

Agenda
packet

PANAMA CITY BEACH CITY COUNCIL AGENDA

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

MEETING DATE: MAY 11, 2017
MEETING TIME: 6:00 P.M.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION- POLICE CHAPLAIN PASTOR JOHN WOODROW OF THE GULFVIEW UNITED METHODIST CHURCH
- III. PLEDGE OF ALLEGIANCE- COUNCILMAN REICHARD
- IV. COMMUNITY ANNOUNCEMENTS
- V. APPROVAL OF THE REGULAR MINUTES OF APRIL 27, 2017
- VI. APPROVAL OF AGENDA, AND ADDITIONS OR DELETIONS
- VII. PRESENTATIONS – (COUNCILWOMAN STRANGE)
 - 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD.
 - 2 "NATIONAL SAFE BOATING WEEK" PROCLAMATION & PRESENTATION.
 - 3 "PEACE OFFICERS MEMORIAL DAY" AND "NATIONAL POLICE WEEK" PROCLAMATION AND PRESENTATION.
 - 4 "RIDE OF SILENCE DAY" PROCLAMATION & PRESENTATION.
 - 5 MS. COLLEEN SWAB 10 MINUTE PRESENTATION CONCERNING SCOOTERS.
- VIII. PUBLIC COMMENTS-REGULAR & CONSENT ITEMS ONLY (Limited to Three Minutes)
- IX. CONSENT AGENDA
 - 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. City Auction is planned for May 20, 2017.*
 - 2 **RESOLUTION 17-91, BID AWARD- CITY AUCTIONEER SERVICES.** *"A Resolution of the City of Panama City Beach, Florida, approving the Agreement with Evans Auctioneers, Inc. to conduct an auction of City surplus property on May 20, 2017 for a fee of 5% of the total proceeds received."*
 - 3 **RESOLUTION 17-93, MASTER SERVICES AGREEMENT DEWBERRY ENGINEERS, INC., TASK ORDER #1 FOR DESIGN SERVICES, PANAMA CITY BEACH PARKWAY/CAULEY AVENUE UTILITY RELOCATION PROJECT.** *"A Resolution of the City of Panama City Beach, Florida, approving a Task Order with Dewberry Engineers, Inc., in the amount of \$16,745 for design services related to the Panama City Beach Parkway/Cauley Avenue Utility Relocation Project."*

X. REGULAR AGENDA - DISCUSSION/ACTION		
X. NO.	OFFICIAL	ITEM
1	ML	CONSIDER REQUEST TO USE HEIGHT INCENTIVES FOR ADDITIONAL HEIGHT, SSPCB HOSPITALITY SPRINGHILL SUITES HOTEL, 12513 FRONT BEACH ROAD, <u>PUBLIC HEARING.</u>
2	MG	ORDINANCE 1413, REGULATION OF MEDICAL MARIJUANA DISPENSARIES, 1 ST READING, <u>PUBLIC HEARING.</u>
3	MG	ORDINANCE 1415, PROHIBITING OVERNIGHT SCOOTER RENTALS, 1 ST READING.
4	MG	ORDINANCE 1416, AMORTIZATION OF SCOOTER RENTALS, 1 ST READING, <u>PUBLIC HEARING.</u>
5	HJW	RESOLUTION 17-90, PAYOFF UTILITY DEPARTMENT 2002 STATE REVOLVING FUND (SRF) LOAN AND BUDGET AMENDMENT #32.
6	MT	APPOINTMENT OF THE HALF CENT SALES TAX CITIZENS OVERSIGHT COMMITTEE MEMBERS.
7	MG	PERSONNEL POLICY REVISIONS
8	JS	PARKING AT THE CONSERVATION PARK- UPDATE AND DISCUSSION.
9	JS	PROHIBITED USES ON PANAMA CITY BEACH PARKWAY- DISCUSSION.
10	HS	POLICE DEPARTMENT MANPOWER- DISCUSSION/ BUDGET AMENDMENT.
11	ML	REVISED JOB DESCRIPTION ADMINISTRATIVE AIDE, LICENSING DEPARTMENT- DISCUSSION/ BUDGET AMENDMENT.
12	MT	PUBLIC COMMENTS. (Limited to Three Minutes).
13	AM	ATTORNEY REPORT.
14	MG	CITY MANAGER REPORT.
15	MT	COUNCIL COMMENTS.
16	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.

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


Deputy City Clerk

5/8/17
Date


Deputy City Clerk

5/8/17
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: 5/8/17, 5 P.M.

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
- Jeremy Pate
- Ken McVay
- Stefanie Bowden
- 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)

PRESENTATION

1

CITY OF PANAMA CITY BEACH

CIVIC ACHIEVEMENT AWARD

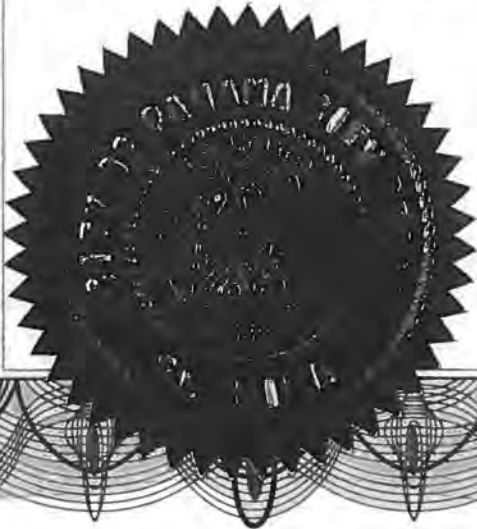
Be It Known That

Bryant Gidley

**HAS GIVEN EXCEPTIONAL SERVICE
TO THE BOYS AND GIRLS CLUB
OF PANAMA CITY BEACH**

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

Presented this 11th of May, 2017



A handwritten signature in black ink, appearing to read "Mike Thomas".

MAYOR MIKE THOMAS

PRESENTATION

2



~Proclamation~

A PROCLAMATION DESIGNATING
THE WEEK OF MAY 20-26, 2017, AS
"NATIONAL SAFE BOATING WEEK"
IN PANAMA CITY BEACH

WHEREAS, for nearly 90 million Americans, boating continues to be a popular recreational activity. From coast to coast, people are taking to the water to enjoy time together boating, sailing, paddling, and fishing. During National Safe Boating Week, we bring special attention to this pastime and remind recreational boaters of a few tips to ensure that they and their loved ones are safe and responsible; and

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

WHEREAS, every boater should wear a U.S. Coast Guard-approved life jacket at all times while on the water as drowning remains the number one cause of death for recreational boaters each year, and a majority of drowning victims are not wearing a life jacket; and

WHEREAS, safe and responsible boating includes never operating a boat while under the influence of drugs or alcohol and knowing basic navigation rules; and

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

THEREFORE, the City of Panama City Beach City Council does hereby support the goals of the USCG Auxiliary and Local Flotilla 19 and proclaim the week of May 20- May 26, 2017, as

"NATIONAL SAFE BOATING WEEK"

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

Mayor Mike Thomas

Councilman John Reichard
Ward 1

Councilman Phil Chester
Ward 2

Vice-Mayor Josie Strange
Ward 3



Councilman Hector Solis
Ward 4

2

PRESENTATION

3



~Proclamation~

A PROCLAMATION DESIGNATING
MAY 15, 2017
AS "PEACE OFFICERS MEMORIAL DAY" AND
MAY 11-17, 2017
AS "NATIONAL POLICE WEEK"
IN PANAMA CITY BEACH

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

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

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

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

NOW, THEREFORE, the City of Panama City Beach City Council does hereby proclaim

**May 15th as "Peace Officers Memorial Day" and
May 11-17, 2017 as "National Police Week"**

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

Mayor Mike Thomas

Councilman John Reichard
Ward 1

Councilman Phil Chester
Ward 2

Vice-Mayor Josie Strange
Ward 3

Councilman Hector Solis
Ward 4



PRESENTATION

4



~Proclamation~

A PROCLAMATION DESIGNATING
MAY 17, 2017 AS
"RIDE OF SILENCE DAY"
IN PANAMA CITY BEACH

- WHEREAS, the Panama City Beach Ride of Silence goals include engaging advocacy groups and initiating comprehensive bicycle/motor vehicle "Share the Road" awareness and education campaign; and
- WHEREAS, the Ride of Silence is an international effort to honor those who have been injured or killed in automobile/bicycle collisions, to raise awareness of bicycle safety and cyclists' rights, and to promote the ideals of "Share the Road"; and
- WHEREAS, Rides of Silence will be organized in at least 18 communities across the State of Florida on May 17, 2017, including: Brevard County, Clermont, Crestview, Delray Beach, Fort Walton Beach, Fort Myers, Jacksonville, Lakeland, Lake City, Miami, Palm Harbor, Pensacola, Sanibel, Sarasota, Spring Hill, Tampa, Vero Beach, and West Palm Beach; and
- WHEREAS, the goals and ideas of the International Ride of Silence are to promote the best interests of both bicycling and the motoring public within the context of a comprehensive transportation system.

NOW, THEREFORE, the City Council of the City of Panama City Beach supports the Ride of Silence to be held at 6:15 P.M. on Wednesday, May 17, 2017, starting at Barley's Bike Rentals (169 Griffin Blvd.) traveling down Griffin Boulevard to the Conservation Park and encourages the citizens of Panama City Beach and Bay County to participate in Rides of Silence across the state, and further encourages citizens and governmental entities to organize Rides of Silence in their own communities.

Mayor Mike Thomas

Councilman John Reichard
Ward 1

Councilman Phil Chester
Ward 2

Vice-Mayor Josie Strange
Ward 3

Councilman Hector Solis
Ward 4



CONSENT

1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

ADMINISTRATION

2. MEETING DATE:

5/11/17

3. REQUESTED MOTION/ACTION:

Find these items as surplus and approve removal from the Master Audit List.

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)

Quarterly, all departments are asked if any items are to be declared surplus and removed from the Master Audit List. These are the items eligible to be declared surplus for various reasons. Staff recommends they be declared surplus and removed from the Master Audit List.

City Auction of surplus items planned for Saturday, May 20, 2017.

City ID #	Year	Item	Serial #	Dpt.	Recommended Disposition	Notes	CC Mtg	
206	2008	Ford F150	2813	1FTPW14V98FA27859	Police	Sell at 2017 Auction	05/11/17	
	2008	Ford Explorer	2816	1FMEU63E48UA26752	Police	Sell at 2017 Auction	05/11/17	
784	2014	Dodge Charger	2014	2C3CDXAT9EH367635	Police	Sell at 2017 Auction	05/11/17	
475	2009	Ford Crown Vic	2803	2FAHP71V58X1347852	Police	Sell at 2017 Auction	05/11/17	
212	2009	Ford F-150	2809	1FTPX14V08FA19727	Police	Sell at 2017 Auction	05/11/17	
578	2010	Ford Crown Vic	2104	2FABP78V6AX119038	Police	Sell at 2017 Auction	05/11/17	
612	2010	Ford Crown Vic	2106	2FABP78V4AX119040	Police	Sell at 2017 Auction	05/11/17	
574	2010	Ford Crown Vic	2110	2FABP78V8AX129182	Police	Sell at 2017 Auction	05/11/17	
	2000	Yamaha 150 outboard motor	151465		Police	Sell at 2017 Auction	05/11/17	
	2005	Ford Explorer tan	980		Police	Sell at 2017 Auction	05/11/17	
619	2011	Ford Crown Vic	2FABP78V1BX122480	Police	Sell at 2017 Auction	previously noted as totaled for parts	05/11/17	
	unk	5x8 Yellow/orange trailer			Police	Sell at 2017 Auction	05/11/17	
	2012	Gatormade 6.4x12 trailer			Police	Sell at 2017 Auction	05/11/17	
	1997	Chevy Van	1FTJS34F1VH961223	Police	Sell at 2017 Auction		05/11/17	
	1999	Nissan Maxima	JN1CA21D6ST650107	Police	Sell at 2017 Auction		05/11/17	
	2009	Honda Shadow M/C	JH2RC50749K000469	Police	Sell at 2017 Auction		05/11/17	
	2010	Mazda 3i	JM1BL1SF3A1268051	Police	Sell at 2017 Auction		05/11/17	
		3 office chairs			Parks	Sell at 2017 Auction	05/11/17	
2444		Large Hayman Safe			Parks	Sell at 2017 Auction	05/11/17	
585		Wave 2x2 Pro Pool Vacuum	HG5212A80181		Aquatics	Sell at 2017 Auction	previously surplused 5-12-16	
568	2009	Wed W50 Pool Vacuum	5D154R		Aquatics	Sell at 2017 Auction	05/11/17	
		Electric Golf Cart	AB0238-201677		Parks	Sell at 2017 Auction	05/11/17	
		Electric Golf Cart	2570098		Parks	Sell at 2017 Auction	05/11/17	
		Electric Golf Cart	2687442		Parks	Sell at 2017 Auction	05/11/17	
1986	2004	Dell Poweredge 2600 Server	BG2KP41		Water	Sell at 2017 Auction	05/11/17	
		AUCTION PLANNED FOR MAY 20, 2017						

CONSENT

2



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: Panama City Beach Police Department	2. MEETING DATE: May 11, 2017
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3. REQUESTED MOTION/ACTION:
We respectfully request to utilize Evans Auctioneers for the 2017 auction to be held at the Panama City Beach Police Department impound lot on May 20, 2017.

4. AGENDA PRESENTATION PUBLIC HEARING CONSENT REGULAR	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/> BUDGET AMENDMENT OR N/A
		DETAILED BUDGET AMENDMENT ATTACHED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
On Friday, April 28, 2017, bids from three companies were opened in reference to the 2017 City Auction. Evans Auctioneers was selected and is being requested to facilitate the 2017 auction. This selection will allow the City to auction off surplus items. Evans Auctioneers will retain a 5% commission.

CONSENT
AGENDA ITEM # 2

RESOLUTION 17-91

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE AGREEMENT WITH EVANS AUCTIONEERS, INC. TO CONDUCT AN AUCTION OF CITY SURPLUS PROPERTY ON MAY 20, 2017 FOR A FEE OF FIVE PERCENT OF THE TOTAL PROCEEDS RECEIVED.

BE IT RESOLVED by the City Council of the City of Panama City Beach that the appropriate officers of the City are authorized but not required to accept and deliver on behalf of the City that certain Agreement between the City and Evans Auctioneers, Inc., to conduct an auction of the City's Surplus Property, Vehicles and Equipment, on May 20, 2017, for a fee of Five Percent (5%) of the total proceeds received, in substantially the terms and conditions set forth in the quote attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager and whose execution shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in special session this 11th day of May, 2017.

CITY OF PANAMA CITY BEACH

By: _____
MIKE THOMAS, MAYOR

ATTEST:

DIANE FLOYD, CITY CLERK

Panama City Beach Police Department

17115 Panama City Beach Parkway
Panama City Beach, Florida 32413-2128
(850) 233-5000 Fax (850)233-5013

www.beachpolice.org

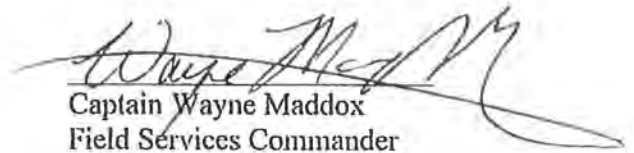
May 1, 2017

Chief Drew Whitman

Auction Bid Request 2017

At 10:00 a.m. on Friday April 28, 2017, I opened three bid proposals for the City Auction. I first opened the bid from Florida Auction Network, Evans Auctioneers, and GovDeals.com. GovDeals.com was unable to submit a bid due to failing to meet requirements and noted this on their letter. Florida Auction Network and Evans Auctioneers both submitted a bid for 5% commission plus buyer's premium.

I would like to request to award the bid to Evans Auctioneers as there is no advantage with going with a different company.


Captain Wayne Maddox
Field Services Commander

"Dedicated to Excellence"

CONSENT
AGENDA ITEM # 2

Bid Instructions

Introduction

The City of Panama City Beach, Florida is seeking proposals for an Auctioneer. The Auctioneer shall hold one live auction that consist of bicycles, automobiles, heavy equipment and various items from various City departments along with surplus office machines and computer components.

Sealed proposals must be received no later than 10:00 A.M. CENTRAL TIME on Friday April 28, 2017. Please submit your sealed proposals to:

Captain Wayne Maddox
City of Panama City Beach Police Department
17115 Panama City Beach Parkway
Panama City Beach, Florida 32413

Scope of Work

- o A total of one (1) live auction shall be held. The auction shall be conducted at the Panama City Beach Impound yard located at the Panama City Beach Police Department, 17115 Panama City Beach Parkway, Panama City Beach, Florida and shall include bicycles, automobiles, heavy equipment and all computer components, office machines, and various items from various City departments.
- o All items are sold "As Is".
- o There shall be no returns or exchanges.
- o All sales are "final" and must be made at the time of sale, unless prior arrangements for payment is made
- o All items sold must be removed from the property the date of the sale or at the latest, within five (5) business days of the sale.
- o Once an Auctioneer has been selected and auction dates are set, the City of Panama City Beach will make arrangements for the transportation of all items to the designated auction location.

Form of Proposal

- A brief description of your firm, including history and areas of particular expertise.
- Three (3) project references. Give name, address and phone number of client representatives for at least three (3) projects you have completed which you consider closely related to ours.
- N/A Identify proposed sub consultants, if any. Include resumes and project lists for team members for each sub consultant.
- Include a copy of general liability insurance for your firm.
- Include a detailed auction plan, including advertising method, approximate time frame to prepare for the auction, and a financial proposal that includes all direct expenses, charges to the City and a revenue formula.
- Follow Florida State Statutes Chapter 468, Miscellaneous Professions and Occupations, specifically Part VI – Auctioneers, (s.s. 468.381 – 468.399).
- Provide copies of the Auction Business License and the licenses of the auctioneers for said business.

Florida Auction Network LLC

Florida Auction Network LLC Description

Florida Auction Network LLC is owned and operated by Jon Sewell a native of Bay County. Being a local, I am eager to provide services for the City of Panama City Beach, as I see this as an opportunity for 100% of the auction proceeds to stay in Bay County.

I was a government purchasing agent for 13 years. This gives me a firm working understanding of the entire purchasing spectrum from initial acquisition to life cycling and then surplus/disposal. During this time, I experienced how auctioning government assets with the intention of yielding the highest returns possible is a good solution for government assets. This experience gained through government procurement assists with understanding the specialized nature of many government assets and the unique needs of government agencies.

Florida Auction Network LLC formed in February 2015 and grows daily by leaps and bounds. Our bidder database is growing with each auction we conduct, along with the collaborative efforts of seven other auction companies. We host live, online, and onsite auctions. Florida Auction Network LLC continues to exceed the expectations and needs of consignors.

3847 E Bus Hwy 98 * Panama City, FL 32401
850-893-2343 * AB3488 / AU4677
flauctionnetwork.com

CONSENT
AGENDA ITEM # 2

Florida Auction Network LLC

Auction Plan

Date of Auction: To Be Determined

Auction Location: Panama City Beach Police Impound Yard

Terms and Conditions:

- Commission: 5% (15% reduction as On-Site Auctions typically have a 20% Commission) Sample contract attached.
- FANLLC hosts each auction under license #AB3488
- FANLLC brings a licensed auctioneer (license #AU4677), clerk/cashier, ring workers, and laborers as needed.
- FANLLC collects all monies, remits applicable taxes to the city and state, and pays consignor the applicable proceeds as outlined in the Consignment Agreement
- FANLLC must approve all advertising in order to comply with state requirements. FANLLC will advertise on auctionzip.com, flauctionnetwork.com, social media, along with mail outs, signs, fliers and word of mouth. In instances where the value of tangible personal property owned by a local government exceeds \$5000.00 per item, FANLLC will publish notice not less than 1 week nor more than 2 weeks prior to sale/auction in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit at no charge and will provide verification of the publication. Four to six weeks of advertising is preferred, but FANLLC will adjust this timeframe to accommodate the schedule of contracted
- City is responsible for providing to FANLLC a complete list of lots and access to the assets for cataloging three days prior to the auction. (A sample is provided)

3847 E Bus Hwy 98 * Panama City, FL 32401
850-893-2343 * AB3488 / AU4677
flauctionnetwork.com

CONSENT
AGENDA ITEM #

2

Florida Auction Network LLC

Financial Proposal

FANLLC collects a 5% commission when auctioning for government agencies. This represents a 15% reduction as On-Site Auctions typically have a 20% Commission.

FANLLC provides advertising as outlined in the Auction Plan, free of charge to government agencies. Government agency can choose additional advertising that may incur a fee. All advertising must be approved by FANLLC to ensure compliance with state law.

No additional direct expenses or charges.

Revenue Formula

The city will keep \$95 for every \$100 derived from the auction process.

