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.

REGULAR MEETING DATE: May 12, 2016
MEETING TIME: 6:00 P.M.

I. INVOCATION: PASTOR JOHN WOODROW OF THE GULFVIEW UNITED METHODIST CHURCH

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

V. CONSENT AGENDA

1. REVISION OF THE CITY MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. All Departments have been asked to update their audit lists for surplus/obsolete equipment/vehicles/etc. These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List.

VI REGULAR AGENDA ITEMS-DISCUSSION/ACTION

<table>
<thead>
<tr>
<th>NO.</th>
<th>OFFICIAL ITEM</th>
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1. PC BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD.

2. PC "PEACE OFFICERS MEMORIAL DAY" AND "NATIONAL POLICE WEEK" PROCLAMATION AND PRESENTATION.

3. MT APPOINTMENT TO BAY COUNTY LEAGUE OF CITIES BOARD.

4. MT APPOINTMENT TO WEST FLORIDA REGIONAL PLANNING COUNCIL (WFRPC) BOARD.

5. MT APPOINTMENT TO THE AIRPORT AUTHORITY BOARD.

6. ML SET LAMAR SIGN VARIANCE HEARING DATE.
7  MG  TAX COLLECTOR BUILDING LEASE-DISCUSSION.
8  ML  LOW SPEED VEHICLE REGULATIONS-DISCUSSION.
9  ML  EXTENSION OF ORDINANCE 1276- DISCUSSION.
10 MG  NAMING OF EAST/WEST PORTION OF LOOP ROAD.
11 MT  CITY BOARDS- DISCUSSION.
12 MG  CITY MANAGER REPORT.

JOHN REICHARD  X  JOHNL REICHARD  X
PHIL CHESTER  X  PHIL CHESTER  X
JOSIE STRANGE  X  JOSIE STRANGE  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  Date  5/9/16  5/9/16

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 and/or Faxed to following interested parties on: 5/9/16, 2P.M.

NEWS MEDIA  CONTACT
News Herald  John Henderson
Bulletin  Editor
Channel 4  Ryan Rodig
Channel 7  Rex Ogburn
Channel 13  Ken McVay
Comcast  Kay C. McWilliams
WOW  Cil Schnitker
WKGNC  Emily Balazs
WLTG  A. D. Whitehurst
Magic Broadcasting  Chris Allen
Clear Channel  Crystal Presley
Panama City Radio  Brandon Andrews

