PANAMA CITY BEACH CITY COUNCIL
AGINGA
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: September 14, 2017
MEETING TIME: 6:00 P.M.

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION- SHADDAI SHRINE RECORDER PHIL D’ALBERTIS

III. PLEDGE OF ALLEGIANCE- COUNCILMAN CHESTER

IV. COMMUNITY ANNOUNCEMENTS

V. APPROVAL OF THE REGULAR MINUTES OF AUGUST 10 AND
AUGUST 24, 2017

VI. APPROVAL OF AGENDA, AND ADDITIONS OR DELETIONS

VII. PRESENTATIONS- COUNCILMAN CHESTER
1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD
2 SHADDAI SHRINE TEMPLE MEMBERS
3 INTERNATIONAL COASTAL CLEAN UP AT RUSSELL-FIELDS PIER,
9/16/17 AND BAY CO AUDUBON BEGINNERS BIRD WALK- PCB
CONSERVATION PARK 9/23/17- DALE COLBY
4 FDOT PRESENTATION REGARDING PROJECT DEVELOPMENT &
ENVIRONMENTAL STUDY (PD&E) FOR THE PARKWAY FROM
MANDY LANE TO THOMAS DRIVE- SHERRY ALAGHEMAND

VIII. SCHEDULE HEARINGS
1 CONSIDER A HEIGHT INCENTIVE REQUEST FOR PROPERTY
LOCATED AT 13623 & 13626 FRONT BEACH ROAD
2 APPEAL OF A LARGE-SITE DEVELOPMENT APPROVAL FOR
PROPERTY LOCATED AT 13623 AND 13626 FRONT BEACH ROAD
3 PLANNING BOARD DENIAL OF VARIANCE FOR PROPERTY
LOCATED AT 502 PETREL.

IX. PUBLIC COMMENTS-REGULAR & CONSENT ITEMS ONLY (Limited to
Three Minutes)

X. CONSENT AGENDA
1 RESOLUTION 17-127, DEWBERRY ENGINEERS TASK ORDER
#2017-02 FOR GLADES/LAIRD BASIN STORMWATER
FEASIBILITY STUDY. "A Resolution of the City of Panama City
Beach, Florida, approving Task Order #2017-02 to the Master
Services Agreement with Dewberry Engineers, Inc., related to the
Glades/Laird Basin Stormwater Feasibility Study in an amount of
$69,925 to be paid by both City and County as more particularly set
forth in the body of the Resolution."
2 RESOLUTION 17-132, "PIRATES OF THE HIGH SEAS FESTIVAL" ROAD CLOSURES. "A Resolution of the City of Panama City Beach related to the "Pirates of the High Seas Festival"; authorizing closure of portions of L.C. Hilton Jr. Drive, Sea Monkey Way, Longboard Way, and Pier Park Drive on October 6 and 7, 2017, for the Event; and authorizing temporary closure of a portion of Powell Adams Road and the temporary usage of a portion of Front Beach Road on October 7 to permit the Event's Parade."

3 RESOLUTION 17-134, "IRONMAN FLORIDA TRIATHLON" ROAD USAGE. "A Resolution of the City of Panama City Beach, Florida, related to the "Ironman Florida Triathlon"; authorizing extraordinary traffic control on portions of South Thomas Drive, Thomas Drive, Surf Drive, Front Beach Road, West Pier Park Drive, Pier Park Drive, Bay Parkway and SR 79 on Friday, November 3, 2017 and Saturday, November 4, 2017 for the Event as more particularly set forth in the body of the Resolution".

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<th>XI. REGULAR AGENDA - DISCUSSION/ACTION</th>
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XII. DELEGATES & STAFF

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

2 ATTORNEY REPORT.

3 CITY MANAGER REPORT.

4 COUNCIL COMMENTS.

5 ADJOURN.

JOHN REICHARD  X  JOHN 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.

Deputy City Clerk  Date

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: 9/11/17, 2 P.M.

NEWS MEDIA  CONTACT
News Herald  John Henderson
Bulletin  Linda Lucas
Channel 4  Ryan Rodig
Channel 7  Jeremy Pate
Channel 13  Ken McVay
Comcast  Stefanie Bowden
WOW  Cil Schnitzer
WKGC  Emily Balazs
WLTG  A. D. Whitehurst
Clear Channel  Crystal Presley
Powell Broadcasting  Jeff Storey, GM

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)
MINUTES
Mayor Thomas called the Regular Meeting to order at 6:00 P.M. with all Council members, City Manager, Deputy City Clerk and City Attorney present.

Pastor Ramon Duvall of the Beachside Fellowship Church gave the invocation and Councilwoman Strange led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events.

There were no Minutes available for approval.

Mayor Thomas asked if there were any additions or deletions to the Agenda. Councilwoman Strange asked to add Mr. Dale Colby and his short presentation concerning two new gopher tortoises for the Conservation Park. There were no objections. Councilwoman Strange made the motion to approve the Amended Agenda. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Reichard Aye
Councilman Chester Aye
Councilwoman Strange Aye
Councilman Solis Aye
Mayor Thomas Aye

PRESENTATION

1 DALE COLBY AND TWO NEW GOPHER TORTOISES FOR THE CONSERVATION PARK. Mr. Colby displayed one of the two new tortoises to the Council members and audience, and explained the Conservation Park was the only site for homeless gopher tortoises in NW Florida. He gave information as to their new home in the Park.

2 “BEACH CARE SERVICES MONTH” PROCLAMATION & PRESENTATION. Councilwoman Strange invited President Skip Stoltz and Pastor Ramon Duvall to the podium to accept the Proclamation designating September as "Beach Care Services Month". She read the Proclamation in full and President Stoltz explained the function of Beach Care Services.

3 ANNUAL 9-11 STAIRCLIMB ON 9/9/17. Councilwoman Strange invited Captain Terry Parris to the podium to explain the PCB Fire/Rescue's 9/11 Stairclimb at the Edgewater Beach Resort. Captain Parris explained the event in detail and said flyers were available on the table.

PUBLIC COMMENT (Consent and Regular Items only)

Mayor Thomas opened the Public Comment section at 6:12 P.M. There were no comments.

CONSENT AGENDA

Ms. Smith read each item on the Consent Agenda by title and identified Item #2 as a CRA item and one in which the City Council was also acting as the Panama City Beach Community Redevelopment Agency and voting as both.
1 REVISION OF THE MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. 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.

2 RESOLUTION 17-121, CRA 2018 NEAR TERM WORK PLAN. "A Resolution of the City Council of the City of Panama City Beach, Florida, and Ex Officio as the governing body of the Panama City Beach Community Redevelopment Agency, relating to the Community Redevelopment within the Front Beach Road Redevelopment Area; providing for Findings; authorizing and directing the execution of a Near Term Work Plan; and providing for an effective date."

3 RESOLUTION 17-123, BID AWARD- FRANK BROWN PARK IMAGINATION PLAYGROUND SURFACING PROJECT. "A Resolution of the City of Panama City Beach, Florida, approving the purchase and installation of Imagination Playground Surfacing from Playworx for $38,000; and providing an immediately effective date."

4 RESOLUTION 17-124, BID AWARD- FRANK BROWN PARK PHILLIP GRIFFITTS COMMUNITY CENTER GYM FLOORING PROJECT. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Southeastern Services and Equipment, Inc. for the purchase and installation of gymnasium flooring at the Phillip Griffitts Community Center in the amount of $77,300; and providing an immediately effective date.

5 RESOLUTION 17-125, BID AWARD - FRANK BROWN PARK INTERACTIVE PLAYGROUND UNIT. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Playmore Recreational Products and Services in the amount of $29,967.90 for NEOS 360 ADA Unit for the Frank Brown Park Interactive Playground; and providing an immediately effective date."

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

Councilman Reichard Aye
Councilman Chester Aye
Councilwoman Strange Aye
Councilman Solis Aye
Mayor Thomas Aye

REGULAR AGENDA- DISCUSSION/ACTION

1 RESOLUTION 17-119, STORMWATER SERVICE ASSESSMENT INITIAL ASSESSMENT RESOLUTION. Ms. Myers read Resolution 17-119 which confirmed the updated methodology of the Assessment, the preparation of the Roll and a Public Hearing to formally adopt it. The Mayor asked if there were any questions; there were none. Councilman Solis made the motion to approve Resolution 17-119. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:

Councilman Reichard Aye
Councilman Chester Aye
Councilwoman Strange Nay
Councilman Solis Aye
Mayor Thomas Aye

2 RESOLUTION 17-126, MASTER SERVICES AGREEMENT WITH DAG ARCHITECTS FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE CITY HALL COMPLEX AND TASK ORDER 1. Ms. Myers read Resolution 17-126 by title. The Mayor asked if there were any questions; there were none. Councilman Solis made the motion to approve Resolution 17-126. Second was by Councilman Reichard and the motion passed by majority roll call vote recorded as follows:
3 RATIFY JOB DESCRIPTIONS FOR CITY CLERK AND HUMAN RESOURCES/RISK MANAGER. Mr. Gisbert explained with the Council's approval at an earlier meeting, applications were being received for the two positions. He asked the Council to ratify the two job descriptions and that the City would be looking to hire two separate positions. The Mayor asked if there were any questions. Councilwoman Strange questioned why the Civil Service Secretary could not be the Human Resources for the employees. Councilman Chester said he agreed with Councilwoman Strange to explore that option. Mr. Gisbert explained that this new position would be more than merely Human Resources because it would involve all of the buildings, vehicles, retirees, Pension Plans, Health Insurance, etc. He said other municipalities on average had 1.5 HR employees per 100 employees, and the City now had 270 employees. He mentioned crosstraining with Ms. Carrie Jagers and Ms. Smith due to the very small administrative staff. Mayor Thomas said there was adequate reason to justify this request and asked if there were any further questions or comments; there were none. Councilman Reichard made the motion to approve the two Job Descriptions. Second was by Councilman Solis and the motion passed by majority roll call vote recorded as follows:

- Councilman Reichard Aye
- Councilman Chester Aye
- Councilwoman Strange Nay
- Councilman Solis Aye
- Mayor Thomas Aye

4 APPROVE INFORMATION TECHNOLOGY SPECIALIST FULL-TIME POSITION. Mr. Gisbert asked the Council to add one Full-time Employee so that the City could advertise for the position with the intention of the position being in next year's Budget. He said the City now had a Part-time employee who could do the work inhouse, and who was being crosstrained with the outsourced IT person. He said with 270 employees, it was time to have an inhouse IT person. The Mayor asked if there were any questions and there were none. Councilman Chester made the motion to approve the City Manager's request. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

- Councilman Reichard Aye
- Councilman Chester Aye
- Councilwoman Strange Aye
- Councilman Solis Aye
- Mayor Thomas Aye

5 PLANNING BOARD, CIVIL SERVICE BOARD, AND PENSION BOARDS APPOINTMENTS. Mr. Gisbert said some seats were coming available and the Board members had already been asked if they would like to be reappointed. He said some were merely reappointments within the Employees. Councilwoman Strange said she wanted to advertise the openings. There were no objections.

6 ORDINANCE 1428, UPDATING SIGN CODE, 1ST READING. Ms. Myers read Ordinance 1428 by title and stated it was largely housekeeping, updates to address the vulnerabilities due to the recent Supreme Court decision. Councilwoman Strange asked Ms. Myers to explain the Ordinance in laymen's terms. Ms. Myers said the Ordinance largely addressed the non-commercial sign category as the commercial sign regulations were fine. Councilman Reichard asked about political signs and the prior numerous discussions on limiting the duration for political signs. Ms. Myers said she would confer with Mr. Beninate and report back his recommendations.

Ms. Myers stated this Ordinance did not delete any category of signs nor create any new categories. Councilwoman Strange asked why this Ordinance was created. Ms. Myers said some of the specific regulations regarding temporary signs were vulnerable and she elaborated. The goal was to make the temporary sign regulations uniform across the board. Her office thought adoption would preclude the City from any legal challenge which might jeopardize the enforceability of the entire Sign Code.
Councilman Reichard questioned the Beach Services signs in the proposed draft. Mr. Gisbert said the Beach Services were limited to one per property but it was not a new regulation, merely new in this section of signs. The Mayor asked if there were any further questions or comments; there were none. Councilman Reichard made the motion to approve Ordinance 1428. Second was by Councilman Solis and the motion passed by majority roll call vote recorded as follows:

Councilman Reichard Aye
Councilman Chester Aye
Councilwoman Strange Nay
Councilman Solis Aye
Mayor Thomas Aye

7 RESOLUTION 17-117, NUISANCE ABATEMENT ASSESSMENT INITIAL ASSESSMENT RESOLUTION. Ms. Myers read Resolution 17-117 and explained the two-step process, confirming the properties on which nuisance abatement actions had been taken and that this also included the expanded City-wide assessment. She elaborated and said most of the nuisance abatement activities were ultimately resolved by the owners and at no cost to the City so the list was somewhat short. The Mayor asked if there were any questions and there were none. Councilman Chester made the motion to approve Resolution 17-117. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:

Councilman Reichard Aye
Councilman Chester Aye
Councilwoman Strange Aye
Councilman Solis Aye
Mayor Thomas Aye

PUBLIC COMMENTS (LIMITED TO THREE MINUTES)
Mayor Thomas opened the Public Comments portion of the meeting at 6:41 P.M., reminding that comments were limited to three Minutes.

1 MR. BURNIE THOMPSON, 8317 Front Beach Road. Mr. Thompson questioned the fees charged for Public Records Requests and when he would receive the information which had been paid last month. He also made a verbal Public Records Request for the itemized invoices, supporting documents, and receipts for the ZHA subcontractor.

2 MR. SKIP STOLTZ, 318 Bainbridge Street. Mr. Stoltz asked if the bricks would be moved when the Veterans Park was moved. Mayor Thomas said yes.

With no further comments, the Public Comments were closed at 6:45 P.M.

Ms. Myers said she had no report.

Mr. Gisbert announced the job vacancies and bids posted on the City website. He also explained the emergency replacement of the air conditioning unit at the Senior Center.

Councilwoman Strange asked about placing Golf Cart/LSVs Prohibited signs on the access roads leading to the Parkway. She said she saw golf carts on the Parkway every day. Councilman Solis said it was a good idea also for Middle Beach Road. Chief Whitman said LSVs could not be on Middle Beach Road nor the Parkway. Mayor Thomas asked if he could direct extra patrols on those areas and Chief Whitman said yes.

Mr. Gisbert said Staff had asked FDOT if signs could be placed on the Parkway and Middle Beach Road and they said no. However, this would not prevent the City from placing signs on the access roads. Discussion ensued. Mr. Gisbert said the business pamphlets already advised the renters that they could not travel on those roads.

Councilman Chester said he had received kudos from a deputy of the Sheriff's office about the Beach Police's handling of the recent shooting at the west end. A wonderful, excellent job.

Councilman Reichard thanked the City Manager for the new microphones for each seat.
With nothing further, the meeting was adjourned at 6:52 P.M.

READ AND APPROVED this 14th of September 2017.

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

__________________________
 Mayor

__________________________
 City Clerk
Mayor Thomas called the Regular Meeting to order at 9:00 A.M. with all Council members, City Manager, Deputy City Clerk and City Attorney present.

Councilman Solis gave the invocation and led the Pledge of Allegiance.

The Mayor announced the upcoming Community Events.

The Minutes of the Regular Meeting of July 27, 2017 were read and approved as written per motion by Councilwoman Strange. Second was by Councilman Chester. The motion passed by unanimous roll call vote recorded as follows:

Councilman Chester Aye
Councilwoman Strange Aye
Councilman Solis Aye
Councilman Reichard Aye
Mayor Thomas Aye

Ms. Hatcher from the floor made comments about statements in the Minutes which were lies. The Mayor said she could get with Ms. Myers after the meeting.

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

Councilman Chester Aye
Councilwoman Strange Aye
Councilman Solis Aye
Councilman Reichard Aye
Mayor Thomas Aye

PUBLIC COMMENTS (Consent and Regular Items only)
The Mayor opened the Public Comments portion of the meeting at 9:05 A.M. and reminded that the speakers were limited to three minutes.

1 MR. FRANK SEWELL, 435 Hidden Island Drive. Mr. Sewell asked if Ordinance 1425 would affect the sizes of the kiosks signs at the City Pier.

2 MS. GENESE HATCHER, 203 South Wells St. Ms. Hatcher displayed her rental business sign and other nearby larger house signs and questioned the sizes being dependent upon the various zonings. She said a house sign was a house sign.

With no further comments, the Public Comments were closed at 9:08 A.M.

CONSENT AGENDA
Ms. Smith read the Consent Agenda items by title.

1 “NATIONAL DAYS OF PRAYER AND REMEMBRANCE” AND “PATRIOT DAY” PROCLAMATION. “A Proclamation designating September 8-10, 2017 as “National Days of Prayer and Remembrance” and September 11, 2017 as “Patriot Day”, and directing that the flags be lowered to half-staff on September 11, 2017 with a moment of silence at 7:46 A.M.
RESOLUTION 17-129, BID AWARD- LANDSCAPE MAINTENANCE SERVICES, CITY MAIN CAMPUS. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with GCC Landscape Management Co. in the annual amount of $30,664 for Landscape Maintenance Services of the City’s Main Campus; and providing an immediately effective date."

RESOLUTION 17-130, SHADDAI SHRINE TEMPLE FALL CEREMONIAL PARADE ROAD USAGE. "A Resolution of the City of Panama City Beach, Florida, authorizing careful traffic control and extraordinary use of a portion of Front Beach Road (US 98) to permit the Shaddai Shrine Temple Fall Ceremonial Parade on the morning of Saturday, October 14, 2017; and providing an immediately effective date."

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

Councilman Chester: Aye
Councilwoman Strange: Aye
Councilman Solis: Aye
Councilman Reichard: Aye
Mayor Thomas: Aye

REGULAR AGENDA- DISCUSSION/ACTION

1 ORDINANCE 1425, AMENDING LDC REGARDING OUTDOOR DISPLAYS, 2ND READING, PUBLIC HEARING AND ADOPTION. Ms. Myers read Ordinance 1425 by title and clarified this only dealt with the merchandise itself. In response to the question from Mr. Sewell, she said there was a lease specific to the Pier Beachfront kiosks and any identified problems would be addressed by the lease. She said the definition within the Ordinance was premises which would include the City's entire parcel on which the kiosks were located. Mayor Thomas addressed the comments by Ms. Hatcher about home sign sizes and explained Code Enforcement personnel was being increased which would address those issues and everyone would follow the same rules. The City was behind in enforcement as one man could not do all the enforcement. The Mayor asked for Council questions or comments; there were none. He opened the Public Hearing at 9:12 AM. Hearing no comments from the floor, the Public Hearing was closed at 9:12 AM. Councilman Reichard made the motion to approve Ordinance 1425. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester: Aye
Councilwoman Strange: Aye
Councilman Solis: Aye
Councilman Reichard: Aye
Mayor Thomas: Aye

2 RESOLUTION 17-122, PIER BEACHFRONT LEASE RENEWAL AND MODIFICATION. Ms. Myers read Resolution 17-122 by title and explained that this Resolution extended the lease for three years, allowed additional rent payments by the 20th of the month, and clarified the tenant's duty to keep the kiosks in good repair. She said the lease could not be extended at the end of this term and must be rebid at the end of three years. Mayor Thomas said it was a good lease and the tenant had done well. He asked if there were any questions or comments from Council; there were none. Councilman Chester made the motion to approve Resolution 17-122. Second was by Councilman Reichard and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester: Aye
Councilwoman Strange: Aye
Councilman Solis: Aye
Councilman Reichard: Aye
Mayor Thomas: Aye
3 RESOLUTION 17-128, BUDGET AMENDMENT #50 FOR YEAR END HOUSEKEEPING. Ms. Myers read Resolution 17-128 by title and explained the Budget Amendment reallocated funds amongst Departments to address shortfalls, excesses, and construction timing issues. The Mayor asked if there were any questions and there were none. Councilman Solis made the motion to approve Resolution 17-128. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester  Aye
Councilwoman Strange  Aye
Councilman Solis  Aye
Councilman Reichard  Aye
Mayor Thomas  Aye

4 RESOLUTION 17-131, BID AWARD- SEWER CONTINUING SERVICES. Ms. Myers read Resolution 17-131 by title. Councilman Reichard asked Mr. Shortt for more details. Mr. Shortt explained this was an ongoing program beginning in 2011, replacing the clay pipes originally installed fifty years ago with liners. He said it was expensive and for the three years being considered, it would total approximately Four Million Dollars to do all of the work, and as work was done, other areas would be identified. The contract was for one year initially with two one-year renewals if Staff was satisfied with the contractor’s work. The contractor would also honor the prices over the three years. Mr. Shortt said Staff was recommending that the Council approve the unit pricing today, not the work itself. During the Utilities Budget Workshop, he said they planned to budget Two Million Dollars for next year and issue a Work Authorization using these prices for the most critical areas. Councilman Solis asked about warranty and Mr. Shortt said any problems with the liners were known almost immediately. He said once the liner was there, it basically formed a new pipe inside the old clay pipe and the life expectancy for the new pipe was another fifty years. He identified areas in Colony Club, Woodlawn subdivision, Bay Point, and some of Front Beach Road not addressed by the CRA Segment 2 as most critical. He added most of the City neighborhoods had PVC pipes which did not have the leaks such as in the clay pipes. Councilman Reichard made the motion to approve Resolution 17-131. Second was by Councilwoman Strange and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester  Aye
Councilwoman Strange  Aye
Councilman Solis  Aye
Councilman Reichard  Aye
Mayor Thomas  Aye

5 APPROVE ADDITION OF ONE FULL-TIME WASTEWATER TREATMENT PLANT OPERATOR AND ELIMINATE A PERMANENT PART-TIME POSTION. Mr. Shortt explained the creation of the Permanent Part-time position and that employee was leaving. He said finding a licensed Operator to only work part-time was difficult and the position needed to be filled which realistically must be Full-time. Mayor Thomas asked if there were any questions and there were none. Councilman Reichard made the motion to approve Staff’s recommendation. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Chester  Aye
Councilwoman Strange  Aye
Councilman Solis  Aye
Councilman Reichard  Aye
Mayor Thomas  Aye

PUBLIC COMMENTS-LIMITED TO THREE MINUTES

Mayor Thomas said the Council was going to do things differently and Counsel was going to bring back a Resolution at the next meeting concerning comments. He explained that public comments would be limited to the same three minutes, and anyone could address the City's business if they were a City resident, own a business within the City, or have a water/sewer problem which needed to be addressed during the meeting.
1 MS GENESE HATCHER, 203 S. Wells St. Ms. Hatcher disputed the comments in the Minutes, stating her homes were the safest in the County. She wanted the records changed and if a neighbor said that, she wanted a Public Records Request for that information. She commented about her rental homes being required to obtain the sprinkler system and outside staircase within 20 days. She explained her problems.

2 MR. BURNIE THOMPSON, 8317 Front Beach Road. Mayor Thomas said this section of the meeting were for people within the three criteria. He stated he would meet with Mr. Thompson at any time. Mr. Thompson said he wanted to ask about Public Records Requests and the Mayor stated he was not a resident of the City. Mr. Thompson asked Ms. Myers which Statute would deny him the opportunity to address the Council. Ms. Myers replied that the Statute only required Public Comment on matters before the Council for consideration and there was not a Public Records Policy before the Council for consideration. Mayor Thomas said he could check with him at any time other than a City Council meeting time.

3 MR. TIM SOWELL, 611 Poinsettia Drive. Mr. Sowell commented about the article reporting the City being the 22nd most dangerous City in the U.S. He said this year, the island had five shootings and more than in the past. He said the City continued to become more violent and explained his reasoning.

There were no further comments from the floor. Mayor Thomas said this report was inaccurate. Councilman Solis asked Chief Whitman to address the article. Chief Whitman spoke of the writer using old statistics from 2015 and not accounting for the number of the City's visitors. She applied the 2015 statistics against the City's population of 12,995, not the numbers of tourists per day averaging an additional 44,000. Chief Whitman explained with the addition of the visitors, the crime statistics were drastically lower. He said the writer was doing the study prior to the Council enacting the new Ordinances.

In response to the question from Councilman Solis about the new Ordinances, Chief Whitman said his officers were now able to respond quicker to situations, be more proactive, and with full staff able to catch more criminals. He said most of the crimes were drug related but that was worldwide. Chief Whitman said Myrtle Beach was mentioned in the same article with the same problem as their visitors were not added into the statistics.

Councilman Solis said the article also reported was that property values were declining and no one wanted to come to the City. He stated that property values in the last two years had risen 15%-20%. The Mayor asked if there were other questions for the Chief and there were none.

Mayor Thomas asked Mr. Leonard to explain the circumstances surrounding Ms. Hatcher's homes and various comments. Mr. Leonard said the two buildings were permitted as single-family dwellings but then the occupancy was converted to short-term rental. Then the Fire Department and Fire Codes apply upon that conversion. He said Chief Daly and Captain Jordan had been working on the timing for when the requirements would happen. He said there were others with the same situation. Now many homes were being converted to short-term rentals, and when that occurred, Fire Codes and Building Codes would apply to the structures, such as exit lights, fire suppression systems, and all the life safety requirements that did not apply to single-family homes.

Councilwoman Strange asked if Ms. Hatcher converted to short-term occupancy right after construction why it took 2.5 years to address the structures, and if the Department was that far behind. Mr. Leonard said yes, the Department was behind but he remembered conversations with Captain Jordan at that time that he wanted to see if they were being rented short-term and have a plan for when the new requirements would apply. The conversations started not long after the CO was issued for the two buildings. Councilwoman Strange asked if there were over 300 homes in the City which had converted to short-term rental and Mr. Leonard replied no, not within City limits. Ms. Hatcher said within the County. Mayor Thomas said there was State law which the City had not been enforcing for a while and were now catching up after being behind. Mr. Leonard said the Fire Department had also been understaffed regarding inspections as there had been only one Fire Inspector. Now there was two which still was not enough.
Councilman Solis said several of the Council members attended the Florida League of Cities Conference last week, and one of the classes was for vacation rentals. He said the number one topic was the conversion of homes to short-term rentals. Destin was there asking for help and our City was not unique with these problems.

Councilman Reichard commented about the upcoming parade season and the barriers for crowd control. He said the TDC was buying 100 new barriers each year, stored at Pier Park for use with these parades. He spoke of the City insisting that parades use the barriers for safety reasons. He mentioned kids running in front of the vehicles. Mayor Thomas said he and Councilman Chester would speak to the TDC.

Mayor Thomas said the property values were doing very well in the City and businesses were picking up, and people felt more comfortable on the beach compared to past years.

The meeting was adjourned at 9:50 A.M.

READ AND APPROVED this 14th of September, 2017.

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

ATTEST: Mayor

__________________________
City Clerk
CITY OF PANAMA CITY BEACH

CIVIC ACHIEVEMENT AWARD

Be It Known That

Taylor Ballew

HAS GIVEN EXCEPTIONAL SERVICE

TO THE BOYS AND GIRLS CLUB
OF PANAMA CITY BEACH

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

Presented this 14th of September, 2017

MAYOR MIKE THOMAS
PRESENTATION
Bay County Audubon
Beginners Bird Walk
PCB Conservation Park

Enjoy a leisurely morning walk around the trails of the Panama City Beach Conservation Park guided by the Bay County Audubon. Binoculars are available for these free events.

April 1st 2017
September 23rd
November 15th
Start 7:30am

(850) 233-5045
International Coastal Clean Up

YOU SEE THE DIFFERENCE.
A TURTLE DOES NOT.

Saturday 16th September
10am – Noon
Russell Fields City Pier, across from Pier Park

PCB Parks and Recreation Dept 850 233 5045
PRESENTATION
4
SUBJECT: Project Development and Environmental Study for U.S. 98 (Panama City Beach Parkway) from Mandy Lane to County Road 3031 (Thomas Drive), Bay County
Financial Project Identification Number: 217838-2-22-01.

PRESENTER: Sherry Alaghemand, P.E., FDOT Project Manager

LOCAL GOVERNMENT ACTION NEEDED: None

BACKGROUND: A public hearing is scheduled for Tuesday, October 10, 2017, at the City of Panama City Beach Lyndell Senior Center, 423 Lyndell Lane, Panama City Beach, from 5:30 p.m. – 6:30 p.m., followed by a formal presentation and public comments at 6 p.m.

This project will evaluate the need for increasing the capacity for the east-west travel demands on U.S. 98 (Panama City Beach Parkway) in Panama City Beach. The intent of this hearing is to present the results from the engineering and environmental analysis conducted on the recommended one build alternative. Public input received will be incorporated into the final documents and will be used in selecting a preferred alternative to be carried forward to the design phase which is funded. Right-of-way and construction are not funded in the current FDOT Five-Year Work Program.

During the informal portion of the hearing, FDOT representatives will be available to discuss the project, answer questions, and receive your comments. Maps, drawings, and other information will be on display. A court reporter will also be available to receive your comments. During the formal portion of the hearing, FDOT will make a formal presentation which will be followed by public comments.

Should you have questions regarding the project or this hearing, please contact Sherry Alaghemand, P.E., FDOT Project Manager, toll-free at (888) 638-0250, extension 1510 or via email at sherry.alaghemand@dot.state.fl.us. You may also contact Ian Satter, District Three Public Information Director, toll-free at (888) 638-0250, extension 1205 or via email at ian.satter@dot.state.fl.us.

RECOMMENDED ACTION: This item is for information only.
S.R. 30A / U.S. 98 / Panama City Beach Parkway
Project Development & Environment (PD&E) Study
FROM MANDY LANE TO THOMAS DRIVE INTERSECTION
BAY COUNTY, FLORIDA
Financial Project ID No: 217838-2-22-01, ETDM No: 14208
Purpose of Briefing

- Status Update for upcoming Public Hearing
- Receive input
Project Location

- S.R. 30A / U.S. 98 / Panama City Beach Parkway
- From Mandy Lane to Thomas Drive Intersection
- Approximately 7.7 miles in length
- Bay County
- Panama City Beach
- Design Year 2045
Purpose and Need

• Add two lanes of capacity to the four lane section of U.S. 98 in order to address existing and projected future failing level-of-service
  – Certain roadway segments are currently over capacity
• Project is needed to relieve congestion
• Enhance safety and mobility
  – Improve emergency evacuation
  – Include sidewalks and bicycle lanes
Existing Characteristics

- 4 Lanes Divided: Mandy Lane to west of Richard Jackson Boulevard & East of Richard Jackson Boulevard to Cauley Avenue (45 mph/55 mph)
- 6 Lanes Divided: West of Richard Jackson Boulevard to East of Richard Jackson Boulevard
- 4 Lanes Undivided w/ 2-Way Left Turn lane: Cauley Avenue to Thomas Drive
- Posted Speed: 45 mph/55 mph
- Discontinuous sidewalks and bicycle lanes
- Existing 200-ft Right-of-Way (R/W)
Proposed 6-Lane Typical Section

11-ft Lanes
22-ft Median
10-ft Shoulder (7-ft paved)
5-ft Sidewalks
200-ft R/W
Design Speed 45 mph
Public Involvement

- Public Involvement Plan
- Meetings with Agencies
- Local Government Coordination
- Meetings with the Public
- Project Website
- http://www.nwflroads.com
Public Kick-Off Meeting Held

Date: April 21, 2016
Location: Panama City Beach Lyndell Senior Center
        423 Lyndell Lane
        Panama City Beach, FL

42 people in attendance including project staff

Key issues of concern were:
- Intersection improvements
- Noise impacts
- Drainage
- Traffic congestion
- Multimodal accommodations
Alternatives Public Workshop Held

Date: February 16, 2017
Location: Panama City Beach Lyndell Senior Center
        423 Lyndell Lane
        Panama City Beach, FL

39 people in attendance in addition to study team
Key issue of concern was related to Access Management
Study Schedule and Funding

- Begin Study: December 18, 2015
- Receive Location Design Concept Approval (LDCA): January 2018

2015
- Project Initiation
- Data Collection
- Kick-off Meeting

2016
- Environmental & Engineering
- Data Collection
- Environmental & Engineering Analysis

2017
- Draft Environmental & Engineering Documents
- Alternatives Public Workshop
- Final Environmental & Engineering Documents
- Public Hearing

2018
- Location Design and Concept Approval
- Winter

Future phases include:
- Design (Funded)
- Right-of-Way (Not Funded)
- Construction (Not Funded)

We Are Here Today
Public Hearing

Date: October 10, 2017
Location: Panama City Beach Lyndell Senior Center
423 Lyndell Lane
Panama City Beach, FL
Time: 5:30 pm (Open House)
6:00 pm (Formal Presentation followed by public comment period)
Contact Information

FDOT Project Manager
Sherry Alaghemand, P.E.
FDOT, District 3
(888) 638-0250, extension 1510
Sherry.Alaghemand@dot.state.fl.us

FDOT Public Information Director
Ian Satter
FDOT, District 3
(888) 638-0250, extension 1205
Ian.Satter@dot.state.fl.us
SCHEDULE HEARINGS
# September 2017

<table>
<thead>
<tr>
<th>SUNDAY</th>
<th>MONDAY</th>
<th>TUESDAY</th>
<th>WEDNESDAY</th>
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- **Aug 27**: Council Room
- **Sep 1**: Council Meeting

### Important Dates
- **Sept 28**: Planning Board Meeting
- **Sept 29**: Supervisors of Elections Voter Drive Conference Room
- **Sept 27**: 9:00am City Council Meeting
- **Sept 30**: 10:00am Supervisor of Elections Voter Drive Conference Room
- **Sept 25**: 12:00pm 12PM Noon - 1PM CSB Workshop
- **Sept 24**: 2:00pm Bid Opening - US 98 Utility Relocation at Moyle
- **Sept 18**: 3:00pm 3PM - Examining Board
- **Sept 17**: 2:00pm Bid Opening - PCB Parkway/Cauley Ave Utility Relocation
- **Sept 12**: 2:00pm 2PM - Planning Board Meeting
- **Sept 5**: 12:00pm 12PM - Civil SVC Board Meeting
- **Sept 6**: 2:00pm Bid Opening - Ground Penetrating Radar
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<th>SUNDAY</th>
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October 2017

12:00pm 12PM-4PM - Civil Svc Board Meeting
6:00pm Council meeting
3:30pm 3PM- Examining Board
12:00pm 12PM Noon - 1PM CSB Workshop
9:00am City Council Meeting
CONSENT ITEM

1
**CITY OF PANAMA CITY BEACH**

**AGENDA ITEM SUMMARY**

<table>
<thead>
<tr>
<th>1. DEPARTMENT MAKING REQUEST/NAME:</th>
<th>2. MEETING DATE:</th>
</tr>
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<tbody>
<tr>
<td>Public Works / Paul Casto</td>
<td>9/14/2017</td>
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</table>

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<tr>
<th>3. REQUESTED MOTION/ACTION:</th>
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<tr>
<td>Approval of the task order which includes analysis of the Glades/Laird Basin Stormwater Feasibility Study using the City's stormwater master plan model through a master services contract with Dewberry/Preble-Rish Engineers, Inc. for a total amount of $69,925.00.</td>
</tr>
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<tr>
<th>4. AGENDA PRESENTATION PUBLIC HEARING CONSENT REGULAR</th>
<th>5. IS THIS ITEM BUDGETED (IF APPLICABLE) YES NO</th>
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<tr>
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<td>BUDGET AMENDMENT OR N/A</td>
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<td>DETAILED BUDGET AMENDMENT ATTACHED YES NO</td>
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<th>6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)</th>
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<td>Based on the resolution that was approved January 12, 2017, staff negotiated a master services agreement with Dewberry/Preble-Rish as a consultant for Professional Stormwater Engineering Services. On August 1, 2017, staff met with Bay County and FDOT to discuss a joint venture on the Glades/Laird stormwater basins since they are adjacent and have interconnectivity. The proposed effort will provide the ability for the City to accurately account for potential stormwater impacts from existing and proposed developments as well as the runoff that fluctuates back and forth between the City and County basins in this area. In addition, they will also analyze the potential pond facility that may help alleviate flooding within these basins and be a joint use with the widening of Back Beach Road.</td>
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Staff requested and has received a proposed task order number 2017-02 (see Exhibit B Combined Task Order and Notice to Proceed). Bay County commits to a cost share of 75% of the total cost for the study in the amount of $52,443.75 and the City's contribution would be the remainder of $17,481.25. See attached a letter of commitment from Bay County (Exhibit A) |

Staff recommends approval of this proposal in the amount of $69,925.00 and has sufficient funds in the stormwater budget for the design work to be completed.

CONSENT

AGENDA ITEM # _
RESOLUTION 17-127

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING TASK ORDER #2017-02 TO THE MASTER SERVICES AGREEMENT WITH DEWBERRY ENGINEERS, INC. RELATED TO THE GLADES/LAIRD BASIN STORMWATER FEASIBILITY STUDY IN AN AMOUNT OF $69,925 TO BE PAID BY BOTH CITY AND COUNTY AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE RESOLUTION.

BE IT RESOLVED that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Task Order 2017-02 between the City and Dewberry Engineers, Inc., relating to the Glades/Laird Basin Stormwater Feasibility Study, in the total lump sum amount of Sixty Nine Thousand, Nine Hundred Twenty Five Dollars ($69,925), of which $52,443.75 (75%) will be paid by Bay County, in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager 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 __________, 2017.

CITY OF PANAMA CITY BEACH

By: ____________________________
    Mike Thomas, Mayor

ATTEST:

______________________________
City Clerk

CONSENT
AGENDA ITEM #

Resolution 17-127
City of Panama City Beach
Mario Gisbert, City Manager
118 South Arnold Road
Panama City Beach, FL 32413

Subject: Stormwater Feasibility Study – Glades/Laird Basin

Dear Mr. Gisbert:

This letter serves as Bay County's commitment to cost share in the amount of $52,443.75 (75%) with the City for the Glades/Laird Stormwater Basin Study.

If you have any questions or need additional information, please contact my office at 850-248-8140.

Sincerely,

Robert J. Majka, Jr.
County Manager

JC/lw

Cc: Ken Schnell, P.E., Assistant County Manager
    Joel Schubert, Assistant County Manager
    Keith Bryant, P.E., PTOE, Public Works Director
    Josee Cyr, P.E. Engineering Division Manager
    Kelly Jenkins, Community Redevelopment Agency
EXHIBIT B
COMBINED TASK ORDER AND
NOTICE TO PROCEED

TASK ORDER NO. 2017-02

DATE September __, 2017

Reference is made to that certain MASTER SERVICES AGREEMENT BETWEEN CITY OF PANAMA CITY BEACH AND Dewberry/Preble-Rish, Inc. RELATING TO MAJOR ANALYSIS, PLANNING, DESIGN AND CONSTRUCTION PROFESSIONAL STORMWATER ENGINEERING SERVICES dated May 16 2017, (the "Agreement"), the terms, conditions and definitions of which are incorporated herein as if set forth in full. Neither party is in breach of the Agreement.

Pursuant to the Agreement, Engineer agrees to perform the specific tasks set forth upon incorporated Exhibit B Attachments, Scope of Services, relating to the Glades/Laird Basin Stormwater Feasibility Study.

Engineer's total compensation shall be (check one):

X a stipulated sum of $69,925.00; or
a stipulated sum of $________ plus one or more specified allowances listed below which may be authorized in writing by the City Manager or his designee,
Allowance of $________ for ____________ ; and
Allowance of $________ for ____________ ; or
a fee determined on a time-involved basis at the rates set forth upon incorporated Attachment B, Hourly Fee Breakdown (if applicable), with a maximum cost of $________; and shall be paid in monthly installments as specified in the Agreement.

Work shall begin on __________, 2017, and shall be completed within three months. The date of completion of all work is therefore __________, 2017. Liquidated delay damages, if any, are set at the rate of $0 per day. There are no additional rights and obligations related to this Task Order other than as specified in the Agreement.

Upon execution of this task order by both the Engineer and City Engineer is directed to proceed.

IN WITNESS WHEREOF the parties have caused these presents to be executed in their names on the date shown.

Witness: Dewberry/Preble-Rish, Inc.

By: ______________ Date: ______________

Its:

ATTEST:

CITY OF PANAMA CITY BEACH, FLA.

By: ______________ Date: ______________

City Clerk

CONSENT
AGENDA ITEM #
This Task Order is for the purpose of Dewberry Engineers, Inc. as the Engineer to provide professional services for the Glades/Laird Basin Stormwater Feasibility Study to the City of Panama City Beach (City) acting by and through its Council. Dewberry Engineers, Inc. understands that the City is requesting modeling and analysis to serve as a planning and evaluation tool on the modeling platform (ICPR) to determine the Level of Service achieved from various proposed improvements within the city's and county's respective Glades/Laird basin. The proposed effort will provide the ability for the city and county to determine the value of creating regional stormwater improvements to serve the referenced basin. Dewberry Engineers, Inc. has developed the following scope of services and associated fee schedule to meet the needs of this task order. Please note that a portion of the GIS and modeling effort covering this study area have already been budgeted through Task order 2017-01, therefore the services outlined below serve to further the level of detail already-scoped under Task Order 2017-01 within the City limits, and expand the analysis over the County.

DESCRIPTION OF SCOPE OF SERVICES

PROJECT MANAGEMENT & COORDINATION - $2,285.00

A. Project Coordination & Technical Evaluation Process
   1. In addition to the regular status updates to be provided to the City, significant coordination between the Dewberry Team, City of Panama City Beach, Bay County and FDOT will be necessary due to:
      a) Coordination meeting of GIS Model setup to establish baseline existing conditions between city and county staff.
      b) Preliminary draft review meeting of various storm events, model scenario alternatives (estimate 6 alternatives) and results.

FIELD RECONNAISSANCE AND SURVEYING - $12,725.00

A. Field and Data Reconnaissance (Budget $6,225.00)
   1. In concert with the GIS and modeling effort, the Dewberry team will track down available as-built surveys and/or site plans from the City of Panama City Beach, Bay County, FDOT, NWFWMD, FEMA, and private entities (as needed).
   2. Field-verification of existing conditions are to be reflected in the modeling. These locations may include drainage basin divides, control structures, culverts, and channels etc.

B. Survey (Budget $8,500.00)
   1. After assessing our inventory and field reconnaissance information, we anticipate the need to capture additional surveys of hydraulic structures or channel cross sections located in the Glades/Laird Basin. This will be a limited effort, but still necessary to ensure the modeling products reflect accurate existing conditions.

ENGINEERING SERVICES - $53,765.00

A. Data Inventory and Preparation
   1. Review and harvest the XP-SWMM modeling (or other modeling) information from the following:
      a) Bay County - CDMs Glades Model
      b) Sports Village/Complex Proposed Improvements
      c) FDOT US 98 (Back Beach Road) Widening Improvements
      d) Pelican Pointe & Tierra Verde (Reroute)
      e) Clarence Street (Data)
      f) Bay County GIS Inventory (Invert Data)
      g) Glades/Laird Basin (High Water Mark Inventory)
   2. The modeling information will be retrieved, prioritized, and inventoried within a GIS framework. We will review the internal consistency between the provided modeling and provided GIS (or CAD) files.

B. GIS Updates
   1. We will modify and improve upon the GIS drainage basins based on our reconnaissance.
   2. The GIS (and eventual ICPR model) will include details in the Glades/Laird Basin contributing areas.
3. Once GIS is established, conversion of the Glades XP model to ICPR will be modified based on field recon and updated GIS and survey records.

4. There are several aspects of the XP-SWMM modeling that will need to be scrutinized and regenerated since minimal information can be translated to ICPR for these elements. The major aspects include:
   a) Infiltration parameters (NRCS CN method or Green-Ampt method).
   b) Hydrograph generation (including selection of appropriate peak rate factors, time of concentration and AMC based on the calibration run).
   c) Control structures (XP-SWMM does not have a drop structure option as is available in ICPR).
   d) Channels (XP-SWMM only allows a single cross section for each channel, however, ICPR allows the use of different cross sections in defining the ends of each channel).
   e) Channels will need to include an accompanying exclusion polygon where applicable.

5. We will include additional overland weirs, as verified and necessary.

6. GIS and Modeling QA/QC Coordination (City of Panama City Beach/Bay County/FOOT)

C. ICPR Base Model Development
1. We will generate the database elements to be used to develop the equivalent ICPR model.
2. We will convert the GIS features and data into an ICPR model.
3. We will review the ICPR model for technical issues, including instabilities and "glass walls". We will include additional overland weirs based on our review and field verification.
4. We will develop appropriate boundary conditions to ensure the modeling results within the city and county are acceptable.
5. We will review, confirm, or modify the initial conditions used in the ICPR model to represent "average" seasonal conditions.
6. We will validate the model based on a known rainfall event and either surveyed high water mark, or qualitative accounts of the high water from that event. This can be an iterative process, so model parameters may be adjusted. The intent is not to limit the model to match a single storm event, but to allow the model to eventually provide reasonable results from a range of hypothetical storms.

D. ICPR Model Simulations, Improvement Analysis, & Documentation
1. We will perform the required critical storm analysis to satisfy the City, County, and FDOT. Do to the various scenarios and limited budgets, it will be critical to verify concurrence between the City and County to narrow down alternatives (estimate 6 alternatives). We will coordinate with the both the City and County on the desired storm alternatives prior to set up and execution.
2. We will develop and simulate the baseline ICPR model representing existing conditions first, and then a follow-up ICPR version will be developed and simulated which will include the proposed improvement scenarios.
3. Upon completion of the various model simulations and results, a follow up meeting between all parties will be coordinated to review and determine if a CLOMR is warranted prior to final documentation of model results.
4. Once the modeling has been completed and results reviewed, we will prepare a report documenting the assumptions, data, methodology, and results.

QUALITY CONTROL - $1,750.00

A. Reviews
1. All GIS and ICPR deliverables will be reviewed by senior staff prior to submittal to the city and county. The deliverables will meet FEMA regulatory requirements as well as currently-accepted engineering and numerical modeling practice.
IN WITNESS WHEREOF, the parties hereto have caused this Task Order to be executed by their undersigned officials as duly authorized.

Dewberry Engineers, Inc.  
203 Aberdeen Parkway  
Panama City, Florida 32405

By: ____________________________  
Name: Clifford D. Wilson III, PE.  
Title: Vice President  
Witnessed: ____________________________

Date: ____________________________  

CITY OF PANAMA CITY BEACH, FLORIDA  
110 S. Arnold Road  
Panama City Beach, Florida 32413

By: ____________________________  
Name: Mario Gisbert  
Title: City Manager  
Witnessed: ____________________________

Date: ____________________________
CONSENT ITEM
2
Consider Resolution to close portions of roads in Pier Park on October 6 to 7, 2017, for extraordinary usage of Front Beach Road and other city roads within and around Pier Park for the parade.

The Pirates of the High Seas Festival will be held on Friday, October 6 and Saturday, October 7, 2017 with the main parade being held on October 7, 2017.

The event necessitates careful traffic control and extraordinary usage of portions of roads within Pier Park, on Powell Adams Road and on Front Beach Road from Powell Adams to Pier Park Drive for the parade.

Staff recommends approval.
RESOLUTION NO. 17-132

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH RELATED TO THE “PIRATES OF THE HIGH SEAS FESTIVAL”, AUTHORIZING CLOSURE OF PORTIONS OF LC HILTON, JR. DRIVE, SEA MONKEY WAY, LONGBOARD WAY AND PIER PARK DRIVE ON OCTOBER 6 AND 7, 2017 FOR THE EVENT; AND AUTHORIZING CLOSURE OF A PORTION OF POWELL ADAMS ROAD AND THE TEMPORARY USAGE OF A PORTION OF FRONT BEACH ROAD ON OCTOBER 7 TO PERMIT THE EVENT’S PARADE.

WHEREAS, the “Pirates of the High Seas Festival” (the “Event”) is being held on Friday, October 6, 2017 and on Saturday, October 7, 2017 in Panama City Beach; and

WHEREAS, the Event necessitates careful traffic control and extraordinary usage of Front Beach Road and other city roads within and around Pier Park.

NOW, THEREFORE, be it resolved by the City of Panama City Beach that:

1. During the hours of 12:00 A.M. on Thursday, October 5, 2017, until 12:00 A.M. on Sunday, October 8, 2017, portions of L.C. Hilton, Jr. Drive, Sea Monkey Way, and Pier Park Drive beginning at the Grand Theatre roundabout to Long Board Way shall be closed and all vehicular traffic shall be rerouted or otherwise controlled in accordance with the attached map which accompanies this Resolution to accommodate the Event.

2. During the hours of 4:30 P.M. to 7:30 P.M. on Saturday, October 7, 2017, portions of Pier Park Drive and Powell Adams Road shall be closed and all vehicular traffic on Powell Adams Road and on Front Beach Road from Powell Adams to Pier Park Drive shall be rerouted in accordance with the attached map which accompanies this Resolution to accommodate the Event’s Parade.

PASSED, APPROVED AND ADOPTED IN REGULAR SESSION this ___day of _____________, 2017.

CITY OF PANAMA CITY BEACH

By: ____________________________

Mike Thomas, Mayor

ATTEST:

______________________________
City Clerk

Resolution 17-132
August 08, 2017

To: Mayor and Council Members

Cc: Jo Smith

From: Visit Panama City Beach

Sports/Events Department

Re: Temporary Street Closures

October 6th & 7th – Panama City Beach Pirates of the High Seas Fest

We ask for the approval for portions of L.C. Hilton, Jr. Drive, Sea Monkey Way, Longboard Way and Pier Park Drive beginning at the Grand Theater roundabout to Front Beach Road shall be closed to vehicular traffic from 12:00am on Friday October 6th, 2017 until 12:00am Sunday October 7th, 2017 for the Panama City Beach Mardi Gras and Music Festival. All vehicular traffic will be rerouted away from these roads per the attached map.
PARADE DETOUR

Detour for West Bound 98/FBR

Turn North on Powell Adams
West onto Panama City Beach Parkway
South onto West Pier Park Drive
Puts you back on West 98

Detour for East Bound 98/FBR

Turn North onto West Pier Park Drive
East onto Panama City Beach Parkway
South onto Powell Adams (Midway only for Pier Park Access) or South onto Hill Road
Puts you back onto East 98
POLICE OFFICERS AND THEIR VEHICLES CAN BE USED INSTEAD OF SIGNS FOR CLOSURE AND DETOUR ROUTE.
August 9, 2017

To: Mayor and Council Members
Cc: Jo Smith

From: Visit Panama City Beach
Sports/Events Department

Re: Barricade Plan for Pirates of the High Seas Fest Parades

October 6th and 7th – Pirates of the High Seas Festival

Per the direction of the City Manager, we are providing the barricade plan for the 2017 Pirates of the High Seas Festival. For the 2017 Mardi Gras and Music Festival, we added an additional 100 barricades to bring our inventory to 500. This action was taken after our post-event meeting in 2015. With coordination between the Panama City Beach Police Department, Fire, the Krewe of Dominique Youx and Pier Park, we took action in defining the areas that needed the most attention.

The additional barricades were used from the roundabout on LC Hilton and they continued down to the intersection of South Pier Park Drive and Longboard way. In our post event meeting for the 2016 Mardi Gras, reports from every organization indicated that there was a noticeable difference in crowd management. The most significant being the area of South Pier Park Drive leading up to roundabout on LC Hilton.

