PANAMA CITY BEACH CITY COUNCIL
AGENDA

NOTE: AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY COUNCIL ALSO SITS, EX-OFFICIO, AS THE CITY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY.

MEETING DATE: OCTOBER 11, 2018
MEETING TIME: 6:00 P.M.

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION- PASTOR RICK YOUNG OF THE WOODSTOCK CHURCH

III. PLEDGE OF ALLEGIANCE- COUNCILMAN SOLIS

IV. COMMUNITY ANNOUNCEMENTS

V. APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 27, 2018

VI. APPROVAL OF AGENDA, AND ADDITIONS OR DELETIONS

VII. PRESENTATIONS- COUNCILMAN SOLIS

1. BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD

2. PRESENTATION OF APPRECIATION PLAQUE TO MS SHERRY SWARTOUT, FORMER CIVIL SERVICE BOARD MEMBER

3. BAY COUNTY VETERANS COUNCIL PRESENTATION TO PARKS & RECREATION

VIII. PUBLIC COMMENTS-REGULAR (NON-PUBLIC HEARINGS) & CONSENT ITEMS ONLY (LIMITED TO THREE MINUTES)

IX. CONSENT AGENDA

1. ORDER 03-RZ-18, APPROVAL OF THE SUNDIAL STREET REZONING. "The City Council of the City of Panama City Beach, having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on September 27, 2018, orders that the subject rezoning request is hereby GRANTED and the captioned Ordinance 1473 shall be ADOPTED."

2. ORDER 04-CU-18, APPROVAL OF HEIGHT INCENTIVE REQUEST FOR SHALIMAR RETREAT BY THE SEA RESORTS, INC., 17561, 17607 & 17609 FRONT BEACH ROAD. "The City Council of the City of Panama City Beach, being fully advised in the premises and having held a public Quasi-Judicial hearing on this matter on September 27, 2018, orders that the Applicant's Height Incentive Request is hereby APPROVED with CONDITIONS as more particularly described in the body of the Order."

3. ORDER 05-CU-18, DENIAL OF HEIGHT INCENTIVE REQUEST FOR BY ALENA BY THE SEA RESORTS, INC., 17101 & 17001 FRONT BEACH ROAD. "The City Council of the City of Panama City Beach, being fully advised in the premises and having held a public, Quasi-Judicial hearing on this matter on September 27, 2018, orders that the Applicant's Height Incentive Request is hereby DENIED."

4. ORDER 06-CU-18, APPROVAL OF HEIGHT INCENTIVE REQUEST FOR MIRACLE STRIP PROPERTIES BY THE SEA RESORTS, LLC, 11815 & 11827 FRONT BEACH ROAD. "The City Council of the City of Panama City Beach, being..."
Beach, being fully advised in the premises and having held a public Quasi-Judicial hearing on this matter on September 27, 2018, orders that the Applicant's Height Incentive Request is hereby APPROVED with CONDITIONS as more particularly described in the body of the Order.

ORDER 07-CU-18, APPROVAL OF HEIGHT INCENTIVE REQUEST FOR RESORT HOSPITALITY ENTERPRISES, LTD., 9500 & 9600 SOUTH THOMAS DRIVE. "The City Council of the City of Panama City Beach, being fully advised in the premises and having held a public Quasi-Judicial hearing on this matter on September 27, 2018, orders that the Applicant's Height Incentive Request is hereby APPROVED with CONDITIONS as more particularly described in the body of the Order."

ORDER 08-CU-18, APPROVAL OF HEIGHT INCENTIVE REQUEST FOR RESORT HOSPITALITY ENTERPRISES, LTD., 9400 SOUTH THOMAS DRIVE. "The City Council of the City of Panama City Beach, being fully advised in the premises and having held a public Quasi-Judicial hearing on this matter on September 27, 2018, orders that the Applicant's Height Incentive Request is hereby APPROVED with CONDITIONS as more particularly described in the body of the Order."

RESOLUTION 19-01, TASK ORDER #2018-03 TO THE MASTER SERVICES AGREEMENT DEWBERRY ENGINEERS, INC., UTILITY ENGINEERING SERVICES FOR RECLAIMED WATER AND SEWER FORCE MAIN EXTENSIONS ON ALF COLEMAN ROAD. "A Resolution of the City of Panama City Beach, Florida, approving Task Order #2018-03 to the Master Services Agreement for Utility Engineering Services with Dewberry Engineers, Inc., related to Alf Coleman Force Main and Reclaim Water Main Extensions, between Middle and Panama City Beach Parkway Roads in the amount of $24,380; authorizing execution and providing an immediately effective date."

RESOLUTION 19-02, BID AWARD, POLICE FLEET VEHICLES AND EQUIPMENT INSTALL SERVICES. "A Resolution of the City of Panama City Beach, Florida, authorizing the purchase of 6 Police Vehicles from AutoNation of Pembroke Pines and Bay Dodge in the total amount of $154,734, as more particularly set forth in the body of the Resolution; authorizing the purchase and installation of emergency equipment for those vehicles from HG2 Emergency Lighting in the amount of $119,099; and providing an immediately effective date."

RESOLUTION 19-03, KEYSTONE FIELD SERVICES ENGAGEMENT FOR CRA RELOCATION CONSULTING. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Keystone Field Services, Inc., for Relocation Consulting Services at specified hourly rates; and providing an immediately effective date."

REGULAR AGENDA - DISCUSSION/ACTION

<table>
<thead>
<tr>
<th>NO.</th>
<th>OFFICIAL</th>
<th>ITEM</th>
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<tbody>
<tr>
<td>1</td>
<td>MG</td>
<td>RESOLUTION 19-04, FIRE ASSESSMENT HARDSHIP APPLICATION PROCESS.</td>
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<tr>
<td>2</td>
<td>MG</td>
<td>ORDINANCES 1477 &amp; 1478, UTILITIES IN SCENIC CORRIDORS, DISCUSSION.</td>
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<tr>
<td>3</td>
<td>ML</td>
<td>ORDINANCE 1475, AMENDING LDC HEIGHT INCENTIVES REPEAL, 1ST READING, PUBLIC HEARING.</td>
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<tr>
<td>4</td>
<td>ML</td>
<td>ORDINANCE 1476, CHANGING VARIANCE PROCESS, 1ST READING.</td>
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<tr>
<td>5</td>
<td>CD/DW</td>
<td>LSV SUNSETTING, DISCUSSION.</td>
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</tbody>
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XI. DELEGATE AND STAFF REPORTS

1 DELEGATIONS. In accordance with the City Council’s rules and procedures, residents or tax-collectors of the City (upon any subject of general or public interest), City employees (regarding his/her employment), and water and sewer customers (on matters related to the City’s water and/or sewer system), may address the City Council under Delegations on items not on the printed agenda by filling out a speaker card. Speaker cards are located inside the Council meeting room and should be provided to the City Clerk. Please observe the time limit of three (3) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by the Chair.

2 ATTORNEY REPORT.

3 CITY MANAGER REPORT.

4 COUNCIL COMMENTS.

5 ADJOURN.

*Action items noted with an asterisk are taken both by the City Council and the Panama City Beach Redevelopment Agency jointly and concurrently.

PAUL CASTO X PAUL CASTO X
PHIL CHESTER X PHIL CHESTER X
GEOFF McCONNELL X GEOFF McCONNELL X
HECTOR SOLIS X HECTOR SOLIS X
MIKE THOMAS X MIKE THOMAS X

I certify that the Council members listed above have been contacted and given the opportunity to include items on this agenda.

City Clerk 10/6/18

IN AN EFFORT TO CONDUCT YOUR COUNCIL MEETINGS IN AN ORDERLY AND EXPEDIENT MANNER, WE RESPECTFULLY REQUEST THAT YOU WAIT UNTIL THE CHAIR RECOGNIZES YOU TO SPEAK, THEN COME TO THE PODIUM AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

E-mailed to interested parties and posted on the website on: 10/9/18, 2 P.M.

NOTE: COPIES OF THE AGENDA ITEMS ARE POSTED ON THE CITY’S WEBSITE WWW.PCBGOV.COM.

THIS MEETING WILL BE LIVE-STREAMED ON THE CITY WEBSITE AND CITY FACEBOOK PAGE “CITY OF PANAMA CITY BEACH-GOVERNMENT”.

NOTE: ONE OF MORE MEMBERS OF OTHER CITY BOARDS MAY APPEAR AND SPEAK AT THIS MEETING.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceeding, and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. Sec. 286.0105, FS (1995)
The Regular Meeting of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency, held on September 27, 2018.

Mayor Thomas called the Regular Meeting to order at 9 A.M. with all Council members, City Manager, City Clerk and City Attorney present.

Mayor Thomas gave the invocation and Councilman McConnell led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events.

The Minutes of the Special Meeting/Utility Fund Budget Workshop of September 13 and the Regular Meeting of September 13, 2018 were read. Councilman McConnell made the motion to approve the Minutes as written. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman McConnell Aye
Councilman Solis Aye
Councilman Casto Aye
Councilman Chester Aye
Mayor Thomas Aye

Mayor Thomas asked if there were any additions or deletions to the Agenda. There were none. Councilman McConnell made the motion to approve the Agenda as prepared. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman McConnell Aye
Councilman Solis Aye
Councilman Casto Aye
Councilman Chester Aye
Mayor Thomas Aye

PRESENTATIONS
1 MOONEY SUMMIT VI, BETTER THE BREED PRESENTATION- DR. RON DUBIN. Councilman McConnell invited Dr. Dubin to the podium to talk about the Mooney Summit VI. Dr. Dubin said the event was in its sixth year with 170 people and over 100 planes coming for the weekend. He gave details about the event and invited the public to the Friday free events at the airport.

2 "NATIONAL FALLEN FIREFIGHTERS MEMORIAL SERVICE WEEKEND" PROCLAMATION & PRESENTATION. Councilman McConnell invited Chief Larry Couch to the podium as the Councilor read the Proclamation designating October 6-7, 2018 as "National Fallen Firefighters Memorial Service Weekend" and advising that the flags would be half-staff on Sunday, October 7th. Chief Couch thanked the Council for the recognition of the event.

PUBLIC COMMENTS (REGULAR NON-PUBLIC HEARINGS AND CONSENT ITEMS)
Mayor Thomas opened the Public Comments section of the meeting at 9:12 A.M. and invited comments. There were none. He closed the Public Comments.
CONSENT AGENDA
Ms. Smith read the Consent Agenda Items by title.
1 RESOLUTION 18-140, "PIER PARK SEAFOOD FESTIVAL" ROAD CLOSURES. "A Resolution of the City of Panama City Beach, Florida, related to the "Pier Park Seafood Festival"; authorizing road closures on portions of Pier Park Drive between Sea Monkey Way and Longboard Way on Saturday, November 10, 2018 for the Event."

2 RESOLUTION 18-135, "IRONMAN FLORIDA TRIATHLON" ROAD USAGE. "A Resolution of the City of Panama City Beach, Florida, related to the "Ironman Florida Triathlon"; authorizing extraordinary traffic control on portions of South Thomas Drive, Thomas Drive, Surf Drive, Front Beach Road, West Pier Park Drive, Pier Park Drive, Bay Parkway and SR 79 on Friday, November 2, 2018 and Saturday, November 3, 2018 for the Event as more particularly set forth in the body of the Resolution."

Councilman Casto made the motion to approve the Consent Agenda. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

REGULAR AGENDA
ITEM 1 ORDINANCE 1467, WATER AND WASTEWATER UPDATED IMPACT FEES, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1467 by title and said this Ordinance memorialized the consultant’s recommendations and that the Impact Fees had not been updated since 2000. Mayor Thomas opened the Public Hearing at 9:15 A.M. and invited comments from the audience. There were none. He closed the Public Hearing at 9:15 A.M. Councilman McConnell made the motion to approve Ordinance 1467. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

ITEM 2 ORDINANCE 1468, SEWER AND RECLAIMED WATER FY19 RATE INCREASE, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1468 by title and explained this rate increase was 2% for the Sewer and Reclaimed Water and none for Water. The Mayor opened the Public Hearing at 9:16 A.M. and invited comments from the audience. Mr. Frank Sewell stated that his neighborhood opposed the Ordinance. The Mayor asked if there were any more comments and there were none. He closed the Public Hearing at 9:17 A.M. Councilman Solis made the motion to approve Ordinance 1468. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

ITEM 3 ORDINANCE 1471, PARKS & RECREATION BOARD MEMBERSHIP, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1471 by title. The Mayor opened the Public Hearing at 9:17 A.M. and invited audience comments or questions. There were none. He closed the Public Hearing at 9:18 A.M. Councilman Chester made the motion to approve Ordinance 1471. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:
ITEM 4 CIVIL SERVICE BOARD APPOINTMENT. Mayor Thomas said the ballots were to be used to vote for the Civil Service Board member and he advised the audience that the signed ballots were public records. The Council members voted and passed the signed ballots to Ms. Smith to tabulate. She announced that Mr. John Reichard received three (3) votes and Mr. James Turner received two (2) votes.

Copies of the signed ballots for the Civil Service Board member are attached to and become an official part of these Minutes.

ITEM 5 RESOLUTION 18-137, ADOPTION OF THE AMENDMENT TO THE 2017-2018 CRA AGENCY BUDGET AND ADOPTION OF THE PROPOSED 2018-2019 CRA AGENCY BUDGET. This item was one in which the City Council also acted as the Community Redevelopment Agency and voted as both. Ms. Myers read Resolution 18-137 by title. The Mayor asked if there were any questions or comments by Council. There were none. Councilman Chester made the motion to approve Resolution 18-137. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

ITEM 6 RESOLUTION 18-138, AMENDING FISCAL YEAR 2017-2018 CITY BUDGET. Ms. Myers read Resolution 18-138 by title and explained this and the next Budget Resolution were the result of the Public Hearings and Workshops held earlier this year. The Mayor asked if there were any comments from the other Council members and there were none. Councilman Solis made the motion to approve Resolution 18-138. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

ITEM 7 RESOLUTION 18-139, ESTABLISHING FISCAL YEAR 2018-2019 CITY BUDGET. Ms. Myers read Resolution 18-139. Mayor Thomas asked the other Council members if there were any questions or comments; there were none. Councilman Solis made the motion to approve Resolution 18-139. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

ITEM 8 PLANNING BOARD CHAIR APPOINTMENT. Mayor Thomas asked the other Council members to vote for the Chair, sign the ballot, and pass the vote to Ms. Smith to tabulate. Ms. Smith announced that Mr. Mark Sheldon received four (4) votes and Mr. Paul Turner received one (1) vote.

Copies of the signed ballots for the Planning Board Chair are attached to and become an official part of these Minutes.
ITEM 9  ORDINANCE 1474, BAY PARKWAY AND NORTH PIER PARK DRIVE  
SCENIC CORRIDORS, 1st READING. Ms. Myers read Ordinance 1474 by title and  
explained that Staff recommended the change which memorialized the limited access  
radios. She explained the effect of the change in adding these roads in the Scenic  
Corridors and the design requirements. Ms. Myers added that the Planning Board  
recommended approval and made an additional recommendation to limit the height of  
the Bay Parkway monument signs to no greater than six feet (6'). The Planning Board  
felt the twenty feet (20') was too high. 

Councilman Chester asked about the lighting requirements with it now being  
classed as a Scenic Corridor. Ms. Myers said no changes had been made expressly in  
that category. Councilman Casto said that the designs for the new extension should  
have the conduit for the lighting as it was dark in those areas. Mayor Thomas mentioned  
that Front Beach Road was getting dark and very dangerous at the crossings.  

Mayor Thomas said he opposed the six foot (6') height and commented about the  
landscaping around the signs and low visibility for such low signs. He agreed with  
making the roadways limited access. Ms. Myers said the Council could strike that  
change and the default height would be twenty feet (20'). Mr. Gisbert added that six feet  
(6') would be a minimalist sign and would not be able to accommodate a sign such as  
that at the CRI building near Nautilus with its numerous faces. Mr. Leonard said Staff did  
not propose any changes to the sign height and twenty feet (20') worked fine. He  
elaborated.  

Mayor Thomas suggested striking the six foot (6') height. Councilman Solis  
agreed that there should be more discussion and concurred in striking the six foot (6')  
limit. Councilman Solis made the motion to approve Ordinance 1474 and striking  
the six foot (6') height limit on the signs. Second was by Councilman Chester and  
the motion passed by unanimous roll call vote recorded as follows:  
Councilman McConnell  Aye  
Councilman Solis  Aye  
Councilman Casto  Aye  
Councilman Chester  Aye  
Mayor Thomas  Aye  

ITEM 10  ORDINANCE 1464, SIGNS ON THE SANDY BEACH, 2nd READING,  
PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1464 by title and said  
the Planning Board recommended approval. This Ordinance was tailored as narrowly as  
possible to address the signs which would exclude people from the recreational use of  
the sandy beach. Mayor Thomas opened the Public Hearing at 9:30 A.M.  

Ms. Sharon Boyk asked for clarification as to private and public beaches. Ms.  
Myers responded and explained the City’s position was that the beaches were public and  
all sand below the erosion control line was in trust for the public. The purpose of this  
Ordinance was to avoid the signage, obstructions and fences as seen over in Walton  
County where they do not have renourishment and the tradition of public recreational  
use. Ms. Boyk commented about prior problems with tents and if the HOA could ban  
people from in front of their resort.  

Councilman Solis spoke of rights of private property and customary use. He  
suggested everyone should work together. He suggested speaking with their attorney  
about their property rights. Councilman McConnell agreed with the distinction between  
the erosion control line and the high-water line. Mayor Thomas closed the Public Hearing  
at 9:35 A.M. Councilman Casto made the motion to approve Ordinance 1464.  
Second was by Councilman Chester and the motion passed by majority roll call  
vote recorded as follows:  
Councilman McConnell  Aye  
Councilman Solis  Nay  
Councilman Casto  Aye  
Councilman Chester  Aye  
Mayor Thomas  Aye  

ITEM 11  ORDINANCE 1472, SUNDIAL STREET SMALL SCALE COMP PLAN  
AMENDMENT, 2nd READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read  
Ordinance 1472 by title. Mr. Leonard said the Planning Board and Staff recommended  
approval. The Mayor opened the Public Hearing at 9:38 A.M.  

Ms. Joni Burke said she was the acting agent for the owners and that the intent of  
these Ordinances was to allow short-term rentals.
Mayor Thomas asked if there were any further questions or comments. There were none. He closed the Public Hearing at 9:39 A.M. Councilman Chester made the motion to approve Ordinance 1472. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

**ITEM 12. ORDINANCE 1473, SUNDIAL STREET REZONING, 2ND READING, PUBLIC HEARING AND ADOPTION.** Ms. Myers read Ordinance 1473 by title. The Mayor opened the Public Hearing at 9:40 A.M. and invited comments. There were none. He closed the Public Hearing at 9:40 A.M. Councilman McConnell made the motion to approve Ordinance 1473. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

- Councilman McConnell Aye
- Councilman Solis Aye
- Councilman Casto Aye
- Councilman Chester Aye
- Mayor Thomas Aye

**DELEGATIONS**

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 9:41 A.M.

1. Mr. Gary Beck spoke of threats, harassment, no water or lights at his residence, and funds from the BP oil spill.
2. Ms. Genese Hatcher suggested that someone help Mr. Beck with his problems and anger.

With no further comments, The Mayor closed the Delegations period at 9:45 A.M.

**ATTORNEY REPORT**

Ms. Myers had no report.

**CITY MANAGER REPORT**

Mr. Gisbert commended Staff and the City Attorney for the work in purchasing a parcel for CRA Segment 3 through cooperative negotiation without the prospect of eminent domain. He read the positions currently available on the City website and the Bids currently posted. He also said the additional parking spaces had been prepared at the Conservation Park and the trees which were removed were mulched and that the free mulch was available to the public.

**COUNCIL COMMENTS**

Councilman Chester announced that Firefighter Anthony Malka had been selected as the Firefighter of the Year by the Optimist Club and he congratulated FF. Malka.

Councilman Solis thanked Dr. Dubin for bringing the Mooney pilots to the beach. He also spoke of the Warrior Beach Retreat occurring later today with the parade starting at 4:00 P.M.

Councilman McConnell made comments about the Sewer & Reclaimed Water increase which would not keep up with inflation and something the City did annually to avoid a large rate hike. He also thanked Chief Whitman for the increased law enforcement presence in the neighborhoods.

Mayor Thomas reminded that the Public Hearings meeting would begin at 10:00 A.M.

With nothing further, the meeting was adjourned at 9:52 A.M.

READ AND APPROVED this 27th of September, 2018.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.
ATTEST:

______________________________
City Clerk

______________________________
Mayor
BALLOT
Council selection for Civil Service Board member, filling one seat. Term will run through September, 2020.

JOHN REICHARD
JAMES TURNER

Choice:

Signature 9/27/18

Choice:

Signature 9/27/18

Choice:

Signature 9/27/18

Choice:

Signature 9/27/18

Balloons
BALLOTS
PLANNING BOARD CHAIRMAN (for 1 year)
MARK CARON
PATRICK HODGES
JASON MOREHOUSE
MARK SHELDON
DAVID SCRUGGS
PAUL TURNER
JOSH WAKSTEIN

I Choice:

Mark Sheldon

Signature 9/27/18

BALLOTS
PLANNING BOARD CHAIRMAN (for 1 year)
MARK CARON
PATRICK HODGES
JASON MOREHOUSE
MARK SHELDON
DAVID SCRUGGS
PAUL TURNER
JOSH WAKSTEIN

I Choice:

Signature 9/27/18

BALLOTS
PLANNING BOARD CHAIRMAN (for 1 year)
MARK CARON
PATRICK HODGES
JASON MOREHOUSE
MARK SHELDON
DAVID SCRUGGS
PAUL TURNER
JOSH WAKSTEIN

I Choice:

Mark Sheldon

Signature 9/27/18

BALLOTS
PLANNING BOARD CHAIRMAN (for 1 year)
MARK CARON
PATRICK HODGES
JASON MOREHOUSE
MARK SHELDON
DAVID SCRUGGS
PAUL TURNER
JOSH WAKSTEIN

I Choice:

Mark Sheldon

Signature 9/27/18
PRESENTATIONS

1
CITY OF PANAMA CITY BEACH

CIVIC ACHIEVEMENT
AWARD

Be It Known That

Brody Rice

HAS GIVEN EXCEPTIONAL SERVICE
TO THE BOYS AND GIRLS CLUB
OF PANAMA CITY BEACH

For the responsibility assumed, for the unselfish
service rendered his community and its citizens in discharging
the duties of good citizenship, this token of CIVIC ACHIEVEMENT
is hereby awarded.

