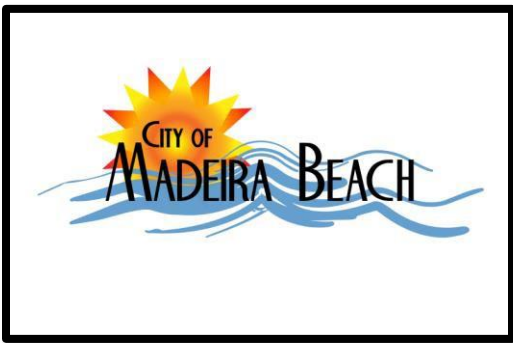




THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

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, SEPTEMBER 13, 2016

COMMISSION CHAMBERS

REVISED 09/12/2016*

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Terry Lister

C. ROLL CALL

D. APPROVAL OF THE MINUTES

BOC REGULAR MEETING

JUNE 14, 2016

E. APPROVAL OF THE AGENDA

PRESENTATIONS/PROCLAMATIONS

1. INTRODUCTION OF MADEIRA BEACH FIREFIGHTER - ERICK UBILES

Derryl O'Neal, Fire Chief

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

G. CONSENT AGENDA

1. APPROVAL OF GULF BEACHES PUBLIC LIBRARY SERVICE CONTRACT

H. CONTRACTS/AGREEMENTS

1. RFQ RECOMMENDATION FOR BEACH EQUIPMENT CONCESSIONS

Shane B. Crawford, City Manager

I. UNFINISHED BUSINESS

J. NEW BUSINESS

1. RESOLUTION 2016-27

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA RECOMMENDING APPOINTMENT OF A MEMBER TO THE JOINT PINELLAS COUNTY METROPOLITAN PLANNING ORGANIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.

2. AUTHORIZATION TO AMEND CAPITALIZATION THRESHOLD

VINCENT M. TENAGLIA, ASSISTANT CITYMANAGER

3. AUTHORIZATION TO DECLARE SURPLUS ASSETS

VINCENT M. TENAGLIA, ASSISTANT CITYMANAGER

4. CITY CLERK ANNUAL PERFORMANCE

AIMEE SERVEDIO, CITY CLERK

FACILITATED BY SHANE B. CRAWFORD, CITYMANAGER

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 September 12, 2016

5. **ORDINANCE 2016-11**

FIRST READING FOR AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING IN ITS ENTIRETY CHAPTER 94 OF THE CODE OF ORDINANCES RELATING TO FLOOD DAMAGE PREVENTION AND FLOOD HAZARD MANAGEMENT; ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR THE REGULATIONS TO BE KNOWN AS THE "FLOODPLAIN MANAGEMENT ORDINANCE"; ESTABLISHING MINIMUM REQUIREMENTS, IN CONJUNCTION WITH THE FLORIDA BUILDING CODE, TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOODING THROUGH THE REGULATION OF DEVELOPMENT IN FLOOD HAZARD AREAS; ADOPTING DEFINITIONS; ADOPTING FLOOD INSURANCE RATE MAPS TO SERVE AS THE MINIMUM BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; PROVIDING FOR THE DESIGNATION, AUTHORITY AND DUTIES OF A FLOODPLAIN ADMINISTRATOR; PROVIDING FOR PERMITTING AND INSPECTION PROVISIONS WITHIN FLOOD HAZARD AREAS; PROVIDING FOR VARIANCES AND APPEALS TO BE HEARD BY SPECIAL MAGISTRATE; PROVIDING REGULATION FOR VIOLATION OF THE FLOODPLAIN MANAGEMENT ORDINANCE; PROVIDING FOR TERMS NOT DEFINED BY THE FLOODPLAIN MANAGEMENT ORDINANCE OR THE FLORIDA BUILDING CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

K. REPORTS/CORRESPONDENCE

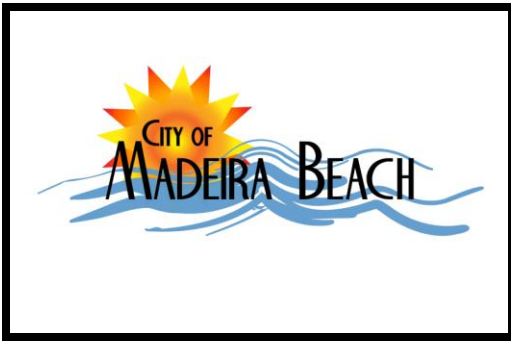
- **CITY COMMISSION**
- **CITY ATTORNEY**
- **CITY MANAGER**
- **CITY CLERK**

L. ADJOURNMENT

***Revision was to correct the number of Resolution 2016-27**

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 September 12, 2016



**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, JUNE 14, 2016

COMMISSION CHAMBERS

- A. CALL TO ORDER** **Meeting Called to order at 6:01 PM**
- B. INVOCATION AND PLEDGE OF ALLEGIANCE** – COMMISSIONER TERRY LISTER
- C. ROLL CALL**

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

MEMBERS ABSENT: Elaine Poe, Commissioner District 3

STAFF PRESENT: Shane B. Crawford, City Manager (CM)
 Aimee Servedio, City Clerk (CC)
 Thomas Trask, City Attorney (CA)
 Vincent M. Tenaglia, Assistant City Manager (ACM)
 Dave Marsicano, Public Works/Marina Director (PW/MD)
 Doug Andrews, Events & Recreation Director (ERD)
 Michelle Orton, Planning & Zoning Director (PZD)
 David Healey, Planning & Zoning Consultant (PZC)
 Luis Serna, Planning & Zoning Consultant (PZC)

- D. APPROVAL OF THE MINUTES** – NONE
- E. APPROVAL OF THE AGENDA**

A motion to approve the agenda as presented was made by Vice-Mayor Shontz and seconded by Commissioner Lister.

ROLL CALL:

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

DAIS LOG REVIEW

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

Jeff Brown: Owns business in Madeira beach. Wants to address conduct of elected official. Claims the commissioner verbally assaulted city manager in press. Wants to remind the commissioner that this is “our city”. No longer sees commissioner residing in seat without prejudice. Asks for the resignation.

Sam Baker: Member of the petition committee to put the planned development up to a public vote. Turned in 1025 signatures of voters. All with the exception of 85 have been rejected on what is thought to be frivolous grounds. The next step is court.

Jim Everett: Wanted to comment on Commissioner Poe from the last meeting. Member of the Planning Board and the Planning Commission does not conduct itself that way. Thinks it was outrageous behavior.

Steve Page: Developed Marriot Courtyard property. Feels passionate about how great things are going in Madeira Beach with all of the new developments. Praised City Manager Crawford for being the best City Manager that he's ever worked with.

Sam Lewis: Bought boat dock in Madeira in 1991. Fell in love with this city, despite its blight. Thanked Commission on making the city something to be proud of.

Renee Krupp: Been here 8 years. Has never felt like she has been heard. Does not feel that ethically they are given their fair due in the development. Very disconcerted as a resident. Gathered signatures for the petition. Not against development, against the excessiveness.

Kathy Behrman: Never been more proud more proud of this city. Many people signed the petition. Wants to know what the hurry is with the development. Wants to slow the development down rather than rush it.

Steve Miller: Requests formal acknowledgement of the petition. Says the ordinance is legally suspended. Does not meet approval in Sec. 110.

Linda Hein: 1,025 citizens should be considered as seriously as the developers. Asks commission to reconsider.

Chelsea Nelson: Insulting when 1025 citizens who just asked to scale it back. No one is listening and it would be defeated in referendum.

Marilyn Eckert: doesn't want a lot of high-rises. More and more feel like they're being squeezed between buildings.

Sandy Holloway: 49 year resident. One of the last beach communities left. The majority of citizens and people who call it a home want it to stay that way. The Board has a responsibility to the people it serves.

G. CONSENT AGENDA – NONE

H. UNFINISHED BUSINESS

1. ORDINANCE 2016-05

A SECOND AND FINAL 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.

A motion to approve Ordinance 2016-05 on its second and final hearing was made by Commissioner Hodges and seconded by Vice-Mayor Shontz.

ROLL CALL:

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

I. CONTRACTS/AGREEMENTS

1. APPROVAL OF AGREEMENT WITH PINELLAS COUNTY SCHOOL BOARD REGARDING BICENTENNIAL PARK

CM: Staff recommendation is for approval

A motion to approve the Agreement with the Pinellas County School Board regarding Bicentennial Park was made by Commissioner Lister and seconded by Vice-Mayor Shontz.

ROLL CALL:

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

2. APPROVAL OF JOINT USE AGREEMENT WITH PINELLAS COUNTY SCHOOL BOARD

CM: Recurring contract to use the school. Staff recommendation for approval.

A motion to approve the Joint Use Agreement with the Pinellas County School Board was made by Vice-Mayor Shontz and seconded by Commissioner Hodges.

ROLL CALL:

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

3. APPROVAL OF EMERGENCY MEDICAL SERVICES CONTINUING MEDICAL EDUCATION AGREEMENT

CM: Staff Recommendation for approval

A motion to approve the Emergency Medical Services Continuing Medical Education Agreement was made by Vice-Mayor Shontz and seconded by Commissioner Lister.

ROLL CALL:

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

4. AUTHORIZATION TO EXECUTE FINANCIAL AUDIT ENGAGEMENT LETTER FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016 WITH WELLS, HOUSER & SCHATZEL, PA IN ACCORDANCE WITH RFP NO. 15-1100.

ACM: Annual requirement, outlining expectations of the auditors.

A motion to execute the Financial Audit Engagement with Wells, Houser & Schatzel was made by Commissioner Lister and seconded by Commissioner Hodges.

ROLL CALL:

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

5. AWARD OF RFP 2016.01 (MADEIRA BEACH FERRY SERVICES) TO HUBBARD'S MARINA.

A motion to award RFP #2016.01 for Madeira Beach Ferry Services to Hubbard's Marina was made by Commissioner Hodges and seconded by Commissioner Lister.

Dick Lewis: Commented that he can't see the benefit of putting \$25,000 into this project especially considering the debt the City already has accumulated.

ROLL CALL:

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

J. 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 C&T ENTERPRISES, INC. AND MHH ENTERPRISES, INC. 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.

CA: Addressed issues regarding petition. Petition was received, and according to the petition there were 1025 signatures but believes it's 1040. Received it the morning of the 10th and responded the quickest they could. City Clerk has a legal obligation to determine the sufficiency of petition. Was asked to comment and prepare a draft letter for the Clerk to consider. Determined 3 insufficiencies. Each one falsely represented what the ordinance was to be reconsidered. 3 items mentioned, 2 inaccurate, specifically the zoning district was created in 2005. The charter requires every petition signed to be in affidavit form. Because the affiant was not placed under oath. Asked City Clerk to consider the certificate of insufficiency prepared. Made specific change relevant to language advised by CA. Have opportunity to revise petition, however the current one is insufficient.

Dave Healy: Resume on file with the city. Helping out with community development. Finds the petition inaccurate and misleading. Ordinance 2014-08 did not in fact add PD district. It has existed since 2005. Nor did the petition make any provision for increased height and density.

Applicant Presentation & Report

Katie E. Cole: Tonight the commission is here to approve the development agreement. Went through rezoning process. On May 10th, commission rezoned Mr. Holton's property. Important to note the site plan was submitted in September. There has been numerous public hearings throughout the years getting to this point.

