REVISION
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.

SPECIAL MEETING DATE: June 11, 2015
MEETING TIME: 2:00 P.M.
MEETING LOCATION: J.R. Arnold High School Auditorium, 550 Alf Coleman Road, PCB

I. INVOCATION: SENIOR PASTOR JOE LAY, WOODLAWN UNITED METHODIST CHURCH
II. PLEDGE OF ALLEGIANCE: MAYOR GAYLE F. OBERST
III. APPROVAL OF AGENDA
IV. APPROVAL OF MINUTES
V. HJW CONSENT AGENDA
1 ORDER 02-RZ-15 AND FINDINGS OF FACT FOR THE REZONING REQUEST FOR WOODSTOCK CHURCH, PROPERTY LOCATED AT 190 COBB ROAD. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on May 26, 2015, the City Council orders that the subject rezoning request is GRANTED and the captioned Ordinance 1344 is ADOPTED.

2 ORDER 05-PL-15 AND FINDINGS OF FACT FOR THE PLAT APPROVAL FOR THE MOONLIGHT BAY AT COLONY CLUB, PHASE I. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing held on May 26, 2015, the City Council orders that the subject request to subdivide the land is GRANTED and the captioned plat of Moonlight Bay at Colony Club, Phase I is APPROVED as presented.

3 RESOLUTION 15-107, UNITED STATES FASTPITCH ASSOCIATION SOFTBALL TOURNAMENTS OPENING CEREMONY PARADES ROAD CLOSURES. As a part of the United States Fastpitch Association Softball Tournaments held at Frank Brown Park, the USFA has requested City Council approval of the attached route for their annual “Opening Ceremony” Parades. “A Resolution of the City of Panama City Beach related to “The United States Fastpitch Association Softball Tournaments Opening Ceremony Parades” authorizing the temporary closures of portions of Pier Park Drive, West Pier Park Drive, L. C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way on Sunday, July 5, Sunday, July 12, and Sunday, July 19, 2015.”

4 RESOLUTION 15-112, STATE HIGHWAY LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT WORK ORDER FOR FY 2015-2016. Each year, FDOT issues a Work Order confirming the amount and authorizing the performance of maintenance for the upcoming Fiscal Year. The Work Order authorizes the City to begin performing maintenance on the lights from July 1, 2015 thru June 30, 2016. The amount compensated for the maintenance will be $90,626.89, and an invoice may be submitted to FDOT after May 1, 2016, and the City will receive a 100% reimbursement based on the amount of estimation provided. STAFF RECOMMENDS APPROVAL of the Agreement. “BE IT RESOLVED that the appropriate Officers of
the City are authorized but not required to execute and deliver on behalf of the City that certain Work Order for Fiscal Year 2015-2016, in accordance with the Highway Lighting, Maintenance, and Compensation Agreement between the City and FDOT, dated November 16, 2011, in the basic amount of $90,626.89 which costs will be reimbursed to the City, in substantially the form attached and submitted to the Council today, draft dated May 12, 2015, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such Agreement shall be conclusive evidence of such approval."

<table>
<thead>
<tr>
<th>VI</th>
<th>REGULAR AGENDA ITEMS - DISCUSSION/ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO.</td>
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<td>1</td>
<td>ML EXAMINING BOARD MEMBERSHIP.</td>
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<td>2</td>
<td>MG HAAS CENTER ECONOMIC UPDATE PRESENTATION.</td>
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<td>MG RESOLUTION 15-109, UPDATING FIXTURE VALUES FOR WATER-SEWER IMPACT FEES.</td>
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</tr>
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<td>MG ORDINANCE 1355, INCREASING THE AMOUNT OF CIVIL PENALTIES FOR OPEN CONTAINERS VIOLATIONS, 2ND READING, PUBLIC HEARING AND ADOPTION.</td>
</tr>
<tr>
<td>12</td>
<td>MG CITY MANAGER UPDATE.</td>
</tr>
</tbody>
</table>

JOHN REICHARD  X  
RICK RUSSELL  X  
JOSIE STRANGE  X  
KEITH CURRY  X  
GAYLE OBERST  X  

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

City Clerk  

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.
NOTE; COPIES OF THE AGENDA ITEMS ARE POSTED ON THE CITY’S WEBSITE WWW.PCBGOV.COM UNDER “AGENDA INFORMATION”.

THIS MEETING WILL BE LIVE-STREAMED ON THE CITY WEBSITE.

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)
CONSENT AGENDA

ITEM #1,

ORDER 02-RZ-15
CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE: REZONING 1.26 ACRES OF LAND FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO CH (COMMERCIAL – HIGH INTENSITY)
Submitted by Woodstock Church at Panama City Beach, Inc.
PARCEL NO. 38345-000-000 minus the Northerly (70) feet (to remain residential)
PROPERTY LOCATED at 190 Cobb Road
PANAMA CITY BEACH, FLORIDA

QUASI-JUDICIAL HEARING on ADOPTION of ORDINANCE 1344

No: 02-RZ-15

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 May 26, 2015, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Applicant owns 1.26 acres of land along Cobb Road. Approximately half of the property, all of it located on the western portion of that owned by the applicant, is currently zoned CH. The rest of the property owned by the applicant is zoned R-1A.

2. Upon original application of Woodstock Church at Panama City Beach, Inc. to change the land designation of 1.26 acres of real property located at 190 Cobb Road from R-1A to CH, the City’s Planning Board held a properly advertised Quasi-Judicial Hearing to consider the request on March 9, 2015. At the conclusion of the hearing, the Board recommended approval of the request (5-0), which recommendation was incorporated into the Planning Board’s Order, Finding of Fact and Conclusions of Law dated March 13, 2015.
3. The City Council held a properly advertised first reading on the captioned ordinance embodying the request on May 12, 2015, during which public comment was requested but none received.

4. The City Council held a properly advertised second reading and Quasi-Judicial Hearing on the ordinance embodying the request on May 26, 2015, and at which competent substantial evidence consisting of testimony and documentation was received. No public comment on the rezoning ordinance was received at this hearing.

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

6. The City Planner testified the land zoning designation requested would not result in an increase in impacts on local or state facilities, and was compatible with adjacent properties.

7. No evidence was presented to establish that maintaining the existing land zoning classification with respect to the subject property will accomplish a legitimate public purpose.

CONCLUSIONS OF LAW

8. Pursuant to Section 166.041(3)(c), Florida Statutes and Sections 10.04.03 and 10.07.02 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.

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

10. The proposed rezoning designation is consistent with the City's comprehensive Plan, and maintaining the existing zoning classification will not 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 _____, 2015.

