PANAMA CITY BEACH CITY COUNCIL
AGENDA

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

MEETING DATE:  May 26, 2016
MEETING TIME:  2:00 P.M.

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MAY 12, 2016 MINUTES

IV. APPROVAL OF AGENDA

V. CONSENT AGENDA
   1 DF RESOLUTION 16-77, UNITED STATES FASTPITCH ASSOCIATION SOFTBALL TOURNAMENTS OPENING CEREMONY PARADES ROAD CLOSURES. "A Resolution of the City of Panama City Beach authorizing temporary closures of portions of Pier Park Drive, West Pier Park Drive, L. C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way on Monday, June 20; Sunday, June 26; Sunday, July 3; and Sunday, July 24, 2016 for the "The United States Fastpitch Association (USFA) Softball Tournaments Opening Ceremony Parades".

VI REGULAR AGENDA - DISCUSSION/ACTION

NO. OFFICIAL ITEM
1 MT WOMEN'S CIVIC CLUB CHECK PRESENTATION TO AQUATICS FOR SWIM LESSONS FOR BOYS & GIRLS CLUB MEMBERS.
2 JR "NATIONAL SAFE BOATING WEEK" PROCLAMATION AND PRESENTATION.
3 MG RESOLUTION 16-78, SETTLEMENT FOR MCMAHON LAWSUIT & BUDGET AMENDMENT #25, PUBLIC HEARING.
4 ML RESOLUTION 16-80, BIDS- EXCISE BUSINESS TAX SOFTWARE.
5 MG RESOLUTION 16-82, LOW SPEED VEHICLE REGISTRATION REGULATION.
6 MT SET DATE FOR WORKSHOP WITH LSV INDUSTRY.
7 PC RESOLUTION 16-83, SUPPORT AND APPLICATION FOR GAYLE'S TRAILS EASTERN PORTION PROJECT SUN GRANT, PUBLIC HEARING.
8 MG ORDINANCE 1387, AMENDING LEAVE NO TRACE ORDINANCE, 1ST READING.
9 MG CITY MANAGER UPDATE.
10 MT COUNCIL UPDATES.
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: 5/23/16, noon.

<table>
<thead>
<tr>
<th>NEWS MEDIA</th>
<th>CONTACT</th>
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</thead>
<tbody>
<tr>
<td>News Herald</td>
<td>John Henderson</td>
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<td>Bullet</td>
<td>Editor</td>
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<tr>
<td>Channel 4</td>
<td>Ryan Rodig</td>
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<td>Channel 7</td>
<td>Rex Ogburn</td>
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<td>Ken McVay</td>
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<td>Comcast</td>
<td>Kay C. McWilliams</td>
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<td>WOW</td>
<td>Cil Schnitker</td>
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<tr>
<td>WKGC</td>
<td>Emily Balazs</td>
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<tr>
<td>WLTG</td>
<td>A. D. Whitehurst</td>
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<tr>
<td>Magic Broadcasting</td>
<td>Chris Allen</td>
</tr>
<tr>
<td>Clear Channel</td>
<td>Crystal Presley</td>
</tr>
<tr>
<td>Panama City Radio</td>
<td>Brandon Andrews</td>
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</tbody>
</table>

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,
RESOLUTION 16-77
RESOLUTION 16-77

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH AUTHORIZING TEMPORARY CLOSURES OF PORTIONS OF PIER PARK DRIVE, WEST PIER PARK DRIVE, L.C. HILTON, JR. DRIVE, SEA MONKEY WAY, AND LONGBOARD WAY ON MONDAY, JUNE 20; SUNDAY, JUNE 26; SUNDAY, JULY 3; AND SUNDAY, JULY 24, 2016, FOR THE “THE UNITED STATES FASTPITCH ASSOCIATION (USFA) SOFTBALL TOURNAMENTS OPENING CEREMONY PARADES”.

WHEREAS, United States Fastpitch Association, the Simon Property Group and the TDC have teamed together to have four (4) Opening Ceremony parades for the USFA Softball Tournaments; and

WHEREAS, the USFA Softball Tournaments Opening Ceremony Parades are scheduled to be held on Monday, June 20; Sunday, June 26; Sunday, July 3; and Sunday, July 24, 2016; 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:

1. Portions of Pier Park Drive, West Pier Park Drive, L.C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way be temporarily closed during the hours of 1:00 P.M. and 3:00 P.M., on June 20, 2016 and that all traffic shall be rerouted or otherwise controlled in accordance with the map which accompanies this Resolution to accommodate a Parade; and

2. Portions of Pier Park Drive, West Pier Park Drive, L.C. Hilton, Jr. Drive, Sea Monkey Way, and Longboard Way be temporarily closed during the hours of 3:00 P.M. and 5:00 P.M., on June 26, July 3, and July 24, 2016 and that all traffic 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 26th day of May, 2016.

CITY OF PANAMA CITY BEACH

By: ______________________________
    Mayor Mike Thomas

ATTEST:

Diane Fowler, City Clerk

Resolution 16-77

CONSENT AGENDA ITEM #1
Hi Jo,

Pier Park would once again like to support the Grand Slam Baseball Parades by closing portions of our roads to accommodate those walking in the parade as well as the spectators.

Pier Park staff will facilitate the road closures with barricades, cones, and staff where necessary.

There are four such parades this year and they will follow the same route as the previous two years’ parades. I have attached a map along with dates and times. Can we please add this to an upcoming City Council agenda for consideration?

Thank you as always for your help.