Presented this 11th of October, 2018

MAYOR MIKE THOMAS
CONSENT ITEM
1
CITY OF PANAMA CITY BEACH  
AGENDA ITEM SUMMARY

<table>
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<th>1. DEPARTMENT MAKING REQUEST/NAME:</th>
<th>2. MEETING DATE:</th>
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<tr>
<td>Legal</td>
<td>October 11, 2018</td>
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<tr>
<th>3. REQUESTED MOTION/ACTION:</th>
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<tr>
<td>Approve form of Order for the owners of 314, 316, 318, 320 and 322 Sundial Street.</td>
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<th>4. AGENDA</th>
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<td>PRESENTATION</td>
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<td>PUBLIC HEARING</td>
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<tr>
<th>6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)</th>
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<tr>
<td>Rezonings are Type II applications for which a quasi-judicial hearing is required by law. For matters requiring a quasi-judicial hearing, the City's Land Development Code requires decision making bodies to enter an Order which contains findings of fact and conclusions of law in support of its decision. On September 27, the City held a quasi-judicial hearing on the rezoning request of the owners of 314, 316, 318, 320 and 322 Sundial Street, ultimately acting to approve the rezoning of 1.3 acres from R-1A to CL. An Order reciting the facts and law arising from that hearing are attached for your review. If the Order appears accurate, it may be approved by motion. If any portion of the Order appears inaccurate or incomplete, it should be pulled from the Consent Agenda so that the Order may be discussed and amended as necessary on the Regular Agenda.</td>
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CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE: REZONING 1.3 ACRES OF LAND FROM R-1A TO CL
Submitted by
TOM AND CATHERINE LANDS, 314 Sundial Street
MARK STEWART, 316 Sundial Street
NANCY YOUNG, 318 Sundial Street
STARRY KNIGHT PROPERTIES, LLC, 320 Sundial Street
AMY GROSS, 322 Sundial Street
PARCEL NOS. 38390-000-000, 38390-010-000, 38391-000-000,
38389-000-000, 38388-000-000
PANAMA CITY BEACH, FLORIDA

QUASI-JUDICIAL HEARING on ADOPTION of ORDINANCE 1473

03-RZ-18

ORDER

The CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, having
received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing
held on this matter on September 27, 2018, hereby makes the following Findings of
Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. Upon original application, the owners of 314, 316, 318, 320 and 322
Sundial Street, jointly submitted applications to rezone such land from R-1a to CH. The request involves approximately 1.3 acres of real property.
2. The City’s Planning Board held a properly advertised Quasi-Judicial
Hearing to consider the request on August 13, 2018. At the conclusion of
the hearing, the Board recommended approval of a rezoning of the land to
CL, which recommendation was incorporated into the Planning Board’s Order, Finding of Fact and Conclusions of Law dated September 17, 2018.

3. The City Council held a first reading on the captioned ordinance embodying the request on September 13, 2018.

4. The City Council held a second reading and Quasi-Judicial Hearing on the ordinance embodying the request on September 27, 2018, during which competent substantial evidence consisting of staff testimony and documentation was received. Public comment was invited at this public hearing but none was received.

FINDINGS OF FACT

5. Notice of the September 27, 2018 hearing was properly given.

6. The City Planner is qualified to express opinions on the matters addressed herein related to the City’s Comprehensive Plan and Land Development Code.

7. The City Planner testified that the requested zoning designation is consistent in all respects and is compatible with the City’s Comprehensive Plan and that the request complies with all the procedural requirements of the City’s Land Development Code.

8. The Applicant testified that the purpose of the request was to permit short term rentals of the property, and indicated the property was surrounded by currently commercially zoned property.

9. No competent substantial evidence was presented to establish that maintaining the existing zoning classification with respect to the subject property will accomplish a legitimate public purpose.
CONCLUSIONS OF LAW

10. Pursuant to Section 166.041(3)(c), Florida Statutes and Sections 10.04.03.B and 10.07.02.B of the City's Land Development Code, the City Council has jurisdiction to conduct a quasi-judicial hearing on this matter and determine whether the request should be granted by adoption of the captioned ordinance.

11. The proposed rezoning request complies with all procedural requirements of the City's Land Development Code.

12. The proposed rezoning designation is consistent with the City's comprehensive Plan, and will accomplish a legitimate public purpose and best serve the public interests of the community as a whole.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject rezoning request is hereby GRANTED and accordingly, the captioned Ordinance shall be ADOPTED.

Parties with standing have the right to appeal this decision by certiorari to the Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this ____ day of October, 2018.

MAYOR MIKE THOMAS

ATTEST:

JO SMITH, CITY CLERK
CONSENT ITEM

2
CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Legal

2. MEETING DATE: October 11, 2018

3. REQUESTED MOTION/ACTION:
Approve Form of Order for Shalimar Retreat By the Sea Resorts, Inc. Height Incentive request

4. AGENDA

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<th>CONSENT</th>
<th>REGULAR</th>
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5. IS THIS ITEM BUDGETED (IF APPLICABLE)?

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BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED

<table>
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N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHieved)

Height Incentive applications are considered following a quasi-judicial hearing on the request. For matters requiring a quasi-judicial hearing, the City's Land Development Code requires decision making bodies to enter an Order which contains findings of fact and conclusions of law in support of its decision.

On September 27, the City held a quasi-judicial hearing on the Height Incentive request of Shalimar Retreat By the Sea Resorts, Inc., ultimately acting to approve with conditions an increase in maximum height on real property located at 17609, 17607 and 17561 Front Beach Road from 150 feet to 185 feet. An Order reciting the facts, law and conditions arising from that hearing are attached for your review.

If the Order appears accurate, it may be approved by motion. If any portion of the Order appears inaccurate or incomplete, it should be pulled from the Consent Agenda so that the Order may be discussed and amended as necessary on the Regular Agenda.
CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR HEIGHT INCREASE BASED ON INCENTIVES
Submitted by Shalimar Retreat By the Sea Resorts, Inc.
PARCEL NOs. 38375-010-000, 38375-000-000, and 34384-000-000
PROPERTY LOCATED at 17609, 17607 and 17561 Front Beach Road
PANAMA CITY BEACH, FLORIDA

04-CU-18

ORDER

The CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, being fully advised in the premises and having held a public quasi-judicial hearing on this matter on September 27, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 14, 2018, Shalimar Retreat By the Sea Resorts, Inc., the owner of real property located at 17609, 17607 and 17561 Front Beach Road (“Property”) in Front Beach Road Overlay District 4, submitted an application requesting approval of a building height increase (the “Height Increase Request”) based upon incentives pursuant to Section 4.02.02E and Table 7.02.03H of the City’s Land Development Code (“City’s LDC”).

2. On August 13, 2018, the City’s Planning Board held a properly advertised public hearing to consider the Applicant’s Height Increase Request. At the conclusion of the hearing, the City’s Planning Board recommended approval of the Applicant’s Height Increase Request to permit a maximum building height of 200 feet for the development.

3. On September 27, 2018, the City Council held a properly advertised public hearing on the Applicant’s Height Increase Request, which the Applicant did attend.

4. Public comment was invited and received.
FINDINGS OF FACT

5. The Applicant presented drawings of a proposed hotel project ("Development") featuring eleven design elements to implement various conditions and public benefits in order to demonstrate the Development's eligibility for the height increase. The Applicant stated it was prepared to implement all eleven design modifications, in many cases giving up square footage for public amenities, to gain an additional seventy (70) feet in building height for the Development on the south side of Front Beach Road.

6. Residents from the adjacent Endless Summer condominium development gave statements regarding the negative impacts of the requested height increase including the quiet and less intense nature of their area of the Beach, and the traffic impacts and beach congestion likely to result from the proposed Development, and the inequity of the benefits to be received by the Applicant instead of the public if the Height Increase Request is approved.

7. In response to questions from the Council, the Applicant confirmed his ownership of land all the way to Panama City Beach Parkway, which contained both wetlands and developable uplands.

CONCLUSIONS OF LAW

8. Pursuant to Section 7.02.03.H. of the City's LDC, the maximum building height for the Property is 150 feet without incentives and up to 220 feet with incentives.

9. Pursuant to Section 4.02.02E of the City's LDC, City Council has authority to grant the Height Increase Request upon finding that the incentives offered by applicant create sufficient public benefit which outweighs the benefits of strict compliance with the maximum building height.

10. Pursuant to Section 4.02.02.E.1 of the City's LDC, height increases are not a matter of right but are allowed at the sole discretion of the City Council.

11. Pursuant to Section 4.02.02.E.1 of the City's LDC, the City Council has jurisdiction to conduct a public hearing on this matter and determine whether the
Applicant’s Height Increase Request should be granted.

12. The Applicant’s Height Increase Request complies with all of the procedural requirements mandated by the City’s LDC.

13. Insufficient public benefit will arise from the following proposed design modifications:
   a. Placement of a minimum of 50% of the parking spaces under cover.
   b. Use of 90% Florida friendly plants.
   c. Provision of irrigation from non-potable water source.
   d. Provision of vertical landscaping covering 35% of façade visible from Scenic Corridor.
   e. Incorporation of enhances landscaping, shading features or entryways that exceed minimum streetscape requirements.

14. The public benefit to arise from the Development’s remaining proposed design modifications outweighs the benefits of strict compliance with the City’s height design guidelines, because the proposed design modifications, singly and in the aggregate, will promote the public health, safety, and welfare; improve the attractiveness of development for residents, tourists, and investors; and attract and maintain appropriate densities to generate economic activity.

THEREFORE, IT IS ORDERED AND ADJUDGED that a Height Increase of 35’ is hereby APPROVED and the maximum building height for the Property shall be increased from 150 feet to 185 feet, based on and subject to Developer’s implementation of the following conditions, to wit:

   a. Provision of public bathrooms at the existing public beach access.
   b. Provision of an entryway 40’ wide x 20’ tall at the front of the building in line with the landscape and urban furniture of the streetscape.
   c. Provision of a recognizable building top or skyline feature.
   d. Provision of a recognizable base at ground level.
   e. Provision of a sidewalk covered by a permanent arcade, having a minimum width of 6’.
   f. Construction of an internal road providing vehicular access to the Development’s parking garage from the Panama City Beach Parkway.

Parties with standing have the right to appeal this decision by certiorari to the
Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this _____ day of October 2018.

______________________________
MAYOR MIKE THOMAS

ATTEST:

______________________________
JO SMITH, CITY CLERK
CONSENT ITEM

3
1. DEPARTMENT MAKING REQUEST/NAME:  
Legal

2. MEETING DATE:  
October 11, 2018

3. REQUESTED MOTION/ACTION:  
Approve Form of Order for Alena By the Sea Resorts, Inc. Height Incentive request

4. AGENDA  
PRESENTATION  
PUBLIC HEARING  
CONSENT  
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?  
Yes ☐ No ☐ N/A ☑

6. BACKGROUND:  (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)  
Height Incentive applications are considered following a quasi-judicial hearing on the request. For matters requiring a quasi-judicial hearing, the City's Land Development Code requires decision making bodies to enter an Order which contains findings of fact and conclusions of law in support of its decision.

On September 27, the City held a quasi-judicial hearing on the Height Incentive request of Alena By the Sea Resorts, Inc., ultimately acting to deny an increase in maximum height on real property located at 17001 and 17101 Front Beach Road. An Order reciting the facts and law arising from that hearing are attached for your review.

If the Order appears accurate, it may be approved by motion. If any portion of the Order appears inaccurate or incomplete, it should be pulled from the Consent Agenda so that the Order may be discussed and amended as necessary on the Regular Agenda.
CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR HEIGHT INCREASE BASED ON INCENTIVES
Submitted by Alena By the Sea Resorts, Inc., aka Beachcomber By the Sea
PARCEL NO. 32774-000-000, 32776-010-000 and 32776-000-000
PROPERTY LOCATED AT 17001 and 17101 FRONT BEACH ROAD
PANAMA CITY BEACH, FLORIDA

05-CU-18

ORDER

The CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, being fully
advised in the premises and having held a public, quasi-judicial hearing on this matter on September
27, 2018, hereby sets forth the following Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Alena by the Sea Resorts, Inc., the owner of real property located at
17001 and 17101 Front Beach Road in Front Beach Overlay District 4 ("Property"),
submitted an application requesting approval of a building height increase (the "Height
Increase Request") based on incentives pursuant to Section 4.02.02E of the City’s Land
Development Code.

2. On August 13, 2018, the City’s Planning Board held a properly advertised public
hearing to consider the request. At the conclusion of the hearing, the Board
recommended approval of a maximum building height of 195 feet for the proposed
development, which recommendation was incorporated into the Planning Board’s Order
dated September 13, 2018.

3. On September 27, 2018, the City Council held a properly advertised public hearing on
the request, which the Applicant did attend.

4. Public comment was invited and received.
FINDINGS OF FACT

5. The Applicant presented proposed drawings of 22-story hotel and supporting retail and parking space (the "Development") featuring twelve design modifications to achieve the additional 70' requested height, and provided additional testimony regarding the proposed public parking lot allowing the neighborhood to easily access the beach access adjacent to the project.

6. The Council invited and received statements from residents of the El Centro neighborhood who largely spoke in opposition to the proposed request, citing the project's proximity to their established SFR neighborhood, existing congestion on the beach and concerns about the proposed negative effects of the parking garage's primary access on Granada Circle.

CONCLUSIONS OF LAW

7. Pursuant to Section 7.02.03.H. of the City's LDC, the maximum building height for the Property is 150 feet without incentives and up to 220 feet with incentives.

8. Pursuant to Section 4.02.02E of the City's LDC, City Council has authority to grant the Height Increase Request upon finding that the incentives offered by applicant create sufficient public benefit which outweighs the benefits of strict compliance with the maximum building height.

9. Pursuant to Section 4.02.02.E.1 of the City's LDC, height increases are not a matter of right but are allowed at the sole discretion of the City Council.

10. Pursuant to Section 4.02.02E of the City's Land Development Code, the City Council has jurisdiction to conduct a public hearing on this matter and determine whether the request should be granted.

11. The proposed height increase request complies with all procedural requirements of the City's Land Development Code.

12. The public benefit to arise from the proposed Development's design modifications does not outweigh the benefits of strict compliance with the City's height design guidelines.
THEREFORE, IT IS ORDERED AND ADJUDGED that the request is hereby DENIED.

Parties with standing have the right to appeal this decision by certiorari to the Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this ___ day of __________________, 2018.

MAYOR MIKE THOMAS

ATTEST:

________________________

JO SMITH, CITY CLERK
CONSENT ITEM
4
CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Legal
2. MEETING DATE: October 11, 2018

3. REQUESTED MOTION/ACTION:
   Approve Form of Order for Miracle Strip Properties By the Sea, LLC Height Incentive request

4. AGENDA
   PRESENTATION [ ]
   PUBLIC HEARING [X]
   CONSENT [X]
   REGULAR [ ]

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?
   YEs [ ]
   No [ ]
   N/A [X]
   BUDGET AMENDMENT OR N/A
   DETAILED BUDGET AMENDMENT ATTACHED
   YEs [ ]
   No [ ]
   N/A [X]

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
   Height Incentive applications are considered following a quasi-judicial hearing on the request. For matters requiring a quasi-judicial hearing, the City's Land Development Code requires decision making bodies to enter an Order which contains findings of fact and conclusions of law in support of its decision.

   On September 27, the City held a quasi-judicial hearing on the Height Incentive request of Miracle Strip Properties By the Sea, LLC, ultimately acting to approve with conditions an increase in maximum height on real property located at 11827 and 11815 Front Beach Road from 150 feet to 185 feet. An Order reciting the facts, law and conditions arising from that hearing are attached for your review.

   If the Order appears accurate, it may be approved by motion. If any portion of the Order appears inaccurate or incomplete, it should be pulled from the Consent Agenda so that the Order may be discussed and amended as necessary on the Regular Agenda.
ORDER

The CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, being fully advised in the premises and having held a public quasi-judicial hearing on this matter on September 27, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Miracle Strip Properties By the Sea Resorts, LLC, the owner of real property located at 11815 and 11827 Front Beach Road in Front Beach Overlay District 4 ("Property"), submitted an application requesting approval of a building height increase ("Height Increase Request") based upon incentives pursuant to Section 4.02.02E and Table 7.02.03H of the City's Land Development Code ("City's LDC").

2. On August 13, 2018, the City's Planning Board held a properly advertised public hearing to consider the Applicant's Height Increase Request. At the conclusion of the hearing, the City's Planning Board recommended approval of the Applicant's Height Increase Request to permit a maximum building height of 190 feet for the development.

3. On September 27, 2018, the City Council held a properly advertised public hearing on the Applicant's Height Increase Request, which the Applicant did
attend.

4. Public comment was invited and received.

FINDINGS OF FACT

5. The Applicant presented drawings of a proposed hotel project ("Development") featuring ten design elements to implement various conditions and public benefits in order to demonstrate the Development's eligibility for the height increase. The Applicant stated it was prepared to implement all ten design modifications to gain an additional sixty feet in building height requested for the Development.

6. The Applicant indicated that a Height Increase Request based on incentives was previously approved on the western half of the present site.

7. Community residents gave public comment regarding the overdevelopment in the area of the subject request.

CONCLUSIONS OF LAW

8. Pursuant to Section 7.02.03.H. of the City's LDC, the maximum building height for the Property is 150 feet without incentives and up to 220 feet with incentives.

9. Pursuant to Section 4.02.02E of the City's LDC, City Council has authority to grant the Height Increase Request upon finding that the incentives offered by applicant create sufficient public benefit which outweighs the benefits of strict compliance with the maximum building height.

10. Pursuant to Section 4.02.02.E.1 of the City's LDC, height increases are not a matter of right but are allowed at the sole discretion of the City Council.

11. Pursuant to Section 4.02.02E of the City's LDC, the City Council has jurisdiction to conduct a public hearing on this matter and determine whether the Applicant's Height Increase Request should be granted.

12. The Applicant's Height Increase Request complies with all of the procedural requirements mandated by the City's LDC.

13. Insufficient public benefit will arise from the following proposed design
modifications:
  a. Reduction of impervious surface by 25%.
  b. Use of roofing materials with an SRI of at least 78.
  c. Placement of a minimum of 50% of the parking spaces under cover.
  d. Use of 50% Florida friendly plants.
  e. Incorporation of enhanced landscaping, shading features or entryways that exceed minimum streetscape requirements.

14. The public benefit to arise from the Development’s remaining proposed design modifications outweighs the benefits of strict compliance with the City’s height design guidelines, because the proposed design modifications, singly and in the aggregate, will promote the public health, safety, and welfare; improve the attractiveness of development for residents, tourists, and investors; and attract and maintain appropriate densities to improve mobility and generate economic activity.

THEREFORE, IT IS ORDERED AND ADJUDGED that the Applicant’s Height Increase Request is hereby APPROVED and the maximum building height for the Property shall be increased from 150 feet to 185 feet, based on and subject to Applicant’s implementation of the following conditions, to wit:

  a. Provision of architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade.
  b. Provision of a recognizable building top or skyline feature.
  c. Provision of a recognizable base at ground level.
  d. Upgrade sidewalks and sidewalk design along the building façade and entryways to increase height by 5’ to achieve a benefit of architectural amenities.
  e. Provision of public restrooms between the Gulf and Front Beach Road.

PROVIDED HOWEVER, that this Approval shall be deemed abandoned and be void and of no further force and effect if not used and acted upon in a real and substantial way by the Applicant or the Applicant’s successor in interest within 3 years of the date of execution of this Order, or if this Order is appealed the date on which the Order becomes final.

Parties with standing have the right to appeal this decision by certiorari to the
Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this ____ day of October 2018.

____________________
MAYOR MIKE THOMAS

ATTEST:

____________________
JO SMITH, CITY CLERK
CONSENT ITEM
5
1. DEPARTMENT MAKING REQUEST/NAME: Legal

2. MEETING DATE: October 11, 2018

3. REQUESTED MOTION/ACTION:
Approve Form of Order for Resort Hospitality Enterprises Ltd. Height Incentive request for 9500 and 9600 South Thomas Drive.

4. AGENDA
   PRESENTATION [ ]
   PUBLIC HEARING [ ]
   CONSENT [ ]
   REGULAR [ ]

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?
   BUDGET AMENDMENT OR N/A
   YES [ ]    NO [ ]    N/A [ ]

6. BACKGROUND:
   Height Incentive applications are considered following a quasi-judicial hearing on the request. For matters requiring a quasi-judicial hearing, the City's Land Development Code requires decision making bodies to enter an Order which contains findings of fact and conclusions of law in support of its decision.

   On September 27, the City held a quasi-judicial hearing on the Height Incentive request of Resort Hospitality Enterprises Ltd., ultimately acting to approve with conditions an increase in maximum height on real property located at 9500 and 9600 South Thomas Drive from 150 feet to 185 feet. An Order reciting the facts, law and conditions arising from that hearing are attached for your review.