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,

REVISION MASTER
AUDIT LIST
11 2006 Solar Message Center 1P917171163031187 PD Damaged-traffic crash-ins reimbursed 05/12/16
2438 2006 CDX D experience recorder 5121989106 Legislative Sell at 2016 auction 05/12/16
1906 Dell Computer GX270 43DBP41 Sell at 2016 auction 05/12/16
502 Dell Optiquest 755 82BF0DH1 Sell at 2016 auction 05/12/16
14 Dell GX620 FCZJWB 1 Sell at 2016 auction 05/12/16
255 Dell Optiquest 745 CTQ2HD1 Sell at 2016 auction 05/12/16
1 HP 3600n printer 1906 Sell at 2016 auction 05/12/16
1 HP Photosmart D7360 1906 Sell at 2016 auction 05/12/16
1 Brother typewriter HL 2280 DW Sell at 2016 auction 05/12/16
1 Yamaha Sound System RXN 600 receiver Sell at 2016 auction 05/12/16
1 Sony CD Changer Sell at 2016 auction 05/12/16
1 Sansui Cassettes D350w Sell at 2016 auction 05/12/16
1 Color Laser Jet CP2025 Sell at 2016 auction 05/12/16
1 UPS Battery Sell at 2016 auction 05/12/16
1 Scartet 5650 Sell at 2016 auction 05/12/16
1 Brother ML 100 typewriter Sell at 2016 auction 05/12/16
1 HP Laserjet 3015 CNBMM73458 Fire Sta 2 Sell at 2016 auction 05/12/16
414 2006 Ford Ranger truck U-76 1FYR14E86P807534 Sell at 2016 auction 05/12/16
2008 2003 Ford Ranger truck 1FYR10U53BP27873 Parks Sell at 2016 auction 05/12/16
1976 Vulcan Double Single Fryer None Parks Sell at 2016 auction 05/12/16
1005 Latitude D600 CN-CO2125-48643-4CJ-5C-8 Parks Sell at 2016 auction 05/12/16
80 Dell Optiquest GX250 HS3MBR1 Parks Sell at 2016 auction 05/12/16
157 Dell Optiquest GX620 11CKN91 Parks Sell at 2016 auction 05/12/16
260 Power Edge 840 GYZF1J Parks Sell at 2016 auction 05/12/16
1975 Comm Fridge Did Door None Parks Salvage 05/12/16
1905 Gateway E4100 36873675 Parks Sell at 2016 auction 05/12/16
1 Hotpoint washer SA129157H Parks Sell at 2016 auction 05/12/16
1 Maytag Dryer N34052684 Parks Sell at 2016 auction 05/12/16
1 PR-12 Bullfrog Speakers (2) 1003 Parks Sell at 2016 auction 05/12/16
1 SQ215 Speakers (2) MA0000268 Parks Sell at 2016 auction 05/12/16
1 Insphino 5100 Card Machine 21019610 Parks Sell at 2016 auction 05/12/16
1 miscellaneous cords Parks Sell at 2016 auction 05/12/16
1 Monitor Stands (3) Parks Sell at 2016 auction 05/12/16
1 Comdial phone 226000662107551 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726100G92701670 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726100G92700102 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200062107549 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200062107550 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200065304146 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200062107552 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200065303950 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200065303990 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200065303990 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200065303990 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200065303990 Parks Sell at 2016 auction 05/12/16
1 Comdial phone 726200065303990 Parks Sell at 2016 auction 05/12/16
1 Monitor CNOC22870716167K5S3 Parks Sell at 2016 auction 05/12/16
1 Viewsonic Monitor G2J03090030 Parks Sell at 2016 auction 05/12/16
1 HP Photosmart Pri CN1813200KM Parks Sell at 2016 auction 05/12/16
1 Brother Printer G63310CF3650440 Parks Sell at 2016 auction 05/12/16
1 HP Printer YMY31AF542 Parks Sell at 2016 auction 05/12/16
1 Insomnia Radio Tuner 9215110 Parks Sell at 2016 auction 05/12/16
1 Ethernet Switch B2DL15M000769 Parks Sell at 2016 auction 05/12/16
1 Router 51234328 Parks Sell at 2016 auction 05/12/16
1 Router-Motorola 15796000000 Parks Sell at 2016 auction 05/12/16
1 HP ink cartridges Parks Sell at 2016 auction 05/12/16
102 Otoptex 755 Computer 92SF0DH1 Altic Sell at 2016 auction 05/12/16
14 Dell GX620 FCZJWB 1 Altic Sell at 2016 auction 05/12/16
255 Otoptex 745 CTQ2HD1 Altic Sell at 2016 auction 05/12/16
1 QC260 Computer CLJR3S1 Sell at 2016 auction 05/12/16
1 HP3600n Printer Sell at 2016 auction 05/12/16
1906 GX270 Computer 43DBP41 Altic Sell at 2016 auction 05/12/16
1 Bekon Battery Backup Council Room Sell at 2016 auction 05/12/16
1 HP D7360 Photosmart Sell at 2016 auction 05/12/16
1 Brother Printer HL-2280DW Sell at 2016 auction 05/12/16
1 Yamaha Sound System Aquatics Sell at 2016 auction 05/12/16
1 Receiver RXN500 Aquatics Sell at 2016 auction 05/12/16
1 Sony CD Changer Aquatics Sell at 2016 auction 05/12/16
1 Sansui cassette deck Aquatics Sell at 2016 auction 05/12/16
1 Color Laserjet printer Aquatics Sell at 2016 auction 05/12/16
1 U Power Supply Battery Aquatics Sell at 2016 auction 05/12/16
1 Scartet 5650 Sell at 2016 auction 05/12/16
1 Brother ML Typewriter Sell at 2016 auction 05/12/16
1 HP Laserjet 3015 CBNM373458 Fire STA Sell at 2016 auction 05/12/16
1 HP Photosmart printer MYO2G571XP Sell at 2016 auction 05/12/16
1 Sound Creation Base Station 53600916 Sell at 2016 auction 05/12/16
1 Dell GX270 Computer 43DBP41 Sell at 2016 auction 05/12/16
1 Sylvanir TV/CVR 2S117350 Sell at 2016 auction 05/12/16
1 Gateway E4100 25127417 Sell at 2016 auction 05/12/16
1 HP Officejet Printer CN378332B8 Sell at 2016 auction 05/12/16

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**REVISION OF THE CITY MASTERS AUDIT LIST TO REMOVE OBSOLETE ITEMS. These items are to be removed from the Master Audit List and STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda; the City Council makes a finding of surplus for these items and approves their removal from the Master Audit list. Auction planned soon. 3/12/16**
REGULAR AGENDA

ITEM #1,

BOYS & GIRLS CLUB
CITY OF PANAMA CITY BEACH

CIVIC ACHIEVEMENT AWARD

Be It Known That

Peyton Alley

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 12th of May, 2016

COUNCILMAN PHIL CHESTER
REGULAR AGENDA

ITEM #2,

PROCLAMATION
~Proclamation~

A PROCLAMATION DESIGNATING
MAY 15, 2016
AS "PEACE OFFICERS MEMORIAL DAY" AND
MAY 15-21, 2016
AS "NATIONAL POLICE WEEK"
IN PANAMA CITY BEACH

WHEREAS, each year, the Nation sets aside a week to salute the men and women who do the difficult, dangerous, and often thankless work of safeguarding our communities. In every community, our committed law enforcement officers watch over our neighborhoods and work to make our Nation a safer, more peaceful place; and

WHEREAS, the routine, everyday nature of their courage makes it all the more extraordinary as the men and women put on their badges, leave home, and report for duty, never knowing if they will return safely home. Just as police officers never let down their guard, we must never let slide our gratitude; and

WHEREAS, by taking the oath to serve and protect their fellow citizens, law enforcement officers answer the vital calling, performing their jobs with extraordinary distinction and accepting profound responsibility. These exceptional men and women work to uphold our laws and serve on the front lines in the fight against crime; and

WHEREAS, as we mourn the fallen, let us also remember how they lived. With unflinching commitment, they defended us and kept us safe at home as we went about our everyday lives. To their families, we owe an unpayable debt. We ask God’s blessings for their loved ones left behind.