Michael Kerrigan
Director of Marketing and Business Development
Pier Park

600 Pier Park Drive, Suite 125
Panama City Beach, FL 32413 USA
T 850.236.9974  M 850.238.2790  F 850.236.0681  
Michael.Kerrigan@simon.com
Grand Slam Baseball Walking Parades

Road Closure Locations

Dates:
- June 20, 2016: 1 pm - 3 pm
- June 26, 2016: 3 pm - 5 pm
- July 3, 2016: 3 pm - 5 pm
- July 24, 2016: 3 pm - 5 pm
REGULAR AGENDA
ITEM #2,
PROCLAMATION
~Proclamation~

A PROCLAMATION DESIGNATING
THE WEEK OF MAY 20-27, 2016, AS
"NATIONAL SAFE BOATING WEEK"
IN PANAMA CITY BEACH

WHEREAS, we look forward to the warm weather months and our Nation's abundant outdoors and waterways for relaxation and recreation. America's lakes, rivers and oceans are enjoyable but can sometimes pose dangers to watergoers. National Safe Boating Week gives us the opportunity to highlight the importance of safety precautions and sensible behavior when spending time on the water; and

WHEREAS, precautions include wearing life jackets. Our scenic waterways provide the enjoyment of the outdoor beauty but too often boaters forget that, besides being relaxing and fun, boating can be dangerous; and

WHEREAS, safe-boating education is a key to accident prevention, and by word and example, we must inform and educate the current and future generations of boaters to learn about safety equipment in the boats—primarily life jackets; and

WHEREAS, during National Safe Boating Week, we raise awareness of the importance of practicing and promoting safe boating; and

WHEREAS, we applaud the all-volunteer USCG Auxiliary and local Division 1, Flotilla 19 for being essential Safe Boating Partners with the Safe Boating Council; and

THEREFORE, I, John Reichard, Councilman of the City of Panama City Beach, Florida, do hereby support the goals of the USCG Auxiliary and Local Flotilla 19 and proclaim the week of May 20- May 27, 2016, as “NATIONAL SAFE BOATING WEEK”

and by making safety the first priority and emphasizing the necessity for all boaters, especially children, to wear life jackets, we help prevent tragic boating accidents and enjoy more fully the beauty and excitement of our open waters.

IN WITNESS WHEREOF, I have set my hand and caused the Official Seal of the City to be affixed this Twenty-Sixth of May, in the Year of Our Lord Two Thousand Sixteen.

City of Panama City Beach

John Reichard, Councilman

ATTEST:

Diane Fowler, City Clerk
REGULAR AGENDA

ITEM #3,

RESOLUTION 16-78
RESOLUTION 16-78

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AUTHORIZING A BUDGET AMENDMENT APPROVING AN AGREEMENT BETWEEN THE CITY AND RICHARD McMAHON IN THE AMOUNT OF $55,000; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, Richard McMahon filed a lawsuit against the City in federal court, seeking an injunction to protect his constitutional rights during Thunder Beach 2015, which injunction was granted by the court; and

WHEREAS, the parties have drafted a Consent Order to conclude the suit, which provides for the payment of attorney’s fees; and

WHEREAS, a budget amendment is necessary to provide Mr. McMahon’s funds in this settlement.

BE IT RESOLVED by the City of Panama City Beach, Florida that:

1. The Consent Order and Judgment relating to the settlement of Mr. McMahon’s federal lawsuit, Case Number 5:16-cv-60-MW/GRJ, and the payment of Mr. McMahon’s attorney’s fees in the basic amount of Fifty Five Thousand Dollars ($55,000) is hereby approved.

2. The following budget amendment (#25) is adopted for the City of Panama City Beach, Florida, for the fiscal year beginning October 1, 2015, and ending September 30, 2016, as shown in and in accordance with the attached and incorporated Exhibit A.

3. This Resolution 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 May, 2016.

CITY OF PANAMA CITY BEACH

By: __________________________
    Mike Thomas, Mayor

ATTEST:

________________________
Diane Fowler, City Clerk

Resolution 16-78
CITY OF PANAMA CITY BEACH  
BUDGET TRANSFER FORM BF-10  

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<th>FUND</th>
<th>GENERAL ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>APPROVED BUDGET</th>
<th>BUDGET ADJUSTMENT</th>
<th>NEW BUDGET BALANCE</th>
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<td>TO</td>
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<td>FROM</td>
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Check Adjustment Totals: 5,338,663.00  0.00  5,338,663.00

BRIEF JUSTIFICATION FOR BUDGET ADJUSTMENT:
To appropriate funds from reserves for the payment of plaintiff's attorney fees and costs in federal lawsuit regarding free speech.

Routing for Approval:

_________________________________________  DEPARTMENT HEAD  ______________________  DATE  

_________________________________________  CITY MANAGER  ______________________  DATE  

_________________________________________  FINANCE DIRECTOR  ______________________  DATE  

AGENDA ITEM # 3

BF-10  5/20/2016 9:34 AM
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

RICHARD McMAHON,

Plaintiff,

vs. Case No. 5:16-cv-00060-MW-GRJ

CITY OF PANAMA CITY BEACH,
FLORIDA,

Defendant.

CONSENT ORDER AND JUDGMENT

Final resolution of this matter and controversy has been settled by and
between the parties, and accepted by the Court, as reflected herein.

IT IS on this _____ day of _______________, 2016,

ORDERED AND ADJUDGED AS FOLLOWS:

1. This Court hereby declares that the City of Panama City Beach policy
granting permittee of the Festival Site of Frank Brown Park unlimited discretion
to exclude unwanted expression on a traditional public forum during a public
event that is free and open to the public violates rights guaranteed under the
First Amendment to the United States Constitution.

2. This Court hereby declares that the City of Panama City Beach’s
policies violated Plaintiff Richard McMahon’s First Amendment rights during
the 2015 Thunder Beach Spring Motorcycle Rally held in a traditional public forum.

3. Defendant is hereby permanently enjoined from interfering with or prohibiting Plaintiff or other third party speakers from engaging in constitutionally-protected expression in the form of literature distribution and dialogue at the Festival Site of Frank Brown during future Thunder Beach events on a traditional public forum during a public event that is free and open to the public.

4. Defendant shall pay Plaintiff $1.00 in nominal damages. Defendant shall also pay attorney fees and litigations costs to Plaintiff's attorneys in the amount of $55,000.00 within 20 days of the date this Order is entered.

This Court retains jurisdiction of this case solely to enforce the terms of this consent order and judgment.

