City Council Meeting  
Tuesday, February 25, 2020 - 7:00 PM

TO THE MEMBERS OF THE CITY COUNCIL OF PORT RICHEY, FLORIDA
TO THE CITY MANAGER, CITY CLERK, DEPARTMENT HEADS, AND CITY ATTORNEY OF SAID CITY

Notice is hereby given that a Regular Meeting of the City Council of Port Richey, Florida will be held at 7:00 PM on Tuesday, February 25, 2020, at City Hall, 6333 Ridge Road, Port Richey, Florida.

CALL TO ORDER - Mayor Scott Tremblay

INVOCATION

PLEDGE OF ALLEGIANCE - Mayor Scott Tremblay

ROLL CALL - Sal Licari, City Clerk

APPROVE COUNCIL MINUTES

1. CCM 2.11.20

COMMENTS FROM THE GENERAL PUBLIC

COMMENTS FROM THE CITY MANAGER
Report of Emergency Expenditure less than $25,000.00

COMMENTS FROM THE MAYOR & CITY COUNCIL

AGENDA

CONSENT AGENDA

2. Consent Agenda

$ 26,404.75 Payroll Taxes for January 27, 2020 to February 9, 2020
$ 16,763.35 Pasco County School Board – School Impact Fee
$ 24,955.76 US Water – To Move and Relocate Well # 5
COUNCIL BUSINESS

3. Consideration of Police Department Vehicle Purchase.
4. Second Reading of Ordinance 20-674 Regarding FEMA Flood Ordinance
5. Consideration of Bid Proposal for the Nicks Park Boat Ramp Repair
6. Discussion on Appointment of Members on Boards and Committee

OLD BUSINESS

ADJOURN

If a person decides to appeal any decision made by a board or council with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-816-1900 Ext. 112 or fax a written request to 727-816-1916 with a twenty-four (24) hour notice.
Item Attachment Documents:

1. CCM 2.11.20
City Council Meeting
Tuesday, February 11th, 2020 - 7:00 PM

MINUTES

CALL TO ORDER - Mayor Scott Tremblay

INVOCATION - City Manager Vincent Lupo gave the invocation.

PLEDGE OF ALLEGIANCE - Mayor Scott Tremblay

ROLL CALL - Sal Licari, City Clerk

PRESENT:
Mayor Scott Tremblay
Councilwoman Jennie Sorrell
Councilman Todd Maklary
Councilman Tom Kinsella

ABSENT:
Vice Mayor William Dittmer

APPROVE COUNCIL MINUTES

1. CCM 1.28.20

A motion made to approve the 01.28.20 City Council minutes.

The motion made by Councilman Maklary and seconded by Councilwoman Sorrell.
Voting Yea: Mayor Tremblay, Councilwoman Sorrell, Councilman Maklary, and Councilman Kinsella

BOARDS & COMMITTEES

Carl Roth - 8031 Island Drive, Chairman of the Port Authority Board, addressed the Council. He provided a background of the PAB responsibilities and the current membership. He explained issues that the PAB has addressed, such as regulatory signage for idle and slow speed zones in waterways, provided input on dredging & permitting, and suggestions of waterfront development boating access. Chairman Roth stated that he wanted to reintroduce the PAB to the Council and form an understanding with the Council of the PAB’s role and priorities that would best serve the
citizens of Port Richey. Chairman Roth announced that the next PAB meeting would be on Tuesday, 2.18.20, at 7:00 PM.

Mayor Tremblay asked the Council what direction the PAB should go in. Councilman Maklary suggested assisting the PAB with reaching out to citizens for their opinion on dredging, to discuss what would be the best way to fund dredging, increase the frequency of PAB meetings, and to come up with a conclusion if the continuation of dredging is even possible. Mayor Tremblay mentioned to Council the outcome of the Pasco County RESTORE ACT meeting that he attended on February 6th. The Mayor explained that during that meeting, other areas near the Port Richey area are in the process of being dredged. The Mayor stated that funding for dredging would be the City’s biggest hurdle and agreed that the PAB should meet to discuss direction and funding of dredging. Councilwoman Sorrell promoted the PAB as the best source to address dredging. She commented that this would be the best time to compile dredging information since other areas surrounding Port Richey are also beginning to dredge. Councilman Maklary recommended schedule setting to see how long to gain input from citizens, the best way to bring the issue to a conclusion. Carl Roth asked Council what kind of time frame is the Council suggesting. The City Manager said he would work with Carl Roth to discuss scheduling and timeline of the budget process. Councilman Kinsella asked Carl Roth about the frequency of PAB meetings. Carl Roth stated he was waiting for this meeting with the Council to go forward and set a time table and future discussions. Mr. Roth concluded that the PAB might meet every third Tuesday of each month and stay with that schedule.

COMMENTS FROM THE GENERAL PUBLIC

Leonard Lord - 8114 Leo Kidd Avenue: He advocated the Council about tax assistance at the church on Thursday, Friday, and Saturdays. Pastor Lord mentioned the forty (40) days of prayer event that will be every Wednesday starting on February 26th at the Oasis coffee shop at 6:30 PM., a presentation of a movie called The Favorite at the Oasis next Wednesday the 19th, an Easter egg hunt at the Waterfront Park on April 11th, and Troy Pederson has food for donation.

Troy Pederson - 6827 Sandra Drive: Addressed the Council that he has food to donate for people who need it. He reported that he has been giving away food at the Church with Pastor Lord. Troy Pederson concluded by quoting passages to the Council.

Pat Rogers - 4838 Sunset Boulevard: Thanked the Public Works Department for picking up brush debris in the City and especially at the Light of the World church.

Dave Mueller – 5439 Bluepoint Drive: Explained to Council that he has had discussions with Carl Roth about dredging. He voiced concerns to the Council about the deadline with the dredging permits and if a direct source could address the most troubled areas in different canals.

COMMENTS FROM THE CITY MANAGER

The City Manager opened with that the new sand filters are in the process of being installed at the Water Plant. He provided a handout to Council that illustrated an up to date project list and water production report. All reports are available on the website for citizens to view. The City Manager reported to Council about the renewal of the Fire Department NARCAM grant, the US 19 median project completions, and the signage and equipment for the WOD traffic pattern have been
delivered. The City Manager concluded that staff would send out notifications and implement the new traffic pattern in the WOD that was approved by the Council. Mayor Tremblay recommended starting the traffic pattern on a weekday to ease traffic into it before the busy weekend.

COMMENTS FROM THE MAYOR & CITY COUNCIL

Mayor Tremblay announced the upcoming boat parade would be starting in Port Richey and travel into New Port Richey; he would provide dates and times for the parade at a future Council meeting, and asked if the Fire & Police Department boats can be on the water during the parade. The Mayor expressed excitement about the playground progress at the Waterfront Park.

Councilwoman Sorrell suggested that the City parking lot have more lighting. She expressed that the City is moving forward positively. Councilwoman Sorrell also congratulated the Fire Department on receiving the NARCAM grant and was pleased that the sand filters installation has begun.

