Broward's flakka expert, Jim Hall, an epidemiologist at Nova Southeastern University, said of the report. Hall testified twice before the grand jury. He was its first and last witness.

The most explicit recommendation and the one that promises the most impact is endorsement of a proposed state law that would prohibit entire classes of designer drugs — such as synthetic cathinones, which is the drug family flakka belongs to — rather than individual bans of specific chemical compounds.

The grand jury convened at the request of Broward State Attorney Mike Satz. The report it issued is for the benefit of the community at large.

As it stands now, authorities are perpetually playing catch-up in the constant chemical evolution of synthetic drugs. As soon as a particular compound is declared illegal, clandestine chemists who make designer drugs simply alter their formula so that it's technically not illegal.

"The Legislature needs to catch up and outlaw the latest poison being distributed," the report said.

To stanch the tide, the report specifically urges passage of the 2016 Florida Designer Drugs Enforcement Act, proposed by Florida Attorney General Pam Bondi, in the Legislative session that starts next week.

"This does what we've been talking about for several years," Hall said. "This will end the vicious cycle of one drug appearing, it causing problems, it being made illegal, and another drug appearing almost overnight. This is a major move forward."

Bondi's ban would include synthetic cathinones, synthetic opioids and synthetic cannabinoids and potentially could outlaw hundreds, perhaps as many as 1,000 different chemical compounds, Hall said.

Bondi's proposed legislation "is still in the final drafting stages," said Kylie Mason, a spokeswoman for the Attorney General's Office, on Tuesday. "There is no filed bill number or sponsors at this time."

"This report unfortunately confirms that our legislation is desperately needed to save lives in Florida," Bondi said Tuesday in a prepared statement. "Flakka use is killing people and we must work together to ensure it does not overwhelm our state like Oxycodone did just a few years ago."

Flakka is a highly addictive rock-like substance that can be snorted, swallowed, smoked, vaped or injected. It is to blame for freakish and erratic public escapades, numerous arrests, a spike in emergency room visits and the death of a premature newborn, grand jurors found.

In 2011, the state had a solitary instance of flakka detected in a crime lab. That number shot to 672 cases statewide by 2014. By last year, that number stood at nearly 900 cases from January through September in Broward alone, statistics show.

Law enforcement crime labs analyzed more flakka cases in Broward in 2014 than anywhere else in the country, according to statistics from the U.S. Drug Enforcement Agency. No other county in the nation came close to Broward's 477 cases. Chicago's populous Cook County clocked in next with 212 cases.

When adjusted for population, Broward's rate of flakka cases outpaced all major urban counties. With a population of 1.8 million, Broward had a rate of 27 cases per 100,000 residents.

"The grand jury's report defines what a problem these drugs have become and provides solid suggestions to address this grave situation in our community," Satz said.

Among the grand jury's 15 other recommendations are teaching 911 operators how to deduce a flakka-related emergency, developing drug treatment specifically geared for synthetic drug users and allocating more resources to prevention and awareness.

Grand juries are comprised of 21 members and typically hear first-degree murder cases to decide if the accused should be indicted for a crime. In Broward County, they also review all fatal police shootings to determine if it was a legal use of deadly force.

Turning to a grand jury is an approach Satz has taken before with other community scourges, most recently pill mills.

In November 2009, a Broward grand jury issued a damning report bemoaning lax state laws that had allowed storefront clinics to set up shop and dole out prescription pain pills for cash.

It suggested 18 reforms, many of which eventually became law, including preventing pain clinics from distributing drugs on site, limiting prescriptions from pain clinics to no more than a three-day supply to barring people with criminal records from owning pain clinics.

China bans flakka, South Florida law enforcement officials visit Beijing

By Tonya Alanez, Contact Reporter, Sun Sentinel

Posted: November 20, 2015

South Florida gained an upper hand in the fight against flakka with a combination punch: China's recent ban of the drug dubbed "\$5 insanity" and an unprecedented visit by a delegation of Broward law enforcement officials supporting restrictions of exported chemicals.

The Chinese government, as of Oct. 1, restricted exportation of flakka's key ingredient, alpha-PVP, and 115 other chemical substances used to make synthetic drugs but found to have no known legitimate uses, according to a recent report published by the U.S. Drug Enforcement Administration.

"By cutting off the supply of alpha-PVP at its origin, we hope to halt its flow into the United States," said DEA spokeswoman Raynette Savoy Kornickey. "China was a major supplier."

By cutting off the supply of alpha-PVP at its origin, we hope to halt its flow into the United States."

- DEA spokeswoman Raynette Savoy Kornickey

Broward County leads the nation in flakka cases, DEA statistics show.

The volatile street drug, a derivative of bath salts, over the past year has been blamed locally for an array of freakish incidents, as well as a surge in emergency-room visits and felony arrests. It also has played a role in more than 40 Broward deaths.

Also known by the street name "gravel," its high starts as fleeting euphoria but rapidly devolves into maniacal paranoia, rage and delirium. Users have dubbed it "powdered psychosis" and a "total mind melt."

Low-level dealers have been able to buy alpha-PVP crystals from Chinese labs in bulk online, repackage it in gram-size packets or capsules and take it to the streets.

"We needed to get the Chinese on board," said John Loges, the Fort Lauderdale police detective and DEA task force officer who coordinated the trip to China to lobby officials to staunch the flow of chemicals into the United States.

"This delegation to China was unique, as South Florida has been deemed ground zero for the alpha-PVP epidemic," Savoy Kornickey said. "No other law enforcement agencies were involved."

Joining Loges on the Nov. 1-8 trip to Beijing were Fort Lauderdale police Sgt. John Jensen, Broward Sheriff's Lt. Ozzy Tianga, Assistant U.S. Attorney Tony Gonzalez, DEA Special Agent Kristine Costa and Mindy Mazzei, a detective for Coral Springs police and a DEA task force officer.

They met with the U.S. Ambassador to China Max S. Baucus, Chinese police, directors and operational heads of the Chinese Ministry of Public Security's narcotics control bureau to discuss "the serious issues that synthetic drugs are having on, not just South Florida, but also the United States," Savoy Kornickey said.

"We were greeted with open arms," Loges said. "They were hugely receptive. I thought it went very good, better than I ever expected."

Numerous emails and telephone messages seeking comment from the Embassy of the People's Republic of China in Washington D.C. went unanswered.

Although the alpha-PVP ban was in place by the time the group got to China, the trip "was important moving forward, strategy-wise," Loges said.

The 116 chemical compounds banned by China fall into the major categories of bath salts, cannabinoids, and psychedelics. "If they found no medicinal or industrial uses for these compounds, they were made illegal," Loges said.

Included in the ban was fentanyl. Marketed as synthetic heroin, it has been detected in 52 overdoses cases in Miami-Dade County in the past year, according to a Miami Herald report.

"In the history of their government they've never done this," Loges said of the ban of so many chemicals. "They don't want to be known as a source country similar to Colombia or anything like that."

"It's been pretty amazing what it's done to Broward ... this really is the epicenter, it appears, for flakka now."

- Robert C. Hutchinson, Homeland Security Investigations

If a Chinese lab now ships the banned substance out of the country, it becomes an illicit smuggling operation, he said.

In 2014, crime labs in Broward analyzed 477 cases of confiscated flakka. That's a rate of 27 cases per 100,000 residents, far outpacing all major urban counties. No other county came close, with Chicago's Cook County clocking in next with fewer than half of Broward's cases, according to DEA statistics.

Robert C. Hutchinson, acting special agent in charge of Homeland Security Investigations in Miami, did not go on the China trip but his agency has acted as the federal lead in Florida's flakka crisis.

"We appreciate any assistance in reducing the source of supply for these dangerous drugs," Hutchinson said. "All of the agencies here seriously appreciate the threat of alpha. It's been pretty amazing what it's done to Broward ... this really is the epicenter, it appears, for flakka now."

"It's a very hopeful sign," said Jim Hall, an epidemiologist at Nova Southeastern University and Broward's flakka expert. "I'm hoping we're going to see a very dramatic reduction in what comes out of China."

Hutchinson and Hall agree the ban won't eradicate flakka from the streets. It will tamp it down but it also is likely to drive up flakka's prices and propel the creation and production of a similar compound, much like drug experts saw with the club drug known as Molly.

Methylone, a key ingredient in Molly, had flooded the streets of South Florida before China banned it in 2014. As a result of the ban, methylone dissipated, but ethylone, a slight variant, rapidly replaced it within months, Hall said.

Although flakka is primarily concocted in labs in China, it is also manufactured in India, Pakistan and other countries.

"As long as they can find it somewhere they'll keep doing it, and we'll keep chasing them," Hutchinson said. "Unfortunately I don't think it's going to stop, we're just going to have to work a little harder."



City of Madeira Beach
Board of Commissioners

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 19, 2016
To: Mayor Palladeno, Commissioner Lister, Commissioner Hodges, Commissioner Poe
From: Elaine Poe, Vice-Mayor
Subject: DISCUSSION ON RESTRICTIONS ON USE OF PUBLIC PROPERTY TO PROHIBIT BOAT DOCKING IN CERTAIN AREAS

This item is being addressed because the City is having a problem with boats being tied to trees and dinghies being pulled up on private property.

Attachment(s): **City of St. Pete Beach Code, Section 94-33 (Restrictions on the use of public property)**

City of St. Pete Beach, FL

Code of Ordinances – Chapter 94 Waterways

Sec. 94-33. - Restrictions on use of public property.

- (a) No person shall secure any boat or vessel of any kind to any public dock or boat launching ramp in such a manner as to interfere with the landing or docking of other boats or vessels, except when such boat or vessel is actually engaged in the loading or discharging of persons or freight. No person shall secure, tie, dock or anchor a boat or vessel of any kind in such a manner as to interfere with the use of any public dock or launching ramp.
- (b) No person shall secure, tie, dock, or anchor any boat or vessel of any kind to any public property, including any beach, tree, pole, bulk-head or seawall adjacent to any public right of way or easement, within the city, except public docks or boat launching ramps under those conditions provided in subsections (a) or (f) of upon the issuance of a permit by the city manager, authorizing specific use of the public property for docking or unloading.
- (c) No person shall use public boat launching ramp located in the 3400 block of Maritana Drive and the public boat launching ramp at Egan Park, for the launching or recovery of any vessel, except in a case of emergency, between the hours of 11:00 p.m. and 5:00 a.m. every day; provided, however, on federal holidays it shall not be a violation of this subsection to use said boat ramps between the hours of 11:00 p.m. and 11:59 p.m. Every public boat launching ramp shall be posted with these hours of use.
- (d) The limitations in subsection (a) of this section on use of public docks and boat launching ramps shall not be applicable where emergency conditions exist with respect to the boat or vessel using the facility.
- (e) Any boat or vessel of any kind found in violation of this section may be impounded by the city. The city is directed to clearly publish the provisions contained in subsections (a), (b), (d) and (e) of this section on each public dock or public launching ramp. Further, the city shall clearly notify the public that violations of the posted subsections (a), (b) and (d) of this section will result in the impounding of the boat or vessel.
- (f) 7th Avenue Fishing Pier: no person shall secure, tie, dock, moor or anchor any boat or vessel of any kind to the public property known as the 7th Avenue Fishing Pier, located at 7th Avenue and Pass-A-Grille Way. The use of this pier to load or discharge persons or freight is prohibited.

(Ord. No. 83-35, § 1; Ord. No. 83-36, §§ 1—4; Code 1983, § 5-10; Ord. No. 87-4, § 1, 2-3-87; Ord. No. 93-5, § 1, 3-16-93; Ord. No. 99-32, § 1, 5-18-99; Ord. No. 03-04, 2-18-03; Ord. No. 04-14, § 1, 6-22-04)



City of Madeira Beach
City Attorney's Office

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 20, 2016
To: Mayor Palladeno, Vice-Mayor Poe, Commissioner Lister, Commissioner Hodges,
Commissioner Poe
From: Thomas J. Trask, City Attorney
Subject: DISCUSSION ON ORDINANCE CLARIFYING DEFINITION OF RESIDENTIAL PROPERTY
RELATING TO SHORT TERM RENTAL ORDINANCE

A few weeks ago the City Manager received a letter from Atty. Hennessy regarding a courtesy phone call that Deputy Kohmann made to Mrs. June Mohns about Ordinance 2015-13 which requires the registration of Vacation Rentals. Mr. Hennessy argues in his letter that the new Ordinance doesn't apply to his client (Island Paradise Cottages) and argues that Island Paradise Cottages is a commercial property and not residential.