3847 E Bus Hwy 98 * Panama City, FL 32401
850-893-2343 * AB3488 / AU4677
flauctionnetwork.com

CONSENT
AGENDA ITEM #

2

FLORIDA AUCTION NETWORK LLC
3847 EAST BUSINESS HIGHWAY 98
PANAMA CITY, FL 32401
850-896-2343
auctionchoice@yahoo.com
www.flauctionnetwork.com
AB# 3488 AU# 4677

Consignor: City of Panama City Beach
Seller ID: City of Panama City Beach
Date of Consignment:
Contact Info: Captain Wayne Maddox
Event/Auction: Calendar Year 2017

CONSIGNMENT AGREEMENT

- 1. CONSIGNMENT:** Consignor grants Florida Auction Network LLC (FANLLC) the exclusive right to auction his/her/its property at public auction. FANLLC will decide the best method to advertise the property. FANLLC may divide or combine the property into one or more separate lots. FANLLC will incur no liability for the postponement of any auction for any reason. FANLLC is not responsible for any items left with FANLLC that do not appear on the property receipt made out by a FANLLC employee and countersigned by Consignor.
- 2. COMMISSIONS:** FANLLC will receive 5% of the hammer price for all lots sold.
- 3. RESERVES:** Reasonable reserves are accepted on most items. It is understood that if FANLLC sells the property below a reserve amount, the consignor will receive an amount equivalent to that which they are entitled to had the item sold at the reserve amount. Reserves are to be agreed upon before items are transferred to possession of FANLLC and cannot be raised after FANLLC has taken possession. Unsold items may incur a service charge. (See paragraph 13 about alerting FANLLC to retrieve unsold items and/or relisting items through another auction)
- 4. ADDITIONAL CHARGES:** Consignor will pay all packing, handling, and transportation costs to FANLLC premises, as well as restoration, repair, and cleaning costs and costs of third party services, appraisals or expert advice to properly describe property or verify authenticity. Cleaning, restoration, and appraisal costs in excess of \$30 will be approved in advance by Consignor. All third party costs are increased 10% as a service charge for FANLLC account.
- 5. INSURANCE:** Consignor will maintain any insurance deemed necessary and holds FANLLC harmless for any damage or liability claims resulting from involvement of property at the premises/site until the Consignor is paid by FANLLC. Consignor will maintain insurance until Consignor is paid by FANLLC and Consignor is liable for any theft, damage, fire damage, natural disaster, or vandalism that may occur while on premises/site or while being handled by FANLLC.
- 6. ADVERTISING, PHOTOGRAPHY, & VIDEO:** FANLLC will market as it deems necessary to obtain the maximum results. FANLLC will display, video, and photograph the items, and events/transactions as it deems appropriate. FANLLC reserves the right to photograph, audio and video record any property and event/transaction and to use pictures and recordings in any and all advertisements, information packets, legal proceedings, or for any legal use. In instances where the value of tangible personal property owned by a local government exceeds \$5000.00 per item, FANLLC will publish notice not less than 1 week nor more than 2 weeks prior to sale/auction in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit at no charge and will provide verification of the publication.
- 7. PAYMENTS:** FANLLC will provide (by mail or in person) sales proceeds to the consignor, less all commissions and costs, within 30 days after the auction close, together with a full accounting thereof.
- 8. CLAIMS BY BUYERS:** If, within 30 days from the auction close, the buyer of any property demonstrates to FANLLC's satisfaction that the property purchased is not authentic or is materially different from its catalogue description or other FANLLC representations, FANLLC may, in its sole discretion, delay payment to the consignor (if not yet

April 26, 2017 - Document Version

CONSENT
AGENDA ITEM # 2

paid under Paragraph Number 7), rescind the sale, and refund the full purchase price to the buyer. If the Consignor is paid under Paragraph Number 7, Consignor will remit to FANLLC the proceeds previously received for the rescinded sale.

9. **RESERVED BIDS & WITHDRAWAL:** Consignor appoints the Auctioneer and/or FANLLC and its representatives to bid on the consignor's behalf up to the amount of the reserve. Consignor agrees that neither he nor his representative will bid on items under this agreement. Any items the Consignor does bid on will be treated as a purchase and charged the full buyer's premium and commission. Consignor agrees not to withdraw any property subject to this agreement unless agreed to by FANLLC, and the payment of all charges, costs, and the commission (both buyer's premium and consignor's fees) due as if the item had been sold.
10. **WARRANTIES & INDEMNIFICATION BY CONSIGNOR:** (a) Consignor represents and warrants that he has the legal right to consign the property for sale; that there is not, nor will there be, any claim, lien or encumbrance against the property for any reason. (b) Consignor agrees to indemnify FANLLC against all claims and expenses, including reasonable attorney's fees arising from the actual or claimed breach of any of the Consignor's warranties or representations herein, which shall survive the completion of a sale of property.
11. **NONPAYMENT BY PURCHASER:** FANLLC is not obligated to legally enforce payment by any buyer of the property. If FANLLC is not paid by the purchaser within 15 days of sale, FANLLC may, in its sole discretion, cancel the sale and resell the property.
12. **NO GUARANTEE:** FANLLC does not guarantee the selling price of property. All estimates of selling value are opinion only and shall not be construed as any promise of selling price. FANLLC is not liable for errors or omissions in catalogues or other descriptive material.
13. **UNSOLD PROPERTY:** (a) Property not sold shall be reclaimed by the Consignor no more than 10 days after the last day of the sale period or auction. (b) The Consignor is responsible for contacting FANLLC to indicate when unsold consigned items are to be retrieved from the premises, or if the unsold consigned item(s) are to be relisted in a second auction, it is incumbent upon the Consignor to alert FANLLC to that decision before 10 days elapse after an auction or consignment period ends. All items not relisted in a future auction or a new consignment agreement is not completed are given a 10 day grace period for the Consignor to retrieve from the premises, as per point (a) above. Property remaining after the 10 days will be subject to storage charges of \$10 per day, per lot. All charges must be paid before the property is released. **ANY ITEMS LEFT OVER 30 DAYS WILL BE CONSIDERED ABANDONED AND BECOME PROPERTY OF FANLLC. FANLLC MAY DISPOSE OF THE ITEMS AT ITS DISCRETION.**
14. **MISCELLANEOUS:** This agreement is binding upon the Consignor's heirs, beneficiaries, executors, et. al.; is assignable only with FANLLC's consent; may be modified only in writing signed by FANLLC and the Consignor; and shall be governed by the laws of the state of Florida.
15. **CONTRACT TERM:** The contract will continue in force until notice to cancel is given by either party or 365 days has passed. A new Consignment Agreement is required each 365 days.
16. **ITEM REMOVAL:** It is understood by the parties that in the event any consigned item is removed by the Consignor, FANLLC will receive their due commission as if the item had sold. The value will be determined by the reserve, or where there is no reserve, the appraised value by a mutually agreed to appraiser.
17. **CONSIGNOR RESPONSIBILITIES:** Consignor is responsible to furnish FANLLC with a complete descriptive list of the property to be sold; including but not limited to brand name, model number, manufacturers serial number, size, shape, color, condition. (see Paragraph Number 19 for information related to titled items) Consignor will deliver all listed property to the premises/site in the cleanest, most functional condition practical and free of any excess liquids or contaminants before being transported to FANLLC premises/site. Consignor guarantees that he/she or it has good title and right to sell items/property; that they are without mortgages, liens or encumbrances of any

April 26, 2017 - Document Version

CONSENT
AGENDA ITEM #

2

kind except those which are specifically detailed within this contract. Consignor assumes full responsibility for providing marketable title and delivery of title to purchaser, payment of proceeds to creditors, and Consignor will assume all attorney fees and court costs if such a case should arise. Any misrepresentation by the Consignor as to the description or condition will allow FANLLC to make a downward adjustment on the selling price at FANLLC's sole discretion or refuse to sell the property and collect the payment of all charges, costs, and the commission (both buyer's premium and consignor's fees) due as if the item had been sold.

18. **STORAGE:** As an additional service to government consignors, FANLLC offers short-term storage of items that are involved in the surplus/disposal process. FANLLC provides a licensed, bonded, and insured premises at 3847 E. Business Hwy 98, Panama City, FL 32401. This premises is fenced and covered by 24-hour surveillance. Items may be stored for up to 90 days prior to auction.
19. **TITLED:** Titled items require a separate Used Vehicle Consignment Agreement form for each vehicle consigned by an individual or business, Power of Attorney HSMV 82995, and title delivered to FANLLC prior to FANLLC taking possession of titled item. Automobile Dealers are required to re-assign title to FANLLC for a vehicle to be sold or auctioned and complete a FANLLC Vehicle Information Data Form. Titles and lien releases must accompany vehicle upon pick up or delivery to FANLLC possession.
20. **NO SALE FEE:** FANLLC reserves the right to charge a No Sale Fee for items that require special handling, unusual time requirements, and advertising that do not sale. Consignor must agree to this possible fee in this contract when required by FANLLC.

I commission FANLLC to auction the items listed on the attached sheet(s) to the highest bidder by public auction. I certify that I am the owner/custodian of the listed goods, merchandise, and/or property (property, vehicle, item, lot, etc.) and have good title and the right to sell and that they are free from all encumbrances. I agree to accept all responsibility for providing merchandise title and for delivery of title to purchaser. I agree to hold harmless the auctioneers against any claims of the nature referred to in this agreement.

THIS AGREEMENT IS VALID FOR 365 DAYS AND MUST BE RENEWED TO BE VALID BEYOND 365 DAYS.

I have read and understand the terms above of the Event/Auction and will abide by them.

Captain Wayne Maddox City of Panama City Beach Police Department 17115 Panama City Beach Parkway Panama City Beach, FL 32413

X

Consignor/Seller

X

Jonathan Sewell
Manager/Auctioneer

Additional Materials supplied
by Evans Auctioneers available
in the Deputy City Clerk's office
for review

CONSENT

3



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Utilities Department - Al Shortt, Utilities Director

2. MEETING DATE:

May 11, 2017

3. REQUESTED MOTION/ACTION:

Approve a task order with Dewberry Engineers, Inc. for preparing bid documents to relocate City utilities as required by FDOT at the PCB Pkwy/ Cauley Ave intersection in the amount of \$16,745.

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 Florida Department of Transportation (FDOT) will be constructing improvements to the Cauley Ave / Panama City Beach Pkwy intersection to support the planned sports park on the east end of the City utility service area. They recently notified staff that existing utilities will need to be relocated in the next couple of months so the FDOT improvements can be installed as designed. Due to current City staff commitments and the limited time available to produce bid documents, publicly bid the work, and complete the relocations, staff desires to have Dewberry Engineers produce the bid documents. City staff will handle the bid process and construction management.

Staff requested and has received a proposed scope of work under the existing Master Services Agreement (MSA) with the City's engineering consultant, Dewberry Engineers, Inc., to produce the required construction bid documents. A copy is attached for your review as Attachment A to the MSA. The attached Fees in the Task Order total \$16,745. Also attached for your review is the Task Order Number 1 and Notice To Proceed form, Exhibit B.

The preliminary construction estimate is \$200,000, which will be refined during the design process. The Utility department has sufficient funds in this fiscal year budget to cover this unplanned expenditure.

CONSENT
AGENDA ITEM #

2

RESOLUTION 17-93

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING A TASK ORDER WITH DEWBERRY ENGINEERS, INC. IN THE AMOUNT OF \$16,745 FOR DESIGN SERVICES RELATED TO THE PANAMA CITY BEACH PARKWAY/ CAULEY AVENUE UTILITY RELOCATION PROJECT.

BE IT RESOLVED by the City of Panama City Beach, Florida that the appropriate officers of the City are authorized but not required to deliver and execute on behalf of the City that certain Task Order #1 to the Master Services Agreement dated December 29, 2013 between the City and Dewberry Engineers, Inc., relating to Panama City Beach Parkway/Cauley Avenue Utility Relocation in the lump sum amount of Sixteen Thousand Seven Hundred Forty Five Dollars (\$16,745), on substantially the terms and conditions set forth in the Scope of Services attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.

THIS RESOLUTION shall take effect immediately upon passage.

PASSED in regular session this 11th day of May, 2017.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Diane Floyd, City Clerk

Resolution 17-93
CONSENT
AGENDA ITEM # 3

Attachment A

CITY OF PANAMA CITY BEACH
Panama City Beach Parkway/Cauley Avenue Utility Relocation

This task order is for the purpose of Dewberry | Preble-Rish, as the ENGINEER, to provide design services for the Panama City Beach Parkway/Cauley Avenue Utility Relocation to the City of Panama City Beach (City) acting by and through its Council.

DESCRIPTION OF ENGINEER'S SERVICES

SCOPE OF SERVICES

A. Professional Services

Dewberry | Preble-Rish will coordinate with the Florida Department of Transportation and/or its consultant(s) to obtain the design and survey information for the proposed intersection improvements at Panama City Beach Parkway and Cauley Avenue (Financial Project ID 439661-1-52-01). Consulting with City staff, Dewberry | Preble-Rish will use this information to prepare construction drawings and bid documents for the relocation of any City-owned utilities that will be in conflict with the proposed improvements and to tie into the proposed utilities for the Sports Village. In addition, Dewberry | Preble-Rish will coordinate all necessary permitting (as needed) and/or notification efforts with the applicable agencies.

This scope of services does not include surveying efforts. Our intent is to obtain the survey data from FDOT and the plans that show all existing utilities within the right-of-way.

B. Deliverables

Dewberry | Preble-Rish will provide the following deliverables to the City:

1. Construction plans
2. Bid documents.
3. All necessary permits and/or documentation of coordination with permitting agencies (should permits be required).

C. Professional Services Fees

1. Design/Construction Plans/Bid Documents

Lump Sum Total \$16,745.00

IN WITNESS WHEREOF, the parties hereto have caused this Task Order to be executed by their undersigned officials as duly authorized.

DEWBERRY | PREBLE-RISH

203 Aberdeen Parkway
Panama City, Florida 32405

CITY OF PANAMA CITY BEACH, FLORIDA

110 South Arnold Road
Panama City Beach, Florida 32413

By:  _____

By: _____

Name and Title: Clifford D. Wilson III, PE.
Vice-President

Name and Title: Mr. Mario Gisbert
City Manager

Witnessed:  _____

Witnessed: _____

Date: 9/20/17

Date: _____

K:\PROPOSALS\PCB Parkway Cauley Ave Utility Relocation\Shortt 04 19 17 Design Services Attachment A doc

CONSENT
AGENDA ITEM # 3

EXHIBIT B
COMBINED TASK ORDER AND
NOTICE TO PROCEED

TASK ORDER NO. 1

DATE: May ____, 2017

Reference is made to that certain MASTER SERVICES AGREEMENT BETWEEN CITY OF PANAMA CITY BEACH AND DEWBERRY ENGINEERS INC. (formerly PREBLE-RISH, INC.) RELATING TO MAJOR POTABLE WATER ENGINEERING SERVICES dated December 29, 2013, (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 Attachment A, Scope of Services, relating to **PCB Pkwy/Cauley Ave Utility Relocation**.

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

- a stipulated sum of **\$16,745**; 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 with a maximum cost of \$ _____;

Work shall begin on May 12, 2017, and shall be completed within forty five (45) calendar days. The date of completion of all work is therefore June 26, 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 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 ENGINEERS, INC.

By: _____ Date: _____
Its: _____

CITY OF PANAMA CITY BEACH, FL.

ATTEST:

By: _____ Date: _____
City Manager

City Clerk

REGULAR

1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Building and Planning Department/Mel Leonard

2. MEETING DATE:

May 11, 2017

3. REQUESTED MOTION/ACTION:

It is requested that the City Council consider the request by SSSPCB Hospitality to use height incentives to gain an additional six and a half feet (6'- 6") for the construction of a Springhill Suites Hotel at 12513 Front Beach Road.

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 Planning Board considered this request at their April 10, 2017 meeting and recommended approval of the request (7-0). The applicant has proposed 5 height incentives to gain the additional 6'-6" of building height: (1) a recognizable top; (2) a recognizable base; (3) an increase in a side setback; (4) covered parking; and, (5) use of Florida Friendly plants. The total amount of increased height available with these incentives is 35 feet, however, the applicants only wish to utilize 6 1/2 feet.

The City Council may grant the height increases upon finding that the public benefit outweighs the benefits of strict compliance with the regulations. The Planning Board has indicated they will discuss possible changes to the list of incentives at their next meeting and soon thereafter have something for the Council to consider.

It is recommended the City Council approve the request for an additional 6'-6" in building height for the Springhill Suites Hotel.

**PLANNING BOARD OF THE
CITY OF PANAMA CITY BEACH**

IN RE: HEIGHT INCENTIVES REQUEST to increase the allowable height in the FBO-4 district from 150' to 156'-6", for Parcel ID 34091-000-000.

Submitted by: SSPCB Hospitality.

ORDER

THE PLANNING BOARD 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 April 10, 2017 to review height incentives to increase the allowable height in the FBO-4 district hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Planning Department Staff delivered information to the Planning Board supporting the request.
2. The Planning Board listened to the applicant's request and recommended approval of all of the applicant's requests to increase the allowable height from 150 feet to 156'-6", with a 7-0 decision.

CONCLUSIONS OF LAW

3. Pursuant to Sections 4.02.02(E), 8.03.03(E) and Table 7.02.03.H of the City's Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and make a recommendation to the City Council on whether the request should be granted by adoption of ordinance.
4. The Height Incentive Request is consistent with the City's Comprehensive Plan.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject Height Incentive Request is hereby recommended for **APPROVAL** and accordingly, the associated Ordinance should be **ADOPTED**.

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 21st day of April, 20[17].



Felicia Cook, Vice Chair

ATTEST:



CHARLES SILKY, SENIOR PLANNER

DATA AND ANALYSIS

- I. APPLICANT: SSPCB Hospitality**
- II. PROJECT LOCATION:** The site is located on the south side of Front Beach Rd. west of the intersection of Lyndell Ln. and Front Beach Rd. (see attached map).
- III. REQUEST:** This request is a Height Incentive Request from 150' to 156'-6" as addressed in the Land Development Code Table 4.02.02.B.
- IV. REASON FOR REQUEST:** The applicant is requesting the change to allow for the development of a 156'-6" tall condominium where a 150' is allowed under the Front Beach Overlay zone 4 "FBO4".
- V. PLAN AMENDMENT / REZONING:** A small-scale plan amendment is not required nor a Rezoning for this request.
- VI. EVALUATION:**

HEIGHT INCENTIVE:

The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. Height Incentives are not a matter of right, they may be allowed at the sole discretion of the City Council.

The purposes of the incentives are:

- (a) To promote the public health, safety and welfare;
- (b) To achieve additional light, air and human scale in Development;
- (c) To improve the attractiveness of Development for residents, tourists and investors; and
- (d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

The applicant may be granted as many of the height incentives established in Table 4.02.02.B as are eligible for the property, provided that the maximum height for a building after accounting for all incentives shall not exceed the maximum height in Table 4.02.02.A or Table 7.02.03.A as applicable. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in 4.02.02.A and section 7.02.03H.

Incentives Proposed by applicant:

The applicant has proposed 5 design modifications totaling 35' feet in height incentives to achieve the additional 6'-6" in requested height. Each is addressed below:

- **Applicant's proposal:** Skyline feature, a recognizable top to increase height by 5' to achieve a benefit of architectural amenities.

Staff analysis: The proposal meets the minimum conditions; Skyline features a recognizable "top".

- **Applicant's proposal:** A recognizable base consisting of multiple colors, spacing and materials to increase the height by 5' and to achieve a benefit of architectural amenities.

Staff analysis: The proposal meets the minimum conditions of a recognizable base.

- **Applicant's proposal:** Side setback increase of 20' in width to create view windows with a permanent prohibition on all buildings in this setback area to increase the height by 10'.

Staff analysis: The proposal meets the minimum conditions of an additional 20' setback on the eastern side of the proposed structure.

- **Applicant's proposal:** Place a minimum of 50% of the parking spaces under cover to increase height by 10 feet.

Staff analysis: The proposal meets the 50% undercover but not the installation of a vegetative roof, green roof or solar reflective roof.

- **Applicant's proposal:** Use 50% Florida Friendly Plants to increase height by 5' and to achieve a benefit of green development.

Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building, 50% or more Florida Friendly Plants.

CONCLUSION: After evaluating all of the factors associated with this request, staff does not object to the increase of 6'-6" in height.