Cindy Terrapani: With Florida Design Consultants, Vice President of Planning. Represents Mr. Holton. In previous public hearing, qualified as an expert witness. This site is located in the Causeway district. The permitted usages are residential, temporary lodging, tourist facilities, recreation open space and reservation. Eligible to be developed at 125 hotel rooms per acre, residential for 15 per acre. Does not exceed. Approved PDR on May 10th. Based on this summary the project is consistent with the comp plan, the PRMU plan category, and the Town Centre special area plan.

Katie E. Cole: Confirmed the commission accepted Terrapani as expert witness.

Luis Serna: Board approved rezoning. Number of conditions added that appear on the 3rd page of staff report. Deal with site access along 150th avenue. Staff Recommendation is for approval

Public Comment

Robert Shaw: BOC protecting constitutional rights of property owners. Residents had opportunity in the past. Dose of reality needed for wanting to keep small town atmosphere. Wasn't quaint when there was alcohol, drugs, and crime.

Linda Hein: asked attorney Weiss' letter to be read into record.

Shawn Rae: Chamber's number provided to TBC, by developer Holton, says there was \$634,000 revenue. Lots of money for the city.

Paul Tilka: petition worker. Wants BOC to consider delay. Doesn't oppose development, just the scale. Lots of outside influence trying to sway the vote.

Linda Tilka: realtor. Spoke to resident and said petition was to have a voice in what was happening in their city.

Shirley Nelle: Manages marina and currently cleaning it up. Went to Madeira Bay to read the petition and was told to get out. Was met by PCSO downstairs.

Frank D. Benadetto: Problem in Clearwater wasn't addressed the same way this is being down. Wants people to come and stay.

Helen Palladeno: Wants BOC to vote yes. Not impressed with the petition. Fears that if the vote fails, the property will sit.

Rees Noren: City without progress will die. Change is needed in Madeira.

Jeff Brown: doesn't want Clearwater beach here either. Planning has brought height and density down.

Gary Princ: CM said "needs to go to referendum" in times article. Talked about petition, how it was done, and 2 thousand voters.

Bob Lyons: has been developing cities for a long time. Wants to support these developments. Other cities who have had petitions have had to raise taxes.

Phil Ragan: petition gatherer. All age groups petitioned.

Robert Kingel: Both sides have points. Hires someone to look at the data for any red flags. 6 items listed.

James Scarborough: Grew up here and graduated from Stetson. Believes CA has misread charter intention for referendum and that ordinance should be suspended.

Janet Melia: Engineer by trade. Numbers reflect interest in petition. Put it on the ballot and let the voters decide.

Jim Everett: Go to referendum, eliminate the PD, and it will halt future development. Treasure Island is struggling because for the same reason and have no development.

Rick Cowley: Wants Madeira beach to reach the world. Speaks for 200 members who may not be residents, but come to Madeira beach each week.

Steve Miller: resident for over 30 years. Fundamental goal is to protect family.

Rick Chapman: Mayor said we need to respect each other at the beginning of the meeting and he said that is being portrayed that voters don't want these projects. Not true. Any reasonable person knows what those people want. Cork isn't out of the bottle yet.

Eric Audit: Recently purchased business here. Decided to invest here due to development.

Dennis Fagan: Chairman of Chamber of TI. Unique opportunity from 2 developers that are from here, not just someone coming in, building something, and leaving.

Evelyn Page: Developed the Marriot and the Beach Club Condo. Got rid of the blight, spent 15 million on the Marriott and 25 million on the Beach Club. In disarray until the mayor came in and fixed it.

John Hendricks: Bought for a different reason. People complaining about traffic didn't complain about it with Walmart and the other developments around us that use the bridge.

Jeremy Runo: Daiquiri Shack appreciate the pro-business state of the BOC.

Jeff Beggins: Encourages Yes

Casandra Todaro: Bridge and traffic is a concern. Business now are in need of development. Doesn't want 5 years or more for the development. Both sides have valid concerns.

Randy Kerschner – Strongly opposed. The quality of life for the residents should come first.

Hedi Goldberg: Projects presented are amazing and it will be great for Madeira. Praised the Mayor and CM.

Housh Ghovaei: Loves this town. Everyone on both sides are passionate but you can't please everyone. Wants to bring in the revenue from the tourists.

Applicant Closing Statement/Rebuttal

Katie E. Cole: No person claiming party status here to speak tonight. Applicant and property owner has the right to relay on comprehensive plan that the city has. Adopted special area plan and amendments to it.

Staff Closing Statement

CM: Staff Recommendation is Approval

Board of Commissioners Discussion

A motion to approve the Development Agreement between the City of Madeira Beach and C&T Enterprises, Inc. and MHH Enterprises, Inc. was made by Commissioner Hodges and seconded by Vice Mayor Shontz.

ROLL CALL:

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

VM: in 54 years that she has lived here, never has she seen such nasty attacks on personal lives of CM, staff, and all of these developers. Under the leadership of the CM we have all new beach accesses, state of the art City Hall, ROC Park, Archibald Park, groins, and the 9/11 Memorial. Sorry that Elaine has joined this hateful group. Handing in resignation at 83 years old and 54 years of service. Effective immediately.

2. DEVELOPMENT AGREEMENT (MADEIRA BEACH TOWN CENTER)

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 2016-01 TO REZONE MULTIPLE PROPERTIES LOCATED ON 150TH AVENUE, MADEIRA WAY, AND GULF BOULEVARD FROM RETAIL COMMERCIAL (C-3) TO PLANNED DEVELOPMENT (PD) DISTRICT.

The Development Agreement and Ordinance 2016-01 were heard and considered at the same time.

3. ORDINANCE 2016-01

A SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 15026 MADEIRA WAY, 0 GULF BLVD, 0 150th AVENUE, 15023 GULF BLVD, 15031 GULF BLVD, 0 MADEIRA WAY, 15000 MADEIRA WAY, 15006 MADEIRA WAY, 15015 MADEIRA WAY, 15040 MADEIRA WAY, 15042 MADEIRA WAY, 0 150th AVENUE, 200 150th AVENUE, 206 150th AVENUE, 210 150th AVENUE, 212 150th AVENUE, 352 150th AVENUE, 388 150th AVENUE, 390 150th AVENUE, 410 150th AVENUE, 420 150th AVENUE, FROM RETAIL COMMERCIAL (C-3) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Applicant Presentation & Report

Attorney Cate Wells: On May 10th, team provided presentation of the rezoning application. Have not made any changes, for going another presentation. The evidence and testimony in the May 10th commission hearing and the Planning hearings on March 14th and April 28th. Includes video and transcripts from the neighborhood meeting, applications, expert

testimony, presentations, planning analysis, traffic analysis, resumes and rendering, which are incorporated in this meeting. On May 10th, described the purpose for quasi-judicial hearing and how it differs from legislative hearing. During a legislative hearing, the commission is creating city wide policy by adopting regulation. Rezoning application complies with criteria. Staff reports contain confirming analysis.

Cindy Terrapani: With Florida Design Consultants, Vice President of Planning. Here to talk about Town Center Project. Most of the site is in the commercial core. Rest of site is in the Causeway district. Property is eligible to use the resort facilities high provisions with increased density to hotels. Eligible for up to 125 rooms per acre, 15 residential units per acre, and a maximum FAR of 4.0. In order to use the additional density, it must go through with the PD rezoning.

Staff Presentation & Report

Luis Serna: This application has not changes since the first reading. Did detailed analysis of the 28 criteria and the findings are that it is consistent with the comprehensive plan. Recommendation for approval.

Public Comment

Mike Noble: Has not talked to any business that is opposed

Shawn Rae: Full approval on behalf of the Tampa Bay Beaches Chamber of Commerce.

Paul Tilka: most of this development seems to promote tourism and BOC should consider what the voters that put them in office want.

Linda Tilka: Change is wanted. Citizens just want quality vs quantity.

Frank DeBenedetto: with this development people won't have to travel to sit and enjoy vacation.

Helen Palladeno: Loves the Karnes proposal and modern look. Compliments building like the one we're in now. Would like her property value to go up.

Reese Noren: Thinks the petitioners had good intentions, but were misled in what we're trying to accomplish.

Jeff Brown: Fortunate to serve on Board and can have inside look at what is going on.

Gaye Prince: Rezoning of both properties have changed. Quotes Shakespeare "All that glitters in not gold"

Jim Everett: Referendum in Treasure Island can't be built 5 over parking. Now there's no development.

Rick Crowley: Had dialog on weekly basis with people who pass through and wants them to stay and spend money.

Jeff Bagbins: When Holiday Inn was here, Madeira Way had people and things going on.,

Housh Ghovae: Hopes something will happen. Wants to thank Holton and Karns for big risks they are taking. Since he's in the field, he has a vision for how it will be.

Applicant Closing Statement/Rebuttal

Kate Wells: Opinion should not be based on opinion but on the facts presented. Respectfully requests approval.

Staff Closing Statement

Luis Serna: Staff recommends approval

Board of Commissioners Discussion

A motion to approve the Development Agreement between the City of Madeira Beach and Madeira Beach Development Co., LLC contingent on the approval of the rezoning Ordinance 2016-01 was made by Commissioner Lister and seconded by Commissioner Hodges

ROLL CALL:

Commissioner Lister..... YES
Commissioner Hodges YES
Commissioner Poe ABSENT

Vice-Mayor Shontz.....RESIGNED
Mayor Palladeno..... YES

A motion to approve Ordinance 2016-01 to rezone the properties associated with the Madeira Beach Town Center project was made by Commissioner Hodges and seconded by Commissioner Lister.

ROLL CALL:

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

4. PUBLIC HEARING FOR ALCOHOLIC BEVERAGE PERMIT

A PUBLIC HEARING TO CONSIDER ALCOHOLIC BEVERAGE PERMIT APPLICATION #2016-03 FOR A 4COP LICENSE (BEER, WINE, AND LIQUOR; SALE BY THE DRINK FOR CONSUMPTION ON PREMISES AND PACKAGE SALES IN SEALED CONTAINERS) AT A RESTAURANT LOCATED AT 4330 DUHME ROAD.

CA: This is not a quasi-judicial hearing, but he now asks the applicant to approach the Board to present if desired.

Jason Goldstein: Attorney on behalf of the applicant. The five criteria have been discussed in detail. There are several easements that are currently under legal review but the current seating would allow for the requested permit. The only parking spaces in question would really be the handicap parking.

The only issue that may affect the other property owner do not have anything to do with the criteria for the permit up for a vote.

Denhardt Attorney: We object to this license application. She introduced a copy of the correspondence that the City Attorney noted was distributed to the Board of Commissioners earlier today. As an expansion of a use, the nonconforming parking needs to brought into compliance. Parking is integral in approval of this permit. Right now, there is no handicapped parking spot due to the legal issue with the easements.

We submit that four of the five criteria are not met in consideration for this permit. If the 4COP is approved, it will affect the character of the neighborhood for the surrounding properties. Safety hazards and congestions must be considered. Currently there is not off-street loading for this property and traffic is affected by Duhme Road. It leaves virtually no space for people to turn around and will cause back-up traffic.

This is a situation of overbuild – the parking issues need to be addressed. Even without addressing these issues, this application should be denied due to the adverse effects. Unfortunately, it is just not compatible for this area.

PZD: As shown in the packet, they did submit a new parking plan. The site plan has a new handicapped parking space that meets ADA regulations. The applicant also resubmitted with the correction that there were only four boat slips, not five.

