

CITY OF SATELLITE BEACH

CITY COUNCIL
JULY 15, 2015

REGULAR MEETING
7:00 P.M.



CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3116
(321) 773-4407
(321) 779-1388 FAX



INCORPORATED 1957

AGENDA

CITY COUNCIL REGULAR MEETING

**SATELLITE BEACH COUNCIL CHAMBERS
565 CASSIA BOULEVARD, SATELLITE BEACH, FL 32937**

**JULY 15, 2015
7:00 P.M.**

1. **CALL TO ORDER BY MAYOR CATINO**
2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE LED BY MAYOR CATINO**
3. **RECOGNITION OF LONG-TIME VOLUNTEER JOHN BAKER**
4. **CITIZEN COMMENTS**
5. **CITY COUNCIL COMMENTS**
6. **CITY MANAGER REPORT**
7. **DISCUSS/TAKE ACTION ON RESULTS OF REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL (RFQ NO. 14/15-07)**
8. **DISCUSS/TAKE ACTION ON RESULTS OF INVITATION TO BID FOR DANCE FLOOR REPLACEMENT REBID (ITB NO. 14/15-08)**
9. **DISCUSS/TAKE ACTION ON ORDINANCE NO. 1107, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-706, SATELLITE BEACH CITY CODE, ESTABLISHING AN EFFECTIVE DATE TO REMOVE NUISANCE TREES DEFINED THEREIN; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE (FIRST READING)**

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to insure that a verbatim transcript of the proceedings is made. In accordance with the Americans with Disabilities Act and Section 286.26, FSS. Persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office.

- 10. DISCUSS/TAKE ACTION ON ORDINANCE NO. 1108, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-416, COMMERCIAL DISTRICT, SATELLITE BEACH CITY CODE, TO AUTHORIZE BOAT STORAGE AS AN ACCESSORY USE, WITH CONDITIONS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE (FIRST READING)**
- 11. AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**
- 12. ADOPTION OF MINUTES: JULY 1, 2015, WORKSHOP MEETING
 JULY 1, 2015, REGULAR MEETING**



City Manager's Report

To: Mayor and City Council Members
From: City Manager Courtney Barker, AICP
Meeting Date: 7/15/2015

Congratulations to **Ashlyn Harris**, our hometown hero, and the rest of the US Women's Soccer Team for winning the World Cup! We are so proud!

Informational Items:

1. The Scorpion Court right of way striping has been completed. The striping project was approved by City Council in April 2014 and subsequently delayed due to budget constraints. The intent of this project is to make the roadway safer and more manageable for the large amounts of traffic that occurs when Satellite High School students leave at the end of the school day.
2. The County Commission will be holding their workshop on Impact Fees on Thursday, July 16, 2015, at 9am. I will be attending this workshop to support the City's position on the School Impact Fee amendments.
3. The proposed budget will be provided to you per the City Charter requirements. A City Council Special Meeting is scheduled on July 23rd for the proposed budget presentation and to set the tentative millage rate.

Action Items:

1. Prior to providing an update on the new pension legislation (CS/SB 172), I would like to schedule a "shade" meeting to discuss upcoming union negotiations and the recent pension legislation. Staff is recommending July 22, 2015 at 5pm.



CITY COUNCIL AGENDA ITEM

#7

DISCUSS/TAKE ACTION ON RESULTS OF REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL (RFQ NO. 14/15-07)

To: City Manager Courtney Barker
From: Assistant City Manager Andy Stewart
Meeting Date: 7/15/2015
Department: Support Services

Recommended Action: Approve Bryant, Miller, Olive P.A. to provide Bond Counsel for \$2,500,000 Capital Improvements Loan.

Summary: The City is currently in the process of securing \$2,500,000 of tax-exempt financing (i.e. bonds, notes, loans) for the purpose of funding various capital improvements. The City issued an RFQ for Bond Counsel services to provide legal advice to the City during the process of securing financing.

The City received (2) two responses to the RFQ on June 18, 2015. These firms were Bryant, Miller, Olive P.A. and Nabors, Giblin & Nickerson P.A. The selection committee consisted of Attorney Jim Beadle, Comptroller Jennifer Howland, and Assistant City Manager Andy Stewart. After reviewing the proposals it was determined that both firms were highly qualified and both firms have experience with the issuance of tax-exempt loans. Bryant, Miller, Olive P.A. identified a cost of \$11,500 with reimbursements not to exceed \$1,000. After clarifying the reimbursement costs with Bryant, Miller, Olive P.A. it was determined that these expenses typically do not exceed \$300. Nabors, Giblin & Nickerson, P.A. proposed a flat fee of \$12,500.

After review by the selection committee it was decided to recommend Bryant, Miller, Olive P.A. to provide bond counsel services for the \$2,500,000 Capital Improvement Loan.

The City's Financial Advisor Public Financial Management has also worked with Bryant, Miller, Olive P.A. on other tax-exempt loans and approves of the committee's recommendation.

Budget Impacts: \$12,500 expenditure to the Capital Assets Fund

Attachments:

- RFQ Responses

OUR NAME IS EASY TO REMEMBER. OUR WORK IS HARD TO FORGET.

Bryant
Miller
Olive

COPY



Response to Request for Qualifications for Bond Counsel Services

June 18, 2015

RFQ No. 14/15-07

City of Satellite Beach, Florida
\$2,500,000 Capital Projects Note

Atlanta
430 Margate
Atlanta, Georgia 30328
Tel.: 770.399.7700
Fax: 770.399.6462

Jacksonville
111 Riverside Avenue
Suite 200
Jacksonville, Florida 32202
Tel.: 904.384.1264
Fax: 904.388.2986

Miami
Sun Trust International Center
1 S.E. 3rd Avenue
Suite 2200
Miami, Florida 33131
Tel.: 305.374.7349
Fax: 305.374.0895

Orlando
255 South Orange Avenue
Suite 1350
Orlando, Florida 32801
Tel.: 407.426.7001
Fax: 407.426.7262

Tallahassee
101 North Monroe Street
Suite 900
Tallahassee, Florida 32301
Tel.: 850.222.8611
Fax: 850.222.8969

Tampa
One Tampa City Center
Suite 2700
Tampa, Florida 33602
Tel.: 813.273.6677
Fax: 813.223.2705

Washington, D.C.
1100 13th Street, N.W.
Suite 810
Washington, DC 20005
Tel.: 202.457.1250
Fax: 202.457.1251

Bryant Miller Olive represents governments, businesses and organizations nationwide in a wide range of legal matters, policy initiatives and business needs. For more than 40 years, we have served the legal needs of the public sector with a special emphasis on public finance matters.

Today, we are still the leading provider of state and regional public finance services (as ranked in *The Bond Buyer*), and our professional services include business and civil litigation, labor and employment, business strategy, government consulting, project finance, corporate, real estate and much more. We invite you to get to know just how much our lawyers and consultants can do for you by visiting our website at www.bmolaw.com.

Affordable Housing
Corporate Trust & Default
Energy & Utility
Government Procurement
Governmental Consulting
Labor & Employment
Litigation
New Markets Tax Credits
Public Finance
Public Private Partnership
Real Property
State & Local Government

June 18, 2015

City of Satellite Beach
565 Cassia Blvd.
Satellite Beach, Florida 32937

REQUEST FOR QUALIFICATIONS-BOND COUNSEL – RFQ No. 14/15-07

CITY OF SATELLITE BEACH, FL 32937
\$2,500,000 CAPITAL PROJECTS NOTE

Dear Members of the City Selection Team:

Enclosed please find the proposal of Bryant Miller Olive P.A. ("BMO") in response to the City of Satellite Beach's (the "City") request for qualifications ("RFQ") to provide bond counsel services to the City. We are delighted to respond to your request and believe we are well qualified to serve the City as bond counsel based on our specific knowledge of matters relating to municipal law, as well as our broad experience in public finance. BMO stands ready to help the City accomplish its goals in a responsive, effective, timely and cost-effective manner. As our response reflects, we are a Florida based firm with the largest and most experienced public finance law practice in the State. We are the first existing Florida based firm to be listed in the Red Book and each Florida-based public finance attorney is licensed by The Florida Bar and is a member of the National Association of Bond Lawyers.

If you select BMO, Misty Taylor and Randy Clement (both in BMO's Orlando office) will be the primary persons to provide service to the City. Tax attorneys Len Marcinko and Will Milford will work with Ms. Taylor and Mr. Clement to address any tax issues in our representation of the City. Additionally, Kenneth Artin and Rhonda Bond-Collins, also located in BMO's Orlando office, will be available to work with Ms. Taylor and Mr. Clement if needed. Each attorney's skills and experience are further described within our proposal.

One of our greatest assets in providing Bond Counsel services is the strength of our public finance federal tax law practice. No other Florida based firm has our depth of experience in the public finance federal tax practice area or comparable resources dedicated to this area. In fact, many of our competitors contract out their tax work which is a distinct practical advantage for BMO. Our tax

City of Satellite Beach

June 18, 2015

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attorneys work closely with our bond lawyers as a unified team and are always available for contact directly by the City.

BMO is a sophisticated law firm specializing, primarily, in areas that serve the needs of state and local governments. In particular, BMO offers the City the following advantages:

- Our municipal bond and tax attorneys have extensive experience, skill and expertise in municipal bond and tax law. BMO has more Florida-based municipal bond attorneys than any other law firm. Our "deep bench" allows us to provide thorough and responsive representation in a timely manner. In the last five years, BMO has provided legal counsel to both local governments and related entities on more than 1,300 financings approximating over \$50 billion.
- Because of our local presence, we will be readily available and able to attend meetings on short notice.
- BMO is prepared, and has the in-house capabilities to handle complex and innovative financings. BMO attorneys have been at the forefront of developing innovative programs that have helped Florida local governments save millions of dollars.

As requested, we have provided one (1) original and four (4) hard copies of our response.

We appreciate this opportunity to respond to the RFQ and thank you for your consideration.

BRYANT MILLER OLIVE P.A.

By: 
Misty W. Taylor, Shareholder
Bryant Miller Olive P.A.
255 S. Orange Avenue, Suite 1350
Orlando, Florida 32801
EMAIL: mtaylor@bمولaw.com
TELEPHONE: 407-426-7001
FACSIMILE: 407-426-7262

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3. Proposed Bond Counsel fees, and not to exceed out of pocket expenses, for the proposed Capital Project Note as summarized in the RFQ and material provided in Exhibit A, noting that these fees are contingent and subject to the City's successful closing of each respective financing. 3
4. Three (3) Florida Municipal Client references with full contact information, where you have served as Bond Counsel. 4

1. The proposed principal Bond Counsel Attorney that would be working on this engagement, along with key support lawyers and staff, and respective professional bios (limit to three pages).

Misty Taylor, resident in the Bryant Miller Olive P.A. ("BMO") Orlando office, will be BMO's primary contact with respect to this engagement. Ms. Taylor will be joined by BMO attorneys Randy Clement, Len Marcinko, Will Milford, Ken Artin and Rhonda Bond-Collins in comprising a legal team with primary responsibility for providing Bond Counsel services to the City. Additionally, the collective knowledge of BMO's entire practice group of 20 public finance attorneys will be available to the City on an as-needed basis. A brief biographical description of the key team members appear below.

Misty Taylor. Misty Taylor joined BMO as a paralegal in 2001 and since 2008 has been an attorney in the firm's Orlando office. Earlier this year, she became a shareholder of the firm. Since joining the firm, Ms. Taylor has actively participated in numerous public finance transactions, including Bond, Disclosure and Underwriter's counsel representations. Ms. Taylor has amassed extensive experience in the areas of utilities, special districts, including community development districts and educational facilities benefit districts, hospital, university and multi-family and single family housing issues. Ms. Taylor has worked on transactions involving fixed rate, variable rate and auction rate financings and special assessment and lease-purchase programs. Ms. Taylor currently leads the Firm's representations as bond counsel to the City of Oviedo, the City of Kissimmee and the Housing Finance Authority of Miami-Dade County, and co-leads the representations of the City of Ocoee, the Tohopekaliga Water Authority and the Housing Finance Authority of Hillsborough County. Ms. Taylor is also involved in numerous other Firm representations. Ms. Taylor received a Juris Doctor degree from the Florida A&M University College of Law, with honors, in May 2008. While in law school, Ms. Taylor was a member of the Florida A&M University Law Review. Ms. Taylor is a member of The Florida Bar and the National Association of Bond Lawyers.



Randy Clement. Randy Clement has been involved in the public finance practice since 1982. He has extensive experience in state and local government revenue bond financings in the State of Florida. He has particular expertise in electric and water and sewer utility financings, airport, hospital, multi-family and single family housing, as well as various special tax and enterprise fund financings. Serving in the capacity of bond counsel, underwriter's counsel and disclosure counsel, Mr. Clement's experience includes fixed rate, variable rate and auction rate financings, commercial paper programs, various derivative products and credit and liquidity enhanced transactions. He has been recognized in The Best Lawyers in America, Florida Trend's Legal Elite and Florida's Super Lawyers and is rated "AV Preeminent" by Martindale-Hubbell. Mr. Clement is also listed in the Municipal Bond Attorneys' section of The Bond Buyer's Municipal Marketplace and is a member of the National Association of Bond Lawyers and the Local Government Section of The Florida Bar. Mr. Clement earned a J.D. degree, with honors, in 1981, and a B.S.B.A. degree, with high honors, in 1978, from the University of Florida, where he became a member of the Order of the Coif legal honor society and served on the Board of Editors of Appellate Advocacy.



Leonard T. Marcinko. Len Marcinko has concentrated his law practice in the federal income tax aspects of municipal finance law. He has over 36 years of wide ranging experience dealing with federal tax issues associated with the sale and issuance of tax-exempt bonds, as a government lawyer, as a private law practitioner, and as a public finance investment banker. In addition to his primary responsibility dealing with federal income tax issues related to BMO's public finance area, Mr. Marcinko for several years has headed up BMO's representation of clients in the area of interest rate swaps and other derivative product transactions. Prior to joining BMO, Mr. Marcinko spent three-and-a-half years in the public finance department of Shearson Lehman Hutton, Inc. At Shearson, he was responsible for the creation and implementation of new tax-exempt and taxable finance products for the firm's public finance clients, with special emphasis on the southeastern region of the United States. Prior to joining Shearson in 1985, Mr. Marcinko practiced law for five years as a partner in the Tax Department of the national municipal bond law firm of Kutak Rock. At Kutak Rock, he participated as bond counsel, underwriters' counsel, or special tax counsel in a wide variety of tax-exempt bond financings throughout the United States, including advance refundings, pooled loan programs, student loan and mortgage revenue bond financings, and exempt industrial development bond issues. From 1977 to 1980, Mr. Marcinko served as an attorney-advisor in the Office of Chief Counsel to the IRS where he was responsible for the development of income tax regulations and proposed legislation in the tax-exempt bond area. He was the principal author of final regulations relating to arbitrage bonds issued in 1979 and participated in drafting the Mortgage Subsidy Bond Tax Act of 1980.

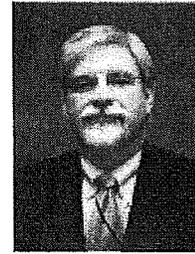


Will Milford. Will Milford joined Bryant Miller Olive in 2006 as part of the Firm's arbitrage rebate compliance subsidiary, Integrity Public Finance Consulting. While at Integrity and previously with Ernst & Young, Mr. Milford gained significant experience with arbitrage rebate calculations and other municipal bond compliance issues. Building on the experience he gained as an arbitrage consultant, Mr. Milford focuses his legal practice on the federal income tax aspects of the Firm's public finance practice. Recently he has been active in the development of the Firm's post-issuance compliance planning practice, helping issuers of tax-exempt bonds develop written procedures for monitoring compliance with IRS requirements. Mr. Milford is an integral member of our team serving as bond counsel to JEA, including working on bond, disclosure and tax counsel aspects of this engagement. Mr. Milford is a member of the Florida Bar, the Connecticut Bar and the National Association of Bond Lawyers (NABL) and has served as a panelist at conferences of NABL, the Government Finance Officers Association and the Florida Government Finance Officers Association, speaking on various tax-related topics. He received his J.D. with honors from the University of Florida in 2011 and his B.A. with honors from Transylvania University in 2004.



