

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

**BOARD OF COMMISSIONERS
REGULAR 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.

6:00 P.M.

TUESDAY, APRIL 12, 2016

COMMISSION CHAMBERS

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER TERRY LISTER

C. ROLL CALL

D. APPROVAL OF THE MINUTES

1. **BOC SPECIAL WORKSHOP** **MARCH 16, 2016**
2. **BOC AGENDA SETTING MEETING** **MARCH 16, 2016**
3. **BOC REGULAR MEETING** **MARCH 16, 2016**
4. **BOC WORKSHOP** **MARCH 29, 2016**

E. APPROVAL OF THE AGENDA

PRESENTATIONS/PROCLAMATIONS

1. KEY TO THE CITY AWARDED TO THE GULF BEACHES ROTARY CLUB
Travis Palladeno, Mayor
2. PROCLAMATION DECLARING MAY 2016 AS OLDER AMERICANS MONTH
Travis Palladeno, Mayor and Area Agency on Aging

DAIS LOG REVIEW

F. PUBLIC COMMENT – LIMITED TO THREE (3) MINUTES

G. CONSENT AGENDA

1. APPOINTMENT OF INGRID FERRO-SPILE TO FILL THE PLANNING COMMISSION VACANCY FOR THE REMAINDER OF A TWO-YEAR TERM ENDING IN AUGUST 2017.
2. AUTHORIZATION OF NOTICE OF LIMITATION OF USE/SITE DEDICATION FOR REC CENTER PLAYGROUND RELATED TO FRDAP GRANT AWARD THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
3. APPROVAL FOR THE CITY TO ENTER INTO AGREEMENTS WITH THREE (3) FEMA GRANT RECIPIENTS FROM FDEM GRANT AWARD 2014-006.
4. APPROVAL FOR THE CITY TO EXTEND AGREEMENT WITH THE RECIPIENT OF FEMA GRANT AWARD 2013-044.

H. UNFINISHED BUSINESS

1. **ORDINANCE 2016-02**
A SECOND AND FINAL READING OF 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.
2. **ORDINANCE 2016-03**
A SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE AN ARTICLE PROHIBITING AND REGULATING THE OVERNIGHT ABANDONMENT OF PERSONAL PROPERTY ON THE PUBLIC BEACHES OF THE CITY AND TO BE COMMONLY REFERRED TO AS “MADEIRA BEACH LEAVE NO TRACE ORDINANCE”; AND PROVIDING FOR AN EFFECTIVE DATE.

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 April 8, 2016

3. **ORDINANCE 2016-04**

A SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES TO CREATE A SECTION PROVIDING FOR UNOBSTRUCTED USE OF PUBLIC DOCKS AND BOAT LAUNCHING RAMPS AND RESTRICTIONS TO THE SECURING OR TYING OF VESSELS TO PUBLIC PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

I. NEW BUSINESS

1. **DEVELOPMENT AGREEMENT (HOLIDAY ISLE MARINA)**

A PUBLIC HEARING AND CONSIDERATION OF AN APPLICATION TO ENTER IN A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH AND MADEIRA BEACH DEVELOPMENT CO., LLC. CONTINGENT ON THE APPROVAL OF ORDINANCE 2015-18 TO REZONE THE PROPERTY LOCATED AT 555 AND 565 150TH AVENUE FROM C-4, MARINE COMMERCIAL TO PD, PLANNED DEVELOPMENT.

2. **ORDINANCE 2015-18**

A SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150TH AVENUE AND 565 150TH AVENUE FROM, MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

3. **ORDINANCE 2016-05**

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING ARTICLE IV OF CHAPTER 42 OF THE CODE OF ORDINANCES RELATING TO SYNTHETIC DRUGS; PROVIDING FOR INTENT, DEFINITIONS, SYNTHETIC DRUG SUBSTANCE DETERMINATION, PROHIBITED ACTS, ENFORCEMENT AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **RESOLUTION 2016-16**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FISCAL YEAR 2016 BUDGET BY DECREASING GENERAL FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$122,000; INCREASING ARCHIBALD FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$22,000; INCREASING SANITATION FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$44,000; TRANSFERRING A FIXED ASSET FROM THE GENERAL FUND TO THE STORMWATER FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

A. **AUTHORIZATION OF EXPENDITURES**

AUTHORIZATION OF EXPENDITURES IN THE AMOUNT OF \$20,928.04 FOR VEHICLE ACQUISITION, IN ACCORDANCE WITH STATE OF FLORIDA AGRICULTURE & LAWN EQUIPMENT CONTRACT NO. 21100000151.

B. **AUTHORIZATION OF EXPENDITURES**

AUTHORIZATION OF EXPENDITURES IN THE AMOUNT OF \$39,980.00 FOR VEHICLE EQUIPMENT CONVERSION.

****THIS ITEM REQUIRES A WAIVER OF BID REQUIREMENTS BY FORMAL BOC MOTION****

C. **AUTHORIZATION OF EXPENDITURES**

AUTHORIZATION OF EXPENDITURES IN THE AMOUNT OF \$69,009.09 FOR VEHICLE REPLACEMENT, IN ACCORDANCE WITH FLORIDA SHERIFF'S ASSOCIATION BID NO. 15-23-0904.

5. **RESOLUTION 2016-17**

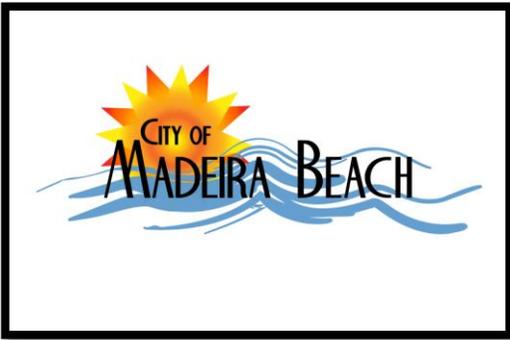
A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$63,246; INCREASING BUILDING FUND EXPENDITURES IN THE AMOUNT OF \$60,714; AND PROVIDING FOR AN EFFECTIVE DATE.

J. REPORTS/CORRESPONDENCE

- **CITY COMMISSION**
- **CITY ATTORNEY**
- **CITY MANAGER**
- **CITY CLERK**

K. 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.



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BOARD OF COMMISSIONERS
AGENDA SETTING 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.

5:45 P.M.

WEDNESDAY MARCH 16, 2016

COMMISSION CHAMBERS

AGENDA SETTING FOR BOC WORKSHOP ON MARCH 29, 2016

A. CALL TO ORDER – The meeting was called to order at 5:45 p.m.

B. ROLL CALL

MEMBERS PRESENT: Travis Palladeno, Mayor
Elaine Poe, Vice-Mayor
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Patricia Shontz, Commissioner District 4

STAFF PRESENT: Shane B. Crawford, City Manager (CM)
Vincent M. Tenaglia, Assistant City Manager (ACM)
Thomas Trask, City Attorney, (CA)
Aimee Servedio, City Clerk (CC)
Dave Marsicano, Public Works/Marina Director (PWMD)
Doug Andrews, Events & Recreation Director (ERD)
Sea Marshall-Barley, Support Specialist (SS)

C. TOPICS

- 1. FUND BALANCE POLICY STATUS UPDATE
Vincent M. Tenaglia, Assistant City Manager
- 2. INTRODUCTION OF NEW BUDGET AND FINANCE POLICIES
Vincent M. Tenaglia, Assistant City Manager
- 3. FISCAL YEAR 2017 BUDGET DISCUSSION
Vincent M. Tenaglia, Assistant City Manager
Shane B. Crawford, City Manager

ACM: These are scheduled to be a continuation of the audit presentation that will be made tonight. It will also be a continuation of the policy adoption process that was done a few months ago. PFM, the financial advisory group will be present to lead the discussion.

Item 2 is very closely related to the first item. He was given direction from the Board to draft and collect sample revenue/rate policy and a debt policy.

Finally, Item 3 is bringing together the first two topics and the audit presentation – how we will address some of these issues in the next fiscal year budget. This is the first introductory step to the budget approval process for 2017.

A motion to approve the agenda for the 03-29-2016 BOC Workshop was made by Commissioner Lister and seconded by Commissioner Shontz.

ROLL CALL:

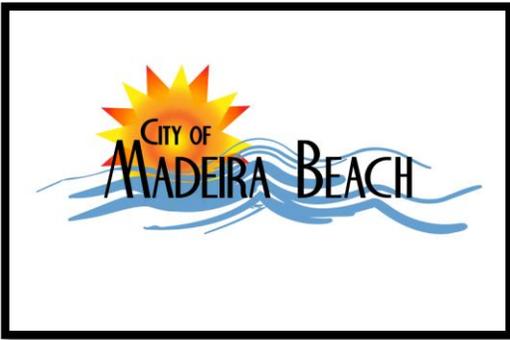
Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

D. ADJOURNMENT – The meeting was adjourned at 5:49 p.m.

Date approved: April 12, 2016

Travis Palladeno, MAYOR

Submitted by Sea Marshall-Barley, Support Specialist



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6:00 P.M. WEDNESDAY, MARCH 16, 2016 COMMISSION CHAMBERS

- A. CALL TO ORDER – The meeting was called to order at 6:00 p.m.
- B. INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER TERRY LISTER
- C. ROLL CALL

MEMBERS PRESENT: Travis Palladeno, Mayor
Elaine Poe, Vice-Mayor
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Patricia Shontz, Commissioner District 4

STAFF PRESENT: Shane B. Crawford, City Manager (CM)
Vincent M. Tenaglia, Assistant City Manager (ACM)
Thomas Trask, City Attorney, (CA)
Aimee Servedio, City Clerk (CC)
Dave Healy, Planning Consultant (PC)
Luis Serna, AICP, Planning Consultant (PC)
Dave Marsicano, Public Works/Marina Director (PWMD)
Doug Andrews, Events & Recreation Director (ERD)
Sea Marshall-Barley, Support Specialist (SS)

- D. APPROVAL OF THE MINUTES
 - 1. BOC WORKSHOP MINUTES JANUARY 26, 2016
 - 2. BOC AGENDA SETTING MEETING FEBRUARY 9, 2016
 - 3. BOC REGULAR MEETING FEBRUARY 9, 2016

A motion to approve the minutes as presented was made by Commissioner Lister and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

E. APPROVAL OF THE AGENDA

CM: Asked to remove Resolution 2016-14 from this meeting. This was applied for previously but he was advised by the Pinellas Planning Commission that the City would not have a likely chance of obtaining this grant. To avoid wasted time and materials, he asked the item

A motion to approve the agenda as amended was made by Commissioner Hodges and seconded by Commissioner Lister.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

PRESENTATIONS/PROCLAMATIONS

1. PROCLAMATION DECLARING APRIL 2016 AS “DONATE LIFE MONTH”
Mayor Travis Palladeno and Jennifer Krouse, LifeLink Foundation, Inc.

Mayor Palladeno: Introduce the representative from LifeLink Foundation, Inc., Carlos Ruiz to accept the proclamation. The Mayor then read the proclamation in its entirety.

Mr. Ruiz accepted the award and was grateful to the City for their support of this cause.

2. INDEPENDENT AUDITOR’S REPORT – FISCAL YEAR ENDED SEPTEMBER 30, 2015
John Houser, Wells, Houser & Schatzel, P.A.

ACM: Introduced John Houser. Last summer, the finance department went through an RFP process to find a new audit firm to work with the City. Five proposals were received and Wells, Houser & Schatzel, PA was chosen through that process. He commended Mr. Houser for his very hands-on approach to the audit and will be under contract with the City for at least two more years.

They have been working on finalizing the financial statements for the CAFR. The status of the CAFR is currently delayed. We have received our fourth consecutive award from GFOA for excellence in financial reporting. These are delayed due to a new standard issued by the Governmental Accounting Standards Board for pension accounting that cities were not previously required to report. The City, along with all other participating cities, is waiting on the reports from FRS. When all of the reports are received, the CAFR will be completed and the Board will formally accept it.

John Houser: The audit field work was completed on February 4th and all the reports have been drafted and compiled to be presented tonight. The finalized reports are expected by April 30, 2016.

No difficulties were noted during fieldwork for the audit. Corrected and uncorrected misstatements will be pointed out in the form of journal entries. The first is in regards to stormwater revenue bond were reclassified from budgetary revenues on a budgetary basis to long-term liabilities on a GAAP basis. Other than these two instances, they found the books to be in very good order.

The report will state that the firm has completed the audit and that it is management’s responsibility to make their statements and it is the firm’s responsibility to make policy recommendations to the statements. We are pleased to report that there are no weaknesses in internal control nor any issues of noncompliance need to be reported.

The City was in compliance in regards to the City’s investments. There will be a schedule in the CAFR and the remaining fund balance in regards to the BP Oil Spill settlement.

The last report is the Independent Auditor’s Letter that determines if any findings in the prior year has been corrected. One item found from last year was corrected and is now in compliance. The report also requires the firm to perform financial performance procedures which takes five years of historical data and compare these to benchmarks from other similar cities (fund structure, population, taxable property values, etc.). There are only three other cities which share Madeira Beach’s standards.

In conclusion, he thanks management and City staff for their assistance throughout this process.

Mayor Palladeno: Commended the Assistant City Manager and applauded the Finance Department at the City.

ACM: The Conditions Assessment Report were inconclusive, it is his job is to make the reports conclusive at least in meaning to the Board. He has several items he would like to share and introduce some of the finance topics that are scheduled to be discussed at the March 29, 2016 Workshop.

The City is absolutely in a growth phase – there is a lot of new development, redevelopment, and many projects. The general fund operating expenditures has increased by 12.8% due to all of the growth, following last year’s increase of 8.4%. The liabilities have increased 125% due the borrowing for the undergrounding utility project and the stormwater project for a combined total of nearly \$9 million in debt. The City also recently completed its fourth debt issue in 29 months – which means that this is occurring about every seven months.

Government fund assets have increased 23.2%, due mostly to the City Centre facilities. One time revenues need to be addressed and should not be used for ongoing costs. Two contributions, ROC Park valued at nearly \$1.2 million and the BP Oil Settlement in the amount of \$580,000 were received this year. These funds will be set aside for a future project.

The millage rate was raised for the first time since 1989 which increased property tax revenue – which equated to an 18% increase. The City also raised the parking meter rate to \$1.50 which added to parking and tourism growth rate that has increased

The City reported a net position increase of 10%, followed by a 3% increase from the previous year. The theme for the next policy discussion and the 2017 budget will be how to adequately manage the growth and sustain the City for the future.

In the next few months, the City will need to determine how it going to manage this growth. He will revisit the fund balance policy, introduce new policy concepts, and begin preliminary Fiscal Year 2017 discussion all aimed at finding the best approach to have long term sustainability.

F. PUBLIC COMMENT – LIMITED TO THREE (3) MINUTES

Steve Kochick: With the budget coming up, he would like to bring up the idea to incorporate solar energy at the City Centre. He mentioned the funds from the BP Oil Spill Settlement and believes that these funds should be invested in something positive for the City.

He also wanted to thank the citizens of the City for their high turnout for the election and is in favor of the outcome. He mentioned that some concerns he heard were in regards to the

Mark Marrow: He wants to comment on the financial numbers that were discouraging. He has been in the City for forty years and the City has not had such a commendable finance director.

He also wanted to comment on the referendum ballot language. He believes that the language was misleading because the super majority was mentioned but the current charter language allows for a referendum to sell City property. He accused the Board of knowing what they were doing with this language and should be embarrassed that it failed. These are the same people that voted this Board and he does not think this is right.

One of the reason that he voted against this is due to the Board’s business knowledge. He also noted that this same Board also voted for the City Manager to have seven weeks of vacation, who can then turn that vacation in if it is unused.

Robert Shaw: He thinks it is good to remind people that we have a representative form of government. We could go to a referendum form of government, but that would not be efficient. We either trust the Board we elected or don’t trust them in which case he would vote to replace them. He trusts this Board and believes in representative government.

Doreen Moore: She is also extremely disappointed in the Board. She also disagrees with the City Manager’s comment asking “where were we” in the Tampa Bay Times. She is disappointed in the lack of education that was originally promised in the early phases.

Mayor Palladeno: We did have an educational meeting and no one showed up.

Pete Trott: He wants to commend the population of the residency in that they didn’t understand the referendum and voted against it. What you are doing is giving power to people that aren’t even here yet – they need to think of any future ramifications such decisions will have.

Renee Crup: She is new to the process but has lived in the City for eight years. If you provided a meeting and no one came, then this was a failure on the Board. It is their responsibility to ensure that the information is presented to the people and a forum is available. It is very difficult to do business with this Commission and often times, if you do get a voice to talk to, you are sent to voicemail. The people shouldn’t have to dig and hunt down information.

G. CONSENT AGENDA

1. AUTHORIZATION OF EXPENDITURES TO FIREWORKS DISPLAY UNLIMITED, LLC IN THE AMOUNT OF \$26,000 FOR FOURTH OF JULY FIREWORKS SHOW.
2. AUTHORIZATION OF EXPENDITURES TO CLARK SALES DISPLAY, INC. IN THE AMOUNT OF \$30,670 FOR HOLIDAY DECORATIONS.

A motion to approve the consent agenda was made by Commissioner Lister and seconded by Commissioner Hodges.

CM: These are two budgeted items. The first item is in regards to the fireworks and the City did receive the anonymous donation of \$5,000. The second item is in regards to the holiday lights, and we need to keep in mind that with the

undergrounding, there may need to be some adjustments to the holiday decorations depending on where the project is at that time.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

H. CONTRACTS/AGREEMENTS – NONE

I. UNFINISHED BUSINESS – NONE

J. NEW BUSINESS

1. AUTHORIZATION OF GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST ADOPTION AGREEMENT WITH ICMA RETIREMENT CORPORATION

Vincent M. Tenaglia, Assistant City Manager

ACM: This item is regards to a new IRS requirement. We need to meet the IRS requirement by April 30, 2016 and recommends bringing this topic back up during a Workshop meeting to re-evaluate the plan.

A motion to authorize the Governmental Money Purchase Plan and Trust Adoption Agreement with ICMA-RC was made by Commissioner Shontz and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

2. **ORDINANCE 2015-18**

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150th AVENUE AND 565 150th AVENUE FROM, MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

The CA read Ordinance 2015-18 by title only.

A motion to approve the first reading of Ordinance 2015-18 was made by Commissioner Lister and seconded by Commissioner Hodges.

Several pieces of evidence were presented tonight at the public, quasi-judicial hearing including ex-parte communications, submitted and revised applications, the City staff report, and resumes of the parties who gave testimony. Those items are attached to the minutes.

CA: This is a quasi-judicial process and this will be a more formal approach. He will explain the steps of the process as this item is presented and discussed.

The parties are as follows: C&T Enterprises, MMH Enterprises, and the City. There were three notices of intent were presented to the City Clerk’s office on March 11, 2016 but were not received in a timely manner. The three notices were filed by Peter Trott, John Lipa, and Bill Gay.

The CA then read all public ex-parte communications specifically related for this project. These communications have been attached to the minutes and will serve as public record of the communications presented at this meeting.

A short recess was called at 8:30 p.m. and the meeting was reconvened at 8:40 p.m.

Katie Cole: As Mr. Trask advised, this is a quasi-judicial hearing and the first step is the disclosure of ex-parte communication. The disclosure prevents any

She noted that Vice-Mayor Poe had an additional meeting in December with the developer that she wants to ensure is entered into record. The applicant is not seeking to ask the Vice-Mayor to recuse herself based on communications that

alluded to her opposition to the project with the understanding that any decision that the Board make tonight is based solely on the evidence presented tonight.

The initial and revised applications have been submitted to the City and entered into record.

The mayor accepted the initial and revised applications into evidence and directed Attorney Cole to proceed.

Katie Cole: Where did this idea come from and why does it fit with the City. To facilitate the development of privately owned property – the use of the intensity and density was additionally amended recently and reviewed by the Pinellas Planning Council. There is extensive public property in the Town Center Plan and existing new condominium development.

Mr. Holton's property is one of the properties in the 150th Avenue area.

Ed Hooper: Based on the disclosure of ex-parte communications, there was a lot of information heard. The City established a vision with the Town Center Special Area Plan, and in that plan the City specified how the eastern entrance of the City would appear.

He noted that the applicant did not request the meetings in the December timeline, but they worked with City staff to accommodate their schedule. This process began much earlier in 2015 and he assures that nothing has been rushed or attempted to be pushed through.

Mr. Holton's family has owned the property in question for nearly fifty years. Based on what the City's code allows for maximum density, what is presented today is only 47% of that maximum. This project is also 42% of the bulk of what is allowed in the area. Four of the five buildings have been lowered and 22% of the rooms have been decreased. We are not only meeting the code, but not coming close to the maximum. Mr. Holton also intends to live on this four acre property once the project is completed.

Istvan Peteranecz and Robert Pergolizzi submitted their resumes to the City Clerk.

The applicant has strived to ensure that landscaping and aesthetics of which the City would be proud. He now introduces

Istvan Peteranecz: Registered architect for thirty-five year now. He is here to talk about Section 2, the Site Plan Provision. The goal was to cater to the daily and weekly guests, as well as full-time, on-site residents. An architecturally consistent design also hides cars, incorporate a mixed-use feel, and take advantage of the marina and boat access of the property.

Concealed parking, garage and service areas, and a continuous fifty foot wide promenade, a residential condominium building in three separate structures, a residential condo with seven stories above parking, a condo with six stories above two levels of parking, and a 200 seat restaurant. As much view and open land as possible was incorporated into this design.

As you approach over the bridge, the marina, promenade, and pedestrian activity will be visible. The pedestrian experience was a big goal of this design. An under-bridge connector and promenade along the marina and perimeter of the site is also included.

The site is significantly lower than the apex of the bridge and allows for space between the buildings in order to avoid a fortress effect. The vision is to create a creative mixed used design based on the Town Area Plan.

Robert Pergolizzi: Certified planner and has 28 years of experience preparing transportation studies. The existing conditions on 150th Avenue operates at a level of service C. Based on the reduced plan, the project is projected to operate at a D-level.

We did not take into account any internal capture. Internal capture accounts for any internal traffic interchanges within a mixed-use area. In the event of a hurricane or tropical storm event, the notice is given early and any evacuation would be in one direction on a bridge that will not go up.

Katie Cole: Pictures that were in the packet are now presented in front of you.

In 2014, amendments to Land Development Plan was made to require a Planned Development Application and enter into a development agreement to specify what the project will look like.

The conditions of approval were generated by the City staff and include the responsibility to relocate utilities as necessary and public utilities remain unobstructed, permits are properly obtained and various city departments have final approval on the submittal. The parking is provided in its entirety, it is important to note that 100% of the minimum required by code.

CA: If there are no questions from the Board, the next stage would be for Mr. Healy and Mr. Serna to present on behalf of the City via their staff report.

Dave Healy and Luis Serna, submitted their resumes to the City Clerk and gave the City's staff report.

Dave Healy: Has 47 years of experience in planning and has been in Pinellas County for the last 38 years. He is going to explain some of the chronology of this project and put all these details in context. In 2001, the initial discussions began on the Town Center Special Area Plan. A series of public meetings dating back nearly fourteen years to get this plan approved. The requirement from the state made the process become much more intense during the time period between 2006 and 2007. This work culminated in the 2008 Comprehensive Plan that allowed for a new division known as Planned Redevelopment Mixed Use. The intent of the creation of a new district was established. In 2009, this intent was used to create the Special Area Plan that is required to be adopted at the City and county level.

At the same time this was put into place, the nation saw the downturn in the economy and development was halted. In 2012 it was investigated as to why there had been no plans or developments in this time. A series of amendments in 2014 were designed to work in tandem with the three parts of the process that spoke to those amendments. These amendments allowed: increase in density to temporary lodging only, the next one amended the code to agree with the plan to require for any rezoning to use this planned development technique in which a rezoning required a strict development agreement, and the last amended the Town Center Plan to create a vision that united the Madeira Way area to the entrance to the City from the causeway.

Luis Serna: He focused on five main criteria that is considered in regards to planned development considerations. These include: consistency with the comprehensive plan, land use compatibility, adequate public facilities, public interest, and consistency with land development regulations. A more detailed breakdown of the criteria considered and how the proposed project meets these requirements is included in the City's staff report that is entered into evidence.

The mayor accepted the City Staff Report as evidence and opened public comment.

Jeff Brown: He knows very well the concerns of the residents regarding building height.

He believes that as more people come to the area and new visitors will be mostly parked and will walk back and forth to the beach. He does have fears about the traffic but believes that benefits outweigh the costs and commends Mr. Holton for adjusting the original design to accommodate some of the residents' concerns.

Che Berry: Has been in this community for the last 35 years. He knows Mr. Holton and knows that he has grown up in this area with his family. He invested enough money to do something great with this property and something good for this community.

Corey Hubbard: Has moved back to the area recently and finds some of the comments that accuse the City and develops of opacity in regards to the process. Many of the comments are repetitive. This project will mean a growth in local business. She is a proud descendent of a family that has been in the area since the 1920s. Her children and generation will be living in this area and she is in favor of the project.

Nancy Briner: She has been a resident for 37 years and a resident of the Gulf Beaches for 58 years. She read a quote from the Mayor of Indian Rocks Beach that made the point that it is important for a Mayor to understand why people move to a certain beach. The City needs developing but it is her wish that would find a plan that works for the merchants and keeps residents safe and happy too. The referendum shows what the citizens think of this Commission

Jeff Beggins: He commends the Board for looking at the project as they are and commends Mr. Holton for his role in this project. He could have taken the check and run, but he has been accommodating. This will not be Clearwater since this level of density only applies to this small sliver of land.

Robert Preston: The message is clear that residents want this project reduced. If this is approved, could the attorneys sue the City to ask for higher stories that would be allowed?

Peter Trott: There are a few things that just don't seem to fit. We are here for a rezoning and we are out-lawyered and out-represented. This land was zoned for a C-3 and the \$250,000 plan allowed for that – they want a PD and are basically saying the City wasted its money. The rest is minutia. If we spent the money to have the plan zoned in this way, why would we ignore that? If you allow this, you may not be back.

Peter Irving: This will tie the hands of their future commissioners for twenty years. The Commission really needs to consider how this will not only affect the current Board and residents, but the impact that something of this magnitude could have in the future.

Ginger Tolliver: This is too much all at once. She doesn't care what the traffic department has to say, but a C-level is not passable and the new D-level is even worse.

Sam Baker: Owner for 26 years and a resident for 18 years. There is not one development project under consideration right now, but two. The traffic will be impacted by the additional project. He does not think the City should pay a dime on this project, it should be completely up for the developer. He would suggest a City-wide survey, but that was covered in the emails – only two were in favor. I don't think we need to add 25% more population.

Captain Mark Hubbard: He grew up in this city when there was no sidewalk nor drainage. Gulf Boulevard started getting developed and there were always naysayers. This is the same thing happening now. The Board is doing their homework and the property owner is doing his homework. This project will be great for the economic impact and will in turn be beneficial for the residents. The greenery, the sidewalks, the development of water taxi to alleviate some traffic.

Shirley Nelly: Wanted to thank the Board and her favorite Mayor for all of the work they have done for the City. A few years ago, Mr. Hubbard has the same resistance for the parking garage in John's Pass and now it is wonderful to watch the sunsets. She believes that Mr. Holton is doing a wonderful thing for the community and it will be a beautiful site.

Jim Everett: Is a resident, does not own a business, and serves on the City's Planning Commission. What we have right now on Madeira Way is not exactly Rodeo Drive. These projects are needed and will provide nearly \$500,000 in added property tax revenues. He believes that this will be a great entrance to the City. There are not a lot of residents who were born and raised here.

Reese Noran: In the thirty years he has seen changes to the City, those changes have only added to the beauty of the City. This is the place that he and his wife have lived and he wanted to thank the City Manager and his crew for all of their work. The Board has to strike a balance between progress and the status quo. Change will come – some are good, some aren't, but he believes that this is a positive.

Brian Nelson: He believes that this project should be denied and to quote the City Manager, the clay should be stepped on and started from the beginning. The two greatest attributes are the ease of access to the beach and the quaintness of the town according to Trip Advisor. We are vastly different from Clearwater and even Treasure Island. The height was increased way higher than the established norm similar to asking for an increase to the speed limit on Gulf Boulevard to seventy miles per hour. The City is not Clearwater and we do not want the added congestion. If this is approved the government will have listened to the voice of the developers, not the people.

Steve Kochick: This has been a long time coming with the plan – which was misquoted and cost \$25,000, not \$250,000. When he was part of this process, he was against condominiums and the goal of this plan was to increase hotel density, not condo density. These projects are supposed to be for tourists in a residential area. This building is not tall, and anything after three stories doesn't make a huge difference. He is in favor of something higher and thinner than shorter and wider. Get the people involved and get the people out to give their input to avoid discontent. Once that development agreement is made, is that if it is changed the buildings will have to come down since it is written in stone.

Doug Speeler: His son has lived for many years in Madeira Beach and he does a lot of business in the City. We just went through the worst recession we've ever been in (short of the Great Depression), and many cities are going broke. He admires the staff for having a thriving municipality. Madeira Beach has become a waterfront destination, but think if what community and has the amenities to offer that Madeira Beach does.

Rob Locktell: It has been a pretty consistent theme that a vast majority is in favor of development but not in development of this size. You can quote studies for FDOT, and he's sure that Clearwater did the same process, and look what they are stuck with. At the January 11, 2016 Planning Commission, twenty people were concerned and only five were in favor. The February 8, 2016 Minutes were a cop-out and only mentioned that several comments had concerns. He is also concerned over the additional marine traffic. The referendum vote is a clear sign that there is concern of what the commission would do if they had the power. These two projects are being ignored.

CA: The next section of the hearing will allow the parties to make rebuttal statements to any issues that were brought up in the public comment section of the meeting.

Katie Cole: With respect to Mr. Trott’s concern for the plans changing after approval, there is a requirement to not change the approved plan in the form of the development agreement that will be heard at the next hearing. She also stressed that this hearing tonight is only in reference to one project that began last summer and not connected with any other development projects.

The impact fees are paid by all developers or any commercial project that pulls a building permit. The fees are paid to the county then fifty percent is refunded back to the City. These funds are then applied to specific areas. These are not General Fund or City dollars being used.

Dave Healy: There is a misconception that once the rezoning occurs, the developer can do what they want. That is not the case, the development agreement locks them into the plans that were approved.

The impact fees must be spent on projects within a close area around the development to improve the area that may be impacted in some way. This money cannot be spent freely by the City.

Katie Cole then made her final summary.

Katie Cole: Rezoning hearings are not based on public opinion; decisions are based on fact and evidence that has been presented. The evidence heard must be weighed in regards to the evidence presented by the parties present.

Commissioner Poe: Noted that the item just for the rezoning ordinance in this packet was one of the worst that the Board has ever been presented – the attached evidence was difficult to read, numbered irregularly, and incomplete. The applications for the project review were not notarized and dated consistently. She does not feel that she has been given enough time to go over all of the information – we need the complete information. She attempted to call a motion for a continuance of this item but did not receive a second.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....NO
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

3. **ORDINANCE 2016-02**

A FIRST READING OF 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.

The CA read Ordinance 2016-02 by title only.

A motion to approve the first reading of Ordinance 2016-02 was made by and seconded by

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

4. **ORDINANCE 2016-03**

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE AN ARTICLE PROHIBITING AND REGULATING THE OVERNIGHT ABANDONMENT OF PERSONAL PROPERTY ON THE PUBLIC BEACHES OF THE CITY AND TO BE COMMONLY REFERRED TO AS “MADEIRA BEACH LEAVE NO TRACE ORDINANCE”; AND PROVIDING FOR AN EFFECTIVE DATE.

The CA read Ordinance 2016-03 by title only.

CM: The additional impact is what he is concerned about. He is going to be a little bit lax on this enforcement until public knowledge and meetings with condos associations can be done. Deputy Lockett explained that the deputies are planning on creating flyers to distribute for education.

CA: The rental properties will also be responsible for notifying the renters of this ordinance and the provisions it lists.

A motion to approve the first reading of Ordinance 2016-03 was made by Commissioner Shontz and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

5. **ORDINANCE 2016-04**

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES TO CREATE A SECTION PROVIDING FOR UNOBSTRUCTED USE OF PUBLIC DOCKS AND BOAT LAUNCHING RAMPS AND RESTRICTIONS TO THE SECURING OR TYING OF VESSELS TO PUBLIC PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

The CA read Ordinance 2016-04 by title only.

A motion to approve the first reading of Ordinance 2016-04 was made by Commissioner Shontz and seconded by Vice-Mayor Poe.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

6. **RESOLUTION 2016-12**

AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING LOCAL OPTION SALES TAX FUND EXPENDITURES IN THE AMOUNT OF \$110,000; AND PROVIDING FOR AN EFFECTIVE DATE.

The CA read Resolution 2016-12 by title only.

A motion to approve Resolution 2016-12 was made by Commissioner Lister and seconded by Commissioner Hodges.

CM: At the last workshop, it was directed that staff would proceed if Mr. Karns was able to work out an agreement with Mr. Speeler and this has occurred. Mr. Karns has agreed to fund the other half of the project. Right after this resolution is the authorization.

Guy Critelli: He approves the dock, but he does not approve how it is happening. There are other areas that need attention as well, what about Pelican Lane? He felt he was failed by the Commission. He wants to see the beautification around John’s Pass and in other areas of the City.

Mayor Palladeno: Asked that this item for enclosing the dumpsters on Pelican Lane could be added to the next workshop for further discussion.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

a. **AUTHORIZATION OF EXPENDITURES**

AUTHORIZATION OF EXPENDITURES TO SPEELER FOUNDATIONS, INC., IN THE AMOUNT OF \$110,000, FOR FISHING PIER CONSTRUCTION.

A motion to authorize the expenditure to Speeler Foundations, Inc. in the amount of \$110,000 was made by Commissioner Lister and seconded by Commissioner Hodges.

CA: The third page of the contract in regards to liens will need to be removed before execution of this agreement. He has made similar recommendations to Mr. Speeler in the past and Mr. Speeler acknowledged the change.

It is also noted that the execution of this contract is contingent on an agreement submitted by Bill Karns to pledge half of the project funding.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Shontz.....YES

Vice-Mayor Poe.....YES
Mayor Palladeno.....YES

7. **RESOLUTION 2016-13**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR FLORIDA BOATING IMPROVEMENT PROGRAM FUNDS ADMINISTERED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, TO ASSIST WITH THE CREATION OF NEW PUBLIC TRANSIENT BOATING FACILITIES AT THE CITY CENTRE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

The CA read Resolution 2016-13 by title only.

A motion to approve Resolution 2016-13 was made by Vice-Mayor Poe and seconded by Commissioner Hodges.

CM: The next item was removed and he is working with the Pinellas Planning Council on these grant applications.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Shontz.....YES

Vice-Mayor Poe.....YES
Mayor Palladeno.....YES

8. **RESOLUTION 2016-14**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR FLORIDA BOATING IMPROVEMENT PROGRAM FUNDS ADMINISTERED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, TO ASSIST WITH THE CREATION OF NEW PUBLIC TRANSIENT BOATING FACILITIES AT JOHN’S PASS VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Item J-8 was removed during the Approval of the Agenda.

9. **AUTHORIZATION OF EXPENDITURES**

AN AUTHORIZATION OF CHANGE ORDER TO INCREASE CPWG PURCHASE AGREEMENT NO. 15000232 IN THE AMOUNT OF \$110,434 FOR GULF BOULEVARD IMPROVEMENT PROJECT ADDITIONS.

A motion to authorize the expenditure for a change order to increase CPWG Purchase Agreement No. 15000232 in the amount of \$110,434 was made by Vice-Mayor Poe and seconded by Commissioner Shontz.

CM: This item was previously discussed in the Special Workshop. There is no additional information that needs to be heard at this meeting.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Shontz.....YES

Vice-Mayor Poe.....YES
Mayor Palladeno.....YES

K. REPORTS/CORRESPONDENCE

• **CITY COMMISSION**

Mayor Palladeno: A Gulf to Bay tourism publishing is being added to the Sunday New York Times. The City is featured and the number one festival in Pinellas County is the John’s Pass Sea Food Festival.

The TDC also changed some language in the 60/40 is going to be spent on advertisement and the rest on infrastructure. Funds will now be spread throughout the county and not just focused on one project.

• **CITY ATTORNEY**

CA: Because the referendum was defeated, the persons who filed the lawsuit were contacted and have agreed to withdraw that lawsuit as soon as the vote has been certified by the Supervisor of Elections.

• **CITY MANAGER**

CM: There was a possibility of not having a quorum at the next Planning Commission Meeting so the date has been rescheduled from April 11, 2016 to April 28, 2016. This will be advertised on the website and the City sign.

The update on the undergrounding is going slowly and we will present a significant financial update.

We also received a \$350,000 state appropriation that was earned through a lobbyist and the mayor's contacts. This will be used for lighting in John's Pass. The Mayor added that Kathleen Peters, this area's state representative was also involved in obtaining these funds.

- **CITY CLERK** – None

L. ADJOURNMENT – The meeting was adjourned at 11:00 p.m.

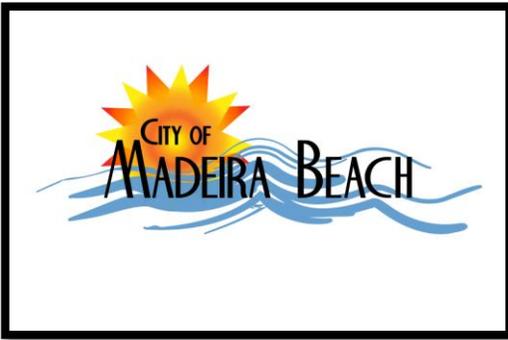
Date approved: April 12, 2016

Travis Palladeno, MAYOR

Submitted by Sea Marshall-Barley, Support Specialist

Attachments Submitted to Public Record:

- Holiday Isle Marina Application Package (Original and Revised)
- Resumes Submitted by Witnesses
- Ex-Parte Communications:
 - Emails from Residents on Holiday Isle Project
 - Emails from Supporters of Stop Tall Buildings
 - Ex-parte Communication from Commissioner Nancy Hodges
 - Ex-parte Communication from Vice-Mayor Poe



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

**BOARD OF COMMISSIONERS
SPECIAL 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.

5:30 PM

WEDNESDAY, MARCH 16, 2016

COMMISSION CHAMBERS

A. CALL TO ORDER – The meeting was called to order at 5:30 p.m.

B. ROLL CALL

MEMBERS PRESENT: Travis Palladeno, Mayor
Elaine Poe, Vice-Mayor
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Patricia Shontz, Commissioner District 4

STAFF PRESENT: Shane B. Crawford, City Manager (CM)
Vincent M. Tenaglia, Assistant City Manager (ACM)
Thomas Trask, City Attorney, (CA)
Aimee Servedio, City Clerk (CC)
Dave Marsicano, Public Works/Marina Director (PWMD)
Sea Marshall-Barley, Support Specialist (SS)

C. TOPICS

1. DISCUSSION ON CHANGE ORDER INCREASES TO UNDERGROUNDING UTILITY PROJECT

Shane B. Crawford, City Manager

Vincent M. Tenaglia, Assistant City Manager

CM: Steve Tarte from CPQG is here to speak on the Undergrounding Utility Project. When this was bid out, LED lighting was not in the budget. Fiscally, the City can now afford this – if we don't go for the LED, the technology will be dated. This is a relatively affordable upgrade if we do it now.

Steve Tarte: The LED lighting is a topic that first came to light a few months ago. The majority of fees for overhead and fees from Duke Energy. The LED lighting upgrade will also increase the number of poles. The bollards for the crosswalks is an additional upgrade. A proposal for the bollards to be added to the upgrade which will increase pedestrian safety.