Councilman Kinsella opened with stating to Council that any chance to display the City boats is a great opportunity. He announced that the Citizens Advisory Committee had a meeting in January. Linda Rodriguez selected as Chairperson, Laurie Simpson is the Vice-Chairperson, and Angel Nally is the Secretary. The CAC will continue to meet on the first Thursday of each month at 7:00 PM. A meet your neighbor event will be held at Shark Bites on Wednesday, February 19th, from 5:30 to 7:00 PM. Councilman Kinsella and Mayor Tremblay mentioned the 5th annual Cancer Walk / Crawl on Sunday, 2/16/20, starting in Sandpebble Condos to the Waterfront Overlay District. All proceeds will go to Moffit Cancer Center to help support grants for Digna / cold cap assistance.

AGENDA

CONSENT AGENDA

2. Consent Agenda for February 11, 2020, Council Meeting

$ 26,552.03 Payroll Taxes for January 13, 2020 to January 26, 2020
$ 63,302.25 January FRS
$ 65,000.00 Morelli Landscaping – US 19 Landscape Improvements
$ 28,767.29 Pasco County Utilities US 19 by Home Depot TS-2 11/27/19 to 12/27/19
$ 23,353.31 Pasco County Utilities Lolas TS-1 11/27/19 to 12/27/19

A motion made to approve the 02.11.20 Consent Agenda.

The motion made by Councilwoman Sorrell and seconded by Councilman Maklary. Voting Yea: Mayor Tremblay, Councilwoman Sorrell, Councilman Maklary, and Councilman Kinsella.

COUNCIL BUSINESS

3. Consideration of Police Department Vehicle Purchase
The City Manager presented to Council the cost proposal from Bozard Ford for the purchase of two (2) 2020 Ford Interceptors for the Police Department. The City intends to utilize the State of Florida Sherriff’s Association (FSA) Contract # FSA 19-VEL27.0 for the purchase of these vehicles. Funds for this line item is budgeted in the Penny for Pasco Fund (117-21-650). The City Manager explained to the Council that the City has the budget for the two-car purchases. The City Manager strongly suggested staying with this purchase cycle, which would stay within the budget and start a two-car replacement plan every year. He concluded that there had been an approximate 24% staff increase in the Police Department over the past four years.

Mayor Tremblay raised the issue to the Council of what is the most cost-effective purchase for the City. The Mayor suggested car and body cameras also be a budget discussion issue. Finance Advisor Andrew Laflin presented the options to the Council of leasing or purchasing. Mr. Laflin explained that under a three-year lease, the interest PNC 3% 613.00 per vehicle is the lowest rate. The other entities were charging a 7 - 8% 10,800 - 50,000 in interest for six years. Mr. Laflin continued to explain to the Council the interest and options for purchasing or leasing.

The Council discussed the option of leasing or purchasing cars. Councilwoman Sorrell recommended the two-car purchase but suggested to increase the number of cars for the next budget. Councilman Kinsella asked how long will the remainder of the Police Department fleet last. Chief DeCanio said he is not certain how long the rest of the fleet and spare cars will last until the next budget. Councilman Kinsella advocated concerns of liability against the City.

Councilman Maklary inquired about the choice of police vehicles requested and discussed approximate figures and purchase options with Mr. Laflin. Chief DeCanio explained that the SUV provides more room for police equipment. Councilman Kinsella asked about the quotes between the two companies.

There was a continued discussion with the Council and staff that it may cost the same to lease six cars than purchasing two cars. The City Manager, The Assistant City Manager, and the City Attorney also discussed with the Council about being within the guidelines for purchasing.

Dave Mueller - 5439 Bluepoint Drive: He recommended to the Council that a comparison be presented to Council that would show all purchasing options before moving forward.

Pat Rogers - 4838 Sunset Boulevard: She commented to Council that vehicle purchases will always be a topic as long as there is a City; she recommended continuing a purchase rotation program to avert high costs.

Troy Pederson – 6827 Sandra Drive: He addressed the Council to have Chief DeCanio present his recommendation for a vehicle purchase option.

A motion made to continue the discussion of police vehicle purchase at the next Council meeting and present a spreadsheet to show the lease or purchase options for the next three years.

The motion made by Councilman Maklary and seconded by Councilman Kinsella.
Voting Yea: Mayor Tremblay, Councilwoman Sorrell, Councilman Maklary, and Councilman Kinsella
4. First Reading of Ordinance 20-674 Regarding FEMA Flood Ordinance

The City Attorney introduced to Council the first reading of ordinance 20-674 an amendment to the City’s Land Development Code, Specifically Chapter 109 “FLOOD DAMAGE PREVENTION.” Building Official Dallas Foss also provides an explanation of the proposed ordinance and that the Community Rating System (CRS) is a voluntary, incentive-based community program that recognizes, encourages, and rewards local floodplain management activities that exceed the minimum standards of the National Flood Insurance Program (NFIP). Dallas Foss also explained that staff specifically added to the Code of Ordinances Chapter 10, “Buildings and Building Regulations” Section 10-26. These are the more stringent Florida Building Code changes necessary to comply with our CRS rating.

A motion made to approve the First Reading of Ordinance 20-674 regarding FEMA Flood Damage Protection.

The motion made by Councilwoman Sorrell and seconded by Councilman Kinsella.
Voting Yea: Mayor Tremblay, Councilwoman Sorrell, Councilman Maklary, and Councilman Kinsella

5. Appointment of Members to Boards and Committees

The City Manager presented to Council the consideration to appointing Chrystal Johnson to the Citizens Advisory Committee.

Councilwoman Sorrell questioned the dedication or sincerity of citizens requesting to be placed on a committee. She asked if an applicant can provide an additional letter of recommendation by a Chairperson of the committee they wish to join. Mayor Tremblay recommended a three meeting minimum. Councilman Kinsella stated that Mrs. Johnson has attended CAC meetings and is very interested in participating. Councilman Maklary also suggested a committee recommendation for future nominees.

Sheri Sharer – 7802 Davis Street: She recommended to Council to nominate Chrystal Johnson to the CAC committee.

A motion made to appoint Chrystal Johnson to the Citizens Advisory Committee.

The motion was made by Councilman Kinsella and seconded by Councilman Maklary.
Voting Yea: Mayor Tremblay, Councilwoman Sorrell, Councilman Maklary, and Councilman Kinsella
OLD BUSINESS

Mayor Tremblay asked the Council to discuss adding parameters for future board appointments. Councilman Kinsella commented that the person wanting to be on a board or committee should come to meetings. Mayor Tremblay asked staff to present standards for board and committee applicants.

Councilwoman Sorrell inquired about garbage pick-up noise issues in the Harbor Isles area. Chief DeCanio replied that JD Parker uses a pick-up truck and not a garbage truck to collect garbage in that area. Councilwoman Sorrell also asked about the Brasher Park gate and mentioned the lack of lighting in the City Hall parking lot. Mayor Tremblay asked Chief DeCanio for graphics on the Police cars that came from Brooksville. Chief DeCanio replied that decals would take about a week or two. The Mayor also commented about the twenty-two computers from Pasco County. Chief DeCanio said that Pasco County is working on the Fire & Police Department coding for the CAD system. Once the coding is complete, and then all the computers can be installed. Chief DeCanio also informed Council that the CAD installation costs had gone down and credits should be applied.

Councilman Maklary inquired about the insurance claim for the Brasher Park gate. The City Manager said it has been about a month since the insurance claim was placed.