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Ken Artin. Ken Artin has been actively practicing public finance law beginning in 1986 and, since 1991, has practiced exclusively in Florida. He has represented municipalities, counties, school districts and special taxing districts as disclosure counsel, bond counsel and special tax counsel. He currently serves on the Executive Committee of the Board of Directors of the National Association of Bond Lawyers (NABL), and has been nominated as President-Elect which puts him on track to serve as President of NABL in 2015-16. Through his involvement as a Director of NABL, Mr. Artin stays abreast of the most current information affecting the world of public finance, and has had the opportunity to comment on numerous white papers issued by NABL on various topics that are both timely and relevant to the public finance industry, as well as comments to proposed rules and regulations issued by various industry regulatory groups such as the Municipal Securities Rulemaking Board (MSRB) and the Securities and Exchange Commission (SEC). He was co-chair in NABL's recent pension fund disclosure project. Mr. Artin has been named as among the state's Legal Elite by Florida Trend Magazine. Mr. Artin is listed in the Municipal Bond Attorneys' section of The Bond Buyer's Municipal Marketplace. He graduated from the State University of New York at Buffalo's Law School in 1982 and from Southern Methodist University with an LL.M. in taxation in 1983. Mr. Artin is the Managing Shareholder of the Firm's Washington, D.C. office.



Rhonda Bond-Collins. Ms. Bond-Collins' practice focuses on tax-exempt financings. She regularly serves as bond counsel, underwriter's counsel, disclosure counsel, borrower's counsel, issuer's counsel, purchaser's counsel and trustee's counsel on a variety of tax-exempt financings, including single and multifamily housing, airports, colleges and universities, utilities, water and sewer, special districts, including community development districts and transportation. Her experience in the public finance arena also includes regularly serving as bank counsel on governmental finance transactions. She also has experience in commercial real estate transactions representing both purchasers and sellers. Ms. Bond-Collins received a B.S. degree in Business and Management from the University of Maryland, University College in 1991 and received her J.D. degree from the American University Washington College of Law in 1996. Ms. Bond-Collins is also a frequent panelist at various public finance conferences, including the National Association of Bond Lawyers.



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2. Summary background information on your Firm and its bond counsel citing relevant experience similar to the City's proposed capital financings (limit to three pages).

Bond Counsel Experience. BMO is a professional association of attorneys organized under the laws of the State of Florida and was established in 1970. BMO has continuously appeared in *The Bond Buyer's Municipal Marketplace* (the "Red Book") as a nationally recognized Bond Counsel firm since 1973. For additional information about BMO, its practice areas, and its attorneys, please visit our website at www.bmolaw.com. BMO has offices in Orlando, Tampa, Miami, Jacksonville, Tallahassee, Washington, D.C., and Atlanta. BMO employs a professional staff of 35 attorneys, 20 of whom are focused on the area of public finance law, giving BMO more Florida-based municipal bond attorneys than any other law firm. As part of BMO's public finance group, BMO has three in-house Section 103 federal tax attorneys (BMO does not subcontract its federal tax law work or have its bond attorneys do their own tax work, as do some of our competitors). Further, eight full-time paralegals and three law clerks are employed by BMO to assist the attorneys with substantive legal research and drafting. The public finance practice area is broken into additional areas which are federal tax law, federal securities law and state law, cities and counties practice, school board practice, affordable housing practice and community development districts practice. BMO has been the top-ranked Bond Counsel firm in the State of Florida by Securities Data Company, Inc. ("SDC") for the last 5 years, based upon the number of transactions completed. As the largest and most resourceful public finance legal group in Florida, BMO offers the best of both worlds: the depth, breadth and expertise of a large firm and the responsiveness, efficiency, creativity and minimal conflicts of a small firm.

Attorneys at BMO have been at the forefront of developing innovative programs that have helped the State of Florida and its local governments save millions of dollars. Examples include:

- The creation of pooled loan programs, including the Sunshine State Governmental Financing Commission and the First Florida Governmental Financing Commission, which have allowed local governments to pool loans together in order to reduce issuance costs and achieve economies of scale;
- Significant involvement in the concept of "covenant to budget and appropriate" financings, which has allowed governments the ability to issue long-term debt with less restrictive covenants and without pledging specific revenue sources;
- Validation of the first bonds in Florida for the purpose of funding deficits in pension funds, resolving issues related to whether such bonds could only be issued for "capital projects;"
- Participation in the issuance of the first bonds in Florida to fund OPEB liabilities;
- Serving as lead counsel on some of the first transactions in the country where issuers were able to negotiate termination provisions or acceptable intercreditor provisions with municipal bond insurers in light of the severe turmoil in the municipal bond marketplace; and
- Development of an innovative program to allow underlying Florida pollution control loans to be securitized, resulting in savings not otherwise achievable in a traditional advance refunding.

The full depth of Bond Counsel experience of BMO cannot be reflected in detail within this Proposal. However, the attorneys at BMO are completely familiar with all financings, both publicly offered bonds and direct placement bonds and notes with banking institutions.

Bank Loan Experience. Over the past five years, BMO has served as counsel on over 135 bank loan financings totaling in the aggregate over \$2.6 billion in debt. BMO's bank counsel clients include major financial institutions such as Bank of America, N.A., Compass Bank, Fifth Third Bank, PNC Bank, Regions Bank, SunTrust Bank, TD Bank, N.A., Hancock Bank and Wells Fargo Bank, N.A. Our experience and insight representing banks would prove invaluable to the City.

Local Availability. BMO has full-service public finance capability located in its Orlando office. Should emergencies arise, City staff would have easy access to public finance law expertise with the ability to call upon its lawyers to personally meet with City staff members. Each of BMO's offices is staffed with legal assistants and support personnel, equipped with state of the art computer systems and a full-service legal library of resources which would be dedicated to serve the City on a high-priority, as-needed basis. We would be available to appear on short notice at the City Council meetings and other staff meetings.

Federal tax law pertinent to municipal bonds. One of our greatest assets in providing bond counsel services is the strength of our federal tax law practice. No other Florida based firm has our depth of experience in the public finance tax area or comparable resources dedicated to this area. In fact, many of our Florida competitors contract out their tax work which is a distinct practical advantage for BMO. The Firm's Tax Group consists of three attorneys, Len Marcinko, Will Milford and Bob Reid. Len Marcinko, Chair of the Tax Group, was the principal drafter of the "invested sinking fund regulations" that are at the heart of many of the current federal tax issues related to arbitrage. During the last 25 years, Mr. Reid has concentrated in the area of tax-exempt, municipal and related financings. Will Milford, an associate with the Firm who previously served as an arbitrage rebate analyst with Integrity Public Finance LLC, a wholly-owned subsidiary of the Firm ("Integrity"), assists Mr. Marcinko and Mr. Reid in their tax analyses. Our tax attorneys are an integral part of our bond counsel team and are always available for contact directly by the City.

BMO and its tax practitioners are regularly involved in assisting its public finance clients in complying with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and the income tax regulations and rulings issued thereunder (the "Regulations") relating to the issuance of tax-exempt bonds. This includes advising clients with respect to the complex provisions of the Code and Regulations relating to the use of bond proceeds, arbitrage and rebate. In addition, it includes advising its clients on IRS regulations pertaining to refunding and defeasance and assisting in identifying refundable bonds. BMO's tax attorneys will undertake an analysis of each bond issue for compliance with all relevant provisions of the federal tax laws. BMO's practice is that at least two attorneys approve the tax analysis before any legal opinion is given. Where appropriate, BMO is also available to assist in obtaining any necessary rulings from the IRS. BMO regularly monitors the current position of the IRS on various matters of interest to its public finance clients, including the IRS' recently expanded enforcement activities in the bond area.

In addition, through Ken Artin's participation as President-Elect for the National Association of Bond Lawyers ("NABL"), we are monitoring the activities of the IRS with regard to its position on modifying the "issue price" Regulations and the controversy surrounding the changes being discussed by the IRS.

For each debt issue, the bond attorneys and tax attorneys will regularly consult throughout the development of the specific plan of finance, the drafting or approval of the basic documents related to bonds, notes, liquidity guarantees, and credit guarantees, and the development of the specialized documents and certificates which are necessary to evidence the issuer's compliance with all relevant provisions of the federal tax laws.

The Firm is qualified to promptly respond to all matters of federal taxation relating to the issuance of state and local government debt and its tax expertise is frequently sought in connection with bond financings throughout the State of Florida and the southeast. Members of the Firm have participated in the development of private letter ruling requests to the IRS with respect to innovative financings for governmental units. The Firm has an up-to-date federal tax law library providing instant access to all information which would be relevant to the issuance of tax-exempt debt by its clients.

Post Issuance Tax Compliance. The IRS has increasingly focused their compliance initiatives on ensuring that issuers have written procedures in place to monitor compliance after the issuance of their bonds. Recent changes to the IRS Form 8038-G have added a box to check certifying that issuers have such written procedures in place. In addition, the IRS recently announced new voluntary compliance administrative procedures that provide more lenient resolutions for issuers with such written procedures. As a result of these and other changes, the Firm made the decision early-on to brief clients on these issues and has created a formal written compliance plan for several clients. Having a post issuance compliance plan in place early will help an issuer mitigate or remediate any problems that arise after the issuance of bonds. In the event of an audit or compliance check, an issuer will be prepared to deal with the IRS requests in an efficient and cost-effective manner. A post issuance compliance plan will also aid in educating managers and new staff members and allowing for a smooth transition in the event of unexpected turnover.

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3. Proposed Bond Counsel fees, and not to exceed out of pocket expenses, for the proposed Capital Projects Note as summarized in the RFQ and material provided in Exhibit A, noting that these fees are contingent and subject to the City's successful closing of each respective financing.

BMO has several unique fee structures and is open to other structures, but believes that the following fees would work best for the City. For the Capital Projects Note, our proposed contingent Bond Counsel fee is \$11,500 (for a bank loan). Such fee proposal assumes that there is no pending or threatened litigation or other issues that might impact the marketability of the bank loan, which might necessitate a Chapter 75 bond validation procedure. We are not aware of any reason that such a procedure would be advisable. When evaluating the reasonableness of our proposed fee, keep in mind that we will not bill the City for routine questions and inquiries between transactions and that we expect to have no travel expenses given our local service platform.

In addition to our proposed fee, we will be reimbursed for all client charges made or incurred in connection with the bond issue not to exceed \$1,000. Such costs generally include photocopying, document printing, deliveries, long distance telephone and conference call charges, telecopier charges, filing fees, computer-assisted research and other expenses. Our fee is usually paid at the closing, and we customarily do not submit any statement until the closing unless there is a substantial delay in completing the financing. Detailed supporting documentation is available upon request for statement billings.

[Remainder of page intentionally left blank]

4. Three (3) Florida Municipal Client references with full contact information, where you have served as Bond Counsel.

Client:	City of Oviedo, Florida
Role:	Bond Counsel
Name:	Jerry Boop
Title:	Finance Director
Phone:	(407) 971-5544
Email:	jboop@cityofoviedo.net
Name:	Bryan Cobb
Title:	City Manager
Phone:	(407) 971-5555
Email:	bcobb@cityofoviedo.net
Client:	City of Orlando, Florida
Role:	Bond Counsel
Name:	Rebecca Sutton
Title:	Chief Financial Officer
Phone:	(407) 246-2341
Email:	Rebecca.Sutton@cityoforlando.net
Name:	Christopher McCullion
Title:	Treasurer
Phone:	(407) 246-2346
Email:	christopher.mccullion@cityoforlando.net
Client:	City of Kissimmee, Florida
Role:	Bond Counsel
Name:	Amy Ady
Title:	Finance Director
Phone:	(407) 518-2210
Email:	aady@kissimmee.org

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Response to Request for Qualifications

RFQ No. 14/15-07—Bond Counsel



**Nabors
Giblin &
Nickerson** P.A.
ATTORNEYS AT LAW

2502 Rocky Point Drive
The Palms, Suite 1060
Tampa, Florida 33607
813-281-2222 Phone
813-281-0129 Fax

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TAMPA

2502 Rocky Point Drive
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Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

FORT LAUDERDALE

110 East Broward Boulevard
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(954) 315-3852 Tel

Nabors
Giblin &
Nickerson P.A.
ATTORNEYS AT LAW

FORT MYERS

12731 World Plaza Lane
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Fort Myers, Florida 33907
(239) 288-4027 Tel
(239) 288-4057 Fax

TALLAHASSEE

1500 Mahan Drive
Suite 200
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

June 18, 2015

Andy Stewart, Assistant City Manager
City of Satellite Beach
565 Cassia Boulevard
Satellite Beach, Florida 32937

Re: Response to Request for Qualifications for Bond Counsel
(RFQ No. 14/15-07)

Dear Mr. Stewart and Members of the Selection Committee:

Nabors, Giblin & Nickerson, P.A. ("NG&N" or the "Firm") is pleased to submit the enclosed response to your Request for Qualifications for Bond Counsel (the "RFQ"). NG&N is a Florida-based law firm that specializes in local government representation. The Firm was established in 1984 so that its principals could focus their practice upon the representation of local governments on a statewide basis. The Firm currently has 24 attorneys located in three offices, Tampa, Tallahassee and Fort Lauderdale. The municipal finance practice is headquartered in Tampa where eight attorneys practice public finance full-time. Our proposal is intended to focus on the unique experience of the Firm and its members which we feel is specially suited to assist the City of Satellite Beach (the "City") with its debt financings.

The undersigned, Steven E. Miller, is the person responsible within the Firm for this proposal and is authorized to submit the proposal on behalf of the Firm. If the Firm is selected, Mr. Miller would be the principal attorney from the Firm providing bond counsel services to the City. Mr. Miller is a shareholder in the Firm with over 23 years of legal experience in the area of municipal finance. Mr. Miller would be assisted by Ritesh S. Patel, a partner with over 13 years of municipal experience, and by Richard B. Harb, an associate attorney who joined the firm in 2012.

The following several paragraphs are intended to briefly summarize some of the reasons why we believe the Firm is uniquely qualified to render Bond Counsel services to the City. The remainder of the proposal provides more detailed information concerning the Firm's experience and attorneys.

1. Extensive Experience Working with Florida Local Governments. Over the last five years, the Firm has served as Bond Counsel in approximately 515 financings in the State of

Andy Stewart, Assistant City Manager

June 18, 2015

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Florida with an aggregate principal amount of nearly \$16.2 billion and served as Disclosure Counsel or Underwriter's Counsel in approximately 220 financings in the State of Florida with an aggregate principal amount of approximately \$17.0 billion. We presently serve as Bond or Disclosure Counsel to more than 125 different Florida local governments. There are virtually no legal issues we have not seen or addressed with respect to Florida local government debt issues. In 2013, we ranked as the #1 Bond Counsel firm in the Southeast based upon volume of bonds issued.

2. Problem Solvers. The Firm prides itself in being problem solvers. Time and time again, while working with local government staff, the Firm has provided creative solutions to issues while being sensitive to political and economic constraints. The Firm is known throughout the State of Florida for developing unique financing solutions for various situations. We know how to maximize or leverage existing revenue sources and how to develop new or alternative ones.

3. Broad Local Government Experience. We believe that one of the many things that separates the Firm from other firms practicing in governmental finance is that the Firm has a much larger general governmental practice. This breadth of practice provides us with experience that cannot be gained merely by providing services as Bond Counsel or Disclosure Counsel. The Firm is actively involved in all aspects of representation of governmental entities, including lobbying, drafting and changing legislation, as needed, arguing significant public policy issues before the Florida Supreme Court, risk management, taxation, assessments, public-private partnerships, creation and maximization of revenue streams and the myriad of other issues unique to local governments in general. Since NG&N has limited its practice solely to the representation of local governments, NG&N avoids conflicts such as representing the City in one matter and representing private parties with adversarial interests to the City in another matter.

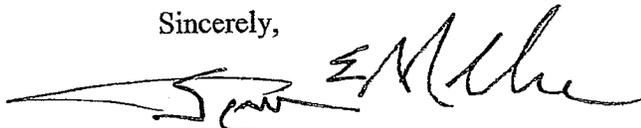
4. Personal Relationship in Satellite Beach. The primary partner who would be in charge of the City's account, Steve Miller, grew up in Satellite Beach and graduated from Satellite High School in 1981. His parents still live in Satellite Beach and his sister and her family reside in Indian Harbour Beach. Much of his extended family lives in other parts of Brevard County. Mr. Miller's mother, Barbara Miller, worked as an administrative assistant to the City Clerk from 1985 to 1996. Mr. Miller has a unique perspective with respect to the City's political, economic and social environment. Mr. Miller is extremely interested in the City's well-being and we believe this personal interest and his knowledge of the City would be of benefit for this transaction.

As set forth in our response, we believe that the Firm offers our clients a unique combination of experience and commitment, and that our services in providing financial legal counsel services to the City would be unparalleled. We are extremely pleased to have the opportunity to submit this response to the City of Satellite Beach. Please feel free to contact the

Andy Stewart, Assistant City Manager
June 18, 2015
Page 3

undersigned should any additional information be needed or if there are any questions regarding our response.

Sincerely,

A handwritten signature in black ink, appearing to read "S. E. Miller". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Steven E. Miller
Shareholder

1.**Proposed Attorney**

The proposed principal Bond Counsel Attorney that would be working on this engagement, along with key support lawyers and staff, and respective professional bios (limit to three (3) pages).