CM: Directed the Board to the Item J-9 on the Regular Meeting for more details provided by the Assistant City Manager.

ACM: To this point, we have been using the reimbursement funds from Pinellas County Gulf Beautification Fund and is essentially zero-sum funding at this point. The funding is there for whatever the City leadership would prefer.

Mayor Palladeno: Is this covered by any of the BP settlement?

ACM: It is not funded through the BP settlement. This fund would be saved for different projects while the Gulf Beautification Fund would be exhausted for Gulf Boulevard improvements.

Commissioner Lister: Asked for more details about the poles. Mr. Tarte explained the poles are a bit taller and made of aluminum. He did not have all the details on the exact look of the poles.

CM: He is requesting direction from the Board on whether they would like to approve the entire change order of \$110,000 or would just prefer the bollard lighting.

Mayor Palladeno: Are these lights brighter than the alternative? Will this affect the sea turtles? Mr. Tarte explained they are brighter but are far enough away from the beaches to affect the sea turtles.

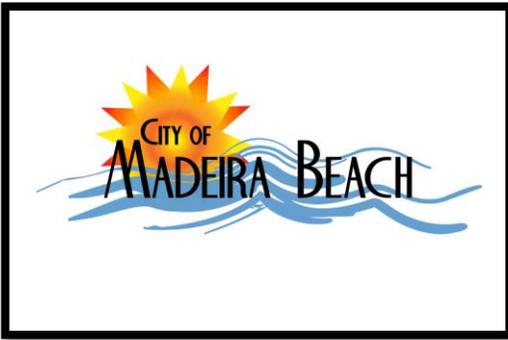
The consensus was to move forward with this item as presented in the Regular Meeting agenda to improve the safety of Gulf Boulevard.

D. ADJOURNMENT – The meeting was adjourned at 5:39 p.m.

Date approved: April 12, 2016

Travis Palladeno, MAYOR

Submitted by Sea Marshall-Barley, Support Specialist



**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, MARCH 29, 2016

COMMISSION CHAMBERS

A. CALL TO ORDER – The meeting was called to order at 2:03 p.m.

B. ROLL CALL

MEMBERS PRESENT: Travis Palladeno, Mayor
Elaine Poe, Vice-Mayor
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Patricia Shontz, Commissioner District 4

STAFF PRESENT: Shane B. Crawford, City Manager (CM)
Vincent M. Tenaglia, Assistant City Manager (ACM)
Thomas Trask, City Attorney, (CA)
Aimee Servedio, City Clerk (CC)
Dave Marsicano, Public Works/Marina Director
Sea Marshall-Barley, Support Specialist (SS)

C. TOPICS

1. FUND BALANCE POLICY STATUS UPDATE
Vincent M. Tenaglia, Assistant City Manager
David D. Hart, Public Financial Management, Inc.
2. INTRODUCTION OF NEW BUDGET AND FINANCE POLICIES
Vincent M. Tenaglia, Assistant City Manager
David D. Hart, Public Financial Management, Inc.
3. FISCAL YEAR 2017 BUDGET PROCESS DISCUSSION
Vincent M. Tenaglia, Assistant City Manager
David D. Hart, Public Financial Management, Inc.

CM: Turned the discussion over to the Assistant City Manager.

ACM: These first three items will be treated as one long discussions since all items are inter-related. David Hart is the City's advisor that is held on retainer. He has been with the City for about eighteen months and helped with the budget process last year.

The first policy approved last September was the Investment Policy that provided guidance on the City's investment portfolio. He will be handing out the second quarter investment report in mid-April. This report will detail all securities and interest rates – this is in addition to the monthly reports the Board already receives.

The Fund Balance Policy is more linked to the City's long-term financial position and will be discussed in much more detail today. One notion of this policy was that the City would not use one-time revenues for ongoing projects. The policy also defined restricted versus unrestricted funds. The 'emergency' fund is still one third of the entire budget that is used for any type of disaster or similar emergency. The last notion of this was the amount of unrestricted funding which should never fall below two months of operation costs. We are only talking in the context of the General Fund today, which is worthy of most of the attention today.

The first change in the distributed reports shows actual revenues and expenditures (as opposed to budgeted) and accounts for the fact that General Fund Departments are not going to use their full budget. These are staff estimates and should not be taken as hard numbers. This also notes formal amendments made to the budget. The Fiscal 2017 column pencils in some very rough assumptions on the revenue and expenditures side. For example, the Marriott has not hit the tax collection yet and will in FY2017. The FY2017 column include what he estimates the budget will look like. There is also planned borrowing noted. The net result of all those changes is that he is projecting that the City will reach the minimum Fund Balance ratio at the end of the five year planning period.

Commissioner Lister: Asked if any revenue from any new property values that may be added?

ACM: New property tax revenue is not included – he is basing he assumptions of what he knows for sure right now. If the Board would like any additional projections made, he can do that as they request. On the expenditure side, staffing costs has increased – another sheriff's deputy was added to the Code Enforcement Department, there have been some changes to the Community Development Department, and contracted positions for Planning & Zoning services has been added.

On the expenditures side, he projects that costs will continue to increase with growth and the revenues are not likely to change drastically unless some unforeseen change occurs (something like a millage rate increase or the like).

In the last four year (FY2018 to FY2021), the capital project costs are \$450,000 whereas the three previous years were nearly \$13 million. We are still on the trend to a reduced Fund Balance Level. We are not approaching the number despite the fact we are not even funding these programs. No action has been taken formally that these projects have been discussed such as high and dry marina, bus shelters, or additional parking. We have discussed land acquisition as well – none of these have any formal action, but if in the future these became real projects, could very much affect and change this projection.

There were some one-time revenues that helped the revenues exceed the projection by 9%. For example, on the employee retirement contributions, the City contributes 9% but if the employee is not vested for the five year period, the money defaults back to the City. This can spike interest rates and that is why he counted it as a one-time revenue.

David Hart: The reason PFM was retained was to help to develop these policies and create a framework to hear from the staff and constituents to get the information the Board needs to make a good decision that will impact the future. He has heard that the ACM is conservative, but as a public finance officer, you always want to be wrong in a way that won't negatively impact the future if estimates are off. It is the idea of measure twice, cut once.

There are a couple of points that need to be made. It looks like the expenses are going to increase over the next five years in about a 20% rate for operating funds. The breadth and quality of the service needs to be taken into account. The policy requires that a reserve is a percent of the total. There are revenues that need to be factored, but the trend won't change that the expenses will increase.

The policies before the Board today are two policies from the GFOA.

Commissioner Lister: Is the 16.7% established by the GFOA, PFM or our standards?

Mr. Hart: In the absence of a community lacking logic for an amount, it was advised that the City start here and adjust as needed. This is the operating costs for two months.

Commissioner Lister: On our investment policy, does the policy change as the interest rate change?

ACM: The interest rate would not impact the types of investments that we would make.

Mayor Palladeno: The last parking rate was \$0.50 and that increased about \$340,000 or so?

ACM: Noted that between 2010 and 2014, the parking revenues were at about \$600,000 and in the FY2015 alone, the revenues were about \$1,000,000.

Commissioner Lister: Are any earned grants projected in these estimates? The ACM explained that grant revenues were not used in these projections.

David Hart: There is not debt policy and he has noted that the City has issued a debt service five times in the last five years. He would recommend a framework policy in regards to the issuance of debt. We will consider inevitable tradeoffs – pay-as-you-go versus issuing debt.

Commissioner Lister: We have established that we won't use ad valorem funds but do we not have a formal policy? Are you comfortable without debt right now?

ACM: Said that he was in the regard that we are able to pay are debts right now. The City has issued four rounds of debt in a relatively short time frame, but each has pledged different revenue sources.

Commissioner Shontz: We have always dedicated some fund if we are buying something large that isn't normally purchased.

ACM: We have pledged different revenue sources for the projects we have financed. The undergrounding is from the County beautification dollars; the fire engine was also pledged from county funds through Penny for Pinellas. The pledge revenue has been diversified and leaves us in a healthy position at this point.

He knows there are potential concerns that the revenues may not include projects that may impact the property tax base. These are not just off-the-cuff flat revenues without accompanying analysis. These are realistic projections. He is planning on growth, and believes that this is reflected accurately.

Commissioner Lister: He does not question his tactics at all and commends his staff for all that they do.

ACM: The budget process will start soon and he wants these projections and processes to be present in the Board's minds for when the budget talks really start. The City Manager noted that he wants to steer away from adding items to the budget after it has been adopted.

4. UPDATE ON BOCA CIEGA STORMWATER UPGRADE PROJECT

Al Carrier, P.E., P.S.M., Deuel & Associates

CM: The project went out to bid and the bids that were received were too high.

Al Carrier: The bids were so high because of the cost of materials, the cost of doing business, and the workload of the contractors. He talked to a few vendors to reduce the costs and rebid it. One of the ways of doing this is to combine the Boca Ciega and 140th Avenue projects to save on logistics costs. His firm will work on estimates and rebid the project.

CM: This project will be delayed and we will get a much later start on this project. We will do everything we can to work around the holidays and get this project completed as soon as possible. Mr. Carrier explained that the estimate for completion of the project once it starts is one year.

5. DISCUSSION ON ENCLOSING DUMPSTERS ON PELICAN LANE

Travis Palladeno, Mayor

Terry Lister, Commissioner District 1

Mayor Palladeno: This is something that was brought up at the last meeting.

CM: There are some concerns in Pelican Lane. There was trash blowing around and some questionable parking from some employees. We would want to establish some criteria for the dumpsters but more space is needed.

The parking in the area needs to be remedied as well. The deputies will start stronger enforcement beginning with warnings and escalating. He also would like the John's Pass Village Association to take note that they have backing from citizens to have some of these issues addressed. The PW/MD also added that the pick-up service would be doubled.

Mayor Palladeno: This could either be a special district or a plan to enclose the dumpsters. The CM added that the Madeira Beach sanitation staff could spend special attention on this area.

Commissioner Shontz: In 2013, she and Deb Laramée spent a long time walking those streets. If you want to get something done in the John's Pass Area, you need to get the association to step up and take initiative on the issue. The merchants need to work together and clean the street up. Everyone expects the City to clean it all up – the village and association need to take some of their revenues to clean up their own areas.

PW/MD: There has also been talk with the City's engineer for a sidewalk on Pelican Lane. A proposal for bid for the Pelican Lane sidewalk will be incorporated into the next year's budget.

6. DISTRIBUTION OF SUBMITTED PLANNING COMMISSION APPLICATIONS AND TABULATION SHEETS

Shane B. Crawford, City Manager

Aimee Servedio, City Clerk

CC: The packet includes all of the eleven applications that were submitted to the City and tabulation forms are on the dais for the Board members to fill out. The tabulation forms are due by April 4, 2016 and the new commissioner will be appointed at the next BOC Regular Meeting on April 12, 2016.

D. ADJOURNMENT – The meeting was adjourned at 3:17 p.m.

Date approved: April 12, 2016

Travis Palladeno, MAYOR

Submitted by Sea Marshall-Barley, Support Specialist



MADEIRA BEACH BOARD OF COMMISSIONERS

April 8, 2016 – Agenda Report

FROM: Sea Marshall-Barley, Administrative Support Specialist

SUBJECT: **APPOINTMENT OF INGRID FERRO-SPILDE TO FILL PLANNING COMMISSION VACANCY.**

BACKGROUND: On February 19, 2016, the City Manager was informed that Planning Commissioner Jeanne Domingue was moving out of the City and thus had to resign her position from the Planning Commission.

An advertisement in the Beach Beacon was run shortly thereafter, as well as notification on the City website that applications would be accepted until March 18, 2016 and considered at the March 29, 2016 Workshop. In the previous weeks, eleven applications were submitted to the City Clerk.

The Board of Commissioners reviewed all the applications they received at the March Workshop and returned their votes to the City Clerk. Ingrid Ferro-Spilde received the highest ranking of all the applicants and will be appointed at the April 12, 2016 Regular Meeting.

BUDGETARY IMPACT: N/A

RECOMMENDED BY STAFF: The Board of Commissioners has voted to recommend Ingrid Ferro-Spilde to fill the Planning Commission vacancy.

ATTACHMENT(S):

- City Appointed Boards – Tabulation Form Results..... 1**
- Completed Tabulation Forms Submitted by BOC Members.....2**
- Application Package for Ingrid Ferro-Spilde..... 7**

AGENDA PACKET SUBMISSION TO CITY CLERK

RECEIVED: 04/07/2016

SUBMITTED BY: Support Specialist



CITY APPOINTED BOARDS – RESULTS

The following is a compilation of the Board of Commissioners preference for the appointment to fill the Planning Commission vacancy. The Board members ranked each candidate from 1 (most preferred) to 11 (least preferred). The applicant with the lowest number of points will have the highest ranking:

	MAYOR	VICE-MAYOR	COMMISSIONER DISTRICT 1	COMMISSIONER DISTRICT 2	COMMISSIONER DISTRICT 4	OVERALL RANKING
Andrew Blaser	8	11	11	11	8	49
Marion Clyatt	7	9	8	5	2	31
Ingrid Ferro-Spilde	1	8	1	1	1	12
Sonny Flynn	2	10	3	9	5	29
Michael Grimes	7	7	7	6	4	31
Marilyn Hafling	6	2	6	7	11	32
Christopher Lant	5	1	5	4	9	60
Bryant Smith	4	4	2	2	3	15
Vincent Volpe, III	3	5	9	8	6	31
Susan Wright	10	3	10	10	7	40
Michael Wyckoff	11	6	4	3	10	34

After calculating the preferences, Ingrid Ferro-Spilde received the highest ranking and will be appointed to the Planning Commission at the April 12, 2016 BOC Regular Meeting.

AGENDA PACKET SUBMISSION TO CITY CLERK
RECEIVED: 04/07/2016
SUBMITTED BY: Support Specialist



CITY APPOINTED BOARDS – TABULATION FORM

For each of the following boards, please rank each applicant from most preferred (1) to least preferred (11). The highest ranked applicant will be selected for appointment to the Planning Commission for the remainder of the vacant term.

	MAYOR	VICE-MAYOR	COMMISSIONER DISTRICT 1	COMMISSIONER DISTRICT 2	COMMISSIONER DISTRICT 4
Andrew Blaser	8 TP				
Marion Clyatt	7 TP				
Ingrid Ferro-Spilde	1 TP				
Sonny Flynn	2 TP				
Michael Grimes	7 TP				
Marilyn Hafling	6 TP				
Christopher Lant	5 TP				
Bryant Smith	4 TP				
Vincent Volpe, III	3 TP				
Susan Wright	10 TP				
Michael Wyckoff	11 TP				

Please return this form to the City Clerk's Office by Monday, April 4, 2016.



CITY APPOINTED BOARDS – TABULATION FORM

For each of the following boards, please rank each applicant from most preferred (1) to least preferred (11). The highest ranked applicant will be selected for appointment to the Planning Commission for the remainder of the vacant term.

	MAYOR	VICE-MAYOR	COMMISSIONER DISTRICT 1	COMMISSIONER DISTRICT 2	COMMISSIONER DISTRICT 4
Andrew Blaser		11			
Marion Clyatt		9			
Ingrid Ferro-Spilde		8			
Sonny Flynn		10			
Michael Grimes		7			
Marilyn Hafling		2			
Christopher Lant		1			
Bryant Smith		4			
Vincent Volpe, III		5			
Susan Wright		3			
Michael Wyckoff		6			

*** Please return this form to the City Clerk's Office by Monday, April 4, 2016.***



CITY APPOINTED BOARDS – TABULATION FORM

For each of the following boards, please rank each applicant from most preferred (1) to least preferred (11). The highest ranked applicant will be selected for appointment to the Planning Commission for the remainder of the vacant term.

	MAYOR	VICE-MAYOR	COMMISSIONER DISTRICT 1	COMMISSIONER DISTRICT 2	COMMISSIONER DISTRICT 4
Andrew Blaser			11		
Marion Clyatt			8		
Ingrid Ferro-Spilde			1		
Sonny Flynn			3		
Michael Grimes			7		
Marilyn Hafling			6		
Christopher Lant			5		
Bryant Smith			2		
Vincent Volpe, III			9		
Susan Wright			10		
Michael Wyckoff			4		

Please return this form to the City Clerk's Office by **Monday, April 4, 2016.**



CITY APPOINTED BOARDS – TABULATION FORM

For each of the following boards, please rank each applicant from most preferred (1) to least preferred (11). The highest ranked applicant will be selected for appointment to the Planning Commission for the remainder of the vacant term.

	MAYOR	VICE-MAYOR	COMMISSIONER DISTRICT 1	COMMISSIONER DISTRICT 2	COMMISSIONER DISTRICT 4
Andrew Blaser				11	
Marion Clyatt				5	
Ingrid Ferro-Spilde				1	
Sonny Flynn				9	
Michael Grimes				6	
Marilyn Hafling				7	
Christopher Lant				4	
Bryant Smith				2	
Vincent Volpe, III				8	
Susan Wright				10	
Michael Wyckoff				3	

Please return this form to the City Clerk's Office by Monday, April 4, 2016.



CITY APPOINTED BOARDS – TABULATION FORM

For each of the following boards, please rank each applicant from most preferred (1) to least preferred (11). The highest ranked applicant will be selected for appointment to the Planning Commission for the remainder of the vacant term.

	MAYOR	VICE-MAYOR	COMMISSIONER DISTRICT 1	COMMISSIONER DISTRICT 2	COMMISSIONER DISTRICT 4
Andrew Blaser					8
Marion Clyatt					2
Ingrid Ferro-Spilde					1
Sonny Flynn					5
Michael Grimes					4
Marilyn Hafling					14
Christopher Lant					9
Bryant Smith					3
Vincent Volpe, III					6
Susan Wright					7
Michael Wyckoff					10

Please return this form to the City Clerk's Office by **Monday, April 4, 2016.**



CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
PHONE (727) 391-9951 • FAX (727) 395-9361
www.madeirabeachfl.gov



APPLICATION FOR APPOINTMENT TO CITY BOARDS

Civil Service Commission Library Board Planning Commission

Name: Ingrid Ferro-Spilde District: 3

Address: 846 Bay Point Dr.

City/State/Zip Code: Madeira Beach FL, 33708

Telephone: 727-455-2078 Email Address: ingridferro@hotmail.com

Educational Background

Criminal Justice Studies
Certified in Clinical Research
Practical Nursing

Experience

President of Concept Clinical Research: Manage Pharmaceutical trials following FDA guidelines, create Standard Operating Procedures, Budgets and Contracts.

Partner Wallstreeters: Purchase properties, renovate properties following City, County and State codes, manage rental properties and higher and oversee staff/contractors.

Why would you like to be considered as a candidate for service on this Board?

I have experience improving residential neighborhoods and enhancing communities. I helped promote local business internationally with the Discovery Channel. I work with budgets, contracts and safety. I have lived my entire life in Pinellas County and am a resident of Madeira Beach. I attend the city planning meetings and look forward to being a member to help the city with its established plans for residents and tourists.

Please attach résumé.

Date submitted: 15March2016

Ingrid Ferro-Spilde, C.C.R.C.
(727) 455-2078 Fax (727) 648-4999
846 Bay Point Drive, Madeira Beach, FL 33708
ingridferro@hotmail.com

Objective: To become Appointed on the Planning Commission Board

Professional Employment/Experience:

President/Director

Concept Clinical Research Corp (6/9/2012 to Present)

Manage Pharmaceutical trials phase I-IV following FDA guidelines, Report Safety findings and Adverse effects, Handle and review clinical trial processes and ethical compliance, create Standard Operating Procedures, review and approve Budgets and Contracts, Obtain and process laboratory samples, Conduct blinded joint assessments, Provide training for physicians and staff on protocols, work with multiple electronic data capture databases, electronic medical records and compile, organize and submit Institutional Review Board documentation.

Partner

Wallstreeters, LLC (2013 to Present)

Purchase properties, Renovate kitchens, bathrooms, living room and landscaping following the guidelines of City, County and State codes. Supervise rentals, perform back round checks, enforcing leases, provide maintenance, manage financials and create advertising.

Certified Clinical Research Coordinator

DMI Research (4/4/05 to 6/8/12)

Manage Pharmaceutical trials phase I-IV following FDA guidelines, Report Safety findings and adverse effects, Handle and review clinical trial processes and ethical compliance, Obtain and process laboratory samples, Provide training for physicians and staff on protocols, Conduct blinded joint assessments for patients. Completed over 125 clinical trials.

Manager

Condo Concierges (2004 to 2005)

Managed short term vacation rentals, Overseen and highered employees and contractors for cleanouts of units

Practical Nurse

Wayne Garcia, MD (1/2004 to 3/2005)

Assess patients, review medical history, review medications, complete blood pressures, obtain laboratory samples, assist in minor surgical procedures

Internship

Oswald Williams, MD (2002 to 2003)

Assess patients, review medical history, review medications, complete blood pressures, obtain laboratory samples, assist in minor surgical procedures

Bar Manager

Friendly Fisherman (01/1990 to 07/1999)

Manage bar staff, make schedules, Open and closing of bar, ordering and stocking inventory

Certifications/Memberships:

CCRC 9/6/2008 - Current

GCP 2005 - Current

IATA Certified 04/2005- Current

MEDICO Certified 04/2005- Current

Association of Clinical Research Professionals 2006- Present

Suncoast Local Chapter for Clinical Research 2005 – Present

Education:

Kavanaugh and Euler Joint Assessment Training 2007

Practical Nursing (GPN) 2001 – 2003

St. Petersburg, FL.

Criminal Justice Studies 1992 – 1994

Tampa College, Tampa, FL



Florida Department of Environmental Protection

NOTICE OF LIMITATION OF USE / SITE DEDICATION

Required Signatures: **Original Ink** **Notarized Signature**

Recording Instrument Information:

Park Name: _____

This Notice of Limitation of Use/Site Dedication gives notice that the Real Property identified in the project boundary map and legal description, attached hereto as Exhibit "A" (the "Property"), has been acquired by or developed with financial assistance provided by the Florida Legislature, through the Department of Environmental Protection, under the following grant programs:

- **Florida Recreation Development Assistance Program (FRDAP):**
In accordance with section 375.075, F.S., and chapter 62D-5, F.A.C., Subsection 62D-5.059 and the following constitutes the general requirements for program compliance: SITE DEDICATION –“Land owned by the grantee, which is developed or acquired with FRDAP funds, shall be dedicated in perpetuity as an outdoor recreational site for the use and benefit of the general public. Land under control other than by ownership of the grantee such as by lease, shall be dedicated as an outdoor recreation area for the use and benefit of the general public for a minimum period of 25 years from the completion date set forth in the project completion certificate. The dedications must be recorded in the public property records by the grantee.”
- **Land and Water Conservation Fund (LWCF):**
In accordance with section 375.075, F.S., and chapter 62D-5, F.A.C., Subsection 62D-5.070(12-16) and the following constitutes the general requirements for program compliance: SITE DEDICATION - “Land owned by the grantee, which is developed or acquired with LWCF funds, shall be dedicated in perpetuity as an outdoor recreation site for the use and benefit of the public. Land which is leased from the federal government or another public agency by grantee must include safeguards to ensure the perpetual use requirement contained in the Land and Water Conservation Fund Act. Safeguards include such things as joint sponsorship of the project or an agreement between the parties that the lessor would assume compliance responsibility for the project site in the event of default by the lessee (grantee) or termination or expiration of the lease. These dedications must be recorded in the county’s public property records by the grantee.”

DEDICATOR

Original signature

Witness
Printed Name: _____

Printed Name: _____

Title: _____

Witness
Printed Name: _____

STATE OF FLORIDA COUNTY OF _____

The foregoing instrument was acknowledged before me on _____

by _____, who is personally known to me or who produced

_____ as identification.

Stamp:

Notary Public, State of Florida

CITY OF MADEIRA BEACH FINAL AS-BUILTS

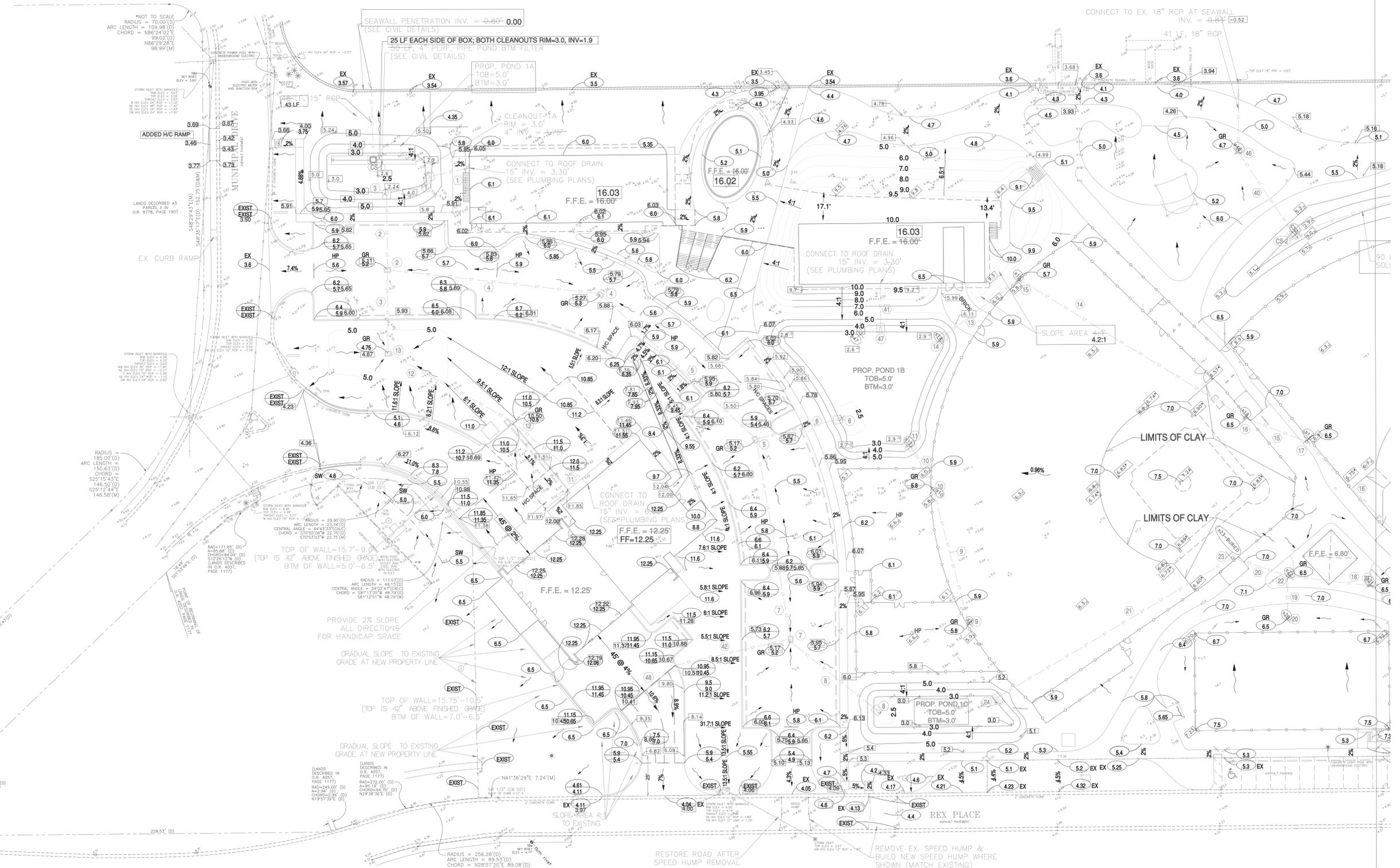
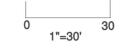
REVISED 8/26/2015
REVISED 9/18/2015
REVISED 10/13/2015
REVISED 1/03/2016 (CSI Rim, Length of Underdrain Pond 1A)

CERTIFIED TO: WELLS LAND DEVELOPMENT

FRANK A. JULIAN SURVEYING, INC.
6348 POLK ST
NEW PORT RICHEY, FL 34653
(727) 845-0389

DRAINAGE STRUCTURE AS-BUILT TABLE									
ST#	N	E	TOP EL	INV EL	ST#	N	E	TOP EL	INV EL
1	1282099.5	399895.5	N/A	3.10	1	1282099.5	399895.5	N/A	3.10
2	1282440.5	399854.1	5.11	2.41	2	1282553.2	397401.9	N/A	2.95
3	1282441.4	399877.3	N/A	2.25	25	1282035.4	397969.0	6.30	4.37
4	1282538.4	397951.4	6.27	2.38	26	1282662.4	397554.7	6.33	3.88
5	1282550.7	397183.0	5.17	2.6	27	1282035.5	397939.4	6.31	4.13
6	1282598.1	397292.1	N/A	2.71	28	1282942.9	397675.5	6.25	4.00
7	1282488.1	397287.9	5.17	2.80	29	1282918.5	397999.8	6.37	3.53
8	1282488.1	397292.1	N/A	2.82	30	1282688.9	397668.1	6.37	3.87
9	1282573.8	397354.2	5.75	3.68	31	1282689.0	397456.0	6.36	3.57
10	1282611.8	397273.7	5.82	3.25	32	1283081.7	397466.0	6.30	3.52
11	1282619.0	397247.6	N/A	3.0	33	1283125.8	397916.3	N/A	3.11
12	1282444.3	397072.6	10.46	3.63	34	1282781.0	397926.1	N/A	3.00
13	1282416.5	396991.7	4.67	2.70	35	1282327.9	397584.0	N/A	2.47
14	1282678.8	397212.7	N/A	2.95	36	1282328.3	397625.9	N/A	2.47
15	1282787.3	397211.5	5.75	3.19	37	THRU 41 DELETED			
16	1282785.6	397373.6	6.43	3.53	42	1282046.3	397662.1	5.05	2.47
17	1282694.0	397494.5	6.33	3.08	43	1283184.4	397509.3	N/A	2.95
18	1282629.2	397512.3	6.45	3.00	44	1283185.8	397460.7	N/A	2.75
19	1282714.4	397483.0	6.46	4.43	45	1282977.7	397404.9	4.89	0.54
20	1282714.4	397483.0	6.46	4.06	46	1282890.9	397245.1	4.75	1.00
21	1282773.7	397901.4	6.46	4.0	47	1282942.2	397172.8	N/A	2.35
22	1282740.3	397464.9	6.47	3.87	48	TRENCH DRAIN GRATE=10.41 TO 10.51			
23	1282721.0	397430.0	6.48	3.70					
CS1	1282491.0	396985.2	4.31	15°NN-0.73	10°NN-1.17	SKIMMER TOP = 4.65, BOTTOM = 3.65			
CS2	1282684.4	397101.8	4.17	15°NN-1.27	4°NN-1.28	SKIMMER TOP = 4.67, BOTTOM = 3.67			
CS3	1283092.1	397429.5	4.41	15°NN-1.08	4°NN-1.35	SKIMMER TOP = 4.95, BOTTOM = 3.95			

- AS-BUILTS
- SPOT GRADE AS-BUILTS
- SPOT GRADE AS-BUILTS BEFORE CLAY EROSION
- SPOT GRADE AS-BUILTS AFTER CLAY EROSION 08/12/2015



*NOT TO SCALE
RADIUS = 70.00'(D)
ARC LENGTH = 109.98'(D)
CHORD = N86°24'02"E
29.02'(D)
N86°29'28"E
98.99'(M)

LANDS DESCRIBED AS PARCEL 10 IN O.R. 8776, PAGE 1807

RADIUS = 185.00'(D)
ARC LENGTH = 150.83'(D)
CHORD = S25°15'43"E
146.50'(D)
S25°12'44"E
146.58'(M)

RADIUS = 171.95'(D)
ARC LENGTH = 110.88'(D)
CHORD = N41°36'29"E
7.24'(M)

RADIUS = 17.00'(D)
ARC LENGTH = 15.00'(D)
CHORD = S70°16'35"E
(D)

TOP OF WALL = 15.7' - 9.0'
(TOP IS 42" ABOVE FINISHED GRADE)
BTM OF WALL = 5.0' - 6.5'

PROVIDE 2% SLOPE ALL DIRECTIONS FOR HANDICAP SPACE

GRADUAL SLOPE TO EXISTING GRADE AT NEW PROPERTY LINE

TOP OF WALL = 15.75' - 10.5'
(TOP IS 42" ABOVE FINISHED GRADE)
BTM OF WALL = 7.0' - 6.5'

GRADUAL SLOPE TO EXISTING GRADE AT NEW PROPERTY LINE

LANDS DESCRIBED IN O.R. 4027, PAGE 1173
RADIUS = 256.28'(D)
ARC LENGTH = 89.53'(D)
CHORD = N09°07'20"E
89.08'(D)
N31°32'04"E
88.97'(M)

RESTORE ROAD AFTER SPEED HUMP REMOVAL

REMOVE EX. SPEED HUMP & BUILD NEW SPEED HUMP WHERE SHOWN (MATCH EXISTING)

CITY OF MADEIRA BEACH FINAL AS-BUILTS

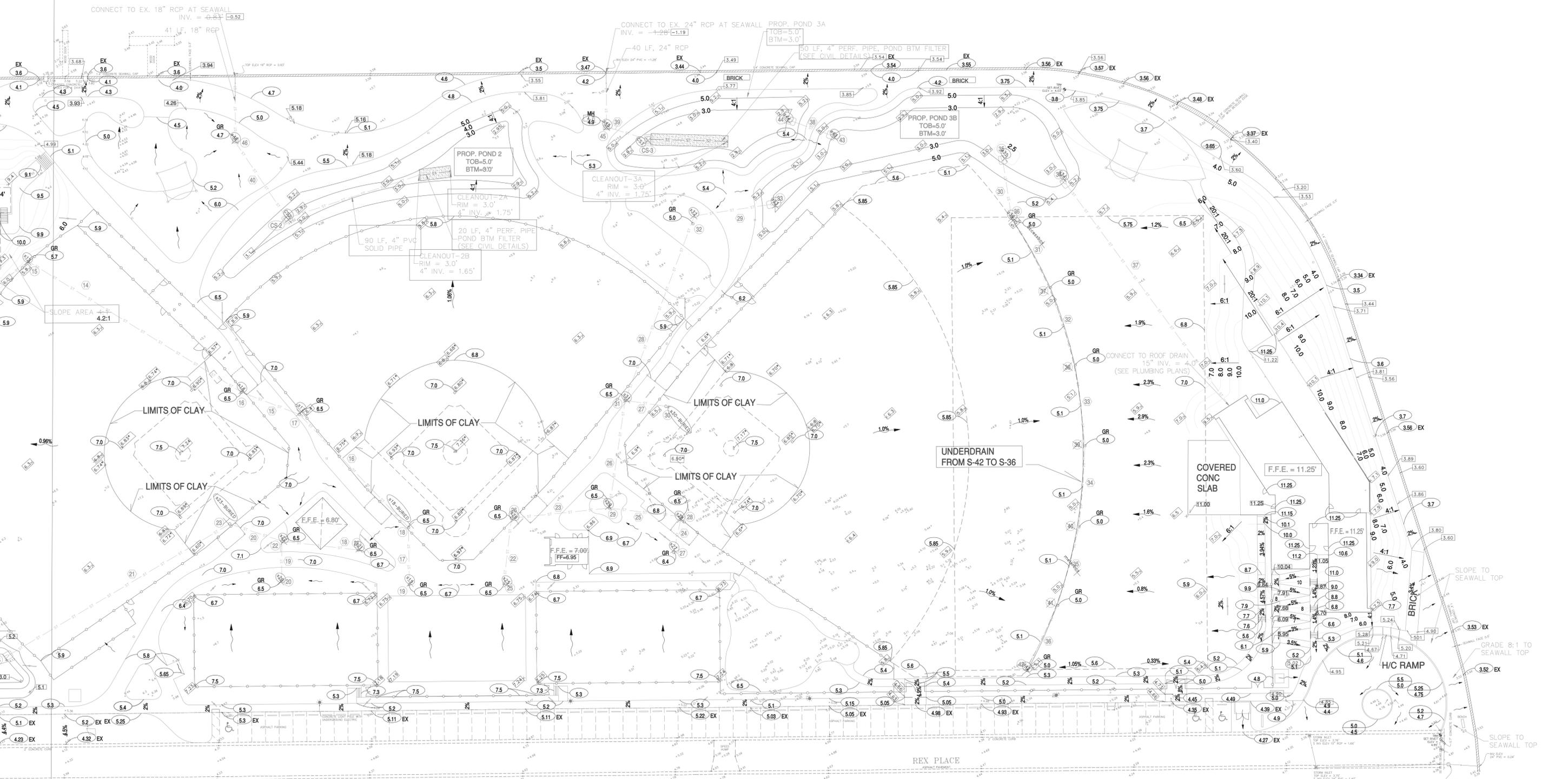
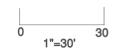
REVISED 8/26/2015
REVISED 9/18/2015
REVISED 10/13/2015
REVISED 1/03/2016 (CS1 Rim, Length of Underdrain Pond 1A)

CERTIFIED TO: WELLS LAND DEVELOPMENT

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DRAINAGE STRUCTURE AS-BUILT TABLE									
ST#	N	E	TOP EL.	INV EL.	ST#	N	E	TOP EL.	INV EL.
1	1282509.5	396990.5	N/A	3.10	24	1282533.2	397401.9	N/A	2.95
2	1282460.5	396954.1	5.11	2.41	25	1282330.4	397583.0	6.50	4.37
3	1282481.4	396917.3	N/A	2.25	26	1282304.4	397654.7	6.33	3.88
4	1282538.4	397051.4	5.27	2.38	27	1282293.5	397839.4	6.31	4.13
5	1282507.0	397155.0	5.17	2.6	28	1282264.9	397925.5	6.25	4.00
6	1282486.1	397200.1	N/A	2.71	29	1282133.5	397588.8	6.37	3.57
7	1282486.1	397200.1	5.17	2.80	30	1282084.4	397588.1	6.37	3.87
8	1282486.1	397358.6	N/A	2.92	31	1282069.0	397545.8	6.39	3.57
9	1282478.8	397344.9	5.73	3.88	32	1282041.7	397480.0	6.48	3.22
10	1282811.8	397278.7	5.82	3.25	33	1282125.8	397518.3	N/A	3.11
11	1282819.0	397247.6	N/A	3.0	34	1282270.0	397620.1	N/A	3.00
12	1282444.3	397072.8	10.46	3.93	35	1282277.9	397594.0	N/A	2.47
13	1282416.0	396991.7	4.67	2.70	36	1282326.3	397625.9	5.00	2.47
14	1282875.8	397212.7	N/A	2.95	37	THIS IS DELETED			
15	1282737.3	397217.5	5.75	3.19	42	1283446.3	397882.1	5.05	2.47
16	1282785.6	397335.6	6.43	3.53	43	1283184.4	397909.3	N/A	2.85
17	1282804.0	397409.5	6.33	3.88	44	1283188.8	397480.7	N/A	2.75
18	1282802.0	397315.3	6.45	4.00	45	1282777.7	397404.9	4.89	0.54
19	1282783.8	397540.4	6.46	4.43	46	1282696.9	397246.1	4.73	1.00
20	1282721.4	397483.0	6.48	4.06	47	1282642.2	397177.3	N/A	2.35
21	1282717.1	397501.4	6.45	4.0	48	TRENCH DRAIN	GRATE=10.41 TO 10.51		
22	1282740.3	397464.9	6.47	3.87					
23	1282721.0	397450.0	6.46	3.70					
CS1	1282491.0	396895.2	4.31	15°INV=0.73 10°INV=1.17	SKIMMER TOP = 4.65, BOTTOM = 3.65				
CS2	1282882.4	397310.8	4.17	15°INV=1.27 4°INV=1.28	SKIMMER TOP = 4.67, BOTTOM = 3.67				
CS3	1282992.1	397429.5	4.41	15°INV=1.08 4°INV=1.35	SKIMMER TOP = 4.93, BOTTOM = 3.93				

- = AS-BUILTS
- = SPOT GRADE AS-BUILTS
- = SPOT GRADE AS-BUILTS BEFORE CLAY EROSION
- = SPOT GRADE AS-BUILTS AFTER CLAY EROSION 08/12/2015





MADEIRA BEACH BOARD OF COMMISSIONERS

April 8, 2016 – Agenda Report

<u>FROM:</u>	Marci Forbes, Deuel & Associates Engineering
<u>SUBJECT:</u>	APPROVAL FOR THE CITY TO ENTER INTO AGREEMENTS WITH FEMA GRANT RECIPIENTS FROM THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT (FDEM) GRANT AWARD 2014-006 AND TO EXTEND CURRENT AGREEMENT WITH RECIPIENT OF FDEM GRANT AWARD 2013-044
<u>BACKGROUND:</u>	<p>Pursuant to the federally funded subgrant agreement, executed November 11, 2015, between the Florida Department of Emergency Management (FDEM) and the City of Madeira Beach, the City is executing their Flood Mitigation Assistance Agreement with three more of the seven recipients awarded in grant 2014-006. Execution of these three agreements will bring six of the seven recipients into contractual agreement with the city, mitigating 6 more homes in the community.</p> <p>In addition, the city will need to extend the recipient agreement for FDEM grant award 2013-044. The original agreement between The City and the recipient was for 12 months, due to construction delays the contract will be extended. The agreement is still falls within the acceptable timeline of the grant.</p> <p>Due to the Privacy Act of 1974, FEMA does not allow the publication of personal information related to the homeowners and their addresses. As such, the full agreements are not provided as attachment but have been reviewed by the City Attorney in preparation for execution by the City Manager. An example agreement and amendment to extend the agreement have been attached with all personal information removed.</p>
<u>FINANCE REVIEW:</u>	<p>The adopted budget includes two funding components related to flood mitigation projects, both of which are reimbursable: consulting services totaling \$133,000, and construction reimbursements totaling \$2,583,900.</p> <p>Finance staff will request immediate reimbursement following any cash outlay relating to the recipients' properties. Short-term cash balance will be negatively impacted, but there is no anticipated impact to fund balance.</p>
<u>RECOMMENDED BY STAFF:</u>	Staff recommends approval of the Flood Mitigation Assistance Agreement with three of the recipients awarded in grant 2014-006 and extension of agreement associated with grant 2013-044

ATTACHMENT(S): **Flood Mitigation Agreement (SAMPLE)..... 1**
 First Amendment to FMA Agreement (REDACTED)..... 7

FLOOD MITIGATION ASSISTANCE AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered in this _____ day of _____, 20___, by and between the City of Madeira Beach, a municipal corporation of the State of Florida ("*City*"), and _____ of _____, hereinafter referred to as ("*Owners*").