Ordinance 2015-13 defines *Residential Property* as: "defined in Section 82-2 of the Land Development Code". Section 82-2 contains all of the definitions used in the entire Land Development Code. It is many pages long. Unfortunately there is no definition of *Residential Property* in Section 82-2 and therefore we must create one. Therefore I am recommending that the City Commission adopt an ordinance that contains the following definition:

Residential Property . Property which is zoned R-1, R-2 or R-3 and which is used for a residential use or which is vacant.

With a consensus from the Board of Commissioners, a draft of the proposed ordinance to clarify this definition would be presented for a first reading at the February 8th BOC Regular Meeting.

Attachment(s): **Ordinance 2016-01 Draft**

ORDINANCE 2016-01

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR "RESIDENTIAL PROPERTY"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, upon review Ordinance 2015-13 and Section 82-2 of the Land Development Code it has been determined that it is necessary to create a definition for "residential property"; and

WHEREAS, the Board of Commissioners has determined the creation of a definition for "Residential Property" is appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA:

SECTION 1. That Section 82-2 of the Land Development Code, Subpart B of the Code of Ordinances of the City of Madeira Beach, Florida is amended to provide for the definition of "residential property", to read as follows:

Residential property means property which is zoned R-1, R-2 or R-3 and which is used for a residential use or which is vacant.

SECTION 2. That this Ordinance shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this _____ day of FEBRUARY, 2015.

APPROVED AS TO FORM:

TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____



City of Madeira Beach
Office of the City Clerk

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 20, 2016
To: Mayor Palladeno, Vice-Mayor Poe, Commissioner Lister, Commissioner Hodges,
Commissioner Poe
From: Sea Marshall-Barley, Administrative Support Specialist
Subject: REVIEW OF CITY NOISE ORDINANCE

The City Attorney will discuss the following items at the January 26th BOC Workshop during his review of the City Noise Ordinance. The referenced attachments are listed below.

Attachment(s): **Madeira Beach Code of Ordinances, Article III. NOISE**

 Letter in Regards to Cases: *State v. Ross Kashtan* and *State v. Jeffrey Watson*

ARTICLE III. - NOISE

FOOTNOTE(S):

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County code reference—Noise, § 58-441 et seq.

Cross reference— Excessive noise or disturbance from animals prohibited, § 10-6

State Law reference— Motor vehicle noise, F.S. § 403.415.

Sec. 34-86. - Prohibited generally.

It shall be unlawful for any person to willfully make, continue to cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city. The term includes the kinds of noise generated by activities enumerated in section 34-87, except as provided section 34-89. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use; upon any parking lot open to members of the public as invitee or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and in any event from any location not less than 50 feet from the source of the noise, measured in a straight line from the radio, loudspeaker, motor, horn or other noise source.

(Code 1983, § 12-108(A))

Sec. 34-87. - Enumeration.

The following acts, as limited by section 34-86, and subject to the exceptions provided in section 34-89, are declared to be public nuisances in violation of section 34-86:

- (1) Exhaust of engines, whistles, pile drivers, etc. The discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and raucous noises therefrom.
- (2) Pile drivers, etc. The operation between the hours of 10:00 p.m. and 7:30 a.m. Monday through Saturday or at any time on Sunday, of any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist or other appliance, the use of which is attended by loud and raucous noise.
- (3) Blowers. The operation of any blower or power fan or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise.
- (4) Horns, signaling devices, etc. The sounding of any horn, whistle or other audible signaling device so as to create a loud and raucous noise.
- (5) Radios, amplifiers, phonographs, etc. The using, operation or permitting to be placed, used or operated any radio, amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise is prohibited. Amplified outdoor

sound, music, or live entertainment shall be prohibited between the hours of 9:00 p.m. to 7:30 a.m. Sunday through Thursday, and 11:00 p.m. to 7:30 a.m. Friday through Saturday, unless approved by the city manager.

(6) Sound trucks. No amplifier or loudspeaker in, upon or attached to a sound truck or other device for amplifying sound shall be operated or permitted to operate within the city for advertising purposes or to attract the attention of the public.

(7) Yelling, shouting, etc. Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise between the hours of 10:00 p.m. and 7:30 a.m. daily.

(8) Animals, birds, etc. The keeping of animal or bird which habitually cause a loud and raucous noise.

(9) Defect in vehicle or load. The use of any motor vehicle so out of repair, so loaded or in such a manner as to create loud grating, grinding, rattling or other loud and raucous noise or which is not equipped with a muffler in a good working order and in constant operation so as to prevent loud and raucous noise.

(10) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building or the excavation of streets and highways so as to create a loud and raucous noise between the hours of 10:00 p.m. and 7:30 a.m. Monday through Saturday or at any time on Sunday, except in case of urgent necessity in the interest of the public health and safety, and then only with a permit from the building official, which permit may be granted for a period not to exceed three working days or less while the emergency continues and which permit may be renewed for successive periods of three days or less while the emergency continues. If the building official should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 10:00 p.m. and 7:30 a.m. daily or at anytime on Sunday, he may grant permission for such work to be done within such hours or within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the process of the work.

(11) Schools, public buildings, churches, hospitals. The creation of any loud and raucous noise heard within any school, public building, church or any hospital, or the grounds thereof while in use, which interferes with the workings of such institution, or which disturbs or annoys patients in the hospital.

(12) Noises to attract attention. The use of any drum or other instrument or device to create a loud and raucous noise.

(Code 1983, § 12-108(B); Ord. No. 2012-01, § 1, 5-8-12)

Sec. 34-88. - Responsibility for violation.

Any person, owner, agent or supervisor in charge of operating, ordering, directing or allowing the operation or maintenance of the device or machine creating a noise as prohibited by this article shall be deemed guilty of violating this article.

(Code 1983, § 12-108(C))

Sec. 34-89. - Exceptions.

The term "loud and raucous noise" does not include noise or sound generated by the following:

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells on law enforcement, fire and other emergency vehicles.
- (3) Parades, firework displays and other special events for which a permit has been obtained from the city, within such hours as may be imposed as a condition for the issuance of the permit.
- (4) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agents.
- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (6) Religious worship activities, including but not limited to bells and organs.
- (7) Locomotives and other railroad equipment and aircraft.

(Code 1983, § 12-108(D))

Sec. 34-90. - Adoption of county noise ordinance.

Pinellas County Code section 58-441 et seq., is hereby adopted in addition to the other provisions of this article to be effective within the city limits.

(Code 1983, § 12-108(E))

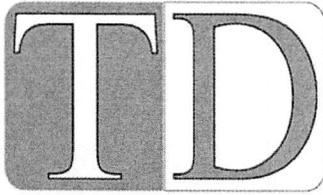
Sec. 34-91. - Penalty.

(a) Any person, firm or corporation that violates any provision of this article for which another penalty is not specifically provided shall, upon conviction, be subject to a fine in accordance with the schedule set forth as follows:

- (1) First violation within any 12-month period\$ 50.00
- (2) Second violation within any 12-month period200.00
- (3) Third violation within any 12-month period300.00
- (4) Fourth violation within any 12-month period400.00
- (5) Fifth violation within any 12-month period500.00

(b) Each instance of any violation of this article shall constitute a separate offense.

(Code 1983, § 12-108(F))



T R A S K
DAIGNEAULT
—LLP—
A T T O R N E Y S

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Of Counsel
MARK W. BRANDT

** Board Certified by the Florida Bar in
City, County and Local Government Law*

December 21, 2015

VIA E-MAIL

Shane B. Crawford, City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708
scrawford@madeirabeachfl.gov

Re: *State v. Ross Kashtan*, Case No. CTC-15-13841MO & *State v. Jeffrey Watson*, Case No. CTC-15-13482MO

Dear Manager Crawford:

On or about December 3, 2015, we received the enclosed correspondence from an attorney representing Ross Kashtan and Jeffrey Watson (the “Defendants”). These individuals are presently being prosecuted by the City for violation of Section 34-86 (the “Noise Ordinance”) of the City of Madeira Beach’s (the “City”) Code of Ordinances (the “Code”).

The Defendants’ counsel has asked the City enter a *nolle prosequi* in their County Court cases (abandoning the prosecution of this suit) and amend the ordinance, based on possible constitutionality issues within the City’s Code. Following a review of the documents provided by Defendants’ Counsel it is our recommendation that the City amend its Noise Ordinance, and enter a *nolle prosequi* or otherwise dismiss these cases. Indeed, the City of Saint Petersburg took similar action when faced with similar circumstances concerning their own noise ordinance.

The particular issue presented here is that if subjected to judicial review, a court may invalidate the Noise Ordinance for potentially unconstitutional content-based restrictions. The argument is that while the City’s Noise Ordinance doesn’t expressly favor certain speech, its exceptions provision in Section 34-89 exempts religious speech. Courts have construed such exceptions as impermissible content-based restrictions. We recommend amending the ordinance to eliminate this particular exception.

Please advise how you wish to proceed in light of this information.

Respectfully,

TRASK DAIGNEAULT, LLP

s/ Randy D. Mora

Randy D. Mora
Assistant City Attorney

Encl.: December 3, 2015 Letter from Attorney Lirot with attachments



City of Madeira Beach
Multiple City Departments

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 21, 2016
To: Mayor Palladeno, Vice-Mayor Poe, Commissioner Lister, Commissioner Hodges,
Commissioner Poe
Frank DeSantis, Building Official; Vincent M. Tenaglia, Assistant City Manager/Finance
From: Director; Doug Andrews, Events & Recreation Director; Dave Marsicano, Public
Works/Marina Director
Subject: DISCUSSION ON PROPOSED FEE SCHEDULE UPDATES

In the last few weeks, staff has been instructed to inspect the Fees and Collection Procedure Manual and determine if any fees need to be updated or amended. The following changes have been made by the respective Department Director and incorporated into the manual. If approved, a resolution to formally adopt these proposed changes will be presented at the February 8th BOC Regular Meeting.

BUILDING DEPARTMENT – Frank DeSantis, CBO

The proposed changes are designed to help recoup some of the costs from dropped and/or abandoned permits. There are often times that people will apply for a permit, that permit will be processed, and no one comes to pick it up. The City has processed a permit that doesn't recover any costs.

All the fees listed below would be collected at the time of the submitted permit application and would be non-refundable. This section also clarifies the definition of what properties would be considered either *residential* or *commercial* based on the language from the 2014 Florida Building Code.

The proposed changes to Article II., Section I. are listed below:

- (1) **Base Fee Permit Application Fee (Non-refundable) – All fees shall be collected at the time of the submitted permit application. This is a non-refundable application fee in addition to any other applicable fees listed in Article II, Section I.**

Total Project Value \$1,000.00 or less.....	\$25.00 plus Valuation Fee
Total Project Value greater than \$1,000.00.....	\$50.00 plus Valuation Fee
Residential (less than \$1,000 valuation amount).....	\$25.00
Residential (greater than \$1,000 valuation amount).....	\$50.00
Residential/Commercial (less than \$1,500 valuation amount).....	\$25.00
Includes 'Maintenance' and/or 'Change-Out' application (i.e. hot water heater replacement, new door/window, etc.)	
Commercial.....	\$100.00
Includes any applications for plan review and permitting from Fire, Planning & Zoning, and Building Department	

Definitions of “residential” and “commercial” are based on the 2014 Florida Building Code:

“Residential building” shall mean any “one- and two-family dwelling” or portion thereof, including “townhouses”, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

“Commercial”; For this code, all buildings that are not included in the definition of “Residential buildings”.

FINANCE DEPARTMENT – Vincent M. Tenaglia, MPA, CPFO

There is only one update from the Finance Department in regards to the addition of a convenience fee for all credit card transactions at the front desk. The proposed change to Article III is listed below:

- A. Credit card transaction convenience fee.....\$3.00
- B. Indebtedness searches \$50.00
- C. Recording of documents.....first page \$10, additional pages \$8.50 each

RECREATION DEPARTMENT – Doug Andrews

There are two major updates to the Recreation Fees in Article V., Section A. (Recreation) and Section E. (Special Events). There have been some increases to the individual weekly rates as well as some minor amendments to the name of certain fees.

