

PANAMA CITY BEACH CITY COUNCIL AGENDA

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

MEETING DATE: JANUARY 26, 2017
MEETING TIME: 9:00 A.M.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION- COUNCILMAN SOLIS
- III. PLEDGE OF ALLEGIANCE- COUNCILMAN SOLIS
- IV. APPROVAL OF REGULAR MINUTES OF DECEMBER 8, 2016 AND JANUARY 12, 2017
- V. APPROVAL OF AGENDA, AND ADDITIONS OR DELETIONS
- VI. PUBLIC COMMENTS – CONSENT AND REGULAR ITEMS ONLY- (Limited to 3 Minutes)
- VIII. CONSENT AGENDA
 - 1 **RESOLUTION 17-48, BID AWARD- KUBOTA TRACTOR FOR PARKS & REC.** "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Sowell Tractor in the amount of \$30,313 for the purchase of one Kubota Tractor for the Parks & Recreation Department; and providing an immediately effective date."
 - 2 **RESOLUTION 17-49, BID AWARD- TWO SOLAR MESSAGE BOARDS.** "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with K&K Systems, Inc., for the purchase of two Solar Message Boards for the Stormwater Department in the basic amount of \$27,657.14; and providing an immediately effective date."
 - 3 **ORDER 02-PL-17 AND FINDING OF FACTS, SANDS STREET RESIDENTIAL PLAT APPROVAL.** "After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on January 12, 2017, the City Council orders that the subject request to subdivide the land is hereby GRANTED and the captioned plat of Sands Street Residential is APPROVED WITH CONDITIONS, as more particularly stated in the body of the Order."
 - 4 **RESOLUTION 17-51, NUISANCE ABATEMENT LIEN, 120 MANISTEE DRIVE.** "A Resolution of the City of Panama City Beach, Florida, approving an amount of \$1258.47 to be liened on property located at 120 Manistee Drive for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and approving an immediately effective date."
 - 5 **RESOLUTION 17-52, NUISANCE ABATEMENT LIEN, 128 CORAL DRIVE.** "A Resolution of the City of Panama City Beach, Florida, approving an amount of \$602.87 to be liened on property located at 128 Coral Drive for costs incurred by the City to abate nuisances located upon such property; authorizing the appropriate officers of the City to record the lien and notify interested parties of such lien; and approving an immediately effective date."

IX. REGULAR AGENDA - DISCUSSION/ACTION

NO.	OFFICIAL	ITEM
1	MG	ORDINANCE 1407, TRESPASSING ON PUBLIC PROPERTY, 1 ST READING.
2	MT	PUBLIC COMMENTS. (Limited to Three Minutes).
3	KO	ATTORNEY REPORT.
4	MG	CITY MANAGER REPORT.
5	MT	COUNCIL COMMENTS.
6	MT	ADJOURN.

JOHN REICHARD X
PHIL CHESTER X
JOSIE STRANGE X
HECTOR SOLIS X
MIKE THOMAS X

JOHN REICHARD X
PHIL CHESTER X
JOSIE STRANGE X
HECTOR SOLIS 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.

Diann B. Fork 1-20-17
City Clerk Date

I certify that the Council members listed above have been contacted and made aware of the items on this agenda.

Diann B. Fork 1-20-17
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: 1/23/17, Noon.

NEWS MEDIA

News Herald
Bullet
Channel 4
Channel 7
Channel 13
Comcast
WOW
WKGC
WLTG
Clear Channel
Powell Broadcasting

CONTACT

John Henderson
Editor
Ryan Rodig
Rex Ogburn
Ken McVay
Kay C. McWilliams
Cil Schnitker
Emily Balazs
A. D. Whitehurst
Crystal Presley
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)

CONSENT AGENDA

ITEM 1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Parks and Recreation

2. MEETING DATE:

January 26, 2017

3. REQUESTED MOTION/ACTION:

The Parks and Recreation staff recommends that the Council authorize the City to purchase a Kubota Tractor from Sowell Tractor, the only responsive bidder, in the amount of \$30,313.00.

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)

On January 18, 2017 the Parks and Recreation Department received one sealed bid for the purchase of a Kubota Tractor M7060 HD 4WD. The only responsive bid was from Sowell Tractor in the amount of \$30,313.00.

CONSENT
AGENDA ITEM # 1

RESOLUTION 17-48

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH SOWELL TRACTOR IN THE AMOUNT OF \$30,313 FOR THE PURCHASE OF ONE KUBOTA TRACTOR FOR THE PARKS AND RECREATION DEPARTMENT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and Sowell Tractor, relating to the purchase of one Kubota tractor, in the basic amount of Thirty Thousand, Three Hundred Thirteen Dollars (\$30,313), 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:

Diane Fowler, City Clerk

**CITY OF PANAMA CITY BEACH
BID TABULATION**

Bidder	Address	Information	Price
Sowell Tractor	2841 Hwy 77 Panama City, FL 32405 850-263-5441	Kubota Tractor M7060 HD 4WD	\$30,313.00

CONSENT

1

BID PROPOSAL FORM

TO: City of Panama City Beach, Florida

SUBMITTED: January 16, 2017.