This year, we have purchased an additional 100 barricades, giving us a total of 4,800 linear feet. Those additional barricades will be placed north of the circle stage at critical areas where the crowd tends to push in on the floats. Additional barricades will be placed on the various turns that the parade makes in order to help ensure crowd safety. In addition, security guards will be placed in those areas to ensure people do not push past those barricades.

Through the coordination of Police, Fire, the Krewe of Dominique Youx, Pier Park and the Convention and Visitors Bureau, the Pirates Festival and Mardi Gras Parades continue to improve in both visitor experience and most importantly crowd safety.
Float Check-In
Parade staging area (Blocked off Fri AM)
Talent parking
Security Officer controlling access to float staging area

6 portables

Talent parking

4 Portables

Circle Stage

Vendor Village

Security Officer controlling access to float staging area

12 portables EMS&PD staging
Friday 4am Road Closures

Saturday 6am Road Closures

Temp. Children's parade closure

Temp closures just before the Main

Note: PPDR will re-open at 6am on Sunday October 8th
Main Parade Route
5:00 - 7:00pm Saturday October 7th

Parade Staging
Children's Parade Route
5:30-6:15pm on Friday October 6th
Barricade Placement for the Parade
CONSENT ITEM

3
CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: ADMINISTRATION

2. MEETING DATE: September 14, 2017

3. REQUESTED MOTION/ACTION:
Consideration of Resolution 17-134 for extraordinary traffic control on portions of South Thomas Drive, Thomas Drive, Surf Drive, Front Beach Road, W. Pier Park Drive, Pier Park Drive, Bay Parkway and SR 79 on November 3 and November 4, 2017.

4. AGENDA PRESENTATION

PUBLIC HEARING

CONSENT ✓

REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES No N/A ✓

BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES No N/A ✓

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHieved)
The 19th annual Ironman Florida Triathlon, will be held on November 4, 2017.

The event necessitates careful traffic control and extraordinary usage of South Thomas Drive, Thomas Drive, Surf Drive, Front Beach Road, W. Pier Park Drive, Bay Parkway and State Road 79 in the corporate limits of Panama City Beach.

Staff recommends approval.
RESOLUTION NO. 17-134

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA RELATED TO THE "IRONMAN FLORIDA TRIATHLON"; AUTHORIZING EXTRAORDINARY TRAFFIC CONTROL ON PORTIONS OF SOUTH THOMAS DRIVE, THOMAS DRIVE, SURF DRIVE, FRONT BEACH ROAD, WEST PIER PARK DRIVE, PIER PARK DRIVE, BAY PARKWAY AND SR 79 ON FRIDAY, NOVEMBER 3, 2017 AND SATURDAY, NOVEMBER 4, 2017 FOR THE EVENT AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE RESOLUTION.

WHEREAS, the Ironman Florida is hosting the 19th annual Ironman Florida Triathlon, a swim, 26.2K run and 112 mile bike event (the "Event") on Saturday, November 4, 2017 which Event includes the Iron Kids Fun Run on Friday, November 3, 2017 in Panama City Beach; and

WHEREAS, the Event necessitates careful traffic control and extraordinary usage of South Thomas Drive, Thomas Drive Surf Drive, Front Beach Road, West Pier Park Drive, Pier Park Drive, Bay Parkway, and State Road 79, in the corporate limits of Panama City Beach.

NOW, THEREFORE, be it resolved by the City of Panama City Beach that during the hours of 2:00 P.M. and 5:00 P.M. on Friday, November 3, 2017 all vehicular traffic shall be rerouted or otherwise controlled on South Thomas Drive from 9450 South Thomas Drive (Boardwalk Beach Resort) for the Ironkids Fun Run per the attached map which accompanies this Resolution.

AND be it FURTHER resolved by the City of Panama City Beach that during the hours of 4:00 A.M. and 11:59 P.M. on Saturday, November 4, 2017 all vehicular traffic shall be rerouted or otherwise controlled on Front Beach Road west from South Thomas Drive to West Pier Park Drive, Pier Park Drive to Bay Parkway, then continuing to State Road 79, State Road 79 north to the City limits, and South Thomas Drive, Thomas Drive and Surf Drive east to the City limits per the attached maps which accompany this Resolution to accommodate the Event.

PASSED, APPROVED AND ADOPTED IN SPECIAL SESSION THIS this 14th day of September, 2017.

CITY OF PANAMA CITY BEACH

By: __________________________

Mike Thomas, Mayor

ATTEST:

City Clerk

Resolution 17-134
CONSENT
AGENDA ITEM #_________
TO: Panama City Beach City Manager  
FROM: IRONMAN Florida  
SUBJECT: IRONMAN Florida 2017  

August 12, 2017

In preparation for the 19th edition of IRONMAN Florida 2017, I would like to take this time to thank you for your continued support and consideration for this event. We are proud to be a part of this community and its continued relationship with Panama City Beach leadership and residents. Our partnership with the Tourist Development Council had continued to promote this event as a destination race within the IRONMAN circuit. The event's popularity among athletes continues to grow with the events selling out each year. In recent years we have brought in an IRONKIDS fun run which has benefited many charities nationwide. Our IRONMAN Foundation continues to support local charities throughout the communities we conduct our events around the world. The Mission of the IRONMAN Foundation is to leave the IRONMAN Legacy through philanthropy, volunteerism, and grant making by supporting various athletic, community, education, health, human services, and public-benefit organizations around the world. Since its inception in 2003, the IRONMAN Foundation has made philanthropic contributions totaling more than $46 Million dollars to hundreds of nonprofits worldwide.

This year, IMF will be providing over $1.6 Million in grant funding worldwide within IRONMAN race communities.

Thank you for your consideration with this request

Respectfully

Benjamin H. Rausa Jr.
IRONMAN Florida Race Director
ben.rausa@ironman.com
850-774-6221

CONSENT
AGENDA ITEM #
Good Morning Jo,

I’m sorry to be late with this after I told you I’d have it by COB Tuesday. Needless to say I appreciate everything you do for me when it comes to these events and to all the work you do to make Panama City Beach what it is today.

Please find some notes below describing all possible scenarios with IRONMAN Florida this fall.

- I still need Mario’s signature for this permit, all others have been initialed previously
- Requesting permission to use Panama City Beach and Bay County roads to for the 19th annual IRONMAN Florida. The event will take place November 4, 2017 at the Boardwalk Beach Resort 9400 S Thomas Drive, PCB, Florida
- Additionally request approval of the IRONKIDS Fun Run Friday 3 November 2017 The event will take place from 2 pm – 5 pm on Friday Nov.3 on S Thomas Drive
- Included in this package are the following documents:
  Special Event Permit
  Course maps for both proposed courses (Swim, Bike, and Run) also the Kids Fun Run
  We are asking for permission to use Panama City Beach roadways for the event.
  The reason for this change is to minimize the bicycle/vehicular traffic on Hwy 20. With this proposal we will only have cyclists traveling on Hwy 20 going west bound with vehicular traffic. This will ease congestion for all vehicles during the event.
  The only change from last year is we will be requesting the use of W. Pier Park Drive, crossing Back Beach Road at Pier Park Road and using the new bypass road on the outbound portion of the bike course and we will return using Hwy 79S crossing at Hwy 79 and Back Beach Drive. The rest of the changes will not affect Panama City Beach at all.
  The second course proposal will be to use the existing course to include W. Pier Park Drive as we have for the last few years. After a road improvement on Hwy 20 last year it created another problem for motorists as well as cyclists on Hwy 20.

If there are any questions related to this request please don’t hesitate to reach out to me directly

Benjamin H. Rausa Jr.
Race Director
IRONMAN Florida
ben.rausa@ironman.com
850-774-6221
Course #1
Bike

**TURN BY TURN DIRECTIONS**

- Exit the Boardwalk Beach Resort on S. Thomas Dr. going west.
- Left turn onto Front Beach Dr.
- Continue west on Front Beach Dr. at the Middle Beach Dr. intersection.
- Right turn onto W. Pier Park Dr.
- Left onto Pier Park Dr.
- Continue across Back Beach Road onto Bay Pkwy.
- Right turn onto Hwy. 70 N.
- Right turn onto CR 388.
- Right turn onto Hwy. 77 S.
- Right turn onto CR 2100.
This is one of the flattest runs on the IRONMAN circuit. Spectators fill the roads on the two-loop course, which parallels the shoreline through local neighborhoods to the turnaround in St. Andrews State Park.
TO: PANAMA CITY BEACH CITY MANAGER
FROM: IRONMAN Florida
SUBJECT: IRONKIDS Fun Run 2017

August 12, 2017

For several months we have been planning for IRONMAN Florida at the Boardwalk Beach Resort. As you know we start set up on Monday October 30, 2017 within the confines of the Boardwalk Beach Resort with the event taking place on Saturday November 4th. Throughout the week we transform the entire S. Thomas corridor for the event.

On Friday November 3rd, we will be having our annual IRONKIDS Fun Run to raise awareness and funds for the Children’s Tumor Foundation. This is an extremely busy day around the venue. At approximately 2pm we close S. Thomas Drive to local traffic only. We continue to allow residents to their properties on S. Thomas with minimal delays. We then clean S. Thomas Drive and open it back up to normal traffic for local traffic only.

This year to help organize the event and make set up for race day smoother we are requesting to close S. Thomas Drive at 2pm for the IRONKIDS Fun Run and have it remain closed until after the IRONMAN event allowing local traffic only throughout the weekend. This road closure was permitted last year without incident. With enough notice and signage we feel as though this will have minimal impact on residents. The request is only for the Boardwalk property at 9600 S. Thomas Drive. All traffic would enter from the east to access the Boardwalk Tower, Boardwalk Welcome Center, and the Top of The Gulf. From the west, traffic would enter from the S. Thomas Drive / Front Beach Road intersection and access all properties west of the Boardwalk Beach Resort.

Thank you for your consideration for this request. If there are any questions please reach out to me directly so I can answer any concerns there may be.

Benjamin H. Rausa Jr.
Race Director
IRONMAN Florida
IRONMAN 70.3 Gulf Coast
ben.rausa@ironman.com
850-774-6221
IRONKIDS Friday November 3, 2017 @ 1500
Short and Long Course
Road will be closed to local traffic only at 2:00 p.m.
Consider 2nd reading and for adoption Ordinance 1428 updating the Sign Code.

Ordinance 1428 is an update the Panama City Beach Sign Code and addresses sign related issues from other parts of the Land Development Code and the Code of Ordinances (the "Corrective Ordinance"). Its purpose is to avoid legal challenges based on the Supreme Court's recent Reed v. Town of Gilbert decision. The Corrective Ordinance eliminates or clarifies concepts that are vulnerable under the Reed decision but with the least disruption practical to the City's existing policies. Where you see rules deleted from sections outside of the Sign Code, this means the rule is being moved to the Sign Code.

Uncertainty surrounded the Reed decision for several months and normal approaches to sign regulation were placed in doubt. In general, the Supreme Court said that content based discrimination between speech is not allowed unless it passes the very difficult "strict scrutiny" test. The Court clarified that content based discrimination does not simply mean preferring one viewpoint over another, but occurs when a sign must be read to determine how to regulate it. This approach, in such simple terms, was contrary to the way signs normally are regulated. For example, under that approach it would be difficult to justify treating business signs differently from election signs. However, the Reed case itself involved a comparison of three non-commercial signs. Thus, many attorneys found it difficult to believe the Court intended large changes to 1st Amendment laws in other contexts.

A few local governments quickly adopted ordinances to eliminate nearly all content based distinctions. Since 2014, the Reed decision has been considered by numerous courts across the country and recently it became apparent that it only modified the law for non-commercial speech. Moreover, two months ago the Supreme Court decided another case by applying the traditional commercial speech rules, further confirming that the laws for commercial speech (e.g. advertising) underlying much of the City's Sign Code remain reliable. Despite this, we chose to leave the extensive legal analysis in the "Whereas clauses" because it remains helpful in the event of a legal challenge.

Consequently, most of the Sign Code does not need changes and this Corrective Ordinance focuses on non-commercial speech and emphasizes non-commercial speech as a single category instead of a collection of sub categories with differing rules. It also ensures that when one type of non-commercial speech is permitted, then nearly all other types of non-commercial speech are allowed. For example, signs with political and religious messages will be treated same. Consequently, the concept of "Election Signs" has been eliminated. Instead, additional Non-Commercial Signs may be placed around election times. Multiple courts have reviewed this approach and generally find it acceptable if some kinds of additional signs are not favored over others. In addition, the Corrective Ordinance eliminates the concept of special sign rules and allowing signs in the ROW based on a Community Event declaration. The City has stopped declaring Community Events already and, in theory, the practice would eventually result in a Reed violation. Finally, the Corrective Ordinance emphasizes and expands the City's existing rule allowing non-commercial speech to be substituted for commercial speech when commercial speech is allowed. This rule is based on the notion that non-commercial speech cannot be regulated as much as commercial speech under the First Amendment.

The Planning Board reviewed the Corrective Ordinance and recommended approval. The City Attorneys are comfortable with the City leaving its regulations directed at commercial signs largely unchanged unless the City wishes to take a more conservative approach. Going much further than what is proposed, however, could mean rewriting the Sign Code and extensive changes to what citizens and business actually experience on the streets. This memorandum is only intended to summarize the changes and to explain the reason for Corrective Ordinance. We would be to address questions about specific changes.
ORDINANCE NO. 1428

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY OF PANAMA CITY BEACH SIGN CODE AND OTHER SIGN RELATED RULES FROM THE LAND DEVELOPMENT CODE AND CODE OF ORDINANCES TO ENSURE CONSISTENCY WITH RECENT JUDICIAL DECISIONS; CREATING A DEFINITION FOR NON-COMMERCIAL SIGNS AND REVISIGN DEFINITIONS TO REDUCE DISTINCTIONS BETWEEN TYPES OF NON-COMMERCIAL SIGNS; DELETING CERTAIN DEFINITIONS; AMENDING THE SIGN CODE TO AVOID CONTENT BASED DISTINCTIONS BETWEEN THE REGULATION OF VARIOUS TYPES OF NON-COMMERCIAL SIGNS; AMENDING THE SIGN CODE TO ENSURE THAT NON-COMMERCIAL SIGNS ARE NOT REGULATED MORE STRICTLY THAN COMMERCIAL SIGNS; ALLOWING SUBSTITUTION OF A DIFFERENT NON-COMMERCIAL MESSAGE WHEN ANOTHER NON-COMMERCIAL MESSAGE HAS BEEN SPECIFICALLY ALLOWED; EXCEPT FOR WARNING AND SAFETY SIGNS, ALLOWING A NON-COMMERCIAL SIGN TO BE SUBSTITUTED FOR AN EXEMPT SIGN; DELETING SIGN RULES THAT RELY ON A DECLARATION OF A COMMUNITY EVENT; ESTABLISHING REASONABLE LIMITS ON THE NUMBER OF CERTAIN TYPES OF SIGNS ALLOWED WHEN NO LIMIT EXISTED; REVISING THE RULE FOR TRANSIENT RESIDENTIAL RENTAL SIGNS TO CLARIFY THAT IT APPLIES TO SIGNS ADVERTISING THE TRANSIENT RESIDENTIAL RENTAL RATHER THAN ALL SIGNS; REVISING THE SIGN CODE'S SEVERABILITY CLAUSE; REQUIRING THAT SIGN RELATED REQUIREMENTS OR REGULATIONS FROM OTHER SECTIONS OF THE LAND DEVELOPMENT REGULATIONS AND CODE OF ORDINANCES ARE SUBJECT TO THE SIGN CODE; RELOCATING CERTAIN SIGN RELATED RULES TO THE SIGN CODE; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the regulation of signs by the City of Panama City Beach (the "City") relates to rights under the First Amendment of the Constitution of the United States, which has been the subject of ongoing interpretation by the judiciary; and

WHEREAS, it is prudent for the City to reevaluate and update the City of Panama City Beach Sign Code (the "Sign Code") in light of the United States Supreme Court's opinion in Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015) ("Reed" or the "Reed decision") Ord. 1428

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AGENDA ITEM #
and subsequent cases that applied Reed; and

WHEREAS, the Reed decision clarified content-based regulation of speech, rather than just viewpoint based regulation of speech is subject to "strict scrutiny" meaning that the regulation must be narrowly tailored to a compelling government interest, a standard that few restrictions on speech meet; and

WHEREAS, in Reed, the Supreme Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed;

WHEREAS, the Reed case involved a comparison of rules applicable to three types of non-commercial signs (temporary directional signs for the events of non-profit groups, temporary political signs, and ideological signs) [see Peterson v. Vill. of Downers Grove, 150 F. Supp. 3d 910, 927-28 (N.D. Ill. 2015) ("But the majority never specifically addressed commercial speech in Reed, which is not surprising, because the Supreme Court did not need to address that issue: all of the restrictions at issue in Reed applied only to non-commercial speech")] and

WHEREAS, the majority opinion by Justice Thomas repeatedly describes how the disparate treatment of these three types of non-commercial signs is content-based and not allowed strict scrutiny; and

WHEREAS, the Justice Thomas's majority opinion does not discuss commercial speech or use any examples of commercial speech;

WHEREAS, in Reed, the only direct discussion of the rules for commercial speech is in a Justice Breyer's concurrence, where he wrote approvingly of applying less strict standards to commercial speech [Reed at 2235 (citing Central Hudson Gas & Elec. Corp. v. Public Service Comm'n of N. Y., 447 U.S. 557, 562-563 (1980))];

WHEREAS, the Reed majority suggested distinctions that "hinge on 'whether and when' an event is occurring' ... that permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example," would be valid [Reed at 2231];

WHEREAS, Justice Alito's concurring opinion in Reed joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations;

WHEREAS, the City recognizes Justice Alito's concurring opinion provided a list of rules that would not be content-based including the following: (1) rules regulating the
size of signs, which rules may distinguish among signs based upon any content-neutral
criteria such as those listed below; (2) rules regulating the locations in which signs may
be placed, which rules may distinguish between freestanding signs and those attached to
buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules
distinguishing between signs with fixed messages and electronic signs with messages
that change; (5) rules that distinguish between the placement of signs on private and
public property; (6) rules distinguishing between the placement of signs on commercial
and residential property; (7) rules distinguishing between on-premises and off-premises
signs; (8) rules restricting the total number of signs allowed per mile of roadway; and (9)
rules imposing time restrictions on signs advertising a one-time event, where rules of this
nature do not discriminate based on topic or subject and are akin to rules restricting the
times within which oral speech or music is allowed;

WHEREAS, the City recognizes that Justice Alito further noted in Reed that in
addition to regulating signs put up by private actors, government entities may also erect
their own signs consistent with the principles that allow governmental speech [see
Pleasant Grove City, Utah v. Summum, 555 U.S. 460, 467-469 (2009)], and that government
entities may put up all manner of signs to promote safety, as well as directional signs and
signs pointing out historic sites and scenic spots;

WHEREAS, Justice Breyer also noted in his concurring opinion in Reed that “[t]he
Court has also said that “government speech” escapes First Amendment strictures [citing

WHEREAS, the City recognizes that Justice Alito noted that the Reed decision,
properly understood, will not prevent cities from regulating signs in a way that fully
protects public safety and serves legitimate esthetic objectives, including rules that
distinguish between on-premises and off-premises signs;

WHEREAS, historically different levels of protection have applied to First
Amendment rights related to signs, with topics like obscenity and defamation receiving
the least protection, followed by commercial speech, followed by non-commercial
speech; and

WHEREAS, the Supreme Court has been clear that it is that Court's own
prerogative to overrule its precedent [see Shalala v. Ill. Council on Long Term Care, Inc., 529
U.S. 1, 18, 120 S.Ct. 1084, 146 L.Ed.2d 1 (2000) (“This Court does not normally overturn,
or so dramatically limit, earlier authority sub silentio.”); Rodriguez de Quijas v. Shearson/Am.
[Supreme] Court has direct application in a case, yet appears to rest on reasons rejected
in some other line of decisions, the Court...should follow the case which directly controls,
leaving to th[e] [Supreme] Court the prerogative of overruling its own decision’); and

WHEREAS, in Reed, the Court did not discuss overruling the commercial speech standards established in its earlier Central Hudson case [see RCP Publications Inc. v. City of Chicago, No. 15 C 11398, 2016 WL 4593830, at *4 (N.D. Ill. Sept. 2, 2016) (“Reed did not even cite to Central Hudson, let alone expressly modify or overrule it.”)]; and

WHEREAS, the Reed decision cited the 11th Circuit case Solantic, LLC v. Neptune Beach approvingly as an example of a lower court holding “that similar content-based sign laws receive strict scrutiny” and that “there is no evidence that towns in those jurisdictions have suffered catastrophic effects,” Reed at 2232;

WHEREAS, Solantic confirmed the intermediate scrutiny test for commercial speech but provided that “[b]ecause the sign code does not regulate commercial speech as such, but rather applies without distinction to signs bearing commercial and noncommercial messages, the Central Hudson test has no application here” [Solantic, LLC v. City of Neptune Beach, 410 F.3d 1250, 1269 (11th Cir. 2005)];

WHEREAS, following the Reed decision, there was widespread uncertainty as to how to apply the Reed holding, particularly as to categories of speech that have traditionally been protected under on lesser standards than strict scrutiny such as commercial speech pursuant to intermediate scrutiny and professional speech pursuant to heightened scrutiny; and

WHEREAS, following the Reed decision, and after this ordinance was originally submitted to the Planning Board for consideration, the United States Supreme Court acknowledged and applied the relaxed test for commercial speech [Matal v. Tam, 137 S. Ct. 1744, 1763-65 (2017); see also Expressions Hair Design v. Schneiderman, 137 S. Ct. 1144, 1151 (2017)];

WHEREAS, the 11th Circuit Court of Appeals is the highest appellate court under the United States Supreme Court with jurisdiction over the City regarding federal constitutional issues; and

WHEREAS, following the Reed decision, the 11th Circuit Court of Appeals confirmed that “[c]ommercial speech is a narrow category of necessarily expressive communication that is “related solely to the economic interests of the speaker and its audience,” (citations omitted) or that “does ‘no more than propose a commercial transaction,’” (citations omitted) [Dana’s R.R. Supply v. Attorney Gen., Florida, 807 F.3d 1235, 1246-47 (11th Cir. 2015)];
WHEREAS, in the same case the 11th Circuit Court of Appeal went on to say:

As is so often true, the general rule that content-based restrictions trigger strict scrutiny is not absolute. Content-based restrictions on certain categories of speech such as commercial and professional speech, though still protected under the First Amendment, are given more leeway because of the robustness of the speech and the greater need for regulatory flexibility in those areas. See, e.g., Sorrell v. IMS Health Inc., 564 U.S. ----, 131 S.Ct. 2653, 180 L.Ed.2d 544 (2011) (commercial speech); Wollschlaeger v. Governor of Florida, 797 F.3d 859 (11th Cir.2015) (professional speech). For these categories of speech, the inquiry is the more flexible, yet still searching, standard of intermediate scrutiny. See Cent. Hudson Gas v. Pub. Serv. Comm'n of N.Y., 447 U.S. 557, 564, 100 S.Ct. 2343, 2350, 65 L.Ed.2d 341 (1980) (describing the test for commercial speech); Wollschlaeger, 797 F.3d at 893-97 (applying the same test to professional speech). Under intermediate scrutiny “restrictions directed at commerce or conduct” may be upheld—assuming they further a substantial government interest and are narrowly tailored—even if they “impos[e] incidental burdens on speech.” Sorrell, 564 U.S. at ----, 131 S.Ct. at 2664-65.

WHEREAS, when the 11th Circuit Court of Appeals later faced a similar issue in Wollschlaeger v. Governor, Florida regarding “heightened scrutiny” for professional speech, the court continued to evaluate professional speech under heightened scrutiny and declined to decide the question of whether strict scrutiny should apply after Reed since the law in questions could not survive heightened scrutiny [see 848 F.3d 1293 at 1301 (11th Cir. 2017)];

WHEREAS, following Reed, the large majority of courts have found that Reed did not overrule cases that made some categories of speech subject to less than strict scrutiny, such as the "intermediate scrutiny" test applicable to commercial speech; and

WHEREAS, these decisions come from most of the nation’s judicial circuits in addition to the 11th Circuit and include, but are not limited to:

- 1st Circuit: Not addressed yet by First Circuit Court of Appeals, but see Massachusetts Ass’n of Private Career Sch. v. Healey, 159 F. Supp. 3d 173, 192-93 (D. Mass. 2016) (recognizing that “only a small number of courts have addressed First Amendment challenges to commercial-speech regulations since Reed, almost all of them have
concluded that Reed does not disturb the Court's longstanding framework for commercial speech under Central Hudson and finding that Reed does “not appear to overrule, or diminish, the well-established principle of . . . less than strict review” for commercial speech);

• 2nd Circuit: Poughkeepsie Supermarket Corp. v. Dutchess Cty., 648 Fed.Appx. 156, 157 (2d Cir. 2016) (in a summary order, providing that “[r]estrictions on commercial speech are subject to intermediate scrutiny review.”); see also, Boelter v. Advance Magazine Publishers Inc., No. 15 CIV. 5671 (NRB), 2016 WL 5478468, at *13 (S.D.N.Y. Sept. 28, 2016) (applying intermediate scrutiny to commercial speech and stating “We do not read [Reed or Sorrell] to overrule Central Hudson and its progeny . . . [a]bsent further guidance from the Supreme Court or the Second Circuit, we join numerous courts in applying Central Hudson to commercial speech following Reed and Sorrell”);

• 3rd Circuit: Free Speech Coal., Inc. v. Attorney Gen. United States, 825 F.3d 149, 161, 176 (3d Cir. 2016) (agreeing with the dissent that it is doubtful that Reed has overturned the Renton secondary effects doctrine, with dissent reasoning “[t]he Court also established years ago that the Constitution “accords a lesser protection” to another distinct form of speech—commercial speech—and has therefore applied intermediate scrutiny to laws affecting this speech”);

• 4th Circuit: Not addressed yet by Fourth Circuit Court of Appeals;

• 5th Circuit: Not addressed yet by Fifth Circuit Court of Appeals, but see Auspro Enterprises, LP v. Texas Dept' of Transportation, 506 S.W.3d 688, 706 (Tex. App. 2016) (reviewing state billboard regulations and acknowledging “that Reed’s holding seems to affect only restrictions of noncommercial speech”);

• 6th Circuit: Not addressed yet by Sixth Circuit Court of Appeals, but see Chiropractors United for Research & Educ., LLC v. Conway, 2015 WL 5822721, at *5 (W.D.Ky. Oct. 1, 2015) (appeal pending) (“Because the [challenged] [s]tatute constrains only commercial speech, the strict scrutiny analysis of Reed is inapposite.”);

• 7th Circuit: BBL, Inc. v. City of Angola, 809 F.3d 317, 326 (7th Cir. 2015) (“We don’t think Reed upends established doctrine for evaluating regulation of businesses that offer sexually explicit entertainment, a category the Court has said occupies the outer fringes of First Amendment protection”); see also, RCP Publications Inc. v. City of Chicago, No. 15 C 11398, 2016 WL 4593830, at *4 (N.D. Ill. Sept. 2, 2016) (“[t]his Court, however, does not see
Reed as overturning the Supreme Court's consistent jurisprudence subjecting commercial speech regulations to a lesser degree of judicial scrutiny . . . [t]he case says nothing of the kind, indeed, it does not even address the commercial-noncommercial distinction.”; Peterson v. Vill. of Downers Grove, 150 F. Supp. 3d 910, 928 (N.D. Ill. 2015) (“absent an express overruling of Central Hudson, which most certainly did not happen in Reed, lower courts must consider Central Hudson and its progeny—which are directly applicable to the commercial-based distinctions at issue in this case—binding”); Geft Outdoor LLC v. Consolidated City of Indianapolis, 187 F. Supp. 3d 1002, 1016-17, 2016 WL 2941329, at *10 (S.D. Ind. May 10, 2016) (determining that Reed's holding is limited to noncommercial speech);

- 8th Circuit: Not addressed directly by Eighth Circuit Court of Appeals, but see Josephine Havlak Photographer, Inc. v. Vill. of Twin Oaks, No. 16-3377, 2017 WL 3159678, at *5 (8th Cir. July 26, 2017) (declining to apply strict scrutiny to an ordinance that applied to all commercial speech in neighborhood park);

- 9th Circuit Court of Appeals: First Resort, Inc. v. Herrera, 860 F.3d 1263, 1275 (9th Cir. 2017) (continuing to apply intermediate scrutiny to commercial speech after the Reed decision); United States v. Swisher, 811 F.3d 299, 313 (9th Cir. 2016) (noting that certain “traditional categories of content-based restrictions that are not subject to strict scrutiny under the First Amendment”); see also, CTIA-The Wireless Association v. City of Berkeley, Cal., 139 F. Supp. 3d 1048, 1061 (N.D. Cal. 2015) (noting that “the Supreme Court has clearly made a distinction between commercial speech and noncommercial speech ... and nothing in its recent opinions, including Reed, even comes close to suggesting that that well-established distinction is no longer valid”); Contest Promotions, LLC v. City & Cty. of San Francisco, No. 15-CV-00093-SI, 2015 WL 4571564, at *4 (N.D. Cal. July 28, 2015) (“However, Reed does not concern commercial speech, and therefore does not disturb the framework which holds that commercial speech is subject only to intermediate scrutiny as defined by the Central Hudson test”); California Outdoor Equity Partners v. City of Corona, 2015 WL 4163346, at *10 (C.D. Cal. July 9, 2015) (“Reed does not concern commercial speech, let alone bans on off-site billboards ... [t]he fact that Reed has no bearing on this case is abundantly clear from the fact that Reed does not even cite Central Hudson, let alone apply it.” (emphasis deleted));

- 10th Circuit: Not addressed yet by Eight Circuit Court of Appeals;

- Court of Appeals for the Federal Circuit: In re Tam, 808 F.3d 1321, 1337-39, 1355-56 (Fed. Cir. 2015) (en banc) (analyzing whether speech was commercial and discussing and applying intermediate scrutiny test for commercial speech);

WHEREAS, while there are a handful of cases suggesting that Reed means
commercial speech may not be regulated more strictly than non-commercial speech, normally the facts and full context of those cases reveal other reasons for the decisions [see, e.g., Sweet Sage Café, LLC v. Town of N. Redington Beach, Florida, No. 8:15-CV-2576-T-30JSS, 2017 WL 385756, at *9 (M.D. Fla. Jan. 27, 2017) (appeal pending) (suggesting that town must justify restrictions on commercial speech similarly to non-commercial speech and declaring sign ordinance facially unconstitutional, but ultimately the ordinance had the same content based infirmities as the Reed ordinance--exemptions that favored some categories of non-commercial speech over and others and commercial speech over non-commercial speech); and

WHEREAS, many of the City’s rules relating to signs, in both the Land Development Regulations and the Code of Ordinances, were carefully adopted to survive intermediate scrutiny and, therefore, should continue to be valid under their original adoptions; and

WHEREAS, the City intends for this ordinance to eliminate content-based distinctions between nearly all types of Non-Commercial Signs; and

WHEREAS, in an abundance of caution, the City has eliminated some content-based distinctions between types of Commercial Signs; and

WHEREAS, it appears that the Town of Gilbert’s approach to correcting the constitutional flaws in its sign code found by the Supreme Court was to add a substitution clause allowing non-commercial speech in place of commercial speech or other non-commercial speech; and

WHEREAS, Panama City Beach’s Sign Code already includes this type of substitution regarding commercial speech, but the City wishes to emphasize it more clearly and expand it to ensure that it is used to avoid invalid discrimination between one type of non-commercial speech over another or any favoritism of commercial speech over non-commercial speech; and

WHEREAS, the City has excepted Warning and Safety Signs from this substitution clause because these Signs are necessary for a compelling governmental interest and due to the nature of the causes for placement of these Signs, the City cannot reasonably predict the locations, numbers, and sizes for Warning and Safety Signs needed for a given Premises to ensure safety and health within the City; and

WHEREAS, in recent years the City discontinued the practice of declaring Community Events, in part due to Constitutional concerns; and
WHEREAS, the City wishes to eliminate the portions of the Sign Code that rely on the declaration of a Community Event by the City; and

WHEREAS, in addition to the Sign Code, other rules exist in the City’s Land Development Regulations and Code of Ordinances that regulate or require signs; and

WHEREAS, the City finds it prudent to move some of the rules from other parts of the Land Development Code to the Sign Code and confirm and formally make other rules from the Land Development Code and Code of Ordinances subject to certain generally applicable portions of the Sign Code, which have been designed to ensure that sign regulations are applied validly under the Constitution; and

WHEREAS, the City finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided: (1) the unconstitutional provisions can be separated from the remaining valid provisions; (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void; (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other; and (4) an act complete in itself remains after the valid provisions are stricken [see, e.g., Waldrup v. Dugger, 562 So. 2d 687 (Fla. 1990)];

WHEREAS, the City finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause;

WHEREAS, the City finds and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance code provisions; and the City wishes to ensure that severability provisions apply to its land development regulations, including its sign standards;

WHEREAS, the City finds and determines that there is an ample record of its intention that the presence of a severability clause in connection with the City’s sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever;

WHEREAS, the City finds and determines that the Land Development Code's
severability clause was adopted with the intent of upholding and sustaining as much of
the City’s regulations, including its sign regulations, as possible in the event that any
portion thereof (including any section, sentence, clause or phrase) be held invalid or
unconstitutional by any court of competent jurisdiction;

WHEREAS, the City finds and determines that the failure of some courts to uphold
severability clauses has led to an increase in litigation seeking to strike down sign
ordinances in their entirety so as to argue that the developers’ applications to erect
prohibited sign types, such as billboards, must be granted;

WHEREAS, the City finds and determines that there be an ample record of its
intention that the presence of a severability clause in connection with the City’s sign
regulations be applied to the maximum extent possible, even if less speech would result
from a determination that any exceptions, limitations, variances or other provisions are
invalid or unconstitutional for any reason whatsoever;

WHEREAS, the City finds and determines that the Land Development
Regulation’s “cap and replace” rules for Off Premises Signs should continue in effect
regardless of the invalidity or unconstitutionality of any, or even all, other provisions of
the City’s sign regulations, other ordinance code provisions, or other laws, for any
reason(s) whatsoever;

WHEREAS, the City finds and determines that there be an ample record of its
intention that the height and size limitations on free-standing and other signs continue in
effect regardless of the invalidity or unconstitutionality of any, or even all other,
provisions of the City’s sign regulations, other ordinance code provisions, or other laws,
for any reason whatsoever;

WHEREAS, the City finds and determines that there be an ample record that it
intends that each prohibited sign-type continue in effect regardless of the invalidity or
unconstitutionality of any, or even all, other provisions of the City’s sign regulations,
other ordinance code provisions, or other laws, for any reason(s) whatsoever;

WHEREAS, the City finds and determines that there have been billboard
developers who have mounted legal challenges to a sign ordinance, either in its entirety
or as to some lesser portion, and argued that there existed a vested right to erect a
billboard through the mere submission of one or more prior permit applications, so that
in the event that the billboard developer is successful in obtaining a judicial decision that
the entirety or some lesser portion of a sign ordinance or its permitting provisions are
invalid or unconstitutional, the billboard developer might then seek to compel the local
governmental unit to issue a permit to allow the billboard developer to erect a permanent
billboard structure within the local government's jurisdiction;

WHEREAS, the City finds and determines that it desires to make clear that additional Off Premises Signs are not a compatible land use within the City and that there can be no good faith reliance by any prospective Off Premises Signs developer under Florida vested rights law in connection with the prospective erection or construction of additional Off Premises Signs within the jurisdictional limits of the City;

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

SECTION 1. From and after the effective date of this ordinance, Section 5.07 of the Land Development Code of the City of Panama City Beach, which is the City of Panama City Beach's Sign Code, is amended to read as provided by Appendix 1 (new text **bold** and **underlined**, deleted text **struck-through**).

SECTION 2. The following section is created as Section 1.06.06 of the Land Development Code of the City of Panama City Beach (new text **bold** and **underlined**):

**Applicability of Sign Code.** The City has adopted comprehensive regulations for Signs in the City of Panama City Beach Sign Code as part of this Land Development Code. Whenever this Land Development Code provides a requirement or regulation for a sign that meets the definition of a Sign as provided by the Sign Code, such requirement or regulation shall be subject to the Sign Code and such Sign shall comply with the Sign Code, unless that requirement or regulation states an express exemption from the Sign Code. In addition, if another section of the Land Development Code requires a Sign that the Sign Code would not allow, then the Sign shall be allowed, but shall otherwise comply with and be subject to the requirements of the Sign Code. This Land Development Code may allow for modified Sign standards in an Overlay District or a Planned Unit Development, but any such modified standards remain subject to 5.07.01, 5.07.02, 5.07.05, 5.07.10, and 5.07.12, as amended.

SECTION 3. The following deletions are made to the Land Development Code of
the City of Panama City Beach based on the deleted clauses being relocated to the City of Panama City Beach's Sign Code:

- 4.05.03 G. regarding entrance Signs for entrance and exit of a Parking Lot or Parking Garage
- 4.05.04 F. regarding signs on Pedestrian Crossovers
- 5.04.33 C. regarding signs for Transient Residential Rentals

SECTION 4. The following section is created as part Chapter 1-General Provisions of the Panama City Beach Code of Ordinances (new text bold and underlined):

**Applicability of Sign Code.** The City has adopted comprehensive regulations for signs in the City of Panama City Beach Sign Code contained in the Land Development Code of the City of Panama City Beach, Florida. This Code of Ordinances contains requirements and regulations that relate to signs. Whenever this Code of Ordinances provides a requirement or regulation for a sign that meets the definition of a Sign as provided by the Sign Code, such requirement or regulation shall be subject to the City of Panama City Beach Sign Code and such Sign shall comply with City of Panama City Beach Sign Code, except that if the Code of Ordinances requires a Sign that the City of Panama City Beach Sign Code would not allow, then the Sign shall be allowed but shall otherwise comply with and be subject to the requirements of the Sign Code.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code and Panama City Beach Code of Ordinances, 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

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changed whenever necessary or convenient.

SECTION 7. 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 ____________, 2017.

CITY OF PANAMA CITY BEACH

ATTEST: By __________________________

MIKE THOMAS, MAYOR

CITY CLERK

PUBLISHED in _____________ on the ___ day of ________, 2017.

POSTED on pcbgov.com on the ___ day ________, 2017.

CITY CLERK
5.07.00 SIGN CODE

5.07.01 Definitions and Short Title.
This section 5.07.00 shall be known as the "City of Panama City Beach Sign Code."

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

As used in this section, the following additional, defined terms have the meanings assigned to them. When one or more defined terms are used together, their meanings shall also be combined as the context requires or permits.

Abandoned Sign: a Sign which was Erected or used in conjunction with a business or other use or activity that has been voluntarily or involuntarily discontinued, vacated, closed or abandoned for a period of ninety (90) days in any one hundred twenty (120) day period regardless of whether that business or other use or activity is thereafter recommenced, or a Sign pertaining to an event or purpose that has passed in time.

Animated Sign: a Sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including Signs using electronic ink, Signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, or including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display, even if the Copy is frozen between animations or movement. A Multi-Vision Sign is not an Animated Sign.

Back-to-Back Sign: a Sign constructed as a single device or on a single Sign Structure with two Faces of substantially the same size oriented in generally opposing directions and at no point more than four (4) feet apart.

Banner: a Sign consisting entirely of a flexible substrate such as vinyl or fabric on which Copy or graphics may be displayed. A self-supporting structural material is not a flexible substrate.

(Ord. # 1244, 12-13-12)

Beacon: a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting attention.

Bench Sign: a Sign attached or applied to a seat or bench intended for human occupancy.

Building: a permanent Structure with at least four (4) opposing sides and a Roof, and intended for human occupancy.

(Ord. # 1244, 12-13-12)

Building Frontage: the length of that side of the principal Building on a Premises that Faces the Frontage of that Premises, measured in a straight line and excluding any Canopy or other portion of the Building extending beyond its foundation.

Building Glass Area: an opening in a Building typically, but not necessarily, covered by transparent or translucent material, such as a window or glass door; Building Glass Area includes an open door, passage, window or similar opening in a Building.

Building Sign: a Wall, Projecting, or Canopy Sign.
Business District: an Area or zone designated for business, tourist or other Commercial use by the zoning or land use regulations of the City.

Canopy: any shelter over a door, entrance, window, or outdoor service area, supported partially or entirely from the exterior wall of a Building, including an awning or marquee.

Canopy Sign: any Sign that is a part of or printed, stamped, stitched or otherwise applied onto a Canopy.

Changeable Copy Sign: a Sign which displays a series of messages or images which are changed mechanically, electronically, manually in the field or by any other means, including LED technology. Changeable Copy Signs frequently but not necessarily contain a separate cabinet or space on the Sign within which Copy is changed. A Changeable Copy Sign with one or more Off-Premises Sign messages is an Off-Premises Sign.

Corner Premises: a Premises with an improved Street bordering at least one side and Intersecting its Frontage Street.

Commercial: if, in or related to the creation, transport, holding, buying, selling, exchange, disposition or delivery of goods, services, money or anything of value, tangible or intangible, regardless of whether such action is taken by a natural or artificial person, when a significant purpose of such action is to generate revenue, including not for profit entities, or by a religious, educational or charitable concern.

Commercial Mascot or Sign Holder: humans or animals used as advertising devices for Commercial establishments by the wearing of costumes, insignia or masks associated with a Commercial establishment, or by holding or waving a Sign with a Commercial Message or a device with moving parts intended to attract attention to a Commercial establishment. A Commercial Mascot includes by way of example and not limitation, clowns, stilts-walkers, persons waving Signs and Sign-twirlers.

Commercial Message: any Sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other Commercial activity.

Copy: the linguistic or graphic content of a Sign.

Digital Light Show: a digital mapping projection which may appear to be three dimensional and is typically projected upon the vertical surface of a Building or other Structure.

[Dilapidated Sign: any Sign which is structurally unsound, fails to meet applicable Building, electrical and safety codes, has defective parts or is in need of painting or Maintenance.

Directional Sign: a traffic Sign or symbol on private property (including by way of example and not limitation "Entrance," "Exit," "No Parking," "Turn" and "Slow" Signs) which may contain no Commercial Message or a device with moving parts intended to attract attention to a Commercial establishment. A Directional Sign is located on which such Directional Sign is located provided that such content does not exceed twenty-five percent (25%) of the Area of the Face upon which it appears.

Double-Faced Sign: a Sign with two (2) or more adjacent Sign Faces on a single Sign Structure or separate Structures with such Faces oriented in generally the same direction or visible from any one point, and not more than ten (10) feet apart at the nearest point between the two Faces. A Double-Faced Sign may be referred to as a side-by-side or stacked Sign. A Double-Faced Sign shall constitute one (1) Sign.

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**Erect**

to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish. "Erect" does not include any of the foregoing activities when performed as an incident to the change of Copy or customary Maintenance or repair of a Sign or Sign Structure.

**Facade**

the entire front of a Building, including wall Face and Parapet, facia, soffit, mansard, Roof, windows, doors and Canopy, as would be shown on any complete elevation drawing. A Facade Faces the Frontage of the Premises on which the Building is situated. Every Building has only one (1) Facade.

**Face**

see Sign Face.

**Flag**

a flexible, graphic device, made of nylon, polyester, cotton, rayon or other similar pliable material, always rectangular in shape, and with a hoist to fly (short edge to long edge) ratio of at least one to one (1:1 or square) and no more than one to two (1:2). A Flag may but is not required to represent a government, business or other identifiable entity. A Flag may be blank.

(Ord. # 1330, 1-8-15)

**Flag Pole**

a pole intended and used exclusively to support and display a Flag at its top, and for no other purpose, and which is sufficiently rigid that it does not appreciably sway or deflect when flying one, two or three Flags as high as possible in any wind less than twenty knots.

**Flashing**

emission of light in sudden, transitory bursts.

**Fence Sign**

that portion of any fence containing a Sign Face which is attached to a fence that is intended and used primarily to enclose or screen real property, provided that the length of the fence is at least five (5) times greater than the horizontal dimension of the Sign Face, including the cabinet or any Structure in which the Sign is located.

**Fixed Aerial Sign**

any aerial advertising medium that is tethered to the ground.

**Free-Standing Sign**

a Sign supported by a Sign Structure secured in the ground and which is essentially, structurally independent of any Building, Structure or vehicle, including a Monument Sign.

**Free Expression Sign**

A Sign that does not advertise products, goods, businesses or services and that expresses an opinion or other point of view.

**Frontage**

the main Street property line of a Premises. Every Premises has only one (1) Frontage.

**Fuel Pump Signs**

Signs placed on or above a fuel pump providing, for example, information to the public regarding safety, the generic type of fuel, self or full service, self-service instructions, price, octane rating, additives, or similar information relating to safety or method of delivery.

**Graphic Sign**

a Sign which is used or intended primarily to attract attention and that does not include written information or a logo.

**Holographic Display Sign**

a Sign or an advertising display, or portion thereof, that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

**Illegal Sign**

a Sign described as such in section 5.07.09 of this Sign Code.

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Illuminated Sign, External: any sign which is directly lighted by an external, artificial source.

Illuminated Sign, Internal: any sign which transmits light through any portion of its face.

Inflatable Sign: a three dimensional sign or sign statuary resting on and supported by the ground that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

LED Sign: a sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind, regardless of whether the image, picture, or message is moving or stationary; this type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology; sometimes referred to as “digital signs.”

Legal Sign: a sign described as such in section 5.07.09 of this sign code.

Lost Sign: an off-premises sign voluntarily or involuntarily removed from service as described in section 5.07.06 of this sign code.

Maintenance: in the context of this sign code means the repairing or repainting of a portion of a sign or sign structure which has been made unusable by ordinary wear, and periodically renewing or changing copy.

Monument Sign means a free-standing sign that is an essentially solid structure containing a sign face which is supported solely by a solid base that extends to the ground and which is not attached or affixed in any way to a building, fence, or other structure.

Multi-Vision Sign: a sign on which an entire face, but not less than the entire face, is changed by mechanical, electronic or other automated means at regular, short intervals in order to present two or more different sign faces (each with stationary symbols) in the space of one face. Multi-Vision Signs include but are not limited to “tri-vision” signs (three faces changed by mechanical louvers) and LED signs with two or more faces. In addition, for a sign to qualify as a Multi-Vision Sign it must meet all of the standards and requirements specified for Multi-Vision Signs in the General Sign Standards section of this sign code.

Non-Commercial: not commercial and not relating to a commercial message.

Non-Commercial Message: any message which is not a commercial message.

Non-Commercial Sign: any sign which does not state a commercial message and is not used for a commercial purpose. Examples include, but are not limited to, signs with a religious or political message and Free Expression Signs.

Non-Conforming: nonconforming sign: a sign described as such in section 5.07.09 of this sign code.

Off-Premises Sign: a commercial message sign not located on the site of the establishment or entity indicated or advertised by the sign, or a commercial message sign advertising a commodity, good, product, service or other commercial activity or purpose which originates on a site other than where the sign is maintained, or a sign which directs attention to a commercial, industrial, educational, religious or not-for-profit establishment, commodity, good, product, service or other commercial activity not conducted, delivered, sold or offered upon the site
where the Sign is maintained, e.g., "billboards" or "outdoor advertising." The on-site/off-site distinction only applies to Commercial Message Signs. For purposes of this definition, access easements and other appurtenances connected to a Premises are considered to be outside the Premises and any Sign located in such an easement or other appurtenance is considered an Off-Premises Sign.

On-Premises Sign: a Commercial Message Sign which directs attention to a Commercial, industrial, educational, religious or not-for-profit occupancy, or Non-Commercial establishment, commodity, good, product, service or other Commercial, industrial, educational, religious or not-for-profit or Non-Commercial activity conducted, delivered, sold or offered upon the site where the Sign is maintained. The on-site/off-site distinction only applies to Commercial Message Signs.

Parapet: a false front or wall extension above the Roof of a Building.

Pennant, Streamer, Balloon or Bunting: any fluttering or non-stationary device made of flexible materials designed, intended or used to attract attention, including Flags and "wind-Signs."

Permit or Permitting: the Permit issued by the City pursuant to and required by this Sign Code to Erect, display, relocate or alter a Sign or the act of issuing a Permit.

Portable Sign: any Sign that is not permanently attached to the ground or to a Building or other Structure that is permanently attached to the ground, or a Sign designed and intended to be moved, including but not limited to, a Sign designed to be transported by means of attached or removable wheels, including the type of Sign commonly known as a sandwich board Sign, sidewalk Sign, and Trailer Sign.

Premises: an improved Area of land not divided by an access regulated road, together with its appurtenances and Buildings, including vehicular right-of-way easements where the primary Premises is the dominant parcel, under single, unified ownership or control. An improved Area of land which lies on both sides of an access regulated road shall be considered two Premises even if under single, unified ownership or control.

Projecting Sign: a Sign affixed to any Building or wall whose single leading edge extends, often perpendicular, beyond such Building or wall. For purposes of this definition, the single leading edge shall mean the furthest projection from the Building or wall.

Real Estate Sign: a Temporary Sign Erected by the owner or his agent, advertising the real property upon which the Sign is located for rent, lease or sale.

Residential District: an Area or zone designated for Residential uses only by the LDC. Roof: the exterior covering of the top of a Building.

Roof Sign: a Sign Erected over or on, and wholly or partially dependent upon, the Roof of any Building for support, or attached to the Roof in any way.

Shopping Center: a group of Commercial establishments located on one Premises, under single, unified ownership or control.
Sign: Any letter, number, symbol, figure, character, mark, plane, point, design, stroke, strike, line, illuminated surface, light, string of lights, graphic, picture, mural, or any random or ordered variation of colors or dimensional textures, which is so constructed, placed, attached, painted, erected, or fastened in any manner to either convey information or attract the attention of the public to any place, item or idea, and which is visible by a pedestrian at ground level on any Street, or water’s edge of the Gulf of Mexico, or any adjoining Premises; provided, however, that this definition or this Sign Code does not make unlawful any of the following if they are not used or intended to convey any information of depict any item or idea: (i) one or more dimensional architectural components or dimensional architectural details constructed as an integral part of a Building, or (ii) any dimensional architectural component or dimensional architectural detail being consistently colored a color that is different from the color of the Building or the color of another such component or detail (for example: Roof versus fascia, fascia versus soffit, soffit versus wall, wall versus trim, trim versus window, window versus door, et cetera). A Sign includes any associated Sign Structure.

Sign Area (sometimes Area): the surface Area of a Sign or Sign Face, as the context shall require, computed for each type of Sign by the method specified in this Sign Code. If no method is specified, Sign Area is computed for the entire Area within the periphery of a single polygon with no more than eight straight sides containing the largest single Face of the Sign.

Sign Code: this Sub-Chapter of the LDC.

Sign Face (sometimes Face): that part of a Sign that is or can be used to present alphabetic or pictorial symbols or representations.

Sign Height (sometimes Height): the vertical distance measured from the average elevation of the ground within a thirty (30) foot radius of the Sign (excluding the base or berm of a Monument Sign) to the top of the Sign Face or Sign Structure, whichever is greater.