The most significant update is in regards to the Special Events fees. This update would establish fees such as facility rentals, facility fees added to tickets, and additional clean-up and support fees. A separate resolution to establish rules and regulations for any events on City-owned property (parks, beaches, facilities, etc.) is also an item that we can discuss with these updates as well.

The updates to Article V., Sections A. (Recreation) and E. (Special Events) are listed below:

Recreation Updates:

(4) Summer Camp Program. ***All payments are due prior to camp attendance.***

Resident Rates by Session

Five Week Session 1	\$375.00
Five Week Session 2.....	\$375.00
Full Ten Week Summer Session.....	\$750.00
Individual Weekly Rate.....	\$110.00 \$120.00

Nonresident Rates by Session

Five Week Session 1	\$500.00
Five Week Session 2.....	\$500.00

Full Ten Week Summer Session	\$1,000.00
Individual Weekly Rate.....	\$140.00 \$150.00
City employee.....	<i>Free of charge</i>
Deposit to hold child's place.....	\$25.00

**Deposits to hold child's place will be applied to current balance.*

(5) Sibling Discounts.

Discount for Five Week Session Session 1 or Session 2	-\$50.00
Discount for Ten Week Session Full Summer Session	-\$100.00

Special Events Updates:

(2) *Fees.*

- a. Facility rental (includes use of stage and event field).....\$3,000.00 *per event*
- b. Facility fee added to the price of every ticket (paid or comp).....\$1.50 *per ticket*
- c. City Event Fees:
 - i. Trash can fee.....\$5.00 *per requested trash can*
 - ii. Dumpster fee with single pick-up.....\$500.00
 - iii. Other fees including but not limited to additional City Staff personnel costs, such as EMT support through Madeira Beach Fire Department, etc.
- d. **Mandatory Non-City Fees.** The required used of Pinellas County Sheriff's Deputies will be negotiated directly with the Pinellas County Sheriff's Office. It is the **sole responsibility of the applicant** to secure the appropriate number of deputies as required by the Sheriff's Department.
- e. **Other Non-City Fees.** Other fees included but not limited to Madeira Beach City Centre and field clean-up, additional civilian security, and vehicle parking professionals shall be the **sole responsibility of the applicant.**

Proposed Rules and Regulations in separate Resolution:

General Rules and Regulations. The following rules and regulations made hereinafter may be amended from time to time by resolution of the City Commission and shall apply to all parks, recreation facilities, and public beaches within the City limits.

1. No commercial use of City property is permitted without a permit from the City Manager or his designee. This includes exercise classes on the beach, which also are required to coordinate their schedules with the Director of Recreation and Special Events.
2. No temporary structure, exceeding the dimensions of 10 foot X 10 foot, shall be permitted without the written consent from the City manager or his designee. Any temporary structure not taken down by sunset, without consent, will be removed and confiscated.
3. Compliance with the City noise ordinance shall be adhered to at all times.
4. All outdoor public assemblies, sponsored or unsponsored, advertised or not advertised, and open to the public, shall cease by sunset. A permit may be approved by the City Manager and

staff for a later ending time of the event or activity. In considering whether to approve a permit for an extended termination time, the City manager and staff may include such factors as:

- a. The nature of the event;
- b. The expected number of participants or attendance;
- c. The provision of sanitary facilities
- d. Provisions for clean-up
- e. Methods to be employed by applicant to maintain an orderly event or activity;
- f. Any other factors the City Manager and staff in its sole discretion considers necessary to protect the health, safety, and welfare of the community.

PUBLIC WORKS – Captain Dave Marsicano

The only fee changed in the Article VI. Public Works was the deletion of fees in regards to removal service fees for compacting – a service that the City no longer offers. The updates for Article VI. are listed below:

- (d) Commercial. All offices and business establishments required to have a local business tax receipt are hereby classified commercial. A commercial rate for the collection of garbage and trash is hereby established to be in accordance with the following schedule:

BULK CUSTOMERS (Res. 07.14, 06/26/07)			
Containers – Compacting	2 Cubic Yards	2½ Cubic Yards	3 Cubic Yards
Service twice per week, per month	\$205.00	\$260.00	\$310.00
Each additional service, per month	\$102.50	\$130.00	\$155.00
BULK CUSTOMERS (Res. 07.14, 06/26/07)			
Container – Non-compacting	1 Cubic Yard	2 Cubic Yards	3 Cubic Yards
Service twice per week, per month	\$90.00	\$140.00	\$190.00
Each additional service per week, per month	\$45.00	\$70.00	\$95.00

MARINA – Captain Dave Marsicano

The Madeira Beach Municipal Marina fees were originally not consistent in their application of sales tax (some figures were base fees and others included the sales tax). This update is included to standardize the fees in this section. One fee for monthly boat lift rentals was also added. The updates for Article VII. Are listed below:

- ‡B. Madeira Beach Municipal Marina Fees. Fees for the Madeira Beach Municipal Marina shall be as follows (each of the fees are subject to all applicable sales taxes):

(1) Transient wet slip..... \$1.40/foot/day

(2)	Small boat transient wet slip.....	\$0.93/foot/day
(3)	Transient dry storage.....	\$15.00 \$14.02/day
	On holidays and/or weekends	\$20.00 \$18.69/day
(4)	Monthly transient dry storage.....	\$140.19/month
(5)	<u>Monthly boat lift rental.....</u>	<u>\$14.02/foot</u>
(6)	Monthly wet slip for non-liveaboard.....	\$8.41/foot
(7)	Monthly wet slip for commercial non-liveaboard.....	\$10.28/foot
(8)	Monthly wet slip for liveaboard.....	\$14.02/foot
(9)	Monthly dry storage.....	\$130.84
(10)	Monthly dry storage of recreational vehicles and motor homes <i>(limited to Madeira Beach residents)</i>	\$87.62
(11)	Monthly storage for non-motorized boats such as a kayak, canoe, and small boat that can be carried by one person.....	\$25.00 \$23.36
(12)	Boat Ramp Fee:	
	Launch.....	\$1.87
	Launch and park.....	\$9.35
(13)	Late Fee.....	\$30.00

Attachment(s): Exhibit A – Fees and Collection Procedure Manual

**CITY OF MADEIRA BEACH, FLORIDA
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*Cross references: Any ordinance, resolution or motion which establishes, sets fixes any rates, charges, permit fees or license fees saved from repeal, § 1-11(6); any ordinance providing for local improvements and assessing taxes therefore saved from repeal, § 1-11(12); taxation, Ch. 62.

Note: Those documents that require a twenty cent \$0.20 and/or \$1.00 per page filing fee obligated by Resolution 2014-12 are indicated by an ‡

ARTICLE I. CITY CLERK’S OFFICE

A. Research assistant, transcription and records custodial service. Recognizing that all public records and documents, subject under state law to inspection by members of the public, at reasonable times and under reasonable circumstances, should be produced and made available to the public promptly and without charge, when specifically identified by request. There is, except where services may be required by other public agencies, to be charged by all departments, hereby established for the following described services, the cost allowed per F.S. § 119.07

- (1) All transcription of tapes or other records not subject to duplication by photocopy and tape monitoring.
- (2) Inordinate time (usually defined as more than two hours per week, per request) consumed in records research assistance and/or records custodial service necessary to insure the integrity of public records.

B. Publications. For each printed publication for which a fee or charge is not otherwise prescribed, the city manager is hereby authorized to establish a charge therefore sufficient to recover the cost to the city of compiling and printing each printed publication.

C. Records pursuant to F.S. § 119.07(1)(a). Generally: As of 12/03/1996:

- (1) One-sided copy, each page \$0.15
 - (2) Two-sided copy, each page \$0.20
 - (3) Certified copy, each page \$1.00
 - (4) Notary public: Pursuant to F.S. § 117.05(2); each notary act (not to exceed \$10.00).. \$5.00
- (Res. 04.02, 01/27/04; Res. 09.10, 09/21/09)

For all other requests, the fee prescribed for duplication of public records shall represent the actual cost of duplication.

(Res. 2013-50, 10/08/2013)

**CITY OF MADEIRA BEACH, FLORIDA
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ARTICLE II. COMMUNITY SERVICES

‡A. Special Magistrate Hearings. Fees for Special Magistrate Hearings shall be as follows:

- (1) Zoning variances for residential dwelling units (one, two or three units)\$350.00 per variance
- (2) Zoning variances for multifamily, tourist dwellings or commercial\$350.00 per variance
- (3) Special exception use\$300.00
- (4) Appeal of decision (appeal is refundable, if decision is overruled)\$500.00
- (5) After-the-fact variance\$500.00

(Res. 07.14, 06/26/07; 05.20-09/14/05, 04.08-06/22/04, Code 1983, § 19-502; Ord. 936, § 1, 2-20-01; Ord. 953, § 2, 11-13-01)

‡B. Platting.

- (1) Review of construction drawings\$250.00
- (2) Replat \$250.00, plus recording fees
- (3) Final \$250.00, plus recording fees
- (4) Amendment to a Plat.\$250.00, plus recording fees
- (5) Minor Subdivision \$50.00, plus recording fee
- (6) Lot Line Adjustments \$50.00, plus recording fee
- (7) Unity of Title Recording fee
- (8) Rescission of Unity of Title \$200.00, plus recording fee

(Res. 07.14, 06/26/07; 04.02, 01/27/04)

‡C. Vacation.

- (1) Right-of-way \$300.00, plus advertising cost, notification cost, and recording fee.
- (2) Easement..... \$300.00, plus advertising cost, notification cost, and recording fee.

(Res. 07.14, 06/26/07; 04.02, 01/27/04)

‡D. Site Plan.

- (1) Preliminary site plan\$100.00
- (2) Residential\$300.00 1st submittal, \$150.00 for each additional submittal
- (3) Non-residential\$300.00 1st submittal, \$150.00 for each additional submittal

(Res. 07.14, 06/26/07; 04.02, 01/27/04)

‡E. Rezoning.....\$1,000.00

(Res. 04.02, 01/27/04)

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‡F. Planned Development modifications

- 1. Minor\$100.00
- 2. Major\$750.00

(Res. 07.14, 06/26/07)

‡G. Land use plan amendment.....\$1,000.00

(Res. 07.14, 06/26/07; 04.02, 01/27/04)

‡H. Special Agreement(s)

- (1) For Board of Commissioners’ approval.....\$300.00
Plus City Attorney’s legal fees and recording fees i.e., Encroachment(s); Connection to the Boardwalk; Use of City parking area, etc.
- (2) For Administrative review and approval..... Applicant must pay all legal and recording fees

(Res. 10.12, 07/20/10; 07.14, 06/26/07)

‡I. Building Permit Fee Schedule.

The following building permit fee schedule shall be used when issuing a permit for any type of construction including, but not limited to, the following: Commercial, Residential, Single Family or Multi-Family for Building, Mechanical, Plumbing, Gas, Fire Roofing, Swimming Pools, Aluminum Structures, Interior or Exterior remodeling, Accessory Structures, Additions, Fuel Tanks, Alarms, Sprinklers, Driveways, Signs, Docks, Seawalls, Walls and Fences, Sheds, Infrastructure or Excavation, or any other type of construction under the Florida Building Code.

- (1) Base-Fee Permit Application Fee (Non-refundable) – All fees shall be collected at the time of the submitted permit application. This would be a non-refundable application fee in addition to any other applicable fees listed in Article II, Section I.

Total Project Value \$1,000.00 or less.....	\$25.00 plus Valuation Fee
Total Project Value greater than \$1,000.00.....	\$50.00 plus Valuation Fee
<u>Residential (less than \$1,000 valuation amount).....</u>	<u>\$25.00</u>
<u>Residential (greater than \$1,000 valuation amount).....</u>	<u>\$50.00</u>
<u>Residential/Commercial (less than \$1,500 valuation amount).....</u>	<u>\$25.00</u>
<u>Includes ‘Maintenance’ and/or ‘Change-Out’ applications (i.e. hot water Heater replacement, new door/window, etc.)</u>	
<u>Commercial.....</u>	<u>\$100.00</u>
<u>Includes any applications for plan review and permitting from Fire, Planning & Zoning, and Building Department</u>	

Definitions of “residential” and “commercial” are based on the 2014 Florida Building Code:

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“Residential building” shall mean any “one- and two-family dwelling” or portion thereof, including “townhouses”, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

“Commercial”; For this code, all buildings that are not included in the definition of “Residential buildings”.