Kubota Tractor M7060 HD 4WD

The Undersigned, as Bidder, hereby declares that they have examined the bid specifications and informed themselves fully in regard to all conditions pertaining to the proposal submitted.

The Bidder proposes and agrees, if this proposal is accepted, to provide the listed equipment to the City of Panama City Beach for the proposed amount, in full and complete accordance with the shown, noted, described and reasonably intended requirements of the specifications to the full and entire satisfaction of the City of Panama City Beach, Florida.

BID AMOUNT: \$ 30313⁰⁰

BY: Robert Brodie TITLE: Sales

ADDRESS: 2841 Hwy 77 N CITY: Panama City STATE: FL ZIP: 32405

EMAIL ADDRESS: rbrodie@knology.net

PHONE: 850-263-5441

SIGNATURE - (Confirming all information above is correct) Robert Brodie

CONSENT
AGENDA ITEM # 1

CONSENT AGENDA

ITEM 2



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Public Works/Paul Casto

2. MEETING DATE:

1/26/2017

3. REQUESTED MOTION/ACTION:

Approve the purchase of two (2) Solar Message Boards for the Stormwater Department in the amount of \$27,657.14.

4. AGENDA

PRESENTATION

PUBLIC HEARING

CONSENT

REGULAR

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

N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO

N/A

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

A solicitation for bids was publicly advertised and (3) three bidders responded with sealed bids by the required time and date. Bids were publicly opened on January 20, 2017 at 10 am. The apparent low bidder is K&K Systems, Inc. in the amount of \$ 27,657.14 for the two message boards.

These message boards will aid with stormwater issues and re-routing of traffic on roadways that are flooded. These message boards will enable us to keep the general public informed of any hazardous conditions related to flooding, stormwater drainage issues or any roadway construction repairs. This will allow the general public to maneuver safely through the affected City streets.

Staff recommends approval of the purchase of the two (2) Solar Message Boards from K&K Systems, Inc. in the amount of \$ 27,657.14. The Stormwater Department has sufficient funds budgeted in the current year for this purchase.

CONSENT
AGENDA ITEM #

2

RESOLUTION 17-49

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING AN AGREEMENT WITH K&K SYSTEMS, INC. FOR THE PURCHASE OF TWO SOLAR MESSAGE BOARDS FOR THE STORMWATER DEPARTMENT IN THE BASIC AMOUNT OF \$27,657.14; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and K&K Systems, Inc., relating to the purchase of two Solar Message Boards, in the basic amount of Twenty Seven Thousand, Six Hundred Fifty Seven Dollars and Fourteen Cents (\$27,657.14), 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:

Diane Fowler, City Clerk

SOLAR MESSAGE CENTERS (2)

January 20, 10:00 a.m.

BIDDER	ADDRESS	TOTAL	COMMENTS
K&K Systems, Inc. 888-414-3003 Elaina Strickland	687 Palmetto Road Tupelo, MS 38801	\$27,657.14	
Safety Zone Specialist Mark Goheen	P. O. Box 90764 Lakeland, Florida 33804-0764 sales@safetyzonespecialists.com	\$28,325.00 \$30,875.00	Alternate Bid
Port City Pipe 800-959-6921 Cory	P. O. Box 850356 Mobile, AL 36685 cory@portcitypipe.com	\$29,990.00	

CONSENT
AGENDA ITEM #

8

CONSENT AGENDA

ITEM 3



CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Legal

2. MEETING DATE:

01/26/2017

3. REQUESTED MOTION/ACTION:

Approve the Order for Sands Street Residential

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

Grid with checkmark in the CONSENT row

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES [] NO []

N/A [checked]

DETAILED BUDGET AMENDMENT ATTACHED YES [] NO []

N/A [checked]

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

A public hearing was held on January 12, 2017 on the application for the Sands Street Residential plat and was approved by the Council. The Order is presented for approval.

CONSENT

AGENDA ITEM #

Handwritten number 3

**CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH**

**IN RE: REQUEST TO REPLAT A PORTION OF LOTS 5 AND 7,
BLOCK 5, L.M. WELLS GULF BEACH ESTATES
Owned by WALSINGHAM FAMILY LLC #1
PROPERTY LOCATED east of Sands Street
PANAMA CITY BEACH, FLORIDA**

**QUASI-JUDICIAL HEARING
on
FINAL SUBDIVISION PLAT
OF SANDS STREET RESIDENTIAL**

02-PL-17

ORDER

The **CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH**, having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on January 12, 2017, hereby makes the following Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. Upon original application of Walsingham Family LLC #1 (the "Applicant"), the owner of 16 parcels of real property located east of Sands Street, to replat and subdivide lot 6 and a portion of lots 5 and 7 of Sands Street Residential by final plat dated January, 2017, named Sands Street Residential (the "Plat"),
2. On January 12, 2017, the City Council held a Quasi-Judicial Hearing on the Plat during which competent substantial evidence was received consisting of testimony and documentation from City Staff and the applicant. Public comment was invited but none received.

FINDINGS OF FACT

3. Notice of the January 12, 2017, hearing was properly given.
4. The subject property is located entirely within the corporate City limits.
5. The City has capacity to provide water and sewer service within the Subdivision.
6. The engineering plans and specs for the Subdivision's Improvements appear

technically sufficient.