WITNESSETH:

WHEREAS, the *City* is a municipal corporation established under the Florida Constitution and the Laws of Florida, and is authorized to among other things accept and administer grants from state and federal authorities to enhance the quality of life in the City; and

WHEREAS, the United States Congress, through an appropriation to the Federal Emergency Management Agency ("*FEMA*"), has made available to the State of Florida Division of Emergency Management ("*DEM*"), Flood Mitigation Assistance Project ("*FMAP*") funds for flood mitigation projects; and

WHEREAS, the *Owners* in conjunction with the *City*, have submitted an application to the *DEM* for *FMAP* funds to assist in the reconstruction of the *Owners*' residence located at _____; and

WHEREAS, *DEM* has approved the *Owners*' application; and

WHEREAS, the Board of Commissioners has approved acceptance of a grant from *DEM* in the amount of _____ of which *FEMA* will pay _____% not to exceed _____ ("*Grant*") and has authorized the City Manager to execute a Federally Funded Subgrant Agreement ("*Project Agreement*") with *DEM* to effectuate distribution of the Grant funds to the *Owners*; and

WHEREAS, the *Owners* represent that they possess the requisite skills, knowledge, qualifications, and experience to provide the services identified herein and that they will perform their duties as set out in the *Project Agreement* and this Agreement.

WHEREAS, the *Owners* are aware of the contents of the *Project Agreement* between the *City* and *DEM*, and other conditions and requirements of *FEMA*, and *DEM* concerning the Grant.

NOW, THEREFORE, the parties, in reliance upon the foregoing recitals and in consideration of the mutual promises and covenants contained herein, agree as follows:

1. **RECITALS.** The statements contained in the recitation of facts set forth above are true and correct and are hereby incorporated in and made part of this agreement.
2. **PURPOSE.** The purpose of this Agreement shall be to set forth duties of the *City* and the *Owners* in regard to the Flood Mitigation Assistance Project ("*Project*") described in the *Project Agreement*, which is attached hereto as "*Exhibit A*" and made a part hereof by reference.

3. CITY'S DUTIES.

- A. The *City's* duties under this Agreement are limited to assisting in making the application for matching fund reimbursements in accordance with the Project Agreement, and if disbursing funds received as reimbursements to the *Owners*.
- B. The *City* shall process the *Owners'* request for reimbursement from the Grant in accordance with the Project Agreement. The *City* shall have no liability to the *Owners* for reimbursement claims, which are rejected by DEM for any reason, nor shall the *City* be liable for any failure of the *Owners* to receive the maximum amount under the Project Agreement.
- C. *City* shall cooperate with *Owners* to achieve the goals and objectives set out in this Agreement.

4. RIGHT TO ENTER AND INSPECT. The *City* reserves the right to visit any project site used by the Contractor under any part of the Project funded under this Agreement, at any reasonable time, for the purpose of making inspections including a review and analysis of the financial or service records of the Contractor pertaining to this Agreement.

5. THE OWNERS' DUTIES. The *Owners'* shall:

- A. Purchase all goods and services necessary to carry out their responsibilities hereunder within twelve (12) months from the date of execution of the Project Agreement by both parties (the *City* and the DEM), in accordance with their Application for FMAP funds which is attached hereto as "Exhibit B" and incorporated herein by reference, the Project Agreement, and this Agreement, and provide the *City* with sufficient documentation in accordance with the rules of DEM and/or FEMA to enable the *City* to seek reimbursement for those costs and expenses authorized by the Project Agreement on behalf of the *Owners* and to make such reports as may be required by the Project Agreements.
- B. Use Grant funds in accordance with the Project Agreement and assumes and performs all of the duties and responsibilities for which the *City* may be obligated under the Project Agreement, except as otherwise specified herein. If the *Owners* use any funds provided from the Grant for any purpose other than authorized under this Agreement or the Project Agreement, the *Owners* shall repay such funds to DEM or, in the event the *City* has made such payment to DEM, then the *Owners* shall make payment to the *City*.
- C. Provide such other funding as may be necessary to complete, its duties and responsibilities under this Agreement.
- D. Be responsible for the administration of contracts, funded by Grant or otherwise, entered into by and between the *Owners* and any persons or entities for the acquisition of materials or the performance of services in connection with the activities and programs consistent with the purposes of this Agreement to the extent authorized by the law. The *Owners* shall establish and maintain records to document the costs incurred by them in connection with the project.
- E. Be liable for repayment of any funds demanded by DEM notwithstanding whether the demand is made to the *City* or directly to the *Owners*.
- F. Not deviate from the approved project(s) and the terms and conditions of the Project Agreement and this Agreement.

- G. Comply with any and all applicable codes and standards in performing the work under this Agreement and the Project Agreement.
 - H. Certifies the structure proposed for assistance from the Project Agreement and this Agreement is currently covered by a flood insurance policy and shall remain so insured as a condition of receipt of this assistance.
 - I. Use design, construction methods, and materials, which are provided, codified, recognized, fall under standard or acceptable level of practice, or otherwise determined to be generally acceptable by the design and construction industry.
 - J. Cooperate with the *City* to achieve the goals and objectives set out in this Agreement.
6. **TERM.** The term of this Agreement (“Term”) shall commence following complete and full execution of this Agreement by the parties hereto and shall end twelve (12) months from the date of execution of the Project Agreement by both parties (the *City* and the DEM).
7. **THE OWNERS’ INDEMNIFICATION AND RELEASE.** The *Owners* shall indemnify and hold harmless, assume legal liability for and defend *City* and its officers, employees, agents, and servants, whether they be current or former, from and against any and all actions, claims, liabilities, losses, costs and expenses, in law or equity, including but not limited to attorney’s fees at trial and appellate levels, reasonable investigative and discovery costs, court costs or claims for:
- A. Bodily injury or death and for loss of or damage to property, of every kind and nature whatsoever, which in any manner directly or indirectly may arise or be alleged to have arisen, or resulted or alleged to have resulted from the negligent acts or omissions or other wrongful conduct of the *Owners*, their employees, contractors, and agents in connection with the *Owners’* performance pursuant to this Agreement.
 - B. Default on the Project Agreement or other contracts executed by the *Owners* in furtherance of this Agreement.
 - C. Claims arising out of or connected with the *Owners’* performance under this Agreement. This subparagraph “C” shall survive expiration of this Agreement.
8. **RECORDS.** All contracts, correspondence, memoranda, and other documents accumulated, acquired, prepared or received by the parties hereto created by this Agreement shall be maintained as public records to the extent required by law. Accountings, audits, and other financial records of the *Owners* relating to the expenditure of the *City’s* funds, or copies thereof, to the extent required by law shall also be maintained as permanent public records.
9. **NO THIRD PARTY BENEFICIARIES.** This Agreement shall inure to the benefit of the parties to this Agreement and is for the exclusive benefit of said parties.

This Agreement shall not be deemed to be made for the benefit of any other entity or person not so specified.

10. **COMPLIANCE WITH FEDERAL, STATE, COUNTY, AND LOCAL LAWS.** The parties shall comply with all federal, state, county, and local laws, regulations, ordinances, and health and safety rules and regulations at all times.

11. GOVERNING LAW AND VENUE. This Agreement is to be constructed in accordance with the laws of the State of Florida. Venue for any cause of action or claim asserted by either party hereto brought in state courts shall be in Pinellas County, Florida. Venue for any action brought in Federal court shall be in the Middle District of Florida, Tampa Division, unless a division shall be created in *City* in which case action shall be brought in that division.

12. AMENDMENTS. This Agreement may be altered, amended, modified or revised only by a written instrument subsequently executed by the parties of this Agreement.

13. ENTIRE AGREEMENT. This Agreement constitutes the complete, full and wholly independent agreement among the parties to this Agreement with regard to the matters contained herein. This Agreement also supersedes all prior representation, statements, and understandings among the parties to this Agreement with respect to the matters and things addressed herein.

14. SEVERABILITY. Should any section or part of any section of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such a determination shall not render void, invalid, or unenforceable by any court of law, for any reason, such a determination shall not render void, invalid, or unenforceable any other section or any part of any section in this agreement.

15. NOTIFICATION.

A. All notices, requests, demands, or other communications hereunder shall be in writing and shall be deemed to have been served as of the delivery date appearing upon the return receipt if sent by certified mail, postage prepaid with return receipt requested at the address listed below, or upon the actual date of delivery, if hand delivered, to the address below:

To:	City	To:	Owners
	City of Madeira Beach		_____
	300 Municipal Drive		_____
	Madeira Beach, FL 33708		Madeira Beach, FL 33708

B. The parties shall give the other party prompt notice of any claim coming to its knowledge which directly or indirectly affects the other party.

16. WAIVER. No act of omission or commission of either party, including without limitation, any failure to exercise any right, remedy, or recourse, shall be deemed to be a waiver, release, or modification of the same. Such a waiver, release, or modification is to be effected only through a written modification to this Agreement.

17. APPROVAL. This Agreement is subject to approval of the *City* Board of Commissioners.

18. FUNDING. The sole source of *City* funding for this Agreement, including, but not limited to the obligations set forth in paragraph 3 of this Agreement, shall be from the Grant. The *City* is under no obligation to provide funds from any other source. The *Owners* shall be solely responsible for all other funds necessary to complete the Project.

19. **HEADINGS.** The paragraph headings are inserted herein for convenience and reference only, and in no way define, limit or otherwise the scope or intent of any provisions hereof.
20. **COUNTERPARTS.** This Agreement may be executed in one or more counterparts, each of which may be executed by less than all of the parties to this Agreement, but all of which shall be construed together as a single instrument.
21. **ASSIGNMENT.** This Agreement may not be assigned by either party without the consent of the other, which consent shall be at the sole discretion of the party whose consent is required.
22. **CONTRACTING.** The parties contemplate that the *Owners* may contract with third parties to carry out their duties and responsibilities under this Agreement. Such contracting shall be permitted; provided the *Owners* shall at all times remain liable for performing its duties and responsibilities under this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on the date first above written.

WITNESSES:

“OWNERS”

Signature of Witness #1
Printed Name: _____

Signature of Witness #2
Printed Name: _____

**STATE OF FLORIDA
COUNTY OF PINELLAS**

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____ who is personally known to me or has produced _____ as identification.

Notary Public, State of Florida
Printed Name: _____
Commission No. & Exp. Date: _____

WITNESSES:

"CITY"

Signature of Witness #1

Shane Crawford, City Manager

Printed Name: _____

Signature of Witness #2

Printed Name: _____

**STATE OF FLORIDA
COUNTY OF PINELLAS**

The foregoing instrument was acknowledged before me this ____ day of _____,
20__, by _____ who is personally known to me or has produced
_____ as identification.

Notary Public, State of Florida

Printed Name: _____

Commission No. & Exp. Date: _____

**FIRST AMENDMENT TO
FLOOD MITIGATION ASSISTANCE AGREEMENT**

This First Amendment to Flood Mitigation Assistance Agreement ("First Amendment"), effective as of the 18th day of December, 2015, is hereby entered into by and between the **CITY OF MADEIRA BEACH**, a municipal corporation of the State of Florida ("City"), and [REDACTED] of [REDACTED] ("Owner").

RECITALS

WHEREAS, the City and Owner entered into that Flood Mitigation Assistance Agreement ("Agreement") dated as of December 18, 2014; and

WHEREAS, paragraph 6 of the Agreement provides that the term of the Agreement would commence following the execution of the Agreement by the parties and end twelve (12) months from the date of execution of the Project Agreement; and

WHEREAS, paragraph 12 of the Agreement provides that it may be altered, amended, modified or revised by written instrument subsequently executed by the parties of the Agreement; and

WHEREAS, the parties wish to extend the term of the Agreement through January 9, 2017.

NOW, THEREFORE, in consideration of the premises contained herein and the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which are hereby acknowledged, the Owner and City agree as follows:

1. Recitals. The Recitals above are true and correct and are incorporated into this First Amendment as if fully set forth herein.
2. Extension. The term of this Agreement is extended until January 9, 2017.
3. No Other Amendments. Except as expressly amended as set forth herein, no other changes or amendments are made to the Agreement, and the provisions thereof remain in full force and effect.

IN WITNESS WHEREOF, Owner and City have executed this First Amendment.

Witnesses:

OWNER:

Printed Name: _____

Printed Name: _____



STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2016
by _____ who () is
personally known to me or () has provided _____ as
identification.

Notary Public

My Commission Expires:

Witnesses:

CITY:

Printed Name: _____

CITY OF MADEIRA BEACH
a municipal corporation

Printed Name: _____

By: _____
SHANE B. CRAWFORD, City Manager

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2016
by SHANE B. CRAWFORD, City Manager for the CITY OF MADEIRA BEACH, who () is
personally known to me or () has provided _____ as
identification.

Notary Public

My Commission Expires:



MADEIRA BEACH BOARD OF COMMISSIONERS

April 4, 2016 – Agenda Report

FROM: Sea Marshall-Barley, Administrative Support Specialist

SUBJECT: **ORDINANCE 2016-02: AMENDING SECTION 82-2 OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR “RESIDENTIAL PROPERTY”; AND PROVIDING FOR AN EFFECTIVE DATE.**

BACKGROUND: This item was previously presented and discussed at the BOC Workshop held on January 26, 2016.

A few weeks ago the City Manager received a letter from Attorney 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. However, it was discovered that there is no definition of *Residential Property* in Section 82-2 and therefore we must create one. Therefore the City Attorney has recommended 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.

The Board gave their consensus that the ordinance to define residential property in Section 82-2 should be scheduled for a first reading.

This ordinance was approved at its first reading and public hearing on March 16, 2016 at the BOC Regular Meeting.

BUDGETARY IMPACT: N/A

RECOMMENDED BY STAFF: Staff recommends approval of Ordinance 2016-02.

ATTACHMENT(S): Ordinance 2016-02

AGENDA PACKET SUBMISSION TO CITY CLERK

RECEIVED: 04/04/2016

SUBMITTED BY: City Attorney

Agenda Item: H-1.

ORDINANCE 2016-02

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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this
12th day of APRIL, 2016.

APPROVED AS TO FORM:

TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING:	<u>03/16/2016</u>
PUBLISHED:	<u>03/25/2016</u>
PASSED ON SECOND READING:	<u>04/12/2016</u>



MADEIRA BEACH BOARD OF COMMISSIONERS

April 4, 2016 – Agenda Report

FROM: Sea Marshall-Barley, Administrative Support Specialist

SUBJECT: **ORDINANCE 2016-03: “MADEIRA BEACH LEAVE NO TRACE ORDINANCE”**

BACKGROUND: This item was first introduced to the Board in mid-2015 by the Code Enforcement Deputies and the Public Works/Marina Director. On October 13, 2015, the Board gave a consensus to have the City Attorney draft an ordinance for the removal of beach equipment and tents.

This ordinance was approved at its first reading and public hearing on March 16, 2016 at the BOC Regular Meeting. There has also been a minor revision since the first hearing regarding the numbering of the new section begin created. An email explaining this change has been included in the attachments.

BUDGETARY IMPACT: N/A

RECOMMENDED BY STAFF: Staff recommends approval of the second and final reading of Ordinance 2016-03.

ATTACHMENT(S): **Email Explaining Revisions from City Attorney’s Office**

Ordinance 2016-03

AGENDA PACKET SUBMISSION TO CITY CLERK

RECEIVED: 04/04/2016

SUBMITTED BY: City Attorney

Agenda Item: H-2.

Marshall-Barley, Sea

From: Jenna Duncan <Jenna@cityattorneys.legal>
Sent: Wednesday, April 6, 2016 9:08 AM
To: Servedio, Aimee; Marshall-Barley, Sea
Cc: Thomas Trask
Subject: Revised Ordinance 2016-03
Attachments: Ord 2016-03 (Beach Tents-Debris) rev after 1st reading.docx

Good morning Aimee and Sea,

We discovered a numbering issue with Ordinance 2016-03 as drafted and read at first reading. The ordinance created a Section 42-1 (and so-on) as Article III of Ch. 42. There already exists in the code a Section 42-1 under Article I of Ch. 42. The new Article III should begin with Section 42-30. I have revised Ordinance 2016-03 to correct this numbering error. The title and all language in the ordinance remain the same. Please find it attached.

I apologize for any inconvenience this causes, but the ordinance does need to be corrected prior to adoption. Please let me know if you have any questions.

Sincerely,

Jenna Duncan
Legal Assistant to
Thomas J. Trask, B.C.S., Managing Partner



Trask Daigneault, LLP
Harbor Oaks Professional Center
1001 South Fort Harrison Avenue, Suite 201
Clearwater, Florida 33756
Phone: (727) 733-0494, ext. 111
Fax: (727) 733-2991
Email: jenna@cityattorneys.legal

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ORDINANCE 2016-03

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE AN ARTICLE PROHIBITING AND REGULATING THE OVERNIGHT ABANDONMENT OF PERSONAL PROPERTY ON THE PUBLIC BEACHES OF THE CITY AND TO BE COMMONLY REFERRED TO AS "MADEIRA BEACH LEAVE NO TRACE ORDINANCE"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the public beaches of the City of Madeira Beach are used and enjoyed by residents and tourists alike for vacationing, recreation, fishing, walking, water access and other traditional uses; and

WHEREAS, personal property left on the public beaches of the City of Madeira Beach overnight constitutes a nuisance which is contrary to the public's health, safety and welfare and interferes with the public's use, access and enjoyment of the public beaches; and

WHEREAS, the Board of Commissioners has determined that it is necessary to provide for the confiscation of any and all items abandoned overnight within the public areas of the beach to maintain and improve the quality of life for all citizens and visitors of the City.

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

SECTION 1. That Article III of Chapter 42 of the Code of Ordinances of the City of Madeira Beach, Florida is hereby created to read as follows:

ARTICLE III. – BEACH DEBRIS

Sec. 42-30. - Purpose.

The purpose of this Article is to ensure the public beach and beach access areas of the City of Madeira Beach remain free from obstruction of any item of personal property in order to protect public ingress, egress and use, to promote public safety, protect citizens and visitors of City beaches, maintain a safe, welcoming and healthy beach and recreation environment, preserve the natural resource that are the City's public beaches and to protect endangered sea turtles.

Sec. 42-31. - Definitions.

Public beach means all beaches within the City of Madeira Beach. The public beaches are limited to and means that area of unconsolidated material within the City of Madeira Beach that extends landward from the mean low-water line of the United States Gulf of Mexico to the frontal dune, or where there is no frontal dune to the line of permanent vegetation or construction, whichever is more seaward.

Public beach access areas means those public beach access points within the City of Madeira Beach, including boardwalks, walkways and dedicated parking areas and the areas on the public beach beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge.

Camping means the construction or erection of a shelter or similar structure for the purpose of sleeping; or lying upon the beach on a bedroll, blanket or other protective garb for the purpose of sleeping.

Dune means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered by vegetation and is subject to fluctuations in configuration and location. In the absence of a discernable dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

Personal property means all types of personal property used for swimming, sunbathing or beach recreation, including but not limited to tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, beach chairs, hammocks, picnic tables and other furniture, volleyball nets, coolers, clothing, toys, towels, fishing poles or equipment, kayaks, canoes, catamarans, floats, sailboats, surfboards, kites, jet skis, sailboats, water cycles and other watercraft.

Sec. 42-32. - Obstructions on the beach.

- (a) It shall be unlawful for any person to leave an item of personal property unattended on the public beaches or within the public beach access areas between the one (1) hour after sunset and sunrise of the following day, except as otherwise permitted by Section 42-33.
- (b) Any item of personal property left on the public beach or within the public beach access area in violation of this Article shall be deemed discarded by the owner and shall become the property of the City of Madeira Beach.
- (c) In the confiscation of any item under this section, the City's designated agency or officer is hereby authorized and directed to forthwith dispose of the property in accordance with directions of the City Manager.
- (d) Unattended or abandoned items of personal property, and unattended unfilled holes in the public beach are in violation of this article and shall be deemed a public nuisance.

Sec. 42-33. - Exceptions.

From one (1) hour after sunset and sunrise of the following day, items of personal property that are relocated as close to (but not on) the dune or native vegetation, or where there are no dunes or native vegetation as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or in violation of this article, provided:

- (a) Such items shall not be placed on the dune or on native vegetation; and
- (b) Such items shall be stored in a neat and orderly manner; and
- (c) Such items shall not inhibit access to the public beach from the nearest public access area, nor obstruct access on the public beach, nor impact native vegetation, nor significantly affect sea turtles; and
- (d) Private property owners may store items under or adjacent to their private dune walkovers or boardwalks; and
- (e) Items shall not be placed on any public beach access point or within twenty (20) feet of any trash receptacle.

Sec. 42-34. - Digging Holes on the beach.

It shall be required that all holes dug on the beach are to be attended at all times and shall be completely filled and restored to their original level condition prior to leaving the beach the same day it is created.

Sec. 42-35. - Camping.

It shall be unlawful to camp overnight on public beaches in the City of Madeira Beach.

Sec. 42-36. - Notice.

The City of Madeira Beach shall provide notice of this article by posting a permanent sign located at the

entry of every public beach access point.

Sec. 42-37. - Leave no trace informational signs in rental units.

In each rental unit rented by the day or week, or longer period, within the City of Madeira Beach, there shall be posted or placed in a plainly legible fashion, in a conspicuous place in each rental unit for each occupancy, a sign in form and substance approved by the City Manager that explains the “Madeira Beach Leave No Trace Ordinance” prohibiting tents and personal property on the Public Beach at night; and other most notable regulations that include:

- (a) Warning beachgoers that any unattended tents or property left on the Public Beach at night shall be deemed discarded by the owners and become the property of the City of Madeira Beach and may be removed and disposed of by the appropriate authority.
- (b) All holes on the beach are to be filled in the same day they are created.
- (c) Camping, bonfire and glass regulations
- (d) Breach of the Peace, Sound restrictions and Disorderly Conduct

Sec. 42-38. - Enforcement.

- (a) The City of Madeira Beach is authorized to enforce this article and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by law enforcement officials and code enforcement officials through its County Court.
- (b) Violation of any provision of this article shall be subject to the following penalties:
 - i. First violation: \$100.00 fine
 - ii. Second violation: \$200.00 fine
 - iii. Third violation: Fine not to exceed \$500.00 pursuant to Florida Statute 162.22.
- (c) Each violation of this article shall constitute a separate offense. In the initial stages and implementation of this article (implementation period not to exceed July 1, 2016), code enforcement officials may provide violators with no more than one (1) written warning.
- (d) The City shall reserve its rights to such civil remedies in law and equity as may be necessary to ensure compliance with the provisions of this article, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this article and to recover such damages as may be incurred by the implementation of specific corrective actions.

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

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this
12TH day of APRIL, 2016.

APPROVED AS TO FORM:

TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING:	<u>03/16/2016</u>
PUBLISHED:	<u>03/25/2016</u>
PASSED ON SECOND READING:	<u>04/12/2016</u>



MADEIRA BEACH BOARD OF COMMISSIONERS

April 4, 2016 – Agenda Report

FROM: Sea Marshall-Barley, Administrative Support Specialist

SUBJECT: **ORDINANCE 2016-04: “MADEIRA BEACH LEAVE NO TRACE ORDINANCE”**

BACKGROUND: This item was first introduced to the Board in earlier this year by the Vice-Mayor and the Community Policing deputy at the January 26, 2016 BOC Workshop. It was explained that boats are left tied up, even in bad weather, and can cause damage to docks and walls.

The consensus at the meeting was to have the City Attorney draft an ordinance that would add restrictions to docking boats on public property.

This ordinance was approved at its first reading and public hearing at the March 16, 2016 BOC Regular Meeting.

BUDGETARY
IMPACT: N/A

RECOMMENDED Staff recommends approval of the second reading of Ordinance 2016-04.
BY STAFF:

ATTACHMENT(S): **Ordinance 2016-04**

AGENDA PACKET SUBMISSION TO CITY CLERK

RECEIVED: 04/04/2016

SUBMITTED BY: City Attorney

Agenda Item: H-3.

ORDINANCE 2016-04

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES TO CREATE A SECTION PROVIDING FOR UNOBSTRUCTED USE OF PUBLIC DOCKS AND BOAT LAUNCHING RAMPS AND RESTRICTIONS TO THE SECURING OR TYING OF VESSELS TO PUBLIC PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, public docks and boat launching ramps are intended for unobstructed use by residents and visitors alike of the City of Madeira Beach; and

WHEREAS, the tying, securing, docking or anchoring of any boat or vessel to public property without specific authorization to do by the City Manager causes for interference with the public's enjoyment of the public property; and

WHEREAS, City staff has recommended amendments to the City of Madeira Beach Code of Ordinances to provide for docking and unloading regulations; and

WHEREAS, the Board of Commissioners has determined it is necessary to adopt provisions to ensure the unobstructed use of public docks and boat launching ramps and to restrict the securing or tying of vessels to public property.

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

SECTION 1. That Section 78-40 of Article II of Chapter 78 of the Code of Ordinances of the City of Madeira Beach, Florida is hereby created to read as follows:

Sec. 78-40. – 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 subsection (a) upon the issuance of a permit by the city manager, authorizing specific use of the public property for docking or unloading.
- (c) 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.
- (d) 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), (c) and (d) 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 (c) of this section will result in the impounding of the boat or vessel.

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

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this
12th day of APRIL, 2016.

APPROVED AS TO FORM:

TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

PASSED ON FIRST READING:	<u>03/16/2016</u>
PUBLISHED:	<u>03/25/2016</u>
PASSED ON SECOND READING:	<u>04/12/2016</u>



MADEIRA BEACH BOARD OF COMMISSIONERS

Development Agreement – Staff Report

April 4, 2016

<u>FROM:</u>	Luis N. Serna, AICP, Planning & Zoning Consultant
<u>SUBJECT:</u>	Holiday Isle Marina – Development Agreement
<u>BACKGROUND:</u>	<p>The attached Development Agreement has been prepared in concert with and to memorialize the specific provisions and conditions attendant to the approval of Ordinance 2015-18 rezoning the subject property from C-4 (Commercial Marine) to PD (Planned Development).</p> <p>The City's Town Center Special Area Plan, Chapter 2, Development Standards, specifically requires an application for rezoning in this portion of the Causeway district of the Plan that provides for additional density/intensity, to utilize the PD (Planned Development) zoning process and seek approval of a Development Agreement.</p> <p>The specific provisions enabling the City to consider a Development Agreement are set forth in the Comprehensive Plan - Future Land Use Element, Policies 2.1.2, 2.1.3 and 2.1.4; and the details by which the Development Agreement process is to be considered are set forth in the City's Land Development Regulations - Chapter 82, Section 82-2 and Chapter 86, Article IV, Section 86 – 141 through Section 86-149. Additionally, requirements for development agreements are provided in Florida Statutes, Section 163.3227.</p>
<u>SUMMARY DESCRIPTION:</u>	<p>The proposed development agreement under consideration is between the City and the owners of the property on which the Holiday Isles project is proposed. The agreement establishes the rights and responsibilities of the parties to the agreement. Some of the important features in this agreement include the following:</p> <ul style="list-style-type: none">• It is valid for a period of up to 10 years from its effective date, or until all phases of construction are complete.• It is tied to a specific concept plan for the site which is attached as an exhibit to the agreement.• It includes the requirement for future site plan approval of each phase of the project consistent with Chapter 110, Article II of the Land Development Code.

- It details the specific off-site improvements that will need to be completed prior to the issuance of Certificates of Occupancy for the project.
- It specifies that permitting and design costs for the required off-site improvements will be paid by the developer.
- It specifies that the City will dedicate the transportation impact fees collected from this project for the design and construction of these improvements. Any costs that are not covered by the City's contribution will be paid by the developer.
- It allows for reductions in height, density, or intensity by up to 40 percent. Any increases height, density, or intensity, or any reductions greater than 40 percent require approval by the Board of Commissioners.

**PLANNING
COMMISSION
RECOMMENDATION:**

The Planning Commission considered the Development Agreement in conjunction with its review of the rezoning request to PD and accompanying Concept Plan at public hearing on February 8, 2016.

The Planning Commission recommended approval of the rezoning request, and to enter into the Development Agreement at that hearing by a vote of 7 - 0.

Subsequent to the February 8 Planning Commission hearing, based on public comment at the initial public hearing by the Board of Commissioners on March 16, and at the initiative of both the staff and applicant, several changes have been made to the attached proposed Development Agreement before the Commission at public hearing on April 12, 2016.

Most are minor editing changes. The principal substantive changes include the following:

- The final summary Site Data Table - Revised January 28, 2016.
- Specific provision regarding the requirement for site plan approval for each phase of the project consistent with Chapter 110, Article II of the Land Development Code.
- Clarification of the developer's responsibility to provide proof of the availability of adequate public water, sanitary sewer, and reclaimed water service.
- Clarification of the requirements to be met prior to Certificate(s) of Occupancy.
- Revision and clarification of the time within which construction must be initiated - 3 years from effective date of the Development Agreement.
- Provision for a restrictive covenant requiring evacuation of any temporary lodging use upon the posting of a hurricane watch.

- Clarification of the provision requiring the developer to be responsible for all off-site roadway and utility improvements.
- Update of the estimate of impact fees based on the final Concept Plan.

In order to provide a complete record of all changes, including those minor editorial revisions that have been incorporated in the final draft, an underline/strike-through copy of all changes is attached for the Commission's information.

**BUDGETARY
IMPACT:**

N/A

**STAFF
RECOMMENDATION:**

Staff recommends the Board of Commissioners approve and authorize execution of the attached final Development Agreement for Holiday Isle Marina in support of and as a condition to approval of Ordinance 2015-18.

ATTACHMENT(S):

Proposed Development Agreement

**DEVELOPMENT AGREEMENT
(HOLIDAY ISLE MARINA)**

THIS AGREEMENT (the "**Agreement**") made and entered into this ___day of April, 2016 by and between the **CITY OF MADEIRA BEACH**, a municipal corporation of the State of Florida hereinafter referred to as "**City**" and **C&T Enterprises, Inc., a Florida corporation and MHH Enterprises Inc., a Florida corporation**, hereinafter referred to as "**Owner**".

RECITALS

1. Owner (sometimes, Owner is referred to herein as "Developer") is the current fee simple owner and developer of that certain tract of land located within the City of Madeira Beach, Pinellas County, Florida, hereinafter referred to as the "Property" and more particularly described in Exhibit "A" attached hereto and made a part hereof.

2. Owner desires to develop the Property consistent with the concept plan attached hereto as Exhibit "B" ("Concept Plan");

3. The Property is approximately 4.58 acres in size and has PR-MU land use designations and a zoning of C-4 and is located in the Madeira Beach Town Center Special Area Plan – Causeway District;

4. The Owner is requesting the City to amend the zoning designation so that the Property has a land use of PR-MU and a zoning of Planned Development (PD) to facilitate development of the Concept Plan; as provided for in the City's Town Center Special Area Plan;

5. The Concept Plan shows a development of hotel(s), condominium, restaurant and marina uses with ancillary uses ("Project");

6. The development rights of the Project are subject to the conditions of the development rights approval as set forth below.

7. The City has determined that the Concept Plan is consistent with the City's Comprehensive Plan, the Town Center Plan and Land Development Regulations as provided for herein.

8. The following development rights are hereby approved pursuant to this Agreement on the Property and as more particularly shown on the Concept Plan attached hereto and made part hereof:

Holiday Isle Site Data Table Revised 28 January 2016

SITE AREA: 199,850 SF 4.59 ACRES

TABULATION TABLE

		UNITS/COUNTS		BUILDING	SETBACK	PARKING		FAR/BUILDING AREA-SF		ISR	
		PROPOSED	PERMITTED	HEIGHT PROPOSED ABOVE BFE (12'-0")	TO SEAWALL/ PROPERTY LINE/ BLDG.	PROPOSED	REQUIRED	PROPOSED	PERMITTED	PROP.	REQ.
TEMPORARY LODGING	 BUILDING A LIMITED SERVICE HOTEL	150 UNITS		90 FT 7 STORIES OVER 1 PARKING	82' SW to Bldg. 15' NW to P.Line 15' NE to P.Line 82' SE to Bldg.	150	150	99,205 SF			
	 BUILDING F CONDO-HOTEL	122 UNITS		77 FT 5 STORIES OVER 3 PARKING	0' SW to P.Line 105' NW to P.Line 82' NE to Bldg. 55' SE to Bldg.	122	122	71,882 SF			
	SUB-TOTAL	272 UNITS 99 UNITS/ACRE	573 UNITS 125 UNITS/ACRE			272 1/UNIT	272 1/UNIT	171,087 SF			
RESIDENTIAL	 BUILDING C	22 UNITS		73 FT 7 STORIES OVER 1 PARKING		44	44	154,800 SF			
	 BUILDING D	24 UNITS		93 FT 9 STORIES OVER 1 PARKING	15' SW to P.Line 55' NW to Bldg. 17' NE to P.Line 14' SE to P.Line	48	48				
	 BUILDING E	22 UNITS		73 FT 7 STORIES OVER 1 PARKING		44	44				
	SUB-TOTAL	68 UNITS 15 UNITS/ACRE	68 UNITS 15 UNITS/ACRE			136 2/UNIT	136 2/UNIT	154,800 SF			
COMMERCIAL	 BUILDING B RESTAURANT	1 200 seats	NOT SPECIFIED	34 FT 2 STORIES OVER 1 PARKING	168' SW to Bldg. 82' NW to Bldg. 15' NE to P.Line 55' SE to Bldg.	50 1 PER 4 SEATS	50 1 PER 4 SEATS	17,000 SF			
	DOCKMASTER	1				2	2	1,000 SF			
	SUB-TOTAL					52	52	18,000 SF			
BOAT SLIPS	EXISTING COVERED DOCKS	23 EXISTING	EXISTING BLDG.	20 FT		0	0				
	EXISTING OPEN SLIPS	34 EXISTING				0	0				
	PROPOSED SLIPS ASSIGNED TO CONDOS	11				0	0				
	TOTAL SLIPS ASSIGNED TO CONDOS	68				ADDITIONAL PARKING NOT REQUIRED					
	ADDITIONAL BOAT SLIPS	96				48	48				
SUB-TOTAL	164				48	48					
PARKING	SUB-TOTAL (FROM HOTELS & CONDOS)					460	460				
	BOAT SLIPS				16' SW to Bldg. 15' NW to Bldg. 16' NE to P.Line 24' SE to Seawall 14' SE to P.Line	48	48				
	PARKING CREDITS NON ASSIGNED		BICYCLE RACK			-3	-3				
	ADDITIONAL PARKING					20					
	TOTAL PARKING					525	505	204,547 SF			
Upland parking spaces will be provided for the additional boat slips and will meet the City of Madeira's Code prior to construction.											
OVERALL SITE AREA TOTALS								548,434 SF	799,400 SF	135,850 SF	169,872SF
* Note: Per City code, FAR excludes the garage parking areas. Building Area Counted = 343,887 SF								1.72	4.00	67.98%	85.00%

9. The development rights set forth in this Agreement approval are subject to the following conditions:

- a) Approval of the related development agreement pertaining to the site development of the subject property as described and depicted in the Concept Plan attached as Exhibit "B".
- b) Final approval of the City's consulting engineer of the civil and utility site plan and construction plans for each phase of the development consistent with the Land Development Regulations, Ch. 110, Art. II requirements for Site Plan Approval.

- c) Where necessary to accommodate proposed development, the applicant shall be responsible for the removal and/or relocation of any and all existing public utilities located on the subject site, including the granting of easements located outside the building footprint as may be required. This is regardless of whether the public utilities are known at the time of site plan approval or discovered subsequent to such approval. Any required relocation will be subject to approval from the City's Public Works Department.
- d) All construction associated with this project shall be subject to the current requirements of the Florida Building Code, Madeira Beach's land development regulations, the Florida Fire Prevention Code, all other technical codes adopted by the City of Madeira Beach, and FEMA.
- e) All on-site construction activities related to erosion control shall be applied as required by the Florida Building Code and the Madeira Beach Code of Ordinances.
- f) Proof of SWFWMD Environmental Resource permit approval or exemption of the drainage requirements is required prior to the initial Certificate of Occupancy being issued.
- g) Proof of FDOT Access/Driveway permit approval for the ingress and egress to 150th Avenue (Tom Stuart Causeway – S.R. 666) is required prior to the initial Certificate of Occupancy being issued.
- h) Proof of FDOT Drainage Connection permits required prior to the initial Certificate of Occupancy being issued.
- i) Proof of availability of potable water, sanitary sewer and reclaimed water service from Pinellas County.
- j) Final approval of the City's Public Works Department of the plans for solid waste collection prior to building permits being issued.
- k) Final approval of the Fire Chief of the site plan as it relates to the National Fire Protection Association code issues prior to building permits being issued.
- l) Final approval of the Community Services Department for the site's compliance with this Agreement, prior to each Certificate of Occupancy being issued.
- m) Receipt of the appropriate FDOT permits, after diligent efforts by both the Developer and City, for the construction of the Off-site Roadway Improvements and utility extensions as defined hereafter.
- n) Final approval of the parking count which shall be dependent upon the mix of uses, including parking associated with the proposed boat slips.