Steven E. Miller will take the lead for the Firm on all matters relating to the City. He will be the primary attorney responsible to the City. He will be assisted by Ritesh S. Patel, a partner of the Firm, and by Richard B. Harb, an associate of the Firm. Messrs. Miller, Patel and Harb are all members in good standing of the Florida Bar.

NG&N has eleven attorneys, 8 paralegals and one Florida Registered Paralegal dedicated to the public finance practice.

STEVEN E. MILLER Mr. Miller graduated from the University of Florida College of Law in 1989, with honors. Mr. Miller joined the Firm in March 1992 and focuses entirely on the practice of governmental finance. From March 1990 through February 1992, Mr. Miller was associated with the law firm of Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill, P.A., Tampa, Florida. As a shareholder in the Firm, Mr. Miller has served as bond counsel, underwriters' counsel, disclosure counsel and trustee's counsel in a variety of tax-exempt financings involving cities, counties, school districts, special districts and authorities and private borrowers. Transactions in which Mr. Miller has been involved include financings of general governmental infrastructure, water, sewer, stormwater and solid waste facilities, educational facilities, health care facilities, manufacturing facilities and transportation facilities. Mr. Miller received his Bachelor of Science degree in finance, with high honors, from the University of Florida in 1985.

RITESH S. PATEL Ritesh S. Patel graduated cum laude with honors from the Florida State University (B.S. 1998) with a degree in Political Science. In 2002, Mr. Patel received his law degree from the University of Florida College of Law (J.D., with honors). Mr. Patel joined NG&N in October 2002 and practices with the Firm's Public Finance Group. During his tenure with NG&N, Mr. Patel has worked on numerous tax-exempt financings in the capacity of bond counsel, disclosure counsel and underwriter's counsel representing various Florida school districts, municipalities, counties and special districts. In the area of education facilities financing, Mr. Patel has experience in transactions utilizing general obligation bonds, TANS, RANS, certificates of participation, tax-exempt equipment leases, letters of credit, lines of credit, sales tax revenues bonds, qualified school construction bonds and qualified zone academy bonds. Additionally, Mr. Patel has general municipal finance experience representing counties and municipalities in connection with the financing of public utility systems, roads, solid waste facilities, airports and other transportation facilities/systems, the acquisition of environmentally sensitive lands and various other public facilities. Mr. Patel has been a speaker on financing topics for the Florida School Finance Officers Association, the Florida Governmental Finance Officers Association, Fifth-Third Bank Southeast Finance Professionals Conference and the Florida School Board Attorneys Summer Conference.

RICHARD B. HARB Mr. Harb graduated cum laude from The University of Florida (B.A. 2008, cum laude) with a degree in Criminology and Law. In 2011, he received his law degree from The Florida State University College of Law (J.D., cum laude) and in 2012 his Master of Laws in Taxation from the University of Florida Levin College of Law. Mr. Harb joined the firm in August 2012 and concentrates his practice in the area of municipal finance, representing counties, municipalities, healthcare providers and authorities in connection with the financing of public utility systems, airports, port facilities, healthcare facilities and various other public facilities.

More comprehensive resumes of Messrs. Miller, Patel and Harb are included behind Tab 6.

2. Firm Background

Summary background information on your Firm and its bond counsel citing relevant experience similar to the City's proposed capital financings (limit to three (3) pages).

NG&N has been one of the leading Bond Counsel firms in Florida with respect to financing local government infrastructure for over 30 years. Since it was established in 1984, NG&N and its members have provided Bond Counsel services to well over 125 cities, counties, special districts and other governmental entities in the State of Florida. In doing so, NG&N has been involved in the successful closing of an aggregate principal amount of several billions of dollars of bonds issued for every type of capital infrastructure need including roads, bridges, recreational facilities, airports, solid waste facilities, jails, administrative facilities, public safety facilities, water, wastewater and stormwater utility facilities, schools and many others. Over just the last five years, the Firm has served as Bond Counsel in approximately 520 Florida financings with an approximate aggregate principal amount of \$16.2 billion. The Firm has been involved in virtually every conceivable type of financing structure or vehicle utilized in this State. In 2013, NG&N ranked as the #1 Bond Counsel firm in the Southeast based upon volume of bonds issued. NG&N's attorneys who are involved in the issuance of tax-exempt indebtedness have over 200 years of combined public finance experience.

It is our understanding that the City intends to secure the proposed financing with a pledge of its utility tax, also known under Chapter 166, Florida Statutes, as the public service tax. We have been involved in several financings over the years where such tax was pledged as security, including many such financings with the City of Tampa. As a single source revenue pledge, a public finance transaction secured by the utility tax is very similar to other debt transactions which are secured by a single revenue source, such as sales taxes, gas taxes, tourist development taxes and the like. Below are just some of the transactions that would have similarities to the City's proposed transaction.

REPRESENTATIVE LIST OF BOND COUNSEL ISSUES

Closing Date	Name of Issue	Security/Pledged Funds
12/20/2012	\$24,805,000 City of Tampa, Florida Utilities Tax Refunding Revenue Bonds, Series 2012A	Utilities tax (Public Service Tax)
12/20/2012	\$13,215,000 City of Tampa, Florida Utilities Tax Revenue Bonds, Series 2012B	Utilities tax (Public Service Tax)
12/20/2012	\$7,870,000 City of Tampa, Florida Taxable Utilities Tax Refunding Revenue Bonds, Series 2012C	Utilities tax (Public Service Tax)
12/1/2010	\$11,610,000 City of Tampa, Florida Utilities Tax Revenue Bonds (Federally Taxable Build America Bonds - Direct Payment), Series 2010A	Utilities tax (Public Service Tax)
12/1/2010	\$8,045,000 City of Tampa, Florida Utilities Tax Revenue Bonds (Federally Taxable Recovery Zone Economic Development Bonds - Direct Payment), Series 2010B	Utilities tax (Public Service Tax)
6/23/2015	\$13,000,000 City of St. Pete Beach, Florida Capital Improvement Revenue Bonds, Series 2015	Sales Tax Revenues; Guaranteed Entitlement Revenues; Franchise Fees Revenues; Public Service Tax Revenues

Closing Date	Name of Issue	Security/Pledged Funds
3/12/2015	\$75,595,000 City of Miramar, Florida Capital Improvement Refunding Revenue Bonds, Series 2015	Public Service Tax; Local Communication Services Tax; Half-Cent Sales Tax
5/22/2015	\$3,000,000 City of St. Pete Beach, Florida Stormwater Improvement Assessment Bond, Series 2015	Stormwater Utility Special Assessments
5/14/2015	\$51,790,000 City of Cape Coral, Florida Special Obligation Refunding Revenue Bonds, Series 2015	Covenant to budget and appropriate
4/22/2015	\$26,170,000 Osceola County, Florida Infrastructure Sales Surtax Revenue Refunding Bond, Series 2015	Infrastructure Surtax
4/16/2015	\$24,755,000 St. Johns County, Florida, Transportation Improvement Revenue Refunding Bonds, Series 2015	Local Option Gas Tax/Constitutional Gas Tax
4/16/2015	\$52,315,000 St. Johns County, Florida, Sales Tax Revenue and Refunding Bonds, Series 2015	Local Government Half-Cent Sales Tax
4/3/2015	\$960,000 City of Apopka, Florida Special Obligation Improvement Revenue Note, Series 2015	Covenant to budget and appropriate
3/26/2015	\$58,660,000 Osceola County, Florida Sales Tax Revenue Bonds, Series 2015A	Sales Tax Revenue
2/26/2015	\$29,810,000 Seminole County, Florida Sales Tax Revenue Refunding Bonds, Series 2015	Local Government Half-Cent Sales Tax
12/11/2014	\$15,300,000 St. Johns County, Florida, Capital Improvement Revenue Refunding Bonds, Series 2014	Revenue sharing funds
11/25/2014	\$22,165,000 Okaloosa County, Florida Sales Tax Revenue Bonds, Series 2014	Half-cent sales tax
11/3/2014	\$27,000,000 Walton County, Florida Sales Tax Revenue Note, Series 2014	Half-cent sales tax revenues
11/3/2014	\$10,495,000 St. Lucie County, Florida Capital Improvement Revenue Refunding Bond, Series 2014	Non-ad valorem revenues
10/21/2014	\$31,885,000 Monroe County, Florida Infrastructure Sales Surtax Improvement and Refunding Revenue Bond, Series 2014	Infrastructure Sales Surtax
10/21/2014	\$16,000,000 Monroe County, Florida Infrastructure Sales Surtax Master Revenue Bond (PNC Bank Line of Credit), Series 2014	Infrastructure Sales Surtax
9/12/2014	\$9,900,000 Alachua County, Florida Public Improvement Revenue Note, Series 2014	Half-cent sales tax revenues
9/5/2014	\$1,200,000 City of Apopka, Florida Special Obligation Improvement Revenue Note, Series 2014	Covenant to budget and appropriate
8/26/2014	\$635,000 Bay County, Florida Taxable Series 2014A Revenue Note	Covenant to budget and appropriate
8/21/2014	\$6,000,000 Okaloosa County, Florida Sales Tax Bond Anticipation Note, Series 2014	Sales tax revenues
8/15/2014	\$15,730,000 Brevard County, Florida Non-Ad Valorem Revenue Note, Series 2014	Covenant to budget and appropriate
8/13/2014	\$12,590,000 Lee County, Florida Five Cent Local Option Gas Tax Refunding Revenue Bond, Series 2014	Local Option Gas Tax - 5th Cent
8/8/2014	\$1,250,000 City of Palmetto, Florida Special Obligation Improvement Revenue Note, Series 2014	Covenant to budget and appropriate
7/28/2014	\$5,300,000 City of Cape Coral, Florida Capital Improvement Refunding Revenue Bond, Series 2014	Sales tax revenues
7/25/2014	\$21,433,000 City of Cape Coral, Florida Gas Tax Refunding Revenue Bond, Series 2014	Local Option Gas Tax Revenues
6/5/2014	\$32,025,000 Brevard County, Florida Local Option Fuel Tax Refunding Revenue Bond, Series 2014	Local Option Gas Tax
5/29/2014	\$89,780,000 Collier County, Florida Gas Tax Refunding Revenue Bond, Series 2014	Various gas taxes
5/27/2014	\$28,000,000 Seminole County, Florida Special Obligation Bonds, Series 2014	Covenant to budget and appropriate
4/23/2014	\$3,790,000 City of Cocoa Beach, Florida Capital Improvement Revenue Note, Series 2014A	Franchise fees and covenant to budget and appropriate

Closing Date	Name of Issue	Security/Pledged Funds
3/5/2014	\$2,840,000 City of Cocoa Beach, Florida Capital Improvement Refunding Revenue Note, Series 2014B	Franchise Fees; Covenant to budget and appropriate
2/20/2014	\$4,500,000 Suwannee County, Florida Sales Tax Revenue Bonds, Series 2014A and Series 2014B	Half-cent sales tax
12/20/2013	\$650,000 Bay County, Florida Taxable Series 2013A Credit Note	Covenant to budget and appropriate
12/18/2013	\$3,096,000 City of Sebastian, Florida Stormwater Utility Refunding Revenue Note, Series 2013	Stormwater Fee Revenues
12/18/2013	\$2,893,000 City of Sebastian, Florida Infrastructure Sales Surtax Refunding Revenue Note, Series 2013	Infrastructure sales surtax
11/29/2013	\$2,947,929 City of Apopka, Florida Special Obligation Refunding Revenue Note, Series 2013C	Covenant to budget and appropriate
9/25/2013	\$59,815,000 City of Miramar, Florida Special Obligation Refunding and Improvement Revenue Bonds, Series 2013	Covenant to budget and appropriate
8/29/2013	\$3,000,000 Bay County, Florida Taxable Series 2013 Credit Note	Covenant to budget and appropriate
8/15/2013	\$25,191,482.26 Walton County, Florida Sales Surtax Revenue Refunding Note, Series 2013	Sales surtax revenues
8/14/2013	\$25,540,000 Lee County, Florida Non-Ad Valorem Refunding Revenue Bond, Series 2013	Covenant to budget and appropriate
7/18/2013	\$13,435,000 Brevard County, Florida Subordinated Sales Tax Refunding Revenue Bond, Series 2013	Half-cent sales tax
7/9/2013	\$37,895,000 Orange County, Florida Public Service Tax Refunding Revenue Bonds, Series 2013	Public service tax
6/28/2013	\$8,500,000 City of Fort Walton Beach, Florida Capital Improvement Revenue Note, Series 2013A	Half cent sales tax
6/28/2013	\$4,470,000 Columbia County, Florida Gas Tax Revenue Bond, Series 2013	Local Option Gas Tax
5/6/2013	\$4,470,610 City of Fort Walton Beach, Florida Capital Improvement Refunding Revenue Note, Series 2013	Covenant to budget and appropriate
4/16/2013	\$73,805,000 Collier County, Florida Special Obligation Refunding Revenue Bonds, Series 2013	Covenant to budget and appropriate
4/9/2013	\$1,100,000 City of Apopka, Florida Special Obligation Improvement Revenue Note, Series 2013A	Covenant to budget and appropriate
4/1/2013	\$10,000,000 Seminole County, Florida Capital Improvement Revenue Bond, Series 2013A	Covenant to budget and appropriate
4/1/2013	\$8,140,000 Seminole County, Florida Capital Improvement Revenue Bond, Series 2013B	Covenant to budget and appropriate
12/7/2012	\$13,700,000 Bay County, Florida Capital Improvement Revenue Note, Series 2012	Revenue sharing funds
12/7/2012	\$4,615,000 Jefferson County, Florida Gas Tax Revenue Bonds, Series 2012	Constitutional Fuel Taxes
11/14/2012	\$5,655,000 Levy County, Florida Public Improvement Revenue Refunding Bonds, Series 2012	Local half-cent sales tax
11/14/2012	\$35,284,000 St. Johns County, Florida Sales Tax Revenue Refunding Bonds, Series 2012A	Half-cent sales tax
11/14/2012	\$5,745,000 St. Johns County, Florida Sales Tax Revenue Refunding Bonds, Series 2012B	Half-cent sales tax
11/13/2012	\$24,430,000 Hernando County, Florida Non-Ad Valorem Refunding Revenue Note, Series 2012	Covenant to budget and appropriate
10/18/2012	\$22,000,000 Seminole County, Florida Capital Improvement Revenue Bond, Series 2012	Covenant to budget and appropriate
10/3/2012	\$96,195,000 Orange County, Florida Sales Tax Revenue Refunding Bonds, Series 2012C	Local government half-cent sales tax
8/30/2012	\$75,195,000 Walton County, Florida Sales Surtax Revenue Notes, Series 2012A and 2012B	Sales surtax revenues
7/31/2012	\$74,790,000 Osceola County, Florida Tourist Development Tax Revenue Refunding and Improvement Bonds, Series 2012	Tourist development tax revenues

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Proposed Fees

Proposed Bond Counsel fees, and not to exceed out of pocket expenses, for the proposed Capital Projects Note as summarized in the RFQ and material provided in Exhibit A, noting that these fees are contingent and subject to the City's successful closing of each respective financing.

Assuming this debt is issued as a bank loan in an approximate principal amount of \$2,500,000 as anticipated, we would charge a flat fee of \$12,500, inclusive of all expenses.

NG&N would only charge a fee only if the transaction was successfully closed. No matter how much work we put into a bond transaction, if it does not close for any reason (as the result of market changes, policy decisions or otherwise) we would not charge a fee. We would reserve the right to charge for any actual and documented out-of-pocket expenses we incurred. In addition, NG&N does not charge for legal services for matters that inevitably come up following the closing of a transaction. We provide legal advice, whether it be document related, tax related, disclosure related or otherwise, without charge, if we are not rendering a separate written legal opinion. We believe this philosophy fosters a better working relationship with our clients and helps avoid problems that could arise if the client did not feel comfortable just picking up the phone and calling us with a legal question or issue related to the City's bond financings. The City will never get a bill for legal work we are requested to do or need to do following the closing of a bond issue.

4.

References

Three (3) Florida Municipal Client references with full contact information, where you have served as Bond Counsel.

Sonya Little, Chief Financial Officer
City of Tampa, Florida
306 E. Jackson Street, 8th Floor
Tampa, FL 33602
813/274-8151
Email: sonya.little@tampagov.net

Jeff Snyder, CPA, Director of Finance
City of Venice, Florida
401 West Venice Avenue
Venice, FL 34285-2006
941/486-2626
Email: jsnyder@ci.venice.fl.us

Amy Gillis, Director of Financial Services
Hernando County, Florida
20 N. Main Street, Room 230
Brooksville, FL 34601-2800
352/540-6656
Email: amyg@co.hernando.fl.us

STEVEN E. MILLER

Shareholder • Tampa Office
smiller@ngn-tampa.com

Mr. Miller graduated from the University of Florida College of Law in 1989, with honors. Mr. Miller joined the Firm in March 1992 and has focused entirely on the practice of governmental finance for nearly 25 years. From March 1990 through February 1992, Mr. Miller was associated with the law firm of Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill, P.A., Tampa, Florida, where he practiced in several corporate transactional areas, including public finance. As a shareholder in the Firm, Mr. Miller has served as Bond Counsel, Underwriters' Counsel, Disclosure Counsel, Bank's Counsel and Trustee's Counsel in a variety of tax-exempt financings involving cities, counties, school districts, community redevelopment agencies, special districts and authorities and private borrowers.