7. The City requires complete construction of all the Improvements and revised as-builts in accordance with the Plans within 30 days of the date of this Order.
8. The face of the plat contains a dedication of the Improvements to the City and construction of the Improvements is substantially complete.
9. The face of the plat contains the title certificate of Brian D. Hess and Steven Applebaum, Attorneys at Law, that title to the lands included within the Plat is held by Walsingham Family, LLC #1 and that there are no unsatisfied mortgages encumbering the lands platted.
10. The face of the plat contains the surveyor's certificate confirming that the plat was prepared in accordance with the requirements of Chapter 177

CONCLUSIONS OF LAW

11. Pursuant to Section 177.071, Florida Statutes and Sections 10.04.03 and 10.07.02 of the City's Land Development Code, the City Council has jurisdiction to conduct a quasi-judicial hearing on this matter and determine whether to approve, approve with conditions or deny the plat, based exclusively upon whether the plat conforms to the requirements of law and the City's Land Development Code and Comprehensive Plan.
12. The City Engineer is qualified to express an opinion on the matters addressed herein related to the substance and minimal, technical sufficiency of the Improvements. Based upon the uncontradicted testimony of the City Engineer, the subdivision of land complies with all the applicable City regulations for subdivisions.
13. The City Planner is qualified to express an opinion on the matters addressed herein related to the City's Comprehensive Plan and Land Development Code. Based upon the uncontradicted testimony of the City Planner, the Subdivision of land complies with all procedural requirements of the City's Land Development Code and the subject subdivision of land is substantively compliant with the City's Comprehensive Plan and the City's Land Development Code.
14. Based upon the uncontradicted certification on the face of the plat, the plat was prepared in accordance with the requirements of Chapter 177 and, accordingly, monuments for each of the lots has been set.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject request to subdivide land is hereby **GRANTED** and accordingly, the captioned plat of SANDS STREET RESIDENTIAL is hereby **APPROVED**, subject to the following conditions:

1. Prior to the recording of the Plat, the Developer shall provide to the City Engineer a revised set of As-Built drawing of the Improvements located within the Plat boundary.

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

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

DONE this ____ day of January, 2017.

MIKE THOMAS, MAYOR

ATTEST:

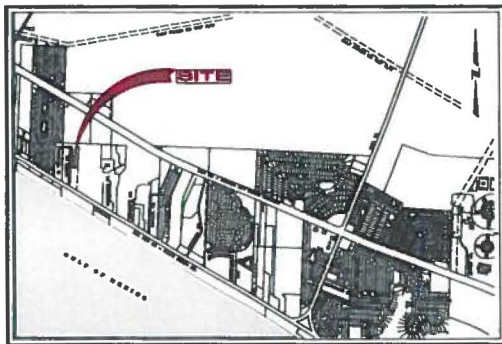
DIANE FOWLER, CITY CLERK

ACCEPTED this ___ day of _____, 2017:

WALSINGHAM FAMILY LLC #1
By:
Its:

DESCRIPTION

BEGIN AT THE NORTHEAST CORNER OF LOT 7, BLOCK 5, L.M. WELLS GULF BEACH ESTATES, AS PER PLAT RECORDED IN PLAT BOOK 1, PAGE 87 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE SOUTH 01°30'41" WEST, ALONG THE EAST LINE OF SAID BLOCK 5, FOR A DISTANCE OF 600.46 FEET, TO THE NORTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3034, PAGE 488 OF SAID PUBLIC RECORDS; THENCE NORTH 80°23'03" WEST, ALONG SAID NORTH LINE, FOR A DISTANCE OF 204.86 FEET, TO THE EAST RIGHT OF WAY LINE OF SANDS STREET (HAVING A 30.00 FT. RIGHT OF WAY); THENCE NORTH 01°30'41" EAST, ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 441.14 FEET, TO THE SOUTHWEST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2132, PAGE 81 OF SAID PUBLIC RECORDS; THENCE SOUTH 88°22'32" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, FOR A DISTANCE OF 120.00 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE NORTH 01°31'14" EAST, ALONG THE EAST LINE OF SAID PARCEL AND THE NORTHERLY EXTENSION THEREOF, FOR A DISTANCE OF 184.86 FEET, TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1983, PAGE 2361, OF SAID PUBLIC RECORDS, ALSO BEING A POINT ON THE NORTH LINE OF SAID BLOCK 5; THENCE SOUTH 88°22'50" EAST, ALONG SAID NORTH LINE, FOR A DISTANCE OF 84.83 FEET TO THE POINT OF BEGINNING, SAID LANDS LYING IN AND BEING A PORTION OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 17 WEST, BAY COUNTY, FLORIDA, CONTAINING 103,833.58 SQUARE FEET OR 2.3680 ACRES, MORE OR LESS.