   If the Order appears accurate, it may be approved by motion. If any portion of the Order appears inaccurate or incomplete, it should be pulled from the Consent Agenda so that the Order may be discussed and amended as necessary on the Regular Agenda.
CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR HEIGHT INCREASE BASED ON INCENTIVES
Submitted by Resort Hospitality Enterprises Ltd.
PARCEL NOs. 34987-000-000 and 34986-000-000
PROPERTY LOCATED at 9500 and 9600 South Thomas Drive
PANAMA CITY BEACH, FLORIDA

07-CU-18

ORDER

The CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, being fully advised in the premises and having held a public quasi-judicial hearing on this matter on September 27, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Resort Hospitality Enterprises Ltd the owner of real property located at 9500 and 9600 South Thomas Drive in Front Beach Overlay District 4 ("Property"), submitted an application requesting approval of a building height increase ("Height Increase Request") based upon incentives pursuant to Section 4.02.02E and Table 7.02.03H of the City's Land Development Code ("City's LDC").

2. On August 13, 2018, the City's Planning Board held a properly advertised public hearing to consider the Applicant's Height Increase Request. At the conclusion of the hearing, the City's Planning Board recommended approval of the Applicant's Height Increase Request to permit a maximum building height of 220 feet for the development.

3. On September 27, 2018, the City Council held a properly advertised public hearing on the Applicant's Height Increase Request, which the Applicant did
attend.
4. Public comment was invited and received.

FINDINGS OF FACT

5. The Applicant presented drawings of a proposed condominium project ("Development") featuring eleven design modifications to implement various conditions and public benefits in order to demonstrate the Development’s eligibility for the height increase. The Applicant stated it was prepared to implement all eleven design modifications to gain the additional seventy (70) feet in building height requested for the Development.

6. The Applicant stated that because there are not a lot of public amenities in this area, they proposed to expand the existing beach access and provide a public parking and courtyard.

CONCLUSIONS OF LAW

7. Pursuant to Section 7.02.03.H. of the City’s LDC, the maximum building height for the Property is 150 feet without incentives and up to 220 feet with incentives.

8. Pursuant to Section 4.02.02E of the City’s LDC, City Council has authority to grant the Height Increase Request upon finding that the incentives offered by applicant create sufficient public benefit which outweighs the benefits of strict compliance with the maximum building height.

9. Pursuant to Section 4.02.02.E.1 of the City’s LDC, height increases are not a matter of right but are allowed at the sole discretion of the City Council.

10. Pursuant to Section 4.02.02E of the City’s LDC, the City Council has jurisdiction to conduct a public hearing on this matter and determine whether the Applicant’s Height Increase Request should be granted.

11. The Applicant’s Height Increase Request complies with all of the procedural requirements mandated by the City’s LDC.

12. Insufficient public benefit will arise from the following proposed design
modifications:

a. Use of roofing materials with an SRI of at least 78.
b. Use of 50% Florida friendly plants.
c. Incorporation of enhanced landscaping, shading features or entryways that exceed minimum streetscape requirements.

13. The public benefit to arise from the Development’s remaining proposed design modifications outweighs the benefits of strict compliance with the City’s height design guidelines, because the proposed design modifications, singly and in the aggregate, will promote the public health, safety, and welfare; improve the attractiveness of development for residents, tourists, and investors; and attract and maintain appropriate densities to improve mobility and generate economic activity.

THEREFORE, IT IS ORDERED AND ADJUDGED that a 35’ height increase based on incentives is hereby APPROVED and the maximum building height for the Property shall be increased from 150 feet to 185 feet, based on and subject to Applicant’s implementation of the following conditions, to wit:

a. Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.
b. Provision of architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings.
c. Provision of recognizable building top or skyline feature.
d. Provision of recognizable building base at ground level.
e. Provision of a courtyard, seating area and other civic space, no less than 250 square feet, which is directly accessible to the public from the sidewalk.
f. Provision of public restrooms located between the Gulf and South Thomas Drive.
g. Conveyance to the City of 36 public parking spaces between the Gulf and South Thomas Drive.
h. Dedication to the City of 10' wide strip of land to expand the existing beach access easement.

PROVIDED HOWEVER, that this Approval shall be deemed abandoned and be void and of no further force and effect if not used and acted upon in a real and substantial way by the Applicant or the Applicant's successor in interest within 3 years of the date of execution of this Order, or if this Order is appealed the date on which the Order becomes final.

Parties with standing have the right to appeal this decision by certiorari to the Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this _____ day of October 2018.

_________________________________________
MAYOR MIKE THOMAS

ATTEST:

______________________________
JO SMITH, CITY CLERK
CONSENT ITEM

6
### CITY OF PANAMA CITY BEACH
### AGENDA ITEM SUMMARY

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<th>2. MEETING DATE:</th>
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<th>3. REQUESTED MOTION/ACTION:</th>
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<tr>
<td>Approve Form of Order for Resort Hospitality Enterprises Ltd. Height Incentive request for 9400 South Thomas Drive.</td>
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<th>4. AGENDA</th>
<th>5. IS THIS ITEM BUDGETED (IF APPLICABLE)?</th>
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<td>PRESENTATION</td>
<td>Yes □ No □ N/A □</td>
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</tr>
</tbody>
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On September 27, the City held a quasi-judicial hearing on the Height Incentive request of Resort Hospitality Enterprises Ltd., ultimately acting to approve with conditions an increase in maximum height on real property located at 9400 South Thomas Drive from 150 feet to 185 feet. An Order reciting the facts, law and conditions arising from that hearing are attached for your review.

If the Order appears accurate, it may be approved by motion. If any portion of the Order appears inaccurate or incomplete, it should be pulled from the Consent Agenda so that the Order may be discussed and amended as necessary on the Regular Agenda.

---

CONSENT
AGENDA ITEM #
CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR HEIGHT INCREASE BASED ON INCENTIVES
Submitted by Resort Hospitality Enterprises Ltd.
PARCEL NO. 34984-095-000
PROPERTY LOCATED at 9400 South Thomas Drive
PANAMA CITY BEACH, FLORIDA

ORDER

The CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, being fully advised in the premises and having held a public quasi-judicial hearing on this matter on September 27, 2018, hereby sets forth the following Procedural History, Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. On July 24, 2018, Resort Hospitality Enterprises Ltd the owner of real property located at 9400 South Thomas Drive in Front Beach Overlay District 4 ("Property"), submitted an application requesting approval of a building height increase ("Height Increase Request") based upon incentives pursuant to Section 4.02.02E and Table 7.02.03H of the City's Land Development Code ("City's LDC").

2. On August 13, 2018, the City's Planning Board held a properly advertised public hearing to consider the Applicant's Height Increase Request. At the conclusion of the hearing, the City's Planning Board recommended approval of the Applicant’s Height Increase Request to permit a maximum building height of 220 feet for the development.

3. The City Council held a properly advertised public hearing on the Applicant’s Height Increase Request on September 27, 2018, which the Applicant did attend.
4. Public comment was invited and received.

FINDINGS OF FACT

5. The Applicant presented drawings of a proposed condominium project ("Development") featuring ten design modifications to implement various conditions and public benefits in order to demonstrate the Development's eligibility for the height increase. The Applicant stated it was prepared to implement all ten design modifications to gain the additional seventy (70) feet in building height requested for the Development.

6. The Applicant stated that the Development was located next to an existing 220 foot tower, and that he had previously (prior to adoption of the City's LDC) received a City Development Order for a 220 foot structure on the property and that foundations had been installed pursuant to that Development Order. The Development Order expired in 2014.

CONCLUSIONS OF LAW

7. Pursuant to Section 7.02.03.H. of the City's LDC, the maximum building height for the Property is 150 feet without incentives and up to 220 feet with incentives.

8. Pursuant to Section 4.02.02E of the City's LDC, City Council has authority to grant the Height Increase Request upon finding that the incentives offered by applicant create sufficient public benefit which outweighs the benefits of strict compliance with the maximum building height.

9. Pursuant to Section 4.02.02.E.1 of the City's LDC, height increases are not a matter of right but are allowed at the sole discretion of the City Council.

10. Pursuant to Section 4.02.02E of the City's LDC, the City Council has jurisdiction to conduct a public hearing on this matter and determine whether the Applicant's Height Increase Request should be granted.

11. The Applicant's Height Increase Request complies with all of the procedural requirements mandated by the City's LDC.
12. Insufficient public benefit will arise from the following proposed design modifications:
   a. Use of roofing materials with an SRI of at least 78.
   b. Use of 50% Florida friendly plants.
   c. Incorporation of enhanced landscaping, shading features or entryways that exceed minimum streetscape requirements.

13. The proposed construction of a transit facility located outside existing public right of way and dedication of existing easements, together with provision of a shade structure over the existing transit stop on South Thomas Drive, would provide a public benefit but the proposal does not meet the minimum conditions of a transit facility.

14. The public benefit to arise from the Development’s remaining proposed design modifications outweighs the benefits of strict compliance with the City’s height design guidelines, because the proposed design modifications, singly and in the aggregate, will promote the public health, safety, and welfare; improve the attractiveness of development for residents, tourists, and investors; and attract and maintain appropriate densities to improve mobility and generate economic activity.

THEREFORE, IT IS ORDERED AND ADJUDGED that a 35' height increase based on incentives is hereby APPROVED and the maximum building height for the Property shall be increased from 150 feet to 185 feet, based on and subject to the Applicant’s implementation of the following conditions, to wit:

a. Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.

b. Provision of architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings.

c. Provision of recognizable building top or skyline feature.

d. Provision of recognizable building base at ground level.
e. Provision of a courtyard seating area and other civic space, no less than 250 square feet, which is directly accessible to the public from the sidewalk.

f. Conveyance to the City of 40 public parking spaces between the Gulf and South Thomas Drive.

PROVIDED HOWEVER, that this Approval shall be deemed abandoned and be void and of no further force and effect if not used and acted upon in a real and substantial way by the Applicant or the Applicant’s successor in interest within 3 years of the date of execution of this Order, or if this Order is appealed the date on which the Order becomes final.

Parties with standing have the right to appeal this decision by certiorari to the Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this ____ day of October 2018.

______________________________
MAYOR MIKE THOMAS

ATTEST:

______________________________
JO SMITH, CITY CLERK
CONSENT ITEM 7
1. DEPARTMENT MAKING REQUEST/NAME:
   Al Shortt - Utilities Director

2. MEETING DATE:
   October 11, 2018

3. REQUESTED MOTION/ACTION:
   Approve Task Order No. 2018-3 with Dewberry Engineers for design, permitting, and limited surveying to extend the reclaimed water and sewer force mains on Alf Coleman Rd.

4. AGENDA
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<th>PRESENTATION</th>
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5. IS THIS ITEM BUDGETED (IF APPLICABLE)?
   Yes [✓] No [ ]
   DETAILED BUDGET AMENDMENT ATTACHED Yes [ ] No [✓] N/A [ ]

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

   Staff has negotiated a proposed Task Order No. 2018-3 under the current Master Services Agreement (MSA) with Dewberry Engineers, Inc. to assist the City with reclaimed water and wastewater utilities extensions on Alf Coleman Rd. The proposed improvements will allow the City to extend the existing infrastructure prior to the planned commercial and residential development in the area. Extending the reclaimed water main to the south side of Hutchinson will provide a greater service area for our reclaimed water irrigation service.

   Dewberry has proposed fees of $24,380 for design, permitting, and limited surveying for extending the existing 12" reclaimed water main and the 18" sewer force main. Staff has reviewed the proposal and finds the fees commensurate with the required professional services.

   Staff recommends Council approval of attached Task Order No. 2018-3 in the amount of $24,380, authorizing the City Manager to execute the Task Order on behalf of the City.
RESOLUTION 19-01

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING TASK ORDER # 2018-03 TO THE MASTER SERVICES AGREEMENT FOR UTILITY ENGINEERING SERVICES WITH DEWBERRY ENGINEERS, INC., RELATED TO ALF COLEMAN FORCE MAIN AND RECLAIM WATER MAIN EXTENSIONS, BETWEEN MIDDLE AND PANAMA CITY BEACH PARKWAY ROADS IN THE AMOUNT OF $24,380; AUTHORIZING EXECUTION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED that the appropriate officers of the City are authorized to deliver and execute on behalf of the City that certain Task Order # 2018-03 to the Master Services Agreement for Utility Engineering Services between the City and Dewberry Engineers, Inc., relating to the Alf Coleman Force Main and Reclaim Water Main Extensions, between Middle and Panama City Beach Parkway Roads, in the basic amount of Twenty-Four Thousand, Three Hundred Eighty Dollars ($24,380), in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ____ day of ________, 2018.

CITY OF PANAMA CITY BEACH

By: __________________________
    Mike Thomas, Mayor

ATTEST:

Jo Smith, City Clerk
August 20, 2018

Via Email at mroe@pcb.gov.com

Attn: Michel Roe, E.I.
Utilities Engineer
City of Panama City Beach
110 South Arnold Road
Panama City Beach, Florida 32413

RE: Alf Coleman Force Main and Reclain Water Main Extensions

Dear Mr. Roe:

Dewberry Engineers Inc. (Dewberry) is pleased to submit this task order for providing the engineering services for extending the existing 12-inch reclaim water main and 18-inch sanitary force main along Alf Coleman Road, between Middle and Back Beach Roads. As discussed during our meeting on August 7, 2018, the existing 12-inch reclaim water main located on the west side of Alf Coleman Road, is currently valved off and capped in front of the Surfside Storage facility and needs to be extended south a distance of approximately 1,200 feet, including a horizontal directional bore under Middle Beach Road and terminate with an isolation valve and cap for future connection. The City also desires to extend the existing 18-inch sanitary sewer force main located along the east side of Alf Coleman Road. Based on the City's Utility Base Map, the existing 18-inch force main terminates upstream of LS No. 86 and is currently valved off and capped. The project will include extending the 18-inch force main south and incorporated inside the existing 10-foot wide utility easement within MoonRaker Development and connect to the existing 18-inch force main along the north side of Middle Beach Road. The project will also include disconnecting PCB LS No. 86 and Emerald Beach Church of Christ private lift station from the existing 6" force main and reconnect them to the new 18-inch force main. The existing 6-inch force main will be valved off and kept in place to provide system flexibility. It is also, our understanding that under the MoonRaker Subdivision construction, a section of 18-inch force main was installed under the access driveway that faces Alf Coleman Road. The new force main will be connected on each side of the existing pipe to avoid having to cut the new access drive.

Dewberry will provide professional engineering services required to generate construction drawings and technical specifications in sufficient detail to enable Panama City Beach to receive competitive bids from construction contractors. Dewberry will use topographic survey information that was performed in 2011 for other improvements along Alf Coleman Road as well as topographic information used for the improvements of MoonRaker Development. Based on the information referenced above, Dewberry will provide design and FDEP permitting services for a lump sum fee of $24,380.00. Please see the attached Task Order 2018.03 defining the scope of services (Attachment A).

As always we look forward to working with you and your staff and the opportunity to improve the wastewater collection within the City. Should you have any questions or require additional information in support of this Proposal, do not hesitate to contact me.

Sincerely,

[Signature]
Jose A. Perera, PE
Senior Associate

Attachments: Attachment A (Task Order - Scope of Services)

cc. Mr. Clifford Wilson III, PE, Vice-President, Dewberry (via email cwilson@dewberry.com)
This task order is for the purpose of Dewberry Engineers Inc. (Dewberry), as the ENGINEER, to provide professional engineering services for extending the existing 12-inch reclaim water main and 18-inch sanitary force main along Alf Coleman Road, between Middle and Back Beach Roads for the City of Panama City Beach (City) acting by and through its Council under the MASTER SERVICES AGREEMENT BETWEEN CITY OF PANAMA CITY BEACH AND DEWBERRY ENGINEERS INC. (formerly PREBLE-RISH, INC.) RELATING TO UTILITY ENGINEERING SERVICES (General Water and Sewer and Reclaimed Utility) dated April 8, 2014.

DESCRIPTION OF ENGINEER'S SERVICES

SCOPE OF SERVICES

A. Professional Services

The scope work will include the following services:

1. Coordinate with City staff to obtain all pertinent information regarding the project
2. Use topographic survey information previously performed in 2011 for other improvements along Alf Coleman Road and recently for the MoonRaker Subdivision development to perform a field reconnaissance to determine if topographic survey is current with all existing features along the proposed alignment.
3. Field locate any existing new features or isolation valves that may not be reflected in the survey, previously performed along Alf Coleman Road.
4. Prepare plan and profile sheet(s) for extending approximately 1,200 feet of reclaim water using AWWA C900 PVC pipe. The work will include connecting to the existing 12-inch pipe that is currently valve off, a horizontal direction bore under Middle Beach Road and terminating new pipe with 12-inch isolation valve and cap for future connection. The plan and profile sheet(s) will be set up using 20-foot and 5-foot horizontal and vertical scales, respectively.
5. Prepare plan and profile sheet(s) for extending approximately 1,400 feet of sewage force main using AWWA C900 PVC pipe. The work will include connecting to the existing 18-inch pipe that is currently valve off, extending new force main and connecting to each side of the existing 18-inch segment of PVC pipe that was stubbed out under the MoonRaker Alf Coleman access drive and extending south until it is connected to the existing 18-inch force main that is on the north side of Middle Beach Road. The force main connection at Middle Beach Road, will be designed to include temporary line stops on the existing force main to allow for cutting in a new 18-inch tee and isolation valves with mechanical restrained joints. The force main connection at Middle Beach Road will be identified on the drawings to be performed during the late and early hours of the day (12 and 4 AM), when flows are low. PCB LS # 86 and Emerald Beach Church of Christ private lift station will be valve off from the existing 6-inch force main and re-piped to connect to the new 18-inch force main. The plan and profile sheet(s) will be set up using 20-foot and 5-foot horizontal and vertical scales, respectively.
7. Assist the City with acquiring permits to construct from FDEP.

B. Project Schedule

We anticipate performing work outlined above within 60 days or sooner following the City authorization to proceed with the project.
C. **Compensation**

1. Limited Survey Locate Services: $1,550.00
2. Design/Construction Plans/Bid Documents/FDEP permitting assistance: $22,830.00

**Total Lump Sum Fee:** $24,380.00

IN WITNESS WHEREOF, the parties hereto have caused this Task Order to be executed by their undersigned officials as duly authorized.

**DEWBERRY**

203 Aberdeen Parkway  
Panama City, Florida 32405

By: ____________________________

Name and Title: Clifford D. Wilson III, PE.  
Vice President

Witnessed: ____________________________

Date: 06/10/18

**CITY OF PANAMA CITY BEACH, FLORIDA**

110 South Arnold Road  
Panama City Beach, Florida 32413

By: ____________________________

Name and Title: Mr. Mario Gisbert  
City Manager

Witnessed: ____________________________

Date: ____________________________
CONSENT ITEM
8
1. **DEPARTMENT MAKING REQUEST/NAME:**
   Panama City Beach Police Department

2. **MEETING DATE:**
   October 11, 2018

3. **REQUESTED MOTION/ACTION:**
   We respectfully request the Council's approval for the purchase of five (5) Dodge Trucks from AutoNation of Pembroke Pines and one (1) Dodge Charger from Bay Dodge.

4. **AGENDA**
   
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<tr>
<th>PRESENTATION</th>
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</table>

5. **IS THIS ITEM BUDGETED (IF APPLICABLE)?**
   Yes [✓] No [ ] N/A [ ]
   
   **BUDGET AMENDMENT OR N/A**
   
   **DETAILED BUDGET AMENDMENT ATTACHED**
   Yes [ ] No [ ] N/A [✓]

6. **BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)**
   We respectfully request the Council's approval to purchase five (5) Dodge Trucks from AutoNation of Pembroke Pines at a price of $26,623.00 each and the purchase of one (1) Dodge Charger from Bay Dodge at a price of $21,619.00. This request is based on the lowest qualified bid received from three (3) different bids. This purchase is requested to replace end of life vehicles in order to better serve the community.
RESOLUTION 19-02

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF 6 POLICE VEHICLES FROM AUTONATION OF PEMBROKE PINES AND BAY DODGE IN THE TOTAL AMOUNT OF $154,734, AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE RESOLUTION; AUTHORIZING THE PURCHASE AND INSTALLATION OF EMERGENCY EQUIPMENT FOR THOSE VEHICLES FROM HG2 EMERGENCY LIGHTING IN THE AMOUNT OF $119,099; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of Panama City Beach that:

1. The appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and AutoNation of Pembroke Pines, relating to the purchase of five Dodge Ram 4x4 trucks, in the basic amount of One Hundred Thirty Three Thousand, One Hundred Fifteen Dollars ($133,115) on substantially the terms and conditions of the quote attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

2. The appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and Bay Dodge, relating to the purchase of one Dodge Charger, in the basic amount of Twenty-One Thousand, Six Hundred Nineteen Dollars ($21,619) on substantially the terms and conditions of the quote attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

3. The appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and HG2 Emergency Lighting, relating to the purchase and installation of emergency equipment in police vehicles, in the basic amount of One Hundred Nineteen Thousand, Ninety-Nine Dollars ($119,099) on
substantially the terms and conditions of the quote attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of __________, 2018.

CITY OF PANAMA CITY BEACH

By: __________________________
    Mike Thomas, Mayor

ATTEST:

Jo Smith, City Clerk
2018-2019 Vehicle Purchase Request

On October 3, 2018, I opened bids for vehicle purchase. We received three (3) bids from Bay Dodge, Dozard Ford, and AutoNation Pembroke Pines. I am requesting we utilize the lowest qualified bid from Bay Dodge to purchase one (1) Dodge Charger at $21,619.00, and the lowest qualified bid from AutoNation Pembroke Pines to purchase five (5) Dodge Trucks $26,623.00 each. There were no qualified bids for the Ford Explorers.

Captain Wayne Maddox
Patrol Division Commander

"Dedicated to Excellence"
**Panama City Beach Police Department - Police Fleet Vehicles**

The City of Panama City Beach hereby solicits sealed bids for the following equipment:

1. One- 2019 Dodge Chargers (Administration specs)
2. Five- 2019 Chevy Silverado, Ford F-150, or Dodge Ram 1500 4WD
3. Ten- 2019 Ford SUV Police Interceptors (Patrol specs)

**PLEASE SEE SPECIFICATIONS LISTED BELOW FOR EACH VEHICLE CATEGORY.**
(For FORD F-150, use equivalent product based on specs of the Chevy & Dodge)

The Bids should include ALL fees, including delivery charges (if any).