Councilman Kinsella praised Chief DeCanio and Police Department that Whiskey River has been complying with noise issues

ADJOURN

A motion made to adjourn the 02.11.20 City Council meeting.

The motion made by Councilwoman Sorrell and seconded by Councilman Maklary.
Voting Yea: Mayor Tremblay, Councilwoman Sorrell, Councilman Maklary, and Councilman Kinsella.
Item Attachment Documents:

2. Consent Agenda

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>$26,404.75</td>
<td>Payroll Taxes for January 27, 2020 to February 9, 2020</td>
</tr>
<tr>
<td>$16,763.35</td>
<td>Pasco County School Board – School Impact Fee</td>
</tr>
<tr>
<td>$24,955.76</td>
<td>US Water – To Move and Relocate Well # 5</td>
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Consent Agenda for February 25, 2020 Council Meeting

General Fund, Utility Fund, Stormwater Utility Fund, and CRA
$ 26,404.75 Payroll Taxes for January 27, 2020 to February 9, 2020

General Fund
$ 16,763.35 Pasco County School Board – School Impact Fee

Utility Fund
$ 24,955.76 US Water – To Move and Relocate Well # 5

Penny for Pasco
3. Consideration of Police Department Vehicle Purchase

Issue:
Please see attached memo for more information.

Action:
The most cost effective strategy is one that requires the lowest expenditure of City funds as represented by Strategy #1. Strategy # 1 recommends the purchase of 2 vehicles as established in the FY’20 budget. Decisions regarding the number of vehicles required for the Police Department to maintain effective service provision are qualitative in nature and were not analyzed quantitatively in this inquiry.
Consideration of Purchase of Police Department Vehicles

**Issue:** The City of Port Richey Police Department is seeking to purchase vehicles utilizing the Florida Sheriffs Association (FSA) contract# FSA 19-VEL27.0. City staff analyzed 3 different strategies for acquiring these vehicles.

**Number of Vehicles:** Total fleet of 20 vehicles which include 18 for active use and 2 spare vehicles to be used, if needed.

**Available this year:** $135,000 (Funds Available in Penny for Pasco Fund 117-21-650.)

**Strategy #1**
Strategy #1: Replace 2 vehicles in FY’20 and replace 2 vehicles every fiscal year thereafter
Estimated Purchase Price: $58,029 x 2 vehicles = $116,058
Estimated Annual Payment (3 Year Financing Arrangement, Annual Payment in Advance): N/A
Estimated Annual Interest Cost: N/A

**Strategy #2**
Strategy #2: Replace 4 vehicles in FY’20 and replace 2 vehicles every fiscal year thereafter
Estimated Purchase Price: $58,029 x 4 vehicles = $232,116
Estimated Annual Payment (3 Year Financing Arrangement, Annual Payment in Advance): $80,000 - $84,000 (depending on lease provider selected)
Estimated Annual Interest Cost: $2,400 - $6,400 (depending on lease provider selected)

**Strategy 3:**
Strategy #3: Replace 6 vehicles in FY’20 and replace 2 vehicles every fiscal year thereafter
Estimated Purchase Price: $58,029 x 6 vehicles = $348,174
Estimated Annual Payment (3 Year Financing Arrangement, Annual Payment in Advance): $120,000 - $126,000 (depending on lease provider selected)
Estimated Annual Interest Cost: $3,600 - $9,600 (depending on lease provider selected)
**Recommendation**: The most cost effective strategy is one that requires the lowest expenditure of City funds as represented by Strategy #1. Strategy # 1 recommends the purchase of 2 vehicles as established in the FY’20 budget. Decisions regarding the number of vehicles required for the Police Department to maintain effective service provision are qualitative in nature and were not analyzed quantitatively in this inquiry.
### Patrol Fleet Analysis

<table>
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<tr>
<th>VIN</th>
<th>Number</th>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>Assignment</th>
<th>Repair Costs</th>
<th>Mileage</th>
</tr>
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<tbody>
<tr>
<td>000</td>
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**Strategy #1:**
- Replace 2 vehicles in FY '19 and replace 2 vehicles every fiscal year thereafter.
- FY '22 Estimated Price: $135,000
- Estimated Annual Payment: (3 Year Financing Arrangement; Annual Payment in Advance): N/A
- Estimated Annual Interest Cost: N/A

**Vehicle Listing**

<table>
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<tr>
<th>Suggested Purchase Price w/o Equipment</th>
<th>Replacement Date</th>
<th>Spare Date</th>
<th>Comments</th>
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<td>Surplus</td>
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**Police Vehicles (#) Year Make Model**

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<th>Year</th>
<th>Make</th>
<th>Model</th>
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<td>Mustang</td>
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</table>

**Additional Information**

- Estimated annual interest cost: N/A
- Estimated annual payment: (3 year financing arrangement; annual payment in advance): N/A
- Available FY '19: $135,000

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*Estimated Annual Payment* (Year rounded off from annual payment extended warranty package)
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<th>Police Veh #</th>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>Assignment</th>
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<tr>
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<td>2011</td>
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<td>Patrol</td>
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</tr>
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</table>

**Requirement:**
Total of 20 fleet vehicles, which includes 18 active for use and 2 spare to be used if needed.

**Available FY19 Budget:** $135,000

**Purchase Price:** 4 vehicles = $232,116

**Estimated Annual Interest Cost:**
- Financing Year: 3% to 4% (depending on lease provider selected)
- Annual in advance: $80,000 - $84,000 (depending on lease provider selected)

**Estimated Annual Interest Cost:**
$2,400 - $6,400 (depending on lease provider selected)
### Equipment Overhaul Project

#### Budget:
- **FY '19 Budget:** $135,000
- **Purchase:** $58,029
- **Annual:** $120,000 (depending on selected provider)

#### Estimated Interest Cost:
- **$9,600**

#### Estimated Annual Overhaul Cost:
- **$3,900**

#### Estimated Annual Freight Price:
- **$3,400**

#### Estimated Freight Price:
- **$3,000**

#### Total Fleet of 20 includes 18 for active use and 2 spare vehicles to be used if needed.

### Equipment Details

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<tr>
<th>#</th>
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<th>Make</th>
<th>Model</th>
<th>Assignment</th>
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<td>Charge</td>
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</table>
NOTE: Costs denoted below do not include repairs due to physical damage to vehicles (accidents, collisions, etc.).

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<tr>
<th>Police Veh #</th>
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<th>Make</th>
<th>Model</th>
<th>Mileage</th>
<th>FY 16</th>
<th>FY 17</th>
<th>FY 18</th>
<th>FY 19</th>
<th>FY 20 VTD</th>
<th>FY 21</th>
<th>FY 22</th>
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<td>Ford</td>
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Police Veh # - Police vehicle number
Year - Fiscal year
Make - Vehicle make
Model - Vehicle model
Mileage - Total mileage
FY 16 - Expenditures for FY 16
FY 17 - Expenditures for FY 17
FY 18 - Expenditures for FY 18
FY 19 - Expenditures for FY 19
FY 20 VTD - Expenditures for FY 20 VTD
FY 21 - Expenditures for FY 21
FY 22 - Expenditures for FY 22
NOTE: Costs denoted below do not include repairs due to physical damage to vehicles (accidents, collisions, etc.).
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**Vehicle Purchase Price Lease Terms**

**Quote #1 - Bancorp Bank**

**Quote #2 - Mike Albert Fleet Solutions**

**Quote #3 - PNC Bank**
4. Second Reading of Ordinance 20-674 Regarding FEMA Flood Ordinance

Issue:

Attached for second reading is an Amendment to the City’s Land Development Code, Specifically Chapter 109 “FLOOD DAMAGE PREVENTION”. All of Chapter 109 is attached. The deletions are stricken through and the additions are underlined.