SANDS STREET RESIDENTIAL

REPLAT OF LOT 8 AND A PORTION OF LOTS 5 AND 7, BLOCK 5, L.M. WELLS GULF BEACH ESTATES SECTION 13, TOWNSHIP 3 SOUTH, RANGE 17 WEST CITY OF PANAMA CITY BEACH - BAY COUNTY - FLORIDA

JANUARY 2017



4118 N HWY 231, EAST TIER BLDG, PANAMA CITY, FL 32401
Phone: (904) 201-1777 Fax: (904) 201-9642
www.SCA-FL.com e-mail: SCA@SCA-FL.com
LIC# ENG. No. LB 7259

SHEET 1 OF 2 SHEETS
(DEDICATION AND APPROVALS)

- INDEX:**
1) SEE SHEET 1 OF 2 FOR DEDICATION AND APPROVALS.
2) SEE SHEET 2 OF 2 FOR LOT DATA AND DIMENSIONS.

IMPORTANT:
NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

IMPORTANT:
ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES. PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE REPAIR THEREOF. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

CIRCUIT COURT CLERK'S CERTIFICATE
I, BILL KINSBAUL, CLERK OF THE CIRCUIT COURT OF BAY COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD ON THIS _____ DAY OF _____, 2018 IN PLAT BOOK _____ (PAGE(S) _____)

BY: _____
BILL KINSBAUL
CLERK OF THE CIRCUIT COURT
BAY COUNTY, FLORIDA

CITY SURVEYOR'S CERTIFICATE
I, FREDERICK C. RANKIN, AS CITY SURVEYOR UNDER CONTRACT TO AND FOR THE CITY OF PANAMA CITY BEACH, FLORIDA, HAVE REVIEWED THIS PLAT, "SANDS STREET RESIDENTIAL", AND HEREBY CERTIFY THAT IT COMPLES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, PLATTING OF THE FLORIDA STATUTES, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF REVIEW _____ BY: _____
FREDERICK C. RANKIN, P.E.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE No. LB 8888

SURVEYOR'S CERTIFICATE
THE UNDERSIGNED HEREBY CERTIFIES THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT THE PLAT WAS MADE UNDER HIS RESPONSIBLE DIRECTION AND SUPERVISION, AND THAT THE SURVEY DATA AND PLAT COMPLES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND THAT PERMANENT MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET, SIGNED ON THIS THE _____ DAY OF _____, 2018.

BY: _____
SKIPPER C. RUTHERFORD, P.L.S.
PROFESSIONAL SURVEYOR
FLORIDA LICENSE No. LB 3681

SCA & ASSOCIATES NWFL, INC.
CERTIFICATE OF AUTHORIZATION No. LB 7759
4118 N. HWY 231, EAST BUILDING
PANAMA CITY, FLORIDA 32404

DEDICATION

STATE OF FLORIDA/COUNTY OF BAY
KNOW ALL MEN BY THESE PRESENTS, WALENGHAM FAMILY LLC #1, AS OWNER IN FEE SIMPLE OF THE LANDS AS DESCRIBED AND SKETCHED HEREON, HAS CAUSED SAID LANDS TO BE DIVIDED AND SUBDIVIDED AS "SANDS STREET RESIDENTIAL" AND DOES HEREBY DEDICATE TO THE PERPETUAL USE OF THE CITY OF PANAMA CITY BEACH AND THE PUBLIC A 12FT UTILITY EASEMENT AS SHOWN HEREON, FOR THE PURPOSES OF INSTALLATION AND MAINTENANCE OF UTILITIES. THE DEDICATOR DOES NOT DEDICATE TO THE PUBLIC OR THE CITY OF PANAMA CITY BEACH, BUT DOES HEREBY DEDICATE TO THE "SANDS STREET RESIDENTIAL HOMEOWNERS ASSOCIATION" THE STORMWATER MANAGEMENT AREA, A 10 FT. STORMWATER MAINTENANCE AND ACCESS EASEMENT AND A 7.5 FT. DRAINAGE EASEMENT AS SHOWN HEREON, SIGNED ON THIS THE _____ DAY OF _____, 2017.

CITY COUNCIL APPROVAL
WE, THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, HEREBY CERTIFY THAT THIS PLAT AND DEDICATION, TOGETHER WITH ALL CERTIFICATES SHOWN HEREON, HAVE BEEN EXAMINED IN REGULAR SESSION AND DULY APPROVED BY A MAJORITY OF THE COUNCIL AND IS HEREBY ORDERED FILED FOR PERMANENT RECORD THIS _____ DAY OF _____, 2017.

- BY: MIKE THOMAS - MAYOR
- BY: _____ JOSE B. STRANGE
COUNCIL MEMBER WARD 3
- BY: _____ HECTOR SOLIS
COUNCIL MEMBER WARD 4
- BY: _____ JOHN REICHARD
COUNCIL MEMBER WARD 1
- BY: _____ PHIL CHESTER
COUNCIL MEMBER, WARD 2

- BY: _____ WITNESS
PRINTED NAME _____
- BY: _____ WITNESS
PRINTED NAME _____
- WALENGHAM FAMILY, LLC #1
ALVIN GARY WALENGHAM
MANAGER

TAX COLLECTOR'S STATEMENT
I, CHUCK PERDIE, DO HEREBY CERTIFY THAT TAXES HAVE BEEN PAID THROUGH TAX YEAR _____ TO THE BEST OF MY KNOWLEDGE.