NOW, THEREFORE, I, Phil Chester, by virtue of the authority vested in me as Councilman of the City of Panama City Beach, hereby proclaim

May 15th as “Peace Officers Memorial Day” and
May 15-21, 2016 as “National Police Week”

in Panama City Beach and encourage all Americans to honor the officers with appropriate ceremonies and observances. I further call upon all to observe May 15th as Peace Officers Memorial Day to honor those law enforcement officers who, through courageous acts, made the ultimate sacrifice in service to their community and ask the community to display the American flag at half staff from their homes and businesses on May 15th.

IN WITNESS WHEREOF, I have hereunto set My Hand and Caused the Official Seal of our Great City to be affixed this Twelfth Day of May, in the Year of Our Lord Two Thousand Sixteen.

City of Panama City Beach

Phil Chester, Councilman

Diane Fowler, City Clerk
REGULAR AGENDA
ITEM #3,

APPOINTMENT-
BAY CO LEAGUE OF
CITIES
MEMORANDUM

TO: CITY COUNCIL
FROM: MARIO GISBERT, CITY MANAGER
DATE: 05/05/16
SUBJECT: BAY COUNTY LEAGUE OF CITIES BOARD MEMBER

The City has an appointment on the Bay County League of Cities. They meet monthly on the third Thursday at 2 P.M. and will rotate meeting locations to a different city each month.
REGULAR AGENDA
ITEM #4,

APPOINTMENT-WFRPC
MEMORANDUM

TO: CITY COUNCIL
FROM: MARIO GISBERT, CITY MANAGER
DATE: 05/05/16
SUBJECT: WEST FLORIDA REGIONAL PLANNING COUNCIL (WFRPC) SEAT

The City has had an appointment on the WFRPC since 2014. The Board meets monthly, currently the third Monday at 3:30 P.M. in Crestview City Hall.
West Florida Regional Planning Council

Meeting Dates for 2016

Meetings *usually* held the third Monday of the month at 3:30 pm at Crestview City Hall
Executive Committee meetings are held at 3:00 pm in the Mayor’s Conference Room

January 19 (Tuesday)
February 16 (Tuesday)
March 21
April 18
May 16
June 20
July 18
August 15
September 19
October 17
November 21
December 19

*Approved January 19, 2016
REGULAR AGENDA
ITEM #5,
APPOINTMENT-
AIRPORT AUTHORITY
BOARD
MEMORANDUM

TO: CITY COUNCIL
FROM: MARIO GISBERT, CITY MANAGER
DATE: 05/05/16
SUBJECT: AIRPORT AUTHORITY BOARD SEAT

The term for Mr. Till Bruett, one of the City's representatives, will expire 6/30/16. The notice to accept applications was posted on the City website April 15th at the direction of Council, and two applicants applied by the May 2nd closing date. Those applicants are Mr. Richard Jackson and Mr. Ken Nelson. The other representative of the City is Mr. Del Lee, whose term expires June 30, 2017.
Board Meetings

The Panama City-Bay County Airport and Industrial District Board Meeting schedule for the year 2016 is as follows:

January 27 • Wednesday
February 24 • Wednesday
March 23 • Wednesday
April 27 • Wednesday
May 25 • Wednesday
June 22 • Wednesday
July 27 • Wednesday
August 24 • Wednesday
September 28 • Wednesday
October 26 • Wednesday
November 16 • Wednesday
December 14 • Wednesday

The meetings will be held in the Board Room located on the second floor of the Terminal Building at the Northwest Florida Beaches International Airport and will begin at 9:00 a.m. CST.

MEETING NOTICES

March 21, 2016
March 2016 Board Meeting Agenda

February 23, 2016

http://www.iflybeaches.com/airport-authority/meeting-notices
The Panama City-Bay County Airport and Industrial District (District) was established pursuant to a special act of the Legislature in 1967, recodified and amended by Chapter 2005-311, Laws of Florida, and subsequently amended by Chapter 2010-274, Laws of Florida. The District is governed by a seven-member board. Two members are appointed by the City of Panama City City Commission, two members are appointed by the City of Panama City Beach City Council, two members are appointed by the Board of County Commissioners of Bay County, Florida and one member is appointed by the Board of County Commissioners of Walton County, Florida. Members are appointed for four-year terms. The District members elect the officers of the District from amongst the members. The District has no taxing power. The District owns and operates the Northwest Florida Beaches International Airport.
COMMITTEE VOLUNTEER
AIRPORT AUTHORITY BOARD APPLICATION
PLEASE PRINT

NAME: __Richard E. Jackson

HOME ADDRESS: 314 Fairway Blvd.

MAILING ADDRESS: Same

Home Phone: 234-7826 Business Phone: None Cell: 832-7550

How is it best to contact you during the day? 832-7550

E-mail Address: jacksonr13@comcast.net Fax Number: None

Are you a registered voter in Bay County
Do you currently hold an elected or appointed public office?
If yes, which one(s)?

Yes X No

Please list the names, addresses and types of businesses you own or operate within the County that make you eligible for this position.

Retired

Do you have any relatives employed or contracted by the City of Panama City Beach or Bay County?
If yes, please explain: None

Airport Authority (Panama City-Bay County Airport & Industrial District Board) meets the last Wednesday of each month at 9AM at the Board Room of the terminal Building at the Airport. This is a four year term.

I have read and understood Section 112.313, Florida Statutes, setting forth the standards of conduct for public officials and hereby affirm my eligibility to serve on the Airport Authority Board in a voluntary capacity.

