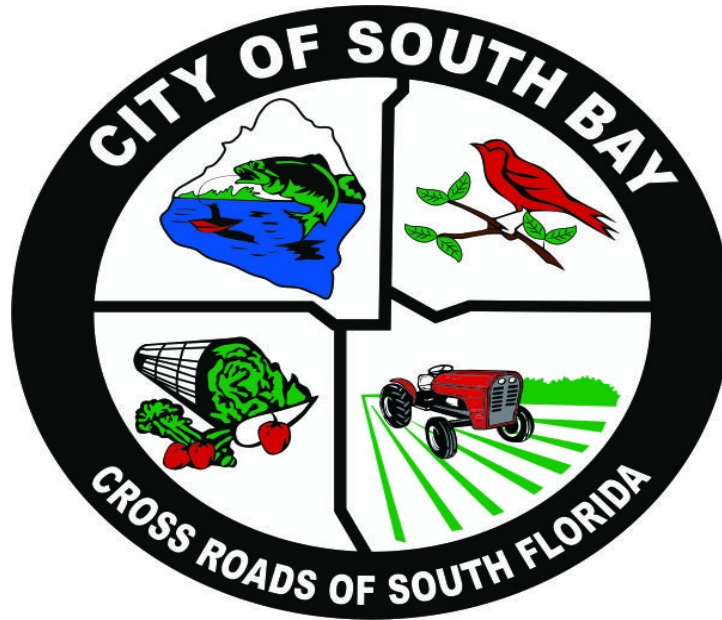




The Crossroads of South Florida,
We envision a sustainable economy, Let Us Grow Together

CITY OF SOUTH BAY

CITY COMMISSION AGENDA

CITY HALL CHAMBER

TUESDAY, AUGUST 2, 2022

335 SW 2ND Avenue

South Bay, FL 33493

www.southbaycity.com

Phone: 561-996-6751 Fax: 561-996-7950

Mayor:

Joe Kyles Sr.

Vice Mayor:

Betty Barnard

Commissioner:

Esther Berry

Commissioner:

Taranza McKelvin

Commissioner:

John Wilson

City Manager:

Leondrae D. Camel

City Attorney:

Burnadette Norris-Weeks

City Clerk:

Natalie Malone

RULES OF PROCEDURE

WHO MAY SPEAK

Meetings of the City Commission are open to the public. They are not; however, public forums. Any resident who wishes to address the commission on any subject within the scope of the Commission's authority may do so, providing it is accomplished in an orderly manner and in accordance with the procedures outlined below.

SPEAKING ON AGENDA ITEM

- I. **Consent Agenda Item** – These are items, which the Commission does not need to discuss individually, and which are voted on as a group. Any Commissioner who wishes to discuss any individual item on the consent agenda may request the Mayor to pull such item from the consent agenda. Those items pulled will be discussed and voted upon individually.
- II. **Regular Agenda Items** – These are items, which the Commission will discuss individually in the order listed on the agenda. By majority vote, the City Commission may permit any person to be heard on an item at a non-public hearing.
- III. **Public Hearing Items** – This portion of the agenda is to obtain input from the public on some ordinances, resolutions and zoning applications. The chair will permit any person to be heard on the item during formal public hearings.

SPEAKING ON SUBJECTS NOT ON THE AGENDA

Any resident may address the Commission on any items pertaining to City business during the Opportunity for the Public to Address the Commission portion of the agenda. Persons wishing to speak must sign in with the City Clerk before the start of the meeting.

ADDRESSING THE COMMISSION: MANNER AND TIME

By majority vote the City Commission may invite citizen discussion on any agenda item. In every case where a citizen is recognized by the Mayor to discuss an agenda item, the citizen shall step to the podium/microphone, state his or her name and address for the benefit of the city clerk, identify any group or organization he or she represents and shall then succinctly state his or her position regarding the item before the city commission. Any question, shall be related to the business of the City and deemed appropriate by the Mayor, shall be directed to the Mayor and the Mayor shall then re-direct the question to the appropriate Commissioner or City Staff to answer the citizen question which shall be related to the business of the City.

All comments or questions of the public are to be directed to the Mayor as presiding officer only. There shall be no cross conversations or questions of any other persons. The length of time each individual may speak should be limited in the interest or order and conduct of the business at hand. Comments to the Commission by individual citizens shall be limited to three (3) minutes during the citizens request period. The City clerk shall be charged with the responsibility of notifying each citizen thirty (30) seconds before said time shall elapse and when said time limit has expired.

APPEALS

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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.

DECORUM

If a member of the audience becomes unruly, the Mayor has the right to require the person to leave the room. If a crowd becomes unruly, the Mayor may recess or adjourn the meeting.

PLEASE SILENCE ALL CELL PHONES AND PAGERS

CONTACT INFORMATION

If anyone has questions or comments about anything on the meeting agenda, please contact the City Manager at 561-996-6751.

AMERICANS WITH DISABILITY ACT

In accordance with the Americans with Disability Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in this proceeding should contact the city clerk no later than three (3) days prior to the meeting at 561-996-6751 for assistance.

CITY OF SOUTH BAY
CITY WORKSHOP AGENDA

CITY HALL CHAMBER
TUESDAY, AUGUST 2, 2022
6:30 PM

NOTICE: If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and for that purpose, he/she 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, pursuant to F.S. 286.01055. The City of South Bay does not prepare or provide such records.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
 - 3.a. Agenda Items
4. **ADJOURNMENT**

CITY OF SOUTH BAY

REGULAR CITY MEETING AGENDA

CITY HALL CHAMBER

TUESDAY, AUGUST 2, 2022

7:00 PM

NOTICE: If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and for that purpose, he/she 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, pursuant to F.S. 286.01055. The City of South Bay does not prepare or provide such records.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-996-6751 no later than 2 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

Any citizen of the audience wishing to appear before the City Commission to speak with reference to any agenda item must complete their "Request for Appearance and Comment" card and present completed form to the City Clerk.

1. CALL TO ORDER, ROLL CALL; PRAYER, PLEDGE OF ALLEGIANCE

2. DISCLOSURE OF VOTING CONFLICTS

3. PRESENTATIONS AND PROCLAMATIONS (*Up to 5 minutes*)

4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COMMISSION

5. CONSENT AGENDA

All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which the item will be removed from the general order of business and considered in its normal sequence on the Agenda.

**5.a. Regular City Workshop and City Meeting
Approval of City Minutes –July 19, 2022**

**5.b. Regular City Workshop and City Meeting
Approval of Meeting Agenda -August 02, 2022**

6. RESOLUTIONS – (Non- Consent) and Quasi-Judicial Hearing, if applicable)

6.a. RESOLUTION NO. 29-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED WORK ORDER PROPOSAL FROM C.A.P. ENGINEERING, INC. D/B/A CAP ENGINEERING, PERTAINING TO ROAD CONDITIONS EVALUATION AND REPAIR PROJECT AS A CONTINUING AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

- 6.b. **RESOLUTION NO. 30-2022**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT FUNDS TO AUTHORIZE THE PURCHASE OF ONE (1) NEW 2022 FORD EXPLORER XLT RWD (KTD) VEHICLE FROM DUVAL FORD, LLC IN THE AMOUNT OF FIFTY-EIGHT THOUSAND EIGHTY DOLLARS (\$58,080.00); PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION COOPERATIVE PURCHASING PROGRAM CONTRACT NUMBER FSA20-VEL28.0; PROVIDING FOR AN ALLOCATION OF FUNDS; PROVIDING FOR AN EFFECTIVE DATE

7. ORDINANCE

- 7.a. **ORDINANCE 05-2022; FINAL READING**
AN ORDINANCE OF THE CITY OF SOUTH BAY, FLORIDA, APPROVING A SMALL-SCALE FUTURE LAND USE MAP/COMPREHENSIVE PLAN AMENDMENT IN ORDER TO AMEND THE CITY'S FUTURE LAND USE DESIGNATION FOR PARCEL NO. 58-36-44-11-00-000-7090 GENERALLY LOCATED WEST OF U.S. HIGHWAY 27 AND ACCESSIBLE FROM U.S. HIGHWAY 27; AND, NORTH OF NW 4TH STREET; AND, COMPRISING APPROXIMATELY 14.2 ACRES AND LEGALLY DESCRIBED HEREIN IN 'EXHIBIT A' OF THE RACETRAC PETROLEUM, INC. APPLICATION AND AS ATTACHED HERETO FROM RLD - RESIDENTIAL LOW DENSITY FUTURE LAND USE DESIGNATION TO COMM - COMMERCIAL DESIGNATION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