DATE _____ BY: _____
CHUCK PERDIE
BAY COUNTY TAX COLLECTOR

ACKNOWLEDGMENT TO DEDICATION
STATE OF FLORIDA/COUNTY OF BAY

I HEREBY CERTIFY THAT ON THIS DATE, BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS PERSONALLY APPEARED, ALVIN GARY WALENGHAM, MANAGER OF WALENGHAM FAMILY, LLC #1, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, WHO IS EITHER PERSONALLY KNOWN TO ME OR PRODUCED A DRIVER'S LICENSE AS IDENTIFICATION, WHO ACKNOWLEDGED BEFORE ME EXECUTED THE SAME, AND WHO DID NOT TAKE AN OATH. WITNESS MY HAND AND OFFICIAL SEAL ON THIS THE _____ DAY OF _____, 2017.

NOTARY PUBLIC, STATE OF FLORIDA DATE MY COMMISSION EXPIRES _____
PRINTED NAME _____

CITY MANAGER'S CERTIFICATE
THIS IS TO CERTIFY THAT I, MARIO GIBERT, CITY MANAGER FOR THE CITY OF PANAMA CITY BEACH, FLORIDA, HAVE EXAMINED THIS PLAT "SANDS STREET RESIDENTIAL", AND FIND THAT IT CONFORMS TO APPLICABLE REGULATIONS FOR SUBDIVISIONS WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA. SIGNED ON THIS THE _____ DAY OF _____, 2017.

CITY ENGINEER'S CERTIFICATE
THIS IS TO CERTIFY THAT I, KELLY P. JENKINS, CITY ENGINEER FOR THE CITY OF PANAMA CITY BEACH, FLORIDA, HAVE EXAMINED THIS PLAT FOR "SANDS STREET RESIDENTIAL" SUBDIVISION AND FIND THAT IT CONFORMS TO APPLICABLE REGULATIONS FOR SUBDIVISIONS WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA. SIGNED ON THIS THE _____ DAY OF _____, 2017.

TITLE CERTIFICATE
BRIAN D. HEES & STEVEN APPELBAUM, ATTORNEYS AT LAW HEREBY CERTIFY THAT UPON EXAMINATION OF THE PUBLIC RECORDS THE TITLE TO THE LANDS DESCRIBED HEREON IS IN THE NAME OF WALENGHAM FAMILY, LLC #1, AND THERE ARE NO OTHER UNSATISFIED MORTGAGES ON SAID LAND OTHER THAN AS SHOWN HEREON. OPINION RENDERED ON THE _____ DAY OF _____, 2017.

BY: _____
PRINTED NAME _____

BY: _____
KELLY P. JENKINS, P.E.
FLORIDA LICENSE No. 89702
CITY ENGINEER
CITY OF PANAMA CITY BEACH
118 S. ARNOLD ROAD
PANAMA CITY BEACH, FL 32413

AGENDA ITEM #

Consent

CONSENT AGENDA

ITEM 4



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Building and Planning Department/Mel Leonard

2. MEETING DATE:

01/26/2017

3. REQUESTED MOTION/ACTION:

It is requested that the City Council approve of the attached Resolution 17-51 approving an amount of \$1,258.47 to be liened on property located at 120 Manistee Drive for costs incurred by the City to abate nuisances on the property.

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 City incurred costs related to nuisance abatement at 120 Manistee Drive. The work included cutting grass/weeds, removal of debris, removal of vines and undergrowth from the dwelling, trimming of shrubs and the removal of mowers and equipment.

The total lien includes the costs incurred for the title search report and postage.

CONSENT

AGENDA ITEM #

4

RESOLUTION 17-51

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AMOUNT OF \$1,258.47 TO BE LIENED ON PROPERTY LOCATED AT 120 MANISTEE DRIVE FOR COSTS INCURRED BY THE CITY TO ABATE NUISANCES LOCATED UPON SUCH PROPERTY; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO RECORD THE LIEN AND NOTIFY INTERESTED PARTIES OF SUCH LIEN; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, pursuant to Section 15-25 of the City’s Code of Ordinances, the City has undertaken the abatement of public nuisances defined by Section 15-17 of the City Code, following notice and non-action by the Owners to come into compliance with the City Code section; and

WHEREAS, pursuant to 15-26 of the City’s Code, the City Council shall assess the entire cost of the abatement of the nuisance against the property, inclusive of all administrative, legal, postal and publication expenses, and any other direct or indirect costs associated therewith.