Signature of Applicant 4/28/2016

Please return the completed form to Jo Smith, at the City Manager's office in person, via email to jsmith@pcbgov.com or via fax at (850) 233-5108. Closing Date for applications is May 2, 2016, at Noon. Council will make their choices 5/12/16 at their 6 P.M. meeting.

Any questions, please phone 233-5100 and ask for Jo; or email jsmith@pcbgov.com.
NAME: Ken Nelson

HOME ADDRESS: 153 Heather Dr, Panama City Beach,

MAILING ADDRESS: 153 Heather Dr, Panama City Beach, FL 32413

Home Phone: ___________ Business Phone: 234-085 Cell: 258-7249 ______
How is it best to contact you during the day? cell

E-mail Address: _TheCaptKen@aol.com Fax Number: _236-5444

Are you a registered voter in Bay County? Yes X No
Do you currently hold an elected or appointed public office? Yes ___ No X
If yes, which one(s)?

Are you or any of your relatives employed or contracted by the City of Panama City Beach or the Panama City-Bay County Airport and Industrial District. If yes, please explain: No

The Airport Authority (Panama City-Bay County Airport & Industrial District Board) meets the last Wednesday of each month at 9AM at the Board Room of the terminal Building at the Airport. This is a four year term.

I have read and understood Section 112.313, Florida Statutes, setting forth the standards of conduct for public officials and hereby affirm my eligibility to serve as the City’s appointee on the Airport Authority Board in a voluntary capacity.

______________________________
Signature of Applicant

__________________________________________
Kenneth Nelson Date

Please return the completed form to Jo Smith, at the City Manager’s office in person, via email to jsmith@pcb.gov.com or via fax at (850) 233-5108. Closing Date for applications is May 4, 2016, at Noon. Council will make their choices 5/12/16 at their 6 P.M. meeting.

Any questions, please phone 233-5100 and ask for Jo; or email jsmith@pcb.gov.com.
REGULAR AGENDA
ITEM #6,
SET LAMAR SIGN
VARIANCE HEARING
DATE
# June 2016

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<td>2:00pm 4:30pm 2PM - Planning Board Meeting</td>
<td>9:00am 11:00am 9AM-TDC Meeting</td>
<td>2:00pm 2:30pm 2PM Bid Opening - Bayside Utilities Construction project</td>
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<td>Jun 12-18</td>
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<td>3:00pm 4:30pm 3PM - Examining Board</td>
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<td>2:00pm 5:00pm 2PM Council Meeting</td>
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<td>9:00am 10:00am 9AM-10AM CSB Workshop</td>
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Council Room
REGULAR AGENDA
ITEM #7,

TAX COLLECTOR
BUILDING LEASE-
DISCUSSION
LEASE AGREEMENT

THIS LEASE made this ______ day of ____________, 2016 by and between the City of Panama City Beach, Florida, as Lessor (the "City") and Bay County, Florida, as Lessee, acting by and through its Board of County Commissioners (the "County").

In consideration of rent to be paid and the mutual benefits herein, the City leases to the County approximately three thousand one hundred (3,100) square feet of enclosed office space in the building at 17109 Panama City Beach Parkway, Panama City Beach, FL 32413, as more particularly shown upon the attached and incorporated sketch marked Exhibit "A", subject to the terms and conditions hereof, which are:

1. The term of this lease is for one (1) year beginning May 13, 2016 and running through May 13, 2017.

2. Rent is thirty-seven thousand eighty dollars ($37,080.00) annually payable in installments of $3,090 per month, due and payable in advance on the thirteenth day of each month, commencing on May 13, 2016.

3. The City shall be responsible for usual and customary amounts of water and sewer service consumed in the leased premises; structural maintenance and repair of the roof; structural and cosmetic maintenance and repair of the exterior walls; and maintenance and repair of the plumbing, electrical, and HVAC systems (except light fixtures, switches, receptacles, and plumbing fixtures in the lease premises which the County shall maintain, repair, and replace as necessary).

4. County shall keep the interior of the leased premises in good order and condition, and shall be responsible for maintenance, repairs, and replacement of each and every part of the interior non-load bearing walls, non-load bearing partitions and ceilings, interior and floor coverings, and fixtures. County shall keep the leased premises in fresh, first class, and attractive condition throughout the term of the Lease. County shall be responsible for all electrical service and telecommunications equipment and service supplied to the leased premises. The City agrees that the County may have use of the SunCom telephone lines and equipment, and the alarm system currently located in the leased premises, provided that the City shall have the right of first refusal to use any excess capacity in such lines, equipment, and system. The City makes no representation or warranty with respect to such items and shall not be responsible for any cost or liability associated with them, from which costs and liability the County shall indemnify and hold the City harmless.

5. County shall neither permit nor commit waste of the leased premises or of the building of which the leased premises forms a part.
6. County shall use the leased premises solely for governmental purposes, primarily as offices providing walk-in services to the public but also including administrative offices ancillary to such services.

7. The County shall modify the leased premises (including plumbing, electrical, and HVAC systems) to fit the needs of the Tax Collector and this shall be done at the expense of the County. All such modifications shall require the City's prior, written consent which shall not be unreasonably withheld. Any other construction or improvements required during the term of this Lease shall also have the prior written approval of the City, which shall not be unreasonably withheld.

8. All equipment and personal property required by the County in the conduct of its operation shall be supplied by the County, and shall be referred to hereinafter as the "County's Property." When no default exists, the County's Property may be removed upon termination of the Lease, provided that there be no damage to the realty, or only inconsequential damage caused by the removal which shall be repaired by the County.