The Community Rating System (CRS) is a voluntary, incentive-based community program that recognizes, encourages, and rewards local floodplain management activities that exceed the minimum standards of the National Flood Insurance Program (NFIP).

The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damages.

The Community Rating System (CRS) is a voluntary, incentive-based community program that recognizes, encourages, and rewards local floodplain management activities that exceed the minimum standards of the National Flood Insurance Program (NFIP).

The Federal government has revised its flood plain maps and regulations. The changes in the attached reflect those new requirements of the federal government. All of the changes are necessary to comply and maintain the best CRS rating the City can achieve. None of the changes are more stringent than is necessary for compliance.

In addition to amending the Land Development Code the City is amending the Florida Building Code. In effect to comply and maintain the CRS that is necessary to adopt higher standards than the Florida Building Code. Such is allowed by Sections F.S. 553.73(4) and (5) of Florida Statutes.

The last time the City amended its Code was in 2014 under Ordinance No. 14-641. At that time The “Flood Damage Prevention” Chapter was added to our code for compliance. Simultaneously, the City locally amended the Florida Building Code, however same was never published in Municode. The Ordinance had effect and the City enforced the provisions of the adopted changes in the Building Code.

In the Ordinance before you we are specifically adding to our Code of Ordinances Chapter 10 “Buildings and Building Regulations” Section 10-26. These are the more stringent Florida Building Code changes necessary to comply with our CRS rating.

Action:

Motion to approve the Second Reading of Ordinance 20-674.
ORDINANCE NO. 20-674

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT RICHEY, STATE OF FLORIDA, AMENDING THE PORT RICHEY’S LAND DEVELOPMENT CODE TO AMEND CHAPTER 109 “FLOOD DAMAGE PREVENTION”; AMENDING THE CITY OF PORT RICHEY’S CODE OF ORDINANCES CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS TO ADOPT AMENDMENTS TO THE FLORIDA BUILDING CODE; AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.

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

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

WHEREAS, the City of Port Richey was accepted for participation in the National Flood Insurance Program on August 17, 1981 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

WHEREAS, Chapter 553, Florida Statutes, allows for local amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Council previously adopted a requirement to require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a one-year period and to limit partitioning of enclosed areas below elevated buildings, for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and
WHEREAS, the City Council is adopting requirements to require declarations of land restriction (nonconversion agreements) for enclosures below elevated buildings and to modify coastal high hazard area requirements for application in Coastal A Zones, for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program’s Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed local technical amendments to the Florida Building Code and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Port Richey that the following amendments to the floodplain management regulations and the Florida Building Code are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically amends Land Development Code Chapter 109 Flood Damage Prevention as follows:

Chapter 109 - FLOOD DAMAGE PREVENTION

ARTICLE I. - ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 109-1. - Title.

These regulations shall be known as the "Floodplain Management Regulations" of the city, hereinafter referred to as "this chapter."

Sec. 109-2. - Scope.

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

Sec. 109-3. - Intent.

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

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

5. Minimize damage to public and private facilities and utilities;

6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the title 44 CFR section 59.22.

Sec. 109-4. - Coordination with the Florida Building Code.

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

Sec. 109-5. - Warning.

The degree of flood protection required by this chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of title 44 CFR sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.
Sec. 109-6. - Disclaimer of liability.

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


DIVISION 2. - APPLICABILITY

Sec. 109-31. - General.

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

Sec. 109-32. - Areas to which this chapter applies.

This chapter shall apply to all flood hazard areas within the city, as established in section 109-33.

Sec. 109-33. - Basis for establishing flood hazard areas.

The flood insurance study for the Pasco county and incorporated areas dated September 26, 2014, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Development Services Department, located at 6333 Ridge Road, Port Richey, FL 34668.

Sec. 109-34. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to sections 109-130 through 109-133, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a state licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.

2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

Sec. 109-35. - Other laws.

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

Sec. 109-36. - Abrogation and greater restrictions.
This chapter supersedes any regulation in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this chapter and any other regulation, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

Sec. 109-37. - Interpretation.

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

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


DIVISION 3. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 109-63. - Designation.

The building and zoning official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

Sec. 109-64. - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to sections 109-194 through 109-201.

Sec. 109-65. - Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;
(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
(4) Provide available flood elevation and flood hazard information;
(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building and zoning official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

Sec. 109-66. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building and zoning official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of the term substantial improvement; and

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

Sec. 109-67. - Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building and zoning official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to sections 109-194 through 109-201.
Sec. 109-68. - Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

Sec. 109-69. - Inspections.

The floodplain administrator shall make the required inspections as specified in sections 109-165 through 109-170 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec. 109-70. - Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including, but not limited to:

1. Establish, in coordination with the building and zoning official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 109-66;

2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the state division of emergency management, state floodplain management office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code to determine that such certifications and documentations are complete;

5. Notify the Federal Emergency Management Agency when the corporate boundaries of the city are modified; and

6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

Sec. 109-71. - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood
resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Development Services Department, located at 6333 Ridge Road, Port Richey, FL 34668.

Secs. 109-72—109-100. - Reserved.

DIVISION 4. - PERMITS

Sec. 109-101. - Permits required.

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

Sec. 109-102. - Floodplain development permits or approvals.

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

Sec. 109-103. - Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter:

(1) Railroads and ancillary facilities associated with the railroad.
(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
(3) Temporary buildings or sheds used exclusively for construction purposes.
(4) Mobile or modular structures used as temporary offices.
(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of the state Florida or the Seminole Tribe of the state Florida. As used in this subsection, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

Sec. 109-104. - Application for a permit or approval.

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

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in sections 109-130 through 109-133.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the floodplain administrator.
8. For projects proposing to enclose areas under elevated buildings, include signed Declaration of Land Restriction (Nonconversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

Sec. 109-105. - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other regulation of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
Sec. 109-106. - Expiration.

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

Sec. 109-107. - Suspension or revocation.

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

Sec. 109-108. - Other permits required.

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

1. The Southwest Florida Water Management District: F.S. § 373.036.
2. State department of health for onsite sewage treatment and disposal systems: F.S. § 381.0065 and F.A.C. ch. 64E.
3. State department of environmental protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line: F.S. § 161.141.
5. State department of environmental protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers: section 404 of the Clean Water Act.


DIVISION 5. - SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 109-130. - Information for development in flood hazard areas.

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

1. Delineation of flood hazard areas, floodway boundaries and flood zones, base flood elevations, and ground elevations if necessary for review of the proposed development.
(2) Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 109-131(2) or (3).

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 190-131(1) subsection (1) of this section.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, new buildings shall be located landward of the reach of mean high tide.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

(8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.

(9) Existing and proposed alignment of any proposed alteration of a watercourse.

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

Sec. 109-131. - Information in flood hazard areas without base flood elevations (approximate zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is three feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a state licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec. 109-132. - Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a state licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 109-133 and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 109-133.