- o) Final approval of a phasing plan by the Community Development Department which shall show that each phase shall meet the minimum parking requirements, ISR and FAR as provided for by code.
- p) The Developer may adjust the number of boat slips from that which is shown on the Concept Plan so long as proper permits are secured from the County and State, as applicable, and parking is provided pursuant to the Land Development Regulations.
- q) Developer shall be responsible for the construction of the Offsite Roadway Improvements, including the proposed walkway under the Bridge, prior to Certificate of Occupancy of the first phase.
- r) The Developer may subdivide the Property, as it deems appropriate, consistent with the following:
 - i) The proposed Project is contemplated to include multiple components including, without limitation, hotel, residential, condominium, condominium hotel, timeshare, retail, restaurant, marina, parking, and associated and ancillary uses. The Property currently consists of three (3) separate lots of record plus leased submerged land. In order to facilitate the overall development of the Property, Developer may find it appropriate to pursue lot line adjustments without replatting pursuant to Section 86-26, City of Madeira Beach Land Development Regulations. Similarly, Developer may find it appropriate to pursue the division of single lots of record into two separate lots, either in connection with or separate from, Developer's lot line adjustment applications. The sale of one or more lots of record to third parties is expressly permitted under this Agreement; provided, however, for so long as this Agreement remains in effect, the Property may only be developed in accordance with this Development Agreement.
 - ii) In connection with the development of the Project, and to facilitate the orderly development of the Property by one or more separate owners, Developer may find it appropriate to utilize one or more property regimes to implement the development plans, to provide for ownership of the project components, and to provide for the continued cooperative operation and maintenance of the Project. It is presently anticipated that the Project will be developed utilizing a master set of covenants, conditions, easements, and restrictions applicable to the entirety of the Property, with a separate declaration of condominium utilized for the creation of each of the separate components intended to be declared to condominium ownership; provided, however, nothing in this Agreement shall preclude Developer from utilizing a master condominium, land condominium, homeowners association, or other structures to create and provide for the ownership, operation, and maintenance of the overall Project and the separate Project components.

FOR AND IN CONSIDERATION of the mutual promises made and agreed to be kept hereunder and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the approval of certain uses by the City and conditioned on the performance in all respects of this Agreement by each of the parties, it is hereby agreed between the parties as follows:

THE AGREEMENT BETWEEN THE PARTIES

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference. All exhibits to this Agreement are incorporated by reference and deemed to be part hereof.

2. Authority. This Agreement is authorized by Section 163.3220, et seq. F.S. (2014) and Sections 86-141 through 86-149 of the Land Development Regulations of the City of Madeira Beach.

3. Effective Date. This Agreement shall be effective as of the day after it is fully executed and recorded in the Pinellas County public records ("Effective Date"). In the event that there is an appeal or legal proceeding challenging this Agreement or challenging the other matters affecting the purpose, intent, or the rights of the Developer or the City to develop the Property as contemplated hereby, the Effective Date of this Agreement shall be extended and shall commence upon the conclusion of such litigation, including appeals and upon all rights of appeal having expired. In the event that a Court decision materially changes any aspect of this Agreement or has made the performance of a portion of this Agreement impossible or unacceptable to one of the parties, either party may choose to terminate this Agreement upon thirty (30) days written notice to the other party and the parties shall assist each other in returning each party to the positions and legal status that it enjoyed immediately prior to the date of the entry into this Agreement; or, alternatively, the parties shall work together to restore the material benefit if such is reasonably possible.

In the event that this Agreement is subject to termination pursuant to the provisions hereof, either party may record an affidavit signed by all parties hereto or their respective successors and assigns in the Public Records of Pinellas County, Florida reflecting that such termination has occurred and that this Agreement is thereby terminated and by such affidavit, notice that the termination provisions of this Agreement pursuant to this paragraph have occurred. The party recording such affidavit shall send a copy of the recorded affidavit to the other party and this Agreement shall be terminated and shall be deemed void and of no further force and effect. In the event that the Developer's fee simple title is encumbered by any mortgages, liens or other rights of third persons which are not subordinated to the terms, conditions, covenants and restrictions set forth in this Agreement, said third party encumbrances shall be of no force and effect as to the provisions of this Agreement.

This Agreement shall be superior to any mortgages, liens or other rights of third Persons. Any mortgages or liens or encumbrances on the Property created contemporaneously or after the effective date of this Agreement shall be subject to and subordinate to the terms of this Agreement.

In the event that this Agreement is not executed by the Developer on or before 5:00p.m. on the 30th day of May, 2016, this Agreement shall be null and void and of no further force and effect and any development permissions granted pursuant hereto shall no longer be valid.

4. Duration of Agreement. This Agreement shall terminate upon the earlier of the following dates: (i) the date on which all phases of construction of the Project is complete and issuance of a valid Certificate of Occupancy for the Project; or (ii) ten (10) years from the Effective Date. So long as there is active construction activity on the Property consistent with this Agreement, the Agreement shall be deemed effective. This time period may be extended by mutual agreement of the parties. The recordation of a valid Certificate of Occupancy by any party hereto or their successor in interest shall be conclusive evidence of the termination of this Agreement.

Notwithstanding anything in Code, Sec. 110-397 to the contrary, the parties agree that the Owner shall have three (3) years to commence construction from the effective date hereof. The Owner shall initiate the application process for the Offsite Roadway Improvements no later than one year from the Effective Date hereof.

5. Third Party Rights. The parties represent, to their respective best knowledge, that nothing herein is barred or prohibited by any other contractual agreement to which it is a party, or by any Statute or rule of any governmental agency, or any third party's rights or by the rights of contract vendees, lien holders, mortgage holders or any other party with a direct or contingent interest in the Property, whether legal or equitable.

Any lienholder or mortgagee shall have the right to perform any term, covenant or condition and to remedy any default hereunder, and City shall accept such performance with the same force and effect as if furnished by Developer.

6. Law and Ordinance Compliance. The ordinances, policies and procedures of the City concerning development of the Property that are in existence as of the approval of this Agreement shall govern the development of the Project, and the same shall be in compliance with the applicable regulations of County, State and Federal agencies. No subsequently adopted ordinances, policies, or procedures shall apply to the Project except in accordance with the provisions of Section 163.3233(2), Florida Statutes (2014). Notwithstanding the foregoing, the City shall have the absolute discretion to amend and/or adopt life safety codes such as but not limited to fire codes, that may conflict with the provisions herein or may impose additional burdens on the Developer as is otherwise authorized by State Statutes or the regulations of governmental administrative agencies, provided that such life safety codes retroactively apply to all development similar to the Project in the City. The parties agree that such codes may be adopted without any special notice to the Developer and that the

Developer shall not be entitled to any special hearing relative to the adoption of such codes. Failure of this Agreement to address a particular permit, condition, term, restriction, or to require a development permission shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions in any matter or thing required under existing Ordinances of the City or regulations of any other governmental agency, or any other entity having legal authority over the Property. Except as provided in this Agreement, all applicable impact fees, development review fees, building permit fees and all other fees of any type or kind shall be paid by Developer in accordance with their terms and in such amount applicable as they become due and payable.

7. No Estoppel. The parties agree that prior to the approval of this Agreement by the City Commission, the City's interest in entering into this Agreement, the studies, surveys, environmental studies, consultant plans or investigations, the expenditure of substantial funds, the staff approval or recommendation relative to the proposed development and any other act in furtherance of this Agreement, shall not be used by the Developer or its successors in title in any way whatsoever as committing the City legally through a theory of equitable estoppel, action in reliance, or any other legal theory as to the approval of such proposed development in the event that this Agreement is not approved by the City Commission or for any other reason does not take effect in all material respects. The parties further agree that any and all action by the Developer or its representatives in negotiation of this Agreement, including all acts or expenditures in the implementation of this Agreement or submittals to other governmental bodies shall in no way be deemed to be an action in reliance giving rise to an equitable estoppel.

8. No Partnership or Joint Venture. The City and Owner agree that the matters contained in this Agreement shall under no circumstances constitute a joint venture, partnership or agency between them. No third party shall be deemed to have any beneficial interest in this Agreement or any expectation of benefit or property rights or any other rights of any kind arising from this Agreement.

9. Concept Plan. In order to avoid any adverse impacts from the development of the Property on the abutting property owners and on the residents of the City of Madeira Beach, the parties agree that the Property will be developed in substantial conformance with the Concept Plan as such Concept Plan may be modified by the requirements of other state and county governmental agencies having jurisdiction over the development of the Property. The appearance and use of the Property after development are the reasons that the City Commission exercised its legislative authority and entered into this Agreement. Except as may be authorized by the parties hereto, any material deviation from the commitments made by the parties herein shall be considered material defaults in this Agreement unless otherwise approved by the City or contemplated herein. The City of Madeira Beach shall not consent to any modification unless it deems that such is in the best interest of the public and in its discretion in reaching such decision it shall be deemed to be acting in a legislative capacity and within its sole and absolute discretion taking into account the public health, safety and welfare. The following specific requirements shall also be met:

i) The Property shall be developed and landscaped in substantial accordance with the Concept Plan. The landscaping within the Property shall be maintained by the Developer. The purpose of landscaping and the continued development and care of the landscaping on the Property is, in part, for the benefit of the abutting property owners and to screen light, noise and other possible negative aspects of the development. Such landscaping shall be provided prior to a certificate of occupancy being issued and will be maintained in good and healthy conditions at all times by the Developer.

ii) There shall not be any material deviation from the provisions of the Concept Plan except as provided for herein unless such is approved by the City Commission of the City of Madeira Beach at a public hearing conducted for such purpose and this Agreement is modified in writing by the parties thereto for the purpose of agreeing to such deviation.

iii) Ingress and egress to the Property shall be substantially as shown on the Concept Plan unless, a modification is approved by FDOT and the City. Off-site Roadway Improvements shown on attached Exhibit C are made apart hereof.

iv) Building heights, architectural style and location will be as shown on the Concept Plan. The architectural style reflected as an attachment to or being part of the Concept Plan shall be complied with in all material respects during the development of the Project. Notwithstanding anything herein to the contrary, the Developer may reduce the height of any building(s) up to 40% without an amendment of this Agreement, as provided for herein.

v) This Agreement and the Concept Plan attached hereto specify certain minimum setbacks, building heights, and similar dimensional requirements and agreements. No substantial changes may be made in these agreed upon dimensional requirements or in any matter that is reflected on the Concept Plan or addressed specifically in this Agreement unless otherwise provided for herein except by an amendment to this Agreement which revised amendment is legislatively considered by the City Commission and agreed to by the City Commission, set forth in writing as an amendment to this Agreement and executed by the parties hereto or their successors or assigns. The Developer, and its successors and assigns specifically waive and relinquish any right to change the terms of this Agreement through any administrative or legal process, including a decision by a court of competent jurisdiction, unless agreed to by the parties. Notwithstanding the foregoing, minor modifications to the dimensional requirements, increases in the number of permitted boat slips, and, reduction's in height, density or intensity that do not exceed 40% of the permitted dimensional requirements are not contrary to the purpose and intent of this agreement may be included in the final site plan process without an amendment hereto so long as the minimum parking requirement is maintained pursuant to the Land Development Regulations.

vi) Marina and boat slips shown on the Concept Plan may be modified as required by the state and federal permitting agencies without amendment hereto so long as the minimum parking requirement pursuant to the Land Development Regulations is met prior to construction thereof.

vii) Phasing Plan. This Project may be constructed in phases. Each phase shall be approved by the City pursuant to Art. II of Chapter 110 of the Land Development Regulations and include sufficient parking for each phase. The Off-Site Roadway Improvements shall be constructed in conjunction with the first phase.

viii) Prior to the issuance of a Certificate of Occupancy for any building that includes a Temporary Lodging Use, the Owner shall record in the public records of Pinellas County a restrictive covenant requiring evacuation and closure as soon as possible after a hurricane watch that includes Madeira Beach is posted by the National Hurricane Center.

ix) The residential units constructed as part of the planned development shall not be limited or restricted by this Agreement with respect to short-term or transient rentals.

10. Public Infrastructure. The Developer or its successor in title, as appropriate, at its sole cost, shall design, construct and maintain, until acceptance by the City and conveyance by recordable instrument or bill of sale, as appropriate, to the City, all public infrastructure facilities and lands necessary to serve the Project which are shown on the Concept Plan, provided that said public infrastructure facilities have received construction plan approval and that all applicable review procedures have been complied with fully, inspected and accepted by the City. Public infrastructure facilities shall include those facilities to be located in rights-of-way or easement areas conveyed to the City, as shown on the approved engineering construction drawings.

Public infrastructure facilities shall be complete, and approved for acceptance by the City prior to the issuance of any certificate of occupancy on the Property, or the Developer shall provide the appropriate letter of credit in a form satisfactory to the City Attorney, drawable on or through a local Pinellas County bank. Said letter of credit shall be deposited with the City to guarantee the completion of public infrastructure facilities prior to the time that certificates of occupancy are issued on the Property and public access and facilities to serve the proposed structures are available in accordance with City regulations.

Permits for the Off-site Roadway Improvements, as defined below, shall be obtained by the City with diligent effort; however, any permitting and design costs associated with those improvements shall be the sole cost of the Developer.

11. Permits. Development permits, which may need to be approved and issued, include, but are not limited to the following:

- a) City of Madeira Beach building permits.
- b) Southwest Florida Water Management District.
- c) City of Madeira Beach Engineering construction permit.
- d) Pinellas County.
- e) Florida Department of Transportation.
- f) Florida Department of Environmental Protection.
- g) U.S. Army Corp of Engineers
- h) All other approvals or permits as required by existing governmental regulations as they now exist.

Except as set forth in this Agreement, all development permits required to be obtained by the Developer for the Project will be obtained at the sole cost of the Developer and in the event that any required development permissions issued by entities other than the City are not received, no further development of the Property shall be allowed until such time as the City and the Developer have reviewed the matter and determined whether to modify or terminate this Agreement.

12. Impact fees. The City has estimated the impact fees that the Developer shall pay to the City as follows, subject to credits issued for prior development of property as stated below. Nothing herein shall bind the parties to these amounts but rather this shall be used as an estimate only.

272 hotel/condo-hotel units = \$872,576.00
18,000 sq. ft. restaurant and retail = \$147,690.00
68 multifamily residential units = \$84,864.00
107 additional boat slips to marina = \$87,098.00
Rough estimate of total impact fees = \$1,192,228.00

In consideration for the mutual benefits provided by the design and construction of the improvements to 150th Street as shown on the Concept Plan and the new proposed access road and pedestrian boardwalk as shown subject to FDOT approval and final engineering (“Off-site Roadway Improvements”), the City shall dedicate **100%** from its share of the Project’s total collected Transportation Impact Fees for the design and construction of the Off-site Roadway Improvements (“City’s Contribution”) less any amounts provided for herein. In the event the Off-site Roadway Improvements are not paid in full by the City’s share, the City will seek additional funding from alternative sources of funding and shall diligently work to secure the additional funding from Pinellas County’s share of the transportation impact fee, or some other source. The Developer shall be responsible for all costs associated with the engineering, permitting and construction of the Off-Site Roadway Improvements that exceed the City’s Contribution.

The City may otherwise utilize the Transportation Impact Fee in conjunction with this project to pay for a traffic circulation and mobility study for the Town Center Special Area Plan area.

13. Recycling. The Developer and its successors-in-title will cooperate with City to encourage and promote recycling activities within the Project and such commitment will be reflected in a covenant running with the Project lands.

14. Annual Review. The City of Madeira Beach the City shall review the Project once every twelve (12) calendar months from the Effective Date.

15. Recordation. Not later than fourteen (14) days after the execution of this Agreement, the City shall record this Agreement with the Clerk of the Circuit Court in Pinellas County, Florida, and a copy of the recorded Agreement shall be submitted to the Florida Department of Economic Opportunity within fourteen (14) days after the Agreement is recorded. The burdens of this Agreement shall be binding upon, and the benefits of the Agreement shall inure to, all successors and assigns in interest to the parties to this Agreement.

16. Agreement as Covenant. This Agreement shall constitute a covenant running with the Property for the duration hereof and shall be binding upon the Developer and upon all persons deriving title by, through or under said Developer and upon its successors and assigns in title. The agreements contained herein shall benefit and limit all present and future owners of the Property, and the City for the term hereof.

17. Legislative Act. This Agreement is agreed to be an legislative act of the City in furtherance of its powers to regulate land use and development within its boundaries and, as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the Property and this Agreement and the obligations and responsibilities arising hereunder as to the Developer shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of this Agreement. The execution of this Agreement or the consent to this Agreement by any existing mortgage holder, lien holder or other persons having an encumbrance on the Property shall be deemed to be in agreement with the matters set forth in this paragraph.

18. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties and no modification hereof shall be made except by written agreement executed with the same formality as this Agreement. The parties agree that there are no outstanding agreements of any kind other than are reflected herein and, except as is otherwise specifically provided herein, for the term of the Agreement the Property shall be subject to the laws, ordinances and regulations of the City of Madeira Beach as they exist as of the date of this Agreement. Any reference in this Agreement to "Developer" contemplates and includes the fee simple title owners of record of the Property their heirs, assigns or successors in title and interest. Any oral agreements,

agreements created by written correspondence or any other matter previously discussed or agreed upon between the parties are merged herein.

19. Enforcement. The parties agree that either party may seek legal and equitable remedies for the enforcement of this Agreement, provided however that neither the City nor the Developer may seek or be entitled to any monetary damages from each other as a result of any breach or default of this Agreement. In any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its costs and attorneys fees at mediation, trial and through any appellate proceedings.

Except as provided above, the parties agree that any legislative and quasi-judicial decisions, if any are required, by the City regarding the appropriate land use or other development regulations impacting the Property shall, in no event or under any conditions, give rise to a claim for monetary damages or attorney fees against the City and any claim for such damages or fees by the Developer or its successors or assigns are specifically waived.

20. Execution. The Developer represents and warrants that this Agreement has been executed by all persons having equitable title in the subject Property. The City represents that the officials executing this Agreement on behalf of the City have the legal authority to do so, that this Agreement has been approved in accordance with the ordinances and Charter of the City and applicable State law, that appropriate approval of this Agreement has been received in a public hearing and that the City Commission of the City of Madeira Beach has authorized the execution of this Agreement by the appropriate City officials.

21. Severability. In the event that any of the covenants, agreements, terms, or provisions contained in this Agreement shall be found invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the validity of the remaining covenants, agreements, terms, or provisions contained herein shall be in no way affected, prejudiced, or disturbed thereby.

22. Estoppel Certificates. Within twenty (20) days after request in writing by either party or any lender, the other party will furnish a written statement in form and substance reasonably acceptable to the requesting party, duly acknowledging the fact that (a) this Development Agreement is in full force and effect, (b) there are no uncured defaults hereunder by City or Developer, if that be the case, and (c) additional information concerning such other matters as reasonably requested. In the event that either party shall fail to deliver such estoppel certificate within such twenty (20) day period, the requesting party shall forward such request directly to the City Manager and the City Attorney or to the Developer with copies to the Developer's general counsel by certified mail, return receipt requested or by Federal Express or other delivery service in which delivery must be signed for. In the case where the Developer is the requesting party, the Developer may in its sole discretion but without obligation, appear at a public meeting and request the estoppel certificate to insure that the City Manager and staff are aware of the request and the Developer may rely on the statement of the City Manager at such

public meeting or may request that the City Manager be directed by the City Commission to respond to the estoppel certificate request in a timely manner.

23. Venue. Venue for the enforcement of this Agreement shall be exclusively in Pinellas County, Florida.

24. Default. Upon default or breach of any substantive portion of this Agreement by any party, the non-defaulting party shall provide written notice via overnight, traceable delivery service of the default and opportunity to cure within sixty (60) days to the defaulting party. Upon the failure of the Developer to cure such defaults, the City shall provide notice via overnight traceable delivery service to Developer of its intent to terminate this Agreement on a date not less than sixty (60) days from the date of such notice and upon the expiration of such period, the City, unless ordered otherwise by a court of competent jurisdiction, may revoke the then existing development permits issued by it and the Developer shall have no claim for damages against the City arising from such revocation. Alternatively, the City may proceed in court to obtain any legal or equitable remedies available to it to enforce the terms of this Agreement. In the event of any default or breach of any substantive portion of this Agreement by the City, the Developer may: (i) give written notice via overnight traceable delivery service to the City of said default with an opportunity to cure within sixty (60) days of receipt of such notice. In the event City fails to cure within said time period, the Developer may thereafter proceed in a court of competent jurisdiction to institute proceedings for specific performance or to obtain any other legal or equitable remedy to cure the default of this Agreement by the City. In any litigation arising hereunder, the prevailing party shall be entitled to recover its costs and attorneys fees at mediation, trial and through any appellate proceedings.

25. Notices. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid or by Federal Express, Air Borne Express or similar overnight delivery services, addressed as follows:

To the Developer:
MHH Enterprises
9800 4th Street North, Suite 200
St. Petersburg, FL 33702
ATTN: Jim Holton

To the City:
Shane Crawford, City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 34698

With copies to:
E.D. Armstrong III
Hill Ward Henderson
600 Cleveland Street, Suite 800
Clearwater, FL 33755

With copies to:
Thomas J. Trask, Esq.
Trask Daigneault, LLP
1001 S. Ft. Harrison Ave., Ste 201
Clearwater, FL 33756

Notice shall be deemed to have given upon receipt or refusal.

26. Binding Effect. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors and assigns in interest to the parties of this Agreement.

27. Third Party Beneficiaries. There are no third party beneficiaries to this Agreement.

Signature page to follow

SIGNATURE PAGE TO DEVELOPMENT AGREEMENT

IN WITNESS WHEREOF, the parties hereto have set their hands and their respective seals affixed as of this ____ day of _____, 2016.

In the Presence of: C & T Enterprises, Inc., a Florida corporation

Print Name _____ By: _____

Its: _____

Print Name _____

MHH Enterprises, Inc., a Florida corporation

Print Name _____ By: _____

Its: _____

Print Name _____

City of Madeira Beach

By: _____
Shane Crawford
City Manager

Attest:

Aimee Servedio, City Clerk

Countersigned:

Approved as to Form:

Thomas J. Trask, Esq.
City Attorney

Travis Palladeno, Mayor

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by _____ as _____ of C & T Enterprises, Inc., a Florida corporation, on behalf of the Corporation, who is [] personally known to me or who has [] produced _____ as identification.

Notary Public
Print Name: _____
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by _____ as _____ of MHH Enterprises, Inc., a Florida corporation, on behalf of the Corporation, who is [] personally known to me or who has [] produced _____ as identification.

Notary Public
Print Name: _____
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by Travis Palladeno, as Mayor of the City of Madeira Beach, Florida, who is [] personally known to me or who has [] produced _____ as identification.

Notary Public
Print Name: _____
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by Shane Crawford as City Manager of the City of Madeira Beach, who is [] personally known to me or who has [] produced _____ as identification.

Notary Public

Print Name: _____

My Commission Expires: _____



MADEIRA BEACH BOARD OF COMMISSIONERS

April 4, 2016 – Agenda Report

FROM: Luis N. Serna, AICP – Planning and Zoning Consultant

SUBJECT: **ORDINANCE 2015-18: REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150TH AVENUE and 565 150TH AVENUE, FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

BACKGROUND:

<u>Property Owner:</u> C&T Enterprises, Inc. 900 4th Street North Suite 200 St. Petersburg, FL 33702	<u>Applicant:</u> C&T Enterprises, Inc. 900 4th Street North Suite 200 St. Petersburg, FL 33702
MHH Enterprises, Inc. 150 153rd Avenue Suite 203 Madeira Beach, FL 33708	MHH Enterprises, Inc. 150 153rd Avenue Suite 203 Madeira Beach, FL 33708
<u>Property Address:</u> 555 and 565 150 th Avenue	<u>Parcel ID Numbers:</u> 09-31-15-00000-110-0100 09-31-15-00000-140-0100 09-31-15-00000-140-0120 09-31-15-00000-140-0110* 09-31-15-00000-140-0200*
<u>Site Area:</u> 4.59 acres	<i>*Submerged land lease; not being rezoned</i>

Current Designation
Land Use Plan – Planned Redevelopment – Mixed Use (PR-MU)
Zoning – Marine Commercial (C-4)

Present Use: Boat storage with 38 boat slips (including 23 covered slips), marine related commercial uses, and vacant land.

Planning Commission Recommendation: The request to rezone the Holiday Isle Marina property, located at 555 and 565 150th Avenue, from C-4, Marine Commercial to PD, Planned Development, and the corresponding Concept Plan were reviewed at public hearings by the Planning Commission on January 11, 2016 and February 8, 2016.

After hearing from the applicant and the public at the January 11th hearing, the matter was continued by the Planning Commission to February 8th. Subsequent to the January 11th hearing and based on input at the hearing, the applicant submitted a revised application on January 28th that changed the original proposal to reduce the number of hotel units from 175 to 150, the number of condo-hotel units from 150 to 122 and reduced building heights as follows:

- Hotel – From 117 to 90 feet
- Condo-Hotel – From 104 to 77 feet

The revised application was accompanied by a revised traffic analysis submitted on February 4th that accounted for the reduced project density; and a proposed Development Agreement designed to memorialize the conditions applicable to the rezoning and Concept Plan.

At the February 8th hearing, the Planning Commission voted (7-0) to recommend approval of the requested rezoning from C-4 to PD based on the revised accompanying Concept Plan, and subject to the provisions contained in the Development Agreement, to the Board of Commissioners.

Subsequent to the Planning Commission hearings and recommendation, based on public input, applicant initiatives, and further staff review at and following the initial Board of Commissioner's hearing on March 16, 2016, the following changes/revisions have been made to the application for rezoning and the accompanying Concept Plan:

- Revisions to the owners' addresses (Sheet A003).
- Minor changes to the proposed southern entrance. Two exit lanes and one entrance lane are identified (Sheet A001).
- Clarification of the off-site roadway improvements (Sheet A700) – Exhibit C

**BUDGETARY
IMPACT:**

N/A

REVIEW CRITERIA:

The proposed PD development is located within the Planned Redevelopment - Mixed Use (PR-MU) Future Land Use Plan category which is implemented through the Madeira Beach Town Center Special Area Plan (SAP). According to the SAP, all proposed development and redevelopment in the SAP should be reviewed using the Planned Development (PD) process to ensure that the proposed uses and designs are consistent with the Town Center SAP.

Land proposed for development under the PD district may contain a mixture of temporary lodging, residential, commercial, recreational, and other uses as permitted by the Future Land Use Map designation on the site. The PD rezoning process further requires the submittal and approval of a concept plan and, in this instance, a development agreement to ensure compliance with the proposed development standards. Future development on the site will be subject to staff level review and will require detailed site plans for each

phase pursuant to Chapter 110 Article II of the Land Development Regulations, which will be reviewed for consistency with the accompanying PD Concept Plan and the corresponding Development Agreement.

Within the Town Center SAP, the proposed PD zoning district and project is located within the Causeway District. Development in this district requires inter-parcel vehicular access and allows for the utilization of shared parking. Additional standards for the SAP and the Causeway District address building setbacks, outdoor dining and display, parking lot location and size, parking lot landscaping, off-street service and loading areas, and architectural guidelines.

The specific provisions of the City Land Development Regulations that pertain to the Commission's review of this rezoning application include the following:

I. In accordance with Article V, Division 10, Section 110-393 of the Land Development Regulations, in their analysis of the rezoning application and the proposed development plan, and prior to official action, the Board of Commissioners shall consider the recommendation of the Planning Commission/Local Planning Agency and ensure the rezoning application is in conformance with the criteria of Section 110-391. These criteria and the findings of staff are as follows:

- (1) Consistency with the comprehensive plan. All zoning district assignments shall be consistent with the comprehensive plan, including the future land use map and future land use element goals, objectives, and policies. The zoning district assigned shall be consistent with the land use category of the future land use map.**

The subject parcels are located in the Planned Redevelopment - Mixed-Use Future Land Use category which is further implemented through the Madeira Beach Town Center Special Area Plan (SAP). One of the stated objectives of the SAP is to increase the number of temporary lodging units and enhance the tourist industry for Madeira Beach and its local businesses. The Future Land Use district establishes a maximum density of 15 units per acre for residential units and up to 125 units per acre for temporary lodging depending on the size of the property. The district further permits a maximum Floor Area Ratio (FAR) of 4.0 and a maximum Impervious Surface Area (ISR) ratio of 0.95.

The project proposes a residential density of 15 units per acre and a temporary lodging density of 59 hotel rooms per acre. The proposed FAR is 2.74 and the proposed ISR is 0.67. The proposed density and intensity are consistent with the standards of the Comprehensive Plan.

Based on the proposed density, intensity, mixture of uses, and pedestrian and traffic circulation improvements, the proposed Planned Development has been determined to be consistent with the PR-MU Future Land Use category and the objectives and standards of the Town Center Special Area Plan.

- (2) Land use compatibility. The assigning of zoning districts shall promote the compatibility of adjacent land uses.**

The subject parcels are surrounded on three sides by water and are in an area that includes other residential, water based commercial, and tourism related commercial uses. The proposed mixed-use development will be compatible with the existing and planned developments for the area.

- (3) Adequate public facilities. The assigning of zoning districts shall be consistent with the public facilities available to set the types of uses allowed in the proposed zoning districts. The level of service standards shall be considered in assigning zoning districts and there shall be reasonable assurance that the demand for services allowed in the proposed zoning district can be met.**

The applicants have coordinated the conceptual development plans with Pinellas County Engineering, the Florida Department of Transportation, and the Southwest Florida Water Management District. The applicants have submitted a letter of water and sanitary sewer availability from Pinellas County. The applicants have submitted a traffic study for the development to FDOT and the City demonstrating there will be no change in the level of service with the proposed development. The applicants have met with FDOT to discuss the future improvements required by the department and the improvements are shown on the conceptual drawings for the development. Also, the applicants have had a pre-application meeting with SWFWMD to determine the on-site stormwater management facility permitting requirements. Certificates of concurrency and outside agency permitting will need to be obtained prior to any development taking place on the site.

- (4) Public interest. Zoning district designations shall not be in conflict with the public interest and will promote the public health, safety, and welfare.**

By proposing hotel and other development that will enhance the tourist industry for Madeira Beach and its local businesses, the proposed development has been determined to be consistent with and will facilitate the type of development that is specifically provided for in the Town Center Special Area plan. The development will help provided needed redevelopment in the Town Center area.

- (5) Consistency with the land development regulations. Zoning district designations shall be consistent with the purpose and intent of these land development regulations.**

The PD zoning district allows for flexibility and is intended to accommodate integrated and well-designed developments in accordance with approved development plans. The district is intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development for those uses consistent with the applicable Future Land Use Plan category and which are compatible with adjacent and nearby lands and activities.

The proposed rezoning and Concept Plan have been determined to be consistent with the standards and requirements of the Comprehensive Plan, the Madeira Beach Town Center Special Area Plan, and the Land Development Regulations.

II. The Board of Commissioners shall additionally review the proposed development plan for compliance with the provisions of Chapter 110 of the Land Development Regulations Article II, Site Plans, and the following general conditions:

- (1) Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.**

The subject parcels are surrounded on three sides by water and are in an area that includes other residential, water based commercial, and tourism related commercial uses. The project is immediately adjacent to and is compatible with the City of Madeira Beach Marina. It is also directly across the street from the City Causeway Park site. The uses proposed for this site have been situated in a manner that takes advantage of the site's access to the water.

The proposed development will be consistent with the existing and planned developments for the area. Although the concept plan is larger in scale and height than other uses in the area, there are no residential uses immediately adjacent to the property. The nearest residential property is located approximately 500 feet south of the site and is separated by water and the City Marina property. The project proposes a mix of complementary land uses and shared amenities that are tied together by common architectural and landscaping themes.

- (2) The development shall comply with applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.**

The subject parcels are located in the Planned Redevelopment Mixed-Use Future Land Use category which is further implemented through the Madeira Beach Town Center Special Area Plan (SAP). One of the stated objectives of the SAP is to increase the number of temporary lodging units and enhance the tourist industry for Madeira Beach and its local businesses. The proposed mixed use project is expected to promote the vitality of the Town Center by providing temporary and permanent dwelling units and supporting activities for residents and tourists. The project will also provide a safe pedestrian access to the other side of 150th Avenue, which is a problem identified in the Town Center Plan, by means of a pedestrian connection under the Tom Stuart Causeway bridge.

In addition, the development is consistent with the following policies of the Comprehensive Plan:

Policy 1.5.5:

Promote pedestrian-oriented areas within concentrated development and activity areas.

Policy 1.5.6:

Reduce conflicts between traffic movement and Intracoastal Waterway bridge openings.

Policy 1.5.7:

Minimize existing and potential traffic hazards by coordinating land use and traffic circulation decisions.

Policy 1.9.1:

Redevelopment shall be encouraged in the following areas:

- The area of 137th Avenue Circle, east of Gulf Boulevard.
- The Madeira Way Redevelopment Area, the area formed by Gulf Boulevard, 153rd Avenue, Madeira Way, and 150th Avenue to the Tom Stuart Causeway Bridge.

Policy 1.10.1:

The city entranceway areas shall reflect the beach community character of the community, water-related activities, and include mixed uses.

- (3) Stipulations of approval of a planned development plan may include requirements to construct improvements, dedicate needed property and easements or contribute money to improvements to public facilities such as roadways, new medians, sanitary sewer and water facilities, drainage facilities, street lighting, landscaping, signage, parks and recreational facilities, walkways and sidewalks, burying of utility lines along abutting rights-of-way or adopted planned streetscape improvements.**

The Concept Plan and the associated development agreement includes the requirement for the developers to construct off-site roadway and pedestrian facilities prior to the issuance of a Certificate of Occupancy for the first phase of the project. In addition, the development agreement requires the developer or his successor to design, construct, and maintain until accepted by the City all public infrastructure facilities and lands necessary to serve the project. All future development will be subject to the concurrency provisions of the Code of Ordinances.

- (4) A minimum of a five-foot sidewalk shall be provided along any street right-of-way or on private property by easement dedication if the right-of-way is of insufficient width.**

The Concept Plan proposes a five-foot wide sidewalk within and along the 150th Avenue right-of-way.

- (5) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.**

The applicant has submitted a concept plan that identifies minimum development standards and conceptual phasing for the project. Additionally, the development agreement includes the condition requiring approval of individual site plans documenting that each phase meets the minimum parking requirement, ISR, and FAR as provided by Code.

- (6) Streets, utilities, drainage facilities, recreation areas, building heights, sizes and yards, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.**

The Concept Plan has been reviewed for consistency with the development standards of the Land Development Regulations. Any subsequent development on the property will be reviewed for consistency with the Concept Plan as well as in greater detail for consistency with the applicable development standards of the Land Development Regulations. These reviews will ensure that development will equal or will exceed the level of design and quality required of similar land development elsewhere in the City.

- (7) Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.**

The Concept Plan of development provides architectural and landscaping standards that generally exceed the minimum standards required under conventional zoning districts.

- (8) Open space shall be adequate for the type of development and the population density of the proposed development.**

Open space, as expressed through Floor Area Ratio (FAR) and Impervious Surface Area Ratio (ISR) exceed the minimum standards of the Future Land Use category.

- (9) Outdoor storage of merchandise or materials shall be prohibited.**

No outdoor storage of merchandise or materials is proposed.

- (10) Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.**

The development will require the establishment of an entity or entities that will be responsible for maintenance of the project that will be under common ownership.

- (11) All existing nonconforming signs or sign structures shall be removed.**

All nonconforming signs or sign structures will be removed as a part of the redevelopment of the site.

- (12) In the case of developments, which are to be constructed in several phases, the proposed phases shall be shown on the overall development plan. The proposed construction phases shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.**

The applicant has submitted a concept plan that identifies minimum development standards and conceptual phasing for the project. Additionally, the development agreement includes the condition requiring final approval of a phasing plan showing

that each phase meets the minimum parking requirement, ISR, and FAR as provided by Code.

III. Lastly, the Board of Commissioners must review the plans, drawings, and schematics for the proposed development plan in detail. Such drawings shall define the physical character of the project, including all building and architectural treatments. The Board of Commissioners' review will ensure conformance with the following design standards:

- (1) Treatment of the sides and rear of all buildings within the planned development shall be compatible in amenity and appearance to treatment given to street frontages of the same buildings.**

The Concept Plan includes architectural renderings that show the front, side, and rear views of the development. These plans show that the development has been designed with consideration of the high visibility of the site along all four sides.

- (2) All buildings in the layout and design shall be an integral part of the development and have convenient pedestrian access to and from adjacent uses.**

The Concept Plan identifies pedestrian access within the project as well as along the street and water frontages. Additionally, enhanced pedestrian access to the other side of 150th Avenue is required by the development agreement to be completed prior to the issuance of the first Certificate of Occupancy.

- (3) Individual buildings shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.**

The Concept Plan proposes common architectural themes and elements. Common amenities such as landscaping, parking, and pedestrian ways help integrate the individual buildings and uses.

- (4) Landscape treatments for walkways, plazas, arcades, roads, and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area. The landscape plan submittal shall include the anticipated appearance of the trees and landscape materials after five years of growth to visually provide their size and proportion relative to the proposed buildings, view corridors, curb appeal, pedestrian corridors, etc.**

Conceptual landscaping plans have been submitted that unite the various buildings and uses in the project. Individual site plans for each phase will further detail the landscape and walkway plans.

- (5) The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood structures.**

The maximum building heights and scale of development as proposed in the Concept Plan are larger than any existing development on the surrounding properties. However, the site is surrounded on three sides by water, and nearby uses include the

City Marina and City Park sites. The scale of the proposed development is similar in scale to development that could occur in this area under the Town Center Special Area plan.

- (6) All mechanical equipment, electrical equipment, roof top equipment, and refuse areas associated with this project shall be screened.**

Development of the site will be subject to review for consistency with the Concept Plan. The Concept Plan proposes landscaping and other screening of mechanical, electrical, and roof top equipment, and refuse areas.

- (7) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:**

- a. Corrugated metal siding;
- b. Prefabricated metal buildings or their components;
- c. Primary colors or black;
- d. False windows or doors; and
- e. Unmodified formula and trademark buildings and structures.

The Concept Plan is consistent with these standards.

- (8) The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.**

The Concept Plan includes views of the site from the public right-of-way and from the water. The project site is at a lower elevation than the bridge along 150th Avenue, helping maintain views of the water from vehicles traveling into the City. The project also represents redevelopment of a site that is primarily used for parking and storage of vehicles and boats.

- (9) The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. The landscape submittal shall include a description of each tree and plant proposed on site by type and details relative to maximum height/size and color at maturity.**

Landscaping plans for the project are conceptual. Final site plans required by the development agreement will be reviewed for consistency with the Concept Plan as well as the required detailed landscaping standards.

- (10) Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.**

Overall signage and other building appurtenances, as generally identified on the Concept Plan, are integral components of the building, appropriately scaled, and consistent with the buildings’ overall design.

- (11) **The project incorporates defensible space concepts of crime prevention through environmental design. A lighting plan shall be provided to review safety considerations for pedestrians and motorists, as well as, environmental impacts.**

Final site plans for this project will be reviewed for consistency with this requirement.