BY THE COURT:

Mark E. Walker
United States District Judge
WE HEREBY CONSENT TO THE FORM AND ENTRY OF THE ABOVE ORDER:

<table>
<thead>
<tr>
<th>s/Nathan W. Kellum</th>
<th>s/ Gwendolyn P. Adkins</th>
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<tbody>
<tr>
<td>NATHAN W. KELLUM</td>
<td>Gwendolyn P. Adkins; FBN: 09495660</td>
</tr>
<tr>
<td>TN Bar #13482; MS Bar #8819</td>
<td>Zackery A. Scharlepp, FBN: 0085374</td>
</tr>
<tr>
<td>MARK A. MANGINI</td>
<td>1319 Thomaswood Drive</td>
</tr>
<tr>
<td>TN Bar #33422</td>
<td>Tallahassee, Florida 32308</td>
</tr>
<tr>
<td>Center for Religious Expression</td>
<td>Telephone: (850) 422-2420</td>
</tr>
<tr>
<td>699 Oakleaf Office Lane, Suite 107</td>
<td>Facsimile: (850) 422-2730</td>
</tr>
<tr>
<td>Memphis, TN 38117</td>
<td><a href="mailto:gadkins@coppinsmonroe.com">gadkins@coppinsmonroe.com</a></td>
</tr>
<tr>
<td>(901) 684-5485 – Telephone</td>
<td><a href="mailto:zascharlepp@coppinsmonroe.com">zascharlepp@coppinsmonroe.com</a></td>
</tr>
<tr>
<td>(901) 684-5499 – Facsimile</td>
<td>ATTOUREYS FOR DEFENDANT</td>
</tr>
<tr>
<td><a href="mailto:nkellum@crelaw.org">nkellum@crelaw.org</a></td>
<td>CITY OF PANAMA CITY BEACH</td>
</tr>
<tr>
<td><a href="mailto:mmangini@crelaw.org">mmangini@crelaw.org</a></td>
<td></td>
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</tbody>
</table>

Attorneys for Plaintiff
REGULAR AGENDA
ITEM #4,

RESOLUTION 16-80
RESOLUTION 16-80

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF EXCISE BUSINESS TAX SOFTWARE AND RELATED HOSTING AND INSTALLATION SERVICES FROM PIONEER TECHNOLOGY GROUP IN THE BASIC INITIAL AMOUNT OF $104,175 AND THE BASIC ANNUAL AMOUNT OF $16,000; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of Panama City Beach that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and Pioneer Technology Group, relating to the purchase of Excise Business Tax Software and related installation, web-hosting, data conversion and related support services, in the basic initial amount of One Hundred Four Thousand One Hundred Seventy-Five Dollars ($104,175), and the basic annual amount of Sixteen Thousand Dollars ($16,000) thereafter, on substantially the terms and conditions set forth in the quote attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of ____________, 2016.

CITY OF PANAMA CITY BEACH

By: ______________________________

Mike Thomas, Mayor

ATTEST:

Diane Fowler, City Clerk

Resolution 16-80

AGENDA ITEM #
MEMORANDUM

TO: Mr. Mario Gisbert, City Manager

FROM: Mel Leonard, Director of Building and Planning

DATE: May 19, 2016

SUBJECT: Licensing and License Tax Software and Support

The City currently uses Sungard-NaviLine for administering the Licensing and License Tax program. Bay County uses a tourist tax processing program called Excise from Pioneer Technology Group located in Sanford, Florida. The County has used this program for several years and is happy with its performance and the increased efficiencies and accuracy it delivers for their department. This program is also used by Escambia, Santa Rosa and Walton Counties as well as others across the state.

Excise enables seamless communication with the State of Florida’s Revenue Income Sharing Exchange (RISE) program where daily reports are exchanged in the State’s approved format. The City is a participant in the RISE program but the current software does not enable communication with the State. As such, the sharing of information with the State has been ineffective because of the current software’s limitations.

Staff wishes to purchase the Excise program and enter into an agreement for continuing services with the parent company, Pioneer Services, which includes continuous customer support, web-hosting, conversion of the existing data, and updates to the software when available. This software will enable lawful
exchange of information with the State and Bay County; will come with an on-line payment module; and allow for the property appraiser's parcel number information to be entered and tracked.

Staff advertised for the services and received a response with an estimated cost of $104,175 with $76,000 likely due this fiscal year and the remaining $28,000 due next fiscal year. The annual cost thereafter is $16,000 for website hosting ($6,000) and maintenance/support ($10,000). Well in excess of this amount has been raised by the Licensing Division as part of an effort to find short-term rental owners who do not have the required business license. Councilman Reichard suggested this project in 2013 which has resulted to date in 527 new short-term rental licenses and $144,270 in estimated annually reoccurring revenue. Pioneer Services is the sole provider of the Excise Business Licensing program and associated support.

There are sufficient funds for this request and staff recommends approval.
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CONTACT INFORMATION

LOCATION
Pioneer Technology Group, LLC
1100 Central Park Drive, Suite100
Sanford, Florida 32771

Toll Free: 1-800-280-5281
Office: 407-321-7434
Fax: 407-321-7971
www.pioneertechnologygroup.com

CONTACT
Justin Ebright, Business Development
Jebright@ptghome.com
Ryan Crowley, Vice President of Sales and Marketing
Ryan@ptghome.com
Chris Stewart, Executive Vice President and Chief Operations Officer
Cstewart@ptghome.com
CURRENT EXCISE CUSTOMERS IN FLORIDA

- **Bay County, Florida**  
  Honorable Bill Kinsaul  
  Clerk of the Circuit Court  
  Panama City, Florida

- **Manatee County, Florida**  
  Honorable Ken Burton Jr.  
  Tax Collector  
  Bradenton, Florida

- **Santa Rosa County, Florida**  
  Honorable Donald C. Spencer  
  Clerk of the Circuit Court  
  Milton, Florida

- **Escambia County, Florida**  
  Honorable Pam Childers  
  Clerk of the Circuit Court  
  Pensacola, Florida

- **Walton County, Florida**  
  Honorable Alex Alford  
  Clerk of the Circuit Court  
  DeFuniak Springs, Florida

- **Orange County, Florida**  
  Honorable Martha O. Haynie  
  County Comptroller  
  Orlando, Florida

- **Lee County, Florida**  
  Honorable Linda Doggett  
  Clerk of the Circuit Court  
  Fort Myers, Florida
SUMMARY

Pioneer Technology Group was formed on October 25\textsuperscript{th}, 2005. The principals of Pioneer Technology Group have a long history together in the government technology and title insurance industries. Pioneer Technology Group’s headquarters is located in Sanford, FL where it’s (currently) 85 employees work. Pioneer has built a business on Pioneer Technology Group’s belief that taking care of the customer is the most important service we can provide. We combine this level of customer service with the best technology in the industry. This commitment to technology and service has given Pioneer 10 years of growth. Pioneer does business in 20 different states, and has over 150 software installations. Although Pioneer has expanded, Florida is still home and the team’s largest market and primary focus.