(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

Sec. 109-133. - Submission of additional data.

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


DIVISION 6. - INSPECTIONS

Sec. 109-165. - General.

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

Sec. 109-166. - Development other than buildings and structures.

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

Sec. 109-167. - Buildings, structures and facilities exempt from the Florida Building Code.

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

Sec. 109-168. - Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a state-licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 109-131(3)b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Sec. 109-169. - Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 109-168.

Sec. 109-170. - Manufactured homes.
The building and zoning official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building and zoning official.


DIVISION 7. - VARIANCES AND APPEALS

Sec. 109-194. - General.

The technical review committee (TRC) composed of the building and zoning official, the fire chief, a representative of utilities, a representative of public works, the latter two appointed by the city manager, and such other individuals appointed by the city manager, shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the technical review committee shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.


The technical review committee shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. Any person aggrieved by the decision of technical review committee may appeal such decision to the circuit court, as provided by Florida Statutes.

Sec. 109-196. - Limitations on authority to grant variances.

The technical review committee shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 109-200, the conditions of issuance set forth in section 109-201, and the comments and recommendations of the floodplain administrator and the building and zoning official. The technical review committee has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

Sec. 109-197. - Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 109-132.


A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, chapter 11. Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the
minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Sec. 109-199. - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of section 109-197, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec. 109-200. - Considerations for issuance of variances.

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

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

Sec. 109-201. - Conditions for issuance of variances.

Variances shall be issued only upon:
(1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

(2) Determination by the technical review committee that:
   a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
   b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
   c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.


DIVISION 8. - VIOLATIONS

Sec. 109-226. - Violations.

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

Sec. 109-227. - Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person performing the work.
Sec. 109-228. - Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law and section 101-12 of this Land Development Code.


ARTICLE II. - DEFINITIONS

DIVISION 1. - GENERALLY

Sec. 109-250. - Scope.

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

Sec. 109-251. - Terms defined in the Florida Building Code.

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

Sec. 109-252. - Terms not defined.

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


DIVISION 2. - DEFINITIONS

Sec. 109-283. - Established.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

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

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

ASCE 24 means a standard titled flood resistant design and construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. (Also defined in FBC, B, section 1612.2.) The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."
**Base flood elevation** means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). (Also defined in FBC, B, section 1612.2.)

**Basement** means the portion of a building having its floor subgrade (below ground level) on all sides. (Also defined in FBC, B, section 1612.2.)

**Coastal A Zone** means the area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457 mm). The inland limit of the coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM.

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

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

**Critical facility** means hospitals, nursing homes, police stations, fire stations, and emergency operation centers that are needed for flood response activities before, during, or after a flood; and public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood; and structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. The term "critical facility" includes facilities that are assigned flood design class 3 and flood design class 4 risk category III and risk category IV pursuant to the Florida Building Code, Building.

**Declaration of Land Restriction (Nonconversion Agreement)** means a form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and to agree to permit the city to inspect such enclosed areas no more than annually during normal business hours with 24 hours notice.

**Design flood** means the flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or

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

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

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

Existing building and existing structure means any buildings and structures for which the start of construction commenced before August 17, 1981. (Also defined in FBC, B, section 1612.2.)

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 17, 1981.

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

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

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

Flood hazard area means the greater of the following two areas:

(1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

(Also defined in FBC, B, section 1612.2.)

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. (Also defined in FBC, B, section 1612.2.)
**Flood insurance study (FIS)** means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. (Also defined in FBC, B, section 1612.2.)

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land from:

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

(Also defined in FBC, B, section 1612.2.)

**Floodplain administrator** means the office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

**Floodplain development permit or approval** means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

**Floodway** means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Also defined in FBC, B, section 1612.2.)

**Floodway encroachment analysis** means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified state licensed engineer using standard engineering methods and models.

**Florida Building Code** means the family of codes adopted by the state building commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

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

**Hazardous materials** means those chemicals or substances that are physical hazards or health hazards as defined and classified in the Florida Building Code and the Florida Fire Prevention Code, whether the materials are in usable or waste condition. (Defined in FBC, B, section 307)

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

**Historic structure** means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, chapter 12, Historic Buildings.
Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

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

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

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

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

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

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

Limit of Moderate Wave Action means the line shown on FIRMs to indicate the inland limit of the 1 ½-foot (457 mm) breaking wave height during the base flood.

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

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

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

New construction means, for the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after August 17, 1981, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 17, 1981.

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

Recreational vehicle means a vehicle, including a park trailer, which is (see F.S. § 320.01):

(1) Built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projection;
(3) Designed to be self-propelled or permanently towable by a light-duty truck; and
(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Special flood hazard area means an area in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. (Also defined in FBC, B section 1612.2.)

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent
construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B, section 1612.2.)

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. (Also defined in FBC, B, section 1612.2.)

Substantial improvement means any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to December 20, 2005. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include: any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building and zoning official and that are the minimum necessary to ensure safe living conditions.

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

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


ARTICLE III. - FLOOD RESISTANT DEVELOPMENT

DIVISION 1. - BUILDINGS AND STRUCTURES

Sec. 109-315. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 109-103, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of sections 109-473 through 109-480.

Sec. 109-316. - Buildings and structures seaward of the coastal construction control line.
If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building, section 3109 and section 1612 or Florida Building Code, Residential, section R322.

(2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.


DIVISION 2. - SUBDIVISIONS

Sec. 109-336. - Minimum requirements.

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

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 109-337. - Subdivision plats.

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

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 109-131(1); and

(3) Compliance with the site improvement and utilities requirements of sections 109-363 through 109-369.


DIVISION 3. - SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 109-363. - Minimum requirements.

All proposed new development shall be reviewed to determine that:
(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 109-364. - Sanitary sewage facilities.

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

Sec. 109-365. - Water supply facilities.

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

Sec. 109-366. - Limitations on sites in regulatory floodways.

No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 109-132(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec. 109-367. - Limitations on encroachments in flood hazard areas without base flood elevations.

No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 20 feet on each side from the top of the bank, whichever is greater, unless an analysis equivalent to the analysis specified in section 109-132 demonstrates that such encroachment does not increase the base flood elevation more than one foot.

Sec. 109-368. - Limitations on placement of fill.

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

Sec. 109-369. - Limitations on sites in coastal high hazard areas (zone V) and Coastal A Zones.
In coastal high hazard areas and Coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering analysis required by section 109-132(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 109-480(3).


DIVISION 4. - MANUFACTURED HOMES

Sec. 109-397. - General.

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

Sec. 109-398. - Limitations on installation in floodways.

New installation of manufactured homes shall not be permitted in floodways.

Sec. 109-399. - Foundations.

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

(1) In flood hazard areas (zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, section R322.2 and this chapter.

(2) In coastal high hazard areas (zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, section R322.3 and this chapter.

Sec. 109-400. - Anchoring.

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

Sec. 109-401. - Elevation.

Manufactured homes that are placed, replaced, or substantially improved shall comply with section 109-402 or 109-403, as applicable.

Sec. 109-402. - General elevation requirement.
Unless subject to the requirements of section 109-403, all manufactured homes that are placed, replaced, or substantially improved on sites located:

(1) Outside of a manufactured home park or subdivision;
(2) In a new manufactured home park or subdivision;
(3) In an expansion to an existing manufactured home park or subdivision; or
(4) In an existing manufactured home park or subdivision upon which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, section R322.2 (zone A) or section R322.3 (zone V).