9. Any provision or implication in this Lease to be contrary notwithstanding, no lien, charge, claim or demand shall attach to the interest of the City in the leased premises or the parcel on account of any contract, act or omission of the County pursuant to the Construction Lien Law of Florida, or otherwise.

10. Upon written notice by the County of the need for repairs for which the City is responsible, the City shall proceed with reasonable diligence to repair the premises in a good workmanlike manner. Upon written notice by the City of the need for repairs for which the County is responsible, the County shall proceed with reasonable diligence to repair the premises in a good workmanlike manner.

11. The County shall maintain at its expense property and casualty insurance upon the furniture, fixtures, equipment, records, and all other of its items located in the leased premises in the amount of their full insurable value, and shall cause each insurer thereof to waive any right of subrogation against the City, its officers, agents, or employees. The City shall maintain at its expense both property and casualty insurance upon the building of which the leased premises forms a part, naming the County as additional insured as its interest in the interior walls, et cetera, may appear.

12. The County agrees to maintain general liability insurance upon the leased premises and all activities conducted by, under or through the County therein or thereabouts, in an amount at least equal to the waiver of sovereign immunity cap. The City shall be named as an additional insured. The County shall supply a certificate that such insurance is in force and said insurance overage shall not be cancelled without at least twenty (20) days' notice to the City.

13. To the extent permitted by law, the County shall indemnify, defend, save and hold harmless the City and all its officers, agents, or employees from all suits, actions, claims, demands, liability of any nature whatsoever arising out of or associated with
breach of this Lease by the County or its subcontractors, agents or employees due to any negligent act, or occurrence of omission or commission of the County, its subcontractors, agents, or employees. This paragraph shall survive the termination of this Lease. Neither the County nor any of its agents will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the City or any of its officers, agents, or employees. The parties agree that this clause shall not waive the benefits or provisions of Section 768.28 F.S. or any similar provisions of law. The Tax Collector or any similar governmental officer or employee using or occupying the leased premises with the County's consent, and their respective subcontractors, agents, or employees, shall be deemed an agent of the County for all purposes under this Lease.

14. The County shall not assign its interest in this Lease or in the leased premises, or sublease all or any part of the leased premises, without first obtaining the City's consent which may be withheld in the City's sole discretion. Any assignment or sublease to which the City consents shall not relieve the County of its obligations under this Lease, unless otherwise mutually agreed.

15. Should for any reason (including the exercise of the power of eminent domain or casualty loss) the leased premises become in such a state that it is not fit to be used for the intended purpose, either the County or the City shall have the right to terminate this Lease upon thirty (30) days written notice. County shall vacate the leased premises, no additional rent shall be due after such termination and neither party shall be further obligated to the other under this Lease except as provided in Paragraph 13.

16. In the event that either party breaches the terms of this Lease agreement and litigation is initiated, the prevailing party in said litigation shall be entitled to recover reasonable attorney fees and costs.

17. The City and its authorized representatives shall have the right to enter the leased premises during the County's business hours, and at all other reasonable times with prior notice except for emergencies, for the purpose of:
   
a. Determining whether the leased premises are in good condition and whether the County is complying with its obligations under this Lease;

b. Doing any necessary maintenance and to make any restoration to the leased premises or building and other improvements in which the leased premises are located that the City has the right or obligation to perform.

18. Any notice, demand, request, or consent that either party desires or is required to be given by this Lease shall be in writing and shall be deemed sufficient if sent by United States certified mail, return receipt requested, or courier service requiring a receipt, to the following:
19. Upon termination of this Lease by lapse of time or otherwise, County shall vacate and leave the leased premises in as good or better condition than received, except that County shall not be obligated to repair casualty damage to the leased premises which results in a termination of this Lease by either party.

20. County shall have the right to place a building sign on the front of the building identifying the County offices located in the leased premises. City shall have the right to approve the size and appearance of the sign, which approval shall not be unreasonably withheld. County acknowledges that City must reserve the right to place signage of its own on the front of the building and that the total building signage is limited by law.

21. County shall have the non-exclusive right to permit employees and visitors to the premises to park their motor vehicles in the parking lot owned by the City which lies adjacent to and north of the leased premises, provided that the City reserves the right to direct and reasonably regulate the use of its parking lot.
IN WITNESS WHEREOF, the Parties have executed this Contract as of the day and year first written above.

Executed by:

BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA

By: ____________________________
    Mike Nelson, Chairman

Attest:

Bill Kinsaul, Clerk

Approved as to form:

Office of Bay County Attorney

CITY OF PANAMA CITY BEACH, FLORIDA

By: ____________________________
    Mario Gisbert, City Manager

Attest:

City Clerk

Approved as to form:

City Attorney

Concurrence:

Peggy Brannon, Tax Collector
REGULAR AGENDA
ITEM #9,
EXTENSION OF ORDINANCE 1276-
DISCUSSION
VIA HAND DELIVERY
Gayle Oberst, Mayor
John Reichard, Councilman, Ward 1
Rick Russell, Councilman, Ward 2
Josie B. Strange, Councilwoman, Ward 3
Keith Curry, Councilman, Ward 4
110 S. Arnold Road
Panama City Beach, FL 32413

Re: Extension of Ordinance 1276

Dear Mayor and City Council:

Our firm represents Emerald Beach Resort, LLC (the "Emerald"). Emerald is the owner of the real property and development rights of the Emerald Beach Resort condominium project located at 14701 Front Beach Road. Towers 1 and 3 of the Emerald Beach Resort have been completed; however, Tower 2, the eastern most tower, was put on hold due to the Great Recession.