Attorney Goldstein: Why would they be concerned with the building to turn around in another parking lot – this is a case of a neighbor trying to control what happens on another property. To suggest that someone consuming liquor over beer will make it that much rowdier – that won't make much of a difference. It hasn't been a problem before, this is simply a feud between two property owners.

Terry Lister: Can we make a condition that the loading be restricted to certain hours as it is down at John's Pass? The City Attorney said it was up to the motion maker to include. He doesn't want to make it difficult for the property owner, and only wants him to be aware of it. He won't ask that the motion be amended.

A motion to approve ABP #2016-03 for a 4COP License at the Angry Pepper located at 4330 Duhme Road was made by Commissioner Hodges and seconded by Commissioner Lister.

ROLL CALL:

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

5. PUBLIC HEARING FOR ALCOHOLIC BEVERAGE PERMIT

A PUBLIC HEARING TO CONSIDER ALCOHOLIC BEVERAGE PERMIT APPLICATION #2016-04 FOR A 2COP LICENSE (BEER AND WINE ONLY; SALE BY THE DRINK FOR CONSUMPTION ON PREMISES AND PACKAGE SALES IN SEALED CONTAINERS) AT A BAR LOCATED AT 13437 GULF BOULEVARD.

The Planning & Zoning Director made her staff report regarding the permit.

Eric Audit: Leased this bar after it had been closed for a few months due to a fire. So far, he has done about \$40,000 of renovations to the building. He is looking to improve the bar and the area – craft beer will be served and the vision is that this will be a “Beach Bar” instead of a “Fisherman’s Bar” as it was before.

He met with Dr. Fedor who wrote a letter addressing some of his concerns and will be working with him to ensure that anything can be resolved. His wife was raised here and they want to bring something positive to this town. They are responsible and he has 25 years as a hotel executive with food and beverages. He knows that it takes to make a good, sound business decision.

He has two requirements for his business: (1) my wife can walk in alone and feel safe and (2) we want to know everyone who comes to their establishment.

Terry Lister: Do you have parking striped or stops to show where to park? He thinks it needs to be clearer on how to park in that lot.

Mr. Audit: He thinks it is fair to mark the parking appropriately and he wants to be good neighbors with Dr. Fedor.

A motion to approve ABP #2016-04 for a 2COP License for a bar located at 13437 Gulf Boulevard was made by Commissioner Lister and seconded by Commissioner Hodges.

ROLL CALL:

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

6. **RESOLUTION 2016-21**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING GENERAL FUND REVENUE IN THE AMOUNT OF \$39,000; INCREASING GENERAL FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$18,000; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to approve Resolution 2016-21 was made by Commissioner Hodges and seconded by Commissioner Lister.

ROLL CALL:

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

A. **WAIVER OF BID REQUIREMENTS AND AUTHORIZATION OF EXPENDITURES**

A WAIVER OF BID REQUIREMENTS AND AUTHORIZATION OF EXPENDITURES IN THE AMOUNT OF \$16,625 TO MEND IT ASPHALT & CONCRETE SERVICES, INC. FOR JOHN’S PASS PARKING AREA PROJECT RELATED TO RESOLUTION 2016-21.

A motion to waive the bid requirements and authorize expenditures for the John’s Pass Parking Area Project as related to Resolution 2016-21 was made by Commissioner Lister and Commissioner Hodges.

ROLL CALL:

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

7. **RESOLUTION 2016-22**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FISCAL YEAR 2016 BUDGET BY DECREASING SANITATION FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$202,000; DECREASING MARINA FUND CAPITAL OUTLAY EXPENDITURES IN THE AMOUNT OF \$50,000; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to approve Resolution 2016-22 was made by Commissioner Lister and Commissioner Hodges.

ROLL CALL:

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

K. REPORTS/CORRESPONDENCE

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

Terry Lister: Thanked Commissioner Shontz – she will be deeply, deeply missed.

CA: Now that Vice-Mayor Shontz has resigned, he wants to address appointment of that position. According to the City Charter, the position needs to be filled within 30 days and a new Vice-Mayor will need to be selected.

CM: His suggestion is as follows: we can have an ad in the Beach Beacon by next week. It will give people one week to respond, one week to consider, and the new Commissioner will be sworn in at the next BOC Regular Meeting in July. The next Vice-Mayor will also be appointed at that meeting.

CA: He has one more suggestion – he has seen in other cities that some will choose that appointment within the Board of Commissioners themselves. There will be an election coming up at the end of the year – do you want someone to run as incumbent or to just serve the rest of the term without intent to run again.

Nancy Hodges: Is there any type of application?

CA: There is no requirement, the only thing that the City Charter requires is that the position is filled in 30 days.

CM: He believes that given the current atmosphere and criticism, it should be opened to the public and published but it is, of course, to be determined by the Board. Commissioner Lister agreed.

The City of Treasure Island put out an RFP to take over its financial services. He has reviewed with the Finance Director and Fire Chief and determined that there really is no real money to be made. If we want to talk about merging in the future, that's fine. With the expansion with the Redington Beaches as well, this would be extra without much benefit to the City

Consensus to move forward with applications

L. ADJOURNMENT

Date approved: August 9, 2016

Travis Palladeno, Mayor

Submitted by Nick Lewis, Support Specialist



BOARD OF COMMISSIONERS – REGULAR MEETING ON JUNE 14, 2016

PUBLIC COMMENT

NAME	ADDRESS	AGENDA ITEM
Jeffery D. Brown	201 – 150 th Avenue Madeira Beach, FL 33708	F. Public Comment J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Sam Baker	742 Pruitt Drive Madeira Beach, FL 33708	F. Public Comment (Petition)
Jim Everett	15458 – 1 st Street East Madeira Beach, FL 33708	F. Public Comment (Commission) J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Steve Pase	20001 Gulf Boulevard Indian Shores, FL 33785	F. Public Comment
Sam Lewis	429 Boca Ciega Drive Madeira Beach, FL 33708	F. Public Comment (Commission)
Reneé Krupp	225 Boca Ciega Drive Madeira Beach, FL 33708	F. Public Comment J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Kathy Behrman	225 Boca Ciega Drive Madeira Beach, FL 33708	F. Public Comment J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Steve Miller	15329 Harbor Drive Madeira Beach, FL 33708	F. Public Comment J-1. Holiday Isle Marina
Linda Hein	401 – 150 th Avenue, #221 Madeira Beach, FL 33708	F. Public Comment J-1. Holiday Isle Marina
Chelsea Nelson	420 Boca Ciega Drive Madeira Beach, FL 33708	F. Public Comment (Petition)
Marilyn Eckhert	13301 – 2 nd Street East Madeira Beach, FL 33708	F. Public Comment J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Sandy Holloway	11590 74 th Avenue Seminole, FL 33772	F. Public Comment J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Richard J. Lewis	561 Crystal Drive Madeira Beach, FL 33708	I-5. Ferry Services Contract
Shirley Nelle	116 – 131 st Avenue East Madeira Beach, FL 33708	J-1. Holiday Isle Marina
Bob Lyons	20001 Gulf Boulevard Indian Shores, FL 33785	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Phil Ragan	14097 East Parsley Drive Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Robert Klingel	15520 Gulf Boulevard Redington Beach, FL 33708	J-2/3. Madeira Beach Town Center
Janet Melia	15402 – 2 nd Avenue East Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Rich Chapman	14950 Gulf Boulevard, #807	J-1. Holiday Isle Marina

	Madeira Beach, FL 33708	J-2/3. Madeira Beach Town Center
Eric Audit	7449 – 124 th Street Seminole, FL 33772	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center J-5. ABP #2016.04 (Castaways)
Nancy Chapman	14950 Gulf Boulevard, #807 Madeira Beach, FL 33708	J-2/3. Madeira Beach Town Center
Dennis Fagan	11670 – 6 th Street East Madeira Beach, FL 33708	J-1. Holiday Isle Marina
John Hendricks	569 Normandy Road Madeira Beach, FL 33708	J-2/3. Madeira Beach Town Center
Evelyn Page	14010 Gulf Boulevard Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Cassandra Todaro	175 East Medallion Boulevard Madeira Beach, FL 3708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Mike Noble	158 – 131 st Avenue Madeira Beach, FL 33708	J-2/3. Madeira Beach Town Center
Robert A. Shaw	507 – 129 th Avenue East Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Shawn Rae	400 – 64 th Avenue #807 St. Pete Beach, FL 33706	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Paul Tilka	14091 North Bayshore Drive Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Linda Tilka	14091 North Bayshore Drive Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Frank DiBenedetto	726 Sunset Cove Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Helen A. Palladeno	13319 Boca Ciega Avenue Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Rees Noran	363A Medallion Drive Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Gaye Princ	14045 Marguerite Drive Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
James Scarborough	1375 Pasadena Avenue S, #604 South Pasadena, FL 33707	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Pastor Rick Cowley, Crossbridge Church	50 – 153 rd Avenue Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Jeremy Runo	14995 Gulf Boulevard Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Jeff Beggins	14995 Gulf Boulevard Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Randy Kerschner	220 – 144 th Avenue Madeira Beach, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Dr. Heidi Goldberg	101 Wimbledon Court Redington Shores, FL 33708	J-1. Holiday Isle Marina J-2/3. Madeira Beach Town Center
Housh Ghovae	423 – 150 th Avenue Madeira Beach, FL 33708	J-1. Holiday Isle Marina

June 14, 2016

To the Citizens of Madeira Beach, Board of Commissioners, City Manager, City Attorney Trask, and City Clerk,

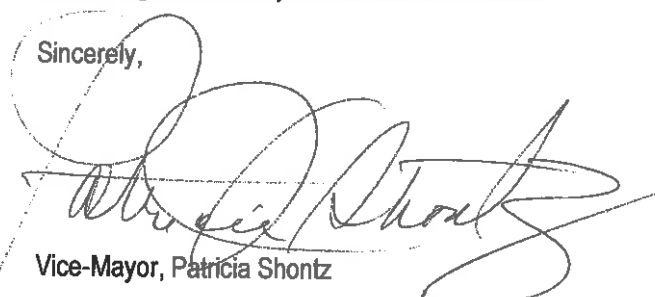
You have given me the honor of serving the residents of Madeira Beach over the years both as your City Commissioner and your Mayor. This privilege has allowed me to work with so many of you to create the special quality of life we enjoy here in Madeira Beach. In the past, numerous achievements were accomplished in the City because the community, the City Administration and the focus of the City Commission. Our beautiful community has been run by its active residents and the hard work and dedication of the City Manager and his administration, both who have spent a tremendous amount of their time to literally re-create the City and make it a better community.

Tragically over the past several months, the City of Madeira Beach has been turned upside down, and the City Manager and his administration and the residents of this City are secondary to the nasty politics in our City.

Therefore, I am resigning as your Vice-Mayor and a City Commissioner effective immediately. I have seen the City achieve many great things under the leadership of our current City Manager. If you believe in him, I believe you can restore this City's reputation back to what we have created over the past four years.

It has been an honor and a privilege to have served on this Council. Your support and assistance over the years is something I shall always remember and cherish.

Sincerely,



Vice-Mayor, Patricia Shontz

cc: Aimee Servedio, City Clerk
Shane B. Crawford, City Manager
Tom Trask, City Attorney
Travis Palladeno, Mayor
Terry Lister, Commissioner
Nancy Hodges, Commissioner
Elaine Poe, Commissioner



MADEIRA BEACH BOARD OF COMMISSIONERS

September 13, 2016 – Agenda Report

FROM: Nick Lewis, Support Specialist

SUBJECT: Approval of Gulf Beaches Public Library Service Contract

BACKGROUND: Each year, the City of Madeira Beach signs a Service Agreement with the Gulf Beaches Public Library for services for the next Fiscal Year. Five municipalities (Treasure Island, Madeira Beach, Redington Beach, North Redington Beach, and Redington Shores) each pay a sum based on the population of the city.