Sec. 109-403. - Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to section 109-402, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, section R322.2 (zone A) or section R322.3 (zone V); or
(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Sec. 109-404. - Enclosures.

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

Sec. 109-405. - Utility equipment.

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


DIVISION 5. - RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 109-424. - Temporary placement.

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

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

Sec. 109-425. - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 109-424 for temporary placement shall meet the requirements of sections 109-397 through 109-405 for manufactured homes.


DIVISION 6. - TANKS

Sec. 109-449. - Underground tanks.

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

Sec. 109-450. - Aboveground tanks, not elevated.

Aboveground tanks that do not meet the elevation requirements of section 109-451 shall:

1. Be permitted in flood hazard areas (zone A) other than coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2. Not be permitted in coastal high hazard areas (zone V) and Coastal A Zones.


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

Sec. 109-452. - Tank inlets and vents.

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

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

DIVISION 7. - OTHER DEVELOPMENT

Sec. 109-473. - General requirements for other development.

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of section 109-366 if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 109-474. - Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 109-366.

Sec. 109-475. - Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 109-366.

Sec. 109-476. - Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 109-366. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 109-132(3).

Sec. 109-477. - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V) and Coastal A Zones.

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

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

Sec. 109-478. - Decks and patios in coastal high hazard areas (zone V) and Coastal A Zones.

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

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Sec. 109-479. - Other development in coastal high hazard areas (zone V) and Coastal A Zones.

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

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

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

Sec. 109-480. - Nonstructural fill in coastal high hazard areas (zone V) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones:

(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the state department of environmental protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.


DIVISION 8. - CRITICAL FACILITIES

Sec. 109-499. - Location of critical facilities.

New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area (100-year floodplain) and outside of the 0.2 percent annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites outside of the special flood hazard are not available that satisfy the objectives of a proposed critical facility, then the critical facility shall:

(1) Have the lowest floors elevated to or above the 0.2 percent annual chance flood hazard area (500-year floodplain) elevation plus one foot (305 millimeters), or to the design flood elevation, whichever is higher;

(2) Meet the applicable flood resistant requirements of the Florida Building Code and ASCE 24, and where elevation requirements are specified, the minimum elevation shall be the 0.2 percent annual chance flood hazard area (500-year floodplain) elevation plus one foot (305 millimeters), or to the design flood elevation, whichever is higher;

(3) Have access routes that are elevated to or above the 0.2 percent annual chance flood hazard area (500-year floodplain) elevation; and

(4) Floodproofing and sealing measures must be taken to ensure that hazardous materials will not be displaced by or released into floodwaters.
SECTION 3. Code of Ordinances, Chapter 10 Buildings and Building Regulations, Article II Florida Building Code Administration and Enforcement, Division 1 Generally, is hereby amended by adding Section 10-26 to adopt administrative and technical amendments to the Florida Building Code.

Sec. 10-26. – Florida Building Code amendments.

(a) Amend the Florida Building Code, Building as follows.

Amend Section 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building
8. Structural requirements shall include:
   Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one- and two-family):
6. Structural requirements shall include:
   Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

Amend Sec. 202 as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to December 20, 2005. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Amend Sec. 1612 as follows:

1612.4.1 Modification of ASCE 24. Reserved. Table 6-1 and Section 6.2.1 in ASCE
shall be modified as follows:

1. The title of Table 6.1 shall be “Minimum Elevation of Floodproofing, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE), in Coastal A Zones and in Other Flood Hazard Areas that are not High Risk Flood Hazard Areas.”

2. Section 6.2.1 shall be modified to permit dry floodproofing in Coastal A Zones, as follows: “Dry floodproofing of nonresidential structures and nonresidential areas of mixed-use structures shall not be allowed unless such structures are located outside of High Risk Flood Hazard areas and Coastal High Hazard Areas. Dry floodproofing shall be permitted in Coastal A Zones provided wave loads and the potential for erosion and local scour are accounted for in the design. Dry floodproofing of residential structures or residential areas of mixed-use structures shall not be permitted.”

1612.4.2 Modification of ASCE 24 (Coastal A Zone). Section 4.5.13 in ASCE 24 shall be modified as follows:

1. Paragraph 1 shall be modified: “In Coastal High Hazard Areas and Coastal A Zones, stem walls shall not be permitted.”

2. Paragraph 2 shall be deleted.

1612.4.3 Enclosure limitations. In addition to the requirements of ASCE 24 for enclosed areas below elevated buildings, enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.

(b) Amend the Florida Building Code, Existing Building as follows.

Amend Sec. 202 as follows:

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to December 20, 2005. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is
the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

(c) **Amend the Florida Building Code, Residential as follows.**

*Amend R322.2.2 as follows:*

**R322.2.2 Enclosed area below design flood elevation.** Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load-bearing walls interior to perimeter wall (crawl space) foundations.
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:
   2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.
   2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
   2.3 The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

*Amend Sec. R322.3.4 as follows:*

**R322.3.4 Walls below design flood elevation.** Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:
   4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.
   4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.
5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

*Amend Sec. R322.3.3 as follows:*

**R322.3.3 Foundations.** Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during
conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundations are designed to resist the additional flood load.

**Exception:** In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.

*Amend Sec. R322.3.5 as follows:*

**R322.3.5 Enclosed areas below the design flood elevation.** Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.

**SECTION 4. FISCAL IMPACT STATEMENT.**
In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

**SECTION 5. APPLICABILITY.**
For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Port Richey. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

**SECTION 6. INCLUSION INTO THE CODE OF ORDINANCES.**
It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the Port Richey Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.
SECTION 7. SEVERABILITY.
If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon passage at the second reading.
The foregoing Ordinance No. 20-674 was read and passed on its first reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on the 11th day of February, 2020.

Attest:  

Sal Licari, City Clerk  

CITY OF PORT RICHEY  

Scott Tremblay, Mayor

The foregoing Ordinance No. 20-674 was read and passed on its second reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on the 25th day of February, 2020.

Attest:  

CITY OF PORT RICHEY

Sal Licari, Clerk  

Scott Tremblay, Mayor

Approved as to legal form and legal content
For the reliance of the City of Port Richey only:

James Mathieu Esq., City Attorney
5. Consideration of Bid Proposal for the Nicks Park Boat Ramp Repair

**Issue:**
Nicks Park Boat Ramp is heavily used by local boaters and is in need of repair. Since 2018, the City has worked with Ayers Engineering to prepare plans and specifications for this repair work. The City was awarded a 50:50 matching grant in the amount of $100,000.00 from the Florida Fish and Wildlife Conservation Commission for this project. The budget on this repair work was estimated at $120,725.00. The project was advertised through a public bid process on Bidnet Direct with bids due on July 26, 2019. The City received one bid for this project at that time from Midcoast Construction Enterprises in the amount of $296,750.00 that is included in the agenda packet for review. Our engineer recommended that the City reject the bids and attempt to re-bid this project. City Council voted to reject this bid and re-bid this project at the August 13, 2019 City Council Meeting.

The City re-advertised this project through a public bid process on Bidnet Direct with bids due on January 24, 2020. The City received one bid for this project at that time from Midcoast Construction Enterprises in the amount of $289,000.00 that is included in the agenda packet for review.