- 7.b. **ORDINANCE 06-2022: FINAL READING**
AN ORDINANCE OF THE CITY OF SOUTH BAY, FLORIDA TO REZONE PARCEL NO. 58-36-44-11-00-000-7090 ON THE SITE KNOWN AS THE RACETRAC PETROLEUM, INC. AND GENERALLY LOCATED WEST OF U.S. HIGHWAY 27, ACCESSIBLE FROM U.S. HIGHWAY 27, ATTACHED HERETO AS EXHIBIT "A"; AND, NORTH OF NW 4TH STREET, COMPRISING OF APPROXIMATELY 14.2 ACRES FROM R-1 SINGLE FAMILY DWELLING DISTRICT ZONING TO B-2 WHOLESALE COMMERCIAL DISTRICT ZONING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

8. ROSENWALD ELEMENTARY SCHOOL

9. FINANCE REPORT

- 9.a. Accounts Payable Report
- 10. CITY CLERK REPORT
- 11. CITY MANAGER REPORT
- 12. CITY ATTORNEY REPORT
- 13. FUTURE AGENDA ITEMS
- 14. COMMISSIONER COMMENTS: FOR THE GOOD OF THE ORDER
- 15. ADJOURNMENT

CITY OF SOUTH BAY, FL
CITY WORKSHOP
CITY HALL CHAMBER
TUESDAY, JULY 19, 2022
6:30PM

Present:

Mayor Joe Kyles
Vice-Mayor Betty Barnard
Commissioner Esther Berry
Commissioner John Wilson

Staff:

Natalie Malone, City Clerk
Leondrae Camel, City Manager
Massih Saadatmand, Finance Director
Burnadette Norris-Weeks, Esq., City Attorney

(Full recording/discussion available through the City Clerk/City website)

1. **CALL TO ORDER at 6:30pm**
2. **ROLL CALL**
3. **DISCUSSION**
 - 3.a. **Gravel truck discussion**
Gabriel Horta, Mechanic/Facilities Manager
 - 3.b. Agenda Items
4. **ADJOURNMENT at 6:56 pm**

CITY OF SOUTH BAY, FL
REGULAR CITY MEETING

CITY HALL CHAMBER
TUESDAY, JULY 19, 2022
7:00PM

A Regular City Meeting of the City Commission of the City of South Bay, Florida was called to order by Mayor Joe Kyles in the Commission Chambers at 335 S.W. 2nd Avenue, South Bay, Florida on July 19, 2022 at 7:00 p.m.

(Full recording/discussion available through the City Clerk/City website)

Present:

Mayor Joe Kyles
Vice-Mayor Betty Barnard
Commissioner Esther Berry
Commissioner John Wilson

Staff:

Natalie Malone, City Clerk
Leondrae Camel, City Manager
Massih Saadatmand, Finance Director
Burnadette Norris-Weeks, Esq., City Attorney

1. **CALL TO ORDER, ROLL CALL; PRAYER, PLEDGE OF ALLEGIANCE**
2. **DISCLOSURE OF VOTING CONFLICTS: NONE**
3. **PRESENTATIONS AND PROCLAMATIONS** *(Up to 5 minutes)*
4. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COMMISSION**
 - 4.a. *Greetings-* Michelle McGovern
5. **CONSENT AGENDA**

All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commission. or person so requests, in which the item will be removed from the general order of business and considered in its normal sequence on the Agenda.

- 5.a. **Regular City Workshop and City Meeting
Approval of City Minutes – June 07, 2022**
- 5.b. **Regular City Workshop and City Meeting
Approval of Meeting Agenda- July 19, 2022**

**Moved by: Commissioner Berry
Seconded by: Vice-Mayor Barnard**

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

6. RESOLUTIONS- (Non- Consent) and Quasi-Judicial Hearing, if applicable)

6.a. RESOLUTION NO. 25-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, ACCEPTING FINANCIAL STATEMENTS AND OTHER FINANCIAL INFORMATION FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE

• Presentation given by:

HCT Certified Public Accountants and Consultants

Moved By: Vice-Mayor Barnard

Second By: Commissioner Wilson

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

6b. RESOLUTION NO. 26-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023, PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE

Public Hearing Scheduled: The second and final public hearing on the budget is set September 19, 2022, at 5:30 p.m., in the Commission Chambers at City Hall, 335 SW 2nd Ave. South Bay, Florida

Moved By: Commissioner Berry

Second By: Vice-Mayor Barnard

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

6c. RESOLUTION NO. 27-2022

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF SOUTH BAY, FLORIDA,
ESTABLISHING AND APPROVING A MINOR HOME
REPAIR PROGRAM; PROVIDING FOR AN
EFFECTIVE DATE**

Moved By: Commissioner Berry

Second By: Commissioner Wilson

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

6d. RESOLUTION NO. 28-2022

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF SOUTH BAY, FLORIDA, ACCEPTING A
CONVEYANCE OF REAL PROPERTY DEED FROM
PALM BEACH COUNTY; AUTHORIZING THE CITY
MANAGER TO TAKE ALL NECESSARY AND
EXPEDIENT ACTION TO EFFECTUATE THE INTENT
OF THIS RESOLUTION; PROVIDING FOR AN
EFFECTIVE DATE**

Moved By: Commissioner Wilson

Second By: Vice-Mayor Barnard

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

ORDINANCE

7.a. ORDINANCE 04-2022 *FINAL READING*

AN ORDINANCE OF THE CITY OF SOUTH BAY, FLORIDA, REPEALING AND REPLACING CHAPTER 30, ARTICLE II, SECTION 30-58 ENTITLED, "GENERAL FEE SCHEDULE", OF THE CITY'S CODE OF ORDINANCES; INCREASING LOCAL BUSINESS TAX FEES; PROVIDING FOR ADOPTION OF REPRESENTATIONS, PROVIDING FOR CONFLICTS AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE

Mayor Kyles announced:

- Ordinance 04-2022 is open to the Public for questions/comments

Question-*John Brockman, Resident*: You said that this fee increased every other year?

Answer-*City Manager Camel*: Yes

Question-*John Brockman, Resident*: You said because that it's use of percentage is because of inflation, or are we just going to continue to raise the amount yearly or every other year or implement it into the city budget

Answer-*City Manager Camel*: Florida statute allows for every other year increase on the business tax receipts, for 17 years prior to, I think about two years ago; excuse me, 4 years ago, the city hadn't touched their business tax receipt in 17 years, so, yes we will make the increase of the 5% area of the year by ordinance as Florida Statute allows

Mayor Kyles announced:

No further comments

- Ordinance 04-2022 is closed to the Public for questions/comments
 - Ordinance 04-2022 is open to the Commission for discussion

Moved By: Vice-Mayor Barnard
Second By: Commissioner Berry

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

7b. ORDINANCE 05-2022: FIRST READING

AN ORDINANCE OF THE CITY OF SOUTH BAY, FLORIDA, APPROVING A SMALL-SCALE FUTURE LAND USE MAP/COMPREHENSIVE PLAN AMENDMENT IN ORDER TO AMEND THE CITY'S FUTURE LAND USE DESIGNATION FOR PARCEL NO. 58-36-44-11-00-000-7090 GENERALLY LOCATED WEST OF U.S. HIGHWAY 27 AND ACCESSIBLE FROM U.S. HIGHWAY 27; AND, NORTH OF NW 4TH STREET; AND, COMPRISING APPROXIMATELY 14.2 ACRES AND LEGALLY DESCRIBED HEREIN IN 'EXHIBIT A' OF THE RACETRAC PETROLEUM, INC. APPLICATION AND AS ATTACHED HERETO FROM RLD - RESIDENTIAL LOW DENSITY FUTURE LAND USE DESIGNATION TO COMM - COMMERCIAL DESIGNATION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

- Representatives Kristhian Morales, Senior Civil Engineer, Bowman speaks
- Jack Horniman, Planning Consultant speaks
 - Ordinance 05-2022 is open to the Public for questions/comments
 - Ordinance 05-2022 is closed to the Public for questions/comments
 - Ordinance 05-2022 is open to the Commission for discussion

Question-Commissioner Wilson: I understand about the land but what do you propose to do with the land? Therefore, if somebody asked me, I can say, this is going to be placed on the land or whatever. So what are your proposed plans?