(Res. 2016-03, 02/09/2016)

(2) Valuation Fee

2% of Total Project Value (includes permits, inspections, plan review, other review related fees)

(3) Florida Surcharge Fee

3% of the Building Permit fee as required by Florida Law

‡(4) Miscellaneous Fees

After the Fact Permit: Shall be double the normal fees; for any subsequent construction by the same contractor, “After the Fact” permits shall be up to ten (10) times the normal fee per the Florida Building Code.

Certificate of completion	\$50.00
Change of contractor (all trades).....	No fee
Civil review related to building permit.....	No fee first review
Additional civil reviews relating to building permit.....	\$100.00 per review
Construction trailer.....	No fee
Demolition of structure.....	\$50.00
Moving of structure.....	\$50.00
Permit extension.....	No fee
Plan revision	\$100.00
Red tags.....	\$25.00 per tag
Replacement of placard card.....	No fee
Stop work order.....	\$25.00
Temporary power pole.....	No fee
Tent permit.....	\$25.00
Tree removal permit	\$50.00

- (5) Verification Fee. An administrative fee charged to any nonresident contractor or sub-contractor who does not have a permanent business located within the city and therefore not required to have a local business tax receipt from the city but desires to do work within the city. For the purpose of this section, the terms "contractor" or "subcontractor" shall be identified as those listed under the City Code, Chapter 62, subsection 62-60(37). This fee covers the costs associated with verifying that the contractor or subcontractor has met the minimum standards necessary to assure the public health, safety and welfare of our citizens and that the public interest of the city is protected. This verification includes but is not limited to state mandated licenses, competency, liability and worker's compensation insurance, and a local business tax receipt. Such verification shall be sufficient to allow the contractor or subcontractor to engage in work within the city until September 30 following the date of registration at which time the registration

**CITY OF MADEIRA BEACH, FLORIDA
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will expire. Contractors or subcontractors regulated by the state department of business and professional regulation, as noted in F.S. § 205.065, are required to register with the county construction licensing board and are therefore exempted from this fee.

Verification fee.....\$20.00

(6) Refunds

No refunds on permits unless such permit were issued in error on the part of the City. There shall be no refund of fees if work had commenced or if the permit is 90 days or older.

(7) Miscellaneous Items

At the discretion of the Building Official all construction related activities that do not qualify under one of the trades (Building, Mechanical, Electrical, Plumbing, and others) may be classified as miscellaneous. A permit for such activity may or may not be required at the discretion of the Building Official. An appropriate related fee shall be set by the Building Official for such miscellaneous permit.

(8) Rental Inspection Fees

Initial application\$40.00
 Annual license renewal\$15.00
 Initial Inspection \$50.00 *per unit*
 Annual inspection.....~~\$68.00~~ \$70.00 *per unit*
 Special consultation (*as needed; by request*).....\$100.00
 Re-inspection fee for every inspection after second if failure to
 correct violation(s) is due to owner/manager negligence \$100.00

*Ten percent (10%) penalty for failure to submit a timely renewal fee during first month of delinquency; an additional five percent (5%) penalty for each month of delinquency thereafter.

‡J. FEMA Application Fees.

- (1) Non-refundable fee for the preparation and submittal of a Flood Mitigation Assistance grant application or a Severe Repetitive Loss grant application \$500.00
- (2) Additional fee due prior to approval of the Flood Mitigation Assistance Agreement and the Flood Mitigation Assistance Project Agreement by the Board of Commissioners. This fee is refundable if the agreements are not approved\$1,000.00
 (Res. 07.22-10/23/07; 07.17-08/28/07; 06.29-11/28/06; 05.20-09/14/05; 04.08-06/22/04)

‡K. Solicitor’s permit

A \$10.00 fee shall be required for a solicitor’s permit for any business with a current City of Madeira Beach Local Business Tax Receipt.

A \$100 fee, plus \$20 per additional person participating in the canvassing / soliciting in the City shall be required for a solicitor’s permit for a business which does not carry a current City of Madeira Beach Local Business Tax Receipt. (Res. 07.23-12/11/07)

**CITY OF MADEIRA BEACH, FLORIDA
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- ‡L. Alcoholic Beverage Request.....\$300.00
A \$300 deposit shall be required with the submittal of an alcoholic beverage application.
(Res. 2012-14 9/5/2012)
- ‡M. Dog Dining Request.....\$75.00
A \$75 fee shall be required for both the initial application and subsequent annual renewals requesting to allow dogs in specified outdoor area(s) of a food service establishment during operating hours. This fee shall offset the City’s cost to administer, review and inspect such request. This fee shall apply only to pet dogs, service animals are already permitted within business establishments by law.
- N. Zoning Verification Letter.....\$25.00
Verification in writing (formal letter on City stationery) as to the property’s zoning. This includes a copy of the related district regulations. Such letters are often requested by realtors for property closings.
- O. FEMA Verification Letter.....\$25.00
Verification of FEMA flood zone in writing (formal letter on City stationery).
- P. Zoning/Land Development Regulation Interpretations.....\$75.00 (base fee)
Interpretation of land development regulations such as number of legal units existing on a property, nonconforming provisions, subdivision regulations, and the like. Such request would include up to one hour of research and include the preparation of a written interpretation. Additional research time shall be charged at the employee’s hourly rate plus benefits on a time for time basis.
- Q. FEMA/Floodplain Ordinance Interpretations.....\$75.00 (base fee)
Interpretation of the City’s Floodplain Ordinance beyond the verification of the specific flood zone and the basic requirements related to that zone. Such request would include up to one hour of research and include the preparation of a written interpretation. Additional research time shall be charged at the employee’s hourly rate plus benefits on a time for time basis.
- R. Unaddressed Research Requests..... \$35.00 (base fee)
Request for Community Development Department information and records relating but not limited to building permits, business tax records, alcoholic beverage approvals, Planning Commission records, Special Magistrate and Board of Adjustment records, Code Enforcement records, and any other records under the responsibility of the Community Development Department. Such request would cover up to one hour of research and/or data collection. Additional research/data collection time shall be charged at the employee’s hourly rate plus benefits on a time for time basis. Photocopy charges for such records are additional and are based on the City’s Fees and Collections Procedure Manual.

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ARTICLE III. FINANCE DEPARTMENT

A. Credit card transaction convenience fee.....\$3.00

B. Indebtedness searches..... \$50.00

C. Recording of documentsfirst page \$10, additional pages \$8.50 each

D. Parking permits. Parking permits may be purchased on a weekly or monthly basis, for up to 50% of the metered parking spaces in the following city parking lots; at the fees listed below.

129th Avenue, West and Gulf Boulevard	133rd Avenue, West and Gulf Boulevard
130th Avenue, West and Gulf Boulevard	134th Avenue, West and Gulf Boulevard
131st Avenue, West and Gulf Boulevard	135th Avenue, West and Gulf Boulevard
132nd Avenue, West and Gulf Boulevard	136th Avenue, West and Gulf Boulevard
133rd Avenue, East and Gulf Boulevard	Johns Pass Park

(1) Weekly..... \$20.00

(2) Monthly \$60.00

(Res. 05.10, 03/22/05, Code 1983, § 19-513)

E. Parking fines and penalties. Parking fines and penalties shall be as follows:

(1) Overtime parking..... \$25.00

(2) Double parking \$25.00

(3) Parking in no parking zone \$25.00

(4) Other improper parking \$25.00

(5) Disabled permit*Sec. 66-52(c), Madeira Beach City Code*

(6) Delinquency fee (after 15 days) for parking tickets\$10.00

(Code 1983, Ch. 19, art. VI, Res. 04.09, 08/10/04, Res. 06.29, 11/28/06)

F. Special event parking permit. Special event permits shall include:

(1) Annual permit.....\$100.00 *per year*

(2) Daily permit.....\$25.00 *per day*

(Res. 2014-20, 05/13/2014)

G. Returned/unfunded/worthless checks pursuant to F.S. § 68.065(2), as amended.

(Res. 04.02, 01/27/04, Res. 04.09, 08/10/04)

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ARTICLE IV. FIRE DEPARTMENT

A. Fire Inspection/Local Business Tax Receipt Inspections:

(1) PLACES OF ASSEMBLY (Posted Occupant Load)

Up to 49 people	\$50.00
50-149 people.....	\$100.00
150 or more people	\$150.00

RESIDENTIAL STRUCTURES, HOTEL/MOTEL, TIMESHARE, RENTALS-RESORT RENTALS

Up to 10 units	\$100.00
11-20 units.....	\$150.00
21-49 units.....	\$200.00
50 or more units	\$350.00

AUTOMOTIVE AND/OR MARINE SERVICE OR STORAGE FACILITIES \$200.00

AUTOMOTIVE AND/OR MARINE FUELING FACILITIES \$200.00

STAND ALONE SINGLE BUSINESS

Up to 2499 sq. ft.	\$50.00
2500 or more sq. ft.	\$100.00

MULTIPLE COMMERCIAL/BUSINESS

Unoccupied, per suite	\$25.00
Occupied, per suite	\$50.00

STORAGE FACILITIES

Up to 4999 sq. ft.	\$100.00
5000 or more sq. ft.	\$200.00

(2) Subsequent fee for each return inspection necessary to gain compliance \$30.00

(3) Commercial self-inspection, filing fee per address..... \$20.00

B. Fire Plan Review and Inspection

Base Fee for buildings up to and including 10,000 sq. ft. \$100.00

Buildings over 10,000 sq ft under roof\$100 + \$2.00 per every additional 1,000 sq ft

C. CPR Classes

Resident.....	No fee
Non-resident.....	\$25.00

D. Fire Engine Rental for Fire System Testing and/or Certification – (Res 08.10, 09/23/2008)

First 4 hours.	\$1,000.00
Each additional hour.....	\$250.00 per hour

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ARTICLE V. PARKS & RECREATION

*(Res. 10.05 – 3/23/10; Res. 07.14 - 06/26/07; 06.23 - 9/13/05; Res. 05.20 -09/14/05;
Res. 09.09 - 9/21/09; Res. 2014-53 – 12/10/14; Res. 2015-09 – 03/10/15; Res.
2015-21 – 08/11/15; Res. 2016-03; 02/09/16 Code 1983, § 19-508)*

‡A. Recreation.

(1) ~~Recreation~~

Recreation Registration Fee.....\$5.00 ~~annually~~

**In order to participate in any recreation program or sports league, a registration fee is required and entitles the person to one (1) free class with Madeira Beach Recreation.*

(1) Softball Registration

Sponsor located within Madeira Beach city limits\$350.00 *per team*

Sponsor located outside of Madeira Beach city limits\$400.00 *per team*

(2) Kickball Registration.....~~\$150.00~~ \$250.00 *per team*

(3) After School Program

Resident\$40.00 *per week*

Non-resident\$55.00 *per week*

City employee.....*Free of charge*

(4) Summer Camp Program. ***All payments are due prior to ~~your child attending camp attendance~~.***

Resident Rates by Session

~~Five Week~~ Session 1 \$375.00

~~Five Week~~ Session 2..... \$375.00

Full Ten Week Summer Session.....\$750.00

Individual Weekly Rate.....~~\$110.00~~ \$120.00

Nonresident Rates by Session

~~Five Week~~ Session 1\$500.00

~~Five Week~~ Session 2..... \$500.00

Full Ten Week Summer Session.....\$1,000.00

Individual Weekly Rate.....~~\$140.00~~ \$150.00

City employee.....*Free of charge*

Deposit to hold ~~your child's~~ place..... \$25.00

**Deposits to hold ~~your child's~~ place will be applied to ~~your~~ current balance.*

(5) Sibling Discounts.

Discount for ~~Five Week Session~~ Session 1 or Session 2.....-\$50.00

Discount for ~~Ten Week Session~~ Full Summer Session.....-\$100.00

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- (6) Contracted recreation instructors will agree to a 75%/25% contact split with the City for their services.