______________________________
MAYOR GAYLE F. OBERST

ATTEST:

______________________________
HOLLY J. WHITE, CITY CLERK
CONSENT AGENDA
ITEM #2,
ORDER 05-PL-15
CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE:
REQUEST TO SUBDIVIDE 0.9045 ACRES OF LAND
Submitted by Alvin Gary Walsingham; Marion C. Walsingham, Individually
and as Trustee of the W. Alvin Walsingham Revocable Trust U/T/A dated
July 1, 1990, and as Trustee of the Marion C. Walsingham Revocable Trust
U/T/A dated October 10, 1990; and Sylvia Jean Walsingham as Personal
Representative of the Estate of W. M. Walsingham A/K/A William Myron
Walsingham, Deceased (collectively the “Developer”)
PARCEL NO. a portion of Parcel No. 33989-000-000
PROPERTY LOCATED on Moonlight Bay Drive
PANAMA CITY BEACH, FLORIDA

QUASI-JUDICIAL HEARING on FINAL SUBDIVISION PLAT OF
MOONLIGHT BAY AT COLONY CLUB - PHASE 1

05-PL-15

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
May 26, 2015, hereby makes the following Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. Upon original application of Alvin Gary Walsingham; Marion C. Walsingham,
Individually and as Trustee of the W. Alvin Walsingham Revocable Trust U/T/A
dated July 1, 1990, and as Trustee of the Marion C. Walsingham Revocable Trust
U/T/A dated October 10, 1990; and Sylvia Jean Walsingham as Personal
Representative of the Estate of W. M. Walsingham A/K/A William Myron
Walsingham, Deceased (collectively the "Developer"), the Developer of 0.9045 acres
of real property immediately located located south of Power Line Road, on the western
side of Moonlight Bay Drive, Panama City Beach, Florida, to subdivide such land, the
Moonlight Bay at
Colony Club – Ph 1
05-PL-15
City approved the undated preliminary plat of Moonlight Bay at Colony Club – Phase 1, received April, 2015.

2. Upon receipt of the final plat of Moonlight Bay at Colony Club – Phase 1, the City Council, on May 26, 2015, held a Quasi-Judicial Hearing on the plat embodying the proposed subdivision of land, at which competent substantial evidence consisting of testimony and documentation was received.

FINDINGS OF FACT

3. Notice of the May 26, 2015, hearing was properly given.

4. The subject property is located entirely within the corporate City limits.

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

6. The face of the plat contains the title certificate of Diamond Title Agency, Inc., that title to the lands to be platted is in the name of the Estate of W.M. Walsingham A/K/A William Myron Walsingham, Deceased; Alvin Gary Walsingham; and, Marion C. Walsingham, Individually, and as Trustee of the W. Alvin Walsingham Revocable Trust U/T/A dated July 1, 1990 and as Trustee of the Marion C. Walsingham Revocable Trust U/T/A dated October 10, 1990, a Florida Corporation, and that there are no unsatisfied mortgages encumbering the lands to be platted.

7. The face of the plat contains the surveyor’s certificate confirming that the plat was prepared in accordance with the requirements of Chapter 177.

8. The improvements to be dedicated to the City have not been fully constructed, but are secured by an Infrastructure Completion Agreement and Performance Bond as contemplated by LDC Section 10.19.04.

CONCLUSIONS OF LAW

9. Pursuant to Section 177.071, Florida Statutes and Sections 10.04.03 and 10.07.02 of the City’s Land Development Code, the City Council has jurisdiction to conduct a quasi-
judicial hearing on this matter and determine whether to approve or deny the plat, based exclusively upon whether the plat conforms to the requirements of law and the City’s land development regulations.

10. Based upon the uncontradicted testimony of the City Planner and City Engineer, the proposed subdivision request complies with all procedural requirements of the City’s Land Development Code, the requested subdivision of land is substantively consistent with the City’s Comprehensive Plan and the requested subdivision of land is substantively consistent with the City’s Land Development Code.

11. Based upon the uncontradicted certification on the face of the plat, title to the lands to be platted is in the name the Estate of W.M. Walsingham A/K/A William Myron Walsingham, Deceased; Alvin Gary Walsingham; and, Marion C. Walsingham, Individually, and as Trustee of the W. Alvin Walsingham Revocable Trust U/T/A dated July 1, 1990 and as Trustee of the Marion C. Walsingham Revocable Trust U/T/A dated October 10, 1990, a Florida Corporation, there are no unsatisfied mortgages encumbering the lands to be platted, and the dedication is properly executed by Alvin Gary Walsingham, Marion C. Walsingham, and Sylvia Jean Walsingham.

12. Based upon the uncontradicted certification on the face of the plat, the plat was prepared in accordance with the requirements of Chapter 177 and, accordingly, that monuments for each of the lots had been set.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject request to subdivide land is hereby GRANTED and accordingly, the captioned plat of MOONLIGHT BAY AT COLONY CLUB – PHASE 1 is hereby APPROVED as presented.

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

Moonlight Bay at
Colony Club – Ph 1
05-PL-15
3

CONSENT
AGENDA ITEM 


severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this ____ day of __________, 2015.

________________________________________
MAYOR GAYLE F. OBERST

ATTEST:

________________________________________
HOLLY J. WHITE, CITY CLERK
CONSENT AGENDA
ITEM #3,
RESOLUTION 15-107
RESOLUTION 15-107

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH RELATED TO "THE UNITED STATES FASTPITCH ASSOCIATION (USFA) SOFTBALL TOURNAMENTS OPENING CEREMONY PARADES" AUTHORIZING THE TEMPORARY CLOSURES ON PORTIONS OF PIER PARK DRIVE, WEST PIER PARK DRIVE, L.C. HILTON, JR. DRIVE, SEA MONKEY WAY, AND LONGBOARD WAY ON SUNDAY, JULY 5, SUNDAY, JULY 12, AND SUNDAY, JULY 19, 2015.

WHEREAS, United States Fastpitch Association, the Simon Property Group and the TDC have teamed together to have three (3) Opening Ceremony parades for the USFA Softball Tournaments; and

WHEREAS, the USFA Softball Tournaments Opening Ceremony Parades are scheduled to be held on Sunday, July 5, Sunday, July 12, and Sunday, July 19, 2015; and

WHEREAS, the Parades necessitate careful traffic control and extraordinary usage of certain sections of Pier Park Drive, West Pier Park Drive, L.C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way within the corporate limits of Panama City Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of Panama City Beach that during the hours of 5:00 P.M. and 8:00 P.M., on Sunday, July 5, Sunday, July 12, and Sunday, July 19, 2015; all vehicular traffic on portions of Pier Park Drive, West Pier Park Drive, L.C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way, shall be rerouted or otherwise controlled in accordance with the map which accompanies this Resolution to accommodate the Parades.