Finally, in recognition of the size, complexity and timeframe over which this project will be developed, individual phases of the project will require separate, detailed site plan submissions and review pursuant to the above enumerated criteria.

STAFF

RECOMMENDATION: **Staff recommends approval of Ordinance 2015-18, to amend the zoning designation on the subject property from C-4 (Marine Commercial) to PD (Planned Development) consistent with the accompanying Concept Plan, and subject to the specific provisions and conditions as set forth in the accompanying Development Agreement.**

ATTACHMENTS:

Ordinance 2015-18.....	1
Ordinance 2015-18.....	1
Legal Advertisements.....	4
Zoning Map.....	7
Future Land Use Map.....	8
Code of Ordinances.....	9
C-4 Zoning District Regulations.....	9
PD Zoning District Regulations.....	14
Town Center Special Area Plan.....	22
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March 16, 2016 Board of Commissioners Hearing (Unofficial).....	27
Additional Public Comment.....	38
Current Traffic Study.....	44
Appendix A.....	51
Appendix B	58

****Holiday Isle Marina Concept Plans and Revised Site Data Tabled attached separately due to large paper size for higher quality.****

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150th AVENUE AND 565 150th AVENUE FROM, MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the applicant has requested that said property be rezoned to become a Planned Development (PD) District; and

WHEREAS, The City of Madeira Beach Comprehensive Plan has been amended to establish the need and basis to further the tourism industry and provide additional flexibility for other types of land use; and the PD District is intended to accommodate integrated and well-designed developments in accordance with approved development plans; and

WHEREAS, the PD District is also intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development for mixed uses and multiple buildings, which is compatible with adjacent and nearby lands and activities; and

WHEREAS, the land proposed for development under the PD District may contain a mixture of residential, commercial, temporary lodging, recreational and other uses, as permitted by the land use designation on the site; and

WHEREAS, the property owners of the subject property are currently under two related ownerships. Parcels 09-31-15-00000-140-0100 and 09-31-15-00000-140-0120 are owned by MHH Enterprises, Inc. and Parcel 09-31-15-00000-110-0100 is owned by C&T Enterprises, Inc.

WHEREAS, the property owners of the referenced parcels have applied for a change in zoning from C-4, Marine Commercial, to PD, Planned Development; and

WHEREAS, the Planning Commission serving as the Local Planning Agency of the City of Madeira Beach has duly considered the type of zoning on said real property, and has recommended that the zoning request be granted; and

WHEREAS, the Board of Commissioners has reviewed this rezoning request and finds that a rezoning of the subject property from C-4, Marine Commercial, to PD, Planned Development through an approved Development Agreement is consistent with the Comprehensive Plan and the Town Center Special Area Plan.

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

SECTION 1. That the following described properties be rezoned from C-4, Marine Commercial, to PD, Planned Development, and that any subsequent development of the following described properties development be regulated through the Development Agreement process:

Parcel 09-31-15-00000-140-0100

Parcel 09-31-15-00000-140-0120

Parcel 09-31-15-00000-110-0100

SECTION 2. That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

SECTION 3. That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall be in full force and effect upon adoption in the manner provided by law, and concurrent with an approved Development Agreement.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA,
this _____ day of _____, 2016.

APPROVED AS TO FORM:

Thomas Trask, B.C.S., CITY ATTORNEY

Travis Palladeno, MAYOR

ATTEST:

Aimee Servedio, CITY CLERK

PUBLISHED:	<u>12/04/2015</u>
PLANNING COMMISSION FIRST READING (CANCELLED)	<u>12/21/2015</u>
PUBLISHED:	<u>12/29/2015</u>
PLANNING COMMISSION FIRST READING:	<u>01/11/2016</u>
PLANNING COMMISSION RECOMMENDATION:	<u>02/08/2016</u>
PUBLISHED:	<u>02/26/2016</u>
PASSED ON BOC FIRST READING:	<u>03/16/2016</u>
PASSED ON BOC SECOND READING:	_____

LEGAL NOTICE

**CITY OF MADEIRA BEACH,
FLORIDA
LOCAL PLANNING AGENCY
AND BOARD OF
COMMISSIONERS
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that the LOCAL PLANNING AGENCY (THE PLANNING COMMISSION) of the City of Madeira Beach will hold a PUBLIC HEARING for the first reading on the Development Agreement for Holiday Isle Marina, in Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Monday, December 21, 2015 at 7:00 p.m.

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the first reading of Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday December 22, 2015 at 6:00 p.m.

Upon the passage of Ordinance, NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the second and final reading of the Development Agreement for Holiday Isle Marina, and Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday, January 12, 2016 at 6:00 p.m. Notice of such hearing will be provided as prescribed by Florida Statutory requirements and the Madeira Beach Code of Ordinances.

The title of the Development Agreement and said Ordinance are as follows:

DEVELOPMENT AGREEMENT between the City of Madeira Beach, and Holiday Isles Resort located at 555 150th Avenue and 565 150th Avenue, Madeira Beach, Florida 33708.

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150th AVENUE AND 565 150th AVENUE FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

DESCRIPTION:

PARCEL I: A PARCEL OF LAND SITUATED, LYING AND BEING IN SECTIONS 9 AND 10, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTH BOUNDARY OF GOVERNMENT LOT 2, SECTION 9, TOWNSHIP 31 SOUTH, RANGE 15 EAST, AND THE CENTERLINE OF STATE ROAD #233 AS SHOWN ON THE PLAT FILED IN DEED BOOK 682, PAGE 44, RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE NORTH 43°51'28" EAST, 1918.18 FEET ALONG THE CENTERLINE OF STATE ROAD #233; THENCE SOUTH 46°08'32" E., 50 FEET TO THE SOUTHERLY BOUNDARY OF STATE ROAD #233 AND THE POINT OF BEGINNING; THENCE SOUTH 46°08'32" EAST, 50 FEET; THENCE NORTH 43°51'28" EAST, 25 FEET; THENCE SOUTH 46°08'32" EAST, 550 FEET; THENCE NORTH 43°51'28" EAST, 331.0 FEET; THENCE NORTH 46°08'32" WEST, 300 FEET; THENCE SOUTH 43°51'28" WEST, 125.00 FEET; THENCE NORTH 46°08'32" WEST, 250.0 FEET; THENCE SOUTH 43°51'28" WEST, 40.0 FEET; THENCE NORTH 46°08'32" WEST, 50.0 FEET TO THE SOUTHERLY BOUNDARY OF STATE ROAD #233; THENCE SOUTH 43°51'28" WEST, 191.0 FEET ALONG SAID SOUTHERLY BOUNDARY TO THE POINT OF BEGINNING.

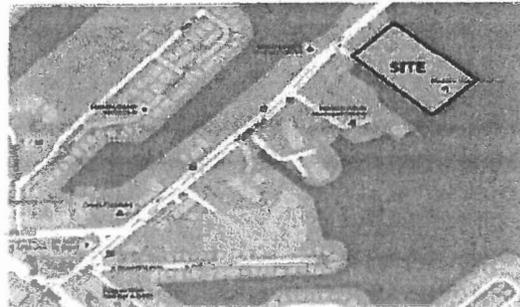
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4.59 ACRES MORE OR LESS.

FLOOD STATEMENT:

THIS PROPERTY LIES IN FLOOD ZONE AE (EL 10), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP 12103C0191G, EFFECTIVE DATE SEPTEMBER 3, 2003.



Copies of the proposed Development Agreement and Ordinance are available for inspection in the office of the City Clerk between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.

All persons are hereby advised that any presentation they make to the Planning Commission or the Board of Commissioners will be encouraged to be as concise as possible and the Planning Commission and/or Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these hearings will need to ensure a record of proceedings, and for such purpose, 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-per Florida Statute 286.0105

Aimee Servedio, City Clerk
City of Madeira Beach

CITY OF MADEIRA BEACH, FLORIDA LOCAL PLANNING AGENCY AND BOARD OF COMMISSIONERS NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the LOCAL PLANNING AGENCY (THE PLANNING COMMISSION) of the City of Madeira Beach will hold a PUBLIC HEARING for continuance of the local planning agency consideration of the Development Agreement for Holiday Isles Resort and Ordinance 2015-18, in Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Monday, January 11, 2016 at 7:00 p.m.

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the first reading of Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday, January 12, 2016 at 6:00 p.m.

Upon the passage of Ordinance, **NOTICE IS HEREBY GIVEN**, the Board of Commissioners of the City of Madeira Beach will conduct the second and final reading of the Development Agreement for Holiday Isles Resort., and Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday, February 9, 2016 at 6:00 p.m. Notice of such hearing will be provided as prescribed by Florida Statutory requirements and the Madeira Beach Code of Ordinances.

The title of the Development Agreement and said Ordinance are as follows:

DEVELOPMENT AGREEMENT between the City of Madeira Beach, and Holiday Isles Resort located at 555 150th Avenue and 565 150th Avenue, Madeira Beach, Florida 33708.

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150th AVENUE AND 565 150TH AVENUE FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

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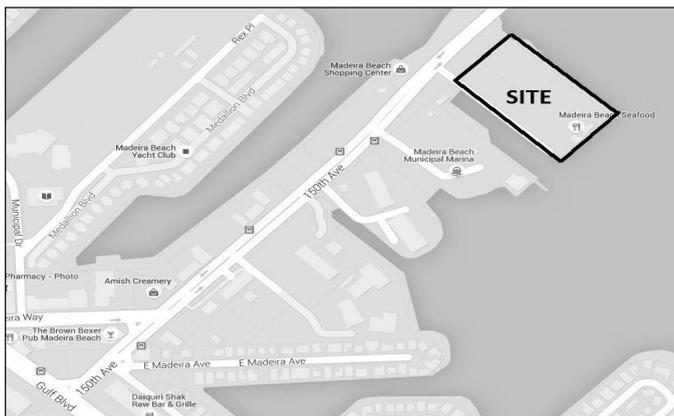
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4.59 ACRES MORE OR LESS.

FLOOD STATEMENT:

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Copies of the proposed Development Agreement and Ordinance are available for inspection in the office of the City Clerk between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.

All persons are hereby advised that any presentation they make to the Planning Commission or the Board of Commissioners will be encouraged to be as concise as possible and the Planning Commission and/or Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these hearings will need to ensure a record of proceedings, and for such purpose, 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-per Florida Statute 286.0105

CITY OF MADEIRA BEACH, FLORIDA LOCAL PLANNING AGENCY AND BOARD OF COMMISSIONERS NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the first reading of **Ordinance 2015-18**, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on **Wednesday March 16, 2016 at 6:00 p.m.**

Upon the passage of Ordinance, NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the second and final reading of the **Development Agreement for Holiday Isle Marina., and Ordinance 2015-18**, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on **Tuesday, April 12th, 2016 at 6:00 p.m.** Notice of such hearing will be provided as prescribed by Florida Statutory requirements and the Madeira Beach Code of Ordinances.

The title of the Development Agreement and said Ordinance are as follows:

DEVELOPMENT AGREEMENT between the **City of Madeira Beach**, and Holiday Isles Resort located at 555 150th Avenue and 565 150th Avenue, Madeira Beach, Florida 33708.

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150TH AVENUE AND 565 150TH AVENUE FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

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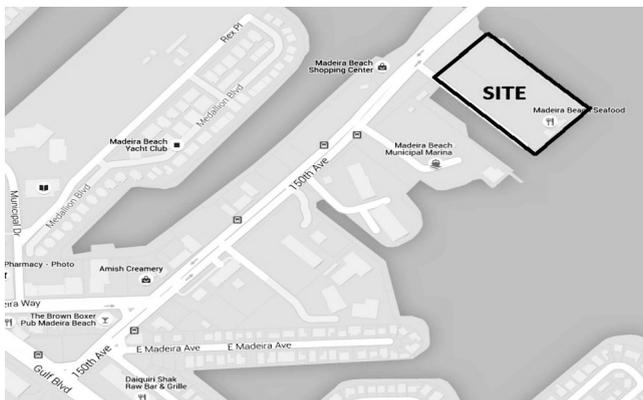
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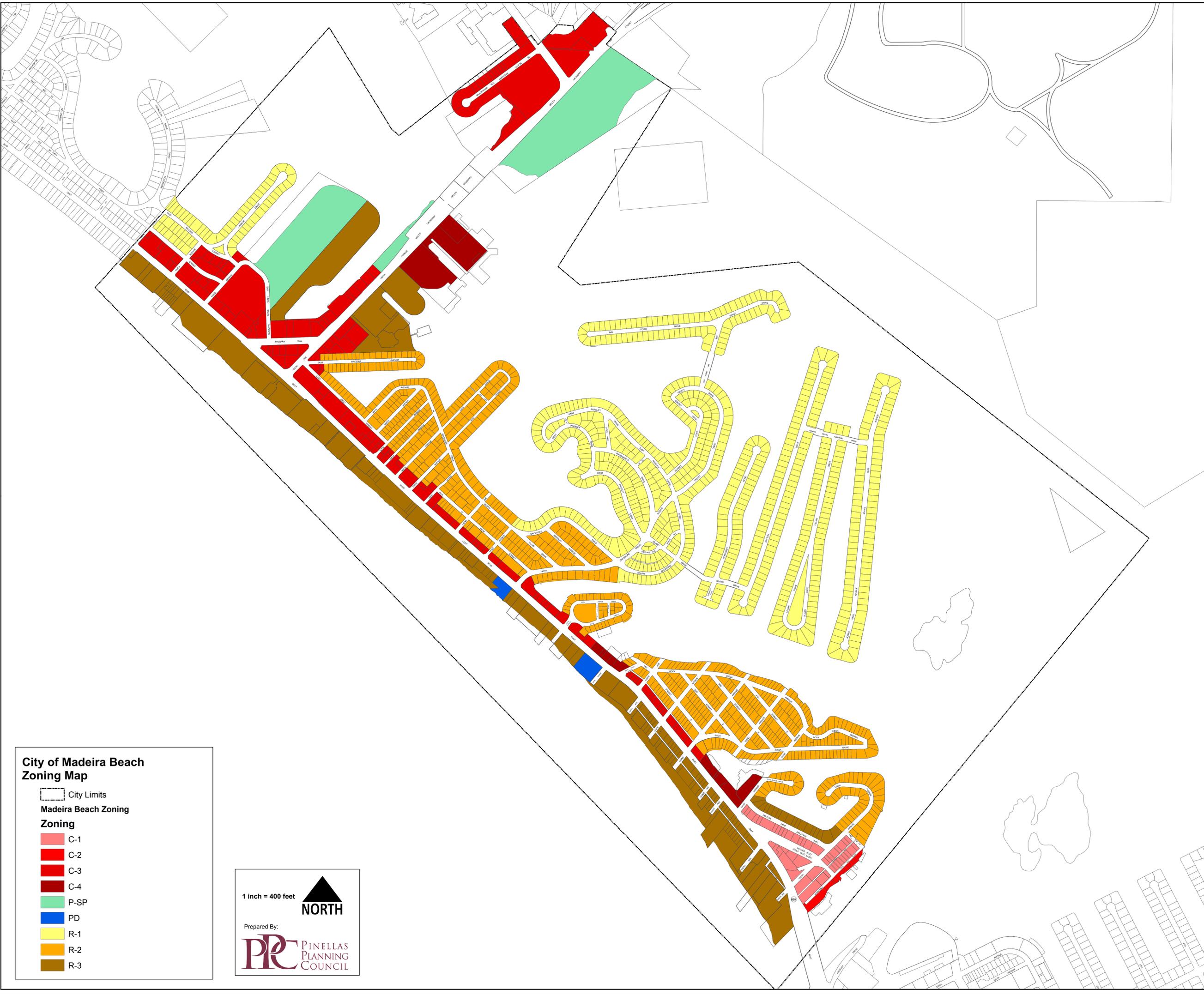
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Aimee Servedio, City Clerk
City of Madeira Beach



**City of Madeira Beach
Zoning Map**

City Limits

Madiera Beach Zoning

Zoning

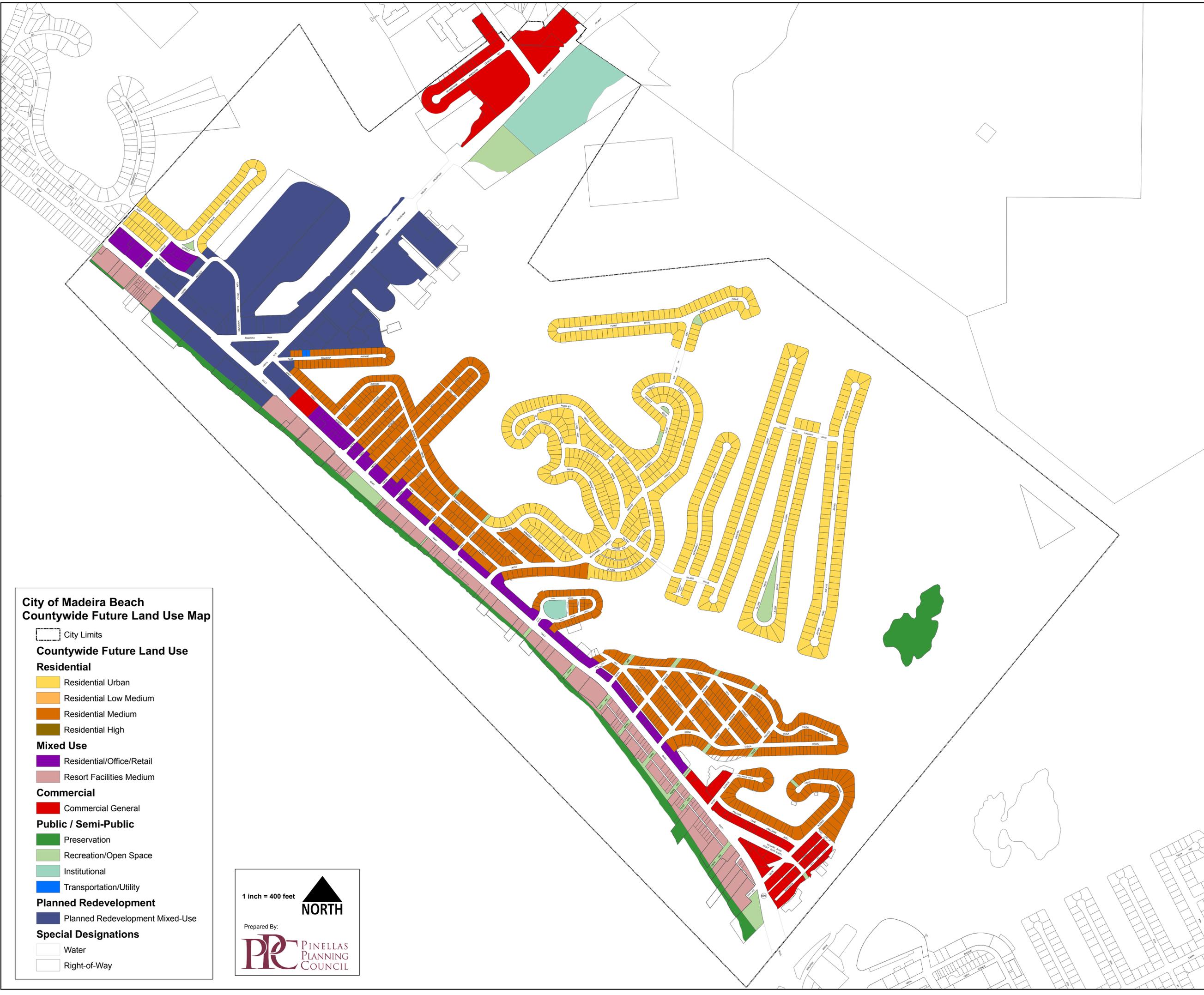
- C-1
- C-2
- C-3
- C-4
- P-SP
- PD
- R-1
- R-2
- R-3

1 inch = 400 feet



Prepared By:





**City of Madeira Beach
Countywide Future Land Use Map**

City Limits

Countywide Future Land Use

Residential

- Residential Urban
- Residential Low Medium
- Residential Medium
- Residential High

Mixed Use

- Residential/Office/Retail
- Resort Facilities Medium

Commercial

- Commercial General

Public / Semi-Public

- Preservation
- Recreation/Open Space
- Institutional
- Transportation/Utility

Planned Redevelopment

- Planned Redevelopment Mixed-Use

Special Designations

- Water
- Right-of-Way

1 inch = 400 feet



Prepared By:



DIVISION 8. - C-4, MARINE COMMERCIAL

Sec. 110-346. - Definition; purpose and intent.

The purpose of the C-4, marine commercial district is to provide for those commercial uses which are directly related to commercial and marine uses and associated services. The C-4, marine commercial district correlates with the commercial general (CG) category of the Countywide Plan.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08)

Cross reference— Definitions generally, § 1-2.

Sec. 110-347. - Permitted uses.

The permitted uses in the C-4, marine commercial district are as follows:

- (1) Marina and commercial docks.
- (2) Boat repair and sales.
- (3) Restaurants.
- (4) Tourist dwelling units.
- (5) Retail offices and personal service uses.
- (6) Commercial fishing activities.
- (7) Charter and party boat operations.
- (8) Adult entertainment establishments (article VI, division 13 of this chapter).
- (9) Dwelling units located on the second floor above first floor commercial or office units within this district.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08)

Sec. 110-348. - Accessory uses.

The accessory uses in the C-4, marine commercial district are as follows:

- (1) Off-street parking.
- (2) Marine and boat storage.
- (3) Essential services.
- (4) Other accessory uses, customarily incidental to the permitted use.

- (5) Wireless communication antennas as regulated by article VI, division 12, subdivisions I, II and IV of this chapter.
- (6) Wireless communication towers shall be allowed, through special permit granted by the board of commissioners, as an alternative to prohibiting towers and only in the event substantial proof is submitted by an applicant which demonstrates that no existing tower, structure, or building can accommodate the applicant's proposed antenna. Wireless communication towers must further comply with the provisions of article VI, division 12, subdivisions I, II and IV of this chapter.

(Code 1983, § 20-404)

Sec. 110-349. - Special exception uses.

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the C-4, marine commercial district:

- (1) Service stations.
- (2) Commercial, recreation and entertainment facilities.
- (3) Public administration and service facilities.
- (4) Drive-in or drive-through retail, personal service, business and financial services.
- (5) Churches, synagogues and other houses of worship.
- (6) Outdoor storage areas provided that the outdoor storage use is an accessory, is limited to areas in the CG land use category, and does not exceed 20 percent of the area of the building which is the principal use on the site.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08)

Sec. 110-350. - Minimum building site area requirements.

The minimum building site area requirements in the C-4, marine commercial district are as follows:

- (1) Lot size:
 - a. All permitted uses except tourist dwelling units: 4,000 square feet.
 - b. Residential dwellings above first floor commercial: 3,000 square feet per unit.
 - c. Public service facilities: Shall not exceed a maximum area of five acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
 - a. All permitted uses except tourist dwellings: 40 feet.

- b. Tourist dwellings: 60 feet.
- (3) Lot depth: All permitted uses 80 feet.
- (4) Within the CG land use category, the density shall be a maximum of 15 residential dwelling units or 60 temporary lodging units. A combination of both residential and tourist dwelling units may be permissible provided that the provisions of subsections 110-355(c) and (e) are met.

(Code 1983, § 20-404; Ord. No. 1043, § 3, 6-14-05; Ord. No. 1138, § 8, 12-9-08)

Sec. 110-351. - Building setback requirements.

The following minimum setbacks shall apply in the C-4, marine commercial district:

- (1) Front yard: 25 feet.
- (2) Rear yard: 18 feet.
- (3) Side yard:
 - a. Minimum of ten feet except as provided in the land development regulations.
 - b. Tourist dwelling units:
 - 1. For lots between 60 and 80 feet in width, the minimum side yard setback shall be ten feet.
 - 2. For lot widths greater than 80 feet, the minimum side yard setback shall be as follows: A total of 33 percent of the lot width shall be reserved for side yard setbacks. In no event shall one side be less than the following:
 - i. Lots less than 120 feet: ten feet.
 - ii. Lots less than 240 feet: 15 feet.
 - iii. Lots 240 feet or greater: 20 feet.

(Code 1983, § 20-404)

Sec. 110-352. - Maximum building height.

No structure in the C-4, marine commercial district shall exceed 30 feet in height or two stories, whichever is more restrictive, unless otherwise provided in the land development regulations.

(Code 1983, § 20-404)

Sec. 110-353. - Maximum lot coverage.

The maximum lot coverage in the C-4, marine commercial district is as follows:

- (1) Commercial general uses: Floor area ratio (FAR) 0.55; temporary lodging uses in the CG land use category FAR is 1.2, provided that the requirements of subsections 110-355(c) and (e) are met.
- (2) Public service facilities:
 - a. Institutional: Floor area ratio (FAR) 0.55.
 - b. Transportation/utility: Floor area ratio (FAR) 0.55.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08)

Sec. 110-354. - Buffering requirements.

- (a) Parking lots/garages for tourist dwellings and nonresidential uses in the C-4, marine commercial district shall be designed to minimize their impacts to any adjacent residential uses as established in the land development regulations.
- (b) During the development process, existing curb cuts in the C-4, marine commercial district shall be reoriented, if necessary, to minimize the negative impact on adjacent properties.
- (c) All development within the C-4, marine commercial district in this category will meet or exceed the buffering/landscape requirements as outlined in chapter 106, article II.

(Code 1983, § 20-404)

Sec. 110-355. - Special requirements.

- (a) In the C-4, marine commercial district residential dwelling units are permitted on the second floor above ground floor commercial or office units within this district.
- (b) No structure in the C-4, marine commercial district may be wider than 150 feet parallel to the front yard right-of-way. If two structures are proposed on the same lot or parcel, the buildings shall be separated by a minimum of ten feet or equal to 50 percent of the height of the tallest building on the same parcel, whichever is more restrictive.
- (c) Mixed uses in a single development shall not exceed, in combination, the respective number of units per acre and floor area ratio permitted, when allocated in their respective proportion to the gross land area of the property.
- (d) Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.

- (e) Higher densities for temporary lodging shall be allowable only when a development agreement is adopted pursuant to the requirements of Section 4.2.7.6 of the Countywide Plan Rules.

(Code 1983, § 20-404; Ord. No. 1138, § 8, 12-9-08; Ord. No. 1173, § 1, 9-28-10)

Secs. 110-356-11—357. – Reserved.

DIVISION 10. - PD, PLANNED DEVELOPMENT

Sec. 110-386. - Purpose of planned development (PD) district.

The PD district is intended to accommodate integrated and well-designed developments in accordance with approved development plans. The district is intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development for those uses consistent with the applicable future land use plan category and which are compatible with adjacent and nearby lands and activities.

In particular the PD district is intended, and shall be required, to be used in conjunction with any resort facilities high plan category; and for any project in the Town Center Special Area Plan that proposes to utilize the additive density/intensity provided for in the commercial core and the enumerated portions of the causeway sub-districts.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 2014-08, § 4, 11-12-14)

Sec. 110-387. - Uses permitted.

No specific list of uses permitted is established for the PD district. Land proposed for development under the PD district may contain a mixture of temporary lodging, residential, commercial, and recreational and other uses, as permitted by the future land use map designation on the site.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 2014-08, § 4, 11-12-14)

Sec. 110-388. - Application for PD zoning.

Applicants seeking to rezone lands to the PD district shall submit, simultaneous with the application for rezoning, the site development plan that accompanies and is the basis for the rezoning application. The applicant shall apply for a rezoning to the property and pay the application fee for a zoning change and pay the fee associated with the accompanying site development plan review process. The site development plan shall include all items required under the provisions of article II, site plans and further address all information required by this division.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05; Ord. No. 2014-08, § 4, 11-12-14)

Sec. 110-389. - Procedure for approval of PD zoning.

The city shall review the application and required exhibits submitted pursuant to this division and shall determine that the documents are adequate as to form and informational content. The city manager or his/her designee shall then review the submittal with the appropriate city departments for their comments.

Subsequent to the review comments and discussion of the submittal, and of such modifications as the developer may make to it, the city manager or his/her designee shall prepare the recommendation and present it and the applicant's application to the local planning agency at a public hearing, which has been posted at least 15 days prior to the public hearing. For further details regarding the procedure for rezoning property, see chapter 2.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05)

Sec. 110-390. - Reimbursement of expenses.

The applicant shall provide for reimbursement of all expenses incurred by the city, deemed necessary by the city manager or his/her designee, to review and process a planned development (PD) district.

Expenses may include, but are not limited to any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the city for such costs. Failure by the applicant to make such reimbursement when due shall delay the recording of the approved development order, until paid.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1072, § 6, 3-28-06)

Sec. 110-391. - Review by local planning agency.

The local planning agency shall review the rezoning application to ensure that the following zoning standards are met and shall recommend denial of the application if the following standards are not met. The following criteria shall be used to make such assignments and to make changes in assignments, whether initiated by the city or by a property owner.

- (1) *Consistency with the comprehensive plan.* All zoning district assignments shall be consistent with the comprehensive plan, including the future land use map and future land use element goals, objectives and policies. The zoning district assigned shall be consistent with the land use category of the future land use map.
- (2) *Land use compatibility.* The assigning of zoning districts shall promote the compatibility of adjacent land uses.
- (3) *Adequate public facilities.* The assigning of zoning districts shall be consistent with the public facilities available to set the types of uses allowed in the proposed zoning district. The level of service standards shall be considered in assigning zoning districts and there shall be reasonable assurance that the demand for services allowed in the proposed zoning district can be met.
- (4) *Public interest.* Zoning district designations shall not be in conflict with the public interest and will promote the public health, safety and welfare.

- (5) *Consistency with land development regulations.* Zoning district designations shall be consistent with the purpose and intent of these land development regulations.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05)

Editor's note— Ord. No. 1050, § 12, adopted August 9, 2005, changed the title of § 110-391 from "Review by planning commission" to "Review by local planning agency."

Sec. 110-392. - Neighborhood information meeting.

Prior to consideration of the rezoning application and the proposed development plan by the board of commissioners, the applicant shall hold a neighborhood information meeting with property owners within 200 feet of the proposed development. The meeting must be held at a location and time convenient to the surrounding property owners to maximize attendance, subject to the following requirements:

- (1) *Notification.* Two weeks prior to the meeting date, the applicant shall mail notices of the meeting date, time and place for all property owners inside a radius of 200 feet from the boundary of the proposed development, to the board of commissioners and shall post the property. The applicant shall inform the city manager or his designee of the proposed meeting date and time prior to sending out the notices. The city manager or his designee may require a change of time and/or date due to schedule conflicts or in order to accommodate advertising requirements for the upcoming board of commissioners' consideration. Documentation of the mailed notice shall be provided to the city manager or his/her designee for verification. The city manager or his/her designee may require additional properties be issued a notice, if deemed appropriate.
- (2) *Applicant's presentation.* At the meeting, the applicant shall explain the proposed use of the subject property and make a copy of the preliminary site plan available for review by attendees. The applicant may also discuss the project's development objectives, design philosophy and proposed time schedule for completion.
- (3) *Question and answer period.* Upon completion of the presentation, time shall be reserved for a question and answer period. Questions should be limited to the proposal as presented, not to the question of whether the site should be developed or redeveloped. The applicant shall identify how potential conflicts will be mitigated.
- (4) *Record.* The applicant shall provide to the city both a written and video record of the neighborhood information meeting, including any representations made by the applicant to the attendees which shall become a requirement for the project.

Failure to conduct a neighborhood meeting when directed by the staff shall be cause for denial of an application for development or redevelopment.

(Ord. No. 1040, § 1, 4-26-05)

Sec. 110-393. - Review by board of commissioners.

In their analysis of the rezoning application and the proposed development plan submitted pursuant to this division, and prior to official action the board of commissioners shall consider the recommendation of the local planning agency and ensure the rezoning application is in conformance with the criteria listed in section 110-390.

The board of commissioners shall review the proposed development plan for compliance with the provisions of article II, site plans and the following general conditions:

- (1) Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.
- (2) The development shall comply with applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.
- (3) Stipulations of approval of a planned development plan may include requirements to construct improvements, dedicate needed property and easements or contribute money to improvements to public facilities such as roadways, new medians, sanitary sewer and water facilities, drainage facilities, street lighting, landscaping, signage, parks and recreational facilities, walkways and sidewalks, burying of utility lines along abutting rights-of-way or adopted planned streetscape improvements.
- (4) A minimum of a five-foot sidewalk shall be provided along any street right-of-way or on private property by easement dedication if the right-of-way is of insufficient width.
- (5) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.
- (6) Streets, utilities, drainage facilities, recreation areas, building heights, sizes and yards, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.
- (7) Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.
- (8) Open space shall be adequate for the type of development and the population density of the proposed development.
- (9) Outdoor storage of merchandise or materials shall be prohibited.
- (10) Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.
- (11) All existing nonconforming signs or sign structures shall be removed.
- (12) In the case of developments, which are to be constructed in several phases, the proposed phases shall be shown on the overall development plan. The proposed construction phases shall individually comply with the standards set forth in this section in order that,

if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.

Lastly, the board of commissioners must review the plans, drawings, and schematics for the proposed development plan in detail. Such drawings shall define the physical character of the project, including all building and architectural treatments. The board of commissioners' review will ensure conformance with the following design standards:

- (1) Treatment of the sides and rear of all buildings within the planned development shall be compatible in amenity and appearance to treatment given to street frontages of the same buildings.
- (2) All buildings in the layout and design shall be an integral part of the development and have convenient pedestrian access to and from adjacent uses.
- (3) Individual buildings shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.
- (4) Landscape treatments for walkways, plazas, arcades, roads, and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area. The landscape plan submittal shall include the anticipated appearance of the trees and landscape materials after five years of growth to visually provide their size and proportion relative to the proposed buildings, view corridors, curb appeal, pedestrian corridors, etc.
- (5) The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood structures.
- (6) All mechanical equipment, electrical equipment, roof top equipment, refuse areas associated with this project shall be screened.
- (7) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:
 - a. Corrugated metal siding;
 - b. Prefabricated metal buildings or their components;
 - c. Primary colors or black;
 - d. False windows or doors; and
 - e. Unmodified formula and trademark buildings and structures.
- (8) The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.

- (9) The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. The landscape submittal shall include a description of each tree and plant proposed on site by type and details relative to maximum height/size and color at maturity.
- (10) Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.
- (11) The project incorporates defensible space concepts of crime prevention through environmental design. A lighting plan shall be provided to review safety considerations for pedestrians and motorists, as well as, environmental impacts.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05; Ord. No. 1090, § 1(Exh. A), 9-26-06)

Sec. 110-394. - Methods of documenting all approvals and conditions.

All plans, schematics, and conditions of a planned development approval will become part of a development order for the project. The development order shall state with specificity the development plan approved by the board of commissioners. The executed development order shall be recorded in the public records of Pinellas County prior to issuance of any building permit for the project.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1113, § 1, 6-26-07)

Sec. 110-395. - Effect of PD zoning.

Upon the rezoning of land to a PD district, the approved development plan, along with such requirements, safeguards, modifications or stipulations as may have been included by the board of commissioners in its rezoning action shall be substantially complied with relative to the issuance of all building permits, zoning clearances and certificates of occupancy by the city.

Deviation from the approved development plan or failure to comply with any requirement, safeguard, modification or stipulation imposed by the city at the time of rezoning land to the PD district shall constitute a violation of the Land Development Code, chapter 82.

(Ord. No. 1040, § 1, 4-26-05)

Sec. 110-396. - Changes in development plan.

Minor modifications to an approved development order may be approved by the board of commissioners. A minor modification is one which does not increase the density or intensity of the development to occur upon the property; does not result in a reduction or change of previously approved setbacks, open space or public improvements; does not increase the height of the development to occur upon the property; or does not substantially alter the location of any improvements approved for the site.

There shall be no other modifications of any approved development order permitted by the board of commissioners, without a public hearing. Any applicant desiring such other modifications to an approved development order or development plan must commence the planned development approval process anew. Any such applicant must pay the applicable fee and submit the application for a modification to the development order. Such application shall be processed in the same manner as the board of commissioners considered the original development plan, including a public hearing. An amended development order issued pursuant to section 110-394 shall reflect any changed or modified approvals and be recorded in the public records of Pinellas County.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1113, § 1, 6-26-07)

Sec. 110-397. - Time limitations.

- (a) Upon failure to complete plans, drawings, and schematics for the proposed development plan within six months of the neighborhood information meeting; the application shall be null and void. No further review or processing of that application shall occur and there shall be no refund of the application fee. The city manager may grant an extension of up to three months upon determination that a good faith effort to submit plans has been made.
- (b) Upon failure to complete plans, drawings, and schematics for the proposed development plan within six months of receiving the technical review comments of the city staff and reviewing agencies; the application shall be null and void. No further review or processing of that application shall occur and there shall be no refund of the application fee or any site plan review fee. The city manager may grant an extension of up to three months upon determination that a good faith effort to submit plans has been made.
- (c) Upon the effective date of an ordinance authorizing a PD district, construction shall commence within 12 months.
- (d) Upon application filed prior to or on the date of commencement set forth in (c), the city manager may grant a one year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made. Thereafter, the board of commissioners by resolution may grant a one-year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made.
- (e) Upon failure to commence construction within the specified time or failure to comply with Section 104.5 of the Florida Building Code:
 - (1) The ordinance rezoning this site to PD shall be repealed;
 - (2) The zoning for the site shall revert to the zoning classification that existed on the site prior to approval thereof; and

- (3) No further development shall occur on site and no building permit or development order shall be issued thereafter under the terms of the PD district.
- (f) After the commencement date described in subsection (a), no building permit or development order for a new or expanded structure shall be issued under the terms of the PD district without the board of commissioner's approval. Authorization of the PD district shall not create a right to such issuance.
- (g) "Construction" for purposes of this section, shall mean obtaining a building permit for a structure or structures authorized in the PD district and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.

All time limitations set forth in this section shall be applicable to all PD applications filed with the city, as of September 26, 2006.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1090, § 1(Exh. A), 9-26-06)

Secs. 110-398—110-400. - Reserved.

ensure that all proposed uses and designs are consistent with the Town Center Special Area Plan. As pointed out above, when a proposal is for a change to the PD zoning, the applicant provides a preliminary site plan with proposed site design standards and features. This preliminary site plan can be reviewed with the Planning Commission to ensure that the concepts are acceptable and consistent with the Special Area Plan. Once this preliminary site plan is approved, the final site plan can be reviewed and approved at the staff level to ensure that all standards are met.

General Design Features of Each District

During proposed redevelopment, the following design features will be required:

Transition District

- Access should be off of a street other than Gulf Boulevard
- Properties qualify for shared parking provisions

Peninsula District

- Properties qualify for shared parking provisions
- Civic building should be built on axis with Municipal Drive
- Require easement for bayfront walk on Boca Ciega Bay

Commercial Core District

- First story commercial activity to be required
- Inter-parcel access is required for properties north of Madeira Way
- Access should be off of a street other than Gulf Boulevard where possible
- Properties qualify for shared parking provisions
- All buildings shall be a minimum of two stories
- Require easement for bayfront walk on Boca Ciega Bay
- No parking is required for the triangle of properties bounded by Madeira Way, Gulf Boulevard, and 150th Avenue
- Require pedestrian easement from 1st Street East to Municipal Drive for the triangle of properties in the parking waiver area bounded by Madeira Way, Gulf Boulevard, and 150th Avenue
- Consider a pedestrian easement across proposed redevelopment of the Carter property to provide access between the parking garage and the civic building area

- Residential and/or temporary lodging units must be located on an upper floor

Beachfront District

- View from Madeira Way to the beach should be improved
- View southeast from 150th Avenue should be re-established upon redevelopment

Causeway District

- Inter-parcel access is required for all properties
- Properties qualify for shared parking provisions

Design Guidelines – Site Design Requirements

Building Setbacks

- Throughout the Town Center , building setbacks should be no more than 20 feet
- No parking, loading, or driveways should occur between the building and the right-of-way in the front setback; this area should be for landscaping and pedestrian uses only
- On Madeira Way, the building should be at the right-of-way line, or it should have an extension such as an awning or arcade that extends to the right-of-way line.