NOW THEREFORE, BE IT RESOLVED by the City Council that a lien be assessed against the following property in the amount set forth below:

PROPERTY ID NO.	APPARENT OWNERS	ADDRESS	AMOUNT OF LIEN
33306-000-000	Linda Becker	120 Manistee Drive Panama City Beach, FL 32413	\$1258.47

AND BE IT FURTHER RESOLVED that the appropriate officers of the City are hereby authorized and directed to record such lien and notify the Tax Collector and all interested parties of such lien.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 26 day of January, 2017.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Diane Fowler, City Clerk

Resolution 17-51
CONSENT
AGENDA ITEM # 4

**PANAMA CITY BEACH
BUILDING AND PLANNING DEPARTMENT**

**110 S. Arnold Road, Panama City Beach, FL 32413
850-233-5100 Fax: 850-233-5049**

CITY OF PANAMA CITY BEACH, FLORIDA

**NOTICE OF LIEN
CODE ENFORCEMENT**

**RE: Linda Becker
AND ALL INTERESTED PARTIES:
120 Manistee Drive
Panama City Beach, FL 32413**

**VIA CERTIFIED AND REGULAR MAIL TO:
Linda Becker
120 Manistee Drive
Panama City Beach, FL 32413**

**ID# 33306-000-000
Peggy Brannon, Tax Collector
650 Mulberry Ave,
Panama City, FL 32401**

PREPARED BY: James Tindle DEPARTMENT: Building and Planning.

- 1. Pursuant to Section 15-25 of the City of Panama City Beach Code of Ordinances, the City has undertaken certain actions to abate the nuisance located at 120 Manistee Drive, Panama City Beach, FL 32413.**
- 2. The amount of the City's abatement lien is as follows:**

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CONSENT
AGENDA ITEM # _____

4

Labor \$1100.60 (Clean-up and Labor)

Title search report \$150.00

Postage \$7.87

TOTAL: \$1258.47

3. Pursuant to Section 25-34, Code of Panama City Beach, Florida, notice is hereby given that there has been assessed, pursuant to the provisions of said law, against the above named person/business at the above stated address, owner of the property described as:

LOT SEVENTY-TWO (72) IN BLOCK TEN (10) OF GULF HIGHLANDS, UNIT TWO, ACCORDING TO THE PLAT THEREOF NOW ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BAY COUNTY, FLORIDA.

Civil penalties and costs of an administrative hearing, if applicable, including a reasonable attorney=s fee, if applicable, and repair costs, if applicable, which, after demand for the payment thereof remains unpaid, and by the virtue of the above mentioned law, the amount constitutes a lien in favor of Panama City Beach, Florida upon the title to and interest in, whether legal or equitable, the property herein above described; said lien shall be prior in dignity to all other liens, excepting County taxes and taxes and liens of equal dignity therewith. Panama City Beach, Florida may foreclose or otherwise execute on the lien as provided for by the law.

WITNESS: The official seal of the City of Panama City Beach and the hand of the City

CONSENT
AGENDA ITEM # _____

4

Clerk thereof, City of Panama City Beach, Bay County, Florida.

Dated this 19 day of Dec, 2016.



By: *Diane B. Fowler*
Diane Fowler, City Clerk



PANAMA CITY BEACH

Home of the World's Most Beautiful Beach

January 27, 2017

Chuck Perdue,
Bay County Tax Collector
850 W. 11th Street
Panama City, FL 32401

Re: Notice of Lien
120 Manistee Drive
Panama City Beach, FL 32413
Parcel ID No. 33306-000-000

Dear Mr. Perdue:

In accordance with Section 15-26(b) of the City's Code of Ordinances, please find enclosed a Notice of Lien approved by the City Council, which will forthwith be recorded in the public records. A copy of the recorded lien will also be forwarded to you for your records.

Very truly yours,

Diane Fowler, City Clerk

Enclosure

Mayor
Mike Thomas

Vice-Mayor
Josie B. Strange

Council
John Reichard Hector Solis
Phil Chester

City Attorney
Amy E. Myers

CONSENT
AGENDA ITEM # 4

City Manager
Mario Gisbert

City Clerk
Diane Fowler

CONSENT AGENDA

ITEM 5



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Building and Planning Department/Mel Leonard

2. MEETING DATE:

01/26/2017

3. REQUESTED MOTION/ACTION:

It is requested that the City Council approve of the attached Resolution 17-52 approving an amount of \$602.87 to be liened on property located at 128 Coral Drive for costs incurred by the City to abate nuisances on the property.

4. AGENDA

- PRESENTATION
- PUBLIC HEARING
- CONSENT
- REGULAR

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

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

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

The City incurred costs related to nuisance abatement at 128 Coral Drive. The work included cutting grass/weeds, removal of trash and debris, removal of vines and undergrowth from the dwelling and trimming of shrubs.

The total lien includes the costs incurred for the title search report and postage.

RESOLUTION 17-52

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AMOUNT OF \$602.87 TO BE LIENED ON PROPERTY LOCATED AT 128 CORAL DRIVE FOR COSTS INCURRED BY THE CITY TO ABATE NUISANCES LOCATED UPON SUCH PROPERTY; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO RECORD THE LIEN AND NOTIFY INTERESTED PARTIES OF SUCH LIEN; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, pursuant to Section 15-25 of the City’s Code of Ordinances, the City has undertaken the abatement of public nuisances defined by Section 15-17 of the City Code, following notice and non-action by the Owners to come into compliance with the City Code section; and

WHEREAS, pursuant to 15-26 of the City’s Code, the City Council shall assess the entire cost of the abatement of the nuisance against the property, inclusive of all administrative, legal, postal and publication expenses, and any other direct or indirect costs associated therewith.