Sign Statuary or Statuary: any permanent, three-dimensional, man-made representation of a plant, animal, or other thing, intended primarily to attract attention, and not intended and used primarily to entertain or amuse customers of the business of which the Statuary forms a part. Sign Statuary may not be an Inflatable Sign.

Sign Structure: a Structure or object used or intended to be used to support, in whole or in part, a Sign Face, but excluding a Building, Structure, fence, wall or earthen berm intended and used primarily for an independent purpose.

Snipe Sign: a Sign of any material that is attached or painted in any way to a utility pole, tree, shrub, fence post, or other similar object, located on public or private property. Snipe Signs do not include Warning Signs and Directional Signs Permitted by this Sign Code without a Permit.

Street: a public right-of-way any portion of which is used or intended for motorized vehicular travel.

Streetlight Standard: a vertical Banner affixed to a publicly owned and maintained streetlight support pole.

Swinging Sign: a Sign installed on an arm, mast or spar which Sign is not, in addition, permanently fastened to an adjacent wall or upright pole to prevent movement.

Temporary Sign: a Sign intended to display either Commercial or Non-Commercial Messages of a transitory or
temporary nature. A **Temporary Sign** includes a **Portable Sign** or any Sign not permanently embedded in the ground, or not permanently affixed to a **Building** or a **Sign Structure** that is permanently embedded in the ground.

**Traffic Control Device Sign**: any Sign placed by a government agency located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A **Traffic Control Device Sign** includes those Signs that are classified and defined by their function as **regulatory Signs** (that give notice of traffic laws or regulations), **warning Signs** (that give notice of a situation that might not readily be apparent), and **guide Signs** (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

**Trailer Sign**: any Sign, whether on its own trailer, wheels, or otherwise, that is designed or intended to be transported from one place to another, even though the wheels may be removed, and the remaining chassis or support **Structure** contains space provided for advertising messages that may be changed at will by the replacement of lettering or symbols.

**Vehicle**: a conveyance or means of transporting something, either self-propelled or towed, and including an inoperable device in generally the same form but which cannot serve that function.

**Vehicle Sign**: a permanent or temporary Sign affixed or painted on a **Vehicle** or visible through the window of any **Vehicle**.

**Wall Sign**: a Sign painted on or Erected parallel to and not more than twelve (12) inches from the wall or **Facade** of any **Building** to which it is attached, and supported throughout its entire length by the **Facade** of the **Building** and not extending above or beyond the **Building Facade**, excluding window Signs.

**Wall Wrap Sign**: a Sign or portion thereof composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a **Building**, wall or window. This Sign type was the subject of the litigation in City of Philadelphia v. Berman, 863 A.2d 156 (Pa.Cmwlth. 2004) and Society Created To Reduce Urban Blight (SCRUB) v. Zoning Bd. Of Adjustment, 908 A.2d 967 (Pa.Cmwlth. 2006).

**Warning Sign or Safety Sign**: a Sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned **Building**, beware of dog, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, posted, etc.)

**Window Sign**: any opaque or translucent Sign of any material which is (i) painted on, etched into, applied to, attached to or projected upon or within the exterior or interior of a **Building Glass Area**, or (ii) located within six (6) feet of the interior side of a **Building Glass Area** and displayed under circumstances indicating that the primary purpose of such Sign is to attract the attention of the public through the window, whose alphabetic or pictorial symbols or representations are visible by a pedestrian at ground level on any **Street**, the water’s edge of the Gulf of Mexico, or any adjoining **Premises**.

**Yard or Garage Sale**: an informal, infrequent and irregularly scheduled event for the sale of used personal property conducted at the personal residence of an individual who owns at least a material part of the personal property offered for sale. A second such event held on the same **Premises** within any ninety (90) day period shall not be considered a **Yard or Garage Sale**. A **Yard or Garage Sale** may be referred to as a garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale, rummage sale, patio sale, moving sale,
5.07.02 Purpose, Intent, Scope and General Prohibition

A. It is the purpose of this Sign Code to promote the public health, safety and general welfare of residents and visitors in the City through reasonable, consistent and non-discriminatory Sign standards. The Sign regulations in this Ordinance are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of Signs. The Sign regulations are especially intended to reach the secondary effects that may adversely impact aesthetics and safety, especially traffic safety. The City is a relatively compact beachfront tourist destination and Single Family Residential community located on the Gulf of Mexico in Northwest Florida. Panama City Beach has more than eight (8) miles of Gulf front beaches. The economic base of the City is almost completely dependent upon tourism, and tourism is the single largest economic engine in Bay County, Florida. In order to preserve and promote the City as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of Signs within the City contributes significantly to this desired end. These Sign regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended to:

1. Avoid content based distinctions between the regulation of various Non-Commercial Signs, Non-Commercial Messages, or other Non-Commercial speech;
2. Not regulate Non-Commercial Signs more strictly than Commercial Signs and allow for Non-Commercial Signs whenever Commercial Signs are allowed, such as under Section 5.07.05.N;
3. Encourage the effective use of Signs as a means of communication in the City;
4. Maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth;
5. Improve pedestrian and traffic safety;
6. Minimize the possible adverse effect of Signs on nearby public and private property;
7. Foster the integration of signage with architectural and landscape designs;
8. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of Signs which compete for the attention of pedestrian and vehicular traffic;
9. Allow Signs that are compatible with their surroundings and aid orientation, while precluding the placement of Signs that contribute to Sign clutter or that conceal or obstruct adjacent land uses or Signs;
10. Encourage and allow Signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
11. Curtail the size and number of Signs and Sign messages to the minimum reasonably necessary to identify a Residential or business location and the nature of any such business or to communicate a
message or capture attention;

12. Establish Sign size in relationship to the scale of the lot and Building on which the Sign is to be placed or to which it pertains;

13. Categorize Signs based upon the function that they serve and tailor the regulation of Signs based upon their function;

14. Preclude Signs from conflicting with the principal Permitted use of the site and adjoining sites;

15. Regulate Signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

16. Except to the extent expressly preempted by state or federal law, ensure that Signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe Signs;

17. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the City;

18. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on Streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;

19. Protect property values by precluding, to the maximum extent possible, Sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

20. Protect property values by ensuring that Sign-types, as well as the number of Signs, are in harmony with Buildings, neighborhoods, and conforming Signs in the area;

21. Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its major subdivisions, Shopping Centers and industrial parks; and

22. Enable the fair and consistent enforcement of these Sign regulations.

B. Unless exempted from Permitting, no Sign or Sign Structure shall be Erected, displayed, relocated, altered or repaired unless a valid and current Permit for such activity is held by the owner or person entitled to possession of the Sign.

C. No person shall Erect, display, relocate or alter, or cause or Permit the Erection, display, relocation or alteration of, any Sign or Sign Structure not exempt from Permitting unless a valid and current Permit for such activity is held by the owner or person entitled to possession of the Sign.

D. No Permit is required to maintain, alter or repair a Sign as long as no alterations are made to the Sign's Height, width, length, depth, area, weight, location, or structural support, and if such Maintenance, alteration or repair involves only:

1. Changing or renewing the Copy of a Sign, including any change of Copy on a
2. Painting or refinishing the surface of a Sign Face or Sign Structure of a lawful Sign so as to keep or restore the Sign to its lawful appearance.

E. The City's Engineering Technical Manual shall be read in conjunction with this Sign Code and Signs required by or regulated by the City's Engineering Technical Manual shall also comply with this Sign Code.

5.07.03 Signs Exempt from Permitting.

The following types of Signs may be Erected and displayed without a Sign Permit, if the required conditions stated are met. Each such Sign is subject to the prohibitions and general Sign standards (Sections 5.07.04 and 5.07.05 of this Sign Code) applicable to all Signs within the City.

A. Each Premises may display one (1) free-expression, single Face or Back-to-Back Sign not exceeding four and one-half (4.5) square feet per Face and three (3) feet in Sign Height in any Residential District and sixteen (16) square feet per Face and six (6) feet in Sign Height in a Business District, containing only a Non-Commercial Message. The Sign may be displayed as a Building Sign, a Window Sign or a Free-Standing Sign. A Free Expression Sign is in addition to any other Sign Permitted under this Sign Code and is Permitted in any zoning or land use district. Also, persons participating in Non-Commercial demonstrations, political rallies or otherwise expressing their valid right to Non-Commercial speech may hold and wave from a lawful pedestrian access Area of a Street (if there be such an area) one free-expression Sign containing only a Non-Commercial Message, or hold and wave such a Sign from any other traditional public forum or from private property.

B. One (1) nameplate Sign identifying the occupants of a private residence and displayed at the entrance Drive of a Single Family residence or affixed to the dwelling Structure, not exceeding two (2) square feet per Face and three (3) feet in Sign Height.

C. One (1) set of Street-address numbers no smaller than required by law and if not required by law then no smaller than four (4) inches or larger than ten (10) inches high.

D. Legal notices and other public notices and informational Signs authorized or required by law.

E. A temporary Banner no larger than the Sign Face covered, which covers a Sign in a Business District which has been damaged by windstorm or other casualty, if the Banner is displayed for no more than (i) the forty-five (45) day period following the windstorm or casualty or (ii) the one hundred eighty (180) day period following such windstorm or casualty provided that at all times after the forty-fifth (45th) day the owner or person entitled to possession of such damaged Sign has entered a binding, arms-length contract for the total repair or replacement of such damaged Sign, and the reason the contract has not been completed is in no way attributable to any act or omission of the owner or person entitled to possession of the damaged Sign.

F. For each Premises in a Business District (except a sexually oriented or adult business subject to the appearance requirements of this Sign Code) one temporary Banner, provided:

1. The Banner is displayed no longer than sixty (60) days after it is registered as required by this Sign Code; and

2. The Banner is registered with the date, location, person responsible and such other information as the City Manager may require in order to identify the persons responsible for maintaining the Banner and to
enforce these regulations. The applicant must pay a registration fee of ten (10) dollars to be applied to the actual or reasonably anticipated expenses associated with enforcing this section. The fee may be changed from time to time by resolution of the City Council to reflect changed expenses associated with registration. The City Manager may delegate registration authority to trustworthy, private persons within the City as needed to implement this requirement, the sole purpose of which is to prevent the unsightly visual clutter and economic depreciation caused by faded, torn, tattered, wrinkled or loose Banners; and

3. The Banner displays a decal issued by the City Manager or his designee containing the date the Banner was registered and the last day it may be displayed pursuant to the registration. This section does not prevent a particular Banner from being registered for additional sixty (60) day periods if the registrant can demonstrate that the Banner is in adequate condition to meet the standards of this section for each period; and

4. The Banner (i) does not exceed 32 square feet in overall surface Area and ten (10) feet in Height or width, (ii) is one-sided and located entirely against a building or fence (provided the fence extends the full width of a Yard or between the building and a side or rear property line) or lawful, pre-existing Sign, and (iii) is stretched tight and securely fastened at each corner or edge.

5. If any such Banner becomes faded, torn, tattered, wrinkled or loose, the City may remove it after 24 hours notice attached to the Banner.

(Ord. # 1244, 12-13-12)

G. Community Event. For each Premises in a Business District, three (3) additional, temporary Banners, and one (1) Inflatable Sign, one (1) Fixed Aerial Sign and Pennants, Streamers, Balloons and Bunting, displayed for a Community Event. Such signage must meet all the following standards:

1. Each such Banner (i) does not exceed 32 square feet in overall surface Area and ten (10) feet in Height or width, (ii) is one-sided and located entirely against a building or fence (provided the fence extends the full width of a Yard or between the building and a side or rear property line) or lawful, pre-existing Sign, and (iii) is stretched tight and securely fastened at each corner or edge;

(Ord. #1244, 12-13-12)

2. If any such Banner becomes faded, torn, tattered, wrinkled or loose, the City may remove it after 24 hours notice attached to the Banner;

3. Each such Inflatable Sign (i) does not exceed 5,000 cubic feet, (ii) is not located within a required parking space, (iii) is not placed closer to the property line of the Premises than the Height of the Inflatable Sign, (iv) is securely fastened to ground or an appropriate Structure, and (v) complies with all applicable Building and safety codes;

4. Each such Fixed Aerial Sign is (i) securely tethered to the earth, (ii) grounded and positioned or fenced so that the risk of property damage and personal injury by lighting is minimized, and (iii) complies with all applicable Building and safety codes;

5. All Pennants, Streamers, Balloons and Bunting are confined to the Premises and are kept in a neat, orderly, whole, unfaded and new appearing condition;

6. Such signage is displayed only during the period of the Community Event as determined by the City Council.

H. Reserved.
I. **Memorial Signs** or tablets naming a **Building** and date of **Erection** when cut into any masonry surface or when constructed of other incombustible materials and permanently incorporated into such **Building**, not exceeding two (2) square feet **Sign Face**.

J. **Single Face** or **Back-to-Back Directional Signs** not exceeding two (2) square feet **per Face** and three (3) feet in **Sign Height** and not exceeding more than one (1) per quarter acres of land; and a solitary, **Single Face** or **Back-to-Back Directional Sign** located on either or both sides of each entrance or exit motorway of a **Commercial Premises** stating "**Entrance**" or "**Exit**" and not exceeding sixteen (16) square feet **per Face** and six (6) feet in **Sign Height** provided that all such **Directional Signs** are displayed on the **Premises** to which they relate which must be in a **Business District**.

K. One (1) **Back-to-Back** or single **Face Real Estate Sign** per **Premises** not exceeding four and one-half (4.5) square feet **per Face** and three (3) feet in **Sign Height** in any **Residential** district, and sixteen (16) square feet **per Face** and six (6) feet in **Sign Height** in a **Business District**. The **Real Estate Sign** shall be allowed only the **Premises** is available for sale or lease and must be removed immediately upon the rental, lease or sale of the subject property.

L. **While a Premise** is undergoing construction pursuant to a building permit, up to three (3) additional **Temporary Signs** **Project-Signs** (Back-to-Back or single **Face**) not exceeding four and one-half (4.5) square feet **per Face** and three (3) feet in **Sign Height** in any **Residential** district, and sixteen (16) square feet **per Face** and six (6) feet in **Sign Height** in a **Business District**, each.

M. **Election Signs** up to five additional **Non-Commercial Temporary Signs** (Back-to-Back or single **Face**) each not exceeding four and one-half (4.5) square feet **per Face** and three (3) feet in **Sign Height** in any **Residential** district, and sixteen (16) square feet **per Face** and six (6) feet in **Sign Height** in a **Business District**, for the ninety (90) days preceding any federal, state, or City of Panama City Beach election and the **An-Election-Sign** shall be removed within seven calendar days following the **date of that election** to which it pertains. **State law references:** F.S. 106.1435 (removal).

N. **Signs** incorporated on machinery or equipment by the manufacturer or distributor, which identify only the manufacturer, the machinery or equipment and the product or service dispensed by the machine or equipment, such as **Signs** customarily affixed to vending machines, newspaper racks and telephone booths, but excluding **Fuel Pump Signs**, which are the subject of a separate exemption.

O. **Warning and Safety Signs** (Back-to-Back or single **Face**) not exceeding two (2) square foot **per Face** and three (3) feet in **Sign Height**, unless a larger **Sign** is required by applicable law.

P. Two (2) permanent, **On-Premises Signs** per **Drive-Through** lane displaying the menu at a fast-food restaurant, not exceeding thirty-two (32) square feet in **Sign Area** and seven (7) feet in **Sign Height**, each.

Q. **See** at each generally recognized entrance right-of-way to a **Platted, Residential** subdivision containing individually owned ground lots, one **Back-to-Back** (or two single **Face**) **subdivision Signs** (or two single **Face**) designed and used solely to identify by name, logo, or both, that subdivision, provided that (i) no such **Sign** exceeds ten (10) feet in **Sign Height** or seventy-five (75) square feet in **Sign Area**, (ii) all such **Signs** are located as close to such entrance right-of-way as practicable without encroaching into corner visibility so as to create a traffic hazard as determined by the **City Manager** or his designee, and (iii) all such **Signs** are **Monument or Fence Signs**.
R. Fuel Pump Signs, not exceeding two (2) square feet of aggregate Sign Area for each side of the pump displaying the amount of fuel dispensed.

S. For each parcel that includes sandy Gulf beach or each business or group of businesses operated in concert under the permission of such owner of sandy Gulf beach, one portable Back-to-Back Sign displayed on the sandy Gulf beach, or two (2) Signs affixed to a lawful booth or stall Erected on the sandy Gulf beach, not exceeding sixteen (16) square feet per Sign Face and five (5) feet in Sign Height identifying only those goods or services which may be sold on the sandy Gulf beach pursuant to Sec. 7-81, Code of Ordinances of the City, provided that (i) such Sign is displayed only in the Immediate Area where such goods or services are currently being offered and (ii) such Sign is at least one hundred (100) feet from any other such Sign previously placed on the beach. The owner of such sandy Gulf Beach may place or allow to be places, Non-Commercial Signs not exceeding the sizes and number provided by this paragraph in lieu of the Commercial Signs described above or any combination of Commercial and Non-Commercial Signs not exceeding the limits described by this paragraph.

T. Two single Face Wall Signs not exceeding one hundred fifty (150) square feet each for each movie theater complex or playhouse located within a Shopping Center provided such Sign is used exclusively to identify current or coming attractions.

U. For each Premises in a Business District, no more than three Flags, each not exceeding thirty-two (32) square feet (one side), displayed as high as possible from, and with its hoist (edge on its shortest axis) adjacent and parallel to, a Flag Pole. The Flag Pole must (i) stand perpendicular to the ground and be not less than fifteen (15) feet high and positioned so that the Flag will not, under any circumstance or weather, intrude into the airspace above any public right-of-way, or (ii) extend from a Building and be positioned so that the lowest part of the Flag shall always be not less than nine (9) feet above the ground and so that the Flag will not, under any circumstances or weather, intrude into the airspace above any public right-of-way. The top of a freestanding, vertical Flag Pole is limited to a maximum Height of forty-five (45) feet and shall require certification by a Florida Registered Engineer when higher than twenty-five (25) feet in height. The top of a Flag Pole extended from a Building may not be higher than the top of the Building to which it is attached. No Flag may be displayed on or above the sandy beach of the Gulf of Mexico. Two or three Flags may be displayed from a single Flag Pole provided they are all displayed as high and near to each other as possible.

V. For each Premises in a Residential district, no more than three Flags, each not exceeding sixteen (16) square feet (one side), displayed as high as possible from, and with its hoist (edge on its shortest axis) adjacent and parallel to, a Flag Pole. The Flag Pole which pole must (i) stand perpendicular to the ground and be not less than fifteen (15) feet high and positioned so that the Flag will not, under any circumstance or weather, intrude into the airspace above any public right-of-way, or (ii) extend from a Building and be positioned so that the lowest part of the Flag shall always be not less than two (2) feet above the ground and so that the Flag will not, under any circumstances or weather, intrude into the airspace above any public right-of-way. The top of a freestanding, vertical Flag Pole is limited to a maximum Height of twenty-five (25) feet. The top of a Flag Pole extended from a Building may not be higher than the top of the Building to which it is attached. No such Flag may be displayed on or above the sandy beach of the Gulf of Mexico. Two or three Flags may be displayed from a single Flag Pole provided they are all displayed as high and near to each other as possible.

W. For each Premises in a Business District with one or more Buildings, not more than four (4) Signs, each five by ten inches (5" x 10") or smaller, exclusively advertising the acceptance of credit cards and placed directly
and entirely against the wall of any such building.

X. Signs located on the sandy Beach of the Gulf of Mexico containing no Commercial Message and used exclusively to warn swimmers of the dangers of swimming in the Gulf or to inform swimmers about the Flag warning system and safety regulations applicable to the sandy beaches area, not exceeding sixteen (16) square feet per Face and five (5) feet in Sign Height.

Y. A Yard or Garage Sale Sign displayed for no more than seventy-two (72) hours on the site of the Yard or Garage Sale in a Residential district or on other Residential properties with the permission of the occupants thereof, not exceeding four and one-half (4.5) square feet per Sign Face and three (3) feet in Sign Height.

Z. One valet parking station Sign (single Face or Back-to-Back) no more than two (2) square feet per Face, and not more than three (3) feet in Height, shall be allowed on each parcel where the valet station is located. The valet parking station Sign shall only be visible during hours that the valet is operating, and shall be located on the same parcel as the valet station.

AA. A Sign on a motor Vehicle licensed by the State of Florida to travel public highways, other than a prohibited Vehicle Sign.

BB. Traffic Control Device Sign.

CC. Each entrance and exit of a Parking Lot or Parking Garage may be marked with a Sign not smaller than six (6) square feet and not larger than fifteen (15) square feet and a maximum of five (5) feet in height. The Sign shall state "Parking Reserved for (Guests/Patrons/Customers) of the (Business name)." Up to twenty-five (25) percent of the Sign Face may be used for the business logo other content except as prohibited by Section 5.07.04.

DD. Except for Warning and Safety Signs, a Non-Commercial Sign may be substituted for any exempt Sign(s) under this Section 5.07.03 so long as its size, placement, and construction meet the requirements for the applicable exemption and it is prohibited by Section 5.07.04.

GG. Streetlight Standards in the right of way of the following Streets:

1. Front Beach Road, South Thomas Drive and Thomas Drive;
2. Pier Park Drive, West Pier Park Drive, Hilton Drive;
3. Arnold Road (State Road 79), Powell Adams Road, Hill Road, Clara Avenue, Lyndell Lane, Alf Coleman Road, Richard Jackson Boulevard (formerly known as Bedrich Road), Hutchison Boulevard, and Panama City Beach Parkway;

AND meeting all of the following criteria:

(a) The Standard shall have a horizontal dimension of no greater than two (2) feet and a vertical dimension of no greater than five (5) feet.

(b) The Standard shall be attached to and at all times neatly stretched between Banner arms at the top and bottom of the Standard. Grommets and sleeves shall be incorporated into the Standard to ensure safe installation, maintenance, and removal.

(c) Banner arms shall be a 1/4 inch diameter metal, 28 inch long rod attached to the streetlight pole with swivel lock worm drive hose clamps. The bottom Banner arm shall be mounted at ten (10) feet.
5.07.04 Prohibited Signs.

It shall be unlawful for any person to Erect, display, or allow to be Erected or displayed within the City any of the following types of Signs:

A. Swinging Sign.

B. Snipe Sign.

C. Revolving, rotating, twirling or otherwise moving Sign.

D. Portable Sign, including any Trailer Sign.

E. Banner, except temporarily during a Community Event or otherwise as Permitted by section 5.07.03 of this Sign Code.

F. A Fixed Aerial Sign, except temporarily during a Community Event or otherwise as Permitted by section 5.07.03 of this Sign Code.

G. An Inflatable Sign, except temporarily during a Community Event or otherwise as Permitted by section 5.07.03 of this Sign Code.

H. Pennants, Streamers, Balloons or Bunting, unless temporarily exempted during a Community Event under section 5.07.03 of this Sign Code and excepting a Flag on a Flag Pole exempt from Permitting under section 5.07.03 of this Sign Code.

I. A Flashing light or Beacon, or any Sign which contains a Flashing light or Beacon, excepting any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation
Administration or other similar agency.

J. Limitations on Animated and Changeable Copy Signs

1. No otherwise permissible On-Premises Sign shall be:

   (a) Animated, unless it is located on a Premises fronting and abutting Front Beach Road, Thomas Drive or South Thomas Drive and containing an active business open to the public or other active operation open to the public; or

   (b) Changeable Copy Sign, unless at it is located on a Premises fronting and abutting Front Beach Road, Thomas Drive or South Thomas Drive and containing an active business open to the public or other active operation open to the public;

   (Ord. #1232-A, 12/13/12)

2. Notwithstanding the general provisions of this Sign Code relating to Existing Signs, the prohibition contained in this subsection shall apply to an Animated or Changeable Copy Sign which was a Legal Sign on the effective date of this subsection upon the earlier of:

   (a) Three (3) years after the effective date of this subsection;

   (b) A Change of Use of the Premises associated with the Sign;

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

   (c) Voluntary or involuntary damage or destruction of the Sign, the Sign Structure or the business improvements located on the Premises associated with the Sign, in each case in excess of fifty (50) percent of the respective replacement value; or

   (d) Closure of the business associated with the Sign for six (6) months or more in any nine (9) month period.

K. No otherwise permissible Off-Premises Sign shall be:

1. Animated,

2. Changeable Copy Sign, unless a lawful Multi-Vision Sign; or

3. A Bench Sign.

L. Vehicle Sign associated with a Vehicle which is parked or placed within one hundred (100) feet of any Street, which is visible from such Street and which is used primarily for advertising as opposed to conveyance. In determining whether a parked Vehicle is used primarily for advertising as opposed to conveyance, the following factors shall be considered: the location of the Vehicle on the Premises and the visibility of the Vehicle to the passing public, the duration of parking, the time of day and the activity in the parking lot, the availability of other parking spaces on the Premises and the proximity of the Vehicle to the Area on the Premises where operable Vehicles are customarily loaded, unloaded or otherwise carry out their primary purpose of conveyance, and whether the Vehicle is insured, operable and currently licensed by the state of Florida to travel public highways. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a Vehicle operated by that firm during its normal hours of business and which is insured, operable and currently licensed by the state of Florida to travel public highways, provided that such Vehicle is used primarily for conveyance. As used in this paragraph,
advertising means to direct attention to a Commercial, industrial, educational, religious, political or not-for-profit occupancy or Non-Commercial entity, establishment, commodity, good, product, service or other Commercial, industrial, educational, religious, political or not-for-profit or Non-Commercial activity conducted anywhere (that is, both On-Premises and Off-Premises Signs).

(Ord. # 1317, 12-11-14)

M. Sign which omits a sound, vapor, smoke, odor, particles or visible matter.

N. Sign or Sign Structure which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

O. Sign or Sign Structure which obstructs the view of, may be confused with or purports to be a governmental or official traffic direction or safety Sign, or any official marker Erected by city, state or federal authority.

P. A Sign which obstructs or impairs driver vision at vehicular ingress/egress points or intersections.

Q. Sign Statuary exceeding the limits imposed by this Sign Code.

R. A Sign on or within any Street or public right-of-way, or the Gulf of Mexico, except public traffic, safety and information Signs Erected and maintained by governmental authority and at public expense, including hand held Signs; except that persons participating in non-Commercial demonstrations, political rallies or otherwise expressing their valid right to non-Commercial speech shall be entitled to hold, but not wave, from a lawful pedestrian access Area of a Street (if there be such an area) one free-expression Sign containing only a Non-Commercial Message.

S. A Sign Erected or displayed in any fresh water wetlands or salt marsh areas subject to periodic inundation by tidal saltwater.

T. A Sign on or towed behind a boat or raft on waters within the City.

U. Abandoned Sign.

V. Dilapidated Sign.

W. One or more Window Signs the aggregate Sign Area of which exceeds twenty-five percent (25%) of any Building Glass Area.

X. Roof Sign

Y. Commercial Mascot or Sign Holder in a Street.

Z. A Sign located on real property without the permission of the property owner.

AA. A Blank Off-Premises Sign Face. This prohibition can be avoided by the display of public service information on a blank Off-Premises Sign Face.

BB. Any Sign other than a Traffic Control Device Sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a Copy or imitation of a Traffic Control Device Sign and which is adjacent to any Street.

CC. Any Sign prohibited by state or federal law.

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AGENDA ITEM # 1
DD. A Sign containing a mirror or any other reflective or phosphorescent surface.

EE. A Sign incorporating any laser light.

FF. Pavement markings, except for official pedestrian and traffic control markings or coloration, Building address markings if required by law and decorations forming a permanent part of the pavement with the consent of the public or private pavement owner.

GG. The following Signs in a Residential district:
   1. Animated Sign
   2. Changeable Copy Sign, unless the Copy is changed manually.
   3. LED Sign
   4. Off-Premises Sign

HH. Wall Wrap Sign.

II. Holographic Display Sign.

JJ. An obscene Sign where obscene is defined by Florida Statutes 847.001(10) or superseding law.

KK. Any Sign not Permitted by this Sign Code either with or without a Permit, provided however that any Sign neither prohibited nor Permitted, with or without a Permit, shall be presumed to not have been considered, the City Council finding that the nature and technology of Signs and advertising is constantly changing.

Accordingly, any person may at any time submit a written application to the City Manager to amend this Code to either allow a Sign without a Permit or to authorize a Permit to be issued for a Sign, accompanied by an application fee equal to the fee required to obtain a Sign Permit to be applied against the actual or reasonably anticipated expenses associated with the application. Such an application need only describe in detail the type of Sign desired, but it may also set forth the rational for allowing that type of Sign and whether a Permit should be required. If the City has not begun drafting an amendment to the Sign Code to Permit that type of Sign, with or without a Permit, within twenty (20) days following receipt of the application and fee, and adopted such an amendment within sixty (60) days following receipt of the application and fee, a rebuttable presumption will be that the City intends to prohibit the Sign. If the Sign is allowed by Permit, no additional fee shall be required.

(Ord. # 1317, 12-11-14)

LL. Digital Light Show

(Ord. # 1244, 12-13-12)

MM. Signs on Transient Residential Rentals or the property where Transient Residential Rentals are located that advertise the existence or availability of the property as a Transient Residential Rental.

NN. No Sign shall be applied to or suspended from the exterior of any Pedestrian Crossover.
5.07.05 General Sign Standards.
The following general Sign standards shall apply to all Signs within the City. It shall be unlawful for any person to Erect, display, or allow to be Erected or displayed within the City any Signs in violation of any of these standards.

A. No Sign shall be established closer to a Street than the Building setback line except that (i) any otherwise permissible On-Premises Sign in a Business District which is open and does not obstruct visibility from the ground to nine (9) feet above the ground, and (ii) any otherwise permissible Sign in a Residential district which is less than five feet in Height, may be established as close as five (5) feet from the property line. No portion of any Sign may be placed on, or extended over, the right-of-way line of any Street or public, pedestrian right of way.

B. The vertical edges of all Back-to-Back Signs (that is the vertical surface generally perpendicular to any Face of such Sign) shall be covered and finished with a permanent, opaque material so that no portion of the Sign Structure will be visible between the Faces of the Sign.

C. The back of all Free-Standing Signs and all visible portions of a Free-Standing Sign Structure shall be covered or finished with a permanent, opaque material.

D. All Signs shall be constructed in accordance with the applicable Building and electrical codes.

E. The minimum lowest point ground clearance on all Free-Standing Signs shall be either less than two (2) or more than nine (9) feet, so as to either prevent or allow persons to walk under or through the Sign or Sign Structure.

F. Sign Height shall not exceed the Building Height limitation of the Area or district in which the Sign is located. Additionally, no Off-Premises Free-Standing Sign shall exceed fifty (50) feet in Sign Height. No Monument Sign shall exceed twenty (20) feet in Sign Height. Further, no On-Premises Free-Standing Sign shall exceed twenty-five (25) feet in Sign Height, except that a Free-Standing On-Premises Sign located on any Premises lying in whole or in part within one hundred (100) feet of the nearest right-of-way of the Streets listed below shall have a Sign Height not exceeding the respective number of feet shown:

1. Thomas Drive, South Thomas Drive and Front Beach Roads: fifty (50) feet.
2. North Lagoon Drive, Joan Avenue, Clarence Street, Beckrich Road, Alf Coleman Road, Lyndell Lane, Clara Avenue, Hill Road, Powell Adams Road, and State Road 79: thirty-five (35) feet.
3. Panama City Beach Parkway (Back Beach Road) and Hutchinson Boulevard (Middle Beach Road): Twenty (20) feet.

G. All Free-Standing On-Premises Signs located on any Premises lying in whole or in part within one hundred (100) feet of the right of way of Panama City Beach Parkway (Back Beach Road) or Hutchinson Boulevard (Middle Beach Road) shall be Monument Signs.

H. All Signs and Structures for which a Permit is required by this Sign Code, including their supports, braces, guys and anchors, shall be maintained so as to present a neat and clean appearance. Painted areas and Sign surfaces shall be kept in good condition, and illumination, if any, shall be maintained in safe and good working order.

I. The general Area in the vicinity of any Free-Standing Sign must be kept free and clear of Sign materials.
debris, trash and other refuse, and weeds and grass shall be kept neatly cut.

J. If illuminated, non-LED Signs shall be illuminated only by the following means:

1. By white, steady, stationary, electric light of reasonable brightness and intensity, shielded and directed solely at the Sign. No Illuminated Sign shall cast light to exceed four tenths (.4) maintained foot candle luminance in a Residential zoning district. Any light from an Internally Illuminated Sign shall not exceed ten (10) foot candles maintained luminance measured at a distance of ten (10) feet from the Sign. These standards shall not be interpreted or enforced to prevent persons of ordinary sensibilities viewing the Sign from perceiving its expression.

2. Any light from an Externally Illuminated Sign or floodlight used to illuminate a Sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not interfere with the safe vision of motorists, or bicyclists.

3. No Sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic Sign, device or Signal.

4. An Illuminated Sign shall have a disconnecting switch located in accordance with the provisions of the National Electric Code.

5. An Illuminated Sign shall require both a Sign Permit and an electrical Permit prior to installation.

6. Neon tubing, string lights, or other similar devices used to outline any Building or in Sign design shall be restricted to two (2) linear feet for each foot of Frontage of the Premises on which the Building or Sign is located. Display of neon tubing shall be limited to the maximum of two (2) parallel lines of neon tubing.

K. A LED Sign shall:

1. Have an auto-sensor regulating its illumination to follow changes in ambient light.

2. Not exceed a maximum luminance intensity of seven thousand (7000) nits (candelas per square meter) during daylight hours and a maximum luminance of five hundred (500) nits between fifteen minutes after sunset and fifteen minutes before sunrise as measured from the Sign Face at maximum brightness. This standard shall not be interpreted or enforced to prevent persons of ordinary sensibilities viewing the Sign from perceiving its expression.

3. Not interfere with the effectiveness of, or obscure an official traffic Sign, device or signal.

4. Not be Externally Illuminated, including a Sign that is only partially LED.

5. Have a disconnecting switch located in accordance with the provisions of the National Electric Code.

6. Require both a Sign Permit and an electrical Permit prior to installation.

L. No Sign shall be Erected or displayed near a Street, driveway or bicycle path intersection so as to obstruct the view of pedestrian or vehicular traffic and constitute a hazard. No Sign shall obstruct, conceal, hide or otherwise obscure from view any Traffic Control Device Sign or official traffic signal.
M. Each horizontal dimension of the base or berm of a Monument Sign shall not exceed 150% of the corresponding horizontal dimension of the Sign Face or cabinet. The Height of the base or berm of a Monument Sign shall be included in the Monument Sign Height.

N. In recognition that Non-Commercial speech is entitled to greater Constitutional protection than Commercial speech, notwithstanding any impression in this Sign Code or any other part of the Land Development Regulations or Code of Ordinances relating to signs or free speech to the contrary, any Sign Erected or entitled to be Erected pursuant to the provisions of this Sign Code as a Vehicle, Commercial Off-Premises or a Commercial On-Premises Sign may, at the option of the owner or person entitled to control the Copy of such Sign, contain a Non-Commercial Message in lieu of a Commercial Message and Non-Commercial Copy may be substituted at any time in place of Commercial Copy. The Non-Commercial Message (Copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from Commercial to Non-Commercial Messages and back, or from one Non-Commercial Message to another Non-Commercial Message, as frequently as desired by the owner or person entitled to control the Copy of the Sign, if the Height, size, location, setback and other dimensional criteria contained in this Sign Code are satisfied. This Section, however, is not intended to result in allowing an unlimited number of Signs or Signs of an unlimited size on any Premises or parcel. In the event that the authorization for the Commercial Sign does not include limitations on size and number, the substituted Non-Commercial Sign(s) shall be no larger and in no greater number than what would have been reasonable for the Commercial-Sign(s) for which it has been substituted.

O. In recognition that content-based discrimination between Non-Commercial Signs frequently is invalid, notwithstanding any impression in this Sign Code or any other part of the Land Development Regulations or Code of Ordinances relating to signs or free speech to the contrary, with the exception of Warning and Safety Signs, any Sign Erected or entitled to be Erected pursuant to the provisions of this Sign Code as Non-Commercial Sign may, at the option of the owner or person entitled to control the Copy of such Sign, contain a different Non-Commercial Message in lieu of the Non-Commercial Message that is expressly allowed. The substituted Non-Commercial Message (Copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from one Non-Commercial Message to another Non-Commercial Message as frequently as desired by the owner or person entitled to control the Copy of the Sign, if the Height, size, location, setback and other dimensional criteria contained in this Sign Code are satisfied. This Section, however, is not intended to result in allowing an unlimited number of Signs or Signs of an unlimited size on any Premises or parcel. In the event that the original authorization for the Non-Commercial Sign does not include limitations on size and number, the substituted Non-Commercial Sign(s) shall be no larger and in no greater number than what would have been reasonable for the original Non-Commercial-Sign(s) for which it has been substituted.

P. Notwithstanding any impression in this Sign Code to the contrary, no Sign or associated Sign Structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such, except the prohibition of obscene Signs.

Q. The substantive requirements of this Sign Code shall apply to the City and any other governmental body Erecting or maintaining a Sign within the City.

R. A Multi-Vision Sign must meet each of the following requirements:

1. Neither the Sign nor any Face of the Sign shall contain any moving or animated part or moving or Flashing light or gives the appearance of animation or movement;

2. The entire Face shall appear and disappear uniformly and simultaneously. LED Sign Copy shall not
fade-out or fade-in, or appear or disappear in any pattern, spiral or movement, or migrate from a side, top or bottom.

3. The Face is everywhere more than nine feet (9') above ground;

4. The change of display shall occur simultaneously for the entire Face;

5. The Sign shall contain a default design that will freeze the device in one Face if a malfunction occurs;

6. Each Face shall remain static or fixed for at least six (6) seconds;

7. The time to complete the change from one Face to the next is a maximum of two (2) seconds for digital technology and three (3) seconds for mechanical louvers.

5.07.06 Off-Premises Sign Standards
The following Off-Premises Signs may be Erected and displayed in Business Districts pursuant to a Permit:

A. All Off-Premises Signs lawfully classified as Non-Conforming Nonconforming Signs on the effective date of this section 5.07.06 as revised (September 10, 1998) are hereby declared to be Legal Off-Premises Signs and deemed to have been Erected and entitled to be displayed pursuant to a Permit.

B. The total number of Legal Off-Premises Signs (sometimes called Off-Premises Signs) within the City (including but not limited to previously Non-conforming Nonconforming Off-Premises Signs which were reclassified by this section 5.07.06 as revised on September 10, 1998) shall not exceed the total number in existence or lawfully Permitted by the City on the effective date of the "cap and replace" revisions to this section 5.07.06 (September 10, 1998), and may be less. Should the number of Off-Premises Signs ever decrease, as provided below, it shall not thereafter be increased.

C. The maximum Area for any one Off-Premises Sign Face shall be four hundred (400) square feet. The maximum aggregate Area of all Double-Faced Sign Faces visible from any one point shall be four hundred (400) square feet.

D. Sign Statuary incorporated in or associated with an Off-Premises Sign shall be included in the Area of such Sign by measuring a two-dimensional view of the Sign Face, and the Area of such Statuary as so measured may not exceed one-third (1/3) of the Area of the Sign.

E. No Off-Premises Sign or associated Sign Structure may be increased in size or Height. Each Off-Premises Sign and any associated Sign Structure may be maintained, repaired and replaced in the same location, and the Copy thereof changed, at any time. Adding one or more alternating Faces to the Face of an existing Off-Premises Sign through any mechanical, electronic or other automated means so as to create a Multi-Vision Sign, or increase the number of Faces on an existing Multi-Vision Sign, is declared to be an enlargement which is not Permitted, except as expressly provided in the following paragraph F of this section as the result of a Lost Sign that is not replaced as a Free-Standing Sign.

F. Lost Off-Premises Signs (Cap and Replace).

1. A Lost Sign is any Off-Premises Sign or associated Sign Structure that is voluntarily or involuntarily removed from service in whole or in part because such Sign or Sign Structure:
(a) is dismantled, taken down, removed, or covered or obscured in majority part for a period of sixty (60) days in any ninety (90) day period, or

(b) is damaged by fire, wind, flood or other sudden casualty and the cost to paint and repair such Sign (including the Sign Structure) equals or exceeds fifty percent (50%) of the cost to replace such Sign.

2. Lost Signs are Illegal Signs and, together with any associated Sign Structure, shall be removed as provided in section 5.07.09 of this Sign Code. In the event that two Off Premises Signs within one thousand five hundred (1,500) feet of each other are so removed from service at substantially the same time or by reason of materially the same event, the older Sign shall be given priority to rebuild at the same location if that is an option.

3. The owner of a Lost Sign or the owner's assignee, but no other, shall be entitled to replace the Lost Sign with a new Free Standing Sign elsewhere in the City, provided:

   (a) Such Lost Sign and any Associated Sign Structure have been removed at no public expense, and

   (b) Such replacement Sign is no larger or higher than the Lost Sign it is replacing and contains the same or lesser number of Faces which are the same or smaller in size than the corresponding Faces of the Lost Sign it is replacing (notwithstanding the foregoing, the City Council may grant a variance to Permit or require such replacement Sign to be Erected or displayed higher than the Lost Sign it is replacing--but not to exceed the maximum allowed by law--whenever a literal enforcement of the transferred Haight limitation would result in an unnecessary hardship on the owner of the replacement Sign or the owners of property adjoining the replacement Sign), and

   (c) Such replacement Sign is Erected or displayed within no less than one thousand five hundred (1,500) feet of any other Legal Off-Premises Sign measured on the same side of the Street or Streets connecting them as set forth below (notwithstanding the foregoing, such distance requirement shall be reduced by such amount not to exceed one hundred twenty-five (125) feet as is necessary to place such Sign one hundred twenty-five (125) feet from an Area zoned for Residential Use, and

   (d) Such replacement Sign is located not less than one hundred twenty-five (125) feet from any Area zoned for Residential Use, and

   (e) Such replacement Sign is not located, in whole or in part, in the Area south of the centerline of Front Beach Road (scenic highway 98), South Thomas Drive or Thomas Drive or within seventy-five (75) feet of the northerly right-of-way line of said road or drive (measured horizontally from a vertical line intersecting such right-of-way line), and

   (f) The fee is paid and a Permit is issued for the Erection and display of such replacement Sign, and such replacement Sign complies with this LDC, all applicable Building codes and all other applicable state and local laws, and

   (g) Such replacement, Free-Standing Sign is constructed and fully operational within twelve (12) months after the Lost Sign was removed from service. In the event that a Lost Sign is not timely replaced, the total number of Off-Premises Signs Permitted in the City shall be reduced by one (1)

4. As an alternative to replacing a Lost Sign with a new Free-Standing Sign, the owner of a Lost Sign or the owner's assignee, but no other, shall be entitled to add one (1) alternating Face to the Face of an existing, Legal Off-Premises Sign (either an existing Multi-Vision Sign or a Multi-Vision Sign resulting from
such addition) for each Face of the Lost Sign, provided:

(a) Such Lost Sign and any associated Sign Structure have been removed at no public expense, and

(b) The aggregate square footage of each Face added is no larger than the Face it is replacing, and

(c) The existing or resulting Multi-Vision Sign is not located in whole or in part, in the Area south of the centerline of Front Beach Road (scenic highway 98), South Thomas Drive or Thomas Drive, and

(d) The fee is paid and a Permit is issued for each Face added to an existing or resulting Multi-Vision Sign, and such Sign complies with this LDC, all applicable Building codes and all other applicable state and local laws, and

(e) The Face is registered with the City in writing, and a receipt for such registration is obtained from the City, no later than sixty (60) days after the Lost Sign from whence it came was voluntarily or involuntarily made no longer available for service, after which sixty (60) day period the right to add the Face to an existing or resulting Multi-Vision Sign shall terminate.

G. The distance between Off-Premises Signs shall be the shortest distance measured along the nearest edge of the pavement (or right of way where there is no pavement) between points directly opposite the center of each Sign and along the same side of the Street or Streets connecting them. Each Sign shall be deemed connected to the other by the Street whose centerline is nearest the center of the Sign. The minimum distance requirement shall apply only to Off-Premises Signs located on the same side of the Street or Streets connecting them.

H. In the event that any Off-Premises Sign shall become an Abandoned Sign or a Dilapidated Sign, then such Sign shall become an Illegal Sign and, together with any associated Sign Structure, be removed as provided in section 5.07.09 of this Sign Code, and the total number of Off-Premises Signs Permitted in the City shall be reduced by one (1) and neither a replacement Sign nor additional, alternating Face on an existing Sign shall be Permitted.

I. Notwithstanding section 5.07.06B, the total number of Off-Premises Signs Permitted within the City shall be increased by the number of Off-Premises Signs located upon unincorporated territory annexed into the City after the effective date of this section 5.07.06, as revised (September 10, 1998), and each such Sign shall be treated as any other Off-Premises Sign within the City provided that it was in full compliance with all applicable Bay County zoning and Sign regulations at the time of annexation. Conversely, the total number of Off-Premises Signs Permitted within the City shall be decreased by the number of Off-Premises Signs located upon incorporated territory that is de-annexed into Bay County, Florida.

5.07.07 On-Premises Sign Standards

The following On-Premises Signs may be Erected and displayed in Business Districts pursuant to a Permit:

A. Free-Standing Signs:

1. Each Premises in a Business District (except a Premises within a Shopping Center) is Permitted one (1) Free-Standing, On-Premises Sign with an aggregate Sign Area not exceeding three hundred (300) square feet or two (2) square feet for each linear foot of Frontage of that Premises, whichever is smaller.

2. Each Premises in a Business District with more than four hundred feet of Frontage and each Corner
Premises in a Business District shall be Permitted a second Free-Standing On-Premises Sign meeting the requirements of subsection (a) of this section. This subsection shall not apply to a Shopping Center.

3. If an applicant in this category waives the right to have any Free-Standing Sign, the applicant shall be Permitted to exceed the Building Sign limitations provided elsewhere in this Sign Code by fifty percent (50%) of each such limitation.

4. The aggregate Sign Area of a Free-Standing Sign shall be measured as follows:
   (a) If the Sign contains three or less cabinets or modules, a separate polygon with no more than eight straight sides will be drawn around and enclose the perimeter of each cabinet or module and the Sign Area will be the sum of the Area of all the polygons.
   (b) If the Sign contains more than three cabinets or modules, a single polygon with no more than eight straight sides will be drawn around and enclose the perimeter of all cabinets and modules and the Sign Area will be the Area of the polygon.
   (c) Where any two cabinets or modules are not everywhere a minimum of twenty-four (24) inches distant from each other, they must be considered a single cabinet or module.
   (d) Where two cabinets or modules are placed back to back on a single Sign Structure, and the Faces are at no point more than four (4) feet apart, the Area of both cabinets or both modules shall be counted as the Area of one.
   (e) Where four cabinets or modules are arranged in a square, rectangle or diamond on a single Sign Structure, and the opposing ends of each pair of cabinets or modules are no more than two (2) feet apart, the Area of the four cabinets or four modules shall be counted as the Area of two.
   (f) Each Free-Standing On-Premises Sign shall display the Street address of the associated Premises in numbers no smaller than four (4) inches or larger than ten (10) inches high placed in a prominent location on the Sign or Sign Structure so as to be as visible as practicable from the Frontage.

B. Building Signs.

1. Each Premises in a Business District (except a Premises within a Shopping Center) with one or more Buildings is Permitted one or more On-Premises Building Signs, subject to the following limitations regardless of the number of Buildings on the Premises:

2. The aggregate Sign Area of all such Building Signs shall not exceed two (2) square feet of Area for each linear foot of Building Frontage of the Premises, or one (1) square foot of Area for each linear foot of Frontage of the Premises, whichever is greater; provided that the aggregate Area of all non-exempt Building Signs, Window Signs and exempt Signs placed on or connected to the Facade of a Building may not exceed thirty percent (30%) of the Area of that Facade.

3. A Corner Premises shall be entitled to increase the foregoing aggregate Building Sign Area by fifty (50) percent, provided that at least thirty percent (30%) and not more than fifty (50) percent of the aggregate Sign Area is placed on the side-Street side of the Building.

4. The maximum number of Building Signs for any Premises is three (3), except that:
(a) The maximum number of Building Signs for any Premises located directly on the Gulf of Mexico may be increased by two (2), provided that the additional two (2) Building Signs are displayed on the water side of the Building; and

(b) The maximum number of Building Signs for any Premises entitled to a Free-Standing Sign which has no Free-Standing Sign may be increased by two (2), provided that the additional two (2) Building Signs are Graphic Signs; and

(c) The maximum number of Building Signs for any Premises entitled to a Free-Standing Sign whose Free-Standing Sign is a Monument Sign not exceeding eight (8) feet in Sign Height may be increased by one (1) provided that the additional Building Sign is a Graphic Sign; and

(d) The maximum number of Building Signs for a Corner Premises may be increased by one (1), provided that the additional one (1) Building Sign is displayed on the Side-Street side of the Building.

5. Any Premises located directly on the Gulf of Mexico may Erect and display one Free-Standing Sign between the Building and the soft beach sand area, but not in the soft beach sand area, intended and used solely for communication with patrons of the Premises, provided that the Area of such Sign shall not exceed sixteen (16) square feet and shall be included in the aggregate Building Sign Area of the Premises.

6. The aggregate Sign Area of one or more Building Signs shall be measured as follows:

(a) Where a Building Sign is enclosed by a border or any background material, panel, trim, cabinet, color or illumination which differentiates the Sign from the Building or background, the Sign Area shall be the Area within such enclosure or line of differentiation.

(b) Where a Building Sign is composed of letters, pictures, graphics or symbols attached directly to a wall, Canopy or Building, and the letters, pictures, graphics or symbols are not enclosed by a border or any background material, panel, trim, cabinet, color or illumination which differentiates the Sign from the Building or background, a single polygon with no more than eight straight sides will be drawn around and enclose the perimeter of all such letters, pictures, graphics or symbols and the Sign Area will be the Area of the polygon.

C. Each Premises in a Business District (except a Premises within a Shopping Center) with one or more Buildings is Permitted one (1) Free-Standing Sign Statuary not exceeding ten (10) feet in Height including any base, provided that (i) no graphic presentation of alphabetic or pictorial symbols or representations designed to communicate information is attached or associated with such Statuary, and (ii) the aggregate Sign Area of any Free-Standing Sign on the same Premises does not exceed two-thirds (2/3) of the maximum Area Permitted for such Sign under this Sign Code.

D. Sign Statuary incorporated in or associated with an On-Premises Sign shall be included in the Area of such Sign by measuring a two-dimensional view of the Sign Face, and the Area of such Statuary as so measured may not exceed one-third (1/3) of the Area of the Sign.

E. For each Shopping Center, the following On-Premises Signs, subject to the following requirements, are Permitted:
1. For each improved Street abutting the Shopping Center, one (1) Free-Standing Sign bearing the name and identification of the Shopping Center and of the establishments on the Premises, the maximum Sign Area of which shall be based on the Gross Leasable Area ("GLA") within the Shopping Center, as follows:

(a) Neighborhood Shopping Center- less than 30,000 square feet GLA - maximum Sign Area: four hundred (400) square feet.