This service contract is for services from October 1, 2016 through September 30, 2017. The amount due in that year is \$89,289.00 total broken down into payments of \$22,322.25 to be paid on specified dates.

BUDGETARY This is a budgeted service under the FY2017 City Clerk/Commission Fund, account
IMPACT: no. 001.1300.8340.

RECOMMENDED Staff recommends approval of the Gulf Beaches Public Library Service Contract
BY STAFF: for FY2017.

ATTACHMENT(S): Cover Letter from Maggie Cinnella, Library Director
Gulf Beaches Public Library Service Contract



Gulf Beaches Public Library

September 1, 2016

To: City of Madeira Beach
City of Treasure Island
Town of North Redington Beach
Town of Redington Beach
Town of Redington Shores

Here are two original copies of the Service Contract for fiscal year 2016-2017. The Vice Chairperson and Secretary of the library's Board of Trustees have already signed and sealed the agreements. Please have the Mayor and City/Town Clerk sign and seal each one as well. Please keep one copy and return the other to the library so all parties can have an original agreement on file.

As always, thank you for your continued support of Gulf Beaches Public Library.

Regards,



Maggie Cinnella
Library Director

Gulf Beaches Public Library

Service Contract for

City of Madeira Beach

October 1, 2016 through September 30, 2017

This agreement made and entered into between the Gulf Beaches Public Library, Inc., Madeira Beach, Florida, and the City of Madeira Beach, located in Pinellas County, Florida.

Whereas the Gulf Beaches Public Library, Inc. now maintains and operates a public library at 200 Municipal Drive, Madeira Beach, Florida, The City of Madeira Beach agrees to pay the Gulf Beaches Public Library, Inc., an amount of **\$89,289.00** (Eighty Nine Thousand, Two Hundred, Eighty Nine Dollars) for the fiscal year beginning October 1, 2016 and ending September 30, 2017. Payments amounting to \$22,322.25 (Twenty Two Thousand, Three Hundred, Twenty Two Dollars and Twenty Five Cents) are to be made on October 1, 2016, January 1, 2017, April 1, 2017 and July 1, 2017.

The aforementioned figure is based on the population of the five municipalities of Treasure Island, Madeira Beach, Redington Beach, North Redington Beach and Redington Shores.

The Gulf Beaches Public Library, Inc. shall submit to the City of Madeira Beach an annual report of its financial conditions prepared by an independent certified auditor on or before March 31, 2017.

This agreement shall be effective for one year beginning October 1, 2016 and ending September 30, 2017 and shall be binding on the parties, their successors and assigns.

The Gulf Beaches Public Library, Inc. has submitted agreements similar to this one to the City of Treasure Island, the Town of Redington Beach, the Town of North Redington Beach and the Town of Redington Shores.

In witness wherefore the parties have cause these present to be duly executed

this 6th day of September, 2016



Attest:


**Secretary, Gulf Beaches Public
Library Board of Trustees**


**Vice Chairperson, Gulf Beaches
Public Library Board of Trustees**

City Clerk, City of Madeira Beach

Mayor, City of Madeira Beach



City of Madeira Beach RFQ Recommendation Form

PROJECT:	Beach Equipment Concessions
TITLE OF RFQ/RFP:	Request for Qualifications
BIDS RECEIVED:	Beach Service West, Inc and Saltwater Destination were the two bids received
BUDGET COMMENTS:	Revenue is budgeted. Successful negotiations with the top rated submitter will be contingent upon meeting budget.

STAFF RECOMMENDATION: An evaluation team was formed to evaluate the submittals. It was a 3-person committee made up of a representative from the Recreation Department, a representative from Public Works, and the City Manager. Staff unanimously decided that the submittal from Saltwater Destination outweighed the other submittal in a number of areas. They included handicap wheelchairs and assistance for handicapped people. They included picking up trash, maintaining volleyball courts and hammocks at Archibald park, and did not eliminate any request of service at certain beach walkovers and Johns Pass Park which the other submittal did eliminate those locations. Also, Beach Service West, Inc., submitted the number of chairs at Archibald Park that Rec staff and DPW staff felt was inadequate and the City Manager agreed.

Saltwater Destination also made it a point to market Madeira Beach by using a number of different marketing techniques including social media and direct mailings. They made it a point to attract their existing clientele (15,000 people) to Madeira Beach and offered to conduct “games, events, music and more”.

In the RFQ, it was stated the City was looking for a family fun and friendly “vibe” and it was unanimously decided that Saltwater Destination submitted a response that offered more to the City than the other submittal.

ATTACHMENT(S): Both RFQ proposals are included for your review

City of Madeira Beach
Request for Qualifications
Beach Equipment Concessions

City of Madeira Beach
City Manager's Office
300 Municipal Drive
Madeira Beach, FL 33708

Dear Mr. Crawford:

We are Beach Service West, Inc., and our web address is www.beachservicewest.com, hereafter referred to as BSW.

In reviewing the request for qualifications, we feel we are ultimately qualified to be considered to provide the beach equipment concessions that the City of Madeira Beach is looking for.

BSW has been catering to beach goers in Madeira Beach for almost forty years. We have many repeat customers and their children have become customers as well. We have been successful at creating a "family friendly" environment along with a great beach "vibe". Our employees are all driven to provide the best customer service possible, many of our customers have become friends, with whom we keep in touch with throughout the years.

We take great pride in the condition of our equipment which consists of double chaise lounges, three (3) inch blue cushions, blue umbrellas, attachable blue cabana hoods and steamer chairs with mesh fabric and a foot rest.

Our equipment is generally placed in a straight line, parallel to the shoreline with enough spacing between the row of equipment and the water line, for all to enjoy the beach.

Our inventory philosophy is simple, never to have more on the beach, other than what is needed to cater to the rental demand.

Over the forty years, we feel we have acquired the knowledge of what works in Madeira Beach to provide guests and day visitors the best possible beach going experience.

BSW offers hourly rates through seasonal rates for all of our equipment with the current payment method being personal check or cash. We are exploring the possibility of accepting debit and credit cards.

On five separate occasions, BSW has submitted bids for beach equipment service in Madeira Beach and was never the successful bidder. The city was motivated to accept the high bidder and to the best of our knowledge, all failed or renewals not granted. On one occasion, BSW was the high bidder, but the city elected to stay with the current provider at that time.

We are encouraged to see that the city is open to other considerations other than revenues.

Regarding Archibald Park:

We propose a row of 15 double lounges with a second row of five to ten double lounges eastward of the front row, to be utilized on weekends or seasonal demand. During spring months through summer, a row of eight to ten umbrellas and two steamer chair sets to be placed westward of the front lounge row.

We estimate that city sponsored events, result in approximately twenty days out of the year that rental activity would not be possible. Most of these days would be considered prime rental days. We applaud the city's efforts to bring special events to Archibald Park and will work with the city, but the potential loss of revenue is substantial.

We recognize the many improvements made to Archibald Park to welcome and invite beach goers.

We anticipate the annual rental revenue to be approximately \$70,000.00 and offer the city the payment of \$10,500.00 for the first year, upon award.

We suggest a review after the first year, to determine future payments to the city.

Regarding the Beach Walkovers:

We propose to place three double lounges at 135th St Walkover, five sets at 131st, and 10 to 15 sets at 133rd Street. We strongly feel that the 134th, 132nd, and 131st Streets do not offer adequate parking or availability of lodging units to warrant placing any rental equipment. The benefit to both parties would be less beach clutter and lessen exposure to storm conditions, etc.

We feel that the beach at South Beach Park is not suitable for the placement of beach equipment. The beach is narrow and often frequented by people fishing and most importantly, the hazardous swimming signs posted due to the John's Pass tidal currents. We also provide the equipment rentals at 12901 Gulf Lane, which is adjacent South Beach Park.

In our bid for the beach walkovers three years ago, we offered the city the annual sum of \$5,000.00. We propose to offer the city the same amount even though we choose to eliminate four of the locations. If awarded, we will pay the city \$5,000.00 in advance for the first year of operation at the beach walkovers.

Sincerely,



Nick Simons

Vice President

Beach Service West, Inc.

P.O. Box 86731

Madeira Beach, FL 33738

CERTIFICATION OF INFORMATION PROVIDED

I certify that the information and responses provided on this submittal are true, accurate and complete. The Owner of the Project or its representatives may contact any entity or reference listed in this Questionnaire. Each entity or reference may make any information concerning the Contractor available to the Owner.

Dated

13 Oct, 2016

Contractor:

BETHEL SERVICE UNIT INC
(Contractor Name)

(Signature)

By:

JAMES N. SIMONS JR
(Typed Name)

Its:

V.P.
(Title)

Sworn to and subscribed before me

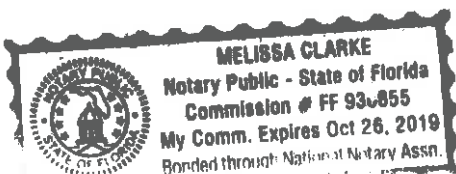
this 1 day of September, 2016.

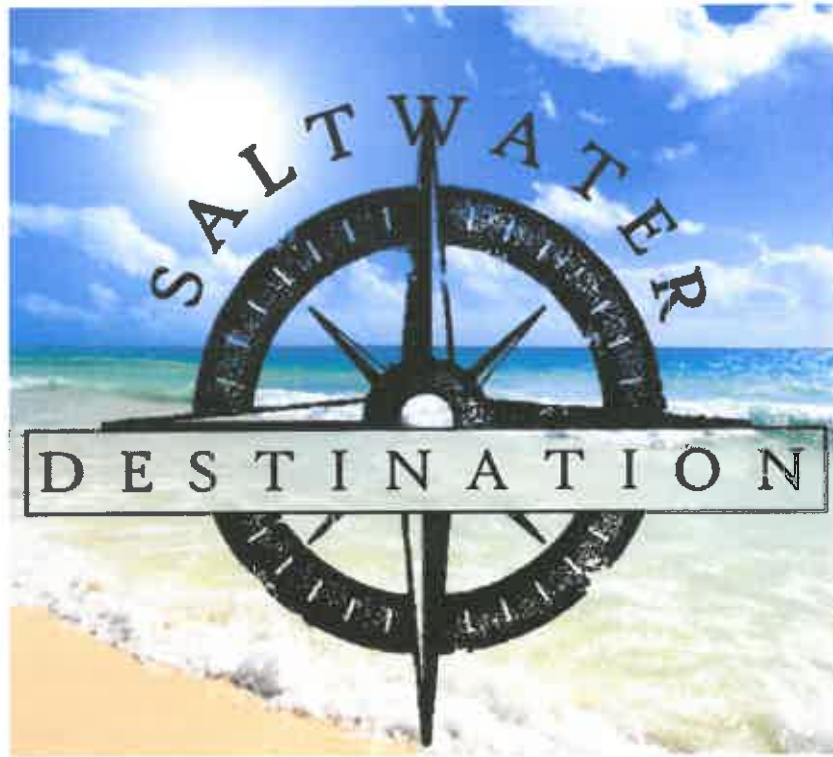
Melissa Clarke

(Notary Public)

October 26, 2019

(My Commission Expires)





You have arrived.