Table 4.02.02.B: Height Incentives

Area of Applicability	Benefit	Minimum Conditions for Bonus	Height Bonus
Any District Eligible for Height Incentives	Cross Access Easement	Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.	5 feet
Any District Eligible for Height Incentives	Civil Support Space	Dedication of space for any of the following uses: <i>Cultural Center, Temporary Child Care Facility or Licensed Facility</i> . The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building	10 feet

Any District Eligible for Height Incentives	Green Development	Reduce impervious surface by 25% of the maximum amount permissible	10 feet
		Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.	5 feet
		Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hardscape materials with a SRI of at least 29; or, place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.	10 feet
		Water conservation measures outside the building that includes:	
		50% or more Florida Friendly Plants	5 feet
		90% or more Florida Friendly Plants	10 feet
		Irrigation from non-potable water	10 feet
		Water conservation that exceeds state standards:	
By 20 percent or more	5 feet		
By 40 percent or more	10 feet		
High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus.			
• 10 acres or less of high quality wetlands:	10 feet 20 feet		
• Greater than 10 acres of high quality wetlands:			

Any District Eligible for Height Incentives	Architectural Amenities	Lighting – architectural lighting highlighting building columns, <i>Cornices</i> or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)	5 feet
		Skyline features – A recognizable "top" consisting of (but not limited to): (a) <i>Cornice</i> treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored "stripes" are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.	Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply
		Landscaping - Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a <i>Scenic Corridor</i> . A façade with a northern exposure is ineligible for vertical landscaping.	5 feet
Any District Eligible for Height Incentives excluding Front Beach Overlay Districts		Building Design Standards - Compliance with section Error! Reference source not found.(1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.	10 feet
Front Beach Overlay Districts	Outdoor Civic Spaces	Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.	5 feet
Front Beach Overlay Districts	Covered Sidewalks	Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.	5 feet

Front Beach Overlay Districts	Architectural Amenities	A recognizable "base" at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.	5 feet
		Entryways - Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.	5 feet
		Enhanced sidewalks – upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.	5 feet
FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive	View Windows	<p><i>For Parcels</i> on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district,</p> <ul style="list-style-type: none"> • Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or • Permanent ground level opening in the <i>Building</i> measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below <i>Street</i> level and the top being at least ten (10) feet above <i>Street</i> level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the <i>Street</i> elevation and ten (10) feet above <i>Street</i> elevation. 	10 feet
	View Window Aligned With <i>Street</i>	Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf Boulevard, Nautilus Street, Argonaut Street, Lantana Street, Clara Avenue,	20 feet

Lyndell Lane, Alf Coleman Road, Jackson Boulevard, and Churchwell Drive		
Front Beach Overlay Districts	Public Beach Amenities	
	Public Restroom	Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.
		Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive. 10 feet per rest room
		Rest rooms provided on the north side of Front Beach Road or South Thomas Drive. 5 feet per rest room
	Public Parking Spaces	Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found..
		Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive 10 feet for every 10 spaces provided plus 1 foot for every space for every space over 10 spaces
		Parking spaces provided on the north side of Front Beach Road or South Thomas Drive 5 feet for every 10 spaces provided
	Beach Access	Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City

		Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive	2 feet for every 1 foot of width, with a 8 ft. minimum width
		Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a <i>Residential</i> subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.	1 foot for every 2 feet of width, with a 8 ft. minimum width
Front Beach Overlay Districts	Transit Facility Provision	Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.	5 feet

(Ord. # 1248, 12-13-12; Ord. #1254, 11/14/13)

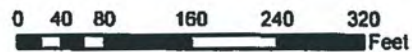


Legend

- Major Road
- Minor Road

**Front Beach Overlay
Overlay Districts**

- FBO-1
- FBO-2
- FBO-3
- FBO-4
- Pier Park Overlay



Prepared by The
City of Panama City Beach
Planning Department



CITY OF PANAMA CITY BEACH
 Building and Planning Department
 116 S. Arnold Road, Panama City Beach, FL 32413

SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS - LDC Section 10.02.01

Property Owner(s)

Name: SSPCB Hospitality, LLC

Property Address: 12513 Front Beach Road

City: Panama City Beach State: FL Telephone: 850-281-3866 Fax: N/A

Email: rich@innisfreehotels.com

Property Owner(s) Signature: [Signature] Michael Nixon

Name of Acting Agent: Richard Chism, Director of Development

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Please provide a survey obtained no more than two (2) years prior to the filing of the application containing legal description, land area and existing improvements located on the site. Written documentation the property owner has or will comply with all applicable notice requirements.

Payment Fee: \$900.00 Date Collected: _____

The procedure for review of application is found in Sections 10.02.00 and 10.17.00 of the LDC.

Basic Submittal Requirements - LDC Section 10.02.02

Plan or Plat Preparer

Name: Choctaw Engineering Inc.

Address: 112 Truxton Ave Email Address: msiner@choctaweng.com

City: Fort Walton Beach State: FL Telephone: 850-862-6611 Fax: 850-863-8059

Date of Preparation: _____ Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) See attached Deed

A vicinity map showing the location of the property and the Future Land Use Map designation for the property.

Zoning designation for the property: Commercial High Intensity FBO-4

Additional plans, documents, and reports as deemed necessary by the City Manager. Information required for the specific type of application, as specified in sections 10.02.03 through 10.02.07 as applicable. All site plans and plats shall be drawn to a scale approved by the City Manager.

SPRINGHILL SUITES

12513 FRONT BEACH RD.
PANAMA CITY BEACH, BAY CO., FL.

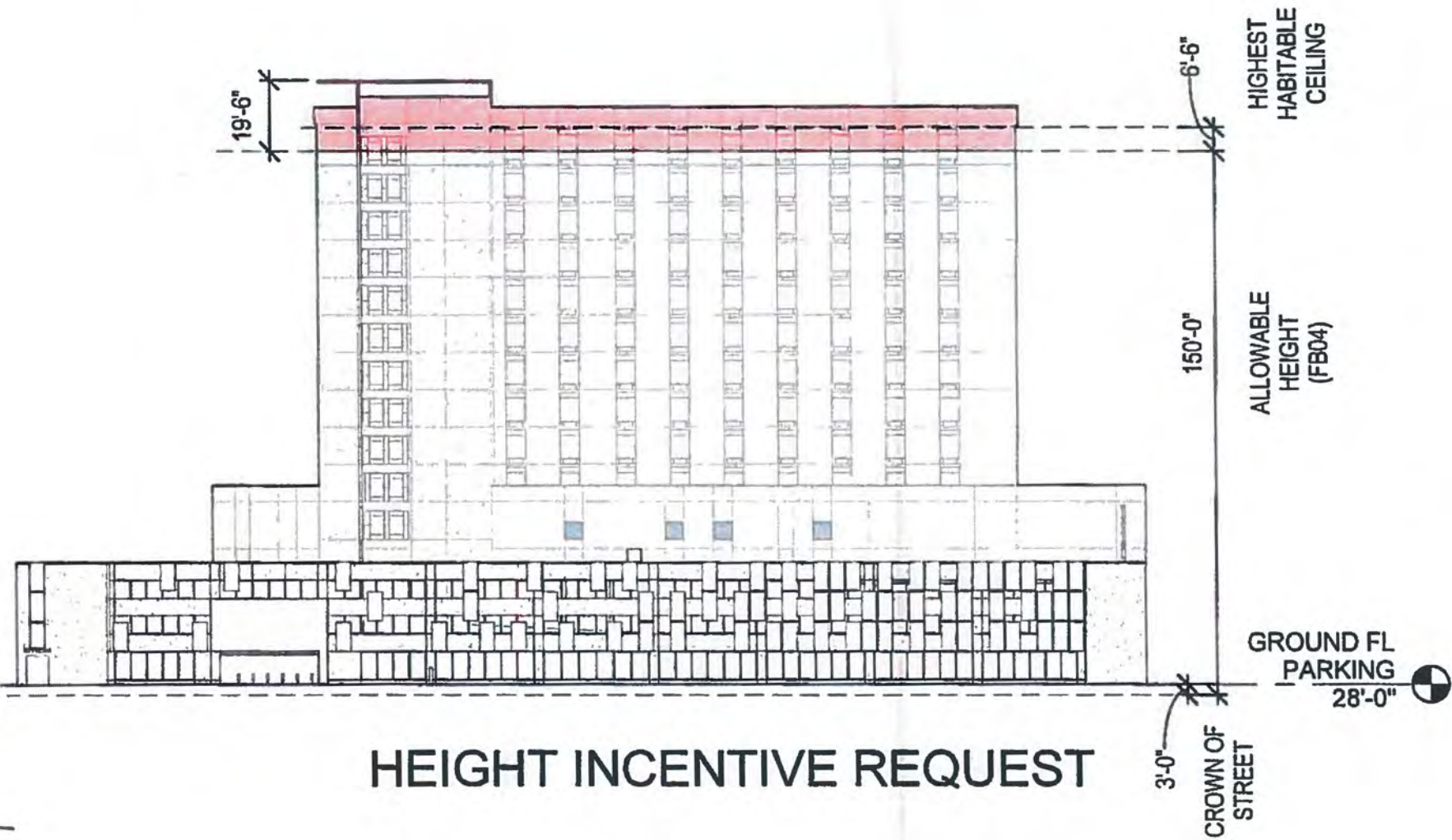


AGENDA ITEM #

1

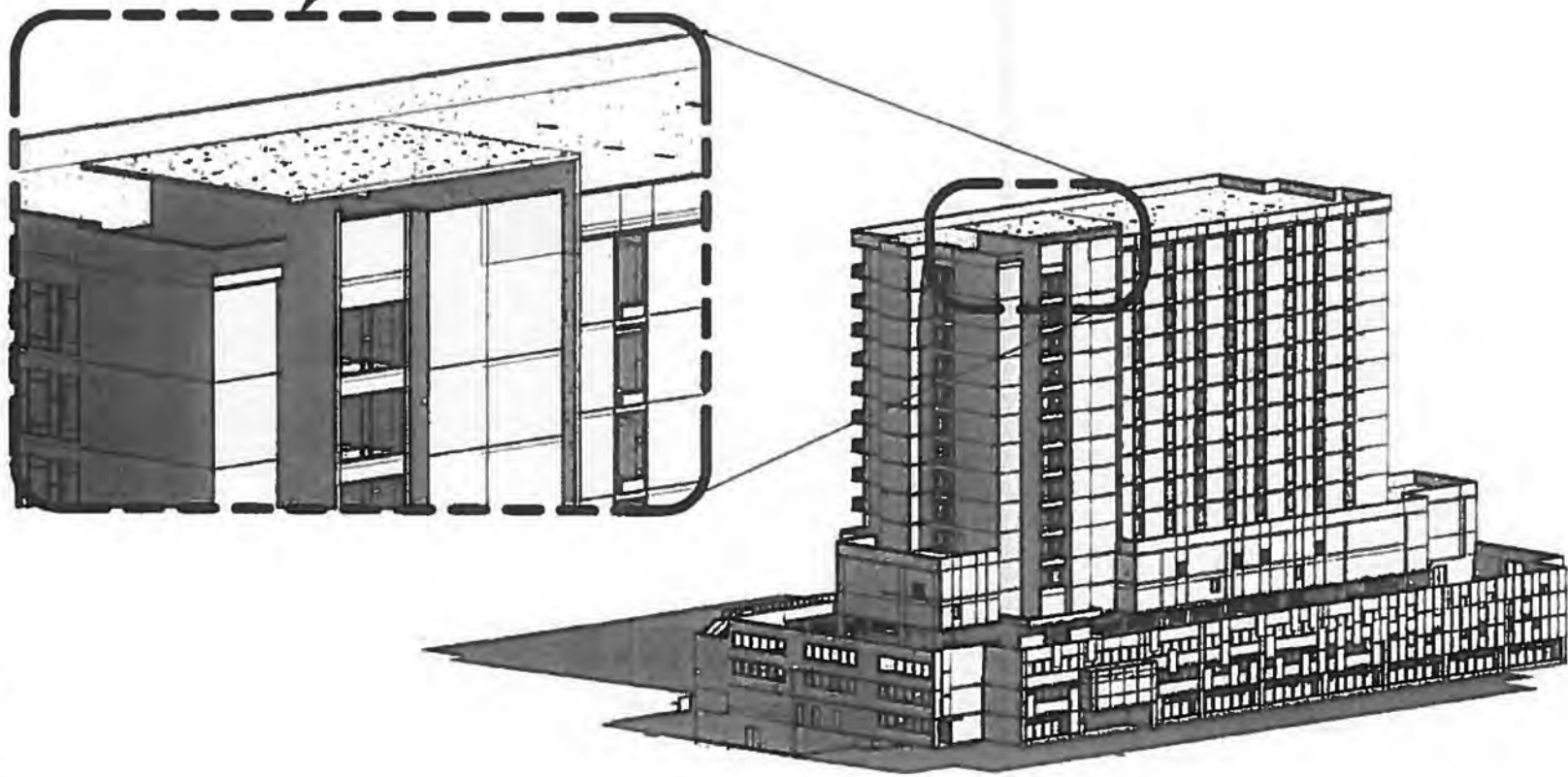
AGENDA ITEM # _____

1



HEIGHT INCENTIVE REQUEST

DECORATIVE TOP



#1 HEIGHT INCENTIVE
INCREASE VALUE = 5'-0"

AGENDA ITEM # 1

RECOGNIZABLE BASE



AGENDA ITEM #

1

**#2 HEIGHT INCENTIVE
INCREASE VALUE = 5'-0"**

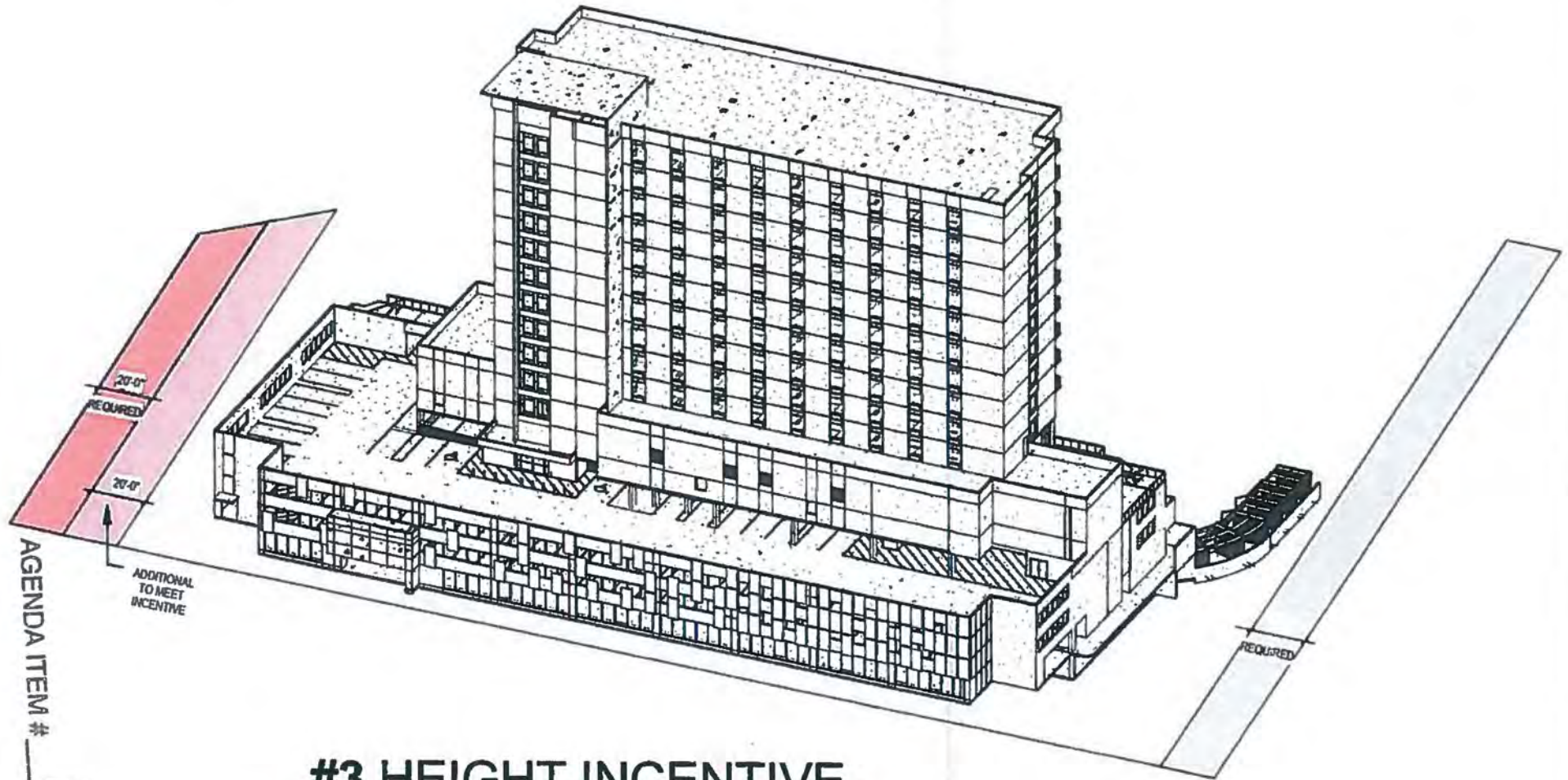
GROUND FL
PARKING
28'-0" 

DISPLAY WINDOWS
(BLUE)

METAL SCREENS
(ORANGE)

STOREFRONT FRAME
WITH NO GLASS AT 2ND
& 3RD FLOORS

SIDE SETBACK INCREASE OF AT LEAST 20'-0"

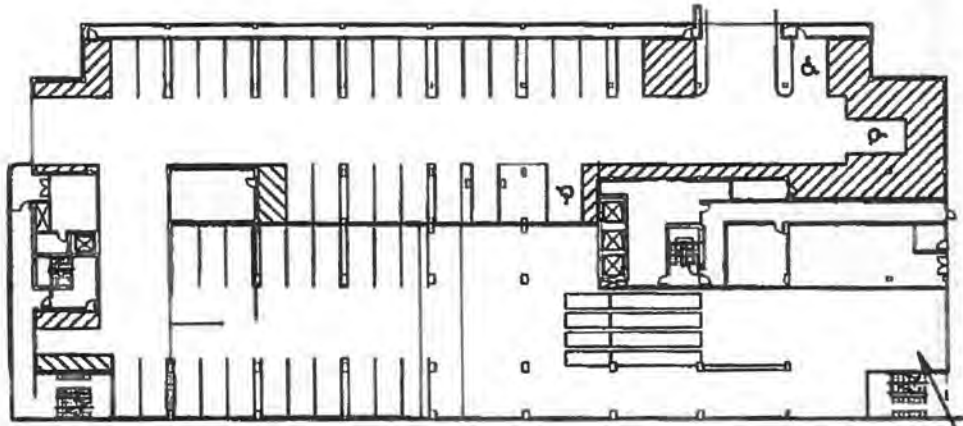


AGENDA ITEM #

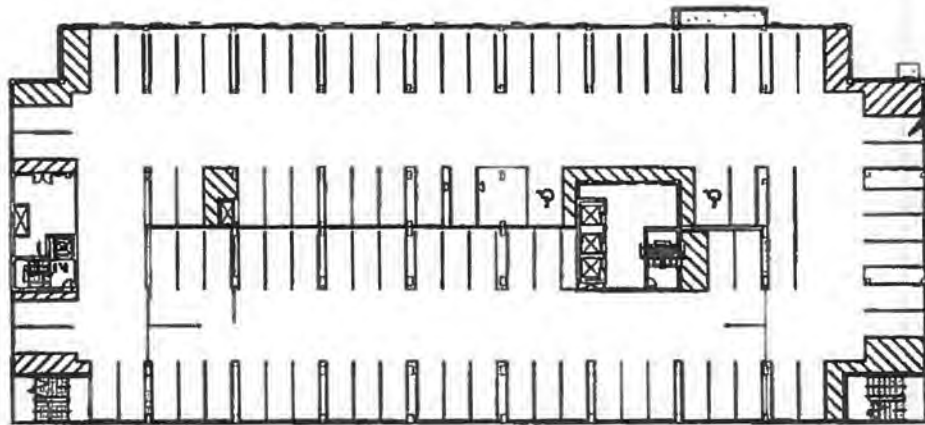
1

#3 HEIGHT INCENTIVE INCREASE VALUE = 10'-0"

GROUND FLOOR GARAGE



SECOND FLOOR GARAGE

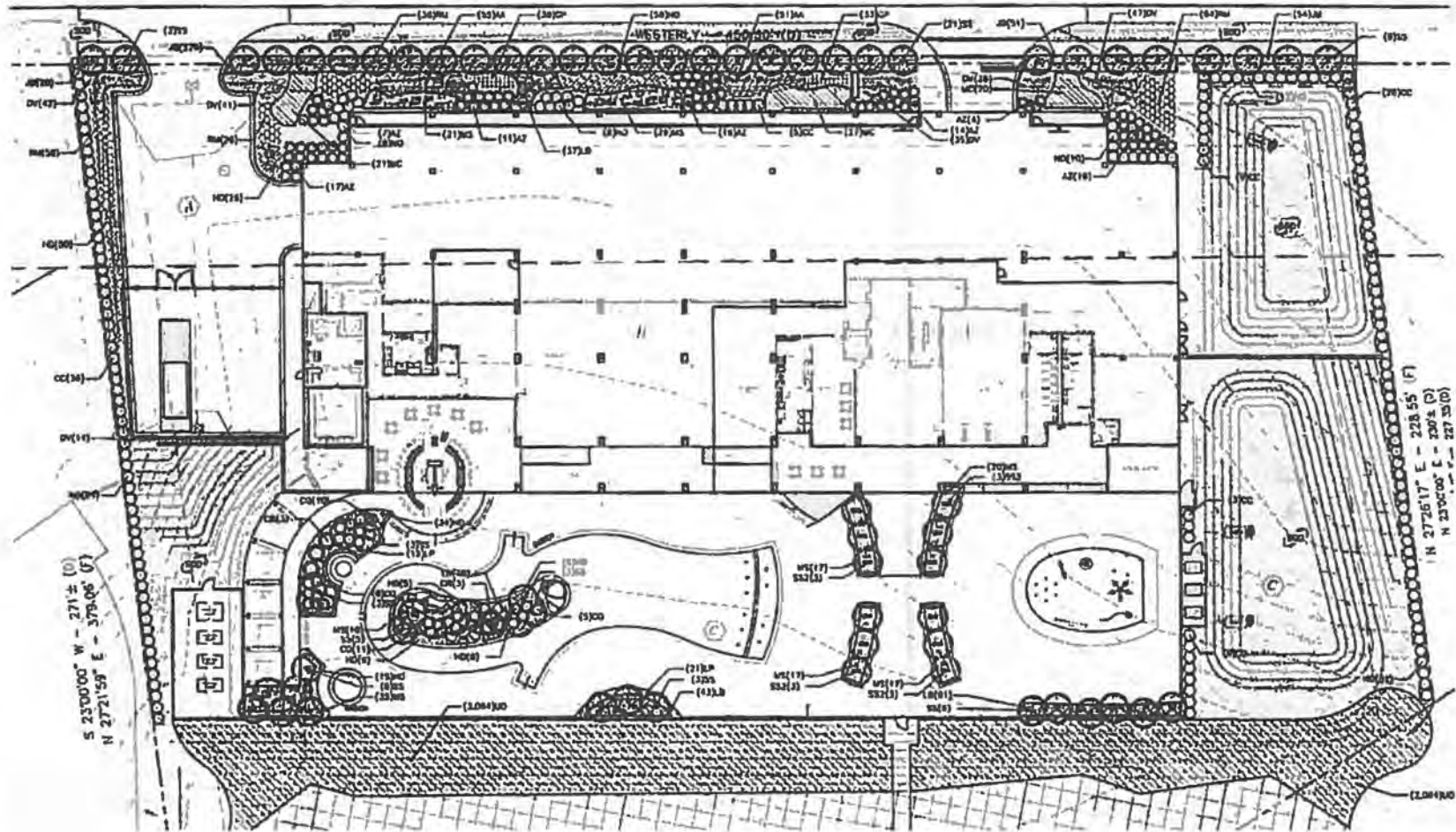


BOTH GROUND FLOOR AND SECOND FLOOR GARAGE LEVELS ARE FULLY COVERED. GREATER THAN 50% ARE UNDER COVER

AGENDA ITEM # 1

**#4 HEIGHT INCENTIVE
INCREASE VALUE = 10'-0"**

50% FLORIDA FRIENDLY PLANTS



AGENDA ITEM #

1

**#5 HEIGHT INCENTIVE
INCREASE VALUE = 5'-0"**

REQUEST: 6'-6"