(b) Community Shopping Center- at least 30,000 or more square feet GLA - maximum Sign Area: eight hundred (800) square feet.

2. Each establishment located within a Shopping Center is Permitted:

(a) One (1) Building or Canopy Sign not to exceed two (2) square feet of Sign Area for each lineal foot of establishment Frontage within the Center; provided that in the event such establishment has more than one such Frontage, for the purposes of this section each Frontage shall be considered a separate establishment, and

(b) One (1) hanging (but not swinging) Projecting Sign not to exceed one (1) foot by six (6) feet, or the width of the Canopy, whichever is less.

F. Each Building in a Business District shall be allowed without Permit therefore, Window Signs which cover or occupy no more than twenty-five percent (25%) of each Building Glass Area. Additional window Signs are prohibited.

5.07.08 Sign Permit Applications

A. A Sign Permit application for a Sign that is required by this Sign Code, or separate City Council resolution, shall be prepared and submitted on forms available at the Building Department. The Sign Permit is in addition to any Permit required by the Florida Building Code or other applicable health and safety code or law, and the issuance of a Sign Permit creates no rights with respect to any other Permit or under any body of law other than this Sign Code. The applicant shall furnish the following information on or with the Sign Permit application form:

1. Name, address and telephone number of the person making application for the Permit. If the applicant is anyone other than the property owner, the applicant shall provide written authorization from the property owner Permitting the installation of the Sign.

2. Name, address and telephone number of the property owner. If the owner is an entity other than an individual, list the contact person's name and telephone number.

3. Name, address and telephone number of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name and telephone number.

4. Name, address, telephone and license number of the contractor, if applicable. If the contractor is an entity other than an individual, list the contact person's name and telephone number.

5. Address and Bay County Property Appraiser's parcel identification number of the property upon which the Sign is to be located.

6. Dimensions, elevation and Area of the proposed Sign, drawn to scale.
7. For an On-Premises Sign, the Frontage of the Premises and the Building Frontage, as needed to determine the Area of the Sign.

8. For an On-Premises Sign, a photograph of the Facade of each principle Building, photographs of all On-Premises Signs on the same Premises, and a statement listing, by reference to the photographs, the Area of each On-Premises Sign computed as required by this Sign Code.

9. For a Free-Standing On-Premises Sign, a Site Plan of the Premises indicating in feet and inches the location of the Sign in relation to all property lines, public rights-of-way, easements, Buildings and any other Free-Standing Sign on the Premises.

10. For an On-Premises Building Sign, the Facade elevation showing all existing Signs, the proposed Sign and all windows and doors, all drawn to scale with dimensions given for the Facade and for each element required to be shown.

11. For an Off-Premises Sign, descriptions and Street addresses of the closest two (2) Off-Premises Signs, the distance from the location of the proposed Sign to each of those Signs, measured as required by this Sign Code, and including a map or drawing showing the route of measurement.

12. Number of Faces. If a Multi-Vision Sign, the method of changing Faces.

13. For a Free-Standing Sign, all sign dimensions, including the Height of the top of the Sign and the distance between the bottom of the Sign and grade.


15. Sign illumination, specifying illumination type, placement and intensity.

16. For an Illuminated Sign, a complete application for an electrical Permit submitted, with appropriate fee, by a qualified and licensed electrical contractor.

17. Three (3) copies of the plans, specifications, calculations and details, signed and sealed by an engineer licensed in Florida documenting the applicable wind load and demonstrating compliance with the Florida Building Code for:

5. A Free-Standing Sign exceeding one hundred (100) square feet in Sign Area of any Face, or


This requirement is in addition to any Permitting or substantive requirement imposed from time to time by the Florida Building Code or similar law.

18. Landscape plan, as applicable.

19. If applicable, the cost to repair and the cost to replace a Sign damaged by casualty, certified by a Sign contractor licensed to do business in the City and who does not have a direct or indirect economic or other interest in the subject Sign.

20. If the value of construction is $2,500.00 or greater, a certified Copy of notice of commencement shall be required prior to Permit issuance.

21. Signature of applicant verifying accuracy of information supplied.
B. An application for a Permit shall be accompanied by a Permit fee in the amount of twenty-five dollars ($25.00) reflecting the actual or reasonably anticipated expenses associated with the application, which fee may be changed from time to time by resolution of the City Council to reflect changed expenses associated with processing Permit applications.

C. Any Permit issued through mistake of fact or law shall confer no right upon the permittee and such Permit shall be revoked by the City Manager or his designee upon discovery of such mistake, and the Sign for which the Permit was obtained shall be corrected or removed immediately by the owner or person entitled to possession thereof.

D. A Permit shall become null and void if the Sign for which the Permit was issued has not been Erected and completed within a period of one hundred eighty (180) days after the date of issuance. Only one thirty (30) day extension may be granted by the City Manager or his designee for good cause shown. A fee shall not be refunded.

E. When a Sign Permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate in any material respect from the size, location and design of the Sign or Sign Structure represented in the application for such Permit.

F. The City Manager or designee may make or require any inspections to ascertain compliance with the provisions of this Sign Code, the comprehensive plan of the City, this LDC, the Florida Building Code and any other law.

G. If the work under any Sign Permit is proceeding in violation of this Sign Code, the Florida Building Code, or any other ordinance of the City, or should the City be denied access to inspect the work, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the Permit was based, the Permit holder shall be notified of the violation, denial or falsity. If the Permit holder fails or refuses to make corrections within ten days, or within three business days Permit access or demonstrate revised material facts justifying the Permit, it shall be the duty of the City Manager or designee to revoke such Permit and serve notice upon such Permit holder. Such notice shall be in writing and signed by the City Manager or his designee. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

H. Sign Permit Application Review.

1. An applicant shall deliver a Permit application to the Building Department, or such other office as may be designated by the City Manager. The application shall be reviewed for a determination of whether the proposed Sign meets the applicable requirements of this Sign Code and any applicable Building code or land development regulation. The review of the Permit application shall be completed within forty-five (45) days following receipt of a completed application, and any applicable fees, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first or the forty-fifth (45) day after the date of receipt. A Sign Permit shall either be approved, approved with conditions (meaning legal conditions existing in the Sign Code, Building code or land development regulations, such as dimensional requirements), or disapproved, and the decision shall be reduced to writing.

A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval. In the event that no decision is rendered within forty-five (45) calendar days following submission, the
application shall be deemed denied. If disapproval is the consequence of a failure to decide upon the application within the deadline set forth herein, the City Manager or designee shall upon request refund any applicable fee to the person who paid the fee. In the event that no decision is rendered within forty-five (45) calendar days following submission, the application shall be deemed denied and the applicant may appeal to the Planning Board.

2. In the case of an approval with conditions or disapproval an applicant may ask for reconsideration of the decision on the grounds that the City Manager or designee may have overlooked or failed to consider any fact(s) that would support a different decision. A written request for reconsideration accompanied by such additional fact(s) as the applicant may wish the City Manager or designee to consider, shall be filed with the City Manager or designee within ten (10) calendar days after receipt of the decision. No fee shall be required for a request for reconsideration. Upon the timely filing of a request for reconsideration, the decision of the City Manager or designee shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within seven (7) days of receipt by the City, not counting any intervening Saturday, Sunday, or City holiday. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. If the disapproval of the request for reconsideration was a consequence of a failure to decide upon the application within the deadline set forth herein, the City Manager or designee shall verify upon request that any applicable fee was refunded even if the City Manager or designee approves the application upon reconsideration.

3. All decisions shall be mailed, transmitted electronically, or hand delivered to the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the forty-five (45) day deadline for a decision upon an application or the seven day deadline for a decision upon receipt of a request for reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.

4. As exceptions to the foregoing, the forty-five (45) day deadline for approval and the seven (7) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):

(a) In any case in which the application requires a variance from any provision of the LDC, the City Code of Ordinances, a rezoning of the property, or an amendment to the comprehensive plan of the City. In such cases, the time shall be suspended until a final decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.

(b) If the applicant is required to make any change to the application in order to obtain an unconditional approval, the time shall be suspended while the applicant makes such change.

(c) If an applicant is required to obtain an approval from any other governmental agency, the time shall be suspended until such approval is obtained.

(d) In any of the foregoing cases, the applicant may elect to seek a variance, rezoning of the property, or an amendment to the comprehensive plan of the City, make no change to the application, or obtain an approval that may be required by another governmental agency, and may instead demand a decision upon the Sign Permit application as filed, subject to obtaining a variance, rezoning of the property, or an amendment to the comprehensive plan of the City, or approval by another agency being obtained. In such event, the City Manager or designee shall make a decision.
on the application as appropriate within five (5) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied and the City Manager or designee shall verify that any applicable fee was refunded to the person who paid the fee.

5. An application which is materially incomplete or which is not accompanied by the required fee shall not be deemed accepted and the time for review of the application shall not commence until a complete application accompanied by the required fee is filed with the Building Department or successor office designated by the City Manager. In addition, the City Manager or designee shall, within forty-five (45) days of receipt of an incomplete or unpaid application, send the applicant a written explanation of the deficiencies in the application and ask that the deficiencies be remedied, explaining that the application cannot proceed forward otherwise and the review will be suspended pending receipt of the required information or documentation. The applicant must then submit a new application with the deficiencies corrected in order for it to be considered by the City Manager or designee.

6. Any person aggrieved by the decision of the City Manager or designee upon his or her Sign Permit application shall have the right to appeal to the Planning Board as provided in this LDC. Failure to timely appeal the decision regarding a Sign application by the City Manager or designee shall waive the right to appeal, but constitute a failure to exhaust administrative remedies for purposes of a subsequent judicial action.

I. It shall be unlawful for any person or business or the person in charge of the business to Erect, construct, alter or maintain an outdoor advertising display Sign, as defined in the Florida Building Code, without first obtaining a Building Permit from the City in accordance with the provisions of the Florida Building Code and applicable law. Permit fees for a Building Permit shall be paid in accordance with the applicable City fee schedules. The requirement of a Building Permit under the Florida Building Code is separate and independent of the requirement for a Sign Permit under this Sign Code.

5.07.09 Existing Signs
A. Illegal Signs. Any Sign existing as of the effective date of this Sign Code, or on the effective date of any amendment to this Sign Code (i) which was not Erected pursuant to a valid Permit from the City if required or (ii) which did not comply in all respects with City ordinances in effect immediately prior to such effective date or (iii) which was required by City ordinance in effect immediately prior to such effective date to be removed due to the passage of time or any other reason, regardless of whether the City shall have commenced any enforcement action against such Sign or any person, and any Sign reclassified as an Illegal Sign pursuant to section 5.07.09C, is hereby deemed to be an "illegal Sign" and such Sign, the Premises upon which it is located, and the person or persons responsible for such Sign shall be subject to the remedies and penalties provided by law.

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

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

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

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

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

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

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

4. The nonconforming status of all such Signs shall expire on January 1, 2001, or such other date as may be stated in the ordinance adopting the amendment to this Sign Code which makes the Sign non-conforming nonconforming, and all such Nonconforming Signs shall be made to conform with this Sign Code, if possible, or be removed before that date. Where two Off-Premises Signs are non-conforming due to their proximity to each other, the first in time shall be deemed the first in right and the second shall be removed. The City Manager may, and upon written request of the owner or person entitled to possession of a Nonconforming Sign shall, notify in writing the owner or person entitled to possession of a Nonconforming Sign that the Sign is nonconforming and the reasons therefore, and that the Sign must be made to conform or be removed before the date of the expiration of the Sign’s non-conforming nonconforming status, which date shall be stated. The notice shall state that the owner or person entitled to possession of the Sign may appeal: (i) the determination of nonconformance, (ii) the validity or applicability of this Sign Code, or (iii) the necessity of a variance, by appeal to the Planning Board as
provided in section 9.03.00 of this LDC. The notice shall also state that failure to appeal within thirty (30) days after receipt of the notice shall constitute an acceptance of the City's determination respecting the Sign and a waiver of any objection to the validity or application of this Sign Code to the Sign. The purpose of such advance notice is to allow affected parties an opportunity to appeal and resolve contested issues prior to the expiration of nonconforming status.

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

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

5.07.010 Enforcement.

A. Right of Entry. The City Manager or his designee shall have the authority to enter upon the public or quasi-public portion of any Premises within the City containing a Sign for the limited purpose of enforcing the provisions of this Sign Code.

B. Violation sticker. When a Sign exists in violation of this Sign Code, the City Manager or his designee may, in addition to any other remedy available, follow the following procedure:

1. The City Manager or his designee shall attach a highly visible sticker of at least forty (40) square inches reading "VIOLATION" to the Sign Face. In the event the Sign is one of a number of Signs in violation due to excessive aggregate Area, the sticker shall be placed prominently on one of the larger Signs. The sticker shall include the date that it was attached to the Sign and instructions to call the appropriate City office to obtain a Permit application for the Sign. It shall be unlawful for any person other than the City Manager or his designee to remove the Sign violation sticker, and the sticker shall so state.

2. Within fourteen (14) days of attachment of the violation sticker, the owner or person entitled to possession of the Sign shall bring the Sign into conformity with this Sign Code, if necessary and possible, and if required submit a completed application for a Permit and fee for a Permit for the Sign. If the application and fee is not submitted timely, or if the application must be denied, or if the Sign is not or cannot be brought into conformity with this Sign Code in a timely manner, the City Manager or his designee shall have the Sign removed and impounded without any further notice.

3. The owner or person entitled to possession of a Sign impounded may recover same prior to the expiration of the thirty-day impoundment period upon the payment to the City of the costs incurred in impounding such Sign, including attorney's fees. In the event any Sign is not so claimed within thirty (30) days, the City Manager or his designee may dispose of the Sign in the same manner as surplus or abandoned City property.

C. Impoundment of Prohibited Signs. The City Manager or his designee shall have the authority to remove all Signs, without notice to the owners thereof, prohibited by this Sign Code, and to impound them for a period of thirty (30) days. The owner or person entitled to possession of a Sign impounded may recover same prior to the expiration of the thirty-day impoundment period upon the payment to the City of the costs incurred in impounding such Sign, including attorney's fees. In the event any Sign is not so claimed within thirty (30) days, the City Manager or his designee may dispose of the Sign in the same manner as surplus or abandoned City property.
property.

D. Any person who violates any provision of this Sign Code is guilty of an offense and upon conviction thereof, shall be punishable as provided by section 1-12 of the code of Ordinances of the City of Panama City Beach. Each person shall be deemed guilty of a separate offense for every day the violation of this Sign Code is continued or Permitted to continue.

E. Any Sign placed on public property or within any Street or pedestrian right of way open to the public, except in conformance with the requirements of this Sign Code, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such Sign the cost of removal and disposal of such Sign.

F. Any Sign Erected or displayed in violation of the provisions of this Sign Code or other applicable provisions of the Code of Ordinances of the City of Panama City Beach, is deemed to be a public nuisance subject to abatement as provided by law. This remedy is cumulative and in addition to any other remedy available to the City under this or any other law.

G. In addition to other remedies, the City Manager or his designee, through the City Attorney, may institute any appropriate action or procedure to bring about compliance with any of the provisions of this Sign Code.

5.07.011 Reserved.

5.07.012 Severability.

A. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code.

B. Severability where Less Speech Results. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this Sign Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt Signs to Permitting or otherwise.

C. Severability of Provisions Pertaining to Prohibited Signs or General Sign Standards. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this Sign Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code or any other law is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code that pertains to prohibited Signs or general Sign standards, including specifically those Signs and Sign-types prohibited and not allowed under section 5.07.04 of this Sign Code and those
general Sign standards set forth in section 5.07.05 of this Sign Code. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.04 of this Sign Code is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.04. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.05 of this Sign Code is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.05.

D. **Severability of Prohibition or Limitation on Billboards.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code and/or any other Code provisions and/or laws are declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect the prohibition or limitation ("cap and replace") of Off-Premises Commercial Signs or "billboards" contained in this Sign Code.

E. **Severability of Portions of Definition of "Sign."** If any part, sentence, phrase, clause, term, or word of the definition of Sign in this Sign Code, or any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code employing that definition, is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, sentence, phrase, clause, term, or word of the definition of Sign or any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code.

F. **Severability of Definitions relating to Commercial or Non-Commercial.** For many situations, this Sign Code relies on the distinction between Commercial speech and Non-Commercial speech to determine the degree of regulation that is appropriate. This Sign Code is not intended to modify existing or future judicially established definitions or distinctions between commercial speech or non-commercial speech. To the extent that this Sign Code misstates or misapplies a definition for commercial speech or non-commercial speech as related to First Amendment and is declared unconstitutional or invalid on its face or as applied by the valid judgment or decree of any court of competent jurisdiction, it is the City's intent that the court incorporate and apply the correct, then-prevailing judicial definitions and distinctions, and that the City will amend this Sign Code promptly thereafter to formalize such incorporation of the proper standard.

G. Reference is made to the fact that the definition of Sign is intended to treat murals and other public art as a Sign, Permitted within the limitations prescribed for all Signs and otherwise prohibited, because the City has found and determined, and here states, that there is no logical or constitutional way to distinguish between certain elements of what traditionally and universally has been considered a Sign, including some Commercial Signs, and what traditionally and universally has been considered a mural or other public art, and that the adverse secondary effects (visual clutter, aesthetic nuisance, traffic distraction, etc., as described in the recitals to this Sign Code) attributable to "traditional" Signs on the one hand and to murals or other public art on the other hand are materially the same, and that there is no practical and enforceable way for the City to fairly and consistently distinguish between all elements of "traditional" Signs and murals or other public art so as to regulate them separately. In addition, the City has found and determined, and here states, that creating a second regulatory scheme for murals and other public art will inevitably result in murals or other public art being added to or associated with
“traditional” Signs, thereby increasing the size, number and mass of what for all practical purposes appears to be signage within the City beyond that which the people of the City of Panama City Beach have found to be for them and their lifestyles a reasonable time, place and manner limitation. Nonetheless, if for any reason the regulation of murals and other public art as a Sign is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect those portions of the definition of Sign describing “traditional” Signs, especially billboards and Off-Premises Commercial Signs, and On-Premises Commercial Signs, which shall continue to be regulated.

[Cross references: Display of Signs by Building, general and Residential contractors, § 8-96; restrictions on posting on public property § 16-4. State law references: Municipal authority to establish Sign ordinance, F.S. § 166.0425; outdoor advertisers, F.S. Ch. 479.]
REGULAR ITEM

2
**DEPARTMENT MAKING REQUEST/NAME:**
CODE ENFORCEMENT/LEGAL

**REQUESTED MOTION/ACTION:**
APPROVE FINAL ASSESSMENT RESOLUTION FOR NUISANCE ABATEMENT

**MEETING DATE:**
SEPTEMBER 14, 2017

**AGENDA ITEM SUMMARY**

<table>
<thead>
<tr>
<th>4. AGENDA</th>
<th>5. IS THIS ITEM BUDGETED (IF APPLICABLE)?</th>
<th>N/A</th>
</tr>
</thead>
</table>
| PRESENTATION | Yes □ No [ ] | N/A  
PUBLIC HEARING |  |  |
| CONSENT | Yes □ No [ ] | N/A  |
| REGULAR |  |  |

**BACKGROUND:**

IN JANUARY 2014, THE CITY ADOPTED A NUISANCE ABATEMENT ASSESSMENT PROGRAM TO COLLECT FROM PROPERTY OWNERS THE COSTS OF NUISANCE ABATEMENT UNDERTAKEN BY THE CITY IN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA. LAST YEAR THE CITY ADOPTED RESOLUTION 17-29, EXPANDING THE ASSESSMENT AREA TO INCLUDE ALL PROPERTY WITHIN THE CORPORATE LIMITS.

ON AUGUST 10, 2017, THE CITY ADOPTED AN INITIAL ASSESSMENT RESOLUTION LISTING THE TAX PARCELS THROUGHOUT THE CITY ON WHICH A NUISANCE ABATEMENT SERVICE COST SHALL BE ASSESSED ON THE TAX BILL, AND DIRECTING A PUBLIC HEARING BE HELD FOR INTERESTED PARTIES TO CONTEST THE ASSESSMENT BEFORE A FINAL ROLL IS ADOPTED. NOTICES WERE MAILED AND PUBLISHED AS DIRECTED BY THAT RESOLUTION.

THE PURPOSE OF THIS FINAL RESOLUTION IS TO REPEAL, CONFIRM AND IF NECESSARY TO MODIFY THE INITIAL ASSESSMENT RESOLUTION. THIS FINAL RESOLUTION HAS BEEN MODIFIED TO REFLECT THE REMOVAL OF ONE PARCEL FROM THE ROLL. STAFF RECOMMENDS THE RESOLUTION BE APPROVED, AND CERTIFICATION OF THE ROLL SENT TO THE TAX COLLECTOR.
RESOLUTION 17-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATING TO NUISANCE ABATEMENT WITHIN THE CITY; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; PROVIDING AUTHORITY, DEFINITIONS AND FINDINGS; AMENDING AND APPROVING THE NUISANCE ABATEMENT ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF THE NUISANCE ABATEMENT ASSESSMENTS; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; PROVIDING SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City Council of the City of Panama City Beach (the "City") has adopted Chapter 28 (the "Assessment Ordinance") and Chapter 15, (the "Nuisance Ordinance"), as codified in the City's Code of Ordinances and which collectively provide for the imposition of special assessments for nuisance abatement which benefit property within the Assessment Area; and

WHEREAS, on August 10, 2017, the City Council adopted Resolution No. 17-117 (the "Initial Assessment Resolution") confirming the Nuisance Abatement Assessment Area, describing the method of assessing the Nuisance Abatement Service Cost against the real property that will be specially benefitted thereby, and directing preparation of the Nuisance Abatement Roll and the provision of the notices required by law; and

WHEREAS, pursuant to the Assessment Ordinance, the City Council is required to confirm or repeal the Initial Assessment Resolution with such
amendments as the City Council deems appropriate after hearing comments and
receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has been filed with the City Manager or
his designee, as required by law; and

WHEREAS, notice of a public hearing has been published and mailed to
each property owner proposed to be assessed notifying such property owner of
the opportunity to be heard concerning the assessments; the proof of publication
and an affidavit of mailing are attached hereto as Appendices A and B
respectively; and

WHEREAS, a public hearing has been duly held on September 14, 2017,
and comments and objections of all interested persons have been heard and
considered as required by law.

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

SECTION 1. AUTHORITY. This Final Assessment Resolution is
adopted pursuant to the Initial Assessment Resolution, as amended herein,
Chapter 166, Florida Statutes, Article VIII, Section 2, Florida Constitution, the
Assessment Ordinance and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment
Resolution. All capitalized terms in this Final Assessment Resolution shall have
the meanings defined in the Initial Assessment Resolution.

SECTION 3. FINDINGS.

(A) The findings provided in Section 1.04 of the Initial Assessment
Resolution are hereby ratified, confirmed and incorporated as if set forth fully
herein.
(B) To the extent necessary, the Council finds that the Nuisance Abatement Service and the Nuisance Abatement Service Cost identified in the Initial Assessment Resolution are hereby determined to be an Essential Service and a Service Cost, respectively, as defined in the Assessment Ordinance.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.

(A) All actions taken by the City Council with regard to the Initial Assessment Resolution, as amended herein, are hereby ratified and confirmed.

(B) After public hearing, comment from affected property owners, City staff, consultants and counsel, and deliberation by the City Council at its noticed public hearing, the City Council hereby ratifies and confirms the Initial Assessment Resolution.

SECTION 5. APPROVAL OF NUISANCE ABATEMENT SERVICE COSTS.

(A) The Nuisance Abatement Service Costs comprising the Nuisance Abatement Assessment for each Tax Parcel are found and determined to be fairly and equally apportioned among the Tax Parcels identified on the Nuisance Abatement Assessment Roll.

(B) The following Nuisance Abatement Service Costs are hereby allocated among the following Tax Parcels for Service Costs incurred by the City to date:

(i) in the Fiscal Year commencing October 1, 2012

<table>
<thead>
<tr>
<th>PARCEL ID</th>
<th>PROPERTY OWNER</th>
<th>SERVICE COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>34176-010-000</td>
<td>Victor Alfieri, Trustee of the Victor Alfieri Revocable Trust</td>
<td>$748.52</td>
</tr>
</tbody>
</table>

(ii) in the Fiscal Year commencing October 1, 2016
TOTAL NUISANCE ABATEMENT ASSESSMENTS $10,361.29.

(C) The Nuisance Abatement Service Costs established in this Final Assessment Resolution are the actual Service Costs applied by the City to establish the Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2017.

SECTION 6. APPROVAL OF ASSESSMENT ROLL. The preliminary Nuisance Abatement Assessment Roll is hereby amended to remove parcel 33175-000-000. The Nuisance Abatement Assessment Roll, as amended, is hereby approved, confirmed and adopted as the City’s Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2017.

SECTION 7. IMPOSITION OF ASSESSMENTS TO FUND NUISANCE ABATEMENT.

(A) The Tax Parcels described in the Nuisance Abatement Assessment Roll are hereby found to be specifically benefitted by the provision of the Nuisance Abatement services and programs in the amount of the Nuisance Abatement Assessment set forth in the Nuisance Abatement Assessment Roll.

(B) For the Fiscal Year commencing October 1, 2017, the Nuisance Abatement Service Cost for the Nuisance Abatement Assessment Area shall be calculated and apportioned based upon the actual cost of Nuisance Abatement. The costs as set forth in the Initial Assessment Resolution, as amended by this Resolution, are hereby approved and found to be a fair and reasonable method of assessing the costs for the benefited properties.
The Nuisance Abatement Assessments as set forth in the Initial Assessment Resolution, as amended by this Resolution and as set forth in the Nuisance Abatement Assessment Roll, are hereby levied and imposed on all Tax Parcels described in the Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2017.

Upon adoption of this Final Assessment Resolution, the Nuisance Abatement Assessments shall constitute a lien against the assessed properties equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the City Council of this Final Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 8. COLLECTION OF ASSESSMENTS.

(A) The Nuisance Abatement Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

(B) Upon adoption of this Final Assessment Resolution, the City Manager or his designee shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, 2015, in the manner prescribed by the Uniform Assessment Collection Act. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 9. EFFECT OF FINAL RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the
method by which the Assessments are computed, the Nuisance Abatement Assessment Roll, the terms for prepayment of the Assessments, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Council action on this Final Assessment Resolution.

SECTION 10. SEVERABILITY. The provisions of this Final Assessment Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Final Assessment Resolution shall not be affected thereby.

SECTION 11. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED AND APPROVED ___ day of _________, 2017.

CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA

By: ________________________
Mike Thomas, Mayor

(SEAL)

Attest:

By: ________________________
City Clerk

Attachments: Appendix A – Proof of Publication
Appendix B – Affidavit of Mailing
Appendix C – Form of Certificate to Non-Ad Valorem Assessment Roll
Appendix A—Proof of Publication
NOTICE OF HEARING
TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS

Notice is hereby given that the County Council of Panama City, Florida, will consider adoption of a Notice of Assessment Resolution related to the imposition of nuisance abatement special assessments to reimburse the City for services undertaken by the County for services undertaken by the City of Panama City Beach to abate a nuisance on the following properties:

PAREL ID PROPEIETY OWNER
33300-000-000 Linda Becker
33300-000-000 Brian Taylor
33300-000-000 Betty Ann Rowe
33300-000-000 Lisa Pfeil and Design J. Parto
33300-000-000 Charles A. Dugan and Barbara K. Dugan
34176-999-000 Victor Afford

The Nuisance Abatement Resolution will provide for the imposition of special assessments, among other things, to recover the cost of abating nuisances, that are, upon written notice, assessed to the person whose property is affected, for each parcel of property where a nuisance exists, in accordance with the uniform billing method described in Section 317.01 of the Florida Statutes. The hearing will be held at 5:00 PM on September 14, 2017 at City Council Chambers of the City of Panama City, City Hall, 110 South Arnold Road, Panama City Beach, Florida, All affected property owners have a right to appear at the hearing and to file written objections with the City Council within twenty (20) days of this notice.

The assessments have been proposed to fund nuisance abatement, related services and improvements throughout the City. The assessment for each parcel within the Assessment Area will be based upon the actual costs incurred by the City attributable to the abatement of a nuisance on such parcel as of the date the assessments are imposed. A more specific description of the nuisance abatement related services and improvements and the method of computing the assessment for each parcel of property are set forth in the initial Assessment Resolution adopted by the City Council on August 16, 2017. Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll, together with Ordinance 94-1 and 113 (the Assessment Ordinance) and Ordinance 1254 (the Nuisance Ordinance) are available for inspection at the office of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach, Florida.

A geographic depiction of the proposed Assessment Area within which property may be subject to the Assessment follows.

If you have any questions, please contact the City Clerk’s Office at (850) 233-6160.

ANY PERSON WISHING TO ENSURE THAT AN ACCURATE RECORD OF THE PROCEEDINGS IS MAINTAINED FOR APPRAISE PURPOSES IS ADVISED TO MAKE THE NECESSARY ARRANGEMENTS FOR RECORDING AT HIS OR HER OWN EXPENSE.

AGENDA ITEM # 2
Appendix B—Affidavit of Mailing
AFFIDAVIT OF MAILING

BEFORE ME, the undersigned affiant, personally appeared Cindy Kittler, who after being duly sworn, deposes and says:

On August 18, 2017 I mailed each of the attached notices by first class U.S. mail, to the respective person whose name and address is listed therein as disclosed by the current tax roll, namely

Linda Becker
120 Manistee Drive
Panama City Beach, FL 32413

Bruce Taylor
119 Lake Ridge Drive
Hendersonville, TN 37075

Betty Ann Rosa
155 N. Wells Street
Panama City Beach, FL 32413

Lisa Pinto and Nelson J. Pinto
685 Malaga Place
Panama City Beach, FL 32413

Charles J. Dugan and Barbara A. Dugan
133 Manistee Drive
Panama City Beach, FL 32413

Victor Alfieri, Trustee of the Victor Alfieri Revocable Trust Agreement
417 Camelia Avenue
Callaway, FL 32404-6001

FURTHER AFFIANT SAYETH NOT.

Cindy Kittler, Affiant
STATE OF FLORIDA
COUNTY OF BAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 22nd day of August, 2017, by Cindy Kittler who is personally known to me and did take an oath.

Signature of Notary Public

Leslie A. Johnson
Commission # FF 106102
Expires June 27, 2018
Bonds thru Troy Fouts Insurance 850-385-7010
Dear Property Owner:

In accordance with Section 197.3632, Florida Statues, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2017. The purpose of this assessment is to recover costs arising from nuisance abatement services benefitting affected properties located within the City. The total property abatement assessment revenue to be collected is estimated to be $10,361.29 for the fiscal year beginning October 1, 2017. The assessment of each parcel of property is calculated and apportioned based upon the extent of work necessary to abate or correct a violation of the City's Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City's Code of Ordinances on the above referenced parcel is $1,258.47 ("Nuisance Abatement Cost"). The Nuisance Abatement Assessment for the above parcel is $1,258.47 for the fiscal year beginning October 1, 2017.
The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2017. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 14, 2017, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

If you have any questions, please contact the City Clerk's office at 850-233-5100.

THIS IS NOT A BILL. DO NOT SEND PAYMENT.

PANAMA CITY BEACH, FLORIDA

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NOTICE OF HEARING
TO IMPOSE AND TO PROVIDE FOR
COLLECTION OF
NUISANCE ABATEMENT RELATED
SPECIAL ASSESSMENTS IN
PANAMA CITY BEACH
FRONT BEACH ROAD
COMMUNITY REDEVELOPMENT
AREA

PANAMA CITY BEACH, FLORIDA

City of Panama City Beach, Florida
110 South Arnold Road
Panama City Beach, Florida 32413-2199

August 18, 2017

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Bruce Taylor
119 Lake Ridge Drive
Hendersonville, TN 37075

Dear Property Owner:

In accordance with Section 197.3632, Florida Statues, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2017. The purpose of this assessment is to recover costs arising from nuisance abatement services for the abatement of nuisances benefitting affected properties located within the City's Front Beach Road Community Redevelopment Area. The total property abatement assessment revenue to be collected is estimated to be $[ ] for the fiscal year beginning October 1, 2017. The assessment of each parcel of property is calculated and apportioned based upon the extent of work necessary to abate or correct a violation of the City’s Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City’s Code of Ordinances on the above referenced parcel is $[ ] (“Nuisance Abatement Cost”). The Nuisance Abatement Assessment for the above parcel is $1,258.47 for the fiscal year beginning October 1,
The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2017. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 14, 2017, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

If you have any questions, please contact the City Clerk’s office at 850-233-5100.

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PANAMA CITY BEACH, FLORIDA

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NOTICE OF HEARING
TO IMPOSE AND TO PROVIDE FOR
COLLECTION OF
NUISANCE ABATEMENT RELATED
SPECIAL ASSESSMENTS IN
PANAMA CITY BEACH

PANAMA CITY BEACH, FLORIDA

City of Panama City Beach, Florida
110 South Arnold Road
Panama City Beach, Florida 32413-2199

August 18, 2017

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Betty Ann Rosa
155 N. Wells Street
Panama City Beach, FL 32413

Dear Property Owner:

In accordance with Section 197.3632, Florida Statutes, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2017. The purpose of this assessment is to recover costs arising from nuisance abatement services benefitting affected properties located within the City. The total property abatement assessment revenue to be collected is estimated to be $10,361.29 for the fiscal year beginning October 1, 2017. The assessment of each parcel of property is calculated and apportioned based upon the extent of work necessary to abate or correct a violation of the City’s Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City’s Code of Ordinances on the above referenced parcel is $5094.11 ("Nuisance Abatement Cost"). The Nuisance Abatement
Assessment for the above parcel is $5,094.11 for the fiscal year beginning October 1, 2017.

The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2017. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 14, 2017, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

If you have any questions, please contact the City Clerk's office at 850-233-5100.

THIS IS NOT A BILL. DO NOT SEND PAYMENT.

PANAMA CITY BEACH, FLORIDA

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PANAMA CITY BEACH, FLORIDA

City of Panama City Beach, Florida
110 South Arnold Road
Panama City Beach, Florida 32413-2199

August 18, 2017

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Lisa Pinto and
Nelson J. Pinto
685 Malaga Place
Panama City Beach, FL 32413

Dear Property Owner:

In accordance with Section 197.3632, Florida Statutes, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2017. The purpose of this assessment is to recover costs arising from nuisance abatement services benefitting affected properties located within the City. The total property abatement assessment revenue to be collected is estimated to be $10,361.29 for the fiscal year beginning October 1, 2017. The assessment of each parcel of property is calculated and apportioned based upon the extent of work necessary to abate or correct a violation of the City’s Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City’s Code of Ordinances on the above referenced parcel is $1,793.86 ("Nuisance Abatement Cost"). The Nuisance Abatement Assessment for the above parcel is $1,793.86 for the fiscal year beginning
October 1, 2017.

The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2017. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 14, 2017, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

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PANAMA CITY BEACH, FLORIDA

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August 18, 2017

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Charles J. Dugan and
Barbara A. Dugan
133 Manistee Drive
Panama City Beach, FL 32413

Dear Property Owner:

In accordance with Section 197.3632, Florida Statues, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2017. The purpose of this assessment is to recover costs arising from nuisance abatement services benefitting affected properties located within the City. The total property abatement assessment revenue to be collected is estimated to be $10,361.29 for the fiscal year beginning October 1, 2017. The assessment of each parcel of property is calculated and apportioned based upon the extent of work necessary to abate or correct a violation of the City's Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City's Code of Ordinances on the above referenced parcel is $863.46 ("Nuisance Abatement Cost"). The Nuisance Abatement Assessment for the above parcel is therefore $863.46 for the fiscal year
beginning October 1, 2017.

The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2017. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 14, 2017, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

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NOTICE OF HEARING
TO IMPOSE AND TO PROVIDE FOR COLLECTION OF
NUISANCE ABATEMENT RELATED SPECIAL ASSESSMENTS IN
PANAMA CITY BEACH

PANAMA CITY BEACH, FLORIDA

City of Panama City Beach, Florida
110 South Arnold Road
Panama City Beach, Florida 32413-2199

August 18, 2017

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Victor Alfieri, Trustee of the
Victor Alfieri Revocable
Trust Agreement
417 Camelia Avenue
Callaway, FL 32404-6001

Dear Property Owner:

In accordance with Section 197.3632, Florida Statutes, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2017. The purpose of this assessment is to recover costs arising from nuisance abatement services benefitting affected properties located within the City. The total property abatement assessment revenue to be collected is estimated to be $10,361.29 for the fiscal year beginning October 1, 2017. The assessment of each parcel of property is calculated and apportioned based upon the extent of work necessary to abate or correct a violation of the City’s Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City’s Code of Ordinances on the above referenced parcel is $748.52 ("Nuisance Abatement Cost"). The Nuisance
Abatement Assessment for the above parcel is $748.52 for the fiscal year beginning October 1, 2017.

The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2017. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 14, 2017, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

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PANAMA CITY BEACH, FLORIDA

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Appendix C--Certificate
Certificate to
Non-Ad Valorem Assessment Roll

I, the undersigned, hereby certify that I am the Mayor of The City of Panama City Beach, Florida, located in Bay County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll* for the aforesaid county is property assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll* as a part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the ______ day of September 2017.

*FY2017-18 Panama City Beach
Certified Nuisance Abatement Non-Ad Valorem Assessment Roll
Prepared and furnished
to Bay County by
Ennead, LLC.

Mike Thomas, Mayor
Of City of Panama City Beach, Florida
Bay County, Florida

ATTEST:

________________________
City Clerk
REGULAR ITEM

3
### Agenda Item Summary

1. **Department Making Request/Name:**
   - Stormwater/Kelly Jenkins

2. **Meeting Date:**
   - 09/14/2017

3. **Requested Motion/Action:**
   - Approve Final Assessment Resolution providing for the updated City Stormwater Rate Study methodology and approving the Assessment Roll prepared in accordance therewith.

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

   During a regularly scheduled City Council meeting on June 22, 2017, staff and Ennead LLC presented the findings of the recently updated stormwater rate study. Ennead LLC "Ennead" and Public Utility Management and Planning Services "PUMPS" were provided current and past budgets for personnel, operating expenses and capital projects by City staff to analyze and update this study.

   On August 10, 2017, the City Council adopted the Initial Assessment Resolution amending the methodology and providing for notice of a public hearing to adopt this Final Assessment Resolution. Notice of the public hearing was published as directed in that Initial Assessment Resolution.

   The purpose of this Final Assessment Resolution is to repeal, confirm and if necessary to modify the Initial Assessment Resolution. Because the rate study has been revised since its presentation to the Council on June 22, 2017, this Final Assessment Resolution has also been modified to conform the methodology adopted by the City with that proposed by the Rate Study and upon which the Assessment Roll was prepared in fact.

   Staff recommends this Final Assessment Resolution be approved, and certification of the Roll sent to the Tax Collector.
RESOLUTION NO. 17-120

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATING TO THE DELIVERY, FUNDING AND PROVISION OF STORMWATER SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF PANAMA CITY BEACH, FLORIDA; MODIFYING, RATIFYING AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF PANAMA CITY BEACH; APPROVING THE RATE OF ASSESSMENT; CONFIRMING, APPROVING AND ADOPTING THE STORMWATER SERVICE ASSESSMENT ROLL FOR FISCAL YEAR 2017-18; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM COLLECTION METHOD; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. This Final Assessment Resolution is adopted pursuant to City Ordinance No. 947, as amended from time to time and codified in Chapter 28 of the Code of Ordinances of the City of Panama City Beach (the "Assessment Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment Resolution for stormwater non-ad valorem assessments to be imposed and collected in Fiscal Year 2017-2018. All capitalized terms in this Resolution not otherwise defined herein...
shall have the meanings defined in the Assessment Ordinance and Panama City Beach Resolution 17-119 (the "Initial Assessment Resolution") except as provided herein, and unless the context clearly requires otherwise.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) Except as modified herein, the findings provided in Section 1.04 of the Initial Assessment Resolution are hereby ratified, confirmed and incorporated as if set forth fully herein.

(B) On August 10, 2017, the City of Panama City Beach (the "City") adopted the Initial Assessment Resolution, providing for the continued imposition of Stormwater Service Assessments to fund certain stormwater related Essential Services (as described therein), describing the method of assessing the cost of such services against the real property that will be specifically benefitted thereby, establishing a public hearing to consider imposition of the proposed assessments, and directing preparation of the preliminary Assessment Roll and provision of the notices required by the Assessment Ordinance. The Initial Assessment Resolution updated the methodology and rate of assessments previously imposed by the City.

(C) Pursuant to Section 2.07 of the Assessment Ordinance, the City is required to repeal or confirm the Initial Assessment Resolution, with such amendments as the Council
deems appropriate, after hearing concerns and receiving comments or objections of interested parties.

(D) The Fiscal Year 2017-18 Stormwater Service Assessment Roll (the "Assessment Roll") has heretofore been filed and made available for inspection by the public. The Assessment Roll has also been made available online at pcbgov.com.

(E) As required by the terms of the Initial Assessment Resolution, notice of a public hearing has been published notifying property owners of the opportunity to be heard; the proof of publication is attached hereto as Appendix A.

(F) The Council considered this Final Assessment Resolution at a public hearing held at its regular meeting on September 14, 2017, and comments and objections of all interested persons have been heard and considered. The re-imposition of Stormwater Service Assessments for stormwater services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Stormwater Management Service Cost among parcels of assessed Property.

(G) The rate classification system proposed by the Rate Study is reasonable and equitable, and will continue to be so as properties within the City develop and change; and such rate classification system is also manageable and capable of being fairly implemented from year to year without wasteful or extraordinary consumption of resources which could better be expended to address stormwater related issues.
(H) The apportionment method described in the Rate Study and adopted in the Initial Assessment Resolution bears a reasonable relationship to the cost of providing Stormwater Improvements and Stormwater Management Service, including stormwater generated by Government Property.

(I) The benefits derived from the Stormwater Management Services exceed the cost of the Stormwater Service Assessments imposed hereunder. The Stormwater Service Assessment for any tax parcel within the City does not exceed the proportional benefits that such tax parcel will receive compared to any other tax parcel within the City.

(J) The legislative determinations of special benefit and fair apportionment contained in Section 1.04 of the Initial Assessment Resolution are hereby readopted, ratified and confirmed.

(K) Each parcel of Assessed Property within the City will be specially benefited by the City's provision of stormwater services, facilities, and programs in an amount not less than the Stormwater Service Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution.

(L) On December 14, 2006, the City adopted Resolution No. 06-84 (the "Intent Resolution") expressing its intent to collect assessments pursuant to the uniform collection method authorized by Section 197.3632, Florida Statutes. The City forwarded copies of the Intent Resolution to the Bay County Property Appraiser ("Property Appraiser"), the Bay
County Tax Collector ("Tax Collector"), and the Florida Department of Revenue prior to January 10, 2007, as required by Section 197.3632(3)(a), Florida Statutes, and has entered into reimbursement agreements with the Property Appraiser and Tax Collector as required by Section 197.3632(2), Florida Statutes.

SECTION 4. MODIFICATION, RATIFICATION AND CONFIRMATION OF THE INITIAL ASSESSMENT RESOLUTION.

(A) Except as may be modified or amended herein, all actions taken by the City Council at its meeting commenced on August 17, 2017, are hereby ratified and confirmed.

(B) After public hearing, comment from affected property owners, City staff, consultants and counsel, and deliberation by the City Council at its noticed public hearing, the City Council hereby directs and authorizes the following modifications:

(1) With regard to the variable Program Cost component, the City finds that substantially all of the stormwater that is physically managed, controlled, and treated by the Stormwater System is generated by Developed Property; and the amount of stormwater generated by Undeveloped Property that is managed, controlled, and treated by the Stormwater System is inconsequential and not substantial. However, with regard to the fixed Capital Cost component, the City finds that both Developed and Undeveloped properties benefit equally from the essential planning, design, and construction services provided to administer and enhance the City’s Stormwater System.
(2) The Assessment rate of $44.90 per ERU shall be used in the calculation of the Program Cost component of Stormwater Service Assessments.

(3) The Program Cost for each Tax Parcel of Developed Property, excluding residential parcels, shall be calculated by multiplying the total impervious square footage/2850) times the imperviousness factor (total impervious sq. footage/lot size), then divided by .4.

(4) Very Small residential properties, having less than 400 square feet of Impervious Area, shall be assigned an ERU value of zero (0), with the result that the Program Cost component of that parcel’s Assessment shall also be zero.

(5) The Program Cost component for Very Large residential properties, having more than 5700 square feet of Impervious Area, shall be calculated in the same manner as commercial properties, such that each such parcel shall be assessed based on its actual Impervious Area and lot size as more particularly set forth in the updated Rate Study.

(6) Residential condominium units shall be assessed according to the aggregate impervious area of the greater condominium development, divided by the total number of residential units in the condominium development.

(7) Commercial condominium units shall be assessed individually according to the total Impervious Area in their development multiplied by that
unit's individual percentage of Impervious Area.

(C) The Initial Assessment Resolution, as modified and supplemented by this Resolution, is hereby ratified and confirmed.

SECTION 5. APPROVAL OF ASSESSMENT ROLL.

The Assessment Roll, on file in the Office of the City Clerk and incorporated herein by this reference, is hereby approved, confirmed and adopted for Fiscal Year 2017-2018. The Assessment Roll shall be certified to the Tax Collector by September 15, 2017, pursuant to Section 197.3632(5), Florida Statutes.

SECTION 6. ASSESSMENTS METHODOLOGY.

(A) A special assessment computed in the manner described in the Initial Assessment Resolution, and as modified and supplemented herein, is hereby levied and imposed on all Tax Parcels described in the Assessment Roll in order to fund the Stormwater Management Service Cost for the Fiscal Year commencing October 1, 2017.

(B) The Assessment on Parcels that contribute runoff to the Stormwater System will include both the Program Cost and Capital Cost component. The Assessment on Parcels which do not contribute to the Stormwater System will include only the Capital Cost component.

(C) The Parcels of Assessed Property described in the Assessment Roll are hereby found to be specially benefited by the provision of the stormwater services, facilities, based

Final Resolution 17-120
2017-2018 Stormwater
Page 7 of 11

AGENDA ITEM #
upon a fixed Capital Cost of $35.00 and a variable Program Cost based on an ERU value of $44.90.

(D) Based upon the Program Cost amount of $44.90 per ERU (one ERU = 2850 square feet), the Program Cost component for the residential tiers described in Section 3.03 of the Initial Assessment Resolution is estimated as follows:

i. Very Small residential: $0

ii. Small residential: $22.45

iii. Medium residential: $44.90

iv. Large residential: $67.35

v. Very Large residential: the Assessment shall be calculated in the same manner as commercial properties, such that each such parcel shall be assessed based on its actual Impervious Area and lot size as more particularly set forth in the updated Rate Study.

vi. Residential Condominiums: the Assessment shall be calculated according to the aggregate impervious area of the greater condominium development, divided by the total number of residential units in the condominium development.
The apportionment approach described in the updated Rate Study and summarized in Section 3.03 of the Initial Assessment Resolution, and as supplemented or modified by this Final Assessment Resolution, is hereby approved and adopted.

Stormwater Service Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

The City shall use legally available funds, other than Assessment Proceeds, to pay Stormwater Service Assessments imposed upon homestead properties classified on the Tax Roll by the Property Appraiser under “exemption codes” VX, VP or V2 (veteran’s partial to total disability), 13 (non-service connected total and permanent disability) and 14 (total and permanent service-connected disability).

The following are Exempt Properties and not subject to the Stormwater Service Assessment: (1) Public Roads, (2) lakes, submerged land, and other naturally occurring water bodies with pervious soil bottoms, and (3) Government Property.

SECTION 7. COLLECTION OF ASSESSMENTS. The Fiscal Year 2017-18 Stormwater Service Assessment for each individual Tax Parcel shall be in addition to an amount equal to delinquent assessments from prior Fiscal Years for such Tax Parcel, if any, and collected pursuant to the uniform collection method provided for in the Intent
Resolution, Section 3.01 of the Assessment Ordinance, and Section 197.3632, Florida Statutes; provided, however, that any existing lien of record on the affected Tax Parcel for the delinquent Stormwater Service Assessment(s) is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

SECTION 8. EFFECT OF FINAL ASSESSMENT RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Stormwater Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of rendering of this Final Assessment Resolution.

SECTION 9. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolutions or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

(SIGNATURES ON FOLLOWING PAGE)
SECTION 10. EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 14th day of September, 2017.

CITY COUNCIL OF PANAMA CITY BEACH

(SEAL)

Mike Thomas, Mayor

Attest:

By: ____________________________
    Jo Smith, Deputy City Clerk
REGULAR ITEM

4
CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. **DEPARTMENT MAKING REQUEST/NAME:**
   Panama City Beach Police Department

2. **MEETING DATE:**
   September 14, 2017

3. **REQUESTED MOTION/ACTION:**
   We respectfully request the Council's approval of Ordinance NO. 1419 amending the Police Officer's Retirement Plan. (Ordinance NO. 1419 attached)

4. **AGENDA**
   - PRESENTATION
   - PUBLIC HEARING
   - CONSENT
   - REGULAR

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

6. **BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)**
   We respectfully request the approval of Ordinance NO.1419 amending the Police Officer's Retirement Plan. Officers currently have to reach the age of fifty (50) and have completed twenty (20) years of Credited Service, or reach the age of fifty-five (55) with ten (10) years of Credited Service to reach the normal retirement age and date. Your approval will allow retirement after twenty-five (25) years of Credited Service, regardless of age, to include a one hundred fifty dollar ($150.00) supplemental benefit which is funded with state premium tax rebate funds at no cost to the City. (Ordinance No. 1419 attached). This request is submitted following the Police Officer's Pension Board approval.
ORDINANCE NO. 1419

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH FURTHER AMENDING THE CITY OF PANAMA CITY BEACH POLICE OFFICERS' RETIREMENT PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 1159, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITHE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA;

SECTION 1: That the City of Panama City Beach Police Officers' Retirement Plan, adopted by ordinance number 1159, as subsequently amended, is hereby further amended by amending Section 6, Benefit Amounts and Eligibility, subsection 1., Normal Retirement Date and adding subsection 6. Supplemental Benefit, to read as follows (new text bold and underlined, deleted text struckthrough):

1. Normal Retirement Age and Date.

A Member's normal retirement age is the earlier of the attainment of age fifty (50) and the completion of twenty (20) years of Credited Service, or the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service, or the completion of twenty-five (25) years of Credited Service, regardless of age. Each Member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A Member's normal retirement date shall be the first day of the month coincident with or next following the date the Member retires from the City after attaining normal retirement age.

***


In addition to the benefits provided for above, all normal and early retirees (not disability retirees or terminated vested persons), retiring on or after the effective date of the ordinance adopting this subsection 6, shall receive an additional supplemental monthly benefit of one hundred fifty dollars ($150.00) per month payable for the life of the retiree.

In the event that the total state premium tax rebate in any fiscal year is reduced below $137,096.00, the supplemental benefit for the following year shall be reduced proportionally to reflect the reduction in the state premium tax rebate below the
stated amount. In any fiscal year in which the state premium tax rebate is $137,096.00 or higher, the above supplemental benefit shall not be adjusted for the following fiscal year.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: That this Ordinance shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ___ day of ________________, 2017.