Bids must be sealed and will be received until **12:00 P.M. (noon) Central Time, October 3, 2018** at the **City of Panama City Beach Police Department, Attn: Captain Wayne Maddox, 17115 Panama City Beach Parkway, Panama City Beach, FL 32413**, and will be opened and read publicly immediately thereafter.

The City reserves the right to reject any and all Bids and to waive and formality in Bids received. All Bidders shall comply with all applicable State and local laws concerning licensing, registration, and regulations of businesses in the State of Florida.

All Bids shall be firm and for a period of six (6) months after opening.

Advertisement Dates: Beginning September 14, 2018
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<th>Emergency Lights</th>
<th>Passenger Side</th>
<th>Driver Side</th>
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All Vehicles will be ordered WHITE unless agency choose a different color.

Approved

Please return quote along with purchase order.

Joe Windrow

Fleet Sales
850-776-5294 Cell
540 Outlet Mall Blvd* St. Augustine, FL 32084* Telephone (904)824-1641* www.BOZARDFORD.com
SPECIFICATIONS NEEDED FOR THE 2019 FORD INTERCEPTORS SUV-K8A (PATROL)

2019 Ford Interceptor SUV-K8A

Spotlight (Driver's side)

Keyless Entry

Auxiliary A/C

**Please note if any changes have been made to the previous year's specifications for the 2019 model.**
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**Description**

- 2019 FORD F-150 POLICE RESPONDER CREW CAB
  - 4 X 4 (W1P)
  - 3.5L V-6 ECOBOOST ENG
  - 10 SPEED AUTO
  - LT275/65R18 OWL A/T
  - DRIVER SIDE SPLIT LIGHT
  - 3.55 LIMITED SLIP
  - 10 WAY POWER PASS SEAT
  - TRAILER TOW PKG
  - RUNNING BOARDS
  - FT & REAR CHROMER BUMPERS
  - FOG LIGHTS
  - POWER GLASS HEATED SIDEVIEW MIRRORS
  - LED SIDE MIRROR SPOLILIGHTS
  - REAR WINDOW FIXED PRIVACY GLASS
  - REAR WINDOW DEFROSTER
  - REEVERSE SENSING
  - AN-FM-SYNC (BLUETOOTH)
  - TAILGATE STEP
  - SPRAY-IN BEDLINER
  - TEMORARY TAG
  - NITESAVER ODOMETER LIGHT

Price: $32,946.00

\[
\text{Total: } \$37,714.00
\]

All Vehicles will be ordered **WHITE** unless agency choose a different color.

Approved

Please return quote along with purchase order

Joe Windrow

Fleet Sales
850-776-5294 Cell
SPECIFICATIONS NEEDED FOR 2019 CHEVY SILVERADO 1500 4WD DOUBLE CAB
143.5" WORK TRUCK (PATROL)

1 WT Preferred Equipment Group
Engine, 5.3L ECOTEC3 V8
Transmission, 6-speed Automatic
Real Axle, 3.42 Ratio
Wheels, 17"x 8" (43.2 CM x 20.3 CM), Painted Steel
Tires, P265/70R17 All-Terrain Blackwall
Summit White (or standard exterior color)
Seats, Front 40/20/40 Split-Bench
Dark Ash with Jet Black Interior accents, Cloth Seat Trim
WT Fleet Convenience Package includes (DL8) outside heated power-adjustable mirrors and (AQQ) Remote Keyless Entry
Trailering Package includes Trailer Hitch, 7-pin and 4-pin connectors
Differential, Heavy-Duty locking rear
Tire, spare P265-70R17 All-Season blackwall (included & only available with (RC3)
License Plate Kit, Front
Remote Keyless Entry, with two Transmitters (included and only available with (PCR) WT Fleet Convenience Package)
Temporary tag fees (if any)
Delivery fees (if any)
Spotlight (Driver’s side)
Nitesaver RED/WHITE 5" Police Dome Lamp
September 25, 2018

Please accept the following pricing for Panama City Beach Police Department-Police Fleet Vehicles as per your specs.

Dodge Charger Model LDDE48  $24,159 Each
Ram Classic Crew Cab 4X4 SSV Model DS6T98  $26,623 Each

Thank you

Steve Henry
AutoNation CDJR Pembroke Pines
Fleet Director
Panama City Beach Police Department - Police Fleet Vehicles

The City of Panama City Beach hereby solicits sealed bids for the following equipment:

(1) One-2019 Dodge Chargers (Administration specs)
(5) Five-2019 Chevy Silverado, Ford F-150, or Dodge Ram 1500 4WD
(10) Ten-2019 Ford SUV Police Interceptors (Patrol specs)

PLEASE SEE SPECIFICATIONS LISTED BELOW FOR EACH VEHICLE CATEGORY.

(For FORD F-150, use equivalent product based on specs of the Chevy & Dodge)

The Bids should include ALL fees, including delivery charges (if any).

Bids must be sealed and will be received until 12:00 P.M. (noon) Central Time, October 3, 2018 at the City of Panama City Beach Police Department, Attn: Captain Wayne Maddox, 17115 Panama City Beach Parkway, Panama City Beach, FL 32413, and will be opened and read publicly immediately thereafter.

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All Bids shall be firm and for a period of six (6) months after opening.

Advertisement Dates: Beginning September 14, 2018
City Of Panama City Beach Police Department  
Attn: Captain Wayne Maddox  
17115 Panama City Beach Parkway  
Panama City Beach, FL 32413

September 17, 2018

Captain Maddox,

Bay Dodge Chrysler Jeep RAM hereby submits the following bids for five (5) 2019 RAM 1500 DS Classic Special Service 4x4 Crew Cab trucks, with the following equipment:

- 25D Package
- 5.7L V8 engine w/ 6 speed automatic transmission
- 3.92 rear gear ratio w/ anti-spin differential
- Protection Group
- Cloth Front / Vinyl Rear Seats
- Trailer Tow Pkg w/ Trailer brake control
- UConnect 3 radio w/ 5” display

In Addition to the standard equipment. Our bid price per unit is $27,384.00, and tag & registration fees will be $118.56 per vehicle. (If the department is planning on transferring existing tags, please provide that information at time of purchase.) The total for all five vehicles will be $136,920.00 (without tag fees), and we will drop ship the vehicles to either our dealership, or your upfitter of choice for lighting and equipment installation.

If there are any questions regarding this bid, please contact me on one of the numbers below.

Respectfully Submitted,

Thomas Spencer

Internet Sales Manager & Fleet Specialist
Bay Dodge Chrysler Jeep RAM Trucks
636 W 15th Street
Panama City, FL 32401
850-624-4230 cell / text
850-785-1591 x 460 office
850-785-3412 fax
## Offer to Purchase From

**Worksheet**

**Bay LINCOLN • DODGE • CHRYSLER • JEEP • HYUNDAI • MITSUBISHI**

641 West 15th Street  
Panama City, FL 32401  
(850) 785-1591  

**PURCHASER** City of Panama City Beach Police Department  
**DATE** 9 / 17 / 18  
**ADDRESS** 1711 S Panama City Beach Pkwy  
**CITY** Panama City Beach  
**STATE** Fl  
**ZIP** 32401  
**HOME PHONE** 850 233 5000  
**BUSINESS PHONE**  
**EMAIL** www.adder@beachpolice.org  

<table>
<thead>
<tr>
<th>NEW</th>
<th>USED</th>
<th>MAKE</th>
<th>RANCH</th>
<th>YEAR</th>
<th>MODEL</th>
<th>BODY TYPE</th>
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<th>STOCK NO.</th>
<th>COLOR</th>
<th>TRIM</th>
<th>MILEAGE</th>
<th>KEY CODES</th>
<th>IGNITION</th>
<th>TRUNK</th>
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<td>Ford</td>
<td>F-150</td>
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**Trade-in Description**

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**Trade Allowance**

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<th>TRADE ALLOWANCE</th>
<th>BUYERS DIFFERENCE</th>
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**Pre-Delivery**

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<th>DEALER ELECTRONIC FILING FEE</th>
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**Sub-Total**

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<th>SUB-TOTAL</th>
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<th>TIRE WASTE/BATTERY FEE</th>
<th>EST. TAG, TITLE &amp; REG. COST</th>
<th>BALANCE OWING ON TRADE</th>
<th>TOTAL DEL. PRICE OF VEHICLE</th>
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<tr>
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<td>+ 118.50</td>
<td>+</td>
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<td>= 27,502.50</td>
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**Extended Warranty**

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**Deposit**

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<th>ADDITIONAL DOWN PAYMENT</th>
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**Drivers License No.**

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<th>2nd BUYER</th>
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**CUSTOMER SIGNATURE**

If this order and acceptance is contingent upon the arrangement of financing, the purchaser (a) offer is not accepted and the transaction is not consummated until (a) approved in writing by Dealer and a responsible Bank or Finance Company and (b) all disclosures required by the Federal Consumer Credit Protection Act (Truth in Lending Act) have been given and (c) purchaser (a) and Dealer or have signed an Installment Sales Contract.

The undersigned hereby authorizes selling dealer to institute a credit investigation based upon the above information which information has been voluntarily provided by myself, and warrants the truth and accuracy of this information. The undersigned further warrants that a Bankruptcy proceeding is neither presently in progress nor anticipated, and Bay Lincoln-Dodge-Chrysler-Jeep-Hyundai-Mitsubishi acknowledges receipt of a copy of this document.

**ACCEPTED BY:**  
**DATE:**  
**ACCEPTED BY:**  
**DATE:**

**PURCHASER'S SIGNATURE**

**AGENDA ITEM #**
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>MSV</td>
<td>&quot;Classic&quot; Badge</td>
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<tr>
<td>JKV</td>
<td>115V Auxiliary Power Outlet</td>
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<tr>
<td>JCB</td>
<td>120 MPH Primary Speedometer</td>
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<tr>
<td>JJJ</td>
<td>12V Auxiliary Power Outlet</td>
</tr>
<tr>
<td>W1A</td>
<td>17&quot; Steel Spare Wheel</td>
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<tr>
<td>WFP</td>
<td>17x7.0 Steel Wheels</td>
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<tr>
<td>XCH</td>
<td>2 Additional Key Fobs</td>
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<tr>
<td>DJG</td>
<td>215MM Front Axle</td>
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<tr>
<td>BAJ</td>
<td>220 Amp Alternator</td>
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<tr>
<td>DRN</td>
<td>235MM REAR AXLE</td>
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<tr>
<td>NFW</td>
<td>26 Gallon Fuel Tank</td>
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<tr>
<td>CB9</td>
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<td>DMD</td>
<td>3.55 Rear Axle Ratio</td>
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<td>4-Spoke Steering Wheel</td>
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<td>MUS</td>
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<td>EZH</td>
<td>5.7L V8 HEMI MDS VVT Engine</td>
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<tr>
<td>RCG</td>
<td>6 Speakers</td>
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<tr>
<td>DG1</td>
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<td>CG3</td>
<td>Advanced Multistage Front Air Bags</td>
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<tr>
<td>HAA</td>
<td>Air Conditioning</td>
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<tr>
<td>BRT</td>
<td>Anti-Lock 4-Wheel Disc Brakes</td>
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<tr>
<td>RSU</td>
<td>Audio Jack Input for Mobile Devices</td>
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<tr>
<td>LMG</td>
<td>Automatic Headlamps</td>
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<tr>
<td>CTL</td>
<td>Base Door Trim Panel</td>
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<tr>
<td>MNA</td>
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<tr>
<td>LE4</td>
<td>Black Exterior Mirrors</td>
</tr>
<tr>
<td>MB1</td>
<td>Black Front Bumper</td>
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<td>MFF</td>
<td>Black Grille</td>
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<tr>
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<td>Black Rear Bumper</td>
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<tr>
<td>CKJ</td>
<td>Black Vinyl Floor Covering</td>
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<tr>
<td>XJ8</td>
<td>Body Color Fuel Filler Door</td>
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<td>CAC</td>
<td>Bucket Seats</td>
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<tr>
<td>LPE</td>
<td>Cargo and CHMSL Lamp</td>
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<tr>
<td>WMJ</td>
<td>Center Hub</td>
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<td>XFH</td>
<td>Class IV Receiver Hitch</td>
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<td>&quot;D5&quot;</td>
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<td>DS7</td>
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<td>JJB</td>
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<td>DH9</td>
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<td>NHN</td>
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<td>NHA</td>
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<td>NHJ</td>
<td>Exterior Mirrors w/Heating Element</td>
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<td>RDD</td>
<td>Fixed Long Mast Antenna</td>
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<td>HSF</td>
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<td>Front Heavy Duty Shock Absorbers</td>
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<td>Front Height Adjust Shoulder Belts</td>
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<td>MEN</td>
<td>Front Wheel Spats</td>
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<tr>
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<td>Full Size Spare Tire</td>
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<td>Incandescent Taillamps</td>
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<td>RS6</td>
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<td>Molded-in-Black Upper Fascia</td>
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<td>GT8</td>
<td>Power Heated Mirrors, Fold-Away</td>
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<td>JP8</td>
<td>Power Locks</td>
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<td>Power Lumbar Adjust</td>
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<td>SBA</td>
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<td>Rear Dome Lamp</td>
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<td>GJD</td>
<td>Rear Fixed Window</td>
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<td>CFM</td>
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<td>SGB</td>
<td>Rear Heavy Duty Shock Absorbers</td>
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<tr>
<td>SHF</td>
<td>Rear Stabilizer Bar</td>
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<td>CUE</td>
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<td>Rear Wheel Spats</td>
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<tr>
<td>MHL</td>
<td>Rear Wheel Well Liners</td>
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<tr>
<td>GXM</td>
<td>Remote Keyless Entry with All-Secure</td>
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<tr>
<td>RSX</td>
<td>Remote USB Port</td>
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<tr>
<td>RS3</td>
<td>Remote USB Port - Charge Only</td>
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<td>GN4</td>
<td>RR View Auto Dim Mirror w/Display</td>
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<td>Seat Parts Module</td>
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<td>AHB</td>
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<td>NHM</td>
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<td>Supplemental Fit Seat Side Air Bags</td>
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<td>Tinted Glass Windows</td>
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<td>TBM</td>
<td>Tire Carrier Winch</td>
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<td>XGM</td>
<td>Tire Pressure Monitoring Display</td>
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<td>XFU</td>
<td>Trailer Tow w/4-Pin Connector Wiring</td>
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<td>XX5</td>
<td>Uptlftter Electronic Module (VSIM)</td>
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<tr>
<td>CV3</td>
<td>Urethane Shift Knob</td>
</tr>
<tr>
<td>JHA</td>
<td>Var Intermittent Windshield Wipers</td>
</tr>
<tr>
<td>LAZ</td>
<td>Vehicle Information Center</td>
</tr>
</tbody>
</table>
City Of Panama City Beach Police Department  
Attn: Captain Wayne Maddox  
17115 Panama City Beach Parkway  
Panama City Beach, Fl 32413  

September 17, 2018  

Captain Maddox,  

Bay Dodge Chrysler Jeep RAM Trucks hereby submits the following bid for one (1) 2019 Dodge Charger SXT (Administration Specs). This vehicle will be a 29G package, with standard equipment (attached).  

Our bid price for this vehicle will be $21,619.00, with a $118.56 tag / registration fee. (If the department is planning on transferring a tag for this vehicle, please provide that information at the time of purchase.) The total cost for this vehicle will be $21,619.00, with either delivery to our dealership, or drop shipment to your upfitter of choice for equipment installation.  

If there are any questions on this bid, please call me on one of the numbers below.  

Respectfully Submitted,  

Thomas Spencer  
Internet Sales Manager & Fleet Specialist  
Bay Dodge Chrysler Jeep RAM Trucks  
636 W. 15th Street  
Panama City, FL 32401  
850-624-4230 cell / text  
850-785-1591 x 460 office  
850-785-3412 fax
### Offer to Purchase from Worksheet

**LINCOLN • DODGE • CHRYSLER • JEEP • HYUNDAI • MITSUBISHI**

641 West 15th Street  
Panama City, FL 32401  
(850) 785-1591

---

**PURCHASER**  
City of Panama City Beach Police Department  
DATE: 9/17/18

**ADDRESS**  
7115 Panama City Beach Pkwy  
CITY: Panama City Beach  
STATE: FL  
ZIP: 32413

**HOME PHONE**  
850 233 5000

**EMAIL**  
www.pcbpolice.org

---

**NEW**  
☑ YEAR: 2019  
MAKE: Dodge  
MODEL: Charger SXT  
BODY TYPE: 2DR Admin Spec

**USED**  
☐ COLOR: TBP  
TRIM: Black Cloth  
TOP:  
STOCK NO:  
I.D.#:  
MILEAGE:  
KEY CODES:  
IGNITION:  
TRUNK:  

---

**TRADE-IN DESCRIPTION**

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<th>YEAR</th>
<th>MAKE</th>
<th>MILEAGE</th>
<th>COLOR</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

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**TOTAL SELLING PRICE**  
$21,190.00

**TRADE ALLOWANCE**  
-

**BUYERS DIFFERENCE**  
$-

**PRE-Delivery**  
DEALER ELECTRONIC FILING FEE  
$689.00  
147.00

**SUB-TOTAL**

<table>
<thead>
<tr>
<th>SALES TAX</th>
<th>TIRE WASTE/BATTERY FEE</th>
<th>EST, TAG, TITLE &amp; REG. COST</th>
<th>BALANCE OWING ON TRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

**TOTAL DEL. PRICE OF VEHICLE**  
$21,737.50

**DEPOSIT**  
-

**ADDITIONAL DOWN PAYMENT**  
-

**BALANCE DUE ON DELIVERY**  
-

---

**EXTENDED WARRANTY**

**TOTAL PRICE INCL. INC.**  
$

---

**DRIVERS LICENSE NO.**

---

**CUSTOMER SIGNATURE**

---

**ACCEPTED BY:**  
SALES MANAGER

---

**PURCHASER'S SIGNATURE**

---

**DATE**  
ACCEPTED BY:

---

**BUSINESS MANAGER**

---

**CONSENT**

Creative Printing 74-47  
AGENDA ITEM #

---

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and a responsible Bank or Finance Company and (b) all disclosures required by the Federal Consumer Credit Protection Act (Truth In Lending Act) have been given and (c) purchaser (s) and Dealer have signed an Installment Sales Contract.

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---

ACCEPTED BY:  
SALES MANAGER

---

**PURCHASER'S SIGNATURE**

---

**DATE**  
ACCEPTED BY:

---

**BUSINESS MANAGER**

---
<table>
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<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
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<td>X9B</td>
<td>1-Yr. SiriusXM Radio Service</td>
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<td>JJJ</td>
<td>12V Auxiliary Power Outlet</td>
</tr>
<tr>
<td>JKW</td>
<td>12V Center Console Power Outlet</td>
</tr>
<tr>
<td>JCE</td>
<td>140 MPH Primary Speedometer</td>
</tr>
<tr>
<td>BAB</td>
<td>160 Amp Alternator</td>
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<tr>
<td>WAE</td>
<td>17X7.0 Painted Cast Alum Wheels</td>
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<td>NLQ</td>
<td>18.5 Gallon Fuel Tank</td>
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<tr>
<td>DR2</td>
<td>195MM Rear Axle</td>
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<td>DLL</td>
<td>2.92 Rear Axle Ratio</td>
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<tr>
<td>ER8</td>
<td>3.5L V6 24V VVT Engine</td>
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<td>50 State Emissions</td>
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<tr>
<td>RCG</td>
<td>6 Speakers</td>
</tr>
<tr>
<td>RFJ</td>
<td>7.0&quot; Touch Screen Display</td>
</tr>
<tr>
<td>BCN</td>
<td>730 Amp Maintenance Free Battery</td>
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<td>RS4</td>
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<td>XTD</td>
<td>DUB Plate Interior Accents</td>
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<td>Power 8-Way Driver Seat</td>
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<td>NMB</td>
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<td>Steering Wheel Mounted AudioCtrls</td>
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<td>Sun Visors w/fiilum Vanity Mirrors</td>
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<td>Supplemental Frt Seat Side Air Bags</td>
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<td>JHA</td>
<td>Var Intermittent Windshield Wipers</td>
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2018 Vehicle Emergency Equipment Installation Purchase Request

On October 3, 2018, I opened bids for Emergency Equipment Installation. We received one (1) qualified bid from HG2 Emergency Lighting. I am requesting we utilize the qualified bid from HG2 Emergency Lighting for this purchase.