‡B. Recreation Center rentals. (Res. 2014-53, 12/10/14; Res. 2015-21, 08/11/2015)

(1) *Rental Periods. Monday – Thursday*

- a. Refundable Damage Deposit.....\$200.00
- b. Rentals serving food and beverage
 - i. Insurance fee\$150.00
- c. Set-up and cleaning fees:
 - i. Set-up and cleaning fee (*under 50 attendants*) \$100.00
 - ii. Set-up and cleaning fee (*over 50 attendants*) \$200.00
- d. Resident Hourly Rates by Room
 - i. Boca View Hall..... \$90.00
 - ii. Ocean Walk Room..... \$35.00
 - iii. Starboard Room \$35.00
 - iv. Outside Deck..... \$100.00
 - v. City Centre Room..... \$135.00
- e. Non-resident Hourly Rates by Room
 - i. Boca View Hall.....\$110.00
 - ii. Ocean Walk Room..... \$45.00
 - iii. Starboard Room.....\$45.00
 - iv. Outside Deck..... \$125.00
 - v. City Centre Room..... \$165.00

**Rental Hours must include set-up and breakdown for all vendors and guests. Includes use of contracted space, banquet kitchen, set-up/breakdown of tables and chair. Events after 8:00 p.m. will be charges on additional staffing fee of \$25.00 an hour. 7% sale tax not included on hourly rates.*

(2) *Rental Periods. Friday – Sunday*

- a. Refundable Damage Deposit.....\$400.00
- b. Rentals serving food and beverage:
 - i. Insurance fee..... \$150.00
- c. Set-up and cleaning fees:
 - i. Set-up and cleaning fee (*under 50 attendants*)..... \$100.00
 - ii. Set-up and cleaning fee (*over 50 plus attendants*)..... \$200.00
- d. Resident Hourly Rates by Room:
 - i. Boca View Hall.....\$100.00
 - ii. Ocean Walk Room..... \$45.00
 - iii. Starboard Room.....\$45.00
 - iv. Outside Deck..... \$120.00
 - v. City Centre Room..... \$150.00
- e. Non-resident Hourly Rates by Room:

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i. Boca View Hall.....	\$120.00
ii. Ocean Walk Room.....	\$55.00
iii. Starboard Room.....	\$55.00
iv. Outside Deck.....	\$145.00
v. City Centre Room.....	\$180.00
f. Recreation Center – Events four (4) or more hours in length	
i. Resident Rates	
1. Four (4) hours.....	\$1,000.00
2. Six (6) hours.....	\$1,500.00
3. Eight (8) hours.....	\$2,000.00
ii. Extended Event Non-resident Rates	
1. Four (4) hours.....	\$1,200.00
2. Six (6) hours.....	\$1,800.00
3. Eight (8) hours.....	\$2,400.00
g. City Centre Room – Events four (4) or more hours in length	
i. Extended Event Resident Rates	
1. Four (4) hours.....	\$700.00
2. Six (6) hours.....	\$900.00
3. Eight (8) hours.....	\$1,100.00
ii. Extended Event Non-resident Rates	
1. Four (4) hours.....	\$900.00
2. Six (6) hours.....	\$1,100.00
3. Eight (8) hours.....	\$1,400.00

**Rental Hours must include set-up and breakdown for all vendors and guests. Includes use of full recreation facility, banquet kitchen, set-up/breakdown, and cleaning fee. Events after 10:00 p.m. will be charged an additional staffing fee of \$25.00 an hour. 7% sales tax not included.*

***20% Discounted rate on Sundays.**

C. Park Pavilion Rentals. (Resolution 2015-09)

(1) Archibald Park

a. Pavilion Rental for 4-hour block	
i. Resident rate.....	\$50.00
ii. Non-resident rate.....	\$100.00
b. Sand volleyball court for 4-hour block	
i. Resident rate.....	\$50.00
ii. Non-resident rate.....	\$100.00
c. Metered parking	\$1.50 per hour

(2) John’s Pass Park

a. Pavilion Rental for 4-hour block	
i. Resident rate.....	\$50.00
ii. Non-resident rate.....	\$100.00
b. Sand volleyball court for 4-hour block	
i. Resident rate.....	\$50.00
ii. Non-resident rate.....	\$100.00
c. Metered parking	\$1.50 per hour

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D. Athletic Field Rentals. (Resolution 2014-53)

(1) Hourly resident rates by facility (7% sales tax NOT included)

a. Softball field.....	\$20.00
b. Soccer field.....	\$20.00
c. Festival field.....	\$30.00
d. Basketball court.....	\$3.00
e. Tennis court.....	\$3.00
f. Field preparation and lining (softball).....	\$40.00
g. Field preparation and lining (football/soccer).....	\$20.00
h. Attendant fee (per staff member).....	\$20.00
i. Rental cleaning fee.....	\$20.00
j. Light fee.....	\$10.00

(2) Hourly non-resident rates by facility (7% sales tax NOT included)

a. Softball field.....	\$25.00
b. Soccer field.....	\$25.00
c. Festival field.....	\$35.00
d. Basketball court.....	\$4.00
e. Tennis court.....	\$4.00
f. Field preparation and lining (softball).....	\$45.00
g. Field preparation and lining (football/soccer).....	\$25.00
h. Attendant fee (per staff member).....	\$25.00
i. Rental cleaning fee.....	\$25.00
j. Light fee.....	\$15.00

(3) Multi-tournament discounts. Tournaments receive resident pricing rates. Tournaments booked within one year receive multi-tournament discounts.

a. Two (2) to four (4) tournaments/year.....	10% discount
b. Five (5) to eight (8) tournaments/year.....	15% discount
c. Nine (9)+ tournaments/year.....	20% discount

‡E. Special events.

(1) **Application Fee.** A fee of \$100.00 payable to the City as reasonable cost for processing, evaluating and issuing the permit is required. The Board of Commissioners may waive the application fee upon demonstration on non-profit status.

(2) **Deposit.** A refundable deposit shall be payable to the City in advance of the event for damage to public property or City services incurred in direct association with the event and not identified in the original special event application approval. The Board of Commissioners may waive the deposit upon consideration of the special event application and demonstration of non-profit status. The City reserves the sole right to determine which portion, if any, of the deposit shall be returned to the applicant within 30 days after the event. Deposits shall be determined upon the estimated number of attendants at the time of application:

Attendance	Deposit Amount
75-200	\$250 per day

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201-500	\$275 per day
501-1,000	\$350 per day
1,001 – 5,000	\$500 per day
5,001 – Up	\$1,000 per day

(3) Fees.

a. Facility rental (includes use of stage and event field).....\$3,000.00 per event

b. Facility fee added to the price of every ticket (paid or comp).....\$1.50 per ticket

c. City Event Fees:

i. Trash can fee.....\$5.00 per requested trash can

ii. Dumpster fee with single pick-up.....\$500.00

iii. Other fees including but not limited to additional City Staff personnel staff, such as EMT support through Madeira Beach Fire Department, etc.

d. **Mandatory Non-City Fees.** The required used of Pinellas County Sheriff’s Deputies will be negotiated directly with the Pinellas County Sheriff’s Office. It is the **sole responsibility of the applicant** to secure the appropriate number of deputies as required by the Sheriff’s Department.

e. **Other Non-City Fees.** Other fees included but not limited to Madeira Beach City Centre and field clean-up, additional civilian security, and vehicle parking professionals shall be the **sole responsibility of the applicant.**

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ARTICLE VI. PUBLIC WORKS

A. Trash, recycling, and garbage. (Res 05.20 – 09/14/2005; Res. 2015-21 – 08/19/2015)

(1) Removal service fees. All residents, occupants, or owners of premises in the city shall be required to have accumulations of garbage, trash, garden trash, recyclable items, and noncombustible refuse removed and disposed of by the sanitation division of the city Public Works Department. For the purpose of this section a unit shall be defined as a living unit for human habitation containing kitchen facilities. Rooms in hotels, motels, motor lodges, or other transient living accommodations not having kitchen facilities shall be charged on the basis of one unit for each four rooms, or portion thereof (i.e., a facility having three rooms will be charged for one unit; a facility having five rooms will be charged for two units). The charges for garbage, recycling, and trash removal services shall be as follows:

- (a) Single-family dwelling. Single-family dwelling, per month.....\$21.83
- (b) Multiple-family dwelling:
 - Multiple-family dwelling using cans--first unit, per month/unit..... \$21.83
 - All others, per month/unit..... \$10.91
- (c) Condominiums:
 - Condominiums, per month/per unit, in addition to bulk customer container..... \$2.50
- (d) Commercial. All offices and business establishments required to have a local business tax receipt are hereby classified commercial. A commercial rate for the collection of garbage and trash is hereby established to be in accordance with the following schedule:

BULK CUSTOMERS (Res. 07.14, 06/26/07)			
Containers – Compacting	2 Cubic Yards	2½ Cubic Yards	3 Cubic Yards
Service twice per week, per month	\$205.00	\$260.00	\$310.00
Each additional service, per month	\$102.50	\$130.00	\$155.00
BULK CUSTOMERS (Res. 07.14, 06/26/07)			
Container – Non-compacting	1 Cubic Yard	2 Cubic Yards	3 Cubic Yards
Service twice per week, per month	\$90.00	\$140.00	\$190.00
Each additional service per week, per month	\$45.00	\$70.00	\$95.00

- (e) Bulk item removal.
 - i. Any item identified in section 54-33 regarding the removal of other waste and noncombustible refuse will be collected by the city, for a minimum disposal fee of \$10.00 plus \$5.00 for each item picked up.

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Cans	Two Cans	Three Cans	Four Cans
Service twice per week, per month	\$25.00	\$37.00	\$50.00
Each additional service, per week, per month	\$12.50	\$18.50	\$25.00

- ii. Sunday collections are double the additional service rate.
- iii. Charges for use of more than four cans will consist of multiples of the two, three or four can rates. Ultimate charges to the customer or property owner shall be based on the frequency of collection and the amount of garbage and trash generated as set forth above for each establishment. Accounts classified as multifamily dwelling, or hotel, motel or motor lodge may elect to be charged for garbage and trash removal services in conformity with the commercial rates defined in this section but in no case shall less than one can per unit be elected. It is the burden of the property owner to notify the city of such election. Those establishments electing the commercial or bulk rate shall have the option of changing the type of service by giving 30 days' notice. Requests for changes in service shall be in writing and addressed to the city. The city reserves the right to determine the number of cans, the number and size of containers and/or frequency of disposal, with applicable charges, during any period of the year, for commercial containers.

(f) Reserved.

(g) Extra service and fees. Business establishments and other establishments requiring the pickup and disposal of garbage and/or trash of an average amount greater than 80 gallons per week of garbage and one cubic yard per week of trash, must make arrangements with the city and pay proportionately greater fees required for the greater services estimated and furnished, in the same ratio and proportion.

(h) Bulk waste. Noncombustible refuse in excess of normal weekly limits, by either residential or commercial establishments shall be picked up at the rate of \$15.00 per hour per collection day, based on elapsed time of collection, plus allowances for disposal run and dump charges. Such charges shall also be made to homes having more than normal trash collections.

(2) Recycling services fees.

(a) Condominium properties shall be billed based on direct costs incurred by the City to provide recycling service through its contractual service provider.

(3) Billing. It is the property owner's responsibility to pay charges against the property. It shall be at the discretion of the city to determine the appropriate billing party. Upon request, the city will attempt to bill tenants, but only if the owner signs a statement acknowledging his responsibility for the charges generated, along with the information necessary so that they may be contacted at the point wherever a delinquency occurs. The city reserves the right to bill the property owner, if it so chooses, regardless of circumstances surrounding the account.

(4) Commercial--Minimum charge (base) for unoccupied (dormant) businesses. If there is a commercial property with no current occupant, upon written notification by the property owner, the property will be charged a minimum fee, based on the twice per week collection

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service rate for two cans (the least expensive bulk rate). Upon leasing the property, the normal charges will apply as per this schedule. No Madeira Beach local business tax receipt for the tenant or property owner will be granted until the account is made current by the property owner. It is the responsibility of the property owner to notify the city, in writing, anytime a vacancy occurs, if they hope to receive the adjustment downward to the minimum charge. No retroactive adjustments will be made. The minimum charge will begin once the city has been notified and proof is provided that the property has no occupant.