Answer- Kristhian Morales, Senior Civil Engineer, Bowman

So, they intend to develop the property that you mentioned with an 8100-foot Racetrack market and gas station convenience store, that will be along the footage on the easternmost parcel of the convenience store. The convenience store, itself along with the fueling stations for regular vehicle fueling and along the eastern westernmost parcel, there will be truck fueling, truck scale and the truck parking in the back. The truck parking will be away from US-27, it will be along the westly parcel and that sightline application will be coming back in front of the city commission before it's approved.

Question-Commissioner Wilson: What I was told when this begun, there was going to be a restaurant on the end, in fact, there's supposed to be two. Is that true or not?

Answer-City Manager Camel: If I may, that's a separate project, it's a different project.

Question-Commissioner Wilson: So, in other words, what they are doing is really almost like what they're doing at Pilot; it's just a different company, is that correct?

Answer-City Manager Camel: Yes, that's correct.

Question-Commissioner Wilson: I'm heavy on jobs, when this is done what type of jobs will my citizens have an opportunity to get?

Answer- Krsthian Morales, Senior Civil Engineer, Bowman
I do have a representative from Racetrack here and that can speak more knowledgably to that.

Representative Samantha Jones, Racetrack Petroleum:

To address your question Commissioner Wilson, we have about 30 to 35 jobs depending on the demand and different shifts, that includes part-time, full-time. We offer scholarship help for students so we really try to be good partners to the residents of the communities in which we build

Question-Commissioner Wilson: what would be the average salary?

Representative Samantha Jones, Racetrack Petroleum:

Don't quote me, like \$16.00 an hour or so right now to remain competitive with the marketplace

Statement-Commissioner Wilson: Thank you very much

Statement-Commissioner Berry: Your concept is one that is a part of our smart planning strategic planning process. The concept of developing US-27 so since this if the First Reading, I can share additional information with you and ask additional questions at the next reading, thank you.

Statement-Vice-Mayor Barnard: No questions at this time

Statement/Question-Mayor Kyles: You know some of the same things that you were concerned about commissioners,

they asked me they asked me that question as well. After talking with the City Manager about what and where the truck part would be, it will be further away from the residents; over in the area were you're at and the house that I have that my parents have over there as well. I was very pleased with that because one of the things that I asked the City Manager about was the buffer but he already explained to me that there as going to be a buffer there. Another thing, I'm concerned about as well from that resident, the resident that lives in that particular area; will there be any type of fencing there as well, on that particular side?

Answer- Kristhian Morales, Senior Civil Engineer, Bowman

To the southern side of the property, there would be significant buffering. Actually, the site is developed under the site plan to provide a significant amount of almost 50 ft of buffering between the properties to the south and the truck vehicular use.

(Full recording/discussion available through the City Clerk/City website)

Moved By: Vice-Mayor Barnard

Second By: Commissioner Wilson

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

7c. ORDINANCE 06-2022: FIRST READING

AN ORDINANCE OF THE CITY OF SOUTH BAY, FLORIDA TO REZONE PARCEL NO. 58-36-44-11-00-000-7090 ON THE SITE KNOWN AS THE RACETRAC PETROLEUM, INC. AND GENERALLY LOCATED WEST OF U.S. HIGHWAY 27, ACCESSIBLE FROM U.S. HIGHWAY 27, ATTACHED HERETO AS EXHIBIT "A"; AND, NORTH OF NW 4TH STREET, COMPRISING OF APPROXIMATELY 14.2 ACRES FROM R-1 SINGLE FAMILY DWELLING DISTRICT ZONING TO B-2 WHOLESALE COMMERCIAL DISTRICT ZONING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER;

PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

- Jack Horniman, *Planning Consultant* speaks
- Ordinance 06-2022 is open to the Public for questions/comments
- Ordinance 06-2022 is closed to the Public for questions/comments
- Ordinance 06-2022 is open to the Commission for discussion

Moved By: Commissioner Wilson
Second By: Vice-Mayor Barnard

COMMISSION	VOTE
Mayor Kyles	YES
Vice Mayor Barnard	YES
Commissioner Berry	YES
Commissioner McKelvin	ABSENT
Commissioner Wilson	YES

8. ROSENWALD ELEMENTARY SCHOOL

9. FINANCE REPORT

- 9.a.** Prior Accounts Payable Report-*Tabled-Report accepted*
- 9b.** Current report: Accounts Payable-Report-accepted

10. CITY CLERK REPORT

11. CITY MANAGER REPORT

- 11.a.** Vehicle Auction
- 11.b.** 625 Palm Beach Road-Developer interest
- 11.c.** Gravel Truck
- 11.d.** Community Benefit Policy
- 11.e.** Vehicle for City Manager

12. CITY ATTORNEY REPORT

13. FUTURE AGENDA ITEMS

- 13.a.** Commissioner Berry
- Florida Department of Economic Opportunity funding-
Florida's rural communities through the Rural Infrastructure Fund (RIF).

14. COMMISSIONER COMMENTS FOR THE GOOD OF THE ORDER**14.a. Commissioner Wilson**

- Acknowledgements
- Thank you everyone, for coming out

14.b. Commissioner Esther Berry

- Laughter is good
- Take the time to reflect
- Thank you

14.c. Vice Mayor Betty Barnard

- Thank you for coming out
- Acknowledgements

14.d. Mrs. Burnadette Norris-Weeks, Esq., City Attorney

- **CONGRATULATIONS** to one of my very best friends on Earth, who has just been appointed by the Senate to the DC Circuit which is the nation's second highest court:
Her name is **J. Michelle Childs** and she was considered as one of the three people who was considered for the Supreme Court, she's out of South Carolina.

14.e. Mayor Joe Kyles

- Thank you
- Acknowledgements

14.f. City Manager Camel

- Project updates:
- NW 10th Ave
- SW 10th Ave
- Local Support Grant-NW 12th Ave and NW 1st street
- Engineers are preparing to do a street management street proposal, total scope and cost analysis

15. ADJOURNMENT

Joe Kyles, Mayor

ATTESTED BY:

Natalie Malone, City Clerk

RESOLUTION NO. 29-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED WORK ORDER PROPOSAL FROM C.A.P. ENGINEERING, INC. D/B/A CAP ENGINEERING, PERTAINING TO ROAD CONDITIONS EVALUATION AND REPAIR PROJECT AS A CONTINUING AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City accepts the Professional Engineering Services work order proposal from C.A.P. Engineering, Inc. d/b/a CAP Engineering in the amount of Forty-Eight Thousand Dollars (\$48,000.00) under its continuing agreement with the City; and

WHEREAS, the work order proposal from C.A.P. Engineering, Inc. includes, but is not limited to, the following tasks: Field inspections of road conditions; tabulate cost estimates, utility coordination with Palm Beach County Water Utilities, limited geotechnical, title search; and

WHEREAS, the City Commission of the City of South Bay ("City Commission") desires to authorize the City Manager to execute the work order proposal from C.A.P. Engineering, Inc. attached hereto as Exhibit "A" as a continuing agreement; and

WHEREAS, the City Commission believes execution of said work order is in the best interests of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Authorization of City Manager. The City Commission of the City of South Bay hereby authorizes the City Manager to execute the attached work order proposal from C.A.P. Engineering, Inc. for Professional Engineering Services for City of South Bay Road Conditions Evaluation and Repair Recommendations Report Project, as more specifically set forth in Exhibit "A" and further authorizes the City Manager to take all necessary and expedient action to effectuate the intent of this Resolution, including entering into an agreement consistent with the work order to accomplish the objectives contemplated herein.

Section 3. **Effective Date.** This Resolution shall be effective immediately upon its passage and adoption.

PASSED and **ADOPTED** this 2nd day of August 2022.

Joe Kyles, Mayor

ATTEST:

By: _____
Natalie Malone, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Week, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Wilson	_____ (Yes)	_____ (No)
Vice-Mayor Barnard	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

July 14, 2022

Mr. Leondrae D. Camel
City Manager
City of South Bay
335 SW 2nd Ave.
South Bay, Florida 33493

RE: Proposal for Professional Engineering Services for “City of South Bay Road Conditions Evaluation and Repair Recommendations Engineering Report”

Dear Mr. Camel:

We appreciate the opportunity extended to C.A.P. Engineering, Inc. by requesting the submittal of this proposal for professional civil engineering services for the referenced project to inspect and evaluate existing road conditions of all the roads in South Bay and make recommendations for road improvements to extend the life of existing roads through resurfacing, restoration, and rehabilitation (RRR) projects. The attached Exhibit ‘A’ map and table indicates the roads which will be evaluated in four areas identified as NE (north-east), NW (north-west), SE (south-east), and SW (south-west) quadrants.