NOW THEREFORE, BE IT RESOLVED by the City Council that a lien be assessed against the following property in the amount set forth below:

PROPERTY ID NO.	APPARENT OWNERS	ADDRESS	AMOUNT OF LIEN
33194-000-000	The Bank of New York Mellon As Trustee for Cit Mortgage Loan Trust 2007-1	c/o Caliber Home Loans, Inc. 715 S. Metropolitan Avenue Oklahoma City, OK 73108	\$602.87
33194-000-000	The Bank of New York Mellon As Trustee for Cit Mortgage Loan Trust 2007-1	c/o Caliber Home Loans, Inc. P.O. Box 24610 Oklahoma City, OK 73108	\$602.87

AND BE IT FURTHER RESOLVED that the appropriate officers of the City are hereby authorized and directed to record such lien and notify the Tax Collector and all interested parties of such lien.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 26 day of January, 2017.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Diane Fowler, City Clerk

**PANAMA CITY BEACH
BUILDING AND PLANNING DEPARTMENT**

**110 S. Arnold Road, Panama City Beach, FL 32413
850-233-5100 Fax: 850-233-5049**

CITY OF PANAMA CITY BEACH, FLORIDA

**NOTICE OF LIEN
CODE ENFORCEMENT**

**RE: The Bank of New York Mellon
AND ALL INTERESTED PARTIES:
128 Coral Drive
Panama City Beach, Fl 32413**

**VIA CERTIFIED AND REGULAR MAIL TO:
The Bank of New York Mellon
As Trustee for Cit Mortgage Loan Trust 2007-1
c/o Caliber Home Loans, Inc.
715 S. Metropolitan Avenue
Oklahoma City, OK 73108**

**The Bank of New York Mellon
As Trustee for Cit Mortgage Loan Trust 2007-1
c/o Caliber Home Loans, Inc.
P.O. Box 24610
Oklahoma City, OK 73108**

**ID# 33194-000-000
Peggy Brannon, Tax Collector
650 Mulberry Ave,
Panama City, FL 32401**

PREPARED BY: James Tindle DEPARTMENT: Building and Planning.

www.pcbgov.com

CONSENT
AGENDA ITEM #

5

1. Pursuant to Section 15-25 of the City of Panama City Beach Code of Ordinances, the City has undertaken certain actions to abate the nuisance located at 128 Coral Drive, Panama City Beach, FL 32413.

2. The amount of the City's abatement lien is as follows:

Labor \$445.00 (Clean-up and Labor)

Title search report \$150.00

Postage \$7.87

TOTAL: \$602.87

3. Pursuant to Section 25-34, Code of Panama City Beach, Florida, notice is hereby given that there has been assessed, pursuant to the provisions of said law, against the above named person/business at the above stated address, owner of the property described as:

LOT 21, IN BLOCK 8, OF GULF HIGHLANDS UNIT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 93, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

Civil penalties and costs of an administrative hearing, if applicable, including a reasonable attorney's fee, if applicable, and repair costs, if applicable, which, after demand for the payment thereof remains unpaid, and by the virtue of the above mentioned law, the amount constitutes a lien in favor of Panama City Beach, Florida upon the title to and interest in, whether legal or equitable, the property herein above

described; said lien shall be prior in dignity to all other liens, excepting County taxes and taxes and liens of equal dignity therewith. Panama City Beach, Florida may foreclose or otherwise execute on the lien as provided for by the law.

WITNESS: The official seal of the City of Panama City Beach and the hand of the City Clerk thereof, City of Panama City Beach, Bay County, Florida.

Dated this 19 day of Dec, 2016.

By: 
Diane Fowler, City Clerk



PANAMA CITY BEACH

Home of the World's Most Beautiful Beach

January 27, 2017

Chuck Perdue,
Bay County Tax Collector
850 W. 11th Street
Panama City, FL 32401

Re: Notice of Lien
128 Coral Drive
Panama City Beach, FL 32413
Parcel ID No. 33194-000-000

Dear Mr. Perdue:

In accordance with Section 15-26(b) of the City's Code of Ordinances, please find enclosed a Notice of Lien approved by the City Council, which will forthwith be recorded in the public records. A copy of the recorded lien will also be forwarded to you for your records.

Very truly yours,

Diane Fowler, City Clerk

Enclosure

Mayor
Mike Thomas

Vice-Mayor
Josie B. Strange

Council
John Reichard Hector Solis
Phil Chester

City Attorney
Amy E. Myers

City Manager
Mario Gisbert

City Clerk
Diane Fowler

CONSENT
AGENDA ITEM #

5

REGULAR AGENDA

ITEM 1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

ADMINISTRATION

2. MEETING DATE:

JANUARY 26, 2017

3. REQUESTED MOTION/ACTION:

CONSIDER FIRST READING OF ORDINANCE ESTABLISHING PROCESS FOR ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY

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 City has found that the presence of individuals who have violated City ordinances or State law on public property, including municipal parks and beach access, creates a threat to the safety and welfare of the citizens and visitors of the City as well as the City property and facilities. The City administration and Police Department desire a method to allow for the issuance of trespass warnings for individuals committing violations of City ordinances, rules or regulations, or State law on public property.