(Res. 07.14, 06/26/07)

- (5) Owner's liability. If the premises are sold, any remaining claims by the city for garbage and trash services not settled at time of transfer of ownership of the property shall become the responsibility of the new owner. This applies equally to the sale or foreclosure of any property, and represents charges for service presently or previously provided. On all premises, the owner of such premises shall be liable for all garbage and trash service charges against the property irrespective of whether such premises is occupied by owner, tenant, or vacant. The occupation of fully constructed premises shall be irrelevant to the liability of the owner and/or occupant for the charges as provided for in this section. The schedule of charges shall be imposed on all fully constructed premises, whether occupied or not, and regardless of volume of garbage or trash generated. Liability for payment shall begin on the date of ownership of property.
- (6) Payment; penalties; delinquency constitutes lien against property. All garbage and trash fees are due and payable upon receipt. Bills not paid within 30 days of the billing date will be considered delinquent, and shall constitute grounds for filing a lien against the property with the clerk of the circuit court. Bills that arrive after the 30-day deadline will be assessed penalty interest on the next bill. It is the owner's responsibility to see that the payment arrives within the 30-day billing period. Bills not paid within 30 days shall have penalty interest added at the rate of 1½ percent per month beyond the delinquency date (30 days).

(Code 1983, § 19-511)

B. Stormwater utility management.

- (1) Created. A stormwater management utility fee, also referred to in this section as "fee" was created and imposed on all developed property within the city for services and facilities provided by the stormwater management program. For the purposes of imposing the fee, all developed property within the city shall be classified into the following three classes:
 - (a) Residential property.
 - (b) Nonresidential property.
 - (c) Mixed use property.

The Director of Community Services will, from time to time, prepare a list of property within the city and assign a classification of residential or nonresidential property.

- (2) Schedule of rates. *(Res 05.20-09/14/05)*

- (a) The EDU rate shall be \$10.00 per month for each EDU. *(Res. 2014-31, 07/08/2014)*
- (b) The stormwater management utility fee shall be calculated for each developed property as follows:

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- i. The fee for property consisting solely of dwelling units is the rate of one EDU multiplied by the number of dwelling units existing on the property. That is, Fee = EDU rate X number of dwelling units.
 - ii. The fee for property with no dwelling units is the rate of one EDU multiplied by the numerical factor. The numerical factor is obtained by dividing the total impervious area in square feet of the nonresidential property by 1,249 square feet. The resulting calculation is, Fee = EDU rate X (impervious area expressed in square feet/1,249 square feet, but not less than the rate for one EDU). Fractional remainders shall be rounded down.
 - iii. The fee for mixed use property (dwelling units and commercial) is the rate of one EDU multiplied by the number of dwelling units existing on the property. The total on-site impervious is then compared to the impervious area allocated to dwelling units by multiplying the number of dwelling units X 1,249 square feet per dwelling unit and subtracting the resulting square footage of impervious area from the total impervious area. If the remaining impervious area is zero or negative, the fee is the EDU rate multiplied by the number of dwelling units. If the remaining impervious area is greater than zero, then the additional fee for the remaining impervious area is calculated under subsection (2)(b) of this section.
- (c) The minimum fee for developed property, whether residential or nonresidential, within the city is equal to the rate of one EDU subject to reduction as set forth in subsection (4) of this section.
- (d) On-site stormwater quality management facilities reduction shall be allowed and calculated as follows:
- i. In order to encourage the improvement of the quality of stormwater runoff, a reduction in the stormwater management utility fee is authorized for those developed properties which are addressed by a stormwater management facility designed and constructed for the purpose of stormwater pollution reduction.
 - ii. A reduction in fee is allowed for a particular developed property only if the stormwater runoff from the property is treated by a stormwater management facility that has been designed, constructed and is maintained properly for the purpose of stormwater pollution reduction and adheres to the drainage requirements of the ten-year frequency, 60-minute storm event. If it is determined by the Director of Community Services that the stormwater management facility has not been, nor is currently being, properly maintained as designed, the Director of Community Services may disallow the on-site stormwater management facility credit.
 - iii. Specific stormwater treatment facilities that qualify for this reduction include, but are not limited to, retention or filtration ponds; front, rear and side lot swales; mechanical treatment or separation facilities; or extensive improvement in the amount of pervious surfaces by the use of turf-block for parking areas, driveways, patios and sidewalks.
 - iv. For applicable properties, the fee shall be reduced by 25 percent. The reduced fee will, therefore, be calculated as the fee determined in this subsection multiplied by the factor of 0.75 (Fee X 0.75).

(3) Billing; collecting; delinquency; penalty.

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- (a) Bills for stormwater service shall be rendered bimonthly by the county water system as agent for the city. The fixed monthly charge shall be payable in advance.
 - (b) If any bill shall not be paid within seven days after the date it has been declared delinquent, water service to the premises shall be disconnected until such delinquent account is paid in full, including all applicable disconnection and reconnection charges.
 - (c) Statements for the stormwater management utility fee shall be payable at the same time and in the same manner and subject to the same penalties as they are otherwise set forth for other utility fees administered by the city. The property owner or fee payer will be notified of any delinquency in the payment of the stormwater management utility fee in the same manner that delinquent water, garbage and sewer bills are notified and the failure to pay such fee as is otherwise provided in the statement rendered to the payer shall subject the property to the discontinuance of water, garbage and sewer services and shall subject the fee payer to all other penalties and charges provided relative to the discontinuance of such utility services.
 - (d) The administrative appeal and hearing procedure applicable to the discontinuance of utility services shall be applicable to the discontinuance of such services for the nonpayment of the stormwater management utility fee.
- (4) Adjustment of fees.
- (a) Any owner, tenant or occupant who has paid the rendered fee and who believes that the fee is in error may, subject to the limitations set forth in this division, submit an adjustment request to the Director of Community Services.
 - i. Adjustment requests shall be made in writing and shall set forth in detail the grounds upon which the belief is based.
 - ii. The Director of Community Services shall review the adjustment request within 90 days of the submittal of the request and shall respond in writing to the requesting fee payer, either denying or granting the request with the reason therefore stated in such response.
 - iii. The rate adjustment, if granted, will apply retroactively to the date at which the erroneous information was applied to the fee payer's fee, but will not exceed one year prior to the adjustment request.
 - iv. Upon denial of the adjustment request, the owner, tenant or occupant making the original adjustment request may, within 30 days of the receipt of denial, petition for a review of the adjustment request by the board of adjustment. The board of adjustment shall review the adjustment request in accordance with the provisions set forth in the City Code, Chapter 2, as well as the documented evidence provided in the original adjustment request and supplemental evidence requested by the Director of Community Services or provided by the fee payer prior to the decision made by the Director of Community Services. Within 60 days of the petition the board of adjustment shall in writing, either grant or deny the petition. If the petition is granted, the Public Works/Marina Director will apply the adjustment to the fee for the requesting customer for the retroactive period identified by the board of adjustment.
 - (b) The Public Works/Marina Director, upon discovering an error or oversight in the calculation of the fee, may initiate an adjustment request. The request must be made in writing documenting the reasons for the adjustment. In the event that the

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adjustment would require the increase in fee for a fee payer, the Public Works/Marina Director must provide the adjustment request to the affected fee payer 30 days prior to adjusting the fee and offer the fee payer an opportunity within the stated 30 days to provide reasons why the adjustment should not be made. An increase or decrease in fee shall not be retroactively effective more than one year from the date of adjustment.

(Code 1983, § 19-512)

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ARTICLE VII. MADEIRA BEACH MUNICIPAL MARINA

A. Vessel inspection. Live-aboard vessels desiring to stay beyond ten days will be required to obtain a no-fee annual permit and pay a vessel inspection fee of \$25.00. (Code 1983, Ch. 19, art. VII)

†B. Madeira Beach Municipal Marina Fees. Fees for the Madeira Beach Municipal Marina shall be as follows (each of the fees are subject to all applicable sales taxes):

(1)	Transient wet slip.....	\$1.40/foot/day
(2)	Small boat transient wet slip.....	\$0.93/foot/day
(3)	Transient dry storage.....	\$15.00 <u>\$14.02</u> /day
	On holidays and/or weekends	\$20.00 <u>\$18.69</u> /day
(4)	Monthly transient dry storage.....	\$140.19/month
(5)	<u>Monthly boat lift rental.....</u>	<u>\$14.02/foot</u>
(6)	Monthly wet slip for non-liveaboard.....	\$8.41/foot
(7)	Monthly wet slip for commercial non-liveaboard.....	\$10.28/foot
(8)	Monthly wet slip for liveaboard.....	\$14.02/foot
(9)	Monthly dry storage.....	\$130.84
(10)	Monthly dry storage of recreational vehicles and motor homes (limited to Madeira Beach residents).....	\$87.62
(11)	Monthly storage for non-motorized boats such as a kayak, canoe, and small boat that can be carried by one person.....	\$25.00 <u>\$23.36</u>
(12)	Boat Ramp Fee:	
	Launch.....	\$1.87
	Launch and park.....	\$9.35
(13)	Late Fee.....	\$30.00



City of Madeira Beach
Fire Department

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 21, 2016
To: Mayor Palladeno, Vice-Mayor Poe, Commissioner Lister, Commissioner Hodges,
Commissioner Poe
From: Derryl O'Neal, Fire Chief
Subject: UPDATE ON DISCUSSIONS WITH THE REDINGTONS AND PINELLAS COUNTY REGARDING
EMERGENCY SERVICES

In recent years, Pinellas County conducted a Fire and EMS study. This study helped identify EMS response times outside established standards set by the County. One of the three problem areas was found to be the Redington Beach Communities. MBFD understands the seriousness of the delay in response time and recommends, with strong support from all three Mayors of those communities, an operational station, staffed by the MBFD, to be established in a central location. Discussions between the County, Mayors of Redington Communities, and City staff have been held in recent months to review the possibilities of solving the EMS deficiency, new station construction, and funding.

The purchase of a ladder truck, not only will serve our Community, but our neighboring Redington Beach Communities will get the assurance of level of service they require. With current multi-story building construction on the barrier islands, a ladder truck will be an asset to the fire rescue and life-safety services. The delay in response for mutual aid ladder trucks is also a serious concern. The closest locations are on the mainland, Seminole FD and Pinellas Suncoast Station 28 (also in Seminole).

On January 15, I submitted an AFG grant application requesting funding for a full-service fire boat for fire suppression and water rescue operations. This boat would be docked at John's Pass. The waterways of mid-Pinellas County significantly lack this service. The closest full marine fire units are with Clearwater FD and St. Petersburg FD/Tierra Verde area. With the coastal development of high rise construction, marinas, water based recreational businesses, marine fueling stations etc. the benefits of a fire/rescue marine unit will be of great impact to life and property loss. The operational expenses will be requested from the County. The marine unit has been discussed with and supported by Pinellas County.

Attachments: **None, open discussion**



City of Madeira Beach
Finance Department

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 21, 2016
To: Mayor Palladeno, Vice-Mayor Poe,
Commissioner Lister, Commissioner Hodges, Commissioner Shontz
From: Vincent M. Tenaglia, Assistant City Manager
Subject: Fire Apparatus Financing Recommendation

The FY 2016 adopted budget includes \$650,000 for the replacement of a fire engine. On December 22, 2015 the Board of Commissioners (BOC) provided consensus support to advertise a request for proposals (RFP) from lending institutions to finance the proposed equipment; specifically, a 78' aerial quint truck. The City received ten RFP responses from nine banks, as summarized below:

Bank	Type	Rate
Hancock	Loan	1.5900%
BB&T	Lease	1.6000%
US Bank	Loan or Lease	1.6840%
Regions	Lease	1.8642%
Regions	Loan	1.8900%
Pinnacle	Loan or Lease	1.9000%
Santander	Lease	2.0400%
Seaside	Loan	2.0800%
BBVA	Lease	2.1900%
SunTrust	Lease	2.5500%

As opposed to the budgeted “pay as you go” alternative, longer-term debt financing provides greater flexibility for the City to accomplish its capital improvement goals. The advantage of financing must be weighed against the additional costs to borrow, including cost of issuance (i.e., attorney fees) and interest expense. Staff estimates such expenditures at \$74,200 for this transaction. It is staff’s opinion that the development of an achievable capital improvement plan, including specific funding solutions for individual projects and pieces of equipment, sufficiently justifies the additional transaction costs.