AVAILABLE INCENTIVES:

#1 - 5'-0"

#2 - 5'-0"

#3 - 10'-0"

#4 - 10'-0"

#5 - 5'-0"

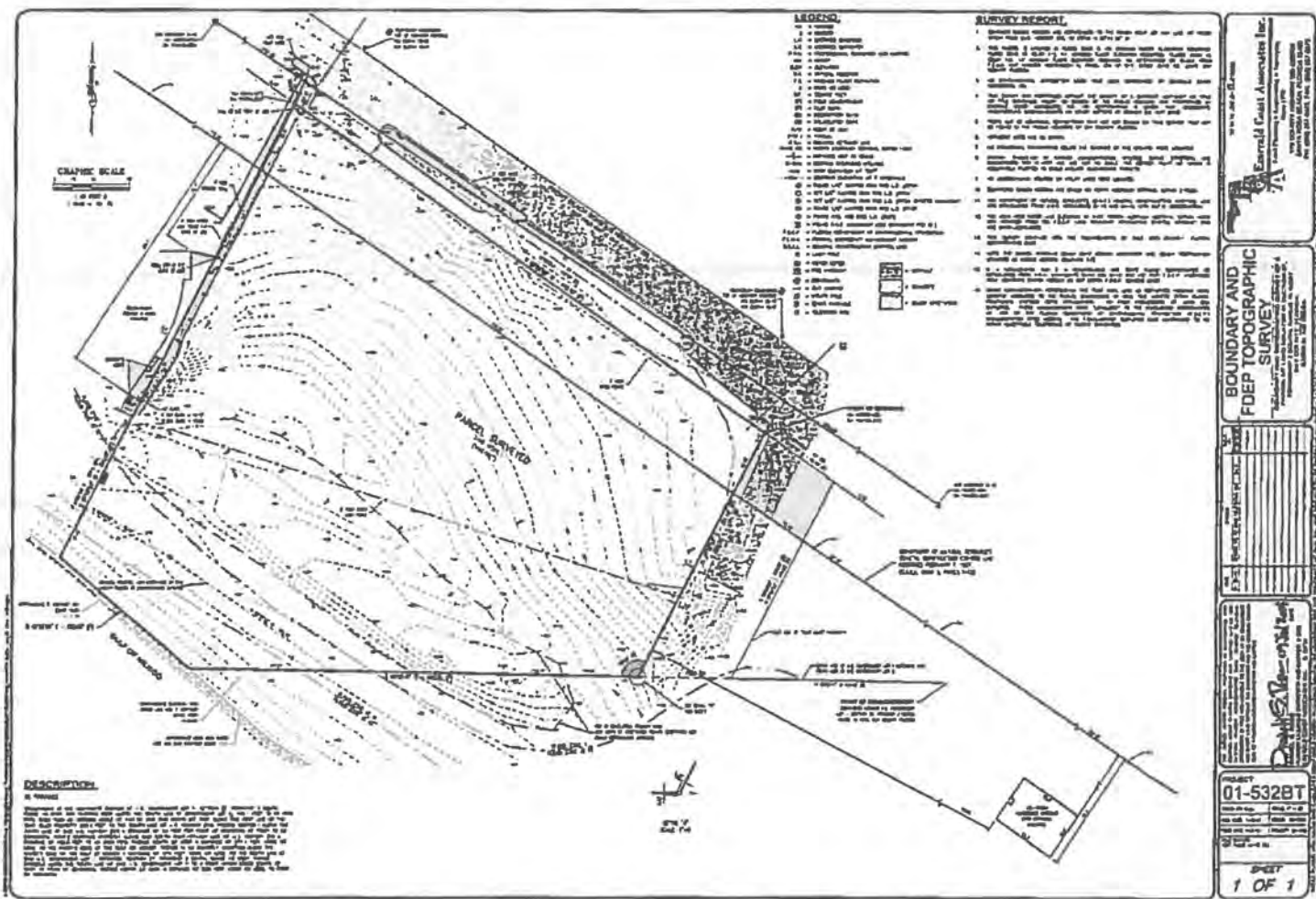
35'-0" TOTAL

-6'-6"

28'-6" ADDITIONAL INCENTIVE HEIGHT

AGENDA ITEM #

1



AGENDA ITEM # 1

SSPCB Hospitality, LLC
c/o Innisfree Hotels
113 Bay Bridge Drive
Gulf Breeze, FL 32561 850-281-3866



March 16, 2017

Planning Department
City of Panama City Beach
110 S. Arnold Road
Panama City Beach, FL 32413

Subject: Appointment of Agent

To Whom it may concern:

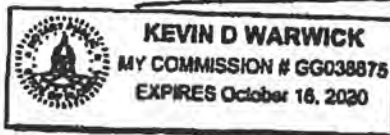
Please be advised that SSPCB Hospitality appoints Richard A. Chism, Director of Development, Innisfree Hotels, Inc to be the agent for the application for a height incentives for the planned development in Panama City Beach, FL.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Nixon".

SSPCB Hospitality, LLC
By Innisfree Hotels, Inc.
Its Manager
By Michael Nixon
Its President

*Subscribed and sworn before me this 16th Day of March, 2017
by Michael Nixon
Notary Public, State of Florida
Kevin D. Warwick*



AGENDA ITEM # 1

**CITY OF PANAMA CITY BEACH
PUBLIC NOTICE OF HEIGHT INCENTIVE REQUEST**

The City of Panama City Beach Planning Board will consider the following request:

APPLICANT(S): SSPCB Hospitality LLC

ADDRESS/LOCATION: 12513 Front Beach Road
Panama City Beach, FL

The Height Incentive is being requested because, the building design requires 6.5 feet of additional height to achieve the desired architectural experience on the building facade and in the lobby area. The developer is proposing multiple design features that qualify for the height incentive program for consideration.

MEETING INFORMATION:

Date: April 10, 2017

Time: 2:00 PM Central

Place: City Council Meeting Room, 110 S. Arnold Road, Panama City Beach

The applicant for this variance/appeal request is required by the City of Panama City Beach to send you this letter because, the tax rolls show you own property, in whole or in part, within Three hundred (300) feet of the subject property.

Any questions you may have regarding this request please contact someone at the City of Panama City Beach Building and Planning Department at 850-233-5054, ext. 2313.

AGENDA ITEM # 1

REGULAR

2



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

PLANNING/ADMIN

2. MEETING DATE:

MAY 11, 2017

3. REQUESTED MOTION/ACTION:

CONSIDER FIRST READING OF ORDINANCE PERMITTING MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONAL USE IN CH ZONES OUTSIDE THE FBO DISTRICT

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)

Council has directed staff to prepare an ordinance permitting medical marijuana dispensaries in the City, but outside the Front Beach Road Overlay District. The matter was discussed by the Planning Board on April 10, who after lengthy discussion recommended approval of regulations permitting cannabis dispensaries as a conditional use in CH districts outside of the FBO district, and further recommended the number of facilities established in the City be limited to 3.

The Council may accept the ordinance as presented, reject the ordinance, or modify the ordinance. If Council votes to move the ordinance forward as presented or as modified, a second public hearing will be held on May 25.

ORDINANCE NO. 1413

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT CODE REGARDING THE REGULATION OF CANNABIS DISPENSARY FACILITIES; PROVIDING THAT CANNABIS DISPENSARY FACILITIES SHALL BE GENERALLY PERMITTED IN CH DISTRICTS SUBJECT TO CONDITIONAL USE APPROVAL; ESTABLISHING LOCATION, LICENSURE AND DESIGN CRITERIA FOR CONDITIONAL USE APPROVAL; LIMITING THE NUMBER OF FACILITIES WHICH SHALL BE ESTABLISHED IN THE CITY; EXPRESSLY PROHIBITING SUCH FACILITIES IN THE FRONT BEACH ROAD OVERLAY DISTRICT; AMENDING DEFINITIONS; ESTABLISHING AN APPLICATION PROCESS FOR PERSONS DESIRING TO OPERATE A DISPENSARY IN THE CITY; REPEALING THE TEMPORARY MORATORIUM AND ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Panama City Beach, Florida, (the "city"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, in 2014 the Florida Legislature enacted the Compassionate Medical Cannabis Act, codified at Section 381.986, Florida Statutes (the "Compassionate Use Act"), which legalized the cultivation, processing, and dispensing of "Low-THC Cannabis," as defined by Section 381.986(1)(e), Florida Statutes, by a licensed dispensing organization for "Qualified Patients," as defined by Section 381.986(1)(h); and

WHEREAS, in 2016 the Florida Legislature amended the Right to Try Act, codified at Section 499.0295, Florida Statutes, which amended the Compassionate Use Act and legalized the cultivation, production, and dispensing of "Medical Cannabis," as defined by Section 381.986(1)(f), Florida Statutes, and derivative products by a licensed dispensing organization to "Eligible Patients," as defined by Section 499.0295, Florida Statutes; and

WHEREAS, cannabis businesses licensed pursuant to the law have begun

Ordinance 1413

Page 1 of 14

AGENDA ITEM #

2

cultivating cannabis for processing and dispensing; and

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state regulated cannabis operations in the 2012 "Cole Memorandum," and;

WHEREAS, in November of last year, Florida voters decided to amend the Florida Constitution to legalize the cultivation, production, and dispensing of medical cannabis for a broader population of eligible patients; and

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of cannabis products are rapidly changing – raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the current State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance; and

WHEREAS, based on a white paper prepared by the Marijuana Policy Group regarding License allocations in Florida, suggesting the market demands for medicinal marijuana require one dispensary per 50,000 people, the City's population of approximately 14,000 is unlikely to support more than one cannabis dispensary. However, the City finds that limiting the number of dispensaries in the City to one is inconsistent with voter intent to make medicinal marijuana readily obtainable, and that the absence of a cap is equally inconsistent with the promotion of the City as a family-friendly vacation destination; and

WHEREAS, on April 4, 2017, the Board of County Commissioners for Bay County adopted Ord. 17-11 regulating medical marijuana dispensaries, which ordinance did not place a cap on the number of facilities which may be permitted in unincorporated Bay County, which may result in additional dispensary facilities on the "island" that visitors wholly associate with the City of Panama City Beach; and

WHEREAS, the City finds that initially capping the number of dispensaries which may be permitted in the City to 3 reasonably balances the needs of the market against the desires of the community; and

WHEREAS, the City has carefully regulated Off-Premises Signs due to their unique considerations; and

WHEREAS, the City is a family oriented tourism destination, the City puts great

efforts into protecting and enhancing that image, and tourism is the City's primary industry; and

WHEREAS, while Florida voters have spoken regarding the benefits of medical marijuana, the City finds that the establishment of an unlimited number of medical marijuana dispensaries, together with off-premises signs commercially marketing marijuana could be detrimental to the City's local economy and inconsistent with the values of the citizens of the City; and

WHEREAS, at least one high court has recently determined that advertising restrictions on medical marijuana, despite the legality of medical marijuana under state law, are analyzed under the test for commercial speech and are not subject to strict scrutiny under the current standards for free speech analysis [*Montana Cannabis Indus. Ass'n v. State*, 368 P.3d 1131, 1148–50, reh'g denied (Apr. 25, 2016), cert. denied, 136 S. Ct. 2523, 195 L. Ed. 2d 844 (2016)]; and

WHEREAS, that court determined that advertising restrictions on medical marijuana do not violate the protection afforded to commercial speech, reasoning that “because federal law governs the analysis of this issue, we conclude that an activity that is not permitted by federal law—even if permitted by state law—is not a “lawful activity” within the meaning of *Central Hudson's* first factor” and “[a]s such, the advertisement of marijuana is not speech that concerns lawful activity” and “[t]here is no First Amendment violation and our analysis under *Central Hudson* therefore ends here [*Id.*]; and

WHEREAS, the City wishes to prohibit Off-Premises Signs which advertise a Cannabis Dispensary Facility; and

WHEREAS, the Panama City Beach Planning Board reviewed the proposed amendment to the City's Land Development Code and recommended approval; and

WHEREAS, the City Council has conducted two properly noticed public hearings to consider the amendment pursuant to Section 166.041(3), Florida Statutes; and

WHEREAS, it is not the purpose or intent of this ordinance to restrict or deny access to cannabis as permitted by state law, but instead to enact reasonable restrictions intended to protect the public health, safety and welfare; and

WHEREAS, the City has determined it is in the public interest to adopt this Ordinance pursuant to the City's police powers, Section 381.986, Florida Statutes and the Florida Constitution, to protect the health, safety and welfare of the public.

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 2.02.01, Table 2.03.02 of the Land Development Code of the City of Panama City Beach related to Land Use Allowed in Zoning Districts, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

B. Land Uses

1. Legend:

- a. P = Permitted, subject to standards for the zoning district.
- b. A = **Accessory**, subject to standards for **Accessory Uses** in section 5.02.00.
- c. C = Conditional, subject to additional standards for the **Use** and additional review and approval procedures. (see section 0 et seq)
- d. S = Supplemental, subject to standards for the zoning district and additional standards for the specific **Use**. The numbers indicate the section of this **LDC** that contains the supplemental standards. (see section 5.04.00 et seq)
- e. **Uses** that are not listed or found to be substantially similar to listed **Uses** are

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	MI	C	R	PF
Adult Uses												S 5.04. 01				
...																
<u>Cannabis Dispensary Facilities</u>												<u>C</u> <u>5.06.</u> <u>07</u>				
Clinics and Medical Offices										P	P	P	P		A	
Public Health Facilities												P	P			P
Retail Sales and Services (not otherwise specified)	S 5.04. 27									S 5.04. 27	S 5.04. 27	S 5.04. 27	A			

prohibited. All listed **Uses** are prohibited in those districts where no indicator ("P", "A", "C", "S") is provided.

Table 2.03.02: Land Uses in Base Zoning Districts

(Ord. #1335, 2/26/15; Ord. #1351, 11/12/15; Ord. #1369, 12/10/15)

SECTION 2. From and after the effective date of this ordinance, Section 5.06.07 of

the Land Development Code of the City of Panama City Beach related to Conditional Uses, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

5.06.00 CONDITIONAL USES

5.06.01 Generally

Specific **Uses** are identified in Table 2.03.02, as allowable subject to conditional **Use** approval because they have a greater potential detriment than other **Uses**. Conditional **Uses** are not of right; these **Uses** must comply with the standards applicable to the zoning district as well as the standards contained in this section and the specific standards contained in the following sections, as applicable. Because conditional **Uses** may intrude on the right to enjoy adjacent properties, the Planning Board, or City Council when reviewing Conditional **Uses** located on parcels involving more than three (3) acres, has the discretion to impose conditions it determines to be necessary to satisfy required approval findings. Where there is conflict between a standard applicable to the zoning district and the following conditional **Use** standards, the stricter standard shall be required. A conditional **Use** shall be permitted by the Planning Board, or City Council when reviewing Conditional **Uses** located on parcels involving more than three (3) acres, provided that the Board or Council finds that, in light of any conditions imposed:

- A. The proposed **Use** is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- B. The proposed **Use** will not have an adverse effect on existing traffic patterns.
- C. The proposed **Use** will not impair an adequate supply of light and air to adjacent properties.
- D. The proposed **Use** will not materially increase congestion in the public **Streets** in the surrounding area.
- E. The proposed **Use** conforms to all applicable **Setback, Building Height, Lot** coverage and all other applicable regulations of the zoning district in which the **Use** is to be located.
- F. **Off-Street** parking and all other General Provisions of the Zoning Ordinance are met.
- G. The proposed **Use** will not impair the established values of the property in the surrounding area.
- H. The hours of **Use** will not be offensive to adjacent property owners, taking into consideration other surrounding **Uses**.
- I. There is adequate shielding to protect adjacent property owners from noise, lights and other obnoxious elements and activities, taking into consideration other surrounding **Uses**.
- J. The existing or proposed improvements and facilities are adequate for the **Use** intended.
- K. There will be no adverse effect on water, sewage and drainage in the surrounding area.
- L. The proposed **Use** satisfies any applicable, specific criteria stipulated for such **Use** as described below.

Ordinance 1413
Page 5 of 14

After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a conditional Use for violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

(Ord. # 1271, 4-25-13)

5.06.07 Reserved. Cannabis Dispensary Facilities.

A. Location.

1. Facilities may be allowed in a CH district subject to conditional use approval. Facilities shall not be permitted on Front Beach Road, South Thomas Drive or Thomas Drive, or in an Front Beach Overlay District.
2. The facility shall be located no closer than 500 feet from any Residential zoning district, school, church, State-licensed child care facility, public park or other cannabis dispensary facility. The distance shall be measured from the property boundary of the facility to the property boundary of the residentially zoned parcel, school, church, State-licensed care facility, public park or other dispensary facility. A facility shall not be forced to relocate if it meets the requirements of this paragraph and a Residential zoning district, school, church, State licensed child-care facility, public park or other dispensary facility is subsequently established within 500 feet of the existing cannabis facility.
3. The number of facilities established within the corporate limits of the City shall not exceed three (3).

B. Design Standards.

1. The facility shall be limited to no more than 2,000 square feet of gross floor area.
2. No facility shall be have a drive-through or drive-in service window, aisle or similar component. All retail operations related to the dispensing of cannabis shall occur inside the facility.

C. Licensure.

1. Evidence of licensure by the State of Florida, Department of Health, Office of Compassionate Use (or any successor agency of the State of Florida) for the applicant to operate a cannabis dispensary facility pursuant to the Compassionate Use Act or any other applicable law.
2. Valid Certificate of Operator Approval issued pursuant to this ordinance.

SECTION 3. From and after the effective date of this ordinance, Section 5.07.06 of

the Land Development Code of the City of Panama City Beach related to City of Panama City Beach Sign Code, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

5.07.06 Off-Premises Sign Standards

The following **Off-Premises Signs** may be **Erected** and displayed in **Business District** s pursuant to a **Permit**:

...

- 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**.
- J. **Off-site Signs may not be erected or displayed in the City which advertise a Cannabis Dispensary Facility.**

SECTION 4. From and after the effective date of this ordinance, Section 7.02.03 of the Land Development Code of the City of Panama City Beach related to the Front Beach Road Overlay District, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

7.02.03 Front Beach Road Overlay Districts

D. Authorized Land Uses

Authorized **Land Uses** within the FBO-1, FBO-2, FBO-3 and FBO-4 districts shall conform with the permitted, **Accessory** or conditional **Uses** allowed by the underlying zoning district except as provided in this section.

- 1. The following **Uses** shall only be permitted via a **Conditional Use** approval in conformance with section 10.02.14 of this **LDC**.
 - (a) **Drive-in or Drive-Through Facilities** may be authorized subject to the conditions established in section 5.06.14.

- (b) Outdoor display and outdoor operations may be authorized subject to the conditions established in section 5.06.15.
2. The following **Uses** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive, regardless of the zoning district designation and **Land Use** assignment:
 - (a) Repair shops (light repair, small equipment repair);
 - (b) Repair shops (large equipment, appliances);
 - (c) **Service Stations**;
 - (d) **Vehicle** sales, rental or service; and
 - (e) **Zoos**.
 3. Pursuant to the Comprehensive Plan-Future Land Use Element, the following **Uses** shall not be located within the Coastal High Hazard Overlay District:
 - (a) Hospitals;
 - (b) **Nursing Homes** or convalescent homes;
 - (c) Institutional facilities and **Licensed Facilities** housing persons with limited mobility; and
 - (d) Permanent **Dwelling Units** in excess of local emergency management capacity.
 4. **The following Uses are not allowed along Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive or elsewhere within the FBO-1, FBO-2, FBO-3 and FBO-4 districts:**
 - (a) **Cannabis Dispensary Facilities.**

SECTION 5. From and after the effective date of this ordinance, Section 1.07.02 of the Land Development Code of the City of Panama City Beach related to Definitions, is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

1.07.02 Definitions

As used in the **LDC**, the following terms shall have the meanings assigned to them. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

Cannabis Dispensary Facility. Any facility operated by a Dispensing Organization that engages in the retail dispensing of cannabis to qualified individuals pursuant to Florida law, but does not engage in any other activity related to the preparation, wholesale storage, cultivation or processing of any form of marijuana or marijuana product. For purposes of this definition, a Dispensing Organization shall mean an entity approved by the State of Florida to dispense cannabis pursuant to Section 381.986, Florida Statutes.