2178 28th Ave N
St. Petersburg FL 33713

P. 727/612-3091

Park.m23@gmail.com
www.saltwaterdestination.com

Executive Summary

Welcome, we are Saltwater Destination. We are a beach concessions service with over 20 combined years of experience and operation.

Thank you for the opportunity to review our submittal for the beach equipment concessions RFQ for the City of Madeira Beach. Below we have described in detail why we believe we are qualified to operate at the proposed locations.

Objectives

- Our first and main objective is to create a safe, fun and welcoming atmosphere for families on and off the sand.
- We will bring our existing clientele of over 15,000 and counting to experience the city of Madeira Beach using media outlets such as Facebook, Twitter, company website, and direct phone contact.
- We will use all marketing channels at our disposal to promote local business and direct tourism to Madeira Beach.
- *To institute a percentage based bonus structure that financially benefits the City of Madeira Beach along with an annual base negotiated upon reward of RFQ.*

Mission Statement

It is the mission of Saltwater Destination to continue to provide a safe family friendly beach going experience for all patrons, local and visiting. With our experience in concessions and customer service, we intend to further grow our company, and in turn bring new business to the City of Madeira Beach.

Description of Business

We are an equipment rental service specializing in, but not limited to; lounge chairs, umbrellas, canopies and non-motorized watersports. We also provide entertainment such as: games, events, music and more. Safety is a top priority within our company, not only for the customers but the environment and wildlife as well. As an environmentally friendly company, our operation currently uses no motorized vehicles for any function of the business. With our plan to increase customer volume, we may acquire low impact vehicles to assist during the opening and closing hours of operations. Low impact vehicles defined as state approved, FWC approved means of transporting units along the beach. Whatever means are the safest for the environment. All equipment is always stored in a neat orderly fashion above the coastal construction line to avoid any damage or interruption to the natural habitat.

Company Ownership/Legal Entity

Saltwater Destination, LLC has three founding and active owner/members.

- Eric Spain- Owner/member
- Tyler Wells- Owner/member
- Tyler Morris- Owner/member

Proposed Locations Regarding RFQ

- Archibald Park Madeira Beach Florida
- South Beach Park Madeira Beach Florida
- Madeira Beach Florida access ways located at the following-
 1. 130th street
 2. 131st street
 3. 132nd street
 4. 133rd street
 5. 134th street
 6. 135th street

In addition, if there are any other beach accesses that were not listed in the RFQ, we would like the opportunity to have equipment available for the people visiting the City of Madeira Beach at those locations.

Hours of Operation

Saltwater Destination proposes the following hours of operation: 7 days a week beginning at 9 o'clock a.m. and closing no later than sunset. Hours of operation are subject to change based upon inclement weather and change of season.

Products and Services

Saltwater Destination offers a selection of commercial beach equipment.

- Lounge chairs – several hundred commercial chaise lounges
- Adirondack chairs- dozens of “kick-back & relax” seats
- Arm chairs- dozens of taller straight back chairs that are easier for elderly guests to get in and out of
- Hammocks- collapsible portable two person hammocks
- Umbrellas- hundreds of umbrellas in various sizes
- Canopy tents- multiple canopy tents for larger parties and special events
- End tables- hundreds of smaller tables for guest comfort and belongings
- Paddle boards and kayaks- multiple units available for rental
- Beach wheel chairs- designed to easily transport guests through the sand
- Kiddie pools, toys, games and floats

All of the above are available for rent to enhance any beach going experience. We offer opportunities to reserve and book ahead for parties, special occasions and events. We would also like to note that we want to participate in the events that the city itself is willing to organize and be of help in any way we can. Today, more than ever, there is a large demand for convenience and our business is structured to cater to this demand directly.

Our competitive edge is our consistency in customer satisfaction and the overall “vibe” our staff brings to the beach. As well as the basic outline we have illustrated above we would also like to define some specifics that will set us apart from the norm:

- We will make our presence known to the clientele with directional signs and a stand out structure where they know to approach us for assistance. Also our staff will have an identifiable attire.
- Our company prides itself on effective removal of litter during business hours to assist the city in cleanliness of the beach.
- All of our storage, structures, and equipment are temporary and can be moved at any time
- Unlike most beach concession services, we offer accommodations for larger parties such as birthdays, graduations, weddings which can be booked via phone or web.
- We want to have beach wheelchairs available at Archibald and South Beach
- We will assist in transporting handicap guests and guests with a lot of gear from the parking lots to the beach
- We plan to play family friendly reggae and island music to create a fun experience for the beach goers of Madeira Beach
- We offer to maintain the volleyball nets and hammocks at Archibald Park
- We would like the opportunity to organize a volleyball league
- We want to have active involvement in all possible community events on your beaches.
- With our years of experience, we have been through various types of weather and racing against the elements, from flooding to tropical storms to hurricanes. Our ability to react and adjust to these conditions is next to none. Safety is our number one, hands down.

Marketing

Advertising and Promotion

Our company will be using multiple channels to reach potential clientele. These channels include but are not limited to-

- Direct mail marketing
- Flyers/business cards with promotional offerings
- Television advertisement (Bright house)
- Social media marketing/advertising via Facebook, Twitter, Instagram etc.
- Our company website which will offer simplified booking options to the client and exposure for advertising from outside businesses. Imagine how you select seating when booking a flight. Our site will allow local and visiting customers to view Madeira Beach on a grid like map to conveniently book their rentals. This map will also have direct advertising for surrounding businesses and their location. We will reach out to tourist hubs such as Orlando and offer opportunities for mutual advertising, which in return will bring new exposure for the City of Madeira Beach.

Pricing

Our experience in this business and knowledge of the local area market dictates that our rates are very competitive. Pricing is to be negotiated with the city upon award of RFQ.

We will offer a 20% discount for residents of Madeira Beach and all active and retired military personnel. (proof of residency/service will be necessary)



Statement: Referring back to objective 4 on page 1, the base monthly payment (plus percentage) to be negotiated upon the award of RFQ.

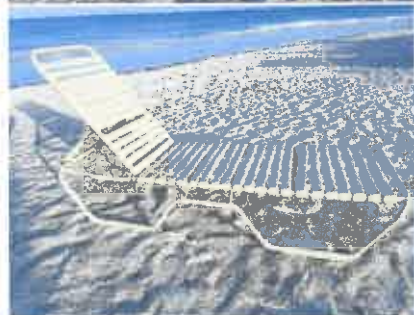
Experience and Qualifications

Our company consists of three owners and we all bring a certain level of experience and expertise in this particular business. Eric Spain, a former Madeira Beach resident, started the beach concessions behind Caddy's in Treasure Island, Florida approximately 15 years ago. Tyler Wells has been at the same location operating the concessions alongside Eric for over 5 years and is currently a new resident of Madeira Beach. Tyler Morris joined our organization July 2015, and has several years of experience in business development, sales and management. We have one employee who is a veteran of the U.S.M.C. whose discipline and work ethic has proven to be a great asset. We will continue to hire as needed to meet the needs of our growing business. We have advanced and grown each year and have become more educated about how to be successful in this industry. We have a team stronger than we've ever had and we come with a powerful force. We take great pride in our approach to beach operations, and we're hands on in every aspect of our company. We are confident we have what it takes to successfully operate within the City of Madeira Beach. Most notably our actions speak louder than words.



Any other suggestions or requests from the city are more than welcome in order to benefit the beach community. Thank you again for taking the time to review this information, we look forward to becoming a part of your team and your city.











CERTIFICATION OF INFORMATION PROVIDED

I certify that the information and responses provided on this submittal are true, accurate and complete. The Owner of the Project or its representatives may contact any entity or reference listed in this Questionnaire. Each entity or reference may make any information concerning the Contractor available to the Owner.

Dated

8.25.16, 2016

Contractor:

Saltwater Destination, LLC
(Contractor Name)

(Signature)

By:

Tyler D Wells
(Typed Name)

Its:

Owner/Member
(Title)

Sworn to and subscribed before me

this 25 day of August, 2016.

Rachael Pifer
(Notary Public)

January 26, 2019
(My Commission Expires)





September 1, 2016

The Honorable R.B. Johnson, Mayor
City of Indian Rocks Beach
1507 Bay Palm Blvd.
Indian Rocks Beach, FL 33785

RE: Forward Pinellas Membership Appointment/Re-appointment

Dear Mayor Johnson:

At the end of this year the rotating-seat appointments to Forward Pinellas, serving as the Pinellas Planning Council and the Metropolitan Planning Organization, will expire. This includes the term for your community's representative, Commissioner Cookie Kennedy, who represents the beach communities (excluding Clearwater). Forward Pinellas's operating procedures call for your representative to be appointed by January 1, 2017, with the term lasting for two years. The current representative is eligible for up to three additional two year terms. Therefore, we ask your local governing body to determine if it would like to reappoint Commissioner Kennedy, or if it would like to make a different appointment.

As one of the 10 barrier island communities that share a representative on the board, your local government is being asked to participate in the member appointment process developed by the Barrier Islands Governmental Council (BIG-C):

- Step 1: Each BIG-C municipality (excluding Clearwater) shall take formal action to either nominate one of its own elected officials, support the nomination of an elected official from another community or the re-appointment of the current representative. The name of that individual should then be transmitted to Terry Hamilton-Wollin, President of the BIG-C, 1507 Bay Palm Blvd. Indian Rocks Beach, FL 33785, by October 17th;
- Step 2: After nominations are received, at its next regularly scheduled meeting, the BIG-C, by majority vote, shall recommend an appointment;
- Step 3: The municipal government board on which the recommended elected official serves shall confirm the appointment; and

- Step 4: The municipal government board on which the recommended elected official serves shall transmit the name of the appointee to Forward Pinellas.

It will be important to coordinate this Forward Pinellas appointment with the other beach communities by October 17th to allow time for the BIG-C to make its recommendation and for the local government on which the elected official serves to confirm the appointment.

Please contact Sarah Ward or Tina Jablon at 727-464-8250 if more information or clarification is needed.

Sincerely,

Whit Blanton, FAICP
Executive Director

cc: Sarah Ward, Planning Division Manager
Rodney Chatman, AICP, Planning Division Manager
Terry Hamilton-Wollin, President, BIG-C
Deanne O'Reilly, City of Indian Rocks Beach
Commissioner Joanne "Cookie" Kennedy

RESOLUTION 2016-27

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA RECOMMENDING APPOINTMENT OF A MEMBER TO THE JOINT PINELLAS COUNTY METROPOLITAN PLANNING ORGANIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the joint Pinellas County MPO/PPC was established by an amendment of the PPC's Special Act; and

WHEREAS, the MPO membership which must be done in conformance with Section 339.175, Florida Statutes; and

WHEREAS, the Pinellas County MPO has reappointed the membership to provide representation for all local governments in the County; and

WHEREAS, the Pinellas County MPO Membership Reappointment Plan provides for a member representing the cities of Belleair Beach, Belleaire Shore, Indian Rocks Beach, Indian Shores, Madeira Beach, North Redington Beach, Redington Beach, Redington Shores, St. Pete Beach and Treasure Island.

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

Section 1. The City of Madeira Beach approves the nomination of Joanne Kennedy to continue to serve as its representative to the joint board.

Section 2. This Resolution shall become effective immediately upon its adoption.