Pioneer Records Management is a division of Pioneer that handles all of our customers records management needs. Document scanning, Microfilm scanning and creation and document destruction. This additional service has helped many Pioneer Customers clear out those old warehouses full of records boxes.

Pioneer is excited about the opportunity to partner with the City of Panama City Beach to improve their Business Tax process. Our team has spent a decade improving the TDT process in Florida and is confident many of the efficiencies gained will benefit the Business Tax process. We appreciate the consideration and look forward to the opportunity.
WHAT IS EXCISE?

Excise is designed to be a turnkey solution for TOT/BT management. Excise requires no local installation and can be accessed from any internet connection. Excise will allow business owners to register new accounts, pay fees and track all activity within their account. This includes any agents that may be filling on behalf of several taxpayers. Excise will allow the City to track all correspondence associated with each account. Automate and improve your administration and audit of the Business Tax with Pioneer Technology Group's state-of-the-art system. Basic functionality of the Excise System includes:

Administration/Management Component

- Tourist Development Tax/Business Tax (TDT/BT) Account Registration and Management

- This includes 3 levels of detail and tracking: User level, Account level, and Property level. The following information is captured:
  - Names, Addresses, phone, fax, and emails at each level
  - ACH information at the User level
  - Community, Payment Frequency and Status and notes at Account level
  - Parcel ID, TPP#, Reference # (OR Bk/Pg), FEIN/SSN, State Sales Tax#, and Business Type at the Property level.

- Allows for multiple properties per Account.

- Link to Property Appraiser site for easy access to property information

- Link to Google Map for Property and Owner Addresses

- Auto calculation of TDT/BT taxes, penalties and interest

- Cashiering of TDT/BT taxes. Easily accepts one payment for multiple returns or accounts under the same user.

- Correspondence with taxpayers via emails and/or printed letters (batch or individual). The following can be automated by user defined parameters.
  - New Account Letter
  - Shortage Notice
Pioneer Technology Group

- No Return Filed Notice
- Ability to scan and manage account images. All images are scanned as 300 dpi tiffs.
- Ability to upload document attachments to an account.
- Electronically submit and accept information to/from DOR (Level one and two RISE compatible). Includes exception report of DOR data versus Tax Authority registration data.
- Ability to create a Financial Export file to email to your Finance department.
- Complete customized report library for financial and statistical tracking and reporting. The existing report library includes:
  - Daily Collection Activity, Daily Deposits by payment type, and Journal Entry Reports by date
  - Zero Return Report by date
  - No Return Filed Report by date
  - Exempt Sales Report by date
  - TDC Monthly Analysis Report
  - Outstanding Account Balances Report
  - Coupon Books
  - DOR Monthly Report
- Audit tracking capabilities that integrate with the Property Appraiser’s Office and other County departments to share information to aid in tracking down businesses not in compliance.

Taxpayer Web Component
- Online TDT/BT business registration and account management through a secure login. The Licensee has the ability to decide how much control the Taxpayer will have over account management online. Some of the tasks the taxpayer can perform are:
  - Change password
  - Add/Edit/Update account information
  - Add/Edit/Update property information
- Online TDT/BT remittance with auto calculation of taxes, penalties and interest.
- Ability to accept ACH, Electronic Checks and Credit Card payments through a secure login.

Better Solutions for Government
• Taxpayers have the ability to review their payment history.

Hosting
• The Web hosting service alleviates the Tax Authority from purchasing new hardware to maintain sufficient storage or upgrading network to allow for high speed web access. Daily back up processes are included in this option.

THE INSTALLATION PROCESS

Following contract execution, Pioneer Technology Group will meet with the Tax Authority staff to review the project plan and solidify timelines. The Tax Authority will need to select a project manager and an assistant manager. Pioneer Technology Group will do the same. It will be the responsibility of the managers from each side to see to, and assist, with timely execution of the work plan. The project managers from both sides are responsible for the communication of their respective sides’ issues in a prompt fashion. Project managers should be available on a daily basis for phone conversations and should make themselves available weekly for phone conference meetings.

During pre-installation, Pioneer Technology Group will conduct a virtual walkthrough with supervisors, technical staff and employees to ensure a common understanding of the process. Pioneer Technology Group will introduce key members of the PTG staff who will oversee the project. We will request the Tax Authority do the same so that cohesive team bonds will begin to form.

CONFIGURATION PHASE

As soon as all changes have been agreed upon, PTG personnel will begin making the adjustments to the software. PTG will assess their ability to make the necessary changes in the allotted time on a daily basis. Communication between the Tax Authority and PTG during this phase is crucial. Any adjustments to the schedule by either side must be communicated promptly.

TESTING AND TRAINING PHASE

On-Site Training
PTG will provide on-site training. Training will be accomplished in two cycles. Cycle I will be for Tax Authority employees and will take place just prior to the final implementation date. Cycle II training is for the taxpayers and will occur after the system has been installed into a “live” environment. We recommend that the system be used internally
for at least one month prior to allowing taxpayers to use this system. This will allow the employees to become comfortable with the program and be able to assist taxpayers when they call for assistance. As always, full phone support will be available to the Tax Authority and Taxpayers. Training manuals and system documentation will be provided at the time of training.

System Testing
Immediately following training, Tax Authority personnel, with the assistance of PTG, will conduct on-site testing of the Excise System. This will ensure that all tables are properly configured and that all reports and forms are functioning as designed. It will also serve to increase the comfort level of staff with the new system. Upon completion of final testing and acceptance, the project managers will confirm the final implementation date.

POST-IMPLEMENTATION PHASE

Following the final implementation date, PTG will monitor and support the Excise System closely.

It is our intention that the Tax Authority receives the software it needs for optimal functionality, not just the software that meets the Business Requirements. This phase is designed to insure the software meets the Tourist Development Tax Office's functional requirements completely.
DATA, DEVELOPMENT AND DEPLOYMENT STANDARDS

DATA INTEGRITY, SECURITY, AND CONFIDENTIALITY

The Excise System Web software offers security of information passed over the internet by the utilization of a secure HTTPS. HTTPS encrypts and decrypts the page requests and page information between the client browser and the web server using a secure Socket Layer (SSL). This feature will ensure the secure transmission of petitions and evidence submitted online.