SECTION 6. Certificate of Operator Authority.

- a. Generally. Any persons desiring to operate a Cannabis Dispensary within the City shall apply for a Certificate of Authority within [60] days of the effective date of this Ordinance. Any Certificate of Approval issued by the City under this Ordinance shall expire three years after the date of its issuance. In the event a Certificate of Authorization is revoked, or is not renewed, it shall be noticed on the City's website as available and be subject to a new application process as set forth herein.
- b. Application. An applicant for a new Certificate of Approval, or an operator seeking to change the ownership of an existing Certificate of Approval, pursuant to the Compassionate Use Act, any other applicable state law, and the provisions of this Ordinance, shall submit an application to the City Manager. The Applicant shall include the following in its application to the City:
 1. If the applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Florida Secretary of State, as applicable. If the applicant is an individual, government issued identification including name, address and photograph of the individual;

2. Evidence of the State of Florida, Department of Health, Office of Compassionate Use's (or any successor agency of the State of Florida's) approval of the Operator to operate a Cannabis Dispensing Business pursuant to the Compassionate Use Act or any other relevant law;
 3. All documentation necessary to demonstrate compliance with the requirements identified in this Ordinance, including evidence that the Applicant continues to meet all requirements of section 381.986(5)(b)(1), Florida Statutes.
 4. All documentation the applicant wishes to have considered for scoring purposes, including documentation demonstrating the Applicant meets the criteria detailed below.
- c. Review of Applications. A committee appointed by the City Manager score and review each application pursuant to the criteria, and 100 point scale, detailed below. Committee members and applicants may discuss their application at any time during the application process. Each application will be independently scored by committee members.

1. **Previous retail dispensing experience in a regulated market in any state: 20 points**

- A. Number of different retail dispensaries operated.
- B. Total square footage of retail dispensaries operated.
- C. Number of years of operating retail dispensaries.
- D. Number of retail dispensary employees managed.
- E. Gross sales of Cannabis and Cannabis Derivative Products.

- F. Number of different Cannabis strains and Derivative Products sold.
 - G. Retail dispensing licenses held in different states.
 - H. Previous infractions resulting in the revocation of any Cannabis license.
 - I. Experience with maintaining chain of custody and tracking mechanisms.
2. **Quality of Derivative Product offerings: 20 points**
- A. Length of time Derivative Products you intend to dispense have been available in regulated markets.
 - B. Gross sales number of units of these Derivative Products previously sold in regulated markets.
 - C. Gross revenue derived from previous sales of these Derivative Products in regulated markets.
3. **Technical Ability: 10 points**
- A. Review of standard operating procedures, operating manuals, policies, training modules, and procedures.
 - B. Training process.
 - C. Online ordering system.
 - D. Procedures for expediting ordering and / or providing for medically disadvantaged.
 - E. Operational ERP (Enterprise Resource Planning) System.
 - F. Retail delivery system.
 - G. Point-of-sale systems and solutions.
4. **Qualifications of Security Team: 15 points**
- A. Years of security experience with Cannabis dispensaries in a regulated Cannabis market.
 - B. Integration of security procedures and training into your vertically integrated operations.
 - C. All owners, Investors, and managers have successfully passed a Level 2 background check and have not been convicted of any felonies involving fraud, false representation, or distribution of Cannabis.
5. **Qualifications of Medical Director: 25 points**
- A. Experience with epileptic patients;
 - B. Experience with cancer patients;
 - C. Experience with patients with severe seizures or muscle spasms;
 - D. Experience with terminal patients;

- E. Knowledge of the use of medical Cannabis for treatment of cancer or physical medical conditions that chronically produce symptoms of seizures or severe and persistent muscle spasms;
- F. Knowledge of good manufacturing practices;
- G. Knowledge of analytical and organic chemistry;
- H. Knowledge of analytical laboratory methods;
- I. Knowledge of analytical laboratory quality control, including maintaining a chain of custody;
- J. Knowledge of, and experience with, medical Cannabis CBD/low-THC extraction techniques;
- K. Knowledge of medical Cannabis, including CBD/low-THC routes of administration;
- L. Experience in or knowledge of clinical trials or observational studies;
- M. Knowledge of, and experience with, producing CBD/low-THC products;
- N. Experience with or knowledge of botanical medicines;
- O. Experience with dispensing medications.

6. **Awards: 10 points**

- A. Any awards, recognitions, or certifications received for expertise in Cannabis related businesses.

Prior to scoring applications the committee shall review applications for compliance with this Ordinance, the Compassionate Use Act, or any other applicable law, and shall reject any application which does not meet such requirement. Rejected applications shall not be scored. The committee shall also disqualify any application that contains any false or misleading information.

The scores awarded by the members of the committee for each applicant shall be submitted to the City Manager, who will total and average the score for each Applicant. The applicants shall then be ranked from highest to lowest based on the average scores awarded, with Certificates of Approval issued to the highest scoring applicant, and proceeding to the next highest scored applicant until all Certificates of Approval authorized

pursuant to this Ordinance have been awarded. In the event of a tie in the rankings, the City Manager shall break the tie by the casting of lots.

- d. Challenges to the City's award decision shall be subject to the Administrative Appeal process set forth in section 10.16.00 of the City's Land Development Code.
- e. A Certificate of Approval is not transferrable.

SECTION 7. Ordinance 1399 establishing a temporary moratorium on the dispensing of cannabis and the establishment or expansion of medical marijuana dispensing facilities is hereby repealed. All other ordinances or parts of ordinances in conflict herewith are also repealed to the extent of such conflict.

SECTION 8. 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 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 9. 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 _____, 20__.

MAYOR

ATTEST:

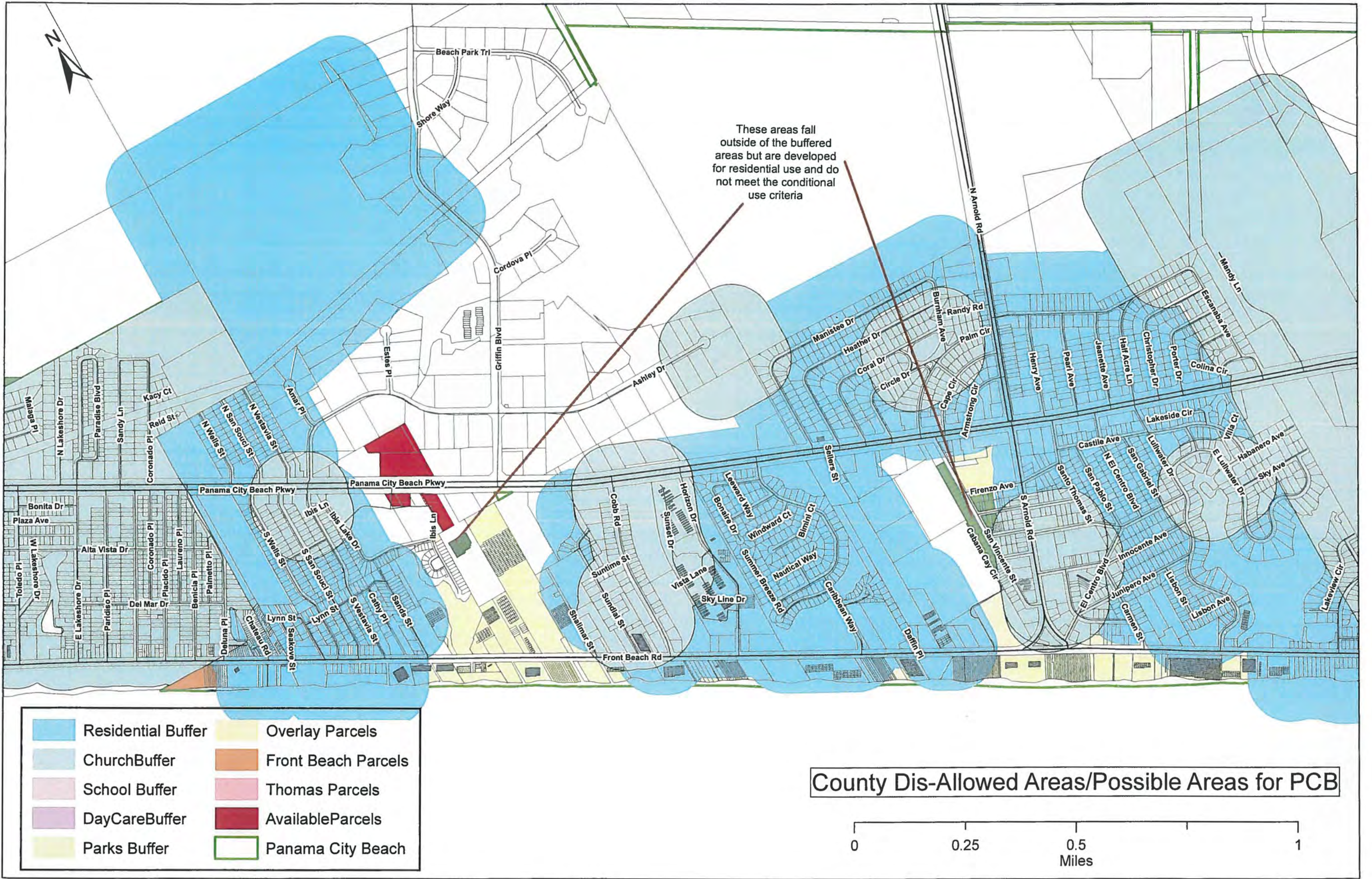
CITY CLERK

EXAMINED AND APPROVED by me this _____ day of _____, 20-
_____.

MAYOR

Published in the _____ on the _____ day of _____, 2017.

Posted on pcbgov.com on the _____ day of _____, 2017.

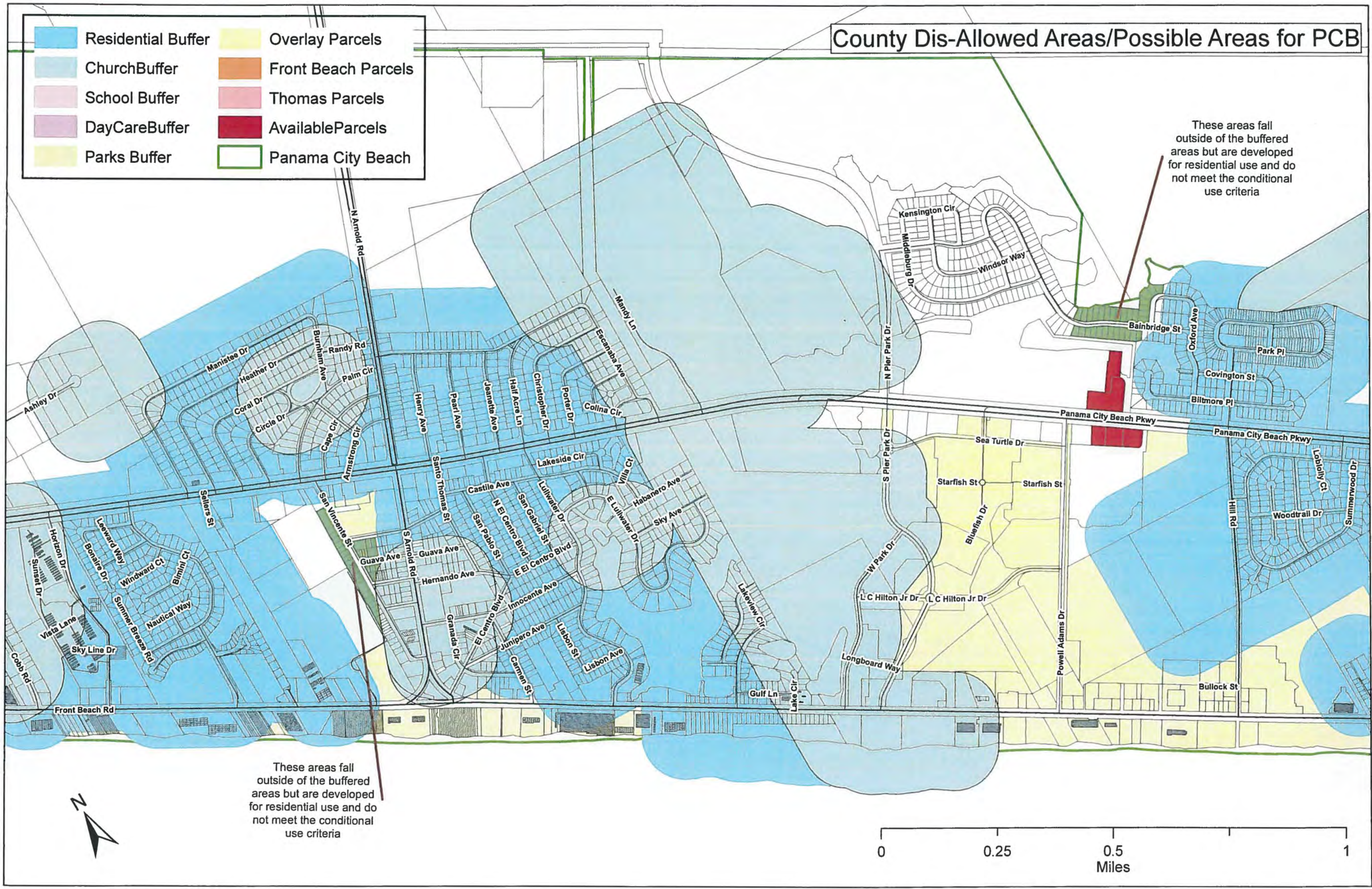
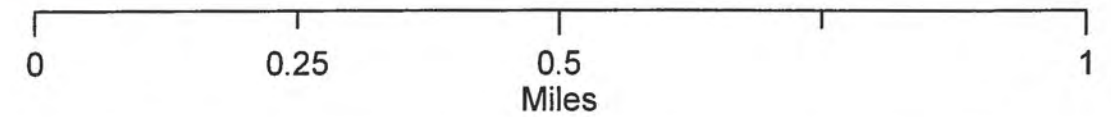


County Dis-Allowed Areas/Possible Areas for PCB

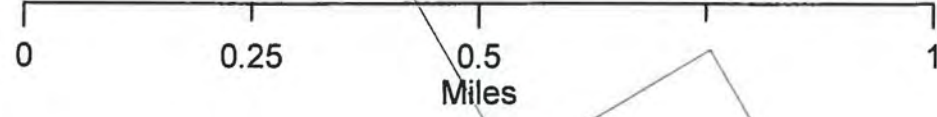
- Residential Buffer
- Overlay Parcels
- Church Buffer
- Front Beach Parcels
- School Buffer
- Thomas Parcels
- DayCare Buffer
- Available Parcels
- Parks Buffer
- Panama City Beach

These areas fall outside of the buffered areas but are developed for residential use and do not meet the conditional use criteria

These areas fall outside of the buffered areas but are developed for residential use and do not meet the conditional use criteria



County Dis-Allowed Areas/Possible Areas for PCB

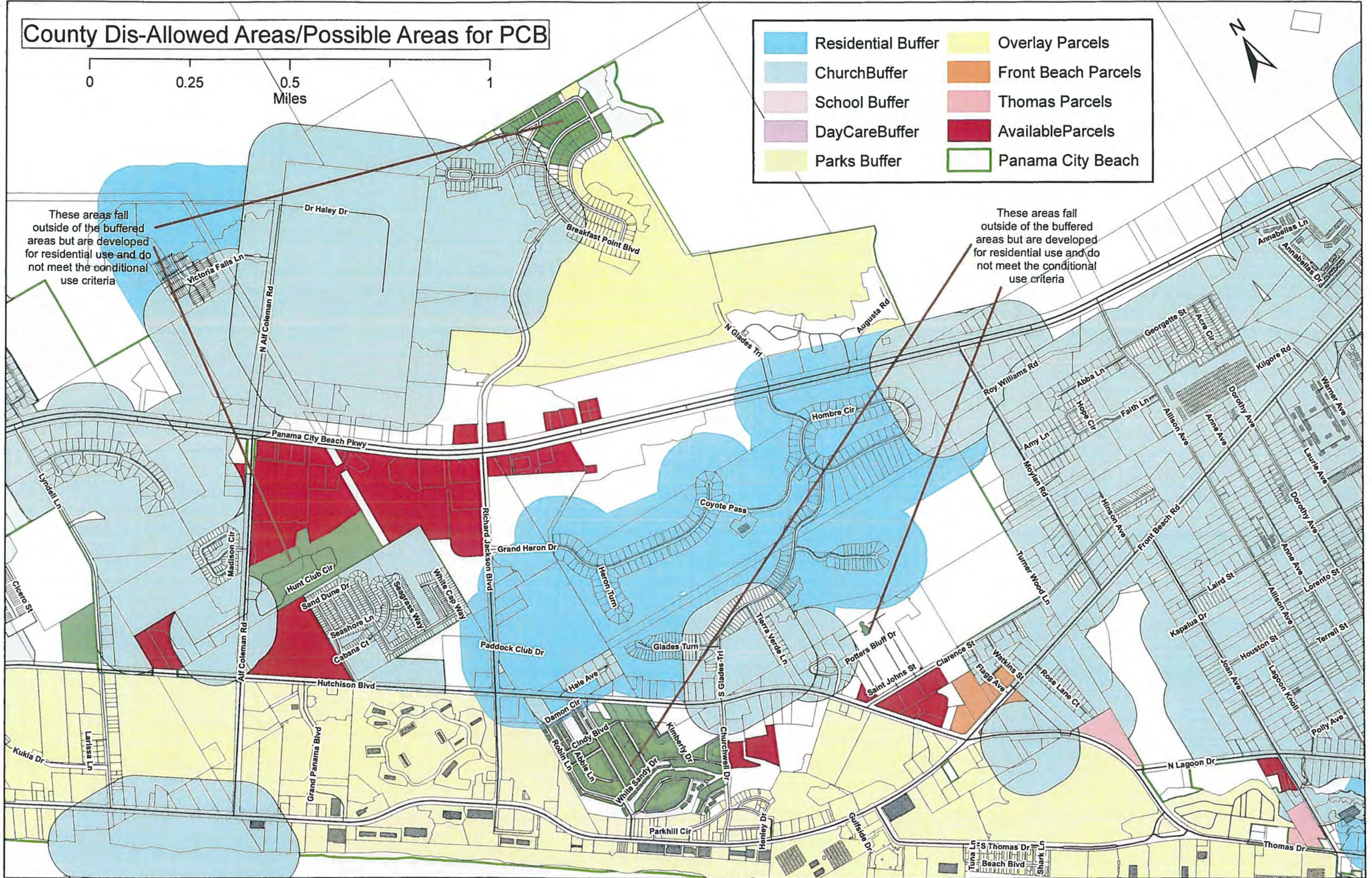


	Residential Buffer		Overlay Parcels
	Church Buffer		Front Beach Parcels
	School Buffer		Thomas Parcels
	DayCare Buffer		Available Parcels
	Parks Buffer		Panama City Beach



These areas fall outside of the buffered areas but are developed for residential use and do not meet the conditional use criteria

These areas fall outside of the buffered areas but are developed for residential use and do not meet the conditional use criteria



REGULAR

3



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
LEGAL

2. MEETING DATE:
MAY 11, 2017

3. REQUESTED MOTION/ACTION:
CONSIDER FIRST READING OF ORDINANCE 1415 PROHIBITING THE OVERNIGHT RENTAL OF MOTOR SCOOTERS YEAR-ROUND.

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)
This Ordinance amends section 22-101 of the Code of Ordinances to prohibit overnight rental of motor scooters. The Ordinance prohibits a person from making a scooter available for rent overnight between 5pm and 7am. The Ordinance also prohibits operation of a rented scooter between 5pm and 7am. Violation of this Ordinance are punishable by civil penalty.

Staff recommends approval. If Council approves, a second reading and public hearing will take place on May 25, 2017.