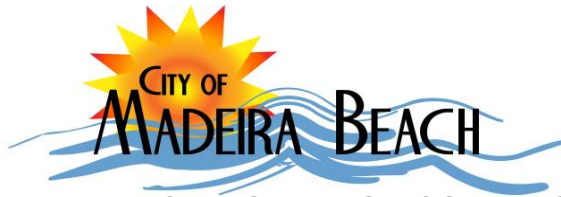
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**INTRODUCED AND ADOPTED BY THE CITY OF MADEIRA BEACH BOARD OF COMMISSIONERS THIS 13TH
DAY OF SEPTEMBER, 2016.**

TRAVIS PALLADENO, Mayor

ATTEST:

AIMEE SERVEDIO, City Clerk



MADEIRA BEACH BOARD OF COMMISSIONERS

September 13, 2016 – Agenda Report

<u>FROM:</u>	Vincent M. Tenaglia, Assistant City Manager
<u>SUBJECT:</u>	AUTHORIZATION TO REDEFINE CAPITALIZATION THRESHOLD FOR CAPITAL ASSETS
<u>BACKGROUND:</u>	As of September 30, 2015, capital assets of the City of Madeira Beach totaled a net value of \$28,800,441. These assets include land, construction in progress, City facilities, improvements, vehicles, and equipment. The City's current capitalization policy defines capital assets as "items with an individual cost of \$1,000 or more and an estimated useful life of one year or more." This definition is inconsistent with best practices recommended by the Government Finance Officers Association. Industry research indicates that capitalization policies which incorporate relatively lower thresholds (i.e., \$1,000) are often costly to maintain and operate, without improving management's control over the organization's assets. Finance is therefore requesting to redefine capital assets as "assets valued at \$5,000 or more, used in operations, with an initial life of two or more years." The effects of implementing a higher capitalization threshold include more appropriate accounting of improvements and equipment, and less burdensome reporting requirements by Finance staff. Rather than frequently adding and deleting relatively inconsequential assets, the City's Statement of Net Position will include a more accurate depiction of long-term useful assets. As is the case with similar financial policies recently adopted by the Board of Commissioners, this requested change is consistent with best practices and will modernize the City's financial operation. Finance is requesting to implement this change retroactively, effective October 1, 2015, so that the upcoming annual financial report will reflect this change.
<u>BUDGETARY IMPACT:</u>	N/A

<u>RECOMMENDED BY STAFF:</u>	Finance recommends approval of authorization to redefine the City's capital asset capitalization threshold.
<u>ATTACHMENT(S):</u>	GFOA Best Practice: Establishing Capitalization Thresholds for Capital Assets



BEST PRACTICE

Establishing Capitalization Thresholds for Capital Assets

BACKGROUND:

The term *capital assets* is used to describe assets that are used in operations and that have initial lives extending beyond a single reporting period. Capital assets may be either intangible (e.g., easements, water (rights) or tangible (e.g., land, buildings, building improvements, vehicles, machinery, equipment and infrastructure). It is incumbent upon public-sector managers to maintain adequate control over all of a governments resources, including capital assets, to minimize the risk of loss or misuse.

As a practical application of the materiality principle, not all tangible capital-type items with useful lives extending beyond a single reporting period are required to be reported in a governments statement of position. Items with extremely short useful lives (e.g., less than 2 years) or of small monetary value are properly reported as an "expense" or "expenditure" in the period in which they are acquired.

When outlays for capital-type items are, in fact, reported on the statement of position, they are said to be *capitalized*. The monetary criterion used to determine whether a given capital asset should be reported on the balance sheet is known as the *capitalization threshold*. A government may establish a single capitalization threshold for all of its capital assets, or it may establish different capitalization thresholds for different classes of capital assets.

Capitalization is, of its nature, primarily a financial reporting issue. That is, a governments principal concern in establishing specific capitalization thresholds ought to be the anticipated information needs of the users of the governments external financial reports. While it is essential to maintain control over all potentially capitalizable items, there exist much more efficient means than capitalization for accomplishing this objective in the case of a governments smaller tangible capital-type items.¹ Furthermore, practice has demonstrated that capital asset management systems that attempt to incorporate data on numerous smaller items are often costly and difficult to maintain and operate.

RECOMMENDATION:

GFOA recommends that state and local governments consider the following guidelines in establishing capitalization thresholds:

- Potentially capitalizable items should only be capitalized only if they have an estimated useful life of at least two years following the date of acquisition;
- Capitalization thresholds are best applied to individual items rather than to groups of similar items (e.g., desks and tables), unless the effect of doing so would be to eliminate a

significant portion of total capital assets (e.g., books of a library district);

- In no case should a government establish a capitalization threshold of less than \$5,000 for any individual item;
- In establishing capitalization thresholds, governments that are recipients of federal awards should be aware of federal requirements that prevent the use of capitalization thresholds in excess of certain specified maximum amounts (i.e., currently \$5,000) for purposes of federal reimbursement; and
- Governments should exercise control over potentially capitalizable items that fall under the operative capitalization threshold.²

References:

¹ See GFOAs best practice on Maintaining Control over Items that Are Not Capitalized (2006).

² See GFOAs best practice on Maintaining Control over Items that Are Not Capitalized (2006).



MADEIRA BEACH BOARD OF COMMISSIONERS

September 13, 2016 – Agenda Report

<u>FROM:</u>	Vincent M. Tenaglia, Assistant City Manager
<u>SUBJECT:</u>	AUTHORIZATION TO DECLARE SURPLUS ASSETS
<u>BACKGROUND:</u>	City policy requires the Board of Commissioners to authorize the disposal of capital assets, currently defined as items purchased in the amount of \$1,000 or more with a useful life of one year or more. Management is requesting authorization to dispose the following assets and pursue sales where applicable: 1. General Fund asset no. 295, 1991 Ford E-350, vehicle no. 39 2. General Fund asset no. 347, John Deere Tractor 3. General Fund asset no. 351, John Deere Mower Deck for Tractor 4. Sanitation Fund asset no. 621, 2005 Peterbilt Truck, vehicle no. 37
<u>BUDGETARY IMPACT:</u>	Each asset has been fully depreciated on an accrual basis of accounting and has no remaining book value. Any gains from disposal will be recorded in General Fund account no. 001.361.411 or Sanitation Fund account no. 402.364.411 as applicable.

<u>RECOMMENDED BY STAFF:</u>	Finance recommends authorization to declare surplus assets.
<u>ATTACHMENT(S):</u>	N/A



City of Madeira Beach
Office of the City Clerk

300 Municipal Drive
Madeira Beach, FL 33708

Date: September 13, 2016
To: Mayor Palladeno, Vice-Mayor Ghovae, Commissioner Lister, Commissioner Hodges, Commissioner Poe
From: Nick Lewis, Administrative Support Specialist
Subject: City Clerk Yearly Performance Evaluation

This item is a yearly occurrence in which the Board of Commissioners is able to provide a performance evaluation for the City Clerk position. According to the City Charter, Section 6.1, the City Clerk is considered a "Charter Officer", and as a Charter Officer, reports directly to the Board of Commissioners.

Each member of the Board has received an Employee Performance Evaluation to fill out. Please consider her performance over the last year and return the completed forms by Thursday, **October 6th at 12:00 p.m.**

The results will then be reviewed during the **October 11th Regular BOC Meeting.**

You may also schedule time with the City Clerk at any time before the evaluation is due to go over anything you'd like regarding the evaluation.

Attachment(s): Employee Performance Evaluation Form

Agenda Item: _____



"Without continual growth and progress, such words as improvement, achievement, and success have no meaning."

-Benjamin Franklin

PERFORMANCE EVALUATION

OPERATIONAL MANAGEMENT
PROFESSIONAL/TECHNICAL

NAME:	Aimee Servedio	EVALUATOR:	Board of Commissioners		
POSITION:	City Clerk (Charter Officer)	TYPE:	Annual Evaluation		
DEPARTMENT:	Office of the City Clerk	PERIOD RATED:	10/01/2015 to 09/30/2016		
EXCEEDS STANDARDS (E/S): Approaches the job with excitement, devotion, enthusiasm, curiosity; caring about results and enjoying coming to work. Looks for problems or situations that need to be addressed and addresses them; takes steps to ensure that problems do not recur. Excels in all responsibilities of position; volunteers for additional assignments on a regular basis; requires little or no supervision.					
MEETS STANDARDS (M/S): Routinely completes assignments in accordance with established policy and procedures; accomplishing assigned tasks at an adequate level; carries out his/her part of the job; employee supports teamwork and departmental goals; requires normal supervision.					
NEEDS IMPROVEMENT (N/I): Requires direct supervision to achieve satisfactory work; does not pull his/her weight in team assignments; does not help the team to complete the task; makes too many errors in completing the tasks; errors are consistent to the point where work would not be completed without assistance from others; has the ability to perform tasks but does not exert enough effort to perform them properly, or makes the effort to perform tasks, but lacks necessary knowledge or skills; requires close and constant supervision.					
Professional Attributes:			N/I	M/S	E/S
COMPETENCE: The employee possesses the essential knowledge, abilities, attitudes, skills, and habits to get the job done well.					
PROFESSIONALISM: Conducting oneself according to all the City's values and performing one's responsibility to the highest performance standards.					
TIME MANAGEMENT: The employee is able to prioritize and organize tasks in order to most efficiently and effectively complete them in the appropriate time frame.					
INITIATIVE: The employee demonstrates the ability to begin or follow through with a plan or task.					
PROBLEM-SOLVING: The employee is able to identify and handle daily problems, analyzing applicable data, and generating workable solutions.					
INTEGRITY: The employee adheres to high ethical principles; saying and doing what is right and necessary.					
CITIZEN SERVICE: Delivers optimal service to citizens in all aspects of his/her job responsibilities and is accountable to internal and external citizen needs; acknowledges the worth of others, teaching them with dignity and values diversity.					
COMMUNICATION: <i>(If applicable)</i> The employee demonstrates good written, verbal, and listening skills, and is able to get the point across; understands and cares about others' view and circumstances; written tasks are grammatically correct, clear, and concise.					



"Without continual growth and progress, such words as improvement, achievement, and success have no meaning."

-Benjamin Franklin

PERFORMANCE EVALUATION

OPERATIONAL MANAGEMENT
PROFESSIONAL/TECHNICAL

TEAMWORK: The employee demonstrates a positive approach toward work goals and duties; works together among and within City departments and with external citizens, and delivers products or services.			
SAFETY: The employee requires minimal supervision concerning observation of safety rules; has a good safety record.			
WORK ADJUSTMENT AND ADAPTABILITY: The employee is usually positive to any adjustments in job duties, receptive to changes in operation, and handles stress of the job in an acceptable manner.			
CREATIVITY: The ability of an employee, acting individually or within a team, to think beyond the confines of standard practices and procedures to solve problems and improve service delivery.			
DEPENDABILITY: The employee can be relied upon to complete assigned tasks and is consistent and punctual about their attendance to their job and/or any scheduled meetings.			
BUDGET PREPARATION AND MANAGEMENT: The employee is able to prepare and adhere to an appropriate budget; has control over aggregate expenditures; prioritizes expenditures to deliver efficient services; minimizes financial cost.			
<i>Only to be completed for employees with supervisory responsibilities.</i>			
LEADERSHIP AND SUBORDINATE DEVELOPMENT: The employee sets a good example for and motivates employees; assignments are delegated to achieve productivity and employee development; instructs and provides feedback, creating an environment conducive to participation by staff members; demonstrates leadership by being positive toward the City's goals.			