The Excise System requires a user login and password to access the system. Employee logins have much more in-depth access than the taxpayer login access. For example, taxpayers will only have access to their account(s) through their login. Through a settings table, the Tax Authority can also set the level of access for the taxpayers regarding adding and editing accounts, as well as, which payments are accepted.

DEVELOPMENT, DEPLOYMENT, AND OPERATION STANDARDS

Pioneer Technology Group utilizes standard, commercially available hardware and software components required for the development, deployment and operation of the proposed solution. The Excise System was created with SQL 2005 database and .net architecture.
HARDWARE REQUIREMENTS

Workstation Specifications

The following details the minimum and recommended workstation specifications:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SPECS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workstation (Minimum)</td>
<td>Software Requirements</td>
</tr>
<tr>
<td></td>
<td>• Operating System: Windows 7</td>
</tr>
<tr>
<td></td>
<td>• .Net Framework 4.0</td>
</tr>
<tr>
<td></td>
<td>• Adobe Reader 6.0 (Required on workstations to view reports and images.)</td>
</tr>
<tr>
<td>Workstation (Recommended)</td>
<td>Software Requirements</td>
</tr>
<tr>
<td></td>
<td>• Operating System: Windows 7 or above with the exception of 10</td>
</tr>
<tr>
<td></td>
<td>• Internet Explorer 11 or MS Edge</td>
</tr>
<tr>
<td></td>
<td>• .Net Framework 4.0</td>
</tr>
<tr>
<td></td>
<td>• Adobe Reader 11 or Adobe DC (Required on workstations to view reports and images.)</td>
</tr>
</tbody>
</table>

Peripherals Specifications

The following details the minimum and recommended peripherals necessary to support the Excise System:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SPECS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scanner (Minimum)</td>
<td>Any Twain Driver Scanner</td>
</tr>
<tr>
<td>Scanner (Recommended)</td>
<td>Fujitsu 6130 Desktop Scanner</td>
</tr>
<tr>
<td>Printer (Minimum)</td>
<td>Any</td>
</tr>
<tr>
<td>Printer (Recommended)</td>
<td>HP LaserJet 4240n</td>
</tr>
<tr>
<td>Label Printer (Recommended)</td>
<td>Dymo LabelWriter 400</td>
</tr>
</tbody>
</table>
Network Specifications

The following details the minimum and recommended peripherals necessary to support the Excise System:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SPECS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network (Minimum)</td>
<td>100BaseT switched network topology. DSL</td>
</tr>
<tr>
<td></td>
<td>connection to satellite locations.</td>
</tr>
<tr>
<td>Network (Recommended)</td>
<td>100BaseT switched network topology. T1</td>
</tr>
<tr>
<td></td>
<td>connection to satellite locations.</td>
</tr>
</tbody>
</table>

Note: Pioneer Technology reserves the right to make changes to the above hardware, network, equipment and software requirements at any time. The requirements are to be used as a recommendation and may need to be adjusted depending on Tax Authority size and volume.

* Most recent estimated price. Prices are subject to change.
MAINTENANCE & SUPPORT

MAINTENANCE

With the purchase of the Excise System, Pioneer Technology provides a 60 day period for maintenance from the date of software acceptance at no additional cost. Following the initial warranty period, the Tax Authority will transition to an annual maintenance plan at terms agreed upon by both Pioneer Technology Group and the Tax Authority.

SUPPORT

Pioneer Technology Group is dedicated to maintaining satisfying relationships with our customers. To that end, we operate a fully staffed help desk operating toll-free access during normal business hours. All members of the help desk are expert in the support of the Excise System and are empowered to do whatever necessary to aid the caller. All problems are assigned a severity code and are acted on accordingly. In the most severe instances, we will give you top priority. Technical support is available via dial-up diagnostics at the Tax Authority's request, which will allow us to determine the severity of the problem without actually being onsite. If we cannot resolve the problem through phone diagnostics, we are on-site within eight business hours in the majority of cases.

SOFTWARE UPDATES

In addition to help desk services, our maintenance contract entitles the customer to receive software updates on a regular basis. Version updates are the direct result of customer requests for change or the availability of improved technologies. Users Group Educational Conferences are held annually in the Central Florida area. This is a time for customer networking, for receiving refresher training, and for giving Pioneer input for future releases. Customers are encouraged to become members of the user family and to participate in the active updating of your product.
PRICE

DELIVERY AND COST PLAN

Our fee proposal represents fees associated solely with the delivery of the application developed by Pioneer Technology Group for the Tax Authority. Database software, network operating systems, workstation operating systems, and hardware were not included. Further information on hardware requirements will be provided.

Support and Maintenance service includes diagnostic help, access to Pioneer Technology Group's help desk, upgrades to system software, and membership in the user group. User group membership is an important feature, as the group will meet at least annually to discuss needed upgrades to the system.

The following includes the Excise System and Annual Maintenance/Service Price Quotes. The Software Price Quote details all components and any data conversion, installation, and training fees. The Annual Maintenance/Support will begin sixty (60) days after software acceptance date.

TRAINING COSTS

PTG will provide on-site training at the rate of $800.00 per day per trainer. Training will be accomplished in two cycles. Cycle I will be for Tax Authority employees and will take place just prior to the final implementation date. Cycle II training is for the taxpayers and will occur after the system has been installed into a “live” environment.

TRAVEL EXPENSES

The County will be billed for all reasonable travel costs associated with training and installation. These costs will be billed at the completion of the project.

FORM/REPORT CUSTOMIZATION COSTS

During the installation process Pioneer will brand standard reports with your County logo and contact information. We feel that these reports will be sufficient for your County. If you decide that you want a new report built, Pioneer can accommodate that for $100 per development hour.

DATA CONVERSION COSTS

All relevant history will be entered into the Excise System tables. If data conversion is required it will be billed at $175 per hour.

SYSTEM CUSTOMIZATION

Prior to starting the installation process PTG and the County will identify all code changes (if any) that will be required. System customizations that are site specific are
billable at $175 per hour. Customizations that are considered "site specific" will be agreed upon prior to contract signing.

**SYSTEM IMPLEMENTATION COSTS**

Processing registrations and payments on the old system should be stopped two days prior to the final implementation date. Network connections and functionality will be tested. All workstations and peripherals will be fully tested with a dry run to insure a smooth start with the new system. System implementation will be performed at a rate of $175.00 per hour.