PASSED, APPROVED AND ADOPTED in regular session of the Panama City Beach City Council this 11th day of June, 2015.

CITY OF PANAMA CITY BEACH

By: ___________________________  Mayor Gayle F. Oberst

ATTEST:

______________________________
Holly J. White, City Clerk
Request Road Closures

July 5th
July 12th
July 19th

5 p.m. - 8 p.m.
CONSENT AGENDA
ITEM #4,
RESOLUTION 15-112
RESOLUTION 15-112

BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Work Order for Fiscal Year 2015-2016, in accordance with the Highway Lighting, Maintenance and Compensation Agreement between the City and the Florida Department of Transportation, dated November 16, 2011, in the basic amount of Ninety Thousand Six Hundred Twenty Six Dollars and Eighty Nine Cents ($90,626.89), which costs will be reimbursed to the city, in substantially the form attached and submitted to the Council today, draft dated May 12, 2015, with such changes, insertions or omissions as may be approved by the City Manager, who execution of agreement shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of __________, 2015.

CITY OF PANAMA CITY BEACH

By: __________________________
    Gayle F. Oberst, Mayor

ATTEST:

________________________________
Holly White, City Clerk
May 12, 2015

City of Panama City Beach
Paul Castro
Public Works Director
110 South Arnold Road
Panama City Beach, FL. 32413

Re: State Highway Lighting, Maintenance, and Compensation Agreement Work Order
Contract: AQA08
FPID 405499-1-78-08
Vendor: VF596045116012
Fiscal Year 15/16

This work order authorizes you to begin performing maintenance on those lights located on the Florida Department of Transportation (FDOT) highway system from July 1, 2015 thru June 30, 2016. Pending legislative approval, the amount of compensation for your maintenance of 389 lights on the FDOT highway system for fiscal year 2015-2016 is: $90,626.89. This total Lump Sum Amount is calculated by taking all of the actual number of qualifying lights times 90% times the FY 15/16 Unit Rate of $258.86 per light. (389 x 0.90 x $258.86 = $90,626.89).

As stated in Page 2 of the executed Highway Lighting, Maintenance, and Compensation Agreement between you, the Maintaining Agency, and the Florida Department of Transportation (FDOT), each year prior to the fiscal year beginning the FDOT shall issue a work order confirming the amount and authorizing the performance of maintenance for each new fiscal year. Invoices for this amount may be submitted between May 1, 2016 and June 15, 2016. The amount authorized is based upon the light count jointly reported, verified and agreed upon by the Maintaining Agency and the Department.

Please sign in the space provided below, and mail, fax or e-mail this work order back to the FDOT before June 28, 2015. Failure to return a signed copy before this date will forfeit your reimbursement. Fax or e-mail to the attention of Kim Hatcher at (850) 330-1421 or kim.hatcher@dot.state.fl.us.

Signature of Representative for Local Maintaining Agency

If you have any questions, do not hesitate to call me at 850-330-1479.

Sincerely,

Jonathan Harris
District Utility Administrator

www.dot.state.fl.us
REGULAR AGENDA
ITEM #1,
EXAMINING BOARD
<table>
<thead>
<tr>
<th>BOARD</th>
<th>MEMBER</th>
<th>TERM EXPIRES</th>
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</thead>
<tbody>
<tr>
<td>EXAMINING</td>
<td>Joe Free (Htg &amp; Air)</td>
<td>2015</td>
</tr>
<tr>
<td></td>
<td>Robert Stumpf (Plumbing)</td>
<td>2015</td>
</tr>
<tr>
<td></td>
<td>Frank Woodford (Gas)</td>
<td>2015</td>
</tr>
<tr>
<td></td>
<td>James Ryerson (Electrical)</td>
<td>2015</td>
</tr>
<tr>
<td></td>
<td>Darrell Rizzuto (Building)</td>
<td>2016</td>
</tr>
<tr>
<td></td>
<td>Larry J Couch, Sr (Civilian)</td>
<td>2016</td>
</tr>
<tr>
<td></td>
<td>Robert Klemen (Building)</td>
<td>2016</td>
</tr>
</tbody>
</table>

The terms of the Examining Board members end 7/22. The Building Official is contacting the members now to see if they will serve again.
REGULAR AGENDA
ITEM #3,
RESOLUTION 15-109
RESOLUTION 15-109

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, UPDATING AND DECREASING CERTAIN FIXTURE VALUES AS SET FORTH IN SECTION 23-24 OF THE CITY’S CODE OF ORDINANCES, AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the American Water Works Association has published updated values that better reflect the improved efficiency of modern plumbing fixtures; and

WHEREAS, the City would like to update its schedule of fixture values, which is set forth in Section 23-24 of the City’s Code of Ordinances; and

WHEREAS, Section 23-20 of the City’s Code of Ordinances authorizes changes to this fee schedule by Resolution of the City Council.

NOW THEREFORE BE IT RESOLVED that:

1. From and after the effective date of this Resolution, the following fees shall be imposed and collected for fixture values (new text bold and underlined, deleted text struckthrough):

Sec. 23-24. Fixture Values.
(a) In determining the fixture value for each plumbing fixture to be connected, the following weighting values shall be used:

<table>
<thead>
<tr>
<th>Fixture</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Bathtub, with or without shower</td>
<td>8</td>
</tr>
<tr>
<td>b. Bedpan washers</td>
<td>10</td>
</tr>
<tr>
<td>c. Bidet</td>
<td>3</td>
</tr>
<tr>
<td>d. Combination sink and tray</td>
<td>3</td>
</tr>
<tr>
<td>e. Dental unit</td>
<td>1</td>
</tr>
<tr>
<td>f. Dental lavatory</td>
<td>2</td>
</tr>
<tr>
<td>g. Dishwasher</td>
<td></td>
</tr>
<tr>
<td>h. Drinking fountain</td>
<td></td>
</tr>
<tr>
<td>i. Ice maker</td>
<td>2</td>
</tr>
<tr>
<td>j. Kitchen sink</td>
<td></td>
</tr>
<tr>
<td>k. Lavatory</td>
<td></td>
</tr>
<tr>
<td>l. Laundry tray</td>
<td></td>
</tr>
</tbody>
</table>