In 2013, the Panama City Beach City Council ("City Council") recognized that several residential condominium projects in Panama City Beach were unable to be completed due to the poor economic conditions. The City Council further found that these projects had been vested with certain development rights. The City Council enacted Ordinance No. 1276 which extended or renewed development orders and permits for a very limited class of development projects for a period of two, three or four years. Six of the eligible projects gave notice to the City of their intent to extend their development orders.

Since enactment of Ordinance No. 1276, the local economy has been in a modest recovery; however, only one project (Calypso Towers) that applied for an extended development order has moved forward. The notable difference between Calypso Towers and the other projects is that it is located within the area immediately impacted by the public-private partnership that created Pier Park. Unfortunately, none of the other projects that applied for extensions or renewals of their development orders under Ordinance 1276 have been able to move forward.
Emerald applied for a two year extension which was approved on January 23, 2014 and set to expire on or about May 16, 2016. The building plans for Tower 2 at Emerald Beach Resort have been on file with the City for several years and show that the material improvements for Tower 2 (the not yet constructed tower) including, but not limited to, the electrical and plumbing connections, are built into Tower 1 and designed to serve Tower 2 when it is finally constructed. Additionally, various other amenities and ancillary facilities of the overall Emerald Beach Resort have been planned with the expectation that Tower 2 will be constructed in the same or similar manner as Towers 1 and 3. If the development order is permitted to expire, then the entire Emerald Beach Resort will be affected.

On behalf of Emerald, I will attend the March 24, 2016, City Council meeting to formally request the City Council amend Ordinance No. 1276 to provide all of the projects that qualified under the ordinance an additional two years to seek building permits. My client and I would be very grateful if you would reserve time on your agenda for me to make this request.

Sincerely,

BURKE BLUE HUTCHISON WALTERS & SMITH, P.A.

Michael S. Burke

cc: Ken Powell  
Mario Gisbert, City Manager  
Amy Myers, City Attorney  
Mel Leonard, Dir. of Building and Planning
Amy, Mario & Mel, attached is a letter that I have hand delivered to City Hall this morning. The letter requests that the City Council consider amending Ord. 1276 to allow 2 more years for projects that qualified under Ord. 1276 to obtain building permits.

Mike

Michael S. Burke, Esq.

BURKE BLUET

16215 Panama City Beach Pkwy.
Panama City Beach, FL 32413
(850) 249-3452
(850) 236-4444
(850) 236-1313 Fax

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ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, CREATING A MECHANISM TO EXTEND OR RENEW DEVELOPMENT ORDERS FOR A PERIOD OF TWO, THREE OR FOUR YEARS AS MORE PARTICULARLY STATED IN THE ORDINANCE, AND ISSUE A BUILDING PERMIT, TO CONSTRUCT CERTAIN GULF FRONT, HIGH RISE PUBLIC LODGING ESTABLISHMENT PROJECTS FOR WHICH THE CITY ISSUED A DEVELOPMENT ORDER PRIOR TO THE ADOPTION OF THE CITY'S LAND DEVELOPMENT CODE AND WHICH WERE NOT CONSTRUCTED; MAKING FINDINGS; ESTABLISHING DEFINITIONS; ESTABLISHING A PROCESS AND TIME LIMITATIONS FOR OWNERS TO OBTAIN AN EXTENSION OR RENEWAL; PROVIDING THREE PERIODS OF RENEWAL OR EXTENSION AND SPECIFYING CONDITIONS PRECEDENT TO EACH TERM; PROVIDING FOR ISSUANCE AND TERMINATION OF BUILDING PERMITS PURSUANT TO EXTENDED OR RENEWED DEVELOPMENT ORDERS; REQUIRING THE REMOVAL OF CONSTRUCTION NOT TIMELY COMPLETED; AUTHORIZING THE CITY TO REMOVE WORK NOT TIMELY COMPLETED AND LIEN THE PROPERTY FOR THE COST; IMPOSING CIVIL PENALTIES FOR FAILURE TO REMOVE WORK NOT TIMELY COMPLETED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WITNESSETH:

WHEREAS, roughly ten years ago the City experienced an unprecedented condominium and accommodations development boom that collapsed roughly five years ago; and
WHEREAS, that collapse caused several Gulf-front development projects in various stages of legal and physical development to be slowed or halted, contrary to the health, safety and welfare of the City, its residents and visitors (the “Old Projects”); and

WHEREAS, the Old Projects were designed and permitted through development orders issued under the City’s then existing Comprehensive Plan and Zoning Ordinance; and

WHEREAS, on July 26, 2012, by Ordinance No. 1233, the City repealed the Zoning Ordinance and adopted a new land development code (the “LDC”) that altered building design, intensity and density standards applicable to the building sites of the Old Projects; and

WHEREAS, there was no amendment of the Comprehensive Plan associated with the adoption of the LDC; and

WHEREAS, the LDC still permits the building sites of the Old Projects to be used for the purposes permitted under the development orders issued pursuant to the Zoning Ordinance, but the requirements of form, bulk, density and intensity have changed and in every case limit the number of units that may be developed on the site under the LDC; and

WHEREAS, Section 4 of Ordinance 1233 provided transition from the repealed zoning ordinance to the LDC, stating:

Rights which are vested, valid and enforceable on the effective date of this ordinance and which were acquired under a lawful development order, including an order for a development of regional impact, or under a lawful development agreement entered pursuant to the Florida Local Government Development Agreement Act
(Section 163.3221, Fla. Stat., et seq.) shall not be affected by the adoption of the LDC.