**WEB HOSTING**

Pioneer Technology Group has made Excise a "turn key" solution by providing web hosting. An additional monthly hosting fee of $6,000 will be added to the annual maintenance. The County has the option to pay the $6,000 separately on a monthly basis.
PRICING

The following pricing is valid for 90 days from 3/14/2016

### Excise Software

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perpetual License of Excise Software</td>
<td></td>
</tr>
<tr>
<td>Unlimited Seats</td>
<td>$55,000.00</td>
</tr>
<tr>
<td><strong>Total Licenses</strong></td>
<td><strong>$55,000.00</strong></td>
</tr>
</tbody>
</table>

### Pioneer Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Hours</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Project Management</td>
<td></td>
<td></td>
<td><strong>$15,000.00</strong></td>
</tr>
<tr>
<td>Onsite Support</td>
<td>6</td>
<td>$800</td>
<td>$4,800</td>
</tr>
<tr>
<td>Estimated Onsite Support</td>
<td>6</td>
<td>$800</td>
<td>$4,800</td>
</tr>
<tr>
<td>System Customizations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td></td>
<td>$175</td>
</tr>
<tr>
<td>Estimated System Customizations</td>
<td></td>
<td></td>
<td><strong>$175</strong></td>
</tr>
<tr>
<td>*Travel Costs (see chart)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Billed monthly as incurred)</td>
<td>TBD</td>
<td></td>
<td>TBD</td>
</tr>
<tr>
<td>Data &amp; Image Conversion</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Database</td>
<td>75</td>
<td>$175</td>
<td>$13,125</td>
</tr>
<tr>
<td>Estimated Data &amp; Image Conversion</td>
<td>75</td>
<td>$175</td>
<td>$13,125</td>
</tr>
</tbody>
</table>
### System Configuration

<table>
<thead>
<tr>
<th>Service</th>
<th>Hours</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>System Configuration</td>
<td>50</td>
<td>$175</td>
<td>$8,750</td>
</tr>
<tr>
<td>Estimated Integration &amp; Installation</td>
<td>50</td>
<td>$175</td>
<td>$8,750</td>
</tr>
</tbody>
</table>

### Reports & Forms

<table>
<thead>
<tr>
<th>Service</th>
<th>Hours</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Reports &amp; Forms</td>
<td>75</td>
<td>$100</td>
<td>$7,500</td>
</tr>
<tr>
<td>Custom Reports &amp; Forms (5 hours per report/form)</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Reports and Forms</td>
<td>75</td>
<td>$100</td>
<td>$7,500</td>
</tr>
</tbody>
</table>

**Total Estimated Services**: $49,175.00

### Excise Website Hosting

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Website Hosting Fees</td>
<td>$6,000</td>
</tr>
<tr>
<td><strong>Total Annual Website Hosting Fees</strong></td>
<td>$6,000</td>
</tr>
</tbody>
</table>

### Travel Costs

- **Meals and Incidental**
- **Domestic Per Diem Rates**
  - Actual Charges \(PTG\) will try to use customers preferred lodging if available

- **Lodging**
  - Actual Charges \(midsize vehicle\)

- **Transportation- Rental Car**
  - Actual Charges \(Coach Fare\)

- **Transportation- mileage**
  - Privately owned vehicle mileage reimbursement per FL State Statute.

- **Transportation- Taxi, Parking, or other**
  - Actual Charges

### Excise Maintenance/Support

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Excise Maintenance &amp; Support</td>
<td>1 year</td>
</tr>
<tr>
<td></td>
<td>$10,000</td>
</tr>
</tbody>
</table>

- Includes:
  - Version Upgrades
  - Toll Free Help Desk Assistance
  - User Group Membership

**Total Excise Maintenance**: $10,000.00

---

_Better Solutions for Government_
REGULAR AGENDA
ITEM #5,
RESOLUTION 16-82
RESOLUTION NO. 16-82

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO LOW SPEED VEHICLES MADE AVAILABLE FOR RENTAL IN THE CITY; PROVIDING THAT NO LOW SPEED VEHICLES SHALL BE REGISTERED FOR RENTAL USE IN THE CITY AFTER THE EFFECTIVE DATE OF THIS RESOLUTION UNLESS THE OWNER OF SUCH VEHICLE CAN PRODUCE CLEAR AND CONVINCING EVIDENCE OF OWNER'S PURCHASE OR LEGALLY BINDING AGREEMENT AND PAYMENT FOR PURCHASE OF ANY SUCH LOW SPEED VEHICLE ON OR BEFORE MAY 12, 2016.

WHEREAS, on November 4, 2015, the City adopted Ordinance 1351-L, providing among other things, a limitation on the number of scooters which may be rented at any location within the City, and requiring the inspection and registration of low speed vehicles to be offered for rent in the City; and

WHEREAS, the Council finds that the registration of rented low speed vehicles in the City has increased from a total of 93 in November 2015 to a total of 194 as of May 12, 2016; and

WHEREAS, while the City anticipated that the adoption of Ordinance 1351-L would mean a rise in the rental of low speed vehicles or other vehicles rented in tourist destinations, the volume of these registrations in such a short period of time indicates that the time has come to begin considering the impacts of such use; and

WHEREAS, Ordinance 1351-L authorized staff to work with the industry to explore the accommodation of alternate amusements to fill the gap created by the reduction of rented motor scooters; and

WHEREAS, the City Council finds that rented low speed vehicles are fairly to be considered amusements intended to fill the gap created by the reduction of rented motor scooters, as such low speed vehicles are primarily made available for rent by the same businesses whose ability to rent motor scooters has been limited by Ordinance 1351-L; and

WHEREAS, the City Council finds that the rented low speed vehicles are rented to persons who drive traditional motor vehicles to the City or adjacent unincorporated areas of Bay County, and thereafter rent the low speed vehicles upon their arrival to town as an amusement to enjoy the sights and sounds of Front Beach Road rather than as a means of transportation around and throughout the community (since their operation in fact is limited to Front Beach Road and adjacent neighborhood roads with a posted speed limit of 35mph or less); and
WHEREAS, the Council finds that it is necessary and appropriate and in the best interests of the City's residents and guests to prohibit further registration of these rented vehicles immediately, and before the summer tourist season begins in earnest; and