As discussed at the December 22, 2015 BOC meeting, staff’s intent in considering a potential financing structure was to pledge only the remaining installments of the *Penny for Pinellas* Local Option Sales Tax Fund, which is in place through December 2019. This revenue source is restricted specifically for infrastructure improvements and public safety vehicles, and carries no other outstanding debt obligations. The financing structure proposed by Hancock Bank accommodates staff’s intent while offering the most competitive interest rate.

Staff recommends consensus support to finalize negotiations with Hancock Bank and to schedule all applicable resolutions and authorization actions for the February 9, 2016 regular meeting agenda.

Attachments: 1) Hancock Bank Proposal, 2) Summary of Proposals, 3) Series 2016 Preliminary Numbers



Hancock Bank
PUBLIC FINANCE DEPARTMENT

VIA E-Mail

January 8, 2016

Honorable Mayor and City Commission
City of Madeira Beach, Florida

C/o Mr. Vincent Tenaglia (via e-mail)
Finance Director
City of Madeira Beach, Florida

C/o Mr. David Hart (via e-mail)
Public Financial Management, Inc.

C/o Mr. Nicklas Rocca (via e-mail)
Public Financial Management, Inc.

Re: \$750,000 maximum Fire Engine Financing, Series 2016
The City's RFP dated December 23, 2016

Please accept this letter as a commitment of Hancock Bank (Whitney Bank doing business as Hancock Bank) or the "Bank" to purchase the above captioned Note upon the terms and conditions outlined below:

Issuer: City of Madeira Beach, Florida.

Amount: \$750,000 maximum "bank loan" in the form of a Revenue Note, Series 2016 (the "Series 2016 Note" or "Note").

Purpose of Issue: Proceeds of the Note will be used to finance the purchase of a fire rescue apparatus (78' aerial quint Rosenbauer Fire Engine) and to pay for the cost of issuance related to the financing (collectively the "Project").

Authority for Issue: Provisions of the Florida Constitution, the Charter of the City of Madeira Beach Florida, as amended; Chapter 166, Part II of the Florida Statutes, and any other valid constitutional and statutory authority.

Dated Date of Note - Date of Delivery

Form of Certificate: The Note will be issued as single typewritten or printed certificate, in fully registered form.

Interest Rate & Terms: The City has requested a fixed rate financing with a final maturity of approximately 4 years. Pursuant to this request the Bank is offering the following fixed rate financing option as follows:

Fixed Rate Option – Bank Qualified Tax Exempt:

Fixed Rate option – fully funded ** on the day we close the loan as outlined below:

<u>Term ##</u>	<u>Annual Interest Rate #</u>
4 year approximate term – fully amortized	1.59% (bank qualified tax exempt)

** The Issuer would fully fund the loan on the day we close the loan.

*The quoted fixed interest rate is contingent upon the City accepting our proposal by no later than 10 days from the date of this letter. If the City accepts our proposal by the stipulated time, we will **hold** the above referenced fixed interest rate **firm**, provided that the Note is closed (fully funded) no later than **50 days** from the date of this proposal. Based on your RFP (estimated closing date of February 18th) the 50 day time frame should provide more than adequate time to “lock-in” the interest rate. Should the Note not be funded within the 50 day time frame a different rate could apply, which would be based upon the same pricing methodology we used to calculate the above referenced fixed interest rate.*

Our pricing is based on the estimated amortization of principal that the City presented in its RFP (semi-annual payment scenario). We realize that the final amortization schedule could change slightly in order to better meet the City's needs and therefore we are open to some changes in this proposed amortization structure; however, our pricing is based on the final amortization of principal not having an average life that exceeds 2.25 years. Should the final amortization have an average life that exceeds 2.25 years, our rate would be higher than that offered above.

Interest and Principal Payments: interest would be calculated on a 30 over 360 day basis. Principal and Interest would be payable semi-annually on June 1 and December 1 of each year, commencing June 1, 2016. The last principal and interest payment being due on December 1, 2019, as outlined in the City's RFP.

The loan would be structured such that minimum principal denominational units would be in units of one-thousand (\$1,000.00) or multiples thereof.

Prepayment Provisions: The principal may be prepaid in whole on any date with 10 days advance written notice to the Bank *without prepayment penalty*. Principal may be prepaid in part on any principal payment date (each June 1st or December 1st) with 10 days advance written notice to the Bank *without prepayment penalty*, provided that the City pays all accrued interest which shall have accrued to the date of prepayment and provided further that any principal prepayments shall be in multiples of one-thousands (\$1,000.00). Prepayments shall be deemed to apply to those principal installments with the latest maturities on the Note in inverse order.

Credit Approval: Already approved.

Security: The Series 2016 Note would be secured by an irrevocable first lien pledge of the “Pledged Funds”, which would consist of (1) the City’s 1% Local Government Infrastructure Sales Surtax Revenue (**the “Tax”**) and (2) until applied in accordance with the provisions of a note resolution, all moneys, including investments thereof in certain funds and accounts set up in conjunction with this financing. We understand that the Tax was approved by the voters of Pinellas County (the “County”) on March 13, 2007 for a period of 10 years commencing January 1, 2010 and extended through January 1, 2020. The Tax is and will continue to be distributed to the City through an Interlocal Agreement dated April 29, 2008 between the City and the County. The term of the Interlocal Agreement runs concurrently with the term of the Tax levy. We further understand that currently no other debt or obligations are secured by the Tax. Our offer is based on our understandings indeed being factual.

Additional Debt: While the Series 2016 Note remains outstanding, the City could not issue any additional debt secured by a first (parity) lien on the Tax unless it meets an additional bonds test (ABT) of 1.50 times the maximum annual debt service (MADS) on all debt secured by the Tax.

Required Accounts: We would not require a reserve fund for the Series 2016 Note. However, we would require that the City set up a “Revenue Fund” into which it would deposit and set aside the proceeds of the Tax as it is received from the County. We would also require a debt service fund (the “Sinking Fund”) into which the City would transfer monthly proportionate deposits from the Revenue Fund to the Sinking Fund in sufficient amounts to meet the next upcoming principal and interest payments.

Documentation: All documentation would need to be acceptable to the Bank and “Bank Counsel”. The Bank and Bank Counsel would need to review and approve all documentation prior to adoption and/or acceptance by the Issuer’s Board. We understand that Bond Counsel will be *Bryant Miller Olive P.A.* Bond Counsel would draft the loan documents and issue the customary legal and tax opinions. Based on this, the role of “Bank Counsel” would be limited to that of a “review function” only. Peter Dame (Akerman LLP law firm, Jacksonville office) would serve as Bank Counsel. We have outlined the cost of Bank Counsel in the paragraph captioned “Closing costs, fees and expenses” presented below.

Additional Terms and Conditions:

* All legal and tax opinions would be addressed to the Bank and be in a form and substance acceptable to the Bank. Counsel would opine as to the authority, legality and validity of the Inter-Local Agreement, the Note Resolution, the Note, and such other proceedings of the City Commission as Bank Counsel may deem necessary.

* The pledge of revenues securing the Series 2016 Note would be a cumulative pledge until the Series 2016 Note is paid in full.

* The loan would be evidenced by a resolution and/or loan agreement, which would include standard terms, conditions, and covenants which are customary for this type of financing. Such conditions would include, but not be limited to, our standard definitions of events of default and reasonable remedies to the Bank in the event of default.

* The City would warrant in the loan documents that the Infrastructure Sales Surtax Revenues are not currently pledged to any other debt.

* Prior to funding the Series 2016 Note the City's Financial Advisor would furnish to us a final "Sources and Uses" of funds statement, based on the final numbers.

* Prior to closing the Note the City would provide to the Bank a certificate to the effect that i) the financial statements were prepared in accordance with GAAP and present fairly the financial condition of the City as of their date and ii) since the date of the information presented in the 2014 audit (latest audit available at this time) there has been no material adverse change in the financial condition of the City or the pledged revenues.

* We would require that the interest rate on the loan be "grossed up" and applied retroactively to the date of any event of taxability should it be determined by the Internal Revenue Service that the tax status of the Note has changed due to the actions or inaction of the Issuer. Such "gross up" would not exceed any statutory limit imposed by the State of Florida and would be equal to the tax equivalent yield as originally contemplated by the Bank.

* Provision would be made for a "default interest rate" equal to 6% or any statutory interest rate limitation imposed by the State of Florida, whichever is less.

* The loan documentation would define standard events of default as are customary for this type of transaction and would provide reasonable remedies to the Bank in the event of default under the loan documents. The City would reimburse the Bank (or its agent e.g., receiver, trustee, etc.) for all reasonable legal and collection costs to exercise its remedies or collect its payments for the loan in the event of default.

* The City would be required to notify the Bank immediately upon knowing that an event of default has occurred.

* Hancock Bank's remedies could be exercised independently of all other series of debt obligations of the City and would require no other Noteholders' or creditors' approvals to exercise such remedies in the event of default.

* The City would covenant that no debt payable from or secured by the Tax would be subject to acceleration, whether at the option of the Holder or upon an event of default or otherwise. In the event any debt payable from or secured by the Tax is accelerated, the Bank shall have the right, upon the occurrence of an event of default, to accelerate the principal and interest of the Series 2016 Note and upon exercise of such right the principal and interest of the Series 2016 Note shall become immediately due and payable.

* The City would agree to provide to the Bank (at no cost) the following information: a copy of its audited financial statement within 180 days following the end of its fiscal year, annual operating budget (if requested by the Bank), and such other financial information (if requested by the Bank) as the Bank may reasonably request.

* No Impairment: the pledge of the pledged revenues as provided for by the Inter-Local Agreement will not be subject to repeal, modification or impairment by any subsequent ordinance, resolution or other proceedings of the City, including, without limitation, any modifications, amendments or supplements to the Inter-Local Agreement.

* The City would covenant in its loan agreement with the Bank to meet its obligations under the Inter-Local Agreement with the County and to take all lawful action necessary or required to continue to entitle the City to receive such pledged revenues from the County and will take no action which would impair or adversely affect its receipt of said pledged revenues.

* The City would be required to do all things necessary (including taking legal action should it be necessary) to enforce its contract with the County in order to insure that the pledged revenues are forthcoming from the County to pay the City's Note.

* Hancock Bank is purchasing this Note for its own account and has no intention to resell the Note. However, the Bank would not be subject to transfer restrictions, provided that we don't sell the Note to a non-permitted lender or in denominations of less than \$100,000.

Closing costs, fees and expenses: The Bank would charge **no fees** and assess **no closing costs for its own benefit**. However, we would require the City to *reimburse* the Bank for "Bank Counsel" expense. Bank Counsel's expense would not exceed \$1,800 for the role outlined above in the paragraph captioned "Documentation". All costs related to Bond Counsel, the City's Local Counsel, and the City's Financial Advisor would be paid by the City.

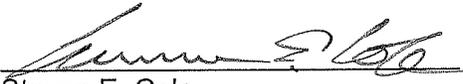
Tax Status of the Note: The quoted interest rate is predicated upon the Note being designated as a "qualified" tax-exempt obligation under Section 265(b) (3) of the Internal Revenue Service Code of 1986, as amended.

Delivery: As soon as possible after all approvals, but in any event the Note would be closed no later than 50 days from the date of this proposal in order for us to hold firm the quoted fixed rate.

This proposal shall remain valid for a period of 50 days provided the City accepts this proposal within 10 days from the date of this letter.

Yours very truly,

HANCOCK BANK **

By: 
Steven E. Cole
Senior Vice President
Public Finance Department

** "Hancock Bank" is a trade name used by Whitney Bank, a Mississippi chartered banking corporation, in providing products and services through its locations in Florida, Alabama and Mississippi. Any obligations incurred with regard to this proposal would be payable to Whitney Bank.

Accepted and Approved:

The Governing Body of the City of Madeira Beach has accepted this Financing Proposal from Hancock Bank and hereby selects Hancock Bank to finance the above referenced Project.

Approved and accepted: As of this the _____ day of _____ 2016.