THE CITY OF MADEIRA BEACH, FLORIDA
MINUTES

PLANNING COMMISSION/LOCAL PLANNING AGENCY

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet in City Hall located at 300 Municipal Drive, Madeira Beach, Florida to conduct Public Hearings on the following City business listed and at the time indicated below.

7:00 P.M.

MONDAY, FEBRUARY 8, 2016

COMMISSON CHAMBERS

A. CALL TO ORDER – *The meeting was called to order at 7:00 p.m.*

B. ROLL CALL

Planning Commissioners Present: Chairperson Everett, Commissioner Brown, Commissioner Domingue, Commissioner Noble, Commissioner Rasmussen, Commissioner Lawrence, Commissioner Carr

Staff Present: Shane Crawford, City Manager; Cheryl McGrady, Executive Assistant to the City Manager, Planning and Zoning Consultant, Luis Serna; Tom Trask, City Attorney

C. APPROVAL OF THE MINUTES: January 11, 2016

A motion was made to approve the minutes as presented by Commissioner Brown and seconded by Commissioner Dominique. Minutes carried 7-0

D. NEW BUSINESS

1. TO CONSIDER HAVING THE PLANNING COMMISSION MEET TWICE A MONTH

The City Manager said that staff recommendation is to not go to two meetings a month.

There was some discussion among the Planning Commission members and they all agreed to keep it at one meeting a month. Chairperson Everett deferred this discussion to a later meeting.

E. OLD BUSINESS

1. CONTINUANCE TO CONSIDER THE APPLICATION FOR A SPECIAL EXCEPTION USE FOR A STANDALONE ATM AT THE CVS LOCATED AT 15129 MADEIRA WAY.

Luis Serna presented the staff report to the Planning Commission, with a recommendation to approve the Special Exception Use for the ATM located in the CVS parking lot.

A motion was made to accept it as submitted by Commissioner Noble and seconded by Commissioner Carr. Motion carried 7-0

2. CONSIDER THE APPLICATION FOR THE REZONING OF 555 150th AVENUE AND 565 150th AVENUE FOR C-4 MARINE COMMERCIAL TO PD PLANNED DEVELOPMENT.

Luis Serna presented the staff report to the Planning Commission he did reiterate that it is a Planned Development and Re-Zoning that allows developers to vary design standards typically height and setbacks however it allows the developer to propose mixed use development be creative and offer flexibility and higher design standards than you would get under a regular development. The developer has proposed architectural standards and varied building height.

Mr. Serna explained to the Planning Commission that there has been a reduction in height and destiny since the last proposal at the January meeting. The developer has made changes that include a decrease in units from 325 units to 272 unit's and height has decreased from 117 feet to 90 feet.

Mr. Serna recommended that the Planning Commission move forward with a recommendation of approval to the Board of Commissioners.

3. CONSIDER THE APPLICATION FOR ENTERING INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH AND HOLIDAY ISLE MARINA

Luis Serna presented the staff report to the Planning Commission for the changes made to the Development Agreement by the developer. Mr. Serna recommends approval of the Development Agreement with the changes that have been made.

Chairperson Everett opened up the floor for public comment, several comments were made concerning the increase in traffic flow and the height of the buildings.

Chairperson Everett closed the floor to the public.

A motion was made to accept the application for a re-zoning from C-4 to Planned Development and enter into a Development Agreement with the applicant by Commissioner Noble, seconded by Commissioner Dominique. Motion carried 7-0

F. PLANNING COMMISSION DISCUSSION

The Planning Commission had some discussion with the City Manager about other issues, the City Manager said that digital signage is still an issue but can be brought up at a later meeting when we have the time to discuss it deeper.

The City Attorney stated the along with the digital sign issue we need to address the whole sign code as a whole.

G. REPORTS

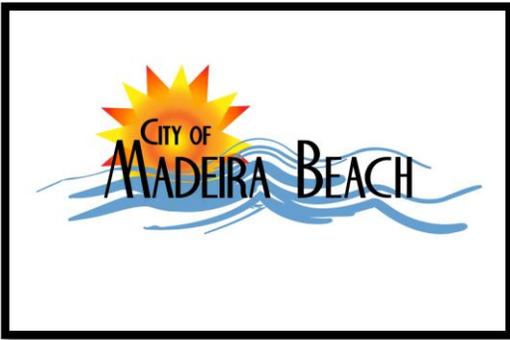
H. NEXT MEETING: March 14, 2016

I. ADJOURNMENT: *Motion to adjourn the meeting was made by Commissioner Brown, and seconded by Commissioner Rasmussen. Motion carried 7-0.*

Date approved: _____

Jim Everett, Chairperson

Submitted by: Cheryl McGrady, Executive Assistant to the City Manager.



THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

BOARD OF COMMISSIONERS
REGULAR 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.

6:00 P.M. WEDNESDAY, MARCH 16, 2016 COMMISSION CHAMBERS

- A. CALL TO ORDER – The meeting was called to order at 6:00 p.m.
- B. INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER TERRY LISTER
- C. ROLL CALL

MEMBERS PRESENT: Travis Palladeno, Mayor
Elaine Poe, Vice-Mayor
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Patricia Shontz, Commissioner District 4

STAFF PRESENT: Shane B. Crawford, City Manager (CM)
Vincent M. Tenaglia, Assistant City Manager (ACM)
Thomas Trask, City Attorney, (CA)
Aimee Servedio, City Clerk (CC)
Dave Healy, Planning Consultant (PC)
Luis Serna, AICP, Planning Consultant (PC)
Dave Marsicano, Public Works/Marina Director (PWMD)
Doug Andrews, Events & Recreation Director (ERD)
Sea Marshall-Barley, Support Specialist (SS)

- D. APPROVAL OF THE MINUTES
- 1. BOC WORKSHOP MINUTES JANUARY 26, 2016
- 2. BOC AGENDA SETTING MEETING FEBRUARY 9, 2016
- 3. BOC REGULAR MEETING FEBRUARY 9, 2016

A motion to approve the minutes as presented was made by Commissioner Lister and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

E. APPROVAL OF THE AGENDA

CM: Asked to remove Resolution 2016-14 from this meeting. This was applied for previously but he was advised by the Pinellas Planning Commission that the City would not have a likely chance of obtaining this grant. To avoid wasted time and materials, he asked the item

A motion to approve the agenda as amended was made by Commissioner Hodges and seconded by Commissioner Lister.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

PRESENTATIONS/PROCLAMATIONS

1. PROCLAMATION DECLARING APRIL 2016 AS “DONATE LIFE MONTH”
Mayor Travis Palladeno and Jennifer Krouse, LifeLink Foundation, Inc.

Mayor Palladeno: Introduce the representative from LifeLink Foundation, Inc., Carlos Ruiz to accept the proclamation. The Mayor then read the proclamation in its entirety.

Mr. Ruiz accepted the award and was grateful to the City for their support of this cause.

2. INDEPENDENT AUDITOR’S REPORT – FISCAL YEAR ENDED SEPTEMBER 30, 2015
John Houser, Wells, Houser & Schatzel, P.A.

ACM: Introduced John Houser. Last summer, the finance department went through an RFP process to find a new audit firm to work with the City. Five proposals were received and Wells, Houser & Schatzel, PA was chosen through that process. He commended Mr. Houser for his very hands-on approach to the audit and will be under contract with the City for at least two more years.

They have been working on finalizing the financial statements for the CAFR. The status of the CAFR is currently delayed. We have received our fourth consecutive award from GFOA for excellence in financial reporting. These are delayed due to a new standard issued by the Governmental Accounting Standards Board for pension accounting that cities were not previously required to report. The City, along with all other participating cities, is waiting on the reports from FRS. When all of the reports are received, the CAFR will be completed and the Board will formally accept it.

John Houser: The audit field work was completed on February 4th and all the reports have been drafted and compiled to be presented tonight. The finalized reports are expected by April 30, 2016.

No difficulties were noted during fieldwork for the audit. Corrected and uncorrected misstatements will be pointed out in the form of journal entries. The first is in regards to stormwater revenue bond were reclassified from budgetary revenues on a budgetary basis to long-term liabilities on a GAAP basis. Other than these two instances, they found the books to be in very good order.

The report will state that the firm has completed the audit and that it is management’s responsibility to make their statements and it is the firm’s responsibility to make policy recommendations to the statements. We are pleased to report that there are no weaknesses in internal control nor any issues of noncompliance need to be reported.

The City was in compliance in regards to the City’s investments. There will be a schedule in the CAFR and the remaining fund balance in regards to the BP Oil Spill settlement.

The last report is the Independent Auditor’s Letter that determines if any findings in the prior year has been corrected. One item found from last year was corrected and is now in compliance. The report also requires the firm to perform financial performance procedures which takes five years of historical data and compare these to benchmarks from other similar cities (fund structure, population, taxable property values, etc.). There are only three other cities which share Madeira Beach’s standards.

In conclusion, he thanks management and City staff for their assistance throughout this process.

Mayor Palladeno: Commended the Assistant City Manager and applauded the Finance Department at the City.

ACM: The Conditions Assessment Report were inconclusive, it is his job is to make the reports conclusive at least in meaning to the Board. He has several items he would like to share and introduce some of the finance topics that are scheduled to be discussed at the March 29, 2016 Workshop.

The City is absolutely in a growth phase – there is a lot of new development, redevelopment, and many projects. The general fund operating expenditures has increased by 12.8% due to all of the growth, following last year’s increase of 8.4%. The liabilities have increased 125% due the borrowing for the undergrounding utility project and the stormwater project for a combined total of nearly \$9 million in debt. The City also recently completed its fourth debt issue in 29 months – which means that this is occurring about every seven months.

Government fund assets have increased 23.2%, due mostly to the City Centre facilities. One time revenues need to be addressed and should not be used for ongoing costs. Two contributions, ROC Park valued at nearly \$1.2 million and the BP Oil Settlement in the amount of \$580,000 were received this year. These funds will be set aside for a future project.

The millage rate was raised for the first time since 1989 which increased property tax revenue – which equated to an 18% increase. The City also raised the parking meter rate to \$1.50 which added to parking and tourism growth rate that has increased

The City reported a net position increase of 10%, followed by a 3% increase from the previous year. The theme for the next policy discussion and the 2017 budget will be how to adequately manage the growth and sustain the City for the future.

In the next few months, the City will need to determine how it going to manage this growth. He will revisit the fund balance policy, introduce new policy concepts, and begin preliminary Fiscal Year 2017 discussion all aimed at finding the best approach to have long term sustainability.

F. PUBLIC COMMENT – LIMITED TO THREE (3) MINUTES

Steve Kochick: With the budget coming up, he would like to bring up the idea to incorporate solar energy at the City Centre. He mentioned the funds from the BP Oil Spill Settlement and believes that these funds should be invested in something positive for the City.

He also wanted to thank the citizens of the City for their high turnout for the election and is in favor of the outcome. He mentioned that some concerns he heard were in regards to the

Mark Marrow: He wants to comment on the financial numbers that were discouraging. He has been in the City for forty years and the City has not had such a commendable finance director.

He also wanted to comment on the referendum ballot language. He believes that the language was misleading because the super majority was mentioned but the current charter language allows for a referendum to sell City property. He accused the Board of knowing what they were doing with this language and should be embarrassed that it failed. These are the same people that voted this Board and he does not think this is right.

One of the reason that he voted against this is due to the Board’s business knowledge. He also noted that this same Board also voted for the City Manager to have seven weeks of vacation, who can then turn that vacation in if it is unused.

Robert Shaw: He thinks it is good to remind people that we have a representative form of government. We could go to a referendum form of government, but that would not be efficient. We either trust the Board we elected or don’t trust them in which case he would vote to replace them. He trusts this Board and believes in representative government.

Doreen Moore: She is also extremely disappointed in the Board. She also disagrees with the City Manager’s comment asking “where were we” in the Tampa Bay Times. She is disappointed in the lack of education that was originally promised in the early phases.

Mayor Palladeno: We did have an educational meeting and no one showed up.

Pete Trott: He wants to commend the population of the residency in that they didn’t understand the referendum and voted against it. What you are doing is giving power to people that aren’t even here yet – they need to think of any future ramifications such decisions will have.

Renee Crup: She is new to the process but has lived in the City for eight years. If you provided a meeting and no one came, then this was a failure on the Board. It is their responsibility to ensure that the information is presented to the people and a forum is available. It is very difficult to do business with this Commission and often times, if you do get a voice to talk to, you are sent to voicemail. The people shouldn’t have to dig and hunt down information.

G. CONSENT AGENDA

1. AUTHORIZATION OF EXPENDITURES TO FIREWORKS DISPLAY UNLIMITED, LLC IN THE AMOUNT OF \$26,000 FOR FOURTH OF JULY FIREWORKS SHOW.
2. AUTHORIZATION OF EXPENDITURES TO CLARK SALES DISPLAY, INC. IN THE AMOUNT OF \$30,670 FOR HOLIDAY DECORATIONS.

A motion to approve the consent agenda was made by Commissioner Lister and seconded by Commissioner Hodges.

CM: These are two budgeted items. The first item is in regards to the fireworks and the City did receive the anonymous donation of \$5,000. The second item is in regards to the holiday lights, and we need to keep in mind that with the

undergrounding, there may need to be some adjustments to the holiday decorations depending on where the project is at that time.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

H. CONTRACTS/AGREEMENTS – NONE

I. UNFINISHED BUSINESS – NONE

J. NEW BUSINESS

1. AUTHORIZATION OF GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST ADOPTION AGREEMENT WITH ICMA RETIREMENT CORPORATION

Vincent M. Tenaglia, Assistant City Manager

ACM: This item is regards to a new IRS requirement. We need to meet the IRS requirement by April 30, 2016 and recommends bringing this topic back up during a Workshop meeting to re-evaluate the plan.

A motion to authorize the Governmental Money Purchase Plan and Trust Adoption Agreement with ICMA-RC was made by Commissioner Shontz and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

2. **ORDINANCE 2015-18**

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150th AVENUE AND 565 150th AVENUE FROM, MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

The CA read Ordinance 2015-18 by title only.

A motion to approve the first reading of Ordinance 2015-18 was made by Commissioner Lister and seconded by Commissioner Hodges.

Several pieces of evidence were presented tonight at the public, quasi-judicial hearing including ex-parte communications, submitted and revised applications, the City staff report, and resumes of the parties who gave testimony. Those items are attached to the minutes.

CA: This is a quasi-judicial process and this will be a more formal approach. He will explain the steps of the process as this item is presented and discussed.

The parties are as follows: C&T Enterprises, MMH Enterprises, and the City. There were three notices of intent were presented to the City Clerk’s office on March 11, 2016 but were not received in a timely manner. The three notices were filed by Peter Trott, John Lipa, and Bill Gay.

The CA then read all public ex-parte communications specifically related for this project. These communications have been attached to the minutes and will serve as public record of the communications presented at this meeting.

A short recess was called at 8:30 p.m. and the meeting was reconvened at 8:40 p.m.

Katie Cole: As Mr. Trask advised, this is a quasi-judicial hearing and the first step is the disclosure of ex-parte communication. The disclosure prevents any

She noted that Vice-Mayor Poe had an additional meeting in December with the developer that she wants to ensure is entered into record. The applicant is not seeking to ask the Vice-Mayor to recuse herself based on communications that

alluded to her opposition to the project with the understanding that any decision that the Board make tonight is based solely on the evidence presented tonight.

The initial and revised applications have been submitted to the City and entered into record.

The mayor accepted the initial and revised applications into evidence and directed Attorney Cole to proceed.

Katie Cole: Where did this idea come from and why does it fit with the City. To facilitate the development of privately owned property – the use of the intensity and density was additionally amended recently and reviewed by the Pinellas Planning Council. There is extensive public property in the Town Center Plan and existing new condominium development.

Mr. Holton's property is one of the properties in the 150th Avenue area.

Ed Hooper: Based on the disclosure of ex-parte communications, there was a lot of information heard. The City established a vision with the Town Center Special Area Plan, and in that plan the City specified how the eastern entrance of the City would appear.

He noted that the applicant did not request the meetings in the December timeline, but they worked with City staff to accommodate their schedule. This process began much earlier in 2015 and he assures that nothing has been rushed or attempted to be pushed through.

Mr. Holton's family has owned the property in question for nearly fifty years. Based on what the City's code allows for maximum density, what is presented today is only 47% of that maximum. This project is also 42% of the bulk of what is allowed in the area. Four of the five buildings have been lowered and 22% of the rooms have been decreased. We are not only meeting the code, but not coming close to the maximum. Mr. Holton also intends to live on this four acre property once the project is completed.

Istvan Peteranecz and Robert Pergolizzi submitted their resumes to the City Clerk.

The applicant has strived to ensure that landscaping and aesthetics of which the City would be proud. He now introduces

Istvan Peteranecz: Registered architect for thirty-five year now. He is here to talk about Section 2, the Site Plan Provision. The goal was to cater to the daily and weekly guests, as well as full-time, on-site residents. An architecturally consistent design also hides cars, incorporate a mixed-use feel, and take advantage of the marina and boat access of the property.

Concealed parking, garage and service areas, and a continuous fifty foot wide promenade, a residential condominium building in three separate structures, a residential condo with seven stories above parking, a condo with six stories above two levels of parking, and a 200 seat restaurant. As much view and open land as possible was incorporated into this design.

As you approach over the bridge, the marina, promenade, and pedestrian activity will be visible. The pedestrian experience was a big goal of this design. An under-bridge connector and promenade along the marina and perimeter of the site is also included.

The site is significantly lower than the apex of the bridge and allows for space between the buildings in order to avoid a fortress effect. The vision is to create a creative mixed used design based on the Town Area Plan.

Robert Pergolizzi: Certified planner and has 28 years of experience preparing transportation studies. The existing conditions on 150th Avenue operates at a level of service C. Based on the reduced plan, the project is projected to operate at a D-level.

We did not take into account any internal capture. Internal capture accounts for any internal traffic interchanges within a mixed-use area. In the event of a hurricane or tropical storm event, the notice is given early and any evacuation would be in one direction on a bridge that will not go up.

Katie Cole: Pictures that were in the packet are now presented in front of you.

In 2014, amendments to Land Development Plan was made to require a Planned Development Application and enter into a development agreement to specify what the project will look like.

The conditions of approval were generated by the City staff and include the responsibility to relocate utilities as necessary and public utilities remain unobstructed, permits are properly obtained and various city departments have final approval on the submittal. The parking is provided in its entirety, it is important to note that 100% of the minimum required by code.

CA: If there are no questions from the Board, the next stage would be for Mr. Healy and Mr. Serna to present on behalf of the City via their staff report.

Dave Healy and Luis Serna, submitted their resumes to the City Clerk and gave the City's staff report.

Dave Healy: Has 47 years of experience in planning and has been in Pinellas County for the last 38 years. He is going to explain some of the chronology of this project and put all these details in context. In 2001, the initial discussions began on the Town Center Special Area Plan. A series of public meetings dating back nearly fourteen years to get this plan approved. The requirement from the state made the process become much more intense during the time period between 2006 and 2007. This work culminated in the 2008 Comprehensive Plan that allowed for a new division known as Planned Redevelopment Mixed Use. The intent of the creation of a new district was established. In 2009, this intent was used to create the Special Area Plan that is required to be adopted at the City and county level.

At the same time this was put into place, the nation saw the downturn in the economy and development was halted. In 2012 it was investigated as to why there had been no plans or developments in this time. A series of amendments in 2014 were designed to work in tandem with the three parts of the process that spoke to those amendments. These amendments allowed: increase in density to temporary lodging only, the next one amended the code to agree with the plan to require for any rezoning to use this planned development technique in which a rezoning required a strict development agreement, and the last amended the Town Center Plan to create a vision that united the Madeira Way area to the entrance to the City from the causeway.

Luis Serna: He focused on five main criteria that is considered in regards to planned development considerations. These include: consistency with the comprehensive plan, land use compatibility, adequate public facilities, public interest, and consistency with land development regulations. A more detailed breakdown of the criteria considered and how the proposed project meets these requirements is included in the City's staff report that is entered into evidence.

The mayor accepted the City Staff Report as evidence and opened public comment.

Jeff Brown: He knows very well the concerns of the residents regarding building height.

He believes that as more people come to the area and new visitors will be mostly parked and will walk back and forth to the beach. He does have fears about the traffic but believes that benefits outweigh the costs and commends Mr. Holton for adjusting the original design to accommodate some of the residents' concerns.

Che Berry: Has been in this community for the last 35 years. He knows Mr. Holton and knows that he has grown up in this area with his family. He invested enough money to do something great with this property and something good for this community.

Corey Hubbard: Has moved back to the area recently and finds some of the comments that accuse the City and develops of opacity in regards to the process. Many of the comments are repetitive. This project will mean a growth in local business. She is a proud descendent of a family that has been in the area since the 1920s. Her children and generation will be living in this area and she is in favor of the project.

Nancy Briner: She has been a resident for 37 years and a resident of the Gulf Beaches for 58 years. She read a quote from the Mayor of Indian Rocks Beach that made the point that it is important for a Mayor to understand why people move to a certain beach. The City needs developing but it is her wish that would find a plan that works for the merchants and keeps residents safe and happy too. The referendum shows what the citizens think of this Commission

Jeff Beggins: He commends the Board for looking at the project as they are and commends Mr. Holton for his role in this project. He could have taken the check and run, but he has been accommodating. This will not be Clearwater since this level of density only applies to this small sliver of land.

Robert Preston: The message is clear that residents want this project reduced. If this is approved, could the attorneys sue the City to ask for higher stories that would be allowed?

Peter Trott: There are a few things that just don't seem to fit. We are here for a rezoning and we are out-lawyered and out-represented. This land was zoned for a C-3 and the \$250,000 plan allowed for that – they want a PD and are basically saying the City wasted its money. The rest is minutia. If we spent the money to have the plan zoned in this way, why would we ignore that? If you allow this, you may not be back.

Peter Irving: This will tie the hands of their future commissioners for twenty years. The Commission really needs to consider how this will not only affect the current Board and residents, but the impact that something of this magnitude could have in the future.

Ginger Tolliver: This is too much all at once. She doesn't care what the traffic department has to say, but a C-level is not passable and the new D-level is even worse.

Sam Baker: Owner for 26 years and a resident for 18 years. There is not one development project under consideration right now, but two. The traffic will be impacted by the additional project. He does not think the City should pay a dime on this project, it should be completely up for the developer. He would suggest a City-wide survey, but that was covered in the emails – only two were in favor. I don't think we need to add 25% more population.

Captain Mark Hubbard: He grew up in this city when there was no sidewalk nor drainage. Gulf Boulevard started getting developed and there were always naysayers. This is the same thing happening now. The Board is doing their homework and the property owner is doing his homework. This project will be great for the economic impact and will in turn be beneficial for the residents. The greenery, the sidewalks, the development of water taxi to alleviate some traffic.

Shirley Nelly: Wanted to thank the Board and her favorite Mayor for all of the work they have done for the City. A few years ago, Mr. Hubbard has the same resistance for the parking garage in John's Pass and now it is wonderful to watch the sunsets. She believes that Mr. Holton is doing a wonderful thing for the community and it will be a beautiful site.

Jim Everett: Is a resident, does not own a business, and serves on the City's Planning Commission. What we have right now on Madeira Way is not exactly Rodeo Drive. These projects are needed and will provide nearly \$500,000 in added property tax revenues. He believes that this will be a great entrance to the City. There are not a lot of residents who were born and raised here.

Reese Noran: In the thirty years he has seen changes to the City, those changes have only added to the beauty of the City. This is the place that he and his wife have lived and he wanted to thank the City Manager and his crew for all of their work. The Board has to strike a balance between progress and the status quo. Change will come – some are good, some aren't, but he believes that this is a positive.

Brian Nelson: He believes that this project should be denied and to quote the City Manager, the clay should be stepped on and started from the beginning. The two greatest attributes are the ease of access to the beach and the quaintness of the town according to Trip Advisor. We are vastly different from Clearwater and even Treasure Island. The height was increased way higher than the established norm similar to asking for an increase to the speed limit on Gulf Boulevard to seventy miles per hour. The City is not Clearwater and we do not want the added congestion. If this is approved the government will have listened to the voice of the developers, not the people.

Steve Kochick: This has been a long time coming with the plan – which was misquoted and cost \$25,000, not \$250,000. When he was part of this process, he was against condominiums and the goal of this plan was to increase hotel density, not condo density. These projects are supposed to be for tourists in a residential area. This building is not tall, and anything after three stories doesn't make a huge difference. He is in favor of something higher and thinner than shorter and wider. Get the people involved and get the people out to give their input to avoid discontent. Once that development agreement is made, is that if it is changed the buildings will have to come down since it is written in stone.

Doug Speeler: His son has lived for many years in Madeira Beach and he does a lot of business in the City. We just went through the worst recession we've ever been in (short of the Great Depression), and many cities are going broke. He admires the staff for having a thriving municipality. Madeira Beach has become a waterfront destination, but think if what community and has the amenities to offer that Madeira Beach does.

Rob Locktell: It has been a pretty consistent theme that a vast majority is in favor of development but not in development of this size. You can quote studies for FDOT, and he's sure that Clearwater did the same process, and look what they are stuck with. At the January 11, 2016 Planning Commission, twenty people were concerned and only five were in favor. The February 8, 2016 Minutes were a cop-out and only mentioned that several comments had concerns. He is also concerned over the additional marine traffic. The referendum vote is a clear sign that there is concern of what the commission would do if they had the power. These two projects are being ignored.

CA: The next section of the hearing will allow the parties to make rebuttal statements to any issues that were brought up in the public comment section of the meeting.

Katie Cole: With respect to Mr. Trott’s concern for the plans changing after approval, there is a requirement to not change the approved plan in the form of the development agreement that will be heard at the next hearing. She also stressed that this hearing tonight is only in reference to one project that began last summer and not connected with any other development projects.

The impact fees are paid by all developers or any commercial project that pulls a building permit. The fees are paid to the county then fifty percent is refunded back to the City. These funds are then applied to specific areas. These are not General Fund or City dollars being used.

Dave Healy: There is a misconception that once the rezoning occurs, the developer can do what they want. That is not the case, the development agreement locks them into the plans that were approved.

The impact fees must be spent on projects within a close area around the development to improve the area that may be impacted in some way. This money cannot be spent freely by the City.

Katie Cole then made her final summary.

Katie Cole: Rezoning hearings are not based on public opinion; decisions are based on fact and evidence that has been presented. The evidence heard must be weighed in regards to the evidence presented by the parties present.

Commissioner Poe: Noted that the item just for the rezoning ordinance in this packet was one of the worst that the Board has ever been presented – the attached evidence was difficult to read, numbered irregularly, and incomplete. The applications for the project review were not notarized and dated consistently. She does not feel that she has been given enough time to go over all of the information – we need the complete information. She attempted to call a motion for a continuance of this item but did not receive a second.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....NO
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

3. **ORDINANCE 2016-02**

A FIRST READING OF 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.

The CA read Ordinance 2016-02 by title only.

A motion to approve the first reading of Ordinance 2016-02 was made by and seconded by

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

4. **ORDINANCE 2016-03**

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE AN ARTICLE PROHIBITING AND REGULATING THE OVERNIGHT ABANDONMENT OF PERSONAL PROPERTY ON THE PUBLIC BEACHES OF THE CITY AND TO BE COMMONLY REFERRED TO AS “MADEIRA BEACH LEAVE NO TRACE ORDINANCE”; AND PROVIDING FOR AN EFFECTIVE DATE.

The CA read Ordinance 2016-03 by title only.

CM: The additional impact is what he is concerned about. He is going to be a little bit lax on this enforcement until public knowledge and meetings with condos associations can be done. Deputy Lockett explained that the deputies are planning on creating flyers to distribute for education.

CA: The rental properties will also be responsible for notifying the renters of this ordinance and the provisions it lists.

A motion to approve the first reading of Ordinance 2016-03 was made by Commissioner Shontz and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

5. **ORDINANCE 2016-04**

A FIRST READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES TO CREATE A SECTION PROVIDING FOR UNOBSTRUCTED USE OF PUBLIC DOCKS AND BOAT LAUNCHING RAMPS AND RESTRICTIONS TO THE SECURING OR TYING OF VESSELS TO PUBLIC PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

The CA read Ordinance 2016-04 by title only.

A motion to approve the first reading of Ordinance 2016-04 was made by Commissioner Shontz and seconded by Vice-Mayor Poe.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

6. **RESOLUTION 2016-12**

AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING LOCAL OPTION SALES TAX FUND EXPENDITURES IN THE AMOUNT OF \$110,000; AND PROVIDING FOR AN EFFECTIVE DATE.

The CA read Resolution 2016-12 by title only.

A motion to approve Resolution 2016-12 was made by Commissioner Lister and seconded by Commissioner Hodges.

CM: At the last workshop, it was directed that staff would proceed if Mr. Karns was able to work out an agreement with Mr. Speeler and this has occurred. Mr. Karns has agreed to fund the other half of the project. Right after this resolution is the authorization.

Guy Critelli: He approves the dock, but he does not approve how it is happening. There are other areas that need attention as well, what about Pelican Lane? He felt he was failed by the Commission. He wants to see the beautification around John’s Pass and in other areas of the City.

Mayor Palladeno: Asked that this item for enclosing the dumpsters on Pelican Lane could be added to the next workshop for further discussion.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

a. **AUTHORIZATION OF EXPENDITURES**

AUTHORIZATION OF EXPENDITURES TO SPEELER FOUNDATIONS, INC., IN THE AMOUNT OF \$110,000, FOR FISHING PIER CONSTRUCTION.

A motion to authorize the expenditure to Speeler Foundations, Inc. in the amount of \$110,000 was made by Commissioner Lister and seconded by Commissioner Hodges.

CA: The third page of the contract in regards to liens will need to be removed before execution of this agreement. He has made similar recommendations to Mr. Speeler in the past and Mr. Speeler acknowledged the change.

It is also noted that the execution of this contract is contingent on an agreement submitted by Bill Karns to pledge half of the project funding.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Shontz.....YES

Vice-Mayor Poe.....YES
Mayor Palladeno.....YES

7. **RESOLUTION 2016-13**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR FLORIDA BOATING IMPROVEMENT PROGRAM FUNDS ADMINISTERED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, TO ASSIST WITH THE CREATION OF NEW PUBLIC TRANSIENT BOATING FACILITIES AT THE CITY CENTRE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

The CA read Resolution 2016-13 by title only.

A motion to approve Resolution 2016-13 was made by Vice-Mayor Poe and seconded by Commissioner Hodges.

CM: The next item was removed and he is working with the Pinellas Planning Council on these grant applications.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Shontz.....YES

Vice-Mayor Poe.....YES
Mayor Palladeno.....YES

8. **RESOLUTION 2016-14**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR FLORIDA BOATING IMPROVEMENT PROGRAM FUNDS ADMINISTERED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, TO ASSIST WITH THE CREATION OF NEW PUBLIC TRANSIENT BOATING FACILITIES AT JOHN’S PASS VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Item J-8 was removed during the Approval of the Agenda.

9. **AUTHORIZATION OF EXPENDITURES**

AN AUTHORIZATION OF CHANGE ORDER TO INCREASE CPWG PURCHASE AGREEMENT NO. 15000232 IN THE AMOUNT OF \$110,434 FOR GULF BOULEVARD IMPROVEMENT PROJECT ADDITIONS.

A motion to authorize the expenditure for a change order to increase CPWG Purchase Agreement No. 15000232 in the amount of \$110,434 was made by Vice-Mayor Poe and seconded by Commissioner Shontz.

CM: This item was previously discussed in the Special Workshop. There is no additional information that needs to be heard at this meeting.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Shontz.....YES

Vice-Mayor Poe.....YES
Mayor Palladeno.....YES

K. REPORTS/CORRESPONDENCE

• **CITY COMMISSION**

Mayor Palladeno: A Gulf to Bay tourism publishing is being added to the Sunday New York Times. The City is featured and the number one festival in Pinellas County is the John’s Pass Sea Food Festival.

The TDC also changed some language in the 60/40 is going to be spent on advertisement and the rest on infrastructure. Funds will now be spread throughout the county and not just focused on one project.

• **CITY ATTORNEY**

CA: Because the referendum was defeated, the persons who filed the lawsuit were contacted and have agreed to withdraw that lawsuit as soon as the vote has been certified by the Supervisor of Elections.

• **CITY MANAGER**

CM: There was a possibility of not having a quorum at the next Planning Commission Meeting so the date has been rescheduled from April 11, 2016 to April 28, 2016. This will be advertised on the website and the City sign.

The update on the undergrounding is going slowly and we will present a significant financial update.

We also received a \$350,000 state appropriation that was earned through a lobbyist and the mayor's contacts. This will be used for lighting in John's Pass. The Mayor added that Kathleen Peters, this area's state representative was also involved in obtaining these funds.

- **CITY CLERK** – None

L. ADJOURNMENT – The meeting was adjourned at 11:00 p.m.

Date approved: April 12, 2016

Travis Palladeno, MAYOR

Submitted by Sea Marshall-Barley, Support Specialist

Attachments Submitted to Public Record:

- Holiday Isle Marina Application Package (Original and Revised)
- Resumes Submitted by Witnesses
- Ex-Parte Communications:
 - Emails from Residents on Holiday Isle Project
 - Emails from Supporters of Stop Tall Buildings
 - Ex-parte Communication from Commissioner Nancy Hodges
 - Ex-parte Communication from Vice-Mayor Poe

Servedio, Aimee

From: ALLANTIQUE@aol.com
Sent: Monday, March 14, 2016 2:09 PM
To: Crawford, Shane; Palladeno, Travis; Poe, Elaine; Hodges, Nancy; Lister, Terry; Shontz, Pat; Jim.Everett@yahoo.com; mike@doradosi.com; jeffthejewelerflorida@gmail.com; Carrden23@gmail.com; dlaw@giopsnow.com; Annras1@gmail.com
Subject: Please respect the people & Vote not to have such large density.

As residents of Madeira Beach across the water from the proposed development of Madeira Way and 150th Avenue, what the developer proposes is far too much density for the area. We are a BEACH community not NEW YORK city or Miami.

The traffic from the Holten property and this new proposed development will add almost 7,000 more cars per day on 150th Ave..... 7,000 image that!!! Even 700 would be a problem.

We have lived through the building of the rec center and the new town hall & firehouse. There was building noise everyday, dirt, mud water running into the intercoastal waterway and not contained until we complained. Now that all of that has been built, we have events that are intrusive to us.

These new developments in planning are ONLY in the interest of planners who are making big bucks. Please scale them down quite a bit.

We do not need 5 new hotels and 4 new condos within a 1.5 mile area!!!

Theresa & Charles DeRoller

Servedio, Aimee

From: GARY FUSICK <garyfusick@aol.com>
Sent: Monday, March 21, 2016 8:01 PM
To: Crawford, Shane; Palladeno, Travis; Poe, Elaine; Hodges, Nancy; Lister, Terry; Shontz, Pat; Jim.Everett@yahoo.com; mike@doradosi.com; jeffthejewelerflorida@gmail.com; Carrden23@gmail.com; dlaw@giopsnow.com; Annras1@gmail.com
Subject: PROPOSED PROJECT

Dear Madeira Beach official,

As a citizen of Madeira Beach, My wife and I are against any project that destroys the character of our community. You should be also. Those who came before us created ordinances into the building codes to assure our community would not take on the look and feel of a big city. To now circumvent those ordinances simply by voting to do so is simply wrong. You can't change the rules every time some Corporate entity request you do so.

To tear down buildings that are functioning with thriving business's simply to be replaced with giant metropolitan type buildings for the sake of profit should not be allowed. Its one thing to tear down abandoned or blighted properties in the name of progress but to simply eliminate dozens of functioning small business's and the longstanding jobs they provide for the sake of corporate profits is just not what this community needs.

What's next, tear down Johns pass to put up 40 story time shares?

Please vote down the proposed project and allow our community to keep the charm it has always had.

Gary & Gina Fusick
101 148th St
Madeira Beach FI, 33708

The more than two-to-one vote that defeated the recent Madeira Beach referendum to give the city commission super majority power to sell city owned property without reference to residents should be a clear sign to city commissioners that they do not have the support of voters.

Very Truly Yours,

Nancy & Florian
Simala
15400 Gulf Blvd
#1001
Madeira Beach, FL
33708

Servedio, Aimee

From: Florian Simala <floriansjr@gmail.com>
Sent: Friday, March 25, 2016 1:32 PM
To: Palladeno, Travis; Shontz, Pat; Lister, Terry; Hodges, Nancy
Subject: Fwd: Holton and Karn's Projects

Dear Mayor Palladeno and Commissioners,

Below is a message sent to Vice Mayor Poe to be shared with you.

Sincerely,

Florian Simala
15400 Gulf Blvd, #1001
Madeira Beach, FL
33708

----- Forwarded message -----

From: Florian Simala <floriansjr@gmail.com>
Date: Thu, Mar 24, 2016 at 5:49 PM
Subject: Holton and Karn's Projects
To: "Poe, Elaine" <epoe@madeirabeachfl.gov>

Dear Vice Mayor Poe,

Thank you for standing up for the residents of Madeira Beach at the City Commission meeting on March 16th. We are very disappointed that the mayor and other commissioners are not doing likewise in spite of the overwhelming opposition to the scope of the planned development of both the Holton and Karn's properties. These projects have split the community between business owners and residents. Naturally, business owners want to see more people and traffic in Madeira Beach as this will benefit their businesses. On the other hand, residents believe the scope of the developments will disrupt their daily lives and quality of life with additional traffic clogging roads and the Tom Stuart Bridge. Most residents bought in Madeira Beach to live a relaxed life style, not a frenetic urban one. There's really no need to repeat these arguments as we have heard them all. What is even more worrisome on top of the double shock of the Holton and Karn's projects is what will be redeveloped next, the post office and adjoining shops which will really not fit into the looks of the Town Center, the Winn-Dixie complex, the library, or other valuable waterfront properties in Madeira Beach?

Issue is taken with the traffic expert's comment that Madeira Way is a "short-cut." Madeira Way is a reliever of traffic traveling west and east to and from the Tom Stuart Bridge, as well as allowing easy access to the post office. Artist sketches of the Karn's development show Madeira Way restricted to one lane in either direction from the current two, and the inability to turn east on 150th Ave from Madeira Way. Additionally, the sketches seem to show only two lanes of traffic at the 150th Ave junction with Gulf Blvd, eliminating the existing dedicated right turn lane going south on Gulf Blvd. This together with the restricted Madeira Way, additional tourist traffic from the developments can only add to Madeira Beach's traffic congestion.

Servedio, Aimee

From: chris in south bend <chrisinsouthbend@gmail.com>
Sent: Tuesday, March 29, 2016 10:10 PM
To: Palladeno, Travis; Poe, Elaine; Hodges, Nancy; Shontz, Pat; Lister, Terry; Crawford, Shane; citizens@tampabay.rr.com
Subject: STOP TALL BUILDINGS

I oppose the rezoning the Holiday Isles and Tom Stuart Causeway projects and oppose the increased height and density permitted by those rezoning.