The following Scope of Services is based on the information from our experience with past road projects with input from your office and is hereby submitted for your review and approval.

Scope of Services

Task 1- Field inspection of road conditions for all South Bay within the City right-of-way. The attached South Bay Map Exhibit A, divided into four cardinal-ordinal quadrants (NW, NE, SW, and SE) indicates 65 roads listed in the table need to be evaluated. These would include inspecting aboveground the existing pavement asphalt conditions, drainage inlets, driveways, curbs, sidewalks, signs & pavement markings, and utilities in roads. Up to four geotechnical soil borings investigation will be performed in selected road areas with severe base failure to further evaluate any pavement base repair methods and evaluation of repair/replacement needs. We will also review existing soils report from recent road projects. We will work with City Public Works Department staff to get their input on operational and maintenance issues experienced at the roads.

Task 2 – Document findings for each road with field inspection photos, indicate deficiencies, and make RRR improvement recommendations. Perform evaluation of repair/replacement needs for sixty-five (65) South Bay roads as listed in Exhibit A for NE (north-east), NW (north-west), SE (south-east), and SW (south-west) quadrants. Proposed recommendations will include pavement resurfacing; base replacement with reinforcement with geogrid, regrading of road and curbs to facilitate drainage to inlets; adjusting or replacing storm inlet and pipes; desilting of storm pipes; replace or install new sidewalks to comply with ADA; safety improvements like adding new signage and markings at crosswalks; minor roadway widening, and any lighting issues.

Task 3 – Tabulate cost estimates for RRR road improvement items recommended for each road evaluated and provide cross-section diagrams of recommended road improvement profiles.

Task 4 – Prioritize RRR road improvement projects and arrange for each road the engineering cost estimate with road profile exhibit so that City Manager can utilize each road project by taking each whenever submitting for annual budgets and grant funding.

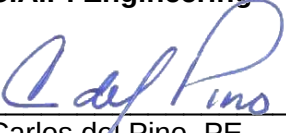
Task 5 – Palm Beach County Water Utilities Department (PBCWUD) have indicated they would also like to replace the drinking water mains and gravity sewer system whenever South Bay prioritizes and funds road repair projects for design and construction. Currently, PBCWUD is participating through a JPA (joint participation agreement) with South Bay for the SW 10th Avenue Road, Water & Sewer Improvements contract where water & sewer improvements funded by PBCWUD are included in the project. CAP will provide preliminary report to PBCWUD for review and coordinate comments identifying which roads they would also identify as JPA projects and include their budgets for water & sewer replacement in the report.

Lump Sum Fee.....\$ 48,000.00

Deliverables: Signed & Sealed “City of South Bay Road Conditions Evaluation and Repair Recommendations Engineering Report Engineering Report”. Provide preliminary report (90%) to City first and later make presentation to Commission of preliminary report before finalizing report. This proposal does not include road survey or video inspection of drainage pipes or signalization. As indicated, limited geotechnical investigation soil borings will be done at roads exhibiting severe depressions and cracks indicating sub-base issues. Signalizations are not evaluated as these are at the state road intersections at SR80 and US-27 which are designed, maintained, and operated by FDOT.

Schedule: Preliminary report will be delivered within in 6 months from notice to proceed and final report within 45 days after receipt of all comments. Invoices will be sent on a monthly basis on percentage completion. Should you find this proposal acceptable and wish to direct us to proceed with the aforementioned work, please execute in the space provided and return it to me. This will serve as our Notice to Proceed and upon receipt, we will begin working on the Scope of Services described herein. This proposal is only valid for forty-five (45) days from the date noted above. If you have any questions, or wish to discuss this proposal further, please contact me at your earliest convenience.

Very Truly Yours,
C.A.P. Engineering

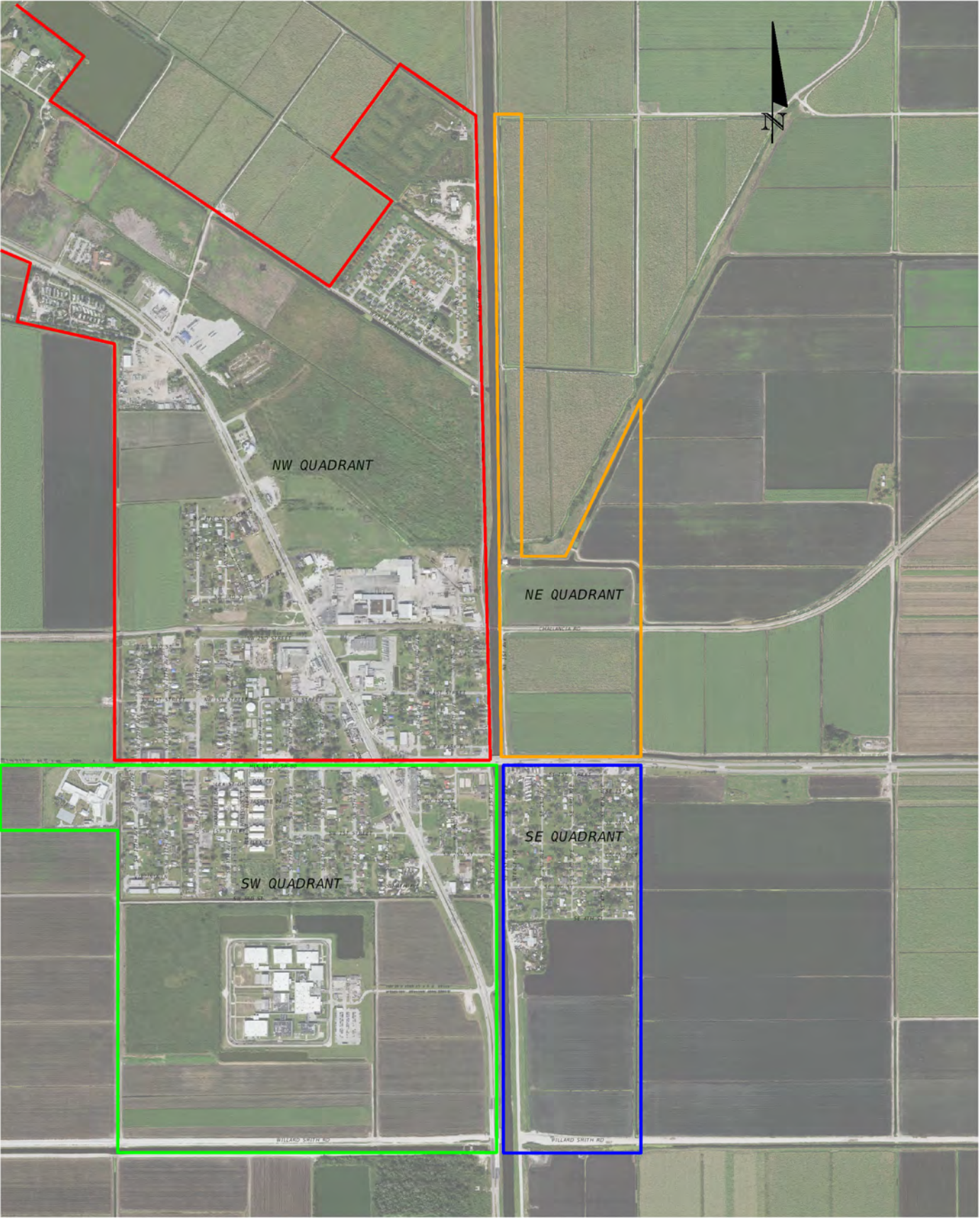


Carlos del Pino, PE
Project Director

Accepted by:
City of South Bay

Leondrae D. Camel
City Manager

Date Accepted



South Bay Roads For Evaluation		
	Quadrant	Road
1	NW	NW 1ST AVE
2		NW 2ND AVE
3		NW 3RD AVE
4		NW 4TH AVE
5		US-27
6		NW 5TH AVE
7		NW 6TH AVE
8		NW 7TH AVE
9		NW 8TH AVE
10		NW 9TH AVE
11		NW 10TH AVE
12		NW 11TH AVE
13		NW 12TH AVE
14		NW PARK PL
15		NW 1ST ST
16		NW 2ND ST
17		NW 3RD ST
18		NW 4TH ST
19		JIMMIE LOU CT
20		JANICE AVE
21		EILON AVE
22		APIO CIR
23		AVENIDA DE LECHUGA
24		AVENIDA DEL MAIZ
25		AZUCANA RD
26		WATER PLANT RD
27		ISLAND RD
28		LEVEE RD
29		ROCK RD
30		S. BAY CAMPGROUND
31	SW	MLK JR
32		SW 2ND AVE
33		SW 3RD AVE
34		SW 4TH AVE
35		SW 5TH AVE
36		SW 6TH AVE
37		SW 7TH AVE
38		SW 9TH AVE
39		SW 10TH AVE
40		SW 11TH AVE
41		SW 12TH AVE
42		SW 1ST ST
43		SW 2ND ST
44		SW 3RD ST
45		VIRGINIA LN
46		HARRELLE DR
47		HIBISCUS CT
48		ILEX ST
49		LEX ST DR
50		OAK CT
51		JASMINE CT
52		ILEX CT
53	SE	SE 1ST AVE
54		STEELE Cir
55		SE 2ND AVE
56		SE 3RD AVE
57		SE 4TH AVE
58		SE 1ST ST
59		SE 2ND ST
60		COCONUT CT
61	NE	SE 3RD ST
62		SE 4TH ST
63		WILLIARD SMITH RD
64		NE 1ST AVE
65		CHALLANCIA RD