Resolution 15-109
AGENDA ITEM #
m. Nonportable swimming pool, fill pipe size
   1. ¼" or less ... 12
   2. 1" ... 25
   3. 1-¼" ... 50
   4. 1-½" ... 80
   5. 2" ... 160
   6. 2-½" ... 280
n. Recreational vehicle or travel trailer space ... 17
o. Shower head, shower only ... 4-2.5
p. Service sink
   1. ½" connection ... 3
   2. ¾" connection ... 7
q. Urinal
   1. Pedestal flush valve ... 35 10
   2. Wall or Stall ... 42 6
   3. Trough, 2 ft. unit ... 2
r. Wash sink, each set of faucets ... 4
s. Washing machine
   1. ½" connection ... 5
   2. ¾" connection ... 12
   3. 1" connection ... 25
t. Water closet
   1. Flush valve ... 35 24
   2. Tank type ... 3
(2) Non-sewage-related fixtures:
a. Hose connection
   1. ½" connection ... 6
   2. 5/8" connection ... 9
   3. ¾" connection ... 12
b. Irrigation, per square foot of green or irrigated area ... 0.0114
c. Recreational vehicle or travel trailer space, without sewer ... 6

(b) Where the foregoing fixture values shall cause an undue hardship or where no fixture value for a particular fixture is listed, the City Engineer shall set a fixture value based upon the flow capacity of the fixture at issue in relation to the average values set forth above. Any person aggrieved by the decision of the City Engineer and who is responsible for payment of the impact fee shall be entitled to appeal his decision to the City Council by serving notice in writing upon the City Manager within twenty (20) days after receipt of the engineer's decision.

2. This Resolution is adopted pursuant to Sections 23-20 of the Code of Ordinances of the City of Panama City Beach authorizing the amendment of fixture values by resolution of the City Council. From and after the effective date of this Resolution, all fixture values shall be as stated in this Resolution. Those portions of Sections 23-24 contained in this Resolution which do not specify values, or do not specify changes to values, are neither modified nor repealed by this Resolution.

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 Resolution within
the Panama City Beach Code. Section numbers may be assigned and changed whenever necessary or convenient.

**THIS RESOLUTION** shall be effective immediately upon passage.

**PASSED** in regular session this ___ day of ____________, 2015.

**CITY OF PANAMA CITY BEACH**

By: __________________________

Gayle F. Oberst, Mayor

ATTEST:

Holly J. White, City Clerk
REGULAR AGENDA
ITEM #4,
RESOLUTION 15-110
RESOLUTION NO. 15-110

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ACCEPTING CERTAIN SEWER FACILITIES FROM THE HOMEOWNERS ASSOCIATION OF THE SHORES, INC., AND IN CONSIDERATION THEREFOR AUTHORIZING EXECUTION AND DELIVERY OF A REVENUE CERTIFICATE IN AN AMOUNT NOT TO EXCEED $250,626.09 PAYABLE SOLELY FROM TWENTY-FIVE PERCENT (25%) OF IMPACT FEES COLLECTED BY THE CITY OF PANAMA CITY BEACH FOR SEWER UTILITY CONNECTIONS MADE TO THOSE SAME, CERTAIN FACILITIES, ALL AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE RESOLUTION, AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

That in consideration of the transfer of the following described facilities to the City by THE HOMEOWNERS ASSOCIATION OF THE SHORES, INC., a not for profit corporation, whose address is 22519 Front Beach Road, receipt whereof is hereby acknowledged, to wit,

1. All sewer improvements located within Lot 11 of The Shores Subdivision Plat as recorded in Plat Book 13, Page 21.

2. Approximately 105’ of 8” PVC gravity sewer main transferring sewer flow from the terminal manhole of the private Shores Sewer collection system (22519 Front Beach Road) to the City lift station in Lot 11, said manhole being located south of the Front Beach Road right of way.

3. A small sewer lift station with connected appurtenances and associated enclosure fence, located in the southerly portion of the Front Beach Road right of way in front of Pirates Cove Villas (23001 Front Beach Rd), together with approximately 700 feet of 4” PVC force main pipe from said lift station routed in the Front Beach Road right of way to the City lift station in Lot 11. Said lift station currently serving Pirates Cove Villas (23001 Front Beach Road), Shoreline Villas (23003 Front Beach Rd), and Ramsgate Harbour (23011 Front Beach Road).

4. Approximately 1,635 feet of 4” PVC force main pipe, commencing at the southeast corner of the intersection of Palm Beach Drive and Panama City Beach Parkway, crossing to the north side of the parkway and continuing northward within the westerly right of way of Palm Beach Drive to Lakeview Drive, then continuing easterly along the northern right of way of Lakeview Drive to, and terminating near, the southeast corner of 22624 Lakeview Drive.

5. Approximately 1,710 feet of 6” PVC force main pipe, commencing at the sewer lift station situated on Lot 11; continuing northerly within the easterly right of way of Palm Beach Drive to Coral Avenue, continuing easterly within the southerly right of way of Coral Avenue to...
Pinetree Drive, continuing northerly within the easterly right of way of Pinetree Drive to the terminus with a connection to an existing City 12” PVC force main pipe located in the southerly right of way of Panama City Beach Parkway.

Collectively, the foregoing, together with the miscellaneous items and equipment affixed to and made a permanent part of those improvements, are referred to as the "Personalty."

The City does hereby issue and the appropriate officers and staff thereof are authorized to execute and deliver to the said HOMEOWNERS ASSOCIATION OF THE SHORES, INC., that certain sewer revenue certificate of even date in an amount not to exceed TWO HUNDRED FIFTY THOUSAND SIX HUNDRED TWENTY SIX DOLLARS AND NINE CENTS ($250,626.09) with no interest thereon, payable solely from twenty-five percent (25%) of Impact Fees collected by the City of Panama City Beach under Article III, Chapter 23, Panama City Beach Code of Ordinances (2015), or similar ordinance superseding same, for connections made to those certain sewer facilities described above.

Nothing herein shall be construed as a conveyance or mortgage of the City's facilities or property or any part thereof or any interest therein, nor is the obligation authorized hereby a general obligation or indebtedness of the City or "bonds" within the meaning of Section 12, Article VII, of the Constitution of Florida, but shall be payable solely from and secured by a lien upon or a pledge of the special funds as herein provided. The lien and pledge securing said Certificate shall be inferior and subordinate to the lien and pledge, if any, of all currently outstanding water and sewer revenue bonds of the City of Panama City Beach, Florida. In addition, the holder of the Certificate authorized hereby shall agree to subordinate, at any time requested by the City, the lien and pledge hereof to any future water or sewer, or both, revenue bond which may be issued by the City, provided that any such future revenue bond shall not prohibit payment of any sum due under the Certificate whenever said bond shall not be in default and every debt reserve fund, renewal or replacement fund, or other fund of any nature required thereby shall be fully funded. The certificate authorized hereby shall be payable solely from twenty-five percent (25%) of collected Impact Fees described herein; in the event insufficient connections are made or the City is unable through reasonable diligence to collect sufficient Impact Fees to satisfy the certificate on or before twenty (20) years from date, these certificates shall be void and of no further force and effect.