ATTEST:

MIKE THOMAS, MAYOR

CITY CLERK

EXAMINED AND APPROVED by me this ___ day of ________________, 2017.

MIKE THOMAS, MAYOR

Published in the ________________ on the ___ day of ____________, 2017.

Posted on pcbgov.com on the ___ day of ____________, 2017.
City of Panama City Beach Police Officers' Pension Plan

Actuarial Impact Statement as of October 1, 2015

Amends the plan to allow for a 25 and out normal retirement and add a $150/month supplemental benefit.
Ms. Holly J. White  
Assistant to City Manager for Finance  
City of Panama City Beach  
110 South Arnold Road  
Panama City Beach, FL 32407  

Re: Panama City Beach Police Officers’ Pension Plan  

Dear Ms. White:  

In accordance with the City’s request, we are pleased to present this report on the actuarial funding impact of a proposed change to the Pension Plan. The proposed change would introduce a “25 and out” normal retirement provision as well as add a $150/month supplemental benefit for those who retire from active status. This change would be paid for by using excess Premium Tax Rebates. The change would be effective October 1, 2017, and would apply only for members who are actively employed on or after that date. That this proposed change is funded by rebates is demonstrated by the fact that the State Minimum Required Contribution remains relatively unchanged.  

This actuarial impact study was performed as of October 1, 2015, using the same actuarial basis as the actuarial valuation as of that date. The cost estimates provided in this report were developed as if the proposed plan change were effective for the plan/fiscal year beginning October 1, 2015. The presumption is that the relative impact will be the same if the plan change in fact does not apply until the 2016-2017 fiscal year.  

This report includes a Summary of Major Plan Provisions and a description of the Actuarial Basis used in the valuation. We relied on employee and financial data provided by the City. The Actuarial Cost Method used is considered acceptable under the Rules of the Department of Administration, Division of Retirement, Chapter 60T-1, Local Retirement Systems’ Actuarial Reports.  

STATEMENT BY ENROLLED ACTUARY  

This actuarial valuation and/or cost determination was prepared and completed by the undersigned or under my direct supervision, and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate, and in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the plan and/or paid from the plan’s assets for which liabilities or current costs have not been established or otherwise provided for in the valuation. All known events or trends which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.  

Respectfully submitted,  

Stephen Lambert-Oswald, F.S.A., E.A., M.A.A.A.  
Enrollment No. 17-07225  

06/18/2017  

City of Panama City Beach Police Officers’ Pension Plan  
Actuarial Impact Statement  

AGENDA ITEM #
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# City of Panama City Beach
## Police Officers' Pension Plan

### Development of Normal Cost for State Minimum Required Contribution

**October 1, 2015**

1. **Number of Participants**
   - **Active**: 56  
   - Terminated with Vested Benefits: 3  
   - Retirees and Beneficiaries: 24  
   - **Total**: 83

2. **Participant's Compensation**
   - a. Below Normal Retirement Age: $2,969,177  
   - b. Beyond Normal Retirement Age: -  
   - c. Total: $2,969,177  

3. **Present Value of Benefits**
   - Active: $13,427,491  
   - Terminated with Vested Benefits: 891,656  
   - Retirees: 9,572,240  
   - Excess State Monies Reserve: 58,474  
   - **Total**: $23,949,461

4. **Unfunded Actuarial Accrued Liability**: $332,748  

5. **Actuarial Value of Assets**: $16,808,417  

6. **Past Excess Contributions**: $40,746  

7. **Present Value of Future Employee Contributions**: $2,478,410

8. **Present Value of Future City Normal Costs**
   \[ (3) - (4) - [(5) - (6)] - (7) \]
   - Current: $4,371,032  
   - Proposed: $4,371,032

9. **Present Value of Future Compensation**: $24,697,974  

10. **Normal Cost Rate**: 17.70%  

11. **Normal Cost**
    \[ (2a) \times (10) \]
    - Current: $525,544  
    - Proposed: $525,544
### City of Panama City Beach
### Police Officers' Pension Plan

#### State Minimum Required Contribution

**October 1, 2015**

<table>
<thead>
<tr>
<th>Description</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Normal Cost</td>
<td>$ 525,544</td>
<td>$ 525,544</td>
</tr>
<tr>
<td>2. Amortization of Actuarial Accrued Liability</td>
<td>$ 55,360</td>
<td>$ 102,016</td>
</tr>
<tr>
<td>3. Interest Adjustment on (1) and (2) for Quarterly Payment</td>
<td>$ 22,789</td>
<td>$ 24,619</td>
</tr>
<tr>
<td>4. Expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Year Estimate Equal to Prior Year's Actual</td>
<td>$ 67,958</td>
<td>$ 67,958</td>
</tr>
<tr>
<td>Make-up for Shortfall in Prior Year's Estimate</td>
<td>$ 14,970</td>
<td>$ 14,970</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 82,928</strong></td>
<td><strong>$ 82,928</strong></td>
</tr>
<tr>
<td>5. Estimated State Premium Tax Refund (Equal to Prior Year's Actual</td>
<td>$ 93,639</td>
<td>$ 140,295</td>
</tr>
<tr>
<td>Refund and Excluding Excess Premium Tax Revenues That Have Not Been Used</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to Provide Additional Benefits)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Past Excess Contributions plus Interest Adjusted for Quarterly Payment</td>
<td>$ 42,344</td>
<td>$ 42,344</td>
</tr>
<tr>
<td>7. Minimum Required Contribution by City for Fiscal Year = (1) + (2) +</td>
<td>$ 550,638</td>
<td>$ 552,468</td>
</tr>
<tr>
<td>(3) + (4) − (5) − (6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Percent of Participants' Compensation Below Normal Retirement Age*</td>
<td>18.55%</td>
<td>18.61%</td>
</tr>
</tbody>
</table>

* Under a new state interpretation, the actual required contribution is based on this percentage of actual, not estimated, Participants' Compensation Below Normal Retirement Age.
# Unfunded Frozen Initial and Supplemental Liabilities

**City of Panama City Beach**  
**Police Officers' Pension Plan**  

**October 1, 2015**

<table>
<thead>
<tr>
<th>Initial Liability</th>
<th>Initial Amount to be Amortized</th>
<th>Beginning Amortization Period</th>
<th>Original Amortization Period (Years)</th>
<th>Years Remaining</th>
<th>(BOY) Annual Amortization Amount</th>
<th>Unamortized Balance as of 10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Liability</td>
<td>$369,135</td>
<td>10/1/1994</td>
<td>17</td>
<td>0</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Benefit Improvement</td>
<td>407,851</td>
<td>10/1/1994</td>
<td>30</td>
<td>9</td>
<td>33,545</td>
<td>226,316</td>
</tr>
<tr>
<td>Plan/Assumption Change</td>
<td>265,236</td>
<td>10/1/1994</td>
<td>30</td>
<td>9</td>
<td>21,815</td>
<td>147,178</td>
</tr>
<tr>
<td>Add $150/month Supplemental Plus 25 and out</td>
<td>314,770</td>
<td>10/1/2016</td>
<td>9</td>
<td>9</td>
<td>46,656</td>
<td>314,770</td>
</tr>
</tbody>
</table>

**Unamortized Balance as of 10/1/2015** $102,016

1. Unamortized Balance as of 10/1/2015 $688,264
2. Past Excess Contributions $40,746
3. Remaining Unfunded Liabilities = (1) - (2) $647,518
<table>
<thead>
<tr>
<th>Year</th>
<th>Liability</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>$647,518</td>
</tr>
<tr>
<td>2016</td>
<td>589,142</td>
</tr>
<tr>
<td>2017</td>
<td>526,096</td>
</tr>
<tr>
<td>2018</td>
<td>458,007</td>
</tr>
<tr>
<td>2019</td>
<td>384,471</td>
</tr>
<tr>
<td>2020</td>
<td>305,052</td>
</tr>
<tr>
<td>2021</td>
<td>219,279</td>
</tr>
<tr>
<td>2022</td>
<td>126,644</td>
</tr>
<tr>
<td>2023</td>
<td>26,599</td>
</tr>
<tr>
<td>2024</td>
<td></td>
</tr>
</tbody>
</table>

The first figure is the Unfunded Frozen Initial and Supplemental Liabilities as of the current valuation date. For each year thereafter, the proceeding year's Unfunded Liability is reduced by the annual amortization amount shown on the page titled History of Unfunded Frozen and Supplemental Liabilities and increased with interest at 8.00% per annum.

Thus the remaining amortization period as of the October 1, 2015, valuation is 2024 less 2015, or 9 years.
### City of Panama City Beach
### Police Officers' Pension Plan

**Past Excess Contributions (State Requirements)**

**October 1, 2015**

<table>
<thead>
<tr>
<th>Plan Year Ended</th>
<th>9/30/2014</th>
<th>9/30/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Charges:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deficiency Brought Forward</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Normal Cost</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Expenses (Estimated and Make up)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Amortization of Frozen Initial and Supplemental Liabilities</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Required City Contribution, per State*</td>
<td>600,619</td>
<td>615,560</td>
</tr>
<tr>
<td>State (Estimated)</td>
<td>93,639</td>
<td>93,639</td>
</tr>
<tr>
<td>Interest</td>
<td>25,175</td>
<td>27,822</td>
</tr>
<tr>
<td><strong>Total Charges</strong></td>
<td><strong>$ 719,433</strong></td>
<td><strong>$ 737,021</strong></td>
</tr>
<tr>
<td><strong>Credits:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excess Contribution Brought Forward</td>
<td>$ 2,883</td>
<td>$ 62,506</td>
</tr>
<tr>
<td>City Contributions</td>
<td>646,023</td>
<td>589,810</td>
</tr>
<tr>
<td>State Contributions (Excluding Excess Premium Tax Revenues That Have Not Been Used to Provide Additional Benefits)</td>
<td>105,385</td>
<td>93,639</td>
</tr>
<tr>
<td>Interest</td>
<td>27,648</td>
<td>31,812</td>
</tr>
<tr>
<td><strong>Total Credits</strong></td>
<td><strong>$ 781,939</strong></td>
<td><strong>$ 777,767</strong></td>
</tr>
<tr>
<td><strong>Balance:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excess Contribution Carried Forward</td>
<td>$ 62,506</td>
<td>$ 40,746</td>
</tr>
<tr>
<td>Deficiency Carried Forward</td>
<td>$ -</td>
<td>$ -</td>
</tr>
</tbody>
</table>

*Under a new state interpretation, the actual required contribution is based on the required contribution rate times actual Participants' Compensation Below Normal Retirement Age for the Plan Year. See the "State Required Exhibit" for this determination.
## City of Panama City Beach
### Police Officers' Pension Plan

### Market Value of Assets

**October 1, 2015**

<table>
<thead>
<tr>
<th>Assets:</th>
<th>10/1/2013</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$ 1,050,790.21</td>
<td>$ 1,284,356.72</td>
</tr>
<tr>
<td>Certificates of Deposit</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Government and Corporate Bond</td>
<td>4,540,069.65</td>
<td>4,380,901.23</td>
</tr>
<tr>
<td>Real Estate and Equity Funds</td>
<td>10,958,812.72</td>
<td>10,237,566.60</td>
</tr>
<tr>
<td>Due from City Funds</td>
<td>-</td>
<td>359,893.76</td>
</tr>
<tr>
<td>Due from State of Florida</td>
<td>-</td>
<td>117,869.72</td>
</tr>
<tr>
<td>Accrued Interest</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Miscellaneous Receivable</td>
<td>-</td>
<td>21,583.68</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>$ 16,549,672.58</td>
<td>$ 16,402,171.71</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liabilities and Fund Balance:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>$ (9,941.51)</td>
<td>$ (15,076.85)</td>
</tr>
<tr>
<td>Refunds or Benefits Payable</td>
<td>(549.64)</td>
<td>(390.27)</td>
</tr>
<tr>
<td>Due Other Funds</td>
<td>-</td>
<td>(42,498.14)</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>$ (10,491.15)</td>
<td>$ (57,965.26)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Pension Fund Balance:</strong></th>
<th>$ 16,539,181.43</th>
<th>$ 16,344,206.45</th>
</tr>
</thead>
</table>
# City of Panama City Beach
## Police Officers' Pension Plan
### Reconciliation of Assets (Market Value)
#### October 1, 2015

**Plan Year Ended**

<table>
<thead>
<tr>
<th></th>
<th>9/30/2014</th>
<th>9/30/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Contributions</td>
<td>646,022.66</td>
<td>589,810.48</td>
</tr>
<tr>
<td>Employee Contributions</td>
<td>307,896.30</td>
<td>325,235.28</td>
</tr>
<tr>
<td>State Contributions</td>
<td>111,256.94</td>
<td>117,869.72</td>
</tr>
<tr>
<td>Repayment of Contributions</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interest &amp; Dividends</td>
<td>260,376.11</td>
<td>380,177.70</td>
</tr>
<tr>
<td>Unrealized/Realized Gains (Losses)</td>
<td>1,291,130.89</td>
<td>(613,462.95)</td>
</tr>
<tr>
<td>Commissions</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>$2,616,682.90</td>
<td>$799,630.23</td>
</tr>
<tr>
<td><strong>Expenses:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pension Payments</td>
<td>670,793.07</td>
<td>826,245.48</td>
</tr>
<tr>
<td>Contribution Refunds</td>
<td>107,621.01</td>
<td>100,401.84</td>
</tr>
<tr>
<td>DROP Payments</td>
<td>210,819.03</td>
<td>-</td>
</tr>
<tr>
<td>Investment Expenses</td>
<td>34,355.55</td>
<td>47,486.59</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>18,632.35</td>
<td>20,471.30</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>$1,042,221.01</td>
<td>$994,605.21</td>
</tr>
<tr>
<td><strong>Net Income:</strong></td>
<td>$1,574,461.89</td>
<td>$(194,974.98)</td>
</tr>
<tr>
<td><strong>Fund Balance, Beginning of Year:</strong></td>
<td>$14,964,719.53</td>
<td>$16,539,181.42</td>
</tr>
<tr>
<td><strong>Fund Balance, End of Year:</strong></td>
<td>$16,539,181.42</td>
<td>$16,344,206.44</td>
</tr>
</tbody>
</table>
# City of Panama City Beach Police Officers' Pension Plan

## Investment Gain/(Loss)

**October 1, 2015**

<table>
<thead>
<tr>
<th>1. Date of Actuarial Value of Assets:</th>
<th>10/1/2015</th>
<th>10/1/2014</th>
<th>10/1/2013</th>
<th>10/1/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Market Value as of Prior Year</td>
<td>$16,539,181</td>
<td>$14,964,720</td>
<td>$12,948,979</td>
<td>$10,896,205</td>
</tr>
<tr>
<td>(including receivable contributions)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Receivable Contribution included above</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>4. Market Value Excluding Receivable (2) - (3)</td>
<td>$16,539,181</td>
<td>$14,964,720</td>
<td>$12,948,979</td>
<td>$10,896,205</td>
</tr>
<tr>
<td>5. Employer, Employee &amp; State Contributions (made for the year, i.e., excluding the receivable contribution, item (3), but including contributions made after the end of the year with no expected return thereon)</td>
<td>$1,032,915</td>
<td>$1,065,176</td>
<td>$857,352</td>
<td>$773,832</td>
</tr>
<tr>
<td>7. Administrative Expenses</td>
<td>$67,958</td>
<td>$52,988</td>
<td>$52,529</td>
<td>$57,490</td>
</tr>
<tr>
<td>8. Expected Return %</td>
<td>8.00%</td>
<td>8.00%</td>
<td>8.00%</td>
<td>8.00%</td>
</tr>
<tr>
<td>a. Item (4) for 1 year</td>
<td>$1,323,135</td>
<td>$1,197,178</td>
<td>$1,035,918</td>
<td>$871,696</td>
</tr>
<tr>
<td>b. Item (3) for partial &amp; (5) for 1/2 year</td>
<td>40,522</td>
<td>41,787</td>
<td>33,634</td>
<td>30,358</td>
</tr>
<tr>
<td>c. Item (6) for 1/2 year</td>
<td>(36,353)</td>
<td>(38,808)</td>
<td>(23,830)</td>
<td>(27,433)</td>
</tr>
<tr>
<td>d. Item (7) for 1/2 year</td>
<td>(2,666)</td>
<td>(2,079)</td>
<td>(2,061)</td>
<td>(2,255)</td>
</tr>
<tr>
<td>9. Expected Market Value</td>
<td>$17,902,130</td>
<td>$16,185,752</td>
<td>$14,190,032</td>
<td>$11,785,635</td>
</tr>
<tr>
<td>(2)+ (5)-(6)-(7) + (8)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Actual Market Value this Year</td>
<td>$16,344,206</td>
<td>$16,539,181</td>
<td>$14,964,720</td>
<td>$12,948,979</td>
</tr>
<tr>
<td>(including receivable contributions)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Investment Gain/(Loss) from Experience</td>
<td>$(1,557,923)</td>
<td>$353,429</td>
<td>$774,687</td>
<td>$1,163,343</td>
</tr>
</tbody>
</table>
City of Panama City Beach
Police Officers' Pension Plan

Actuarial Value of Assets
October 1, 2015

5-YEAR SMOOTHED MARKET VALUE WITHOUT PHASE-IN 10/1/2015

1. Market Value of Assets $ 16,344,206

2. Investment Gains/(Losses) for Four Prior Years
   a. Oct-14 $ (1,557,923)
   b. Oct-13 353,429
   c. Oct-12 774,687
   d. Oct-11 1,163,343

3. Unrecognized Investment Gains/(Losses)
   a. Oct-14 80% of (2)(a) $ (1,246,339)
   b. Oct-13 60% of (2)(b) 212,057
   c. Oct-12 40% of (2)(c) 309,875
   d. Oct-11 20% of (2)(d) 232,669
   e. Total: (a)+(b)+(c)+(d) $ (491,738)

4. Preliminary Actuarial Value of Assets = (1) - (3)(e) $ 16,835,944

5. Adjustment to be within 20% of market value $

6. Actuarial Value of Assets = (4) + (5) $ 16,835,944
City of Panama City Beach
Police Officers' Pension Plan

Allocation of Actuarial Value of Assets to the Reserve for Other Retirement Benefits (i.e., Excluding DROP)
October 1, 2015

<table>
<thead>
<tr>
<th></th>
<th>Actuarial Value Allocated in Proportion to Market Value</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve for DROP</td>
<td>$ 27,527</td>
<td>$ 26,723</td>
</tr>
<tr>
<td>Reserve for Other Retirement Benefits</td>
<td>16,808,417</td>
<td>16,317,483</td>
</tr>
<tr>
<td>Total Fund Balances</td>
<td>$ 16,835,944</td>
<td>$ 16,344,206</td>
</tr>
</tbody>
</table>
City of Panama City Beach
Police Officers' Pension Plan

Funded Status – Accrued Benefits (ASC 960)

October 1, 2015

Generally the best measures of the Funded Status of a defined benefit plan are considered to be the levels of funding of the Actuarial Present Values of Accumulated Plan Benefits and Vested Benefits. Accumulated Plan Benefits are those future benefit payments that are attributable under the plan's provisions to employees' service rendered prior to the valuation date. Accumulated Plan Benefits are based on employees' actual pay histories, or estimates thereof; possible future salary increases or changes in Social Security levels are not recognized. Vested Benefits are those benefits which are nonforfeitable under the plan's vesting provisions.

The Actuarial Present Value of Accumulated Plan Benefits is the amount resulting from the application of actuarial assumptions to the Accumulated Plan Benefits to reflect the time value of money and the probabilities of death, disability, withdrawal and retirement. Underlying these assumptions (described on the Actuarial Basis page) is an assumption of an ongoing plan. Since most Accumulated Plan Benefits are generally synonymous with "Accrued Benefits" as defined in the plan, the Actuarial Present Value of Accumulated Plan Benefits has also been called the Present Value of Accrued Benefits.

<table>
<thead>
<tr>
<th></th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>NET ASSETS AVAILABLE FOR BENEFITS*</td>
<td>$15,507,985</td>
<td>$16,808,417</td>
</tr>
<tr>
<td>ACTUARIAL PRESENT VALUE OF ACCUMULATED PLAN BENEFITS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vested Benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participants Currently Receiving Payments</td>
<td>$8,922,332</td>
<td>$9,572,240</td>
</tr>
<tr>
<td>All Other Participants</td>
<td>$5,112,446</td>
<td>$5,612,051</td>
</tr>
<tr>
<td>TOTAL VESTED BENEFITS</td>
<td>$14,034,778</td>
<td>$15,184,291</td>
</tr>
<tr>
<td>Percent Funded</td>
<td>110%</td>
<td>111%</td>
</tr>
<tr>
<td>NONVESTED BENEFITS</td>
<td>$1,044,455</td>
<td>$844,322</td>
</tr>
<tr>
<td>EXCESS STATE MONIES RESERVE</td>
<td>$16,625</td>
<td>$58,474</td>
</tr>
<tr>
<td>TOTAL ACTUARIAL PRESENT VALUE OF ACCUMULATED PLAN BENEFITS</td>
<td>$15,095,858</td>
<td>$16,087,087</td>
</tr>
<tr>
<td>Percent Funded</td>
<td>103%</td>
<td>104%</td>
</tr>
</tbody>
</table>

* Actuarial Value of Assets
### City of Panama City Beach
### Police Officers' Pension Plan

#### Funded Status – Accrued Benefits (ASC 960) (Continued)

**October 1, 2015**

<table>
<thead>
<tr>
<th></th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACTUARIAL PRESENT VALUE OF</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACCUMULATED PLAN BENEFITS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AS OF PRIOR VALUATION DATE</strong></td>
<td>$14,026,578</td>
<td>$15,088,316</td>
</tr>
</tbody>
</table>

Increase (Decrease) During the Year Attributable to:

- Increase for Interest Due to the Decrease in the Discount Period: $1,090,990 to $1,169,999
- Benefits Paid: (778,414) to (926,647)
- Benefits Accumulated, Turnover, Other Experience: 749,162 to 755,419
- Change in Actuarial Assumptions: -
- Plan Amendment: -

Net Increase (Decrease): $1,061,738 to $998,771

<table>
<thead>
<tr>
<th></th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACTUARIAL PRESENT VALUE OF</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACCUMULATED PLAN BENEFITS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AS OF CURRENT VALUATION DATE</strong></td>
<td>$15,088,316</td>
<td>$16,087,087</td>
</tr>
</tbody>
</table>
# City of Panama City Beach
## Police Officers' Pension Plan

### State Required Exhibit

**October 1, 2015**

#### A. Member Data

<table>
<thead>
<tr>
<th>Item</th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Active Members</td>
<td>54</td>
<td>56</td>
</tr>
<tr>
<td>2. Retired Members and beneficiaries receiving benefits (including DROP)</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>3. Disabled Members receiving benefits</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4. Terminated vested Members</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>5. Prior year active compensation</td>
<td>$2,590,023</td>
<td>$2,858,939</td>
</tr>
<tr>
<td>6. Annual benefits payable to retirees and beneficiaries (including DROP)</td>
<td>$776,956</td>
<td>$847,166</td>
</tr>
<tr>
<td>7. Annual benefits payable to disabled retirees</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>8. Annual benefits payable to terminated vested Members</td>
<td>$131,144</td>
<td>$93,594</td>
</tr>
</tbody>
</table>

#### B. Assets

<table>
<thead>
<tr>
<th>Item</th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Actuarial value</td>
<td>$15,507,985</td>
<td>$16,808,417</td>
</tr>
<tr>
<td>2. Market value</td>
<td>16,539,181</td>
<td>16,317,483</td>
</tr>
</tbody>
</table>

#### C. Liabilities

<table>
<thead>
<tr>
<th>Item</th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Actuarial present value of future expected benefit payments for active members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Retirement benefits</td>
<td>$9,990,011</td>
<td>$11,703,095</td>
</tr>
<tr>
<td>b. Termination benefits</td>
<td>2,087,315</td>
<td>1,881,734</td>
</tr>
<tr>
<td>c. Death benefits</td>
<td>76,992</td>
<td>82,357</td>
</tr>
<tr>
<td>d. Disability benefits</td>
<td>121,477</td>
<td>133,549</td>
</tr>
<tr>
<td>e. Total</td>
<td>$12,275,795</td>
<td>$13,800,735</td>
</tr>
<tr>
<td>2. Actuarial present value of future expected benefit payments for terminated vested members</td>
<td>$1,114,230</td>
<td>$891,656</td>
</tr>
<tr>
<td>3. Actuarial present value of future expected benefit payments for members currently receiving benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Service retired, beneficiaries and DROP</td>
<td>$8,922,332</td>
<td>$9,572,240</td>
</tr>
<tr>
<td>b. Disability retired</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>c. Total</td>
<td>$8,922,332</td>
<td>$9,572,240</td>
</tr>
<tr>
<td>4. Excess State Monies Reserve</td>
<td>$16,625</td>
<td>$58,474</td>
</tr>
<tr>
<td>5. Total actuarial present value of future expected benefit payments</td>
<td>$22,328,982</td>
<td>$24,323,105</td>
</tr>
<tr>
<td>6. Entry age normal accrued liability</td>
<td>$18,078,928</td>
<td>$18,078,928</td>
</tr>
<tr>
<td>7. Unfunded entry age normal accrued liability</td>
<td>$1,539,747</td>
<td>$1,761,445</td>
</tr>
<tr>
<td>8. Liabilities at FRS discount rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Discount rate</td>
<td>7.65%</td>
<td>7.65%</td>
</tr>
<tr>
<td>b. Entry age normal accrued liability</td>
<td>$18,718,027</td>
<td>$18,718,027</td>
</tr>
<tr>
<td>c. Unfunded entry age normal accrued liability</td>
<td>$3,210,042</td>
<td>$1,909,610</td>
</tr>
</tbody>
</table>

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**AGENDA ITEM #**
## City of Panama City Beach
### Police Officers' Pension Plan

State Required Exhibit (Continued)

October 1, 2015

### D. Statement of Accumulated Plan Benefits

<table>
<thead>
<tr>
<th>Description</th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Actuarial present value of accumulated vested benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Members currently receiving benefits (including DROP)</td>
<td>$8,922,332</td>
<td>$9,572,240</td>
</tr>
<tr>
<td>b. Other Members</td>
<td>5,112,446</td>
<td>5,612,051</td>
</tr>
<tr>
<td>c. Total</td>
<td>$14,034,778</td>
<td>$15,184,291</td>
</tr>
<tr>
<td>2. Actuarial present value of accumulated non-vested plan benefits</td>
<td>1,044,455</td>
<td>844,322</td>
</tr>
<tr>
<td>3. Excess State Monies Reserve</td>
<td>16,625</td>
<td>58,474</td>
</tr>
<tr>
<td>4. Total actuarial present value of accumulated plan benefits</td>
<td>$15,095,858</td>
<td>$16,087,087</td>
</tr>
<tr>
<td>5. Liabilities at FRS discount rate</td>
<td>7.65%</td>
<td>7.65%</td>
</tr>
<tr>
<td>a. Discount rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Actuarial present value of accumulated vested benefits</td>
<td>$14,595,408</td>
<td>$14,595,408</td>
</tr>
<tr>
<td>c. Total actuarial present value of accumulated plan benefits</td>
<td>$15,704,488</td>
<td>$15,746,337</td>
</tr>
</tbody>
</table>

### E. Statement of Change in Accumulated Plan Benefits

<table>
<thead>
<tr>
<th>Description</th>
<th>10/1/2014</th>
<th>10/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Actuarial present value of accumulated plan benefits as of Prior Valuation Date</td>
<td>$14,026,578</td>
<td>$15,088,316</td>
</tr>
<tr>
<td>2. Increase (decrease) during year attributable to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Plan amendment</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>b. Change in actuarial assumptions</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>c. Benefits paid</td>
<td>(778,414)</td>
<td>(926,647)</td>
</tr>
<tr>
<td>d. Other, including benefits accumulated and increase for interest due to decrease in the discount period</td>
<td>1,840,152</td>
<td>1,925,418</td>
</tr>
<tr>
<td>e. Net increase</td>
<td>$1,061,738</td>
<td>$998,771</td>
</tr>
<tr>
<td>3. Actuarial present value of accumulated plan benefits as of Current Valuation Date</td>
<td>$15,088,316</td>
<td>$16,087,087</td>
</tr>
</tbody>
</table>
City of Panama City Beach
Police Officers' Pension Plan

State Required Exhibit (Continued)

October 1, 2015

<table>
<thead>
<tr>
<th>Actuarial Valuation Date</th>
<th>10/1/2013</th>
<th>10/1/2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contribution Year</td>
<td>2013-14</td>
<td>2014-15</td>
</tr>
</tbody>
</table>

F. Past Contributions

1. Total contribution required
   a. City
      i. Estimated Dollars, from Actuarial Valuation $615,147 $550,638
      ii. Percentage of Participants’ Compensation 23.08% 18.55%
      iii. Actual Compensation Under NRA $2,590,023 $2,858,939
      iv. Required, per new state interpretation = (ii.) x (iii.) $597,777 $530,333
   b. State (Estimated) 93,639 93,639
   c. Member* 293,119 300,595
   d. Total = (a. iv.) + (b.) + (c.) $984,535 $924,567

2. Actual contributions made:
   a. City $646,023 $589,810
   b. State** 93,639 93,639
   c. Member 307,896 325,235
   d. Total $1,047,558 $1,008,834

G. Net Actuarial Gain (Loss) N/A N/A

H. Disclosure of Following Items:

1. Actuarial present value of future salaries - attained age*** $22,998,907 $24,697,974
2. Actuarial present value of future employee contributions - attained age*** $2,307,237 $2,478,410
3. Actuarial present value of future contributions from other sources N/A N/A
4. Amount of active members' accumulated contributions $1,894,166 $2,042,622
5. Actuarial present value of future salaries and future benefits at entry age Not provided by system
6. Actuarial present value of future employee contributions at entry age Not provided by system

* Determined by applying the required employee contribution rate (11.0%) to expected compensation for the year for participants under Normal Retirement Age (NRA)
** Excluding Excess Premium Tax Revenues that have not been used to provide Additional Benefits
*** Participants under Normal Retirement Age (NRA) only
City of Panama City Beach
Police Officers' Pension Plan

Summary of Major Plan Provisions
October 1, 2015

Effective Date: August 25, 1971.

Plan Year: October 1 to September 30.

Last Amendment: Restatement (Ordinance 669) effective June 8, 2000. First Amendment (Ordinance 715) effective March 8, 2001 (changing Employee Contributions from 7.0% to 9.7% and the multiplier from 3.00% to 3.25%). Second Amendment (Ordinance 794) effective April 10, 2003 (for various law and other changes). Third Amendment (Ordinance 811) effective July 10, 2003 (adding Early Retirement). Fourth Amendment (Ordinance 881) effective July 22, 2004 (adding 3% increasing annuities as an Optional Form of Payment and changing investment policy). Fifth Amendment (Ordinance 1029) effective May 11, 2006 (changing various provisions as required by new IRS rules). Sixth Amendment (Ordinance 1070) effective May 17, 2007 (changing Employee Contributions from 9.7% to 11.0% and the multiplier from 3.25% to 3.50%). Seventh Amendment (Ordinance 1083) effective July 26, 2007 (adding 5% fixed investment return option for DROP). Restatement (Ordinance 1159) adopted August 17, 2009. First Amendment (Ordinance 1222) effective February 9, 2012 (adding 300 hours of overtime cap).

Eligibility: All permanent Police Officers who have passed the medical examination.

Employee Contributions: 11% of Compensation (9.7% prior to May 17, 2007) and excluded from taxable income under IRC Section 414(h).

Compensation: Total compensation paid by the City for services rendered as reported on Form W-2, plus all tax deferred, tax sheltered or tax exempt amounts derived from elective employee contributions or salary reductions. Compensation includes regular pay, overtime (up to 300 hours) and other cash incentives. Payments of leave amounts (vacation, sick, etc.) upon termination of employment shall not be included. Auto allowance and mileage reimbursements shall not be included. Compensation in excess of the IRC Section 401(a)(17) limit is disregarded.

Average Final Compensation: The Compensation received during the 5 years out of the last 10 years of Credited Service divided by 60, which produces the highest average, or the career average as a full-time Police Officer, if greater.

Credited Service: Years and fractional parts of years of service as a Police Officer with the City and while making Employee Contributions.

Accrued Benefit: The benefit using the formula for the Normal Retirement Benefit, based upon the Average Final Compensation and Credited Service as of the date of the calculation. The Accrued Benefit is payable at the Normal Retirement Date in the Normal Form of Benefit.

Accumulated Contributions: A participant's contributions with interest compounded annually at 5.25% through June 8, 2000; after that date interest is no longer accrued.

Normal Retirement Date: The first day of the month coincident with or next following the earlier of (1) the date a participant attains age 50 and has completed at least 20 years of Credited Service or (2) the date he attains age 55 and has completed at least 10 years of Credited Service. The proposed plan change would...
City of Panama City Beach
Police Officers' Pension Plan

also allow normal retirement with 25 years of service regardless of age.

Early Retirement Date: The first day of the month coincident with or next following the date a participant attains age 50 and has completed at least 10 years of Credited Service.

Normal Form of Benefit: A monthly annuity for life with 10 years certain.

Optional Forms of Benefit: Benefits Actuarially Equivalent to the benefit provided under the Normal Form of Benefit; optional forms:

a. Life annuity (with no modified cash refund feature),
b. Joint and survivor annuity (100%, 75%, 66 2/3% or 50%; reducing upon death of participant only),
c. Level income option,
d. Any of the above forms, increasing 3% per year on each January 1, or
e. Lump Sum if under $5,000, or less than $100 per month.

Normal Retirement Benefit: A monthly benefit commencing at the Normal Retirement Date equal to 3.5% of Average Final Compensation multiplied by years of Credited Service, but not more than 100% of Average Final Compensation (excluding COLA's). The proposed plan change would also add a fixed $150/month supplement for anyone retiring from active service. The normal form for this benefit would be a life annuity.

Late Retirement Benefit: Additional benefits will accrue after the Normal Retirement Date.

Early Retirement Benefit: A participant who elects to retire on or after his Early Retirement Date may receive an Early Retirement Benefit commencing at his Normal Retirement Date equal to his Accrued Benefit. If he further elects to have such benefit commence prior to his Normal Retirement Date, it shall be reduced 3% per year (.25% per month) for each period by which the benefit commencement date precedes his Normal Retirement Date. For this purpose Normal Retirement Date is determined based on the participant's actual years of Credited Service as a Police Officer at his termination date.

Death Benefit: The beneficiary of a participant who dies (1) during employment or after termination with a vested benefit and (2) with respect to whom benefit payments have not commenced shall be entitled to a Death Benefit equal to 100 times his monthly Accrued Benefit based on his Credited Service and Average Final Compensation as of the time of death. This benefit is payable in a lump sum unless the Police Officer elected that it be paid in an Actuarially Equivalent annuity or installments. The Plan also provides minimum Death Benefits based upon the vested, 10-year-certain portion of the Normal Form of Benefit or the refund of Accumulated Contributions.

Termination of Employment Benefit: A participant who terminates his employment after completing ten years of Credited Service for reason other than death, disability or retirement shall be entitled to a vested deferred monthly benefit commencing at his Normal Retirement Date equal to his Accrued Benefit. Any participant may withdraw his Accumulated Contributions; a vested participant who withdraws his Accumulated Contributions forfeits his rights to his vested Accrued Benefit or Death Benefit.

If a participant terminates after completing 10 years but prior to being eligible for retirement:

- With less than 20 years of Credited Service, his annuity can begin unreduced at age 55 or reduced (3% per year) between ages 50 and 55, or
- With 20 or more years of Credited Service, his annuity can begin unreduced at age 50
Disability Benefit: A Participant who becomes totally and permanently disabled shall be eligible to receive a Disability Benefit in the form of an immediate monthly annuity for life with ten years certain as follows:

Job-Related Disability: Without regard to years of Credited Service, a benefit equal to the greater of his Accrued Benefit or 42% of Average Final Compensation as of the date of disability.

Non-Job-Related Disability: With ten or more years of Credited Service, a benefit equal to his Accrued Benefit as of the date of disability.

The Disability Benefit together with worker's compensation benefits may not exceed 100% of pay, as provided in the Plan. Optional Forms of Benefit may be elected.

Actuarial Equivalent: A benefit or amount of equal value, based upon the 1983 Group Annuity Mortality Table for Males and an interest rate of 8% per annum. In practice, in accordance with the prior document, the Table for Males is used for all Police Officers, regardless of sex, and the same table with ages set back 6 years is used for all beneficiaries and survivor annuitants, regardless of sex.

Maximum Benefits: IRC Section 415 limits apply as modified for governmental plans and for police and fire plans.

Deferred Retirement Option Program (DROP):


b. Benefit Amount: The participant's Accrued Benefit calculated as of the beginning of the DROP period, accumulated quarterly with interest at a rate equal to either the Pension Plan's net investment performance during the quarter or a fixed guaranteed rate of 5% annually, plus cost-of-living adjustments, if any, during the DROP period. The participant elects which interest basis he wants upon his entry into the DROP, and may change such election only once during the DROP period.

c. Form of Benefit: When the DROP period ends (maximum 5 years), the employee must terminate employment. At that time, the accumulated DROP benefits will be distributed in the form of a lump sum, a rollover, or a nonforfeitable fixed annuity to the participant, or if deceased, such participant's designated beneficiary. In addition, the monthly annuity, including any COLA adjustments, will continue to the participant as otherwise provided in the Plan.

d. Other Provisions: A participant in DROP is no longer eligible for Death or Disability Benefits. Employee Contributions are no longer collected, and Credited Service and Average Final Compensation are frozen as of the date of entry into DROP.
City of Panama City Beach
Police Officers' Pension Plan

Actuarial Basis
October 1, 2015

ACTUARIAL COST METHOD

Entry Age Normal with Frozen Initial Liability. Changes in actuarial assumptions are reflected in Normal Cost. Since at least 1999, all changes in plan benefits have been funded either by increases in the employee contribution rate or by increased Premium Tax Revenues.

ACTUARIAL ASSUMPTIONS

Investment Yield: The investment rate of earnings is assumed to be 8.00% per annum.

Interest on Employee Contributions: No interest is credited beyond June 8, 2000.


Disability: Preretirement disability is assumed to occur in accordance with a standard scale of disability rates (1955 UAW, male and female). Sample rates are shown below:

<table>
<thead>
<tr>
<th>Age</th>
<th>Probability of Disablement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>20</td>
<td>0.03%</td>
</tr>
<tr>
<td>30</td>
<td>0.04%</td>
</tr>
<tr>
<td>40</td>
<td>0.07%</td>
</tr>
<tr>
<td>50</td>
<td>0.18%</td>
</tr>
<tr>
<td>60</td>
<td>0.90%</td>
</tr>
</tbody>
</table>

Twenty-five percent of disabilities are assumed to be non-job-related.

Withdrawal: Preretirement withdrawals are assumed to occur in accordance with a standard scale of turnover rates (T-5). Sample rates are shown below:

<table>
<thead>
<tr>
<th>Age</th>
<th>Probability of Withdrawal</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>7.9%</td>
</tr>
<tr>
<td>30</td>
<td>7.2%</td>
</tr>
<tr>
<td>40</td>
<td>5.2%</td>
</tr>
<tr>
<td>50</td>
<td>2.6%</td>
</tr>
</tbody>
</table>

Salary Scale: Future salaries are assumed to increase at the rate of 6% per year.
City of Panama City Beach
Police Officers’ Pension Plan

Actuarial Value of Assets: Assets are valued using a 5-year smoothed market value without phase-in.

Retirement Rate: Each active participant is assumed to retire on the later of the actuarial valuation date or his Normal Retirement Date.

Timing of Contribution: The contribution is assumed to be made quarterly throughout the plan year.

Employees Covered: All participants as of the actuarial valuation date.

Expenses: Expenses for the current year are assumed to equal actual expenses for the prior year. If actual expenses for the current year differ from this estimate, a make-up contribution or credit is included.

Maximum Compensation: Compensation is limited to $260,000 projected to increase at the rate of 4% per annum.

Maximum Benefits: The $210,000 maximum for years ending in 2014 and other applicable Benefit Limitations under Section 415 are projected to increase at the rate of 4% per annum.

Completeness of Assumptions: All benefits and expenses to be provided by the Plan are recognized in the valuation. All known events are taken into account; no current trends are assumed to discontinue in the future.

COMPARABILITY WITH PRIOR VALUATION

Significant Events During the Year: None.

Significant Changes in the Summary of Major Plan Provisions: None.

Significant Changes in the Actuarial Cost Method or Actuarial Assumptions: Mortality was updated to RP-2000 Generational Mortality using Scale AA.

Other Information Needed to Fully and Fairly Disclose the Actuarial Position of the Plan: None.
An actuarial valuation is a series of mathematical calculations which project future benefits under a pension plan and future contributions to fund those benefits. The true cost of a pension plan cannot be determined until the last benefit is paid, because the true cost is the actual benefits ultimately paid, plus the expense of maintaining the plan, less the actual income earned on invested funds. Since funding cannot wait until the last benefit is paid, however, actuarial assumptions are used to project ultimate benefit levels and the reserves needed to provide them. An actuarial cost method is then used to establish a reasonable pattern of contributions to accumulate those reserves. The assumptions and cost method themselves, therefore, only impact on the incidence of funding, not the true cost. Each new valuation automatically corrects for any differences between the assumptions and actual experience, and the correction is spread over the current and future years of funding.

The Entry Age Normal with Frozen Initial Liability cost method spreads the funding of a portion of the pension benefits over the future service of all active participants and the balance is funded in a separate amortization schedule.

The Frozen Initial Liability is determined and fixed in the first year the cost method is adopted, although it may be redetermined or a supplemental piece added when the Plan is amended. The Frozen Initial Liability is the excess of the Present Value of Benefits over the sum of (a) the Present Value of Future Entry Age Normal Costs, (b) the Present Value of Future Employee Contributions, and (c) the Actuarial Value of Assets in the Trust Fund. The Entry Age Normal Cost is the annual cost determined by assuming the current Plan was always in effect and calculating the amount needed to produce level funding of benefits for all current participants from the date they would have entered the Plan. The Frozen Initial Liability may be amortized over as many as 40 years.

In each subsequent year, the order of steps is reversed. The Present Value of Future Normal Costs is calculated as the excess of the Present Value of Benefits over the sum of (a) the unfunded portion of the Frozen Initial Liability, (b) the Actuarial Value of Assets and (c) the Present Value of Future Employee Contributions.

The Normal Cost is developed by spreading the Present Value of Future City Normal Costs over the future compensation of all participants as a level percentage of pay, i.e., by dividing it by the Present Value of Future Compensation to get the Normal Cost Rate. The Normal Cost is the product of the Normal Cost Rate and the current Participants' Compensation. Actuarial gains or losses are included in the Present Value of Future Normal Costs, and are reflected in the Normal Cost Rate and thereby spread over the remaining future service of the participants in the Normal Cost. The Frozen Initial Liability is not adjusted for actuarial gains or losses.
The state minimum required contribution in a particular year is equal to the Normal Cost, plus a level amount which will amortize the Frozen Initial Liability and supplemental bases over the applicable number of years, plus expected and "make-up" expenses, less the Past Excess Contributions.

In the event of either a negative Normal Cost or an unfunded liability that is zero or less, the Cost Method will operate temporarily as the Aggregate Cost Method, in effect, until a positive unfunded liability is established at the time of a plan amendment, when a new Frozen Initial Liability is established.

The calculation of the contribution has been made in a manner that assumes quarterly payment during the Plan Year. In order to meet the state minimum funding requirements, the state minimum required contribution must be made at least quarterly during the Plan Year.
REGULAR ITEM

5
## CITY OF PANAMA CITY BEACH

### AGENDA ITEM SUMMARY

<table>
<thead>
<tr>
<th>1. DEPARTMENT MAKING REQUEST/NAME:</th>
<th>2. MEETING DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities Department - Al Shortt, Utilities Director</td>
<td>September 14, 2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. REQUESTED MOTION/ACTION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approve a 1% water and 2% sewer/reclaimed water rate increase for the upcoming fiscal year starting October 1, 2017, and approve updated water and reclaimed water system tap-on fee charges.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. AGENDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRESENTATION</td>
</tr>
<tr>
<td>CONSENT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. IS THIS ITEM BUDGETED (IF APPLICABLE)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

**BUDGET AMENDMENT OR N/A**

<table>
<thead>
<tr>
<th>6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In August 2016, the city's rate consultant, Public Resources Management Group, completed a utility rate analysis and made recommendations for the following five (5) fiscal years. No increases were proposed, or implemented, for the current fiscal year. The report recommends a 1% increase in potable water rates and a 2% increase in sewer and reclaimed water rates for the upcoming fiscal year beginning October 1. Legal staff has prepared the attached Ordinance 1424 implementing the increases. Notices of the proposed rate increases were included on water bills and mailed to all customers as required. In addition to the rate changes, water and reclaimed water tap-on fees have been updated to reflect current costs of procuring and installing meters. They were last updated over 10 years ago.</td>
</tr>
</tbody>
</table>

Also attached for your information are three spreadsheets and graphs which offer a comparison of the City's current and proposed water/sewer rates with other municipalities in Bay County. The dark blue bar in the graphs represents the City's current rates and the adjacent light blue bar represents the rates if the increase is approved. Even with the proposed rates, the combined water and sewer charges for a single family home in Panama City Beach are significantly lower than the amount charged by the other municipalities within the County. |

Staff recommends approval of Ordinance 1424. Implementation of routine moderate rate adjustments allows the utility system to remain financially solvent, provide quality service and meet or exceed environmental regulations. |
RESIDENTIAL WATER RATE COMPARISON
BAY COUNTY UTILITY SYSTEMS
June 2017

<table>
<thead>
<tr>
<th>SYSTEM NAME</th>
<th>MINIMUM BILL</th>
<th>BLOCK 1 RATE PER 1000 GALLONS</th>
<th>BLOCK 2 RATE PER 1000 GALLONS</th>
<th>BLOCK 3 RATE PER 1000 GALLONS</th>
<th>BLOCK 4 RATE PER 1000 GALLONS</th>
<th>COST FOR # OF GALLONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAY COUNTY</td>
<td>$50.50</td>
<td>$3.37</td>
<td>$6.20</td>
<td>$9.03</td>
<td>$11.83</td>
<td>$37.45</td>
</tr>
<tr>
<td>CALLAWAY</td>
<td>$11.27</td>
<td>$1.57</td>
<td>$3.13</td>
<td>$4.69</td>
<td>$6.25</td>
<td>$18.97</td>
</tr>
<tr>
<td>LYNN HAVEN</td>
<td>$9.43</td>
<td>$1.00</td>
<td>$2.00</td>
<td>$3.00</td>
<td>$4.00</td>
<td>$12.00</td>
</tr>
<tr>
<td>MEXICO BEACH</td>
<td>$50.50</td>
<td>$3.37</td>
<td>$6.20</td>
<td>$9.03</td>
<td>$11.83</td>
<td>$37.45</td>
</tr>
<tr>
<td>PANCAY CITY</td>
<td>$7.15</td>
<td>$0.50</td>
<td>$1.00</td>
<td>$1.50</td>
<td>$2.00</td>
<td>$4.00</td>
</tr>
<tr>
<td>PANCAY CITY BEACH</td>
<td>$18.83</td>
<td>$1.00</td>
<td>$2.00</td>
<td>$3.00</td>
<td>$4.00</td>
<td>$12.00</td>
</tr>
<tr>
<td>PARKER</td>
<td>$0.01</td>
<td>$0.01</td>
<td>$0.01</td>
<td>$0.01</td>
<td>$0.01</td>
<td>$0.01</td>
</tr>
<tr>
<td>SPRINGFIELD</td>
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<td>$1.00</td>
<td>$1.50</td>
<td>$2.00</td>
<td>$4.00</td>
</tr>
</tbody>
</table>

AVERAGE RATE:

- INVERTED RATE STRUCTURE: UNIT RATE INCREASES WITH EACH SUCCESSIVE BLOCK OF WATER USAGE.
- FLAT RATE: UNIT RATE REMAINS CONSTANT.