WHEREAS, subsequent to the collapse, the Florida legislature on two separate occasions required local government to extend development rights beyond their expiration under local law in order to stimulate the State’s economy; and

WHEREAS, development rights for certain of the Old Projects were extended by those legislative acts and expressly preserved by the transition provisions of Ordinance No. 1233; and

WHEREAS, in addition to rights vested and extended under development orders and development agreements, the City finds that there is a narrow class of Old Projects that have active permits and have worked with the City to reduce the adverse public impact of partial development to the extent that the projects could claim that it would be inequitable for the City to strictly enforce the LDC in their case; and

WHEREAS, the City finds that the surplus of new condominium and accommodations inventory on Panama City Beach has been significantly reduced since the collapse, and that the market is showing signs of recovery; and

WHEREAS, the City finds that it is fair and equitable to offer to the Old Projects limited extensions of existing vested and equitable rights, provided that in return for these extensions, each Old Project conforms in some manner to the LDC; and

WHEREAS, the City finds that relating the length of such an extension to the degree of conformance with the LDC is a natural and fair balance between the competing interests involved; and
WHEREAS, the City finds that the public will receive economic benefits from the relatively prompt completion of one or more of the Old Projects, and in some cases avoid aesthetic and potentially other nuisances, as well as the economic drag of partially completed improvements, but also finds that those benefits will depreciate over time to the point that the City is no longer justified in continuing, even partially, rights vested before adoption of the LDC but lost by inaction.

NOW, THEREFORE BE IT HEREBY ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

1. Definitions. As used in this Ordinance, the term "Gulf-front" means land lying seaward of the seaward most dedicated right-of-way, and situated so that no land or improvements not included in the project lie between the project and the waters of the Gulf of Mexico, other than state-owned land lying seaward of the Erosion Control Line. Capitalized terms used in this Ordinance and defined in the LDC shall have the meaning assigned in the LDC. Owner means all owners of the land subject to the development order authorized by this Ordinance.

2. Exception from LDC. In addition to the general exceptions from the LDC provided by LDC Section 1.04.03, a limited, conditional exception from the LDC is hereby created for the classes of projects which, as of March 28, 2013, meet one or more of the definitions set forth in Paragraph 3, and subsequently and timely meet one of the conditions set forth in Paragraph 4, and otherwise are continuously in compliance with this Ordinance and the laws and codes incorporated herein by reference.

3. Covered Classes. The following three types of Gulf-front, high rise (one hundred fifty (150) feet or more high) Public Lodging Establishment projects for which the City issued a Development Order prior to the adoption of the LDC and for which construction authorized by that Development Order has not been completed, shall be entitled to receive an amended, and either extended or
renewed, development order under the conditions and for the periods of
extension or revival specified in the next numbered paragraph, subject to the
requirements and limitations of this Ordinance.

**Type One.** Phased development with at least one phase constructed and
material improvements constructed to serve one or more subsequent
phases. If the original Gulf-front project includes an uncompleted phase
intended to be constructed on land lying immediately across and northerly
of the seaward most dedicated right-of-way, and that land does not abut a
single family residential zoning district under the LDC, that uncompleted
phase shall be included.

**Type Two.** Development with an active FDEP permit pursuant to which
active construction approved by the City is occurring.

**Type Three.** Development with an unexpired Development Order issued
pursuant to the now repealed Zoning Ordinance or an unexpired
Development Agreement issued under the now repealed Zoning Ordinance.

4. **Length of Extension and Conditions.** An amended, and extended or
renewed, development order pursuant to this Ordinance may be issued to an
owner whose property is in a covered class only if one of the following three sets
of conditions are met, and shall expire TWO, THREE or FOUR years, as respectively
listed below, after issuance of an amended, and extended or renewed,
development order pursuant to this Ordinance, or at the expiration or
termination of a single, continuously valid Building Permit for the entire principle
structure issued under that development order, whichever comes later. The
development order shall not be extended beyond the applicable two, three or
four year limit for any reason other than the continuation of construction under a
single, continuously valid Building Permit for the entire principal structure as
described in Section Six (6) of this Ordinance.
Two (2) Year Term:

In order to receive a two year extension or renewal, the Buildings and site design shall be amended as follows:

a. Sufficient Architectural Amenities of Skyline features shall be included which would give any principle building constructed under the development order a five foot height bonus under LDC Table 4.02.02.B as if the building were being constructed under the LDC, but (i) the building shall not receive a height bonus, and (ii) where the building is an extension of an existing building the required features may be minimized or eliminated to avoid incompatibility with existing, supporting infrastructure originally designed and in fact to be provided by or through the existing building; and

b. All portions of the original site shall meet the Bicycle Parking Requirements of LDC Section 4.05.06, or the remaining portion shall increase its Bicycle Parking by the amount not placed on the prior development; and

c. The upper floors of all Parking Garages (new or existing) associated with the project shall meet the Upper Floor Design Standards specified in LDC Section 7.02.03.K.3; and

d. All Buildings (including any parking garage) to be constructed under the development order shall meet the Building Materials Standards expressed in LDC 7.02.03.N.1 for the applicable LDC overlay district; and

e. All mechanical unit locations shall meet the standards specified in LDC 7.02.03.N.6; and

f. All on-site utilities shall be screened or incorporated into building insets to the greatest practical extent. LDC 7.02.03.N.7; and
g. All Buildings to be constructed under the development order shall meet the Modulation standards expressed in LDC 7.02.03.N.8, regardless of the applicable LDC overlay district.