PASSED, APPROVED, AND ADOPTED this ____ day of ______________, 2015.
ATTEST:

Holly J. White, City Clerk
This certificate is registered with the City Clerk of the City of Panama City Beach, Florida, in the name of the payee and is not transferable except on the books of the City at City Hall.

PANAMA CITY BEACH, FLORIDA

$250,626.09

______________________________, 2015

REVENUE CERTIFICATE
2015-___

THE CITY OF PANAMA CITY BEACH, FLORIDA, a municipal corporation, whose address is 110 South Arnold Road, Panama City Beach, Florida 32413, for value received, promises to pay to the order of the Homeowner’s Association of the Shores, Inc, a Florida not for profit corporation and a homeowners association, as defined by Section 720.301(9), Florida Statutes, hereinafter called “Lender" at the times and in the amounts hereinafter stated, at 110 South Arnold Road, Panama City Beach, Florida 32413, the sum of TWO HUNDRED FIFTY THOUSAND SIX HUNDRED TWENTY SIX DOLLARS AND NINE CENTS ($250,626.09), lawful money of the United States of America, with no interest thereon, payable solely from twenty-five percent (25%) of Impact Fees collected by the City of Panama City Beach under Article III, Chapter 23, Panama City Beach Code of Ordinances (2015), or similar ordinance superseding same, for sewer connections made to those certain sewer facilities financed hereby and generally described as follows, to wit,

1. All sewer improvements located within Lot 11 of The Shores Subdivision Plat as recorded in Plat Book 13, Page 21.

2. Approximately 105’ of 8” PVC gravity sewer main transferring sewer flow from the terminal manhole of the private Shores Sewer collection system (22519 Front Beach Road) to the City lift station in Lot 11, said manhole being located south of the Front Beach Road right of way.
3. A small sewer lift station with connected appurtenances and associated enclosure fence, located in the southerly portion of the Front Beach Road right of way in front of Pirates Cove Villas (23001 Front Beach Road), together with approximately 700 feet of 4” PVC force main pipe from said lift station routed in the Front Beach Road right of way to the City lift station in Lot 11. Said lift station currently serving Pirates Cove Villas (23001 Front Beach Road), Shoreline Villas (23003 Front Beach Road), and Ramsgate Harbour (23011 Front Beach Road).

4. Approximately 1,635 feet of 4” PVC force main pipe, commencing at the southeast corner of the intersection of Palm Beach Drive and Panama City Beach Parkway, crossing to the north side of the parkway and continuing northward within the westerly right of way of Palm Beach Drive to Lakeview Drive, then continuing easterly along the northern right of way of Lakeview Drive to, and terminating near, the southeast corner of 22624 Lakeview Drive.

5. Approximately 1,710 feet of 6” PVC force main pipe, commencing at the sewer lift station situated on Lot 11; continuing northerly within the easterly right of way of Palm Beach Drive to Coral Avenue, continuing easterly within the southerly right of way of Coral Avenue to Pinetree Drive, continuing northerly within the easterly right of way of Pinetree Drive to the terminus with a connection to an existing City 12” PVC force main pipe located in the southerly right of way of Panama City Beach Parkway.

Collectively, the foregoing, together with the miscellaneous items and equipment affixed to and made a permanent part of those improvements, are referred to as the "Personalty."

Repayment shall be made at City Hall, City of Panama City Beach, Florida, in installments equal to twenty-five percent (25%) of such Impact Fees collected from time to time if and when such collections are made. Each installment shall be due within thirty (30) days after such fees are collected by the City.

This Revenue Certificate is issued by the City of Panama City Beach, Florida, pursuant to Chapter 70-874, Laws of Florida, Special Acts of 1970, as amended, Florida Statutes Chapter 166, and other applicable provisions of the laws of Florida.

Lender may at law or in equity by suit, action, mandate, or other proceedings in any court of competent jurisdiction protect and enforce its rights, including the appointment of a receiver, existing under the Laws of Florida or this Certificate, and may compel the performance of all duties required by law to be performed by the City or any officer thereof. There shall be added
to the debt secured hereby all costs of collection, including a reasonable attorney’s fee. Nothing
herein, however, shall be construed as a conveyance or mortgage of the City’s facilities or
property or any part thereof or any interest therein, nor is the obligation evidenced hereby a
general obligation or indebtedness of the City or “bonds” within the meaning of Section 12,
Article VII, of the Constitution of Florida, but shall be payable solely from and secured by a lien
upon or a pledge of the special funds as herein provided. The exercise of ad valorem taxing
power may not be compelled to pay this Revenue Certificate.

The lien and pledge of this Revenue Certificate is inferior and subordinate to the lien and
pledge, if any, of all currently outstanding water and sewer revenue bonds of the City of Panama
City Beach, Florida. In addition, the pledge hereof shall be inferior and subordinate to the lien
and pledge of any future water or sewer revenue bond, or both, which may be issued by the City,
and the holder of this Certificate agrees to subordinate the lien hereof to any future water or
sewer, or both, revenue bonds which may be issued by the City, provided that any such future
revenue bond shall not prohibit payment of any sum due under this Certificate whenever said
bond shall not be in default and every debt reserve fund, renewal or replacement fund, or other
fund of any nature required thereby shall be fully funded.

THIS CERTIFICATE SHALL BE PAYABLE SOLELY FROM TWENTY-FIVE
PERCENT (25%) OF COLLECTED IMPACT FEES DESCRIBED HEREIN; IN THE EVENT
INSUFFICIENT CONNECTIONS ARE MADE OR THE CITY IS UNABLE THROUGH
REASONABLE DILIGENCE TO COLLECT SUFFICIENT IMPACT FEES TO SATISFY
THIS CERTIFICATE ON OR BEFORE TWENTY (20) YEARS FROM DATE, THIS
CERTIFICATE SHALL BE VOID AND OF NO FURTHER FORCE AND EFFECT.