RESIDENTIAL WATER RATE COMPARISON OF BAY COUNTY
June 2017
# RESIDENTIAL SEWER RATE COMPARISON
## BAY COUNTY UTILITY SYSTEMS
### June 2017

<table>
<thead>
<tr>
<th>SYSTEM NAME</th>
<th>MINIMUM BILL</th>
<th>BASE RATE/1000 GAL</th>
<th>MAX GALLONS INCL.</th>
<th>COST FOR # OF GALLONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$$/BILL</td>
<td></td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>BAY COUNTY</td>
<td>$35.24</td>
<td>0</td>
<td>$10.68</td>
<td>NONE</td>
</tr>
<tr>
<td>CALLAWAY</td>
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<td>0</td>
<td>$3.97</td>
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</tr>
<tr>
<td>LYNN HAVEN</td>
<td>$9.11</td>
<td>0</td>
<td>$5.85</td>
<td>12,000</td>
</tr>
<tr>
<td>MEXICO BEACH</td>
<td>$43.69</td>
<td>4,000</td>
<td>$3.23</td>
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<tr>
<td>PANAMA CITY</td>
<td>$16.39</td>
<td>0</td>
<td>$8.04</td>
<td>12,000</td>
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<td>PANAMA CITY BEACH</td>
<td>$18.40</td>
<td>3,000</td>
<td>$2.73</td>
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<tr>
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<td>$18.77</td>
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<td>$27.31</td>
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<td>$9.49</td>
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</tr>
</tbody>
</table>

**AVERAGE:**
- MIN: $26.00
- MAX: $43.69
- MEDIAN: $25.04

**RESIDENTIAL SEWER RATE COMPARISON OF BAY COUNTY**
### June 2017

![Graph showing sewer rate comparison](image-url)
COMBINED RESIDENTIAL WATER & SEWER RATE COMPARISON
BAY COUNTY UTILITY SYSTEMS
June 2017

<table>
<thead>
<tr>
<th>SYSTEM NAME</th>
<th>1,000</th>
<th>2,000</th>
<th>3,000</th>
<th>4,000</th>
<th>5,000</th>
<th>6,000</th>
<th>7,000</th>
<th>8,000</th>
<th>9,000</th>
<th>10,000</th>
<th>11,000</th>
<th>12,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAY COUNTY</td>
<td>$68.55</td>
<td>$81.78</td>
<td>$95.01</td>
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<td>$149.63</td>
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<td>$177.93</td>
<td>$188.79</td>
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<td>$118.59</td>
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<td>$63.99</td>
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<td>$100.35</td>
<td>$106.00</td>
<td>$118.53</td>
<td>$127.62</td>
</tr>
<tr>
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<td>$80.28</td>
<td>$80.28</td>
<td>$80.28</td>
<td>$86.72</td>
<td>$93.16</td>
<td>$99.60</td>
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<td>$115.71</td>
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<td>PANAMA CITY</td>
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<td>$105.90</td>
<td>$111.94</td>
<td>$124.20</td>
<td>$133.35</td>
</tr>
<tr>
<td>PANAMA CITY BEACH</td>
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<td>$35.33</td>
<td>$35.33</td>
<td>$41.30</td>
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<td>$89.08</td>
</tr>
<tr>
<td>PANAMA CITY BEACH PROPOSED</td>
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<td>$35.87</td>
<td>$35.87</td>
<td>$41.92</td>
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<td>$54.02</td>
<td>$60.07</td>
<td>$66.12</td>
<td>$72.17</td>
<td>$78.22</td>
<td>$84.27</td>
<td>$90.32</td>
</tr>
<tr>
<td>PARKER</td>
<td>$38.75</td>
<td>$50.83</td>
<td>$62.91</td>
<td>$74.99</td>
<td>$87.07</td>
<td>$99.15</td>
<td>$111.23</td>
<td>$123.31</td>
<td>$135.39</td>
<td>$142.80</td>
<td>$159.55</td>
<td>$171.63</td>
</tr>
<tr>
<td>SPRINGFIELD</td>
<td>$49.53</td>
<td>$63.06</td>
<td>$76.59</td>
<td>$90.12</td>
<td>$103.65</td>
<td>$117.18</td>
<td>$130.71</td>
<td>$144.24</td>
<td>$157.77</td>
<td>$167.19</td>
<td>$184.83</td>
<td>$198.36</td>
</tr>
</tbody>
</table>

AVERAGE COST

<table>
<thead>
<tr>
<th></th>
<th>1,000</th>
<th>2,000</th>
<th>3,000</th>
<th>4,000</th>
<th>5,000</th>
<th>6,000</th>
<th>7,000</th>
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<tbody>
<tr>
<td>CALLAWAY</td>
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<td>$35.87</td>
<td>$35.87</td>
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<td>$54.02</td>
<td>$60.07</td>
<td>$66.12</td>
<td>$72.17</td>
<td>$78.22</td>
<td>$84.27</td>
<td>$90.32</td>
</tr>
<tr>
<td>PANAMA CITY</td>
<td>$32.70</td>
<td>$41.85</td>
<td>$51.00</td>
<td>$60.15</td>
<td>$69.30</td>
<td>$78.45</td>
<td>$87.60</td>
<td>$96.75</td>
<td>$105.90</td>
<td>$111.94</td>
<td>$124.20</td>
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<tr>
<td>PANAMA CITY BEACH</td>
<td>$35.33</td>
<td>$35.33</td>
<td>$35.33</td>
<td>$41.30</td>
<td>$47.27</td>
<td>$53.24</td>
<td>$59.21</td>
<td>$65.16</td>
<td>$71.15</td>
<td>$77.12</td>
<td>$83.08</td>
<td>$89.08</td>
</tr>
<tr>
<td>PARKER</td>
<td>$38.75</td>
<td>$50.83</td>
<td>$62.91</td>
<td>$74.99</td>
<td>$87.07</td>
<td>$99.15</td>
<td>$111.23</td>
<td>$123.31</td>
<td>$135.39</td>
<td>$142.80</td>
<td>$159.55</td>
<td>$171.63</td>
</tr>
<tr>
<td>SPRINGFIELD</td>
<td>$49.53</td>
<td>$63.06</td>
<td>$76.59</td>
<td>$90.12</td>
<td>$103.65</td>
<td>$117.18</td>
<td>$130.71</td>
<td>$144.24</td>
<td>$157.77</td>
<td>$167.19</td>
<td>$184.83</td>
<td>$198.36</td>
</tr>
</tbody>
</table>

COMBINED WATER & SEWER RATE COMPARISON OF BAY COUNTY
June 2017

AGENDA ITEM #5
ORDINANCE NO. 1424
AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ESTABLISHING THE WATER, SEWER AND RECLAIMED WATER RATES FOR FISCAL YEAR 2017-18 AND THEREAFTER; INCREASING THE WATER RATES IN THE AMOUNT OF ONE PERCENT (1%) AND INCREASING THE SEWER AND REUSE WATER RATES IN THE AMOUNT OF TWO PERCENT (2%), ALL AS MORE PARTICULARLY STATED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR CODIFICATION; UPDATING AND AMENDING THE TAP-ON FEE RATES FOR POTABLE AND RECLAIMED WATER; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2017.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after October 1, 2017, Section 23-60 of the City’s Code of Ordinances shall be amended to provide for the following charges and fees to be imposed and collected for wastewater service (old rates stricken; new rates bold and underlined):

Sec. 23-60. Charges and Fees.

(a) Purpose: It is the purpose of this Article to provide for the recovery of costs from users of the City’s wastewater disposal system for the implementation of the program established herein. These charges and fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City. After passage of this ordinance, all charges and fees may be amended by resolution of the City Council.

(b) Service Charges: It is hereby determined necessary to fix and collect sewer service charges from customers. Such revenue received shall be used for operation, maintenance, replacement, debt retirement and other authorized expenses.

(c) Service Charges and Fees:

(1) Additional Fees.** In addition to those fees specified herein, the City may, by a separate schedule of fees, establish and collect:

(a) fees for reimbursement of costs of setting up and operating the City’s pretreatment program,
(b) fees for monitoring, inspection and surveillance procedures,
(c) fees for reviewing accidental discharge procedures and construction,
(d) fees for permit applications,
(e) fees for filing appeals,
(f) fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards,
(g) other fees as the City may deem necessary to carry out the requirements contained herein.

(2) **Charges and Fees.** The City does hereby levy and assess the following charges and fees, which are to be collected by and payable to the City, for services to users of the public sewer lines, mains and laterals for the disposal of sewage provided by the City to those establishments which are connected with the said sewer system, which charges are hereinafter designated, and the said users shall pay for said services the sums so designated at the same time as the payment for water services shall be made as provided by the ordinances for the City and which charges shall be assessed upon the utility bill of all users, and the said user shall pay charges as hereinafter set forth as follows and which may be amended from time to time by the City Council by resolution:

(A) **Within and Without the City Limits.** The minimum monthly charge for wastewater service, including the first three thousand (3,000) gallons of wastewater furnished to all customers of the system, shall be as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Base Facility Charge for Service Inside City</th>
<th>Base Facility Charge for Service Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Single-family residential, each m,40$18.77</td>
<td>$23.00 $23.46</td>
</tr>
<tr>
<td>(2)</td>
<td>Duplex</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Mobile home park, each site</td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>Apartment or condominium</td>
<td></td>
</tr>
<tr>
<td>(5)</td>
<td>Motel Unit</td>
<td></td>
</tr>
<tr>
<td>(6)</td>
<td>Washateria, each washer</td>
<td></td>
</tr>
<tr>
<td>(7)</td>
<td>Small non-residential Establishments (Service Stations, Retail Stores, Offices, Churches; based on size of water meter)</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>3/4&quot;</td>
<td>$27.60 $28.15 $34.50 $35.19</td>
</tr>
<tr>
<td>b.</td>
<td>1&quot;</td>
<td>$36.80 $37.54 $46.00 $46.93</td>
</tr>
<tr>
<td>(8)</td>
<td>Large non-residential Establishments (Schools, Restaurants, Short Order Food Establishments, Lounges, Sanitary Dump Stations, Public Restrooms, Amusement Parks, Parks: based on size of water meter)</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>1 1/2&quot;</td>
<td>$67.42 $58.57 $71.77 $71.96</td>
</tr>
<tr>
<td>b.</td>
<td>2&quot;</td>
<td>$71.68 $73.11 $80.60 $81.39</td>
</tr>
<tr>
<td>c.</td>
<td>3&quot;</td>
<td>$119.67 $121.96 $140.46 $152.45</td>
</tr>
<tr>
<td>d.</td>
<td>4&quot;</td>
<td>$149.24 $151.68 $215.60 $219.60</td>
</tr>
<tr>
<td>e.</td>
<td>6&quot;</td>
<td>$344.54 $351.43 $430.67 $439.29</td>
</tr>
<tr>
<td>f.</td>
<td>Greater than 6&quot;</td>
<td>By contract + 25% surcharge</td>
</tr>
<tr>
<td>(9)</td>
<td>Campgrounds, each site</td>
<td>$3.40 $3.47 $4.25 $4.34</td>
</tr>
</tbody>
</table>

---

*Ordinance No. 1424*

*Page 2 of 12*

*AGENDA ITEM #*
The monthly overage charge for wastewater service furnished above the minimum shall be two dollars and seventy-three cents ($2.73) two dollars and seventy-eight cents ($2.78) per one thousand (1,000) gallons inside the City and three dollars and forty-one cents ($3.41) three dollars and forty-eight cents ($3.48) per one thousand gallons outside the City.

(B) Former Grand Lagoon Utilities Geographic Area of Service.

(1) Notwithstanding Section 23-60(c) of this Code, the rates, fees, and charges for sewer service within the Grand Lagoon Utilities, Inc., geographic area of service as designated by the Florida Public Service Commission on August 1, 1989, shall be as follows:

GENERAL MONTHLY SEWER RATES
(All Except Residential)

<table>
<thead>
<tr>
<th>TABLE INSET:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Meter Size</td>
<td>Base Facility Charge</td>
</tr>
<tr>
<td>5/8&quot; x 3/4&quot;</td>
<td>$22.58 $23.04</td>
</tr>
<tr>
<td>¾&quot;</td>
<td>$34.26 $34.65</td>
</tr>
<tr>
<td>1”</td>
<td>$56.06 $57.17</td>
</tr>
<tr>
<td>1 1/2”</td>
<td>$142.75 $115.01</td>
</tr>
<tr>
<td>2”</td>
<td>$170.57 $173.98</td>
</tr>
<tr>
<td>3”</td>
<td>$322.04 $328.45</td>
</tr>
<tr>
<td>4”</td>
<td>$504.40 $511.43</td>
</tr>
<tr>
<td>6”</td>
<td>$1,092.83 $1,022.89</td>
</tr>
</tbody>
</table>

Gallonage charge $3.93 $4.01

*Per 1,000 gallons or part thereof

RESIDENTIAL MONTHLY SEWER RATES

<table>
<thead>
<tr>
<th>TABLE INSET:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Meter Size</td>
<td>Base Facility Charge</td>
</tr>
<tr>
<td>All</td>
<td>$22.57 $23.02</td>
</tr>
</tbody>
</table>

Plus Gallonage Charge $3.27* $3.34

(Maximum Charge at 10,000 Gallons)

*Per 1,000 gallons or part thereof

(2) Reserved.

(3) Multiple Classifications. One service used for more than one of the classifications above shall pay and be charged for each of such usages.

(4) Incremental Usage. The monthly overage charge for sewers set forth in subsection (a) above shall be calculated upon each one thousand (1,000) gallons of water, or part thereof, consumed in excess of the gallonage per month included in the minimum water charge.

(C) Former Bayside Utilities Geographic Area of Service.

Ordinance No. 1424
Page 3 of 12
Notwithstanding Section 23-60(c) of this Code, the rates, fees, and charges for sewer service within the Bayside Utilities, Inc., geographic area of service, shall be as follows:

GENERAL MONTHLY SEWER RATES
(All Except Residential)

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Base Facility Charge</th>
<th>Gallonage Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot; x 3/4&quot;</td>
<td>~$20.61</td>
<td>~$7.98</td>
</tr>
<tr>
<td>1&quot;</td>
<td>~$54.75</td>
<td></td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$108.74</td>
<td></td>
</tr>
<tr>
<td>2&quot;</td>
<td>~$173.51</td>
<td></td>
</tr>
<tr>
<td>3&quot;</td>
<td>~$327.13</td>
<td></td>
</tr>
<tr>
<td>4&quot;</td>
<td>~$509.34</td>
<td></td>
</tr>
<tr>
<td>6&quot;</td>
<td>~$1,018.74</td>
<td></td>
</tr>
<tr>
<td>8&quot;</td>
<td>~$1,640.85</td>
<td></td>
</tr>
</tbody>
</table>

*Per 1,000 gallons or part thereof

RESIDENTIAL MONTHLY SEWER RATES

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Base Facility Charge</th>
<th>Gallonage Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>~$20.60</td>
<td>~$6.62</td>
</tr>
</tbody>
</table>

*Per 1,000 gallons or part thereof

Reserved.

Multiple Classifications. One service used for more than one of the classifications above shall pay and be charged for each of such usages.

Incremental Usage. The monthly overage charge for sewers set forth in subsection (a) above shall be calculated upon each one thousand (1,000) gallons of water, or part thereof, consumed in excess of the gallonage per month included in the minimum water charge.

Distribution of Operation and Maintenance Costs. For the purpose of insuring a proportional distribution of operation and maintenance cost to each user, commercial and Industrial Users and bulk customers shall be subject to a surcharge for discharging wastewater which is defined as having the following concentrations (milligrams per liter - mg/l):

(i) Biochemical Oxygen Demand at 5 days at 20 degrees C, abbreviated BOD5 - 250 mg/l

(ii) Total Suspended Solids, abbreviated TSS - 220 mg/l
(2) Each commercial and Industrial User and bulk customer that is determined to discharge wastewater having pollutants in excess of normal wastewater shall pay a charge dependent on water volume consumed or wastewater discharged and measured by a wastewater flow meter. These pollutant surcharges are as follows:

(i) BOD5 - $0.14 per pound/month

(ii) TSS - $0.37 per pound/month

(3) Pollutants in excess of normal wastewater shall be determined from periodic laboratory analysis of the user's wastewater. Laboratory analysis of the wastewater shall be conducted as outlined in the latest publication of the Standard Methods for the examination of Water and Wastewater, or American Society for Testing and Materials, Part 31, Water, or the U.S. Environmental Protection Agency Methods.

(4) In the event that a commercial or Industrial User or bulk customer discharges certain wastes containing inordinate oxygen demanding substances, the City reserves the right to substitute Chemical Oxygen Demand (COD) or Total Organic Carbon (TOC) test instead of BOD5. An evaluation of the user's discharge and the cost of treatment will be established for such substances. If an Industrial User chooses or elects COD, then the ratio of COD to BOD must be 2:1. In the event an Industrial User requests to use TOC, then his proposed methodology shall be submitted to the City for approval prior to it being used as a basis for charging for this particular pollutant. It shall be the responsibility of industrial and commercial users and bulk customers to notify the City of changes in the pollutant and contribution of their wastewater.

(5) For purposes of determining commercial and industrial sewer charges, each user's water consumption or wastewater discharged and measured by a wastewater flow meter shall be taken as that metered water volume consumed during the current month.

(6) If any user can prove to the satisfaction of the City that substantial amounts of metered water do not enter the wastewater collection system, the sewer bill will be reduced accordingly.

(7) Notwithstanding any other provision of this ordinance, if the City determines that wastewater services provided any commercial or Industrial User or bulk customer significantly differs from that upon which the rate structure set forth in subsection (A) of this article, the City may enter into a separate agreement with any such user to discharge sewer into the public sewer under such rates, terms and conditions as may be reasonable under the circumstances.

(e) Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge treatment works shall pay for any such increased cost.

(f) Rates are to be adjusted annually, based on the adopted budget for the wastewater system. This annual review and adjustment shall be the result of studies that reflect any change in the proportionate contribution of wastewater flow or pollutant by any class of user. The adjusted rate or rates, whether by increase or decrease, shall be reflected in each subsequent billing period by the amount of such change. This annual review will ensure a proportional distribution of operation and maintenance and renewal and replacement, and other costs to each user including major and minor industrial, commercial and residential users.

(g) The City of Panama City Beach from time to time and as often as shall be necessary will revise rates, fees and charges of the wastewater collection, transmission, treatment and disposal system in order to comply with revenue needs of operating, maintenance, capital costs, debt
service and reserve requirements and other costs associated with the Series 1997 Revenue
Bonds and the Department of Environmental Protection State Revolving Fund Loan agreement.

SECTION 2. From and after October 1, 2017 Section 23-80 of the City’s Code of
Ordinances shall be amended to provide for the following charges and fees to be
imposed and collected for potable water service (old rates stricken; new rates bold and
underlined):

Sec. 23-80. Assessed.

Purpose: It is the purpose of this Article to provide for the recovery of costs from users of the
City’s potable water system for the implementation of the program established herein. These charges and
fees relate solely to the matters covered by this Ordinance and are separate from all other fees
chargeable by the City. After passage of this Ordinance, all charges and fees may be amended by
resolution of the City Council.

(a) The minimum monthly charge for water service, including the first three thousand (3,000)
gallons of water furnished to all customers of the system except motor courts, motels and
hotels, apartments and condominiums and campgrounds, shall be as follows:

<table>
<thead>
<tr>
<th>Size of Connection</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 5/8&quot; or 3/4&quot;</td>
<td>$16.93</td>
<td>$21.38</td>
</tr>
<tr>
<td>(2) 1&quot;</td>
<td>$25.44</td>
<td>$32.11</td>
</tr>
<tr>
<td>(3) 1 1/2&quot;</td>
<td>$49.18</td>
<td>$62.09</td>
</tr>
<tr>
<td>(4) 2&quot;</td>
<td>$93.22</td>
<td>$117.69</td>
</tr>
<tr>
<td>(5) 3&quot;</td>
<td>$146.14</td>
<td>$183.20</td>
</tr>
<tr>
<td>(6) 4&quot;</td>
<td>$189.49</td>
<td>$239.23</td>
</tr>
<tr>
<td>(7) 6&quot;</td>
<td>$468.24</td>
<td>$579.79</td>
</tr>
</tbody>
</table>

(b) The minimum monthly charge for water service connections for motor courts, motels,
hotels, apartments and condominiums and campgrounds shall be as follows:

<table>
<thead>
<tr>
<th>Type of Connection</th>
<th>Gallons per Unit Included</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Motor court, motel and hotel</td>
<td>3,000 per month</td>
<td>$13.56</td>
<td>$17.11</td>
</tr>
<tr>
<td>(2) Apartments and condominiums</td>
<td>3,000 per month</td>
<td>$16.93</td>
<td>$21.38</td>
</tr>
<tr>
<td>(3) Campgrounds (each site)</td>
<td>1,000 per month</td>
<td>$4.43</td>
<td>$5.59</td>
</tr>
</tbody>
</table>

(c) The monthly charge for water furnished above the minimum shall be three dollars and
twenty-four cents ($3.24) three dollars and twenty-seven cents ($3.27) per one
thousand (1,000) gallons inside the City and four dollars and five cents ($4.05 four dollars
and nine cents ($4.09) per one thousand gallons outside the City.
(d) Each occupied building or structure, or each apartment in the same building, shall pay the monthly minimum charge. Duplex dwellings, garage apartments and other multiple family dwellings served by one (1) service connection and meter shall pay the minimum charge as those specified for condominiums and apartments. No service connection and meter may serve more than one (1) building lot.

(e) Fire hydrant meter rental shall be one dollar per day, with a $1,200 security deposit and charges of $50 for each setting, relocation or removal of the meter. The charge for water consumption shall be the per thousand gallon charge specified in subsection (c) above.

(f) Reserved.

State law references: Limitation on rates charge consumers outside City limits, F.S. § 180-191.

Sec. 23-81. Former Grand Lagoon Utilities Geographic Area of Service.

Purpose: It is the purpose of this Article to provide for the recovery of costs from users of the City's potable water system for the implementation of the program established herein. These charges and fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City. After passage of this Ordinance, all charges and fees may be amended by resolution of the City Council.

Notwithstanding Section 23-80 of this Code, the rates, fees, and charges for water service within the Grand Lagoon Utilities, Inc., geographic area of service as designated by the Florida Public Service Commission on August 1, 1989, shall be as follows:

<table>
<thead>
<tr>
<th>METRIC</th>
<th>BASE FACILITY CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot; x 3/4&quot;</td>
<td>$5.92 $5.98</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$9.20 $9.32</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$15.20 $15.44</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$30.60 $30.91</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$49.00 $49.49</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$97.88 $98.86</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$120.44 $121.64</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$309.06 $309.01</td>
</tr>
</tbody>
</table>

Gallage charge $2.75+ $2.78
*Per 1,000 gallons or part thereof

(b) Each occupied building or structure, or each apartment in the same building, shall pay the monthly minimum charge. Duplex dwellings, garage apartments and other multiple-family dwellings served by one (1) service connection and meter shall pay the minimum charge as those specified for condominiums and apartments. No service connection and meter may serve more than one (1) building lot.

(c) Fire hydrant meter rental shall be one dollar per day, with a $1,200 security deposit and charges of $50 for each setting, relocation or removal of the meter. The charge for water consumption shall be the per thousand gallon charge specified in subsection (a) above.

Ordinance No. 1424
Page 7 of 12
Sec. 23-82. Bayside Geographic Area of Service.

Purpose: It is the purpose of this Article to provide for the recovery of costs from users of the City's potable water system for the implementation of the program established herein. These charges and fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City. After passage of this Ordinance, all charges and fees may be amended by resolution of the City Council.

Notwithstanding Section 23-80 of this Code, the rates, fees, and charges for water service within the Bayside Utilities, Inc., geographic area of service shall be as follows:

ALL MONTHLY WATER RATES
(General and Residential)

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Base Facility Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot; x 3/4&quot;</td>
<td>$44.54 $11.63</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$47.43 $17.30</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$28.51 $28.80</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$57.02 $57.59</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$92.95 $92.97</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$183.84 $183.70</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$286.92 $286.76</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$574.12</td>
</tr>
</tbody>
</table>

Gallonage charge $4.64 $4.69
*Per 1,000 gallons or part thereof

(b) Each occupied building or structure, or each apartment in the same building, shall pay the monthly minimum charge. Duplex dwellings, garage apartments and other multiple-family dwellings served by one (1) service connection and meter shall pay the minimum charge as those specified for condominiums and apartments. No service connection and meter may serve more than one (1) building lot.

(c) Fire hydrant meter rental shall be one dollar per day, with a $1,200 security deposit and charges of $50 for each setting, relocation or removal of the meter. The charge for water consumption shall be the per thousand gallon charge specified in subsection (a) above.

(d) Reserved.

SECTION 3. From and after October 1, 2017, Section 23-146 of the City's Code of Ordinances shall be amended to provide for the following charges and fees to be imposed and collected for reuse water service (old rates striken; new rates bold and
Sec. 23-146. Reclaimed Water Rates and Service Charges Assessed.

Purpose: It is the purpose of this Article to provide for the recovery of costs from users of the City's reclaimed water system for the implementation of the program established herein. These charges and fees relate solely to the matters covered by this Resolution and are separate from all other fees chargeable by the City.

(a) The minimum monthly charge for reclaimed water service, including the first three thousand (3,000) gallons of reclaimed water furnished to all customers of the system, except bulk customers requiring in excess of 100,000 gallons per day on any day, shall be as follows:

<table>
<thead>
<tr>
<th>Size of Connection</th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 3/4&quot;</td>
<td>$8.36</td>
<td>$10.45</td>
</tr>
<tr>
<td>(2) 1&quot;</td>
<td>$12.57</td>
<td>$16.74</td>
</tr>
<tr>
<td>(3) 1-1/2&quot;</td>
<td>$23.85</td>
<td>$30.41</td>
</tr>
<tr>
<td>(4) 2&quot;</td>
<td>$46.22</td>
<td>$57.65</td>
</tr>
<tr>
<td>(5) Above 2&quot;</td>
<td>By contract but no less than cost of maintenance of meter</td>
<td>Same Plus 25%</td>
</tr>
</tbody>
</table>

(b) The monthly charge for water furnished above the minimum shall be sixty-six cents ($0.66) sixty-seven cents ($0.67) per one thousand (1,000) gallons inside the City and eighty-two cents ($0.82) eighty-four cents ($0.84) per one thousand gallons outside the City.

(c) The monthly charge for bulk customers requiring in excess of 100,000 gallons per day on any day shall be by contract.

(d) Each occupied building or structure, or each apartment in the same building, shall pay the monthly minimum charge. Duplex dwellings, garage apartments and other multiple family dwellings served by one (1) service connection and meter shall pay the minimum charge as those specified for condominiums and apartments. No service connection and meter may serve more than one (1) building lot.

(e) Should the City desire that meter deposits be required of customers, the same shall be accomplished by the passing of a resolution by the City Council.

SECTION 4. From and after October 1, 2017, Sections 23-25 and 23-144 of the City's Code of Ordinances related to potable water tap-on fees and reclaimed water tap-on fees, respectively, shall be amended to provide for the following charges and fees to be collected (old rates stricken; new rates bold and underlined):

Sec. 23-25. - Water Tap-On Fees.
The City will provide water service by placing its meter at or proximate to the customer’s property line. Costs for making the connection are tabulated below and includes the costs reasonable attributable to making a physical connection to the water system including labor, materials, supplies, overhead and administrative expenses on meter sizes ¾” through 2". The cost varies depending on meter size and whether or not a water service tap to the property exists. If one is present, the meter will be installed at the tap location. Up to one hundred (100) feet of service tubing is included when setting ¾" and 1" meters. The City will install a backflow prevention device on single family residential meters.

On meter sizes 3" and greater, the connection cost includes only the meter cost and associated labor, supplies, overhead and administrative expenses for setting the meter. Taps, pipe, isolation valves, meter box and cover, bypasses, etc. are to be constructed by the developer to City standards prior to the City setting the meter. At the customer’s request, the City may, at its discretion, provide a cost estimate to perform or have performed the additional work necessary to make the connection.

Costs for line extensions, jack & bores, driveway cuts, pavement repairs or other circumstances requiring additional installation expense will be paid by the customer at cost of construction.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Water Tap</th>
<th>No Existing Water Tap</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾&quot;</td>
<td>$275.00</td>
<td>$656.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$300.00</td>
<td>$690.00</td>
</tr>
<tr>
<td>1½&quot;</td>
<td>$675.00</td>
<td>$1475.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$780.00</td>
<td>$1575.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$1175.00 (1)</td>
<td>$1825.00 (1)</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$1425.00 (1,2)</td>
<td>$4875.00 (1,2)</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$1825.00 (1,2)</td>
<td>$4875.00 (1,2)</td>
</tr>
</tbody>
</table>

1. Cost for providing and setting meter only.
2. Cost for setting potable water meter. If a dual use fireline/potable meter is requested, the developer will be charged for the difference in actual cost between the required meter size for potable use and the fireline/potable meter.

A 25% surcharge will be applied for all connections outside of the City.

Sec. 23-144. - Reclaimed Water Tap-On Fees—Amount.

Where available and appropriate, the City will provide reclaimed water service by placing its meter at or proximate to the customer’s property line. Costs for making the connection are tabulated below and includes the costs reasonable attributable to making a physical connection to the reclaimed water system including labor, materials, supplies, overhead and administrative expenses on meter sizes 3/4" through 2". The cost varies depending on meter size and whether or not a reclaimed water service tap to the property exists. If one is present, the meter will be installed at the tap location. Up to one hundred (100) feet of service tubing is included when setting 3/4" and 1" meters.
On meter sizes 3” and greater, the connection cost includes only the meter cost and associated labor, supplies, overhead and administrative expenses for setting the meter. Taps, pipe, isolation valves, meter box and cover, bypasses, etc. are to be constructed by the developer to City standards prior to the City setting the meter. At the customer's request, the City may, at its discretion, provide a cost estimate to perform or have performed the additional work necessary to make the connection.

Costs for line extensions, jack & bores, driveway cuts, pavement repairs or other circumstances requiring additional installation expense will be paid by the customer at cost of construction.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Existing Water Tap</th>
<th>No Existing Water Tap</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾”</td>
<td>$245.00 $250.00</td>
<td>$625.00 $575.00</td>
</tr>
<tr>
<td>1”</td>
<td>$275.00 $300.00</td>
<td>$600.00 $625.00</td>
</tr>
<tr>
<td>1½”</td>
<td>$675.00 $1075.00</td>
<td>$1475.00 $1375.00</td>
</tr>
<tr>
<td>2”</td>
<td>$780.00 $1200.00</td>
<td>$1550.00 $1500.00</td>
</tr>
<tr>
<td>3”</td>
<td>$N/A</td>
<td>$1650.00 $1400.00 (1)</td>
</tr>
<tr>
<td>4”</td>
<td>$N/A</td>
<td>$2500.00 (1)</td>
</tr>
<tr>
<td>6”</td>
<td>$N/A</td>
<td>$2075.00 $4050.00 (1)</td>
</tr>
<tr>
<td>8”</td>
<td>$N/A</td>
<td>$4780.00 $4780.00 N/A</td>
</tr>
</tbody>
</table>

(1) Cost for providing and setting meter only.

A 25% surcharge will be applied for all connections outside of the City.

SECTION 5. The appropriate officers and agents of the City are authorized and directed to codify, include and publish 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 6. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

This Ordinance shall become effective as of October 1, 2017.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ___ day of __________, 2017.

ATTEST:

MIKE THOMAS, MAYOR

CITY CLERK

EXAMINED AND APPROVED by me this ___ day of __________, 2017.

MIKE THOMAS, MAYOR

PUBLISHED in the Panama City News-Herald on the ___ day of __________, 2017.

POSTED on pcbgov.com on the ___ day of __________, 2017.
REGULAR ITEM
6
**CITY OF PANAMA CITY BEACH**  
**AGENDA ITEM SUMMARY**

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

3. **REQUESTED MOTION/ACTION:**  
   Consider first reading of Ordinance that establishes small cells are allowed in ROWs and provides reasonable rules for small cells and collocations in ROW.

4. **AGENDA**
   - **PRESENTATION**
   - **PUBLIC HEARING**
   - **CONSENT** ✓
   - **REGULAR**

5. **IS THIS ITEM BUDGETED (IF APPLICABLE)?**  
   - **YES**
   - **NO**
   - **N/A ✓**

6. **BACKGROUND:**  
   *Why is the action necessary, what goal will be achieved?*
   
   The City needs to reevaluate various policies relating to Telecommunications Towers (cell towers) within public rights-of-way ("ROW") based on Florida legislative mandates. Typically, Telecommunications Towers have not been allowed in the City's ROWs based on setbacks and other rules. Shorter poles with smaller wireless equipment mounted to them, and sometimes with other equipment installed around their bases, are becoming common in Florida ("Small Cells"). Collocations of wireless equipment onto existing structures, whether or not in the ROW, are already allowed by the LDC with minimal restrictions.

   House Bill 687 substantially revises Florida Statute 337.401 regarding wireless facilities and collocation in public right-of-way. It is doubtful now that prohibitions or near prohibitions on Small Cells in the ROW are valid. HB 687 is complicated and unclear regarding several topics, but allows certain kinds of regulations on Small Cells.

   Ordinance 1430 establishes that small cells are allowed in ROWs and provides reasonable rules for Small Cells and Collocations in the ROW, with particular focus on the locations and aesthetics of new poles. The rules for activities outside of the ROW and for Telecommunications Towers and Collocations of Antennas (all as defined by the LDC, but generally meaning bigger towers and bigger equipment) have been left intact. Generally, the new rules would be:

   - Requires that wireless equipment in ROW must meet Small Wireless Facility definition.
   - Establishes maximum heights for Small Wireless Poles, as allowed by HB 687.
   - Requires new Small Wireless Poles to have light pole design.
   - No placement of additional ground mounted equipment on sidewalks and bike paths.
   - 250 foot minimum distance between new Small Wireless Poles and Dwellings, with shorter distance for Front Beach Road and South Thomas Dr.
   - 500 foot minimum distance between other ground mounted equipment and Dwellings unless installed underground, with shorter distance for Front Beach Road and South Thomas Dr.
   - Minimum distance of 200 feet between Small Wireless Poles.
   - Excludes HOA neighborhoods, as allowed by HB 687.
   - Requires compliance with the City's underground requirements, where applicable.
   - Provides other reasons for denial, as allowed by HB 687.
   - Provides procedures for review and approval, consistent with the mandated times.
   - 75 foot minimum distance between "Facilities" (i.e. all kinds of utility poles) that are over 15 feet unless a variance is granted.

   Few clear rules exist for just how strict city regulations may be. However, it is helpful to consider that Small Cells are meant to improve cellular and wireless coverage and stricter rules will lessen those improvements while also increasing the likelihood of an industry backed challenge. Regardless, it is important for the City to adopt rules for locations because arguably the City would have almost no limits if the current Telecommunications Towers limits (1500 feet between towers, 50-foot setback from parcel lines) were found "unreasonable" under HB 687.
ORDINANCE NO. 1430

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE FOR CONSISTENCY WITH HOUSE BILL 687 REGARDING WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY; CREATING DEFINITIONS FOR SMALL WIRELESS FACILITY AND SMALL WIRELESS POLE; ESTABLISHING PERMISSIBLE DESIGN AND LOCATIONS FOR SMALL WIRELESS FACILITIES AND SMALL WIRELESS POLES IN RIGHTS-OF-WAY; REQUIRING LIGHT POLE STEALTH DESIGN; REQUIRING MINIMUM DISTANCE FROM DWELLINGS; REQUIRING MINIMUM DISTANCE FROM A BUSINESS'S PRIMARY PEDESTRIAN PUBLIC ENTRANCE; ESTABLISHING MINIMUM DISTANCE BETWEEN SMALL WIRELESS POLES; ESTABLISHING ADDITIONAL DISTANCE REQUIREMENTS FOR OTHER GROUND-MOUNTED EQUIPMENT; MAKING APPLICATIONS FOR SMALL WIRELESS FACILITIES AND SMALL WIRELESS POLES GOVERNED BY TYPE I PROCEDURES AMENDING THE CITY CODE TO ESTABLISH MINIMUM SPACING OF SEVENTY-FIVE FEET BETWEEN FACILITIES THAT ARE OVER FIFTEEN FEET TALL; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach Land Development Code (the “LDC”) regulates Telecommunications Towers including Telecommunications Towers in public rights-of-way; and

WHEREAS, applications to install Telecommunications Towers in rights-of-way have become prevalent in Florida, including by companies not generally considered to be communications services providers; and

WHEREAS, such applications include structures that range from modest heights to tall structures similar to the large monopole Telecommunications Towers that currently exist in the City; and

WHEREAS, the LDC does not define different categories of Telecommunications Towers based on height or location and generally provides uniform regulation of all Telecommunications Towers; and

WHEREAS, the City has interpreted its LDC to generally prohibit Telecommunications Towers from being constructed in a right-of-way; and
WHEREAS, the Legislature passed House Bill 687 regarding wireless facilities and collocation in public right-of-way during the 2017 regular legislative session, with the new law effective July 1, 2017; and

WHEREAS, House Bill 687 is unclear about the extent that certain local regulation is allowed, particularly regarding locations of new wireless poles and "wireless support structures," (defined in Bill) but it is doubtful that a prohibition or effective prohibition of these structures in the right-of-way is still allowed; and

WHEREAS, the City wishes to create new categories for certain smaller wireless equipment and facilities located in the public right-of-way and regulate them differently than Telecommunications Towers and consistently with House Bill 687; and

WHEREAS, the primary complaint in other localities where wireless structures are prevalent in rights-of-way is the placement of structures in front of homes, particularly ground mounted boxes, generators, and other structures or equipment near the base of a pole; and

WHEREAS, House Bill 687 defines small wireless facility to generally mean the antennae and related small equipment, but not the structure on which it is mounted; and

WHEREAS, House Bill 687 does not allow the City to limit the placement of small wireless facilities by minimum separation distances, which are often placed by collocation on preexisting structures, but does allow the City to adopt reasonable spacing requirements by ordinance concerning the location of ground-mounted equipment; and

WHEREAS, the term "ground-mounted equipment" is not defined but likely includes poles and certainly includes other structures and equipment that are sometimes installed near the base of a pole; and

WHEREAS, it is uncertain how large of a distance separation between Small Wireless Poles (defined herein) may be required before being found unreasonable under House Bill 687 or before interfering with the effectiveness of types of current or future wireless technology; and

WHEREAS, House Bill 687 also permits a city to adopt objective design standards by ordinance that require a small wireless facility to meet reasonable location, context, color, stealth, and concealment requirements; and

WHEREAS, rather than attempting to minimize the number of new Small Wireless Poles, the City considers it more prudent to focus on preventing their placement in certain objectionable locations and requiring stealth and concealment requirements appropriate for
the right-of-way environment; and

WHEREAS, the LDC already requires Telecommunications Towers to be designed and painted to resemble natural objects, such as trees that are typical of the surrounding area and House Bill 687 allows color, stealth, and concealment requirements;

WHEREAS, trees are not prevalent in the right-of-way and it is unlikely that Small Wireless Poles in the right-of-way could be concealed effectively as trees or vegetation; and

WHEREAS, concealing Small Wireless Poles as light poles occurs already in some communities, is a more convincing approach, and should make the new Small Wireless Poles less objectionable to nearby owners, citizens, and visitors; and

WHEREAS, in addition to the LDC rules for Telecommunications Towers, the Code of Ordinances regulates utilities and utility poles in the right-of-way more generally; and

WHEREAS, the City wishes to adopt a seventy-five-foot spacing requirement generally applicable to all new utility poles and other Facilities that are over fifteen feet tall, regardless of the type of utility that uses the Facility; and

WHEREAS, House Bill 687 requires the City to adopt rates, fees, and terms for the collocation of small wireless facilities on the City’s utility pole which comply with House Bill 687 by the later of January 1, 2018, or three months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by an authority; and

WHEREAS, despite this timeframe allowed by House Bill 687, the City finds that certain issues must be addressed immediately since one or more of the City’s location rules may be inconsistent with the new legislation as to certain facilities in rights-of-ways and if found invalid could result in very minimal restrictions on the locations of Small Wireless Poles within the ROW; and

WHEREAS, House Bill 687 states that “permit application requirements and small wireless facility placement requirements, including utility pole height limits, that conflict with this [Bill] shall be waived” by the City but for any applications filed before the effective date of ordinances implementing House Bill 687, the City “may apply current ordinances relating to placement of communications facilities in the right-of-way related to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, [City] liability, or [City] warranties;” and

WHEREAS, until such time the City has adopted a subsequent ordinance to implement House Bill 687’s administrative and procedural rules, the City intends to apply the location and distance requirement provided herein, the height requirements
provided by House Bill 687, and the review times provided by House Bill 687, and not require more information for any application involving right-of-way than what is allowed by House Bill 687 regardless of any ordinance or Code to the contrary; and

WHEREAS, House Bill 687 does not cover equipment and activities outside of a right-of-way, so this ordinance only applies to equipment and activities within a public right-of-way; and

WHEREAS, House Bill 687 has limited applicability to collocations on privately owned or State-owned structures within a right-of-way, so this ordinance is not intended to apply to those situations except as provided below; and

WHEREAS, the City may consider uniform processes for all types of collocations, regardless of location or ownership, when the City adopts a subsequent ordinance to implement House Bill 687's administrative and procedural rules, but until then the City's existing rules regarding Collocations of Antennas will continue to apply to locations outside of a public right-of-way.

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

SECTION 1. From and after the effective date of this ordinance, the following definitions in Section 1.07.00 of the Land Development Code of the City of Panama City Beach related to Acronyms and Definitions are amended or created to read as follows (new text bold and underlined, deleted text struckthrough):

Small Wireless Facility – Means equipment generally used for wireless communications that (1) is located in a public right-of-way and (2) meets the definition of “small wireless facility” under Florida Statute 337.401. The term Small Wireless Facility does not include the term Wireless Support Structure, as defined by Florida Statute 337.401, or the pole, structure, or improvement on which an Antenna and associated wireless equipment are mounted, supported, or Collocated.
Small Wireless Pole means (1) a Wireless Support Structure as defined by Florida Statute 373.401 that is located in a public right-of-way or (2) a utility pole in the public rights-of-way that was designed and constructed to support the Collocation of Small Wireless Facilities within nine months following the approval of an application to construct. A structure not originally intended to support a Small Wireless Facility or Antennae, but on which a Small Wireless Facility or Antennae is later collocated is not a Small Wireless Pole.

Telecommunications Tower - Means any structure designed and constructed for the purpose of supporting one or more communication Antennae, including camouflaged towers, conventional wireless towers, and low impact or stealth towers. The term includes towers to support Antennae for transmitting or receiving personal wireless services and cellular telephone communications towers. The term includes equipment fundamental to the operations of the tower. The term does not include commercial radio and television broadcast towers, amateur short-wave radio towers or those towers used solely for private use dispatch services. The term does not include Small Wireless Facility or Small Wireless Pole.

SECTION 2. From and after the effective date of this ordinance, Section 5.05.00 of the Land Development Code of the City of Panama City Beach related to Telecommunications Towers and Antennas is amended to read as follows (new text bold and underlined, deleted text struckthrough):

5.05.00 TELECOMMUNICATIONS TOWERS AND ANTENNAS
5.05.01 Generally

A. It is the intent of the City to allow Telecommunications Towers and/or Antennas in compliance with State and federal regulations. It is further the intent of the City to protect the public health, safety and welfare through regulating the placement and design of allowable Telecommunications Towers. The regulations in this section are designed to meet the following purposes:

1. To protect Residentially zoned areas and Residential Development from potential adverse impacts of Telecommunications Towers that are placed in inappropriate locations;

2. To minimize visual impacts of Telecommunications Towers through site design requirements, location requirements and innovative camouflage techniques, in accordance with acceptable engineering and planning principles; and

3. To allow Telecommunications Towers that meet State, federal and local requirements for location, site design and appearance.

B. Telecommunications Towers proposed within the City shall provide for Collocation consistent with State and federal regulations.

C. Telecommunications Towers proposed within the City shall provide for Collocation consistent with State and federal regulations.

D. Small Wireless Facilities and Small Wireless Poles located in public rights-of-way shall not be subject to the rules for Telecommunications Towers and Antennas, but will instead be subject to different rules as provided herein, which shall always be read in a manner consistent with state and federal law.

5.05.02 Applicability

All Telecommunications Towers and Antennas proposed to be located in the City shall be subject to the regulations in this section. Small Wireless Facilities and Small Wireless Poles located in public rights-of-way are not subject to Sections 5.05.03 through 5.05.06.

5.05.07 Allowable Locations for Small Wireless Poles and associated Ground-Mounted Equipment Located in Public Right-of-Way

A. Applications to place Small Wireless Facilities and Small Wireless Poles in a public right-of-way may not be denied solely based on the Comprehensive Plan future land use
categories and zoning categories of adjacent parcels.

B. **Small Wireless Poles** in public right-of-way (as opposed to a **Collocation** on a preexisting structure) are not permissible within 250 feet of the footprint of any **Dwelling**, including attached garages, porches, and balconies, except **Dwellings** that front on the Front Beach Road or South Thomas Drive rights-of-way, in which case the minimum distance shall be 100 feet. In addition, **Small Wireless Poles** in public right-of-way (as opposed to a **collocation** on a preexisting structure) shall not be permissible within 50 feet of the primary public pedestrian entrance to any business.

C. A new **Small Wireless Pole** is not permitted within 200 feet of an existing **Small Wireless Pole**.

D. It is preferable for all equipment to be integrated into or mounted on the **Wireless Support Structure** or utility pole. Ground-mounted equipment that is in addition to a **Wireless Support Structure** or utility pole or associated with a **Collocation** shall not be permissible within 500 feet of the footprint of any **Dwelling**, including attached garages, porches, and balconies, except **Dwellings** that front on the Front Beach Road or South Thomas Drive rights-of-way, in which case the minimum distance shall be 150 feet. This restriction does not apply to equipment installed entirely underground consistent with existing grade. In addition, ground mounted equipment associated with or installed because of a **Small Wireless Pole** or a **Small Wireless Facility**, including the **Collocation** of a **Small Wireless Facility**, may not be placed on a sidewalk, bike path, or multi-use trail. Ground-mounted equipment includes, but is not limited to, any of the following associated with a **Small Wireless Facility** or installed due to a **Small Wireless Facility**: electric generators or meters, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and guy wires or other secondary supports.

E. **Small Wireless Facilities**, **Small Wireless Poles**, and associated equipment are not exempt from the City's applicable undergrounding requirements that prohibit above-ground structures in certain public right-of-way, except that **Collocations** on existing above-ground structures are not subject to undergrounding requirements that are applicable to a location. At such time an existing above-ground structure is transitioned to underground, any right to **Collocate** above ground on it is lost.

F. Applications for **Small Wireless Poles** or **Collocations** of **Small Wireless Facilities** in locations subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association are governed by the more stringent rules provided for **Telecommunications Towers and Antennas** unless the Homeowner Association is a co-applicant, in which case the more lenient rules for **Small Wireless Facilities** and **Small Wireless Poles** will apply. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities as provided by Florida law.

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5.05.08 Requirements for Small Wireless Poles and Collocations Located in a Right-of-Way

A. All wireless facilities, as defined by Florida Statute 337.401, located within a right-of-way must meet the definition of a Small Wireless Facility.

B. All requirements of Chapter 19, Article VIII of the Code of Ordinances, entitled Right-of-Way Permitting, apply unless a more specific requirement is provided hereunder.

C. The City may deny a proposed Small Wireless Pole or Collocation of a Small Wireless Facility in the public rights-of-way if it:
   1. Materially interferes with the safe operation of traffic control equipment.
   2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
   3. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
   5. Fails to comply with this LDC, or any uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons.

D. All Small Wireless Facilities and Small Wireless Poles shall be maintained in good condition and in accordance with all standards in this section. No Additions, changes or modifications shall be made except in conformity with the standards of this section.

E. In the event that a Small Wireless Facility or Small Wireless Pole is Abandoned, the owner of the Small Wireless Facility or Small Wireless Pole shall restore the property to its condition prior to the installation of the Small Wireless Facility or Small Wireless Pole. Restoration shall be completed not later than six (6) months after Abandonment.

F. Applications to Collocate Small Wireless Facilities within a right-of-way that do not increase the height of the Existing Structure shall be reviewed under the expedited procedure provide by Section 10.09.04 of the LDC. Application for all other Small Wireless Poles and Collocations located in a Right-of-Way shall be reviewed and processed according to the Type I Procedures provided by Section 10.06.00 of the LDC, except to the extent preempted by Florida Statute 337.401 (2017).

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G. Ground mounted-equipment and other equipment not detailed and drawn on an approved application may not be installed. In the event that a permittee wishes to install additional or different equipment not shown on the original approved application, the permittee must file a new application.

5.05.09 Additional Requirements for Collocations Located in a Right-of-Way

A. Collocations are allowed on a City owned pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function, but not on a horizontal structure to which signal lights or other traffic control devices are attached or any pole or structure 15 feet in height or less.

B. Collocations on utility poles or other structures that are owned by private parties or the State of Florida shall require written proof of the owner’s consent to the Collocation.

C. The height of a Small Wireless Facility may only extend 10 feet above the utility pole or structure upon which the Small Wireless Facility is to be Collocated.

5.05.10 Additional Requirements for Small Wireless Poles Located in a Right-of-Way

A. The height for a new Small Wireless Pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a height waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the Small Wireless Facility. If there is no utility pole within 500 feet, the Small Wireless Pole shall be no taller than 50 feet.

B. New Small Wireless Poles must be Stealth Facilities designed to look and function like light poles. If there are multiple existing light poles within 500 feet of the proposed location in the same right-of-way that have a consistent design, then the new Small Wireless Pole must look substantially like the existing light poles and be the same color as the existing light poles, except for its height, which is controlled by 1. above. Minor design deviations that maintain the same or better aesthetic quality may be approved by City staff.

C. New Small Wireless Poles in right-of-way under the jurisdiction of the Florida Department of Transportation requires the consent of the Florida Department of Transportation, but still shall comply with the City’s placement and design requirements.

SECTION 3. From and after the effective date of this ordinance, Section 19-154 of

Ord. 1430
Page 9 of 11
the Code of Ordinances of the City of Panama City Beach related to Permittee Obligations in Right-of-Way Permitting is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Sec. 19-154. - Permittee obligations.

A. **Telecommunications Towers, Small Wireless Poles, Collocations, and other wireless communications Facilities are governed additionally by the more specific requirements of the Panama City Beach Land Development Code.**

B. **No new Facility that is over 15 feet in height from grade may be constructed within 75 feet of any another Facility that is over 15 feet in height from grade, unless granted a variance due to unique circumstances. This restriction shall not prohibit the City from installing new Facilities for public safety and welfare reasons, including light poles.**

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

SECTION 4. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 5. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code and Code of Ordinances, 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 6. 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 ____________, 2017.

CITY OF PANAMA CITY BEACH

ATTEST: MIKE THOMAS, MAYOR

________________________
CITY CLERK

PUBLISHED in _____________ on the ___ day of ________, 2017.
POSTED on pcbgov.com on the ___ day ________, 2017.

________________________
CITY CLERK
REGULAR ITEM

7
**DEPARTMENT MAKING REQUEST/NAME:**
Panama City Beach Police Department

**REQUESTED MOTION/ACTION:**
We respectfully request the Council's approval of Ordinance NO. 1433 amending the prohibited times from 7 a.m. until 1 a.m.

**MEETING DATE:**
September 14, 2017

**AGENDA ITEM SUMMARY**

<table>
<thead>
<tr>
<th>4. AGENDA</th>
<th>5. IS THIS ITEM BUDGETED (IF APPLICABLE)?</th>
<th>6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRESENTATION</td>
<td>Yes</td>
<td>N/A</td>
</tr>
<tr>
<td>PUBLIC HEARING</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>CONSENT</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>REGULAR</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

We respectfully request the Council's approval of Ordinance NO. 1433 amending the City's code of ordinance related to municipal offenses; amending the definition of camping to clarify it's application between the hours of 1 a.m. and 7 a.m. This action will assist enforcement by identifying specific times this code should be enforced.
ORDINANCE NO. 1433

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCE RELATED TO MUNICIPAL OFFENSES; AMENDING THE DEFINITION OF CAMPING TO CLARIFY ITS APPLICATION BETWEEN THE HOURS OF 1AM AND 7AM; CLARIFYING THAT ANY PERSON FOUND OUT-OF-DOORS AFTER 1AM AND BEFORE SUNRISE MAY BE ASKED THEIR PLACE OF LODGING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance Section 16-8 of the Code of Ordinances of the City of Panama City Beach, related to offenses is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Sec. 16-8. Restrictions on sleeping or camping on beaches or in public areas.

(a) No person shall remain overnight or camp in, at, or upon the gulf beaches, any public park or public area of the city. "Camping" is defined as sleeping or resting in an attitude of sleep in the nighttime, or purporting to reside, even temporarily, in any such area, or sitting or standing after between 1:00 a.m. and 7 a.m., in any such beaches, public park or public area.

(b) Any person found out-of-doors after 1:00 a.m. and before sunrise may be asked his her place of lodging within the city, or destination within the city and shall, upon request, furnish any such information to the requesting official of the city. The lack of lodging or destination shall prima facie constitute camping within the city within a public area and a violation of this section.

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

Ordinance No. 1433
Page 1 of 2
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 ____________,
2017.

______________________________  MAYOR

ATTEST:

______________________________  CITY CLERK

EXAMINED AND APPROVED by me this _____ day of ________________,
2017.

______________________________  MAYOR

Published in the ____________________ on the _____ day of ________, 2017.
Posted on pcbgov.com on the _____ day of ________________, 2017.
REGULAR ITEM
8
1. **DEPARTMENT MAKING REQUEST/NAME:**
   Administration/ Mario Gisbert

2. **MEETING DATE:**
   September 14, 2017

3. **Requested Motion/Action:**
   Recommend reappointment of current Pension Board Trustees. Ask for Council to choose Planning Board member and Civil Service Board member. All terms would be effective 10/1/17.