Captain Wayne Maddox
Patrol Division Commander
Panama City Beach Police Department

Attn: Captain Wayne Maddox
17115 Panama City Beach Parkway
Panama City Beach, FL 32413

Police Fleet Vehicle Equipment Install Services

Due Date: October 3, 2018

Submitted by:
Ali Bhojani
Director of Sales
### Marked Patrol Units Ford Interceptor SUV

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<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
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<tbody>
<tr>
<td>Lightbar</td>
<td>Whelen 45&quot; Liberty ZVR Can Lightbar/Blue/Blue with Alarms and Takedowns</td>
<td>$1,600.00</td>
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<tr>
<td>Light Controller</td>
<td>Whelen Light &amp; Siren Controller</td>
<td>$2,655.00</td>
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<td>Speaker</td>
<td>Whelen 100 Watt Speaker</td>
<td>$315.00</td>
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<td>Side Runners</td>
<td>Whelen Emergency Lighting 68&quot; Blue/Blue Side Runner Lights</td>
<td>$659.00</td>
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<tr>
<td>Rear Window Lights</td>
<td>Whelen Emergency Lighting Rear Window with Rack</td>
<td>$699.00</td>
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<tr>
<td>Rear Cargo Window Lights</td>
<td>Whelen Emergency Lighting Rear Side Cargo Window Lights</td>
<td>$699.00</td>
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<tr>
<td>Rear License Plate</td>
<td>Whelen Emergency Lighting Crossfire License Plate Frame Rear</td>
<td>$359.00</td>
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<tr>
<td>Front License Plate</td>
<td>Whelen Emergency Lighting Crossfire License Plate Frame Front</td>
<td>$359.00</td>
</tr>
<tr>
<td>Fog Lights</td>
<td>Whelen Emergency Lighting Blue/Blue Fog Lights</td>
<td>$489.00</td>
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<tr>
<td>Strobe Lights</td>
<td>Whelen Vertex in Head Lights &amp; Tail Lights Blue Qty:4</td>
<td>$260.00</td>
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<tr>
<td>Rear Transport Seat</td>
<td>Rear Transport Seat (Setting)</td>
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<td>Prisoner Partition</td>
<td>Prisoner Partition (Selina) 10XL with Chicago Grill</td>
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<td>Rear Cargo Divider</td>
<td>Rear Cargo Divider (Selina) 12YS</td>
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<tr>
<td>Thor Power Inverter</td>
<td>Thor Power Inverter (750 W)</td>
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<td>Stinger Flashlight Charger</td>
<td>Stinger Flashlight Charger</td>
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<td>Gun Rack</td>
<td>Selina T-Rail Mount 1-Standard Shotgun Lock, 1 Standard Rifles</td>
<td>$409.00</td>
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<tr>
<td>Center Console/Keyboard</td>
<td>Center Console with Cupholder, Arm Rest and Mousepads Motion Device (Gern)</td>
<td>$450.00</td>
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<td>Laptop Docking Station</td>
<td>Gamber Johnson Rotoped V</td>
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<td>Window tint</td>
<td>Window Tint 2 Front Windows &amp; Front Strip</td>
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<td>Graphics</td>
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### Total Price

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### Marked AWD Pick Up Truck

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<td>Whelen Emergency Lighting 68&quot; Blue/Blue Side Runner Lights</td>
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<td>Whelen Emergency Lighting 68&quot; Blue/Blue Side Runner Lights</td>
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<td>Rear Window Lights</td>
<td>Whelen Emergency Lighting Rear Window</td>
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<td>Rear Takedown Lights</td>
<td>Whelen Emergency Lighting Rear Takedown</td>
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<td>Rear License Plate</td>
<td>Whelen Emergency Lighting Crossfire License Plate Frame Rear</td>
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<td>Front License Plate</td>
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<td>Grill Lights</td>
<td>Whelen Emergency Lighting Blue/Blue Grill Lights</td>
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<td>Strobe Lights</td>
<td>Whelen Vertex in Tail Lights Blue Qty:2 and LED Spotlight Bulb</td>
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<tr>
<td>Light Controller</td>
<td>Whelen 255LS/56 Handheld Siren</td>
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<tr>
<td>Speaker</td>
<td>Whelen 100 Watt Speaker</td>
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<td>Graphics</td>
<td>Vehicle Graphics</td>
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<td>Speaker</td>
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### Total Price

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### Unmarked Units Dodge Charger

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<td>Whelen Emergency Lighting 68&quot; Blue/Blue Side Runner Lights</td>
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<td>Whelen Emergency Lighting Rear Window</td>
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<tr>
<td>Rear Cargo Window Lights</td>
<td>Whelen Emergency Lighting Rear Side Cargo Window Lights</td>
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<td>Rear License Plate</td>
<td>Whelen Emergency Lighting Crossfire License Plate Frame Rear</td>
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<td>Fog Lights</td>
<td>Whelen Emergency Lighting Blue/Blue Fog Lights</td>
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<tr>
<td>Grille Lights</td>
<td>Whelen Emergency Lighting Blue/Blue Grill Lights</td>
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<td>Gun Rack</td>
<td>Selina T-Rail Mount 1-Standard Shotgun Lock, 1 Standard Rifles</td>
<td>$409.00</td>
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### Total Price

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<tr>
<th>Description</th>
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<tr>
<td>Discount</td>
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<td>Labor</td>
<td>$750.00</td>
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<tr>
<td>Total Package Price</td>
<td>$4,599.00</td>
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Quote issued by: Ali Blohani
Panama City Beach Police Department - Police Fleet Vehicle Equipment Install Services

The City of Panama City Beach hereby solicits sealed bids for the following equipment install services for the below vehicles:

(1) One- Un-Marked Dodge Charger

(5) Five- Marked Chevy Silverado, Ford F-150 or Dodge Ram 4WD

(10) Ten- Marked Patrol Ford SUV Police Interceptors

PLEASE SEE ATTACHED SPECIFICATION SHEET FOR THE EQUIPMENT NEEDED FOR EACH VEHICLE CATEGORY; ALSO ATTACHED ARE PHOTOGRAPHS FOR OUR CURRENT DECAL SCHEME NEEDED WHICH WILL BE NEEDED FOR ALL MARKED VEHICLES.

The Bids should include ALL fees, including delivery charges (if any).

Bids must be sealed and will be received until 12:00 P.M. (noon) Central Time, October 3, 2018 at the City of Panama City Beach Police Department. Attn: Captain Wayne Maddox, 17115 Panama City Beach Parkway, Panama City Beach, FL 32413, and will be opened and read publicly immediately thereafter.

The City reserves the right to reject any and all Bids and to waive and formality in Bids received. All Bidders shall comply with all applicable State and local laws concerning licensing, registration, and regulations of businesses in the State of Florida.

All Bids shall be firm and for a period of six (6) months after opening.

Advertisement Dates: Beginning September 14, 2018
CONSENT ITEM 9

*
CITY STAFF HAS BEGUN THE PROCESS OF ACQUIRING RIGHT OF WAY FOR THE FRONT BEACH ROAD SEGMENT 3/HWY 79 PROJECT. TWO OF THE PROPERTIES IDENTIFIED FOR ACQUISITION CONTAIN BUSINESSES WHO WILL NEED TO BE RELOCATED. STAFF RECOMMENDS APPROVAL OF AN AGREEMENT FOR ACQUISITION AND RELOCATION ASSISTANCE WITH KEYSTONE FIELD SERVICES, WHO HAS BEEN PREVIOUSLY ENGAGED BY THE CITY FOR GENERAL RELOCATION CONSULTING SERVICES.

THE ENGAGEMENT FOR THESE SERVICES WILL BE COMPENSATED BASED ON AN HOURLY RATE, AND SPECIFICALLY APPROVES THE RATE OF A THIRD AGENT AT A LOWER RATE THAN THOSE CONTEMPLATED IN THE CITY’S 2016 ENGAGEMENT OF THE FIRM.

STAFF RECOMMENDS APPROVAL.
RESOLUTION 19-03

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH KEYSTONE FIELD SERVICES, INC. FOR RELOCATION CONSULTING SERVICES AT SPECIFIED HOURLY RATES; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and Keystone Field Services, Inc., relating to relocation consulting services for Highway 79/Front Beach Road Segment 3 Project, at the following hourly rates:

Principal Relocation Specialist/Program Manager $168.00/Hour
Senior Relocation Specialist $155.00/Hour
Acquisition/Relocation Agent $128.00/Hour

with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of __________, 2018.

CITY OF PANAMA CITY BEACH

By: ____________________________
   Mike Thomas, Mayor

ATTEST:

______________________________
Jo Smith, City Clerk
June 12, 2018

Ms. Amy Myers, Esquire
Hand Arendall Harrison Sale LLC
304 Magnolia Avenue
Panama City Beach, FL 32401

Re: Relocation Consulting Services - City of Panama City Beach - Highway 79/Front Beach Road Segment 3 Project

Dear Ms. Myers:

Per our telephone conversation today, I propose adding an Acquisition / Relocation Agent under my supervision to assist Eli Matalon and myself during the relocation of the Pizza Hut and the Chevron businesses. The Acquisition / Relocation Agent’s hourly rate will be $128.00/Hour. As these two business relocations will be long lead, this lower rate may allow us to offer cost savings to the City of Panama City Beach in the execution of this project.

The hourly rates for Eli Matalon and myself, the scope of services and reimbursed expenses will remain per our 9/11/2016 engagement letter.

Thank you again for the opportunity to be of service to you and the City of Panama City Beach.

Sincerely,

Jan Rybak, SR/WA, R/W-RAC

Accepted: ________________________ Date ________________________
REGULAR ITEM

1
### Agenda Item Summary

**Department Making Request/Name:**
ADM IN/LEGAL

**Meeting Date:**
OCTOBER 11, 2018

**Requested Motion/Action:**
CONSIDER AND APPROVE RESOLUTION APPROVING PROCESS, POLICY AND AGREEMENT FOR HARDSHIP DEFERRALS FROM THE CITY’S FIRE SERVICE ASSESSMENT

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**Is This Item Budgeted (If Applicable)?**
- Yes
- No
- N/A

**Budget Amendment or N/A:**
- Detailed Budget Amendment Attached

**Background:** (Why is the action necessary, what goal will be achieved)

The assessment ordinance imposes a few restrictions on the granting of hardship deferrals (it does not allow complete forgiveness of assessments without further City Council action). Most of the decision-making authority is left up to the Assessment Coordinator. A hardship deferral must be requested annually by the owner of the tax parcel assessed, requires the execution of a recorded agreement encumbering the parcel and requiring payment of the assessment, recording costs, and annual compounded interest upon sale of the property (or over a period of time). The Assessment Coordinator is directed to "use sound public administration judgment" in determining whether or not to grant a deferral.

The attached Resolution adopts a policy and agreement which gives direction and authority to the City Manager for reviewing and approving deferrals; this policy may be adjusted as needed to fit the needs of the City. However, it would be prudent to maintain a written policy and avoid deviations therefrom in order to ensure applicants for deferrals are treated equitably and in accordance with the law.

Staff recommends approval.
RESOLUTION NO. 19-04

A RESOLUTION OF THE CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, RELATING TO THE ADMINISTRATIVE HARDSHIP DEFERMENT ASSOCIATED WITH FIRE SERVICE PROTECTION ASSESSMENTS; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the City of Panama City Beach, Florida (the "City"), is adopted pursuant to Ordinance No. 1444 (the "Assessment Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance, unless the context hereof otherwise requires.

SECTION 3. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.
SECTION 4. HARDSHIP DEFERRMENT DIRECTION.

(A) As provided in Section 2.14 of the Ordinance, upon application of the owner of a Tax Parcel subject to the Fire Service Assessment, the City Manager, or his designee acting as the Assessment Coordinator may grant a hardship deferment, in which case the Tax Parcel in question will receive a deferral. The owner shall be required to execute a binding agreement encumbering the Tax Parcel and otherwise assure the City that payment in full of the Assessment and any recording cost, plus interest at an estimated cost of City funds compounded annually, shall be due over a period of time or upon sale or transfer of the property. Such agreement or a memorandum thereof shall be recorded in the Official Records of Bay County, Florida. Dependent upon the volume or demand for such deferment, the City Council may determine to release such deferments in the future. However, all funding for such hardship deferment, or the consequences of the deferment or any future release, shall be from legally available funds other than direct proceeds of other Assessments. The Assessment Coordinator is authorized to use sound public administration judgment in applying this authority and considering such applications.

(B) The policy and form of application appended hereto shall be used by the Assessment Coordinator in implementing this direction. The Assessment Coordinator is authorized to administratively make and include modifications to efficiently and fairly achieve the policy direction of the City Council, and further is to periodically report to
the City Council about the process, implementation and use of this means to address circumstances of various less fortunate property owners. Such information shall be shared in a tactful and respectful manner that works to protect the privacy of affected owners within in the law.

(C) This provision serves to promote a public purpose and the general welfare, morals and contentment of the inhabitants and residents of the City.

SECTION 5. AUTHORIZATIONS. The Mayor, the City Attorney, the City Manager, the Clerk, the Fire Chief and the Finance Director and such other officials, employees or agents of the City as may be designated by the City Council are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the City that are necessary or desirable in connection with this Resolution, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

SECTION 6. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

[Remainder of page intentionally left blank.]
SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED and APPROVED on first reading in regular session of the City Council of the City of Panama City Beach, Florida, this ___ day of _____________ 2018.

THE CITY OF PANAMA CITY BEACH, FLORIDA

By: ____________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

By: ____________________________
City Attorney
COMPOSITE APPENDIX A

HARDSHIP DEFERRMENT; POLICY; APPLICATION (FORM)
AND DEFERRMENT AGREEMENT (FORM)

SECTION 2.14 OF THE ORDINANCE PROVIDES AS FOLLOWS:

ADMINISTRATIVE HARDSHIP DEFERMENT.

(A) Annually upon application of the Owner of a Tax Parcel subject to the Assessments contemplated herein, the Assessment Coordinator may grant a hardship deferment, in which case the Tax Parcel in question will receive a deferral. The owner shall be required to execute a binding agreement encumbering the Tax Parcel and otherwise assure the City that payment in full of the Assessment and any recording cost, plus interest at an estimated cost of City funds compounded annually, shall be due over a period of time or upon sale or transfer of the property. Such agreement or a memorandum thereof shall be recorded in the Official Records of Bay County, Florida. Dependent upon the volume or demand for such deferment, the City Council may determine to release such deferments in the future. However, all funding for such hardship deferment, or the consequences of the deferment or any future release, shall be from legally available funds other than direct proceeds of other Assessments. The Assessment Coordinator is authorized to use sound public administration judgment in applying this authority and considering such applications.

(B) This provision serves to promote a public purpose and the general welfare, morals and contentment of the inhabitants and residents of the City.
HARDSHIP POLICY FOR THE CITY OF PANAMA CITY BEACH

The assessment ordinance imposes a few restrictions on the granting of hardship deferrals (it does not allow complete forgiveness of assessments without further City Council action). Most of the decision-making authority is left up to the Assessment Coordinator. A hardship deferral must be requested annually by the owner of the tax parcel assessed, requires the execution of a recorded agreement encumbering the parcel and requiring payment of the assessment, recording costs, and annually compounded interest upon sale of the property (or over a period of time). The Assessment Coordinator is directed to “use sound public administration judgment” in determining whether or not to grant a deferral.

HARDSHIP ELIGIBILITY REQUIREMENTS/CHECKLIST:

1. Demonstrated annual household income below 150% of poverty level for family size.
2. Property is owned by an individual, not a business or other legal entity.
3. Current on property taxes and any other payments due any governmental entity.
4. Current on mortgage or other payments to private entities secured by the parcel.
5. Total available bank account balances of less than $2,500 (savings, checking, money market).
6. Net value of any vehicles owned by members of the applicant’s household is less than $5,000.
7. Documented catastrophic situation resulting in a temporary, sudden and non-recurring financial duress (i.e. medical bills resulting from emergency treatment, funeral expenses of resident of household, loss of employment within last six months).

The process by which an individual may make an application for a hardship deferral is detailed below. The applicant should provide a completed application form, a copy of the applicant’s most recent federal income tax return, a current pay stub (if applicable), any documents necessary to establish satisfaction of outstanding encumbrances on the property, current bank statements from all bank accounts held by the applicant or members of the applicant’s household, documentation of registration of any vehicles owned by the applicant or members of the applicant’s household, and any documentation necessary to authenticate the applicant’s catastrophic financial situation (such as medical bills).
DEFERRAL PROCESS:

1. Applicant contacts Assessment Coordinator and obtains an Application Form
2. Applicant completes form and submits the form, with attached documentation, to the Assessment Coordinator
3. Assessment Coordinator asks for additional documentation, if necessary, and schedules meeting with applicant, if necessary
4. Assessment Coordinator informs Applicant of decision in writing
5. If approved, Applicant executes form deferral agreement
6. Assessment Coordinator records deferral agreement

WEBSITE/PUBLIC INFORMATION:

Some citizen and property owners may suffer extreme hardship in making this payment. The City Council has not budgeted for forgiveness of any assessments. However, the City Council has provided for deferral in rare situations. The City of Panama City Beach provides a process by which property owners who are facing severe financial hardship due to circumstances beyond their control may apply to the City for a hardship deferment of their annual fire protection assessment. These applications will be reviewed by the Assessment Coordinator, and a final decision will be made on each application. Please note that the City will only defer, not cancel, annual assessments for property owners facing hardships. The property owner will be responsible for ensuring that the assessment, along with costs to record the deferral and interest on the assessment amount, is repaid in a timely fashion or when the property is sold.

Individuals may qualify for deferral if their annual income meets certain criteria, they demonstrate a lack of available assets to satisfy the assessment, and they are able to demonstrate a catastrophic situation that has resulted in temporary economic hardship. If you believe that you may qualify because you are facing a temporary financial hardship, please contact the Assessment Coordinator for more information.
APPLICATION FOR HARDSHIP DEFERRAL OF FIRE SERVICE ASSESSMENT

Name of Applicant: ___________________ Social Security Number: ___-___-___
Name of Co-Owner: ___________________ Social Security Number: ___-___-___
E-mail Address: ______________________ Telephone Number: ________________
Address of Property for Which Deferral is Sought: ____________________________

Tax Parcel ID No. of Property: ____________________________________________
Number of Dependents: ______ Annual Income of Applicant: $______________
Total Annual Income of Others in Household: $______________
Total Balance of All Bank Accounts: $______________

Vehicles Owned by Members of Applicant’s Household:

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Brief Explanation of Catastrophic Situation Creating Temporary Financial Hardship:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

By signing and submitting this application, I certify that the above information is true and correct, that the property listed above is owned by me or jointly by me and other members of my household, that I am current on all property taxes and all other payments due to Bay County, the City of Panama City Beach, or any other public entity associated with the property, and that I am current on all mortgage payments or any other payments secured by the property.

_________________________________________  ______________________________________
Signature of Applicant                      Signature of each Co-Owner
THIS AGREEMENT, made by the person(s) or entity(ies) collectively described in this Agreement as the “Owner” and on the execution page hereof, and the CITY OF PANAMA CITY BEACH (“City”).

WITNESSETH:

Owner has applied for and City, by its duly authorized official, has provided a deferment of payment of the now due Fire Service Assessment in a manner provided by ordinance. This Agreement confirms and documents the deferment.

NOW, THEREFORE, in consideration of the premises, the mutual benefits to be derived from this Agreement, and for $10 and other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereby mutually agree as follows:

SECTION 1.  Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2.  Property. The property subject to this Agreement is described as follows:

(A) Recording information of most current deed or instrument of title:

(B) Street address:

(C) Property identification number (must match with that of Fire Service Assessment):

(D) Legal description:

With all of the foregoing describing the Tax Parcel subject to the Fire Service Assessment (the “Property”).

SECTION 3.  Amount; Terms and Agreement to Pay.

(A) Owner has applied to defer payment. Owner understands that this is not a forgiveness of payment of the now due and unpaid Fire Service Assessment. This is a binding agreement evidencing that the Property is encumbered by a municipal lien, given to assure the City that payment in full of the Fire Service Assessment and any recording cost, plus interest at a rate of [estimate]% (estimated cost of City funds) compounded annually which by accommodation is and shall be due over a period of time or upon sale or transfer of the property. This Agreement will be recorded in the Official Records of Bay County, Florida, to provide for constructive notice.

(B) This Agreement documents the agreed upon extended and deferral of payment of the Fire Service Assessment and such associated costs and interest due from the due date of the Fire Service Assessment until paid in full. The lien or nature of the lien of the Fire Service Assessment upon the Property is not altered.

(C) Amount due and owing: $[___]. The foregoing amount shall accrue interest on the balance from time to time remaining unpaid. Said principal and interest shall be payable in lawful money of the United States of America until paid in full.

(D) The undersigned waives presentment, demand for payment, protests associated with notice of non-payment, notice of dishonor and diligence in collection, or any other defense or counterclaim to non-payment of every kind or nature. Time is of the essence.
(E) Owner agrees to pay all costs, including reasonable attorney's fees, whether suit is brought or not, at local and appellate levels if suit is instituted; including if counsel shall be employed to enforce or collect the amounts due or protect the lien or priority thereof.

(F) All amounts due hereunder shall be due and payable in full upon the demise of the Owner, or transfer or sale of the Property for other than nominal consideration. Nominal consideration shall mean a transfer only requiring minimum documentary stamp taxes.

SECTION 4. Owner Representations and Acknowledgments. By execution hereof, the Owner represents, warrants, acknowledges, consents and declares under penalty of perjury as follows:

(A) The Owner has read this Agreement, understands that this is a legally binding agreement enforceable against the Owner, the Property, and the successors of the Owner; and, if not understood that the Owner can and should seek the advice of an attorney before signing this Agreement. This Agreement shall not be interpreted either in favor of or against either party as a result of its drafting or preparation.

(B) Owner is the record owner of the Property and the person(s) executing this Agreement are duly authorized to do so.

(C) The Owner has requested and hereby requests and consents to the payment deferral, extension and conditions associated with this Agreement, together with the terms of this Agreement.

(D) The lien of the Fire Service Assessment is superior and paramount to the interest in the Property of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, and municipal taxes, and other non-ad valorem assessments and shall be on parity with the lien of all such ad valorem property taxes and non-ad valorem assessments.

(E) This Agreement runs with, touches and concerns the Property and is binding on the Property and the Owner and all successors in interest. Owner acknowledges and covenants that the amounts due directly benefit the Property and represent a fair and reasonable apportionment of the benefits and costs to make available fire protection to the Property. Owner agrees and covenants to promptly disclose and deliver a copy of this obligation to all tenants, successors, mortgagees or other persons taking title by or who could take title by, through or under Owner.

(F) The Owner shall execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, from time to time such supplements hereto and such further instruments, corrective or otherwise, as may reasonably be required to carry out the intention of this Agreement.

SECTION 6. Governing Law; Non-Jury Trial. The exclusive venue of any legal or equitable action that arises out of or relates to this Agreement shall lie in State Court in Bay County, Florida. IN ANY ACTION, FLORIDA LAW SHALL APPLY AND THE PARTIES WAIVE ANY RIGHT TO JURY TRIAL.