ORDINANCE 1415

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCE RELATED TO MOTOR SCOOTERS; PROHIBITING THE OVERNIGHT RENTAL OF MOTOR SCOOTERS YEAR-ROUND; PROVIDING THAT OPERATION AFTER 5PM SHALL BE DEEMED A VIOLATION PUNISHABLE BY CIVIL PENALTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City Council has received numerous complaints regarding the operation of scooters over the years, which since the enactment of Ordinance 1351-L prohibiting overnight rentals in March, have increased demonstrably since April 1; and

WHEREAS, the City Police Chief has reported an increase in calls from private owners asking to trespass scooters from their property, and complaints from business owners regarding the movement of scooters through their properties in that same timeframe; and

WHEREAS, the City Council has observed the "recreational" use of scooters operating on sidewalks, weaving in and out of traffic, and the numerous traffic stops undertaken by law enforcement to address and curb such use which is in violation of state and local laws; and

WHEREAS, the City Police Chief has been informed that numerous City businesses no longer allow scooters to enter their property due to the lack of insurance coverage, history of property damage and other risks presented by rental scooter drivers; and

WHEREAS, the City Police Chief has stated scooter rentals at night present the biggest nuisance and impediment to his department's protection of the visitors and residents of this City; and

WHEREAS, during the period of March 1 through April 13, the City Police Department conducted 3,162 traffic stops while also attempting to protect the public and investigate other crimes committed in the City; and

WHEREAS, during the first 13 days of April, 2017, the City Police Department received 19 citizen complaints, and rental scooters after 5:00 p.m. were involved in 81 traffic stops and 18 motor vehicle accidents which resulted in 104 traffic citations; and

WHEREAS, City Police Officers receive numerous requests to remove rental scooters from private property or are forced to arrange for the towing of vehicles following

Ordinance 1415
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traffic citations or motor vehicle accidents. During the first 13 days of April, 2017, seven City Police Officers spent over an hour waiting on rental scooters to be towed which drains the City's resources and ability to protect the safety of the public; and

WHEREAS, the City Police Chief has observed that the March prohibition on overnight scooter rentals has been the most effective ordinance recently passed to curb threats to health, safety, and welfare during Spring Break; and

WHEREAS, the Council has received testimony from the Chief indicating that scooter operation is most in tension with local traffic around and after 5pm when families get in their cars to go to dinner; and

WHEREAS, the Council finds that the operation of rented motor scooters is particularly dangerous at night during the peak tourist season because of the congestion and proclivities of the visitors and the extraordinary demands placed upon law enforcement prevent adequate policing of scooter operation at night, in addition to the typical fact that visitors who rent scooters and are unfamiliar with the area, and often are not skilled scooter drivers so that they become more easily confused and distracted in nighttime traffic with reduced visibility and the glare of artificial lights; and

WHEREAS, in addition, the cover of darkness coupled with the nighttime market for illegal substances and the ability of a limited number of skilled scooter drivers to nimbly maneuver scooters in traffic to evade law enforcement, combined, create an environment that is contrary to the City's goal of being a safe, drug-free and family-oriented tourist destination; and

WHEREAS, in light of these findings, the Council determines that the rental of motor scooters at night during peak tourist season should be prohibited in order to protect the health, safety and welfare of all citizens and visitors in the City after dark; and

WHEREAS, the City Council finds that the prohibition of scooters during the month of March was an effective measure to enable law enforcement to focus on other matters; and

WHEREAS, the Council finds and determines that an immediate prohibition on the operation of scooters after 5pm will enable the police department to focus on other law enforcement matters; and protect the health, safety and welfare of the City's residents and guests.

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 2-16 of the Code of Ordinances of the City of Panama City Beach, related to Council Meetings is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 22-101. - Overnight rentals and operation of rented motor scooters at night prohibited during college spring break.

~~As used here, college spring break means the period commencing March 1 at 12:01 a.m. and ending March 31 at 11:59 p.m. each year, unless that period is extended by resolution of the City Council adopted on or before the immediately preceding January 31st as authorized here.~~

(1) No person who makes a scooter available for rent shall make a scooter available for rent overnight, or rent a scooter overnight or between **5pm and 7am** ~~sunset and sunrise~~ each day, ~~during college spring break.~~

(2) **The operation of a** Any rented scooter **which is lawfully registered with the City pursuant to section 105** operated on the road at night (between **5pm and 7am** ~~one half hour after sunset and one half hour before sunrise as estimated by the times listed in any local publication or government website~~) during college spring break shall be **considered a violation of this section by the owner of the motor scooter, punishable pursuant to the schedule set forth in Section 22-105.6,** ~~confiscated and impounded by the City. Possession of the impounded scooter shall be surrendered to the owner of the scooter, or to his, her or its authorized representative, no sooner than the next business day and only after payment of an impound fee and storage fee in such amounts as may be established by resolution of the City Council from time to time based upon the charges negotiated by the city with private parties for those services.~~

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

4



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
LEGAL

2. MEETING DATE:
MAY 11, 2017

3. REQUESTED MOTION/ACTION:
CONSIDER FIRST READING OF ORDINANCE 1416 PROHIBITING THE USE OF LAND FOR MOTOR SCOOTER RENTALS AFTER SEPTEMBER 8, 2020.

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 April 13, 2017, the City Council moved to prohibit motor scooter rentals on property within the City in three years. This Ordinance amends the City's Land Development Code to prohibit motor scooter rental uses after September 8, 2020. The affected parties may continue the use of the property until that time in accordance with the existing Land Development Code to amortize its investment in the property. The Ordinance only allows registration of motor scooters purchased or contracted for on April 13, 2017. The Ordinance allows for an administrative petition, with certain procedural requirements, of the amortization period by an affected party by appealing to the City Manager, being heard before a Hearing Officer, and having a Hearing Officer's recommendation reviewed and ratified by the City Council.

Staff recommends approval. If Council approves, a second reading and public hearing will take place on May 25, 2017.

ORDINANCE 1416

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATING TO RENTED MOTOR SCOOTERS; AMENDING THE CITY'S LAND DEVELOPMENT CODE TO PROHIBIT THE USE OF LAND FOR MOTOR SCOOTER RENTALS AFTER SEPTEMBER 8, 2020, AND TO EXTINGUISH THE GRANDFATHERING OF MOTOR SCOOTER RENTALS AS NON-CONFORMING USES; PROVIDING A METHOD FOR AFFECTED PARTIES TO SEEK LIMITED RELIEF FROM THE USE PROHIBITION ESTABLISHED BY THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach is a tourist destination frequented by tens of thousands at a time; and

WHEREAS, while drawn to the City by the beach, visitors look for other forms of amusement off the beach as well; and

WHEREAS, several decades ago rental scooter businesses began operating in the City and provided an entertaining means of touring the City; and

WHEREAS, over the years the rental of scooters has proven itself to be a popular form of amusement, as demonstrated by the increasing number of motor scooters registered with the City over the years; and

WHEREAS, as the popularity of rental scooters increased the behavior of scooter operators became noticeably dangerous as traffic violations were more common among rental scooter than other vehicles. This problem was amplified by the lack of training, supervision, and oversight practiced by the rental scooter businesses; and

WHEREAS, as this popularity increased it became clear that this amusement attracted visitors who were, on average, inexperienced youthful drivers who enjoyed "playing in the road" as a group. This dangerous activity has become a staple of the rented scooter experience so much so that the City believes it is engrained in the City's reputation.

WHEREAS, irresponsible driving behavior by scooter renters has become so common that it frequently affects visitors and residents who are all-to-often forced to modify their own behavior or routes of travel to compensate for this irresponsible

Ordinance 1416

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behavior, or else fall victim to a motor vehicle accident involving a renter scooter; and

WHEREAS, because neither safety equipment nor insurance are required under state law for motor scooters, parties to a motor vehicle accident involving a motor scooter (especially a rented motor scooter) are at risk of greater damages than in a conventional motor vehicle accident as the scooter driver is entirely unprotected (physically and fiscally) from the effects of the collision and the other party is left without adequate compensation for the losses sustained; and

WHEREAS, the City's efforts to regulate rental scooter businesses to improve the behavior of the industry and its customers have been long and varied, and reflect the longstanding tension between the associated dangers observed by the City arising from the rental of scooter and the popularity of rented scooters with tourists, to wit:

- in 1993, the City adopted Ordinance 416, requiring rented scooters to be registered to regulate a variety of issues created by the industry; and
- in 1994, the City passed Ordinance 450-E to protect consumers by regulating the deposits charged for scooter rentals and requiring that safety equipment be available at no charge; and
- in 1995, the City passed Ordinance 450 in response to the increasing number of accidents, injuries, and property damage resulting from rented scooters. The findings of the City in Ordinance 450 are incorporated herein by reference; and
- In 1997, the City passed Ordinance 518 in reaction to an overwhelming number of visitor complaints of excessive security deposit claims for alleged damaged. The City, concerned over the damage to the its reputation as a tourist destination, placed limits on security deposits to curb further abuse and excessive claims; and
- In 2002, the City passed Ordinance 747 declaring motor scooter rentals a conditional use and placing additional conditions on motor scooter rental businesses to prevent disturbances of residential neighborhoods; and
- In 2013 the City passed Ordinances 1236 and 1267 which again attempted to address the constant stream of complaints over customer deposit abuses by the motor scooter rental industry. The City also passed Ordinance 1256 requiring inspections of rental scooters to protect against unsafe scooters being rented to unwitting customers. The findings of the City in Ordinance 1236 are incorporated herein by reference; and
- In 2014 the Council adopted several ordinances (1310, 1312 and 1315) to address the exploding number of scooter rentals and dangerous conditions that explosion presented to the visitors and residents¹.
- In 2015, finding that the number of rental scooters more than doubled in

¹ In 2015, City Police initiated 887 traffic stops involving motor scooters, issued 545 traffic citations to rental motor scooter operators, and investigated 124 motor vehicle accidents involving rental motor scooters.

Draft dated 5.8.17

between 2007 and 2015, the City adopted Ordinance 1337 which required rental scooter businesses carry liability insurance and that operators wear safety vests. The City's findings in Ordinance 1337 are incorporated herein; and

- In 2015, the City adopted Ordinance 1351-L, to address these long-standing issues by requiring a reduction in motor scooter inventory over three years and re-zoned motor scooter rental businesses as a non-conforming use under the City's Land Development Code. The City's findings at that time reflect the Council's desire to prevent phasing out motor scooter rental businesses entirely. The City's findings in Ordinance 1351-L are adopted herein by reference.

WHEREAS, the City noticed a dramatic reduction in dangerous driving by renters upon the enforcement of Ordinance 1337, but this reduction was short lived following a finding by the First District Court of Appeal that the City was preempted by state law from regulating such requirements; and

WHEREAS, the effect of the First DCA's Order is to substantially limit the City's ability to specifically address the problems presented by motor scooter rental businesses within the City limits; and

WHEREAS, although the present inventory of registered scooters rented in the City have been reduced to approximately 1000, the industry reports that during the period of April 1 through April 12, over 14,000 rentals occurred. This indicates that scooter rentals average over 1000 per day; and

WHEREAS, during that same period, Panama City Beach Police made 142 traffic stops involving scooter, issued 182 traffic citations, were involved in 18 motor vehicle accidents. For 2017 through May 3, 2017, rental motor scooters were involved in 606 traffic stops, issued 387 citations, and involved in 86 motor vehicle accidents; and

WHEREAS, the number of scooter rentals per day and the typical driving behavior of rental operators create an impracticable strain upon City resources and siphons those valuable resources from other important police work; and

WHEREAS, the City is only 8 miles long and 1 mile wide, and the streets have become dangerously congested with rented motor scooters which cannot be adequately policed; and

WHEREAS, the limits of the City's infrastructure capacity, resources to police dangerous behavior combined with the sheer volume of irresponsible drivers attracted to motor scooter rental businesses has materially impacted the tourist and resident experience alike; and

Ordinance 1416
Page 3 of 17

AGENDA ITEM # 7

Draft dated 5.8.17

WHEREAS, the City has attempted everything within its home rule authority to improve or remove the danger and nuisance posed by this industry without success. The City's unsuccessful attempts have left no legislative alternative within its authority; and

WHEREAS, despite the popularity of the rented two and three wheeled amusement, the Council finds that a prohibition is in the best interests of the City, is of great public need, and is the most reasonable measure left available to the Council to protect the health, safety and welfare of the community and the reputation of the City as a safe and comfortable tourist destination and the benefit to the public outweighs the loss to the affected parties; and

WHEREAS, City possesses home rule powers to legislate on any matter not inconsistent with general law or special law, and is specifically authorized to create and implement plan of zoning uses, and to amend the list of uses that are permitted or prohibited; and

WHEREAS, Florida has long recognized the power of municipalities to amortize nonconforming uses as a valid use of the City's police powers; and

WHEREAS, the City determined that the average rate for a full day scooter rate is \$50.00. The City has determined that the average cost of a new scooter for use in the industry is approximately \$1,200.00. Based upon this average rate, as supported by City staff's testimony, an average scooter would need to be rented for 25 full days for the full investment cost to be recouped; and

WHEREAS, based upon public comments by a longtime motor scooter rental business owner that the industry averages over 1,000 rentals per day, a three year period appears reasonable and wholly adequate for the industry to realize any investment not yet recouped in its motor scooter inventory and other related property; and

WHEREAS, on April 13, 2017, the Council preliminarily determined that the rental of motor scooters should be phased out in the City altogether over a three year period, in order that the businesses who rent scooters could achieve their investment expectations in the current inventory of scooters; and

WHEREAS, the Council has considered the time necessary to allow motor scooter rental businesses to recoup the unrealized investments in their current property and wishes to provide each affected party sufficient time to recoup those investments; and

WHEREAS, based upon the information available to it, the number of scooters registered with the City, the industry's testimony regarding the amount of scooter rentals per day and the average price of scooter rentals, the Council finds that an amortization period ending on September 8, 2020, will allow each business three tourist seasons in which it will be able to recoup those investments made prior to April 13, 2017; and

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Page 4 of 17

AGENDA ITEM # 4

Draft dated 5.8.17

WHEREAS, the Council finds a majority of the businesses currently renting motor scooters also make available for rent 4-wheeled, low speed street vehicles, such that a prohibition on the rental of two and three wheeled motor scooters would not be devastating over a three year period during which the businesses could phase out the inventory of the motor scooters while keeping their inventory of 4-wheeled, low speed street vehicles; and

WHEREAS, the prohibition of the rental of motor scooters does not eliminate any mode of transportation because the operation of owner operated motor scooters (not rented for short periods of time and essentially as an amusement) are not affected; and

WHEREAS, Council finds that a phase out over three years will allow a grace period during which persons who currently rent motor scooters may continue to do so; and

WHEREAS, recognizing that scooter rental businesses have a greater potential detriment than other uses, the City has long designated motor scooter rental businesses as a conditional use, and now finds that the irresponsible operation of motor scooters which is enabled by their rental in the City has an adverse effect on existing traffic patterns and materially increases congestion in the public streets, which will only be exacerbated if the use is not ultimately prohibited; and

WHEREAS, the City recognizes that each scooter business is unique in its investment, inventory, revenue, and other property invested in its business. To prevent any business from being unable to recoup its investment, the City has provided a fair and reasonable process by which the businesses may prove that it will be unable to recoup its investment by September 8, 2020; and

WHEREAS, the City petition process allows for either an extension of time for continued operation to prevent any taking of property without adequate opportunity to recover the unrealized investment in that property; and

WHEREAS, the City is authorized to establish and amend the actual list of permitted or prohibited uses within a zoning category, and finds it necessary and appropriate to prohibit scooter rentals; and

WHEREAS, the City Council finds and determines that prohibiting the rental of scooters within the City will eliminate the dangerous traffic conditions created by this use; and

WHEREAS, City Manager is authorized to prohibit or regulate the use of heavily travelled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic pursuant to Section 19-50(a) (13) of the City's Code of

Ordinance 1416
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AGENDA ITEM #

4

Draft dated 5.8.17

Ordinances and Section 316,008(1)(h), Florida Statutes (2015), which action is subject to review by the City Council.

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

SECTION 1. The forgoing recitals are correct and express the legislative intent of the people of the City of Panama City Beach. In summation, the City Council finds that the rental of motor scooters in the City creates a continuing nuisance, that repeated attempts to diminish the irresponsible operation of rented motor scooters have been either expressly overruled or practically overcome by the sheer volume of rented motor scooters operated in the City, that even a reduction in the number of rented motor scooters has not substantially diminished the risk to the public traveling on the city's streets, that by the rental companies' own admissions they cannot control what the operators of rented motor scooters do and the City has been unable to abate this nuisance within its home rule authority, and therefore intends to prohibit such rentals entirely after September 8, 2020, unless any current business is able to establish by a preponderance of the evidence that it will be unable to amortize its investment within that time in which case it may be granted relief under this Ordinance.

SECTION 2. From and after the effective date of this ordinance, Article VI, of Chapter 22 of the Code of Ordinances of the City of Panama City Beach, related to Vehicle Rentals is amended to read as follows (omitted text ~~stricken~~; new text underlined):

Chapter 22 TRAFFIC AND MOTOR VEHICLES

ARTICLE VI. VEHICLE RENTALS

Sec. 22-105. - Registration and inspection.

Ordinance 1416
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AGENDA ITEM # 4

Draft dated 5.8.17

(a) Each amusement vehicle rented, leased or hired within the City shall be inspected and registered annually with the Chief of Police at the offices of the Police Department at such times as shall be specified by the Chief. The annual application for registration of each vehicle shall include:

- (1) The name, residence and mailing address of the owner, and
- (2) The name, location and mailing address of the rental, etc. business, and
- (3) The location of the business where the amusement vehicle will be offered for rental, and
- (4) A description of each type of vehicle to be rented by the business, including make, model and manufacturer, engine displacement, maximum brake horsepower, maximum seat height from ground, and whether equipped with pedals to permit propulsion by human power, and
- (5) The approximate number of vehicles of each type to be rented by the business, subject to a continuing obligation to promptly advise the Chief of Police of any material change in such number, and
- (6) A description of each type of protective headgear and eye protective device to be used, including manufacturer, make model and serial number, if any, and the approximate number of each type, and
- (7) Evidence satisfactory to the City of any financial responsibility required by law.

(b) Each application shall be accompanied by a registration fee in the amount of fifty dollars (\$50), plus one dollar (\$1) for each decal or medallion furnished, to defray the cost of enforcing the regulations contained in this Article.

(c) Each registration shall expire on December 31 next following issuance, regardless of the date of issuance. However, any medallion issued for a low speed vehicle which is not timely renewed by December 31 for the following calendar year shall be void and of no further use or effect.

(d) Each vehicle to be rented pursuant to this Article shall be inspected by the Chief of Police or his designee to confirm that the vehicle meets all applicable local, state, and federal safety standards, including but not limited to, confirming that the throttle, brakes, lights, blinkers and horn are in apparent working order, that the vehicle has a current tag and does not appear to leak fuel.

(e) If all conditions in the application and inspection are met, the Chief of Police or his designee shall supply and place upon each vehicle to be rented a decal or medallion, or both, in form and content specified by the Chief of Police or his designee, to identify the vehicle as a rental vehicle associated with the business renting the vehicle.

(f) Within 30 days after the amusement vehicle registration period closes, the Chief of Police shall submit to the City Council the current inventory of each type of amusement vehicle registered for rental in the City and recommend whether further regulation is necessary.

(g) A motor scooter may not be registered with the City under this this section unless (1) the scooter was registered prior to April 13, 2017, or the owner of such motor scooter has provided prior to June 1, 2017, clear and convincing evidence of having entered a legally binding agreement to purchase the scooter and paid all or a portion of the purchase price of the scooter on or before April 13, 2017, and is unable to cancel the agreement and receive a return of the payment made, less a reasonable refund fee.

Sec. 22-105.2. Attrition of existing inventory of registered rental scooters.

Ordinance 1416
Page 7 of 17

AGENDA ITEM #

4

(1) No motor scooter registered with the city as a rental shall be rented when it becomes unsafe, unfit or illegal for further use without repair or modification.

(2) It shall be unlawful and punishable as provided by law for any person to rent, or instruct or permit another to rent, a motor scooter under circumstances that would indicate to a reasonable person that the rental will be in violation of subsection (1) of this section.

SECTION 3. After conducting multiple public hearings and having personal knowledge of the affected uses, in particular:

- (1) The cost of new motor scooters;
- (2) The historical record of the motor scooter businesses annually replacing their inventory with new scooters;
- (3) The residual value of used scooters annually sold by the local motor scooter rental businesses;
- (4) The history of motor scooter businesses operating at the capacity of their rental scooter inventory;
- (5) The average price of scooter rentals;
- (6) The ability for scooter to be rented multiple times per day;
- (7) The availability to continue to operate in the short-term vehicle rental marketplace;
- (8) The location of each use and the variety of alternative uses readily available at each location.

The City Council hereby finds and determines that a period commencing upon the announcement on April 13, 2017, of its intention to prohibit the rental of motor scooters and ending on September 8, 2020, exceeds and is a reasonable period to permit persons engaged in the business of motor scooter rentals to recover their investment.

From and after the effective date of this Ordinance, Motor Scooter Rental Uses may continue as non-conforming uses until September 8, 2020. The following sections of the City's Land Development Code are hereby amended as follows to prohibit the operation of existing scooter rental businesses as a non-conforming use after September 8, 2020 (omitted text ~~stricken~~; new text underlined; bold text not underlined is existing, current law):

1.07.02 Definitions

Amusement – A **Use, Building** or device intended or used primarily to entertain or amuse persons by means of physical or mechanical activity. Examples include, but not limited to, carnival type concessions; rides such as roller coasters, go-cart rides, giant slides, bumper cars, helicopter rides or acceleration and bungee rides; arcades with game machines; rentals of personal watercraft, sailboats, sailboards or water cycles; miniature golf courses; and parasail, kite or watershed rides. The term "**Amusement**" does not include rental of ~~mopeds, motor scooters or~~ motorcycles.