<table>
<thead>
<tr>
<th>AGENDA</th>
<th>IS THIS ITEM BUDGETED (IF APPLICABLE)?</th>
<th>BUDGET AMENDMENT OR N/A</th>
</tr>
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<tr>
<td>Presentation</td>
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<td>Public Hearing</td>
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<tr>
<td>Consent</td>
<td></td>
<td>DETAILED BUDGET AMENDMENT ATTACHED</td>
</tr>
<tr>
<td>Regular</td>
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</tbody>
</table>

4. **BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)**
   Regarding the Pension Boards, all three Trustees have stated they would serve again at the pleasure of the Council. These appointments would be for four years.
   - Kelly Jenkins- General Employees' Pension Board
   - Holly White- Firefighters' Pension Board
   - Holly White- Police Officers' Pension Board

   Regarding the Civil Service Board seat, the application was posted timely on the website and emailed out to the citizens signed up for postings. Two applicants requested consideration, one a current Board member and the other a retired Beach Police employee. This appointment would be for two years.
   - Michael Jarman- current Board member
   - Michael Moring- retired Police Police

   Regarding the vacancy on the Planning Board (upon the resignation of Craig Duran), only one City resident applied for the position. If appointed, he would fill the remainder of the term for the seat held by Mr. Duran, for which the current term expires on 9/30/18.
   - David Scruggs
CITY OF PANAMA CITY BEACH PENSION BOARDS-August, 2017

GENERAL FUND BOARD MEMBERS:
Chair Holly J. White (Council 2016-2020)
Secretary Don Churchwell (Employees 2016-2020)
Kelly Jenkins (Council 2013-2017)
Kathy Younce (Employees 2017-2021)
Thomas Pate (5th Member 2017-2021)

MAILING ADDRESS:
110 S Arnold Rd.
Panama City Beach, FL 32413
(850) 233-5100

POLICE BOARD MEMBERS:
Chair Eusebio Talamantez (Employees 2016-2020)
Secretary Robert Clifton (Council 2016-2020)
Holly J. White (Council 2013-2017)
Wayne Maddox (Employees 2013-2017)
Rich McClanahan (5th Member 2017-2021)

MAILING ADDRESS:
17115 Panama City Beach Parkway
Panama City Beach, FL 32413
(850)-233-5000

FIRE BOARD MEMBERS:
Ray Morgan (5th Member 2017-2021)
Secretary Tim Smith (Employees 2016-2020)
Holly J. White (Council 2013-2017)
Joey Alexander (Employees 2013-2017)
Chair Shawn Legleiter (Council 2016-2020)

MAILING ADDRESS:
17121 Panama City Beach Parkway
Panama City Beach, FL 32413
(850) 233-5120

******************************************************************************************************************
## CIVIL SERVICE

<table>
<thead>
<tr>
<th>BOARD</th>
<th>MEMBER</th>
<th>TERM</th>
<th>EXPIRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Meeting</td>
<td>Bill Montfort (Board)</td>
<td>2018</td>
<td></td>
</tr>
<tr>
<td>1st Wednesday</td>
<td>Michael Jarman (Council)</td>
<td>2017</td>
<td></td>
</tr>
<tr>
<td>12:00 P.M.</td>
<td>Debbie McCormick (Employees)</td>
<td>2019</td>
<td></td>
</tr>
<tr>
<td>2 yr term</td>
<td>Sherry Swartout (Council)</td>
<td>2018</td>
<td></td>
</tr>
<tr>
<td>4 pick 5th</td>
<td>Mark Neitzel (Employees)</td>
<td>2018</td>
<td></td>
</tr>
</tbody>
</table>
COMMITTEE VOLUNTEER
CIVIL SERVICE BOARD APPLICATION
PLEASE PRINT

NAME: Michael C. Jarmak

HOME ADDRESS: 109 Heather Drive, PCB, FL 32413

MAILING ADDRESS: Same

Home Phone: 850-538-7108 Business Phone: 850-233-5109 Cell: 850-541-3375

How is it best to contact you during the day? Cell

E-mail Address: Brownstreet.com

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

Do you have any relatives employed or contracted by the City of Panama City Beach or Bay County? Yes/No
If yes, please explain: No

The Civil Service Board meets the 1st Wednesday of the month at 12:00 P.M. They also meet as needed in a Workshop at 12 P.M. the Tuesday the week before the regular meeting.

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 Examining Board in a voluntary capacity.

Signature of Applicant

Date: 23 Aug 2017

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) 233-5109. Closing Date for applications is August 31, 2017, at Noon. Council will make their choices 9/14/17 at their 6 P.M. meeting.

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

Note: You must be a City resident to apply for the position.

When returning application, please attach a resume.
MICHAEL C. JARMAN

brownfire@comcast.net
109 Heather Drive PCB, FL 32413
850-541-3375

OBJECTIVES
Continue my service as a Civil Service Board Member.

EDUCATION
St. Joseph Seminary College
May 1997 B.A. Liberal Arts

Bay High School
June 1993 Diploma

WORK EXPERIENCE
Brown Fire Protection, Inc. 124 N. Hwy 79 PCB, FL 32413
Operations Manager August 2005 – Present

Maintain day to day operations
Expand market share and business objectives
Hiring/Firing of employees
Technician training and field support

SKILLS
- Excellent Interpersonal Skills
- Conflict Resolution
- Priority Management
- Knowledgeable of Human Resource requirements and expectations

I hope to continue my service on the Civil Service Board at the pleasure of the Council.

I hope to continue my service on the Civil Service Board at the pleasure of the Council.
August 17, 2017

Panama City Beach City Council
110 South Arnold Road
Panama City Beach, FL 32413

Mayor Mike Thomas
Councilman John Reichard
Councilman Phil Chester
Councilwoman Josie Strange
Councilman Hector Solis

MICHAEL E. MORING
LETTER OF INTRODUCTION

Honorable Mayor and Councilors,

Please allow me the opportunity to submit my name for consideration in filling the vacant seat on the Board of Civil Service Commissioners.

I am 69 years of age and in good health. I reside at [redacted], Panama City Beach, Florida. I have lived at that address for the past 30 years. I retired from the Panama City Beach Police Department after 35 years of service holding the rank of Deputy Chief of Police. Before and after my retirement, I have been actively involved in the following community services and organizations:

- Trustee for the City of Panama City Beach Police Officers Retirement and Pension Board 1998-2014
- Volunteer with the Bay County Historical Society
- Volunteer with the Bay County Genealogical Society
- I currently serve on the Board of Directors for the Bay County History Museum
- I am a Master Mason and member of Pythagoras Lodge 358, Panama City Beach, Florida
- I am a member of the Shaddai Shriners Shaddai Temple, Panama City, Florida

Any consideration in this matter will be greatly appreciated.

Sincerely,

Michael E. Moring

Enclosures: Curriculum Vitae
Specialized Training Dealing With Human Resources
Personal References
CURRICULUM VITAE

As I have stated in my Letter of Introduction, my career with the City of Panama City Beach Police Department spanned 35 years. It began on February 26, 1979, as an entry level Patrol Officer and ended on March 31, 2014, retiring as the Deputy Chief of Police. During that span of time, I served as Uniformed Patrol Officer, Criminal Investigator, Narcotics Investigator, Sergeant in Criminal Investigations, Lieutenant in Criminal Investigations, Captain in Criminal Investigations, Commander of Hostage Negotiation Team, Commander of the Special Weapons and Tactical Response Team, Commander of the Tactical Street Crime Unit. In 2008 I was promoted to the rank of Major becoming Chief of Staff. In 2010 I was promoted to Deputy Chief of Police retiring from the Panama City Beach Police Department in 2014.

My tenure with the Police Department has allowed me the opportunity to understand the principles of City Government that allow it to function and operate efficiently in a tourist-based economy. Additionally, my life experience and training with the Police Department has provided me with a valuable insight into the different personalities, their qualities, needs and interests that make up human resources within the workplace. This training and experience would allow me to function at a high level within the Civil Service Commission.
# SPECIALIZED TRAINING
## DEALING WITH HUMAN RESOURCES

<table>
<thead>
<tr>
<th>Topic</th>
<th>Location</th>
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<tbody>
<tr>
<td>Executive Training for Future Police Chiefs</td>
<td>Florida Police Chiefs’ Executive Center, Tampa, Florida</td>
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<tr>
<td>Officer Discipline</td>
<td>Florida Department of Law Enforcement, Daytona Beach, Florida</td>
</tr>
<tr>
<td>Police Internal Affairs</td>
<td>Florida Department of Law Enforcement, Daytona Beach, Florida</td>
</tr>
<tr>
<td>Due Process and Employee Rights</td>
<td>Florida Department of Law Enforcement, Jacksonville, Florida</td>
</tr>
<tr>
<td>Human Diversity</td>
<td>Florida Department of Law Enforcement, Gulf Coast Community College, Panama City, Florida</td>
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<tr>
<td>Civil Vicarious Liability and Sexual Harassment</td>
<td>Florida Department of Law Enforcement, Tallahassee, Florida</td>
</tr>
<tr>
<td>Police Use of Deadly Force</td>
<td>Florida Department of Law Enforcement, Valencia Community College, Gainesville, Florida</td>
</tr>
<tr>
<td>Detecting Deception in Non-Verbal Communications</td>
<td>Federal Bureau of Investigation, St. Leo University, Wesley Chapel, Florida</td>
</tr>
</tbody>
</table>
PERSONAL REFERENCES

James Holloway, Chief of Police, (Retired)
Panama City Beach Police Department

David Humphreys, II, Deputy Chief of Police, (Retired)
Panama City Beach Police Department

Frank McKeithen, Sheriff (Retired)
Bay County, Florida

Steve Meadows, Attorney at Law,
1232 Jenks Avenue
Panama City, FL 32401
(850)215-2948

*** Personal information on retired Law Enforcement references can be furnished upon request.
## BOARDS OF THE CITY
### 2016-2017
### 8/31/17

<table>
<thead>
<tr>
<th>BOARD</th>
<th>MEMBER</th>
<th>TERM EXPIRES</th>
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<tbody>
<tr>
<td><strong>PLANNING</strong></td>
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</tr>
<tr>
<td>Regular Meeting</td>
<td>Ed Benjamin Chair(17)</td>
<td>2018</td>
</tr>
<tr>
<td>2nd Monday</td>
<td>Ronald Dowgul</td>
<td>2018</td>
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<tr>
<td>2:00 P.M.</td>
<td>Mark Sheldon</td>
<td>2020</td>
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<tr>
<td>4 yr term</td>
<td></td>
<td>2018</td>
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<tr>
<td>Chmn annually by CC</td>
<td>Paul Turner,</td>
<td>2020</td>
</tr>
<tr>
<td>VC chosen by Bd</td>
<td>Josh Wakstein</td>
<td>2020</td>
</tr>
<tr>
<td></td>
<td>Felicia Cook Vice-Chair (17)</td>
<td>2018</td>
</tr>
<tr>
<td>(School Bd Member-Non-Voting)</td>
<td>Wayne Elmore (no compensation)</td>
<td>-</td>
</tr>
</tbody>
</table>
COMMITTEE VOLUNTEER
PLANNING BOARD APPLICATION
PLEASE PRINT

NAME: ____________________________ 

HOME ADDRESS: 316 Bainbridge St., Panama City Beach, FL 3

MAILING ADDRESS: Same

Home Phone: ____________________________ Business Phone: ____________________________ Cell: 850-541-6188

How is it best to contact you during the day? ____________________________

E-mail Address: dscruggs@savisioneering.com Fax Number: None

Business Address: N/A

Are you a registered voter of the City of Panama City Beach? Yes X No

Do you hold a public office? Yes X No

At the present time, do you serve on any City Board, Commission or Committee? No

If you, which one(s)?

Which Board would you prefer? Planning

Please provide, if desired, briefly your education and experience. Registered Landscape Architect; Commercial design, construction & development 30 years; Previously VP St. Joe Company; currently principal Strategic Development Advisors, LLC and Director Pre-Construction for Reliant South Construction Group

Planning Board meets monthly 2nd Monday, 2PM.

My signature below indicates my desire to serve on the Planning Board in a voluntary capacity.

David A. Scruggs ____________________________ 8/15/2017

Signature of Applicant Date

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 March 13, 2017; Council will make their choices at their meeting.

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

NOTE: You must live within the City limits to be considered for the appointment.
David A. Scruggs

Contact
316 Bainbridge St.
850.541.6188
dscruggs@sdađisioneering.com

Education
B.L.A., Landscape Architecture,
Mississippi State University

Certifications Past/Present
Landscape Architect, MS, AL
Commercial Building
Contractor License
Mississippi Real Estate
Florida Real Estate

Professional Affiliations
Past/Present
EDAA (Alabama)
Bay County EDA Executive
Committee (past member)
Past Chair Enterprise Bay
(EDA)
Board Member Bay Education
Foundation
Bay Chamber of Commerce
International Council of
Shopping Centers (ICSC)
Panama City Rotary Club
Bay County Association of
Realtors

Personal
US Coast Guard Auxiliary
Woodlawn United Methodist
Church and Sanctuary Choir

Professional Experience

Throughout a career of landscape architecture and land planning,
construction and real estate development, I have developed a unique
set of skills to assemble, motivate and manage multidiscipline teams
of professionals as well as develop an understanding of the
relationship nuances between clients, consultants and contractors.
This experience has facilitated a successful track record designing,
developing and constructing residential, commercial and industrial
ventures for clients as well as my own account. This experience has
helped me gain an intimate understanding of project components, the
roles of team members, and the expertise to accurately plan, budget,
and manage them to successful completion.

Reliant South Construction Group, August 2016-Current
Director Pre-Construction

Located in Panama City, Reliant South is a full service general
construction firm with the expertise to build vertical as well as
horizontal infrastructure. RS doesn’t chase everything maintaining a
strategic focus on projects and clients that allow us to deliver a
superior product and service.

As Director of Pre-Construction, I am tasked with seeking out these
project sometimes before they are real and facilitate their growth into
a project from design, finance, construction and operation strategy.

Strategic Development Advisors, March 2014-Current
Principal

SDA is tasked with providing full development and owner
representation services to owners, developers, public and private
partnerships. The expert affiliates of SDA provide, on a fee basis, an
opportunity for a client to utilize this expertise as an extension of their
own staff without the cost burdens associated with full time
employees.

Past projects include a myriad of uses from retail, office, residential
development, and hospitality. Current projects include two beachfront
full service hotel/conference centers in Panama City Beach.

As a licensed commercial advisor with NAI-TALCOR, I can provide
real estate services as an addition service component. We are
currently marketing a 41 acre commercial tract in Navarre, FL by
developing a mixed use master plan which illustrates its highest and
best use.

Atkins North America (formerly PBS&J) 2007 to February
2014
Vice President Design & Engineering
As group manager for the civil and design team in Panama City Beach, I led a large staff of engineers, landscape architects and technicians managing multiple projects to meet clients’, as well as the firm’s, expectations. This required a daily hands on management approach to maintain schedules of in-house, as well as sub-consultants’ performance and production all while meeting operational goals.

**The St. Joe Company - Panama City Beach, FL (10/2005-10/2007)**
*Vice President Commercial Development*

As Vice President of Commercial development and managing the commercial development team, our responsibility was to entitle, design and develop St. Joe owned properties in the Bay and South Walton County area of the Florida panhandle. The purpose of this process was to identify and entitle each property to achieve the highest and best use while meeting the branding and place-making goals of the company. My team designed and entitled over 40 properties for development including, big box developments, multi-family, out-parcels, mixed use town centers and shopping centers.

**Heartland Development Company - Jackson, MS (2/2004-09/2005)**
*Vice President Development*

Coordinated the design, construction, and development of multiple master planned communities and town centers.

**Construction Plus, Inc.- Jackson, MS (11/1987-7/2005)**
*President/CEO*

Managed all aspects of leading a single-source entity for design, construction and development of commercial and industrial projects including business development, design coordination, job costing and budgeting, value engineering, and client service. With a staff of eight permanent employees and up to two dozen construction tradesmen and craftsmen, we delivered projects on time and in budget. Projects ranged from build-to-suits, flex space developments, shopping center and office products, multiple high-rise interior construction continuing contracts, and heavy manufacturing.

**The Design Collective, PA - Jackson, Mississippi 1981-1987**
*Principal, Site Development Group*

Principal-in-charge of the landscape architecture division of one of the state’s largest A&E firms.
REGULAR ITEM

9
The Council has directed staff to present options on ways it may enforce or assure residency concerns which may arise from the implementation or provision of City policies, privileges and services (i.e., for the privilege of addressing the Council, for taking advantage of discounted recreational fee rates, for election qualifications, or related to the provision of utility service).

Attached is an ordinance establishing a new municipal offense for the willful misrepresentation of one's residency to a city employee, official or law enforcement officer. Violation is punishable pursuant to the General Penalty long established in the City Code.

The ordinance is available for the Council's discussion and approval or modification.
ORDINANCE NO. 1431

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO MUNICIPAL OFFENSES; MAKING IT UNLAWFUL TO MISREPRESENT ONE'S RESIDENCY TO OBTAIN A CITY BENEFIT, SERVICE OR PRIVILEGE; PROVIDING A PENALTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance Section 16-12 of the Code of Ordinances of the City of Panama City Beach, related to offenses is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Section 16-12. Misrepresentation of residency.
(a) It shall be unlawful for any person to willfully and knowingly, whether orally or in writing, make or cause to be made, any false or fictitious or fraudulent statement regarding his or her residency to any City employee, official or law enforcement officer, or to use any false writing or document to obtain City benefits, services or privileges.

(b) Violation of this section shall be punishable as a municipal offense in accordance with and pursuant to Section 1-12 of this City Code.

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 ____________,
2017.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _________________,
2017.

__________________________
MAYOR

Published in the _________________ on the ____ day of ____________, 2017.

Posted on pcbgov.com on the ____ day of _________________, 2017.
REGULAR ITEM

10
CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: ADMINISTRATION/LEGAL

2. MEETING DATE: SEPTEMBER 14, 2017

3. REQUESTED MOTION/ACTION:
Approve Resolution approving a discretionary Delegations Period for interested parties to bring non-agenda City business before the Council

4. AGENDA

<table>
<thead>
<tr>
<th>PRESENTATION</th>
<th>PUBLIC HEARING</th>
<th>CONSENT</th>
<th>REGULAR</th>
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5. IS THIS ITEM BUDGETED (IF APPLICABLE)?

<table>
<thead>
<tr>
<th>YES</th>
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BUDGET AMENDMENT OR N/A

<table>
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<tr>
<th>DETAILED BUDGET AMENDMENT ATTACHED</th>
<th>YES</th>
<th>NO</th>
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6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

At the last Council meeting on August 24, 2017, staff was directed to memorialize the limitations announced and implemented with regard to the second public comment period on non-agenda items. It is staff's understanding the intention is to mimic the procedure in place in the City of Cocoa, and a resolution has been prepared that mimics the practice adopted in that City.

The proposed resolution, which labels this second public comment period "Delegations", provides that the period may be provided at the Council's discretion, shall generally last no longer than 30 minutes, and is open to citizens and tax-collectors who wish to bring forward city business, employees to present matters affecting their employment, and water and sewer customers to present concerns related to the City's utility service. Please note that City employees were not in the classes of folks identified by the Mayor at the August 24 meeting, but are included in the class of folks to whom the City of Cocoa opens its delegations period.

The Resolution is available for the Council's approval or modification.
RESOLUTION NO. 17-133

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ESTABLISHING A LIMITED “DELEGATIONS” PERIOD FOR CITY BUSINESS TO BE RECEIVED BY THE COUNCIL FROM CERTAIN INTERESTED PARTIES AT REGULAR CITY COUNCIL MEETINGS; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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

In its discretion, the Council may set aside up to thirty minutes of each regular meeting for “Delegations.” The purpose of such period shall be for any resident or tax collector of the City to make his or her views known to the Council upon any subject of general or public interest, for City employees to communicate to the Council concerns about policies or conditions affecting their employment, or for water and sewer customers to advise the Council of concerns related to the City’s provision of utilities.

The council desires that this comment period be for the purpose of receiving legitimate inquiries by interested parties and not for the purpose of advancing arguments or repetitious questions concerning matters which the council believes to be closed or not of general public concern. The three minute speaking rule shall be enforced during delegations.

This Resolution shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED in regular session this ___ day of _______, 2017.

CITY OF PANAMA CITY BEACH, FLORIDA

By ___________________________
MIKE THOMAS, MAYOR

ATTEST:

_______________________________
CITY CLERK
REGULAR ITEM

12
Jo Smith

From: Mario Gisbert
Sent: Tuesday, September 12, 2017 10:00 AM
To: Jo Smith
Subject: Fwd: Public Records Request Information
Attachments: ScanAttachment - 2017-08-28 14.39.31.pdf; ATT00001.htm; Section 119.12 Florida Statutes.pdf; ATT00002.htm; RE Fw Public Records Request- Floyd's emails since 11 17-pres-2.pdf; ATT00003.htm

Please help print and add this email and attachments to the agenda item 12 public record request.

Thank you,
Mario Gisbert
850.258.6179

Begin forwarded message:

From: "Cole Davis" <cdavis@HSMcLaw.com>
To: "Mario Gisbert" <mgisbert@pcbgov.com>
Cc: "Margaret Clark" <mclark@HSMcLaw.com>, "Amy Myers" <amyers@hsmclaw.com>
Subject: Public Records Request Information

Mario,

Per our conversation this morning, attached are several documents related to public records requests.

First, I've attached a copy of documents related to the case of Friedberg v. City of Gainesville. In this case, the City of Gainesville was sued over an extensive public records request brought by a former employee of the City. The City's charges totaled $39,942 related to compiling and redacting approximately 150,000 emails of the former employee. The Circuit Court in Alachua County upheld the charges as reasonable and entered judgment for the City. The Plaintiff did not appeal.

Second, I've attached a copy of our offices emails with Pat Gleason regarding Amy's engagement in the Attorney General's mediation process. The first email in the chain shows Ms. Gleason's opinion on the City's public records charge policy and the estimate that was given to Melba Hall for her request for Diane Floyd's emails. As the email shows, based on a one-hour review by Jo Smith and other background provided by Amy, Ms. Gleason found the 2 minute per email estimation substantiated.

Finally, I've attached the most recent version of section 119.12, Florida Statutes, which addresses attorney's fees in public records litigation. The statute was recently amended to allow a public entity to recover its attorney's fees where the court determines the public records request was made "to cause a violation of [the public records law] or for a frivolous purpose."

Let me know if you have questions or need anything else.

J. Cole Davis, Esq.
# FIRST

## FRIEDBERG V CITY OF GAINESVILLE

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<th>Request Type</th>
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<td>Response</td>
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</table>
IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

ERIN FRIEDBERG,
Plaintiff,

vs.

CITY OF GAINESVILLE, FLORIDA

Defendant.

CASE NO.: 2012 CA 360

COMPLAINT

Plaintiff, Erin Friedberg, (hereafter "Plaintiff") by and through the undersigned attorney, hereby files this complaint for the issuance of a writ of mandamus, pursuant to Florida Rule of Civil Procedure 1.630, and requests that such writ issue against Defendant, the City of Gainesville, Florida, (hereafter "Defendant") and alleges:

1. The Defendant, the City of Gainesville, Florida is a Florida municipal corporation.

2. The Plaintiff is an individual residing in Alachua County, Florida.

3. This Court has jurisdiction to issue a writ of mandamus pursuant to Article V § 5(b) of the Florida Constitution.

4. Venue is appropriate in this matter because both parties are located in Alachua County, Florida.

5. On or about October 31, 2012, the Plaintiff filed a charge of discrimination with the Florida Commission on Human Relations (hereafter the "FCHR") regarding alleged workplace discrimination by the Defendant while the Plaintiff was employed by the Defendant (hereafter the "Charge").

6. As a part of the FCHR investigation of the Charge, the FCHR has asked the Plaintiff
to provide documents, statements, and/or information regarding her employment with the Defendant.

7. On or about December 21, 2011, the Plaintiff, through her attorney, filed a public records request with the Defendant requesting various documents relating to her employment with the Defendant in order to comply with the requests from the FCHR (hereafter the “PRR”). A true and correct copy of the PRR is attached hereto as exhibit “A” and is by reference made a part hereof.

8. As the Defendant’s attorney had already been involved in the FCHR investigative process, a copy of the PRR was also forwarded to such attorney as a courtesy, however no mention of the Charge was made in the PRR.

9. On or about January 3, 2012, counsel for the Defendant responded to the Plaintiff’s counsel noting that the Defendant had received the PRR and was in the process of coordinating with Defendant’s managers regarding a response to the PRR (hereafter the “First Defendant Response”). A true and correct copy of the First Defendant Response is attached hereto as exhibit “B” and is by reference made a part hereof.

10. The First Defendant Response requests that the Plaintiff “...direct communications relating to her charge of discrimination to me.” While no mention of the Charge was made in the PRR, the Defendant, through the First Defendant Response, clearly has acknowledged that the PRR requests are obviously related to the Charge.

11. On or about January 10, 2012, counsel for the Defendant formally responded to the PRR by sending a letter to Plaintiff’s counsel (hereafter the “Second Defendant Response”). A true and correct copy of the Second Defendant Response is attached hereto as exhibit “C” and is by

-2-
12. The Defendant, through the Second Defendant Response, stated that "extensive clerical and supervisory assistance" would be required to respond to the PRR and that, pursuant to Florida Statutes 119.07(4)(d), the Plaintiff would be required to pay for both labor costs and copying costs prior to the Defendant providing such records.

13. Florida Statutes section 119.07(4)(d), Florida Statutes, requires special service charges for responses to public records requests be reasonable.

14. The Defendant, through the Second Defendant Response, stated that there are approximately 150,000 email communications both to and from the Plaintiff during her employment with the Defendant and that each of these email communications would need to be reviewed by Defendant's staff prior to potentially exclude information from what ultimately might be provided to the Plaintiff.

15. The Defendant, through the Second Defendant Response, stated that the estimated costs review and produce review the Plaintiff's own email records from her employment with the Defendant were estimated to be $39,942.44 and requested payment of such sum prior to producing any email communication records or even making a determination what portion of such records might ultimately be produced.

16. While it is not entirely clear on the face of the Second Defendant Response what portion, if any, of the request for payment of nearly Forty Thousand Dollars was based upon copying costs, the true cost to duplicate computer files onto a CD-Rom disc (as is fairly common practice in 2012) would almost certainly be minimal and would require minimal staff time.

17. While it is not entirely clear on the face of the Second Defendant Response what
portion of the request for payment of nearly **Forty Thousand Dollars** was based upon special service charges, such request appears, on its face, to be unreasonable.

18. While it is not entirely clear on the face of the Second Defendant Response what portion of the request for payment of nearly **Forty Thousand Dollars** was based upon special service charges, such request does appear, on its face, to be excessive.

19. The Defendant clearly cannot make any legitimate argument that the actual costs to retrieve and duplicate the email communications requested by the Plaintiff will cost any significant amount and, without question, cannot reasonably argue that the actual costs to retrieve and duplicate such email communications will approach **Forty Thousand Dollars**.

20. The Florida courts have recognized that excessive special service charges for public records requests could very well serve to inhibit the pursuit of rights conferred by the Public Records Act. See e.g. Carden v. Chief of Police, City of Clewiston Police Dep't, 696 So. 2d 772, 773 (Fla. Dist. Ct. App. 2d Dist. 1996).

21. The Defendant, through the Second Defendant Response, made the contention that some of the records requested by the Plaintiff through request number four (4) of the PRR are "confidential and exempt medical records" and refused to provide such public records to the Plaintiff unless and until she provided written authorization as to same pursuant to Florida Statutes section 112.08(7). However, such statute does not require such authorization for either the Plaintiff (or her attorney) to obtain such records.

22. Florida Statutes section 112.08(7) clearly provides:

"(7) All medical records and medical claims records in the custody of a unit of county or municipal government relating to county or municipal employees, former county or municipal employees, or eligible dependents of such employees enrolled in a county or municipal group insurance plan or self-insurance plan shall be kept
confidential and are exempt from the provisions of s. 119.07(1). Such records shall not be furnished to any person other than the employee or the employee's legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the employee or the employee's legal representative by the party seeking such records.” (emphasis added)

23. The PRR, on its face, made it quite clear that the Plaintiff was requesting records. As such she is “the employee” that is referenced in the highlighted section of Florida Statutes section 112.08(7) in paragraph 22 herein. The plain English reading of the statute makes it clear that “the employee” is an exception to the requirement of any form of written authorization for release of medical records.

24. The PRR, on its face, made it quite clear that the undersigned represented the Plaintiff and made the records request on her behalf. As such the undersigned is “the employee’s legal representative” that is referenced in the highlighted section of Florida Statutes section 112.08(7) in paragraph 22 herein. The plain English reading of the statute makes it clear that “the employee’s legal representative” is an exception to the requirement of any form of written authorization for release of medical records.

25. The Defendant’s demand for a clearly excessive and unreasonable fee to produce public records has clearly prejudiced the Plaintiff and impaired her ability to properly respond to queries and requests from the FCHR related to the Charge.

26. The Defendant’s unsubstantiated demand for “written authorization” for the Plaintiff and/or her attorney to access public records regarding the Plaintiff’s own medical condition(s) has clearly prejudiced the Plaintiff and impaired her ability to properly respond to queries and requests from the FCHR related to the Charge.
27. The Defendant has clearly acknowledged the relationship between the Charge and the PRR (despite no mention of the Charge in the actual PRR) and as such the demands for a clearly excessive and unreasonable fee, as well as the improper demand for written authorization, are all the more egregious as they impact both the Plaintiff’s rights to open public records and her rights to have a fair investigation of the Charge.

28. The Plaintiff has hired the undersigned attorney and law firm to represent her in this matter and had agreed to pay a reasonable fee for such services.

29. The Plaintiff is entitled to an award of reasonable attorney’s fees if she prevails in this action pursuant to section 119.12 Florida Statutes.

30. All necessary conditions precedent to the filing of this action have occurred and/or they have been waived by the Defendant.

WHEREFORE, Plaintiff respectfully requests that the Court issue a writ of mandamus ordering Defendant to provide the requested public records; determining what special service charges, if any, may be charged by the Defendant for the production of such public records; awarding the Plaintiff reasonable attorney’s fees and costs; and awarding any further relief this Court deems just and proper.

Dated this 7th day of January 2012

JOSEPH C. SHOEMAKER
Florida Bar No. 0319790
BOGIN, MUNNS & MUNNS
628 S. 14th St.
Leesburg, FL 34748
(352) 728-3773 (PHONE)
(352) 728-5488 (FAX)
Attorneys for Plaintiff
IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

ERIN FRIEDBERG,
Plaintiff,
CASE NO.: 2012 CA 360

vs.

CITY OF GAINESVILLE, FLORIDA
Defendant.

FIRST AMENDED COMPLAINT

Plaintiff, Erin Friedberg, (hereafter "Plaintiff") by and through the undersigned attorney, hereby files this complaint for the issuance of a writ of mandamus, pursuant to Florida Rule of Civil Procedure 1.630, and requests that such writ issue against Defendant, the City of Gainesville, Florida, (hereafter "Defendant") and alleges:

1. The Defendant, the City of Gainesville, Florida is a Florida municipal corporation.
2. The Plaintiff is an individual residing in Alachua County, Florida.
3. This Court has jurisdiction to issue a writ of mandamus pursuant to Article V § 5(b) of the Florida Constitution.
4. Venue is appropriate in this matter because both parties are located in Alachua County, Florida.

STATEMENT OF FACTS

5. On or about October 31, 2012, the Plaintiff filed a charge of discrimination with the Florida Commission on Human Relations (hereafter the "FCHR") regarding alleged workplace discrimination by the Defendant while the Plaintiff was employed by the Defendant (hereafter the "Charge").
6. As a part of the FCHR investigation of the Charge, the FCHR has asked the Plaintiff to provide documents, statements, and/or information regarding her employment with the Defendant.

7. On or about December 21, 2011, the Plaintiff, through her attorney, filed a public records request with the Defendant requesting various documents relating to her employment with the Defendant in order to comply with the requests from the FCHR (hereafter the “First PRR”). A true and correct copy of the First PRR is attached hereto as exhibit “A” and is by reference made a part hereof.

8. As the Defendant’s attorney had already been involved in the FCHR investigative process, a copy of the First PRR was also forwarded to such attorney, however no mention of the Charge was made in the First PRR.

9. On or about January 3, 2012, counsel for the Defendant responded to the Plaintiff’s counsel noting that the Defendant had received the First PRR and was in the process of coordinating with Defendant’s managers regarding a response to the First PRR (hereafter the “First Defendant Response”). A true and correct copy of the First Defendant Response is attached hereto as exhibit “B” and is by reference made a part hereof.

10. The First Defendant Response requests that the Plaintiff “...direct communications relating to her charge of discrimination to me.” While no mention of the Charge was made in the First PRR, the Defendant, through the First Defendant Response (as well as subsequent communications), clearly has acknowledged that the First PRR requests are obviously related to the Charge.

11. On or about January 10, 2012, counsel for the Defendant formally responded to the
First PRR by sending a letter to Plaintiff’s counsel (hereafter the “Second Defendant Response”). A true and correct copy of the Second Defendant Response is attached hereto as exhibit “C” and is by reference made a part hereof.

12. The Defendant, through the Second Defendant Response, stated that “extensive clerical and supervisory assistance” would be required to respond to the First PRR and that, pursuant to Florida Statutes 119.07(4)(d), the Plaintiff would be required to pay for both labor costs and copying costs prior to the Defendant providing such records.

13. Florida Statutes section 119.07(4)(d), Florida Statutes, requires that special service charges for responses to public records requests be reasonable.

14. The Defendant, through the Second Defendant Response, stated that there are approximately 150,000 email communications both to and from the Plaintiff during her employment with the Defendant and that each of these email communications would need to be reviewed by Defendant’s staff prior to potentially exclude information from what ultimately might be provided to the Plaintiff.

15. The Defendant, through the Second Defendant Response, stated that the estimated costs to review and produce the Plaintiff’s own email records from her employment with the Defendant were estimated to be $39,942.44 and requested payment of such sum prior to producing any email communication records or even making a determination what portion of such records might ultimately be produced.

16. While it is not entirely clear on the face of the Second Defendant Response what portion, if any, of the request for payment of nearly Forty Thousand Dollars was based upon copying costs, the true cost to duplicate computer files onto a CD-Rom disc (as is fairly common
practice in 2012) would almost certainly be minimal and would require minimal staff time.

17. While it is not entirely clear on the face of the Second Defendant Response what portion of the request for payment of nearly **Forty Thousand Dollars** was based upon special service charges, such request appears, on its face, to be unreasonable.

18. While it is not entirely clear on the face of the Second Defendant Response what portion of the request for payment of nearly **Forty Thousand Dollars** was based upon special service charges, such request does appear, on its face, to be excessive.

19. The Defendant, through the Second Defendant Response, made the contention that some of the records requested by the Plaintiff through request number four (4) of the First PRR are "confidential and exempt medical records" and refused to provide such public records to the Plaintiff unless and until she provided written authorization as to same pursuant to Florida Statutes section 112.08(7). However, such statute does not require such authorization for either the Plaintiff (or her attorney) to obtain such records.

20. Florida Statutes section 112.08(7) clearly provides:

> "(7) All medical records and medical claims records in the custody of a unit of county or municipal government relating to county or municipal employees, former county or municipal employees, or eligible dependents of such employees enrolled in a county or municipal group insurance plan or self-insurance plan shall be kept confidential and are exempt from the provisions of s. 119.07(1). Such records shall not be furnished to any person other than the employee or the employee's legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the employee or the employee's legal representative by the party seeking such records." (emphasis added)

21. The First PRR, on its face, made it quite clear that the Plaintiff was requesting records. As such she is "the employee" that is referenced in the highlighted section of Florida
Statutes section 112.08(7) in paragraph 20 herein. The plain English reading of the statute makes it clear that "the employee" is an exception to the requirement of any form of written authorization for release of medical records.

22. The First PRR, on its face, made it quite clear that the undersigned represented the Plaintiff and made the records request on her behalf. As such the undersigned is "the employee's legal representative" that is referenced in the highlighted section of Florida Statutes section 112.08(7) in paragraph 20 herein. The plain English reading of the statute makes it clear that "the employee's legal representative" is an exception to the requirement of any form of written authorization for release of medical records.

23. The Defendant's unsubstantiated demand for "written authorization" for the Plaintiff and/or her attorney to access public records regarding the Plaintiff's own medical condition(s) has clearly prejudiced the Plaintiff and impaired her ability to properly respond to queries and requests from the FCHR related to the Charge.

24. The Defendant, through the Second Defendant Response, estimated the costs to provide partial responses to requests 1, 3, 4, 5, 6, and 7 of the First PRR as $69.27. The Defendant, however, provided no delineation as to what such estimated costs were based upon or as to whether such estimated costs included labor (for review and/or duplication) and/or merely related to the costs of duplication itself.

25. The Plaintiff paid the $69.27 requested by the Defendant, through the Second Defendant Response, and received partial responses to requests 1, 3, 4, 5, 6, and 7 of the First PRR from the Defendant as well as some additional responsive documents after the instant litigation was filed.
26. On or about January 26, 2012, the Plaintiff, through her attorney, filed a second public records request with the Defendant requesting various documents relating to her employment with the Defendant in order to comply with the requests from the FCHR (hereafter the "Second PRR"). A true and correct copy of the Second PRR is attached hereto as exhibit "D" and is by reference made a part hereof.

27. On or about February 8, 2012, counsel for the Defendant responded informally to the original complaint in this matter, revised and clarified the Defendant’s position regarding the First PRR, and provided an initial response to the Second PRR (hereafter the "Third Defendant Response"). A true and correct copy of the Third Defendant Response is attached hereto as exhibit "E" and is by reference made a part hereof.

28. The Defendant, through the Third Defendant Response, stated that the previously provided figure of $39,942.44 to review and produce email documents included many clearly outrageous costs such as hiring temporary staff (for likely more than a year), the payment of a supervisor’s salary for review of the temporary staff, and even the purchase of a computer and a software license for the "project".

29. The Defendant, through the Third Defendant Response, stated that the previously provided figure of approximately 150,000 email communications was an estimate (that came from its IT Department) based upon dividing the size of “one average email” (75KB) into what is presumed to be the size of Ms. Friedberg’s email folder (10GB) to come up with a figure of 150,000. Such calculation is fundamentally flawed (as anyone that has spent any amount of time with email can likely attest, much less an “IT professional”) as email communications that include large attachment files such as large digital images, design proposals, grant applications, catalogues,
marketing graphics, and additional documents that were often reviewed by more than one party (which were often used by Ms. Friedberg in her job duties as Visual Arts Coordinator and which often resulted in her reaching email server capacity) are exponentially larger in size than email communications that contain merely text.

30. As the Defendant's figure of approximately 150,000 email communications was improperly based upon obviously flawed math and logic, its request for the huge sum of $39,942.44 to review such email documents for possible production is also fundamentally flawed on such basis alone.

31. The Defendant, through the Third Defendant Response, stated that "extensive clerical and supervisory assistance" would be required to respond to the Second PRR and that, pursuant to Florida Statutes 119.07(4)(d), the Plaintiff would be required to pay for both labor costs and copying costs prior to the Defendant providing such records.

32. The Plaintiff, through the Second PRR requested, in request number 2 of such request:

"All records evidencing the termination and/or resignation of any PRCA employees by the City from January 1, 2011 to present, including, but not limited to, terminations and/or resignations of employees while such employees were on Family and Medical Leave Act leave and employment termination of PRCA employees as a result of death or suicide."

33. The Defendant, through the Third Defendant Response, stated that a response to request number 2 of the Second PRR would require producing about 150 pages of documents "...as well as labor costs of 1.5 hours to review, redact, and copy the records at $24.87 per hour ($37.81)."

34. Obviously, request number 2 of the Second PRR, will not require 1.5 hours of staff time to produce copies (150 copies can be made in a few minutes on most modern copiers) or locate
the documents requested (obviously the Defendant is well aware of the specific documents being sought and has even quantified same). The clear purpose of the Defendant in requiring such charge is to require the Plaintiff to pay a fee for the redaction/excision of information from public records and/or to deter the Plaintiff from lawfully retrieving public records.

35. There is no justification under Florida Statutes 119.07 for the imposition of a fee for the redaction/excision of information from public records. The Florida Attorney General has addressed this very issue and has issued a clear and unambiguous formal written opinion on such topic that makes plain that such charges are not authorized. Such opinion states, in relevant part:

"Neither s 119.07(2)(a), F.S., nor any other provision of Ch. 119, F.S., prescribes any fee or authorizes any service charge for the "deletion or excision" from a public record of information exempted by s 119.07(3)(h), F.S., from the provisions of s 119.07(1)(a), F.S., before the production of the remainder of such record (or an altered copy thereof) for inspection and examination." Florida Attorney General Opinion 84-81 (1984).

36. The Florida Attorney General has, in fact, repeatedly stated that a special service charge may not be imposed merely because a record contains exempted information. See Florida Attorney General Opinions 91-61 (1991); 90-7 (1990); 84-81 (1981).

37. The Plaintiff, through the Second PRR requested, in request number 3 of such request:

"All records, letters, memoranda, notes, email communications, or other documents (whether in written or electronic form) with Erin Friedberg's name in subject line or body of mail, whether shown as "Erin Friedberg" or some variation thereof (e.g. "EF") received by, written by, or in the possession of any management personnel in PRCA or other City office since the time the City received Ms. Friedberg's charge of discrimination (in approximately November of 2011)."

38. The Defendant, through the Third Defendant Response, stated that it could not estimate how much time might be needed to research request number 3 of the Second PRR as such
request was overly broad. However, the Defendant did state that if the request were narrowed to only include certain management employees of the Defendant, then 254 copies would be produced at a charge of $38.10 and an additional $182.81 would be required in labor costs (various labor figures were provided from various employees of the Defendant to "review, redact, and copy" the records).

39. In much the same manner as the Defendant's response to request number 2 of the Second PRR, it will clearly not require labor costs anywhere near the figures quoted by the Defendant to produce 254 copies for the response to request number 3 of the Second PRR. Once again, the clear purpose of the Defendant in requiring such charge is to require the Plaintiff to pay a fee for the redaction/excision of information from public records and/or to deter the Plaintiff from lawfully retrieving public records.

40. On or about February 23, 2012, the Plaintiff, through her attorney, filed a third public records request with the Defendant requesting various documents relating to her employment with the Defendant in order to comply with the requests from the FCHR (hereafter the "Third PRR"). A true and correct copy of the Third PRR is attached hereto as exhibit "F" and is by reference made a part hereof.

41. On or about February 27, 2012, counsel for the Defendant responded to the counsel for the Plaintiff that the Defendant was in receipt of the Third PRR; that "extensive clerical and supervisory assistance" would be required to respond to the Third PRR; that, pursuant to Florida Statutes 119.07(4)(d), the Plaintiff would be required to pay for both labor costs and copying costs prior to the Defendant providing such records; and that the Defendant would be contacting the Plaintiff with estimates as to such costs (hereafter the "Fourth Defendant Response"). A true and
correct copy of the Fourth Defendant Response is attached hereto as exhibit "G" and is by reference made a part hereof.

42. On or about March 13, 2012, counsel for the Defendant formally responded to the Third PRR and once again provided estimated costs for the Defendant to produce the records requested by the Plaintiff (hereafter the “Fifth Defendant Response”). A true and correct copy of the Fifth Defendant Response is attached hereto as exhibit “H” and is by reference made a part hereof.

43. In much the same manner as the Defendant’s prior responses to the Plaintiff’s public records requests, the Defendant, through the Fifth Defendant Response, requested labor costs that far exceed any reasonable costs the Defendant will likely incur to produce and copy the documents responsive to requests 4, 6, and 7 of the Third PRR. Once again, the clear purpose of the Defendant in requiring such charge is to require the Plaintiff to pay a fee for the redaction/excision of information from public records and/or to deter the Plaintiff from lawfully retrieving public records.

44. While the majority of the true tasks necessary for the Defendant to properly respond to the Plaintiff’s public records requests are clerical in nature (and likely could be performed by most any clerical employee of the Defendant), the Defendant, (as evidenced by the Fifth Defendant Response) has listed a number of very high labor costs, such as Paul Folkers ($64.23 per hour), Steve Phillips ($48.30 per hour), Michelle Park ($42.58 per hour), Lynn McClary ($49.80 per hour), and Keisha Jones ($42.36 per hour). Such costs are unreasonable and unjustifiable for the responses necessary to the public records requests made by the Plaintiff.

45. The Defendant, through the Fifth Defendant Response, stated that a response to such request would require the Plaintiff to pay a small copying cost of $2.10 as well as labor costs of
hour at 78.69 per hour ($78.69), 40 minutes at $50.03 per hour ($33.35), 1 hour at $43.29 per hour ($43.29) for a total amount of $157.43. Therefore, the Defendant is requesting to be paid an amount of $157.43 for 2 hours and 40 minutes of staff time to review and copy a mere 14 pages of documents. By any reasonable measure, this amount is unreasonable and excessive on its face.

46. The Florida courts have recognized that excessive special service charges for public records requests could very well serve to inhibit the pursuit of rights conferred by the Public Records Act. See e.g. Carden v. Chief of Police, City of Clewiston Police Dept., 696 So. 2d 772, 773 (Fla. Dist. Ct. App. 2d Dist. 1996).

47. As evidenced by the Defendant's various responses to the Plaintiff's public records requests, the imposition of special service charges appears to be a very routine practice for the Defendant (at least as far as the Plaintiff is concerned), however, such charges are not supposed to be routinely charged for public records requests. See e.g. Florida Attorney General Opinions 86-69 and 92-38.

48. The conditions imposed by the Defendant for access to public records by the Defendant appear to be designed to impede her rights of access, contrary to Florida law. "Reasonable conditions" may not include anything which would hamper or frustrate, directly or indirectly, a person's right of inspection and copying of public records. The Florida Supreme Court has thus stated:

"It is clear to us that this statutory phrase refers not to conditions which must be fulfilled before review is permitted but to reasonable regulations that would permit the custodian of the records to protect them from alteration, damage, or destruction and also to ensure that the person reviewing the records is not subjected to physical constraints designed to preclude review." Wait v. Fla. Power & Light Co., 372 So. 2d 420, 425 (Fla. 1979). (emphasis added).

49. The Defendant has clearly acknowledged the relationship between the Charge and
the various public records requests made by the Plaintiff and as such the demands for various clearly excessive and unreasonable fees, as well as the improper demand for written authorization, are all the more egregious as they impact both the Plaintiff's rights to open public records and her rights to have a fair investigation of the Charge.

50. The Defendant's demand for a clearly excessive and unreasonable fee to produce public records has clearly prejudiced the Plaintiff and impaired her ability to properly respond to queries and requests from the FCHR related to the Charge.

51. The Plaintiff has hired the undersigned attorney and law firm to represent her in this matter and has agreed to pay a reasonable fee for such services.

52. The Plaintiff is entitled to an award of reasonable attorney's fees if she prevails in this action pursuant to section 119.12 Florida Statutes.

53. All necessary conditions precedent to the filing of this action have occurred and/or they have been waived by the Defendant.

WHEREFORE, Plaintiff respectfully requests that the Court issue a writ of mandamus ordering Defendant to provide the requested public records; determining what special service charges, if any, may be charged by the Defendant for the production of such public records; requiring the Defendant to refund those charges previously requested and paid that were not authorized by Florida law; awarding the Plaintiff reasonable attorney's fees and costs; and awarding any further relief this Court deems just and proper.

Dated this 22nd day of March, 2012

JOSEPH O. SHOEMAKER
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by US. Mail and Federal Express Delivery upon Elizabeth Waratuke, Esq., 200 E. University Ave., Rm. 425, Gainesville, FL 32627 (physical address), PO Box 490, Station 46, Gainesville, FL 32627-0490 (mailing address), this 22nd day of March, 2012.

JOSEPH C. SHOEMAKER
Florida Bar No. 0319790
Bogin, Munns & Munns, P.A.
628 South 14th Street
Leesburg, Florida 34748
Telephone: (352) 728-3773
Facsimile: (352) 728-5488
Attorneys for Plaintiff
IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

ERIN FRIEDBERG,
Plaintiff

and

BUTTERFLY EDUCATION PROJECT, LLC,
Intervenor

v.

CITY OF GAINESVILLE, FLORIDA,
Defendant.

CASE NO.: 2012-CA-360
DIVISION: K

FINAL JUDGMENT FOR DEFENDANT, CITY OF GAINESVILLE

THIS CAUSE came to be heard in a non-jury trial held September 14, 2012. The Court, having heard testimony of the witnesses, received evidence, and otherwise being fully advised,

IT IS ORDERED and ADJUDGED that Plaintiff Erin Friedberg take nothing by this action and that Defendant, the City of Gainesville shall go hence without day.

DONE AND ORDERED at Gainesville, Alachua County, Florida on this 18th day of September, 2012.

TOBY S. MONACO
Circuit Judge
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by E-mail or U.S. Mail on

September 18, 2012 to the following

Erin Friedberg
1719 NW 23rd Avenue, #4F
Gainesville FL 32605
efriedberg@cox.net

Elizabeth A. Waratuke, Esq.
Daniel M. Nee, Esq.
Office of the City Attorney
P.O. Box 490, Sta. 46
Gainesville FL 32627
waratukeea@cityofgainesville.org
whitecg@cityofgainesville.org

Mary A. Jarvis
Judicial Assistant
December 21, 2011

CERTIFIED MAIL/RRR

City Of Gainesville, Florida
Attn: Records Custodian/City Clerk
200 East University Avenue
Gainesville, FL 32601

RE: Public Records Request

Dear Sirs:

My name is Joseph Shoemaker and I represent Ms. Erin Friedberg. I am, on behalf of my client, pursuant to Florida Statutes § 119.07 hereby requesting that the City of Gainesville, Florida (hereafter the "City") immediately provide me with copies of all of the following public records:

1. A complete copy of the personnel file for Erin Friedberg
2. A complete copy of the personnel file for John Hayes
3. Copies of any contract(s) or agreement(s) between John Hayes and the City.
4. Copies of any written statements, notes, email correspondence, memoranda or other documents regarding any requests for leave under the Family and Medical Leave Act ("FMLA") by Erin Friedberg and the approval and/or denial of such leave request(s).
5. Copies of any written statements, notes, email correspondence, memoranda or other documents regarding the termination, possible termination, or resignation of Erin Friedberg.
6. A copy of the current written job description for the Program Coordinator with oversight of the Visual Arts Program at the City.
7. A copy of the current written job description for the Cultural Affairs Supervisor at the City.
8. Copies of the written job descriptions for the positions currently held and previously held by John Hayes at the City.
9. Copies of all electronic mail ("email") communications both from and to Erin Friedberg while she was employed by and/or performing services for the City.

If you assert that an exemption applies to any of the documents requested then I am requesting that you, for each such document and exemption:

www.BoginMunns.com

1. Specifically identify, in writing, any documents responsive to this request that exist, but which are not being provided or are being provided with exempted material removed;

2. Only delete or excise from the record that portion of the record with respect to which an exemption has been asserted and validly applies, and produce the remainder of such record; and

3. State the basis of the exemption that you contend is applicable to the record, including the statutory citation to an exemption created or afforded by statute and state in writing and with particularity the reasons for the conclusion that the record is exempt.