WHEREAS, at its May 12, 2016 meeting, the City Council directed staff to prepare amendments for the Council's consideration to the City's land use regulations to address the rental of low speed vehicles in the City before attempts at regulating the rental of low speed vehicles are overcome by the volume of low speed vehicles being rented and operated in the City, and in connection therewith specifically directed that no additional low speed vehicles shall be eligible for registration and permit by the City; and

WHEREAS, the City acknowledges that owners of existing low speed rental businesses who purchased new inventory of low speed vehicles on or before the Council's May 12, 2016, statement of intent (to immediately prohibit the registration of additional low speed vehicles) should not be denied the benefit of any such investment made by them before the City's May 12, 2016, decision.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Panama City Beach, that a low speed vehicle may not be registered with the City in accordance with City Code Section 22-105, until the earlier of one of the following:

(1) the Council takes an affirmative action to abandon its May 12, 2016, intent to regulate the number and rental of low speed vehicles on the road; and

(2) the Council in some way effects that or a substituted intent by adoption of an ordinance; or

(3) the passage of 120 days from the adoption of this Resolution.

This prohibition shall not apply to a low speed vehicle offered or intended to be offered for rental when the owner of such vehicle provides clear and convincing evidence of having entered a legally binding agreement to purchase the low speed vehicle and paid all or a portion of the purchase price on or before May 12,
2016, and is unable to cancel the agreement and receive a return of the payment made, less a reasonable refund fee.

APPROVED AND ADOPTED, in regular session this __________day of May, 2016.

CITY OF PANAMA CITY BEACH

By: ____________________________
    Mike Thomas, Mayor

ATTEST:

______________________________
Diane Fowler, City Clerk
REGULAR AGENDA
ITEM #7,
RESOLUTION 16-83
RESOLUTION 16-83

WHEREAS, the Florida Department of Transportation and Florida Department of Environmental Protection, Office of Florida Greenways and Trails Priority Land Trail Network is accepting applications for the Year 2016 Florida Shared-Use Non-Motorized (SUN) Trail Network; and

WHEREAS, the City has created and continues to enhance a system of paved and unpaved footpaths throughout the City to be used as recreational trails for bicycling, day hiking, jogging and similar fitness activities, which trails are commonly referred to and known as "Gayle's Trails"; and

WHEREAS, the recreational use of Gayle's Trails in the City of Panama City Beach, which connect or will connect the City to the statewide Florida Greenways and Trails System, is an asset of the City that is and will be utilized by the public at large, including residents and visitors to the City; and

WHEREAS, the City finds that the expansion of the Gayle's Trails system proposed by construction of the eastern extension of Gayle's Trails from the eastern boundary of the Trieste subdivision to the western boundary of the Breakfast Point subdivision, a project anticipated to cost approximately One Million Dollars, will extend and enhance the use of this trail system for the recreational and educational enjoyment of residents and visitors.

NOW THEREFORE BE IT RESOLVED that the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Application and supporting documentation for the City's nomination of the City's Gayle's Trails Eastern Portion Project for the Program.

AND BE IT FURTHER RESOLVED that should the City be awarded a 2016 Florida Shared-Use Non-Motorized (SUN) Trail Network Grant for the extension of Gayle's Trails Eastern Portion, the City covenants to budget and appropriate funds adequate to fund 50% of the project costs.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of __________, 2016.

CITY OF PANAMA CITY BEACH

By: ____________________________
   Mayor Mike Thomas

ATTEST:

______________________________
Diane Fowler, City Clerk
Memorandum

To: Mario Gisbert
CC: Holly White
From: Paul Casto
Date: May 19, 2016

Subject: Resolution in Support of the Proposed Extension of Gayle’s Trails Eastern Portion

The Florida Shared-Use Non-motorized (SUN) Trail Network is authorized under 339.81, F. S. Furthermore, The Florida Department of Transportation (FDOT) is directed to make use of its expertise in efficiently providing transportation projects to develop a statewide system of paved non-motorized trails as a component of the Florida Greenways and Trails System (FGTS), which is planned by the Florida Department of Environmental Protection (FDEP).

Therefore, the City will be applying for construction funds June 20, 2016 through the FDOT SUN Trail program which has approximately $25 Million budgeted by the Florida Legislature. A letter of support is one of the criteria necessary to complete the application and file for future funding. The proposed eastern expansion of Gayle’s Trails will start on the east side of Trieste Subdivision and terminate at Breakfast Point Subdivision. There is an existing 10’ wide concrete trail within Breakfast Point Subdivision that will eventually connect to Wildwood Road around the proposed Bay County Sports Complex. This piece is an integral part to safely connect Arnold High School and residents of Waterfall Subdivision as well as Breakfast Point (see attached map).

Staff requests a resolution of support be approved in order to move forward with pursuing the additional funding necessary to extend and enhance the use of Gayle’s Trails for recreational and educational enjoyment of residents and visitors.
REGULAR AGENDA
ITEM #8,
ORDINANCE 1387
Please find attached an Ordinance removing text from the City existing Leave No Trace regs that permitted the overnight placement of personal property at the toe of the dune, and in turn adding the conditions that previously applied to such placement to personal property left under private walkovers. I wasn’t directed to do that second part, but it seemed appropriate so that such placement doesn’t become a new problem created by the loss of the toe of dune placement by the public generally. Two other things I’ve done in this ordinance (which you also didn’t direct, but I thought I’d propose while were here) is to amend the definition of “Beach” to match the definition blessed by Judge Walker and thereafter used in our regs requiring IDs on the beach (ord.1378), and to provide for a more specific penalty—specifically the citation schedule now established in the next article of Chapter 7 (but which didn’t exist when we first adopted our LNT regs).

If the Council disagrees with those additional changes, the original text can be restored without changing the purpose and intent of the ordinance for the 2nd reading.

One more thing—we commonly call this our “Leave No Trace Ordinance”, and have since the beginning, but I have noticed the TDC’s new advertisements now say “Leave Only Footprints.” Or something close to that. I’m not certain if I need to revise or delete my references to Leave No Trace, and refer to its new name for consistency with the TDC messaging.

Thanks.
Amy E. Myers, Esq.