SECTION 7. Entire Agreement; Amendment. This Agreement is the entire agreement between the parties relating to this administrative deferment of the Fire Service Assessment. Any other agreement related to this Agreement and any amendments to this Agreement, must be signed in writing by the parties, or their respective successors.

PLEASE CONTACT THE CITY OF PANAMA CITY BEACH FOR PAY OFF INQUIRIES: (850) 2...
IN WITNESS WHEREOF, Owner has reviewed for accuracy the information above describing the Property, the Property's tax identification number and agrees upon the amount due and owing, and the terms hereof, and does hereby execute this Agreement.

Signed, sealed and delivered in our presence:

Witness #1
(Witness #1 printed name)

Witness #2
(Witness #2 printed name)

STATE OF FLORIDA
COUNTY OF _______

The foregoing instrument was acknowledged before me on this _____ day of _____________________ 20____ by ______________________ as ____________ of ____________________.

He/She is personally known to me or has produced a driver's license as identification.

(Notary Seal)
Signature of Notary Public
Name of Notary Typed, Printed or Stamped

IN WITNESS WHEREOF, the CITY OF PANAMA CITY BEACH has executed this Agreement by its duly authorized officer.

ATTEST:

CITY OF PANAMA CITY BEACH

City Clerk
(Seal)

City Manager

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me on _____ day of _____________________ 20____ by _____________________, as City Manager of the City of PANAMA CITY BEACH, Florida. He/She [ ] is personally known to me, or [ ] has produced a driver's license as identification.

(Notary Seal)
Signature of Notary Public
Name of Notary Typed, Printed or Stamped

AGENDA ITEM #_
REGULAR ITEM

2
3. **Requested Motion/Action:**
   DISCUSS AND CONSIDER TWO ORDINANCES REGARDING UTILITIES IN SCENIC CORRIDORS

4. **Agenda**

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5. **Is this item budgeted (if applicable)?**
   Yes [ ] No [ ] N/A [ ]

   **Budget Amendment or N/A**
   Yes [ ] No [ ] N/A [ ]

   **Detailed Budget Amendment Attached**
   Yes [ ] No [ ] N/A [ ]

6. **Background:** *(Why is the action necessary, what goal will be achieved)*

   The sandy beaches and the Gulf of Mexico are among the City's most valuable assets. Residents and tourists value scenic views of the Gulf of Mexico, including views from locations across the street from the Gulf of Mexico or views while traveling within Rights-of-way. Above-ground utilities, such as utility poles, which the Code includes in its definition of Facilities, interfere with these views and are aesthetically harmful to the quality of life for citizens and the tourist experience for visitors, particularly in the CRA where the City has undertaken great effort and expense to underground utilities. Currently the City has few utility poles or other above-ground utilities on the south side of its Gulf-front Scenic Corridors, or on either side of the corridors that have been improved as part of the Front Beach Road CRA. Staff recommends amendments to the City's Code regarding the use of Rights-of-way generally, and the Land Development Code regarding Scenic Corridors specifically, in order to minimize above-ground utilities in these locations, prohibit additional above-ground utilities in these areas, and gradually phase out the existing above-ground utilities in these areas.

   As a result of these ordinances, which are within the City's authority to regulate the Rights-of-way through its police power, it is anticipated that utility providers will still have adequate space for equipment on the north sides of these Gulf-front Scenic Corridors, or underneath CRA Rights-of-way where the City has provided for the undergrounding of all utilities, where placement of above-ground Facilities is less detrimental to views of the Gulf of Mexico and the aesthetics of the City.

   Section 337.401, Florida Statutes, requires a City to provide to the Secretary of State, at least 10 days prior to consideration of first reading, notice of a proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way. While these ordinances will apply equally to all persons who install facilities in the City's rights-of-way, telecommunications providers are among them, triggering the City's need to comply with this statute before the Council's first reading. As such, the Ordinances have been included in your agenda package and are before you for discussion only today, further honoring the Legislature's intent to provide extraordinary notice of ordinances known to affect telecommunications providers. If the Council has no objections, the Ordinances will be presented for first reading on October 25, 2018.
ORDINANCE NO. 1477

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY LAND DEVELOPMENT CODE RELATED TO UNDERGROUND UTILITIES IN SCENIC CORRIDORS; PROVIDING THAT NO UTILITIES SHALL BE PERMITTED ABOVE GROUND IN A PORTION OF CITY ROW FOLLOWING THE CITY'S AWARD OF A CONSTRUCTION CONTRACT THAT CONTEMPLATES THE UNDERGROUNDING OF UTILITIES IN THAT PROJECT ROW; CLARIFYING THE LDC EXEMPTIONS RELATED TO WORK IN ROWS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City, by and through its Front Beach Road Community Redevelopment Agency, has undertaken and continue to undertake great effort and expense to improve many of the City’s Scenic Corridors, in whole or in part; and

WHEREAS, one of the major features of the City’s right-of-way improvements is the undergrounding of utilities in the right of way; and

WHEREAS, the City finds that the undergrounding of utilities creates an attractive, inviting and less cluttered corridor, and that the installation of above ground utilities subsequent to the City’s improvement of a right of way or portion thereof wherein then existing utilities in the right of way were placed underground is inconsistent with the City’s vision for these corridors; and

WHEREAS, the City finds and determines it is necessary and appropriate to amend its regulation to clarify that exemptions from the City’s undergrounding regulations shall not apply in those segments of improved right of way where the City has undertaken to have utilities undergrounded.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section
4.02.03 of the Land Development Code of the City of Panama City Beach related to Scenic Corridor Design Requirements, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough**):

4.02.03 Scenic Corridor Design Requirements

Scenic Corridor design and performance standards are established throughout this LDC and the City’s Code of Ordinances (CO), including but not limited to the following provisions:

...  

E. Underground Utilities in Scenic Corridors

Every electrical, cable television, data, telephone or other telecommunication feed installed or replaced from a public right-of-way and in, along or across any Scenic Corridor to any structure, Building or Accessory thereto, shall be placed underground for the entire length of such feed. Pre-existing feeds associated with such Building or structure shall be immediately placed underground as part of such improvements; provided however, that in the event the underground placement of such pre-existing feeds is required solely due to renovations or improvements consisting exclusively of emergency repairs or replacement of existing improvements damaged by casualty loss, the property owner may delay the underground placement of such pre-existing feeds for a period of sixty (60) days. Notwithstanding the forgoing, each new construction site shall per permitted one temporary, overhead electrical and telephone drop for a period not to exceed one year. This section shall not apply to high voltage primary lines serving a transformer station maintained by an electrical utility or to trunk and feeder lines serving a cable television, data, telephone or other telecommunications distribution point maintained by a telecommunication utility, unless and until the City awards a contract for the construction and improvement of a Scenic Corridor or portion thereof, which project contemplates the undergrounding of utilities located in the project right of way. Except as may be permitted elsewhere in this LDC or the City Code, no above ground utilities shall be permitted in those portions of the Scenic Corridors improved, or under contract or construction to be improved, by the City or other government agency.

SECTION 2. From and after the effective date of this ordinance, Section 1.04.03 of the Land Development Code of the City of Panama City Beach related to Unified Development in Multiple Districts, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough**):

...
1.04.03 Exceptions

The following general conditions or circumstances are exempt from the provisions and requirements of the LDC:

... 

B. Work required for public facilities and services within the public right-of-way, as further described below:

1. Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, electric power or telecommunications services (except Telecommunications Towers or Small Wireless Facilities).

2. Work required for the purpose of inspecting, repairing or replacing any existing water or sewer lines, mains or pipes.

3. Work required for the purpose of inspecting, repairing or replacing cables, power lines, utility poles, utility tunnels or the like.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the
City Council of the City of Panama City Beach, Florida, this ___ day of __________, 20__.  

ATTEST:  

_________________________ MAYOR  

_________________________ CITY CLERK  

EXAMINED AND APPROVED by me this ___ day of __________, 20__.  

_________________________ MAYOR  

Published in the ___________________ on the ___ day of ________, 201__.  

Posted on pcbgov.com on the ___ day of ________________, 201__.  

Notice provided to the Secretary of State on the ___ day of ____________, 2018.
ORDINANCE NO. 1478

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 19 OF THE CITY’S CODE OF ORDINANCES RELATING TO RIGHT-OF-WAY USE; PROHIBITING NEW UTILITY POLES AND FACILITIES EXCEEDING THREE FEET IN RIGHT-OF-WAY SOUTH OF THE CENTERLINES OF FRONT BEACH ROAD, SOUTH THOMAS DRIVE, AND THE PORTION OF THOMAS DRIVE EAST OF SOUTH THOMAS DRIVE; EXEMPTING CITY OWNED LIGHT POLES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach (the “City”) regulates the use of Rights-of-way through its City Code and requires any person who will place or maintain a Facility in a Right-of-way to obtain a permit from the City; and

WHEREAS, Florida Statute 337.401 provides that the City retains the authority to regulate and manage Rights-of-way in exercising its police power, but all rules which govern providers of communications services must be reasonable and nondiscriminatory; and

WHEREAS, this ordinance applies equally not only to all communications service providers, but to all persons who request to install Facilities in a Right-of-way; and

WHEREAS, the sandy beaches and the Gulf of Mexico are among the City’s most valuable assets; and

WHEREAS, residents and tourists value scenic views of the Gulf of Mexico, including views from locations across the street from the Gulf of Mexico or views while traveling within Rights-of-way; and

WHEREAS, above-ground utilities, such as utility poles, which the Code includes in its definition of Facilities, interfere with these views and are aesthetically harmful the quality of life for citizens and the tourist experience for visitors; and

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WHEREAS, currently the City has few utility poles or other above-ground utilities on the south side of its Gulf-front Scenic Corridors; and

WHEREAS, it is in the best interest of the City to minimize above-ground utilities in these locations, prohibit additional above-ground utilities in these areas, and gradually phase out the existing above-ground utilities in these areas; and

WHEREAS, utility providers have adequate space for equipment on the north sides of these Gulf-front Scenic Corridors, where placement of above-ground Facilities is less detrimental to views of the Gulf of Mexico and the aesthetics of the City; and

WHEREAS, this ordinance is not intended to authorize the use of the north side of any Right-of-way for above-ground utilities if above-ground utilities are otherwise prohibited now or in the future for that entire area of Right-of-way.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance Chapter 12 of the Code of Ordinances of the City of Panama City Beach, related to Right of way use and permitting is amended to read as follows (new text bold and underlined, deleted text strickthrough):

Sec. 19-154. - Permittee obligations.
A. Telecommunications Towers, Small Wireless Poles, Collocations, and other wireless communications Facilities are governed additionally by the more specific requirements of the Panama City Beach Land Development Code.
B. No new Facility that is over fifteen (15) feet in height from grade may be constructed within seventy-five (75) feet of any other Facility that is over fifteen (15) feet in height from grade, unless granted a variance due to unique circumstances. This restriction shall not prohibit the City from installing new Facilities for public safety and welfare reasons, including light poles.
C. No person shall be granted a permit or otherwise be allowed to install any utility pole or any other Facility if such Facility would be three (3) or more feet above grade within a Right-of-way south of the centerline of Front Beach Road, South Thomas Drive, or the portion of Thomas Drive east of South

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Thomas Drive. This prohibition shall not apply to light poles owned by the City. Any existing utility poles or Facilities that would not be permissible under this rule shall not be permitted to be replaced, but may be maintained used and repaired, provided repairs do not exceed 50% of the value of the utility pole or Facility.

GD. Permittee shall place or maintain all Facilities in the Right-of-way so as not to unreasonably interfere with the drainage of all lands lying within the City, the travel and use of the right-of-way by the public and with the rights and convenience of property owners who adjoin any portion of the right-of-way, and in a manner consistent with accepted industry practice and applicable law.

DE. Permittee shall not place or maintain its Facilities in the Right-of-way so as to interfere with, displace, damage or destroy any Facilities lawfully occupying the Right-of-way, including but not limited to sewers, gas or water mains, storm drains, pipes, cables or conduits of the City or any other Person.

EF. All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of Facilities in a Right-of-way.

FG. When requested by City, the Permittee shall, at Permittee’s expense, make changes to the components or location of Facilities to conform to the reasonably necessary requirements of localized areas.

GH. Permittee shall coordinate its placement and maintenance activities with other utilities and the City when such activities require disturbance of the Right-of-way, and shall notify the City not less than twenty-four nor more than seventy two hours in advance of any pavement cut. Unless otherwise authorized or directed by the City, Permittee shall use directional bores for any work to Facilities which require the crossing of a Right-of-way, or for the installation of Facilities parallel to a fully developed and landscaped urban curb and gutter Right-of-way.

HI. Where excavation of a Right-of-way is required, a Permittee shall comply with the Underground Facility Damage Prevention and Safety Act set forth in Chapter 556, Florida Statutes (2006), as it may be amended.

IJ. Permittee shall use and exercise due caution, care and skill in performing permitted work in a Right-of-way and shall take all reasonable steps to safeguard work site areas.

JK. A Permittee shall, upon thirty days written notice by any person holding a City Right-of-way Permit, temporarily raise or lower its Facilities to allow the work authorized by the Permit, at the requesting Permittee’s expense.

KL. After the completion of any placement or maintenance of a Facility in a Right-of-way or each phase thereof, a Permittee shall, at its expense, restore to its original condition the Right-of-way and any other public or private property damaged or destroyed in whole or in part by Permittee, its agents, servants or employees in exercising the privileges granted by the Permit. If the Permittee fails to make such restoration within thirty days, or such longer period of time as may be reasonably required under the circumstances, following the completion of such placement and

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maintenance, the City may perform the restoration and charge the costs of restoration against the Permittee in accordance with Section 337.401, Florida Statutes, (2006), as it may be amended. A Permittee shall guarantee its restoration work and shall correct any restoration work that does not satisfy the City's requirements at its own expense for twelve months following written acceptance of the permitted work by the City Engineer.

LM. Permittee shall warrant that all work performed in connection with the placement or maintenance of a Facility in a Right-of-way will be of good quality and in conformance with the Plans and Specifications submitted with the application and approved by the City.

MN. Upon completion of the placement or maintenance of a Facility in a Right-of-way, Permittee shall promptly file three copies of complete and accurate "as-built" plans identifying and locating those portions of the Facilities placed in the Right-of-way.

NO. Permittee shall at all times comply with and abide by all applicable provisions of state and federal law, and City ordinances, codes and regulations in placing or maintaining a Facility in a Right-of-way, for so long as Permittee places or maintains a Facility in a Right-of-way.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.
PASSED, APPROVED AND ADOPTED at the regular meeting of the
City Council of the City of Panama City Beach, Florida, this ___ day of
______________, 2018.

________________________
MAYOR

ATTEST:

________________________
CITY CLERK

EXAMINED AND APPROVED by me this ___ day of
______________, 2018.

________________________
MAYOR

Published in the _____________ on the ___ day of ________, 2018.

Posted on pcbgov.com on the ___ day of ________________, 2018.

Notice provided to the Secretary of State on the ___ day of ____________, 2018, which is at least 10 days prior to consideration on first reading.
REGULAR ITEM
3
## CITY OF PANAMA CITY BEACH
### AGENDA ITEM SUMMARY

**1. DEPARTMENT MAKING REQUEST/NAME:**
- PLANNING/LEGAL

**2. MEETING DATE:**
- OCTOBER 11, 2018

**3. Requested Motion/Action:**
- HOLD PUBLIC HEARING AND CONSIDER FIRST READING OF ORDINANCE REPEALING HEIGHT INCENTIVES AND MAKING CERTAIN ARCHITECTURAL AMENITIES MANDATORY.

**4. Agenda Presentation/Public Hearing/Consent/Regular**
- PUBLIC HEARING: ✓

**5. Is this item budgeted (if applicable)?**
- Yes No N/A ✓

**6. Background: (why is the action necessary, what goal will be achieved)**

Following the Council's consideration of five requests for height increases based on incentives on September 27, 2018, the Council requested staff prepare an ordinance repealing the City's height incentive schedule. Based on comments made during the September 27, 2018 hearings, and from individual meetings with each Council member, staff has prepared the attached ordinance which, in addition to repealing height incentives, also makes mandatory for applicable developments in the FBO districts the lighting, entryway, skyline and building base architectural amenities previously available as opportunities in the height incentive schedule.

The primary effect of the ordinance's amendments will be to establish and confirm 150' as the City's maximum building height. The secondary effect will be to visually enhance the larger buildings developed in the Front Beach Overlay Districts.

A public hearing has been properly advertised for the October 11 meeting, and a draft of the proposed ordinance has been transmitted to the Planning Board for consideration. If the Council approves the ordinance on first reading, staff will publish notice of a public hearing for second reading and adoption.
ORDINANCE NO. 1475

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE; REPEALING THE AVAILABILITY OF HEIGHT INCENTIVES; REQUIRING THE PROVISION OF LIGHTING, ENTRYWAY, SKYLINE AND BASE ARCHITECTURAL AMENITIES; AMENDING TABLES ESTABLISHING MAXIMUM HEIGHTS TO REMOVE REFERENCES TO HEIGHTS THAT MAY BE ACHIEVED THROUGH INCENTIVES; AMENDING SECTIONS WITH REFERENCES TO HEIGHT INCENTIVES; PROVIDING THAT MAXIMUM HEIGHT IN THE FBO CANNOT BE MODIFIED; REPEALING ORDINANCE 1470 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, in 2012, the City adopted a Land Development Code, which set maximum heights in all zoning categories, and also provided the opportunity for additional height to be pursued through a table of height incentives; and

WHEREAS, the Council finds and determines that the public benefit arising from the height incentive options no longer outweighs the benefits of strict compliance with the City's height design guidelines; and

WHEREAS, the Council finds and determines that the repeal of height incentives is in the best interest of the public health, safety, and welfare; and

WHEREAS, the Council finds that the architectural amenities contemplated in the City's height incentive schedule do in fact benefit the community by creating visually pleasing and interesting buildings and that such features should be made mandatory for development in the City's Front Beach Overlay District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:
SECTION 1. From and after the effective date of this ordinance, Section 4.02.02E and Table 4.02.02B of the Land Development Code of the City of Panama City Beach related to Height Incentives are hereby repealed.

SECTION 2. From and after the effective date of this ordinance, Section 4.02.02E of the Land Development Code of the City of Panama City Beach related to Building Height, Setback and Coverage Requirements, is amended to read as follows (new text bold and underlined, deleted text struck through):

4.02.02 Dimensional Standards for Zoning Districts
...

D. Building Height, Setback and Coverage Requirements

1. Building location is determined by the Setback standards from the property line on the front, sides and rear of the property. Table 4.02.02.A sets forth the Setback requirements, along with the maximum Building Height for each zoning district. These provisions are modified for FBO districts pursuant to Section 7.02.03.

2. Every part of the required Setback area shall be open from its lowest point to the sky, unobstructed except for the customary projection of sills, belts, courses, Cornices, ornamental features, and Eaves that do not extend more than three (3) feet into the setback area; approved Accessory Buildings; and fencing. Open or enclosed fire escapes, outside stairways, balconies, chimneys, flues, generators or other projections shall not extend into any required Setback area, except that uncovered steps may project not more than three (3) feet into any required Setback area. Air conditioner/heat pumps shall be located the lesser of the Setback for the
principal Building or five (5) feet from the property line. Underground improvements are not subject to Setback requirements.

3. Building Height shall be measured from the highest crown (highest point in the vehicular area of the right of way) of an abutting street to the highest point of the ceiling in the highest habitable Story.

4. Roof pitches greater than 12:12 (twelve feet of rise for twelve horizontal feet), height are prohibited.

5. Nothing shall extend above the ridgeline except chimneys, cupolas, steeples, parapets, antennas, mechanical equipment and elevator equipment. Within the AR zoning district, height limitations shall not apply to silos.

6. Within commercial districts, there shall be no projection of sills, belts, courses ornamental features or Eaves over any public right-of-way.
### Table 4.02.02.A: Building Height and Setback Standards

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Building Height (in feet)</th>
<th>Minimum Setbacks from Property Lines (in feet)</th>
<th>Front</th>
<th>Side</th>
<th>Side Adjacent to Street</th>
<th>Rear</th>
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<td></td>
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<td>5(^1)</td>
<td>15(^4)</td>
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</table>

1. The Side Yard Setbacks shown apply to one-story Buildings. For each story above the first story, the Side Yard Setback shall increase 2.5 feet.
2. A zero Side Yard Setback is allowed, but shall apply to only one Side Yard. The second Side Yard shall have a Setback of eight (8) feet.
3. The minimum Rear Yard Setback shall increase four (4) feet for each Story above the third story. In the M-1 district the Rear Yard Setback shall increase six and one-half (6.5) feet for every Story above the first Story.
4. The minimum Side Street Setback shown applies to 1-3 story Buildings. For each Story above the third Story, the Side Street Setback shall increase 2.5 feet.
5. The minimum Setback for a Side or Rear Yard, adjacent to an R-2 district or above (R-2 through AR), shall...
be as shown in the table. For each Story above the first, such Side and Rear Yard Setback shall increase by one (1) foot for every foot of height beginning at fifteen (15) feet from the side or rear property line as applicable.

Maximum height may be affected by Setback or overlay district requirements. Where two (2) numbers are listed, the higher number is the maximum height that may be achieved through the use of height incentives.