Motor Scooter or Scooter – a motorcycle or two or three or four wheeled vehicle powered by a motor with a displacement of fifty (50) cubic centimeters or less or is rated not in excess of two (2) brake horsepower and which is not capable of propelling such motorcycle at a speed greater than thirty (30) miles per hour on level ground, and shall include a moped as defined in FS 316.03(77) (2015), and any other two or three wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility (see FS Chapter 324 (2015)).
(Ord. #1351, 11/12/15)

Motor Scooter Rental or Scooter Rental – the provision, rental, or hire, or delivery of a **Motor Scooter** for any valuable consideration or the solicitation of that service or good.
(Ord. #1351, 11/12/15)

...

5.06.12 Motorcycle Rentals and Deliveries

Motorcycle rentals and delivery may be allowed in the CH zoning district subject to conditional use approval and compliance with the following conditions. These **Uses** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.

(Ord. #1254, 11/14/13; Ord. #1351, 11/12/15)

A. The **Use** must be located no greater than five hundred (500) feet from Front Beach Road, Thomas Drive or South Thomas Drive.

B. The **Use** must be located no closer than one thousand five hundred (1,500) feet to a **Single Family** zoning district (R-1A, R-1B, R-1C, R-1CT and R-0) or a limited **Multi-family** zoning district (R-TH and R-2).

C. On-site repair and maintenance activities are limited to equipment rented on site.

D. A minimum area of fifty (50) feet in width and eighty (80) feet in length shall be provided for training and practicing. Such area shall not be dedicated or used for any other purpose.

E. As part of the application, the applicant shall submit information and plans in sufficient detail to show the specific number of motorcycles to be associated with the property, as well as the specific location where the motorcycles will be displayed, rented and stored on the property. If approved, the applicant shall submit to the Building and Planning Department the identification number of each ~~moped, motor scooter and~~ motorcycle available for rent prior to commencement of business operations. Such total number of motorcycles shall not exceed that approved by the Planning Board.

(Ord. #1351, 11/12/15)

F. The area dedicated to repair and maintenance shall be enclosed with a **Solid Faced** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

G. One medium or large tree shall be required for every twenty (20) feet of side and rear property boundary. Any medium or large tree required by this section shall not be counted toward any landscaping otherwise required by this Code.

...

9.02.01 Continuation of Non-conforming Development

A. Subject to section 9.02.02, **Non-Conforming Development** may remain in **Use** and in place in its nonconforming state, if such **Development** is otherwise lawful and in existence on the date of enactment or subsequent amendment of this **LDC**. Notwithstanding the forgoing, **Motor Scooter Rental Uses** are subject to the limitations upon the number of **Scooters** at each location set forth in sub-section D of this Section.

B. Nothing in this chapter shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures. A non-conforming structure may be issued a roofing permit, regardless of the other provisions of this section.

C. Where an existing **Use** is located in conformity with this **LDC** (or similar, preceding law), the subsequent establishment of a neighboring **Use**, which due to distance limitations would make the pre-existing use non-conforming, shall not cause the prior **Use** to be in violation of this **LDC**. Such **Use** shall not become a non-conforming **Use** but shall continue as if a lawful, conforming **Use** except that the **Use** shall be brought into full compliance with the **Use** regulations in this **LDC** upon discontinuance of occupancy and/or **Use** of the **Development** for a period of more than 180 days in any 365 day period.

D. Any location with eighty (80) **Scooters** or fewer offered for rental consistently during the summer of 2015 shall be limited to offering a maximum of sixty (60) **Scooters**. Any other **Scooter** rental location shall be limited to the following maximum number of rental **Scooters**:

- Immediately: Seventy-five percent (75%) of the number of **Scooters** consistently offered for rent at that location during the summer of 2015.

- After September 5, 2016: Fifty percent (50%) of the number of **Scooters** consistently offered for rent at that location during the summer of 2015.
- After September 5, 2017: Sixty (60) **Scooters**.
- **Motor Scooter Rental Uses shall be discontinued after an amortization period of three years ending on September 8, 2020. If the Use is not discontinued within ten (10) days of the end of the amortization period, the owner shall be subject to a fine of not more than \$500.00 per day and be declared a public nuisance and abated under section 1.04.07(B) of this Land Development Code.**

The City shall prepare and issue for each *Non-Conforming Use Scooter Rental* location a number of medallions unique to that location and each Scooter available for rent at a *Non-Conforming Use* must have one of those medallions affixed to it. Excess medallions must be returned to the City on or before September 5, 2016, and September 5, 2017. Medallions may be used only at the location for which issued. **All Scooter medallions must be returned to the City on or before September 8, 2020.**

SECTION 4. PETITION FOR EXTRAORDINARY EXTENSION OF AMORTIZATION PERIOD FOR DISCONTINUATION OF MOTOR SCOOTER RENTALS. Any person whose legally protected economic interests are adversely affected by the discontinuance of motor scooter rental uses mandated by this law and who believes that the amortization period specified in section 9.02.01(D) of the City Land Development Code is inadequate to recover their investment shall be entitled to petition the City for an extraordinary extension of time as provided in this section. The petitioner may be represented by an attorney at law licensed to practice law in the state of Florida.

(a) Time of Petition - The petition must be filed with the City Clerk on or before the close of business on or before November 21, 2017.

(b) Contents of Petition – The petition must state:

1. Identification: The petitioner's name, mailing address, e-mail address, if any, and telephone number of the party making the request and the name, address, and telephone number of the party's counsel if the party is represented

by counsel;

2. Standing: A detailed description of the petitioner's legally protected interest adversely affected by the mandated discontinuance of motor scooter rentals;

3. Requested Extension: The length of the extraordinary extension demanded;

4. A statement of the specific facts and grounds for relief petitioner contends warrant the extraordinary extension demanded. The specific grounds for relief under this section, the specific relief sought including the exact amount of time requested;

5. All documents, including a list of all witnesses, or other evidence in support of the petition;

5. Any other matters petitioner deems relevant.

(c) Grounds for Extension: In considering whether to grant all or any portion of the extension demanded, the City shall examine:

1. Whether the petition is complete;
2. Whether the petitioner has standing;
3. Whether the petitioner has demonstrated by a preponderance of the evidence that one or more of the following circumstances unique to the petitioner materially exceeds the value determined by the City in establishing the 3-year amortization period;

Draft dated 5.8.17

- a. The amount of the petitioner's investment in the Motor Scooter Rental Use business through April 13, 2017;
- b. Whether unique circumstances exist which will prevent the petitioner from recouping the amount of such investment that has been or will have been unrealized at the conclusion of the three-year amortization period;
- c. The life expectancy the existing property associated with the non-conforming use;
- d. The diminished value, if any, of any real property owned by the petitioner as a result of the mandatory discontinuance of the existing enterprise on the property;
- e. The diminished value, if any, of a leasehold held by the petitioner as a result of the mandatory discontinuance of the existing enterprise on the property, as well as any contingency clauses therein permitting termination of such lease.

(d) Procedure: Within ten (10) days of receipt, the City Clerk shall forward a timely filed petition and supporting documents to the City Manager and a copy to the Clerk of the Court of Bay County to schedule an Administrative Hearing before a Hearing Officer appointed by the City pursuant to section 25-16 of the City's Code of Ordinances.

No later than ten (10) days before the scheduled hearing, the City Manager shall file and serve upon the petitioner a response to the petition together with copies of any documents and a witness list.

Ordinance 1416
Page 13 of 17

AGENDA ITEM # 4

Draft dated 5.8.17

The City Council hereby delegates to all Hearing Officers appointed and serving pursuant to section 25-16 of the City's Code of Ordinances the authority to determine all factual matters and conclusions of law contested between the petitioners and respondent.

The petitioner shall bear the burden of proof to prove entitlement to the extraordinary extension demanded by a preponderance of evidence.

At the hearing, evidence, including written or oral testimony and documentary evidence, of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any witness shall be subject to cross examination when testimony is taken or documents are made part of the record. No pleadings, motions, or other papers may be submitted nor any discovery conducted other than that allowed under this section shall be permitted. The petition and hearing may, except as otherwise provided in this section, be conducted in the manner provided by the Florida Rules of Civil Procedure. Each party shall be entitled to a brief opening and closing argument, unless waived. The petitioner shall give opening and closing argument first but will not be afforded a rebuttal to the City's closing argument.

(e) Recommended Order of Hearing Officer. Unless the time period is waived or extended with the consent of all parties, the Hearing Officer shall issue a recommended order in writing and include findings of fact, if any, conclusions of law separately stated, and any recommended extraordinary extension. The Hearing Officer's recommended order must be rendered to the parties and the City Council within ninety (90) days after the hearing.

Ordinance 1416
Page 14 of 17

AGENDA ITEM #

4

(f) City Council Adoption of Order - The City Council may adopt the recommended order as the final order of the City. The City Council in its final order may reject or modify the conclusions of law. When rejecting or modifying such conclusion of law, the City Council must state with particularity its reasons for rejecting or modifying such conclusion of law and must make a finding that its substituted conclusion of law is as or more reasonable than that which was rejected or modified. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The City Council may not reject or modify the findings of fact unless the City Council first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The City Council may accept the recommended extraordinary extension, if any, in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

(g) Appeal. A petitioner aggrieved by a decision of the City Council may seek review by certiorari in the Circuit Court, 14th Judicial Circuit, Bay County, Florida, which shall be the exclusive remedy to challenge the decision or authority of the Council.

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

SECTION 6. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the

Draft dated 5.8.17

provisions of this Ordinance within the Panama City Beach Code of Ordinances and the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 7. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 8. EFFECTIVE DATE. 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

Draft dated 5.8.17

Published in the _____ on the ____ day of _____, 2017 and

Published in the _____ on the ____ day of _____, 2017.

Posted on pcbgov.com on the ____ day of _____, 2017.

4

REGULAR

5



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Administration / Utilities

2. MEETING DATE:

May 11, 2017

3. REQUESTED MOTION/ACTION:

Staff requests Council approval to pay-off the outstanding balance of \$5,075,270.44 remaining on SRF Loan CS12069403P subsequent to the regularly scheduled payment due on June 15, 2017. The early pay-off of the loan will save \$426,599.64 in interest payments over the next five years.

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)

Staff is recommending that SRF loan CS12069403P be paid in full on June 15, 2017. The early pay-off of the loan will save \$426,599.64 in interest payments over the next five years. A portion of the pay-off, approximately 25.7%, will be funded with existing loan reserve funds which are not available for use by the City under the terms of the loan. The balance will be funded with unrestricted cash reserves. The pay-off of the loan will have a positive impact on the City's debt to capital assets ratio which should have a positive impact on the City's current bond ratings. Based upon the current reserves on hand in the Utility Fund and a review of the outstanding projects and time frame for construction of such projects, staff does not believe the use of the reserves will have any impact on the City's ability to fund upcoming capital projects.

AGENDA ITEM # 5

RESOLUTION 17-90

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH AUTHORIZING THE PAYMENT AND PAYOFF OF THE 2002 SRF LOAN; AUTHORIZING A BUDGET AMENDMENT TO FUND THIS PAYMENT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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

1. The appropriate officers of the City are authorized and directed to take all necessary and appropriate actions to payoff SRF Loan CS12069403P in full on the next scheduled payment date of June 15, 2017, in the basic amount of Five Million Seventy Five Thousand Two Hundred Seventy Dollars and Forty Four Cents (\$5,075,270.44), for the reasons set forth in the memo hereto as Exhibit A which are deemed material and sufficient.
2. The following budget amendment (#32) is adopted for the City of Panama City Beach, Florida, for the fiscal year beginning October 1, 2016, and ending September 30, 2017, as shown in and in accordance with the attached and incorporated Exhibit B, to reflect the receipt and expenditure for the purposes stated herein.
3. This Resolution shall take effect immediately upon passage.

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 Floyd, City Clerk

Resolution 17-90
AGENDA ITEM # 5

To: Mario Gisbert, City Manager
Al Shortt, Utilities Director

From: Holly White, Finance Director

Date: April 21, 2017



Re: State Revolving Fund (SRF) Loan 69403P

In 2002, the City was awarded a state revolving fund loan and related grant which was utilized to construct wastewater systems in several older City neighborhoods. The next scheduled payment due on this note is June 15, 2017. After that payment is made, the remaining principal balance due on the note is \$5,075,270.44. In accordance with the terms of the note agreement, the City is required to maintain both a loan repayment reserve and a monthly escrow reserve which total \$1,304,691.49. These funds are not available for use by the City. Given the current interest rate environment and the healthy cash reserves maintained in the Utility Fund, I recommend that we request permission from the Council to repay this note in full on the next scheduled payment date of June 15, 2017.

Balance due after scheduled June 15, 2017 payment	\$5,075,270.44
Escrowed reserve funds applied to pay-off	\$1,304,691.49
Balance to be funded from existing non-restricted reserves	\$3,770,578.95

As a result of an early pay-off, the City would eliminate \$426,599.64 in interest payments scheduled through the maturity date of June 15, 2022. These savings would be partially offset by the "lost" interest on the funds utilized to pay-off the loan; however, due to the low interest rate environment we are currently in, such loss is not significant. Given the current amount of reserves on hand in the Utility Fund, I do not believe paying off the loan early would have any adverse impact on our ability to operate the system or construct capital projects over the next five years.

Additionally, the pay-off of the loan would have a positive effect on the City's debt to asset ratio which historically has been one of the items cited as needing improvement when we have our periodic reviews with the bond rating agencies.

Please let me know your thoughts on this issue. If both of you are in agreement with me, I will have Amy prepare a resolution for presentation to the Council at one of the May meetings.

EXHIBIT A

AGENDA ITEM #

5

**CITY OF PANAMA CITY BEACH
BUDGET TRANSFER FORM BF-10**

No. BA # 32

FUND	UTILITY ACCOUNT NUMBER	ACCOUNT DESCRIPTION	APPROVED BUDGET	BUDGET ADJUSTMENT	NEW BUDGET BALANCE
TO	401-3300-533.71-50	Principal SRF	1,147,000.00	5,075,270.44	6,222,270.44
FROM	401-8100-999.95-00	Reserves Restricted	16,843,107.00	(1,304,691.49)	15,538,415.51
FROM	401-8100-999.96-00	Reserves Available for Expenditures	40,184,938.00	(3,770,578.95)	36,414,359.05
			0.00	0.00	0.00
			0.00	0.00	0.00
			0.00	0.00	0.00
			0.00	0.00	0.00
			0.00	0.00	0.00
			0.00	0.00	0.00
		Check Adjustment Totals:	58,175,045.00	0.00	58,175,045.00

BRIEF JUSTIFICATION FOR BUDGET ADJUSTMENT:

To appropriate funds from both restricted and unrestricted reserves to pay-off state revolving fund loan 69403P in full subsequent to the regularly scheduled payment due June 15, 2017

ROUTING FOR APPROVAL

_____ DEPARTMENT HEAD _____ DATE

_____ CITY MANAGER _____ DATE

_____ FINANCE DIRECTOR _____ DATE

Exhibit B

AGENDA ITEM #

5

REGULAR

7



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

ADMINISTRATION

2. MEETING DATE:

05/11/2017

3. REQUESTED MOTION/ACTION:

Staff recommends approval of the revisions to the City's Leave Policy

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 policy allows for paid accrual of sick leave upon termination with an amount depending on the employee's hire date and vested time. Staff recommends changing the policy to discontinue paid sick leave upon termination with the City for all employees hired after the date of Council approval. All other employees will be frozen at their current levels and continue earning sick leave in accordance with the new policy.

While revising the policy, several other administrative edits were changed or clarified and are shown in red on the edited version attached. The main changes to note are:

Addition of a purpose statement

Changed sick leave pay out as of the date of this council to zero payout and froze current employees to present level for payout purposes.

Changed time from more than 4 days to 3 days absence may require a physician's statement

Clarified "frequent claiming of sick leave" for disciplinary actions

Clarified how both sick and vacation leave is earned and paid out upon termination

Clarified the Leave Without Pay section

Added Bereavement Leave

Removed other benefits sections not tied to Leave. (These sections will be added to another section)

AGENDA ITEM # 7

EMPLOYEE LEAVE POLICY

PURPOSE

The City of Panama City Beach seeks to provide for its employees the protection and security of continuing salary or wage payments during periods when illness, vacation, emergency, or certain civic responsibilities may require time away from the job. Such periods, termed "leaves of absence", are to be considered a privilege—not a right. They are to be administered with the understanding that the City seeks to provide time off with pay in situations where such is reasonable and does not interfere with the City's ability to perform its normal municipal functions.

SICK LEAVE

(revised **Insert Date** of Council approval)

One work day of sick leave allowance shall be granted for each month of service completed. Regular full time employees earn 3.69 hours (4.89 hours for line firefighters) of sick leave per pay period worked. Sick leave may not be used until three (3) months service is completed. Sick leave does not accumulate while on leave without pay unless otherwise provided by state or federal law. Part time or seasonal employees are not eligible for this benefit.

The City has no maximum for sick leave accumulation.

Regular full-time employees who were employed on or before January 1, 1998, will be paid for not more than 2080 (2756 for line firefighters) accumulated sick leave hours upon separation. After [the Effective date of this policy revision], a line firefighter changing to a 2080 annual hour employee, will not be paid for more than 2080 hours under this rule.

Regular full-time employees were hired after January 1, 1998 but before August 1, 2001, are eligible for not more than 500 hours of accrued sick leave upon separation.

Regular full time employees hired after August 1, 2001 but before [the effective date of this policy revision] are eligible to be paid for accrued sick leave upon separation based on the following schedule not to exceed the cap of 500 hours pay out:

YEARS OF SERVICE COMPLETED	ACCRUED SICK LEAVE PAID UPON SEPARATION
1-9	0%
10-14	50%
15-19	75%
20+	100%

Regular full time employees hired after [the effective date of this policy revision]" are not eligible to be paid for accumulated sick leave upon separation.

All other employees will be eligible to be paid for accumulated sick leave upon separation, though the amount of pay-out leave shall be frozen at the employee's current sick leave balance existing on [the effective date of this policy] for pay out purposes. Any new sick leave accrued above the frozen balance will not be credited to the employee upon separation, and conversely, use of frozen (banked) leave shall be forfeited by employee as it is used.

Sick leave is to be used for employee's illness or illness of employee's spouse, children or a parent in which the employee is needed to provide care. SUBMISSION OF PROOF MAY BE REQUIRED.

A. Employees who are absent more than three (3) consecutive scheduled working days due to illness may be required to submit a physician's statement, at the request of the employee's supervisor.

B. Supervisors are authorized to make any investigation of benefits, claimed by their employees under this rule, which they deem necessary and to deny any claims not properly substantiated.

C. For purposes of reporting sick leave, increments in one fourth of an hour will be used. Fifteen (15) minutes is established as a minimal amount of sick leave to be reported.

D. The unscheduled use of sick leave on six (6) or more occasions within a twelve month rolling period will be documented to the employee's personnel file by the employee's supervisor and may reflect negatively on the employee's annual evaluation. All consecutive work day absences for the same reason will be considered as one occasion for the purpose of this policy. The unscheduled use of sick leave on six (6) or more occasions, or as otherwise found to be excessive by the supervisor and Department Head, may be subject to discipline.

E. Sick leave earned and not used during any pay period will be credited to the employee on the last day of that pay period.

F. All Department Heads and supervisors will ensure sick leave is accurately recorded and meet all the guidelines in this section.

ANNUAL LEAVE
(revised May 28, 2009)

All regular full-time employees accrue annual leave on a bi-weekly basis for 26 pay periods each year according to the following schedule:

YEARS OF SERVICE	40 HOUR STATUS				53 HOUR STATUS			
	HRS PER PAY PERIOD	ANNUAL HRS	DAYS	MAX CARRY	HRS PER PAY PERIOD	ANNUAL HRS	DAY S	MAX CARRY
DAY 1 - YEAR 5	3.69	96	12	240	4.89	127	12	240
YEARS 6 - 10	4.62	120	15	240	6.12	159	15	240
YEARS 11 - 15	5.54	144	18	240	7.34	191	18	240
YEARS 16 - 20	6.46	168	21	240	8.56	223	21	240
YEARS 21 AND UP	7.38	192	24	240	9.78	254	24	240

Annual leave may not be taken until six (6) months service is completed. In extenuating circumstances, this may be waived at the request of the employee's supervisor with concurrence of the Department Head, and approval of the City Manager. Annual leave does not accumulate while on leave without pay unless otherwise provided by state or federal law. Part-time or Seasonal employees are not eligible for this benefit.

The maximum annual leave for regular full-time employees hired prior to January 1, 2007 who have presently accumulated annual leave in excess of the maximum caps established herein applicable for their years of continuous service will be capped at their present accumulation of leave until they qualify for the next "years of service" category. The maximum annual leave for those regular full-time employees hired prior to January 1, 2007, who have accumulated in excess of 24 days shall be capped at their present accumulation of leave, and such employees shall not accumulate any leave in excess of such cap.

A maximum of 240 hours may be accumulated into an emergency leave bank. Amounts in excess of 240 hours shall be lost if not used by December 31. Leave shall normally be granted in accordance with the preference of the employee if and when, in the opinion of the employee's supervisor, it will not be detrimental to departmental operations.