RESOLUTION NO. 30-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT FUNDS TO AUTHORIZE THE PURCHASE OF ONE (1) NEW 2022 FORD EXPLORER XLT RWD (KTD) VEHICLE FROM DUVAL FORD, LLC IN THE AMOUNT OF FIFTY-EIGHT THOUSAND EIGHTY DOLLARS (\$58,080.00); PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION COOPERATIVE PURCHASING PROGRAM CONTRACT NUMBER FSA20-VEL28.0; PROVIDING FOR AN ALLOCATION OF FUNDS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of South Bay ("City") desires to piggyback the Florida Sheriff's Association Cooperative Purchasing Program Contract number FSA20-VEL28.0 for the purchase of one (1) 2022 Ford Explorer XLT RWD (KTD); and

WHEREAS, the base price for a 2022 Ford Explorer XLT RWD (KTD) Vehicle is Fifty-Eight Thousand and Eighty Dollars (\$58,080.00); and

WHEREAS, the City Manager has confirmed that the stated purchases are authorized utilizing the American Rescue Plan Act funds pursuant to the City's ARPA policy; and

WHEREAS, a purchase order for the one (1) piece of equipment is attached as Exhibit "A"; and

WHEREAS, the City Commission of the City of South Bay desires to authorize the City Manager to purchase the aforementioned vehicles utilizing American Rescue Plan Act Funds and execute documentation consistent with the intent of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AS FOLLOWS:

Section 1. **Adoption of Representations.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. **Authorization of City Manager.** The City Commission of the City of South Bay hereby authorizes the City Manager to piggyback the purchase of one (1) 2022 Ford Explorer XLT RWD (KTD) from Duval Ford, LLC by utilizing the Florida Sheriff's

Association Cooperative Purchasing Program Contract number FSA20-VEL28.0. The City Manager is further authorized to take all necessary and expedient action to execute all necessary documents in order to effectuate the intent of this Resolution.

Section 3. Allocation of Funds. The City Commission hereby authorizes the expenditure for one (1) 2022 Ford Explorer XLT RWD (KTD) from Equipment/Vehicles Account Number: 001-151-64000.

Section 4. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 2nd day of August 2022.

Joe Kyles, Mayor

ATTEST:

By: _____
Natalie Malone, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Week, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Wilson	_____ (Yes)	_____ (No)
Vice-Mayor Barnard	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

City of South Bay

Prepared for:

City of South Bay
Gabriel Horta
hortag@southbaycity.com

Contract Holder

7/25/2022

Duval Ford
Jared Davis
(Work) 904-381-6595
(Mobile) 904-343-4451
jared.davis@duvalmotor.com
5203 Waterside Dr
Jacksonville, FL 32210

PLEASE CONFIRM RECEIPT OF QUOTE VIA EMAIL

Pricing through Florida Sheriff's Association 20-VEL28.0 / 20-VEH18.0 contracts. Please note any items in red as they may require additional customer information or clarification. When submitting purchase order, please note billing address, delivery address, and any titling instructions. Thank you!

\$100

Rate/ Hr

Labor Hours.

0

0

0

0

0

0

0

0

0

0

0

UNIT COST

Code	Equipment	UNIT PRICE	EXTENDED
SPEC 294	2022 Ford Explorer XLT RWD (K7D)	\$ 30,895.00	\$ 30,895.00
UM/ET	Agate Black Metallic exterior / Mesa Norias leather interior	\$ -	\$ -
202A	202A Equipment Group	\$ 3,539.00	\$ 3,539.00
NON CONT	Upgrade one trim level (Limited)	\$ 6,454.00	\$ 6,454.00
NON CONT	Upgrade one trim level (ST)	\$ 6,454.00	\$ 6,454.00
NON CONT	Upgrade one trim level (King Ranch)	\$ 6,454.00	\$ 6,454.00
	Includes:		\$ -
	3.0L EcoBoost V6		\$ -
	20" 10-spoke aluminum wheels		\$ -
	20 gallon fuel tank		\$ -
	Power-folding, power-adjustable and heated sideview mirrors with auto-fold		\$ -
	Reverse brake assist		\$ -
	10.1" LCD capacitive portrait touchscreen in center stack		\$ -
	Captain's Chairs w/ E-Z Entry		\$ -
	Third row PowerFold (folds flat)		\$ -
	Active Noise cancellation		\$ -
	Hands-free, foot-activated liftgate		\$ -
	Driver's seat memory		\$ -
439	Twin Panel moonroof	\$ 1,695.00	\$ 1,695.00
52T	Class IV trailer tow package	\$ 545.00	\$ 545.00
54X	2nd row Heated Seats control CREDIT	\$ (100.00)	\$ (100.00)
91X	Rear auxiliary controls CREDIT	\$ (50.00)	\$ (50.00)
153	Front License Plate Bracket	\$ -	\$ -
NON CONT	Reinvoice vehicle from retail to government	\$ 2,194.00	\$ 2,194.00
	On ground and subject to availability		\$ -
NOTE			
UNIT COST			\$ 58,080.00

TOTAL QUANTITY

1

TOTAL PURCHASE

\$ 58,080.00

City Of South Bay
 335 S.W. 2nd Avenue
 South Bay, FL 33493
 Phone: (561) 996-6751 Fax: (561) 996-7650

Purchase Order

Purchase Order No. 001396
 Vendor Number DUVAL FORD
 Vendor Ph/Fax:

To

DUVAL FORD
 PO BOX 7687
 JACKSONVILLE, FL 32238

Ship to

City Of South Bay
 335 S.W. 2nd Avenue
 South Bay, FL 33493

PO Date	Ship Via	F.O.B.	Terms		
07/27/2022					
Buyer Name	Freight Type	Expected Date	Vendor Contact	Remarks	Tax
MASSIH	Added	07/27/2022	Jared Davis		0.00%

Quantity	Vendor Stock #	Description	Unit Cost	Extended
1.00		2022 Ford Explorer	\$58,080.0000	\$58,080.00
Authorized Signature: _____			Sub Total Discount Freight Sales Tax Total	\$58,080.00 \$0.00 \$0.00 \$0.00 \$58,080.00

ORDINANCE NO 05-2022

AN ORDINANCE OF THE CITY OF SOUTH BAY, FLORIDA, APPROVING A SMALL-SCALE FUTURE LAND USE MAP/COMPREHENSIVE PLAN AMENDMENT IN ORDER TO AMEND THE CITY'S FUTURE LAND USE DESIGNATION FOR PARCEL NO. 58-36-44-11-00-000-7090 GENERALLY LOCATED WEST OF U.S. HIGHWAY 27 AND ACCESSIBLE FROM U.S. HIGHWAY 27; AND, NORTH OF NW 4TH STREET; AND, COMPRISING APPROXIMATELY 14.2 ACRES AND LEGALLY DESCRIBED HEREIN IN 'EXHIBIT A' OF THE RACETRAC PETROLEUM, INC. APPLICATION AND AS ATTACHED HERETO FROM RLD - RESIDENTIAL LOW DENSITY FUTURE LAND USE DESIGNATION TO COMM - COMMERCIAL DESIGNATION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 22, Section 22-45 of the City of South Bay's Code of Ordinances and Chapter 163.3184 of the Florida Statutes provides for amendment of the City's Comprehensive Plan; and