Transactions in which Mr. Miller has been involved include financings of all types of general governmental infrastructure, water, sewer and solid waste facilities, toll facilities, educational facilities, health care facilities, manufacturing facilities, community redevelopment improvements, charter schools and transportation facilities. Some of the clients for which Mr. Miller has primary or secondary responsibility include Brevard County, Charlotte County, Collier County, Hernando County, Hillsborough County, Lee County, Monroe County, Pinellas County, St. Johns County, the City of Cape Coral, the City of Fort Myers, the City of Lakeland, the City of Melbourne, the City of Miramar, the City of North Port, the City of Punta Gorda, the City of Sunrise, the City of Tampa, the City of Venice, the City of Sebastian and Tampa Bay Water. Mr. Miller received his

Bachelor of Science degree in finance, with high honors, from the University of Florida in 1985 and his J.D. from the University of Florida with honors in 1989. Mr. Miller has been selected to the prestigious Florida Super Lawyers and Best Lawyers in America for the last several years.



Professional, Civic & Community Involvement

- The Florida Bar, Member
- Frequent speaker on public finance topics at conferences for the Florida Government Finance Officers Association, Florida Association of Court Clerks, Florida Association of Counties and other local government organizations
- Elder, Palma Ceia Presbyterian Church
- Big Brothers, Big Sisters

Education

- J.D., University of Florida, 1989 (with honors)
- B.S. (Finance), University of Florida, 1985 (with high honors)

Prior Professional Experience

- Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A., Tampa, Florida, 1990-1992

Area of Practice

- Public Finance

RITESH S. PATEL

Shareholder • Tampa Office

rpatel@ngn-tampa.com

Ritesh S. Patel graduated cum laude with honors from the Florida State University (B.S. 1998) with a degree in Political Science. In 2002, Mr. Patel received his law degree from the University of Florida College of Law (J.D., with honors). Mr. Patel joined the Firm in October 2002 and practices with the Firm's Public Finance Group. During his tenure with the Firm, Mr. Patel has worked on numerous tax-exempt financings in the capacity of bond counsel, disclosure counsel and underwriter's counsel representing various Florida school districts, municipalities, counties and special districts. In the area of education facilities financing, Mr. Patel has experience in transactions utilizing general obligation bonds, TANS, RANS, certificates of participation, tax-exempt equipment leases, letters of credit, lines of credit, sales tax revenues bonds, qualified school construction bonds and qualified zone academy bonds. Additionally, Mr. Patel has general municipal finance experience representing counties and municipalities in connection with the financing of public utility systems, roads, solid waste facilities, airports and other transportation facilities/systems, the acquisition of environmentally sensitive lands and various other public facilities. Mr. Patel has been a speaker on financing topics for the Florida School Finance Officers Association, the Florida Governmental Finance Officers Association, Fifth-Third Bank Southeast Finance Professionals Conference and the Florida School Board Attorneys Summer Conference.

- Represents counties, municipalities, school districts, underwriters and conduit borrowers in all facets of taxable and tax-exempt public finance transactions.



- Represents counties, municipalities and special districts in the development, structure, and implementation of special assessment programs for services (fire, solid waste, stormwater, roadway maintenance) and capital facilities.

Professional, Civic & Community Involvement

- The Florida Bar, Member
- The Florida Bar - City, County, and Local Government Section, Member

Education

- J.D., with honors, University of Florida, Fredric G. Levin College of Law, 2002
- B.S., cum laude with honors, Florida State University, 1998

Areas of Practice

- Public Finance
- Special Project Financing

RICHARD B. HARB

Associate • Tampa Office
rharb@ngn-tampa.com

Mr. Harb graduated from the University of Florida (B.A. 2008, *cum laude*) with a degree in Criminology and Law. In 2011, he received his law degree from The Florida State University College of Law (J.D., *cum laude*) and in 2012 his Master of Laws in Taxation from the University of Florida Levin College of Law. Mr. Harb joined the firm in August 2012 and concentrates his practice in the area of municipal finance, representing counties, municipalities, healthcare providers and authorities in connection with the financing of various public facilities.

Professional, Civic & Community Involvement

- The Florida Bar, Member
- The Florida Bar - City, County and Local Government Law Section, Member
- The Florida Bar - Young Lawyers Division Section, Member
- Hillsborough County Bar Association, Member

Education

- Masters of Laws in Taxation, University of Florida Levin College of Law 2012
- J.D., The Florida State University College of Law, *cum laude*, 2011
- B.A., (Criminology and Law), University of Florida, *cum laude*, 2008

Area of Practice

- Public Finance



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(813) 281-0129 Fax

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Nickerson** P.A.
ATTORNEYS AT LAW

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(850) 224-4073 Fax

FORT LAUDERDALE
110 East Broward Boulevard
Suite 1700
Fort Lauderdale, Florida 33301
(954) 315-3852 Tel

FIRM RESUME

Nabors, Giblin & Nickerson, P.A. is a Florida based firm with offices in Tampa, Fort Lauderdale, Fort Myers and Tallahassee. The Firm was established in August 1984 so that its principals could focus their practice upon the representation of local government on a statewide basis. The Firm specializes in public finance and general governmental and administrative law. The Firm still operates on this premise and today has 24 attorneys with extensive experience and primary dedication to representing governmental clients in the areas of bond finance practice, capital finance practice, public utilities practice, litigation practice, governance structures, financial transactions practice, legislative consulting practice and public/private partnerships. These several practice areas have proved to be complimentary to each other over the years.

PUBLIC FINANCE PRACTICE

The following attorneys are actively involved in the Firm's public finance practice:

L. THOMAS GIBLIN Mr. Giblin is a founding member of the Firm and has been involved exclusively in public finance for over 37 years. From February 1977 through December 1982, he was associated with the New York City law firm of Mudge Rose Guthrie & Alexander in its municipal bond department. He has functioned as Bond Counsel and Underwriter's Counsel for bond and note issues in approximately 25 states, including Florida, New York, New Jersey, California, Texas and Pennsylvania. The types of issues on which he has worked include general obligation, health care, industrial development, sewer, water, electric, solid waste, transportation, housing, airport, port and special tax and revenue. He has also been involved in numerous public-private partnerships. Mr. Giblin is President of NG&N and head of its public finance practice. Mr. Giblin received his J.D. from the University of Wisconsin Law School in 1975.

JOHN R. STOKES Mr. Stokes has practiced exclusively in governmental finance since graduating from the University of Florida College of Law, with honors, in 1983. Mr. Stokes is an alumnus of the University of Florida College of Law – Law Review and a member of the Order of the Coif. Mr. Stokes joined Nabors, Giblin & Nickerson in November 1986. From May 1983 through November 1986, Mr. Stokes was associated with the firm of Foley & Lardner, Tampa, Florida. In his practice, Mr. Stokes has served as bond counsel, special tax counsel, disclosure counsel and underwriters' counsel on numerous tax-exempt financings for cities, counties, school districts, special districts, healthcare providers and independent and dependent

authorities. This representation includes involvement in numerous financings such as city and county utility systems, private water and sewer facilities, school district general obligation, sales tax and lease-purchase financings, special assessment financings, transportation facilities, public and nonprofit health care and senior housing facilities and nonprofit private education facilities. Mr. Stokes received his Bachelor of Arts degree, with honors, from the University of Florida in 1978. Mr. Stokes is a member of the National Association of Bond Lawyers and the Local Government Section of The Florida Bar.

MARK T. MUSTIAN Mr. Mustian is a 1983 honors graduate of the University of Florida College of Law. He has practiced exclusively in municipal finance since his admission to The Florida Bar in 1983. Mr. Mustian is also a member of the State Bar of Georgia. In such practice, he has served as bond counsel in a variety of tax-exempt financings, including financings for educational facilities, health care facilities, airports, resource recovery facilities, housing and other local government infrastructure. He joined the Firm in April 1986 and was previously associated with the firm of Livermore, Klein and Lott, P.A., Jacksonville, Florida. Mr. Mustian is a member of the National Association of Bond Lawyers and the Local Government Section of The Florida Bar, and a graduate of both the Leadership Tallahassee and Leadership Florida programs. He has served as a member of the Board of Directors of the Young Lawyers Division of The Florida Bar, the Chair of the Tallahassee Area Chamber of Commerce and, from 2003-2012, as an elected City Commissioner of the City of Tallahassee.

WILLIAM D. (DANNY) TYLER William D. (Danny) Tyler was a shareholder in Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., Tampa, Florida before joining the Firm in June 1993. Mr. Tyler has practiced municipal bond, federal tax and securities law for over 34 years. For five years, he served as Legislative Assistant to Congressman Wilbur D. Mills, the then-Chairman of the Ways and Means Committee of the United States House of Representatives. For nine years, Mr. Tyler was a partner in the Washington, D.C. law firm of Riddell, Fox, Holroyd & Jackson, P.C., emphasizing municipal finance, federal tax law and structured financings. Mr. Tyler has significant experience in federal arbitrage law and has served as special tax counsel in numerous refunding transactions. Mr. Tyler has served as bond counsel and underwriters' counsel in structured financings, including financing solid waste disposal facilities, collateralized mortgage obligations, and the financing of The Florida Aquarium and the Ice Palace, home of the NHL franchise of the Tampa Bay Lightning. As a Vice President for Public Finance for Central Bank of the South, Mobile, Alabama for two years, Mr. Tyler served as financial advisor to local governments as well as performing investment banking services, predominantly in the development and structuring of refunding transactions. He received his Bachelor of Arts degree from the University of Alabama in 1968 and his Juris Doctor degree with honors from the University of Arkansas in 1976. Mr. Tyler is a member of the Arkansas (1977), District of Columbia (1978), Alabama (1985) and Florida (1988) bars and is admitted to practice before the United States Tax Court.

STEVEN E. MILLER Mr. Miller graduated from the University of Florida College of Law in 1989, with honors. Mr. Miller joined the Firm in March 1992 and focuses entirely on the practice of governmental finance. From March 1990 through February 1992, Mr. Miller was associated with the law firm of Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill, P.A., Tampa, Florida. As a shareholder in the Firm, Mr. Miller has served as bond counsel,

underwriters' counsel, disclosure counsel and trustee's counsel in a variety of tax-exempt financings involving cities, counties, school districts, special districts and authorities and private borrowers. Transactions in which Mr. Miller has been involved include financings of general governmental infrastructure, water, sewer and solid waste facilities, educational facilities, health care facilities, manufacturing facilities and transportation facilities. Mr. Miller received his Bachelor of Science degree in finance, with high honors, from the University of Florida in 1985.

CHRISTOPHER M. TRABER Mr. Traber graduated with high honors from Ohio University (B.B.A. 1992) with a degree in accounting. He received his law degree with honors from the University of Miami School of Law (J.D. 1995), where he was an associate editor of the *Inter-American Law Review*. Prior to joining the firm, Mr. Traber served as a senior tax consultant for two years with the accounting firm of Ernst & Young LLP and was associated with the Tampa law firm of Shumaker, Loop & Kendrick LLP, where he practiced tax and corporate law. He joined the Firm's Public Finance Practice in January 1999, and is a member of The Florida Bar and National Association of Bond Lawyers. Mr. Traber has served as bond counsel, disclosure counsel, underwriters' counsel and special counsel for a variety of transactions including financing airports, ports, health care facilities, water and wastewater facilities, manufacturing facilities, educational facilities, transportation facilities and projects involving development and implementation of special revenues for local governments, such as special assessments.

JUNIOUS D. BROWN III Mr. Brown served as director of the Florida Housing Finance Corporation's affordable housing mortgage guarantee and asset management programs for three years prior to joining the Firm. In his capacity as director, Mr. Brown oversaw Florida Housing's provision of credit enhancement in connection with various tax-exempt bond and low-income housing tax credit transactions, managed housing inventory and mortgage guarantee exposure in excess of \$1 billion, and established and maintained relationships with nationally-recognized rating agencies and bond insurers. Prior to his tenure with Florida Housing, Mr. Brown was associated with the Tallahassee firm of Katz, Kutter, Haigler, Alderman, Bryant & Yon, P.A. for three years, where he practiced transactional, corporate and insurance regulatory law. Mr. Brown earned a Bachelor of Science degree in Business Economics from Florida A&M University in 1993 and Juris Doctor and Master of Business Administration (Real Estate and Urban Land Economics) degrees in 1998 from the University of Wisconsin-Madison. As a member of the Firm, Mr. Brown's practice focuses on municipal finance.

RITESH S. PATEL Ritesh S. Patel graduated cum laude with honors from the Florida State University (B.S. 1998) with a degree in Political Science. In 2002, Mr. Patel received his law degree from the University of Florida College of Law (J.D., with honors). Mr. Patel joined NG&N in October 2002 and practices with the Firm's Public Finance Group. During his tenure with NG&N, Mr. Patel has worked on numerous tax-exempt financings in the capacity of bond counsel, disclosure counsel and underwriter's counsel representing various Florida school districts, municipalities, counties and special districts. In the area of education facilities financing, Mr. Patel has experience in transactions utilizing general obligation bonds, TANS, RANS, certificates of participation, tax-exempt equipment leases, letters of credit, lines of credit, sales tax revenues bonds, qualified school construction bonds and qualified zone academy bonds. Additionally, Mr. Patel has general municipal finance experience representing counties and

municipalities in connection with the financing of public utility systems, roads, solid waste facilities, airports and other transportation facilities/systems, the acquisition of environmentally sensitive lands and various other public facilities. Mr. Patel has been a speaker on financing topics for the Florida School Finance Officers Association, the Florida Governmental Finance Officers Association, Fifth-Third Bank Southeast Finance Professionals Conference and the Florida School Board Attorneys Summer Conference.

RICHARD B. HARB Mr. Harb graduated cum laude from The University of Florida (B.A. 2008, cum laude) with a degree in Criminology and Law. In 2011, he received his law degree from The Florida State University College of Law (J.D., cum laude) and in 2012 his Master of Laws in Taxation from the University of Florida Levin College of Law. Mr. Harb joined the firm in August 2012 and concentrates his practice in the area of municipal finance, representing counties, municipalities, healthcare providers and authorities in connection with the financing of public utility systems, airports, port facilities, healthcare facilities and various other public facilities.

BISHOY MICHAEL HABIB Mr. Habib graduated cum laude from the University of South Florida in 2009 with a degree in Finance. In 2012, he received his law degree from Stetson University College of Law (J.D.), as well as his Master of Business Administration (M.B.A.) from Stetson University. Prior to joining the Firm, Mr. Habib was a real estate attorney in New York and New Jersey. As an associate, he focused on complex commercial real estate transactions, working with developers and investors in acquisitions, financings, and leases. Mr. Habib joined the Firm in April 2015 and concentrates his practice in the area of municipal finance, representing counties, municipalities, healthcare providers, authorities, and other local governments in connection with the financing of various public facilities.

CYNTHIA E. WILHELM (NOT A MEMBER OF THE FLORIDA BAR) Ms. Wilhelm graduated magna cum laude from Florida State University in 1998 with a Bachelor of Music degree. After receiving her Master of Music degree from The Juilliard School in 2001, Ms. Wilhelm performed in the Columbus (Ohio) Symphony Orchestra for nine years. In 2012, she received her law degree from the University of Cincinnati College of Law (J.D., cum laude). Prior to joining the firm, Ms. Wilhelm was an associate in the Finance, Energy and Real Estate group at Vorys, Sater, Seymour and Pease LLP (Cincinnati), where her practice focused on FHA-insured financing transactions. Ms. Wilhelm joined the firm in June 2015 and concentrates her practice in the area of municipal finance, representing counties, municipalities, healthcare providers, authorities, and other local governments in connection with the financing of various public facilities.

GOVERNMENTAL AND ADMINISTRATIVE LAW PRACTICE

The following constitute attorneys in the Firm actively involved in its governmental and administrative law practice:

ROBERT L. NABORS Mr. Nabors represented the Board of County Commissioners of Brevard County, Florida and various Brevard County constitutional offices and agencies as County Attorney from 1969 through 1982. Mr. Nabors is a past president of the Florida

Association of County Attorneys and served as Chairman of the Local Government Law Section of The Florida Bar during 1979-80 (now known as the City, County and Local Government Law Section).