This ordinance authorizes officers of the Police Department to issue a trespass warning to any individual who violates any city ordinance, rule or regulation, or state law, which violation was committed while on or within any city facility, building, or outdoor area, including municipal parks, and including beach access. A person to whom a trespass warning is issued under this section shall have the right to appeal the issuance of the trespass warning.

Staff recommends approval. If Council approves a first reading of this ordinance, a public hearing and second reading will be scheduled for February 9, 2017.

ORDINANCE NO. 1407

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CREATE A NEW SECTION 16-11 RELATING TO TRESPASS WARNINGS ON PUBLIC PROPERTY; ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY; PROVIDING NOTICE REQUIREMENTS FOR TRESPASS WARNINGS; ESTABLISHING AN APPEAL PROCESS FOR TRESPASS WARNINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach may lawfully designate the use of City facilities for activities consistent with their purpose and the City Council seeks to maintain a safe and orderly environment of City property; and

WHEREAS, the Council seeks to discourage unlawful, unsafe, destructive, harassing or otherwise prohibited activity on City property that interferes with the designated use of City property; and

WHEREAS, the Council finds that the presence of individuals who have violated City ordinances, rules or regulations, or State law on public property or on private property for which the City has a public access easement creates a threat to the safety and welfare of the citizens and visitors of the City as well as the City property and facilities and therefore deem this ordinance to promote such public safety, public welfare and protection of property; and

WHEREAS, the Council desires to provide for a method to allow for the issuance of trespass warnings for individuals committing violations of City ordinances, rules or regulations, or State law, followed by the opportunity for a hearing to address the alleged deprivation of any constitutionally protected liberty interest of such individual;

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 Code of Ordinances of the City of Panama City Beach, Chapter 16 - Offenses, Article I, is amended by the creation of Section 16-11 entitled "Trespass Warnings on Public Property", which shall read as follows:

Sec. 16-11. Trespass Warnings on Public Property.

(a) Officers of the City Police Department are authorized to issue a trespass warning to any individual who violates any city ordinance, rule or regulation, or state law, which violation was committed while on or within any city facility, building, or outdoor area, including municipal parks, and including beach access as that term is defined in Section 16-3 (but excluding other public rights-of-way). The trespass warning shall be limited to the specific property where the violation occurred.

(b) Trespass warnings shall be in writing and issued for a period of one (1) year.

(c) A copy of the trespass warning shall be provided by mail or hand delivery to the individual given the warning. The written trespass warning shall advise of the right to appeal and the location at which to file the appeal.

(d) Any person found on or within any city facility, building, or outdoor area, including municipal parks, and beach access, in violation of a trespass warning issued in accordance with this section may be arrested for trespassing, except as otherwise provided in this section.

(e) The City Manager, or his/her designee, may upon request, authorize an individual who has received a trespass warning to enter the property or premises to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.

(f) This section shall not be construed to limit the authority of any officer of the City Police Department to issue a trespass warning to any person for any lawful reason for any city property, including rights-of-way when closed to general vehicular or pedestrian use, when necessary or appropriate in the sole discretion of the officer; nor shall this section be construed to limit the authority of any officer of the City Police Department to arrest or cite individuals for violating any section of the City Code or the Florida Statutes.

(g) *Appeal of trespass warning.* A person to whom a trespass warning is issued under this section shall have the right to appeal the issuance of the trespass warning as follows:

(1) An appeal of the trespass warning must be filed, in writing, within 20 days of the issuance of the warning, and shall include the appellant's name, address and phone number, if any. No fee shall be charged for filing the appeal.

(2) Appeals shall be heard by the City Council at a regularly scheduled City Council meeting.

(3) Within five (5) days following the filing of the appeal, the City Clerk or his/her designee shall schedule a hearing. Notice of the hearing shall be provided to the appellant in one of three ways:

a. By providing the appellant a copy of the notice of hearing in person at the time he or she files the appeal. When it is not reasonably practical or possible to provide notice in this manner, the appellant shall be informed that notice of the hearing will be provided in accordance with either paragraph b. or c. below;

b. By posting the notice at city hall; or

c. By telephone if a telephone number has been provided and mailing when a mailing address has been provided.

- (4) In no event shall the hearing be held sooner than seven (7) days following the filing of the appeal or later than 30 days from the filing of the appeal except that the appellant may request that the scheduled hearing be postponed up to an additional 30 days during the appeal period.
- (5) Copies of documents in the city's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant at no cost.
- (6) The appellant shall have the right to attend with an attorney, to testify and to call witnesses, cross examine witnesses and present evidence. The appellant shall have the right to bring a court reporter, at appellant's own expense.
- (7) The City Council shall consider the testimony, reports or other documentary evidence, and any other evidence presented at the hearing. Formal rules of evidence shall not apply, but fundamental due process shall govern the proceedings.
- (8) The city shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the criteria of this section.
- (9) If the appellant fails to attend a scheduled hearing, the City Council shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the criteria of this section.
- (10) Within ten (10) days of the hearing, the City Council shall issue a written decision on the appeal which shall be mailed to the appellant at the address provided.
- (11) The decision of the City Council shall be final and the appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law.
- (12) The trespass warning shall remain in effect during the appeal and review process, including any judicial review.

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.