DATED this _______ day of __________________, 2015.
CITY OF PANAMA CITY BEACH, FLORIDA

By: ____________________________
    Mario Gisbert, City Manager

ATTEST:

Holly J. White, City Clerk

APPROVED AS TO FORM:

City Attorney
REGULAR AGENDA

ITEM #6

ORDINANCE 1347
ORDINANCE NO. 1347

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO THE HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING THAT DURING MARCH EACH YEAR, UNLESS SUCH PERIOD IS EXTENDED BY RESOLUTION OF THE CITY COUNCIL, THE HOURS OF SALE WITHIN THE CITY OF ALL ALCOHOLIC BEVERAGES SHALL CEASE AT 2AM; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, during a determinable period each spring the City experiences a high volume of college aged visitors who come to the City seeking relaxation and entertainment during a break from the rigors of academia; and

WHEREAS, during the critical mass period each Spring Break these visitors are drawn en masse to the sandy gulf beach and the attractions of the community, where considerable efforts are put forth by both local and non-local businesses to entertain these crowds; and

WHEREAS, the City finds that the prolonged consumption of alcohol is a marked pastime of many of these young visitors while they are here; and

WHEREAS, the City has observed and finds that after dark these young visitors tend to congregate in the City’s bars in order to continue the day’s festivities long into the night and early morning hours; and

WHEREAS, the City finds that alcoholic beverages purchased between the hours of 2:00 AM and 4:00 AM for consumption off-premises during college spring break are most likely to be consumed that same night in order to continue the festivities late into the night, and that the consumption of these beverages and the activities associated with their consumption are likely to occur in public places in the presence of strangers from all walks of life, all of which creates volatile and potentially dangerous situations in parking lots and places difficult to police; and

WHEREAS, the City finds that minors congregate outside liquor stores and retail establishments selling alcoholic beverages in an effort to procure those beverages through an adult willing to purchase for them (sometimes referred to as a “Hey Mister”), that this practice increases during college spring break, and that minors soliciting strangers in the wee hours of the morning to engage in illegal activity places these young visitors at risk of harm; and

WHEREAS, the City finds that upon closure of bars at 4:00 am the streets and ways of the City are filled with students under the influence of alcohol who are made vulnerable by that condition and their unfamiliarity with their surroundings, often
creating opportunities for these students to be preyed upon by persons engaged in criminal activities; and

WHEREAS, state law provides that bars must close their business during the times that the sale of alcoholic beverages is prohibited by local ordinance (Section 562.14 Florida Statutes); and

WHEREAS, based upon prior experiences with college spring break 2015 in which the City provided for the cessation of alcohol sales during the month of March, the City finds that by requiring the sale of all alcoholic beverages to cease and bars to close at 2:00 a.m. that law enforcement is better enabled to disperse crowds and deal with those visitors who are without local accommodations and whose lack of lodging has in the past been directly linked to the creation of criminal mischief after local businesses have closed.

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

SECTION 1. From and after the effective date of this Ordinance, Section 3-4 of the City’s Code of Ordinances related to the hours of sale of alcoholic beverages is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Sec. 3-4. Hours of sale.

(a) Generally. No alcoholic or intoxicating beverages may be sold, consumed or served, or permitted to be served or consumed in any place holding a license under the State Beverage Department of Florida, between the hours of 4:00 a.m. and 7:00 a.m. on the same day, except that beer and wine as defined and regulated by Florida Statutes, Chapter 563 and 564, respectively, may be sold between 4:00 a.m. and 7:00 a.m. on the same day provided such sale is for off-premises consumption only.

(b) During the period commencing March 1 at 12:01 AM and ending March 31 at 11:59 PM each year, unless that period is extended by resolution of the City Council adopted on or before the immediately preceding January 31st as authorized hereby, no alcoholic or intoxicating beverages may be sold, consumed or served, or permitted to be served or consumed in any place holding a license under the State Beverage Department of Florida, between the hours of 2:00 a.m. and 7:00 a.m. on the same day.

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 ____________,
2015.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

EXAMINED AND APPROVED by me this ____ day of ________________,
2015.

__________________________
MAYOR

Published in the __________________ on the ____ day of ________, 2015.

Posted on pcbgov.com on the ____ day of ________________, 2015.

AGENDA ITEM # 6
REGULAR AGENDA

ITEM #7

ORDINANCE 1348
ORDINANCE NO. 1348

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA,
AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO
ALCOHOLIC BEVERAGES; PROHIBITING THE POSSESSION OR
CONSUMPTION OF ALCOHOLIC BEVERAGES IN COMMERCIAL
PARKING LOTS DURING THE MONTH OF MARCH UNLESS SUCH
PERIOD IS EXTENDED BY RESOLUTION OF THE CITY COUNCIL;
PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH;
PROVIDING FOR CODIFICATION; AND PROVIDING AN [IMMEDIATELY]
EFFECTIVE DATE.

WHEREAS, the City experiences a high volume of visitors who come to the City
seeking relaxation, entertainment and a departure from the routines of daily life; and

WHEREAS, the City finds that the consumption of alcohol is a marked pastime of
many visitors while they are here, and that increasingly this consumption is occurring in
parking lots throughout the City by those who may not be in a hurry to return to their
lodging accommodations, or those with no reserved accommodations at all; and

WHEREAS, the City prohibits the consumption and possession of open containers
of alcoholic beverages in public parking lots; and

WHEREAS, the City finds that the lack of a similar prohibition in privately owned
parking lots of commercial establishments has enabled the assembly of persons in such
parking lots; and

WHEREAS, the City has observed that congregations of persons consuming
alcoholic beverages in parking lots during a business's operating hours interferes with
efficient use of the vehicular use area by other patrons and can result in uncomfortable
encounters between those congregating in the parking lot and those who desire to
patronize the business; and

WHEREAS, particularly in those parking lots associated with a closed business who
has shut down its operations for the night, or in parking lots which are not associated with
any adjacent or active business, the City is aware of persons loitering and sometimes
sleeping in their cars, which activity is often also associated with increased littering.

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 3-5 of the
Code of Ordinances of the City of Panama City Beach, related to Possession or
Consumption of Alcoholic Beverages in Commercial Parking Lots is established to read as follows:

Chapter 3 ALCOHOLIC BEVERAGES

Sec. 3-5. Possession or Consumption of alcoholic beverages in commercial parking lots; civil penalties.

(a) It shall be unlawful for any person to possess an open container of any alcoholic beverage or substance or to drink or otherwise consume any alcoholic beverage or substance within the confines of any commercial parking lot located within the City, unless the parking lot is concurrently under surveillance and control by the associated business or commercial use. "Commercial parking lot" shall mean a parking lot or vehicular use area associated with a commercial activity or business use.

(b) The City finds that a violation of this section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature. Therefore, and pursuant to Florida Statutes Chapter 162, Part II, the City hereby establishes and imposes the following civil infraction penalties. Each violation shall constitute a separate, civil infraction punishable by a civil penalty in the amount specified below:

First violation: . . . $50.00.
Second violation: . . . $100.00.
Third and all subsequent violations of: $200.00, and as otherwise provided by law, the financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

A person who does not contest a violation shall be subject to a civil penalty in the following amount which may be paid directly to the City Clerk:

First violation . . . $25.00.
Second violation . . . $50.00.
Third and all subsequent violations: $150.00, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

Violations may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated this section. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under this section may be contested in the County Court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 and 775.083, Florida Statutes or subsequent superseding legislation.