Three (3) Year Term:

In order to receive a three year extension or renewal, the Buildings and site design shall be amended as follows:

a. To meet all the conditions specified above for a two year extension; and

b. To reduce the height of each principal building and the aggregate square footage of individual units in each principal building by at least ten percent (10%) of the amounts originally permitted.

Four (4) Year Term:

In order to receive a four year extension or renewal, the Buildings and site design shall be amended as follows:

a. To meet all the conditions specified above for a two year extension; and

b. To reduce the height of each principal building and the aggregate square footage of individual units in each principal building by at least twenty (20%) of the amounts originally permitted.

5. Applicable Law. An amended, and extended or renewed, development order issued pursuant to this ordinance shall be issued pursuant to the Zoning Ordinance in effect when the original development order was issued, which Zoning Ordinance is incorporated herein by reference, as modified by the additional requirements imposed by this Ordinance. Except to the extent of any conflict with this Ordinance, in which case this Ordinance shall control, all Application, Review and Decision Making Procedures specified in the LDC shall
apply to the development order issued, or any Development undertaken, pursuant to this Ordinance. Any dispute over whether the design or execution of a feature meets the conditions imposed in Paragraph 4 shall be resolved through the procedures contained in the LDC.

6. Building Permits and Inspections. Building Permits for Development authorized by this Ordinance shall be issued and enforced pursuant to the building and life safety codes, policies and practices of the City in effect at the time the Building Permit is issued and which are applicable to all development similarly situated unless expressly as modified by this Section 6. As used herein, the term Building Permit refers to the license to proceed with the construction work subject to and as referenced in Section 105.4 of the Florida Building Code. More specifically, the Building Permit issued pursuant to a development order extended or renewed as authorized by this Ordinance shall become invalid (i) unless the work authorized by such Building Permit is commenced within six (6) months after its issuance, or (ii) if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. If the work is not timely commenced and the Building Permit becomes invalid, or if the Building Permit expires because of lack of progress (suspension or abandonment), and in either event the two, three or four year term applicable to the development order extended or renewed by this Ordinance has expired, a new Building Permit cannot be issued under that development order because that development order itself shall have simultaneously terminated. Work shall be conclusively deemed abandoned or not in active progress when the Building Permit has not received an approved inspection within any one hundred and eighty (180) day period, unless the work is halted due to civil commotion, strike or direct and specific judicial injunction. If the Building Permit becomes invalid and a new Building Permit cannot be issued because the extended or renewed development order has terminated, the building official is authorized to require that any work which has been

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1 Personification from the Florida Building Code.
commenced or completed pursuant to that Building Permit, or previously, be removed from the building site. Compliance with the order of the building official may be enforced by the remedies, and procedures set forth in Chapter 25 of the City's Code of Ordinances with an initial civil penalty of $100 per day, or by removal of the abandoned development by the City upon the grounds and pursuant to the procedures set forth in Chapter 15 of the City's Code of Ordinances.

7. **Notice of Intent.** In order to receive the benefit of this Ordinance, the owner of a qualified project must file with the City Manager on or before the one hundred and twentieth (120th) day after the effective date of this Ordinance, a "Notice of Intent to Apply for an Ordinance 1276 Amended Development Order." The Notice must state the basis of qualification under this Ordinance and include a demonstration of facts sufficient to enable the City to determine whether the project is qualified. Failure to timely file a sufficient Notice of Intent shall forfeit all rights created by this ordinance. Within twenty (20) days after receipt of the Notice of Intent, the City Manager shall determine whether a project qualifies under this ordinance, and a negative decision shall be subject to Administrative Appeal pursuant to the procedures and time limitations specified in the LDC.

8. **Development Order Application.** The owner of a qualified project for which a Notice of Intent was timely given, must apply for a Local Development Order for the entire, remaining project with such specificity as is ordinarily required for a Local Development Order under the LDC and pay the fees applicable under the LDC as if the project were being developed under the LDC, all within Ninety (90) days after the project is finally determined to be qualified. Failure to timely submit an application for a Local Development Order with revised plans and pay the applicable fee shall forfeit all rights created by this ordinance. If the City is required to request additional information in order to process the application and if the owner fails to fully comply, the City shall give the owner a twenty (20) day opportunity to cure and should the owner fail to timely and fully cure the city
shall deny the application and all rights created by this ordinance for the project shall be forfeited. The purposes of these requirements are to require the owner of the subject property to demonstrate compliance with the conditions imposed upon the extension or renewal requested, to assure compliance with any revised building codes, and to avoid unnecessary delays by the owner in the issuance of the development order.

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

10. **No Codification.** This Ordinance is of limited application and duration, and therefore shall not be codified.

11. **Effective Date.** This Ordinance shall become effective immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 27th day of June, 2013.

\[signature\]

MAYOR

\[signature\]

CITY CLERK
EXAMINED AND APPROVED by me this 27th day of June, 2013.

MAYOR

Published in the Panama City News Herald on the 10th day of June, 2013.

POSTED AT:

PCB City Hall Dated: June 28, 2013

PCB Public Library Dated: June 28, 2013

W PCB Post Office Dated: June 28, 2013
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