- A. Upon completion of probation, employees in regular positions will be eligible for payment of accumulated emergency leave not to exceed 240 hours and any unused annual leave in cases of separation from employment with the City. An employee with less than twelve months service is NOT eligible for annual leave pay upon separation.
- B. Annual leave pay may be used to supplement absence on account of sickness or injury in the event accumulated sick leave is not sufficient to cover the length of sickness or injury.
- C. In the event of an employee's death, his/her beneficiary shall be paid for any accumulated annual leave for which the employee was eligible.
- D. Employees must exhaust all annual leave prior to requesting leave without pay except as waived by the City Manager or as provided by law.
- E. Holidays which occur during the period selected by the employee for his/her annual leave shall not be charged against such annual leave. However, the holiday will be charged against holiday leave regularly due the employee.
- F. An employee shall submit his/her request for his/her annual leave to his/her supervisor for approval at least forty-eight (48) hours prior to the first day of the leave period requested by the employee.
- G. All supervisory personnel shall make every effort to provide their respective employee with the opportunity to take their accumulated annual leave at least once a year to remove themselves from the work atmosphere for relaxation and rest in order to return to their jobs refreshed and ready to perform at their maximum efficiency.

LEAVE WITHOUT PAY

A leave without pay is time off without pay for a period of time appropriate to the circumstances as hereinafter defined, unless otherwise specified. Any renewal must be by mutual written agreement.

Health and life insurance benefits may be continued on the employee for the term of the authorized leave if the employee so desires. One hundred percent of the cost of the coverage shall be paid in advance by the employee.

Generally, employees on unpaid leave are not entitled to continue accruing paid leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability, long-term disability or workers' compensation. However, employees on eligible military leave or family medical leave, may use earned vacation time while on the approved leave of absence.

When an employee is out on leave without pay that is protected by the Family and Medical Leave Act (FMLA) or Uniformed Services Employment and Reemployment Rights Act (USERRA), that employee will continue accruing paid leave as long as the employee is using earned annual leave. If an employee on FMLA or military leave uses all paid annual leave in accordance with the City's Leave Policy and remains unable to return to work, then the remainder of the FMLA or military leave, will be unpaid. During the period of unpaid FMLA or military leave, the employee will not continue to accrue paid leave, consistent with the City's policy for all types of unpaid leave.

Please see the human resource department for questions about FMLA leave and USERRA leave.

A leave without pay of less than 30 days will not constitute a break in service with the exception of employees on approved military leave as protected under USERRA.

A. Eligibility for Leave Without Pay

Regular full-time employees are eligible to be considered for leave without pay unless otherwise specified. Part-time or seasonal employees are not eligible for this benefit.

B. Application for Leave Without Pay

No application for leave without pay will be considered unless it is applied for in writing, on forms provided for that purpose. In all cases, the forms shall be completed at least two weeks prior to leave; shall specify the type of leave; and, will be signed by the employee to signify his/her understanding and acceptance. No leave without pay request is considered granted unless recommended by the employee's supervisor and Department Head with the City Manager's approval. Exceptions may be granted when circumstances of FMLA and military leave do not allow for such notifications.

C. Employees returning from a leave without pay must:

1. No later than two weeks prior to their scheduled date of return, confirm to their supervisor their date of intended return to active employment. Any request to change their scheduled date of return or intention to resign should be reported as soon as known.
2. Those employees returning from a medical leave of absence shall furnish a signed letter from their personal or treating physician, indicating the employee can resume his/her employment. Arrangements may be made with the Civil Service Office, through their Department Head, to have them examined by a designated City chosen physician before returning to work.

D. Employees on leave without pay will be terminated if they have:

1. Failed to furnish a true statement of the reason for leave or required official documentation.
2. Accepted other employment while on leave, unless a specific request has been applied for and approved in writing.
3. Failed to return to work at the expiration of leave or by falsifying actual date of return.

TYPES OF LEAVE WITHOUT PAY

A. Military Leave

Time off for military duty (Armed Forces and National Guard training) will comply with all Federal and State Statutes.

B. Maternity Leave

Maternity leave will comply with all Federal and State Statutes.

C. Family and Medical Leave

Leave will comply with the Family and Medical Leave Act of 1993.

D. Bereavement Leave

Three (3) days of Bereavement Leave will be granted to individuals with a verifiable death to an immediate family member for individual employees without time off available through the use of remaining sick leave or vacation time. Regular full-time employees may also use a maximum of three (3) hours of accrued sick leave to attend a funeral with pre-approval of the Department Head and with department needs taken into consideration.

HOLIDAYS

The following twelve (12) days are scheduled holidays for all employees of the City of Panama City Beach that are not on a twenty four hour shift and when schedules permit as amended by Resolution 13-41:

1. The first of January - New Year's Day
2. The third Monday in February - President's Day
3. The last Monday of May - Memorial Day
4. The Fourth of July - Independence Day
5. The first Monday of September - Labor Day
6. November 11th - Veterans Day
7. The fourth Thursday of November - Thanksgiving
8. The Friday after Thanksgiving - Thanksgiving Friday
9. The twenty-fourth of December - Christmas Eve
10. The twenty-fifth of December - Christmas Day
11. The thirty-first of December - New Year's Eve
12. The Employee's Birthday

Holidays may vary according to department policies due to shift constraints. Employees in each department are instructed to see their Department Head for specific instructions.

All departments must submit a written plan to the City Manager.

Holidays must be taken as they occur except as approved by the City Manager. Accumulation of holidays will not be allowed. If, in the opinion of the Department Head or the employee's Supervisor, it becomes necessary for a non-shift work employee to work on a scheduled holiday, he/she shall authorize holiday pay for the employee. If the holiday falls on the normal day off of a shift employee (fire, police and other employees), he/she shall be paid holiday pay at his/her straight time rate. If the holiday falls on a work day of a shift employee (fire, police and pier employees), he/she shall be paid at his/her straight time rate for the holiday worked but, with the prior approval of their Department Head, may be eligible to take off a day of paid leave (to be paid at his/her straight time rate) on a date of the employee's choosing. Holidays which fall on a Saturday will normally be observed on the preceding Friday; and, holidays which fall on a Sunday will normally be observed on the following Monday except as specifically noted above. In order for an employee to receive holiday pay, he/she must have worked the scheduled workday preceding the holiday and the scheduled workday following the holiday, unless the employee has received prior written approval to be off one or both of

these days. Regular part-time employees will be paid for four (4) hours of holiday pay at their regular rate of pay.

OCCUPATIONAL DISABILITY

All cases of injury occurring on the job shall be filed for action under the provisions of Workers Compensation however, any employee disabled as the result of a job related injury shall be terminated after a period of one year unless the employee makes application requesting an extension of time, which may or may not be granted.

An employee may choose to utilize 1/3 day of accrued sick leave or may, in absence of sick leave, use 1/3 day of annual leave for each day he/she is determined, by a physician, as disabled because of a work-related injury. This utilization shall include the seven day waiting period as established by Workers Compensation Law, as well as the remaining period of disability for the work-related injury. Neither sick leave nor annual leave will accumulate during the period of disability when an employee has exhausted all accrued sick leave and vacation time.

Court Duty

An employee who is legally summoned to serve on a jury during a court trial or subpoenaed to be a witness in a legal proceeding may be permitted absence with pay for the time required for such duty. When excused or relieved from such service, the employee shall report for his/her regular employment, provided, however, that at least three hours remain during his/her regular work day. Any fees paid for such service may be retained by the employee.

Failure to return to work or report end of court service time may result in disciplinary measures.

REGULAR

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AGENDA ITEM #

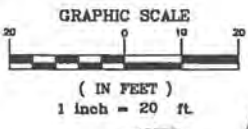
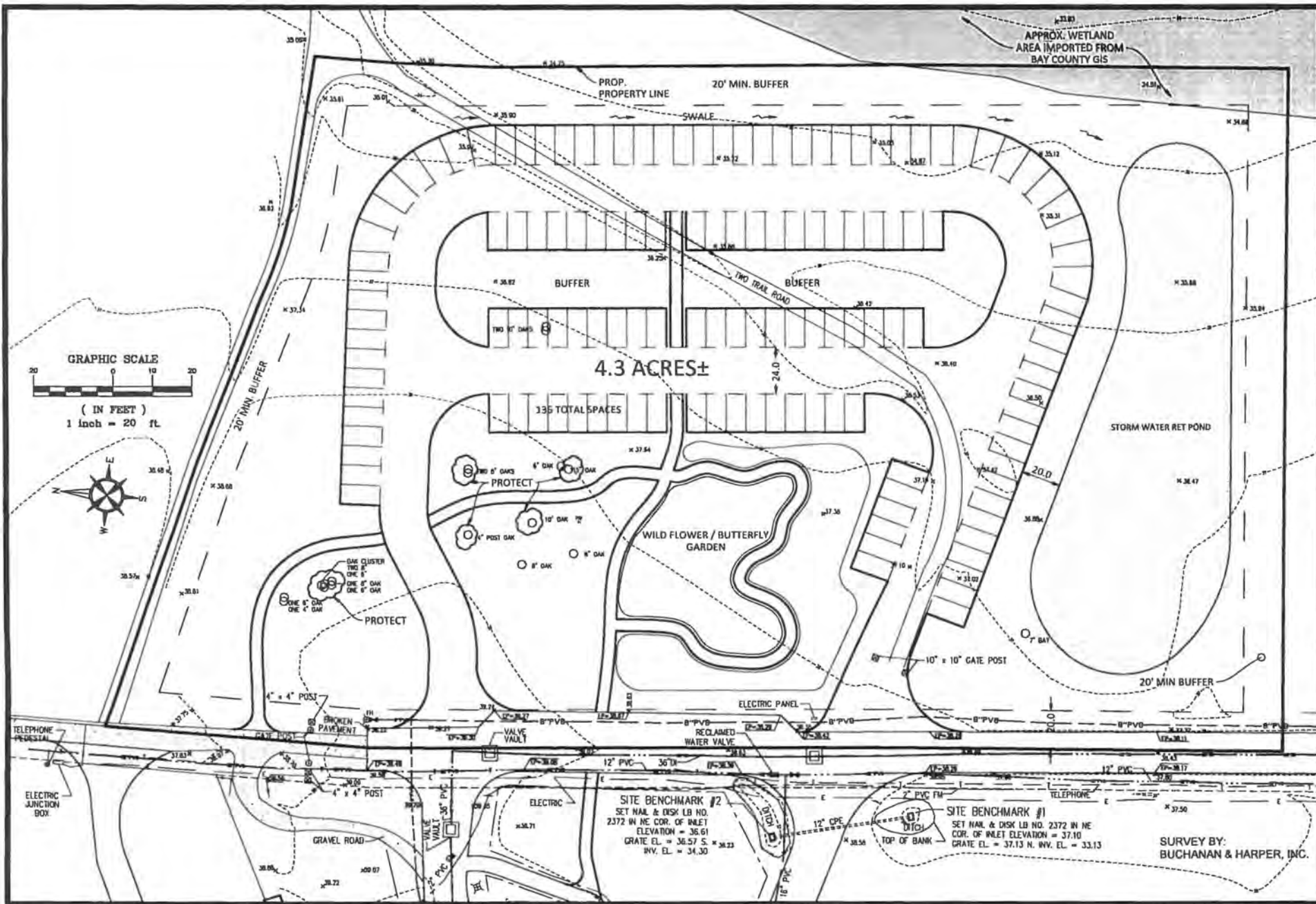
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0 90 180 360 540 720 Feet



01



APPROX. WETLAND AREA IMPORTED FROM BAY COUNTY GIS

PROP. PROPERTY LINE 20' MIN. BUFFER

4.3 ACRES±

135 TOTAL SPACES

WILD FLOWER / BUTTERFLY GARDEN

STORM WATER RET POND

SITE BENCHMARK #2
SET NAIL & DISK LB NO. 2372 IN NE COR. OF INLET
ELEVATION = 36.61
GRATE EL. = 36.57 S. = 36.23
INV. EL. = 34.30

SITE BENCHMARK #1
SET NAIL & DISK LB NO. 2372 IN NE COR. OF INLET ELEVATION = 37.10
GRATE EL. = 37.13 N. INV. EL. = 33.13

SURVEY BY:
BUCHANAN & HARPER, INC.

SHEET NO.

1

CITY OF
PANAMA CITY BEACH
110 SOUTH ARROYO ROAD
PANAMA CITY BEACH, FLORIDA 32413

CONSERVATION PARK
PROPOSED ADDITIONAL PARKING AND
FUTURE PARK BUILDING
CITY OF PANAMA CITY BEACH, FLORIDA

DATE: 2-27-17
SCALE: 1"=20'
DESIGNED BY: A.E.S.
DRAWN BY: M.A.S.
CHECKED BY: A.E.S.

NO.	DATE	BY	FILE NO. (NAME OF DRAWING)
1	3/8/17	M.A.S.	ADDED REV. SURVEY
		REV. B.D.S.	

REGULAR

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CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Building and Planning Department/Mel Leonard

2. MEETING DATE:

May 11, 2017

3. REQUESTED MOTION/ACTION:

It is requested that the City Council approve the revised job description for Administrative Aide - Licensing so that any future employee in this division will have the applicable accounting/bookkeeping experience.

4. AGENDAPRESENTATION
PUBLIC HEARING
CONSENT
REGULAR **5. IS THIS ITEM BUDGETED (IF APPLICABLE)?** YES NO N/A
BUDGET AMENDMENT OR N/ADETAILED BUDGET AMENDMENT ATTACHED YES NO N/A **6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)**

The City now has a more modern business licensing program which is improving how taxpayers pay and the level of detail for accounting and other purposes. Through this effort, it has become increasingly important to have an employee with accounting/bookkeeping experience to assist with transferring data and reports to the Finance Department as well as fulfilling requests for information. It is requested that the Council consider approving the proposed changes to the job description for the Business Licensing Department so that future employees will have the applicable background.

**CITY OF PANAMA CITY BEACH
Job Description**

JOB TITLE: Administrative Aide – Licensing Department

SALARY RANGE: \$14.99 - \$24.73/hr

SHIFT: Days

LOCATION: 110 S Arnold Road

REPORTS TO: Building & Planning Director

PREPARED BY: Building & Planning Director

APPROVED BY:

PAY GRADE: 29

DIVISION: Building & Planning

DEPT: Admin

FSLA STATUS: Non-Exempt

POSITION: Permanent Full-Time

DATE:

SUMMARY:

This position is responsible for clerical work and assists the Building and Planning Director (in coordination with the City Clerk) with the issuance and collection of all license fees and gross sales receipts. Work is performed under the primary supervision of the Building & Planning Director and secondary supervision by the City Manager and City Clerk.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

In addition to the essential duties and responsibilities, other tasks may be assigned:

Issues all City licenses, special event permits and gross sales receipts;

Prepares correspondence concerning licensing;

Maintains files on all Licensees;

Acts as intermediary between the Licensees and City Manager, Mayor or City Council;

Submits pre-license applications to Building Official **Code Administrator** for proper zoning and current inspection;

Bills for penalties or discounts taken in error;

Classifies licenses, whether contractors, occupational, wholesale or retail;

Collects daily all gross sales receipt forms and checks for proper identification and correctness before the posting procedure;

Processes all checks, verifies all totals, and enters in computer daily;

Reconciles all accounts daily;

Prepares daily report on gross receipts and total weekly collection;

Prepares monthly report of accounts and total monthly receipts;

Collection process (verbal or correspondence) for non-payment license holders in a past due status;

Contacts all Special Event promoters, prepares Special Event packets with tax coupons and event permit, furnishes vendor listing to State Department of Revenue, and handles collection of event permit fees and taxes;

Notarizes documents;

Assists with other activities within the Building and Planning Department as needed.

SUPERVISORY RESPONSIBILITIES:

None

COMPETENCIES:

To perform the job successfully, an individual should demonstrate the following competencies:

Analytical - Synthesizes complex or diverse information; Collects and researches data; Uses intuition and experience to complement data; Designs work flows and procedures.

Problem Solving - Identifies and resolves problems in a timely manner; Gathers and analyzes information skillfully; Develops alternative solutions; Works well in group problem solving situations; Uses reason even when dealing with emotional topics.

Technical Skills - Assesses own strengths and weaknesses; Pursues training and development opportunities; Strives to continuously build knowledge and skills; Shares expertise with others.

Customer Service - Manages difficult or emotional customer situations; Responds promptly to customer needs; Solicits customer feedback to improve service; Responds to requests for service and assistance; Meets commitments.

Interpersonal Skills - Focuses on solving conflict, not blaming; Maintains confidentiality; Listens to others without interrupting; Keeps emotions under control; Remains open to others' ideas and tries new things.

Oral Communication - Speaks clearly and persuasively in positive or negative situations; listens and gets clarification; Responds well to questions; Demonstrates group presentation skills; Participates in meetings.

Written Communication - Writes clearly and informatively; Edits work for spelling and grammar; Varies writing style to meet needs; Presents numerical data effectively; Able to read and interpret written information.

Teamwork - Balances team and individual responsibilities; Exhibits objectivity and openness to others' views; Gives and welcomes feedback; Contributes to building a positive team spirit; Puts success of team above own interests; Able to build morale and group commitments to goals and objectives; Supports everyone's efforts to succeed.

Leadership - Exhibits confidence in self and others; Inspires and motivates others to perform well; effectively influences actions and opinions of others; Accepts feedback from others; Gives appropriate recognition to others.

Diversity - Demonstrates knowledge of EEO policy; Shows respect and sensitivity for cultural differences; educate others on the value of diversity; promotes a harassment-free environment; Builds a diverse work force.

Ethics - Treats people with respect; Keeps commitments; inspires the trust of others; Works with integrity and ethically; Upholds organizational values.

Organizational Support - Follows policies and procedures; Completes administrative tasks correctly and on time; supports organization's goals and values; Benefits organization through outside activities; Supports affirmative action and respects diversity.

Judgement - Displays willingness to make decisions; Exhibits sound and accurate judgment; Supports and explains reasoning for decisions; Includes appropriate people in decision-making process; Makes timely decisions.

Motivation - Sets and achieves challenging goals; Demonstrates persistence and overcomes obstacles; Measures self against standard of excellence; Takes calculated risks to accomplish goals.

Professionalism - Approaches others in a tactful manner; Reacts well under pressure; Treats others with respect and consideration regardless of their status or position; Accepts responsibility for own actions; Follows through on commitments.

Quality - Demonstrates accuracy and thoroughness; Looks for ways to improve and promote quality; Applies feedback to improve performance; Monitors own work to ensure quality.

Quantity - Meets productivity standards; Completes work in timely manner; Strives to increase productivity; Works quickly.

Safety and Security - Observes safety and security procedures; Determines appropriate action beyond guidelines; Reports potentially unsafe conditions; Uses equipment and materials properly.

Adaptability - Adapts to changes in the work environment; Manages competing demands; Changes approach or method to best fit the situation; Able to deal with frequent change, delays, or unexpected events.

Attendance/Punctuality - Is consistently at work and on time; Ensures work responsibilities are covered when absent; Arrives at meetings and appointments on time.

Dependability - Follows instructions, responds to management direction; Takes responsibility for own actions; Keeps commitments; Commits to long hours of work when necessary to reach goals. Completes tasks on time or notifies appropriate person with an alternate plan.

Initiative - Volunteers readily; Undertakes self-development activities; Seeks increased responsibilities; Takes independent actions and calculated risks; Looks for and takes advantage of opportunities; Asks for and offers help when needed.

Innovation - Displays original thinking and creativity; Meets challenges with resourcefulness; Generates suggestions for improving work; Develops innovative approaches and ideas; Presents ideas and information in a manner that gets others' attention.

QUALIFICATION REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and EXPERIENCE:

~~High school diploma or general education degree (GED),~~ **The applicant must have a minimum of a Bachelor's Degree from an accredited college or university with an emphasis in accounting or business management preferred. Work experience related to bookkeeping, accounting or business management can substitute for a degree in accounting or business management.** The applicant must have extensive knowledge of accounting and computer experience. Must begin certification process by FAOLA (Florida Association of Occupational Licensing Officials) within eighteen (18) months. At least one (1) year of experience in business licensing activities is preferred. Must be a licensed Florida Notary.

LANGUAGE SKILLS:

Ability to read and interpret documents; must have comprehensive knowledge of the mechanics and functions of City Government and extensive knowledge of the City Charter relating to functions and practices in the collection of revenue for the General Fund; must be able to work in conjunction with all City personnel/officials and the general public. Must remain courteous and professional at all times.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

OTHER REQUIREMENTS:

Typing speed must be 50 correct words per minute. Must have knowledge of standard office and clerical practices and procedures; as well as knowledge and proficiency in the use of standard office machines, computers and calculators. Must have knowledge of the legal documents utilized in municipal government and the procedures necessary to process them; knowledge of City Code of Ordinances.

Must possess valid Florida Driver's License - driving record must be acceptable to the City insurance program. Applicants will be administered the ~~clerical Civil Service examination~~ **applicable tests** and typing test.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit, stand, walk, talk or hear, use hands to finger, handle or feel, stoop, kneel, crouch or crawl, and reach with hands and arms.

The employee must ~~frequently lift and move up to 25 pounds and occasionally lift and move up to 50 pounds~~ **occasionally lift and move up to 40 pounds**. Specific vision abilities required by this job is close and distance vision. Some specific job duties that require one or more of the physical demands mentioned are typing, filing, moving boxes, typewriters, and tables.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is not subjected to any special or extraordinary environmental conditions, other than those normally found in an office environment; the employee occasionally works near moving mechanical parts and is occasionally exposed to risk of electrical shock. The noise level in the work environment is usually quiet to moderate.

I hereby acknowledge receipt of the job description and certify that I meet the qualification requirements stated herein and I am able to perform the essential duties and responsibilities of this position. I acknowledge that in addition to the duties outlined above I may be required to perform additional duties.

Signature

Date