The civil penalties established in this section shall always be cumulative and in addition to any other civil or criminal penalties available for a violation of this section of the Panama City Beach Code of Ordinances, including the general penalty and terms set forth in Section 1-12, and also cumulative and in addition to any requirements proscriptions and civil or criminal penalties under state law.

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 ____________, 2015.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

EXAMINED AND APPROVED by me this _____ day of ____________, 2015.

__________________________
MAYOR

Published in the ______________________ on the ____ day of __________, 2015.

Posted on pcbgov.com on the ____ day of ____________, 2015.
REGULAR AGENDA
ITEM #8
ORDINANCE 1349
ORDINANCE NO. 1349

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA RELATED TO TRAFFIC AND MOTOR VEHICLES; PROHIBITING THE PARKING OF VEHICLES ON THE UNMARKED OR UNPAVED PORTIONS OF THE TRAVELED RIGHT OF WAY AFTER DARK; PROVIDING EXCEPTIONS; PROVIDING FOR THE REMOVAL OF OFFENDING VEHICLES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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 22-24 of the Code of Ordinances of the City of Panama City Beach, related to prohibited parking is amended to read as follows:

Section 22-24. Parking on shoulder of ROW after dark prohibited. No vehicle shall be parked, stopped or allowed to stand on an unmarked or unpaved portion of any right of way in the City after dark. Offending vehicles may be removed by the City and stored at the owner’s expense. For purposes of this section, "after dark" shall mean from one-half hour after sunset until one-half hour before sunrise as established by the times listed in any local publication or governmental website. This provision shall not apply to vehicles parked or stopped on an unmarked or unpaved portion of a right of way in the event of an emergency or at the direction of a law enforcement officer.

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.
REGULAR AGENDA

ITEM #9

ORDINANCE 1352
ORDINANCE NO. 1352

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO DISORDERLY CONDUCT; REGULATING THE CONDUCT OF PERSONS ON BALCONIES BY MAKING IT UNLAWFUL TO CLIMB OR JUMP FROM A BALCONY OR TO THROW ANY OBJECT FROM A BALCONY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City is a tourist destination visited by thousands who stay in condos and hotel accommodations throughout the City and particularly along Front Beach Road and South Thomas Drive; and

WHEREAS, many if not all of the condominiums units and hotels rooms feature balconies where visitors can enjoy the sea breezes and a view of the Gulf of Mexico or of the tourist corridors where visitors tend to cruise and congregate on foot and by all manner of vehicles while enjoying the sounds of the surf and the salt air; and

WHEREAS, the City has observed that each year some or several visitors will attempt to jump or climb from their balcony, whether to a beach or pool deck below or to an adjacent balcony, oftentimes with disastrous results, and

WHEREAS, the City finds and determines that the climbing and jumping on, over and from balconies is disorderly and dangerous to persons and property no matter the frequency with which it occurs, and it is in the best interests of the City's residents and guests that such behavior be prohibited and made unlawful within the City; and

WHEREAS, the City further finds that particularly during seasons when young people populate the beach and balconies, these guests have a tendency to want to throw things from their balconies—whether for convenience, sport or mischief, and that such behavior also interferes with other guests' use of and view from their own balconies and can endanger the life and property of those in the vicinity of such behavior; and

WHEREAS, the City finds and determines that is in in the best interests of the City to make unlawful the throwing of any objects from balconies within the City.

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 16-2 of the Code of Ordinances of the City of Panama City Beach, related to Disorderly Conduct is amended to read as follows:
Sec. 16-2. Disorderly conduct.

(a) Definitions. The following words and phrases, as used in this section, shall have the meanings respectively ascribed to them:

(1) Public place shall mean any place to which the general public has access and a right to resort for business entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and public grounds, areas or parks;

(2) Riot shall mean a public disturbance involving an act of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or a threat of the commission of an act of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of any such threat or threats, where the performance of the threatened act of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual; and

(3) Incite a riot shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act.

(b) Prohibited. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

(1) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;

(2) Commits an act in a violent and tumultuous manner toward another whereby the property of an person is placed in danger of being destroyed or damaged;

(3) Causes, provokes, threatens or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;

(4) Interferes with another's pursuit of a lawful occupation by acts of violence;

(5) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear the public way when ordered to do so by the city police or any other lawful authority known to be such;

(6) Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;

(7) Resists or obstructs the performance of duties by the city police or any other authorized official of the city, when known to be such an official;

(8) Incites, attempts to incite or is involved in attempting to incite a riot;

(9) Addresses abusive language or threats to any member of the city police department, any other authorized official of the city who is engaged in the lawful performance of his duties or any other person, when any such words have a direct tendency to cause acts of violence, words merely causing displeasure, annoyance or resentment not being prohibited;

(10) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;

(11) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the travelling public annoyed; or in any way disturbs the public's tranquility in a manner inconsistent with the time or place of such an incident;

(12) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is immediately threatened;

(13) Uses abusive or obscene language or makes an obscene gesture; or

(14) Makes an offensive utterance, gesture or display in a manner that might reasonably lead to violence.

(15) Climbs up, down or over a balcony, or attempts to jump from a balcony, or spits or throws any object to or from a balcony.
(c) Exemptions. This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

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 ________________, 2015.

________________________________________
MAYOR

ATTEST:

________________________________________
CITY CLERK

EXAMINED AND APPROVED by me this ____ day of ________________, 2015.

________________________________________
MAYOR

Published in the _____________________ on the ___ day of ________, 2015.