Mr. Nabors served as General Counsel to Governor Graham from March through August 1981 and as Special Counsel to Governor Graham for Legislative Affairs from December 1981 through May 1982. As Special Counsel, Mr. Nabors was responsible for coordinating the legislative efforts on the approval of an additional one cent sales tax in 1982, which included the Local Government Half Cent Sales Tax. He was appointed by Governor Graham to the Governor's Tax Reform Commission in 1979. Mr. Nabors was appointed by Governor Askew as Chairman of the Florida Solar Energy Task Force and served from 1975 through 1978.

Mr. Nabors has also served on other state commissions and study groups, including the Public Service Commission Nominating Council, the Governor's Public Facility Financing Commission, the Governor's Task Force on Medical Malpractice, and the Governor's Task Force on Community Mental Health.

Mr. Nabors has served as a member of the Florida Supreme Court Nominating Commission, as a member of the Fourth District Court of Appeal Nominating Commission, as a member and chairman of the Eighteenth Judicial Circuit Nominating Commission, and as a member of the Federal Judicial Nominating Commission for the Northern District of Florida.

Mr. Nabors was appointed by the late Governor Chiles as a member of the Governor's Growth Management Task Force, as a member of the Governor's Ad Hoc Work Group on Affordable Housing, and as a member of the Florida Telecommunications Taxation Task Force.

Mr. Nabors was appointed by the late Governor Chiles as a member of the 1997-1998 Constitution Revision Commission.

Mr. Nabors also served as an adjunct professor at the Florida State University College of Law in the areas of State Constitutional Law and Local Government Law.

Mr. Nabors heads NG&N's Local Governmental Law practice.

GREGORY T. STEWART Mr. Stewart, a Martindale-Hubbell AV-rated lawyer, is a 1975 honors graduate of the University of Florida College of Law. Mr. Stewart served as an Assistant State Attorney for the Eighteenth Judicial Circuit from June 1975 through January 1981. He served as Chief Trial Attorney for the Public Defender's Office of Brevard County from January 1981 through August 1982. As a partner in the firm of Nabors, Potter, McClelland, Griffith & Jones, P.A., Mr. Stewart represented Brevard County, Florida as an Assistant County Attorney specializing in governmental litigation, including representation of Brevard County on personnel and employment issues, from September 1982 through March 1986. He has also served as trial counsel for various counties throughout the State of Florida in the areas of employment, land use, finance and intergovernmental litigation. He has lectured extensively on numerous aspects of local government litigation. Mr. Stewart has been selected as one of "The Best Lawyers in America" in the field of Municipal Law. Mr. Stewart's area of practice includes

governmental tax and finance, employment and construction law, and trial and administrative litigation.

BRIAN P. ARMSTRONG Before joining Nabors, Giblin & Nickerson in March 2000, Mr. Armstrong served as senior vice-president and general counsel of Florida Water Services corporation, Florida's largest investor-owned water and wastewater utility. Prior to his service with Florida Water, Mr. Armstrong practiced in the public utilities department of the law firm of Cullen & Dykman in New York. He is a 1984 graduate of the Georgetown University Law Center.

EDWARD A. DION Mr. Dion is a 1978 graduate of the University of Miami's College of Law and a 1975 graduate of the University of Pennsylvania. After serving as the General Counsel of the Broward County Sheriff's office since 2004, Mr. Dion joined the Firm in October 2007. Mr. Dion served as Broward County Attorney from 1999 through 2004; as Deputy General Counsel for the Florida Department of Labor from 1987 through 1994; and was in private practice specializing in real estate and litigation from 1979 through 1987. Mr. Dion has represented and advised state and local government entities since 1987, including before the Florida Legislature, state and federal courts, and administrative agencies. Mr. Dion's area of practice includes employment law, legislative consulting, local government law, and litigation and appellate law.

HEATHER J. ENCINOSA Ms. Encinosa has dedicated her entire legal career to representing counties, cities, and other local government entities in the State of Florida. Ms. Encinosa is a 1996 graduate of the American University's Washington College of Law (summa cum laude) and a 1993 graduate of the University of Missouri (summa cum laude). Ms. Encinosa has been a member of the Florida Bar since 1997 when she joined NG&N. Ms. Encinosa is a member of the City, County, and Local Government Law Section of the Florida Bar, Past Chairman for the Tallahassee Families with Asian Children Leadership Council, a Past Member of Friends of Wakulla Springs Board of Directors, a Girl Scouts of America Volunteer and a Board of Directors Parliamentarian for the Democratic Women's Association of Leon County.

Her practice includes representation of local governments on a variety of issues, including the review and negotiation of transactional documents, municipal and county home rule, constitutional and statutory interpretation, public utilities and governmental finance and tax matters.

Specifically, Ms. Encinosa serves as Wakulla County Attorney representing the county in the following practice areas: contracts and torts, procurement and purchasing, constitutional law, employment and labor, public law, litigation and appellate, administrative, finance, land use, planning and environmental, real estate and legislative. Ms. Encinosa also serves as lead counsel to the Florida Governmental Utility Authority ("FGUA"), where she provides on-going representation and advice to this governmental authority.

Ms. Encinosa serves several local governments in a special counsel capacity, touching upon all aspects of local government law. Ms. Encinosa has drafted numerous ordinances, resolutions, opinion letters, and contracts on behalf of her local government clients.

Ms. Encinosa is a frequent speaker before the Florida Association of County Attorneys, Florida Association of Counties Small County Coalition and the Florida Government Finance Officer's Association.

LYNN M. HOSHIHARA Ms. Hoshihara is a 2001 cum laude graduate of Florida State University and a 2005 graduate of the Florida State University College of Law. Ms. Hoshihara joined the Firm in 2012 where she concentrates her practice in the areas of litigation and appellate law and local governmental law. Ms. Hoshihara provides general representation to clients on litigation, employment issues, tax and finance matters and land use issues. Prior to joining the Firm, Ms. Hoshihara served as Walton County Attorney from 2010 through 2012 and as Staff Attorney for Walton County from 2005 through 2010.

WILLIAM C. GARNER From 2005 to 2010, Mr. Garner served as Chief Advisor to two Commissioners at the Florida Public Service Commission, providing legal, technical and policy advice on all matters coming before the Commission. Mr. Garner was instrumental in aiding the Commissioners in rendering decisions concerning the economic regulation of investor-owned water and wastewater companies, electric companies, and natural gas distribution companies, as well as providing competitive market oversight in the telecommunications industry. Before joining the Public Service Commission, Mr. Garner served as a Senior Attorney providing legal counsel and analysis to several committees of the Florida House of Representatives. Before earning his Juris Doctor degree from the Florida State University College of Law in 2000, Mr. Garner clerked two years at the law firm, Rose, Sundstrom & Bentley, LLP. Mr. Garner has a Bachelor of Arts in Mass Communication from the University of South Florida with a minor in political science. Mr. Garner's practice focuses on public utility law and utility acquisitions.

CARLY J. SCHRADER Ms. Schrader is a 2001 summa cum laude graduate of the University of West Florida and a 2005 summa cum laude graduate of the Florida State University College of Law. Ms. Schrader was a member of the Florida State University Law Review and is a member of the Order of the Coif. Ms. Schrader joined the Firm in 2007 where she concentrates her practice in the areas of litigation and appellate law. She is currently a member of the First District Appellate American Inn of Court and Tallahassee Women Lawyers. Prior to joining the Firm, Ms. Schrader was a law clerk for Judge Ricky Polston of the Florida First District Court of Appeal.

EVAN J. ROSENTHAL Mr. Rosenthal is a 2008 graduate of the University of Florida with a degree in History and a 2013 cum laude graduate of the Florida State University College of Law. Mr. Rosenthal received a certificate in environmental and land use law with high honors and was also a member of the Florida State University Journal of Land Use and Environmental Law as well as an editor for the Florida State University Law Review. Mr. Rosenthal clerked for the Florida Department of Business and Professional Regulation and was also a Legislative

Intern at the Florida House of Representatives. As a member of the Firm, Mr. Rosenthal's practice focuses on local government law, land use and real estate law, and public utilities law.

KERRY A. PARSONS Ms. Parsons is a 2008 cum laude graduate of Suffolk University with a bachelors degree in Government (B.S., 2008) and a 2011 graduate of Florida Coastal School of Law (J.D., 2011). Ms. Parsons joined the Firm in 2015 where she concentrates her practice in the areas of ligation and appellate law. Prior to joining the Firm, Ms. Parsons served as Citrus County Attorney from 2013 through 2014 and as Citrus County Assistant County Attorney from 2011 through 2013.

The following attorneys serve as NG&N's of counsel:

SARAH M. BLEAKLEY Ms. Bleakley served as a staff attorney for the Florida House of Representatives Committee on Finance and Taxation from 1987 to 1988. As counsel for the Committee, Ms. Bleakley advised the House on state and local tax issues, drafted and analyzed legislation, and served as a liaison between the members and their constituents. She was primarily responsible for all local finance and tax matters, including local bills. She also advised the House on state taxation, such as the repeal of the services tax and the expansion of the gross receipts tax on utilities which provides funds for financing public school and university facilities.

Ms. Bleakley also served as a lobbyist for the Florida Department of Health and Rehabilitative Services where she lobbied the Florida Legislature on social service issues. She also served as a legislative aide to Representative William E. "Bill" Sadowski. Ms. Bleakley is an honors graduate of Florida State University College of Law, where she was a member of the Law Review. She joined the Firm in 1989 and has focused her practice on legislative consulting and special revenue development.

GEORGE H. NICKERSON Mr. Nickerson has represented numerous cities, counties and special districts in Florida since 1974, has served as Alachua County Attorney and twice as interim Osceola County Attorney. During a portion of his career, he was also active in Florida as an investment banker and financial advisor licensed by the National Association of Securities Dealers. Mr. Nickerson specializes in the development and implementation of local government capital projects, and has represented local governments in extensive contract negotiations for public-private partnerships and public-public partnerships, including economic development, redevelopment, transportation and utility projects. Mr. Nickerson received his B.S. from the University of Florida in 1971 and his J.D. from the University of Florida College of Law in 1973.

HEATH R. STOKLEY Mr. Stokley is a 1996 cum laude graduate of Florida State University with a bachelors degree in History and International Affairs and a 1999 graduate of the University of Florida College of Law, with honors, where he was a member of the University of Florida Journal of Law and Public Policy. Mr. Stokley joined the Firm in 2007 where he concentrates his practice in the areas of litigation and appellate law and provides representation in the areas of: tort claims; contract and construction disputes; real estate and land use disputes; inverse condemnation and takings claims; employment; and local government tax and finance matters. Prior to joining the firm, Mr. Stokley practiced with the firms of Mateer & Harbert

(Orlando) and Kubicki Draper (Jacksonville) where he engaged in a diverse civil practice in the areas of tort litigation, commercial litigation, construction litigation, trademark and trade secret litigation, healthcare law, environmental and land use, and administrative law.



CITY COUNCIL AGENDA ITEM

#8

DISCUSS/TAKE ACTION ON RESULTS OF INVITATION TO BID FOR DANCE FLOOR REPLACEMENT REBID (ITB NO. 14/15-08)

To: City Manager Courtney Barker
From: Recreation Director Kerry Stoms
Meeting Date: 7/15/2015
Department: Recreation

Recommended Action: Selection of Bid Award for ITB No. 14/15-08 REBID, Dance Floor Replacement-David R. Schechter Community Center.

Summary: The closure for bid acceptance will be Monday, July 13, 2015. Staff will provide to City Council Bid documentation and selection recommendation following the opening of the bids at 2:15pm, July 15, 2015.

Budget Impacts: Funds are available in the Capital Improvement Plan, FY 14/15 in the amount of \$40,000 for this project.

Attachments: To be provided after bid opening prior to the meeting for Council's review.



CITY COUNCIL AGENDA ITEM

#9

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1107, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-706, SATELLITE BEACH CITY CODE, ESTABLISHING AN EFFECTIVE DATE TO REMOVE NUISANCE TREES DEFINED THEREIN; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE (FIRST READING)

To: City Manager Courtney Barker
From: Building Official John Stone
Meeting Date: 7/15/2015
Department: Building & Zoning

Recommended Action: Motion to approve Ordinance No. 1107 on first reading, establishing a compliance date for the removal of nuisance trees within the City.

Summary: In 2007, the City adopted Ordinance No. 972 and Ordinance No. 982 establishing a list of nuisance trees. The deadline for removal of nuisance trees was to be established at a later date once the City had removed these trees from City properties. The removal of the nuisance trees from Samsons Island and the Cassia ditch were the last of these trees that remained on City property. With the City now in compliance, City Code Section 30-706 should be amended to establish a compliance date throughout the City for private property.

On June 15, 2015, the Planning and Zoning Advisory Board (PZAB) recommended to approve a compliance date be set for 90 days after adoption of Ordinance No. 1107. The compliance date as reflected in the Ordinance is November 15, 2015, for all nuisance trees identified in City Code Section 30-706 to be removed within the City.

Budget Impacts: None.

Attachments:

- Ordinance No. 1107
- PZAB Unapproved minutes June 15, 2015

ORDINANCE NO. 1107

#9
7-15-15

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-706, SATELLITE BEACH CITY CODE, ESTABLISHING AN EFFECTIVE DATE TO REMOVE NUISANCE TREES DEFINED THEREIN; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE (FIRST READING)

WHEREAS, Section 30-706, Satellite Beach City Code, established that certain non-native noxious invasive species of trees (nuisance trees) must be removed within the City; and

WHEREAS, the City Council did not establish a fixed date by which property owners within the City were required to remove these nuisance trees until the City removed these trees from properties owned by the City; and

WHEREAS, the City recently completed its program to remove nuisance trees from City-owned property, and the City Council now desires to establish a date for removal of all nuisance trees in the City; and

WHEREAS, the Planning and Zoning Advisory Board conducted a duly noticed public hearing, and after considering different effective dates, and determining its proposed amendment is consistent with the Satellite Beach Comprehensive Plan and adopted land development regulations, recommends to City Council that the date for removal of these nuisance trees from all properties in the City be set for 90 days after the adoption of any ordinance implementing such amendment; and

WHEREAS, the City Council, following all public hearings required by law preliminary to the adoption of this ordinance, has determined that this proposed amendment is consistent with the Satellite Beach Comprehensive Plan and adopted land development regulations, and is in the best interest of the health, safety and welfare of the City and its residents to adopt this ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA as follows:

SECTION 1. The foregoing recitations are incorporated herein by reference.

SECTION 2. Section 30-706, Satellite Beach City Code, is amended to read as

follows:

Sec. 30-706. Nuisance Trees.

The following trees are considered non-native noxious invasive species and must be removed from all properties within the City on or

~~before November 15, 2015 by a date to be announced by the city.~~

Brazilian pepper	<i>Schinus terebinthifolius</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Australian pine	<i>Causarina equisetifolia</i>

SECTION 3. This Ordinance shall take effect immediately upon its adoption, and shall terminate as provided herein.

SECTION 4. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

SECTION 5. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 7. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the ____ day of _____, 2015, and adopted on the second and final reading at the regular meeting of the City Council on the ____ day of _____, 2015.

FRANK P. CATINO, MAYOR

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK

**UNAPPROVED MINUTES
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
JUNE 15, 2015**

Pursuant to public notice Chairman Frank Fortino convened a regular meeting of the Planning and Zoning Advisory Board on June 15, 2015 at 7:00 pm in the Council Chamber at City Hall, and led the Pledge of Allegiance. Board members present were Chairman Frank Fortino, Dale Howlett, Sisi Packard and Michele Jones. Also present were Building Official John Stone, City Manager Courtney Barker, Mayor Frank Catino and Recording Secretary Tania Miner. Tom Romanisko and Steve Terry were absent.

PUBLIC HEARING:

[TIME 7:03] PZ # 1-15 DISCUSS/MAKE RECOMMENDATIONS TO AMEND THE LAND DEVELOPMENT REGULATIONS SECTION 30-416, C, COMMERCIAL DISTRICT TO ALLOW FOR MIXED-USE AND TO REMOVE THE TOWN CENTER OVERLAY PROVISION, AND TO AMEND SECTION 30-424, OFF-STREET PARKING

Building Official John Stone introduced this item, and explained that the CRA Advisory Committee reviewed this item in February and recommended the following changes to the Land Development Regulations to assist business development, redevelopment and retention. He explained that with the Town Center Overlay Provision, mixed-use had not been applied to any properties in the last five years. By allowing it throughout the commercial corridor, it may generate more interest. Mr. Stone then responded to questions from the board. The proposed changes are presented below:

Sec. 30-416. C, commercial district.

(a) *Intent.* The provisions of the C district are intended to establish and maintain areas for the development of commercial facilities providing a wide range of goods and services, including mixed commercial and residential use on the same parcel, at locations having access to a collector or arterial roadway.