I would request that I be contacted at the following address and/or phone number as soon as such records are available:

JOSEPH C. SHOEMAKER  
Bogin, Munns & Munns, PA  
628 S.14th Street  
Leesburg, Florida 34748  
(352) 728-3773

Sincerely,

Joseph C. Shoemaker

CC: Erin Friedberg  
City Attorney's Office

www.BoginMunns.com  
Orlando ▪ Clermont ▪ Daytona ▪ Deltona ▪ Gainesville ▪ Kissimmee ▪ Leesburg ▪ Melbourne ▪ Ocala ▪  
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AGENDA ITEM #12
January 3, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 S. 14th Street
Leesburg, Florida 34748

Re: Public Records Request

Dear Mr. Shoemaker:

Your public records request submitted on behalf of Ms. Erin Friedberg was received by the City of Gainesville on December 28, 2011. The public records request relates to the allegations in the charge of discrimination filed by Ms. Friedberg against the City. Given that I am representing the City in this charge of discrimination, I respectfully request that you direct communications relating to her charge of discrimination to me.

I will coordinate with the relevant City departments and managers to respond to your public records request. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II
January 10, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 South 14th Street
Leesburg, Florida 34748

Re: Public Records Request

Dear Mr. Shoemaker:

Your public records request submitted on behalf of Ms. Erin Friedberg was received by the City of Gainesville on December 28, 2011. On January 3, 2012, I sent you a letter acknowledging this request and informing you that I would be coordinating with the relevant City departments and managers to respond to this request. Based on the information I received from these departments and managers, the City responds to your public records request as follows:

In order to respond to your public records request, extensive clerical and supervisory assistance by City personnel is required. Accordingly, you will be required to pay a special service charge, pursuant to Florida Statute Section 119.07(4)(d), for the labor costs incurred for such extensive assistance, as well as copy costs of 15 cents per one-sided copy and 20 cents per two-sided copy (the first ten copies are free), prior to the City copying the records requested.

The total estimated cost for your request, including the special service charge and copy costs, is $40,011.71. The breakdown of the total costs is as follows:

The estimated cost for request numbers 1, 3, 4, 5, 6, 7, and 8 is $69.27. (It should be noted that this estimate does not include an estimated cost to entirely respond to request #4, as some of the records responsive to this request are confidential and exempt medical records pursuant to Florida Statute 112.08(7). These records may be released to Ms. Friedberg upon receipt of her written authorization.).

With regard to request number 2, since John Hayes is not a City employee, the City does not have any records responsive to this request.
In response to request number 9, there are approximately 150,000 email communications both from and to Ms. Friedberg while she was employed by the City and/or performing services for the City. City staff would be required to review each of these emails to exclude personal, confidential, and exempt information prior to producing copies of such emails. The cost to review and produce the emails requested is estimated to be $39,942.44.

Upon receipt of your payment, you will be furnished with copies of the records requested, to the extent that such records are not confidential or exempt from disclosure. If you should have any questions about how to remit payment, please contact my legal assistant, Karen MacFarlane at (352) 393-8818.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II
January 26, 2012

VIA FEDEX TRANSMISSION:

City Attorney’s Office
Attn: Stephanie Marchman, Esq.
200 East University Avenue, Room #425
Gainesville, FL 32601

Re: Public Records Request of Erin Friedberg

Dear Ms. Marchman:

I am in receipt of your response letter dated January 10, 2012, to my client’s public records request dated December 21, 2011 (hereafter the First Public Records Request’’). As I am nearly certain you have already surmised, we do not agree with the City’s demand for nearly $40,000.00 for providing public records that would likely take less than 15 minutes to copy to a CD-Rom disc. Rest assured that issue will be addressed, but it will addressed at a later date.

I am enclosing my firm’s check for $69.27 to cover the costs of providing immediate responses to requests number 1, 3, 4, 5, 6, 7, and 8. Please either provide them to my office or inform me of where my client may go to pick them up without any further delays.

As to your contention that request 4 may have “confidential” information that is not subject to public records law, I would simply ask you to read the statute you cited to me, F.S. 112.08(7):

“(7) All medical records and medical claims records in the custody of a unit of county or municipal government relating to county or municipal employees, former county or municipal employees, or eligible dependents of such employees enrolled in a county or municipal group insurance plan or self-insurance plan shall be kept confidential and are exempt from the provisions of s. 119.07(1). Such records shall not be furnished to any person other than the employee or the employee’s legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the employee or the employee’s legal representative by the party seeking such records.”

The First Public Records Request made quite clear that Ms. Friedberg was requesting these records. She is the “the employee” that is referenced in the statute above. The plain English reading of the statute makes it clear that “the employee” is an exception to the requirement of any form of written authorization. To require an employee to provide written authorization to release public records that may contain medical information about such employee would be ludicrous and
we both know that is not what the statute provides. Even if you misread such request to be made on my own behalf, I am "the employee's legal representative" and as such I do not need her written authorization either.

While we view these actions as simply another attempt to delay this properly made public records request, I am attaching clear written authorization from my client that authorizes you to release her own records to either her or myself. Please note that we have also attached a second public records request and Ms. Friedberg has authorized the City to release her records to either herself or my office on that second request (and any subsequent requests) as well.

Once again, please either provide all of our requested records to my office immediately or inform me of where my client may go to pick them up without any further delays.

Very truly yours,

Joseph C. Shoemaker

Enclosures as stated

CC: Erin Friedberg
    Florida Commission on Human Relations
January 26, 2012

VIA FEDEX DELIVERY

City Of Gainesville, Florida
Records Custodian/City Clerk
C/O City Attorney’s Office
Attn: Stephanie Marchman, Esq.
200 East University Avenue, Room #425
Gainesville, FL 32601

RE: Second Public Records Request

Dear Ms. Marchman/Records Custodian/City Clerk:

My name is Joseph Shoemaker and I represent Ms. Erin Friedberg. I am, on behalf of my client, pursuant to Florida Statutes § 119.07 hereby requesting that the City of Gainesville, Florida (hereafter the “City”) immediately provide me with copies of all of the following public records:

1. All Parks, Recreation and Cultural Affairs (PRCA) departmental complaints received by Human Resources Division from January 1, 2011 to present.
2. All records evidencing the termination and/or resignation of any PRCA employees by the City from January 1, 2011 to present, including, but not limited to, terminations and/or resignations of employees while such employees were on Family and Medical Leave Act leave and employment termination of PRCA employees as a result of death or suicide.
3. All records, letters, memoranda, notes, email communications, or other documents (whether in written or electronic form) with Erin Friedberg’s name in subject line or body of mail, whether shown as “Erin Friedberg” or some variation thereof (e.g. “EF”) received by, written by, or in the possession of any management personnel in PRCA or other City office since the time the City received Ms. Friedberg’s charge of discrimination (in approximately November of 2011).

If you assert that an exemption applies to any of the documents requested then I am requesting that you, for each such document and exemption:

1. Specifically identify, in writing, any documents responsive to this request that exist, but which are not being provided or are being provided with exempted material removed;
2. Only delete or excise from the record that portion of the record with respect to which an exemption has been asserted and validly applies, and produce the remainder of such record; and

3. State the basis of the exemption that you contend is applicable to the record, including the statutory citation to an exemption created or afforded by statute and state in writing and with particularity the reasons for the conclusion that the record is exempt.

I would request that I be contacted at the following address and/or phone number as soon as such records are available:

JOSEPH C. SHOEMAKER
Bogin, Munns & Munns, PA
628 S. 14th Street
Leesburg, Florida 34748
(352) 728-3773

Sincerely,

Joseph C. Shoemaker

CC: Erin Friedberg
Florida Commission on Human Relations
February 2, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 South 14th Street
Leesburg, Florida 34748

Re: Public Records Request

Dear Mr. Shoemaker:

We are in receipt of the payment of $69.27 for your public records request dated December 21, 2011. Enclosed are the documents which are responsive to numbers 1, 3, 4, 5, 6, 7, and 8 of that request.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II

Enc.
February 8, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 South 14th Street
Leesburg, Florida 34748

Re: Public Records Requests and Complaint

Dear Mr. Shoemaker:

I am writing regarding your two different public records requests submitted on behalf of Ms. Erin Friedberg and received by the City of December 28, 2011 and January 30, 2012, respectively. I am also writing regarding the Complaint you filed on behalf of Ms. Friedberg in circuit court on January 27, 2012 alleging that the City violated Florida’s public records law in responding to your December 28, 2012 public records request.

With regard to your December 28, 2012 public records request, I sent you a letter on January 3, 2012 acknowledging receipt of this request and informing you that I would be coordinating with the relevant City departments and managers to respond to this request. In that same letter, I also recognized that your public records request related to allegations in a charge of discrimination filed by Ms. Friedberg against the City. Accordingly, I respectfully requested that, since I was representing the City in this charge of discrimination, you direct communications related to this charge to me.

In the Complaint, you take issue with my request of you to direct communications related to Ms. Friedberg’s charge of discrimination to me and allege that you forwarded the December 28, 2012 public records request to me only “as a courtesy.” While I recognize that I represent a governmental entity subject to the public records law, my client, the City of Gainesville, has the right to effective legal representation, the same as your client. If the tables were turned, I presume that you would object to me calling Ms. Friedberg to ask her questions about her charge of discrimination without your knowledge and after knowing that you represented her in the charge. In fact, I would do no such a thing, as for me to do so and simply let you know about it after the fact “as a courtesy” would be a violation of Florida’s Rules of Professional Conduct, Rule 4-4.2, Communication with Person Represented by Counsel. According to the Comment of Rule 4-4.2, “[t]his rule contributes to the proper functioning of the legal system by protecting a person who has chosen to be represented by a lawyer in a matter against possible overreaching by other lawyers who are participating in the matter, interference by those lawyers with the client-lawyer relationship, and the unconscouted disclosure of information relating to the representation.” Therefore, your concern with my request that you direct communications related to this charge to me.

Marion J. Radson
City Attorney

City of Gainesville
Office of the City Attorney

Agenda Item #______
communications related to Ms. Friedberg's charge of discrimination to me, the City's legal representative in this matter, as well as your belief that you can simply copy me on communications with my client on matters which you know my client is represented "as a courtesy," is misplaced and incongruous with Florida's Rules of Professional Conduct.

On January 10, 2012, I sent you a detailed response to your December 28, 2011 public records request. In particular, I notified you that in order to respond to your request, extensive clerical and supervisory assistance by City personnel was required. Therefore, you would be required to pay a special service charge, pursuant to Florida Statute Section 119.07(4)(d), for the labor costs incurred for such extensive assistance, as well as copy costs, prior to the City copying the records requested. The estimated cost for the City to respond to request numbers 1, 3, 4, 5, 6, 7, and 8 was $69.27. I also noted in my response that the City may release Ms. Friedberg's confidential and exempt medical records requested as part of number 4 upon receipt of her written authorization. The City received a check in the amount of $69.27 on January 30, 2012, as well as a written authorization from Ms. Friedberg related to her medical records. On February 2, 2012, I mailed you the records responsive to request numbers 1, 3, 4, 5, 6, 7, and 8, including Ms. Friedberg's Family and Medical Leave Act-related medical records. After February 2, 2012, I received additional records responsive to request number 5. Enclosed are copies of those additional records.

In the Complaint, you take issue with my request that Ms. Friedberg provide the City with written authorization prior to releasing her medical records to you. You allege that my request was an "improper demand" under Florida's public records law and impacted Ms. Friedberg's right to open public records and her right to have a fair investigation of her charge of discrimination.

My request for a written authorization from Ms. Friedberg to release her medical records was made in a good faith effort to protect her personal medical information and assure that her medical records were in fact being released to her legal representative. Surely, Ms. Friedberg can appreciate that the City would not release her medical records to anyone who requested them. Moreover, Florida Statute Section 112.08(7) is not the only statute the City must consider when it releases an employee's confidential medical records. Florida Statute Section 119.071(4)(b)1 provides the following: "Medical information pertaining to a prospective, current, or former officer or employee of an agency which, if disclosed, would identify that officer or employee is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such information may be disclosed if the person to whom the Information pertains or the person's legal representative provides written permission or pursuant to court order." (emphasis added). The Americans with Disabilities Act also prohibits employers from releasing employees' medical records but under very limited circumstances, none of which are applicable here. See 42 U.S.C. § 12112. In addition, Section 206 of the Genetic Information Nondiscrimination Act strictly limits the disclosure of employees' medical information. Therefore, Ms. Friedberg's written authorization was requested to protect her personal medical information and ensure the City's compliance with state and federal law. Furthermore, it is disingenuous to argue my request for Ms. Friedberg to provide a written authorization in this situation impacted her right to open public records and investigate her charge in light of the fact that the City immediately produced copies of her medical records upon receipt of her written authorization.

In your December 28, 2011 public records request, you requested "[c]opies of all electronic mail ("email") communications both from and to Erin Friedberg while she was employed by and/or performing services for the City." In my January 10, 2012 response to this request, I informed you that there are approximately 150,000 email communications responsive to this request. I also informed you
that City staff would be required to review each of these emails to exclude personal, confidential, and exempt information prior to producing copies of such emails. As a result, it was estimated that the cost to review and produce the 150,000 emails requested was $39,942.44.

In the Complaint, you allege that "it is not entirely clear on the face of [my January 10, 2012 response] what portion, if any, of the request for payment of nearly Forty Thousand Dollars was based upon copying costs, the true cost to duplicate computer files onto a CD-Rom disc (as is fairly common practice in 2012) would almost certainly be minimal and would require minimal staff time." In addition, you allege that "it is not entirely clear on the face of [my January 10, 2012 response] what portion of the request for payment of nearly Forty Thousand Dollars was based upon special service charges, such request appears, on its face to be unreasonable... [and] excessive."

Had you inquired prior to filing a lawsuit against the City, I would have been happy to further explain to you the estimated cost for the City to produce the 150,000 emails you requested. Nonetheless, in response to your allegations in the Complaint, I will take the opportunity to further explain the estimate now. The vast majority of the estimated cost relates to the labor costs the City would incur as a result of City staff taking approximately one minute to review each of the 150,000 emails and remove emails confidential or exempt public records. As you are surely aware, Florida's public records law contains over 1,000 exemptions precluding public records from disclosure and the City can incur significant liability if it were to produce public records that are confidential and exempt by law. For instance, Florida Statute Section 119.071(4)(a) and (5)(a)5 both provide that social security numbers are confidential and exempt from Florida Statute Section 119.07(1) and Section 24(a), Article I of the State Constitution, as well as provide specific procedures and conditions for the release of such information. Florida Statute Section 119.071(5)(a) further provides for criminal and monetary penalties for violations of these requirements. Moreover, pursuant to Florida Statute Section 119.07(2)(b), the City has a legal duty to "prevent the disclosure... of those portions of public records which are exempt or confidential..." Therefore, the City cannot simply copy 150,000 emails onto a CD and produce them to you without having City staff first review and redact them for confidential and exempt information.

I have enclosed a copy of the detailed estimate for the City to produce nearly 150,000 emails for your information. Of course, if you could make your request more specific or narrow it in terms of date ranges, search terms, or recipients, thus reducing the number of emails City staff would be required to review and redact, the labor cost to respond to your request for emails could be significantly reduced. In addition, upon further review of the detailed estimate provided by City staff, I am agreeable to removing the estimated costs related to the computer ($800), software ($385), and additional office equipment ($300), bringing the estimate for your request to $38,457.43.

Lastly, the following is the City's response to your January 30, 2012 public records request:

In order to respond to your January 30, 2012 public records request, extensive clerical and supervisory assistance by City personnel is required. Accordingly, you will be required to pay a special service charge, pursuant to Florida Statute Section 119.07(4)(d), for the labor costs incurred for such extensive assistance, as well as copy costs of 15 cents per one-sided copy and 20 cents per two-sided copy (the first ten copies are free), prior to the City copying the records requested.

With regard to request number 1, the City does not have any public records responsive to this request.
With regard to request number 2, the total estimated cost to produce the public records responsive to this request is $59.81. This estimated cost is arrived at by estimating 150 copies at 15 cents per copy ($22.50), as well as labor costs of 1.5 hours to review, redact, and copy the records at $24.87 per hour ($37.31).

In request number 3, you seek “[a]ll records, letters, memoranda, notes, email communications, or other documents (whether in written or electronic form) with Erin Friedberg’s name in the subject line or body of mail, whether shown as ‘Erin Friedberg’ or some variation thereof (e.g., ‘EF’) received by, written by, or in the possession of any management personnel in [the Parks Department] or other City office since the time the City received Ms. Friedberg’s charge of discrimination (in approximately November of 2011).” (emphasis added).

In order to respond to request number 3, each of the City’s 124 managers would be required to search and review all records in their possession, and produce only those records which are responsive to your request that are not confidential or exempt. Because your request is extremely broad, the City is having trouble estimating how much time it will take for every one of its 124 managers to research your request. Therefore, any assistance you could provide, by identifying any of the documents you seek with more specificity, i.e., date, author, subject, or recipient, will better enable us to locate the requested records for your inspection and arrive at an estimate. For instance, if your request was more specific to only include certain City managers involved with Ms. Friedberg’s charge and the allegations contained therein (e.g., Director of Parks, Recreation, and Cultural Affairs Steve Phillips, Assistant Recreation and Parks Director Michelle Park, Human Resources Director Sandy Barnard, Human Resources Manager Keisha Jones, Assistant City Manager Paul Folkers, and City Manager Russ Blackburn), it is estimated that the total cost of responding to this more specific request would be $220.91. This estimated cost for the records is arrived at by estimating 254 copies at 15 cents per copy ($38.10), as well as labor costs of $182.81 to review, redact, and copy the records (Steve Phillips for 1 hour @ $48.30/hour; Michelle Park for 1 hour @ $42.58/hour; Margie Allen (Staff Assistant) for .5 hours @ $22.36/hour; Paul Folkers for .25 hours @ $64.23/hour; Kimberly Sweigard (Staff Assistant) for .25 hours @ $20.40/hour; Donna Sutton (Executive Assistant) for 1 hour @ $30.11/hour; Lynn McClary for .17 hours @ $49.80/hour; and Keisha Jones for .5 hours @ $42.36/hour).

Upon receipt of the estimated costs set forth above, you will be furnished with copies of the records requested, to the extent that such records are not confidential or exempt from disclosure. If you should have any questions about how to remit payment, please contact my legal assistant, Karen MacFarlane at (352) 393-8818. In addition, please do not hesitate to contact me if you have any additional questions or concerns.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney, II

Enclosures
First Public Records Request, Request Number 9

Request Dated December 21, 2011, Received December 28, 2011

“Copies of all electronic mail ("email") communications both from and to Erin Friedberg while she was employed by and/or performing services for the City.”

1) IT Department Estimate:
   a) Estimated IT staff time is 4 hours @ $50.00/hour = $200.00
   b) Estimated Cost of CDs for IT to copy data to for review by City staff = $50.00
   c) 10 GB of data exists representing the emails both from and to Erin Friedberg while she was employed by and/or performing services for the City (approximately an eight year period)
   d) The size of one average email is 75KB
   e) 10GB / 75KB is equivalent to approximately 150,000 emails

2) Parks Department Estimate:
   a) Estimated approximately one minute for City staff to review each of the 150,000 emails, or approximately 2,500 hours of City staff time to review 150,000 emails
   b) Estimated labor cost of a temporary staff specialist (no current City staff available) to review each of the 150,000 emails @ $14.82/hour times 2,500 hours = $37,050.00
   c) Estimated labor cost of Parks Department Staff Specialist to supervise and review work temporary staff specialist @ 15.1062 times 70 hours = $1,057.43
   d) Estimated cost of computer dedicated to project = $800.00
   e) Estimated cost of Outlook software license to complete project = $385.00
   f) Estimated cost of flash drives for reviewed emails to send to requestor = $100.00
   g) Estimated cost of additional office equipment = $300.00

Total Estimated costs for response to #9:

$ 200.00  
$ 50.00  
$ 37,050.00  
$ 1,057.43  
$ 800.00  
$ 385.00  
$ 100.00  
$ 300.00  
$39,942.43
February 23, 2012

VIA FEDEX DELIVERY

City Of Gainesville, Florida  
Records Custodian/City Clerk  
C/O City Attorney’s Office  
Attn; Stephanie Marchman, Esq.  
200 East University Avenue, Room #425  
Gainesville, FL 32601

RE: Third Public Records Request

Dear Ms. Marchman/Records Custodian/City Clerk:

My name is Joseph Shoemaker and I represent Ms. Erin Friedberg. I am, on behalf of my client, pursuant to Florida Statutes § 119.07 hereby requesting that the City of Gainesville, Florida (hereafter the “City”) immediately provide me with copies of all of the following public records:

1. A complete copy of the personnel file for Russell Etling.
2. A complete copy of the personnel file for Linda Demetropoulos.
3. The written job description and advertisement for Russell Etling’s position.
4. The written job description, advertisement and all completed employment applications for Linda Demetropoulos’ position including any accompanying questionnaire(s).
5. All notes and scores from Linda Demetropoulos’ employment interview with the City and from any other applicant(s) who were interviewed for the same position as Linda Demetropoulos.
6. All e-mail communications with Erin Friedberg’s name in the subject line or body of mail, whether shown as "Erin Friedberg" or some variation thereof (e.g. EF) that was received by, written by, or that is in the possession of Paul Folkers, Steve Phillips and Michelle Park since the time the City received Ms. Friedberg’s charge of discrimination (in approximately November 2011).
7. All correspondence sent to the Human Resources Division by a Parks, Recreation and Cultural Affairs (PRCA) non-management employee regarding Paul Folkers, Steve Phillips, Michelle Park and/or Linda Demetropoulos since January 1, 2011.

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If you assert that an exemption applies to any of the documents requested then I am requesting that you, for each such document and exemption:

1. Specifically identify, in writing, any documents responsive to this request that exist, but which are not being provided or are being provided with exempted material removed;
2. Only delete or excise from the record that portion of the record with respect to which an exemption has been asserted and validly applies, and produce the remainder of such record; and
3. State the basis of the exemption that you contend is applicable to the record, including the statutory citation to an exemption created or afforded by statute and state in writing and with particularity the reasons for the conclusion that the record is exempt.

I would request that I be contacted at the following address and/or phone number as soon as such records are available:

JOSEPH C. SHOEMAKER
Bogin, Munns & Munns, PA
628 S. 14th Street
Leesburg, Florida 34748
(352) 728-3773

Sincerely,

Joseph C. Shoemaker

CC: Erin Friedberg
Florida Commission on Human Relations
February 27, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 S. 14th Street
Leesburg, Florida 34748

Re: Third Public Records Request

Dear Mr. Shoemaker:

Your third public records request dated February 23, 2012 on behalf of Ms. Erin Friedberg was received by the City of Gainesville today. In order to respond to the request, extensive clerical and supervisory assistance by City personnel is required. Accordingly, you will be required to pay a special service charge, pursuant to Florida Statute Section 119.07(4)(d), for the labor costs incurred for such extensive assistance, as well as copy costs of 15 cents per one-sided copy and 20 cents per two-sided copy (the first ten copies are free), prior to the City copying the records requested.

I will coordinate with the relevant City departments and managers to respond to your public records request. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II
February 28, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 South 14th Street
Leesburg, Florida 34748

Re: Second Public Records Request

Dear Mr. Shoemaker:

We are in receipt of the payment of $59.81 for your second public records request dated January 26, 2012. Enclosed are the documents which are responsive to number 2 of that request.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II

Enc.
March 13, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 South 14th Street
Leesburg, Florida 34748

Re: Third Public Records Request

Dear Mr. Shoemaker:

Your public records request submitted on behalf of Ms. Erin Friedberg was received by the City of Gainesville on February 27, 2012.

In order to respond to your public records request, extensive clerical and supervisory assistance by City personnel is required. Accordingly, you will be required to pay a special service charge, pursuant to Florida Statute Section 119.07(4)(d), for the labor costs incurred for such extensive assistance, as well as copy costs of 15 cents per one-sided copy and 20 cents per two-sided copy (the first ten copies per week, per person are free), prior to the City copying the records requested. The total estimated cost to respond to your entire request for public records is $448.53. The breakdown of the total cost is as follows:

With regard to request number 1, the total estimated cost to produce the public records requested is $1.95. This cost is arrived at by estimating 23 copies at 15 cents per copy, with the first ten copies free. No labor charge is included as it is anticipated it will take staff less than 15 minutes to locate, review, copy, and re-file the requested records.

With regard to request number 2, the total estimated cost to produce the public records requested is $7.05. This cost is arrived at by estimating 47 copies at 15 cents per copy. No labor charge is included as it is anticipated it will take staff less than 15 minutes to locate, review, copy, and re-file the requested records.

With regard to request number 3, the total estimated cost to produce the public records requested is $1.20. This cost is arrived at by estimating 8 copies at 15 cents per copy. No labor charge is included as it is anticipated it will take staff less than 15 minutes to locate, review, copy, and re-file the requested records.
With regard to request number 4, the total estimated cost to produce the public records requested is $181.44. This cost is arrived at by estimating 878 copies at 15 cents per copy ($131.70), as well as labor costs of 2 hours at $24.87 per hour ($49.74).

Documents responsive to request number 5 are exempt from disclosure under Florida Statute Section 119.071(1)(a), which provides “[e]xamination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution. A person who has taken such an examination has the right to review his or her own completed examination.” Since your client did not apply for this position, her own completed examination is not available for review. Accordingly, copies of these documents will not be provided.

With regard to request number 6, the total estimated cost to produce the public records requested is $99.46. This cost is arrived at by estimating 98 copies at 15 cents per copy ($14.70), as well as labor costs of 15 minutes at $64.23 per hour ($16.06), 45 minutes at $48.30 per hour ($36.23), 30 minutes at $42.58 per hour ($21.29), and 30 minutes at $22.36 per hour ($11.18).

With regard to request number 7, the total estimated cost to produce the public records requested is $157.43. This cost is arrived at by estimating 14 copies at 15 cents per copy ($2.10), as well as labor costs of 1 hour at $78.69 per hour ($78.69), labor costs of 40 minutes at $50.03 per hour ($33.55), and labor costs of 1 hour at $43.29 per hour ($43.29).

Upon receipt of your payment, you will be furnished with copies of the records requested, to the extent that such records are not confidential or exempt from disclosure. If you should have any questions about how to remit payment, please contact my legal assistant, Karen MacFarlane at (352) 393-8818.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II
April 6, 2012

VIA FEDEX DELIVERY

City Of Gainesville, Florida
Records Custodian/City Clerk
C/O City Attorney’s Office
Attn: Stephanie Marchman, Esq.
200 East University Avenue, Room #425
Gainesville, FL 32601

RE: Fourth Public Records Request

Dear Ms. Marchman/Records Custodian/City Clerk:

My name is Joseph Shoemaker and I represent Ms. Erin Friedberg. I am, on behalf of my client, pursuant to Florida Statutes § 119.07 hereby requesting that the City of Gainesville, Florida (hereafter the “City”) immediately provide me with copies of all of the following public records:

1. The written job description, advertisement and all completed employment applications for Linda Demetropoulos’ position that were selected for an interview.

2. Any and all documents evidencing any comments or statements by the Mayor, any City Commissioner, the City Manager, and/or the assistant City Manager, Paul Folkers, regarding Russell Etling’s job description and/or job announcement.

3. Any and all documents evidencing Erin Friedberg’s pay study appeals and job audit.

4. Any contract between Mallory O’Connor and the City from September 2010 to the present.

5. Copies of all public records requests made to the City since October 2011.

6. Copies of all correspondence made by the City in response to any public records requests made to the City since October 2011. Such request does not include the public records that may have ultimately been produced to the original requestor by the City in response to such original request(s).

7. Copies of any and all records evidencing the charges (including, but not limited to special service charges) requested by the City to be paid, or actually paid, by any person that has
made any public records requests to the City since October 2011. Such request does not include the public records that may have ultimately been produced to the original requestor by the City in response to such original request(s).

If you assert that an exemption applies to any of the documents requested then I am requesting that you, for each such document and exemption:

1. Specifically identify, in writing, any documents responsive to this request that exist, but which are not being provided or are being provided with exempted material removed;

2. Only delete or excise from the record that portion of the record with respect to which an exemption has been asserted and validly applies, and produce the remainder of such record; and

3. State the basis of the exemption that you contend is applicable to the record, including the statutory citation to an exemption created or afforded by statute and state in writing and with particularity the reasons for the conclusion that the record is exempt.

I would request that I be contacted at the following address and/or phone number as soon as such records are available:

JOSEPH C. SHOEMAKER
Bogin, Munns & Munns, PA
628 S.14th Street
Leesburg, Florida 34748
(352) 728-3773

Sincerely,

Joseph C. Shoemaker

CC: Erin Friedberg
Florida Commission on Human Relations
April 10, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 S. 14th Street
Leesburg, Florida 34748

Re: Fourth Public Records Request

Dear Mr. Shoemaker:

Your fourth public records request dated April 6, 2012 on behalf of Ms. Erin Friedberg was received by the City of Gainesville yesterday. I will provide you with a more detailed response to this request after I have a reasonable opportunity to review it with the various City departments and managers who may have records responsive to your request. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II
April 18, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 South 14th Street
Leesburg, Florida 34748

Re: Fourth Public Records Request

Dear Mr. Shoemaker:

Your public records request submitted on behalf of Ms. Erin Friedberg was received by the City of Gainesville on April 9, 2012.

In order to respond to your public records request, extensive clerical and supervisory assistance by City personnel is required. Accordingly, you will be required to pay a special service charge, pursuant to Florida Statute Section 119.07(4)(d), for the labor costs incurred for such extensive assistance, as well as copy costs of 15 cents per one-sided copy and 20 cents per two-sided copy (the first ten copies per week, per person are free), prior to the City copying the records requested. The total estimated cost to respond to your entire request for public records is $421.39. The breakdown of the total cost is as follows:

With regard to part 1 of your request, the total estimated cost to produce the public records requested is $12.87. This cost is arrived at by estimating 43 copies at 15 cents per copy; with the first ten copies free ($4.95), as well as labor costs of 26 minutes at $18.27 per hour ($7.92).

With regard to part 2 of your request, the total estimated cost to produce the public records requested is $.30. This cost is arrived at by estimating 2 copies at 15 cents per copy. No labor charge is included as it is anticipated it will take staff less than 15 minutes to locate, review, copy, and re-file the requested records.

With regard to part 3 of your request, the total estimated cost to produce the public records requested is $13.73. This cost is arrived at by estimating 17 copies at 15 cents per copy ($2.55), as well as labor costs of 15 minutes at $44.71 per hour ($11.18).
With regard to part 4 of your request, the total estimated cost to produce the public records requested is $7.44. This cost is arrived at by estimating 16 copies at 15 cents per copy ($2.40), as well as labor costs of 20 minutes at $15.11 per hour ($5.04).

In part 5 of your request, you request "[c]opies of all public records requests made to the City since October 2011." In parts 6 and 7, you request copies of the correspondence made by the City in response to these requests (except for copies of public records actually produced in response to the original request), as well as all records related to charges the City requested that the requestor pay for these requests (except for copies of public records actually produced in response to the original request).

The City of Gainesville does not operate under a centralized public records custodian and does not maintain a centralized public records keeping system. Instead, the Clerk of the Commission maintains records of the City Commission and certain other "official" City records, such as the City seal and records of City boards and committees. In addition, each City department is the custodian of any public record under its supervision or control. As such, all City departments and employees may receive public records requests at one time or another; therefore, any or all City departments and employees may have records responsive to parts 5, 6, and 7 of your fourth public records request.

Since parts 5, 6, and 7 of your fourth public records request appear to be entirely unrelated to Ms. Friedberg's charge of discrimination, I will defer to the appropriate City departments, managers, and/or employees to respond to your request, with the exception of the City Attorney's Office (see following paragraph). Accordingly, enclosed is the contact information for all City departments that you choose to contact with your request.

With regard to the City Attorney's Office, the total estimated cost to produce the public records requested in parts 5, 6, and 7 of your fourth public records request is $387.05. This cost is arrived at by estimating 130 copies at 15 cents per copy, as well as labor costs of 15 minutes at $30.02 per hour (Legal Assistant to myself and the Police Legal Advisor), 30 minutes at $40.84 per hour (Senior Legal Assistant to the City Attorney), 30 minutes at $32.89 per hour (Legal Assistant to the Litigation Attorneys), 8 hours at $32.53 per hour (Senior Executive Assistant to the Utilities Attorney), and 1 hour at $62.93 per hour (Utilities Attorney).

Upon receipt of your payment for the above-referenced records, you will be furnished with copies of the records requested, to the extent that such records are not confidential or exempt from disclosure. If you should have any questions about how to remit payment, please contact my legal assistant, Karen MacFarlane, at (352) 393-8818.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II

Enclosure
April 25, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 S. 14th Street
Leesburg, Florida 34748

Re: Third Public Records Request

Dear Mr. Shoemaker:

Your payment of $267.09 to cover the estimated cost of copies and special service charges related to parts 1, 2, 3, 6, and 7 of your "Third Public Records Request" dated February 23, 2012 was received by the City of Gainesville on April 9, 2012. Enclosed are copies of the records responsive to parts 1, 2, 3, and 7 of your "Third Public Records Request," except to the extent such records are exempt and/or confidential under Florida's public records law. In this case, the social security numbers contained in the personnel records you requested have been redacted because they are confidential and exempt under Florida Statute Section 119.071(4).

As I relayed to you in my email yesterday, the documents responsive to part 6 of your request contain a number of attorney/client communications. I am still in the process of reviewing these communications for attorney work product, which is exempt from disclosure under Florida Statute Section 119.071(1)(d). I anticipate completing this review shortly, and will provide you with copies of the records responsive to this part of your request shortly thereafter.

Please contact me with any questions or concerns.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II

Enclosures
April 26, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 S. 14th Street
Leesburg, Florida 34748

Re: Third Public Records Request

Dear Mr. Shoemaker:

Your payment of $267.09 to cover the estimated cost of copies and special service charges related to parts 1, 2, 3, 6, and 7 of your "Third Public Records Request" dated February 23, 2012 was received by the City of Gainesville on April 9, 2012. You were mailed copies of the records responsive to parts 1, 2, 3, and 7 of your "Third Public Records Request" on April 25, 2012. Enclosed are copies of the records responsive to part 6 of your request, except to the extent such records are exempt and/or confidential under the public records law.

A number of email communications responsive to part 6 of your request have not been disclosed because they are exempt as attorney work product under Florida Statute Section 119.071(1)(d). I have concluded that these email communications are exempt as attorney work product because they were either prepared by me (an agency attorney) or at my express direction, and they reflect my mental impression, conclusion, litigation strategy, or legal theory related to the defense of Ms. Friedberg’s charge of discrimination against the City, which is currently under investigation by the Florida Commission on Human Relations. In particular, the exempt email communications relate to communications between myself and my client regarding the preparation of affidavits in response to the charge of discrimination Ms. Friedberg filed with the Florida Commission on Human Relations, as well as email communications related to factual information or materials I asked my client to gather and submit to me based on my impression that such information or materials may be necessary to defend Ms. Friedberg’s charge against the City. Please contact me with any questions or concerns.

Sincerely,

Stephanie M. Marchman, Assistant City Attorney II

Enclosures
May 23, 2012

Joseph C. Shoemaker, Esquire
Bogin, Munns & Munns, PA
628 South 14th Street
Leesburg, Florida 34748

Re: Public Records Request Dated December 21, 2011

Dear Mr. Shoemaker:

On December 21, 2011, you requested on behalf of Erin Friedberg, among other things, "[c]opies of all electronic mail ("email") communications both from and to Erin Friedberg while she was employed by and/or performing services for the City." As you are aware, she was employed by the City for approximately 8 years.

On January 3, 2012, I acknowledged receipt of your request and informed you that your communications with the City should be directed to me, as legal counsel for the City, because they related to a recent charge of discrimination Ms. Friedberg filed against the City and I was representing the City in that charge. I would therefore be coordinating with the relevant City departments and managers to respond to your request.

On January 10, 2012, I provided you with an estimate to review, redact, and copy the emails requested above based on information I received from City Information Technology (IT) staff that your request encompassed approximately 150,000 emails. On February 8, 2012, I provided you with more specific information as to how I arrived at this estimate. In particular, my estimate was based in part on the following information from City IT staff:

- 10 GB of data exists representing the emails both from and to Erin Friedberg while she was employed and/or performing services for the City (approximately an eight year period)
- The size of one average email is 75 KB
- 10 GB / 75 KB is equivalent to approximately 150,000 emails
To date, you have not provided a payment to the City for the estimated cost or any part thereof to produce the records requested above, and you have not narrowed your request, although I suggested to you in my February 8, 2012 correspondence that you make your request for emails more specific or narrow in terms of date ranges, search terms, or recipients, thus reducing the number of emails City staff would need to review and redact and the corresponding labor costs of such a review. Despite this, in order to prepare for the final hearing in Ms. Friedberg's public records lawsuit against the City, this Office recently received from the City's IT Department a copy of all emails both from and to Erin Friedberg while she was employed and/or performing services for the City. Based on our Office's preliminary review of these emails, the estimate to review, redact, and copy the emails requested above must be revised to reflect that your request actually encompasses 52,708 emails, not the 150,000 originally estimated. The earlier estimate was based on the assumption that one average email was 75 KB in size. In the case of Ms. Friedberg's emails, it turns out that many of her emails are actually larger in size, perhaps because the nature of her work with the City entailed emailing images of artwork (she was a Visual Arts Coordinator responsible for creating art exhibits and coordinating City art programs).

Accordingly, I would revise the estimate to review, redact, and copy the emails requested above to be about one-third of what was originally quoted. There are, however, still a great number of emails at issue. As I offered in my February 8, 2012 correspondence to you, I would welcome any effort you can make to make your request more specific or narrow.

Please feel free to contact me with regard to this new information, or if you would be interested in making your request more specific or narrow.

Sincerely,

Stephanie M. Marchman
Assistant City Attorney II

cc: Gabe Kaimowitz, Esquire
Law Office of Gabe Kaimowitz
P.O. Box 140119
Gainesville, Florida 32614
SECOND

PAT GLEASON EMAILS REGARDING ATTORNEY GENERAL’S MEDIATION PROCESS
Hi and thanks for the update.... I think that at this point the best course would be for you to write an email to me with a copy to Ms. Hall explaining in more detail the basis for the 2 minute per email charged and that the city undertook at no cost to Ms. Hall a one hour review of review of 36 emails (265 pages) and the results of that search (redactions). I would advise Ms. Hall that she can have these redacted emails at no charge. Also that based on this review it appears that the 2 minute per email charge is substantiated by the work involved to produce future emails, in light of the redactions that were found. However, in the event that Ms. Hall decides to proceed with the request and the actual time involved is less than the amount quoted she will be refunded the difference. I would ask Ms. Hall whether she would like consider any cost saving options such as to reduce the time limit for the search, modify the scope of the search such as using key words, stating that she doesn't want copies of emails that Ms. Floyd was only copied on as opposed to emails sent directly to Ms. Floyd, and that she does not want duplicates or attachments. These are all methods used by requesters to reduce charges involved in reviewing and redacting emails.

Pat, We've concluded the one hour review. Here is a brief summary. Please advise if I need to expound further, and what to expect next.

Jo Smith--acting City Clerk responding to the request

Seasoned employee. Held jobs with the City Licensing and civil service departments before being appointed as City Secretary. Unquestionably the most efficient locator and retriever of records because she's been with City so long. Not seasoned re exemptions except those she saw routinely in her Licensing, Civil Service or Secretary positions. In absence of a City Clerk, she is best and most obvious candidate among current City employees to serve as City's records custodian.

Diane Floyd--the City employee whose emails are subject to the request

Diane Floyd recently resigned her job as City Clerk. While her formal title was City Clerk, her position and job description was also largely focused on HR and Risk Management duties. In her capacity as HR director she routinely received sensitive financial, health and personal identifying information regarding employees. As the City's risk manager, she
received and prepared information regarding pending litigation and insurance claims.

Results of the one-hour review.

Ms. Hall sent a subsequent request for Ms. Floyd’s emails for the first week of January 2017 only, so we began our one hour review with that request since it also overlapped the subject request of this mediation (all of Ms. Floyd’s emails from January 1, 2017 to present). In one hour Ms. Smith reviewed 265 pages (36 emails). Confidential checking account information was identified in 3 email attachments, and 2 emails were identified as potentially having exempt information in their attachments. I subsequently and separately from Ms. Smith’s 1 hour effort have confirmed one of those email attachments contained exempt information on 23 pages related to insurance claim information for pending litigation (FS 624.311(2) and 728.68(16b)), and the other related to a now closed investigation that is no longer eligible for an exemption. A summary of the emails reviewed, their size and general subject matter is enclosed for your reference. So of the 265 pages reviewed, exempt information was contained on 26 pages. (I confess I thought the percentage would be considerably higher given the nature of Ms. Floyd’s duties, but acknowledge too that the review only encompassed a day and a half of emails she received, and on the first workday of the new year which my own experience tells me is not one of the busiest.)

City conclusion.

The City finds that the rate of Ms. Smith's review is consistent with the estimate given Ms. Hall, which quoted 2 minutes per email.

Attachments.

Table of emails reviewed, with Jo Smith notations
Diane Floyd job description

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
Hi Amy... Thanks for your comments... open government mediation is a lot more informal and of course more public than court ordered mediation but it seems to work where the parties (like you and Ms. Smith) have an open mind and are willing to consider a pragmatic approach to problem solving. I would agree that given the HR responsibilities, there is a good possibility that there will be some exempt information although many HR directors try to minimize that particularly with medical records. I think doing the one hour review should be helpful one way or the other in showing Ms. Hall what is involved in a search like this. I anticipate advising her of the results and depending what they are, we can start on the next step. It could be that she will prefer to exclude any emails sent or received relating to HR matters for example. It will be interesting to see what happens! Pat

Amy Myers — 08/07/2017 02:37:10 PM — Thanks Pat. I've never done an email mediation before. Does your approach change at all when the job description for the City Clerk position Diane Floyd filled also contemplated her assignment as the City's HR director and included general risk management duties as well?

I think undertaking the 1 hour review is reasonable and will be demonstrative, but given Ms. Floyd's duties I do anticipate there being exempt information in a considerable number of those emails she made or received with her HR hat on. Not sure that changes the next steps at all, but I did want to clarify and confirm.

Thanks,

Amy

Thanks Pat. I've never done an email mediation before.

Does your approach change at all when the job description for the City Clerk position Diane Floyd filled also contemplated her assignment as the City's HR director and included general risk management duties as well?

I think undertaking the 1 hour review is reasonable and will be demonstrative, but given Ms. Floyd's duties I do anticipate there being exempt information in a considerable number of those emails she made or received with her HR hat on. Not sure that changes the next steps at all, but I did want to clarify and confirm. 

Thanks,

Amy
Hello and thank you for your interest in open government mediation. Due to funding limitations, there is no travel for this program. All mediations are handled via email which are all public records. In cases where there are fee disputes, the first step would be for the city to specify the tasks and time involved that resulted in the estimate given to Ms. Hall. Because the city can only charge the actual cost incurred, it can be problematic to have a cost that is based on a set time estimated to review an email because it is unclear whether it will take that long to review for exemptions. Accordingly, I recommend that the first step be for the city to invest an hour in a "trial run" during which Ms. Smith undertakes a review of the requested email for exemptions at no charge to Ms. Hall. This review should exclude from the calculations any questions that might be directed to legal counsel... such as is there an applicable exemption for this type of record. These are types of issues are those which are related to the job as opposed to the mechanics of a redaction. Once Ms. Smith completes the 1 hour review (my experience is that in a case like this where the email is requested from a city clerk as opposed to HR or the legal department there is not much material to redact... Many of the emails are copies or clearly public record (eg agenda backup) and typically the review goes faster than might be initially anticipated. If this proves to be the case, the estimate to Ms. Hall can be revised accordingly. If on the other hand the initial estimate is consistent with the actual time spent then there will be a detailed explanation that can be provided to Ms. Hall. For example, in one hour we reviewed 500 pages of email for exempt material. A total of 20 pages were redacted to exclude exempt material such as social security numbers, credit card accounts numbers or medical information.

If you think this is a good approach, please let me know.

Sincerely,

Pat Gleason

Ms. Gleason, I am the City Attorney for the City, and I believe you spoke with my assistant city attorney Cole Davis on Friday. We have confirmed with the City Manager this morning that the City agrees to participate in mediation. Please advise if your office will be coordinating the scheduling of the mediation, and how we can help. There are some conference rooms at City Hall we can make use of, and also at my law firm away from City Hall in downtown Panama City if that venue might be a better option.

~amy

Thanks,
Amy E. Myers, Esq.
From: Jo Smith [mailto:jsmith@pcbgov.com]
Sent: Friday, August 4, 2017 4:25 PM
To: Nick Beninate <nbeninate@HSMcLaw.com>; Amy Myers <amyers@hsmclaw.com>; Mario Gisbert <mgisbert@pcbgov.com>
Cc: Cindy Kittler <ckittler@HSMcLaw.com>
Subject: FW: Fw: Public Records Request- Floyds emails since 1/1/17-pres

Nick/Amy-
Mediation?
How should I answer them. I do not know Pat Gleason.
Jo

From: Pat Gleason [mailto:Pat.Gleason@myfloridalegal.com]
Sent: Friday, August 4, 2017 4:00 PM
To: melba hall <mem39@hotmail.com>
Cc: Jo Smith <jsmith@pcbgov.com>
Subject: RE: Fw: Public Records Request- Floyds emails since 1/1/17-pres

Hello Ms. Smith: As you can see from the email string, Ms. Hall has requested mediation of the cost to obtain the emails she requested. Section 16.60, F.S., establishes the open government mediation program as a voluntary initiative for resolution of public access disputes. The program is voluntary and both sides must agree to consider mediation if the program is to be initiated. There is no cost to participate. In the event that the city wishes to participate, please let me know. Sincerely, Pat Gleason

From: melba hall —08/04/2017 04:52:04 PM—Sent from Mail<https://go.microsoft.com/fwlink/?LinkId=550986> for Windows 10
From: melba hall <mem39@hotmail.com>
To: Pat Gleason <Pat.Gleason@myfloridalegal.com>
Cc: "jsmith@pcbgov.com" <jsmith@pcbgov.com>
Date: 08/04/2017 04:52 PM
Subject: RE: Fw: Public Records Request- Floyds emails since 1/1/17-pres
Thank you for your email. In this situation I think that the easiest thing for you to do is to send me a new email in which you explain the public records dispute over the invoice and request mediation. It would be helpful if you could say what you believe a fair price is; in most cases if the emails are extensive there will be a cost involved to collect and review and redact any exempt material. In other words, it is not likely that there would be no cost whatsoever if the number of emails produced is extensive. Attach a copy of the invoice to this email. In the section of the email that says CC add Ms. Smith's email address. This way I can respond directly to Ms. Smith via email with a copy to you and ask her whether the city wants to participate in mediation. Thanks for your assistance.

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Public Record Request and Response

Im sorry Mrs.Gleason this is the only way i know to show you the request and response

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Ms. Hall,
I wanted to confirm my thoughts before writing you, that the fee for the review of Ms. Floyd's emails are whether you look at them on the computer or I email them to you.

Jo

Jo Smith
Executive Assistant to Mayor Mike Thomas and City Manager Mario Gisbert/Deputy City Clerk
City of Panama City Beach
110 S Arnold Road
Panama City Beach, FL 32413
(850) 233-5100, ext 2230
(850) 233-5108 (fax)
Under Florida Law, e-mail addresses and contents are public records. If you do not want your e-mail address and content released to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately reply to the sender that you have received this communication in error, then delete it. Thank you.

From: Jo Smith
Sent: Thursday, August 3, 2017 2:31 PM
To: 'melba hall' <mena39@hotmail.com>
Subject: RE: Public Records Request- Floyds emails since 1/1/17-pres

Ms. Hall-
I have received your inquiry and will let you know.
Jo

From: melba hall [mailto:mena39@hotmail.com]
Sent: Thursday, August 3, 2017 2:28 PM
To: Jo Smith <jsmith@pcb.gov.com>
Subject: Re: Public Records Request- Floyds emails since 1/1/17-pres

How much would it cost for me to come there and read them myself?

From: Jo Smith <jsmith@pcb.gov.com>
Sent: Thursday, August 3, 2017 12:51 PM
To: melba hall
Subject: RE: Public Records Request- Floyds emails since 1/1/17-pres

Ms. Hall-
Pursuant to your request for Ms. Floyd’s emails since 1/1/17, attached is the invoice for the work. Upon receipt of payment, we will resume work on your request.
Jo

Jo Smith
Executive Assistant to Mayor Mike Thomas and City Manager Mario Gisbert/Deputy City Clerk
City of Panama City Beach
110 S Arnold Road
Panama City Beach, FL 32413
(850) 233-5100, ext 2230
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From: melba hall [mailto:melman39@hotmail.com]
Sent: Tuesday, August 1, 2017 4:13 PM
To: Jo Smith <jsmith@pcb.gov.com>
Subject: Public Records Request

I am requesting Diane Floyds Email's from January 2017 to current date and please send them however is easiest for you Thank you Jo!

[attachment "Capture.PNG" deleted by Pat Gleason/OAG] [attachment "DOC027.pdf" deleted by Pat Gleason/OAG] [attachment "DOC035.pdf" deleted by Pat Gleason/OAG]
THIRD

MOST RECENT VERSION OF
F.S. 119.12
REGARDING ATTORNEY'S FEES
Attorney fees.—

(1) If a civil action is filed against an agency to enforce the provisions of this chapter, the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if the court determines that:

(a) The agency unlawfully refused to permit a public record to be inspected or copied; and

(b) The complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action, except as provided under subsection (2). The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed.

(2) The complainant is not required to provide written notice of the public record request to the agency's custodian of public records as provided in paragraph (1)(b) if the agency does not prominently post the contact information for the agency's custodian of public records in the agency's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website, if the agency has a website.

(3) The court shall determine whether the complainant requested to inspect or copy a public record or participated in the civil action for an improper purpose. If the court determines there was an improper purpose, the court may not assess and award the reasonable costs of enforcement, including reasonable attorney fees, to the complainant, and shall assess and award against the complainant and to the agency the reasonable costs, including reasonable attorney fees, incurred by the agency in responding to the civil action. For purposes of this subsection, the term “improper purpose” means a request to inspect or copy a public record or to participate in the civil action primarily to cause a violation of this chapter or for a frivolous purpose.

(4) This section does not create a private right of action authorizing the award of monetary damages for a person who brings an action to enforce the provisions of this chapter. Payments by the responsible agency may include only the reasonable costs of enforcement, including reasonable attorney fees, directly attributable to a civil action brought to enforce the provisions of this chapter.

History.—s. 5, ch. 75-225; s. 7, ch. 84-298; s. 13, ch. 2004-335; s. 1, ch. 2017-21.

Note.—Section 2, ch. 2017-21, provides that “[t]his act applies only to public records requests made on or after the effective date of this act.”