**Action:**
Motion to accept or decline the bid proposal submitted for the Nicks Park Boat Ramp Repair as presented. Alternatively, City Council can authorize staff to attempt to negotiate a lower price with the bidder.
BID FORM

PROJECT: Nick's Park Improvements

BID DEADLINE: Friday, January 24, 2020
3:15pm, Local Time

To: City of Port Richey

We _______________________________ (Name of Bidder) acknowledge that we have received the Contract Documents and hereby agree to provide all labor, materials, equipment, permits, testing, and services required to complete the work in strict accordance with the Contract Documents for the following stated amount(s).

Total Bid Amount for the Work shall be _______________________________ Dollars ($___________.00)

BID SECURITY

Accompanying this bid is bid security payable to Owner in the form stipulated in the Instructions to Bidders, which is at least 5% of the maximum bid amount, and will be retained by Owner as liquidated damages if the undersigned fails to execute agreements and furnish bonds (if specified) within 10 days after Notice of Award.

WITHDRAWAL OF BID

It is agreed that this bid and any required bid security may not be withdrawn for a period of 45 days after the Bid Deadline.

TIME OF COMPLETION

The undersigned agrees, if awarded the contract, to start work within 10 calendar days after "Notice to Proceed" and to substantially complete the work within 310 calendar days thereafter.

Failure to substantially complete the work within the stated time will result in liquidated damages of $500.00 per calendar day thereafter until substantial completion.

BIDDER'S WARRANTY

By the act of submitting a bid for the proposed work, the bidder warrants that:

1. Bidder and its subcontractors have carefully and thoroughly reviewed the Contract Documents and have found them complete, free of ambiguities, and sufficient for the purpose intended; further that,

2. Bidder and all workers, employees, and subcontractors are skilled and experienced in the type of work represented by the Contract Documents; further that,

3. Bid is based solely upon the Contract Documents and properly issued written addenda and not upon any other representation; further that,

4. Bidder has carefully examined the site of the work and from its investigations is satisfied as to the nature and location of work, the character, quality, quantities of materials, and difficulties to be
encountered, the kind and extent of equipment and other facilities needed for performance of the work, the general and local conditions, and other items which may, in any way, affect the work or its performance; and further that,

5. Neither the bidder nor its employees, agents, prospective suppliers, or subcontractors have relied upon any verbal representations allegedly authorized or unauthorized from the Owner, its employees or agents, including architects, engineers, and consultants, in assembling the bid.

**LIST OF SUBCONTRACTORS**

The following is a list of subcontractors whose bids were used in this bid. It is agreed that after submission of this list, no change may be made in subcontractors as listed without submitting change for Owner review in accordance with the conditions of the contract. If there are no subcontractors, state "None."

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ADDENDA

The undersigned acknowledges receipt of addenda n/a to n/a inclusive.

ORGANIZATION AND AUTHORITY

The undersigned hereby certifies that the bidder is organized as indicated below and that all statements herein are made on behalf of such bidder.

Business Name: Midcoast Construction Enterprises LLC
Business Address: 6417 114th Avenue
Largo, FL 33779
Telephone Number: 727-800-5512
Fax Number: 727-800-5502
E-Mail Address: jfulford@midcoastllc.com
State Contractor Registration/License No. (if applicable): C01532484, SCC131151550

(Complete applicable paragraph 1, 2, 3, or 4.)

1. Corporation. Bidder is a corporation organized under the laws of the state of _________________.
   Its corporate president is ____________________________ and its corporate secretary is _____________________________. The ____________________________ is authorized to submit bids and sign construction contracts for the bidder by action of the board of directors.

2. Limited Liability Corporation. Bidder is a limited liability corporation organized under the laws of the state of Florida. Its members are _____________________________. The Managing Member ____________________________ is authorized to submit bids and sign construction contracts for the bidder.

3. Partnership. Bidder is a partnership consisting of partners _____________________________ and _____________________________.

4. Sole Trader. Bidder is an individual doing business as _____________________________.

SWORN STATEMENT

I, being duly sworn, hereby certify that I have examined and carefully prepared this bid from the Contract Documents and have checked the same in detail before submitting this bid; that I have full authority to make such statements and submit this bid on behalf of the above bidder; and that said statements are true and correct.

Signature: ____________________________
Name and Title: ____________________________
(Seal, if bid is by a corporation)

Subscribed and sworn to before me this 23rd day of January, 2020

__________________________
Notary Public

My Commission expires __________

Page 3 of 3
STATEMENT OF BIDDER'S QUALIFICATIONS

To: City of Port Richey  Project: Nick's Park Improvements

Date: January 23, 2020

The following experience record, as of date shown, shall be submitted to the Owner with the bid. All questions shall be answered fully. Bidders who have qualified to bid on other projects for this Owner within the last 12 months need not resubmit this form unless specifically requested by the Owner. The contents of this form will be considered confidential to the extent allowed by applicable laws and regulations.

Name of Bidder: Midcoast Construction Enterprises LLC

Business Address: 6675 114th Avenue  Street
Largo  FL  33773  City  State  Zip Code

1. Number of years in business as a Contractor under the present:
   Business Name: Midcoast Construction Enterprises, LLC
   As Principal Contractor: 7 yrs.  As a Sub-Contractor: 7 yrs.

2. Class of work you are equipped to perform: marine construction & structural conc.

3. Class of work you usually sublet: underground utilities

4. Have any members of your concern ever operated under any other business name?
   Yes  If so, give details: Midcoast Marine Group, LLC

5. Have you ever failed to qualify as a responsible bidder? No  If so, give details:

6. Have you ever refused to enter into a contract after the award is made to you?
   No  If so, give details:

7. Have you ever failed to complete any work? No  If so, give details:

8. Has any surety or financial institution ever experienced loss on your concern?
   No  If so, give details:
9. Give name, address, and telephone number of Owner; type of work; and the contract amount of at least three projects completed in the last three years:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Type of Work</th>
<th>Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>See attached</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>See attached</td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

10. Give name, address, and telephone number of Owner; type of work; and the contract amount of projects now in process of construction:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Type of Work</th>
<th>Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>$</td>
</tr>
<tr>
<td>See attached</td>
<td></td>
<td>$</td>
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<tr>
<td>See attached</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>See attached</td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

11. Indicate your experience in the construction of work similar to this project (if not demonstrated by Questions 9 and 10, above):

(See above)

12. Give construction experience of principal individuals of your organization:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years of Experience</th>
<th>Size and Type of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack Fulford</td>
<td>Managing</td>
<td>16</td>
<td>$35 million marine construction, structural concrete</td>
</tr>
<tr>
<td>Robert Skinner</td>
<td>Supt</td>
<td>12</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

13. Attach a list of your major equipment pertinent to this project.
<table>
<thead>
<tr>
<th>Price</th>
<th>Description</th>
<th>Location Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>$376,000.00</td>
<td>Dredging, concrete rip rap &amp; pilings</td>
<td></td>
</tr>
<tr>
<td>$415,970.00</td>
<td>Docks</td>
<td></td>
</tr>
<tr>
<td>$614,185.00</td>
<td>Seawalls and Docks</td>
<td></td>
</tr>
<tr>
<td>$396,500.00</td>
<td>Boat ramp, docks, seawalls</td>
<td></td>
</tr>
<tr>
<td>$157,719.00</td>
<td>Seawalls and Docks</td>
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<td>$860,000.00</td>
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<td></td>
</tr>
<tr>
<td>$901,578.00</td>
<td>Seawalls and Docks</td>
<td></td>
</tr>
</tbody>
</table>