OVERALL REVIEW RATING			
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An overall rating of Needs Improvement in three (3) factors will result in the employee being placed on a 90-day performance improvement plan. The annual merit raise will be rendered upon completion of a successful review. Employees who fail to earn a "Meets" or "Exceeds Standards" rating after 90 days will be demoted or terminated. Please complete the following in rates as "Needs Improvement".

90-Day Performance Improvement Plan to begin on: _____

Monthly Reviews scheduled for: _____



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-Benjamin Franklin

PERFORMANCE EVALUATION

OPERATIONAL MANAGEMENT
PROFESSIONAL/TECHNICAL

ADDITIONAL COMMENTS AND/OR REVIEW

ACCOMPLISHMENTS: List any accomplishments of the employee since the last review.

GOALS FOR UPCOMING YEAR: List any goals for the employee for the next review period.

EMPLOYEE COMMENTS: Employees are encouraged to provide input regarding this performance evaluation and/or any comments to improve their position.



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-Benjamin Franklin

PERFORMANCE EVALUATION

OPERATIONAL MANAGEMENT
PROFESSIONAL/TECHNICAL

SUPERVISOR COMMENTS: Please prepare a narrative discussing the employee's work performance for the past reporting period.

*****EVALUATION MUST BE REVIEWED WITH EMPLOYEE*****

Evaluator Signature:

Signature

Date

Employee Signature:

Signature

Date



**MADEIRA BEACH
BOARD OF COMMISSIONERS
SEPTEMBER 13, 2016 – AGENDA MEMO**

FROM: Michelle Orton, CFM
Planning and Zoning Director

SUBJECT: FIRST READING FOR AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING IN ITS ENTIRETY CHAPTER 94 OF THE CODE OF ORDINANCES RELATING TO FLOOD DAMAGE PREVENTION AND FLOOD HAZARD MANAGEMENT; ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR THE REGULATIONS TO BE KNOWN AS THE "FLOODPLAIN MANAGEMENT ORDINANCE"; ESTABLISHING MINIMUM REQUIREMENTS, IN CONJUNCTION WITH THE FLORIDA BUILDING CODE, TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOODING THROUGH THE REGULATION OF DEVELOPMENT IN FLOOD HAZARD AREAS; ADOPTING DEFINITIONS; ADOPTING FLOOD INSURANCE RATE MAPS TO SERVE AS THE MINIMUM BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; PROVIDING FOR THE DESIGNATION, AUTHORITY AND DUTIES OF A FLOODPLAIN ADMINISTRATOR; PROVIDING FOR PERMITTING AND INSPECTION PROVISIONS WITHIN FLOOD HAZARD AREAS; PROVIDING FOR VARIANCES AND APPEALS TO BE HEARD BY SPECIAL MAGISTRATE; PROVIDING REGULATION FOR VIOLATION OF THE FLOODPLAIN MANAGEMENT ORDINANCE; PROVIDING FOR TERMS NOT DEFINED BY THE FLOODPLAIN MANAGEMENT ORDINANCE OR THE FLORIDA BUILDING CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND: The National Flood Insurance Program (NFIP) provides federally backed flood insurance within communities that enact and enforce floodplain regulations. To be covered by a flood insurance policy, a property must be in a community that participates in the NFIP. To qualify a community adopts and enforces a floodplain management ordinance to regulate development in flood hazard areas. The City of Madeira Beach in its entirety is located in a Special Flood Hazard Area (SFHA) as identified by the Federal Emergency Management Agency (FEMA). The objective of this ordinance is to minimize the potential for flood damage to future development.

The NFIP has been effective in requiring new buildings to be protected from damage by a flood. However, flood damage still results from floods that exceed the base flood, and from flooding that affects buildings constructed before the community joined the NFIP.

Florida Statutes provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code called the Florida Building Code. In the best interest of Madeira Beach the floodplain management regulations coordinate with the Florida Building Code. This floodplain management ordinance will also require an increase in freeboard to two feet above the base flood elevation for buildings and structures in the SFHA.

Madeira Beach participates in the Community Rating System (CRS), allowing communities to be rewarded for doing more than simply regulating construction of new buildings to the minimum national standards. Madeira Beach receives a 20% premium discount as the result of the City's qualifying as a Class 6.

**BUDGETARY
IMPACT:**

N/A

**STAFF
RECOMMENDATION:**

Staff and the Local Planning Agency/Planning Commission recommend **APPROVAL** to the Board of Commissioners for Ordinance 2016-11. Approval by the BOC will schedule the second and final BOC reading on October 11, 2016.

ATTACHMENT(S):

Ordinance 2016-11
Approval letter from Forward Pinellas dated August 25, 2016

Agenda Item: _____

ORDINANCE NO. 2016-11

AN ORDINANCE OF MADEIRA BEACH OF MADEIRA BEACH, FLORIDA, AMENDING IN ITS ENTIRETY CHAPTER 94 OF THE CODE OF ORDINANCES RELATING TO FLOOD DAMAGE PREVENTION AND FLOOD HAZARD MANAGEMENT; ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR THE REGULATIONS TO BE KNOWN AS THE "FLOODPLAIN MANAGEMENT ORDINANCE"; ESTABLISHING MINIMUM REQUIREMENTS, IN CONJUNCTION WITH THE FLORIDA BUILDING CODE, TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOODING THROUGH THE REGULATION OF DEVELOPMENT IN FLOOD HAZARD AREAS; ADOPTING DEFINITIONS; ADOPTING FLOOD INSURANCE RATE MAPS TO SERVE AS THE MINIMUM BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; PROVIDING FOR SPECIFIC STANDARDS FOR A-ZONES AND V-ZONES, INCLUDING A TWO FEET OF FREEBOARD ABOVE THE BASE FLOOD ELEVATION; PROVIDING FOR THE DESIGNATION, AUTHORITY AND DUTIES OF A FLOODPLAIN ADMINISTRATOR; PROVIDING FOR PERMITTING AND INSPECTION PROVISIONS WITHIN FLOOD HAZARD AREAS; PROVIDING FOR VARIANCES AND APPEALS TO BE HEARD BY SPECIAL MAGISTRATE; PROVIDING REGULATION FOR VIOLATION OF THE FLOODPLAIN MANAGEMENT ORDINANCE; PROVIDING FOR TERMS NOT DEFINED BY THE FLOODPLAIN MANAGEMENT ORDINANCE OR THE FLORIDA BUILDING CODE; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, Madeira Beach of Madeira Beach was accepted for participation in the National Flood Insurance Program May 7, 1971 and Madeira Beach Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

WHEREAS, Madeira Beach Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code; and

WHEREAS, Madeira Beach Commission is adopting a requirement to increase the freeboard to two feet above base flood elevation requirement for buildings and structures in flood hazard areas and pursuant to Section 553.73(5), F.S. is formatting that requirement to coordinate with the Florida Building Code; now, therefore

NOW, THEREFORE, BE IT ORDAINED BY MADEIRA BEACH COMMISSION OF MADEIRA BEACH OF MADEIRA BEACH, FLORIDA:

Section 1. That Chapter 94 of the Code of Ordinances the City of Madeira Beach is amended in its entirety, to read as follows:

CHAPTER 94 – FLOODPLAIN MANAGEMENT

Sec. 94-01 – 94-09 - Reserved.

DIVISION 1. - GENERAL

Sec. 94-10 - Title.

These regulations shall be known as the *Floodplain Management Ordinance* of Madeira Beach, hereinafter referred to as "this ordinance."

Sec. 94-11 - Scope.

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

Sec. 94-12 - Intent.

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

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
- (8) Meet the requirements of the national flood insurance program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22; and
- (9) Protect human life and health and minimize the need for rescue and relief efforts associated with flooding.

Sec. 94-13 - Coordination with the Florida Building Code.

This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 94-14 - Warning.

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

Sec. 94-15 - Disclaimer of liability.

This ordinance shall not create liability on the part of Madeira Beach Commission or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 94-16 – 94-19 – Reserved.

DIVISION 2. – APPLICABILITY

Sec. 94-20 - General.

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

Sec. 94-21 - Areas to which this ordinance applies.

This ordinance shall apply to all flood hazard areas within Madeira Beach, as established in Section 94-22.

Sec. 94-22 - Basis for establishing flood hazard areas.

The Flood Insurance Study for Pinellas County and Incorporated Areas dated September 3, 2003, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Services Department of Madeira Beach of Madeira Beach, 300 Municipal Drive, Madeira Beach, Florida 33708.

Sec. 94-23 - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to Division 5 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a state licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation , even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

Sec. 94-24 - Other laws.

The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 94-25 - Abrogation and greater restrictions.

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

Sec. 94-26 - Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

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

Sec. 97-27 – 97-29 – Reserved

DIVISION 3. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 94-30 - Designation.

The Planning and Zoning Director is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

Sec. 94-31 - General.

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Division 7 of this ordinance.

Sec. 94-32 - Applications and permits.

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

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

Sec. 94-33 - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations (Levels 1-2-3), movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

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

- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

Phasing is not permitted for substantial improvement and substantially damaged buildings and structures with the exception of an emergency (i.e. air conditioner, water heater or roof). Any repairs, reconstruction or improvements to the same building and structure made within the previous 12 months shall be presumed to be phasing of a single project. The total cost of all such projects shall be compared to the value of the building before the first improvements were made. The only exception to this rule is when an act of God occurs within one year of completion of a project and the combined cost of the previous project and the necessary repairs would exceed 50 percent of the value of the structure before the first improvement.

Applications for building permits that seek to construct improvements that are designed in a manner that anticipates further improvement at a later date must include the cost of the entire future improvement in calculating whether or not they constitute a substantial improvement, regardless of the fact that the entire project is not being permitted.

Sec. 94-34 - Modifications of the strict application of the requirements of the Florida Building Code.

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Division 7 of this ordinance.

Sec. 94-35 - Notices and orders.

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

Sec. 94-36 - Inspections.

The Floodplain Administrator shall make the required inspections as specified in Division 6 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec. 94-37 - Other duties of the Floodplain Administrator.

The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 94-33 of this ordinance.

- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the state division of emergency management, state floodplain management office, and submit copies of such notifications to the federal emergency management agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, or flood hazard area boundaries; such submissions shall be made within six months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
- (5) Notify the FEMA when the corporate boundaries of Madeira Beach are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

Sec. 94-38 - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Community Services Department of Madeira Beach of Madeira Beach, 300 Municipal Drive, Madeira Beach, Florida 33708 during normal business hours.

Sec. 94-39 Reserved

DIVISION 4. - PERMITS

Sec. 94-40 - Permits required.

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

Sec. 94-41 - Floodplain development permits or approvals.

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

Sec. 94-42 - Buildings, structures and facilities exempt from the Florida Building Code.

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

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

- (9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

Sec. 94-43 - Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

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

Sec. 94-44 - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Sec. 94-45 - Expiration.

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

Sec. 94-46 - Suspension or revocation.

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

Sec. 94-47 - Other permits required.

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

- (1) The Southwest Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Ordinance 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

Sec. 94-48 – 94-49 - Reserved.**DIVISION 5. - SITE PLANS AND CONSTRUCTION DOCUMENTS****Sec. 94-50 - Information for development in flood hazard areas.**

The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas and flood zone(s), base flood elevation(s) plus two feet of freeboard and ground elevations if necessary for review of the proposed development.
- (2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

- (4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (5) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.
- (6) Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by Florida Department of Environmental Protection.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

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

Sec. 94-51 - Information in flood hazard areas without base flood elevations (approximate zone A).