Servedio, Aimee

From: Patrick McGough <McGough.Patrick@spcollege.edu>
Sent: Wednesday, March 30, 2016 8:49 AM
To: Palladeno, Travis; Poe, Elaine; Hodges, Nancy; Shontz, Pat; Lister, Terry; Crawford, Shane; citizens@tampabay.rr.com
Subject: STOP TALL BUILDINGS

I oppose the rezoning the Holiday Isles and Tom Stuart Causeway projects and oppose the increased height and density permitted by those rezoning.



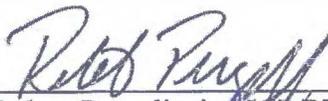
**FDOT PERMIT TRAFFIC ANALYSIS
FOR
HOLTON MADEIRA BEACH SITE
TOM STUART CAUSEWAY (S.R. 666)**

**PREPARED FOR:
HOLTON COMPANIES**

**PREPARED BY:
GULF COAST CONSULTING, INC.
REVISED FEBRUARY 2016
PROJECT # 14-048**

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- II. EXISTING CONDITIONS
- III. FUTURE CONDITIONS WITH DEVELOPMENT
- IV. CONCLUSIONS AND RECOMMENDATIONS



Robert Pergolizzi, AICP/PTP
AICP # 9023 / PTP #133



Octavio Cabrera, P.E.
FL. Reg. #14663

Octavio Cabrera

FEB 03 2016

FL P.E. No. 14663

I. INTRODUCTION

The applicant proposes to improve its property located on the southeast side of Tom Stuart Causeway (SR 666) in the City of Madeira Beach (See Figure 1) The property is adjacent to the Madeira Beach Municipal Marina and access is via an existing right-in/right-out driveway and via the full median opening that serves the city property. Subsequent to the January 11, 2016 Madeira Beach Planning Board meeting, the applicant revised the plan and application to reduce the height and intensity of the development to address neighbor concerns. The applicant now intends to develop a 150 room hotel, a 68 unit condominium, a 122 unit condo/hotel, and a 17,000 square foot restaurant and associated parking. In addition, there will be a small marina with 100 slips that will be limited to use by condominium owners, hotel guests, and restaurant patrons that wish to arrive by boat. The potential site improvements include relocating the frontage road and extending the left turn lane at the project west entrance. This traffic analysis was prepared to evaluate the traffic impacts at the driveways and to aid in driveway design.

II. EXISTING CONDITIONS

The Tom Stuart Causeway (SR 666) is a four-lane divided arterial roadway with a posted speed of 40 MPH and is controlled by a traffic signal at Duhme Road east of the drawbridge and Madeira Way to the west. SR 666 is an Access Class 7 roadway per FDOT Rule 14-97, with a minimum driveway spacing requirement of 125 feet, and a full median opening spacing of 660 feet.

Existing conditions were established by obtaining PM peak period (4-6 PM) intersection turning movement counts at the SR 666/Full Median Opening intersection and the existing right-in/right-out driveway intersection with SR 666 in September 2015. These counts were seasonally adjusted to peak season equivalents using FDOT seasonal adjustment factors. Intersection analysis was performed using the HCS software. The existing (2015) peak hour traffic volumes are shown in Figure 2 and the HCS printouts are included in Appendix A.

At the full access to SR 666 (Drive A), a total of 16 vehicles entered and 13 vehicles exited the site during the PM peak hour. Westbound left turns operate at LOS B with 11.0 seconds delay, and the exiting vehicles operate at LOS C with 17.6 seconds delay for the exiting motorists.

At the eastern driveway (Drive B) to SR 666 access is limited to right-in/right out movements due to proximity to the drawbridge. During the PM peak hour there were 6 entering vehicles and 11 exiting vehicles. The exiting vehicles operate at LOS B with 12.0 seconds average delay.

Based on the adjusted traffic counts, roadway segment volumes were calculated and analyzed using FDOT Generalized Capacity Tables. The adjacent segment of SR 666 carries 2,108 vehicles during the PM peak hour which represents LOS C on a 4-lane divided roadway.



PROJECT LOCATION – HOLTON MADEIRA BEACH SITE

PROJECT NO:
14-048

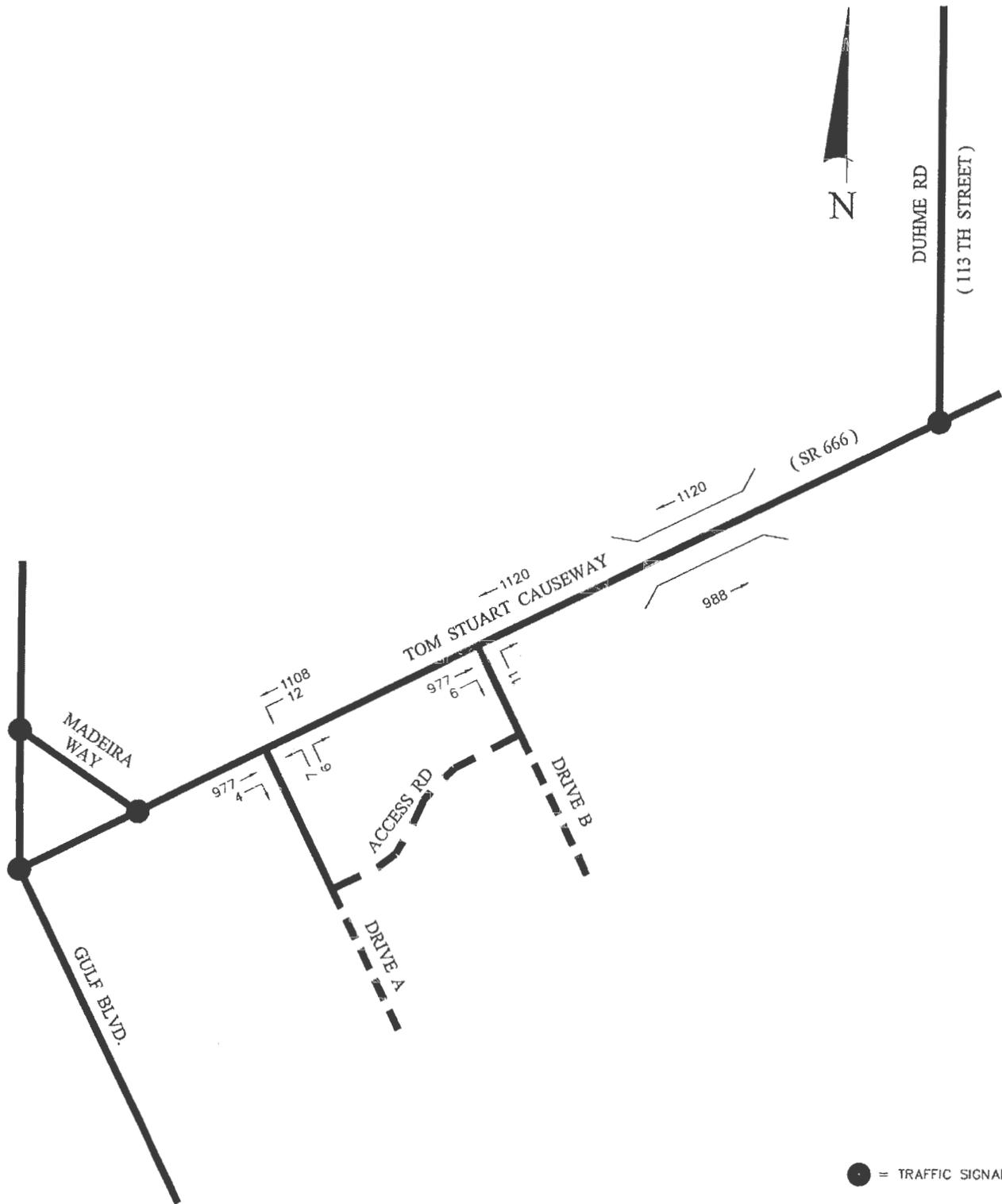


Gulf Coast Consulting, Inc.
Land Development Consulting

DATE:
9/2014

DRAWN BY:
MKC

FIGURE:
1



● = TRAFFIC SIGNAL

EXISTING PM PEAK HOUR/PEAK SEASON TRAFFIC

PROJECT NO:
14-048



Gulf Coast Consulting, Inc.
 Land Development Consulting
 ENGINEERING TRANSPORTATION PLANNING PERMITTING
 13825 ICOT BLVD., SUITE 605
 Clearwater, Florida 33760
 Phone: (727) 524-1818 Fax: (727) 524-6090
www.gulfcoastconsultinginc.com

DATE:
10/2015

DRAWN BY:
GJS

FIGURE:
2

III. FUTURE CONDITIONS WITH DEVELOPMENT

Trip generation estimates of the additional traffic caused by the proposed development were made using ITE Trip Generation, 9th Edition rates.

Land Use	Amount	ITE LUC	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips (in/out)
High-Rise Condominium	68 units	232	284	23	26 (16/10)
High-Rise Condo/Hotel	122 units	232	510	41	46 (29/17)
Hotel	150 rooms	310	1,225	80	90 (46/44)
Quality Restaurant	17,000 SF	931	1,529	14	127 (85/42)
Total			3,548	158	289 (176/113)

The additional traffic caused by the development is expected to be 3,548 daily trips of which 289 would occur during the PM peak hour (176 entering / 113 exiting). This would classify as a Category “D” permit application with FDOT. Project traffic was distributed to the surrounding roadway system based on the following percentages which were derived from traffic counts at the existing median opening and driveway.

30% west on SR 666 (Tom Stuart Causeway) +87 PM trips
 70% east on SR 666 (Tom Stuart Causeway) +202 PM trips

The intersection and driveway were analyzed to consider future operations with the project development in place. Expected future traffic is shown in Figure 3 and the HCS printouts are included in Appendix B.

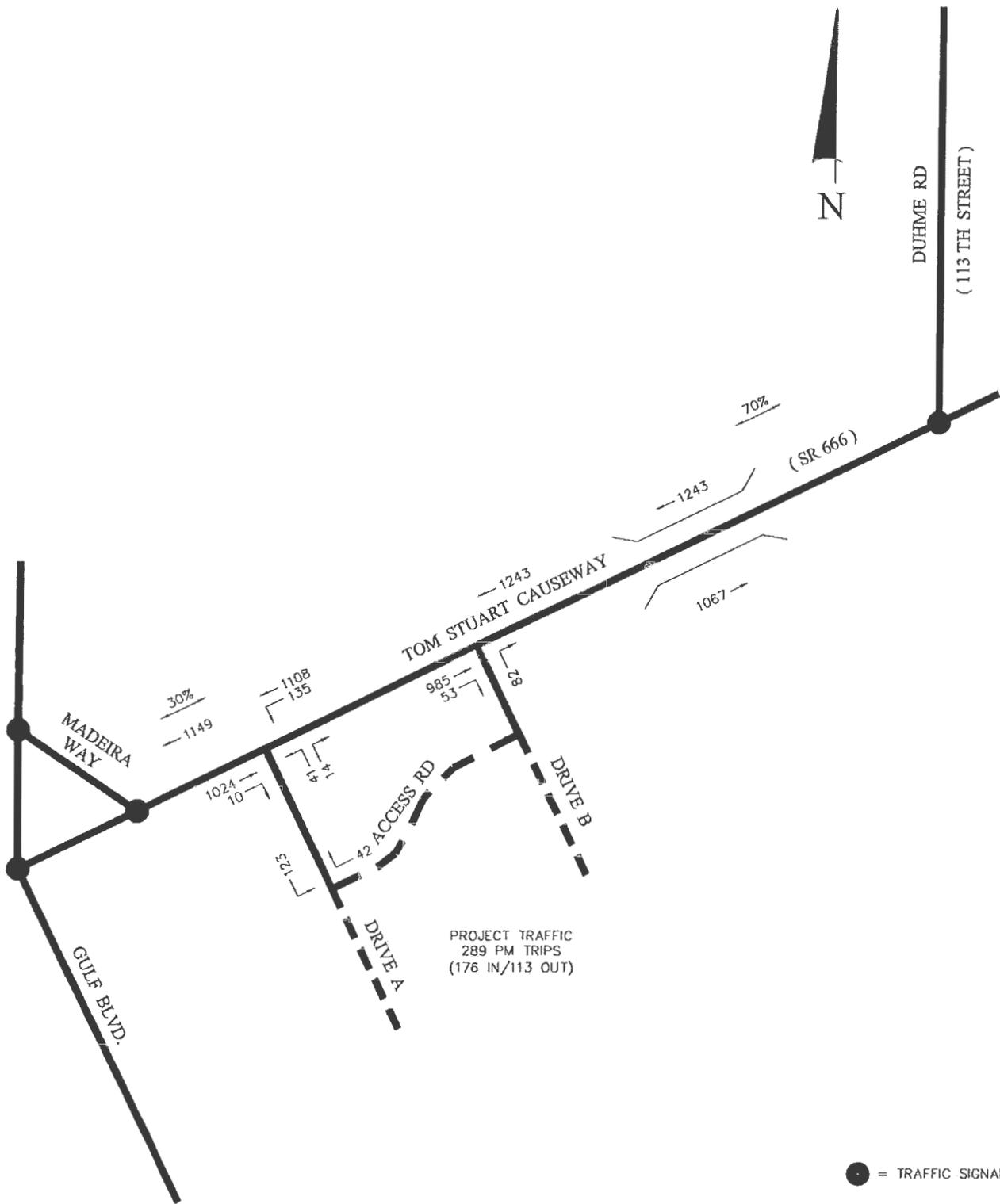
At the full access to SR 666 (Drive A), westbound left turns would operate at LOS B with 13.5 seconds delay and the left and right-turns exiting would operate at LOS D with delay increasing to 31.3 seconds.

At the eastern driveway (Drive B) to SR 666 which is limited to right turn access, the exiting vehicles would continue to operate at LOS B with 13.9 seconds average delay.

The adjacent segment of SR 666 would continue to operate at LOS C with volume increasing to 2,310 vehicles east of the site and 2,183 vehicles west of the site during the PM peak hour. This represents acceptable levels of service.

IV. CONCLUSIONS AND RECOMMENDATIONS

The proposed development of this property to contain condominiums, a condo/hotel, a limited service hotel and a restaurant with dedicated marina slips is expected to generate 3,548 daily trips and an additional 289 PM peak hour trips. With the impacts of the proposed development, all movements at the driveways would operate at acceptable levels of service and SR 666 would continue to operate at LOS C. The left turn lane should be lengthened to include 125 feet of queue storage plus 240 feet deceleration distance per FDOT Index #301 for a 50 MPH design speed urban condition. This will require median modifications and relocation of the median opening further west.



FUTURE PM PEAK HOUR/PEAK SEASON TRAFFIC

PROJECT NO:
14-048



Gulf Coast Consulting, Inc.
Land Development Consulting
ENGINEERING TRANSPORTATION PLANNING PERMITTING
13825 ICOT BLVD., SUITE 605
Clearwater, Florida 33760
Phone: (727) 524-1818 Fax: (727) 524-6090
www.gulfcoastconsultinginc.com

DATE:
2/2016

DRAWN BY:
GJS

FIGURE:

3

APPENDIX A

2014 Peak Season Factor Category Report - Report Type: ALL
 Category: 1500 PINELLAS COUNTYWIDE

MOCF: 0.95

Week	Dates	SF	PSCF
1	01/01/2014 - 01/04/2014	1.03	1.08
2	01/05/2014 - 01/11/2014	1.05	1.11
3	01/12/2014 - 01/18/2014	1.07	1.13
4	01/19/2014 - 01/25/2014	1.05	1.11
5	01/26/2014 - 02/01/2014	1.03	1.08
6	02/02/2014 - 02/08/2014	1.00	1.05
7	02/09/2014 - 02/15/2014	0.98	1.03
* 8	02/16/2014 - 02/22/2014	0.96	1.01
* 9	02/23/2014 - 03/01/2014	0.95	1.00
*10	03/02/2014 - 03/08/2014	0.95	1.00
*11	03/09/2014 - 03/15/2014	0.94	0.99
*12	03/16/2014 - 03/22/2014	0.93	0.98
*13	03/23/2014 - 03/29/2014	0.93	0.98
*14	03/30/2014 - 04/05/2014	0.94	0.99
*15	04/06/2014 - 04/12/2014	0.94	0.99
*16	04/13/2014 - 04/19/2014	0.94	0.99
*17	04/20/2014 - 04/26/2014	0.95	1.00
*18	04/27/2014 - 05/03/2014	0.96	1.01
*19	05/04/2014 - 05/10/2014	0.97	1.02
*20	05/11/2014 - 05/17/2014	0.98	1.03
21	05/18/2014 - 05/24/2014	0.99	1.04
22	05/25/2014 - 05/31/2014	0.99	1.04
23	06/01/2014 - 06/07/2014	0.99	1.04
24	06/08/2014 - 06/14/2014	0.99	1.04
25	06/15/2014 - 06/21/2014	0.99	1.04
26	06/22/2014 - 06/28/2014	1.00	1.05
27	06/29/2014 - 07/05/2014	1.00	1.05
28	07/06/2014 - 07/12/2014	1.00	1.05
29	07/13/2014 - 07/19/2014	1.01	1.06
30	07/20/2014 - 07/26/2014	1.01	1.06
31	07/27/2014 - 08/02/2014	1.01	1.06
32	08/03/2014 - 08/09/2014	1.02	1.07
33	08/10/2014 - 08/16/2014	1.02	1.07
34	08/17/2014 - 08/23/2014	1.02	1.07
35	08/24/2014 - 08/30/2014	1.04	1.09
36	08/31/2014 - 09/06/2014	1.05	1.11
37	09/07/2014 - 09/13/2014	1.06	1.12
38	09/14/2014 - 09/20/2014	1.07	1.13
39	09/21/2014 - 09/27/2014	1.06	1.12
40	09/28/2014 - 10/04/2014	1.06	1.12
41	10/05/2014 - 10/11/2014	1.05	1.11
42	10/12/2014 - 10/18/2014	1.05	1.11
43	10/19/2014 - 10/25/2014	1.05	1.11
44	10/26/2014 - 11/01/2014	1.05	1.11
45	11/02/2014 - 11/08/2014	1.06	1.12
46	11/09/2014 - 11/15/2014	1.06	1.12
47	11/16/2014 - 11/22/2014	1.06	1.12
48	11/23/2014 - 11/29/2014	1.06	1.12
49	11/30/2014 - 12/06/2014	1.05	1.11
50	12/07/2014 - 12/13/2014	1.04	1.09
51	12/14/2014 - 12/20/2014	1.03	1.08
52	12/21/2014 - 12/27/2014	1.05	1.11
53	12/28/2014 - 12/31/2014	1.07	1.13

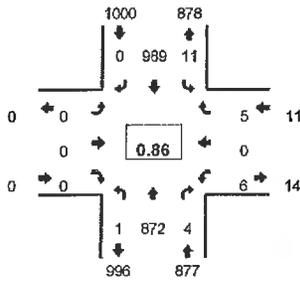
* Peak Season

Type of peak hour being reported: Intersection Peak

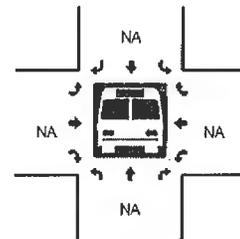
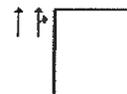
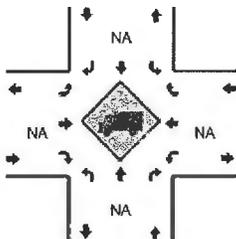
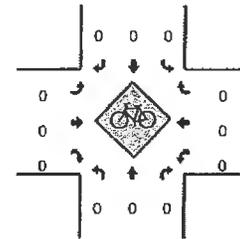
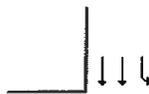
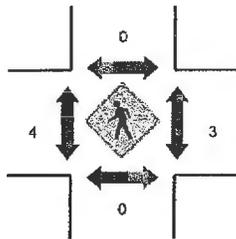
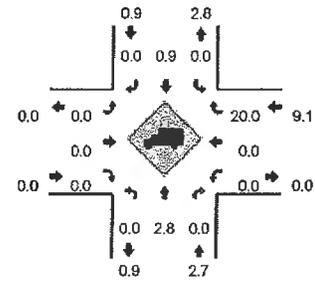
Method for determining peak hour: Total Entering Volume

LOCATION: Tom Stuart Causeway -- Marina Main Dwy
 CITY/STATE: Madeira Beach, FL

QC JOB #: 13605602
 DATE: Tue, Sep 29 2015



Peak-Hour: 4:45 PM -- 5:45 PM
 Peak 15-Min: 5:30 PM -- 5:45 PM



15-Min Count Period Beginning At	Tom Stuart Causeway (Northbound)				Tom Stuart Causeway (Southbound)				Marina Main Dwy (Eastbound)				Marina Main Dwy (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	229	1	1	3	235	0	0	0	0	0	0	0	0	3	0	472	
4:15 PM	0	211	4	0	4	243	0	1	0	0	0	0	3	0	3	0	469	
4:30 PM	0	207	0	0	2	229	0	1	0	0	0	0	0	0	0	0	439	
4:45 PM	0	223	0	0	3	244	0	0	0	0	0	0	0	0	0	0	470	1850
5:00 PM	0	234	2	0	2	237	0	0	0	0	0	0	3	0	2	0	480	1858
5:15 PM	0	201	2	1	3	176	0	0	0	0	0	0	1	0	2	0	386	1775
5:30 PM	0	214	0	0	2	332	0	1	0	0	0	0	2	0	1	0	552	1886
5:45 PM	0	175	2	0	1	274	0	0	0	0	0	0	3	0	2	0	457	1875

PSCF = 1.12
 1108
 12
 977
 4
 7
 6

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	856	0	0	8	1328	0	4	0	0	0	0	8	0	4	0	2208
Heavy Trucks	0	20	0	0	0	12	0	0	0	0	0	0	0	0	0	0	32
Pedestrians	0	0	0	0	0	0	0	0	0	12	0	0	0	0	0	0	12
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Railroad																	
Stopped Buses																	

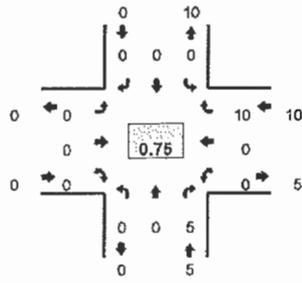
Comments:

Type of peak hour being reported: Intersection Peak

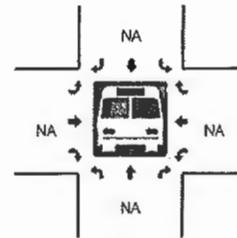
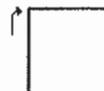
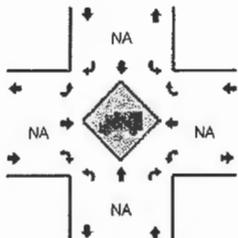
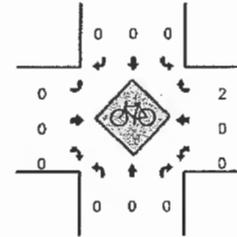
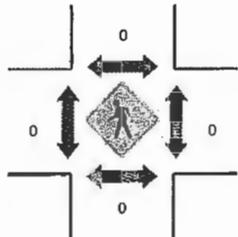
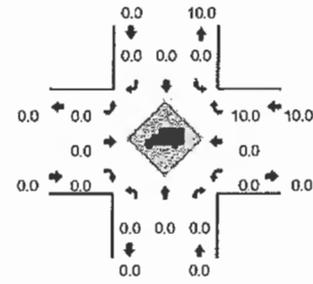
Method for determining peak hour: Total Entering Volume

LOCATION: Tom Stuart Causeway -- Dwy to Marina
 CITY/STATE: Madeira Beach, FL

QC JOB #: 13605601
 DATE: Tue, Sep 29 2015



Peak-Hour: 4:45 PM -- 5:45 PM
 Peak 15-Min: 5:00 PM -- 5:15 PM



15-Min Count Period Beginning At	Tom Stuart Causeway (Northbound)				Tom Stuart Causeway (Southbound)				Dwy to Marina (Eastbound)				Dwy to Marina (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	
4:15 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	2	
4:30 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	2	
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	9
5:00 PM	0	0	2	0	0	0	0	0	0	0	0	0	0	0	3	0	5	12
5:15 PM	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	3	13
5:30 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3	0	4	15
5:45 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0	3	15

PSCF = 1.12 ← 1120

977 ↗ ↘ ↖ ↙

6 ↗ ↘

11 ↖ ↙

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	0	8	0	0	0	0	0	0	0	0	0	0	0	12	0	20
Heavy Trucks	0	0	0		0	0	0		0	0	0		0	0	4		4
Pedestrians	0	0	0		0	0	0		0	0	0		0	0	0		0
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0
Railroad																	
Stopped Buses																	

Comments:

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	RP			Intersection	SR 666 / DRIVE A			
Agency/Co.	GCC			Jurisdiction	FDOT			
Date Performed	10/7/2015			Analysis Year	2015 EXISTING			
Analysis Time Period	PM PEAK							
Project Description								
East/West Street: SR 666				North/South Street: DRIVE A - Main Access				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		977	4	12	1108			
Peak-Hour Factor, PHF	1.00	0.86	0.86	0.86	0.86	1.00		
Hourly Flow Rate, HFR (veh/h)	0	1136	4	13	1288	0		
Percent Heavy Vehicles	0	--	--	2	--	--		
Median Type	Raised curb							
RT Channelized			0			0		
Lanes	0	2	0	1	2	0		
Configuration		T	TR	L	T			
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	7		6					
Peak-Hour Factor, PHF	0.86	1.00	0.86	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	8	0	6	0	0	0		
Percent Heavy Vehicles	2	0	2	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration		LR						
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	LR					
v (veh/h)		13	14					
C (m) (veh/h)		609	299					
v/c		0.02	0.05					
95% queue length		0.07	0.15					
Control Delay (s/veh)		11.0	17.6					
LOS		B	C					
Approach Delay (s/veh)	--	--	17.6					
Approach LOS	--	--	C					

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	RP			Intersection	SR 666 / DRIVE B (RIRO)			
Agency/Co.	GCC			Jurisdiction	FDOT			
Date Performed	10/7/15			Analysis Year	2015 EXISTING			
Analysis Time Period	PM PEAK							
Project Description								
East/West Street: SR 666				North/South Street: DRIVE B (RIRO ONLY)				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		977	6		1120			
Peak-Hour Factor, PHF	1.00	0.86	0.86	1.00	0.86	1.00		
Hourly Flow Rate, HFR (veh/h)	0	1136	6	0	1302	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Raised curb							
RT Channelized			0			0		
Lanes	0	2	0	0	2	0		
Configuration		T	TR		T			
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)			5					
Peak-Hour Factor, PHF	1.00	1.00	0.86	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	5	0	0	0		
Percent Heavy Vehicles	0	0	2	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	1	0	0	0		
Configuration			R					
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					R			
v (veh/h)					5			
C (m) (veh/h)					518			
v/c					0.01			
95% queue length					0.03			
Control Delay (s/veh)					12.0			
LOS					B			
Approach Delay (s/veh)	--	--	12.0					
Approach LOS	--	--	B					

TABLE 4

Generalized Peak Hour Two-Way Volumes for Florida's Urbanized Areas¹

12/18/12

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit) <i>sf 406</i>											
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	1,510	1,600	**	4	4,120	5,540	6,700	7,190	
4	Divided	*	3,420	3,580	**	6	6,130	8,370	10,060	11,100	
6	Divided	*	5,250	5,390	**	8	8,230	11,100	13,390	15,010	
8	Divided	*	7,090	7,210	**	10	10,330	14,040	16,840	18,930	
						12	14,450	18,880	22,030	22,860	
Class II (35 mph or slower posted speed limit)						Freeway Adjustments					
Lanes	Median	B	C	D	E	Auxiliary Lanes Present in Both Directions			Ramp Metering		
2	Undivided	*	660	1,330	1,410	+ 1,800			+ 5%		
4	Divided	*	1,310	2,920	3,040						
6	Divided	*	2,090	4,500	4,590						
8	Divided	*	2,880	6,060	6,130						
Non-State Signalized Roadway Adjustments (Alter corresponding state volumes by the indicated percent.)											
Non-State Signalized Roadways - 10%											
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
2	Divided	Yes	No	+5%		2	Undivided	770	1,530	2,170	2,990
2	Undivided	No	No	-20%		4	Divided	3,300	4,660	5,900	6,530
Multi	Undivided	Yes	No	-5%		6	Divided	4,950	6,990	8,840	9,790
Multi	Undivided	No	No	-25%		Uninterrupted Flow Highway Adjustments					
			Yes	+ 5%		Lanes	Median	Exclusive left lanes		Adjustment factors	
One-Way Facility Adjustment Multiply the corresponding two-directional volumes in this table by 0.6						2	Divided	Yes		+5%	
						Multi	Undivided	Yes		-5%	
						Multi	Undivided	No		-25%	
BICYCLE MODE² (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						¹ Values shown are presented as peak hour two-way volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.					
Paved Shoulder/Bicycle						² Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicyclists or pedestrians using the facility.					
Lane Coverage	B	C	D	E		³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
0-49%	*	260	680	1,770		* Cannot be achieved using table input value defaults.					
50-84%	190	600	1,770	>1,770		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
85-100%	830	1,770	>1,770	**		Source: Florida Department of Transportation Systems Planning Office www.dot.state.fl.us/planning/systems/sm/ls/default.htm					
PEDESTRIAN MODE² (Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	250	850							
50-84%	*	150	780	1,420							
85-100%	340	960	1,560	>1,770							
BUS MODE (Scheduled Fixed Route)³ (Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

APPENDIX B

High-Rise Residential Condominium/Townhouse (232)

Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

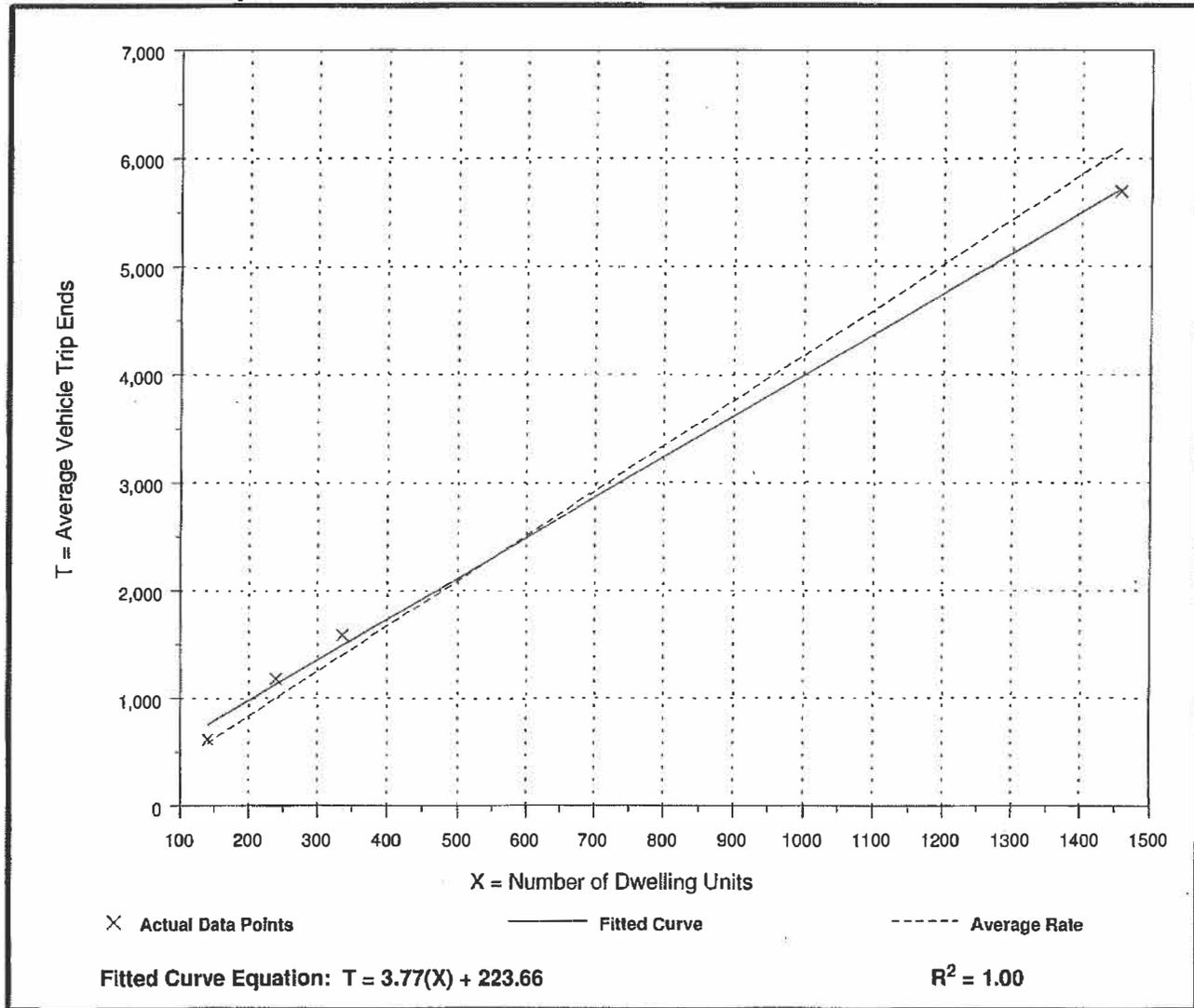
Number of Studies: 4
Avg. Number of Dwelling Units: 543
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.18	3.91 - 4.93	2.08

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



High-Rise Residential Condominium/Townhouse (232)

Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

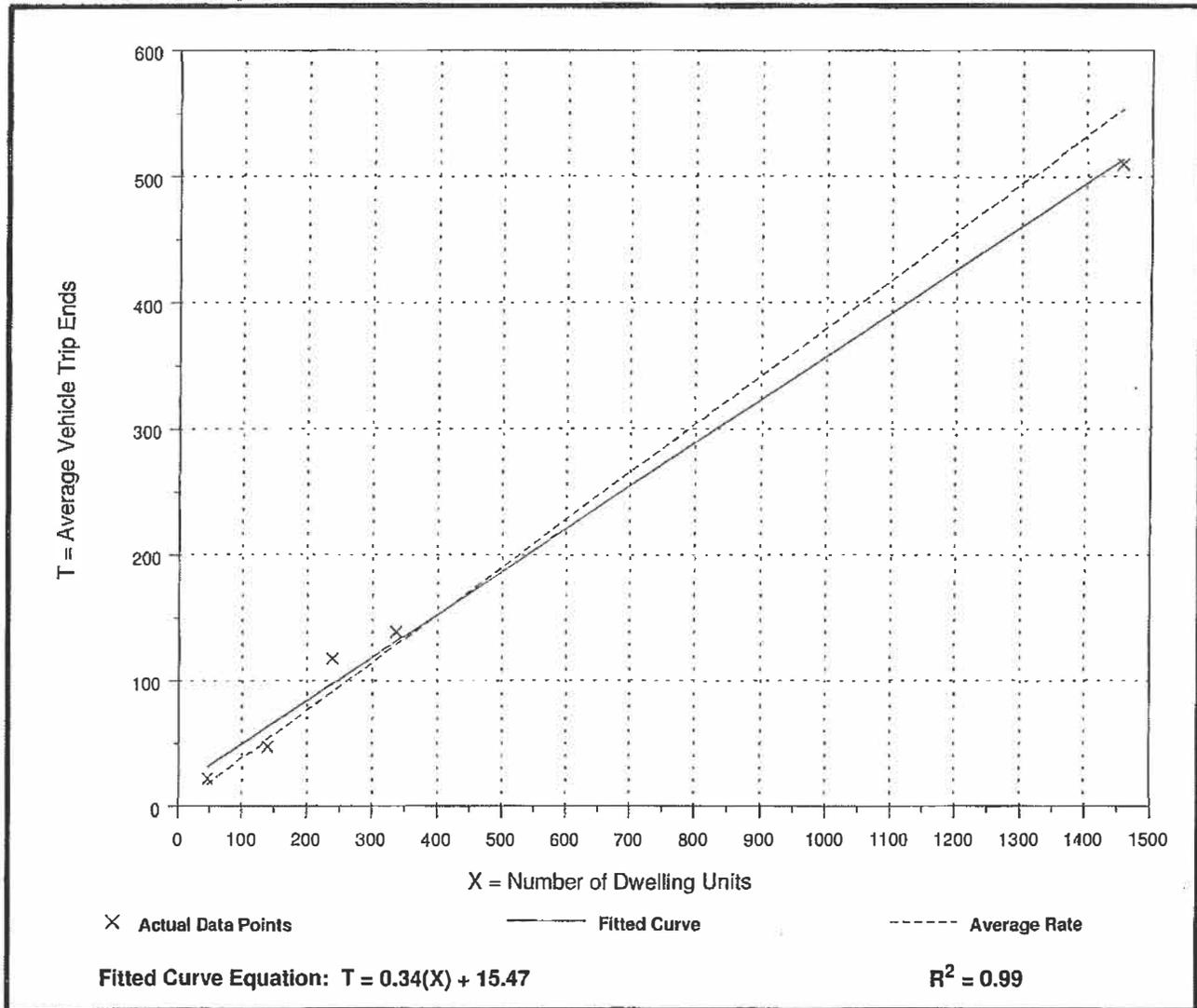
Number of Studies: 5
 Avg. Number of Dwelling Units: 444
 Directional Distribution: 62% entering, 38% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.38	0.34 - 0.49	0.62

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Hotel (310)

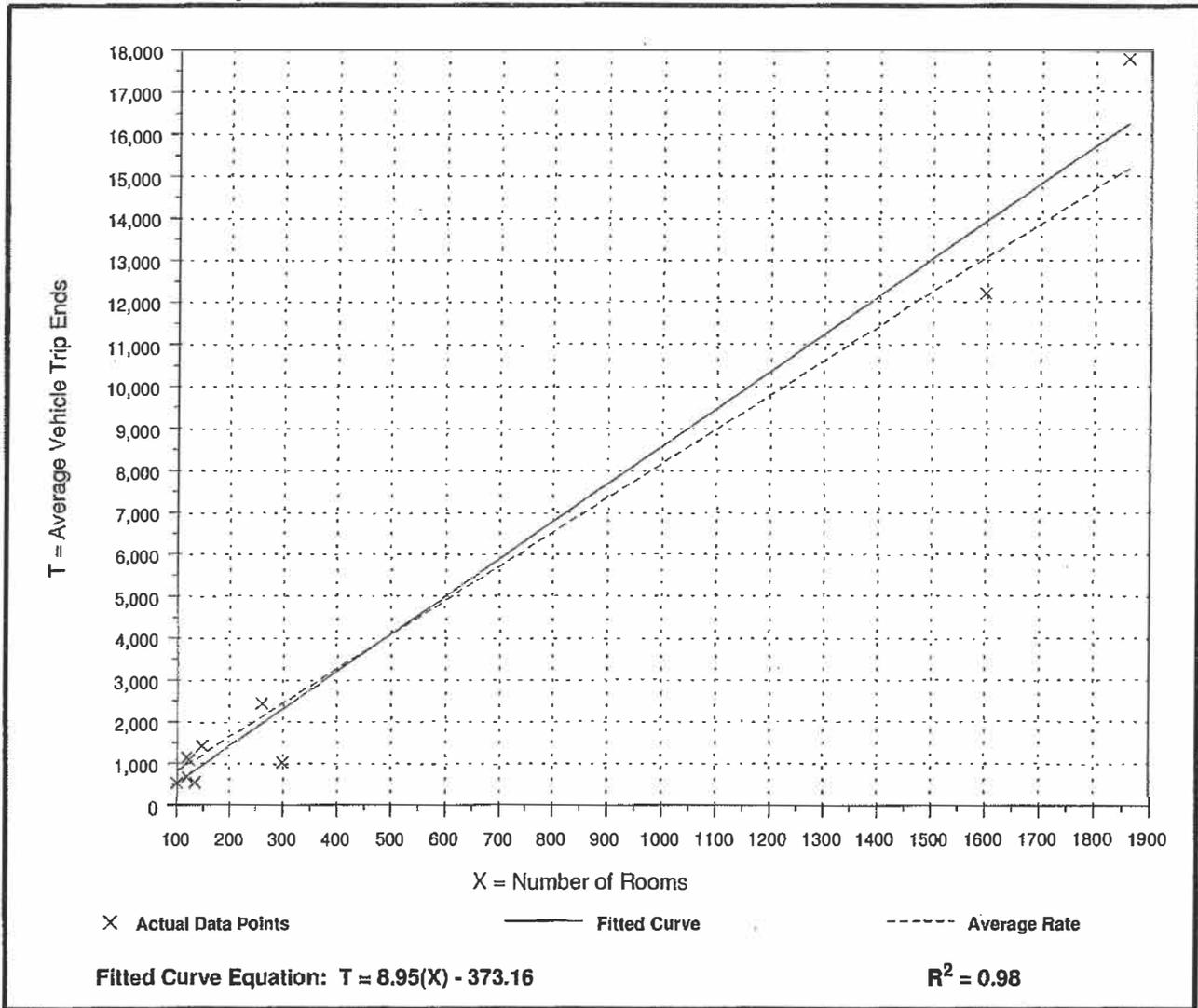
Average Vehicle Trip Ends vs: Rooms
On a: Weekday