Luke Papers, 777-224-9545
Tarpon Springs, FL 33469
715 Westway Avenue
Southern Road Bridge

Jet Truxton, 813-257-1543
Oldsmar, FL 34677
371 Sand Hill Rd
Keystone Excavators

Jay Jackson, 727-399-4785
Tarpon Springs, FL 34689
324 E Pine Street
City of Tarpon Springs

David Vanderwerf, 325-394-7717
Ceremoent, FL 34110
665 W Morton Ave
City of Ceremoent

Jay Jackson, 727-399-4785
Tarpon Springs, FL 34689
324 E Pine Street
City of Tarpon Springs

Vanessa Delaetra, 904-370-7885
Jacksonville, FL 32256
8280 Promenade Parkway, #200
Wynn Dike
B-10, Inc

Kenneth Francis, 407-553-4655
Tallahassee, FL 32399-3000
3000 Commonwealth Blvd
Marine Station, Douglas Building
State of Florida DEP
14. Are there any judgments, suits, or claims pending against you? **No** If so, give details:

15. Does your organization operate as a corporation, partnership, or individual? __________

   **Corporation**

   A. If a corporation, when incorporated: __________

      In which state incorporated: __________

      List name, title, and address of all officers:

      | Name          | Title        | Address                      |
      |---------------|--------------|------------------------------|
      | Jack Fulford  | Managing     | 8675 114th Avenue           |
      |               | Member       | Largo, FL 33773             |

   B. If a partnership, date of organization: __________

      General, Limited, or Associated? __________

      List name, address, and proportional interest of parties:

      | Name       | Address | Proportional Interest |
      |------------|---------|-----------------------|
      |            |         |                       |
      |            |         |                       |
      |            |         |                       |
      |            |         |                       |
      |            |         |                       |

16. If requested prior to award of contract, provide to the Owner an accurate, up-to-date, condensed financial statement of the corporation, partnership, or individual. **Yes**
The undersigned hereby declares and certifies that the foregoing is a true statement of the experience and condition of the organization, therein first given and that any agency or individual herein named authorized to supply any information as may be deemed necessary to verify this statement.

Signed: [Signature]

Title: Managing Member

Subscribed and sworn to before me this 23rd day of January 2020

[Signature]

Notary Public

[County, Florida]

My Commission expires

[Notary Seal]

TRACEY BRADY
Commission # GG 255649
Expires November 27, 2022
Bonded thru Troy Fire Insurance 680-360-7019
Bid Bond

CONTRACTOR:  
(Make, legal status and address)
Midcoast Construction Enterprises, LLC  
6675 114th Avenue  
Largo, FL  33773

SURETY:  
(Make, legal status and principal place of business)
NGM Insurance Company  
55 West Street  
Keene, NH  03431

OWNER:  
(Make, legal status and address)
City of Port Richey  
6333 Ridge Rd.  
Port Richey, FL  34668

BOND AMOUNT:  $ 5%  
Five Percent of Amount Bid

PROJECT:  
(Make, location or address, and Project number, if any)
Nick's Park Improvements 7929 Bayview St, Port Richey, FL

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time periods as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which he may in good faith believe the Contractor to be injured by the breach of contract, then such obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 26th day of July, 2019

[Signature]  
Witness

[Signature]  
Witness

[Signature]  
Witness

Midcoast Construction Enterprises, LLC
(Principal)

[Signature]  
Manager

[Signature]  
Witness

NGM Insurance Company
(Surety)

[Signature]  
Witness

[Signature]  
Witness

By: Kevin Wojtowicz  
Attorney-in-Fact
POWER OF ATTORNEY
06-03026306

KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them."

does hereby make, constitute and appoint Jessica Reno, John R Neu, Daniel Oaks, Laura Mosholder, Kevin Wojtowicz __________

its true and lawful Attorneys-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

1. No one bond to exceed Ten Million Dollars ($10,000,000.00)

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977:

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such office and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this 8th day of January, 2016.

NGM INSURANCE COMPANY By:

Bruce R Fox
Vice President, General Counsel and Secretary

State of Florida,
County of Duval.

On this January 8, 2016, before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Bruce R Fox of NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me fully sworn, deposed and said that he is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this 8th day of January, 2016.

I, Nancy Giordano-Ramos, Vice President of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this ________ day of ________, 2016.

WARNING: Any unauthorized reproduction or alteration of this document is prohibited.

TO CONFIRM VALIDITY of the attached bond please call 1-800-225-9646.

Nancy Giordano-Ramos
<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Main Contact</th>
<th>Download Date</th>
<th>City</th>
<th>Province/State</th>
</tr>
</thead>
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<td>01/22/2020 08:51 AM</td>
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<td>Florida</td>
</tr>
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<td>Dan Gold</td>
<td>01/20/2020 11:30 AM</td>
<td>ORLANDO</td>
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<td>01/04/2020 05:03 AM</td>
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<td>alan swigonski</td>
<td>01/03/2020 09:08 AM</td>
<td>Bradenton</td>
<td>Florida</td>
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<tr>
<td>West to West Construction, LLC</td>
<td>Carl West</td>
<td>01/02/2020 11:00 PM</td>
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<tr>
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<td>Rick Daniel</td>
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<td>Brooksville</td>
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<tr>
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<td>David Whaley</td>
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<td>John Dasch</td>
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<td>Bayonet Point</td>
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<td>Josh Banks</td>
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<td>Joseph Trias</td>
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</tr>
<tr>
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<td>David Flores</td>
<td>12/14/2019 01:36 PM</td>
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<td>Martin Hoegg</td>
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<tr>
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<tr>
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<td>aaron ramboldt</td>
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<td>Spring Hill</td>
<td>Florida</td>
</tr>
</tbody>
</table>
6. Discussion on Appointment of Members on Boards and Committees

Issue:
City Council wanted to continue this agenda item from the last council meeting regarding a discussion on requiring and/or recommending that any potential board or committeeperson attend a meeting(s) prior to being nominated for a position. The City Charter (Article VII) states that the City Council shall have the authority to Nominate qualified city residents to serve on boards and committees. (There is an exception for the Board of adjustment only regarding residency). Also the power to remove rests with Council.

The power to nominate members and alternates to Boards and Committees rests solely with council members. This cannot be changed except by referendum. The individual must be a qualified city resident.

Any requirement that potential members or alternates for a board of committee attend a meeting, etc…. can be done by resolution which would reflect that same is highly recommended. However a code section making the requirement mandatory and therefore not allowing a nomination to be made would conflict with the charter. A councilmember could not vote for any potential member for this reason if they so choose. Many cities have this type of requirement which is acceptable, just that it can never be used to stop a nomination.

Additionally, qualified city residents are those residents whose primary residence is in the City of Port Richey. The only place in the charter with guidance to the meaning of residence is in section 2.01 in which the length of time for residing is the preceding twelve months.

Action:
City Council action as deemed appropriate.