- (b) *Permitted uses.* Permitted uses are as follows:
- (1) Retail stores, sales and display rooms.
 - (2) Personal service establishments, including but not limited to beauty salons, barbershops, laundry and dry cleaning facilities, tailor shops and shoe repair shops.
 - (3) Professional offices, studios, clinics, laboratories, general offices, business schools and similar uses.
 - (4) General offices and printing establishments.
 - (5) Financial institutions.
 - (6) Eating and drinking establishments, including bars and cocktail lounges (not permitted west of South Patrick Drive). The following shall apply to outside seating in conjunction with eating establishments:

- a. Parking requirements shall be the same as for indoor seating: one space for each three seats.
 - b. Outside seating shall comply with section 6-1 regarding consumption of alcohol on the premises.
 - c. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
 - d. Placement of the tables shall be coordinated with fire and safety regulations.
 - e. Tables shall be set back a minimum of 50 feet from residential property.
- (7) Veterinary clinics with no outside boarding, excluding inside boarding except in conjunction with customary veterinary practices.
- (8) Commercial recreation structures such as theaters and bowling alleys (not permitted west of South Patrick Drive).
- (9) Public and private clubs and lodges (not permitted west of South Patrick Drive).
- (10) Government buildings and facilities.
- (11) Accessory structures and uses when permitted in any more restrictive district, and any use permitted in this district as a principal use when incidental to another principal use of the property and including:
- (a) Residential dwelling units on the same parcel as a primary commercial use subject to all of the following conditions:
 1. Residential use must be clearly and permanently accessory and secondary to the primary commercial use.
 2. Residential use is permitted on lots conforming to all of the minimum dimensions set forth in subsection (e)(1).
 3. Residential dwelling units must conform to all of the minimum living area requirements of the RM-2 Zoning District.
 4. First floor residential use shall not be permitted to front on Highway A1A or South Patrick Drive.
 5. Square footage of the residential use shall not exceed 50% of the total square footage of the development. Garages and porches shall not be included in calculating the residential square footage.
 6. Maximum of seven residential units per acre (except that at least two dwelling units are permitted regardless of the resulting density).
 - (c) *Conditional uses.* Conditional uses are as follows:

- (1) Automobile fuel stations.
 - a. Automobile fuel stations must be located at a signalized intersection.
 - b. Automobile fuel stations must maintain at least a 50-foot separation between any equipment and residentially used or zoned property.
 - c. A traffic study shall be required at time of application as prescribed in subsection 30-303(4).
 - d. Separation/setback distances shall not be subject to a variance.
- (2) Child care centers complying with state licensing requirements.
- (3) Wholesale businesses.
- (4) Hospitals.
- (5) Public and private utility services, accessory buildings and structures, excluding sanitary landfills, incinerators, refuse dumps and solid waste transfer stations.
- (6) Funeral homes.
- (7) Recreation facilities and clubs, public and private.
- (8) Cultural institutions, including but not limited to museums, libraries, community centers, and botanical and zoological gardens.
- (9) Adult bookstores, adult dancing establishments and adult motion picture theaters.
 - a. *General requirements.* A conditional use for these uses may be granted only if the applicant demonstrates that:
 1. The proposed use and site plan are in harmony and consistent with the purpose of this chapter.
 2. The proposed use is in conformance with all applicable requirements and regulations of this chapter.
 3. The proposed use will not substantially impair the integrity of any validly approved comprehensive plan, and will be consistent with the comprehensive plan.
 4. The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.
 5. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
 6. The proposed use and site plan otherwise comply with the provisions regarding conditional uses and the proposed zoning

district as provided in this chapter.

- b. *Imposition of special conditions.* As a part of the conditional use approval, the council may restrict advertisement, outdoor display and the location of merchandise, and may impose other reasonable requirements deemed necessary to safeguard the health, safety, morals and general welfare of the community.
 - c. *Access by underage persons.* The owner and all employees of the establishment shall prohibit access to the premises by any person who is under the age of 18 years old.
 - d. *Prohibited locations.*
 - 1. No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control over an adult bookstore, adult motion picture theater or adult dancing establishment within 1,000 feet of another such establishment, within 500 feet of any institutional use or property used for institutional purposes, within 500 feet of any preexisting religious institution or school, within 500 feet of an area zoned or used for residential use within the city, or within 1,000 feet of an establishment that in any manner sells or dispenses alcohol. The distance requirement set out in this subsection shall be considered locational only.
 - 2. Notwithstanding the provisions of the subsection 1. of this subsection, no adult entertainment establishments shall be allowed north of Roosevelt Avenue on the South Patrick corridor and 500 feet south of Jackson Avenue on the A1A corridor.
 - e. *Measurement of distance.* Distance from a proposed adult entertainment establishment to an existing adult entertainment establishment, a residential area, a church, an establishment that sells or dispenses alcohol, or a school shall be measured from the nearest point that the property lines upon which such uses are located are to each other.
- (10) Churches and places of worship.
 - (11) Repair service establishments for items such as household appliances, radios and televisions, air conditioning equipment, electrical appliances, photo equipment, lawn maintenance equipment and small engines (less than 25 horsepower).
 - (12) Towers and monopoles subject to regulations set forth in section 30-580.
 - ~~(13) Residential use above commercial use in a commercial structure, subject to the following:~~
 - ~~a. This conditional use shall apply only to those commercial properties located within the portion of the commercial district situated north of Park~~

~~Avenue west of State Road A1A and east of South Patrick Drive (the
"Town Center Mixed-Use Overlay" area).~~

- ~~b. Residential use must be clearly and permanently secondary to the primary commercial use.~~
- ~~c. Residential use shall not be permitted on the first floor.~~
- ~~d. Square footage of the residential use shall not exceed the square footage of the commercial use within the same structure. Garages and porches shall not be included in calculating the residential square footage.~~
- ~~e. Maximum of 200 residential above-commercial units in this entire area.~~
- ~~f. Maximum of five residential units per acre.~~
- ~~g. Maximum floor area ratio of 1.0 on any lot.~~

(Ord. 1028, §§1 and 2, 3-3-10)

(1413) Outdoor boat sales on west side of South Patrick Drive.

(1514) Auto, marine and equipment repair shop.

(1615) In addition to complying with the general conditional use requirements of this Code, pain management clinics shall comply with the provisions of Section 30-621 of this Code.

(Ord. 1033, §3, 6-16-10)

- (d) *Prohibited uses.* The following uses are prohibited:
 - (1) Trailer parks.
 - (2) New and used car sales.
 - (3) Car rental agencies or facilities.
 - (4) Trailer sales or rental agencies.
 - (5) Kennels.
 - (6) Drive-in theaters.
 - (7) Warehousing.
 - (8) Self-storage facilities.
 - (9) Contractor storage yards.
 - (10) Any use operating, using, conducting, utilizing, carrying on or incorporating, or seeking to operate, use, utilize, carry on or incorporate, any exception to the gambling laws of this state set forth in F.S. § 849.161(a).

- (11) All uses not specifically listed as a permitted or conditional use.
- (e) *Property development regulations.* Property development regulations are as follows:
 - (1) Minimum lot area and dimensions:
 - a. *Area:* 10,000 square feet.
 - b. *Width:* 100 feet.
 - c. *Depth:* 100 feet.
 - (2) Minimum setback requirements:
 - a. *Front:* 25 feet.
 - b. *Side interior and rear:* 15 feet, or 25 feet if adjacent to a dedicated right-of-way or adjacent abutting residential use.
 - c. *Street side yard:* 20 feet
 - (3) Minimum building separation: 15 feet.
 - (4) Maximum building height: 35 feet west of Highway A1A and 65 feet east of Highway A1A. Flat roofs must not be visible with the use of architectural amenities such as a mansard roof. Reference section 30-422(b).

Except for separate accessory residential structures with garages, which shall be limited to a maximum building height of 35 feet, Accessory structures such as garages, sheds, tanks and other structures that are incidental to the primary use shall not extend higher than the main structure and in no case exceed 20 feet in height.
 - (5) Maximum lot coverage: 70 percent.
 - (6) Maximum impervious area: 70 percent.
 - (f) *Shared access and parking areas.* No side interior setbacks for landscaping are required provided all of the following are met:
 - (1) Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.
 - (2) Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of 150 feet is maintained; or access is provided by an approved frontage road.
 - (3) Easements and/or written assurances of shared and common facilities from all property owners involved must be approved prior to the issuance of a building permit or establishment of separate ownership.

If adjacent developments meet all of the requirements described above and, additionally, have buildings on adjacent parcels under separate ownership joined by a common wall,

no side interior building setbacks are required.

The parcel must comply with any approved site plan.

(Ord. 899, §1, 1-19-05; Ord. 905, §§1, 2, 5-25-05; Ord. 968, §1, 7-18-07; Ord. 972, §§10--12, 8-15-07)

Sec. 30-424. Off-street parking.

(a) *Purpose.* The purpose of this section is to create an efficient and safe system of on-site traffic circulation which accommodates vehicles, bicycles, and pedestrians and provides for adequate parking and loading in a manner which ensures compatibility of such activities with nearby properties.

(b) *General requirements for off-street parking.*

(1) *Installation required.* Off-street parking required by this section shall be provided for all development before a certificate of occupancy is issued for any principal structure or at the time any principal structure is increased in capacity.

(2) *Illumination.* The parking area of any commercial or public area for nighttime use shall be illuminated by electric lights, and the light source shall be shielded from all residential areas.

(3) *Maintenance.* All off-street parking areas shall be well maintained and clearly striped, with all lighting in working condition.

(4) *Handicap parking.* The requirements for handicap parking shall be in accordance with applicable Florida Statutes.

(5) *Size of parking spaces.* All parking spaces, except for handicap, shall be a minimum of ten feet by 20 feet.

(c) *Off-street parking spaces.* For all zoning districts, in addition to the garage parking spaces required by each zoning district for all residential dwelling units, the following off-street parking spaces shall also be required:

- (1) For accessory residential units above a commercial use, in a mixed commercial and residential development the following parking requirements shall apply: at least one off-street parking space shall be required for each unit.
 - a. Developments with seven or fewer accessory residential units, at least one off-street parking space shall be required for each residential unit.
 - b. Developments with eight or more residential units, at least one and one-half (1.5) off-street parking spaces shall be required for each residential unit.
- (2) For all other residential units, at least two off-street parking spaces shall be required for each unit.
- (3) For non-residential uses, the off-street parking space requirements in the following table shall apply.

Non-Residential Off-Street Parking Space Requirements ¹				One Bicycle Space per # Auto Spaces	
	for each 175 sq. ft.	for each 200 sq. ft.	for each 300 sq. ft.	for each space	for each 10 spaces
Auto, marine, or equipment repair shops	X			N/A	N/A

Assembly facilities (religious, auditoriums and concert halls, commercial recreation establishments) ^{#2}					X
Private recreation facilities, clubs, and lodges ^{#2}					X
Eating and drinking establishments ^{#4}					X
Private schools ^{#3}				X	
Cultural facilities		X			X
Banks, credit unions, and retail stores			X		X
Personal services establishments			X		X
Offices, business and professional			X		X
Veterinary clinics			X		X
Nursing and convalescent homes ^{#3}				N/A	N/A
Medical and dental		X			X

¹ For uses not included in this table, the building official shall determine the number of off-street parking spaces based on requirements for similar uses and appropriate traffic engineering and planning data. For unusual circumstances, the building official shall determine the number of off-street parking spaces based on a parking study prepared by a professional traffic engineer and appropriate traffic engineering and planning data.

² One auto space for each four seats.

³ One auto space per employee on the largest shift and one space per each 500 sq ft.

⁴ One auto spaces for each three seats.

Public Comments

Anthony Romero of Dale Sorenson Real Estate spoke in favor of this change to allow properties to develop at their highest and best use.

Sisi Packard **MOVED, SECOND** Dale Howlett to recommend approval of the changes to Sections 30-416 and 30-424 as presented. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:20] PZ # 2-15 DISCUSS/MAKE RECOMMENDATIONS TO AMEND THE LAND DEVELOPMENT REGULATIONS SECTION 30-706, NUISANCE TREES, TO ESTABLISH A REMOVAL DATE FOR INVASIVE TREES

Mr. Stone provided the history of this item, noting that the policy had been to not enforce this section until all invasive trees were removed from City property. The City is now in compliance and would like a date set for the removal of invasive trees throughout the City. Mr. Stone then responded to questions from the board.

Sec. 30-706. Nuisance trees.

The following trees are considered non-native noxious invasive species and must be removed by a date to be announced by the city _____ DATE _____.

Brazilian pepper	<i>Schinus terebinthifolius</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Australian pine	<i>Causarina equisetifolia</i>

(Ord. 972, §36, 8-15-07; Ord. 982, §3, 12-19-07)

Public Comments
None

Dale Howlett **MOVED, SECOND** Michele Jones to recommend amending Section 30-706 to set the date for the removal of invasive trees 90 days after the adoption of the ordinance. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:36] PZ # 3-15 DISCUSS/MAKE RECOMMENDATIONS TO AMEND THE LAND DEVELOPMENT REGULATIONS SECTION 30-416, C, COMMERCIAL TO MAKE CHANGES TO ACCESSORY STRUCTURES AND USES, THEREBY ALLOWING FOR BOAT STORAGE

Mr. Stone provided the history of boat storage within the City. He explained that the City would like to consider allowing boat storage as an accessory use to a primary permitted or conditional use.

30-416(b)(11) Accessory structures and uses when permitted in any more restrictive district, and any use permitted in this district as a principal use when incidental to another principal use of the property.

(b) Boat storage is allowed as an accessory use to a commercial principle use if the following standards are met:

1. Property must be 0.5 acres or greater.
2. Property has a principal structure building 2000sf or larger.
3. Boats in storage area to be substantially screened from view by fence or wall.
4. Property is required to meet or exceed minimum landscaping code requirements as a condition of permitting.
5. Storage yard access points to be provided with motion activated security lighting.

Public Comments
None

Sisi Packard **MOVED, SECOND** Dale Howlett to recommend amending Section 30-416(b) to make changes to accessory structures and uses, thereby allowing for boat storage as presented. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:46] ELECTION OF CHAIR AND VICE CHAIR

Frank Fortino nominated Tom Romanisko for Chair. **VOTE:** All yes. **MOTION CARRIED.**

Dale Howlett nominated Frank Fortino for Vice-Chair. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:47] APPROVAL OF MINUTES: NOVEMBER 17, 2014

Dale Howlett **MOVED, SECOND** Sisi Packard to approve the minutes of the November 17, 2014 meeting as presented. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:47] ANNOUNCEMENTS

Mr. Stone talked about some new businesses coming into the City.

NEXT REGULAR MEETING: DECEMBER 15, 2014

The meeting adjourned at 7:52 pm.

Respectfully submitted:

Tania Miner
Recording Secretary



CITY COUNCIL AGENDA ITEM

#10

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1108, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-416, COMMERCIAL DISTRICT, SATELLITE BEACH CITY CODE, TO AUTHORIZE BOAT STORAGE AS AN ACCESSORY USE, WITH CONDITIONS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE (FIRST READING)

To: City Manager Courtney Barker
From: Building Official John Stone
Meeting Date: 7/15/2015
Department: Building & Zoning

Recommended Action: Motion to approve Ordinance No. 1108 on first reading to allow boat storage as a permitted accessory use with conditions within the commercial district.

Summary: Currently, the City Code requires boats to be stored behind the front corners of the principal structure. It is often difficult to comply with this requirement because of small lot sizes and minimal side yard building setbacks. The compliance aspect is further challenged because boat storage is prohibited as a commercial activity which leaves little options for residents.

Staff further recognizes that Satellite Beach is a boating community abutting two water bodies that has substantial amounts of boats within the community that need options to comply with the current boat storage ordinance. In an effort to provide residents with a local option of off premise storage in a limited capacity, staff is recommending that boat storage be added to the commercial zoning as an accessory use with conditions as outlined in Ordinance No. 1108.

On June 15, 2015 the Planning and Zoning Advisory Board (PZAB) recommended to approve boat storage as an accessory use with conditions reflected in Ordinance No. 1108. City Planner LaRue Planning has reviewed the use and determined it is not in conflict with the Comprehensive Plan.

Budget Impacts: None.