7. Within the Residential subdivisions listed below that are located outside an FBO district, no permit shall be issued for a three (3) Story dwelling or a dwelling exceeding twenty (20) feet in Building Height until at least thirty (30) percent of the lots in the subdivision have been developed with two (2) story dwellings. This provision does not apply to the portions of the following subdivisions located within an FBO district:

- Miramar Beach Area - All R-1C zoned areas in the following subdivisions:
  - Miramar Heights Subdivision
  - Wells Gulf Beach Estates
  - Miramar Beach 1st Addition
- Palmetto Trace - All phases.
- Summerwood - All phases.
- Summerbreeze Subdivision - All phases.
- Gulf Highlands, Unit 2 - All R-1B zoned areas.
- Open Sands - All R-1C zoned areas including the Pura Vida unrecorded subdivision.
- Gulf Highlands Subdivision - All R-1B or R-1C zoned areas.
- El Centro Beach Area - All R-1C zoned areas in the following subdivisions:
  - El Centro Beach
  - Diamond Head Section of Lakeside By The Gulf
  - Crown Point Section of Lakeside By The Gulf
- Colony Club Area - All property zoned as R-1A in the following subdivisions:
  - Greens West
  - Bay West Estates Unit 1
  - Colony Club Subdivision Phase 1
  - Trieste Phase 2
  - North Colony Club Estates Phase 1
  - Trieste
  - Colony Club Harbour Phases 1, 2, and 3
  - All unrecorded lots in the Colony Club area.
- The Glades Area - All property zoned as R-1B or R-O in the following subdivisions:
  - The Glades and The Glades Phase II
  - Tierra Verde and Tierra Verde Phase II
  - Glades unrecorded addition
- Bid-A-Wee Beach Area - All property zoned as R-1C or R-O in the following subdivisions:
  - Seclusion Beach
  - North Bid-A-Wee 1st Addition
  - North Bid-A-Wee Beach
  - Reflections
  - Bid-A-Wee Beach 1st Addition
  - Bahama Beach and Bahama Beach 1st Addition
  - Daugette Addition to Bahama Beach
  - Fernwood Park
  - Gardenia Beach
  - Hearn's Addition to Bahama Beach
  - Hutchinson's 1st Addition and 2nd Addition
  - Leary's 2nd Addition

(Ord. #1340, 4/9/15)
SECTION 3. From and after the effective date of this ordinance, Section 7.02.03H of the Land Development Code of the City of Panama City Beach related to Building Heights and Podium Standards in FBO Districts, is amended to read as follows (new text **bold and underlined**, deleted text struck through):

7.02.03 H. Building Height and Podium Standards

1. 1. Table 7.02.03.H establishes the minimum and maximum *Heights* for *Buildings* in each of the FBO districts in terms of feet.

2. In each of the districts, additional height may be achieved through incentives established in Section 4.02.02E.

3. 2. Table 7.02.03.I establishes standards for upper *Stories* that are built on top of the *Building* podium or base *Stories*, which are defined in terms of maximum feet (*Stories*). Illustrations following the exhibit are conceptual only and are not intended to mandate the position of upper *Stories* on the podium, provided, however that in the FBO-3 and FBO-4 districts, the side *Setbacks* shall be increased by at least fifteen (15) feet above the lesser height of one hundred twenty (120) feet or ten (10) *Stories*. The *City Manager* is authorized to modify the *Setback* and podium standards for *Buildings* receiving height incentives to provide architectural flexibility while achieving the purposes of the FBO-3 and FBO-4 districts and retaining the net impact of reducing the average floor area of all *Stories* above the required podium by twenty-five (25) percent of the ground floor area.

4. 3. In a FBO-2 or FBO-3 district, *Buildings* thirty-five (35) feet tall or taller shall be set back from an FBO-1 or *Single Family Residential* district at least one hundred (100) feet. Starting at a distance of one hundred (100) feet from the applicable district boundary, *Building Height* may be increased to forty-five (45) feet. Beyond two hundred (200) feet, *Building Height* may be increased from forty-five (45) feet by one (1) foot for every one (1) foot increase in *Setback*. See Figure 7.02.03.A.

5. 4. In the FBO-1 district, *Buildings* may extend an additional ten (10) feet beyond the total height allowed in this section provided that the portion of the *Building* exceeding the
total height includes a tower room only. Tower rooms are restricted to a maximum of one hundred (100) square feet in area, excluding stairwells.

6. In the FBO-1 district, the width of the building above the second Story shall be not be greater than seventy-five (75) percent of the width of the Ground Story. Width of each Story shall be measured at the widest part of the applicable Story parallel to the shoreline of the Gulf of Mexico. The provisions of this paragraph and Table 7.02.03.I shall not apply to lots that are narrower than fifty-five (55) feet, as measured perpendicular to the lot's primary frontage road.

<table>
<thead>
<tr>
<th></th>
<th>FBO-1</th>
<th>FBO-2</th>
<th>FBO-3</th>
<th>FBO-4</th>
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<td>Maximum without incentives</td>
<td>35</td>
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<td>75</td>
<td>150</td>
</tr>
<tr>
<td>Maximum with incentives</td>
<td>45</td>
<td>65</td>
<td>110</td>
<td>220</td>
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</tbody>
</table>

Notes:
1: Height shall be measured in accordance with section 4.02.02.
2: The maximum height may be limited in the FBO-2 or FBO-3 district by the provisions of section 7.02.03.H.4.

SECTION 4. From and after the effective date of this ordinance, Section 7.02.03N of the Land Development Code of the City of Panama City Beach related to Building Design Standards in FBO Districts, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

7.02.03 N. Building Design Standards


(a) In the FBO-1 and FBO-2 districts, no more than two (2) materials shall be visible on any exterior façade, not including windows, doors, foundation walls, columns,
chimneys, soffits and trim. If two wall materials are used, heavier-weighted materials shall be located below lighter-weighted materials, as defined in 7.02.03.L and separated by a horizontal joint. Vertical changes in material shall not occur within two (2) feet of an exterior corner. When possible, vertical changes in materials shall occur at interior corners (see Figure 7.02.03.R). Allowed materials include wood, stone, brick, stucco, architectural block (split faced), and cementitious materials.

[Table 7.02.03.L omitted]

(b) **Building** exteriors in the FBO-3 and FBO-4 districts shall be clad in masonry materials only. Masonry materials include stone, brick or stucco. Cementitious materials that mimic wood lap siding are not an approved masonry material for any building that is more than three (3) stories in **Height**. No more than two materials shall be visible on any exterior façade, not including windows, doors, foundation walls, soffit, columns and trim. If two wall materials are used, heavier-weighted materials shall be located below lighter-weighted materials, as defined in Table 7.02.03.L and separated by a horizontal joint. Changes in material along a horizontal plane shall not occur within two (2) feet of an exterior corner. When possible, these horizontal changes in materials shall occur at interior corners. (see Figure 7.02.03.R)

[Figure 7.02.03.R omitted]

2. **Front Porches and Stoops.** (See Figure 7.02.03.S and 7.02.03.T)

(a) Porches and stoops shall be raised a minimum of thirty (30) inches above the grade of the sidewalk.

(b) Front porches shall be a minimum of eight (8) feet deep. Porch beams shall be visible. Porch column width shall match the width of the porch beams. To the greatest practical extent, columns and piers should be evenly spaced.

(c) Handicapped ramps used in conjunction with a front porch or stoop shall be constructed of masonry, concrete, pressure treated lumber or composite lumber, and shall not be located on a **Street-facing** side of the porch.

[Figure 7.02.03.S omitted]
3. Stoops and covered stoops shall be constructed of stone, brick, concrete, pressure treated materials and composite materials, and shall be a minimum of three (3) feet deep and a minimum of five (5) feet wide. A covered stoop greater than eight (8) feet wide shall be considered a porch.

4. Covered stoops shall have a visible means of support for the Roof consisting of beams and columns, piers or brackets. Columns and piers shall have the same width and spacing requirements as columns and piers for porches. Stoops and covered stoops shall be accessed by stairs.

5. Balconies. Balconies facing adjacent to and facing the sandy shore of the beach shall extend no further than three (3) feet beyond the Building wall without the use of brackets, hangers, piers or columns. Balconies extending from three (3) to five (5) feet from the Building wall shall incorporate the use of brackets, hangers, columns or piers as a visible means of support. A balcony extending beyond five (5) feet from the Building wall shall use walls, columns or piers as a visible means of support. (see 7.02.03.U)

6. Mechanical Unit Location. Mechanical equipment shall not be located at the front of a Building. Mechanical equipment shall be located in areas that are screened from the public streetscape or public Access ways by the sides and rears of Buildings or within mechanical areas inside the Buildings. Roof-top mechanical equipment shall be screened by a wall that is equal to the height of the equipment being screened.

7. Utilities. On-site utilities shall be screened or incorporated into building insets to the greatest practical extent.

8. Modulation. In the FBO-3 and FBO-4 districts, recesses and projections shall be used to create shadow lines to break up the massing of all Buildings taller than four (4) Stories that have more than seventy-five (75) feet of Frontage along Front Beach Road and South Thomas Drive for all Stories above the fourth Story. The minimum depth of modulation shall be two (2) feet. The minimum horizontal width shall be five (5) feet and the maximum horizontal width per module shall be fifty (50) feet. (see Figure 7.02.03.V)
9. **Recognizable Top.** In the FBO-3 and FBO-4 districts, a recognizable "top" is required consisting of (but not limited to) (a) Cornice treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g., tile or masonry treatments), (e) differently colored materials; colored "stripes" are not acceptable as the only treatment, or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.

10. **Recognizable Base.** In the FBO-3 and FBO-4 districts, a recognizable "base" is required at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.

11. **Entryways.** Enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components shall be incorporated into entryways.

12. **Lighting.** Architectural lighting highlighting building columns, Cornices or other distinguishing architectural features shall be required along the front facade of buildings. Designs shall not interfere with turtle nesting season protections.

SECTION 5. From and after the effective date of this ordinance, Table 7.02.03N, in Section 7.02.03Q, of the Land Development Code of the City of Panama City Beach related to Building Design Standards in FBO Districts, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough**):

Q. **FBO District Development Procedures**

1. **Approvals Required.** (see Table 7.02.03.M)

   (a) Applications for Development approval within the FBO districts are processed in accordance with Chapter 10 of the LDC, except as modified by this subsection.
(b) A Large Site Development (see section Error! Reference source not found.) requires approval of a Master Plan that follows the Type V (Master Plan) review procedures established in Chapter 10.

(c) A Plat cannot be approved by the City Council until the Master Plan has been approved by the Planning Board through the Type V approval process. All Plats shall be consistent with the Master Plan.

(d) All other Development requires Type 1 approval.

Table 7.02.03.M: Summary of Approval Requirements

<table>
<thead>
<tr>
<th>Development Category</th>
<th>I</th>
<th>II</th>
<th>V</th>
<th>VI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Site Development or Conditional Use, no Subdivision</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Large Site Development or Conditional Use, with Subdivision</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>All other Uses or Development</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Variance requests</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

2. Concept Plan. This section does not require detailed engineering or Site Plan drawings as a prerequisite to approval required by the Planning Board. An applicant may provide a concept plan showing the general types and locations of proposed Development and Street layouts (such as a bubble plan) before submitting a formal Type I, II or V application. The Building and Planning Department and the Engineering Department may submit informal comments on the Concept Plan. However, any comments relating to the Concept Plan are for the applicant's convenience and do not have any binding effect on subsequent approvals.

3. Master Plan. Master Plan approval is subject to section Error! Reference source not found. of the LDC, except as provided below:

(a) The provisions of section Error! Reference source not found. and section Error! Reference source not found. do not apply to the approval of a Master Plan in the FBO Districts and alternative procedures and standards are provided below.

(b) A property owner has the burden of proof to demonstrate that the Master Plan complies with the FBO district standards.
(c) In lieu of section Error! Reference source not found., the applicant shall demonstrate:

(1) For a Large Site Development, that the proposed Development conforms to the standards established in section Error! Reference source not found., in addition to all applicable requirements of this subsection; or

(2) For a Conditional Use other than a Large Site Development, that the proposed Development conforms to all applicable requirements of this subsection and the conditions established in section Error! Reference source not found..

4. Changes to Master Plans. Changes to master plans may be authorized subject to the provisions of section Error! Reference source not found..

5. Final Development Plan. After final approval of a Master Plan, the applicant shall submit a final development plan for Type I Review (see section Error! Reference source not found.). An approved final development plan is required before issuance of a Building Permit.

(Ord. #1254, 11/14/13)

6. Modification of FBO Standards

(a) Intent. The City desires to maintain the design integrity and functionality of the FBO district, while providing flexibility and the ability to provide quality Development on the relatively small Lots that characterize the Front Beach Road corridor.

(b) Categories of Standards. Table 7.02.03.N establishes three (3) categories of standards:

(1) Not Modifiable. Those regulations that cannot be modified or varied are considered essential to the concept of reducing the number and length of automobile trips and to achieve the purposes of the FBO districts.

(2) Administrative Modifications. Those regulations that can be modified by: (1) the Building and Planning Department if only a Type I approval is required or (2) by the agency with final approval authority if a Class II or Class V approval is required. The approving agency can modify any standard listed as subject to an administrative modification in Table 7.02.03.N by up to 10%, subject to the standards set out below. Any modification that exceeds this threshold requires a Variance. In order for an application for an administrative modification to be approved or approved with conditions, the approving agency must make a positive finding, based on the evidence submitted, for each of the following:

   i. The modification is needed due to the physical shape, configuration or topographical condition of the Lot and

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AGENDA ITEM #
ii. The modification is compatible with adjacent and nearby Development that conforms to the FBO district standards and

iii. The modification will not alter the essential character of the district or have a detrimental effect on the community health, safety or welfare.

(3) Those that can only be varied by the Planning Board through a Type VI process (see section Error! Reference source not found.).

i. The applicant must demonstrate that the requested Variance meets the standards established in section Error! Reference source not found. and must proffer an alternative condition that meets the purpose and intent of the FBO standards to the extent possible.

ii. If a standard is listed in Table 7.02.03.N, below as not modifiable or subject to an administrative modification, the standard is not subject to a Variance.

iii. For Large Site Developments subject to Section Error! Reference source not found., modifications authorized through ministerial or variance procedures by Table 7.02.03.N shall be considered and may be granted in conjunction with the Type V consideration of a Master Plan in accordance with sections Error! Reference source not found. and Error! Reference source not found..

(Ord. # 1443, 2/8/18)
<table>
<thead>
<tr>
<th>Standard</th>
<th>Reference (Subsection of 7.02.03)</th>
<th>Not Modifiable</th>
<th>Ministerial Modification</th>
<th>Variance</th>
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<tr>
<td>Front Yards</td>
<td>G</td>
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<tr>
<td>Minimum Parking Requirements</td>
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<td>Shared Parking</td>
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<td>✓</td>
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<tr>
<td>Parking Location</td>
<td>I</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Parking Lot Landscaping</td>
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<td>✓</td>
<td>✓</td>
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<tr>
<td>Parking Lot Design</td>
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<td>✓</td>
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<tr>
<td>Parking Mitigation</td>
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<td>✓</td>
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<tr>
<td>Parking Structure Location</td>
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<td></td>
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<tr>
<td>Parking Structure Building Fronts</td>
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<tr>
<td>Parking Structure Building Materials</td>
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<td>Parking Structures - Other Design Requirements</td>
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<td>Location of Frontage Types</td>
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<td></td>
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<tr>
<td>Front Setbacks (minimum)</td>
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<tr>
<td>Front Setbacks (maximum)</td>
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<tr>
<td>Side Setbacks (minimum)</td>
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<tr>
<td>Side Setbacks (maximum)</td>
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<tr>
<td>Rear Setbacks (minimum)</td>
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<td></td>
</tr>
<tr>
<td>Rear Setbacks (maximum)</td>
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<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gallery Setback (maximum)</td>
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<tr>
<td>Build-to ratio (80% Building Facade shall be located at the front setback line for first 4 Stories)</td>
<td>F</td>
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<tr>
<td>Tower Rooms</td>
<td>F</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Height in feet (maximum) and Building Stepbacks</td>
<td>H</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Podium Design</td>
<td>H</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Driveways / Garages</td>
<td>J</td>
<td>✓</td>
<td>✓</td>
<td></td>
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<tr>
<td>Building Materials</td>
<td>N</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Modulation</td>
<td>N</td>
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<tr>
<td>Mechanical Unit Locations / Design</td>
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<tr>
<td>Porches / Balconies</td>
<td>N</td>
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</tr>
<tr>
<td>Drop-offs</td>
<td>L</td>
<td>✓</td>
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</tr>
</tbody>
</table>
SECTION 6. Ordinance 1470 establishing a temporary moratorium on the acceptance of applications for height incentives is hereby repealed. All other ordinances or parts of ordinances in conflict herewith are also repealed to the extent of such conflict.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 7. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 8. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this __ day of __________, 2018.
ATTEST:

MAYOR

CITY CLERK

EXAMINED AND APPROVED by me this ___ day of
_______________, 2018.

MAYOR

Published in the _________________ on the ___ day of ________, 2018.

Posted on pcbgov.com on the ___ day of ________________, 2018.
REGULAR ITEM
4
AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO VARIANCES; PROVIDING THAT VARIANCES SHALL BE TYPE II QUASI-JUDICIAL PROCEEDINGS HEARD BY THE CITY COUNCIL, AND CONFORMING PROVISIONS THROUGHOUT THE LDC; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 1.07.02 of the Land Development Code of the City of Panama City Beach related to Definitions, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

1.07.02 Definitions
As used in the LDC, the following terms shall have the meanings assigned to them. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

Variance – Administrative action of the City Council Planning Board authorized by section 9.03.00.

SECTION 2. From and after the effective date of this ordinance, Section
3.02.07 of the Land Development Code of the City of Panama City Beach related to Floodplain Management Variances, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough**):

**3.02.07 VARIANCES AND APPEALS**

A. **General.** The **City Council Planning Board** shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the **City Council Planning Board** 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.

B. **Appeals.** The **City Council** shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Board in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the City Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. **Limitations on authority to grant variances.** The **City Council Planning Board** shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 0 of this ordinance, the conditions of issuance set forth in Section 0 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The **City Council Planning Board** has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

D. **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 3.02.05C of this ordinance.

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

F. **Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 0, 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.
G. Considerations for issuance of variances. In reviewing requests for variances, the City Council Planning Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the city;
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.

H. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the City Council Planning Board 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 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 3. From and after the effective date of this ordinance, Section 3.05.05 of the Land Development Code of the City of Panama City Beach related to Floodplain Management Variances, is amended to read as follows (new text **bold and underlined**, deleted text struckthrough):

3.05.05 Appeals

A. Any person aggrieved, developer, owner or applicant who alleges that the administrative official acted erroneously in enforcing this law, or any person aggrieved, developer, owner or applicant who believes he is entitled to a variance from the enforcement of this law, may appeal the decision of that administrative official to the City Council Planning Board. Such appeal, including any appeal fee, shall be filed within thirty (30) days of the receipt of an official notice of decision, or such longer time as may be expressly provided by this law for a particular circumstance. Such an appeal shall be the exclusive remedy to challenge the decision or authority of the administrative official.

B. The City Council Planning Board shall hear and decide all appeals and requests for variances pursuant to the procedures specified in section 9.03.00 of this LDC, as amended from time to time. In the event of an irreconcilable conflict between the procedures specified in this section and in said section 9.03.00, this section shall control. The City Council Planning Board is authorized to hear appeals on two (2) grounds and no other, namely,

1. The City Council Planning Board is hereby authorized to interpret and construe where necessary the provisions of this law as applied to any particular circumstance.

2. The City Council Planning Board is hereby authorized to grant such variances from the literal application of this law as will not be contrary to the public health, safety or welfare, if special conditions or circumstances exist which are not common to those similarly situated and owing to which a literal enforcement of the provisions of this law will result in unnecessary hardship. An appeal for such a
variance shall be in writing and shall state in detail the reasons for the request. No other reasons shall be considered. The appeal shall be signed by the applicant who must be the owner or person who will be entitled to possession of the property. The City Council Planning Board shall grant the variance, deny the variance, or grant the variance with conditions within sixty (60) days after the appeal is filed.

3. Any person aggrieved by any decision of the City Council Planning Board may seek review by certiorari in the Circuit Court, 14th Judicial Circuit, Bay County Florida, which shall be the exclusive remedy to challenge the decision or authority of such Board.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 617, § 5, 3-11-99; Ord. No. 907, § 2, 10-14-04; Ord. No. 985, § 1, 9-22-05)

SECTION 4. From and after the effective date of this ordinance, Section 4.02.03C of the Land Development Code of the City of Panama City Beach related to Scenic Corridor Design Requirements, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

4.02.03 Scenic Corridor Design Requirements

Scenic Corridor design and performance standards are established throughout this LDC and the City's Code of Ordinances (CO), including but not limited to the following provisions:

C. Design

The following design requirements apply to exterior walls of metal Buildings situated on Lots or Parcels lying in whole or in part within a Scenic Corridor:

1. The City finds that the appearance of metal Buildings within the Scenic Corridor is detrimental to the image of the community both as a tourist destination and as a coastal City of permanent residents, is contrary to the Community Objectives advanced by the August 2001 Front Beach Road Community Redevelopment Plan, diminishes surrounding property values and is contrary to the public welfare.

2. On any Parcel which lies in whole or in part within a Scenic Corridor, no exterior wall of any Building located on such a Parcel shall be constructed of metal unless either (i) such wall is not visible by a pedestrian standing within the vehicular right-of-way of the Scenic Corridor or (ii) such wall is completely covered by one or more of the following materials:

(a) Brick;
(b) Stone;
(c) Stucco;
(d) Synthetic stucco;
(e) Cementitious materials;
(f) Exterior insulation finish system (E.I.F.S.); or
(g) Wood siding, provided that such siding is applied with no panel exceeding twelve (12) inches in height.

3. Other non-ferrous material may be permissible, if determined by the Planning Board as a matter of fact to be aesthetically comparable and at least as opaque, weather resistant and permanent as the materials listed in section 0.

SECTION 5. From and after the effective date of this ordinance, Section 4.03.01D of the Land Development Code of the City of Panama City Beach related to Subdivision Design and Layout, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough**):

**4.03.00 SUBDIVISION DESIGN AND LAYOUT**

**4.03.01 Generally**

A. Any division of land shall be subject to the design requirements of this section. Procedures for approval of preliminary *Plats*, final *Plats*, *Lot Splits* and improvement plans are set forth in Chapter 10.