Number of Studies: 10
Average Number of Rooms: 476
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
8.17	3.47 - 9.58	3.38

Data Plot and Equation



Hotel (310)

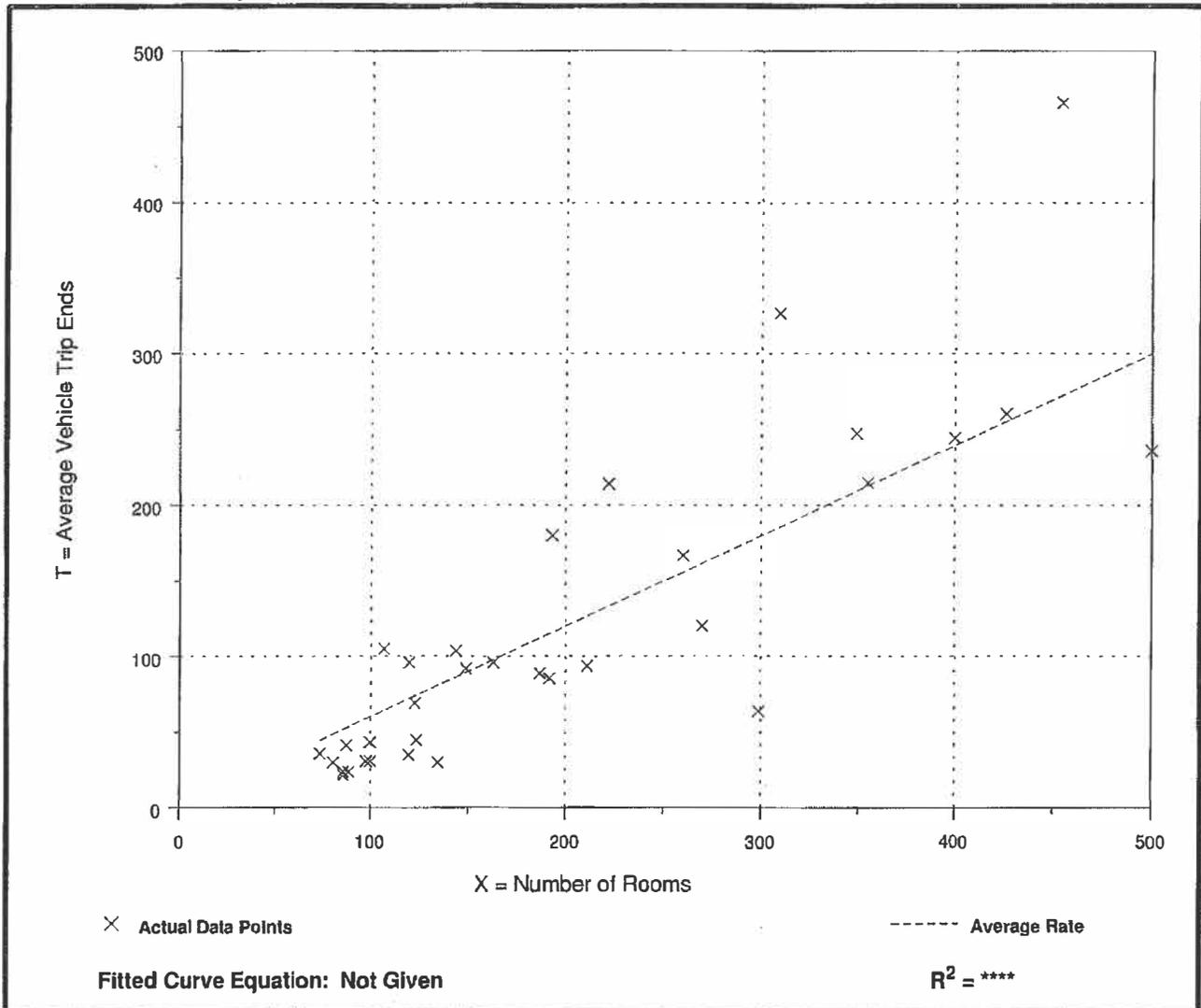
Average Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 33
 Average Number of Rooms: 200
 Directional Distribution: 51% entering, 49% exiting

Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.60	0.21 - 1.06	0.81

Data Plot and Equation



Quality Restaurant (931)

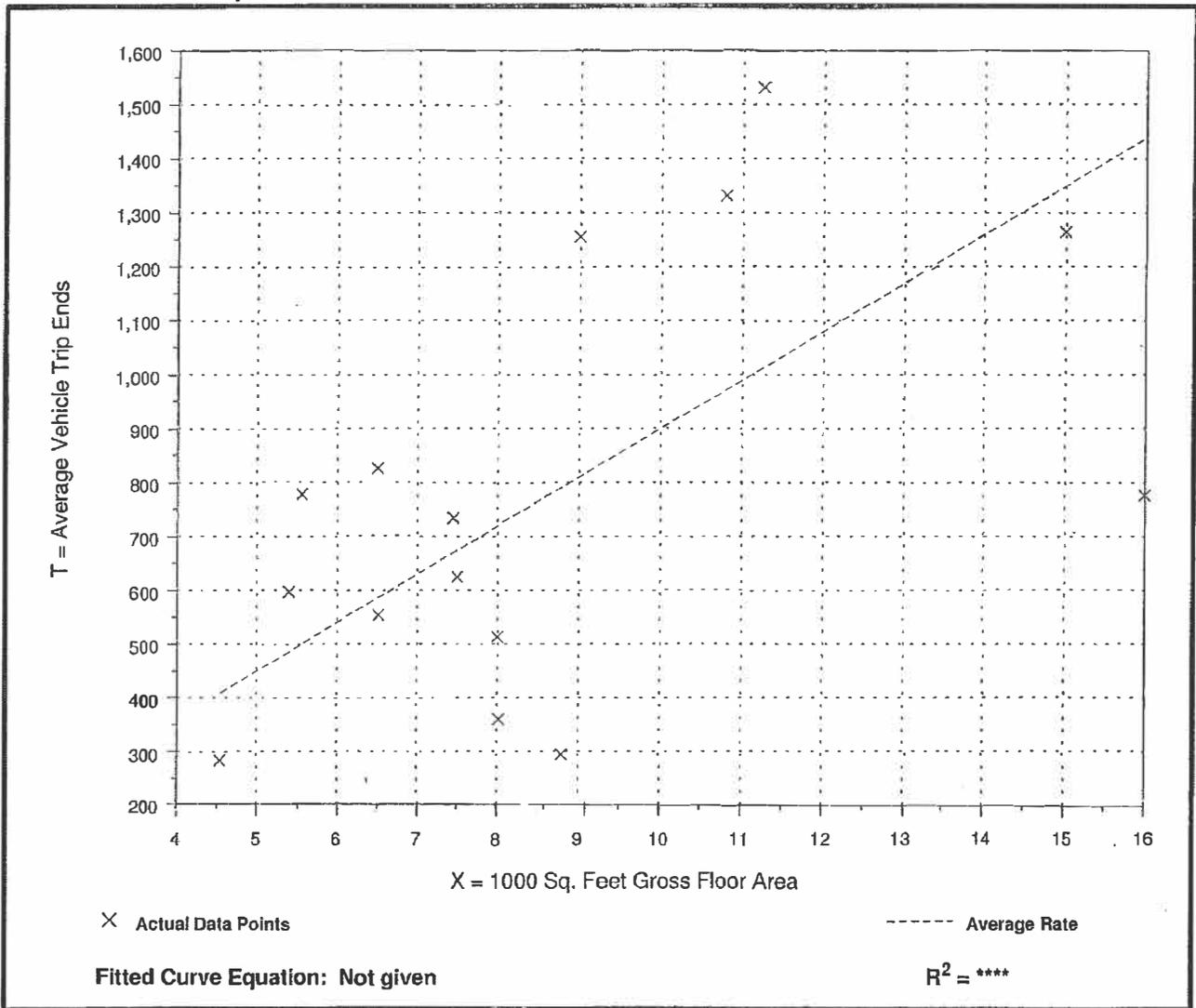
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: **Weekday**

Number of Studies: 15
Average 1000 Sq. Feet GFA: 9
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
89.95	33.41 - 139.80	36.81

Data Plot and Equation



Quality Restaurant (931)

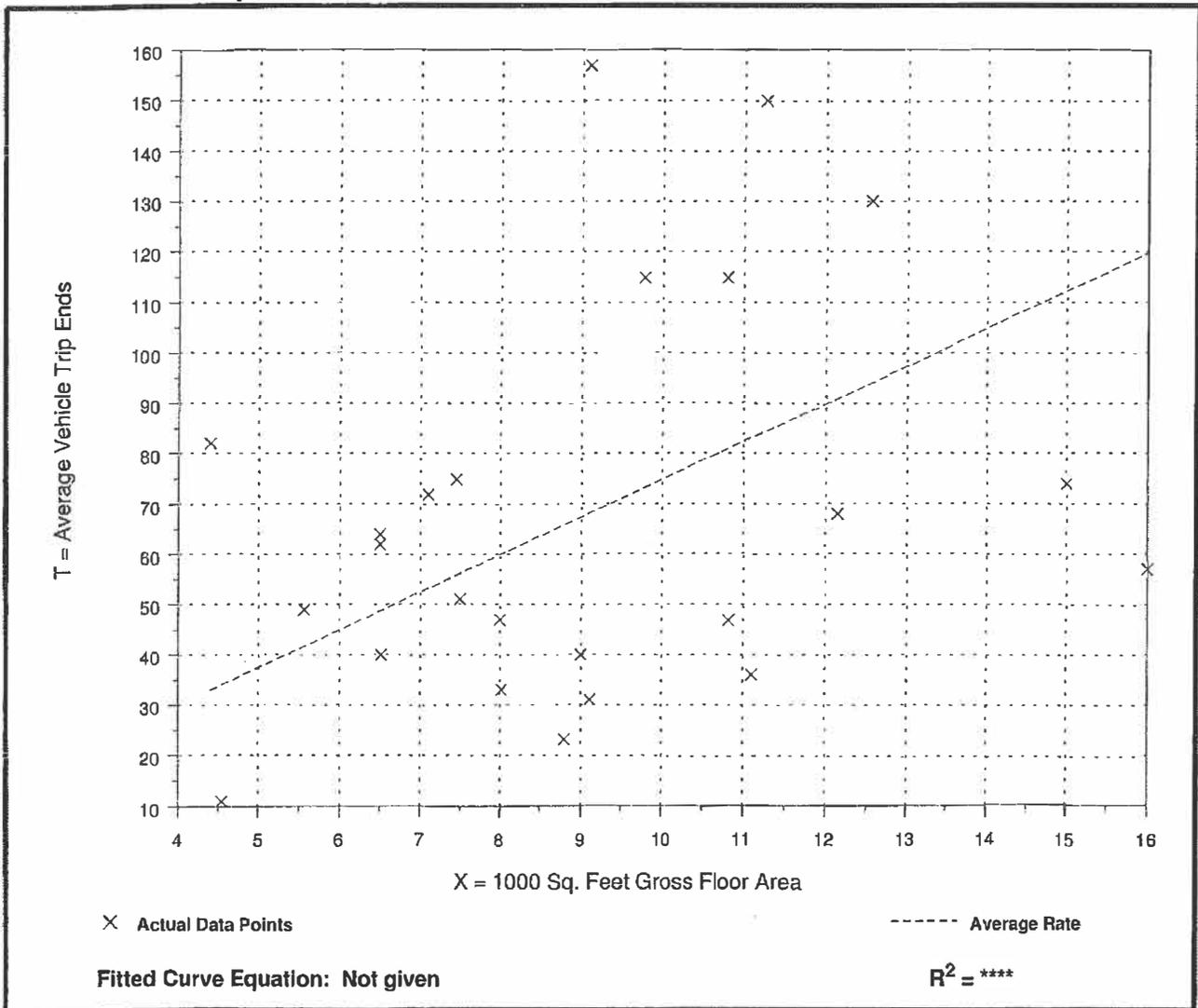
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 24
 Average 1000 Sq. Feet GFA: 9
 Directional Distribution: 67% entering, 33% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
7.49	2.42 - 18.64	4.89

Data Plot and Equation



TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst	RP			Intersection	SR 666 / DRIVE A		
Agency/Co.	GCC			Jurisdiction	FDOT		
Date Performed	2/3/16			Analysis Year	FUTURE WITH PROJECT		
Analysis Time Period	PM PEAK						
Project Description							
East/West Street: SR 666				North/South Street: DRIVE A			
Intersection Orientation: East-West				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Eastbound			Westbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)		1024	10	135	1108		
Peak-Hour Factor, PHF	1.00	0.86	0.86	0.86	0.86	1.00	
Hourly Flow Rate, HFR (veh/h)	0	1190	11	156	1288	0	
Percent Heavy Vehicles	0	--	--	2	--	--	
Median Type	Raised curb						
RT Channelized			0			0	
Lanes	0	2	0	1	2	0	
Configuration		T	TR	L	T		
Upstream Signal		0			0		
Minor Street	Northbound			Southbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	41		14				
Peak-Hour Factor, PHF	0.86	1.00	0.86	1.00	1.00	1.00	
Hourly Flow Rate, HFR (veh/h)	47	0	16	0	0	0	
Percent Heavy Vehicles	2	0	2	0	0	0	
Percent Grade (%)		0			0		
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	0	0	
Configuration		LR					
Delay, Queue Length, and Level of Service							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration		L		LR			
v (veh/h)		156		63			
C (m) (veh/h)		577		199			
v/c		0.27		0.32			
95% queue length		1.09		1.29			
Control Delay (s/veh)		13.5		31.3			
LOS		B		D			
Approach Delay (s/veh)	--	--		31.3			
Approach LOS	--	--		D			

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	RP			Intersection	SR 666 / DRIVE B (RIRO)			
Agency/Co.	GCC			Jurisdiction	FDOT			
Date Performed	2/3/16			Analysis Year	FUTURE WITH PROJECT			
Analysis Time Period	PM PEAK							
Project Description								
East/West Street: SR 666				North/South Street: DRIVE B (RIRO ONLY)				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		985	53		1243			
Peak-Hour Factor, PHF	1.00	0.86	0.86	1.00	0.86	1.00		
Hourly Flow Rate, HFR (veh/h)	0	1145	61	0	1445	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Raised curb							
RT Channelized			0				0	
Lanes	0	2	0	0	2	0		
Configuration		T	TR		T			
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)			82					
Peak-Hour Factor, PHF	1.00	1.00	0.86	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	95	0	0	0		
Percent Heavy Vehicles	0	0	2	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0				0	
Lanes	0	0	1	0	0	0		
Configuration			R					
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration					R			
v (veh/h)					95			
C (m) (veh/h)					497			
v/c					0.19			
95% queue length					0.70			
Control Delay (s/veh)					13.9			
LOS					B			
Approach Delay (s/veh)	--	--	13.9					
Approach LOS	--	--	B					



MADEIRA BEACH BOARD OF COMMISSIONERS

April 7, 2016 – Agenda Report

FROM: Sea Marshall-Barley, Administrative Support Specialist

SUBJECT: **ORDINANCE 2016-05: CREATING ARTICLE IV OF CHAPTER 42 OF THE CODE OF ORDINANCES RELATING TO SYNTHETIC DRUGS; PROVIDING FOR INTENT, DEFINITIONS, SYNTHETIC DRUG SUBSTANCE DETERMINATION, PROHIBITED ACTS, ENFORCEMENT AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

BACKGROUND: At the February Workshop, Lieutenant Dan Zsido from the Narcotics Division of the Pinellas County Sheriff's Office made a presentation to the Board about the increase in usage for synthetic narcotics in the County. Vice-Mayor Poe and Deputy Lockett had also previously with the City Attorney met regarding the issue and how it could be addressed by ordinance.

After the February Workshop presentation, the Board gave its consensus for the City Attorney to move forward and draft an ordinance to address synthetic drugs. This is a first reading of that ordinance.

BUDGETARY

IMPACT: N/A

RECOMMENDED Staff recommends approval of the first reading of Ordinance 2016-05.

BY STAFF:

ATTACHMENT(S): Ordinance 2016-05

AGENDA PACKET SUBMISSION TO CITY CLERK

RECEIVED: 04/08/2016

SUBMITTED BY: City Attorney

Agenda Item: I-3.

ORDINANCE 2016-05

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING ARTICLE IV OF CHAPTER 42 OF THE CODE OF ORDINANCES RELATING TO SYNTHETIC DRUGS; PROVIDING FOR INTENT, DEFINITIONS, SYNTHETIC DRUG SUBSTANCE DETERMINATION, PROHIBITED ACTS, ENFORCEMENT AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII of the Florida Constitution and Section 166.021, Florida Statutes, the City of Madeira Beach possesses the police power to enact ordinances in order to protect the health, safety and welfare of its citizens; and

WHEREAS, synthetic drugs are commonly marketed for sale to young adults and teenagers as a safe and legal alternative to marijuana or other controlled substance; and

WHEREAS, the Board of Commissioners of the City of Madeira Beach has been advised by the Pinellas County Sheriff's Office of a significant increase in the use of synthetic drugs and substances by young adults and teenagers; and

WHEREAS, synthetic cannabinoids, bath salts, and other dangerous chemicals commonly referred to as synthetic drugs, are being added by producers and manufacturers to products in an effort to mimic the effects of illegal drugs when ingested into the human body; and

WHEREAS, due to the manner in which these substances are marketed, the manufacture or production of synthetic drugs is not regulated by the Federal Drug Administration; and

WHEREAS, synthetic drugs may be more potent and dangerous than the controlled substances they are designed to mimic due to the unapproved chemicals and chemical compounds contained therein; and

WHEREAS, ingestion of synthetic drugs has been known to produce undesired and dangerous side effects such as headaches, agitation, nausea, vomiting, hallucinations, loss of consciousness, elevated blood pressure, tremors, seizures, paranoid behavior, anxiety, increased heart rate, and even death; and

WHEREAS, according to the American Association of Poison Control Centers, 5,230 cases of exposure to, or ingestion of synthetic drugs were reported to poison control centers in 2012, 2,668 cases in 2013, 3,682 cases in 2014, 7,794 cases in 2015 and 567 cases in the first two months of 2016; and

WHEREAS, the manufacture, sale and use of synthetic drugs has become a major problem negatively effecting the health, safety and welfare of the citizens and visitors of Madeira Beach; and

WHEREAS, the State of Florida, in an attempt to curtail the marketing, sale and consumption of synthetic drugs has added in Section 893.03, Florida Statutes, several dozen of the chemicals and chemical compounds used in the manufacture of synthetic drugs as controlled or prohibited substances; and

WHEREAS, the Pinellas County Sheriff's Office has been determined that the manufacturers and producers of synthetic drugs can slightly alter the molecular make-up of the chemicals or chemical compounds to avoid regulation under the state statutes; and

WHEREAS, due to the ease of making slight molecular alterations of these chemicals or chemical compounds, law enforcement agencies have found it extremely difficult to bring criminal charges against the manufacturers, producers and marketers of synthetic drug products; and

WHEREAS, undercover investigations by the Pinellas County Sheriff's Office into the manufacture,

marketing, sale, use and consumption of synthetic drugs have proven to be lengthy, costly and man-power intensive; and

WHEREAS, continued enforcement of synthetic drugs under the state statutes has been, and continues to be, hampered merely by the slight changing of the molecular make-up or recipe of the chemicals or chemical compounds used in the manufacture of synthetic drugs in order to defeat law enforcement investigations; and

WHEREAS, it is not the intent of this ordinance to interfere with legitimate actions and conduct of individuals which are protected under the constitutions and laws of the United States and the State of Florida.

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

SECTION 1. That Article IV of Chapter 42 of the Code of Ordinances of the City of Madeira Beach is hereby created to read as follows:

ARTICLE IV. – SYNTHETIC DRUGS

Sec. 42-40. – Intent.

It is the intent of the City of Madeira Beach to protect the health, safety, and welfare of the public by prohibiting the possession, sale, and manufacture of synthetic drugs as defined herein which, when consumed, mimic the effects of narcotics or controlled substances. Due to the dangerous medical and health effects the products prohibited by this article can have on the user of the product, each violation shall be considered a serious threat to the public health, safety, and welfare of the public.

Sec. 42-41. – Definitions.

Synthetic drug means synthetic chemical, synthetic chemical compound, synthetic cannabinoids, synthetic cathinones, and those substances meeting two or more of the factors described in Section 42-42.

Synthetic chemical or synthetic chemical compound refers to a chemical or chemical compound whose molecular composition is substantially similar to, or mimics any of those substances listed as controlled substances in F.S. § 893.03, and whose intended use when introduced into the human body is to mimic the effects of a controlled substance. "Substantially similar" to a controlled substance is described as a "controlled substance analog" in F.S. § 893.0356.

Synthetic cannabinoids means any herbal, vegetal or liquid material which has been soaked, sprayed, blended, combined or otherwise enhanced with a synthetic chemical or synthetic chemical compound that enables the herbal, vegetal or liquid material, or the smoke or vapor emitted from its burning, or vaporization, to mimic or simulate the effects of a controlled substance, tetrahydrocannabinol (THC), when inhaled, ingested, or otherwise introduced into the human body or otherwise affects the function of the human body. Any herbal, vegetal or liquid material described above shall be considered a synthetic cannabinoid regardless of the labeling posted on the packaging for the material and regardless of whether the labeling states that its contents are "not for human consumption," "not for smoking," or other similar statement. The fact that a herbal, vegetal or liquid material, packaged and advertised as a food additive, potpourri, herbal incense, etc., has been soaked, sprayed, blended, combined or otherwise enhanced with a synthetic chemical or synthetic chemical compound which has no legitimate

relation to the advertised use of the product may be considered in determining whether the product is considered a synthetic cannabinoid. This term specifically does not include any herbal, vegetal or liquid material containing synthetic chemicals or chemical compounds which: require a prescription; are approved by the United States Food and Drug Administration; and are dispensed in accordance with Florida and federal law.

Synthetic cathinones, also known as bath salts, means any granular, crystalline, powdered, pill, encapsulated, stick, or block material form of synthetic chemical or synthetic chemical compound that enables the material, or the smoke or vapor emitted from its burning or vaporization, to mimic or simulate the effects of a narcotic or other controlled substance when inhaled, ingested, injected or otherwise introduced into the human body or otherwise affects the function of the human body. Any material described above shall be considered a synthetic drug regardless of the labeling posted on the packaging for the material and regardless of whether the labeling states that its contents are "not for human consumption," "not for smoking," or contains some other similar statement. This term specifically does not include any legitimate, traditional materials known as bath salts or Epsom salts containing synthetic chemicals or chemical compounds which may:

- a. Require a prescription;
- b. Are approved by the United States Food and Drug Administration; or
- c. Are dispensed in accordance with Florida and Federal law.

Controlled substance means any substance defined or listed in Schedule I, II, III, IV or V of F.S. § 893.03, including any analogues, isomers, esters, ethers, salts, and salts of isomers, esters and ethers of such substances.

Drug means an article or substance that is intended to affect the structure or any function of the body of humans as defined in F.S. § 499.003.

Misbranded drug means a drug that is misbranded pursuant to F.S. § 499.007, including, but not limited, to drugs for which (a) the label is in any way false or misleading; (b) the label does not bear the name and place of business of the manufacturer, repackager, or distributor of the finished form of the drug; (c) the label does not bear adequate directions for use; or (d) the label does not bear adequate warnings against use.

Drug paraphernalia means other than devices to ingest or inject prescription drugs, any object used, intended for use of designed for use in ingesting, inhaling or otherwise introducing illicit drugs or controlled substances into the human body. In determining whether an object is drug paraphernalia, a court may consider any of the factors enumerated in F.S. § 893.146.

Sec. 42-42. – Determination of a substance as a synthetic drug.

The following factors, taken in the totality of the circumstances, may be considered in determining whether a product, substance, or other material, should be classified as a synthetic drug. For the purposes of enforcement of this article, the establishment of two or more of these factors shall constitute prima facie evidence that the product is a synthetic drug.

- (a) Marketing. The substance is advertised to be a product for which it is rarely, if ever, suitable to be used for (such as, but not limited to, incense, potpourri, food additive, therapeutic bath crystals, plant food, insect repellent, communication device screen cleaner, jewelry

cleaner, glass cleaner).

- (b) Sales location. Products, whether displayed or not, but offered or sold in, or through, businesses such as liquor stores, smoke shops, and gas/convenience stores where such products are not typically sold.
- (c) Labels and packaging.
 - 1. Products marketed as common non-consumable products which contain warnings not normally found on such products. The warnings may be similar, but not limited to, "not for human consumption", "not for purchase by minors"; or
 - 2. Products containing notices on the package not normally found on similar products such as, but not limited to, "does not contain any chemical compounds prohibited by state law," "contains no prohibited chemicals," "product is in accordance with state and federal laws," "product is in compliance with new Florida Law HB 1175," "does not contain AM2201 or any DEA banned substance," "legal herbal substance," "aromatherapy only," "legal in 50 States," "100% compliant guaranteed".
 - 3. Products whose package labeling or design suggests the user will achieve a "high", euphoria, relaxation, mood enhancement, or that the product has other drug-like effects on the body or otherwise affects the function of the human body.
 - 4. Products using brand names and packaging designed to make the product appear similar to illicit street drugs or commonly used street slang for illicit drugs or their effects or employs symbols, terms or effects of illegal drugs, such as marijuana leaf, blunts, red eyes or crossed-out eyes.
 - 5. Packages are misleading, deceptive or misbranded, including but not limited to:
 - i. The label is in any way false or misleading;
 - ii. The label does not bear the name and place of business of the manufacturer, repackager, or distributor of the finished form of the drug;
 - iii. The label does not bear adequate directions for use; or
 - iv. The label does not bear adequate warnings against use and/or the product contains contradictory warnings/directions for the product's use, which is not consistent for the type of product advertised. (Example: "For fragrance or aromatherapy only" which requires human inhalation and/or "blueberry flavor" upon packages that also read "not for human consumption" or similar statements.)
- (d) Price. The price of the product is incongruent with other similar products marketed for legitimate use, such as incense, potpourri, food additive, therapeutic bath crystals, plant food, insect repellant, communication device screen cleaner, jewelry cleaner, glass cleaner.
- (e) Similarity to illicit street drugs. Products designed to make the substance appear similar to illicit street drugs (such as, but not limited to, a white powder made to resemble, in color and texture, cocaine, or dried vegetal material resembling marijuana).
- (f) Ingredients. A product which is, or has been enhanced with, a synthetic chemical or synthetic chemical compound that has no legitimate relation to the advertised use of the product but

mimics the effects of a controlled substance when the product, or the smoke or vapor from the burned or vaporized product, is introduced into the human body.

- (g) Verbal or written representations. Verbal or written representations made at the place of sale or display regarding the purpose, methods, use, or effect of the product on the human body.
- (h) Co-sale. Offers or suggestions to purchase products such as cigars, pipes, cigarette papers or e-cigarettes that are used with synthetic drugs and demonstrate intent for human consumption.
- (i) Subterfuge. Use of passwords, signs, vouching or other means to vet purchasers and hiding product from general view or offsite to evade law enforcement as to the product's presence.

Sec. 42-43. – Prohibited acts.

The following are prohibited within the city:

- (a) The possession with intent to sell, sale, distribution, production, or manufacture of synthetic drugs.
- (b) The display for sale, marketing, advertisement, or other offer for sale or trade of synthetic drugs in retail stores.
- (c) Allowing or permitting any person under the age of 18 to enter or remain on the premises of any place of business selling or displaying drug paraphernalia, unless the minor person is accompanied by his or her parent or guardian. Such premises must prominently display a sign posted at the entrance, stating that drug paraphernalia is located within the premises, and prohibiting persons under 18 from entering the establishment without their parent or guardian.

Sec. 42-44. – Laboratory analysis.

The city may utilize laboratory analysis or expert testimony (chemistry and/or pharmacology) to test suspected synthetic drugs. Any laboratory analysis of suspected synthetic drug shall be conducted by an ISO state certified laboratory, competent to provide expert testimony in a court of law as to the chemical contents of the product.

Sec. 42-45. – Enforcement and penalties.

- (a) Primary responsibility for the enforcement of this article shall be with any law enforcement officer. Any products found to be synthetic drugs possessed in violation of this section may be seized and held by the city as evidence to be used in any further proceeding.
- (b) This article may be enforced administratively as a code violation pursuant to Article VII of Chapter 2 of the Code of Ordinances. This article is administratively enforceable against any person or legal entity. For the purposes of administrative enforcement, law enforcement officers are specifically authorized and designated to enforce this article within the city limits to the extent such authorization/designation is required by law.

- (c) Each violation shall be considered a separate offense, which can be prosecuted separately. For the purposes of administrative enforcement of this article, each package containing a synthetic drug or misbranded drug shall be considered a separate code violation. A violation of this article shall result in the assessment of a \$250.00 penalty per offense. In any order finding a violation of this article, the violator shall be ordered to pay, in addition to the penalty, for any laboratory analysis and expert testimony costs incurred by the city in the enforcement of this article.
- (d) Nothing contained herein shall prevent the city from taking such other action in law or equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this article including but not limited to:
 - 1. Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;
 - 2. Initiating an action to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this section; or
 - 3. Utilizing any other action or enforcement method allowable by law.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance of the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinance in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. 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 _____, 2016.

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: _____



MADEIRA BEACH BOARD OF COMMISSIONERS

April 7, 2016 – Agenda Report

FROM: Vincent M. Tenaglia, Assistant City Manager

SUBJECT: RESOLUTION 2016-16: AMENDING THE FISCAL YEAR 2016 BUDGET BY DECREASING GENERAL FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$122,000; INCREASING ARCHIBALD FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$22,000; INCREASING SANITATION FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$44,000; TRANSFERRING A FIXED ASSET FROM THE GENERAL FUND TO THE STORMWATER FUND; AND PROVIDING FOR AN EFFECTIVE DATE

BACKGROUND: The Public Works Director has re-evaluated the adopted vehicle replacement schedule and requested several changes to better address operational needs. The attached summary describes the specific changes and allocations, including one interdepartmental transfer.

BUDGETARY IMPACT: The cumulative requested changes reduce FY 2016 expenditures by \$56,000. The Board of Commissioners should be aware this represents only a temporary expenditure reduction. Below is the longer-term budget impact by vehicle:

- Vehicle no. 97 was originally scheduled to be retired without replacement. Its transfer to and replacement from the Stormwater Fund introduces \$30,000 in unplanned capital outlay expenditures.
- The replacement of vehicle no. 44 from the General Fund is deferred rather than cancelled.
- The replacement of vehicle no. 70 from the Stormwater Fund is deferred rather than cancelled.
- The conversion of vehicle no. 19 to a bucket truck will result in a budgetary savings only if vehicle no. 39 is retired without replacement.
- The acquisition of beach equipment in the Archibald Fund introduces \$22,000 in unplanned capital expenditures.

RECOMMENDED BY STAFF: The City Manager recommends approval of Resolution 2016-16.

ATTACHMENT(S): Replacement Plan Revisions
Resolution 2016-16

AGENDA PACKET SUBMISSION TO CITY CLERK
RECEIVED: 04/07/2016
SUBMITTED BY: Assistant City Manager

Agenda Item: I-4.

**City of Madeira Beach
FY 2016 Vehicle Replacement Plan Revisions**

Account	Budget Amendment	Description
001.3000.6400	\$ (84,000.00)	Cancel bucket truck replacement; convert vehicle no. 19 to bucket
001.3000.6400	\$ (38,000.00)	Cancel vehicle no. 44 replacement (-\$45,000); repair existing vehicle (+\$7,000)
General Fund Total	<u>\$ (122,000.00)</u>	
110.9910.6400	\$ 22,000.00	Acquire beach Gator and related equipment
Archibald Fund Total	<u>\$ 22,000.00</u>	
402.7000.6400	\$ 40,000.00	Convert vehicle no. 19 to bucket truck
402.7000.6400	\$ 4,000.00	Equipment for vehicle no. 40
Sanitation Fund Total	<u>\$ 44,000.00</u>	
404.9200.6400	\$ (30,000.00)	Cancel vehicle no. 70 replacement
404.166.0166	\$ 2,321.43	Record transfer of vehicle no. 97
404.250.0250	\$ (2,321.43)	Record transfer of vehicle no. 97 (contra)
404.9200.6400	\$ 30,000.00	Replace vehicle no. 97
Stormwater Fund Total	<u>\$ -</u>	
Net Total	<u>\$ (56,000.00)</u>	

RESOLUTION 2016-16

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY DECREASING GENERAL FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$122,000; INCREASING ARCHIBALD FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$22,000; INCREASING SANITATION FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$44,000; TRANSFERRING A FIXED ASSET FROM THE GENERAL FUND TO THE STORMWATER FUND; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Madeira Beach Board of Commissioners has approved a municipal budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016; and

WHEREAS, Section 10.5 of the Madeira Beach City Charter authorizes the Board of Commissioners to amend the adopted budget by resolution; and

WHEREAS, the Board of Commissioners desires to amend the budget.

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

Section 1. The Board of Commissioners authorizes a decrease to General Fund expenditures, in the amount of \$122,000.

Section 2. The Board of Commissioners authorizes an increase to Archibald Fund expenditures, in the amount of \$22,000.

Section 3. The Board of Commissioners authorizes an increase to Sanitation Fund expenditures, in the amount of \$44,000.

Section 4. The Board of Commissioners authorizes staff to allocate the budget amendment pursuant to the account level detail provided as Exhibit A.

Section 5. The Board of Commissioners authorizes the transfer of a fixed asset, vehicle no. 97, from the General Fund to the Stormwater Fund.

Section 6. This resolution shall become effective immediately upon its adoption.

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INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA
BEACH, THIS 12th DAY OF APRIL, 2016.

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

Resolution 2016-16: Exhibit A

<u>Account</u>	<u>Adopted budget</u>	<u>Current request</u>	<u>Total revised</u>
GENERAL FUND			
001.3000.6400	\$ 144,000.00	\$(122,000.00)	\$ 22,000.00
ARCHIBALD FUND			
110.9910.6400	\$ 55,000.00	\$ 22,000.00	\$ 77,000.00
SANITATION FUND			
402.7000.6400	\$ 202,000.00	\$ 44,000.00	\$ 246,000.00



MADEIRA BEACH BOARD OF COMMISSIONERS

April 7, 2016 – Agenda Report

FROM: Vincent M. Tenaglia, Assistant City Manager

SUBJECT: RESOLUTION 2016-17: AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$63,246; INCREASING BUILDING FUND EXPENDITURES IN THE AMOUNT OF \$60,714; AND PROVIDING FOR AN EFFECTIVE DATE

BACKGROUND: On December 22, 2015, the Board of Commissioners approved Resolution 2015-43, authorizing funds to support several changes with respect to building management, planning and zoning services. Below is a summary of the actions authorized by Resolution 2015-43:

- Eliminate Planning and Zoning Coordinator position effective March 1
- Increase Executive Office Manager rate of pay
- Increase professional services budget for Deuel & Associates
- Increase professional services budget for Calvin, Giordano & Associates

The net funding increase of \$77,200 was sufficient to support costs incurred through March 31, 2016. The remaining period from April 1, 2016 to September 30, 2016 will require additional funding. Assuming the terms and conditions of the existing professional service agreements remain in place, staff estimates unbudgeted costs totaling \$123,960. The cost estimate is based on average monthly fees of \$20,660 to date. If or when the Planning and Zoning Coordinator position is reinstated, Finance staff would shift funds from professional services to personnel accounts as appropriate.

BUDGETARY IMPACT: Unassigned balance in the General Fund as of September 30, 2015 was \$5,370,831. The net effect of previous FY 2016 budget amendments, staff revenue estimates, and Resolution 2016-17 is to reduce estimated unassigned balance to \$5,353,328.

Available balance in the Building Fund as of September 30, 2015 was \$166,100. Budget amendment resolutions 2015-43 and 2016-07 cumulatively reduced the balance to \$98,100. Approval of Resolution 2016-17 will further reduce the Building Fund balance to \$37,386.

RECOMMENDED BY STAFF: The City Manager recommends approval of Resolution 2016-17.

ATTACHMENT(S): Resolution 2016-17

AGENDA PACKET SUBMISSION TO CITY CLERK

RECEIVED: 04/07/2016

SUBMITTED BY: Assistant City Manager

Agenda Item: I-5.

RESOLUTION 2016-17

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$63,246; INCREASING BUILDING FUND EXPENDITURES IN THE AMOUNT OF \$60,714; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Madeira Beach Board of Commissioners has approved a municipal budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016; and

WHEREAS, Section 10.5 of the Madeira Beach City Charter authorizes the Board of Commissioners to amend the adopted budget by resolution; and

WHEREAS, the Board of Commissioners desires to amend the budget.

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

Section 1. The Board of Commissioners authorizes an increase to General Fund expenditures in the amount of \$63,246.

Section 2. The Board of Commissioners authorizes an increase to Building Fund expenditures in the amount of \$60,714.

Section 3. The Board of Commissioners authorizes staff to allocate the budget amendment pursuant to the account level detailed provided as Exhibit A.

Section 4. This resolution shall become effective immediately upon its adoption.

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INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA
BEACH, THIS 12th DAY OF APRIL, 2016.

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk

Resolution 2016-17: Exhibit A

<u>Account</u>	<u>Adopted budget</u>	<u>Revised budget</u>	<u>Current request</u>	<u>Total revised</u>
001.1050.3100	\$ 158,000	\$ 237,059	\$ 63,246	\$ 300,305
General Fund	<u>\$ 158,000</u>	<u>\$ 237,059</u>	<u>\$ 63,246</u>	<u>\$ 300,305</u>
125.5240.3100	\$ -	\$ 66,000	\$ 60,714	\$ 126,714
Building Fund	<u>\$ -</u>	<u>\$ 66,000</u>	<u>\$ 60,714</u>	<u>\$ 126,714</u>
Fund Total	<u>\$ 158,000</u>	<u>\$ 303,059</u>	<u>\$ 123,960</u>	<u>\$ 427,019</u>