Posted on pcbgov.com on the ____ day of ________________, 2015.
REGULAR AGENDA
ITEM #10

ORDINANCE 1353
ORDINANCE 1353

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOL ON THE SANDY GULF BEACH DURING THE MONTH OF MARCH UNLESS SUCH PERIOD IS EXTENDED BY RESOLUTION OF THE CITY COUNCIL; DEFINING SANDY GULF BEACH; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, beaches in this state represent one of the most valuable natural resources of Florida and it is in the public interest to preserve and protect them; and

WHEREAS, there are approximately 8 miles of beach within Panama City Beach, which the City finds to be a tremendous resource and asset to the community; and

WHEREAS, the County restores, renourishes and maintains the beach (inside and outside of the City limits), and regularly patrols, cleans and removes debris and trash from the beach, which the City supports; and

WHEREAS, during a determinable period each spring the City experiences a high volume of college aged visitors who come to the City seeking relaxation and entertainment during a break from the rigors of academia; and

WHEREAS, during Spring Break college-aged visitors especially are drawn en masse to the sandy gulf beach; and

WHEREAS, the City finds that daylong consumption of alcohol on the sandy gulf beach is a marked pastime of many of these young visitors while they are here; and

WHEREAS, the City finds that this prolonged consumption to be directly associated with undesirable behaviors such as public urination and significant littering on the beaches; and

WHEREAS, the City finds that students under the influence of alcohol are also made vulnerable by that condition and their unfamiliarity with their surroundings, often creating opportunities for these students to be preyed upon by other revelers under the influence or persons engaged in criminal activities; and

WHEREAS, local residents have expressed concerns about binge drinking, public drunkenness, use of beer bongs and funnels, lewd behavior and large crowds who pose a risk for riots and serious crime, that have been observed with increasing frequency on the beach during college Spring Break; and

AGENDA ITEM # 10
WHEREAS, alcohol-related or alcohol-induced issues, including fights and disorderly conduct have in recent years increasingly taken away from other beach and crowd management priorities; and

WHEREAS, particularly in warmer weather, intoxicated individuals tend to ignore the flag warning system attempting to warn them out of rip-current areas and are less able to overcome challenging physical stressors; and

WHEREAS, Section 166.021 provides municipalities with the home rule and police powers to enact legislation concerning any subject matter upon which the State may act, except those expressly prohibited by the constitution or general or special law, or any subject expressly pre-empted to state or county by constitution or general law; and

WHEREAS, citizens of a municipality through their local legislative body should be permitted to determine what regulatory measures are needed for their own self-government, and the City Council for 2 years has received public outcry and comment on the particular matter of whether the consumption of alcohol should be permitted or prohibited on the sandy beaches in the City during Spring Break; and

WHEREAS, the City finds that a policy regarding the consumption of alcohol during the month of March bears a substantial relation to health safety and welfare of visitors and residents, and that a prohibition during Spring Break is a valid exercise of police power that will substantially promote the health, safety and welfare of the community and particularly that of the residents and young visitors; and

WHEREAS, the use of the beach by the public generally, and the use of the private property by upland owners specifically, is not interfered with should the city prohibit the consumption of alcohol on the beach, as all users of the beach may still enjoy the common law rights of access, bathing, boating and fishing.

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 3-2.1 of the Code of Ordinances of the City of Panama City Beach, related to the consumption of alcoholic beverages is created to read as follows:

Sec. 3-2.1. Consumption of alcoholic beverages on sandy beach prohibited during Spring Break; civil penalties.

(a) During the period commencing March 1 at 12:01 AM and ending March 31 at 11:59 PM each year, unless that period is extended by resolution of the City Council adopted on or before the immediately preceding January 31st as authorized hereby, it shall be unlawful for any person to possess or consume any alcoholic beverage on the sandy Gulf beach of the Gulf of Mexico, within the City limits. For purposes of this section, "sandy Gulf beach" shall mean all loose or uncompacted sandy areas, including sand dunes and vegetated areas, lying between the waters of the Gulf of Mexico and the seaward...
boundary of the seaward most public vehicular right of way, excepting any area identified as an area in which the sale and on premises consumption of alcoholic beverages is permitted by a valid license issued by the State Division of Alcoholic Beverages and Tobacco.

(b) Violation of this section shall be punishable by a civil infraction as provided in Section 3-2(e).

SECTION 2. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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 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 _____________, 2015.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

EXAMINED AND APPROVED by me this _____ day of _________________, 2015.
REGULAR AGENDA
ITEM #11
ORDINANCE 1355
ORDINANCE NO. 1355

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES; INCREASING THE CIVIL PENALTY AMOUNTS FOR VIOLATIONS OF CITY CODE RELATED TO UNLAWFUL CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CITY; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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 3-2 of the Code of Ordinances of the City of Panama City Beach, related to civil penalties for open container violations is amended to read as follows:

Sec. 3-2. Consumption of alcoholic beverages in rights-of-way, public parking lots, and public ponds and stormwater facilities prohibited; identification required on sandy Gulf beach; civil penalties.
(a) It shall be unlawful for any person to drink or otherwise consume any alcoholic beverage or substance within the rights-of-way of streets, highways, avenues or other similar ways, within the City.
(b) It shall be unlawful for any person to drink or otherwise consume any alcoholic beverage or substance within the confines of any public parking lot located within the City. "Public parking lot" shall mean a parking lot owned or leased, and maintained, by a public body or governmental agency.
(c) It shall be unlawful for any person to possess or consume any alcoholic beverage on the premises of a public pond or public stormwater facility and on any publicly owned parcel of real property used predominantly for a public pond or public stormwater facility. "Public pond or public stormwater facility" shall mean a pond or stormwater facility owned, leased or maintained by a public body or governmental agency, as well as all associated walkways, trails, benches, greenspace, and similar features.
(d) It shall be unlawful for any person to possess or consume any alcoholic beverage on the sandy Gulf beach of the Gulf of Mexico, within the City limits, without simultaneously possessing a government issued photo to disclosing their name address and age. For purposes of this section, "sandy Gulf beach" shall mean the beach seaward of the dune line or building line whichever is more landward.
(e) The City finds that a violation of this section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature. Therefore, and pursuant to Florida Statutes Chapter 162, Part II, the City hereby establishes and imposes the following civil infraction penalties. Each violation shall constitute a separate, civil infraction punishable by a civil penalty in the amount specified below:
First violation: . . . $50.00, $150.00.  
Second violation: . . . $100.00, $200.00.  
Third and all subsequent violations of: $200.00, $250.00, and as otherwise provided by law, The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.
A person who does not contest a violation shall be subject to a civil penalty in the following amount which may be paid directly to the City Clerk:

First violation . . . $25.00 $75.00.
Second violation . . . $50.00 $100.00.
Third and all subsequent violations: $150.00, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

Violations may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated this section. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under this section may be contested in the County Court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 and 775.083, Florida Statutes or subsequent superseding legislation.

The civil penalties established in this section shall always be cumulative and in addition to any other civil or criminal penalties available for a violation of this section of the Panama City Beach Code of Ordinances, including the general penalty and terms set forth in Section 1-12, and also cumulative and in addition to any requirements proscriptions and civil or criminal penalties under state law.

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 ____________, 2015.

MAYOR
ATTEST:

_____________________________
CITY CLERK

EXAMINED AND APPROVED by me this ____ day of ________________, 2015.

_____________________________
MAYOR

Published in the ______________________ on the ___ day of ________, 2015.

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