B. All *New Development* shall be located on a recorded, *Platted Lot* or on a *Lot* resulting from a lawful *Lot Split*.

C. An existing *Lot* located within a *Subdivision* that has been approved prior to July 26, 2012 by the City Council in the form of a *Plat*, shall be allowed to be developed with a *Single Family Dwelling Unit* subject to satisfaction of *Setback* and *Building* requirements as well as all other applicable regulations.

D. In Bid-A-Wee 1st Addition, *Lots* less than the required minimum *Lot* size and not meeting the dimensions as approved on the adopted *Plat*, may still receive approval for a *Building Permit* provided the *City Council Planning Board* finds the following conditions are satisfied:

   1. The *Lot* must be of a similar size and width as other *Lots* in the *Subdivision*; and

   2. All other applicable regulations must be satisfied.
SECTION 6.  From and after the effective date of this ordinance, Section 4.04.01H of the Land Development Code of the City of Panama City Beach related to Variances Generally, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

H. Variances

1. The City Council Planning Board, upon application of the property owner, may permit an additional temporary or permanent Access Connection to a Parcel when the property owner demonstrates that:

   (a) An additional Access Connection will not materially and adversely affect the safety and efficiency of travel on the public road;

   (b) The location, design and construction of the Access Connection is based upon sound engineering judgment and best engineering practices, including without limitation, any other applicable provisions of the City Code, Florida Administrative Rule 14-97 and any published recommendations of the Institute of Transportation Engineers (ITE), FDOT or the American Association of State Highway and Transportation Officials (AASHTO); and

   (c) Special conditions or circumstances, not shared by other Parcels similarly situated, exist which prevent the Use of an internal circulation system, joint Access Connections and no alternative means are available to provide Reasonable Access to the property.

2. Any person aggrieved by any decision of the City Council Planning Board shall have thirty 30 days to appeal that decision in accordance with the procedures specified in section [].

(Ord. No. 802, § 1, 9-9-04; Ord. No. 906, § 1, 10-14-04)

SECTION 7.  From and after the effective date of this ordinance, Section 5.07.09 of the Land Development Code of the City of Panama City Beach related to the City Sign Code, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

5.07.08H1, 6
5.07.09 Existing Signs

A. Illegal Signs. Any Sign existing as of the effective date of this Sign Code, or on the effective date of any amendment to this Sign Code (i) which was not Erected pursuant to a valid Permit from the City if required or (ii) which did not comply in all respects with City ordinances in effect immediately prior to such effective date or (iii) which was required by City ordinance in effect immediately prior to such effective date to be removed due to the passage of time or any other reason, regardless of whether the City shall have commenced any enforcement action against such Sign or any person, and any Sign reclassified as an Illegal Sign pursuant to section C, is hereby deemed to be an "Illegal Sign" and such Sign, the Premises upon which it is located, and the person or persons responsible for such Sign shall be subject to the remedies and penalties provided by law.

Upon a determination by the City Manager or his designee and written notice at any time to the owner or person entitled to possession of an Illegal Sign that such Sign exists, in addition to any other remedy or penalty that may be available to the City, the owner or person entitled to possession of an Illegal Sign shall be obligated to remove such Sign and any associated Sign Structure within twenty (20) days after receipt of such notice unless an appeal of such determination has been previously filed with the Planning Board and is pending or has been resolved in the permittee's favor.

B. Legal Signs. Any Sign existing on the effective date of this Sign Code which was Erected pursuant to a valid Permit from the City if required, and which complies in all respects with City ordinances in effect immediately prior to such effective date, and which conforms to the provisions of this Sign Code, and any subsequent amendment hereto, is hereby deemed to be a "Legal Sign" and shall be entitled to a Permit or renewed Permit evidencing that fact upon application and payment of a registration fee in the amount of $5.00 to be applied against the actual or reasonably anticipated expenses associated with the registration. The fee may be changed from time to time by resolution of the City Council to reflect changed expenses associated with registration.

C. Attrition and removal of Nonconforming Signs. Any Sign existing on the effective date of this Sign Code, or the effective date of any amendment to this Sign Code, which complied in all respects with City ordinances in effect immediately prior to such effective date, and is not an Illegal Sign, but which does not conform to the provisions of this Sign Code, or any amendment to this Sign Code, either independently or in conjunction with other Signs is hereby deemed to be a Nonconforming Sign.

1. A Nonconforming Sign may not be enlarged but may be maintained (i) by painting or refinishing the surface of the Sign Face and Sign Structure, or by replacing damaged panels, so as to keep the appearance of the Sign the same as it was upon the adoption of this Sign Code or subsequent amendment hereto which resulted in such Sign becoming a Nonconforming Sign, or (ii) by replacement of light bulbs or similar expendable electrical devices, and repair and replacement of electrical components for safety reasons only and not to improve or upgrade the appearance or utility of the Sign, or (iii) by lawfully changing the content of its Face. In the event that a Nonconforming Sign is damaged by fire, wind, flood or other sudden casualty and the cost to repaint and repair such Sign (including the Sign Structure) does not exceed fifty percent (50%) of the cost to replace such Sign, then the Sign may be repaired provided (i) a Permit therefore is
obtained within thirty (30) days after such casualty, (ii) the repair is commenced within twenty (20) days after the issuance of such Permit and diligently pursued to completion, and (iii) the repaired Sign will comply with all applicable Building and electrical codes. If after completion of such repair in accordance with such Permit such Sign does not fully comply with this Sign Code, it shall nonetheless continue to be a Nonconforming Sign.

2. Except as provided in the preceding paragraph, any repainting or any structural or other substantive repair, rebuilding, or Maintenance work to a Nonconforming Sign shall be deemed a waiver of the nonconforming status of the Sign, shall render any prior Permit void and shall result in the reclassification of such Sign as an Illegal Sign to be removed pursuant to sub-section C.1. of this section.

3. An Abandoned Sign cannot become or continue to be a Nonconforming Sign.

4. The nonconforming status of all such Signs shall expire on January 1, 2001, or such other date as may be stated in the ordinance adopting the amendment to this Sign Code which makes the Sign nonconforming, and all such Nonconforming Signs shall be made to conform with this Sign Code, if possible, or be removed before that date. Where two Off-Premises Signs are non-conforming due to their proximity to each other, the first in time shall be deemed the first in right and the second shall be removed. The City Manager may, and upon written request of the owner or person entitled to possession of a Nonconforming Sign shall, notify in writing the owner or person entitled to possession of a Nonconforming Sign that the Sign is nonconforming and the reasons therefore, and that the Sign must be made to conform or be removed before the date of the expiration of the Sign's nonconforming status, which date shall be stated. The notice shall state that the owner or person entitled to possession of the Sign may appeal: (i) the determination of nonconformance, (ii) the validity or applicability of this Sign Code, or (iii) the necessity of a variance, by appeal to the City Council Planning Board as provided in section [ ] of this LDC. The notice shall also state that failure to appeal within thirty (30) days after receipt of the notice shall constitute an acceptance of the City's determination respecting the Sign and a waiver of any objection to the validity or application of this Sign Code to the Sign. The purpose of such advance notice is to allow affected parties an opportunity to appeal and resolve contested issues prior to the expiration of nonconforming status.

5. Upon a determination by the City Manager or his designee and written notice to the owner or person entitled to possession of such Sign that a Nonconforming Sign has become a Dilapidated Sign or an Abandoned Sign, or has lost its nonconforming status by waiver or expiration pursuant to this section, the owner or person entitled to possession of such Sign shall remove such Sign within twenty (20) days after receipt of such notice.

SECTION 8. From and after the effective date of this ordinance, Section 7.02.03 of the Land Development Code of the City of Panama City Beach related to the Front Beach Overlay District, is amended to read as follows (new text bold and
Q. FBO District Development Procedures

1. Approvals Required. (see section 7.02.03M)

(a) Applications for Development approval within the FBO districts are processed in accordance with Chapter 10 of the LDC, except as modified by this subsection.

(b) A Large Site Development (see section 7.02.03P) requires approval of a Master Plan that follows the Type V (Master Plan) review procedures established in Chapter 10.

(c) A Plat cannot be approved by the City Council until the Master Plan has been approved by the Planning Board through the Type V approval process. All Plats shall be consistent with the Master Plan.

(d) All other Development requires Type I approval.

Table 7.02.03.M: Summary of Approval Requirements

<table>
<thead>
<tr>
<th>Development Category</th>
<th>Type I Process</th>
<th>Type II Process</th>
<th>Type V Process</th>
<th>Type VI Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Site Development or Conditional Use, no Subdivision</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Large Site Development or Conditional Use, with Subdivision</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>All other Uses or Development</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Variance requests</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

2. Concept Plan. This section does not require detailed engineering or Site Plan drawings as a prerequisite to approval required by the Planning Board. An applicant may provide a concept plan showing the general types and locations of proposed Development and Street layouts (such as a bubble plan) before submitting a formal Type I, II or V application. The Building and Planning Department and the Engineering Department may submit informal comments on the Concept Plan. However, any comments relating to the Concept Plan are for the applicant's convenience and do not have any binding effect on subsequent approvals.
6. Modification of FBO Standards

(a) Intent. The City desires to maintain the design integrity and functionality of the FBO district, while providing flexibility and the ability to provide quality Development on the relatively small Lots that characterize the Front Beach Road corridor.

(a) Categories of Standards. Table 7.02.03.N establishes three (3) categories of standards:

(1) Not Modifiable. Those regulations that cannot be modified or varied are considered essential to the concept of reducing the number and length of automobile trips and to achieve the purposes of the FBO districts.

(2) Administrative Modifications. Those regulations that can be modified by: (1) the Building and Planning Department if only a Type I approval is required or (2) by the agency with final approval authority if a Class II or Class V approval is required. The approving agency can modify any standard listed as subject to an administrative modification in Table 7.02.03.N by up to 10%, subject to the standards set out below. Any modification that exceeds this threshold requires a Variance. In order for an application for an administrative modification to be approved or approved with conditions, the approving agency must make a positive finding, based on the evidence submitted, for each of the following:

i. The modification is needed due to the physical shape, configuration or topographical condition of the Lot and

ii. The modification is compatible with adjacent and nearby Development that conforms to the FBO district standards and

iii. The modification will not alter the essential character of the district or have a detrimental effect on the community health, safety or welfare.

(3) Those that can only be varied by the City Council Planning Board through a [Type VI] process (see section 10.11.00).

i. The applicant must demonstrate that the requested Variance meets the standards established in section 9.03.03 and must proffer an alternative condition that meets the purpose and intent of the FBO standards to the extent possible.

ii. If a standard is listed in Table 7.02.03.N, below as not modifiable or subject to an administrative modification, the standard is not subject to a Variance.

iii. For Large Site Developments subject to Section 7.02.03P, modifications authorized through ministerial or variance procedures by Table 7.02.03.N shall be considered and may be granted in conjunction with the Type V consideration of a Master Plan in accordance with sections 10.02.05G and 10.04.06.

(Ord. # 1443, 2/8/18)
Table 7.02.03.N: Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Reference (subsection of 7.02.03)</th>
<th>Not Modifiable</th>
<th>Ministerial Modification</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yards</td>
<td>G</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Parking Requirements</td>
<td>I</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shared Parking</td>
<td>I</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Location</td>
<td>I</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lot Landscaping</td>
<td>I</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lot Design</td>
<td>I</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Mitigation</td>
<td>I</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Structure Location</td>
<td>K</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Structure Building Fronts</td>
<td>K</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Structure Building Materials</td>
<td>K</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Structures - Other Design Requirements</td>
<td>K</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>Location of Frontage Types</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setbacks (minimum)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setbacks (maximum)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Setbacks (minimum)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Setbacks (maximum)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setbacks (minimum)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setbacks (maximum)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gallery Setback (maximum)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Build-to ratio (80% Building Facade shall be located at the front setback line for first 4 Stories)</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tower Rooms</td>
<td>F</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height in feet (maximum) and Building Stepbacks</td>
<td>H</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Podium Design</td>
<td>H</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driveways / Garages</td>
<td>J</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Materials</td>
<td>N</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modulation</td>
<td>N</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mechanical Unit Locations / Design</td>
<td>N</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Porches / Balconies</td>
<td>N</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drop-offs</td>
<td>L</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION 9. From and after the effective date of this ordinance, Section 8.03.03 of the Land Development Code of the City of Panama City Beach related to Variances Generally, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough)**:

8.03.03 Roles and Responsibilities
The Planning Board shall have the following roles and responsibilities:

A. To hear, consider and make recommendations to the City Council regarding proposals for amendments to the Comprehensive Plan.

B. To hear, consider and make recommendations to the City Council regarding proposals for amendments to the LDC.

C. To hear, consider and make recommendations to the City Council regarding proposals for amendments to the Official Zoning Map.

D. To hear, consider and approve or deny applications for conditional Uses.

E. To conduct public hearings and render decisions in compliance with the requirements of the LDC.

F. To hear, consider and approve or deny applications for Master Plans of Planned Unit Developments and Traditional Neighborhood Developments or modifications thereof.

G. To hear, consider and recommend action on applications for annexation (or de-annexation) into (or out of) the City of Panama City Beach.

H. To review Large-Site Developments and certain variances from the FBO regulations as specified in Chapter 7.

I. To sit as the Tree Board for the City of Panama City Beach. The Tree Board shall have the following responsibilities:

1. To study, investigate, counsel and develop and update annually and administer a plan for the care, preservation, pruning, planting, re-planting, removal or disposition of trees and Shrubs in parks, City right-of-ways and in all other public areas. Such plan will be presented annually to the City Council and, upon
approval and funding, shall constitute the official Comprehensive Tree Plan for the City of Panama City Beach, Florida.

2. To review the City's ordinances related to landscaping and tree protection and recommend to the City Council all necessary amendments. Such review shall occur by December of Each year.

J. To procure and suggest plans for the arrangement of the City with a view to its general improvements and probable future growth and demands. These plans are to take into consideration:
   1. The extension of the City works into adjacent territory;
   2. The improvements and changes in public utilities and lines of transportation by surface and water;
   3. The location, widths and grades of Streets necessary for the best treatment of the City;
   4. The Development and improvement of waterfronts with seawalls and wharves;
   5. The location and design of public Buildings; municipal decoration and ornamentation;
   6. Residential, commercial and industrial Land Use and extensions thereof; and
   7. The existing park, Recreation and boulevard systems and any such extensions thereof as may be deemed advisable.

K. (Code 17-18) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination or interpretation made by the City Manager, or his designee or the City Engineer, which is related to the LDC, excepting building codes and other matters within the jurisdiction of the Examining Board; and
   (Ord No1241 9-13-12)

L. To hear, consider and make recommendations to the City Council regarding applications for authorize a Variance from a provision of the LDC.
   (Ord No1241 9-13-12)
SECTION 10. From and after the effective date of this ordinance, Section 9.03.00 of the Land Development Code of the City of Panama City Beach related to Roles and Responsibilities of the Planning Board, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough**):

9.03.00 VARIANCES

9.03.01 Generally

The **City Council** Planning Board may authorize a **Variance** from the site and **Building** design or **Development** standards set forth in the **LDC** (except where expressly prohibited) where the Board has determined that the requirements of this subsection have been met. The Planning Board may not authorize a **Variance** from any standard, requirement or provision of the **Sign Code** except that the Board may authorize a **Variance** from the setback requirements for a **Sign** where the Board has determined that the requirements of this subsection have been met.

9.03.02 Procedure

A. Applications

1. An application for a **Variance** shall include the submittals required in Chapter 10.

2. The application for a **Variance** shall include a statement explaining how the **Variance** request conforms to the requirements listed in section 9.03.00.

B. Review of Applications

An application for a **Variance** shall be reviewed pursuant to the applicable procedures set forth in Chapter 10.

9.03.03 Required Findings

A. In order for an application for a **Variance** to be approved or approved with conditions, the **City Council** Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. There is a specific hardship affecting the **Development** of the **Lot** resulting from the strict application of the provisions of the **LDC**;
2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs;

3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district;

4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district;

5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;

6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district;

7. The effect of the proposed Variance is consistent with the purposes of the LDC; and

8. The effect of the proposed Variance is consistent with the Comprehensive Plan.

B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 0.

(Ord. #1254, 11/14/13)

9.03.04 Restricted or Conditional Variance and Termination

A. The City Council Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 0 and 6.

B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a restricted or conditional Variance for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

9.03.05 Limitation on Time to Use Variance

Any Variance authorized by the City Council Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the City Council Planning Board is reduced to a written order or if appealed the date on which the order becomes final, shall be deemed Abandoned and be void and of no further force and effect.
SECTION 11. From and after the effective date of this ordinance, Section 10.04.03 of the Land Development Code of the City of Panama City Beach related to Type II Land Use Applications, is amended to read as follows (new text **bold and underlined**, deleted text **struckthrough**):

10.04.03 Applications Subject to Type II Review – Quasi-Judicial Proceedings

The following applications, which pertain to quasi-judicial decisions, which are required to be made by the City Council, shall be processed pursuant to the Type II procedures:

A. Statutorily required approval of final Subdivision Plats for compliance as to form with state law and review for compliance with additional requirements, if any, imposed by this LDC on the form of Subdivision Plats;

B. A Zoning or Rezoning which does not involve one or more lots of land that in the aggregate are so large as to affect the community as a whole and accordingly constitute a legislative and not a quasi-judicial action;

C. Conditional Uses involving any Parcel or combination of contiguous Parcels encompassing more than three (3) acres of land (a large conditional Use); and

D. City Council rehearing of decisions of the Planning Board pursuant to section 10.17.00.

E. Variances;

F. Appeal of a termination of a restricted or conditional Variance;

SECTION 11. From and after the effective date of this ordinance, Sections 10.04.07 and 10.11.00 of the Land Development Code of the City of Panama City Beach related to Type VI Land Use Applications, is hereby repealed.

SECTION 12. From and after the effective date of this ordinance, Section
10.07.00 of the Land Development Code of the City of Panama City Beach related to Variances, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

10.07.00 TYPE II PROCEDURES – QUASI-JUDICIAL PROCEEDINGS

10.07.01 Generally

The procedures set forth in this section, are applicable to all applications subject to Type II review, which are listed in section 10.04.03.

10.07.02 Procedures After Completeness Determination

A. Final Subdivision Plats

1. Within thirty (30) days of the Building and Planning Department’s, the Engineering Department’s and the City Attorney’s determination that the final plat application is complete, the Building Department shall schedule a public hearing on the proposed plat before the City Council.

2. The Building and Planning Department and the Engineering Department shall each prepare a written report to the City Council regarding the respective Department’s analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the City Council’s public hearing on the plat.

3. The City Council shall conduct a quasi-judicial hearing on the application and determine whether to approve or deny the plat. In addition to notice of hearing by Publication as required by the Florida Statutes, notice of the City Council hearing shall be by Posted Notice.

4. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.

B. Zoning, Rezoning, Large Conditional Use, Variances, and New Wireless Tower or Antenna (no Colocation)

1. Within thirty (30) days of the Building and Planning Department’s determination that the application is complete, the Department shall schedule a public hearing on the application before the Planning Board.

2. The Building and Planning Department shall prepare a written report to the Planning Board regarding the Department’s analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the Planning Board’s public hearing on the application.

3. The Planning Board shall conduct a quasi-judicial hearing on the application and prepare a
recommendation to the City Council. Public Notice of the Planning Board quasi-judicial hearing shall be provided by Posted Notice, Publication and Neighborhood Notice (300 feet). For Neighborhood Notice of a variance for an existing or proposed structure more than forty (40) feet in height, a distance of 500 feet shall be used. For Neighborhood Notice of all other requests, a distance of 300 feet shall be used.

4. The City Council shall conduct a quasi-judicial hearing on the application and determine whether to approve, approve with conditions or deny the application. In addition to notice of hearing by Publication as required by the Florida Statutes, notice of the City Council hearing shall be by Posted Notice.

5. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.

SECTION 13. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 14. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 15. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ___day of __________, 20__. 
ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ___ day of ____________, 20__.

MAYOR

Published in the __________________ on the ___ day of ____________, 2018.

Posted on pcbgov.com on the ___ day of ____________, 2018.
REGULAR ITEM
5
CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: LEGAL

2. MEETING DATE: OCTOBER 11, 2018

3. REQUESTED MOTION/ACTION:
DIRECT STAFF REGARDING LIMITATIONS ON LOW SPEED VEHICLES RENTED IN CITY

4. AGENDA
PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? Yes ☐ No ☐ N/A ✓
BUDGET AMENDMENT OR N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
ON FEBRUARY 23, 2017, THE COUNCIL ADOPTED ORDINANCE 1398, WHICH AMONG OTHER THINGS, LIMITED THE NUMBER OF LOW SPEED VEHICLES RENTED IN THE CITY TO 300. SECTION 22-105.5, WHICH MEMORIALIZED THIS LIMITATION, IS SCHEDULED TO SUNSET IN FEBRUARY 2019 UNLESS THE COUNCIL TAKES AFFIRMATIVE ACTION TO EXTEND IT. IF NO ACTION IS TAKEN, THE LIMITATION WILL EXPIRE AUTOMATICALLY ON FEBRUARY 23, 2019. NO OTHER PROVISIONS OF ORDINANCE 1398 ARE SUBJECT TO THE SUNSET.

IF COUNCIL DESIRES TO CONFIRM OR AMEND THE LIMITATION OF LOW SPEED VEHICLES, A NEW ORDINANCE WILL NEED TO BE ADOPTED PRIOR TO FEBRUARY 23, 2019. IF COUNCIL DESIRES TO REMOVE THE CAP OF LOW SPEED VEHICLES RENTED IN THE CITY, NO FURTHER ACTION IS REQUIRED.

STAFF REQUESTS THE COUNCIL'S CONSIDERATION AND DIRECTION.

AGENDA ITEM # 5