Attachments:

- Ordinance No. 1107
- PZAB June 15, 2015 unapproved minutes

ORDINANCE NO. 1108

#10
7-15-15

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-416, COMMERCIAL DISTRICT, SATELLITE BEACH CITY CODE, TO AUTHORIZE BOAT STORAGE AS AN ACCESSORY USE, WITH CONDITIONS; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE (FIRST READING)

WHEREAS, City staff recommended amendments to the City Code to authorize boat storage within the City's commercial district as an allowed accessory use, because (i) there is a need for boat storage in the City based in part on the City's proximity to water, (ii) the City's Code requires boats to be stored behind the front corners of residential structures, and (iii) a large number of single-family lots in the City are of insufficient size to accommodate boat storage as required by the City Code; and

WHEREAS, based thereon, City staff drafted proposed amendments to the City Code addressing boat storage to present to the Planning and Zoning Advisory Board; and

WHEREAS, the Planning and Zoning Advisory Board conducted a duly noticed public hearing, and determining the proposed amendments are consistent with the Satellite Beach Comprehensive Plan and adopted land development regulations, recommends to City Council that boat storage be allowed in the City's commercial zoning district as accessory uses, with conditions; and

WHEREAS, the City Council, following all public hearings required by law preliminary to the adoption of this ordinance, has determined that the proposed amendments are consistent with the Satellite Beach Comprehensive Plan, as amended, and adopted land development regulations, and is in the best interest of the health, safety and welfare of the City and its residents to adopt this ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA as follows:

SECTION 1. The foregoing recitations are incorporated herein by reference.

SECTION 2. Section 30-416, Satellite Beach City Code, is amended to read as follows:

Sec. 30-416. C, commercial district.

(a) *Intent.* The provisions of the C district are intended to establish and maintain areas for the development of commercial facilities providing a wide range of goods and services, including mixed commercial and residential use on the same lot, at locations having access to a collector or arterial roadway.

* * * * *

(b) *Permitted Uses.* Permitted uses are as follows:

* * * * *

(11) Accessory structures and uses when permitted in any more restrictive district, and any use permitted in this district as a principal use when incidental to another principal use of the lot, specifically including:

* * * * *

b. Boat storage is allowed as an accessory use to a commercial principal use if the following standards are met:

- 1. The lot must be 0.5 acres or larger.
- 2. The lot has a principal structure 2000 square feet or larger.
- 3. Boats located in any storage area(s) are to be substantially screened from view by an opaque fence and/or wall completely enclosing the boat storage area(s). No fence or wall shall be located in front of the front corners of the principal structure located on the lot.
- 4. A site plan shall be provided depicting the location of any Proposed boat storage area(s), the location(s) of any structure(s) on the lot, the location of any proposed fence(s) and/or wall(s), the location and types of landscaping to provide additional screening, and the location of any access point(s) into the storage area(s) which shall have motion activated security lighting. All fences, walls, landscaping and lighting shall be properly maintained during the operation of the boat storage activities. Further, any motion activated security lighting shall be in working condition at all times any boat storage activities are in operation.
- 5. Any lot on which boat storage activities are requested/permitted shall be required to provide the following landscaping as a condition of permitting and continued operation of any boat storage activities:
 - A. Landscaping shall be provided in front of, and for the entire length of, any wall or fence facing any right-of-way.
 - B. In the event the commercial lot upon which boat storage activities are to occur abuts a residential use, and no wall separates the commercial lot from any residential use as required by the City Code,

landscaping shall be provided the entire length of any property line between the commercial lot and any residential use(s). Further, an opaque fence shall be located on the commercial lot along said property line(s) inside any landscaping required by this section. In the event a fence exists along or near any property line between the commercial lot upon which the boat storage activities are to occur and any residential use(s), such fence shall be required to be moved to accommodate the landscaping required by this section and the fence shall be made opaque.

SECTION 3. This Ordinance shall take effect immediately upon its adoption, and shall terminate as provided herein.

SECTION 4. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

SECTION 5. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 7. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the ____ day of _____, 2015, and adopted on the second and final reading at the regular meeting of the City Council on the ____ day of _____, 2015.

FRANK P. CATINO, MAYOR

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK

**UNAPPROVED MINUTES
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
JUNE 15, 2015**

Pursuant to public notice Chairman Frank Fortino convened a regular meeting of the Planning and Zoning Advisory Board on June 15, 2015 at 7:00 pm in the Council Chamber at City Hall, and led the Pledge of Allegiance. Board members present were Chairman Frank Fortino, Dale Howlett, Sisi Packard and Michele Jones. Also present were Building Official John Stone, City Manager Courtney Barker, Mayor Frank Catino and Recording Secretary Tania Miner. Tom Romanisko and Steve Terry were absent.

PUBLIC HEARING:

[TIME 7:03] PZ # 1-15 DISCUSS/MAKE RECOMMENDATIONS TO AMEND THE LAND DEVELOPMENT REGULATIONS SECTION 30-416, C, COMMERCIAL DISTRICT TO ALLOW FOR MIXED-USE AND TO REMOVE THE TOWN CENTER OVERLAY PROVISION, AND TO AMEND SECTION 30-424, OFF-STREET PARKING

Building Official John Stone introduced this item, and explained that the CRA Advisory Committee reviewed this item in February and recommended the following changes to the Land Development Regulations to assist business development, redevelopment and retention. He explained that with the Town Center Overlay Provision, mixed-use had not been applied to any properties in the last five years. By allowing it throughout the commercial corridor, it may generate more interest. Mr. Stone then responded to questions from the board. The proposed changes are presented below:

Sec. 30-416. C, commercial district.

(a) *Intent.* The provisions of the C district are intended to establish and maintain areas for the development of commercial facilities providing a wide range of goods and services, including mixed commercial and residential use on the same parcel, at locations having access to a collector or arterial roadway.

(b) *Permitted uses.* Permitted uses are as follows:

- (1) Retail stores, sales and display rooms.
- (2) Personal service establishments, including but not limited to beauty salons, barbershops, laundry and dry cleaning facilities, tailor shops and shoe repair shops.
- (3) Professional offices, studios, clinics, laboratories, general offices, business schools and similar uses.
- (4) General offices and printing establishments.
- (5) Financial institutions.
- (6) Eating and drinking establishments, including bars and cocktail lounges (not permitted west of South Patrick Drive). The following shall apply to outside seating in conjunction with eating establishments:

- a. Parking requirements shall be the same as for indoor seating: one space for each three seats.
 - b. Outside seating shall comply with section 6-1 regarding consumption of alcohol on the premises.
 - c. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
 - d. Placement of the tables shall be coordinated with fire and safety regulations.
 - e. Tables shall be set back a minimum of 50 feet from residential property.
- (7) Veterinary clinics with no outside boarding, excluding inside boarding except in conjunction with customary veterinary practices.
- (8) Commercial recreation structures such as theaters and bowling alleys (not permitted west of South Patrick Drive).
- (9) Public and private clubs and lodges (not permitted west of South Patrick Drive).
- (10) Government buildings and facilities.
- (11) Accessory structures and uses when permitted in any more restrictive district, and any use permitted in this district as a principal use when incidental to another principal use of the property and including:
- (a) Residential dwelling units on the same parcel as a primary commercial use subject to all of the following conditions:
 1. Residential use must be clearly and permanently accessory and secondary to the primary commercial use.
 2. Residential use is permitted on lots conforming to all of the minimum dimensions set forth in subsection (e)(1).
 3. Residential dwelling units must conform to all of the minimum living area requirements of the RM-2 Zoning District.
 4. First floor residential use shall not be permitted to front on Highway A1A or South Patrick Drive.
 5. Square footage of the residential use shall not exceed 50% of the total square footage of the development. Garages and porches shall not be included in calculating the residential square footage.
 6. Maximum of seven residential units per acre (except that at least two dwelling units are permitted regardless of the resulting density).
 - (c) *Conditional uses.* Conditional uses are as follows:

- (1) Automobile fuel stations.
 - a. Automobile fuel stations must be located at a signalized intersection.
 - b. Automobile fuel stations must maintain at least a 50-foot separation between any equipment and residentially used or zoned property.
 - c. A traffic study shall be required at time of application as prescribed in subsection 30-303(4).
 - d. Separation/setback distances shall not be subject to a variance.
- (2) Child care centers complying with state licensing requirements.
- (3) Wholesale businesses.
- (4) Hospitals.
- (5) Public and private utility services, accessory buildings and structures, excluding sanitary landfills, incinerators, refuse dumps and solid waste transfer stations.
- (6) Funeral homes.
- (7) Recreation facilities and clubs, public and private.
- (8) Cultural institutions, including but not limited to museums, libraries, community centers, and botanical and zoological gardens.
- (9) Adult bookstores, adult dancing establishments and adult motion picture theaters.
 - a. *General requirements.* A conditional use for these uses may be granted only if the applicant demonstrates that:
 1. The proposed use and site plan are in harmony and consistent with the purpose of this chapter.
 2. The proposed use is in conformance with all applicable requirements and regulations of this chapter.
 3. The proposed use will not substantially impair the integrity of any validly approved comprehensive plan, and will be consistent with the comprehensive plan.
 4. The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.
 5. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
 6. The proposed use and site plan otherwise comply with the provisions regarding conditional uses and the proposed zoning

district as provided in this chapter.

- b. *Imposition of special conditions.* As a part of the conditional use approval, the council may restrict advertisement, outdoor display and the location of merchandise, and may impose other reasonable requirements deemed necessary to safeguard the health, safety, morals and general welfare of the community.
- c. *Access by underage persons.* The owner and all employees of the establishment shall prohibit access to the premises by any person who is under the age of 18 years old.
- d. *Prohibited locations.*
 - 1. No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control over an adult bookstore, adult motion picture theater or adult dancing establishment within 1,000 feet of another such establishment, within 500 feet of any institutional use or property used for institutional purposes, within 500 feet of any preexisting religious institution or school, within 500 feet of an area zoned or used for residential use within the city, or within 1,000 feet of an establishment that in any manner sells or dispenses alcohol. The distance requirement set out in this subsection shall be considered locational only.
 - 2. Notwithstanding the provisions of the subsection 1. of this subsection, no adult entertainment establishments shall be allowed north of Roosevelt Avenue on the South Patrick corridor and 500 feet south of Jackson Avenue on the A1A corridor.
- e. *Measurement of distance.* Distance from a proposed adult entertainment establishment to an existing adult entertainment establishment, a residential area, a church, an establishment that sells or dispenses alcohol, or a school shall be measured from the nearest point that the property lines upon which such uses are located are to each other.

(10) Churches and places of worship.

(11) Repair service establishments for items such as household appliances, radios and televisions, air conditioning equipment, electrical appliances, photo equipment, lawn maintenance equipment and small engines (less than 25 horsepower).

(12) Towers and monopoles subject to regulations set forth in section 30-580.

~~(13) Residential use above commercial use in a commercial structure, subject to the following:~~

- ~~a. This conditional use shall apply only to those commercial properties located within the portion of the commercial district situated north of Park~~

~~Avenue west of State Road A1A and east of South Patrick Drive (the
"Town Center Mixed-Use Overlay" area).~~

- ~~b. Residential use must be clearly and permanently secondary to the primary commercial use.~~
- ~~c. Residential use shall not be permitted on the first floor.~~
- ~~d. Square footage of the residential use shall not exceed the square footage of the commercial use within the same structure. Garages and porches shall not be included in calculating the residential square footage.~~
- ~~e. Maximum of 200 residential above commercial units in this entire area.~~
- ~~f. Maximum of five residential units per acre.~~
- ~~g. Maximum floor area ratio of 1.0 on any lot.~~

(Ord. 1028, §§1 and 2, 3-3-10)

(4413) Outdoor boat sales on west side of South Patrick Drive.

(4514) Auto, marine and equipment repair shop.

(4615) In addition to complying with the general conditional use requirements of this Code, pain management clinics shall comply with the provisions of Section 30-621 of this Code.

(Ord. 1033, §3, 6-16-10)

- (d) *Prohibited uses.* The following uses are prohibited:
 - (1) Trailer parks.
 - (2) New and used car sales.
 - (3) Car rental agencies or facilities.
 - (4) Trailer sales or rental agencies.
 - (5) Kennels.
 - (6) Drive-in theaters.
 - (7) Warehousing.
 - (8) Self-storage facilities.
 - (9) Contractor storage yards.
 - (10) Any use operating, using, conducting, utilizing, carrying on or incorporating, or seeking to operate, use, utilize, carry on or incorporate, any exception to the gambling laws of this state set forth in F.S. § 849.161(a).

- (11) All uses not specifically listed as a permitted or conditional use.
- (e) *Property development regulations.* Property development regulations are as follows:
 - (1) Minimum lot area and dimensions:
 - a. *Area:* 10,000 square feet.
 - b. *Width:* 100 feet.
 - c. *Depth:* 100 feet.
 - (2) Minimum setback requirements:
 - a. *Front:* 25 feet.
 - b. *Side interior and rear:* 15 feet, or 25 feet if adjacent to a dedicated right-of-way or adjacent abutting residential use.
 - c. *Street side yard:* 20 feet
 - (3) Minimum building separation: 15 feet.
 - (4) Maximum building height: 35 feet west of Highway A1A and 65 feet east of Highway A1A. Flat roofs must not be visible with the use of architectural amenities such as a mansard roof. Reference section 30-422(b).

Except for separate accessory residential structures with garages, which shall be limited to a maximum building height of 35 feet, Aaccessory structures such as garages, sheds, tanks and other structures that are incidental to the primary use shall not extend higher than the main structure and in no case exceed 20 feet in height.
 - (5) Maximum lot coverage: 70 percent.
 - (6) Maximum impervious area: 70 percent.
 - (f) *Shared access and parking areas.* No side interior setbacks for landscaping are required provided all of the following are met:
 - (1) Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.
 - (2) Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of 150 feet is maintained; or access is provided by an approved frontage road.
 - (3) Easements and/or written assurances of shared and common facilities from all property owners involved must be approved prior to the issuance of a building permit or establishment of separate ownership.

If adjacent developments meet all of the requirements described above and, additionally, have buildings on adjacent parcels under separate ownership joined by a common wall,

no side interior building setbacks are required.

The parcel must comply with any approved site plan.

(Ord. 899, §1, 1-19-05; Ord. 905, §§1, 2, 5-25-05; Ord. 968, §1, 7-18-07; Ord. 972, §§10--12, 8-15-07)

Sec. 30-424. Off-street parking.

(a) *Purpose.* The purpose of this section is to create an efficient and safe system of on-site traffic circulation which accommodates vehicles, bicycles, and pedestrians and provides for adequate parking and loading in a manner which ensures compatibility of such activities with nearby properties.

(b) *General requirements for off-street parking.*

(1) *Installation required.* Off-street parking required by this section shall be provided for all development before a certificate of occupancy is issued for any principal structure or at the time any principal structure is increased in capacity.

(2) *Illumination.* The parking area of any commercial or public area for nighttime use shall be illuminated by electric lights, and the light source shall be shielded from all residential areas.

(3) *Maintenance.* All off-street parking areas shall be well maintained and clearly striped, with all lighting in working condition.

(4) *Handicap parking.* The requirements for handicap parking shall be in accordance with applicable Florida Statutes.

(5) *Size of parking spaces.* All parking spaces, except for handicap, shall be a minimum of ten feet by 20 feet.

(c) *Off-street parking spaces.* For all zoning districts, in addition to the garage parking spaces required by each zoning district for all residential dwelling units, the following off-street parking spaces shall also be required:

- (1) For ~~accessory residential units above a commercial use, in a mixed commercial and residential development the following parking requirements shall apply:~~ at least one off-street parking space shall be required for each unit.
 - a. Developments with seven or fewer accessory residential units, at least one off-street parking space shall be required for each residential unit.
 - b. Developments with eight or more residential units, at least one and one-half (1.5) off-street parking spaces shall be required for each residential unit.
- (2) For all other residential units, at least two off-street parking spaces shall be required for each unit.
- (3) For non-residential uses, the off-street parking space requirements in the following table shall apply.

Non-Residential Off-Street Parking Space Requirements ¹				One Bicycle Space per # Auto Spaces	
	for each 175 sq. ft.	for each 200 sq. ft.	for each 300 sq. ft.	for each space	for each 10 spaces
Auto, marine, or equipment repair shops	X			N/A	N/A

Assembly facilities (religious, auditoriums and concert halls, commercial recreation establishments) ^{#2}					X
Private recreation facilities, clubs, and lodges ^{#2}					X
Eating and drinking establishments ^{#4}					X
Private schools ^{#3}				X	
Cultural facilities		X			X
Banks, credit unions, and retail stores			X		X
Personal services establishments			X		X
Offices, business and professional			X		X
Veterinary clinics			X		X
Nursing and convalescent homes ^{#3}				N/A	N/A
Medical and dental		X			X

¹ For uses not included in this table, the building official shall determine the number of off-street parking spaces based on requirements for similar uses and appropriate traffic engineering and planning data. For unusual circumstances, the building official shall determine the number of off-street parking spaces based on a parking study prepared by a professional traffic engineer and appropriate traffic engineering and planning data.

² One auto space for each four seats.

³ One auto space per employee on the largest shift and one space per each 500 sq ft.

⁴ One auto spaces for each three seats.

Public Comments

Anthony Romero of Dale Sorenson Real Estate spoke in favor of this change to allow properties to develop at their highest and best use.