The FIRM for the City of Madeira Beach does not show any zone A without base flood elevations.

Sec. 94-52 - Additional analyses and certifications.

In addition to the requirements of this section, for activities that propose to alter sand dunes or mangrove stands in Coastal High Hazard Areas (Zones A and V), the applicant shall submit an engineering analysis prepared, signed, and sealed by a Florida licensed engineer that demonstrates that the proposed alteration will not increase the potential for flood damage.

Sec. 94-53 - Submission of additional data.

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

Sec. 94-54 – 94-59 – Reserved.

DIVISION 6. – INSPECTIONS

Sec. 94-60 - General.

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

Sec. 94-61 - Development other than buildings and structures.

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Sec. 94-62 - Buildings, structures and facilities exempt from the Florida Building Code.

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

Sec. 94-63 - Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

Sec. 94-64 - Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 94-63 of this ordinance.

Sec. 94-65 - Manufactured homes.

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

Sec. 94-66 – 94-69 - Reserved.

DIVISION 7. - VARIANCES AND APPEALS

Sec. 94-70 - General.

The Special Magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to F.S. § 553.73(5), the Special Magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

Sec. 94-71 - Appeals.

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

Sec. 94-72 - Limitations on authority to grant variances.

The Special Magistrate shall base his/her decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 94-75 of this ordinance, the conditions of issuance set forth in Section 94-76 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Special Magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

Sec. 94-73 - Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Ordinance 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building.

If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Sec. 94-74 - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Ordinance, provided the variance meets the requirements of Section 94-72, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec. 94-75 - Considerations for issuance of variances.

In reviewing requests for variances, the Special Magistrate shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the Florida Building Code, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Sec. 94-76 - Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the Special Magistrate that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

- b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 94-77 – 94-79 Reserved

DIVISION 8. - VIOLATIONS

Sec. 94-80 - Violations.

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

Sec. 94-81 - Authority.

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

Sec. 94-82 - Unlawful continuance.

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

Sec. 94-83 - Further action permitted due to unresolved violations.

For violation(s) of the requirements of this ordinance or the flood provisions of the Florida Building Code, the Building Official or the Floodplain Administrator may take action as cited within this Code and, if the violation is not resolved or corrected, such action may include submitting a request to the FEMA to remove the respective property's eligibility for flood insurance coverage through the NFIP.

Sec. 94-84 – 94-89 Reserved

DIVISION 9. – GENERAL

Sec. 94-90 - Scope.

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

Sec. 94-91 - Terms defined in the Florida Building Code.

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

Sec. 94-92- Terms not defined.

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

Sec. 94-93 – Definitions.

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

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

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

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the national geodetic vertical datum (NGVD), North American vertical datum (NAVD) or other

datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Breakaway wall. A partition or wall that is independent of supporting structural members and that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during the base flood, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.

Coastal construction control line. The line established by the state pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on Flood Insurance Rate Maps (FIRM) as zone V1-V30, VE, or V. [Note: The FBC, B, defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R, uses the term "coastal high hazard areas."]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

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

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

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before May 7, 1971. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 7, 1971.

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

Federal emergency management agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the national flood insurance program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

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

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study(FIS). The official report provided by the federal emergency management agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

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

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance

of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Ordinance.

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

Freeboard. Freeboard means a level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed. Madeira Beach of Madeira Beach requires two feet of freeboard above base flood elevation.

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

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

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Ordinance 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

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

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

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

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

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

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

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Lowest horizontal structure member. Any shore-parallel structural member which supports floor, wall or column loads and transmits them to the pile or column foundation.

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

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

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 7, 1971 and includes any subsequent improvements to such structures.

New Manufactured Home Park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 7, 1971.

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

Recreational vehicle. A vehicle, including a park trailer, which is: [See F.S. § 320.01]

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

Repetitive loss means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. All of Madeira Beach is located in a special flood hazard area. [Also defined in FBC, B, Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B, Section 1612.2.]

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage

also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work performed.

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

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

Sec. 94-94 – 94-99 – Reserved.

DIVISION 10 – FLOOD RESISTANT DEVELOPMENT

ARTICLE – I BUILDINGS AND STRUCTURES

Sec. 94-100 - Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.

Pursuant to Section 94-42 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Division 10, Article VII of this ordinance.

Sec. 94-101- Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code*, *Building* Section 3109 and Section 1612 or *Florida Building Code*, *Residential* Section R322.
- (2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

Sec. 94-101 – Sec. 94-109 Reserved

ARTICLE - II SUBDIVISIONS

Sec. 94-110 - Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

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

Sec. 94-111 - Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations plus two feet of freeboard, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations plus two feet of freeboard determined in accordance with Sec. 94-51 of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Division 10, Article III of this ordinance.

Sec. 94-112 – Sec. 94-119 - Reserved

ARTICLE III - SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 94-120 - Minimum requirements.

All proposed new development shall be reviewed to determine that:

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

Sec. 94-121 - Sanitary sewage facilities.

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

Sec. 94-122 - Water supply facilities.

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

Sec. 94-123 - Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 94-52 of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec. 94-124 - Limitations on placement of fill.

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

Sec. 94-125 - Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Sec. 94-52 of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Sec. 94-167(3) of this ordinance.

Sec. 94-126 – Sec. 94-129 – Reserved

ARTICLE IV - MANUFACTURED HOMES

Sec. 94-130 - General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the

applicable requirements.

Sec. 94-131 - Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Sec. 94-135 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

Sec. 94-132 - Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Sec. 94-133 - Elevation.

Manufactured homes that are placed, replaced, or substantially improved shall comply with Sec. 94-134 or Sec. 94-135 of this ordinance, as applicable.

Sec. 94-134 General elevation requirement.

Unless subject to the requirements of Sec. 94-135 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

Sec. 94-135 - Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to Sec. 94-134 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 60 inches in height above grade.

Sec. 94-136 - Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Sec. 94-137 - Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

Sec. 94-138 – Sec. 94-139 – Reserved

ARTICLE V- RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 94-140 - Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

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

Sec. 94-141- Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.

Sec. 94-142 – Sec. 94-149 Reserved

ARTICLE VI - TANKS

Sec. 94-150 - Underground tanks.

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

Sec. 94-151 - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of Sec. 94-152 of this ordinance shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V).

Sec. 94-152 - Above-ground tanks, elevated.

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

Sec. 94-153 - Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

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

Sec. 94-154 – Sec. 94-159**ARTICLE VII - OTHER DEVELOPMENT****Sec. 94-160 - General requirements for other development.**

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Sec. 94-123 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood

elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 94-161- Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 94-123 of this ordinance.

Sec. 94-162 - Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 94-123 of this ordinance.

Sec. 94-163 - Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sec. 123 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 94-52 of this ordinance.

Sec. 94-164 - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

Sec. 94-165 - Decks and patios in coastal high hazard areas (Zone V).

In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings

and structures.

- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Sec. 94-166 - Other development in coastal high hazard areas (Zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

Sec. 94-167 - Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal

structural member of the building.

Sec. 94-169 - Reserved

Section 2. The *Florida Building Code, Residential* is hereby amended by the following technical amendments:

Modify Section R322.2.1 to read as follows:

R322.2.1 - Elevation requirements

- (1) Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.
- (2) Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 2 feet or to the design flood elevation, whichever is higher.

Section 3. That this Ordinance shall become effective immediately upon its passage and adoption.

APPROVED AND ADOPTED BY MADEIRA BEACH COMMISSION OF MADEIRA BEACH OF MADEIRA BEACH, FLORIDA, THIS ____ day of _____, 2016.

APPROVED AS TO FORM:

Thomas J. Trask, CITY ATTORNEY

Travis Palladeno, MAYOR

ATTEST:

Aimee Servedio, CITY CLERK

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

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Clearwater, FL 33756



August 25, 2016

Ms. Michelle Orton
Planning and Zoning Director
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Review of Proposed Amendments to the City of Madeira Beach's Land Development Regulations (Ord. No. 2016-11)

Dear Michelle:

Thank you for forwarding the proposed amendments to the land development regulations. Pursuant to Division 3.3 of the Countywide Rules, Forward Pinellas staff has reviewed the proposed amendments for consistency with the Countywide Rules, as follows:

- The amendments to the City of Madeira Beach's Land Development Regulations to amend Chapter 94 – Floodplain Management Ordinance can be considered consistent with the Countywide Rules.

Thank you for transmitting these amendments for review. Please note that upon adoption, a copy of the final ordinance as adopted, and any subsequent codification thereof, must be filed with us, so we can maintain a copy of your code. If you have any questions, please feel free to call me at 727-464-8250.

Sincerely,

Alicia Parinello
Program Planner

cc: Shane B. Crawford, City Manager
Commissioner Joanne "Cookie" Kennedy, PPC Representative

Countywide Rules Determination of Consistency

Type of amendment:	Land development regulations
Submitted by:	Madeira Beach
Date received:	August 22, 2016
Subject of amendment(s):	Amendments to the land development regulations
Consistency status:	The amendments to the City of Madeira Beach's Land Development Regulations to amend Chapter 94 – Floodplain Management Ordinance can be considered consistent with the Countywide Rules.
Reviewed by:	Alicia Parinello
Approved by:	<i>Rodney S. D'Amato</i>



**CITY OF MADEIRA BEACH, FLORIDA
BOARD OF COMMISSIONERS**

**SEPTEMBER 13, 2016 AT 6:00 PM
300 MUNICIPAL DRIVE, MADEIRA BEACH CITY HALL
MADEIRA BEACH, FL**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **BOARD OF COMMISSIONERS** of the City of Madeira Beach will hold a **PUBLIC HEARING** to consider the following ordinances:

**A. ORDINANCE 2016-11 – FLOODPLAIN MANAGEMENT ORDINANCE
LAND DEVELOPMENT REGULATIONS AMENDMENT**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING IN ITS ENTIRETY CHAPTER 94 OF THE CODE OF ORDINANCES RELATING TO FLOOD DAMAGE PREVENTION AND FLOOD HAZARD MANAGEMENT; ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR THE REGULATIONS TO BE KNOWN AS THE “FLOODPLAIN MANAGEMENT ORDINANCE”; ESTABLISHING MINIMUM REQUIREMENTS, IN CONJUNCTION WITH THE FLORIDA BUILDING CODE, TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOODING THROUGH THE REGULATION OF DEVELOPMENT IN FLOOD HAZARD AREAS; ADOPTING DEFINITIONS; ADOPTING FLOOD INSURANCE RATE MAPS TO SERVE AS THE MINIMUM BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; PROVIDING FOR THE DESIGNATION, AUTHORITY AND DUTIES OF A FLOODPLAIN ADMINISTRATOR; PROVIDING FOR PERMITTING AND INSPECTION PROVISIONS WITHIN FLOOD HAZARD AREAS; PROVIDING FOR VARIANCES AND APPEALS TO BE HEARD BY SPECIAL MAGISTRATE; PROVIDING REGULATION FOR VIOLATION OF THE FLOODPLAIN MANAGEMENT ORDINANCE; PROVIDING FOR TERMS NOT DEFINED BY THE FLOODPLAIN MANAGEMENT ORDINANCE OR THE FLORIDA BUILDING CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as concise as possible and the 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 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

Michelle Orton
Planning and Zoning Director