WHEREAS, with the authorization from the interested owner RaceTrac Petroleum, Inc., Applicant, has submitted a request for a Small-Scale Future Land Use Map (FLUM)/Comprehensive Plan Amendment to change the future land use on Parcel 58-36-44-11-00-000-7090 of the site generally located West of U.S. Highway 27 and accessible from U.S. Highway 27; and, North of the NW 4th Street comprising approximately 14.2 acres and as legally described in 'Exhibit A' attached hereto from RLD - Residential Low Density future land use designation to COMM - Commercial future land use designation; and

WHEREAS, the entire site known as RaceTrac /Travel Center contains two (2) parcels; however, only one (1) parcel, Parcel No. 58-36-44-11-00-000-7090 requires a change to future land use;

WHEREAS, following an advertised public hearing, the City Commission considered the recommendations of staff and provided the public with an opportunity to present testimony and evidence, the City Commission has determined that the petition to amend the future land use designation should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE
CITY OF SOUTH BAY, FLORIDA:

Section 1. **Adoption of Representations.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. **Amending Designation.** The Small-Scale Future Land Use Map/ Comprehensive Plan Amendment, is hereby granted for a small-scale comprehensive plan amendment to the Future Land Use Map designating Parcel 58-36-44-11-00-000-7090 as COMM - Commercial future land use designation.

Section 3. **Amendment to Future Land Use Map.** The City of South Bay’s Comprehensive Plan Future Land Use Map, as currently applicable in the City of South Bay, is hereby amended by re-designating Parcel No. 58- 36-44-11-00-000-7090 of the RaceTrac Petroleum, Inc. site from RLD - Residential Low Density to COMM - Commercial designation as described in the Staff Report attached hereto as Exhibit “A”. Project Identifier: SB-RaceTrac/Small-Scale Future Land Use Amendment; Applicant, RaceTrac Petroleum, Inc. May 27, 2022.

Section 4. **Disclaimer & Permit Condition.** Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfills the obligations imposed by a State or Federal agency or undertakes actions that results in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

Section 5. **Severability.**

It is declared to be the intent of the City, that if any section, subsection, paragraph, sentence, clause or provision of this Ordinance be held invalid, the remainder of this Ordinance shall not be affected.

Section 6. **Conflict and Repealer.**

All ordinances, parts of ordinances or code provisions in conflict herewith are hereby repealed.

Section 7. **Effective Date.**

This Ordinance shall take effect immediately upon final passage and adoption.

All ordinances, parts of ordinances or code provisions in conflict herewith are hereby repealed.

PASSED FIRST READING this ____ day of _____ 2022.

PASSED SECOND READING this ____ day of _____ 2022.

Joe Kyles, Mayor

Moved by: _____

Seconded by: _____

Attested

By: _____
Natalie Malone, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Week, Esquire
City Attorney

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Wilson	_____ (Yes)	_____ (No)
Vice-Mayor Barnard	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

'EXHIBIT A'



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

RaceTrac South Bay

PROPOSED FUTURE LAND USE

Date: 6/28/2022

Legend

--- Property Line West Parcel: 58364411000007090

--- Property Line East Parcel: 58364411000007100

COMM - Commercial

Small-Scale Future Land Use Map (FLUM)/Comprehensive Plan Amendment

Applicant: RACETRAC PETROLEUM, INC.
Project Location: North of NW 4th Street west of U.S. Highway 27 N
(Parcel 58-36-44-11-00-000-7090)
Project Identifier: SB-RaceTrac/Small-Scale Future Land Use Map Amendment
Date: May 27, 2022

Race Trac Petroleum, Inc. has submitted a request for a Small-Scale Future Land Use Map (FLUM)/Comprehensive Plan Amendment to the City of South Bay Future Land Use – 2021 Map. The RaceTrac site is generally located North of NW 4th Street and west of U.S. Highway 27 N. The RaceTrac site is comprised of two (2) Parcels; Parcel 58-36-44-11-00-000-7090 (14.18 acres) and Parcel 58-36-44-11-00-000-7100 (9.21 acres) for a total site size of 23.4 acres. To develop the two (2) Parcels as one (1) site, the Parcels will have to be put under Unity of Title, or other acceptable legal instrument, in order to develop the Parcels as one (1) site. The appropriate Future Land Use designation for the entire site would be COMM – Commercial to accommodate the proposed RaceTrac market and filling station. The easterly Parcel ending in 7100 currently has a COMM – Commercial future land use designation; however, the westerly Parcel ending in 7090 has a RLD – Residential Low Density designation. Therefore, a Future Land Use Map change from RLD – Residential Low Density to COMM – Commercial on the westerly Parcel will be required to make the entire site available for commercial development.

The site is proposed for a 8100 square foot RaceTrac market with filling station with associated parking, utilities and drainage infrastructure to support the development. The Applicant proposes to change the future land use on Parcel 58-36-44-11-00-000-7090 to COMM – Commercial to be consistent with the easterly Parcel COMM – Commercial land use. While the properties located north and east of the site are designated for Commercial uses, and are similarly located adjacent to U.S. Highway 27 N., changing the site's future land use designation to COMM – Commercial will further enhance the existing commercial corridor. Designation of the entire proposed RaceTrac site for Commercial use would be the most appropriate use to accommodate this small-scale future land use amendment proposal .

Therefore, the Applicant's request is for a Small-Scale Future Land Use Map Amendment for 14.18 acres (Parcel 58-36-44-11-00-000-7090) from RLD - Residential Low Density future land use to COMM - Commercial land use. Review and verbal comments on the proposed Small-Scale FLUM Amendment have been provided by the City to the Applicant at various times/meetings during the application process. The Application package submitted by is attached as background material for this proposal. The attached Map identified as 'Existing Future Land Use' shows the current future land

use designation for Parcel 58-36-44-11-00-000-7090 as RLD – Residential Low Density and the attached Map identified as ‘Proposed Future Land Use’ illustrates that Parcel 58-36-44-11-00-000-7090 is proposed for COMM - Commercial land use, if approved by the City Commission.

Recommendation

It is recommended that the City Commission approve the requested Small-Scale Future Land Use Map/Comprehensive Plan Amendment.



Date: 6/28/2022

RaceTrac South Bay

EXISTING FUTURE LAND USE

Legend

- - - Property Line West Parcel: 58364411000007090
- - - Property Line East Parcel: 58364411000007100
- COMM - Commercial
- RLD - Residential Low Density

ORDINANCE NO. 06-2022

AN ORDINANCE OF THE CITY OF SOUTH BAY TO RE-ZONE PARCEL NO. 58-36-44-11-00-000-7090 ON THE SITE KNOWN AS THE RACETRAC PETROLEUM, INC. SITE GENERALLY LOCATED WEST OF U.S. HIGHWAY 27 AND ACCESSIBLE FROM U.S. HIGHWAY 27; AND, NORTH OF NW 4TH STREET; COMPRISING APPROXIMATELY 14.2 ACRES AND AS LEGALLY DESCRIBED HEREIN IN 'EXHIBIT A' AND ATTACHED HERETO FROM R-1 SINGLE FAMILY DWELLING DISTRICT ZONING TO B-2 WHOLESALE COMMERCIAL DISTRICT ZONING PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, with authorization from the interested owner RaceTrac Petroleum, Inc. has submitted a request to amend the South Bay Zoning Map and to re-zone Parcel No. 58-36-44-11-00-000-7090 of the site generally located West of U.S. Highway 27 and accessible from U.S. Highway 27; and, North of NW 4th Street and as legally described in 'Exhibit A' attached hereto from R-1 Single Family Dwelling District to B-2 Wholesale Commercial District zoning ; and,

WHEREAS, the entire site known as RaceTrac Travel Center contains two (2) parcels; however, only one (1) parcel, Parcel No. 58-36-44-11-00-000-7090, containing approximately 14.2 acres requires a re-zoning; and

WHEREAS, following an advertised public hearing, the City Commission considered the recommendations of staff and provided the public with an opportunity to present testimony and evidence, the City Commission has determined that the petition for re-zoning should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SOUTH BAY, FLORIDA:

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Approval of Re-zoning. The Applicant's request is for a Re-Zoning of Parcel No. 58-36-44-11-00-000-7090 comprising approximately 14.2 acres from R-1 Single Family Dwelling District zoning to B-2 Wholesale Commercial District zoning is granted and

approved as to application Project Identifier: SB-RaceTrac Re-Zoning. The zoning map for the City of South Bay shall be amended to reflect said re-zoning.