Mayor

Attest:

Clerk

City of Madeira Beach
2016 Fire Engine Financing
Summary of Proposals

	BB&T	BBVA	Hancock
Proposal Requirements			
Contact Information	Andrew G. Smith Senior Vice President P.O. Box 714 Columbia, S.C. 29202 O: 803-251-1328 AGSmith@BBandT.com	Susan Maurer Senior Vice President 4211 W. Boy Scout Blvd, Suite 200 Tampa, FL 333607 O: 813-261-9319 susan.maurer@bbva.com	Steve E. Cole Senior Vice President 113 Designer Circle Dothan, Alabama 36303 O: 1-850-591-7452 steve.cole@hancockbank.com
Financing Type	Not sure if Bank Loan or Lease	Lease	Bank Loan
Final Maturity	12/1/2019	12/1/2019	12/1/2019
Tax Exempt Fixed Interest Rate	Fixed: 1.60% (Semi-Annual Payments)	Indicative: 2.19% as of 1/6/2016 (Monthly or Semi-Annual Payments)	Fixed: 1.59% (Semi-Annual Payments)
Calculation	N/A	N/A	Rate is based on final amortization of principal not having an average life that exceeds 2.25 years
Rate Locked to Closing, or Date to be set	Rate valid for a closing not later than 30 days	At the point of selection, the rate will be locked for up to 60 days. If deal does not close, a make whole provision will be assessed.	Quoted fixed interest rate is contingent upon the City accepting proposal no later than 10 days from date of the letter. If accepted above rate will be held for 50 days from date of proposal
Prepayment Penalty	Prepayable in whole on a principal on a scheduled payment date without penalty	Make-Whole Provision	Prepayable in whole any date at par with 10 days advance written notice. Prepayable in part on any principal payment date at par with 10 days of advance written notice.
Legal/Other Fees	Not detailed	Not detailed	\$1,800
Other Conditions	(i) Proceeds to be held with BB&T (ii) BB&T requests to be notified within 5 days of this proposal should BB&T be the successful proposer	(i) Proposal expires on 4/4/2016 (ii) Subject to gross-up in the event of taxability due to the action/inaction of the City (iii) Primary security of the Fire Engine, and a secondary security of a CB&A pledge	(i) ABT - 1.50x the maximum annual debt service (ii) No DSRF required. However, require that the City set up a Revenue Fund to deposit and set aside the proceeds of the Tax as it is received from the County. Also require a "sinking fund" into which the City would transfer monthly proportionate deposits from the Revenue Fund to the Sinking Fund (iii) Gross up provision if deemed taxable due to actions or inactions of the City (iv) Default rate - 6%

City of Madeira Beach
2016 Fire Engine Financing
Summary of Proposals

	Pinnacle	Regions	Regions
Proposal Requirements			
Contact Information	Blair Swain Vice President, Direct Markets 8377 E. Hartford Drive, Suite 115 Scottsdale, AZ 85255 O: 480-419-3634 Bswain@ppf-inc.com	Hao Kien Vice President 100N Tampa St. Tampa, FL 33602 O: 727-543-1917 hao.kien@regions.com	Hao Kien Vice President 100N Tampa St. Tampa, FL 33602 O: 727-543-1917 hao.kien@regions.com
Financing Type	Bank Loan or Lease	Lease	Bank Loan
Final Maturity	12/1/2019	12/1/2019	12/1/2019
Tax Exempt Fixed Interest Rate	Fixed: 1.90% (Monthly or Semi-Annual Payments)	Indicative: 1.8642% (Payment schedule not detailed)	1.89% (Monthly Payments)
Calculation	N/A	N/A	N/A
Rate Locked to Closing, or Date to be set	Rate is valid through February 19, 2016		Rate is valid for 45 days upon receipt of the term sheet by 1/11/2016
Prepayment Penalty	Prepayable at any time at a price equal to 102% of the principal remaining plus accrued interest (negotiable)		City may prepay with five business day notice. Prepayment premium: a) 3% of outstanding principal if fully prepaid during the first year , b) 2% of outstanding principal during the second year, c) 1% of outstanding principal if fully prepaid during the third year. There is no prepayment penalty after the third year
Legal/Other Fees	\$2,000	Responsible for all closing costs without limitation Minimum documentation fee of \$175	Responsible for all out of pocket fees, cost and expenses of the lender.
Other Conditions	(i) Gross up for change in tax status caused by actions or omissions of the City and Additional Bonds Test to be included if Loan Structure is used	(i) Liability insurance coverage of \$1 million required	(i) Bank requires a pledge of and a perfected lien of all revenues within the City's Local Infrastructure Sales Surtax, specifically the Penny for Pinellas local option sales tax (ii) Default rate of + 6% (iii) Gross-up due to taxability (iv) For the Local Options Sales Tax Fund , not permit the ratio of EBITDAR less non-recurring income to interest expense plus prior period's Current Maturities of Long Term Debt plus Rent and lease expense for the fiscal year to be at any time less than 1.5 to 1, to be measured annually.

City of Madeira Beach
2016 Fire Engine Financing
Summary of Proposals

	Santander	Seaside	US Bancorp
Proposal Requirements			
Contact Information	Bruce Block Senior Vice President 14362 N. Frank Lloyd Wright Blvd, Suite 1000 Scottsdale, Arizona 85260 O: 480-477-7896 bblock@santander.us	George Madden Client Advisor 201 S. Orange Ave Orlando, FL 32801 O: 352-250-7306 gmadden@seasidebank.com	Denise Beauchamp Vice President - East Region O: 904-284-3520 denise.beauchamp@usbank.com
Financing Type	Lease	Bank Loan	Bank Loan or Lease
Final Maturity	12/1/2019	12/1/2019	12/1/2019
Tax Exempt Fixed Interest Rate	Fixed: 2.04% (Monthly or Semi-Annual Payments)	Fixed: 2.08% (Monthly or Semi-Annual Payments)	Fixed: 1.684% (Monthly Payments) Fixed: 1.710% (Semi-Annual Payments)
Calculation	N/A	N/A	N/A
Rate Locked to Closing, or Date to be set	Valid through closing on or before February 18, 2016	Rate quoted herein will be held through the projected closing date of Feb 18, 2016	Interest Rate Expires March 4, 2016
Prepayment Penalty	City may prepay with no prepayment premium on any payment date	Prepayable in whole or in part at any time without penalty	Prepayable on any payment date at the lessor of standard make whole provision or 103% of outstanding balance
Legal/Other Fees	Legal fees, amount not detailed	\$1,500	N/A
Other Conditions	(i) If required, Santander will establish an internal Escrow Account for the City. In that case, there will be no fee. All interest earnings will be retained by Santander.	(i) Default rate: 6% (ii) Gross up provision if deemed taxable due to actions or inactions of the City or that the Note does not qualify as Bank Qualified	(i) Standard USBGLF provisions pertaining to events of default and remedies available upon default (ii) Funds to be deposited in US Bancorp escrow account

City of Madeira Beach
 2016 Fire Engine Financing
 Summary of Proposals

SunTrust (Received Late)	
Proposal Requirements	
Contact Information	Dennis M. McDermott Director 3343 Peachtree Road NE, 4th Floor East Tower Atlanta, GA 30326 O: 404-439-7344 dennis.mcdermott@suntrust.com
Financing Type	Lease
Final Maturity	12/1/2019
Tax Exempt Fixed Interest Rate	Fixed: 2.55% (Annual Payments)
Calculation	N/A
Rate Locked to Closing, or Date to be set	Valid through February 15, 2016
Prepayment Penalty	Prepayable in whole at any time with a premium of 1% of the amount prepaid
Legal/Other Fees	Documentation Fee: \$100
Other Conditions	(i) Interest Rate will be subject to upward adjustment if the federal corporate income tax rate is reduced to account for the reduced value of the interest income exclusion to the Lender (ii) An escrow account at SunTrust Bank will be established to hold the financing proceeds (iii) Proposal expires January 15, 2016 if not accepted (iv) Gross-up if deemed taxable

SOURCES AND USES OF FUNDS

City of Madeira Beach, Florida
Fire Engine Financing, Series 2016

PRELIMINARY NUMBERS
Hancock Bank Scenario - 1.59%

Dated Date 02/18/2016
Delivery Date 02/18/2016

Sources:

Bond Proceeds:	
Par Amount	722,000.00

722,000.00

Uses:

Project Fund Deposits:	
Project Fund	675,000.00

Delivery Date Expenses:

Cost of Issuance	46,800.00
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Other Uses of Funds:

Additional Proceeds	200.00
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722,000.00

Note: *Preliminary Numbers for discussion purposes only.

BOND SUMMARY STATISTICS

City of Madeira Beach, Florida
Fire Engine Financing, Series 2016

PRELIMINARY NUMBERS

Hancock Bank Scenario - 1.59%

Dated Date	02/18/2016
Delivery Date	02/18/2016
First Coupon	06/01/2016
Last Maturity	12/01/2019
Arbitrage Yield	1.590365%
True Interest Cost (TIC)	1.590365%
Net Interest Cost (NIC)	1.590000%
All-In TIC	4.836504%
Average Coupon	1.590000%
Average Life (years)	2.155
Duration of Issue (years)	2.117
Par Amount	722,000.00
Bond Proceeds	722,000.00
Total Interest	24,733.60
Net Interest	24,733.60
Total Debt Service	746,733.60
Maximum Annual Debt Service	197,411.10
Average Annual Debt Service	197,229.71
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	
Total Underwriter's Discount	
Bid Price	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Bond Component	722,000.00	100.000	1.590%	2.155	153.65
	722,000.00			2.155	153.65

	TIC	All-In TIC	Arbitrage Yield
Par Value	722,000.00	722,000.00	722,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-46,800.00	
- Other Amounts			
Target Value	722,000.00	675,200.00	722,000.00
Target Date	02/18/2016	02/18/2016	02/18/2016
Yield	1.590365%	4.836504%	1.590365%

Note: *Preliminary Numbers for discussion purposes only.

BOND PRICING

City of Madeira Beach, Florida
Fire Engine Financing, Series 2016

PRELIMINARY NUMBERS
Hancock Bank Scenario - 1.59%

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Bond Component:					
	06/01/2016	53,000	1.590%	1.590%	100.000
	12/01/2016	93,000	1.590%	1.590%	100.000
	06/01/2017	94,000	1.590%	1.590%	100.000
	12/01/2017	95,000	1.590%	1.590%	100.000
	06/01/2018	96,000	1.590%	1.590%	100.000
	12/01/2018	96,000	1.590%	1.590%	100.000
	06/01/2019	97,000	1.590%	1.590%	100.000
	12/01/2019	98,000	1.590%	1.590%	100.000
		722,000			

Dated Date	02/18/2016	
Delivery Date	02/18/2016	
First Coupon	06/01/2016	
Par Amount	722,000.00	
Original Issue Discount		
Production	722,000.00	100.000000%
Underwriter's Discount		
Purchase Price	722,000.00	100.000000%
Accrued Interest		
Net Proceeds	722,000.00	

Note: *Preliminary Numbers for discussion purposes only.

BOND DEBT SERVICE

City of Madeira Beach, Florida
Fire Engine Financing, Series 2016

PRELIMINARY NUMBERS
Hancock Bank Scenario - 1.59%

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2016	53,000	1.590%	3,284.50	56,284.50	
12/01/2016	93,000	1.590%	5,318.55	98,318.55	154,603.05
06/01/2017	94,000	1.590%	4,579.20	98,579.20	
12/01/2017	95,000	1.590%	3,831.90	98,831.90	197,411.10
06/01/2018	96,000	1.590%	3,076.65	99,076.65	
12/01/2018	96,000	1.590%	2,313.45	98,313.45	197,390.10
06/01/2019	97,000	1.590%	1,550.25	98,550.25	
12/01/2019	98,000	1.590%	779.10	98,779.10	197,329.35
	722,000		24,733.60	746,733.60	746,733.60

Note: *Preliminary Numbers for discussion purposes only.



City of Madeira Beach
Board of Commissioners

300 Municipal Drive
Madeira Beach, FL 33708

Date: January 21, 2016
To: Vice-Mayor Poe, Commissioner Lister, Commissioner Hodges, Commissioner Poe
From: Travis Palladeno, Mayor
Subject: DISCUSSION ON PEDESTRIAN/CROSSWALK LIGHTING ON GULF BOULEVARD

This item is in reference to the possibility of adding “down lighting” to better illuminate pedestrians using the cross walk on Gulf Boulevard.

This item is not budgeted in the approved FY2016 Budget, but there are some other funding possibilities that I have been working on to try and fund this endeavor. This topic will be an open discussion on whether the Board agrees that this is something with which they would like to proceed and further research.

Attachment(s): **Example of Crosswalk Lighting (Picture)**

Example of Crosswalk Lighting