HARRISON SALE MCCLOY Attorneys At Law
P.O. Drawer 1579
Panama City, FL 32402
Phone: (850) 769-3434
Fax: (850) 769-6121
Cell: (850) 819-2450

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ORDINANCE NO. 1387

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF ORDINANCES RELATED TO BEACH, BOATS AND WATER SAFETY, RELATED TO THE CITY'S "LEAVE NO TRACE" REGULATIONS; REMOVING A PROVISION ALLOWING PERSONAL PROPERTY TO BE STORED OR PLACED AT THE TOE OF THE DUNE FROM 7PM TO 7AM; ESTABLISHING CONDITIONS FOR THE PLACEMENT OF PERSONAL PROPERTY UNDER PRIVATE DUNE WALKOVERS AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; REVISIGN THE DEFINITION OF BEACH TO INCLUDE ALL LOOSE SANDY AREAS BETWEEN THE WATERS OF THE GULF OF MEXICO AND THE NEAREST PAVED ROAD; AMENDING THE PENALTIES FOR VIOLATIONS; 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, Chapter 7, BEACH, BOATS AND WATER SAFETY, of the Code of Ordinances of the City of Panama City Beach, related to Article VIII, Obstructions on the Beach and Beach Access Areas Prohibited, is amended to read as follows:

ARTICLE VIII. OBSTRUCTIONS ON THE BEACH AND BEACH ACCESS AREAS PROHIBITED

Sec. 7-120. Purpose.
The purpose of this article is to ensure the beach and beach access areas are free from any obstruction by any item of personal property in order to protect public ingress, egress, and regress to the beach, promote public safety, and to protect endangered sea turtles.

Sec. 7-121. Definitions.
As used in this article:

Beach means that area of unconsolidated material that extends landward from the mean low water line of the Gulf of Mexico, to the frontal dune, or to where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward. means all loose or uncompacted sandy area, including sand dunes and vegetated area, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward-most paved roadway.

Beach access areas means those public beach access points identified by the City Parks and Recreation Department, including associated boardwalks, walkways, and dedicated parking areas, and the area on the
beach beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge.

**Dune** means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location. In the absence of a discernible dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

**Personal property** means all types of personal property, including by way of example and not limitation, tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, picnic tables, tiki huts, volleyball nets, tents, hammocks, beach chairs and other furniture, kayaks, canoes, catamarans, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles and other watercraft.

Toe of the dune means that area just seaward and off the dune where there is no vegetation.

**Sec. 7-122. Obstructions on the beach and beach access areas prohibited.**

(a) It shall be unlawful for any person to leave an item of personal property unattended on any portion of the sandy gulf beach located in the City from 7:00 p.m. until 7:00 a.m. daily, except as otherwise permitted in this article.

(b) It shall be unlawful for any person to leave an item of personal property unattended at anytime within any public beach access area located in the City.

(c) Any item of personal property left on the beach unattended in violation of this article shall be deemed discarded by the owner and shall become the property of the City, which may dispose of the item.

(d) From 7:00 p.m. until 7:00 a.m. daily, on public beaches or on private property with the upland owner's permission, items of personal property that are relocated as close to but not on the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or a violation of this article, provided:

1. Such items shall not be placed on the dune or on native vegetation;
2. Such items shall be stored in a neat and orderly manner;
3. Such items shall not obstruct access to the beach from the nearest public access areas, nor obstruct access on the beach, nor impact native vegetation, nor significantly affect sea turtles.

(4) Private property owners may store their personal property items under or adjacent to their private dune walkovers or boardwalks, provided:
   1. Such items shall not be placed on a dune or on native vegetation;
   2. Such items shall be stored in a neat and orderly manner;
   3. Such items shall not obstruct public access on the beach, nor impact native vegetation, nor significantly affect sea turtles.

(5) Items shall not be placed on any public beach access point or within twenty (20) feet of any public trash receptacle.

(e) Unattended items of personal property in violation of this article shall be removed from the beach by the Code Enforcement Officer, persons under contract with the Bay County Tourist Development Council, any law enforcement officer, licensed beach patrol, or lifeguard.

(f) Unattended or abandoned items of personal property in violation of this article are a public nuisance.

**Sec. 7-123. Exceptions.**

The prohibitions contained in Section 7-122 do not apply to:

1. Trash containers;
2. Lifeguard stands and lifeguard storage containers, and safety devices;
3. Signs placed by a governmental agency;
4. Items placed by persons acting under authority of the City Manager or other governmental agency;
5. Structures, including without limitation boardwalks, decks, and dune walkovers constructed and permitted by the City, Bay County or the State of Florida; and
Items placed on the beach by persons who have authorization or a permit to engage in marine turtle nesting research issued by the United States Fish and Wildlife Service.

Sec. 7-124. Permits.
(a) Permits may be issued by the City Manager or their designee for activities otherwise prohibited by this article for such periods of time and under such conditions as the City Manager deems appropriate under the circumstances that are found to be necessary for:
   (1) Reasonable accommodation of persons with disabilities;
   (2) Adjunct to a lawfully existing activity;
   (3) For the conduct of a governmental, civic or educational activity;
   (4) For the conduct of scientific research;
   (5) For special events, or
   (6) For a beach amusement, beach business, or beach service governed by Article III of this chapter.

(b) There shall be no fee for obtaining this permit. Such permit shall include the following:
   (1) Name and contact information of the owner or person in possession and control of the item;
   (2) Description of the item;
   (3) Location of the item;
   (4) Duration of time the item will remain in such location; and
   (5) Acknowledgement that owner or person in possession and control of the item will be liable for any impacts to federally protected species.

(c) This article is not intended to authorize any violation of Section 379.2431 Florida Statutes or any of the provisions of the Endangered Species Act. The City will not be liable for any impacts to federally protected species resulting from persons leaving items of personal property on the beach and such liability will rest with the owner of such item.

Sec. 7-125. Notice.
The City shall provide notice of this ordinance by posting a permanent sign located at the entry of every beach access point.

Sec. 7-126. Penalty.
A violation of this article shall be punishable as a Class 2 Infraction as provided in Section 7-502. Violations of this article are punishable as provided in Section 1-12 of the City Code of Ordinances.

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 ____________ 2016.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

EXAMINED AND APPROVED by me this ___ day of ____________ 2016.

__________________________
MAYOR

Published in the ______________________ on the ___ day of ________, 2016.

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