Section 3. Development Documents and Maps Approved. The amended proposed zoning map attached hereto is hereby approved for re-zoning of Parcel No 58-36-44-11-00-000-7090 the subject property from R-1 Single Family Dwelling District zoning B-2 Wholesale Commercial District zoning as described in the Staff Report for Project Identifier: SB-RaceTrac Re-Zoning, Applicant, RaceTrac Petroleum, Inc., May 27, 2022.

Section 4. Disclaimer & Permit Condition. Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfills the obligations imposed by a State or Federal agency or undertakes actions that results in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfills the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

Section 5. Severability.

It is declared to be the intent of the City, that if any section, subsection, paragraph, sentence, clause or provision of this Ordinance be held invalid, the remainder of this Ordinance shall not be affected.

Section 6. Conflict and Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith are hereby repealed.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption.

PASSED FIRST READING this ____ day of _____ 2022.

PASSED SECOND READING this ____ day of _____ 2022.

Joe Kyles, Mayor

Moved by: _____

Seconded by: _____

Attested

By: _____
Natalie Malone, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Week, Esquire
City Attorney

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Wilson	_____ (Yes)	_____ (No)
Vice-Mayor Barnard	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

Re-Zoning Request

Applicant: RACETRAC PETROLEUM, INC.

Project Location: North of NW 4th Street; west of U.S. Highway 27 N. (Parcel 58-36-44-11-00-000-7090)

Project Identifier: SB-RaceTrac Re-Zoning

Date: May 27, 2022

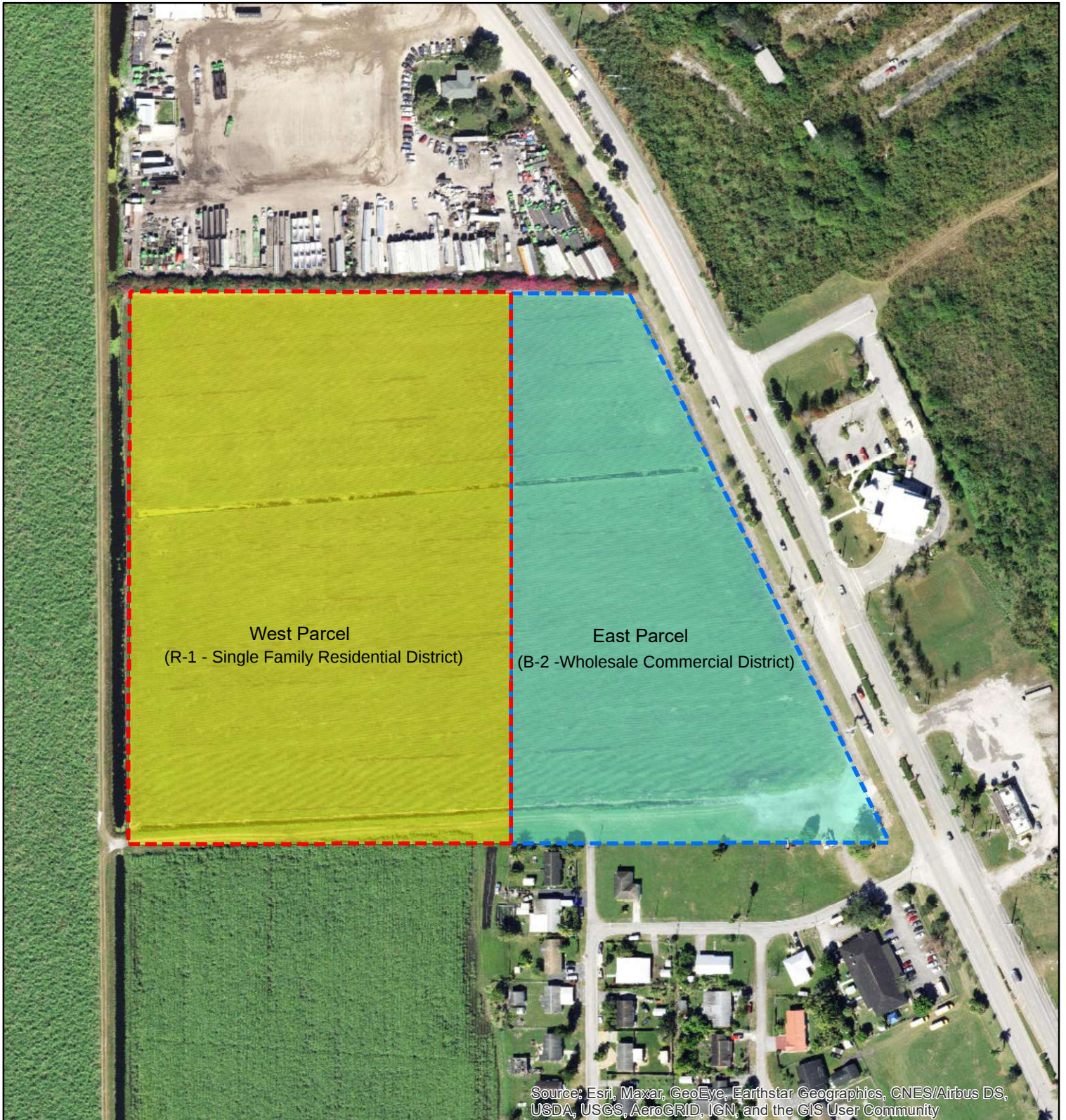
Race Trac Petroleum, Inc. has submitted a request to amend the South Bay Zoning Map to accommodate a re-zoning of Parcel 58-36-44-11-00-000-7090 from its current R-1 Single Family Dwelling District designation to B-2 Wholesale Commercial District. The RaceTrac site is generally located North of NW 4th Street and west of U.S. Highway 27 N. The RaceTrac site is comprised of two (2) Parcels; Parcel 58-36-44-11-00-000-7090 (14.18 acres) and Parcel 58-36-44-11-00-000-7100 (9.21 acres) for a total site size of 23.4 acres. To develop the two (2) Parcels as one (1) site, the Parcels will have to be put under Unity of Title, or other acceptable legal instrument, in order to develop the Parcels as one (1) site. The appropriate Zoning designation for the entire site would be B-2 Wholesale Commercial District to accommodate the proposed RaceTrac market and filling station. The easterly Parcel ending in 7100 currently has a B-2 Wholesale Commercial District zoning designation; however, the westerly Parcel ending in 7090 has a R-1 Single Family Dwelling District designation. Therefore, a Zoning Map change on Parcel 58-36-44-11-00-000-7090 from R-1 Single Family Dwelling to B-2 Wholesale Commercial District will be required to make the entire site available for commercial development.

The site is proposed for a 8100 square foot RaceTrac market with filling station with associated parking, utilities and drainage infrastructure to support the development. The Applicant proposes to re-zone Parcel 58-36-44-11-00-000-7090 to B-2 Wholesale Commercial District. While the properties located north and east of the site are designated for Commercial uses, and are similarly located adjacent to U.S. Highway 27 N., re-zoning Parcel 58-36-44-11-00-000-7090 to B-2 Wholesale Commercial District will further enhance the existing commercial corridor. Designation of the entire proposed RaceTrac site for Commercial use would be the most appropriate use to accommodate this small-scale future land use amendment proposal.

Therefore, the Applicant's request is for a Re-Zoning of 14.18 acres (Parcel 58-36-44-10-00-000-7090) from R-1 Single Family Dwelling District to B-2 Wholesale Commercial District. Review and comments on the proposed Re-Zoning request have been provided by the City to the Applicant at various times during the application process. The attached Maps identified as the City of South Bay Official Zoning Map illustrates the existing and proposed re-zoning of the Parcel if approved by the City Commission.

Recommendation

It is recommended that the City Commission approve the Re-zoning request.