Sisi Packard **MOVED, SECOND** Dale Howlett to recommend approval of the changes to Sections 30-416 and 30-424 as presented. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:20] PZ # 2-15 DISCUSS/MAKE RECOMMENDATIONS TO AMEND THE LAND DEVELOPMENT REGULATIONS SECTION 30-706, NUISANCE TREES, TO ESTABLISH A REMOVAL DATE FOR INVASIVE TREES

Mr. Stone provided the history of this item, noting that the policy had been to not enforce this section until all invasive trees were removed from City property. The City is now in compliance and would like a date set for the removal of invasive trees throughout the City. Mr. Stone then responded to questions from the board.

Sec. 30-706. Nuisance trees.

The following trees are considered non-native noxious invasive species and must be removed by a date to be announced by the city _____ DATE _____.

Brazilian pepper	<i>Schinus terebinthifolius</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Australian pine	<i>Causarina equisetifolia</i>

(Ord. 972, §36, 8-15-07; Ord. 982, §3, 12-19-07)

Public Comments
None

Dale Howlett **MOVED, SECOND** Michele Jones to recommend amending Section 30-706 to set the date for the removal of invasive trees 90 days after the adoption of the ordinance. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:36] PZ # 3-15 DISCUSS/MAKE RECOMMENDATIONS TO AMEND THE LAND DEVELOPMENT REGULATIONS SECTION 30-416, C, COMMERCIAL TO MAKE CHANGES TO ACCESSORY STRUCTURES AND USES, THEREBY ALLOWING FOR BOAT STORAGE

Mr. Stone provided the history of boat storage within the City. He explained that the City would like to consider allowing boat storage as an accessory use to a primary permitted or conditional use.

30-416(b)(11) Accessory structures and uses when permitted in any more restrictive district, and any use permitted in this district as a principal use when incidental to another principal use of the property.

(b) Boat storage is allowed as an accessory use to a commercial principle use if the following standards are met:

1. Property must be 0.5 acres or greater.
2. Property has a principal structure building 2000sf or larger.
3. Boats in storage area to be substantially screened from view by fence or wall.
4. Property is required to meet or exceed minimum landscaping code requirements as a condition of permitting.
5. Storage yard access points to be provided with motion activated security lighting.

Public Comments
None

Sisi Packard **MOVED, SECOND** Dale Howlett to recommend amending Section 30-416(b) to make changes to accessory structures and uses, thereby allowing for boat storage as presented. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:46] ELECTION OF CHAIR AND VICE CHAIR

Frank Fortino nominated Tom Romanisko for Chair. **VOTE:** All yes. **MOTION CARRIED.**

Dale Howlett nominated Frank Fortino for Vice-Chair. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:47] APPROVAL OF MINUTES: NOVEMBER 17, 2014

Dale Howlett **MOVED, SECOND** Sisi Packard to approve the minutes of the November 17, 2014 meeting as presented. **VOTE:** All yes. **MOTION CARRIED.**

[TIME 7:47] ANNOUNCEMENTS

Mr. Stone talked about some new businesses coming into the City.

NEXT REGULAR MEETING: DECEMBER 15, 2014

The meeting adjourned at 7:52 pm.

Respectfully submitted:

Tania Miner
Recording Secretary

#11
7-15-15

AGENDA
CITY COUNCIL
PROPOSED SPECIAL MEETING

SATELLITE BEACH COUNCIL CHAMBER
565 CASSIA BOULEVARD, SATELLITE BEACH, FL 32937

JULY 23, 2015
7:00 P.M.

- 1. CALL TO ORDER BY MAYOR CATINO**
- 2. DISCUSS/TAKE ACTION ON PRESENTATION OF FY 15/16 BUDGET**
- 3. DISCUSS/TAKE ACTION ON SETTING PROPOSED MILLAGE FOR FY 15/16**

AGENDA

CITY COUNCIL
PROPOSED REGULAR MEETING

SATELLITE BEACH COUNCIL CHAMBERS
565 CASSIA BOULEVARD, SATELLITE BEACH, FL 32937

AUGUST 5, 2015
7:00 P.M.

1. CALL TO ORDER BY MAYOR CATINO
2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE LED BY VICE-MAYOR MONTANARO
3. CITIZEN COMMENTS
4. CITY COUNCIL COMMENTS
5. CITY MANAGER REPORT
6. DISCUSS/TAKE ACTION ON RESULTS OF REQUEST FOR PROPOSALS FOR UTILITY TAX REVENUE NOTE, SERIES 2015 (RFP NO. 14/15-09)
7. DISCUSS/TAKE ACTION ON RESULTS OF INVITATION TO BID FOR ROOSEVELT AVENUE IMPROVEMENTS AND 2015 ROAD RESURFACING PROGRAM (RFP NO. 14/15-10)
8. DISCUSS/TAKE ACTION ON AGREEMENT BETWEEN THE CITY OF SATELLITE BEACH AND PATRICK AIR FORCE BASE FOR A LEASE OF THE FOOTBALL FIELD
9. PUBLIC HEARING:

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1107, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-706, SATELLITE BEACH CITY CODE, ESTABLISHING AN EFFECTIVE DATE TO REMOVE NUISANCE TREES DEFINED THEREIN; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE (SECOND READING)

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to insure that a verbatim transcript of the proceedings is made. In accordance with the Americans with Disabilities Act and Section 286.26, FSS. Persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office.

10. PUBLIC HEARING:

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1108, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-416, COMMERCIAL DISTRICT, SATELLITE BEACH CITY CODE, TO AUTHORIZE BOAT STORAGE AS AN ACCESSORY USE, WITH CONDITIONS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE (SECOND READING)

11. DISCUSS/TAKE ACTION ON RESOLUTION NO. 956, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, IMPOSING AN ANNUAL STORMWATER UTILITY ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AGAINST ALL REAL PROPERTY WITHIN THE CITY LIMITS OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA; PROVIDING FOR CLASSIFICATIONS OF PROPERTY; PROVIDING FOR CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE

12. DISCUSS/TAKE ACTION ON THE SCHOOL RESOURCE OFFICER CONTRACT RENEWAL

13. AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

14. APPOINTMENT TO BOARDS

15. ADOPTION OF MINUTES:

#12

7-15-15

**CITY COUNCIL WORKSHOP MEETING
UNAPPROVED MINUTES
JULY 1, 2015**

A meeting was publicly noticed to be held on Wednesday, July 1, 2015, at 6:50 p.m., in the Council Chambers. It was determined that Ad Hoc Green Committee applicant Dylan Hansen did not meet the criteria for serving as a Committee member, although he was welcome to attend the meetings and provide his input and expertise. Council determined that, due to the findings, there was not a need to interview Mr. Hansen, and the workshop meeting was not held.

Leonor Olexa, CMC
City Clerk

**CITY COUNCIL REGULAR MEETING
UNAPPROVED MINUTES
JULY 1, 2015**

Pursuant to Public Notice, Mayor Frank Catino convened a regular meeting of the City Council on Wednesday, July 1, 2015, at 7:06 p.m., in the Council Chamber. Those present were Mayor Frank Catino, Vice-Mayor Dominick Montanaro, Councilman Mark Brimer, Councilwoman Lorraine Gott, Councilman Steve Osmer, City Attorney James Beadle, City Manager Courtney Barker, and City Clerk Leonor Olexa.

Councilman Osmer led a moment of silence and the Pledge of Allegiance.

(TIME: 7:07) RECOGNITION BY THE SATELLITE HIGH SCHOOL ROBOTICS PROGRAM TO CITY COUNCIL

Charles Krininger and Bots of the Round Table members thanked Council for allowing them to utilize the Civic Center to hold their robotics meetings, which has resulted in mentoring students, increasing sponsorships, incorporating LEGO robotics, receiving a NASA grant to allow for team expansion, and enabling the prestigious honor of having one of the mentors attend USAF's 2015 Leadership Program. Council thanked the robotics program participants for their contributions.

(TIME: 7:12) RECOGNITION OF THE SATELLITE BEACH LIONS CLUB DONATIONS FOR THE CASSIA BOULEVARD BENCHES

Public Works Director Allen Potter expressed the City's appreciation for the Satellite Beach Lions Club donations of \$1,600 to purchase benches installed along Cassia Boulevard. Council thanked the Lions Club for their contributions and emphasized the importance of the organization and continued partnership with the City.

(TIME: 7:16) CITIZEN COMMENTS

The following Satellite Beach resident addressed Council: Dan Genovesi addressed the Roosevelt Avenue meeting and future Park Avenue meeting to address street improvements.

(TIME: 7:19) CITY COUNCIL COMMENTS

Vice-Mayor Montanaro attended the Roosevelt Avenue Reconstruction Project meeting, a Florida League of Cities pension seminar, and an FLC Policy Committee meeting.

Mayor Catino attended an FLC pension seminar and addressed changes in laws.

(TIME: 7:21) CITY MANAGER REPORT

City Manager Barker reported on Indian Harbour Beach's 60-year Celebration (Council requested sending our City's congratulations), Florida legislative updates to be presented at the next meeting, Roosevelt Avenue Reconstruction Project meeting, a letter mailed to Park Avenue residents to schedule a meeting to address residents' concerns about street improvements (Council requested a copy of the letter), the first meeting of the Green Committee, and thank-you letters received for Assistant Finance Director Christine Fain (for managing our employees' United Way fundraising) and Corporal Steve Owens (for assisting a resident). She also requested Council to approve sending a letter to the County Commission supporting the School District's proposal to reduce the number of School Impact Fee Benefit Districts from four to two.

Mayor Catino asked for citizen comments; there were no comments.

ACTION: Councilwoman Gott MOVED, SECOND Councilman Brimer, to submit the letter to the Brevard County Commission. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:29) PRESENTATION BY ARCHITECT DAVID GODWIN ON MIXED-USE

Architect David Godwin presented an overview of live/work mixed-use, its benefits, and successes in enhancing urban development. Council discussed mixed use, including its value in addressing non-conforming lots in the City.

(Time: 7:37) The following Satellite Beach resident addressed Council: Bob Chitty.
The following non-resident addressed Council: Anthony Romaro.

(TIME: 7:44) DISCUSS/TAKE ACTION ON ORDINANCE NO. 1103, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, DELETING THE TOWN CENTER MIXED-USE DISTRICT AND ALLOWING MIXED-USE AS AN ACCESSORY USE IN THE COMMERCIAL ZONING DISTRICT, REVISING THE FUTURE LAND USE MAP AND AMENDING THE FUTURE LAND USE ELEMENT OF THE 1998 COMPREHENSIVE PLAN, AS AMENDED, OCTOBER 1, 2014, BASED ON THE CITY'S UPDATED DATA AND ANALYSIS OF THE COMPREHENSIVE PLAN; REVISING AND UPDATING EXISTING GOALS, OBJECTIVES AND POLICIES IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Attorney Beadle read Ordinance No. 1103 by title on first reading. Councilwoman Gott noted that Exhibit A, Page 1-7, Policy 1.9.2 should include "and Services" after the word "Commercial."

Mayor Catino asked for citizen comments; there were no comments.

ACTION: Councilwoman Gott MOVED, SECOND Councilman Brimer, to approve Ordinance No. 1103 on first reading as amended. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:47) DISCUSS/TAKE ACTION ON ORDINANCE NO. 1106, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-416(a) AND (b)(11), COMMERCIAL DISTRICT, SATELLITE BEACH CITY CODE, TO AUTHORIZE RESIDENTIAL USE AS AN ACCESSORY USE, WITH CONDITIONS; REPEALING SECTION 30-416(c)(13), SATELLITE BEACH CITY CODE, WHICH PROVIDED RESIDENTIAL USE AS A CONDITIONAL USE AND RENUMBERING; AMENDING SECTION 30-416(e)(4), SATELLITE BEACH CITY CODE, REGARDING MAXIMUM BUILDING HEIGHT; AMENDING SECTION 30-424(c), SATELLITE BEACH CITY CODE, TO PROVIDE FOR OFF-STREET PARKING REGULATIONS FOR MIXED COMMERCIAL/ RESIDENTIAL DEVELOPMENT; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE (FIRST READING)

City Attorney Beadle read Ordinance No. 1106 by title on first reading.

Mayor Catino asked for citizen comments; there were no comments.

ACTION: Councilman Brimer MOVED, SECOND by Vice-Mayor Montanaro, to approve Ordinance No. 1106 on first reading. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:49) DISCUSS/TAKE ACTION ON INTERLOCAL AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT BETWEEN THE CITY OF SATELLITE BEACH AND BREVARD COUNTY

City Manager Barker reported on the existing Interlocal Cooperation Agreement with Brevard County regarding the CDBG program providing federal funds for infrastructure improvements and affordable housing for low- and moderate-income areas within the County.

Mayor Catino asked for citizen comments; there were no comments.

ACTION: Vice-Mayor Montanaro MOVED, SECOND by Councilman Brimer, to approve the Mayor to execute the Community Development Block Grant Interlocal Agreement with Brevard County. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:51) DISCUSS/TAKE ACTION ON CITY MANAGER SALARY ADJUSTMENT

Councilwoman Gott provided information on the following: survey data on Florida city managers obtained from Colin Baenziger, areas of City services unique to Satellite Beach, specific achievements of City Manager Barker, and compensation paid to our Acting City Manager and to managers of demographically-comparable Brevard cities (Indian Harbour Beach, Cocoa Beach, and Cape Canaveral). She noted that Ms. Barker is the lowest-paid of these managers, even though she oversees a more complex operation than most.

ACTION: Councilwoman Gott MOVED to increase Ms. Barker's annual salary to \$122,500 effective on the second anniversary of her hiring. Council discussed Councilwoman Gott's proposal, Mr. Baenziger's data, Ms. Barker's accomplishments, fairness in employee salaries, maintaining the proposed salary for the next three years, and the need to address City Manager benefits and salary-increase policies at a future meeting.

(Time: 8:09) The following Satellite Beach residents addressed Council: Joanne Regan, Gabe Feindt, and John Fergus.

ACTION: Councilwoman Gott MOVED to amend her motion, SECOND by Councilman Brimer, to increase City Manager Barker's annual salary to \$122,500 effective April 15, 2015 (her second anniversary date with the City), with that amount to be constant for three years. VOTE: ALL YES. MOTION CARRIED.

Council expressed their appreciation of City Manager Barker's exceptional accomplishments.

(TIME: 8:18) AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

Council discussed agenda items for the next regular Council meeting. Vice-Mayor Montanaro recommended scheduling Representative Rich Workman at a future meeting to discuss Legislative Session information.

(TIME: 8:20) ADOPTION OF MINUTES: MAY 20, 2015, REGULAR MEETING, JUNE 17, 2015, WORKSHOP MEETING, AND JUNE 17, 2015, REGULAR MEETING

ACTION: Vice-Mayor Montanaro MOVED, SECOND by Councilman Osmer, to approve the minutes as submitted. VOTE: ALL YES. MOTION CARRIED.

(TIME: 8:21) APPOINTMENT TO GREEN COMMITTEE

Council did not appoint applicant Dylan Hansen, because he did not meet the requirement of being a registered voter in the City. Mr. Hansen is certified in Leadership in Energy Efficiency Design (L.E.E.D.) and is willing to provide his input at future Green Committee meetings.

Mayor Catino adjourned the meeting at 8:22 p.m.

June '15						
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City of Satellite Beach

July 2015

August '15						
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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 6:00 p.m. CRA	2 7:00 p.m. Green Committee	3 CANCELLED Beautification Board HOLIDAY	4 Independence Day
5	6 CANCELLED BOA 4:30 p.m. South Beach Coalition	7	8	9 CANCELLED Green Committee	10	11
12	13 7:00 p.m. SCLC	14 6:00 p.m. Library Board 6:15 p.m. Rec Board 7:00 p.m. Green Committee	15 7:00 p.m. City Council	16 CANCELLED CRAAB	17	18
19	20 CANCELLED PZAB	21 6:00 p.m. Samsons Island	22	23 1:00 p.m. Ethics Training-Civic Ctr 7:00 p.m. City Council Special Meeting	24	25
26	27 7:00 p.m. CPAB	28 7:00 p.m. CEB	29	30 7:00 p.m. Green Committee	31	

City of Satellite Beach

August 2015

July '15

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September '15

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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2	3 7:00 p.m. BOA	4	5 6:00 p.m. CRA 7:00 p.m. City Council	6	7 9:00 a.m. Beautification Board	8
9	10 4:30 p.m. South Beach Coalition 7:00 p.m. SCLC	11 6:15 p.m. Recreation Board	12	13 7:00 p.m. CRA Board	14	15
16	17 7:00 p.m. PZAB	18 6:00 p.m. Samsons Island	19 7:00 p.m. City Council	20 7:00 p.m. CRAAB	21	22
23	24 7:00 p.m. CPAB	25 7:00 p.m. CEB	26	27 2:00 p.m. Retirement Boards	28	29
30	31					