RaceTrac South Bay

EXISTING ZONING

Date: 6/28/2022

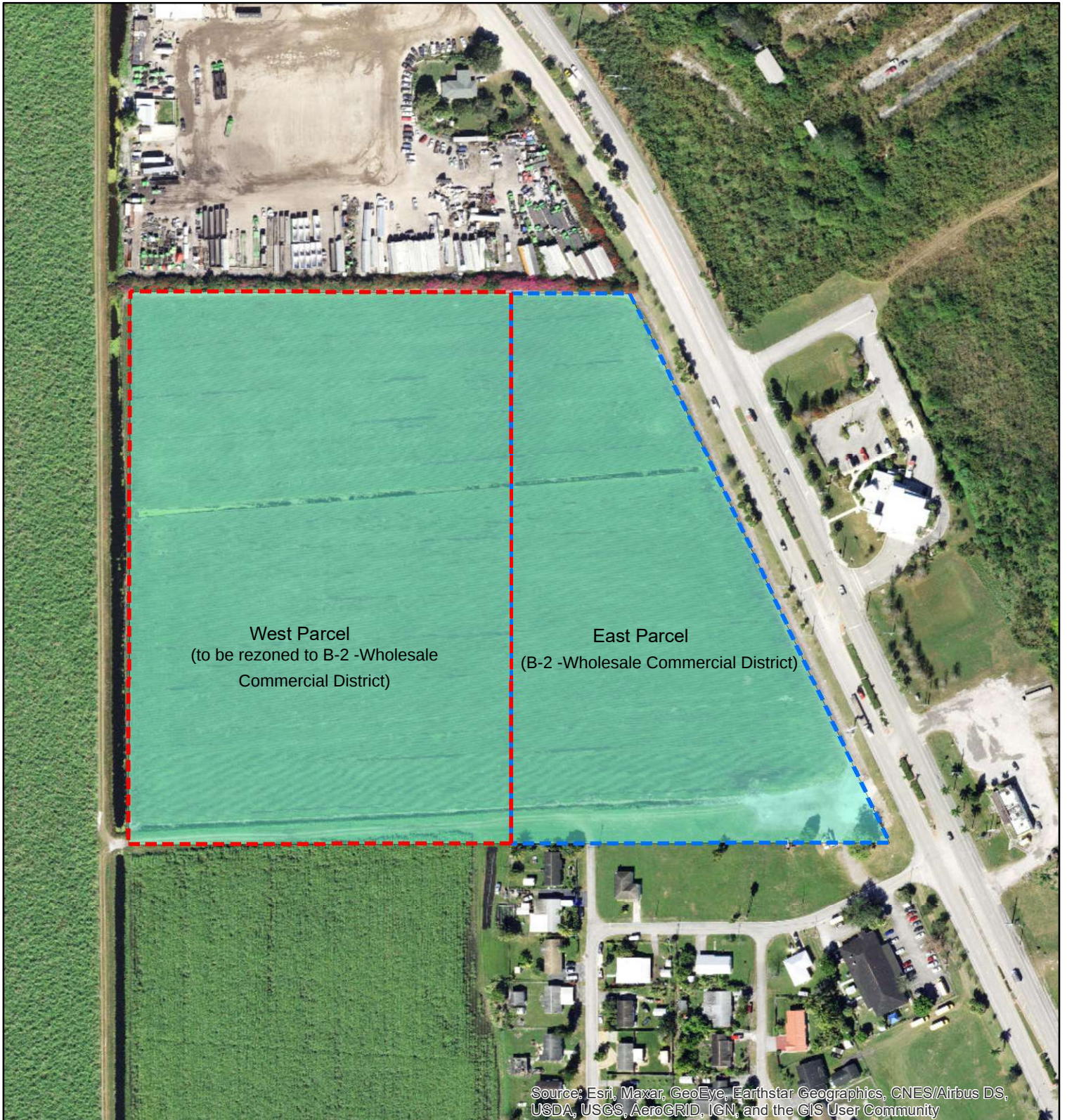
Legend

--- Property Line West Parcel: 58364411000007090

--- Property Line East Parcel: 58364411000007100

B-2 (Wholesale Commercial District)

R-1 (Single Family Residential District)



RaceTrac South Bay

PROPOSED ZONING

Date: 6/28/2022

Legend

--- Property Line West Parcel: 58364411000007090

--- Property Line East Parcel: 58364411000007100

■ B-2 (Wholesale Commercial District) Page 41 of 48



City of South Bay

South Bay City Hall
335 SW 2nd Avenue
South Bay, FL 33493
Telephone: 561-996-6751
Facsimile: 561-996-7950

www.southbaycity.com

Commission

Joe Kyles Sr.
Mayor

Betty Barnard
Vice Mayor

Esther E. Berry

John Wilson

Taranza McKelvin

Leondrae Camel
City Manager

City Clerk
Natalie Malone

Burnadette Norris-Weeks
City Attorney

"An equal Opportunity
Affirmative Action Employer"

To: Honorable Mayor and Commissioners
From: Massih Saadatmand, Finance Director
Thru: Mr. Leondrae Camel, City Manager
Date: July 28, 2022
Ref: Weekly check register

Enclosed, please find the summary of check register as of July 28, 2022

General Fund

- Utility:

Verizon	\$	557.74
Comcast		907.17

• American Life	1,336.53
• Bank of America	1,530.97
• Clarke	585.17
• Payment for various services	1,516.89
• Other	1,901.99
	<u>8,336.46</u>
Total	\$ 8,336.46

ARP Act Fund

2 SBW

Deland Allen

\$	2,400.00
	<u>4,425.00</u>
\$	<u>6,825.00</u>

Capital Project Fund

CAP Government

Colome & Associates

R&D Paving

\$	9,490.00
	7,900.00
	<u>55,782.02</u>
\$	<u>73,172.02</u>

Sanitation Fund

Waste Management

\$	<u>2,833.06</u>
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AP Check Register Report

City Of South Bay (CSBFND)

Page 1

7/14/2022 12:23:54 PM

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
14439	2 SBW	2 S.B.W. & ASSOCIATES, INC	7/14/2022	2,400.00
14440	AMERICAN PUBLIC LIFE I	AMERICAN PUBLIC LIFE INSURANCE COMPANY	7/14/2022	1,336.53
14441	CLARKE	CLARKE	7/14/2022	585.17
14442	COMCAST	COMCAST	7/14/2022	142.48
14443	COMCAST BUSINESS	COMCAST	7/14/2022	764.69
14444	DELANO ALLEN	DELANO ALLEN	7/14/2022	4,425.00
14445	GLADES CENTRAL COMM	GLADES CENTRAL COMMUNITY HIGH	7/14/2022	300.00
14446	ORSENIGO REPAIR	ORSENIGO REPAIR & MAINT. INC	7/14/2022	340.00
14447	VRC	VRC	7/14/2022	379.60
14448	XEROX CORP	XEROX CORPORATION	7/14/2022	271.29
Non-Electronic Transactions:				10,944.76
Total Transactions:				10,944.76

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AP Check Register Report

City Of South Bay (CSBFND)

7/15/2022 9:58:49 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
14449	JP ELECTRONIC	JEFF PAULO D/B/A JP ELECTRONICS &	7/15/2022	376.00
Non-Electronic Transactions:				376.00
Total Transactions:				376.00

AP Check Register Report

City Of South Bay (CSBFND)

7/21/2022 11:20:44 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
14451	BANK OF AMERICA, NA	BANK OF AMERICA	7/21/2022	1,530.97
14452	DEPT OF ENVIRO	DEPARTMENT OF ENVIRONMENTAL PROTECT	7/21/2022	600.00
14453	PETTY CASH	CITY OF SOUTH BAY-PETTY CASH	7/21/2022	326.99
14454	THEODORE GREEN	THEODORE GREEN	7/21/2022	150.00
14455	URBAN LEAGUE OF BRO	URBAN LEAGUE OF BROWARD COUNTY, INC	7/21/2022	275.00
14456	VERIZON WIRELESS	VERIZON WIRELESS	7/21/2022	557.74
Non-Electronic Transactions:				3,440.70
Total Transactions:				3,440.70

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AP Check Register Report

City Of South Bay (CSBFND)

7/20/2022 11:51:51 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
14450	PETTY CASH	CITY OF SOUTH BAY-PETTY CASH	7/20/2022	400.00
Non-Electronic Transactions:				400.00
Total Transactions:				400.00

AP Check Register Report

City Of South Bay (CSBFND)

7/19/2022 11:40:51 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
236	CAP GOVERNMENT	CAP GOVERNMENT	7/19/2022	9,490.00
237	COLOME & ASSOCIATES,	COLOME & ASSOCIATES, INC.	7/19/2022	7,900.00
238	R&D PAVING LLC	R&D PAVING LLC	7/19/2022	55,782.02
Non-Electronic Transactions:				73,172.02
Total Transactions:				73,172.02

AP Check Register Report

City Of South Bay (CSBFND)

7/26/2022 11:21:20 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
285	WASTE MANAGEMENT	WASTE MANAGEMENT INC. OF FLORIDA	7/26/2022	2,833.06
Non-Electronic Transactions:				2,833.06
Total Transactions:				2,833.06